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TRANSCRIPT OF DAY 2 – WURREK TYERRANG

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**DR WAYNE ATKINSON, Commissioner**  
**MS SUE-ANNE HUNTER, Commissioner**  
**DISTINGUISHED PROFESSOR MAGGIE WALTER, Commissioner**  
**PROFESSOR THE HON KEVIN BELL AM QC, Commissioner**

**THURSDAY, 29 APRIL 2022 AT 10.02 AM (AEST)**

**DAY 2**

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Yoorrook Justice Commission

  
**LAW IN ORDER**  
Where work flows.

CHAIR: Counsel, welcome.

5 MS McLEOD: Thank you, Chair. Good morning, Commissioners. This morning I appear with Mr Goodwin and Ms Fitzgerald to hear from the Yoorrook's second witness, Uncle Johnny Lovett. And he's here with us. I might ask you, Uncle Johnny, to introduce your support members, Joey and Peter.

10 JOHNNY LOVETT: Yes, Joey Saunders here. My support member. He's family to me, and I consider him as one of my many grandsons, in the traditional way, and it's a great comfort to have him here. And another great friend of mine is the retired Federal Court judge Mr Peter Gray. We have a long association of friendship and music and it's good to have him here with me. Yeah. Thank you.

15 MS McLEOD: If I can just deal with the formalities first. As you know, I will be taking you through your evidence today, and may I call you Uncle Johnny?

JOHNNY LOVETT: You may, yes.

20 MS McLEOD: Thank you. Could I invite you to introduce yourself to the Commissioners?

25 JOHNNY LOVETT: Yes, my name is John Maxwell Lovett. I was born in Hamilton in 1947. I'm a descendant of the Gunditjmara Boandik people, and through my mother and father's connections, I have relationships in custom and tradition to other groups. And in my travels across Australia, I've become a family member of other people in other areas. So I feel very privileged to be here today. And I realise how important this is going to be for the future of Aboriginal people in this state and, after this, maybe many others.

30 MS McLEOD: Uncle Johnny, you have prepared a statement for the Commission with the assistance of the legal team; that's correct?

JOHNNY LOVETT: Yes, yes.

35 MS McLEOD: And do you have a copy of that in front of you?

JOHNNY LOVETT: I do.

40 MS McLEOD: The Commissioners have a copy of the statement of, Balert Keetyarra of Uncle Johnny Lovett. Uncle, have you had an opportunity to read that statement?

JOHNNY LOVETT: I have had some sort of an opportunity to look at it, yes. Yes. I have discussed it a few times, yeah, so I'm pretty right to go with it, yeah.

45 MS McLEOD: I might ask, Uncle Johnny, for you to give your undertaking to tell the truth. So we -

JOHNNY LOVETT: Yes.

50 **JOHN MAXWELL LOVETT, AFFIRMED**

JOHNNY LOVETT: I do. I do. And just to reiterate on that, I'd like to explain I take that oath to tell the truth on the grace of my mother and father, –who connected me to this country and to their country, to the customs and traditions that I've learnt over the years.

5 MS McLEOD: Thank you, Uncle. And the evidence that you give today, including your statement, that is true and correct; you're content with the contents of those - of that statement?

JOHNNY LOVETT: Yes, I am.

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MS McLEOD: Thank you, Uncle. So, Uncle, can I ask you to start at the beginning and explain your connection - your family connection to country?

JOHNNY LOVETT: Sure. My family is from 1855, the Lake Condah Mission, later on, but - and the Lake Condah Mission was established in 1867. But prior to that, my families were part and parcel of the Gundiṯjmara country surrounding the south-western districts. Their existence was after and - before the Eumeralla Wars and other massacres in that part of the state, the 60 per cent of the massacres of Victoria occurred.

20 So I have a very strong connection, as does other Gundiṯjmara people and Boandik people. I might add Boandik people in. My father was Boandik. My great grandfather - my grandfather was Boandik, sorry, and so this certainly is an area that I'm pretty familiar with and very content to - and proud to be a Gundiṯjmara Boandik man and - as I am of the other areas that I've come across in my lifetime of 74 years. So, yes.

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MS McLEOD: For those of us who don't know, could you just explain where the Gundiṯjmara lands are and then where the Boandik lands are?

JOHNNY LOVETT: Yes, we are part of the south-west of Victoria, around Portland, Hamilton. I will name the towns so that people may be more aware of them. South, we go to Portland and along the coast towards Warnambool. North, we go towards Hamilton, and west, we go towards the Glenelg River. And the Boandik side of me is from the western side of the Grampians to Cape Jaffa in South Australia, down the coast, around to Port MacDonald and around the Glenelg River.

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MS McLEOD: And those lands originally cross the borders of what is now South Australia?

JOHNNY LOVETT: Yes. Yes.

40 MS McLEOD: How far into South Australia do those lands extend?

JOHNNY LOVETT: The Boandik land extends right through to Cape Jaffa on the coast.

45 MS McLEOD: Yes, thank you. So can we start at the beginning with family. You mentioned your family.

JOHNNY LOVETT: Yes, James Lovett, my great grandfather, was born in Mount Gambier. He came across to Lake Condah Mission and married my grandmother, Hannah MacDonald. Hannah MacDonald was a part of the Lake Condah area, which, of course, Lake Condah didn't come until 1867, you know. So when we talk about sort of early 1855s and things like

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that, it's still - it's relevant that area is really identified as part and parcel of it all. And we applied for and succeeded in a native title grant in the early part of it which recognised the encompass itself of those areas.

5 MS McLEOD: Yes. And you're familiar with that history and the history of the settlement - white settlement of the those areas.

JOHNNY LOVETT: Yes.

10 MS McLEOD: So could you tell the commission in broad terms about the original white settlement of those lands around Portland?

JOHNNY LOVETT: Yes, they came there around 1834 and then went out to - towards  
15 Casterton, and Major Mitchell came through that area as well, early parts, and so it was very early contact of white settlement in those areas, because Port Phillip Bay, being the main part of where it was all happening and then they was pushing into the countries from - from the incoming down to the south because of the rich pastoral areas that were there enticed a lot of them to come.

20 And, of course, we had people coming through who wanted to make that country their country. There had to be conflicts, and the conflicts certainly did arise to a great extent where we fought war on the Eumeralla River for 22 years, against white settlement. And continued - the massacres and the murders in those areas just continued and escalated to the point where you think that - you know now in today's actual fact that the most massacres that  
25 happened in the south-west - in Victoria happened in the south-west of Victoria.

So it was a very - very hostile environment for Aboriginal people. And we didn't step aside and say, "Come into our land because you can have it." Because those lands contained our spiritual connection to who we were and traditionally custom, lore, religion, spiritualism,  
30 language, song, dance, they were all part of our country and those things still live on in our country today, and they will live on after today.

MS McLEOD: Yes. I do want to come back to the topic.

35 JOHNNY LOVETT: Yes.

MS McLEOD: But I wanted to invite you to start with a song that you've prepared for the Commission.

40 JOHNNY LOVETT: Yes.

MS McLEOD: Would you like to come forward?

JOHNNY LOVETT: Right, thank you, thank you.  
45

MS McLEOD: Would you like to introduce the song to us?

JOHNNY LOVETT: Yeah. It's a song that I wrote many years ago and it's sort of become a bit of a national anthem to the Gunditjmara people, I hope. And it's sang in a lot of places  
50 and a lot of festivals and happenings and things associated to that area of the Aboriginal

people. So I wrote this song a long, long time ago, and I actually wrote it when I was managing George Wright Hostel here in George Street in Fitzroy and I went home and then I managed Lake Condah. So I will sing this song for you.

5 (Sings)

Gunditjmara people come back to your land  
Gunditjmara people come home and make a stand  
Don't let the white man do to us what he did so long ago  
10 Let's stand up and be counted and let our feelings show  
When the white man fought each other far across the seas  
Our fathers went and joined them to keep Australia free  
Now the time has come and our fathers have gone to rest  
Oh Gunditjmara people stand up and do your best  
15 Oh Gunditjmara people come back to your lands  
Gunditjmara people come home and make a stand  
And don't let the white man do to us  
What he did so long ago  
Let's stand up and be counted  
20 And let our feelings show  
Come on and stand up and be counted and let our feelings show

MS McLEOD: Thank you, Uncle Johnny. Would you like to do another song now or we will do one at the finish?

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JOHNNY LOVETT: Well, I can do another one now and then I don't have to come back later on, do I?

MS McLEOD: Certainly.

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JOHNNY LOVETT: I don't have to do an encore.

MS McLEOD: Certainly. We might ask for one anyway.

35 JOHNNY LOVETT: This song I wrote about the Stolen Generation and ended up going back to Lake Condah and my area. I can remember about 26 of my family members being taken from Lake Condah. Some of them came home. Some of them didn't know that they had a home to come to. Some of them didn't know they had families to come to. Some came home with no family. And some who passed away and died in other places were brought  
40 back and one of my cousins at the age of 57 that we brought back to be reburied at Lake Condah was still a ward of the state of Victoria. So I wrote this song for all those people. I was a small part of the Stolen Generation myself, but there was many that was a bigger part of it. Some of them never came home.

45 (SINGS)

They took away the babies from their mother's breast  
Said, "Come little children this way of life is best  
You can't live your tribal way this way of life is wrong  
50 We can't let you live and learn your culture or your songs"

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And their mothers cried and their fathers cried  
And their children were all gone  
Today in our communities some children have come back  
Knowing deep down in their soul their way of life is black  
5 And their mothers cried and their fathers cried  
And some children have come home  
They took away the babies from their mother's breast  
Said, "Come little children, this way of life is best  
You can't live your tribal way, this way of life is wrong  
10 And we can't let you live and learn your culture and your songs"  
Then their mothers cried and their fathers cried  
And some children have come home  
Some children have come home

15 CHAIR: Thank you.

MS McLEOD: Thank you, Uncle. Would you like to return to your seat? Thank you.  
Thank you, Uncle, for sharing those beautiful words and I would like to come back to some  
of the themes of those songs, okay. Can I come back to your grandparents, Hannah and  
20 James Lovett. They were born in the 1850s?

JOHNNY LOVETT: Yeah, '55, yeah.

MS McLEOD: So the settlement of Portland, as you said, was around 20 years before their  
25 birth?

JOHNNY LOVETT: Yes.

MS McLEOD: Yes. And they would have seen the early push by the settlers into that - those  
30 lands?

JOHNNY LOVETT: Yes, definitely.

MS McLEOD: Yeah. So can you tell us what you know about how life was for them and  
35 their interactions with the settlers?

JOHNNY LOVETT: My grandfather, he was actually born in Mount Gambier on the  
Boandik people, and then he came across and he met up with Granny. So prior to that, Lake  
Condah was really - when I say Lake Condah, I mean the area of the south-west where it is  
40 today, you know. And I think it's more sort of recognisable by sort of stating that.

MS McLEOD: Yes.

JOHNNY LOVETT: But prior to that, the war that started on the Eumeralla in the 18 - you  
45 know, around about the 1834 to '46 or something like that, '44 - went on for 20 years. So  
there was a great number of people who were displaced from their traditional homes and  
were pushed out by - by white settlement. And then, of course, as part of the - and not only  
were we fighting the early settlers, we were also fighting the police that were bought in to  
settle the unrest between - for want of a better word, Aboriginal and non-Aboriginal people.  
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And so we had - we were surrounded by people who really wanted to mete out the worst punishment to us that they could because we owned the land that they wanted. And I think, you know, that that's a very important thing to remember, that, you know, it was such a rich area to us, as is Aboriginal land to Aboriginal people everywhere. I'm not excluding anyone, you know. But it's such an economic situation for those people to be in, and it doesn't matter how hard they did it, at the end of the day, they still - they are still doing all right. Aboriginals aren't.

MS McLEOD: So at the time of white settlement, approximately how many people, local people, would have been living in that area?

JOHNNY LOVETT: I am not too sure but there was a number of different clans, tribes or clans. Gunditjmara consisted of, you know - Dhauwurd Wurrung is the mother tongue, and then Gunditjmara being one of the clans and then you had 59 other clans.

MS McLEOD: How many clans are left today?

JOHNNY LOVETT: Not a great deal. I - probably about 10 to 15, maybe. Yeah.

MS McLEOD: In terms of the languages that were spoken before white settlement, do you have a sense of how many different languages there were?

JOHNNY LOVETT: Well, there would have been 59 different languages in that area. The dialects, yeah.

MS McLEOD: And today, is there only 11 or so?

JOHNNY LOVETT: Well, yeah, there would be - yeah. It would be very, very few of that language left. And only probably in some parts it may be spoken. And, of course, because of the oral tradition that we had, it would be very hard to retrace that and revive that language because not having a written language ourselves.

MS McLEOD: Yes. What is the importance of language to First Nations people?

JOHNNY LOVETT: I think it's a great importance. It's a great importance. It identifies you. It gives you self-esteem and self-pride and connects you to country and things like that. And, you know, I think it's very important. I, in my travels, have come across people 18 years old, and English is their seventh language. You know. In different areas, you know. So that's how important it is to maintain or trying to revive language and all the cultural significance that - that it brings about.

MS McLEOD: So with the loss of those families through the interaction with white settlers, there was a loss of the families - the family units.

JOHNNY LOVETT: Yes.

MS McLEOD: The language and you just mentioned the culture as well.

JOHNNY LOVETT: Yes, yes.

MS McLEOD: Yeah. And what impact, just in a general sense - we will come back to it - but what impact has it had on the people who remain First Nations people?

5 JOHNNY LOVETT: I think it's a - it's had a very big impact because it's something that people will probably miss up until they die. It's something that, you know, hasn't been replaced in their lives. It's part of their lives that's been taken, and it will be forever a - a gap in their life. Connection to country, connection to song, dance, language, spiritualism, lore, religion and it's gone. You know.

10 MS McLEOD: Can I come back to your family. You've told us about your grandparents, Hannah and James Lovett. And who are your parents?

JOHNNY LOVETT: Herbert and Emma. Herbert Stahle Lovett and Emma Christina.

15 MS McLEOD: And how many children were in your family?

JOHNNY LOVETT: Six. Six of us.

MS McLEOD: Where do you come in the family?

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JOHNNY LOVETT: I'm the youngest.

MS McLEOD: Are your brothers and sisters still alive?

25 JOHNNY LOVETT: Only one still sister still alive. Yeah.

MS McLEOD: When you were born, which is 1947 - - -

JOHNNY LOVETT: Yeah.

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MS McLEOD: - - - where were you living?

JOHNNY LOVETT: We was living at a little place call Sunday Creek just four miles out of Heywood. We lived in the bush there, yeah. And that's where that - that was where mum took me after she was out of hospital. She took me back there, yeah.

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MS McLEOD: Okay. So, by that time, your parents were living in the bush?

JOHNNY LOVETT: Yes.

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MS McLEOD: Where had they lived before?

JOHNNY LOVETT: They lived in Hamilton. They lived up around there. And prior to that too, before they were married, they were still living on Lake Condah Mission. But when they got married - and they got married in 1926 - dad, during his army service and that, he worked different jobs and lived in different - they lived in Hamilton for a while, and then we went back to - went back to the bush and lived there. I don't remember him coming home from the Second World War. I was too young. But after that, they moved to Greenvale we called it then, Sunday Creek.

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MS McLEOD: Did you have other family around you when you were growing up?

JOHNNY LOVETT: Yeah, yeah, I did. I had about 300 metres down the road was dad's brother, Uncle Freddie, and his kids. And there was 15 of us kids in the two houses sort of thing, you know, growing up. And yeah, we had a big family and then we had - those fathers, father and mother down at Lake Condah Mission. There were remnants of Aboriginal groups right around the area, sort of thing, over at Dunmore and Tyrendarra.

And so there was still, you know, a lot of Aboriginal people around, which I would say, compared to today, wasn't very many. But the ones that were around, we sort of all visited each other. And there wasn't too many cars floating around in those days, you know. So you either got a ride with someone or you walked and things like that. And it was pretty - but it wasn't a thing that was done under stress or anything like that. It was done because we wanted to see each other and wanted to be with each other and things like that, you know. So I can remember people coming from Framlingham walking, you know, and visiting us and things like that.

MS McLEOD: Just so people know how far away is Framlingham from Heywood?

JOHNNY LOVETT: Goodness, nearly two hours in the car, yeah, yeah, from Hamilton. So people would - yeah, they would visit and I think we seen more of each other back then than we do now. You know, and - but that was a - that was the connection to being with each other all the time because we only had each other. You know, we didn't have a lot outside of our own community, you know

MS McLEOD: How was it growing up with that extended family around you?

JOHNNY LOVETT: Great. Absolutely great. Yeah. Great. You know. I treasure the memories of growing up with that family around, you know. And we have a lot of stories. We have some funny stories, some sad stories. And some hard stories because some of those that I grew - was growing up with became part of the Stolen Generation. And, you know - so they were lost to us for 18 years or so until, you know, they came back out of the orphanages and things like that. I don't know how you end up in an orphanage when you have parents. I could never ever work that one out.

So - but it was - it was certainly - certainly great - it was good times. It was hard times, really hard times. My mother carted water from the river 600 metres away with two kerosene drum tins with wire handles and a yoke across her shoulders to wash clothes and bathe me, you know. So it wasn't an easy life. But it's all we knew. It was all we knew. So we made the best of it that we could. But it was hard, very hard.

MS McLEOD: The uncle and aunt who were close to you, you said about 300 metres away, was that Uncle Freddie and Aunt Mary?

JOHNNY LOVETT: Mary, yeah.

MS McLEOD: Were they like parents to you, basically?

JOHNNY LOVETT: Yeah. Yeah, us kids never went without parents because all our aunties and uncles became our mothers and fathers. We didn't have - we didn't become - you

know, we always had parents around us. And our sisters and brothers, they stepped up to the plate and they become, you know, carers for us and things like that. Looked after us as well.

5 MS McLEOD: What would you say if a government official had said at the time that you and your family were being neglected as children?

10 JOHNNY LOVETT: Well, you would have to ask in what respect do they - you know, what's the interpretation of their word of neglect? I would ask them what - what do you mean by neglect, you know? What is your - what is your interpretation of neglect? Because, I mean, we had love, we had food. Not a lot of it, but we hunted. That was part of our traditional lifestyle. So we wasn't doing anything that was new to us, so we were doing things that were old to us.

15 We were doing things that was part of our survival training as Aboriginal people, you know. And if we live on a river like the Murray or a big river like that, then we'd be fishing and doing all the things that they were doing up in that areas. And so - yeah, I don't know what their interpretation of that would be.

20 MS McLEOD: I will come back to what happened to you. Just in terms of hunting, were you hunting as children?

25 JOHNNY LOVETT: Yes. Yes. We used to cut our own Bundis, what you call Bundis, and they were sticks and they were roots of a tree and we would shape them. We all had our own. And the mob from the mission come up and they would hunt with us. And we used to practice with a pram - with an old pram wheel and throw it up and down the road and one bloke would stand that end and throw it, one this end. And those in between would practice with the Bundis. And we would go hunting with them and dogs.

30 We had a couple of dogs and we went hunting with them, and that's how we caught rabbits. And we became very good at using those Bundis, you know. We could hit a rabbit on the run and stun it and grab it and you know. And so that's the way we hunted. We fished also. We didn't always use - there was no - sometimes there was no hooks and no money for hooks, so the old men would fashion a bobbin, what they call a bobbin.

35 It was a - remember the old butcher string, and you would get that and you'd loop it and you would feed the worms on that as a loop. And you'd get a stick and then into the water, and you'd feel the eel sucking on it and then you flip them out, like that. So I don't think I've seen a bobbin now being used since I was a kid.

40 MS McLEOD: So you mentioned the eels there. What is the significance of the eels to the Lake Condah area and those lands?

45 JOHNNY LOVETT: Well, they were a food source, very much so a food source, but they was also a medicinal source as well. There was plenty of - today we know that the eel is, of course, Omega 3 - very much a lot of oil in eels. But also the skin was used - as a poultice for aches and pains and things like that. And they were skun and the skin was wrapped around the joints of people to heal them. So, yeah, it was medicinal and food.

50 MS McLEOD: And was that something that the First Nations people in the area had used for a long time before settlement?

JOHNNY LOVETT: Yeah, yeah.

5 MS McLEOD: And we will talk about the heritage, World Heritage listing of those sites, but how did the First Nations people manage the eel harvest in those areas?

10 JOHNNY LOVETT: They built stone weirs out of the volcano lava flow, and I suppose if you have seen a lava flow from a volcano, it's all different shapes and depths and things like that. And I'm amazed at how - the technology that they used and - because everything that they did was by eyesight. You know, there was no spirit levels and things like that. And so they watched the rise and fall of the waters at different times, winter, summer and spring and things like that, and they built the weirs accordingly. As the water went down, they built the fish traps so that there was always fish there.

15 MS McLEOD: Those eel traps have been - have World Heritage recognition now. Do you know roughly how old they are? The dating of those eel traps?

20 JOHNNY LOVETT: I think they are about 7,000 years old or something like that. Yeah. They were something - the stone houses and the fish traps - the stone houses was another area that was - that was built in that area, you know. But I think they were about 3,000 years before the pyramids were built. So they'd been around for a - for a long time.

MS McLEOD: Yes.

25 JOHNNY LOVETT: And, I mean, that's only by sort of today's recognition. So you - it could have been there forever, you know. When we we're 60,000 years old, how long is - you know, how long is a piece of string, so to speak? You know, we could have been there forever. Those eel traps could have been there forever.

30 MS McLEOD: Yeah. Just coming back to your family and growing up, you share a story about the - your uncles and your father sitting around talking.

JOHNNY LOVETT: Mm.

35 MS McLEOD: Do you want to share that story with us?

40 JOHNNY LOVETT: Yeah. A lot of the uncles from - used to come and they'd be passing through on the way to town to Heywood or - you know. And they would come call in, and then dad would go and they'd sit at the wood heap and sit there and talk and things like that. Not a lot of conversation, but the company was - you know, seemed to be what it was all about. And these men, of course, were on their way to Heywood or Portland or wherever to sell the fish and the eels that they caught to take money and food back to their families in the bush.

45 So, yeah, there was always - and they didn't seem to say a lot but they - you know, they would roll a smoke and sit down and have a bit of a conversation and sit there for a while, and when was time to go they got up and went. And, yeah, so that was sort of the way I remember them.

50 MS McLEOD: Were they speaking language?

JOHNNY LOVETT: I never heard them speak language, but remembering too that they had a pretty strict protocol with kids not being around adults too much either, you know. So you were seen to be seen and not to be heard sort of thing. And you didn't ask too many questions either. Yeah. So I didn't hear my father speak language, and I think, you know, that the loss of language came at about the same time that Lake Condah mission may have been established in 1867 when they started trying to take away everything that we had and that we used before white settlement, you know.

10 And they punished families by cutting their rations when they learnt their children language or when they spoke language. And they'd lock them up in the dormitory down at the mission and things like that and wouldn't give the kids back to the families unless they stopped them learning.

15 MS McLEOD: So the missions were created to move First Nations people on to those missions.

JOHNNY LOVETT: Yeah.

20 MS McLEOD: And removed off the land, basically.

JOHNNY LOVETT: Yeah.

MS McLEOD: And were your grandparents moved to the mission?

25 JOHNNY LOVETT: Yeah.

MS McLEOD: And you said they met there.

30 JOHNNY LOVETT: Yeah.

MS McLEOD: Were they married there on the mission?

JOHNNY LOVETT: Yes. Yeah, they were married there on the mission.

35 MS McLEOD: How long did they live there on the mission?

JOHNNY LOVETT: I think grandfather passed away in around about 1939, and Granny Hannah passed away in 1946. Yeah.

40 MS McLEOD: Yes.

JOHNNY LOVETT: So they'd been sort of there most of the time, yeah.

45 MS McLEOD: What you can tell us about that Lake Condah Mission in terms of the way people lived there?

JOHNNY LOVETT: I suppose, when you're a kid and you see a lot of your relations and you play around and you do all sorts of things, you think everything is wonderful, because I don't think that you realise how bad times can be until you get older. And so I always thought it

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was great to go to the mission because I'd see all my mob, you know. And they'd all come up to go to the movies, they would walk from there into Heywood, stop with us on the night going back and - so was always - always great.

5 So I think, yeah, until we got a little bit older and we started to realise that life was as hard as it was, and I seen the old men and - as a young boy of 10 and 12 and things like that, skipping wattle bark off trees and tie it with - in bundles with wire and leaving it at the side of the road for one of the contractors to pick up and take to be tanned and all that sort of thing. And they'd split posts for farmers who wanted to buy the posts from, you know. So yeah, and they  
10 worked in the quarries that were there.

And some - dad ended up sort of going into the areas of sheep shearing cooks - shearers' cooks and things like that and working like that. And milling, in the milling area. And we sort of - I didn't realise how hard it was until I got a little bit older and I could see my mother  
15 walking with the two tins of water on her shoulders while my father wasn't there, and I'd be thinking, "Well, where is he?" And he was 50, 60 kms away working on a station.

So when he wasn't around, my mother had to do everything, and he'd come home once a fortnight or once a month, or - so not only was he - we were missing him for two World Wars, but we were missing him when he was home, you know.  
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MS McLEOD: You went to the local primary school in Heywood.

JOHNNY LOVETT: I did, yes.  
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MS McLEOD: How was that?

JOHNNY LOVETT: It was a little bit different. I was the only Aboriginal there. But I think this - when I sort of think, you know, there was a certain thing about kids that they didn't  
30 have a natural instinct for racism, you know. And I always grew up with the idea that racism was taught at home, and I think that that was a pretty true fact.

MS McLEOD: So did you experience that at school?

JOHNNY LOVETT: Not a lot at primary. But certainly at secondary.  
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MS McLEOD: Yeah. Can you tell us about that?

JOHNNY LOVETT: Yeah, look, I was the only Aboriginal too in secondary school.  
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MS McLEOD: This is Heywood Secondary.

JOHNNY LOVETT: For a while, yeah, until the other schools in the outlying areas, they were amalgamated, and they came in. So, once again, I had family around me, you know.  
45 But not only was the racism there by kids, it was also by the teachers, the pupils - the teachers, you know. I remember one of my cousins, an uncle to Joseph, wanted to be an electrician and he was told, "Oh, no, you can't be an electrician because you are Aboriginal." You know. So I don't know what that had to do with anything.

So I think there was always that part of the schooling, you know, and I think the worst thing that we see today, as adults surviving, the curriculums of the education system are just so terribly wrong in not including Aboriginal history in their curriculums for everyone to learn. It was an injustice to white fellas and it was an injustice to us.

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MS McLEOD: So what did you learn about Australian history when were you at school?

JOHNNY LOVETT: Well, I learnt Captain Cook discovered Australia in 1788. But, you know - and that was about it. There was no talk about what is World Heritage today mentioned at all, you know. There was no discussion on some of the great Aboriginal men who walked around the country and got things going like William Cooper and Sir Doug Nicholls and things like that. And we had some really great men and women who were - who could have stood up anywhere and been counted. But there was no - there was no teaching of them in the education system that I grew up and probably very little of us still today. So, yeah.

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MS McLEOD: Did you enjoy school, secondary school?

JOHNNY LOVETT: Sometimes.

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MS McLEOD: Yeah, what about the other times?

JOHNNY LOVETT: I was too busy fighting the other times. Yeah. So sometimes I did. Yeah.

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MS McLEOD: Right. So you got into a few fights?

JOHNNY LOVETT: I did, actually, and I ended up taking up boxing, and I was about - I don't know, 13 or 12 or something like that, and there was an old trainer in Hamilton who used to come down and pick me up and take me to Hamilton. And I would stay with him and his family, and there was about five different gyms in Hamilton and we all competed against each other. So I sort of learnt to fight.

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MS McLEOD: So this trainer was Tommy Moore?

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JOHNNY LOVETT: Tommy Moore, yeah. We used to call him Humphrey Bogart.

MS McLEOD: He looked like Humphrey Bogart?

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JOHNNY LOVETT: Not to his face, though.

MS McLEOD: What you're talking about is tent boxing?

JOHNNY LOVETT: Yeah, and - yeah, I fought in tents. And to understand a little about the tent boxing, I think people sort of sell it a bit short of really what it was all about. Because a lot of times in Aboriginal communities when tents came through that area, Aboriginal people survived from them coming through because the men fought for the tents and they got paid, and the old saying was, a round or two for a pound or two. So they earned money and they fed their families.

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But it wasn't only, you know, us that survived. So did some poor white families, done the same too as well. But the tents were very good because, outside of show time, there was very little work around. Some people just didn't want to employ Aboriginal people. There wasn't a lot around. You had to travel. No one had vehicles to get to and from. So they become a major part. And today I think there's only one boxing tent left in the world and it's up in Queensland. It's called Fred Brophy's Boxing Tent. I fought in that tent in Western Australia when I was 29 years old.

10 MS McLEOD: I'm going to ask - I'm going to ask a photo be bought up, which is Annexure I, but just on that boxing you started at what age, your training?

JOHNNY LOVETT: About 12.

15 MS McLEOD: Right. And how often were you training with Tommy Moore?

JOHNNY LOVETT: I trained with Tommy a fair bit, and then we moved to Hamilton in 1960 and I trained - yeah, I was training three times a week or whatever with him for quite a number of years.

20 MS McLEOD: So what we've brought up there is a newspaper clipping that mentions Tommy and his boxing. Have you seen this newspaper clipping?

JOHNNY LOVETT: Yeah, I have, yeah.

25 MS McLEOD: So tell us about this.

JOHNNY LOVETT: Well, that sort of backs up what I was saying about some of the gyms that were around at the time. And boxing was pretty popular in the south-west, and it probably was in other places too. I think around Shepparton, it was pretty popular. Don Howse and all that sort of thing, they were all popular there too as well. But there was five clubs in Hamilton and there was some good fighters in Hamilton. They were Aboriginals too.

35 My old brother-in-law, Nulla Austin, is mentioned there. And they raised money for the school, the Heywood school, and I think they raised £70, which was probably \$140. So - but there was a few Aboriginal people there who fought. And Nulla's name is mentioned there. He fought a bloke from Queensland who was a professional fighter. And I think Nulla stopped him in around about the fourth round. And there's one lad mentioned there, Alan Lovett. Another cousin of mine who threw the challenge out to one of the other blokes in the dressing room and that fight took place.

45 So, yeah - and Ronnie Foster, he's mentioned there. He's a son of Eunice Wright who - sorry, he's a son of - of Ronnie - Monty Foster. Who was mum's brother. Yeah. So - so there was a few there and it sort of - it - boxing was a very big sport. I never played football, I didn't play football. A lot of the others played football. I wasn't too interested in football. I liked - I liked the training and all that sort of thing and I definitely got a bit of discipline from Tommy Moore.

He was - he was pretty good, you know. He sort of - to all of us, black and white, he used to lay down the law. "You're not here to learn this to become a thug", you know. So he was pretty good.

5 MS McLEOD: Did you find that you were treated the same, black and white, by Tommy Moore?

JOHNNY LOVETT: Yeah, probably I was treated better than the whites because I used to go and stay with him and his family. You know. So I was probably - yeah. I was probably - and when he got a fair age, we done a bit of that - I can't remember what the name of the program used to be on TV, but we all turned up at a surprise celebration for him.

MS McLEOD: 'This is your life'?

15 JOHNNY LOVETT: 'This is your life', yeah. So we done that in Hamilton, and we all came from wherever we were at at the time to come home and be at that for him, yeah. So yeah.

MS McLEOD: This is for Billy, Billy Leach?

20 JOHNNY LOVETT: Sorry?

MS McLEOD: 'This is your life' was done for - - -

JOHNNY LOVETT: This is for Tommy Moore.

25 MS McLEOD: For Tommy Moore.

JOHNNY LOVETT: Billy Leach I travelled with, and I travelled with him as a fighter. But he used to do the Hamilton show regularly every year, and every time they would come into Hamilton, they'd come and knock on our door and say, "Well, you know, you will come and fight for us" and they had other rides and merry-go-rounds, and so they would give our kids tickets to go and hop on them while, you know, we fought and all that.

30 So - yeah, so our kids wouldn't have had - we wouldn't have had the money to send our kids on those shows and things like that. So, yeah, there was a little bit of that going on. I think it went on Aboriginal community in the state and elsewhere as well, with the shows.

MS McLEOD: Did the - you all teenagers fighting against each other?

40 JOHNNY LOVETT: Yeah, yeah, yeah.

MS McLEOD: And did you look out for each other?

JOHNNY LOVETT: Yeah, you did. You sort of - you got a bit of a feeling on your opponent, whether he could fight or whether he couldn't, and you sort of look after him a bit, you know. Because you was never there to really do any damage to anyone. You was there just to make a quid, you know. Yeah.

MS McLEOD: So going back to secondary school, and you were boxing at the time - with some skills, obviously. Were you getting into fights a bit at school?

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JOHNNY LOVETT: Yeah, I was - yeah. In - in the - at school, I was. But it was mainly sort of on the weekends when we'd go to the movies, you know. And you were fighting the blokes you went to school with because of racial remarks, you know, during the course of going to see a movie. We would walk from Sunday Creek to Heywood, was four mile, and then the mission mob would come through, and they would walk from there, and so that was another 12 kms, 12 miles for them to walk from there to Heywood.

And so then on the way home, just Saturday night, they would stay with us, and then they'd go home the next day. But, yeah, so - yeah, the racism seemed to sort of creep out when - you know, over the weekend and - because - I sort of look back now and I think, well, the football was on on the weekends too, you know, on a Saturday. So everyone from everywhere would be at the football then at the movies, you know. And I think that sort of - maybe the football sort of drew out the worst of them.

MS McLEOD: So can you give us some examples?

JOHNNY LOVETT: I suppose, you know - my brothers - my brother played a lot of football and so did the other Aboriginal cousins and that. And sometimes they would walk from Greenvale to go to football training. And - -

MS McLEOD: Greenvale to where?

JOHNNY LOVETT: To Heywood.

MS McLEOD: So how far is that, about?

JOHNNY LOVETT: About four mile. Three or four mile. And their - some of their football mates would drive past them on the way to the football game and drive past them on the way, you know, back - walking back home, you know. There was a little bit of class distinction there. And with Jackie Lovett, I remember him, in 1956, he - Coleraine and Hamilton grand final, Jackie won the game off his boot and in about the third quarter and they celebrated at the Heywood Hotel and he stood out the footpath and they hand him a beer through the open window.

MS McLEOD: So he was best on ground, but he couldn't drink in a pub.

JOHNNY LOVETT: Wasn't -- enough to get inside the pub.

MS McLEOD: Jackie Lovett is your cousin?

JOHNNY LOVETT: Yeah, he was Uncle Freddie's son.

MS McLEOD: Yes. So that sort of different treatment of the First Nations people, that was obvious to you at school?

JOHNNY LOVETT: Yeah, very obvious, yeah.

MS McLEOD: At school age and particularly, you were saying, on the weekends?

JOHNNY LOVETT: Yeah.

MS McLEOD: Was there anything else about sport and the footy particularly that sticks in your memory?

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JOHNNY LOVETT: Sorry.

MS McLEOD: Was there anything else about the football and the treatment of your cousins and others that you remember? In those days?

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JOHNNY LOVETT: Yeah, yes, there was - my other cousin, Billy Lovett, he was Jack's brother, and he was a good footballer. And when they played Portland, he was always the target for racism by the Hogans, yeah. And they were white people, and Barry and him used to get stuck into them a fair bit. And I think more people come to see them fight rather than play football, you know.

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MS McLEOD: Have you seen that level of racism continue in sport?

JOHNNY LOVETT: I - later on, as I got older and I ended up being a trainer with two football clubs -- and Branksome. And I seen racism there. Yeah. I've seen Aboriginal - fair Aboriginals with blue eyes and blond hair being called boongs and Abos, you know. So I don't know how that works.

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MS McLEOD: How do you deal with that?

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JOHNNY LOVETT: Well, they were pretty fiery, some of them boys, and I would have to run out on the ground and say to them, you know, "Hold on now, you know. You're going to penalise us, if you do anything wrong in the game. You're going to penalise us." But, you know, when you can get away with it, get away with it.

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MS McLEOD: Responding, you mean, responding to the comments?

JOHNNY LOVETT: Yeah, yeah.

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MS McLEOD: Uncle, we might take a break shortly. After then after the break I want to come back to Lake Condah and the mission. Yeah? Is that a convenient time?

JOHNNY LOVETT: Yeah. Thank you.

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**ADJOURNED 11:02 AM**

**RESUMED 11:27 PM**

MS McLEOD: Thank you, Uncle. Uncle, when we - you first started giving your evidence, you were talking about the Eumeralla Wars. And I wanted to ask you about that early history of white settlement, the Eumeralla Wars and the fighting, and to ask you about the massacres that you mentioned.

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JOHNNY LOVETT: Yes. Yeah, the Eumeralla Wars started about 1834 and went through until about 1844 or something like that. Or it could have been longer. There was a very large

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number of Aboriginal people killed in those wars. There was other Aboriginals from other areas too come to help fight that war as well. The last sort of resistance that was broken was fought near Mount Eccles, or Mount - Mount Eccles, which is called Budj Bim, yeah. Yeah, Budj Bim, yeah.

5

And it was fought on the plains there, and they sort of referred to the Aboriginal groups there and their tactics in the Eumeralla War was a little bit similar to the Vietnam Cong, the way they fought their wars. And if you sort of knew the terrain there, it was pretty hard to ride horses over and things like that, so they would have to go - get off the horse and go on foot too - but by that time, the Aboriginal people would be back in amongst the stones and got away from them, you know.

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But there was - I suppose the biggest thing that helped the white settlers was they had - they had weapons. They had weapons, you know. And the mob only had spears and boomerangs and things like that and good hard will to fight to determine they still are the people that belonged to that country. And I think that - and I've often said of late that we probably had the best weapon of all times, and we never ever used it.

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MS McLEOD: What was that?

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JOHNNY LOVETT: And that was fire. That was fire. And we were the masters of fire. So the excuse that I see that we never used it was we weren't - we were a passive mob, you know. Otherwise we could have really, really caused a lot of damage to country, to people, and just burn them out, you know. We didn't do that. And yet we knew how to control and use fire. So, to me, that says, you know, that there was - there was a certain sense of, you know, let's not do that and let's try and get through this the best way we can.

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But by them sort of still trying to maintain and hold on to country and things like that, it was very hard because then the - I think Foster Fyans was involved and Dana - Dana, who the native police called and things like that. And there was so much stacked against the people. And plus you had the settlers as well, who was causing havoc, you know.

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MS McLEOD: So just paint a picture for us of what was happening with the settlers and the Gundiṯjmara people and their fighting. What were the triggers for the skirmishes and exchanges?

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JOHNNY LOVETT: Look, there was - there was - when you sort of have a look as through the history of some of the historians that have written like Sievwright and Robson and things like that, and some of the documents there, you know, there was - there was a number of reasons why skirmishes started. Sometimes it was the sexual assault on Aboriginal women and being kept - being kept captive in - captured in shepherds huts and things like that.

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And, of course, the fight for land was very, very strong because that land held so much culture, you know. And as I said, you know, we didn't walk away and just say, "Here, come and get it, it's yours." We wanted to defend it because it was ours for such a long time and held everything that we believed in, you know. It was - it was why we survived for so long. And then to have white settlement come along, disregard all the respect that - for Aboriginal culture that there was, because they knew very little, if anything. Probably absolutely knew nothing about Aboriginal culture at all.

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And so, to them, we were just a nuisance and a - in their way of them grabbing land and turning it into, you know, an economic base for themselves. And yeah, so, you know, and then you had - you had the warriors Cocknose and Jupiter and people like that, you know, who were the war leaders at the time. And they were being hunted, they were being blamed and, you know, and I often look at the figures that have being quoted in some of the parts of history where a group of Aboriginals had driven off a thousand sheep.

Well, Aboriginals had never even seen sheep before, and if you've ever driven sheep, you know that it's a one hell of a hard job. So all of a sudden, you've got Aboriginals being experts driving off a thousand sheep. Yeah. It doesn't happen.

MS McLEOD: So you are saying that story about Aboriginals stealing a thousand sheep - - -

JOHNNY LOVETT: Yeah.

MS McLEOD: - - - is suspect?

JOHNNY LOVETT: Very, very much so. Very, very much so. And bullocks. And I think the first bullock that came into the country - of our country, the mob ran away from it because they didn't know what it was. And they seen the two horns and thought they were two tomahawks sticking out of his head. And when they bellowed, they thought he was a devil of some type and they ran away from him. So can you imagine them driving cattle? So they were frightened enough for one bull, let alone drive a herd of cattle and a thousand sheep.

So - you know, everything was sort of - that information was sort of put as part of - by the settlers as getting more compensation from whoever was running the show for them, you know. And things like that. I think that - that's the way it was. And you know some of the big stations in the early time around that area, they were - they were - before the missions were built, the Aboriginal Protection Board was already in place.

So they were getting rations and flour and clothing and all that to feed Aboriginal people in their areas. And some of the biggest holdings in the south-west were receiving that as funding to deal out to the Aboriginal people, you know. Distribute, you know, and there is always a question in mind, "What did they ever, ever do? What did they ever, ever do?" You know. I don't believe that they actually done what they supposed to do.

MS McLEOD: This is in return for the land?

JOHNNY LOVETT: In return for the land, yeah, yeah.

MS McLEOD: One of the massacres was at a place called Convincing Ground.

JOHNNY LOVETT: -- the coast.

MS McLEOD: And we know there was a history of the whalers and sealers operating along the coast there out of Portland. So can you tell us about that Convincing Ground massacre?

JOHNNY LOVETT: Yeah, and the story goes that a whale had beached itself and I think part of the Mount -- mob in Hamilton just out of - sorry, out of Heywood, they were part of

5 that - tribes that went down there to feast off the - off the carcass. And the whalers of course, they were there too, and so they actually massacred quite a number of Aboriginal people there. And hence the Convincing Ground. And I think, you know, when you hear the word "Convincing Ground", I can imagine in my mind them saying, "We will convince these people not to come back here again." You know.

10 And that's the sort of things that they were doing. You know. And they became a secrecy within themselves, these people who caused the massacres, because they never spoke outside of the circle that was part of the people who were doing the massacres. And they were sworn to secrecy by each other. And it got to that point that your life was in danger if you spoke about it to anyone else. Because you broke the - you broke the code of the - of the group, you know.

15 So I think that went on right through the massacres everywhere in Victoria, where there were big massacres, because one person doesn't massacre that many people. There has to be others. And where there's others - I don't know whether you can keep a secret among 10 or 12 or whatever people. So someone will say something somewhere and refers to something. So, you know, I think all of it was orchestrated, all the massacres were orchestrated and planned.

20 And opportunities came when Aboriginals were having corroborees in certain areas and then they - when they were known to be in the area, the local settlers informed each other, and they just rode around and just shot them. Konongwootong Reservoir is a very big massacre ground in Hamilton, around Hamilton, out that way, Coleraine. And what annoys me today is that White Street in Coleraine is still there - that's the main street of Coleraine, where they were the perpetrators of the whole massacre.

MS McLEOD: So there's a street in Coleraine named after the whites.

30 JOHNNY LOVETT: Named after the whites. And one of them actually went to Tasmania after that massacre and became Premier of Tasmania, you know. So, you know, there's - sometimes you drive around and you have a look and the signs are in the country, just out of Horsham, there's a sign saying "Riflebutt Road", you know. So all you need to do is you sort of have a think - now, why would you call that Riflebutt Road you know. The most important part of a rifle is a barrel, isn't it? So it actually - you know, they were actually shooting them and clubbing them to death with rifle butts and things like that, you know.

40 So there's stories, I think, you know, that - and there's indications of what went on when you sort of get to know country and you get around country and you look at country and you see country, you know. And Aboriginal people feel country, you know. I've been in some parts of the country where I haven't felt very comfortable at all, and I'm not really a frightened person about anything. But I felt that I shouldn't be here in this part of the country. And I've left.

45 So, you know, sometimes the country will tell you what's happening, as an Aboriginal person. And I think, you know, if you have got a bit of a sense of things going on around you - and not only pertaining to Aboriginal people either - you pick up these vibes and things like that. You know. And I've had white people say to me they've been in some areas where, "Wow, I got a terrible feeling there when I was there." You know.

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I was talking - I've done a welcome to country - just off the track a little bit - last Saturday to the Red Gum Festival at Cavendish. And a woman came up to me and she said, "Do you know the Chimney Pots in the Grampians?" And I said, "I do." She said, "We recently just bought them," she said, "but I feel very uncomfortable there." One of the biggest massacre sites in the area, you know. So that's what I'm saying, you know. People - and so she's asked me to go out there and have a look around and sort of thing and have a talk to her and her husband, yeah, about country.

But - so you know, you don't have to be super cluey to work things out, sometimes. You just have a feeling and sometimes, you know, what you get as a feeling is pretty more spot on than what you think.

MS McLEOD: You mentioned the reservoir.

15 JOHNNY LOVETT: Konongwootong, yeah.

MS McLEOD: That site was revealed after a flood?

JOHNNY LOVETT: Yeah. It was, yeah.

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MS McLEOD: Tell us about that?

JOHNNY LOVETT: Yeah, there was a big flood in '46, 1946, and it was a really big flood and when you look at that area there and you realise that the mountain range and the hilly ranges of that area, yet that flood went from there right through to MacArthur and the other side. So you - it's just - it's unreal to sort of sit down and look at that place today and think how did that flood area ever got through some of the barriers, you know, of the hills and things like that.

30 But that - they were the - that was the Boandik mob that got massacred there. They were massacred, and the '46 flood uncovered a lot of their skeletons. Most of the - most of the massacres that happened in - there's Murderous Flats. There's three big areas pretty close together. Konongwootong, Murderous Flat and there's another one just not far from where Henty sort of ended up being. And what they did was, you know, there was a lot of poisoning that went on. They put, you know, poison in the flour and things like that. Even to the point of putting Plaster of Paris in the flour. And - - -

MS McLEOD: So just to explain, the flour was handed out as rations?

40 JOHNNY LOVETT: Yeah, handed out as rations, yeah.

MS McLEOD: And they were being poisoned?

JOHNNY LOVETT: Yeah. And this is part of the rations that I was talking about that was - that the government was giving them to give to people.

MS McLEOD: Mmm.

JOHNNY LOVETT: So they'd lace it with strychnine and things like that. And then when they died, they either chucked them in the river or just burnt them, you know, and - to get rid

of the evidence. So that was part of the uncovering of the bones when the floods came through for the Konongwootong massacre. The Fighting Hills, it was called. The Fighting Hills, yeah.

5 MS McLEOD: So the reservoir and Murderous Flat and Convincing Ground and things like that, some of those have markers or memorials to describe what happened there?

JOHNNY LOVETT: Well, I'm not too sure about that, but, you know, they certainly need them. They certainly do need them. I mean, you know, you drive around Victoria and you  
10 see Major Mitchell statues all over the place, you know. And you see Henty Highway and things like that, you know. So - and you see Whyte Street in Coleraine. But you don't see a memorial for too many - on too many massacre sites, yeah. So I think you know, it's a long time coming and it needs to be there, out there.

15 If we were around about for telling the truth and for being truthful for how things happened and to how things are, then I think there needs to be the respect of the truth. It needs to be shown, you know, for the truth being told. And yet you still have - you still have people who are in the area who the perpetrators of the crimes committed with their families. And I think  
20 between the guilt that they're carrying and the ignorance that they're carrying they have got no hope of realising anything. And it causes a little bit of a racist attitude towards Aboriginal people, and I think, you know, that's a very, very big thing, I think, that's happened, you know.

MS McLEOD: So what would you like to see happen in terms of that recording in place of  
25 what happened in those places?

JOHNNY LOVETT: Look, I think the time is coming where white people are now saying as well - I know that there is people in Hamilton and people in Coleraine who have said to me,  
30 "Yes, we would like to see you change the name of Whyte Street", you know. So I think there - there's that sort of thing around, you know. And people are a little bit more educated than the one that walked up to me when native title was on and said, "If you come on to my father's property he'd shoot you." You know.

35 So I think there's a little bit more understanding by people who are not quite so ignorant and so lost in their guilt because their families' forefathers were the perpetrators. And, I mean, they can't be blamed for that today, but understand it helped, accept it happened and let's do something about it, you know. And if you want a better conscience than what you've got today, then do something about it.

40 MS McLEOD: Yes. So the missions at Framlingham and Lake Condah were set up for what purpose?

JOHNNY LOVETT: I believe they were set up simply to get the people off land so that the  
45 pastoral availability could happen and people could claim more land. The government was in control of handing out leases and things like that, and I think the sooner they got the people off the land, they could get on with benefitting from it. You know. If you sort of think about Lake Condah and where they brought them from and put them on there, and then all of a sudden you've got people from very distant areas becoming people of Lake Condah and things like that, who would really - you know, physically not that part - not that associated to  
50 that area. You know.

So it's thrown a lot of confusion into Aboriginal people as well. You know, some people may think because you're born on country, that's who you are. Well, that's not the point. That's not how it works with Aboriginal people. Because you just being born on country doesn't give you a right and connection to country, you know. And I think in a lot of times, people get confused with that too, you know. It's all right to say, "Yeah, but I was born there." Well, it doesn't matter where you were born; it's who you are and where you come from. Where your connections are.

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10 MS McLEOD: So that movement of people, has that caused disharmony and disagreements amongst people?

JOHNNY LOVETT: Yeah, I think so. I think so. And a hell of a lot of confusion. I think a hell of a lot of - hell of a lot of confusion as to where do you belong or where do I belong? And, you know, people have sort of hung their hat on the country they were in to find out, "Well, I really don't come from that country anyhow, you know, but I was born there." But as I said, you know, being born on country doesn't give you the right - being in Victoria may give you the right to be a Victorian under white law, but it doesn't - being born on, you know, Aboriginal country from another country, it doesn't give you the right to be on that country.

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20 MS McLEOD: Yes. The Lake Condah mission was closed in the early 1900s?

JOHNNY LOVETT: Yeah.

25 MS McLEOD: So what happened to your family at that time?

JOHNNY LOVETT: Well, I reckon it was about - there was - it just wasn't closed. There was a preconceived idea that Lake Condah would become grounds for soldier settlement.

30 MS McLEOD: Right. So - - -

JOHNNY LOVETT: So I think that was a pretty big - that was - that was the issue. That was the plan.

35 MS McLEOD: So these are soldiers returning from the war?

JOHNNY LOVETT: Sorry?

MS McLEOD: These were soldiers returning from the war.

40 JOHNNY LOVETT: Returning from the war, yeah.

MS McLEOD: Who were to be given grants of land, parcels of land?

45 JOHNNY LOVETT: Yeah. Yeah.

MS McLEOD: Are you saying that Lake Condah was carved up for that purpose?

50 JOHNNY LOVETT: I believe so. I absolutely believe so.

MS McLEOD: Now, tell me about your family war service.

JOHNNY LOVETT: My father was - my first father's brother, Alf Lovett, went to war in 1915 in the Light Horse. And others followed. Dad and three of his other brothers - dad  
5 joined up in 1917, and Uncle Freddie, Uncle Sam - Uncle Edward and - - -

MS McLEOD: Alfred and Leonard?

JOHNNY LOVETT: Yeah.  
10

MS McLEOD: And Alfred too.

JOHNNY LOVETT: No, Alfred was in the First World War, he was - 1915.

15 MS McLEOD: Okay.

JOHNNY LOVETT: And the last one, Samuel, he joined up and he was in the Second World War. He was too young to go to the first.

20 MS McLEOD: So a large number of boys from the family enlisted.

JOHNNY LOVETT: Yeah.

MS McLEOD: Were they able to enlist easily or was there some racism in the enlistment  
25 processes?

JOHNNY LOVETT: When you sort of look down the track and there's - you know, there's - it's not only what you see and hear. There's also records that sort of leap out at you and - for instance, there was 11 men from Lake Condah Mission marched up at Gray Street in  
30 1916, demanding to be in the army. Some of them were taken in on the day and they went to Puckapunyal, or wherever, to the Army, and after a week being there they were discharged as being unfit. Yet they were the - they were the top sportsmen of the area. So how do you go from being so fit to being unfit in a week? You know. And it was - I think it was a question  
35 of being too black rather than being unfit.

MS McLEOD: Yes.

JOHNNY LOVETT: And, and you know, there was - there was a bit of a document, I think, that said - and they might have included one of the other uncles of mine - that said, "Too  
40 black for the Light Horse." "Too black for the Light Horse." You know. And my father and his three brothers, the only four men in the whole of the British Empire to serve in two World Wars, walked into a little pub in Lake Condah and couldn't get a beer in full uniform. You know.

45 So everything's there, I think, if you look at it, and it's been going on for so long. And it's great today to be able to sort of reflect on a lot of things in hope that what we're doing today becomes something very, very solid and supportive and a future ongoing thing for Aboriginal people, wherever they are.

MS McLEOD: I just want to bring up a photo of your father and brothers who served in the war. Just while that's coming up, you also had - the next generation served as well.

JOHNNY LOVETT: Yeah, yeah.

5

MS McLEOD: Including some female family members?

JOHNNY LOVETT: Yes. That's my dad.

10 MS McLEOD: So that's your dad in his uniform?

JOHNNY LOVETT: That's my dad in uniform, yeah.

15 MS McLEOD: Yes. And we might get the next one up. So this is some soldiers lined up on the wharf going off to service. And could we just zoom in on the right, if that's possible? It might be a bit hard moving around the screen. So there's a face on the right there.

JOHNNY LOVETT: Yeah, I see him in the middle there. I think that's Uncle Freddie. I'm not too sure.

20

MS McLEOD: In there amongst all those solders.

JOHNNY LOVETT: Yeah, waiting - waiting to board, yeah.

25 MS McLEOD: Yes. And pull up the next photo.

JOHNNY LOVETT: That's Uncle Alf.

MS McLEOD: Sorry, who is that?

30

JOHNNY LOVETT: That's Uncle Alf Lovett.

MS McLEOD: Who is that?

35 JOHNNY LOVETT: That's his wife, Sarah Spring, and that little boy will be Leo or young Alfred. There's two boys there.

MS McLEOD: Yes. The last one in the series, who's that? Is that Leonard?

40 JOHNNY LOVETT: Yeah, I think it's Uncle Leonard. Yeah. Just getting back to Uncle Alf, he passed away. He ended up living with us before he passed away. And so he - he was - yeah, he - I don't know where the family was. But he ended up living with us.

MS McLEOD: So if we can go back to that first photo, please, of your father.

45

JOHNNY LOVETT: Yep.

MS McLEOD: He - how old was he when he enlisted?

50 JOHNNY LOVETT: He was 19.

MS McLEOD: Yes. And so, 19 years old, did he need permission of anybody to sign up?

JOHNNY LOVETT: Yes, he did. He needed permission, yeah.

5

MS McLEOD: From - - -

JOHNNY LOVETT: From his parents.

10 MS McLEOD: Okay. And what was the policy at the time in terms of who could serve?

JOHNNY LOVETT: The policy was that Aboriginals couldn't enlist unless they had some percentage of white blood. Yeah. So I don't know how much percentage you can see there, but he certainly looks a bit like me.

15

MS McLEOD: Of the 11 men who you said marched up to Hamilton to enlist, from the Lake Condah Mission, how many of those would have had some white blood in them and that appearance of being more white?

20 JOHNNY LOVETT: Probably most of them or I would say nearly all of them looked like my father.

MS McLEOD: Okay. If we could just bring up the recruiting office record. I'm not sure if you can read that, Uncle Johnny, but it reads, "This recruit has two other brothers with the AIF and his parents are not pure blooded Blacks". So that was the language that was used at the time.

25

JOHNNY LOVETT: That was the language used at the time, yes.

30 MS McLEOD: And the statement, "White people on both parents' sides."

JOHNNY LOVETT: Yeah.

MS McLEOD: So this is a recruiting officer letter in relation to someone's application to enlist.

35

JOHNNY LOVETT: Yeah. I think in grandfather's case - in dad's case, grandfather's father was a Scotchman. Yeah. So that's the only white percentage that I can sort of relate to in the true and proper sense in my family's history.

40

MS McLEOD: And in terms of your father's service, where did he end up? Was he - - -

JOHNNY LOVETT: He ended up on the Western Front. He was a machine gunner on the Western Front. Yeah, he joined up with the 15th battalion and he ended up with the 15th machine gun battalion, and they stopped the last German push from on the Western Front from the Germans breaking through.

45

MS McLEOD: So how would you compare his life on the Western Front with what he had known before?

50

JOHNNY LOVETT: Pretty horrific. It would be amazing, really, because, I mean, he didn't even know what a motor car was at the age of 15. He had run and hid in the bush because he heard one coming and then - and then at four years later, he's getting permission from his parents to go to the war, and then about seven months later, he's behind a machine gun and seen ships and planes and things that he had never imagined in his life. You know.

I - and the gun that he was operating was one of the most sophisticated guns in the history of the second - First World War, so his lifespan was probably around about seven seconds. You know. So - yeah. It's mind boggling for me to even think about it, really.

MS McLEOD: He ended up on the Hindenberg Line?

JOHNNY LOVETT: Yeah, he ended up on the Hindenberg Line.

MS McLEOD: And so, those who don't know, that was a last push by the Germans?

JOHNNY LOVETT: Yeah. And to break through. And they stopped them, yeah. Yeah, I just have no idea. And, you know, when I think of later on too, when - and he lived to see Armstrong walk on the moon, you know, and that sort of thing. You know. Yeah. He'd seen some things as a man, you know, from coming off Lake Condah.

MS McLEOD: And when he came home - sorry, just in terms of your uncle, they were Light Horsemen.

JOHNNY LOVETT: They were Light Horsemen yeah.

MS McLEOD: Where did they serve?

JOHNNY LOVETT: They served in all the major theatres of Gallipoli, yeah. Yeah, you know - yeah, they were - they were right under pressure too. You know. Yeah

MS McLEOD: Then your father served - signed up again, World War II.

JOHNNY LOVETT: Yeah, yeah.

MS McLEOD: What did he serve in that - in the - - -

JOHNNY LOVETT: In the catering forces, yeah. And Uncle Freddie - Uncle Freddie and Uncle Leo and Uncle Leonard, and so they become the only four men in the whole of the British Empire to serve in two world wars, black or white, in the - and that was spoken about by Nigel Smart, who was a curator of the War Museum in London.

MS McLEOD: When they came home, what sort of welcome did they have?

JOHNNY LOVETT: You would like to think that they would have had a really, really great welcome. I suppose the welcome ended when they came back and there was no Lake Condah, so to speak.

MS McLEOD: I just missed what you said. There was no Lake Condah?

JOHNNY LOVETT: Yeah.

MS McLEOD: What had happened?

5 JOHNNY LOVETT: Well, Lake Condah was cut up sold in settlement blocks and five blocks were put up for sale as settlement blocks. So Lake Condah at the time was 2,043 acres, I think, and if you look at today's present land value in Hamilton, you can't buy an acre of land under \$12,000 an acre.

10 MS McLEOD: So there were blocks carved out for those returning soldiers.

JOHNNY LOVETT: Yeah.

MS McLEOD: Were your family given blocks?.

15

JOHNNY LOVETT: No, nothing.

MS McLEOD: What happened?

20 JOHNNY LOVETT: I know my dad applied and he never got a response. And I see other letters that I've had during my little search here and there, and some of them are from the Land Manager at the time, who said, when questioned by the Soldiers and Sailors League in Portland about why Lake Condah was given to Aboriginal people and sold as settlement, the reply by the Land Minister at that time was, "Aboriginal servicemen can apply; however, we don't consider allocating land to one type of people." So they don't give it to the black. They give it all to the whites. That's what they did.

MS McLEOD: Mmm.

30 JOHNNY LOVETT: Yeah.

MS McLEOD: In terms of a war pension, were they given a war pension?

35 JOHNNY LOVETT: Look, I truly don't know. I truly, truly don't know. I've still sort of got my lawyers having a look to see what we can find. I don't even know whether my mother got a widow's pension. I think she was denied. Actually, yes, there was - she was denied on the grounds that dad never died of any injuries caused from the war when he passed away. Yeah.

MS McLEOD: They didn't give your father and your uncles land.

40

JOHNNY LOVETT: No.

MS McLEOD: The other soldiers had. Was there a time whether they leased out the Lake Condah land for other uses like grazing?

45

JOHNNY LOVETT: They did. They did. They let out Lake Condah Mission in 1900, about the time they were closing it down, and it was leased by the government to people in the Northern Territory who had stock brought down to Lake Condah Mission from up there, would you believe, about 80 horses released to put on Lake Condah Mission. They couldn't give it to their Aboriginal people, but they could lease it out to someone to feed horses.

50

Yoorrook Justice Commission

MS McLEOD: I think we have a copy of the letter your father wrote. So we might bring that up. So can you read that, Uncle Johnny, or would you like me to read that to you?

5 JOHNNY LOVETT: I can.

MS McLEOD: So he's looking for information. And - regarding the cutting up of Lake Condah Mission Station into blocks for Aboriginal servicemen. "If same was being done, I would like to make application for a block."

10

JOHNNY LOVETT: Yeah.

MS McLEOD: "Awaiting your early reply." Still waiting.

15 JOHNNY LOVETT: Yeah.

MS McLEOD: And I think you said he never got a reply to that letter.

JOHNNY LOVETT: No.

20

MS McLEOD: Yes. In total, there were something like 37,000 soldiers returned that were given settlement blocks. And none for your father or uncles.

JOHNNY LOVETT: Yeah, yeah.

25

MS McLEOD: Did your father enjoy being a soldier? Enjoy might be the wrong word. Was he proud of being a soldier?

JOHNNY LOVETT: Yeah, I think he was very proud of being a soldier. He never talked too much about some of the stuff, but when he worked at Gazette Station, I was doing a gig in Horsham and there was an old lady there, and she was about 90, and she said to me, "Do you know Herbert Lovett?" And I said, "I do. He was my father." And so she said, "My son worked with him on Gazette Station." I said, "Really?" She said, "Yes." So I said, "I would like to see him."

35

So she arranged for me and him to meet and he was about the same age as me. So we were sitting down talking and he said, "You know, John," he said "your dad would sometimes sort of wander off in his mind." He said, "And one day we were working and he said, 'They were falling and I was shooting. They were falling and I was shooting.'" And he said, "And then he sort of snapped out of it, got back to work and," he said, "You know," he said, "I think he was talking about the war."

40

So he said to me, "One day he said to me -" because dad used to eat blue crane, the blue crane. He loved blue crane. He said "I've run out of blue crane. I've got to get some more."

45

So the young fella said to him, "There's a gun in the back of the ute." And dad said, "No." He said, "I don't like guns." And he said to this young bloke, "I've got a board and a long handle shovel." And the young fella looked at him and said, "A board and a long-handled shovel?"

He said, "Yeah." He said, "I will get my blue crane with that." And he said to him, "How?" He said, "Come with me." He said, "So I went with him. He dug a drain from the dam, and he had a pocketful of wheat and he put the wheat in the - in the trench that he dug and he put the board over the top and the blue crane would come and go into that drain and eat that blue crane - eat that wheat, and they couldn't turn around and fly out."

And he said to this young fella, "Well, the best time to eat blue crane," he said, "is after a full moon." And the young fella said, "I wonder what's coming now." He said, "Why is that, Herb?" He said because the blue crane eats the yabbies and it goes right through the meat, and that's the best time to eat them. So he had some stories of dad. But those stories he was telling him should have been telling me on the soldier settlement block that he had.

MS McLEOD: There was some feeling amongst some of the returning soldiers about missing out on land around Lake Condah.

JOHNNY LOVETT: Yeah.

MS McLEOD: Can we bring up the next exhibit, which is an extract from the Argus? Annexure E? It looks like we might be having an issue with the technology. Just while that's being brought up, Uncle, if you look at the folder, there is some tabs.

JOHNNY LOVETT: Sorry.

MS McLEOD: In your folder, there is some tabs. Do you see one that says Annexure E?

JOHNNY LOVETT: Yep.

MS McLEOD: Yes. Just turn to that and you will see a newspaper article, while they bring that up.

JOHNNY LOVETT: Yeah.

MS McLEOD: And perhaps while we're waiting for that to come out you could just read out that heading and the first paragraph there.

JOHNNY LOVETT: Do you want me to read that?

MS McLEOD: If you wouldn't mind.

JOHNNY LOVETT: Yeah. "Hamilton, Tuesday: Aborigines were angry that land around Condah had been given to soldier settlers without having had a chance to get it, Pastor RW Saunders, of Hamilton Church of Christ, said last night. Returned men amongst the Aborigines felt deep resentment that their ancestral land should have been given to others, he said. For a great many years land in the vicinity of Condah has been a mission station and reserved for Aborigines. Last year the Public Works Department called for lenders for removal of the historical old church - mission church at Condah."

MS McLEOD: Yes. So the Public Works Department was looking to remove the old church from the mission.

JOHNNY LOVETT: Yeah.

MS McLEOD: And they were basically dismantling it. This is Argus 1956. Sorry - yeah, at 1956. Was your father also resentful?

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JOHNNY LOVETT: He didn't speak to me of being resentful and, you know - and, I mean, you would have to, well, understand, I guess, that our Elders at that time were pretty much - as I said, they would sit around a wood heap but you wouldn't be there listening, you know. So, you know, they may have spoken about it between themselves and things like that, but, look, I'm sure - when I look back on it, I'm sure that there would be some form of resentment because when he would go to work at Gazette, he would walk past the Lake Condah Mission and things like that, you know, and go past the areas where these five holdings were, the five blocks were.

10

15 So, you know, to come from two World Wars and walk past that on your way to work because you didn't drive a car - sometimes he would ride a pushbike - and yeah, you would have to have some thoughts about it I reckon.

MS McLEOD: These are the blocks given to others?

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JOHNNY LOVETT: Yeah, yeah. Yeah.

MS McLEOD: And we might bring up your Uncle Samuel's letter next, which is - he wrote in 1947 requesting to rent one acre of land. It might be two acres.

25

JOHNNY LOVETT: Yeah, two acres.

MS McLEOD: So he's writing to the Aboriginal Board - to the secretary of the Aboriginal Board in 1947, "Would it be possible to rent two acres of land for agricultural purpose in the Lake Condah Mission reserve?" So they were writing and asking for access to that land. Yes. And he got a reply, which we might bring up next. The secretary of the Returned Sailors', Soldiers', and Airmen's Imperial League, as it was then called. Have you got that letter turned up in front of you?

30

35 JOHNNY LOVETT: I have, yes.

MS McLEOD: He says:

*"The branch in its September meeting passed a motion that the proper quarters be approached with a view to trying to have the Condah Mission station cut up and given to the Aboriginal and half-caste returned servicemen with a view of settling them under a scheme similar to that of the soldiers' settlement plans."*

40

Do you see that?

45

JOHNNY LOVETT: Yes.

MS McLEOD:

50 *"Gratefully appreciate it if you would give our motion support."*

Yoorrook Justice Commission

So the League were writing to the Minister of Lands asking for support that that happened. Can I just pause there. Were the Returned Servicemen's League in those days, were they supportive of the returned Aboriginal soldiers?

5

JOHNNY LOVETT: Yeah, very much, I think. Yeah. I think they were very much supportive of them.

MS McLEOD: And the secretary of the sub-branch asked for support of the motion that the station be cut up and given to Aboriginal and, as they called them, half-caste returned servicemen so they could settle down and reap the benefits due to them from a grateful country. Do you see that?

10

JOHNNY LOVETT: Yeah.

15

MS McLEOD: And he got a reply, which is the next exhibit in your bundle. It's number H. We are bringing that up.

20

*"With further reference for your letter of the third instance, relative to a resolution passed by your sub-branch urging that the Condah Mission station site be subdivided and allotted to Aboriginal and half-caste ex-servicemen, I desire to state that I have investigated this matter and, in the near future, the government will consider the advisability of revoking the reservation of the site in question so that the land may be used for soldier settlement purposes."*

25

Pointed out, however:

30

*"It would be very difficult to set this area apart for allotment to one type of ex-servicemen only, but if the land is made available, applications received from eligible Aboriginals and half-castes would be considered and dealt with on their merits."*

So that's the reply and did it ever go anywhere?

35

JOHNNY LOVETT: No.

MS McLEOD: And was your father or uncles' service ever recognised by a grant of land?

JOHNNY LOVETT: No.

40

MS McLEOD: After your father came back from World War II, was he given a piece of land by another society?

JOHNNY LOVETT: Yeah, the Hamilton Uplift Society, yeah.

45

MS McLEOD: I'm sorry, Uncle Johnny, I missed that. Who gave them a piece of land?

JOHNNY LOVETT: The Hamilton Uplift Society.

50

MS McLEOD: Yes, and who were they?

JOHNNY LOVETT: They were a church organisation, I think, in Hamilton.

MS McLEOD: Okay. Where was that piece of land?

5 JOHNNY LOVETT: Just outside of Heywood.

MS McLEOD: This is Sunday Creek.

JOHNNY LOVETT: Sunday Creek, yeah.

10 MS McLEOD: And did he get a house on to that block?

JOHNNY LOVETT: He actually dragged a house up from Lake Condah with the horses through the bush and rebuilt it there. But before he rebuilt it, he had to go and get - ask for supervision from the local policeman.

MS McLEOD: Why was that?

JOHNNY LOVETT: To help him build a house.

20 MS McLEOD: Right. But why did he need supervision?

JOHNNY LOVETT: That was - I don't know. That was - the part of the Protection Board, I suppose. You know, they put all these people together and police were very much involved in the Aboriginal Protection Board and that, and, of course, it was implemented by the governor of the day, of the state of the day, yeah.

MS McLEOD: You mentioned the work at Gazette Station. Was he doing just that work or other work around the place? After his return from service?

30 JOHNNY LOVETT: Look, I remember him splitting posts and doing black wattle, stripping black wattle and things like that and working up the crusher. Yeah. So he was always sort of doing something.

MS McLEOD: Where was he living when he was working on Gazette Station?

JOHNNY LOVETT: He was living on - at Gazette.

MS McLEOD: Yes.

40 JOHNNY LOVETT: He - there was - he was head stockman out there and he had about five other - four other blokes working with him. They were all white fellas from Penshurst and Penshurst to Gazette was about 7 kms or - yeah, about seven mile. So they all lived in town and he was the only one on the station.

45 MS McLEOD: So what was his accommodation on the station like?

JOHNNY LOVETT: It was like a tin humpy, yeah. He had 16 dogs, and they all lived in tin kennels, and his house wasn't much bigger than their kennels. Or much better, I should say than the kennels. No service, no electricity, no water connected. Nothing.

50 Yoorrook Justice Commission

MS McLEOD: Did you spend some time out there with him?

5 JOHNNY LOVETT: I did, yeah. I used to go out there sometimes and muster cattle with him and things like that. And if I wanted a bath, I would have to - you would have to draw water from the pump and carry it inside and put it on an open fire and kerosene drum tin and then I would have a bath, you know.

10 MS McLEOD: Just so we understand the difference, the landholder at Gazette Station, where was he living?

15 JOHNNY LOVETT: He was living in a 23-bedroom mansion with nine chimneys. He had one person there who was his housekeeper. She lived in one room off the kitchen. He lived in the other. So that meant all the other bedrooms were never even being used. He went to - it's the biggest story of all times around Penshurst and Hamilton, where he went to Melbourne to buy a Bentley, and he used to always - I remember him still - he used to walk around with a coat with the patches on the elbows. Overalls and gumboots and an old hat. His name was John Cross. Never married.

20 And he went to - he went to Melbourne to buy a Bentley and when he walked into their - the Bentley dealers, they looked at him and said, "Oh, no, you know, we haven't got any Bentleys here" first of all. So he went to a Rolls-Royce dealership, and bought a Silver Ghost Rolls-Royce. And that winter, when lambing season was on, he was driving around the paddocks in that Rolls-Royce putting lambs in the back of that car. And my father was living  
25 in a tin hut.

MS McLEOD: Your father came back to live with you after that job?

30 JOHNNY LOVETT: Yes, yeah, he come - he came - he finished in around about '62, I reckon, and he was living with us in Hamilton before he passed away in '76.

MS McLEOD: What was the house like in Hamilton when he came back to live?

35 JOHNNY LOVETT: Absolutely terrible. We lived next to a skin store. Summertime, you couldn't sleep because of the stench. And I done a little bit of a - an article with the Hamilton Spectator and I was going to look for it and I didn't, I'm sorry - but he - they - we ended up getting another house and because I sort of - it was about, "How do you treat a two World War veteran like this", you know. It was a condemned house we were living in, yeah. So, anyhow, we got a house in 2 Coffey Street, Hamilton. That's where he passed away, in  
40 Hamilton Hospital there.

MS McLEOD: When your father passed, tell us about his funeral?

45 JOHNNY LOVETT: It was - yeah, there was a lot of people there, and there was a lot of non-Aboriginal people there as well. And you sort of - on the day, you would have thought, well, maybe it's - you wouldn't think that it was an Aboriginal funeral sort of thing, because his coffin was draped with the Australian flag and things, and the Last Post was being played. And I think - when I look at it today, it was a little bit of a farce, you know, that he was  
50 buried that way.

And yeah, and yet there was nothing for him, you know. When he came back, he was back to being black and so was every other Aboriginal returned soldier. And man, woman, anyone who was eligible for what everyone else was getting got nothing, you know, except a very small few.

5

MS McLEOD: And, of course, he died before he was made a citizen.

JOHNNY LOVETT: Yeah. Yeah. Yeah. So - which sort of probably leads to the question is - of how does he get into the Australian Army if he's not an Australian citizen? You know. How do anyone get into - if they're not born - if they're born before 1948? You know.

10

MS McLEOD: Yes. His service was recognised in a number of ways? So he was added, along with his brothers, to the Indigenous Honour Roll.

15 JOHNNY LOVETT: Yeah.

MS McLEOD: And there was a building or a tower named after him?

JOHNNY LOVETT: Lovett's Tower in Canberra.

20

MS McLEOD: Yeah, so tell us about the tower and turning up for the launch of the - - -

JOHNNY LOVETT: That was opened in - by Sir William Deane, and in my struggle to try and fight for what I believed that they owed my father, I was getting on to the Veterans' Affairs at a state - a Commonwealth level, and I met with Warren Snowdon a couple of times, and then they sort of said, "Oh, no, we're not responsible for it. This is the State of Victoria that's responsible for it" and all that. Give me the run around.

25

So I said, "Okay, I'm coming up to tear the name Lovett off Lovett's Tower in Canberra." So I went - from Heywood, I went up there and - by myself, and I had a conversation with SBS which was SBS then and the year after it became NITV. So they said, "Oh, well, Uncle, we will meet you there and do a segment on it." So I said "Okay." So they were setting - when I walked around the corner, they were setting up and also there was security there.

30

And the security said, "Mr Lovett." And I said, "Yes." They said, "How many of youse are there?" I said, "It's only me." They thought there was a big mob of us going up there, you know. But it was only me. So the security guy said to me, he said, "Look, do you mind if I watch this?" And I said, "No, you do it, you know." So, at the time, Lovett's Tower was occupied by Veteran Affairs, you know. And he went in and he told them that one of the sons of the Lovett brothers was out there and if they would like to come out and meet him they could. And so they did, you know. But, yeah, it was a bit of a story in that.

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MS McLEOD: So they named the tower after your father and family.

45 JOHNNY LOVETT: And put Veterans Affairs in it, yeah.

MS McLEOD: And have you ever had any resolution or closure of the land claims?

JOHNNY LOVETT: No, no. Not at - not at this time. Not at this moment. Not at this point in time but I haven't stopped. It's an ongoing - it's an ongoing issue.

50

MS McLEOD: What would you like to see?

5 JOHNNY LOVETT: I would like to see my father be repatriated for what he did. I would like them to recognise what he did. I want them to recognise every Aboriginal that ever put on a uniform for this country that went to two World Wars, first and second, recognised for what they did. And you know, I think that it's long and well and truly overdue. And it needs to be - it needs to be addressed and it needs to be done before I die.

10 MS McLEOD: Have you done some sums to work out what you think that claim is worth?

15 JOHNNY LOVETT: I have. Not recently, I haven't, not at \$12,000 an acre, but I certainly did when it was worth about five or something. And I put a bill into Mr Snowdon and the bill was \$5,000,386. And he, being Mr Snowdon, said to me, "How did you arrive at this figure?" And me, being me, said to him, "With an accountant and a mathematician. With the price of land, wages, cost of stock and all that." Yeah. So yeah.

MS McLEOD: And where did it go after that?

20 JOHNNY LOVETT: It hasn't gone anywhere much. It hasn't gone anywhere much, but I haven't finished the fight either. Yeah. I've still got a few things happening --

MS McLEOD: As well as the Honour Roll and the naming of the building, the RSL has displayed some photos?

25 JOHNNY LOVETT: Have displayed?

MS McLEOD: Displayed photographs and - of your dad and uncles?

30 JOHNNY LOVETT: Yeah. Yeah.

MS McLEOD: And they've invited you to speak there? Down at Port Augusta?

35 JOHNNY LOVETT: Yes, yeah. 2017 was the 100th year celebration of Anzac. And I was there in Port Augusta at the Dawn Service, and me and my partner and also there was some Aboriginal people there, four men and a woman, an old woman, an old lady. And when they was laying wreaths at the shrine, the old lady walked up to a rose bush and she picked one rose. And she walked down the shrine and put it on the Shrine and walked back up to where she was sitting the other four people.

40 And the mayor come up to me and he said, "John," he said, "I would like to talk to you." I said, "No, you come with me and we will talk to these people first, you know." So we went up and I introduced him to that old lady and the other four people. It was such a symbol of hope, you know. And the RSL asked me to speak at Port Augusta RSL club, the most  
45 second-racist town in Australia. And there was a black fella standing up there talking on the celebration of Anzac, 100th year.

50 And everyone knew the Lovett family. There was - there was one bloke - I never said this before, there was one bloke - and I was on a TV show and there was one bloke in Port Augusta, he had long hair, tattoos all over him, shorts and a singlet, and I was in the street

talking to an old man, and he's standing there and he's just staring at me. I'm thinking, here we go, you know. So he walks over, and he puts his head on my shoulder like that. And he said, "Good show on TV last night, mate." And walked off. Yeah.

5 So he seen the story on TV. I thought he was going to come over and be a smarty, you know. And - but, no, he really was - yeah. So, yeah, so, you know, I've sort of pushed for a long time. And 2007, I had had a triple bypass, I was given 12 hours to live. 2017, I had half a lung taken out with cancer. But I'm still up for another fight. Yeah. I'm still - I'm still up for another fight.

10 MS McLEOD: We might take a break there for lunch.

JOHNNY LOVETT: Yeah. Lovely.

15 MS McLEOD: We will come back at 2 o'clock. Is that convenient?

JOHNNY LOVETT: Thank you.

**ADJOURNED 12:35 PM**

20

**RESUMED 2:02 PM**

MS McLEOD: Just a reminder for people to turn their phones on silent and the notifications off, if we can. Uncle Johnny, before we start, I should just tell you that Commissioner Hunter is indisposed for the afternoon so she won't be joining us for the live streaming. So she's apologised for that.

JOHNNY LOVETT: Right. Yes.

30 MS McLEOD: Uncle, I want to come back to your song 'The Stolen Generation'. And you mentioned were you a small part of the Stolen Generation. So will you tell the Commissioners what happened to you when you were 10 years old?

JOHNNY LOVETT: Yeah. Yeah, I was taken from Greenvale, and I was put in a police car - mum and dad were away but me eldest sister was home with us, and the police came and they grabbed me and put me in the car and - in the car, there was a 3-month-old baby and a 3-year-old baby. And they took us away. And they dropped them off at Ballarat and they took me through to Royal Park. And I was there - I wasn't there for a long time, but any time away from your natural environment and your family and, you know, not being - ever being away from home by yourself at that age, it sort of was pretty hard.

The 3-year-old girl I seen not so long ago at a cousin of mine's funeral, who fought so hard for the Stolen Generation. And she died two days before Minister Jennings allocated \$10 million for the Stolen Generation. And my cousin died two days before that happened. And at her funeral, I met up with the 3-year-old girl that was in that police car, and that was the first time I had seen her in 62 years. And I met up with the boy after 34 - he was 34 years old when I seen him next.

50 So Lake Condah Mission, I said earlier, I think, there's probably about 26 people I know that were taken from Lake Condah Mission. And as time went on - and I think after that then

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5 their children were taken, and then after that their children were taken, so there's generations of Aboriginal kids being taken into the system, you know. And I don't know how that happens, you know. How that happens. But it's just a repetitive act of injustice towards the first lot of people that were taken and then their kids and then their kids' kids and then there's generations of them.

10 And it's the same as unemployment. Generations and generations of unemployment people are around because there's just no opportunities for them to better themselves. But in the case of the Stolen Generation, it just - it was just an ongoing thing. And it's still happening today, whether it's been done by Aboriginal foster care or whatever, that child is still taken from its natural parents. And I don't know the answers - I don't know the answers.

15 But it's the thing that's recurring still. And, you know, some might say, well, at least they go into Aboriginal foster care, but is that the answer? Is that the answer? I don't know whether that's the answer. Do we have to work harder to try and reinstate kids back into where they - you know, their families and home environment with their own siblings and not be split up and all that sort of thing? I would have no idea but I tell you what, it's a big concern.

20 It's a big concern. I don't know the answer. But - it's been happening for such a long time and, you know - and like everything else that's been happening, it's been happening for such a long time and where is the cut-off point? You know, do we just become part a system that oh, yeah, but - you know, the excuse being happening, "Yeah, but it's been happening for so long"? I don't know.

25 MS McLEOD: The aunty who died the days before the Stolen Generation reparation payments were authorised, did her family receive any money?

30 JOHNNY LOVETT: Not a thing, not an absolute thing. Like, you know - and they are still in pain. They are still in pain. And I see them nearly every day when I'm home, parts of her family. And they got absolutely nothing, and there was no - there was no opportunity for them to even address the issue with government on if they could be given some sort of compensation. And, you know, it's just - it seems that, you know, that it's happened and there's no help here and all that sort of thing. And there's nothing we can do about it, you know.

35 It seems so - well, it's wrong. It's morally and criminally wrong, what they're doing to us as a people. You know. And there's a lot of things that's happened to Aboriginal people over the years that's morally and criminally wrong, and the injustices just keep going on and on, you know. And you go back to the Aboriginal deaths in custody, you go there, and - you go to the Donvale issue and you go to, you know, a whole lot of other things that have happened. A policeman fronts the court for shooting an Aboriginal and then a week later someone else shoots another Aboriginal. You know, so where does it end?

45 MS McLEOD: Coming back to your experience as a 10-year-old, do you remember much about that?

JOHNNY LOVETT: Not a lot. Not a lot. Maybe I mentally blocked it out. I don't know. Maybe I did. I remember standing up - I don't know what I was standing on; it might have been on a cupboard or something - and looking out the window and I seen this bloke walking

past and I was singing out to him. And I sort of - that's one sort of vision that I have in my head. But I don't know. I sort of - I don't even know how long I had been away.

5 It may not have been such a long time. Maybe it wasn't such a long time. But, you know, as I said, you take someone away from an environment that they're so used to and you put them in isolation by themselves and, you know, it traumatises people. I don't know how long I was away. But I came back and I think I was given back in the Magistrates Court in Heywood, I think. But I'm not sure of that either. But I think it was. I'm sure - yeah, maybe it was the  
10 Magistrates Court in Heywood.

MS McLEOD: And do you think your parents being away at the time was connected to your being taken?

15 JOHNNY LOVETT: Yeah, but I know instances where children were taken when their mothers and fathers were there as well. You know. So both my mother and father were pretty strong and I think that maybe if they were there I wouldn't have got taken. They wouldn't have got taken.

MS McLEOD: And what about your cousins?

20 JOHNNY LOVETT: Well, that whole family was taken. That whole family was taken, you know. Her - the elder sister was the only one that wasn't taken and - but the rest of them all were. The other sisters and her brother and all that sort of thing. And their mother ended up living with us and Ronnie, her - he was from that family. He met another cousin of mine in  
25 the orphanage and when he asked the other cousin what his name was, and he told - he told Ronnie who he was, he said to Ronnie, he said "But my mother's dead. My family's dead."

30 And Ronnie said to him - his name was Lloyd. He said "No." He said, "Your mother is living with Auntie Emma Lovett in Greenvale." And she had been living with us. And all the time even in the orphanages, people were telling them that their parents were dead, you know. So - and I can still remember the day that he came looking for his mother and he found her and I walked in the kitchen and he was there standing there singing, and I was wondering who he was.

35 And it was - they said, "This is a cousin." And he was singing a song 'Whispering Hope.' I don't know whether people know that song. 'Whispering Hope'. Yeah, it's a hymn isn't it? Yeah. And he was standing there singing that song. And that's the first time I'd seen him. So, you know, I don't know - as I say, I don't have the answer to how you can stop this sort of thing. And going back to Aboriginal people becoming foster parents for Aboriginal kids, is  
40 that the answer? I don't know whether that's the answer. You know.

MS McLEOD: Uncle, you talked about the generations, that this was happening to the - across the generations and still happening. Was your grandfather - did your grandfather own personal property?

45 JOHNNY LOVETT: My grandfather?

MS McLEOD: Yeah, your grandfather had a radio set; things like that?

50 JOHNNY LOVETT: Sorry?

MS McLEOD: Your grandfather had a radio set; things like that?

JOHNNY LOVETT: Yeah, yeah. Grandfather Foster. My mother's father. He was blind.  
5 He went blind, and I think he was coming back from Hamilton - before that, he was coming back from Hamilton and watching the boys play up there, Uncle Monty and Uncle Hammie. He was walking along the road going back to the mission and then he got hit by a car. And he was in hospital for a little while and then he went blind. And he was blind for a while.

10 And they were living on Lake Condah Mission, and they were still getting rations, and he got a pair of boots, a pair of socks, shoes, singlet and shirt and a crystal set, wireless set, so that he could hear the wireless and things like that. And when he died, they come and took - they come to Grannie's house and took everything that he had because he wasn't supposed to have it. After he died, he couldn't - he - they had to give it back because it wasn't his in the first  
15 place. It belonged to the Queen, and there was an Act that I read some time ago that stipulated that very thing.

I said, "Wow, this is what happened to grandfather." And it was an actual Act that was there. And the Act also said that Aboriginal persons could not give their possessions to anyone else.  
20 So if I went just to go and said to him, "Listen, Joe, I haven't got a shirt. Can you lend me a shirt", by that Act he wasn't allowed to do it. You know, because it wasn't his to give. And that's why they come and took grandfather's stuff.

MS McLEOD: So as well as controlling their personal property, their clothes and other  
25 items, there were other laws that affected them moving around?

JOHNNY LOVETT: Yeah, yeah.

MS McLEOD: So tell us about that experience.  
30

JOHNNY LOVETT: Look, I think - two of the laws, I think, that was most effectively used on Aboriginal people was the trespass law and the consorting law. Where, you know, Aboriginals were roaming from town to town to look for work, and if they took refuge behind a church or something like that - and it happened a bit - the police would grab them and  
35 charge them with vagrancy. And if they didn't have - I think it was a silver coin, a thruppence or something like that, in their possession, they would be hit with a vagrancy charge and put in jail for seven days. You know.

And these sort of laws. And then the consorting laws. And Aboriginal peoples were picking  
40 up convictions because sometimes the legal system that was supposed to be representing them was actually aiding and abetting convictions against them by saying, "If you don't plead guilty - if you plead guilty, you are going to get a lighter sentence" whether they were guilty or not guilty. So I think that - I think that, you know, legal service, Aboriginal Legal Service that was supposed to be representing them at the time, was giving them the wrong advice and  
45 they were actually talking up convictions against themselves.

And then the consorting law was that if you had a conviction you wasn't allowed to - so brothers couldn't be with brothers, and you lived in the same house. You know. So there were certainly things that were sort of manufactured out of - out of the want to control  
50 people, and laws were made to control us more than any other peoples in this country.

MS McLEOD: Just coming back to the deaths in custody, you have a story about your brother-in-law's brother who died in Echuca?

5 JOHNNY LOVETT: Yeah. And he died there. He was living in Moama. And he - police knocked on his door, said "You've got a \$10 fine for being drunk last week" or whatever. "We need to - you need to come down to the police station to cut it out. Cut the fine out." He said, "Okay, is it all right if I walk." They said yeah. Drove off, left him, down he went. They locked him up at half past 11, I think, and by half past 12 or something - half past  
10 1 - no, sorry, half past 2, they looked in on him, he was having problems, medical problems.

They took him to the - to the hospital and he died, over a \$10 fine being drunk. But when it was starting to happen, I even seen that law change a bit when it started to happen, and it hasn't changed that long ago, that law, where they - where being drunk is not a - an offence.  
15 And it was more because white fellas were getting drunk and playing up and they weren't getting arrested, but, you know, back in the day, if a black fella was drunk, it's different. You lock them up. But that law has been changed now. You know.

MS McLEOD: You spent some time at the Victorian Aboriginal Legal Service?  
20

JOHNNY LOVETT: Me?

MS McLEOD: Yes. As a field officer?

25 JOHNNY LOVETT: Yeah. I worked there for a little while.

MS McLEOD: So tell us about that work.

JOHNNY LOVETT: I was a Metropolitan field officer there for about six months on a  
30 temporary basis. And when people got arrested in Victoria, I was getting the first phone call, and it was such a - you know, sometimes I would walk into my sister's place - I was staying with her at the time - and I'd be walking in the door as they was walking out the door to go to work, you know. So there's that much pressure out there, you know, with Aboriginal people.

35 And I think when - Aboriginal people - Aboriginal families get a stigma of being always in the eyes of the police and things like that, then they are targeted all the time - all the time. Their kids get targeted, you know. The grandkids get targeted. And I think it's a continuation of like I was saying before. It just goes on and on. Generations of things happen to generations of people. I remember some of the cousins that first came here to  
40 Fitzroy when they left Lake Condah Mission and the mission was getting closed, they had nowhere to go.

They came down here and they were sleeping in doorways in empty boxes here in Fitzroy, you know. Or empty cars, broken down cars, you know. So - and it's a continuation, again,  
45 of generations of generations of suffering for the same thing, you know.

MS McLEOD: So you did something about that? With the hostel?

JOHNNY LOVETT: Sorry?  
50

MS McLEOD: With the hostel?

JOHNNY LOVETT: Yeah, the George Wright Hostel was up here in - in Gore Street run by a hostel - Aboriginal Hostels Limited. And I put in for the job there and got it. And at the  
5 time, the house - the two-storey house that we had was under renovations and had no electricity and all that sort of thing. And - so Aboriginal Hostels were just down in Smith Street. And I'd go down there and say, "You know, what's happening with the electricity" and all that. And, "It's coming, it's coming." Nearly every day I was in the city trying to get the electricity switched on.

10 They left me to try and sort of manage it the best way I could, so I had a builder in there and he was doing two jobs and I had to say to him, "Listen, mate, you're here under contract, if you don't finish this job by the time that contract's up, you're not getting paid."

15 MS McLEOD: Yes. Just pardon me, Uncle. I just wanted to check with Commissioner Atkinson if there was a question.

COMMISSIONER ATKINSON: Yes, thank you, Senior Counsel. I just wanted to go back to - you mentioned, before, Echuca.

20 JOHNNY LOVETT: Yes.

COMMISSIONER ATKINSON: And I know the person you were talking about, Harrison Day.

25 JOHNNY LOVETT: Yeah.

COMMISSIONER ATKINSON: I grew up with Harrison. I went to school with him and played footy. You know, he played with my -- he was a champion footballer. And I know of  
30 the incident that happened in Echuca, where he was locked up in jail and he was a death in custody, of course.

JOHNNY LOVETT: Yeah.

35 COMMISSIONER ATKINSON: One of the many deaths in custody that the Royal Commission has looked into. But I was wondering, was there an inquest or anything into the death or a finding?

40 JOHNNY LOVETT: There was a coroner's report. I read the coroner's report. Tommy, his brother, was married to my sister, of course. He had it. And he asked me to read it. So I read the coroner's report. He was also a good horseman, wasn't he?

COMMISSIONER ATKINSON: Yeah, he used to ride his horse and play for - - -

45 JOHNNY LOVETT: Yeah.

MS McLEOD: Did anything come from the coroner's report, Uncle?

50 JOHNNY LOVETT: No, not really. Yeah. Probably a mishap or whatever they call it, death by misadventure or something like that. Maybe. Yeah. There was nothing there that

sort of - look, not even the timeframe as what he was last checked on and all that sort of thing. Didn't seem to draw attention to anything, you know what I mean. Yeah.

5 MS McLEOD: So just so people understand, who are following this, what is it about separation - what is it about incarceration? Incarceration is difficult for everybody, but what is it that's particularly difficult about incarceration for First Peoples?

JOHNNY LOVETT: Sorry?

10 MS McLEOD: Incarceration is difficult for everyone.

JOHNNY LOVETT: Yes. Yes.

15 Ms McLEOD: But what is it that's so particularly difficult for First Nations peoples, being jailed?

JOHNNY LOVETT: I think - I think there's - there's a cultural aspect of it, as well as being sometimes not really sure of why you're being jailed, and the lack of representation by legal firms or Aboriginal Legal Services or whatever to really put the shoulder to the wheel, so to speak. And I think the cultural aspects earlier on with people earlier on, you know, in my age group and things like that, it became a spiritual thing as well, being isolated from the area, from your families, from your cultural area, you know. And being in places that, I know, was pretty foreign to people who had never been there before, I think is pretty daunting, yeah.

25 MS McLEOD: From your work as a field officer, did you find those - that phone call connection when people were arrested, was that helpful? Was it helping people?

JOHNNY LOVETT: I think it did for a while. I think it did for a while. And then I think - I think the ball was dropped and I was working for a community - what was it, PJ - justice committees - community justice panels, they were all over Victoria. And I think the ball was ended up - ended up getting dropped there, because I think the police itself really didn't care in the end. Not so long ago - probably about eight months ago - a nephew of mine was locked up in Hamilton Police Station. And he had been locked up for eight months - sorry, for eight hours before I found out he was in the lock-up.

35 And when I went to inquire to the police about it, the two arresting officers were on holidays and they - the Sergeant was going to speak to them when they came back and he wanted to just tell me, "Look, I've spoken to him, reprimanded him about it and it's all sorted." And I said, "Well, it's not all sorted. It happened -" you know, "Why do you think Aboriginal deaths in custody had a Royal Commission, you know, for the very things that just happened?"

45 So I think people - police are sort of dropping the - dropping the ball as well. You know. And, just the other day, actually. My wife and my niece were down at the lake having a coffee. There's a car next to them with the door open, two baby car seats in the back, and no one - no one to be seen. Rang the police twice, and they came and had a look at the car, shut the car door and said, "Yeah, it's all fixed now." So I rang the superintendent of police in Hamilton. I know him pretty well. I rang him and I said, "You know, what's going on?"

And he talked to my wife and that. And in the end he said, "Look," he said, "I will get on to this." And he rang one of the chiefs, and the other day the chief rang me back and talked to me about it. And I said, "You know, what worries me is this: Was it because two Aboriginal women reported that incident that the police took so long to get there? And when they did  
5 and they got there and there is two Aboriginal women there, they sort of just dismissed - closed the door and said the case is over, it's okay."

So little instances like that, you know what I mean, really, really makes you sort of - you know, sort of aware that, you know, things are not quite what they should be. So it turned out  
10 that the woman and the two kids were okay. My niece, who worked in Child Protection, she was concerned because there was two baby seats in the back of the car. There was a woman walking around near a lake with two kids. You don't know what state of mind she was in. You know. And the doors were open of the car.

15 So she must have been under a little bit of pressure to walk away with two kids and leave the door open. So, yeah, and the police weren't really that - that good with that issue. But I had had a talk with my - their senior, and he was going to look into it and he was going to get back to me.

20 MS McLEOD: Did he get back to you?

JOHNNY LOVETT: No, I've come down here. This only happened the other day. Yeah.

MS McLEOD: Recently. Right.

25 JOHNNY LOVETT: Yeah. So, you know, there's lots of little things that sort of go on, and you can see there is not that - you know, things aren't just quite where they should be.

MS McLEOD: After the Stolen Generations apology - well, sorry, go back a step. You were  
30 invited to Canberra for the apology?

JOHNNY LOVETT: I was, yeah.

MS McLEOD: Can you tell the Commissioners about that, going up?

35 JOHNNY LOVETT: Yeah. I was in Canberra and the Stolen Generation and me and Joey's father went up, and we sat in the - in the gallery. And there were that many people - I don't know if anyone here was there, but there was that many people in Sydney, and there was that many wearing red, black and yellow you didn't know who was Aboriginal and who wasn't.  
40 You know. It was just one big sea of red, black and yellow. And when Rudd delivered the Sorry speech, that atmosphere was so thick you could just about cut it with a knife.

And you could see the effect that it had on people, you know, that something is happening. Something is happening. And I seen some pretty tough men from different places, you know,  
45 and Aboriginal men, and they were sitting there crying and, you know, that really said something, because these guys - some of these guys I knew, I think they were made of iron, you know. And they were pretty tough. So they themselves were probably part of the Stolen Generation.

But then what happened? We waited five years and then nothing happened. You know. So we get so far and then when we think we're on a - on a roll, you know, the carpet is pulled out from underneath us, you know. And then we're back to sort of - back to being black.

5 MS McLEOD: You talked about the impact on some of the members of the Stolen Generation. What about the impact you saw on their families or the siblings who weren't taken away?

10 JOHNNY LOVETT: Yeah, pretty heavy. Pretty heavy. Because some of them - of those people died, you know. And yeah. It was pretty heavy. It - look, I don't think there was a dry eye anywhere out the front of Parliament House that day in Canberra by white or black people. They - I - you just - I think the only unity that I've ever seen like that was 1988, when they walked across the Sydney Harbour Bridge, you know. Yeah. So, I mean, you know, it seems to be the system that we're fighting all the time, you know. A system that can  
15 change things like that, if they want to. You know. But it seems to - they need to have - to be nearly begged to all the time to change it, you know. So - - -

MS McLEOD: Well, you've told us about a few of your fights to have things happen. Do you feel like you're empowered to make things happen? To change things?

20 JOHNNY LOVETT: Yeah, maybe - maybe. Maybe I do. Maybe I do. Maybe I'm fighting for me father and all these other things come into place around it. And I see things that I didn't probably see before, but when I look at it as a collective overview of what I'm trying to do - and, you know, the Letters Patent of Victoria says it all.

25 MS McLEOD: For this Commission?

JOHNNY LOVETT: Yes. You know, there is opportunities for change. You know. People can be brought to justice and questioned on this, that and whatever. The human rights of this  
30 country, you know, Australia was one of the first countries to sign off on the human rights. It was never enacted on my behalf or the Stolen Generations behalf or Aboriginal people's deaths in custody behalf. You know. So the things that they needed to change for the betterment of us is in place under the Letters Patent but no one has bothered to implement them.

35 MS McLEOD: Can I come back for a moment to country. And the native title and World Heritage listing. So tell us about Budj Bim.

40 JOHNNY LOVETT: Budj Bim, yeah. Well, there's a great history in - in our history of that area of what it was and who it was and all that sort of thing, and the stories connected to it. And there was a story that's a little bit similar to the Boandik as well. And it's - it talks about giants. And there was a giant at Budj Bim that was not too friendly with the Aboriginal men. And he was - he was killing them and eating them and things like that.

45 So the women asked him for a meeting and they said, "we will catch him, catch this giant now." So they had a meeting and they picked out the area where he was going to sit and they put all these snakes in that area. So they sat down there and they had the meeting with him and the snakes bit him and he died. So the women then dragged him from there down to the coast and floated him out to sea. And he became Julia Percy Island or Deen Maar.

50

MS McLEOD: Deen Maar.

JOHNNY LOVETT: Deen Maar. Yeah, so Deen Maar is the launching pad for our spirit to the dream time. Yeah, so that's the story that connects that to that.

5

MS McLEOD: Were you involved with the work, the native title work and the UNESCO listing for the area?

JOHNNY LOVETT: Yeah.

10

MS McLEOD: So tell us about The World Heritage listing first?

15 Yes, there's two parts to The World Heritage. There was, first of all, the National Heritage, which happened in ninety - sorry, '87. '87. I left Hostels here in Fitzroy, and I went to manage Lake Condah at that time. And then we actually got native - sorry, we actually got National Heritage at that time. So The World Heritage is a part of what was put in place back then, and it was about the fish traps and the stone houses and the way it was structured, and the fact that some of them buildings and the stone houses and the fish traps, that they were older than the pyramids and all that sort of thing.

20

So that's what's done that. Lake Condah back then, in the 80s, had fish traps. And summertime, it would be all dry. You could walk across it like this here, like the floor, you know. And you would see all the structures of the stone fish traps. So people would come back again in the winter to see them actually working. So they see them in two stages. And that was - that was the National Heritage to that place then. Because if you do that.

25

30 It's changed a little bit now because the weirs have been built and things like that, and sometimes the water doesn't recede for three or four years and you don't see that now. But it's a little bit of a pity really, because the attraction was to see it in the dry and in the wet, you know, and I had a school bus full of kids from Heywood and some of the pools, when it was drying up, fish were still getting caught in the pools, and we was picking up big fish and carting them to deeper pools and things like that.

35

And all these little, little kids were running around, all just, you know, really enjoying what they were doing, you know. It was an experience that they had that they'd never ever had before. Probably never ever have again. You know. So it was very important. It was very important part of the Lake Condah system. Ecosystem, you know.

40

MS McLEOD: Were the stone houses you mentioned also on lake - around Lake Condah?

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JOHNNY LOVETT: Yeah. Yeah, there's a lot of remnants now because people have run cattle on there and things like that, so cattle rub up against buildings and things like that and sort of destroy it. And so a lot of that sort of happened too. But, you know, I think that - that they can be sort of reconstructed, especially the fish traps. People sort of - they belong to families, you know, families had them and things like that. And they were built at all different - all different heights and things like that.

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But, you know, if a family had it and - I said to my family, come on, we will go down and sort of do some repairs on the fish trap and things like that, and you do that. But then again, the laws of what entitled you to do that under the laws of native title may be a little bit

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different. I don't know. You know. So we still don't sort of have the - maybe it's the prescribed body corporates that are in charge of doing that instead of families, like it used to be in traditional times.

5 MS McLEOD: Do you have access to those remnants of houses and eel traps or are they on private property?

JOHNNY LOVETT: No, we have access to them, yeah, yeah. We have access to them. But the only trouble is too, so does everyone else. So does everyone else. And in some cases  
10 now, we've found that there's wild pigs running around there because some of the shooters who love shooting pigs go up north and get the suckers, piglets, bring them back and release them in the bush, and they're doing the same with the deer. You know. So all of a sudden we've got vermin running all through the area.

15 MS McLEOD: I wanted to ask you about a case, a legal case that was bought to preserve relics in the 1980s by your cousin, Christina Saunders, and Sandra Onus, the Alcoa decision.

JOHNNY LOVETT: Yeah.

20 MS McLEOD: So can you tell the Commissioners about that case and what those women were fighting for?

JOHNNY LOVETT: Yeah, and Alcoa was established in Portland on the coast there and they started to do part of their buildings on Aboriginal cultural sites. So Sandra and Tina  
25 went through the High Court and put up a good battle and got a case - they won a case against Alcoa.

MS McLEOD: And the case confirmed that they had standing to object and protect the relics because of their connection to land?  
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JOHNNY LOVETT: Yes, exactly. Yes, Yes. So that was a great win for the Gunditjmarra people, but it was also a great win for all Aboriginal people. You know, it was, you know, anything today, I think, anywhere in Australia where an Aboriginal group or an Aboriginal clan or whatever is awarded justice for its heritage and continuing connection to country, I  
35 think it's a win for everyone.

MS McLEOD: That was the first case or one of the first cases that established the connection of Aboriginal people to their lands.

40 JOHNNY LOVETT: Yeah.

MS McLEOD: Long before Mabo.

JOHNNY LOVETT: Yeah.  
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MS McLEOD: And did those women have assistance in bringing that claim?

JOHNNY LOVETT: Yeah, yeah. And in the end they - there was a corporation formed and the state sort of got behind it. But some of the things I think that sort of happened was the  
50 state left it a little bit wanting for things to become better than what they could have been and

things like that, you know. Alcoa, I think, didn't really meet the requirement of what it should have. There was some positions for Aboriginal employment.

5 That was pretty sparingly - I don't know if there was ever any more than three people worked there, Aboriginal people worked there. And there was moneys that Alpayaya was supposed to - Alcoa, sorry, was supposed to pay to the Gunditjmara organisation, and I think the state ended up getting some of the - some of the not royalties, what do you call it - of the agreement that was made by Alcoa and the care of Deen Maar.

10 MS McLEOD: The state ended up with some of those?

JOHNNY LOVETT: Yeah. And I think in the end the state may have paid for the care of Deen Maar rather than the Alcoa paying it, so I think there was a little bit of that, you know.

15 MS McLEOD: Could I ask you to reflect on that issue of companies using resources and what you would say the local people, the First Nations people, are entitled to out of those - that use of resources from the land and the sea?

20 JOHNNY LOVETT: Yeah, well, you know, I think - I think we have sort of been hoodwinked a little bit here in the state of Victoria, when you look at other places around Australia where mining has taken place and royalties is paid to Aboriginal communities for works being done on their land and things like that. And I think the concept of it may be that people seem to think that you have to have a mining issue going on to receive royalties. And they think that royalties - only royalties come from mining. That's the only way you can get a  
25 royalty.

30 But I don't believe that people - you know, have explored the possibility, well, outside of mining, there is other financial things that are going on in your country that you can benefit by and you have a right to benefit by because the country is still yours. And I don't know that we have - we have had a fair sort of hand in - in anyone coming and sort of giving us the opportunities to go there with royalties and things like that for use of the land. Yeah, and as I said, you know, people think that the only way you can get royalties is if you're mining and there's no mines here, so to speak, you know. They are all up the top end.

35 MS McLEOD: I want to just ask you about the native title claim. So it's known as Lovett on behalf of the Gunditjmara People v the State of Victoria. So did you have a role in that, your family have a role in that?

40 JOHNNY LOVETT: Yeah, it was me, yeah, that had a role. Yes.

MS McLEOD: So tell us about that native title claim.

45 JOHNNY LOVETT: Well, it sort of - the native title claim was going on, and we sort of knew about it. And what sort of happened was there wasn't a lot sort of going on in the areas of trying to get native title to anywhere. So there was a stipulation of time when you - I had to apply in such a time or otherwise it wasn't going to happen. So there was five of us that sort of got together and started the ball rolling and we went and had a look at - and what we could do and so we filed for native title.

And we sort of put a blanket claim right across the south-west, and we done it for the purpose of we only had a specific time whether it has to get - when to get the title application in. And there was a little bit of concern by other groups who said, "You know, you put native title on our country." And we sort of said, "Well, you know, the answer to that is if we can get the cake and cut it up, it's better than you getting the crumbs, isn't it?"

MS McLEOD: And did that process work well for you?

JOHNNY LOVETT: Well, I think it did. I think it did. I think there were some grey areas of concern and section B, I think, in the Gunditjmara native title where there was the Eastern Maar and Gunditjmara, there was a little bit of an issue there. And I think it wasn't such a big issue as people thought it would be or was. I think, traditionally, it was a shared area by the two peoples, Eastern Maar and Gunditjmara, and I think that could have been as simple as that. You know, and agreements on that could have been as simple as that.

I had never disputed the Eastern Maar side of that section B ever, you know. And it's only later on when things sort of got going with native title there was a bit of a hiccup between the two. But other than that, I think native titles have done some of what it was set out to do. I don't think it's done all of it. I think, you know, native title to me sort of says that - I don't know. I don't know. Where you have land and you have no one living on it, and where native title is a place where people can come home and establish their connection to country and actually live there. And that, I see, hasn't happened. And - - -

MS McLEOD: So that requirement of having to prove the connection to the country, has that caused problems in some cases?

JOHNNY LOVETT: Well, I suppose when you think that - I was a little bit confused when we sort of applied that, why did we have to prove connection of country from 1788 to current day when we've been a - recognised as a peoples for 60,000 years and our artwork is in ranges and, you know, is found all over the place. The fish traps, the stone houses. And certainly pre-dates 1788. So I couldn't understand the - that timeframe of 1788 through to current day.

And I - and, of course, the fact that we had true connection to country when there was tribes all round each other who could verify, point the finger at each other and say, "He existed, he existed, he existed and he existed" before white settlement, you know. And I can't understand why that method wasn't used.

MS McLEOD: Just in terms of the outcome, there was native title recognised in over 1,400 square kilometres of land - - -

JOHNNY LOVETT: Yeah.

MS McLEOD: - - - in that case. And are you able to go on that - all of those lands?

JOHNNY LOVETT: I personally - I'm quite comfortable in lands that I know that - that is very closely connected to me. I don't go on other people's lands, if it was another clan. I still believe that today. I don't go there or I don't interfere there. So, you know, when you get an allocation of land and just anyone, as long as they're Gunditjmara or whatever, can go there, I mean, when the determination was given at Mount Eccles, as it was then, by Justice North,

there was 600 people there. And some of the families that were there hadn't set foot on that area in 100 years, you know.

5 So I think there was a - there could have been a better sort of - how do you say it - you can be associated to country by birth and, like I said yesterday, just because you're born on country doesn't mean to say you belong to country. So I think there needed to be a little bit better things happening there. And, I mean, how and then you look at - you look at the Yorta Yorta and how does the time wash away the signs of history? How does time wash that away?  
10 People be denied of their lands because a system that's not familiar with us - or we're not familiar with it - makes a ruling that time has deleted your connection to this country.

MS McLEOD: Thank you, Uncle Johnny, is that a good time for a break? We will just have a very quick break, if we may. Just five minutes.

15 **ADJOURNED 2:59 PM UNTIL FRIDAY, 28 APRIL 2022 AT 10AM**