



## OUTLINE OF EXPECTED EVIDENCE OF AUNTY JILL GALLAGHER

### MARCH HEARINGS 2024 (LAND INJUSTICE)

28 MARCH 2024

#### I BACKGROUND

1. My name is Jill Gallagher.
2. I am a Gunditjmara woman and I was born in 1955. I grew up all over Kurnai/Gunnai Country and Fitzroy. My mum was a single mum, and later in my life I became a single mum too.
3. I am the Chief Executive Officer of the Victorian Aboriginal Community Controlled Health Organisation (**VACCHO**). VACCHO has made a submission on land injustice to the Commission, as well as a submission on the criminal justice and child protection systems, and a submission on Health and Healthcare, Housing and Homelessness, and Education.
4. Before starting at VACCHO, I worked at the Museum of Victoria and in the heritage branch of the Ministry of Aboriginal Affairs (Victoria). I am also the former Treaty Advancement Commissioner.

#### II PRE-CONTACT

5. Our ancestors walked this land when there was a land bridge to Tasmania, they hunted Megafauna, and they witnessed volcanoes erupting.
6. Aboriginal People cared for this land for 65,000 plus years and we had our own ways of Knowing Being and Doing. We had our own Lore people (lawyers), we had our own social structures, and we had our own Elders/Knowledge Keepers (Leaders).
7. We also spoke our many languages fluently. We farmed the lands with aquaculture, harvesting seeds and fire farming.
8. We had our own Healers (doctors), our medicines, and we cared for our communities. When I worked with the Museum of Victoria and the Victorian Archaeological Survey, I discovered so much about the forbidden stories our ancestors were not allowed to pass on.
9. There was an Aboriginal burial found on the coast of Warrnambool on private land. We got a report from the policy that human skeletal remains were being trodden on by cows.
10. We attended the property, but the farmer would not let us on his land and we had no rights to enter. The neighbouring landowner let us down his property, and we could see from the fence that the cows were destroying the burial. The first farmer then decided to let us on his property to investigate the burial when we assured him we were not after his land.
11. It was decided that we could not leave the burial at this site, so we conducted a salvage excavation to protect the burial. The local Aboriginal leadership at the time (before the Traditional Owners

Settlement Act) supported this action. We also got as much information as we could for the community.

12. This burial was an Aboriginal man, and he was buried well before white people came to our lands. This man would have been in his 70's or 80's when he died. He also had grave goods buried with him, such as a kangaroo bone awl to keep his cloak on (the cloak did not survive), and a medicine bag that was placed on his tail bone/coccyx.
13. As it turns out, this man lived to a ripe old age in a traditional Aboriginal society with a severe case of spina bifida, which meant that he could not walk, hunt or look after himself. But his mob cared for him which enabled him to live a long life.
14. Another story I remember from my time at the Museum of Victoria is that once I saw a skull of an Aboriginal person and there was a hole on the top of the skull. I immediately thought it was a bullet hole but a scientist told me it was not. It was where an operation was performed on this person, I assume by his own Healers, as he apparently had pressure build up on his brain and they had to relieve it. They lifted his scalp and then with a stone tool they grinded a hole in his head to relieve the pressure. He lived after that.
15. It's important to know about these stories so we know what life was like before colonisation.

### **III COLONISATION 1788-2024**

16. Then there was the tide of history that swept British colonialism on to Port Phillip's sandy beaches. It was brutal and it was very quick. Those who survived bore the brunt of colonial expansion and the cultural arrogance and racism that accompanied it.
17. There was a wave of massacres, our lands were stolen, our culture was suppressed, our languages were forbidden, our women raped and our families were torn apart.
18. Our traditional Clan Structures were also impacted on in a big way, and that is why it was extremely difficult when I had to design a structure for the First Peoples' Assembly of Victoria. But I am very excited to see another group have just been added to the structure after all these years.
19. By the late 1860s, the Aboriginal population had been decimated and there were only about 2000 Aboriginal people alive in Victoria.
20. We were not allowed to own Land as our people were not seen as human beings. Instead we were being slaughtered.

### **IV MISSIONS**

21. Then there was the Mission era where our people were rounded up and put on Missions/Reserves and it was during these times that our people were forbidden to practise our cultures and speak our language.
22. If you wanted to leave the Mission you needed a permission to do so, by way of a Permit system. Our people were totally controlled by Government. Every inch of their life was controlled.

23. The Board of Protection ruled everything, including whether we lived and if we could own a home or not, and if we could see our children or not.
24. I would like to share with you letters from the publication “Letters from Aboriginal Women of Victoria, 1867 – 1926”. In reading these letters you can hear the despair in their words, you can hear the lack of Hope in their voices. Extracts of these letters are at **Attachment 1**.

## V ABORIGINAL ORGANISATIONS 1935 TO CURRENT

### *Black Political Movement*

25. Then in Victoria and Nationally we had a movement of political activism for the advancement of our people. With Aboriginal Leaders from all over the country fighting for our rights.
26. I set out below a chronology of some key events:
- 1938: Day of Mourning held by the Aborigines League (established in 1932) and the Aborigines Progressive Association (established in 1937). It is the first major protest by Indigenous people. The manifesto “Aborigines Claim Citizen Rights” and the newspaper “Abo Call” are published.
  - 1962: All Indigenous people are given the vote in Commonwealth elections.
  - 1967: Referendum held – 90.7% of Australians vote YES to count Indigenous Australians in the census.
  - 1971: Neville Bonner becomes the first Indigenous member of Parliament when he filled a casual Senate vacancy.
  - 1972: Tent Embassy established outside Parliament House. It adopts the Indigenous flag.
  - 1985: Uluru handed back to Traditional Owners.
  - 1992: Mabo decision by the High Court overturns *terra nullius* and rules that native title exists over unalienated Crown land, national parks and reserves.
  - 1993: *Native Title Act 1993* (Cth).
27. The Aboriginal Advancement League (**AAL**) was the very first Aboriginal organisation in Victoria. In 1957, the AAL was established by Sir Pastor Doug Nicholls, Doris Blackburn, Stan Davey and Gordon Bryant in response to the plight of the Aboriginal people in the Warburton Ranges. This was about the Great Central Reserve and the Warburton Ranges Mission, so when Sir Pastor Doug Nicholls reactivated his protests about the plight of the WA Aboriginal people and lobbied against it.
28. The AAL’s initial objectives were to achieve citizenship rights for Aborigines throughout the Commonwealth. We accomplished this in 1967, so I was nearly 12 years old before I was counted as a human being in my own country. My Mum was over 40 years old.

### **ACCOs**

29. Then there was a movement to up Aboriginal Community Controlled Organisations to serve our Communities. In 1973, the Victorian Aboriginal Health Service was established so that our people could get access to basic health services.

30. Then, due to the overwhelming need of our Peoples, other Aboriginal Community Controlled Health Organisations popped up throughout Victoria.
31. The Victorian Aboriginal Community was hit the hardest during colonisation and the level of brutality that was thrown at our mobs was extreme. Some of our clan structures were destroyed and a great deal of our People were disconnected from Culture and Language. The Co-ops became our connection to each other – they helped mobs find their way back to Country. The Co-ops made us visible in the landscape. They were more than just health services though, they provided places for us to come together.

### ***Camp Jungai***

32. Camp Jungai was (and still is) a very important place to all Aboriginal people in Victoria, as it was a place where we gathered, it was a place where our children learnt about being Aboriginal, it was a place where Elders taught our youth about Culture, and it was a place where very important business was conducted. Camp Jungai was started at Lake Tyers, hence the boat shed that was relocated from Tyers to the new site in the Rubicon Valley
33. We believe if we as a People are strong in Culture, we will have thriving communities. Our Aboriginality is intrinsic to our identity, essential to our communities and part of our world. Our Peoples' identities are an important source of strength, and this forms our ways of working and our integrity.
34. Camp Jungai provided a safe place for Aboriginal people to gather and to practice our culture.
35. After colonization, we didn't have any safe places. We weren't allowed into towns. We weren't welcome in the cities. We wouldn't be served in shops. It wasn't safe to be an Aboriginal person anywhere – Camp Jungai gave us that safe place.
36. Photos of a recent gathering at Camp Jungai are at **Attachment 2**.

## **VI LEGISLATION**

### ***Heritage Protection and Legislation***

37. Victoria has a rich and diverse Aboriginal cultural heritage, providing an ongoing link for contemporary Aboriginal people with our culture and our past. Cultural places and objects are of great interest and significance to Aboriginal people, and form an important part of the piecing the story together and the continuation of our stories.
38. The *Archaeological and Aboriginal Relics Preservation Act 1972* (Vic) was among the first legislation in Australia to provide protection for Aboriginal cultural heritage. Except for human remains buried after 1834, this Act provides 'blanket' or automatic protection for all Aboriginal 'relics' (including sites, artefacts and human remains) relating to the Aboriginal occupation of Victoria, both before and after European settlement.
39. In 1987, at the request of the Victorian Government, the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) was amended to provide specific protection for Aboriginal cultural heritage in Victoria. These amendments formed Part IIA of the Commonwealth Act.

40. The Co-ops also had heritage responsibilities as out in Part IIA of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) but when the *Traditional Owner Settlement Act 2010* (Vic), came into play the Traditional Owners then took on this responsibility.

***The Traditional Owner Settlement Act***

41. This Act is very important because it recognises our Mobs as Traditional Owners of the land we have cared for and lived on for over 60,000 years. Its gives us certain rights over Crown land – land that shouldn't have been taken from us in the first place.
42. It can give us the right to have freehold title and to manage land jointly with the state.
43. It's not perfect, there are many problems, but it recognises our rights to land and to have a say in what happens on them. We must support our Traditional Owner groups, resourcing them properly to play their fullest part in managing this land. If they are to be partners of the State, they must be resourced to be an equal partner.

**VII MY STORY**

44. My Mother and my grandmother could not own land, and the only source of employment they could get was in the flax mill or seasonal picking. Their education attainment was primary school level, so the struggles they faced as Aboriginal Women was enormous. My mother couldn't tell me about her culture, because her mother was not able to pass on her culture to her.
- She could not pass on how to dance and why.
  - She could not pass onto me our knowledge of bush medicines.
  - She could not pass onto me how to birth on Country.
  - She could not pass onto me their knowledge of our family connections to other clans.
  - She could not pass on Basket Weaving.
45. As stated earlier, it was forbidden to pass on our knowledge and our Language. I remember my Mum telling me how Aunty Connie Hart use to sneak around to teach the other women on the mission to traditionally basket weave and if she got caught, she would lose her rations.
46. Growing up with my Mum and my brothers and sister, it was a hard life for all, and my mum had 6 of her 10 children taken off her and raised in out of home care. The rest of us grew up all over Victoria travelling to follow the seasonal picking. This was mainly in Kurnai/Gunnai Country (Gippsland). As a result I attended 19 primary schools.
47. I've written a poem which I would like to read out at the moment.

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## DOCUMENTS & MATERIAL ACCOMPANYING OUTLINE

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**Attachment 1:** Extract from the Publication 'Letters from Aboriginal Women of Victoria, 1867 – 1926'.

**Attachment 2:** Photos from Camp Jungai.

## Attachment 1      Extract from the Publication 'Letters from Aboriginal Women of Victoria, 1867 – 1926'

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### **Eliza Saunders**

Eliza's son Chris enlisted in the AIF in 1915. She received his military allotment during the time he was on service.

*Eliza Saunders, Lake Condah, to Secretary, BPA, 29 August, 1917<sup>284</sup>*

Sir

I write to ask you to grant me the favor of continued rations as I am buying a nice new to roomed cottage and three quarter acre of land[,] fenced secure with paling[,] new large tank and lovely stove for £50 cash as my only son and only single child has been serving his countrys good since May 1915. and I have received £1-8-0 weekly and

have saved it for my long looked for wish a home of our own if he is spared and if not I have secured the service of a grown girl to live with me and it is having to feed a second person that I will be very greatful to you if you continue allowing me one adult ration and I also wish much to thank you deeply for your great goodness to me for years. I feel a sadness leaving the station but a woman does love her own little home and gentlemen in Heywood says I have a great bargain and I have the money ready. I wait for your reply[;] can I leave the station[;] I also have one ration[;] please reply very soon as the deeds are waiting to be transferred[;] my next door neighbour is selling me the house[;] it is lovely land for vegetables growing[;] I have fowls also, I want to go end of September[;] the girl is with me now ready to go with me now[.] I must not for get Mr & Mrs Galbraith kindness to me during the last too years and half[.] She has been a great comfort to me she have shared my trouble & I shall miss her very much both her & Mr Galbraith[;] they are always ready to help those on the mission & those who are off if they call on them sick

So I must close hoping  
to hear from you soon  
your most humble servant

Eliza Saunders age 64

The BPA Secretary advised the manager at Lake Condah that Mrs Saunders should remain on the station until her son returned and then he could make arrangements for her accommodation outside if he so desired. In January 1918 the Board informed Mr Galbraith that Eliza's rations were to cease at the end of the month in view of the fact that she was receiving military pay. Mr Galbraith advised the Board to send Eliza to a Benevolent Institution because she was crippled and there was no one to attend to her properly on the station. The Board made enquiries and informed Mr Galbraith in February that the asylum at Cheltenham was willing to take Eliza. Galbraith reported that Eliza 'declined the offer & wishes to go back to her native land'.

### **Rose Kennedy**

*Rose Kennedy, Ebenezer, to Captain Page, Secretary, BPA,  
4 August, 1884<sup>260</sup>*

Dear Sir

Please would you kindly inform me how stands the affair about at house that was left to me by my Aunt & Uncle that are both dead[.] I was told that it is not mine & the house was given over to me by a written will, Mr Spieseke wrote out the will, witnessed & signed by Miss Amelia Gregory & myself before my Aunt die.

The house was built by my Uncle when the first missionaries were here[;] when the house was built & finished the missionaries made them understand that the house was their own & when they die it was to be for their children after them (the same as white people) & they had no children & Rebecca being my own Aunt she gave the house & now it is taken from me & give to another.

When I got married I went away with my husband to where he was working for four years & left the house in my father's care, & he got mad & was sent to Ararat Ayslum & when he came back he was very unsettled, but we always got someone to live in it while we where away & when I came back my stepmother was living in it, then she died & it was empty for a while. Then Albert Coombs got married & was given then to him & when I asked to look out for another place as I wanted the place for my old father to stay in but he told me it does not belong to me it belongs to the government. Please to tell me the particulars & when your answer this please to sent it back to me & not to Mr Kramer & I will show it to Mr Kramer. I do not complain of Mr Kramer. Please do not disappoint me by sending it to Mr Kramer.

I am yours obedient  
servant

Rose Kennedy

On receipt of Rose's letter Captain Page asked Rev. Kramer, the missionary at Ebenezer, to give him some details on the matter:

*Rev. Kramer, Ebenezer, to Captain Page, Secretary, BPA,  
12 August, 1884<sup>261</sup>*

Dear Captain Page

Re Rose Kennedy's hut I beg to say that I have had no end of trouble and annoyance owing to the fact that some of these huts are claimed by the blacks as their property which they can do with what they like...In 1875, I think, I wrote to the Board about this matter when I was instructed to tell the Blacks that the huts, standing on station ground were station property. I wish you would help me to get this point settled once and for all by informing Rose to the same effect.

No doubt, when the houses were built they were intended for particular blacks, but the following facts should not be forgotten. [he went on to say that the mission buildings had been built with materials, labour, and rations supplied by the Board]...So that you see, Rose's claim, if she has any at all, is reduced to a minimum.

It appears that Rose continued to live in a tent.



**Jemima Dunnolly**

*Jemima Dunolly, Coranderrk, to Secretary, BPA, January, 1912<sup>277</sup>*

Sir

I have the honour to apply through you for a block of land contained on the last side of the Coranderrk Reserve along the Boggy Creek Road. I have been a resident of Coranderrk for the last 40 years and as reports of former managers will show my character will bear the closest scrutiny[.] My late husband (Mr R. Wandin Senr) was until the time of his death one of the main stays of the late manager Mr J. Shaw and I am of the opinion now that I would like a home of my own with the help of the Board for Protection of Aborigines for which I think I am now justly entitled to. I have daughters rising into womanhood now & these I would like to be a little more under my control for when on the station when they go out to service it is the last control of mothers lost, for as you know that they are rarely allowed back again even for a holiday. For the sake of my girls I would like a home of my own & if the government would see their way clear to giving me a home I would feel greatly indebted for the favour & 3 years rations and clothing[.] Thanking you in anticipation

I would like 50 acres  
to make a living  
as well

I am  
yours respectfully  
Mrs T Dunolly

Mr Robarts advocated that the Board grant the Dunollys the use of 20 acres of land, rations for one year, and a cow. Tom Dunolly would build his own house. The Board rejected this idea, suggesting that the Dunollys ascertain whether there was any other land available in the district.

*Mr & Mrs Dunolly, Coranderrk, to Secretary, BPA, 4 March, 1912<sup>278</sup>*

Sir

We have made inquiries & a look around for some land but cannot find any so we have to give up all hopes and have to be contented where we are.

We remain  
your Obedient Servants  
Mr & Mrs Dunolly

Attachment 2      Photos from Camp Jungai Mob Gathering November 2023





