

# Power and the Passion

**Our Ancestors Return Home**



Shannon Faulkhead  
Jim Berg

## This is my journey

JIM BERG

A journey that would not have been possible without the support and understanding of my Soulmate Kylie Mim Berg.

I also acknowledge the hundred per cent support of the past and present Board Members and Staff of the Koorie Heritage Trust Inc., and the support of the Staff and Directors of the Victorian Aboriginal Legal Service, who over the past 33 years have supported me in my passion to 'Bridge the Cultural Gap' between all cultures.

My name is Jim Berg. I am a Gunditjmara man and my Country is in the Western District of Victoria.

My tribal home is at Framlingham Mission, which sits beside the Hopkins River. Our cemetery at Fram is a very special place to me. There are sweeping views across the river and paddocks and houses. On one side it is enclosed by our forest, and on the other side there is a drop of about 200 metres straight down to the bluestone bed of the Hopkins River.

Just to the right is the remains of a very ancient riverbed, which has formed an island which we call 'The Basin'. Further to the left, just over the hill, is a volcanic lake. When we were kids we used to remove the cattle water trough, which was long enough to hold two or three of us, and we would paddle out into the lake to hunt swans and their eggs. We made sure that the farmer wasn't about when we removed the trough and when we put it back again.

When you visit our cemetery you might be lucky enough to see the two huge wedge-tailed eagles gliding around the edge of the bush. One day we saw them with their family of two little ones. It is also quite common to see a pair of mountain ducks doing a fly-pass of the cemetery, as well as koalas sitting in the gum trees watching the activities below them.

I have often been asked why I feel so passionate about the return of the remains of Our People back to their homeland for reburial.

I guess that my journey started when I was about three years old. At this time, most of the Koories from the Western District were living in Fitzroy.



like to be like my Grandfather, Uncles and some of my Cousins – a woodcutter.”

When I left school I did become a woodcutter, and a fencer and post-splitter, amongst other things too. Life was great working in the bush with the men who knew their trade with an axe. When splitting posts, the axe would be six inches (15 centimetres) from your face – one mistake and you would get a splitting headache! I worked in many other jobs as well, always using my hands. It meant that I was behind the eight ball when I started working as the Field Officer with the Victorian Aboriginal Legal Service, when it came to writing the written word. But I was very lucky to have around me at this time some of the best legal brains in the country, such as Ron Merkel, Ron Castan, Professor Louie Waller, Gareth Evans, John Schuster and also Elders such as Stewart Murray and Dan Atkinson. They took care of all the paperwork and we made sure that, when we employed other staff, they had some education and qualifications that was required for their positions, such as typist, receptionist and bookkeeper. We developed a team that supported each other in the delivery of legal assistance to our community throughout Victoria.

Not long after I started work at the Victorian Aboriginal Legal Service, a young Koorie lass was burned to death in a house fire in St Kilda. Her family at Balranald in New South Wales wanted her to be buried in her own Country, amongst her Ancestors.

They made contact with the Victorian Aboriginal Health Service in Fitzroy, and asked for assistance to transport her back home. At that time the Victorian Aboriginal Health Service did not have a station wagon. The Victorian Aboriginal Legal Service was the only Koorie organisation in Melbourne that had a station wagon which was long enough to carry a coffin. The Victorian Aboriginal Legal Service was willing to loan the station wagon to the Aboriginal Health Service, but there was just one problem – there were no volunteers from the staff of the Aboriginal Health Service who were willing to drive the long journey back to Balranald.

This is how I started taking Our People back home.

That first time, I remember stopping off at Swan Hill where I picked up a family member of the deceased, and we arrived at the funeral parlour in Balranald at about 2 in the morning. Twenty years later when I was talking to Jean, a cousin of mine from Balranald, I asked if she knew the young Koorie lass who had been burned to death. Jean told me that she had known her, and that she had been related to me on my Grandmother Mary Clarke's (née Edwards) side of the family.

I took a young South Australian Koorie man named Ken, who came to Victoria when he was quite young and was lost in the Victorian legal system,



back home to Country too. Ken was about 18 years old when I first met him in prison, and I saw him quite often as he lived near the Victorian Aboriginal Legal Service in Gertrude Street, Fitzroy.

When Ken was released from prison he would drop in for a coffee and chin chat about home Country. Ken committed another crime and he was sentenced to serve time at the Castlemaine Prison (now Loddon Prison). Ken and his friend were glue sniffers. One day the prison staff found them both unconscious after they had been sniffing glue. The prison staff were only able to revive Ken's friend. The prison staff could not revive Ken.

I took Ken back to Adelaide and we arrived at the undertakers at about 1 in the morning. I remember the undertaker's staff inviting me to take part in an embalming session that was taking place at the time. I declined the offer and drove straight back to Melbourne. Ken's journey continued on to Port Augusta where he was met by Family, and taken back to his Country for burial.

Mr Fitzgerald was a very gentle man. He was a member of the Parkie mob. There were usually about eight 'Parkies' in the parks of Fitzroy. On many occasions I was accused of spending more time with the Parkies than I did in the office! We used to sit in the gutter or lean against the wall of the Builders Arms Hotel in Fitzroy. We would often share a loaf of bread, and jars of pickled onions and gherkins, with tins of camp pie and soft drinks. Sometimes the Fitzroy Police would drive past and just shake their heads as we fed our faces! When Mr Fitzgerald died I drove him back to his Country at Lake Cargelligo in New South Wales to be buried.

Then there was Bert, a friend. We played football for the same side and we were mostly beaten, sometimes by up to 20 goals. The other sides always looked forward to playing against us! When Bert died in his late twenties, I took him back to his Country and he was buried at Shepparton. I attended Bert's funeral service, and I had the honour of being one of the pallbearers with football players from the teams we had played against.

I took a baby that was only several months old back home to Country in Echuca. I also took some other people who I did not know back home to Country to be buried at Portland and Bairnsdale.

I used to buy the coffins through the Victorian Aboriginal Legal Service, from a coffin factory in Yarraville. I remember the wholesale price of the coffins was about \$76.

I laid some of my People to rest in their coffins when I had to collect them from the city morgue or from a hospital morgue. I also had to identify some of my People at the city morgue. All together I took eight of my People home to their Country, to rest in peace.

When I took Bert home the journey was in daylight. For all of the others,

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the journey was after work, in the late evening, or late into the night. I would then turn around and drive straight back to Melbourne. Of the eight I took home to Country, Bert's was the only one whose funeral I attended. On the journeys I used to think about the people that were with me on their final journey back home to Country. It would be true to say that I shed many a tear on these journeys.

I remember once when I was on a visit to Bairnsdale, I was having a chin chat with Aunty Rachel Mullett in the carpark of the Bairnsdale Aboriginal Co-op. We heard a bird call out in the gum tree that we were standing under and then a rustling of gum leaves. When we looked up we saw an owl flying across the driveway. I looked at Aunty Rachel as a chill passed through my body. I said: 'The owl is my totem, and down in my Country it means that there is going to be a death.' Aunty Rachel replied: 'You will be all right my brother.' I wasn't too sure of that, so I drove between 5 and 10 km below the speed limit, all the way back to Melbourne.

On another long journey, on a straight flat road late at night, I suddenly felt chilled all over. I saw myself driving down a hill into a dark tunnel, and I felt the presence of a person sitting beside me. I looked to my left and saw the outline of a person covered in a black shroud. Was Death stalking me? This is a question that I could never answer.

Soon after this, the Victorian Aboriginal Health Service started the Aboriginal Funeral Service, and so my involvement in taking people back home to Country ended for the time being. But in 1984, I started to work with a passion for the return of the Skeletal Remains of our Ancestors, back to Country for reburial.

I always feel emotional and tearful when I'm asked questions about the Skeletal Remains of our Ancestors without warning. The sight of Skeletal Remains of Our Ancestors still gives me a chill throughout my body, into my inner soul.

I often wonder, did I do enough ...?

I want to write the story of my journey in returning some of the Skeletal Remains of our Ancestors back to their tribal homeland for reburial. It might give me some form of healing to my inner-soul, and give me some peace of mind.

Or do I wait until the time when


*My Spiritual Mother the Land enters my soul  
And cleanses my body of pain*



### Let the Journey Begin

Form A  
Victoria

Archaeological and Aboriginal Relics Preservation Act 1972  
**ARCHAEOLOGICAL AND ABORIGINAL RELICS PRESERVATION  
REGULATIONS 1973**



The bearer, **J.R. BERG**  
has been appointed an Inspector  
pursuant to the provisions of the  
Archaeological and Aboriginal  
Relics Preservation Act 1972.  
Dated at Melbourne 14/6/84

Signed [Signature]  
Minister [Redacted]  
Inspector [Redacted]

Inspector, Jim Berg.

Koorie Heritage Trust Inc. Collection

In 1983 I was still working for the Victorian Aboriginal Legal Service, but as the Chief Executive Officer.

At this time I was also an Inspector under the Victorian *Archaeological and Aboriginal Relics Preservation Act 1972* and the deputy Chairperson of the Advisory Committee for the Victorian *Archaeological and Aboriginal Relics Preservation Act 1972*. This Act of Parliament was responsible for the care and protection and preservation of Aboriginal Cultural Material in Victoria.

In October 1983 I learnt that Leonard Joel's Auctioneers were arranging an auction of Aboriginal artefacts including ceremonial stones, clay mourning caps and wooden tools, without seeking permission from David Jenkins, the Secretary for the Department of Planning and Environment.

I knew that under the *Victorian Archaeological and Aboriginal Relics Preservation Act 1972* it was illegal to sell the Aboriginal artefacts<sup>31</sup> without first seeking permission from the Secretary of the Department of Planning and Environment.

When I learnt that Joel's didn't have permission to sell the artefacts, I visited Joel's auction rooms with John Evans and other members of staff from the Victoria Archaeological Survey'. I issued an injunction to a very surprised member of Joel's staff, and we impounded the artefacts. The ABC TV news reporters surprised us as we were cataloguing the artefacts, and they interviewed Joel's staff, John and then me for a segment in the nightly news report. I am still not sure who contacted the reporters.

We gave Joel's a receipt for the impounded artefacts, and then we removed them from the auction rooms to the Sheriff's Office in the city. I then contacted the Advisory Committee for the Victoria Archaeological Survey (which reported

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to the Secretary and the Minister responsible for the *Act*) and asked them to recommend that Joel's be prosecuted for breaching the *Act*. I was told that the matter was in the hands of the Attorney General as advice was needed about what legal action could be taken against Joel's.

I made many phone calls, and spoke to staff at the Victoria Archaeological Survey and to the members of our Advisory committee who were responsible for the administration of the *Act*. I was really concerned about the delay regarding the court case. I was often told that I "should know how slow Governments are" and that "the advice should be available soon" and that I "should be patient".

I believed that there would be no problems, and a court case against Joel's would be straightforward. They clearly had not complied with the *Act*.

Boy! Was I naïve! I was in for a big surprise when the legal advice finally arrived. It found that Joel's had breached the Victorian *Archaeological and Aboriginal Relics Preservation Act 1972*, but it also recommended that no legal action should be taken against Joel's!

The decision not to take legal action against Joel's was based on the fact that the Attorney General's Office had prosecuted one antique dealer twice and another antique dealer once, but they had lost all three court cases. They were not prepared to prosecute again knowing the results would be the same.

I then believed the Government was more naïve than me if they thought that I would accept their defeatist attitude!

They may not have realised that I had *The Power* via my position as Chief Executive Officer of the Victorian Aboriginal Legal Service, and in being an Inspector and the Deputy Chairperson of the Victorian Archaeological Relics Committee under the *Act*. But they certainly did not realise I had *The Passion* to take legal action against the State Government.

It was on the day that we were holding the Annual General Meeting (AGM) of the Victorian Aboriginal Legal Service that I received the information that Joel's were not going to be prosecuted.

I was able to speak to the members at the AGM and to gain their support for sending a telegram to the Attorney General, saying that I would appreciate him changing his mind about not prosecuting Joel's - I sent the telegram between 10.30 am and 11 am. In the telegram I asked to receive his response by noon! I also said that if I didn't receive a favourable response by noon, on the same day, then I as the Chief Executive Office of the Victorian Aboriginal Legal Service, Inspector under the Victorian *Archaeological and Aboriginal Relics Preservation Act 1972*, and Deputy Chairperson of the *Act's* Advisory Committee, would take civil action against the State Labor Government for not fulfilling its legal obligations and responsibilities in the protection and preservation of



Aboriginal Relics in Victoria, under the Victorian *Archaeological and Aboriginal Relics Preservation Act 1972*.

Just before noon I received the Attorney General's reply. It gave me permission to take legal action against Joel's. I was also granted permission to appoint my own legal team for the case, and the State Government would pay all of the legal costs for the case.

The legal team I chose consisted of Ron Merkel QC and Ron Castan QC. They were barristers who were very highly respected both in the legal profession and in the Koorie community as well. We had worked closely together for more than ten years as they had both been foundation members of the Victorian Aboriginal Legal Service. Later, in 1985, they both also became foundation members of the Koorie Heritage Trust Inc. Over the years the 'Two Ronnies' and I developed a very close friendship that was based on mutual respect and appreciation of each other's cultures. We became known as 'The Three Moogjis'.

I had first met the Two Ronnies with Stewart Murray and Dan Atkinson in late 1972, when they interviewed me for a field officer's position at the newly established Victorian Aboriginal Legal Service. They offered me the position in January 1973, and I started the following month. At that time I was working as a slaughterman at Thomas Borthwicks and Sons meatworks at Brooklyn in Melbourne's western suburbs. I had worked as a slaughterman for 14 years. The 'peak season' lasted for about four to six months, and up to 200 or more slaughtermen were employed at this time. For the last six years I had full-time work as a slaughterman, even though only 11 men were employed during the 'off' season. When I was offered the job at the Aboriginal Legal Service, I approached the General Manager of Borthwick's, Mr McLennan, who was a very staunch Fitzroy AFL supporter. After some discussion, firstly about the Fitzroy football team, he agreed for me to work for VALS for six months. After this trial period, he was happy for me to make the decision where I was going to work. I decided to stay with VALS. Several years later Ron Merkel told me that the reason I got the position was because Ron Castan thought that I had the right qualifications, being a slaughterman. I never quite understood what that meant until I learnt later that Ron Castan was related to the Smorgon family who were involved in the meat industry, and he appreciated the hard work that was involved in this particular industry.

Before the start of the court case against Joel's, Stewart Simmons, who worked for the Victoria Archaeological Survey, travelled with me to South Australia to meet with the person who was selling the artefacts through Joel's. We asked whether he would withdraw the artefacts from sale, and whether he would consider donating them back to the communities where they had come from. It was wishful thinking on our part!

The court case against Joel's started in January 1984. Ron Merkel became the lead barrister and Ron Castan was always available to back us up when the need arose.

The court case went for one week. During this week a member of Joel's staff approached Ron Merkel to see if I was prepared to do a deal. My reply was short and straight to the point. "No deals!"

I was in the witness box for two days. I did not agree to swear on the Bible, as I have strong views about the role of the churches in their religious attempts in destroying the spirituality, dignity, language and culture of our Ancestors when they assisted the governments in establishing the missions and Aboriginal settlements.

Over the period of the court case I really appreciated the people who came to the hearing and gave moral support like Jan Muir, Beth Charles, Robbie Thorpe and young Campbell Gomie. And of course Kylie Mim who was there the full week.

On February 7<sup>th</sup> 1984, we lost the court case. The decision was based on the legal interpretation of the two words 'such as' in the *Act*. Losing the case was what had been predicted.

We may have lost the court case, but from the way I see it, although we lost this battle, we later won the war.

Our court case made the State Government realise that they had to make changes to the *Act*.

Shortly after we lost the court case against Joel's, I received a phone call from the New South Wales Aboriginal Land Council. I was told that they had followed our lead and had taken legal action against Sotheby's Auctioneers, because they were going to auction off cultural artefacts from all over Australia without prior permission from the Koorie communities.

The New South Wales Preservation Act may have been different to our *Act*. The judge decided that Sotheby's did have the right to auction the cultural artefacts, but he decided that he would give the New South Wales Aboriginal Land Council some time - I think it was about two weeks - to find something like \$40,000 or more to purchase the cultural artefacts. If they were not able to find this amount then the judge would allow the auction to proceed. My phone call from the New South Wales Land Council had been to ask if I was interested in buying the cultural artefacts that had come from Victoria.

The price for the Victorian artefacts was about \$3,000 to \$4,000, big money back in those days. I spoke to the Directors of the Victorian Aboriginal Legal Service to see if donations for the purchase of the Victorian Cultural artefacts could be held by VALS. The majority of the directors were quite happy to do so, but one director said: "What a waste of money buying these pieces of

fire-wood!" These wooden artefacts consisted of clubs, shields and boomerangs that were several hundred years old, but it was quite clear that for this person, the money could have been better used at that time for other priorities for the Koorie community.

I spoke to Ron Merkel and Ron Castan about the money we needed to raise to buy the Victorian artefacts. They spoke to some of their friends. Within a week the money was raised to buy the Victorian cultural artefacts, and a meeting was arranged with people from the Museum of Victoria, to ask them to hold the artefacts at the Museum, which they agreed to. Around this time Kylie Mim suggested that we would need to form a special organisation or Trust, to look after the collection for Our People, and as they say "the rest is history". After 25 years, the Koorie Heritage Trust Inc. is still going, stronger than ever, but that is another story!

Three months after we had lost the court case against Joel's, changes to the *Act* were gazetted which were to have a very big impact on the journey of the Skeletal Remains of Our Ancestors back home from museums, scientific institutions and individuals.

One part of the *Act* said that it was an offence to have in your possession Aboriginal Skeletal Remains, without prior permission from the Secretary for the Department of Planning and the Environment.

Permission to hold Aboriginal Skeletal Remains had to be reviewed and endorsed every three months, even for the Museum of Victoria which, under the *Act*, was the dedicated lawful place of lodgement of Aboriginal Skeletal Remains and other materials of importance.

In March 1984 I learnt that the Museum of Victoria was going to send a collection of Skeletal Remains that had come from Kow Swamp and Keilor's Green Gully, which were thousands of years old, to America for an exhibition. An exhibition called 'The Ancestors' was being held in New York the following April. I was extremely upset to learn what was planned for the Skeletal Remains of our Ancestors.

I talked with my legal team once again.

Under the amended *Act* I was able to issue a court injunction to stop the Museum of Victoria from sending our Ancestors overseas.

I then received a letter from Barry Wilson, the Director of the Museum, saying that the Skeletal Remains were now not going to New York, and he expressed his regret at the lack of consultation. I was later able to assist Barry and the Board of the Museum of Victoria to establish an Aboriginal Advisory Committee under the *Museum Act*. Some time after this, Val Heap became the first Koorie person to be appointed to the Museum of Victoria Advisory Board.

The Minister who was responsible for the Victorian *Archaeological and*



*Aboriginal Relics Preservation Act 1972*, Evan Walker, and his senior advisor Jenny Love, asked me to establish and to chair a committee of six members of my choice, with Ann Miller<sup>32</sup> as our secretary, to advise him on issues relating to Museum loans. This committee was called the Aboriginal Skeletal Remains and Loans Committee. This committee was established because, during my research into the Museum's attempt to send our Ancestors' Skeletal Remains overseas, I had discovered that some of the documents needed before loaning materials to institutions had not been filled in, as required by the Victorian *Archaeological and Aboriginal Relics Preservation Act 1972*, and this meant that neither the Secretary for Planning and the Environment, nor the Board of the Museum of Victoria, had given permission for the loans.

I called a special meeting of individuals who were involved in organisations and institutions that had been receiving loans from the Museum's collection for exhibitions and research, to discuss my concerns that the proper procedures were not being carried out relating to loans. One individual shouted out that the institution he represented was able to obtain loans of cultural materials from the Museum just by making a phone call, and that I was nothing but an "interfering Black Mongrel" and that I should mind my own business. I thought this was an interesting comment, coming as it did from an individual who at that time was also a Koorie Inspector appointed under the Victorian *Archaeological and Aboriginal Relics Preservation Act 1972*.

The Skeletal and Loans Committee decided after twelve months or so that we should hand over the responsibility of approving loans of all materials to the Museum's Aboriginal Advisory Committee.

In late 1986 I made the decision to leave the Aboriginal Legal Service. After working there for 14 years I got tired of seeing my mob going around the revolving door between the legal system and the prison system, like a merry-go-round that never seems to stop. I wanted to do something that would help Our People to regain their pride and dignity as Koories.

I started work at the Museum of Victoria as a trainee. At the Museum I did not have a team of staff like I had at the Victorian Aboriginal Legal Service who did all the writing for me, so I decided to go to the Council of Adult Education to learn a new skill – writing the written word. Some years later I did other short courses at CAE on how to make bread and computerised photographic work.

I later enrolled as a mature-age student at the Institute of Koori Education, Deakin University, Geelong campus. I will never forget my first essay of 500 words. It was about homeless Koorie youth and, being very naïve on how the academic world operated, I wrote about my personal experiences working with Koorie homeless youth that I knew through the Victorian Aboriginal Legal



Service and used some newspaper articles. Boy! Did I get a shock when I was told that I had to rewrite my essay because I didn't name my references! I went to Deakin every Tuesday for four years. By this time there were young Koories working with me at the Koorie Heritage Trust Inc. I had to decide whether to continue my studies, or to encourage the young staff to further their education. I decided to stop going down to Deakin each week so that the young ones could have a chance. My last essay was supposed to be 2,500 words, covering the subject of the legal system. I chose to write about the establishment of the Victorian Aboriginal Legal Service and I used my personal experiences as well as other references. I wrote over 7,000 words for this last essay! The Office Manager for the Koorie Heritage Trust Inc. at this time was young Rose Coombs, and she had wanted to do some business studies to help her in her job. Rose was encouraged to study law part-time at Deakin University while continuing to work as the Office Manager at the Trust. She later graduated as a lawyer and she now works as a senior solicitor in the Office of Public Prosecutions.

When I first started at the Museum, I was responsible for looking after the Victorian cultural heritage artefacts that had been purchased from the New South Wales Land Council.

Before my move to the Museum of Victoria, Gaye Sculthorpe, a Koorie from Tasmania, worked at the Museum. When she returned from some time working in Canberra, she told me that while in Canberra she had found an article in a very old scientific or medical journal, which had a story about the University of Melbourne having the largest collection of Aboriginal Skeletal Remains in the world. It was known as the 'Murray Black Collection'. George Murray Black graduated as a civil engineer from the University of Melbourne, and lived on a farm at Tarwin Meadows, South Gippsland, where he became interested in anthropology with a particular interest in the Aboriginal Skeletal Remains.

Murray Black was engaged by the University of Melbourne to gather a collection of the Aboriginal Skeletal Remains of our Ancestors. Throughout the 1940s and 1950s, with full permission and financial support from both the Federal and the State Government, Murray Black removed from the New South Wales side of the Murray River Sixteen Hundred (1,600) skeletal remains from five burial sites. As the Skeletal Remains of our Ancestors were taken from the *Womb of our Spiritual Mother the Land* Murray Black's team put a number on every bone so that the full skeleton could be reassembled by the researchers at the University of Melbourne. Half of this collection of sixteen hundred Ancestors was sent to the Australian National University (ANU) in Canberra, ACT.

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After reading the article in the medical journal, Ron Merkel and I moved into action again.

Barbara Honeysett and Gary Bamblett, who were both staff members of the Victorian Aboriginal Legal Service, signed two requests for injunctions to take legal action against the University of Melbourne for having the collection of Skeletal Remains of our Ancestors. Ron and I went to meet with Justice Gobbo at the Supreme Court of Victoria. Ron spoke for over an hour, trying to convince Justice Gobbo to approve the injunction. It was a very intense discussion and several times during the discussion I thought that we were not going to get permission to proceed with our action against the University of Melbourne. Ron, in his very quiet soft voice, argued that an injunction was better and less expensive and less complicated than taking civil action. I think that Justice Gobbo's argument was questioning why we were in such a hurry to take the University of Melbourne to court.

When the injunctions were granted, I went with Gary Bamblett to deliver the first injunction to Professor Caro, who was the Vice Chancellor of the University of Melbourne. We explained to Professor Caro's secretary that we were there to serve him with a legal document. The secretary rang the Vice Chancellor and explained to him what we needed to see him about. We were told that the Vice Chancellor was busy, and could we wait outside in the hallway near the lifts. There were no chairs to sit on, so Gary and I had the feeling that we were not welcome!

After some considerable time we were shunted into the Vice Chancellor's office, where we were confronted by the Vice Chancellor. He was in the middle of his office, standing tall with a visitor beside him, who I found out later was the legal advisor to the University of Melbourne. I handed the injunction to the Vice Chancellor and he read it quickly, and then handed it to the visitor to read. After another quick read and a nod indicating that the injunction was 'kosher', the Vice Chancellor in a raised voiced demanded to know: "Who in hell do you think you are, taking on the University of Melbourne?" I looked across at Gary and then I turned to face Caro. I had a copy of the injunction in my hand, and I held it up and said: "Nobody is above the law. Not even the University of Melbourne."

To our surprise, Caro moved towards us with his arms out wide. I thought for a moment that we were going to get a hug. No way! He pushed us both towards the door saying: "Get out of my office!" I think his secretary overheard what was said, and so she had the outer office door open for us as well.

It was this incident in the Vice Chancellor's office, even more than the legal actions we took against Joel's and the Museum of Victoria, that made me suddenly realise that for the first time ever we Koories had the *power*. An Act of



Parliament was working for our best interest in the protection and preservation of our cultural heritage.

Soon after the confrontation with the Vice Chancellor, I arrived at Dr David Penington's office at the Medical School of the University of Melbourne armed with the second injunction. When I found that he was not in his office, I explained to his secretary the reason for my visit. She very politely asked me if I wanted to speak to Dr Penington, and if so she would ring him for me. After she had told Dr Penington why I wanted to speak to him, she said I could take the call in Dr Penington's office. When I had explained the purpose of my visit to Dr Penington, he asked: "Who is your superior?" I decided to act a little naïve, and I said to him: "What dat mean?" He replied: "The person who is above you." My reply was: "Nobody is above me." I then heard the click of the phone as it was gently placed back on the phone cradle. Dr Penington's secretary wished me a good day, as I wished her as well. Some years later I had to meet with Dr David Penington once again in regard to some Koorie health programmes, and we became quite friendly.

After the University of Melbourne had received the two injunctions, the University arranged for me to meet with an anthropologist from Canberra, Dr Alan Thorne, so that I could see the Murray Black Collection. Kylie Mim came with me to the Anatomy Department. We walked into a room filled with many large steel cabinets, some almost as high as the ceiling.

Alan Thorne opened the steel cabinets one by one. Inside the cabinets there were rows and rows of the Skeletal Remains of Our Ancestors. We saw the numbers on each bone. Alan Thorne picked up several of the bones and explained to us how medical science would be able to learn so much from them. He did not explain why after having the Skeletal Remains of Our Ancestors at the University for so many years, the University still wanted to carry out scientific research on the collection.

Then Alan Thorne opened up some other cabinets. We saw the empty eye sockets of rows and rows of skulls looking at us; I felt very emotional, very tearful and very disturbed as I looked into those empty eye sockets. I asked Alan if we could be left alone for a few minutes. When we were alone, I looked at my Ancestors and I said: "I am going to make sure that you all are going home to your Country." My Soulmate had her hand on me to support, comfort and to steady me throughout this very emotional experience.

Later that day while I was driving Alan Thorne to the airport, he suggested that perhaps a small part of the Murray Black Collection could be kept at the University of Melbourne for scientific research, and he asked if I would be available to travel to Canberra to meet with his colleagues to discuss this proposition. I agreed to meet with Alan and his colleagues in Canberra. The

meeting in Canberra was attended by Alan Thorne, Steve Webb and four other colleagues, in a small smoked-filled room.

At the meeting, the discussions centred around the need for anthropologists and the medical profession to have access to the Skeletal Remains of Our Ancestors for scientific research. I was told that the research would assist them to gain knowledge that would benefit Aboriginal people throughout Australia. I pointed out that it had been acknowledged that Australian Aboriginal People have been the most researched peoples in the world, and that we had not benefited from any of the research carried out and published. I said that the researchers had never even shared any of their research papers with us, and the papers were written in a scientific language that we could not understand.

The anthropologists said that they would write a lay person's version of any future research that they undertook, if they were able to have access to the Skeletal Remains of Our Ancestors. I told them they would have to write to the Skeletal Remains and Loans Committee in the Department of Planning and Environment. Their request for access to the Skeletal Remains of Our Ancestors for research purposes would include copies in lay person language that would be made available to the local Aboriginal organisations from where the Skeletal Remains were from. When the Skeletal Remains and Loans Committee met, this request was denied, and no other meeting was arranged with the researchers after this.

Alan Thorne was based at the Australian National University, Canberra, and he was also responsible for the removal from *the Womb of our Spiritual Mother the Land* the Skeletal Remains of our Ancestors from the Kow Swamp area.

The court case against the University of Melbourne was all over in one day. The University of Melbourne was ordered to lodge the Skeletal Remains of Our Ancestors at the Museum of Victoria, the lawful place of lodgement under the Victorian *Archaeological and Aboriginal Relics Preservation Act 1972*. Kylie Mim was with me again in the court, and this time I did not need to take the witness box to give evidence. Jan Muir was also in the court, and she was very supportive throughout the proceedings.

Several meetings took place during this period, both before and after the University of Melbourne returned the Skeletal Remains of our Ancestors to the Museum of Victoria for safekeeping. However, half of the Murray Black Collection was still being held at the Institute of Anatomy in Canberra.

The University of Melbourne wrote a letter to David Jenkins, the Secretary for Planning and the Environment, requesting that the University of Melbourne be declared a lawful keeping place for all of the Skeletal Remains of Our People which they held. The request was sent to the Skeletal and Loans Committee for consideration. The request was denied.



I also had a third injunction that I was going to serve against another major educational institution, but I decided that maybe a direct approach could save time. I made the phone call and spoke to the person responsible for the safekeeping of our Ancestors Skeletal Remains. I explained the *Act* to him, and the injunction that I had to serve on him. After we had a very friendly conversation, he asked if they could have a couple of weeks for packing and making transportation arrangements, and I agreed to this.

Dr Ron Vanderwal was the Senior Curator for Indigenous Cultures at the Museum of Victoria, and I think he was involved in the Department responsible for loaning out Museum materials to cultural centres, and other institutions. Ron Vanderwal and I had an agreement to 'agree to disagree' on quite a few issues relating to Koorie culture in the past. I was somewhat surprised when Ron approached me for a quiet talk, and invited me to have a cup of coffee at the Greek Kebab Café at the corner of Russell and Lonsdale Streets on an issue that he was greatly concerned about. I must admit that I become very surprised and very suspicious when someone offers to pay for my coffee and then calls me "Mr Berg". I was right. Ron Vanderwal wanted to sound me out to see whether or not I was going to take him to court for his involvement in the loans issues.

I told Ron that I wasn't interested in taking him to court, or any others that may have breached the Victorian *Archaeological and Aboriginal Relics Preservation Act 1972*. I said that the worldwide publicity that we had already received relating to the three prosecutions, and the decision to Return to Country the Murray Black Collection of our Ancestors, had highlighted the issues surrounding Aboriginal cultural heritage materials and this should be enough. A much-relieved Ron agreed.

Some people might see my use of *power* to meet the needs of my *passion* as an abuse of power. Some people might think that I took these actions with revenge in mind, because of what had happened in the past to Our People in their struggle to seek justice, and in their struggle for our Identity, Culture, Language and Spiritual Beliefs to be acknowledged and respected. Abuse of power is never the answer. I needed both *the power* and *the passion* to bring about better understanding and mutual respect for each other, as well as an appreciation of each other's Culture. We need to treat other people as we would like to be treated ourselves. With respect.

When the collection of Skeletal Remains of Our Ancestors arrived back from the University of Melbourne, they were stored in an area that I thought was a secure place, with no access to anyone who was not a staff member of the Museum. This was not so. A senior staff member of the Museum from the Human Studies Department had been contacted by a television station who

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wanted to interview him and to film the collection of Skeletal Remains of Our Ancestors for the television news. The programme was shown in Tasmania. When I was told about this I spoke to the members of our Archaeological Relics Committee to discuss this possible breach of the *Act*. We decided to approach the television station to ask them to erase the videotape containing the news item, and to also apologise for what had happened. They did.

The Director of the Museum of Victoria at that time was Bob Edwards. Bob spoke to me and said that he accepted the full responsibility for the actions of his staff. He said that he was prepared to be prosecuted by me. This would have been an interesting case, as Bob was my boss at that time, and he was also a Board Member of the Koorie Heritage Trust Inc. I declined his offer as I wasn't too sure just what part of the *Act* had been breached.

The Museum Board moved very quickly after this incident to make sure that the collection of the Skeletal Remains of Our Ancestors was adequately protected. They built a cage made from cyclone wire in front of the entrance to the collections area, and keys were only issued to authorised staff. I received a key and had access to this area, because the Koorie Heritage Trust Inc. collection was also stored here.

When the Museum had received the Skeletal Remains of Our Ancestors from the University of Melbourne, I stepped aside and let Tony Cahir, Director of Aboriginal Affairs Victoria, and the Museum Advisory Council negotiate the return to Country, transport costs, and the reburial details. This was all done with the involvement of the Aboriginal Inspectors, the Elders and the Koorie community members from the areas where the Ancestors had come from. It was sometime later that I was told that the journeys back to Country for the Ancestors had begun, and it would take some weeks to complete this.

I know that it would have been a very emotional experience for all of the people who were part of this very special time. One of those special fellows was Kevin King, and I remember that he knocked on my office door and then said: "OK Uncle, you are coming with me." I was about to ask Kevin where we were going when I was told by this giant of a man (who was well over six foot tall and who weighed about 18 stone) "to do as I was told for a change and don't argue ..." So I didn't!

We walked from the office of the Koorie Heritage Trust Inc. down the stairs to the Human Studies area of the Museum, and all the while Kevin had his huge hand on my shoulder. We walked towards the cyclone wire caged area. My big friend moved me very gently into the storage area where the Skeletal Remains of Our Ancestors were stored.

I saw a box sitting on a bench. In his very quiet voice Kevin said: "We

would like you to carry the last box of Our Ancestors to the truck for their long journey back home to Country." I became very emotional and Kevin placed his hand on my shoulder. I carried the last box containing the Skeletal Remains of Our Ancestors with pride to the semi-trailer that contained many similar boxes. Young Des Morgan was standing on the tray of the semi-trailer getting ready to cover all of the boxes with a tarpaulin. At this stage no words were spoken between the three of us. No words were needed. We acknowledged each other in the traditional way with a nod of the head, a sign of respect for each other, and for a job well done.

I must admit that at times my relationship with some members of the Museum staff who worked in the Human Studies area during this period was very tense. I am not too sure why this happened. All I wanted to do was to work to the best of my ability, to learn more about how to educate the broader community about 'Bridging the Cultural Gap', and to do the best that I could in regard to the protecting and preserving of our Culture.

I had a very good working professional relationship with some Museum staff members such as Andrew Reeves, Kelly Koumalatsos, Mary Morris, Chris Keeler and Sandra Smith. Overall, my relationship with other Museum staff was pretty good, especially those in the Preparators Unit and the Photography Unit. These people are still my friends as our relationship was based on mutual respect for each other.

Dr Peter Coutts was the Director of the Victoria Archaeological Survey which, under the Victorian *Archaeological and Aboriginal Relics Preservation Act 1972*, was responsible for the protection and preservation of Aboriginal Artefacts and Aboriginal Skeletal Remains. Peter Coutts and I didn't exactly see eye to eye on the return to Country of all the Skeletal Remains of Our Ancestors for reburial. Peter Coutts and two others held a meeting and discussed the issue. They decided that if reburial was to occur, then the Skeletal Remains should be reburied in soil that would preserve them, and which would also allow them to be again removed from *Our Spiritual Mother the Land* when there was a change in the political scene. This was brought to the attention of Peter Coutts' bosses. Peter resigned shortly after. That political change did come with the change of Government, but no changes were made to the Victorian *Archaeological and Aboriginal Relics Preservation Act 1972*.

Bruce Chamberlain, the shadow minister for Planning and Environment, voiced the same opinion as Peter Coutts at a one-day conference held at the Museum of Victoria relating to repatriation of Aboriginal Skeletal Remains back to Country. The conference had been arranged to bring together a wide cross-section of the community, both academics and lay people, to express their different opinions as to what should happen to Aboriginal Skeletal Remains, as



I thought it was very important to overcome the high degree of mistrust and hostility which has been developing on both sides since the new amendments to the *Act* were proclaimed as law.

I had invited Bruce Chamberlain to speak at this meeting, as I believed that this issue was too important to be made into a political football. I chaired the meeting. Papers were presented by the Minister for Planning and Aboriginal Affairs, Evan Walker, Wayne Atkinson, Chris Keeler (who presented a paper prepared by Barry Wilson), and Bruce Chamberlain, the shadow minister. In his presentation Bruce Chamberlain said that the Victorian *Archaeological and Aboriginal Relics Preservation Act 1972* may change if the Liberal Party regained Government. However, when the Liberal party did regain government they did not make any changes to the *Act*. I met Bruce on several occasions after the election and we became quite friendly.

Another conference held at this time at La Trobe University was about Cultural Survival. At the conference a series of workshops were held to discuss who owns Culture.

For several years, Kevin Coombs, Kylie Mim and I had been asked to give a lecture on Koorie Health issues to the first year medical students at the University of Melbourne. Soon after the return of the Skeletal Remains of Our Ancestors to the Museum of Victoria, we were at the University of Melbourne for our lecture with the medical students. I mentioned to the students that in the building behind them was the Anatomy Department, which at one time had held the Skeletal Remains of hundreds of Our Ancestors, and that this had been the largest collection of Aboriginal Skeletal Remains in the world. The following year when we arrived to deliver our talk on Koorie Health there was a person standing at the back of the lecture theatre. I was told later that the person who was standing at the back of the lecture theatre was Professor Ryan, and he had left the lecture theatre as soon as I started to talk about the collection of Skeletal Remains of Our Ancestors.

The following year we were as usual very keen to attend the University of Melbourne to give our talk to the first year medical students, as it was very important to make them aware that Aboriginal Health was on par with the health of people in Third World countries, and that the life span of Koorie people was 20 years less than other Australians. But the invitation to give our annual lecture did not arrive. Perhaps it was something we had said ...?

Around this time a staff member of the Museum (probably someone from the Human Studies area) told me that there were 38 Skeletal Remains of Our Ancestors in storage at the Museum of Victoria. These Skeletal Remains had come from Victoria, but no further information was available as to which areas of Victoria they were from, so they were 'not provenanced'. I assumed that the



Aboriginal Advisory Committee to the Museum would have arranged to have them all reburied, but this was not the case.

I was a member of the Melbourne City Council's Arts and Cultural Committee at this time, and I asked the committee members for advice about a possible reburial site for these Skeletal Remains of Our Ancestors somewhere in the City of Melbourne's gardens.

I was told to write a letter outlining my request to the Parks and Gardens Committee, which was chaired by Councillor Winsome McCaughey. The letter was sent, outlining my request for a reburial site for the unprovenanced Skeletal Remains of Our Ancestors. I received a reply asking me to attend the next Parks and Gardens Committee meeting. I must admit I was very nervous while waiting outside the meeting room, not knowing what to expect. After what seemed to be hours, the doors of the meeting room opened and people started to leave. I was very anxious at this moment, but then a man who had just walked out of the meeting room looked down at me sitting on the chair just near the door. With a friendly smile on his face he said: "Are you Jim Berg?" and I stood up, ready to go into the meeting to put my case to the committee members. The man reached out with his hand to stop me, and he said that the decision had already been made. The request for a reburial site had already been approved by the committee members, and the Melbourne City Council was prepared to have me look for a site within the city which would be suitable for the reburial site. Melbourne City Council was also prepared to cover all costs relating to the digging of the burial site and the construction of the concreted area which would hold the Skeletal Remains of Our Ancestors in safekeeping. The Council would also provide the funds for transporting the boulder which was to mark the reburial site, and the crane to lower the boulder, as well as staff to assist wherever possible. The only thing that we would have to pay for was the plaque that was to be embedded into the boulder.

The site chosen for the reburial was on the side of the hill just down from the Sidney Myer Music Bowl, opposite the statue of Queen Victoria in Linlithgow Avenue, in the Kings Domain Garden. When we were visiting the chosen site, Mr Harrison, who was the Melbourne City Council's Gardens Supervisor, asked if we would like the Council to plant native shrubs at the bottom of the hill. I remember replying: "No, thank you, because you and the Melbourne City Council have already done enough."

The boulder for the reburial site was chosen by Kelly Koumalatsos, Arthur Cole and others. At the time Kelly was working as an Aboriginal trainee at the Museum of Victoria. Kelly and Arthur went with the workers from Melbourne City Council and travelled to the You Yangs Regional Park, and chose the seven-tonne boulder to be placed over the reburial site.

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During this period I started to think about what should be on the plaque that was to be imbedded into the boulder. It was at the back of my mind when I had to attend a couple of very boring meetings, and I came up with this:

Rise from this grave, release your anger and pain as you soar with the winds back to your homelands. There find peace with our Spiritual Mother the Land, before drifting off into the 'Dreamtime'.

Koorie communities throughout Victoria were notified about the reburial of the Skeletal Remains of Our Ancestors, and most of them said they would be sending representatives for this special occasion. Len Clarke was the Aboriginal Police Liaison Worker, and he offered to arrange for Police escorts for the procession from the Museum of Victoria to the reburial site. The ladies from Morwell Aboriginal Co-operative made a Koorie flag banner for the reburial march.

I was invited to attend a meeting where members of the Koorie community in Melbourne were going to discuss the reburial programme, and what assistance would be needed to make this historical occasion very special. About 50 or 60 people attended this meeting. At the meeting I asked for 38 people to carry the 38 bark packages containing the Skeletal Remains of Our Ancestors from the Museum of Victoria to the reburial site, to be laid to rest within our Spiritual Mother the Land before they drifted off into the Dreamtime.

At the meeting, when the chairperson of the meeting spoke it was apparent that giving their support required that the reburial of our Ancestors' Skeletal Remains be conditional on the reburial being a mock burial of 38 bark packages that only contained paper. The opposition to the reburial seemed to be because they weren't in charge, or because they believed what I was doing was not right.

It is hard to describe how I felt at that moment. I was shocked and speechless. I felt really lost within, and even more so because, standing directly in front of me, were two people whom I regarded as very good friends. They didn't say one word. I was really shattered. I could not accept a mock reburial. I left the meeting shortly after this, and I remember that just before I left this meeting, my friend Peter Rotumah said: "Jim. We will have to agree to disagree on this issue." My relationship with some of my old friends was changed after this meeting, and I did not have any contact with some of them for several years. Some members who attended the meeting defied the decision and attended the reburial march.

After the meeting, I started to talk directly to other Koorie people, asking for them to assist in wrapping the 38 Skeletal Remains of Our Ancestors in cloth and bark ready for reburial. Some said they would assist, and so I waited

for them to arrive on the evening before the reburial, in the cold Museum theatre. I remember Arthur Cole arriving, but I still don't remember very much about that evening.

The next morning when Kylie Mim and I arrived at the Museum courtyard, it was cold and cloudy. We made sure that coffee, tea and biscuits were waiting for everyone who turned up for this very special occasion. I must admit that I was getting a little worried as time went on, and the time for the start of the procession was getting closer.

All of a sudden people began to arrive by bus from the country areas, and also on foot. Altogether there were about 200 Koories and non-Koories gathered together in the courtyard, with warm drinks in hand, getting to know each other. Some people were catching up with family and friends, and there were lots of kids running around enjoying themselves. I remember standing in the doorway of the theatre with a cup of coffee in my hand saying: "that it does my old heart good to see so many adults and children here on this special day".

A number of non-Koorie people had told me that they would feel very privileged and honoured to take part in carrying Our Ancestors, if for any reason there was less than 38 Koorie people volunteering to carry the Skeletal Remains of Our Ancestors. I thanked each of these non-Koorie people very much for their offer. For me, these people had shown that they had both respect for Koorie culture and also knowledge and an understanding of Koorie culture.

The time came for me to ask for 38 individuals to carry the bark covered Skeletal Remains of Our Ancestors. The conversations stopped. Then there was complete silence. It was a very emotional moment as people raised their hands. Then the 38 people formed into a long line and each one received a parcel of paper-bark containing Skeletal Remains of Our Ancestors.

Outside in the courtyard Len Clarke, the Koorie Police Liaison Worker, was talking with the police escort. Herb Pettit (a Koorie Inspector under the Victorian *Archaeological and Aboriginal Relics Preservation Act 1972*) and Wayne Thorpe were arranging the walking order for the procession.

Uncle Banjo Clarke had travelled to Melbourne from Framlingham to lead the procession. It meant a great deal to me to have him there, as he had always been my Elder and my Mentor, as well as my Blood. Opposite is Uncle Banjo holding the flag with Herb Pettit and Wayne Thorpe, who was playing the didgeridoo as he walked.

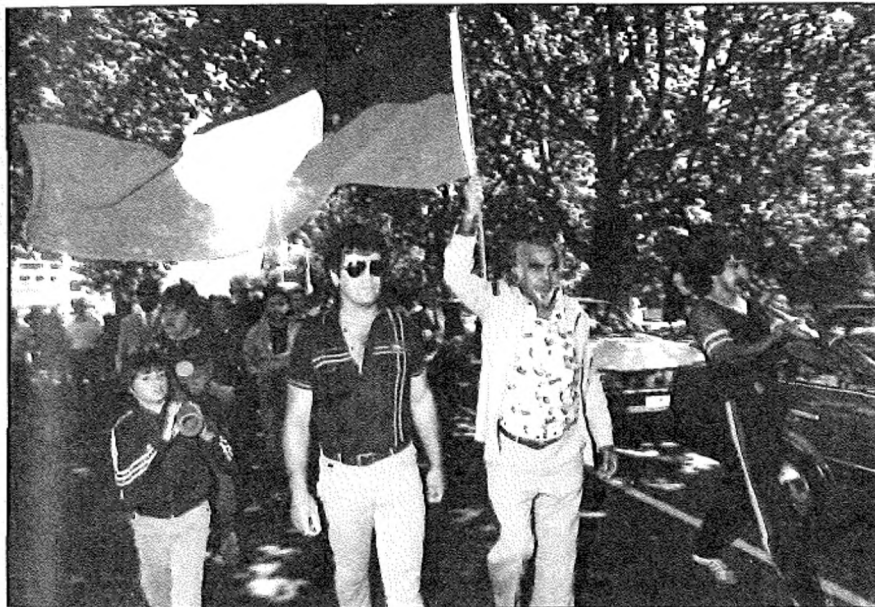
The Koorie ladies from Morwell Co-op had made a huge banner-sized Koorie flag for the special day. This was stretched across the road and held by the ladies, with some assistance from the kids. The banner was so large that it stretched across two lanes of Swanston Street.



Top: The banner  
Trobe Street  
Photographer u

Bottom: Uncle Banjo  
and Wayne Thorpe  
Photographer u





Top: The beginning of the Reburial March. Courtyard of the Museum of Victoria at the La Trobe Street entrance.

Photographer unknown. Koorie Heritage Trust Inc. Collection.

Bottom: The Reburial March led by Uncle Banjo Clarke (holding the flag), with Herb Pettit (left) and Wayne Thorpe (right).

Photographer unknown. Koorie Heritage Trust Inc. Collection.



The walk down Swanston Street was really quiet and peaceful. When members of the public asked us what was the purpose of the march, we told them about the reburial and they wished us well.

When we arrived at the reburial site at the Kings Domain Garden, Herb Pettit stood inside the deep, concreted area and received each of the bark parcels which contained the Skeletal Remains of Our Ancestors. He laid each parcel very gently into its resting place. There was a hushed silence as this was taking place, and you could have heard a pin drop. The only noise was from the traffic passing beside the Yarra River.

When Herb had placed the last bark parcel inside the concreted area, he laid a wreath of native plants on top of the 38 bark parcels. He then asked for a shovel, and guess what? A shovel had been left off the list of things we needed to bring. It was lucky for us that Jill Gallagher and David Clark, who both worked for the Victoria Archaeological Survey, had their work truck parked nearby, and they had two shovels in the toolbox.

After the soil was levelled out over the concreted area, a crane lifted the huge seven-tonne granite boulder and laid it to rest very gently over the concreted area.

Bevan Nicholls spoke about the Ancestors, and he read out the words of the poem on the plaque. Then Rod Marks removed the Koorie flag which had been covering the plaque.

On the crest of the hill above the reburial site, a lone Koorie was playing his didgeridoo and tapping it with a clap stick. It was a most stirring sight and sound.

Aunty Marg Tucker, an Elder who was a real pioneer and a leader of her people, came forward and sat with her hand on the rock, her shawl draped over her shoulder. There was a very soft and gentle look on her face.

Aunty Marg's daughter, Molly Dyer (another pioneer who in the early 1970s was involved in establishing the Victorian Aboriginal Child Care Agency), and many others who have passed away since, were also there for this very special historic occasion. Others who attended will be asked to tell their stories about their memories of this occasion, and how it affected them, so this can be included in our book.

The Commonwealth Games were held in Melbourne in 2006. A group of Koories lit a 'sacred fire' near the reburial site in the Kings Domain Garden as part of a protest demonstration. I am still not sure what it was really about.

I was surprised when some of the protest speakers talked about the reburial site as a sacred site, and should be respected by all. I fully supported those particular comments and the reburial site had already been declared a significant Aboriginal site under the *Heritage Act 1986*.

However, I became quite upset and very angry to learn that some of the Koorie individuals who were part of this demonstration were the very same people who had wanted a mock reburial of the Skeletal Remains of Our Ancestors when I had been seeking support for the reburial at the Melbourne community meeting all those years ago. These same people had the opportunity to be part of the historical reburial procession, but they chose to stay away. I think that their actions with the 'sacred fire' were hypocritical. It was an insult to Our Ancestors, and to all the people who took part in the reburial. I am known to rarely give people a second chance.

A chain reaction had started throughout the general community after the return of the Skeletal Remains of Our Ancestors held by the Museum of Victoria, University of Melbourne and other institutions and the reburial of the 38 Skeletal Remains of Our Ancestors.

I started to receive phone call from individuals.

Most of the phone calls started: "I would like to speak to Mr Jim Berg please." Once I acknowledged who I was, the caller would say he was a solicitor representing a client. The client had in their possession Aboriginal Skeletal Remains and would like to return them to me, but did not know how could this happen without them being prosecuted under the *Act*.

I assured the speaker that all the individual had to do was to leave the wrapped up Skeletal Remains of Our Ancestors at the front Information Desk at the Swanston Street entrance of the Museum of Victoria, and the staff would ring me. That would be the end of it. I always asked if the individual knew where the remains came from. The answer was always no.

Some of these Skeletal Remains of Our Ancestors were used in dentist surgeries, and one had been in the one family for over 20 years. One call came from a well-known politician, who had convinced a high profile public figure that they should return the Remains of Our Ancestors for reburial.

I remember getting a phone call from a person who had become a member of the Koorie Heritage Trust Inc. He wanted to know if I would be interested in looking at his library, as he had lots of books on Aboriginal history and culture. He also asked me where I was from, and when I mentioned Gunditjmarra Country and the Framlingham Mission beside the Hopkins River, he said that this was not very far from Mortlake ...

I arranged to go and see his library, and Shannon Faulkhead, who was then the Librarian at the Koorie Heritage Trust, and Kirsten Jones who was the Trainee Shop Manager, both came with me.

While Shannon and Kirsten were looking at the collection of books, the man very quietly asked me to follow him into another part of his shed. He explained that, before he retired, he had worked as a dairy inspector, mostly in

the Western District of Victoria. When he was inspecting a dairy farm in the Mortlake area, he had come across a rabbit warren.

As he was telling me this story he reached under a bench and lifted up a box which he placed on the bench. I felt a chill down to my inner soul as he opened this box. The box contained Skeletal Remains of three of our Ancestors that had been scattered all around the rabbit warren. These Skeletal Remains were more than likely Ancestors of the Alice Dixon Family, part of the Mortlake Clan. Alice Dixon married Frank Clarke, a Gunditjmara Warrior, and she was my great-grandmother.

This was the only time that I knew exactly where the Skeletal Remains had come from. All of the other individual Skeletal Remains of Our Ancestors came from areas unknown to the individuals who had them in their possession. My brother-in-law Donny Chatfield and his son Phillip assisted me with the reburial of some of the Skeletal Remains of Our Ancestors in the Framlingham cemetery.

I received a phone call from the Aboriginal Unit at the Queensland Museum asking if I would be responsible for the safekeeping of 16 Skeletal Remains of Our Ancestors from known areas of Victoria, and making sure that they would be returned to Country for reburial. I gave this guarantee.

I then contacted the Aboriginal Inspectors who had been appointed under the *Act*, to seek their approval in writing for me to travel to Queensland to bring these Skeletal Remains of Our Ancestors back to Country, and the Board Members of the Koorie Heritage Trust Inc. gave me permission to travel to Brisbane to bring the Skeletal Remains of 16 Ancestors who were removed from their Country many generations ago, back to Country for reburial.

On arriving at the Aboriginal Unit at the Queensland Museum I was met by two members of the Aboriginal Advisory Committee, who made me feel very welcome. The younger one was a staff member and the other was an Elder.

When I was shown the lined wooden pine box and the wrapped Skeletal Remains of Our Ancestors, the Elder spoke in Language and wished the Ancestors a spiritual safe journey back to Country. The Elder had taken the day off from work, and he had travelled many kilometres just to deliver this message. I was very emotionally moved when I saw and heard such respect being shown to Our Ancestors.

The lined wooden pine box containing the Skeletal Remains of Our Ancestors had two big signs covering both sides of the box, which read 'Human Remains' in red lettering. I must admit that I became very nervous and fearful on how I was going to carry this box back to Melbourne without being spoken to by some person in authority.

When I voiced my concerns to the younger fellow, he assured me that

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everything was under control and that they had prepared documents relating to what was in the box, and had made contact with the airline that I was travelling on. It was very moving to say the least, to have met other Aboriginal people who had the same passion, and the power to do what they had to do in returning the Skeletal Remains of Our Ancestors back to Country for reburial.

The staff of the airline took possession of the box as soon as I arrived back at the airport and told me that they would take special care of them. Within a couple of weeks the Aboriginal Inspectors and Community members had taken the Skeletal Remains of Our Ancestors for reburial within our Spiritual Mother the Land, so they could then drift off into the Dreamtime.

As I think back over everything that has happened, it is interesting to note that when Evan Walker retired from politics he became the Dean of Faculty of Architecture at the University of Melbourne, and David Jenkins also was later employed by the University of Melbourne.

In March 2009 I visited the Koorie Heritage Trust and, when I went into the Trust's library, I was asked by Chris Keeler and Nerissa Broben, who are responsible for the Trust's collections, to look at a photo on their computer which had been sent from the British Museum, and which was being considered to be included in a book based on artefacts from South Eastern Australia. Chris warned me that she and Nerissa had been disturbed by the photo, and they wanted my opinion.

When I saw the photo I felt a chill pass throughout my body into my inner soul. I told them: "Don't go there. Let it be." I slowly backed away from the computer and I walked out of the library. I needed to be alone, and to be able to walk outside in the fresh air.

On April 2<sup>nd</sup> 2009, I attended a meeting at Fitzroy of the Victorian Aboriginal Heritage Council which operates under the *Aboriginal Heritage Act 2006*. I am a member of the Council.

Groups who were *Registered Aboriginal Parties* under the *Act* had been invited to attend the meeting. In addition to the members of the Victorian Aboriginal Heritage Council, there were people from Barenji Gadjin Aboriginal Land Council, Dja Dja Wurrung Clans Aboriginal Corporation, Gunai/Kurnai Land and Waters Aboriginal Corporation, Gunditj Mirring Traditional Owners Aboriginal Corporation, Martang Pty Ltd, Wurundjeri Tribe Land Compensation Cultural Heritage Council Inc., and the Yorta Yorta Nation Aboriginal Corporation. There were also staff from the Aboriginal Heritage Council and staff from Aboriginal Affairs Victoria attending the meeting.

As I looked around, I could see that there was at least three generations of our mob, sitting around the tables, talking about our Cultural Heritage.

When I left this meeting I felt very proud that I have lived this long, and



that I am able to see the next generations, standing tall, proud and confident of who they are as Koorie People, and continuing to value and protect our Culture.

I also feel humble to have been able to play a part in returning some skeletal remains of our Ancestors to our Spiritual Mother, the Land, and pleased to see that the next generations of our mob are now stepping up.

I have always accepted full responsibility in all of the positions that I have held over many years. I also have always been ready to be held accountable for my actions.

It's only when you can share your grief and pain with others that you can start the healing process and find peace within yourself as I have done through sharing my journey with you.

I live by my Ancestors' words of wisdom:

*'You will get what you deserve.'*

*'Always seek the truth.'*

*'If you don't have a set of principles you are not a man.'*

That's My Journey

Jim Berg