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TRANSCRIPT OF DAY 4 – PUBLIC HEARING

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**PROFESSOR ELEANOR A BOURKE AM, Chair**  
**MS SUE-ANNE HUNTER, Commissioner**  
**MR TRAVIS LOVETT, Commissioner**  
**DISTINGUISHED PROFESSOR MAGGIE WALTER, Commissioner**  
**THE HON ANTHONY NORTH KC, Commissioner**

**THURSDAY, 28<sup>TH</sup> OF MARCH 2024 AT 10.03 AM (AEDT)**

**DAY 4**

**HEARING BLOCK 6**

**MS FIONA MCLEOD SC, Counsel Assisting**  
**MR TIM GOODWIN, Counsel Assisting**  
**MS GEMMA CAFARELLA, State of Victoria**

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**<THE HEARING COMMENCED AT 10.03 AM**

**CHAIR:** Good morning. Welcome to today's hearing of the Yoorrook Justice Commission. Today we continue the inquiry into land injustice, being the third  
5 day of our hearings in block 6 here in Collingwood. We will hear from - evidence from Suzannah Henty - who is here, welcome – Aunty Vicki Couzens and Aunty Jill Gallagher. Now I would like to ask Commissioner Hunter to do a Welcome to Country.

10 **COMMISSIONER HUNTER:** Thank you, Chair. I would like to acknowledge that we are on lands of Wurundjeri, pay respects to Elders past and present. All those who have come before us and all those still to come after us. And may we honour the legacy, the voices of those that have passed during the times that we  
15 are currently speaking about in these hearings. And I just want to reiterate that this is a safe space to all to come and tell their truths. Particularly the first witness, I would like to thank her. It has been quite difficult to come before us today. So, Wominjeka, welcome to the lands of the Wurundjeri.

**CHAIR:** Thank you, Commissioner Hunter. Ms McLeod, can we have  
20 appearances please?

**MS McLEOD:** Thank you, Chair. I appear to assist with Mr Goodwin today. I thank Commissioner Hunter for her Welcome to Country and acknowledge that  
25 we're on the lands of the Wurundjeri. I acknowledge all Traditional Owners who are here and those who are attending this hearing. I acknowledge Elders and ancestors and the long fight for land justice.

**MS CAFARELLA:** Good morning, Commissioners. May it please the  
30 Commission, I appear on behalf of the State of Victoria. On behalf of the State of Victoria, I would like to thank Commissioner Hunter for her Welcome to Country this morning. The State acknowledges that today's hearing is being held on the lands of the Wurundjeri people and I acknowledge them as the Traditional Owners of this unceded land. The State pays respect to Wurundjeri Elders past and present. I also acknowledge all Aboriginal Elders and Aboriginal people who are here  
35 today or who are watching online.

Today we will hear evidence about the impacts of the process of dispossession that we have heard about during the week. In particular, the State understands that  
40 evidence will be given about the ways that the State was involved in restricting the practice of culture and language and the loss of access to Country. On behalf of the State, I acknowledge the ongoing impact of colonisation. I also recognise the enduring resistance of First Peoples, whose cultures, the oldest continuing living cultures in the world, continue to thrive today. Thank you.

45 **CHAIR:** Thank you, Counsel.

**MS McLEOD:** Thank you. I call today's first witness, Suzannah Henty. Ms Henty, could you please state your full name for the Commission?

**MS HENTY:** Suzannah Henty.

5

**MS McLEOD:** Do you agree to tell the truth to the best of your ability to the Yoorrook Commission?

**MS HENTY:** I do.

10

**<SUZANNAH HENTY, AFFIRMED**

**MS McLEOD:** You have prepared a submission for the Commission dated 27 March 2024. There are two attachments to that submission. It includes some photographs, but the two attachments are an article - *In the Soil That Nurtures Us* is the first one. And the second is a newspaper article that you contributed to, posted in the Guardian dated 18 July 2020.

15

Chair, I'm going to take the step of tendering the submission this morning. So we will arrange for that to have the appropriate tender number. There is another document I seek to tender at this time. That is a Shire of Glenelg draft spreadsheet which was supplied to Yoorrook earlier this week. It sets out the colonial monuments, names of council roads, recreation reserves and other relevant memorials and places in the Glenelg Shire. Those are tendered and they may now be uploaded and distributed.

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25

Ms Henty, did you wish to make an opening remark before we go to your submission.

**MS HENTY:** I want to first begin by acknowledging the Wurundjeri people who are the rightful owners of the land that we are meeting. I acknowledge that the land on which we meet was always and remains a place of age-old ceremonies of celebration, initiation, renewal. I want to pay my respects to Wurundjeri Elders past and present and thank Commissioner Hunter for your Welcome. I also want to pay my respects to First Nation people who may be present here today, and I would especially like to acknowledge Gunditjmara people who may be present.

35

I want to acknowledge the invasion of my forefathers and the war that ensued - that was a crime that continues to inflict harm and that the return of the land and the removal of monuments and street names is just the first step in a longer process of decolonising settler Australia. I recognise your unfaltering resistance to protect your homelands, life and more. You have my utmost respect.

40

**MS McLEOD:** Thank you very much, Ms Henty. Can I ask you to turn to your submission now. You would like to read your submission?

45

**MS HENTY:** My name is Suzannah Henty, and I am a sixth-generation patrilineal descendant of James Henty, one of the Henty brothers and early colonisers of Gunditjmara Country in south-west Victoria. My family has been celebrated and remembered as establishing the first settlement in Victoria. My submission details

5 my opinion on three matters that I will address in the following order. An acknowledgement of the Henty legacy, ongoing land injustice, and colonial memorialisation. In addition, I have attached two documents, articles that I have written, published and relating to these topics, and images of Henty

10 memorialisation that we will look at after this.

So I first want to begin with legacy. Inheriting the Henty legacy has been a process of coming to terms with an ongoing project of colonisation. Growing up, I did not understand the crimes my family committed. The Henty legacy was rarely discussed, but there were heirlooms in my father's and grandmother's houses:

15 some old books, wedding dresses, commemorative cups, taxidermy animals from shooting trips in Africa. They were talismans of the family's golden era. Strangers would recognise my name, and I understood that my family was a part of the State's founding history.

Only when I went to university I began to challenge and question my family's legacy. As an undergraduate student, a Gunditjmara man gave a lecture in which he explained his family lived peacefully until my family came along. This experience prompted me to research my family's involvement in massacres that took place during the early years of colonisation. Ian Clark's book, *'Scars in the Landscape: A Register of Massacre Sites in Western Victoria from 1803 to 1859'*

25 details massacres that took place on the Henty properties. The State Library of Victoria also holds significant amount of archival material relating to the Henty family, including the diaries of James Henty in which he describes the hostility between settlers and First Nations people.

30 I was never told when I was growing up that the Henty family were involved in an organised ethnic cleansing. Yet, if I needed, I was told and I was encouraged to distance myself from the Henty legacy. This cognitive dissonance in ignoring historical fact while exercising the privilege and power to deny any involvement in genocide struck me as particular articulation of settler colonial repression that I

35 would later see reflected in colonial memorisation.

The second part of my submission is land injustice. The Henty family were present at three frontiers on Noongar Country in 1829, Palawa Country in 1831

40 and Gunditjmara Country from 1834. They first took a land grant in the Swan River colony, which they abandoned for Launceston and eventually sailed to Portland on their boat 'The Thistle'. Without permission from British authorities, the family illegally squatted on the Gunditjmara homelands, where they stole and damaged hundreds of thousands of acres of land and waterways. For both the

45 British and for First Nations people this was a crime.

Edward Henty was the first to arrive and, in his words, he:

*"...stuck a plough into the ground, struck a sheoak root, broke the point, cleared my gun, shot a kangaroo, mended the bellows, blew the forge fire, straightened the plough and turned the first sod in Victoria."*

5

He was performing a colonial ritual like James Cook did to enact an invasion based on claims of terra nullius. This marks the beginning of the harm that continues to be inflicted on Gunditjmara peoples and their Country at the hands of Henty family and the State of Victoria and settler colony of Australia. This harm is especially articulated in the ongoing dispossession of Gunditjmara people from their land and the memorialisation of colonial figures including my family.

10

The Hentys brought with them sheep, cattle and machinery. After they arrived, they established a sheep run called Merino Downs and built a homestead and out-stations where Aboriginal people were enslaved. The process of establishing Victoria's first settlement was a war. In June 1834, one Gunditjmara was killed by a hut-keeper on Merino Downs. In October 1838, three Aboriginal men were killed on Merino Downs. In March 1840, one Aboriginal man was killed by a hut-keeper in Merino Downs. On November 1840 - and I'm quoting Ian Clark:

20

*"Dozens of Aboriginal people were killed by an overseer for the Henty brothers."*

25

There are hundreds of unmarked sites of conflict in which members of the Henty family were likely involved. Land justice should be very simple because it requires - all it requires is recognising the colonial system for what it is: Imported and imposed over an already existing system of law.

30

Indigenous sovereignty is intrinsically linked to land. Gunditjmara people continue to care for Budj Bim, an ancient aquaculture system that includes evidence of stone dwellings dating back 6,600 years. I wonder, is the repatriation of Merino Downs to its rightful owners land justice? It is - it would be just a start. Benefactors of colonialism, those who have accumulated intergenerational wealth on the basis of land theft and genocide need to engage in truth-telling about their affluence.

35

Descendants of colonial families need to engage in good faith with local Indigenous communities to discuss reparation. I would encourage not only descendants of colonial families but all settlers living on stolen land to challenge the recent rhetoric of gratitude to Indigenous people for "letting us live on their land" because we stole it, and we usurped their sovereignty. To deny the rightful owners - to deny the rightful ownership and self-determination of the land that was stolen - is to deny First Nations people the right to life.

45

The third and final section is memorialisation. The Henty legacy is enduring in large part due to their memorialisation. As I have written elsewhere, colonial memorials should not be conceived in terms of a colonial heritage. Their function

was to produce heritage for the nation to inherit. Settler colonies longed for something which they lack, which is a sense of belonging to a land which they have stolen.

5 By celebrating the Henty family, the nation produced an ancestral figure for the nation. The symbolism behind this figure is invasion and its white supremacy. Hence, the heritage that is produced by these memorials perpetuates colonialism by denying the existence of and resistance by First Nations people. It also denies the demands of Gunditjmara peoples who have expressed that they want these  
10 memorials removed.

The Henty monuments in Portland were addressed in a formal capacity at a council shire meeting during the Stop Black Deaths in Custody and Black Lives Matter protests in Australia in 2020. At the 28 July 2020 meeting, Shea Rotumah, a Gunditjmara man based in the nearby town of Hayward, asked the council:  
15

*"What is the Shire's stance on monuments that celebrate and memorialise colonial figures or history, especially in regard to the effect these figures have on our people? Are there any plans to be proactive in this space."*  
20

Then-Mayor of the Glenelg Shire Council, Anita Rank, responded by stating that:

*"The council will endeavour to undertake a comprehensive audit to understand the nature and magnitude of monuments and place names across the Shire."*  
25

One month later in an article in The Guardian, Anita Rank stated that she does not know what the outcome of the audit will be when complete, while Rotumah stated:  
30

*"We just want them gone. We entered into these discussions now because we don't want our kids to be talking about this in 20 years' time."*

35 In 2021, Gary Younge argued:

*"The notion of memorialising an individual is inherently anachronistic, given that there is no guarantee any consensus will persist. Though this points to the purpose of monuments: The persistence of a consensus. To question the moral character or intellectual rigour of colonial heroes that the nations and states have decided to uphold as heroes is to obscure a more consequential question that concerns the ongoing colonial matrix of power."*  
40

The Hentys were not the first. So what then do these monuments convey? Like the memorialisation of Cook that celebrates the origin of the nation, this debate about colonial monuments in Victoria is rooted in its origin story, but this origin story is a false start. To preserve the monuments in the condition they were intended  
45

would be a gesture of faith in the colonial fantasy that the State and nation have purportedly attempted to reverse.

5 Because memorialising the Henty family is central to colonisation, removing these monuments is a start to repairing the injustices committed by settlers. Ultimately, I believe Indigenous people should be responsible for what happens to the monuments, but if their purpose is to produce colonial power, handing their fate over to First Nations control would be the right choice. My personal belief is that the Henty monuments should be removed from their intended site and relocated, 10 for example, to a museum or park of fallen monuments or ceremoniously destroyed. That's my statement.

**MS McLEOD:** Thank you very much, Ms Henty. Could we bring up your statement on the screen, please. The attached photos. We will just take a look at 15 those photos now. Page 4 onward. Zoom in on the first one. And the text is reproduced. That memorial is somewhat hard to read. But this is the first one and the text reads:

20 *“Throwing up their hats with a cheer, they put their horses to the gallop and set off for the stations across the plains.”*

That's an extract from the Henty Diary. It reads:

25 *“The view you behold consists of Muntham, established 1838, the original property of Edward Henty. Area 77,000 acres, carried 55,000 sheep, 8,000 cattle and 500 horses, staffed 50 employees including 20 shepherds, 12 hut-keepers and blacksmith. Edward, 1820-78, Victoria's first permanent settler arrived in Portland Bay 19 November 1834, six months prior to John Batman at Port Phillip. Married Anna Maria Galley on 16 October 1840. 30 Died without issue. Being pioneers in small communities, their lives were interwoven with events of the day and are part of Australia's history. Erected 1971.”*

35 So that's the first plaque. And the Henty Memorial, we know, is on the foreshore of Portland looking over the foreshore beach and the jetty area. Did you want to make any comment about that plaque particularly.

40 **MS HENTY:** The plaques that I have included and the monuments I have included in particular make reference to 'firstness'. And this is why I'm drawing our attention to them. For the first permanent settlers, we know that's not true. This is producing a colonial myth, which is why they need to be removed. Because it's perpetuating a lie.

45 **MS McLEOD:** I think I'm mistaken. I said that was the one on the foreshore. This is the one at Muntham Hill in Muntham.

**MS HENTY:** At Muntham Hill. This also says “first permanent settlement” which is that one there. The first permanent settlement, Edward Henty, celebrating Edward Henty.

5 **MS McLEOD:** Go to the next one on the next page. This is the Edward Henty Landing Site Memorial. If we could just zoom in on the top plaque it reads:

*"Near this spot Edward Henty landed on 19 November 1834, establishing the first settlement..."*

10

*Are the words of plaque:*

*"...the first settlement in the State of Victoria. This memorial was unveiled by his right honourable Highness, the Duke of Gloucester 19 November 1934."*

15

So celebrating 100 years. Any remarks you wish to make about that plaque?

**MS HENTY:** Yes, the same point that I wanted to make before. It celebrates the ‘first’ and it celebrates the centenary of their invasion. So it's a particularly egregious monument.

20

**MS McLEOD:** We zoom out to the lower photo. You can see the memorial that includes this plaque down there on the - if you are looking at the sea, the right-hand side of the foreshore of Portland there. If we turn to the next, the stone, please, on the next page. This memorial is in Casterton Road, Portland and you can read the lower plaque which is:

25

*"Dedicated to Major Thomas Mitchell, the Henty brothers, the pioneers, settlers and labourers who created Victoria's first inland settlement, the share farmers and the service men and women of Henty, erected by their descendants and district residents 2007."*

30

I take it you had no involvement in the erection of that stone.

35 **MS HENTY:** I did not.

**MS McLEOD:** Is there any comment you wish to make about that?

**MS HENTY:** Similar as before. It makes the statement that it is the first settlement. That is a lie.

40

**MS McLEOD:** And the next photograph is the Henty memorial on the foreshore, Bentinck Street, foreshore. There is a plaque but if we zoom into the photo at the bottom, that is the second plaque facing the sea, and it reads:

45

*"The first land ploughed in Victoria."*



Do you wish to make any comment about that?

5 **MS HENTY:** This is another - well, the point that I would like to make about this one is not only the others, they make the statement that it's settlement. This is about terra nullius as well. You visited Budj Bim. You know that the first land - this was not - the Hentys were not the first to plough the land. This is another lie.

10 **MS McLEOD:** If we turn the page, there is another Henty memorial which is on Davison Drive, Valley Lake in Mount Gambier. Then, of course, before State borders between Victoria and South Australia but that memorial in Mount Gambier, is there anything you want to say about that?

15 **MS HENTY:** This is to celebrate a hut that was established. It's on the site of the hut of Stephen Henty, so another of the Henty brothers. In 1940, when it was erected, kids were there to celebrate the Henty family so you can see how these monuments were really cultivating a culture of white supremacy.

20 **MS McLEOD:** Just turning to the Glenelg Shire document that they have provided us with - I'm not sure if you have that in front of you, Ms Henty or if you have had a chance to see it, but there are a large number of these monuments erected all over the district. There are a number of council roads, including, of course, the Henty Highway. That's the main access road to Portland. A number of streets named after various colonial individuals: Dutton, Flinders, Glenelg, Henty, 25 Bligh, Blair and so on. Many council roads, recreation reserves, including Flinders Park and other recreation reserves. Henty Park, reserves, other monuments in Casterton and surrounds and parks. Now, that's a long list. So can I invite your response to the number of memorials, place names, parks, roads and other places named in honour of those colonial forebears?

30 **MS HENTY:** Yes. I think it shows how obsessed the settler colony is with creating a narrative around its legitimacy, which is, like I said, based on lies. It shows colonial anxieties, and it's - I think - well, it's embarrassing. I really want the Henty family to be correctly written into history and I think that these spaces, 35 they obscure that.

**MS McLEOD:** Can I turn to your articles. I'm not sure if we have got a copy of the first one called '*In the Soil that Nurtures Us*'. So, could you tell the Commission, please, when you wrote this and where it has been published?

40 **MS HENTY:** I wrote it over 2020 and 2021. It was published in 2021 in Index Journal, which is a Melbourne-based academic journal. And the article looks at how monuments reproduce power. That's the purpose of the article. And I focused specifically on Thomas Woolner, who was a pre-Raphaelite artist who produced 45 the Captain Cook monument in Hyde Park in Sydney. Yes -

**MS McLEOD:** Is this just a matter of interest or is this a subject of your academic study?

5 **MS HENTY:** It is not an interest of - it's not my academic study. I look at video artwork. This is a sort of personal interest, monuments.

10 **MS McLEOD:** As we see from the article, it was written in the wake of the murder of George Floyd and the Black Lives Matter protests, the dismantling of monuments in the United States and elsewhere.

15 **MS HENTY:** I wrote it to think about what we could do with monuments here. What has been done, say, in India where monuments to Queen Victoria have been left to ruin, or in Russia where monuments from the Soviet era have been put into parks of fallen monuments. So to consider how other places have been removing them, and I started by thinking about why the police in Australia pre-emptively protected the Thomas Woolner sculpture of Captain Cook. And the reason I think the police pre-emptively protected it was because of the power that it reproduces and that it is a symbol of terra nullius.

20 **MS McLEOD:** Can I explain you to ask what you mean by this statement:

*"That the sins of colonialism have not been appeased or redeemed is evident in their continuing return through the contestation of colonial monuments."*

25 **MS HENTY:** So the Thomas Woolner Captain Cook sculpture, you would know, is regularly daubed, and it has been for decades. So that statement is to show that these monuments continue to produce power. These monuments continue to be challenged and that the sins of colonialism have not been appeased. They have not been redeemed. This is the process that we are in now, I suppose. And they  
30 continuously return in the - I mean the Henty monuments as well have been - I don't want to use the word vandalised, but they have been it daubed with writing, "Sovereignty never ceded". It shows that these monuments continue to have a damaging impact.

35 **MS McLEOD:** You wrote an article - can we bring up the next article, please - in The Guardian, or contributed to that article in The Guardian in 2020. Was that around the same time as your publication?

40 **MS HENTY:** Yes, this was around the same time. This was 2020 and it was the first time I spoke about the Henty family publicly and I described what I said today in my statement, how they arrived and what they did and that they have been taught about in schools - incorrectly. I was told by my high school teacher that we were pioneers. This is the rhetoric that was used. And I wrote this article to say that it is absolutely time, well past due time, that the Hentys be put in the  
45 right historical context.

**MS McLEOD:** Is that what has motivated you to come and give evidence today?

**MS HENTY:** Yes. I also have been asked by a Guditjmarra person to contribute as well. I was told that I should consider this and then I was approached. I'm also motivated by the fact that I have been told, like I said in my statement - I have  
5 been told that I can distance myself if I want, and I think that this is horrible. I think it's embarrassing and I don't want to do that. I - there have been five generations of Henty family members who have not said anything, and I don't want to be part of the sixth generation who doesn't say anything.

10 **MS McLEOD:** Do the Commissioners have any questions of Ms Henty?

**COMMISSIONER WALTER:** Thank you, Ms Henty. I notice in your evidence you talk about memorialisation and in your further evidence you talk about that sort of insistence on this firstness and then as memorials of parts of power. But I  
15 was particularly struck by a sentence where you said memorialisation functions to produce heritage for non-Indigenous places and to engender a sense of belonging. I would like you to talk a little bit more about what you mean by that.

**MS HENTY:** I think because settler colonies really have no legitimacy, they need  
20 to create stories. And the Henty family were one of many and they have been chosen because of their status of 'firstness' to - like I said, to kind of create an ancestral figure for the nation state to sort of - yeah, to have an inheritance. But it's not heritage. It is not actually - maybe it's heritage now because the State says it is, but they - their function was to kind of create - to create heritage, to manufacturer  
25 heritage. Yeah.

**COMMISSIONER WALTER:** One final thing. I'm just amazed - I know many of these monuments are from the early parts of the 1900s but we had one in 2007. So this is not a historic pattern of behaviour. It is continuing to the present. Is that  
30 right?

**MS HENTY:** That's right. There is also - on that, in 2019 there was going to be an exhibition that celebrated the Henty family in Portland and there was no consultation with Guditjmarra people. So they are continuously - they continue to  
35 be celebrated. People want to celebrate the Henty family, yes.

**CHAIR:** Could I ask a question. Do you think there is any opportunity for people from your family to accept any - I don't know what the right word is - engagement  
40 with the Henty family about what really happened when they came here?

**MS HENTY:** Is there any - yeah, I - my sister does. My sister and I, we talk about it. We both - we are not proud. My broader family, possibly. I know that there are members of my family that are proud to be Hentys. I think it makes them feel  
45 powerful. I think that it makes them feel special. I would like for them to reframe that and reconsider what that means. I hope so.

**CHAIR:** Thank you. In reframing, do you think there could be some kind of contribution to the education of people in the local area or in the education system about these things? About memorialisation and about -

5 **MS HENTY:** I can't think of anyone in my family immediately who would but, yeah, I would.

**CHAIR:** Thank you very much. And thank you very much for your presentation. Very important to us. Very important. And I'm sure it's very important to people  
10 who are online today to hear. Thank you.

**COMMISSIONER NORTH:** I have got two questions, if I might. The first question is that your analysis of the process of memorialisation, am I right to gather that that actually comes from partly an expertise in this area, that you are,  
15 by occupation, an art historian?

**MS HENTY:** Yes, yes. I guess.

**COMMISSIONER NORTH:** And the other question I have for you is do you  
20 have connections with other prominent settler families who share the same doubts about pride in so-called heritage?

**MS HENTY:** I don't.

25 **COMMISSIONER NORTH:** So you don't know whether there is an acceptance in those communities of the types of issues that you have spoken about?

**MS HENTY:** I do know that there is a descendant of Angus McMillan who has spoken publicly about rejecting the legacy of terror that she has inherited. And I'm  
30 involved in a project with Genevieve Grieves called Descendants. And I will likely meet more descendants in that process. So I do know of an Angus McMillan descendant but no, I don't know of any other settler families.

**COMMISSIONER NORTH:** Thank you. Thank you for your evidence.  
35

**COMMISSIONER LOVETT:** I have got a question. How has this process of discovering your family's history impacted you personally?

**MS HENTY:** How has it impacted me? It's impacted - there are so many ways  
40 that it has impacted me. It's impacted the direction of my research, where I put my time, where I put my attention, where and how I care, what I care about. It's helped me to listen. It's helped me to feel deeper. Yeah. It's shaped me as a person, yeah.

45 **COMMISSIONER LOVETT:** Is there anything further that you would like to say? We have got a lot of Gunditjmara people sitting in the room here. Myself as proud Kerrupmara Gunditjmara man. We were on Country on Monday kicking off

these land injustice hearings at the very spot that you are referring to and that you have made reference to. But are there any other sort of comments you would like to make, particularly to Gunditjmara people who may be sitting in the room or even just listening in and watching your evidence here today?

5

**MS HENTY:** I guess - what do I - I would need time to think about it, I guess, but I - I - I want to say sorry and I am sorry for what my family did. I want to - like I started with, I acknowledge that it's ongoing, what they - the impact of what they did, that it was wrong, that it was illegal, that it was a crime, and I want to help reverse that, if I can, and I will. And I will be here to do that in whatever way.

10

**COMMISSIONER LOVETT:** So you're open if Gunditjmara Traditional Owners invite you to Country to meet with them to talk about, you know, this, your family's history? And you are open to being a part of what next steps may look like, whether that be advocacy as well?

15

**MS HENTY:** Absolutely. Me being here today is one - one part of a longer process and I'm going to be around for that wherever I'm needed, if I'm needed at any point, and I also am prepared to be told to shut up as well and when not to talk. I know that that's important as well. I want to know how I can be of use.

20

**COMMISSIONER LOVETT:** And when was the last time you were on my people's Country?

**MS HENTY:** Many years ago when I was young. In fact, there was, in my family, a tradition that sort of ended for the father of the family to take the children there, each child individually. So I haven't been there for a very long time.

25

**CHAIR:** Could I just ask another question. You used the term around monuments being a way of creating 'heritage'. It is a foreign concept to me as an Indigenous person, because our ancestors on the Country, our heritage and all that that means. So it's a very different kind of thinking, isn't it, that things are made. Did you want to say a little bit more about that? I'm grappling a little bit at the moment given how you said that bit.

30

35

**MS HENTY:** Yes, I realise now I should have a better way of describing it. I - it's - I mean, I think the monuments expose themselves by saying 'first', and like I said before, settler colonies, they have codes that they have adopted and they have appropriated from the empire to symbolise what a nation should look like, what a nation should be, and they used those codes and heritage monuments, memorialisation, families and figures to celebrate are those codes and that's what was used here. They were used here to, yeah, produce - to produce a heritage for people to feel like they belong where they don't.

40

**CHAIR:** Thank you very much.

45

**COMMISSIONER LOVETT:** What do you think justice looks like in this context of what we have discussed today?

5 **MS HENTY:** I think truth-telling. I think the return of the land, treaty. I also am  
 very hesitant to give my opinion on these matters because I don't know if my  
 opinion matters, counts. I'm - you know, like, when the exhibition into 2019 was  
 held without any consultation and someone contacted me and said, "You need to  
 use your name" and I realised that my name still has power, and I think that  
 reversing that power - I would like to not have that power. I would like for the  
 10 Hentys to be put in the right historical context. So reparations, return of land,  
 treaty. I mean, we could go further. Borders. States. Nations. These are all  
 important systems of law. But I think that the return of the land that was stolen is  
 the first step, yeah.

15 **COMMISSIONER LOVETT:** And what is your views on how Victorians  
 should educate themselves through the true history of Victoria, some of which you  
 have shared here today?

20 **MS HENTY:** I think all settlers are responsible for questioning how it is that  
 Australia came to be. They are responsible for thinking about whose land that they  
 are on, putting into question the power that they have. Educating themselves is a  
 big responsibility. I don't think that it's just for descendants of colonial families. I  
 think that that's a responsibility to all settlers. So what do I think their  
 responsibility is? I think it's also to talk with local First Nations people, put their  
 25 hand up to the abuse.

**COMMISSIONER LOVETT:** And do you have any views on how our  
 curriculum and the education system needs to change to enable that?

30 **MS HENTY:** Yes. I think we teach in - I mean, my education, genocide was not  
 mentioned, ethnic cleansing was not mentioned, war was not mentioned. These  
 words need to be used. If it makes people feel uncomfortable, that's the sins of  
 colonialism returning to haunt us. I think that these words should be used. People  
 should not be afraid to use these words.

35 I think that - I mean I teach Australian art history. There is a big question about  
 where do we start that whole story? Do we start 60,000 years ago? What does it  
 mean to incorporate Indigenous history into the Australian nation? Should we not  
 even have Australian art history? I think we should, yeah, radically shift how the  
 40 history of this nation, the state was established, especially by taking away the  
 word "first".

**COMMISSIONER LOVETT:** And "settled".

45 **MS HENTY:** And "settled".

**MS McLEOD:** Commissioner Lovett asked you what justice might look like and you have offered a response to that. Can I ask you what closure might look like for you in terms of your family's legacy?

5 **MS HENTY:** I guess I'm not looking for closure personally. I don't want to feel like I have done my bit and that it's - and that it's fine and then I have done - you know, I can go to sleep at night knowing that, you know - I don't want to - I don't want that. But I think, like I said, Merino Downs should be returned, absolutely. I do not want to see the Henty Highway. I don't want to see a town called Henty. I  
10 don't want to see Henty monuments. I don't want to see the lies of the 'first settlement', 'first land ploughed'. I would feel much better knowing that my family story is told correctly and not manipulated in a way to justify ethnic cleansing.

15 **COMMISSIONER HUNTER:** My question has been answered through the discussion. Actually, you have done a lot on writing on monuments throughout your career. What would you say the next step is for these monuments? What would you say should happen to them, given they're your forbears?

20 **MS HENTY:** I would like - like I said, it is definitely not up to me but I would like to see a park of fallen monuments where they are all put into - they become a little cemetery of colonial monuments where you can - where they are in their place. Where they remember not to forget how colonialism was - how the settler colony tried to forget. So I think a park of fallen monuments would be a way. I  
25 don't think that they should be put into museums. I don't think they merit that. They are very ugly. They are just cement blocks. You know, the power that they have is just the power that we imbue into them and a lot of power has been put into them. So they need to be removed from their original context at the very least.

30 **COMMISSIONER HUNTER:** I agree. They are very jarring. I'm not Gunditjmara but as an Aboriginal woman, those names are everywhere. I have been up there quite a few times with the Commission and I'm unsure how the Gunditjmara face that every day. Thank you -

35 **MS McLEOD:** Thank you very much, Ms Henty. That is the evidence of Ms Henty. I suggest the Commission take a 15-minute break so we set up for the next witness.

40 **CHAIR:** Thank you again.

<THE WITNESS WITHDREW

<THE HEARING ADJOURNED AT 10.53 AM

45 <THE HEARING RESUMED AT 11.21 AM

**CHAIR:** Thank you. We now resume this sitting of the Yoorrook Justice Commission.

5 **MR GOODWIN:** Thank you, Commissioners. We now have Dr Vicki Couzens, otherwise known as Aunty Vicki here to be giving evidence. I will be taking her evidence as Counsel Assisting. So if I can now allow Aunty Vicki to please introduce yourself to the Commissioners in whatever cultural way that you wish.

10 **DR AUNTY VICKI COUZENS:** (Speaks Keeray Wooroong language) My name is Vicki Couzens. I'm a Keeray Wooroong Gunditjmarra person. Is that all I need to do?

15 **MR GOODWIN:** Thank you. Yes. And do you undertake to tell the truth to this commission today?

**DR AUNTY VICKI COUZENS:** I, Vicki Couzens, agree to provide truthful evidence to the Yoorrook Justice Commission today.

20 <**AUNTY VICKI COUZENS, AFFIRMED**

**MR GOODWIN:** Thank you very much. You have prepared an outline of evidence for today?

25 **DR AUNTY VICKI COUZENS:** Yes.

**MR GOODWIN:** And the outline of evidence commences with a statement in language and I would like to invite you to read out that statement.

30 **DR AUNTY VICKI COUZENS:** Thank you. I have made a note that there is names and photos of deceased peoples in this document, and when I'm speaking I will be mentioning those. And I would also like to begin with this preface for my statement and contribution today in asserting first and foremost that the root causes of being here and this process itself are because of settler colonial forces that took over our lands and decimated our peoples, and the impact and actions of  
35 that colonial system are still felt. And there seems to be an impunity from the humanitarian and legal frameworks that are created by those very people and system who are still settled on our unceded lands. (Speaks Keeray Wooroong language) Always was, always will be our land. (Speaks Keeray Wooroong language).  
40

**MR GOODWIN:** Thank you for that, Aunty Vicki. There is a translation available in your statement published for those who wish to read it in a different language for the power of the original language Keeray Wooroong in your words. I wanted to in particular draw attention to a passage in that opening that states:  
45



*"We come together to speak all about and big-talk speak things, big words. What will we say? What strong words important will we say? What message can we give these people?"*

5 I think that's a very timely reminder to us all in the context of a Truth-telling Commission and in the context of your evidence today and talking about these big things. So I thank you for that.

**DR AUNTY VICKI COUZENS:** Thank you.

10

**MR GOODWIN:** Just by way of introduction and briefly to ask by first asking you some questions about your family background, can you tell the Commissioners who your mob are and where you are connected to?

15 **DR AUNTY VICKI COUZENS:** My dad was Ivan Couzens. Keerray Wooroong Gunditjmara man. Married to my mum, Joy, of Scottish ancestry, settler ancestry, and part of the people who have taken up the lands in the early days. I have five children with my partner Robert Bundle, Yuin Bidjara man, and 19 grandchildren.

20 **MR GOODWIN:** What is your current position?

**DR AUNTY VICKI COUZENS:** I'm a research fellow at RMIT, and I'm also the Chairperson at the Victorian Aboriginal Corporation for Languages and, yes, a few other hats that I wear around the place, particularly in relation to language. I'm on the Closing the Gap Policy, National Language Policy Partnership Group discussing language and language rights and policy and the like with the Federal Government. So I'm having a good time there. And also on the National Language Directions Group for the International Decade of Indigenous Languages, which it is now, 2022 to 2032.

30

**MR GOODWIN:** What's your research focus at RMIT?

**DR AUNTY VICKI COUZENS:** My research focus is - it's actually a DECRA project. I received a Discovery Early Career Research Award from the ARC, so I'm focusing on language revitalisation in family clan groups through immersion, which is something that is very difficult to do when you are revitalising your language and there are no fluent speakers. But that's my current focus, main project besides other stuff I do with VACL and language, writing. So the language words that I read out, I wrote and translated for actually the Eastern Maar Native Title Recognition Statement, and they are used today with permission because they are very relevant in this circumstance to be speaking in this space. So I do things - work with Deborah Cheetham on the Eumeralla Wars translation and I do a lot of language development work.

45 **MR GOODWIN:** You have prepared a family history for Yoorrook with your cousin Ash Couzens, particularly about your Pop's life on Framlingham Mission, which is attachment 1 to your statement. So that will form part of the public record

and is before the Commissioners to refer to. But just briefly I wanted to give you an opportunity to tell the Commissioners what you know about your Pop's life on Framlingham Mission and your family's life on Framlingham Mission.

5 **DR AUNTY VICKI COUZENS:** Yes, well, Dad and his brothers and sisters were born and lived there for a good while, and Dad's mum's Gunditjmara from the Winters line over Lake Condah. So I have connections right across Gunditjmara and Maar-speaking nations. Pop - the Framlingham Mission was divided up into, like, lots and different family groups got lots and there was meant to be - people were meant to farm and there was new houses built, and Pop and his  
10 brother, Uncle John Couzens, and his brother-in-law, Uncle Tommy Clark, Nan's brother, were part of - and I don't know the other members of the committee, which is another research project on the Aboriginal Progress Association.

15 And there appears to be lots of chapters. And something I really actually do want to look into and it was around the time when William Cooper and Jack Patten and those guys were getting around the country for that initial Day of Mourning in 1938. And they were talking to communities and Pop was the Secretary of the Aborigines Progress Association for the Framlingham Mission. And he wrote a  
20 letter in 1940 to The Warrnambool Standard letters to the editor, and it actually got published. It's in the document. But - so he was -

**MR GOODWIN:** I might call that up, actually. That's on page 18 of your document.

25 **DR AUNTY VICKI COUZENS:** Yes, his kind of activism and thinking then, along with his brothers and others, no doubt, at the mission in that kind of resistance and he uses a phrase which I find - it's such an understatement. Two particular ones where he refers to how the womenfolk get upset when the Welfare  
30 Board comes to check if we are looking after our children and have got clean houses. I think that's a very polite way of putting the trauma and distress felt.

And also about his being driven, that we are being driven by the European settlers in how we live and what we do and that oppression. And he mentions that and  
35 how he is fed up with it. And not long after that letter was published - because we had to pay rent, which is ludicrous in your own Country paying rent - when you couldn't get a lot of work, anyway. Back in those days it was hard. So him and his brothers and that started refusing to pay the rent, as part of resistance.

40 And then after a while he went from being a model citizen on the thing to being a bit of a trouble-maker, according to the records, and he moved off and went share farming. And a few years later when it got a bit tough, they were refused entry back on to the mission. So our family stayed living off the mission after the early  
45 40s, but still very connected to that place.

So - and Dad followed on in his footsteps in the 60s. When we went from the Protection Board to the Ministry, I think it was, he became a community liaison

officer or whatever it was called back then and he would, you know, meet with the people in communities. I'm not sure if it was regional. I am assuming it was and he probably connected with, you know, Heywood and Condah and the likes because it was only part-time and they weren't -

5

**CHAIR:** Welfare Board era?

**DR AUNTY VICKI COUZENS:** Yeah, but he was working for the Ministry of Aboriginal Affairs.

10

**CHAIR:** Yes, that's right.

**DR AUNTY VICKI COUZENS:** Yes, so he would be, like, representative and advocate for issues. Later on, he worked - he was on ATSIC and he has worked on numerous things, you know, 40 or 50 years or something as well. So, yeah, we have got a bit of that. And I am definitely following in their footsteps in trying to make sure that I keep fighting the good fight and representing and advocating. Because a lot of the issues he has written about in that letter are still the same - housing. You know, government contracts and funding that doesn't hit the ground in communities, yeah.

15  
20

**MR GOODWIN:** And to your point that you made earlier - and we have got it on the screen in the second column - powerful words from your Pop:

25           *"I do say that we would be better off if we were left alone instead of being ordered about..."*

**DR AUNTY VICKI COUZENS:** Yeah.

30 **MR GOODWIN:**

*"...and complaints made about the dirty houses. This talk makes the womenfolk very annoyed. We have been in our homes over 12 months and I have never seen any of the new homes dirty. People of Warrnambool and district think it is a great life. To have visits paid by one of the Board members and then comments made and printed in the paper when they hold their Board meetings makes money feel miserable. We might be told to do a few things but we won't be driven by anybody."*

35

40 **DR AUNTY VICKI COUZENS:** Yeah, pretty much sums it up.

**MR GOODWIN:** There is also a photo I think we had on the screen of your Pop with William Cooper.

45 **DR AUNTY VICKI COUZENS:** Yeah.

**MR GOODWIN:** And others.

**DR AUNTY VICKI COUZENS:** Yeah, his wife and sister and the like. It is up at the museum. And I got the letter from my cousin, Libby Clark, who is our cousin. Their mum married my Dad. Her mum is my Dad's cousin. She does a lot of  
5 research so she found that letter.

**MR GOODWIN:** And so you mentioned that you follow in their footsteps. Where did you grow up and what was your childhood like?

10 **DR AUNTY VICKI COUZENS:** We were born in Warrnambool and lived in town because, like I said, we didn't live back on the mission. Some of the family members did but we would visit, you know, out there at times, mostly on weekends. Get to drive the car, you know, when you are, like, nine or something. It is pretty good. So we lived in town, and Dad worked - always had a job and he  
15 did, like I said, the liaison role on the weekends.

And then in '73, we moved to Geelong following quite a few members of the family who had already moved down there for work and stuff. And then Dad was a member of a chapter of the Aborigines Advancement League that was in  
20 Geelong at the time, and he also would sometimes attend meetings. Because I had - rummaging around in his papers, because he was a bit of a hoarder with papers. He kept a lot of papers from his meetings and things he would go to. Some old minutes from those meetings in the Advancement League.

25 And he would meet with - because in Geelong in those days there wasn't an identified Aboriginal community like you would get in other areas. Because of the nature of colonisation, any - no Wadawurrung people were in the vicinity and there wasn't an identifiable group at those times in the 60s and 70s. So he was meeting with - but there was a large number, a really large number of families  
30 with adopted children from all over Australia, not just here, and we had a big home where there was a lot of kids. Like Ballarat, there was a big home in Geelong. I forget what it's called. Not Glastonbury. That's the festival. Something like that.

35 So he would meet with those families. Because there were several families in Geelong who really wanted their Aboriginal children to have contact with other Aboriginal people so that they could retain some type of identity, notwithstanding that they are not growing up in their own cultural environment and on their own Country. So he would meet with them and talk about - he probably did a few  
40 events. And a couple of other Aboriginal people that - I think May Owen and Leo Muir became involved.

Then in the late 70s, Dad started the paperwork in rounding up people and - because sometimes you might see another mob. You might know them  
45 around town or something. So then we went looking for the rest of other Aboriginal people and he set up what was then the Geelong and District Aboriginal Cooperative. And it got changed to Wathaurong later on. We used to

run chook raffles, you know, pay the rent. That was funny. And so I became actively involved in that, and when on my first Board of Directors, which I think I told you, Tim, I was also the Secretary and had to do the minutes. And currently I'm back come full circle and I'm the Chairperson at VACL and the Secretary  
 5 doing the minutes currently. So I'm not sure that is great but, anyway, lots of experience.

Sitting on that Board for a number of years and, you know, in my own work have progressed from there. But Dad always worked - he was working with the Country  
 10 Roads Board for a long time but then he - when Aboriginal organisations became - well, they grew and became into being, then he moved into working with the Department of Aboriginal Affairs or local community orgs. Like he worked at the Wathaurong Co-op for a while. And ADC? Anyone remember ADC? He did that. The Aboriginal Development Commission, which I think, interestingly, is  
 15 where we should be - we need another ADC, I think. Because, you know, one of the foundations for restitution is holding the State accountable.

But for us, I think in self-determination we need to be economically independent, and I think that's a big issue and that speaks to land back, you know. I think that's  
 20 very foundational to all of the things that we are addressing still in our communities, particularly around language.

**MR GOODWIN:** And I want to shift to talking directly about language in a minute, but I just - I do want to ask one question about a story about your - I think,  
 25 in your words, your settler invader background in terms of your mother's heritage.

**DR AUNTY VICKI COUZENS:** Yes.

**MR GOODWIN:** And you mentioned in this statement and attachment 2 is a transcript of a trial of George Sandford Bolden. You realised in researching your  
 30 family history that, through your Mum, you are related to George Bolden, who was a white man who was acquitted of killing an Aboriginal man and woman. How did you come across that story?

**DR AUNTY VICKI COUZENS:** I found it - I think I was about 16 and I was reading Michael Christie's book '*Aborigines of Victoria*' or something it was called and I found an account of this massacre in there. And, like, none of that  
 35 had - none of that story had survived into Mum's family oral history, or if it did, they weren't telling it. Yeah, so I was like "Oh, look at this. This is like - there is  
 40 your mob killing our mob. Like how strange is that to find that out."

And we didn't really like have a big, you know, conversation or that, but, yeah, I was very aware of it, and I'm interested in the transcript you gave me because I have never read that until you gave it to me. So it is one of those things you have  
 45 on your to-do list that you might want to find out one day or follow up, but it's not been a high priority because I have prioritised other things. But it's very significant in and of itself to - and in these times now when we are bringing these stories to

the fore and sharing. Because I see a bit of the previous witness, you know, from the settlers' side of those kinds of stories.

5 And in our Country and I'm sure in other places, but we certainly have a lot of documentation of these kinds of things happen across the West and in Gunditjmara Country. There is a lot of records and place names and things that are, you know, reference to these times. And, interestingly, with my great - no, great grandfather and his brother were part of the Aboriginal cricket team who come from the West as well and, you know, we were having a meeting because  
10 Cricket Australia wanted to do a story on it, which is great. But I want it to be a proper truth-telling story, not a happy Disney blackfellas go and play cricket at the MCG, whoo-hoo, you know, nice - and I don't think they do either, but we had a meeting.

15 But it was interesting, the - because I hadn't actually thought, but at the same time these guys were being smuggled out of the country to go and do this - what would have been an entrepreneurial money-making mission for the people who sponsored it. What was his name? I can't remember his name. A non-Aboriginal man. Anonymous. No, he is not anonymous. Smuggled them out of the country at  
20 the same time when some of these incidents like the massacres and violent confrontations were still happening, you know. They weren't finished. So it's a really - it's a lot to think about and for people to consider and to, you know, shift the paradigm and the thinking on both sides, you know.

25 **CHAIR:** Vicki, can I ask, do you want to say the names of your ancestors that were in the team?

**DR AUNTY VICKI COUZENS:** That were in?

30 **CHAIR:** In the cricket team.

**DR AUNTY VICKI COUZENS:** Yes, James Couzens and John Couzens. And I unfortunately can't say properly or remember their language proper names. I only know off by heart their English names. So thank you for asking.

35 **CHAIR:** Thank you.

**MR GOODWIN:** That's actually one of the fascinating things about the case of George Sandford Boulden. So from my reading of the transcript in its old English,  
40 the judge actually directed the jury to acquit Bolden based on a House of Lords case that stated the prosecution must strictly prove that the name of the victim was that in the indictment, what they called the information at that time.

45 And the judge actually found that there was quite a difference of opinion about how the Aboriginal man's traditional name was pronounced and spelt, and the judge used that as the basis to find - to direct the jury to acquit, because it wasn't too sure if it was properly captured, which is an astounding outcome in

circumstances where this is Aboriginal language and no doubt being mis-pronounced and mis-written, and it is actually that basis that is the reason for Mr Bolden being acquitted, which really is a fascinating view of language, of difference of language, and of the Aboriginal language. I just wondered if you had  
5 any reflections on that?

**DR AUNTY VICKI COUZENS:** Well, it is, and it still speaks to the lack of understanding from the Western perspective, you know, or even their will and intent to try and understand. I mean, there are some people in those times who  
10 were fighting and supporting our people, but - and the way things are written down and how they are heard by a Western European English, whatever they were, hearing it and writing down and how do you write down sounds that aren't the same as in English, you know? It is a difficult thing.

15 But it also, to me - speaks to me of the lack of justice in the so-called 'justice system'. Because, you know, when were we officially legally able to provide evidence that was recognised or valued? And then how the system will allow justice to not be served on a technicality such as what you have described. Like, I  
20 find that astounding, the discrepancies of the system that I think from then and now nothing much has changed. Because I just see the system not - not offering any protections at all for Aboriginal people, Aboriginal and Torres Strait Islander people.

**MR GOODWIN:** It is interesting you mention. So the famous Redmond Barry  
25 defended Mr Bolden, Redmond Barry being the judge that eventually - I think I'm right in my history - sentenced Ned Kelly to death. And he - you made an interesting point about reliance on Aboriginal testimony. So Redmond Barry attacked the capacity of the jury to take evidence from a 10-year-old boy who  
30 witnessed the massacre based on the fact that he was, essentially, a savage and could not be trusted to give truthful evidence. So that speaks to your point.

**DR AUNTY VICKI COUZENS:** Yes. And that's - like in my preface about the root causes here of why we are here today doing our truth-telling of that, the European ontology of the time and how they think. And it's still pervasive in the  
35 current system.

**MR GOODWIN:** So now turning to the importance of language and your work and research on language, you mention in your statement that your Dad started your family's language journey in the early 1990s. How did that language journey  
40 start and where did it take you as a family?

**DR AUNTY VICKI COUZENS:** Well, he was I think up in Dampier in Western Australia attending an ADC meeting. He was the only Aboriginal person in the room who couldn't introduce himself in his language. And that was a real catalyst  
45 moment. His interest in creating a community organisation was around social and cultural issues, not necessarily health-welfare, but that's what we were told we had to find to set up an org and to receive funding. You had to find the deficit formula

of health and welfare and those kind of things. You couldn't just have a cultural centre. So - sorry, I'm having a little eye blink because I scratched myself.

5 **MR GOODWIN:** You mentioned your father was the only one who couldn't introduce himself in language.

10 **DR AUNTY VICKI COUZENS:** So, he came back and set about - and I think it was in - because it was in ATSIC times too, there was an opportunity, and he secured some funding and an honours degree student linguist to support the research and then the publication of the Keerray Wooroong and related dialects. So all the Maar-speaking dialects. It is a Maar-language family which includes Guditjmarra or the dialects in Guditjmarra lands as well. So that got published in 1996, which was pretty amazing.

15 And that gives all of us, all Guditjmarra Maar-speaking people, access to our language, which we didn't really have. Hence my kids' names, except the last one, were all in someone else's language. Yes, so we had - first time we were able to access our language, in a way - I mean, besides a few words in community or expressions and what we use in Aboriginal English to express ourselves, that was  
20 the first time we had proper access.

**MR GOODWIN:** And what made you so personally passionate about language and language revitalisation?

25 **DR AUNTY VICKI COUZENS:** Well, I have always had a bit of an interest or, you know, penchant for languages and hadn't really formalised that. And then when I - when dad had done the dictionary and I had returned home to Warrnambool in 1999 with my family, I got active then within the community. Because we had our own little language committee in Warrnambool and we were  
30 doing some stuff. And then the rest of our mob started getting activated, or, you know - not that they weren't, but actually looking to do more in language.

So we set up a regional - set up a regional committee. We had a regional one incorporating Portland, Hayward and Hamilton and Warrnambool and Fram and  
35 the (speaks Keerray Woorong language) and I used to do - it was all unpaid. We didn't have any money because there is no money in language. Just saying it again. There is no money in funding for languages. So we used to do lots of things. Like, you can do a health program and, you know, integrate language into it. Or we would do an arts program and always bringing that language in and bringing  
40 greetings. So all the staff will answer the phone. And just small steps.

And the more I done and I just became really, really deeply connected and my understanding of how language is central to everything, everything. Because it's  
45 the repository. It holds all of our knowledges, our laws, our custom, everything. Our kinship networks. And so - you know, and I seen that as if we can have our language then our - that reclamation and revitalisation of our knowledge and



practices is - because language is across all parts of your life. So, yeah. I just - I just love it.

5 **MR GOODWIN:** And you are currently, as you mentioned, the Chair and secretary of the Victorian Aboriginal Corporation for Languages or VACL. Can you tell the Commissioners about the purpose and history of VACL?

10 **DR AUNTY VICKI COUZENS:** Yes, VACL was established in 1994. Uncle Sandy Atkinson pulled 50 bucks out of his own pocket and paid for registration, as you did in those days. Dad was a founding member along with, I know, Jill, who is coming along later. She was there then, I think. And Aunty Lilian Tamiru. Some of that, unfortunately - some of that history we are still trying retrieve because people have passed. And it is not all - I can't find the written records yet.

15 So there was a group of really passionate people that set this organisation up. And back then everyone was still busy, as we still are, or even busier, but busy with Native Title now and with housing, employment, education, all of those necessary things - and health. And language has always been this little brother, little sister kind of thing. Everybody - we all want our language, but our focus has been on  
20 these other areas.

And so a lot of that work has been done with very little resourcing, and currently, there is still - it's an emerging sector, if you want to use that kind of speak, you know. Because, as Aboriginal people, we know that everything is connected and  
25 nothing is separate or siloed. But when we are engaging with the system, we have sectors - health, child, stuff, early years, you know, all of that.

So language is currently being looked at and called and talked about as a sector now, and there is emerging developments, particularly because it's the decade. So  
30 the Federal Government did get a bit active and set up that national committee where we published the Voices of Country, which is a link. I don't know if you have got - you wouldn't have a copy but the Voices of Country, which is an implementation plan to support all jurisdictions and corporate and community on how they might support language in this time and whatever that means.

35 So it was a great report up to the point where the Federal Government couldn't make any commitments. So they don't have any written commitments in the report. It's a guide. They were unable to make those commitments because they didn't make a budget bid. So they could not name any new commitments.  
40

**COMMISSIONER WALTER:** Excuse me. Why can you call it an action plan if there was no commitments to action?

45 **DR AUNTY VICKI COUZENS:** Yeah, exactly. Don't worry, I'm still working with the rest of them through the Directions Group, and through the - particularly those questions at the LPP, the Language Policy Partnership. We have just had a very big push at our last meeting for action. We have said we have done all the

talking, done all the work but we need action. Because the Federal Government has increased their funding from \$20 million per annum.

5 So if you think there is 800 languages in Australia, counting all our clan dialects, if they spend 20 million per annum - and the funding for language centres, of which there is now 23 but there used to be less than that, is capped at 600 to 650,000 and that's only - as a State language centre that's what we get but the other language centres get less because they are not a State peak. And that is the level of funding that is going into language revitalisation from the Commonwealth, and  
10 there is nothing from the State. The State of Victoria does not fund Aboriginal languages in a sustainable and self-determining manner.

And whilst we are - VACL is now included as peak body in the Closing the Gap Peak Body Forum Partnership where there has enabled us to position ourselves to  
15 be effective representatives and advocates in this space for the protections of our languages and the assertion and exertion of our, you know, human rights and our rights under UNDRIP and that, it's farcical because the language centre funding from the Federal Government has not gone up in 10 years.

20 We have been receiving the same 600 grand for 10 years, so we are able to do less and less and less. We can barely pay for our couple of staff members and pay the rent on our offices and, you know, a few things. That's how stark it is at the moment and why I get very vocal and passionate and every chance I get, I talk about this and I talk about the numbers like right now because this has a very  
25 serious impact in the foundations of any kind of outcomes for this Commission. But in terms of, you know, resetting the paradigm and looking at things from a human rights and a - mind blank.

Human rights - oh, restitution and restorative justice. If we are talking about  
30 justice, we need to change the paradigm. We need to move into restitution and the recognition and acknowledgement of that and, therefore, then actions can happen. Because how many times have we got to keep talking about things? And it is important. This isn't new conversations we are having in a new - in this Commission. Because we are able to speak loudly and clearly on those truths and  
35 those injustices and hurts and horrific genocidal, you know. Because our loss of language is linguicide. It is very much one of the first strategies to genocide. Stop people talking their language, stop people practising, rid of them.

40 **MR GOODWIN:** Can I ask you, have you reached out to the State Government to the ask for funding, the Victorian State Government?

**DR AUNTY VICKI COUZENS:** We have been waiting since 2019 to have a meeting with the Minister, which hasn't come to fruition yet. And we - you know, we are very busy. Rosales - like, the amount of workload that is put upon our  
45 organisations and our people - and, like the CEO is supposed to do CEO stuff and some of that might be going to Closing the Gap meetings but do you know how much time it takes? It is ludicrous, the amount.

And then I watch my cousins who are – you know, and community members working at our body corporate, the prescribed body corporate under Native Title, and the burden of the workload - people are buckling at the knees, and it's wrong. I  
 5 go - I don't take sitting fees just in principle, but we go to these meetings and I look at - there is 12 of us, say, or however many on the Language Policy Partnership and there is that many again and then some of public servants. And, mate, they are not on the salaries most of our people are on.

10 They are on, like, 200,000-plus and there is millions of dollars sitting in the room and none of it gets to the people on the ground. And I can't say enough - and through the Language Policy Partnership, we look at and Rosales Martinez, is here, the president, and she's the CEO of VACL. And we have big conversations about resetting the paradigm into restitution. And that is our position and that is  
 15 how we engage with the State Government.

So at the moment we do not have a formalised or respectful relationship with the State Government. We have moments where different departments try to engage with us, and we have - we kind of set our position, and that sometimes doesn't fit  
 20 with how the State wants to engage. So there is these continuing issues. I don't want to get bogged down in all of those details, but they are a good example of how things need to shift.

And under Closing the Gap, it's supposed to be - the system is supposed to be  
 25 changed the way they are doing stuff. Well, good on them. Get a move on. Get the system out of the way and give us the resourcing and support that is - so from our last Language Policy Partnership, we asked for an urgent action and to find a way to set up a strategic investment fund to help languages while we are trying to work out the rest of it, like national legislation or State legislation and policy and stuff,  
 30 right? While we are waiting, set up - and we don't like the word "investment" because we think investment is - it doesn't speak to sovereignty and self-determination.

But right now within the system I know the State Government makes strategic  
 35 investment decisions. I just made one the other day through Creative Victoria. It wasn't for a big amount of money but I was on the chairperson of the Creative Victoria First Peoples Directions Circle, providing direction to the State in creative industries, and I had to make a co-authorisation of a strategic investment. And I'm like, "Okay, if you can make strategic investments, let's make strategic  
 40 investments."

And because my favourite number that I speak to the LPP and the Federal Government is \$1 billion a year for the next 10 years. Then you will see - because  
 45 the priorities that we come up with were stop the loss and then, you know, support the growth and all that stuff and these other priorities. They are in that report and also in the LPP papers you can look at online. Sorry, I don't think I have got that link there.

**COMMISSIONER HUNTER:** No, I have got them here. Stop the loss. Aboriginal and Torres Strait Islander communities, a centre, caring for Country. Intergenerational knowledge transfer, truth-telling and celebration - are they the ones?

**DR AUNTY VICKI COUZENS:** And through the LPP. And people thought that was funny. And I sort of said it just because it's a big number but it is not that big a number. Like, there is a lot more money floating around in the world, and the government can send \$1 billion to Israel and they can spend \$4.5 billion on nuclear submarines and pay it to a British company and they cannot find even the moment to go to a budget bid to provide support for our languages.

It's continuation of linguicide and genocide, just - you know. And I know the people. The people are genuine. When you are sitting there, generally speaking, most people are genuine, they are there trying their best, but the machine and the process is still not set, and they are not really moving anything, you know.

And I pulled the billion dollars and then Rosales is a complete research genius and rummages around and find out lots of information. For example, Spain spend about \$1,300 per annum per head on language. So if you take that figure - because Australia is about \$18. Is that right? Something, really, really poor at the bottom of the list of how much we spend on language, not just Aboriginal languages. If you take \$1,300 per annum and you multiply it by eight or nine hundred thousand blackfellas, it is nearly a billion dollars. So it wasn't far out; it was a good guess.

And what we need is economists to look at - and the Productivity Commission has just slammed everything, you know, with Closing the Gap. And, you know, we sit there and we talk about the funding models and the formulas, you know, the number crunching. Well, yeah, let's do that because they are the mechanisms that you get to pull the lever and the dollars come out. You know, a bit like that pokie machine. Ca-ching.

**COMMISSIONER LOVETT:** I don't think the numbers come out very often for -

**DR AUNTY VICKI COUZENS:** No, they don't. Well, same - same for us, then, isn't it? You know? No difference. So there is all of these things that we are trying to work with the system and the knowledge that we have now and the people that are helping us with all those expertise, but there's not enough action. It's like - it's imminent. People are dying. Our old people are dying.

**COMMISSIONER NORTH:** Can I just ask you this. You said the people are genuine. That is the policy-makers are genuine, all those public servants sitting across the table, they're genuine (audio drop) you have no action. Have you got insight into what this is. Because this seems to be a recurring (audio distortion) you have got people expressing right (indistinct) meant and genuinely -

**DR AUNTY VICKI COUZENS:** Mostly you think.

5 **COMMISSIONER NORTH:** Mostly, you think. But nothing comes out from the pokie machine?

10 **DR AUNTY VICKI COUZENS:** Yes, well, for me, I - when that happened, when we - for the National Directions Group for the International Decade of Indigenous Languages, that report, they came back with a list of commitments, but none of them were new. None of them had any money attached to them, and none of them meant in addition. All it said was "continue to support". "Increase support". It didn't say how much or when or how.

15 And I just went I do not accept them and I will not put my name to this report and everyone else of us agreed. And so they took them back. The only new thing, which I just find - it does my head in. The only new thing on that list was, under the Marriage Act, if you have got more than one language, you can become a celebrant easier or something. Yeah, what's that got to do with anything? To do with us and what our priorities and what we want for our language?

20 I found it highly insulting and humiliating that these language experts from around the country are sitting at the table and spent 18 months on this report and that's all the Feds could come up with. And I still like - I just - and then the referendum happened. And I'm like, there is no will and intent. There is no genuine will and intent. In individuals, yes. But when it gets further up the chain, I don't know what the blockage is. Exactly, I can't tell you, because I learn something every day or every time we have a meeting at the LPP, because the government jurisdiction sit there, the State Government jurisdictions and then they will tell you about this other mechanism or this other layer or this other avenue up the chain in the system that leverages or does not leverage the approvals or release of fundings and/or where to find other buckets of money for that strategic investment.

35 I found out a cool one off one of the jurisdiction reps - who, hopefully, they don't lose their job for telling us. But, you know, there is buckets of money in there. And I also - I mean, I make what people think are outrageous - and they often laugh. When I mentioned \$1 billion, everyone laughed. I went, "Well, actually, I'm not joking." We need that level of investment right now. We can sort out all the details later and towards - we have to be self-determining. We have to be autonomous.

40 There is the parallel parliaments in the Sámi Lands. I don't know if that's the answer. But we do have our own decision-making, absolutely. And we have to be autonomous and self-determining in that and managing the money. We can do that. Just hand it over, and we will get on with it.

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**COMMISSIONER LOVETT:** So from a accommodation point of view, like, and where you are located, so sustainability, you have \$650,000 a year. That's all you get for the last 10 years from the federal government.

5 **DR AUNTY VICKI COUZENS:** It has gone up from four to about six in about the last 10 years. I don't even know. Is it 650 or 600? Yes.

**COMMISSIONER LOVETT:** Right. So it is still not adequate. From an accommodation point of view, have you got sustainability accommodation around  
10 where you are located?

**DR AUNTY VICKI COUZENS:** As long as we keep paying the rent, but it is not ideal. It is four offices connecting in a corner of the building in Docklands. It is not built fit-for-purpose. Like Rosales was saying, the money is purely  
15 operational. We can't afford like we used to - used to be able to pay our language worker for a while or pay for a project. Now it is all operational because we can't pay someone to go and do a project in their community anymore. We can't fund them.

20 **COMMISSIONER LOVETT:** I just want to make a comment more broadly. The Victorian Government, zero investment in languages, but they are a signatory to Closing the Gap.

**DR AUNTY VICKI COUZENS:** Human rights Charter.  
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**COMMISSIONER LOVETT:** That's right. They have also got a Self-Determination Reform Framework. They also have the Victorian Aboriginal Affairs Framework. Some of the strategies that the Government has, most of them that we have had access to that are online are named in language, our people's  
30 languages, but there is no investment from the State of Victoria in VACL or in languages.

**DR AUNTY VICKI COUZENS:** Yep. The State representative at the Closing the Gap Policy Partnership reports on some initiatives through the Department of  
35 Education, and they are aligned with VAEAI, and so there is a bit of work going on. But they all think that's great they spend about \$7 million, but none of it hits the ground in the communities for the language work. So this is the big issue.

40 You can be saying you spend X amount of dollars but it's about what language work is, you know. The government has just announced all those 50 kindergartens, right? They want to name them all in language, so they approached us. They are already working with Wurundjeri and Wathaurong and I forget who else for those first four but - and I asked them. I said "Well, what resourcing are you giving to those language communities to be able to develop the language to provide you  
45 with that service?" Because it's not about what's language for our mob. That's providing a demand by - from the mainstream, right?

**COMMISSIONER LOVETT:** Yes.

**DR AUNTY VICKI COUZENS:** And we know the mainstream love to consume our culture, to consume our culture and put us in museums and look at us. That's  
 5 the foundations of the system that we are dealing with. But language revitalisation, it's our birthright. It's inherent and it's - language is culture, language is family, language is land, and they are inseparable. We don't have a connection to the Country. We are from, we belong in and we are of Country.

10 So I won't use the word "connection to Country" anymore because it's not that. And our language and our knowing is in our blood and our bones and in our lands from our ancestors. And language revitalisation and reclamation, like our cultural knowledge and practices, requires a whole spectrum of things. And if there is no  
 15 speakers, you are behind the eight-ball, 100 miles behind the eight-ball. You have got to go and find your language.

There is some in communities, some in families and some of it is mixed, not always just your language, you know. We use words at home from Yuin and that, my husband's mob. And then you have got to go and search historical record. So  
 20 then you have got to have access. And that's a traumatising process in itself, as we know, just looking at that transcript about Bolden. The language that's used and, you know, the other information you often come across in historical research.

And then, like you brought up, Tim, how did that person write that language down was how they heard it. And even the spelling of English was only standardised not that long ago. And the difference in education levels of the people who wrote it  
 25 down. So then you have to read it and you have to discern and you have to look at it and what do they mean when there is 75 different spellings of one word right?

30 And so you have got to do this deep level of research, and then you have to work with your community and your Elders and there is barriers in that. People feel shame they don't know their language. They feel shame. Again, that's a Western concept that's been imposed on us around shame, but people feel inadequate and they want to make sure they are speaking right. Because Country and ancestors are  
 35 listening. And if you don't, people are worried about doing the wrong thing.

So we have got to get our people through those kind of barriers. And then the State comes along and thinks it is a great idea to teach languages in schools so everybody is learning your language but you. Because you are at home and  
 40 suddenly your kids are learning it, and that can retraumatise people. I just use that as a general example. I don't disagree with languages in schools. But if this is the spectrum, the circle of language revitalisation, then languages in schools is this sliver. That's all.

45 **MR GOODWIN:** You mentioned in your statement, actually, that it is important not to confuse or equate language revitalisation with bilingual education.

**DR AUNTY VICKI COUZENS:** Yes.

**MR GOODWIN:** I'm interested in why you say that, building on your evidence just now.

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**DR AUNTY VICKI COUZENS:** Well, there is a different - well, it depends - I can't remember what I meant by that, except that in language revitalisation, we don't have - in bilingual education, you have resources and speakers right? And I'm just thinking in the Aboriginal context. And then there is LOTE, languages other than English, and they are taught completely differently in schools.

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But it's important to understand that the scope of the work - so you are doing the research and then you are meeting with your community and then you are - and this is all unpaid, by the way, let's remember, unless you have got a project and you have written it to the - you know, to be able to do that work. Then you have got to work out - so language revitalisation is a journey with many pathways and language in schools is one.

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You might want to do language in the community first. You have to then go, "Are we going to write down our language? And if we are going to write our language how are we going to write it? What is our alphabet?" Most of us are using English letters to represent Aboriginal sounds. So that's tricky. Because when you first go to read your language, you start looking and go "Oh, that's Yoorrook" or "Yoorrook." Like, double-O, it has got two different sounds.

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It is like when people say 'Koori' or 'Koori'. Right? Or 'cool' or 'fool'. No, that's the same sound. So there's, you know, do you want to write it down. Because writing things down changes things. You have got to think. And there is decisions, decisions, decisions. And "Oh, we want to name the new childcare centre and we thought would be nice if we called it Happy Place", but what if it's on the land where massacre happened?

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Or what if it's the home of the wombat? Like, why are you calling it a happy place? There is so much to think about in the cultural context of language and the use of language. And so when you are revitalising, there is all these considerations. I know one group spent 20 years because they couldn't agree on a spelling system. They didn't have a spelling system for 20 years.

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VACL has the experience and resourcing to be able to help people progress through these journeys and whatever they come up against in a little bit of - you know, not maybe take so long but that's okay if it takes that long too. It's our journey. But at the same time, we don't want to be taking 20 years when potential speakers will be leaving us or people with knowledge.

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And then you have to agree on your orthography, sounds and spelling, and then how you are going to teach it, who's going to teach it. If you're teaching in school, who is allowed to teach it. And if you are working with a school program and you

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are trying to research your language over here and build your vocabulary, there's some - Brendan Kennedy who used to be on our board, he's Tati Tati and Wadi Wadi. He started with 50 words about 10, 15 years ago. He is up to 300. But that's through research. Most of it unfunded. So not every language has, you know, the capacity to be taught in schools in a way that you might think when you learn Spanish or Italian or whatever, Vietnamese.

**CHAIR:** Can I ask you a question about the relationship with Closing the Gap and the Language Policy Partnership. Has anybody thought about quantifying the value of the time Aboriginal people give to a group - to the government in these spaces? Because I am sick and tired of this story about how we give. We give words. We give advice. And we continue to give and give and give and, you know, you are describing our situation.

**DR AUNTY VICKI COUZENS:** Yeah.

**CHAIR:** I mean, how about writing a bill every time and saying, "This is the invoice for the time."

**DR AUNTY VICKI COUZENS:** We have a fee-for-service schedule and we are not frightened to use it, and we do in lots of places that some people are still catching up with that. We are quantifying some of that. Rosales is keeping records of her time and my time. Because I'm a Chairperson. I'm not paid to go to these meetings. I have got a job and family and everything else. And we are also, as an example, quantifying - we have a body of about 40 volunteers at the moment that Rosales has interviewed or other staff interviewed and another staff person manages them. And - because you have got to set things up with all the proper paperwork. And they are resetting up our library.

Because we have relocated and had a couple of issues a few years ago, our library has been decommissioned and is sitting in boxes because we have not had the capacity to unpack it. It is the largest collection of Victorian Aboriginal language resources contemporary and historical in the world. It is a research library. It has been locked away for the last four years because we can't unpack it. Our body of volunteers is doing it, and we estimate it is at the \$2 million cost figure to be unpacking and we are not opening yet.

**CHAIR:** Shameful, shameful.

**COMMISSIONER HUNTER:** Aunty Vicki, can I ask you. You said that part of genocide was removing language. So would you say that is continuing? Not giving you the money to maintain even a library. Would that be continuation?

**DR AUNTY VICKI COUZENS:** Absolutely, well, linguicide in the genocide.

**COMMISSIONER HUNTER:** In funding-wise - sorry, Tim, I know - we will get back to your questions in a minute. I think I go to the health and wellbeing

space. Knowing your language becomes part of who you are and how you see the world and all of that. Is any health funding been offered? Because like you said, it was part of genocide. It also - regaining your language or trying to get it out is traumatising for people. I would see it as a social and emotional wellbeing.

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**DR AUNTY VICKI COUZENS:** It is uplifting, but it also at the same time can be traumatising.

**COMMISSIONER HUNTER:** Yes, because you know - I think I have done some work with you before and you realise what you haven't got, and it brings this trauma that you should have that because it is your birth right.

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**DR AUNTY VICKI COUZENS:** Yes.

**COMMISSIONER HUNTER:** So is there any health sort of wellbeing funding that comes along?

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**DR AUNTY VICKI COUZENS:** I think you can apply for some when we have got time because, you know, accounting for funding is also time-consuming.

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**COMMISSIONER HUNTER:** That's right.

**DR AUNTY VICKI COUZENS:** I think what we really need is a much more cohesive and strategic approach because language goes across all of the departments/all the sectors all of our lives. So -

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**COMMISSIONER HUNTER:** It shouldn't be siloed right? It should be across all, part of -

**DR AUNTY VICKI COUZENS:** We did a submission to the Aboriginal Economic and Employment Council, committee thingy, there a while back with some of those ideas. I don't know how much, but our submission is there talking about how we need not just economic development but how, you know, we need to be across all those areas. So we need - you know, because VAEAI is attached to DET. VACCHO is attached to the Department of Health. Where does VACL, if we were formally contracted to have a peak relationship with the State like the other orgs - which is not our ideal long term, but in the immediate environment that would serve some purpose to be able to leverage things better for and on behalf of everybody. And then there is Traditional Custodians who are taking, as they should, full responsibility for their language.

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But VACL, one of our aspirations we are working towards is to be research and training institute. We want to move away from ORIC organisation-type things into proper research and training because the research is not going to - it doesn't happen in five minutes and it is done and, "Here you go, there is your language and off you go." It is a continuing process. Because I have been working on our grammar so we can talk and we can have conversations one day. Like, when is

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that going to happen? When we have got time to be not sitting at Commissions or sitting on boards or doing all the other things we do that we have to do because, you know, the fight has to be fought on all fronts.

5 But the language revitalisation is crucial to land justice, health, wellbeing, everything. Because it holds that knowledge and we can learn more and apply that. We can reclaim and revitalise and reinvigorate, like the possum cloaks, our practices back into our communities so that we can become fully whole sovereign  
10 citizens in our own nations with our own governance. Governance, I think, is a big thing for us to be able to be looking at, which I know we are.

And one of the problems you have probably heard before, too, is sometimes there is a bit of a, you know, "Oh, treaty is coming so let's not do anything." That, I think, is happening as well, you know. But, yeah, the work that we need - like,  
15 if - First Languages Australia is the national body and we work closely with them in lots of things and have fed into some of the initiatives like the sector work awards and things. Because there isn't any. There is no infrastructure as such. It is just emergent.

20 So like I said, the Federal Government set up in their funding three or four new language centres. Woo-hoo. That will be good for the language centres but not the whole thing. And they have set up a network of those in Western Australia so that they can be - have a bit more agency in all the advocacy and representation and go to the LPP meetings and all that. And New South Wales have - do have language  
25 legislation. A lot of their language work has been tied into the education system up there, which is great. They have language nest models like from Aotearoa.

But - and one thing that they have done is leverage that. They have got about \$100 million commitment of their State Government, which is more than what the Feds provide. A lot of it is tied to that language in schools stuff, which they are sort of  
30 ahead of the game, but there is also movement up there to get language in communities. Because that's where we need, really, to start.

Like my project, I'm hoping that to start rebuilding our language ecology and by  
35 getting family clans to be using language and then you can bring them together and build a language community, hopefully. I mean, who knows how that is going to go. Because two - for example, I did a - I developed a little exercise - because I'm doing it based around some activities and/or conversations that the families want to have. That's the model.  
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I work with the family. What do you want to talk about home in language? Is it getting the kids ready for dinner or bath or school or just how was your day thing? Like, how do you have that conversation? That's the model. But a few years ago now, we had a family language camp and so I thought, "Right, we are going to do  
45 language immersion". Because it really shits me that we can't do language immersion in the way that the master-apprentice model offers, which is from North America where the master is the speaker and then the apprentice is the

person learning and they will do 15 minutes, 15, an hour. They work with their master.

5 We can't do that. But how do we create micro-immersion moments and build so that we get beyond words? Because at the moment there is words everywhere and everyone knows some words and everyone can - lots of people can do welcomes with a bit of language and dance groups can do songs. Yes, we have done - made great strides, but where is our language back integrated, embedded as part of our everyday living?

10 And so I did this activity around lunch and I had quite a few things to - but it was a bit much for the kids. So we had the basics. "Where's the butter?" "Where's the bread?" "Where's the sugar?" "Not sugar, "Where's the tea?" "Where's the water." "Give me the butter." "Give me the tea", so on. So then we all try to do that and we lasted about 30 seconds because then there was nothing in between to keep talking and everyone went back to English. And I'm like "Oh." I did have like "Oh, this is yum" or "I'm still hungry", but it would have meant we had to sit there and read them because we hadn't - and the kids were all feral and wanted to go out and play again.

20 So it was a bit - but that was the difficulty, the level of difficulty to create those moments of immersion. And also, the other side of it will be cultural practice. So part of the DECRA project will be doing those development of language. Go home, practice it. Then we will come back together in a camp and we'll do some possums or weaving or whatever it is people want to do and being on Country. So I think - which is part of why we are here, is that justice and land and stuff. So it is absolute imperative we have access to language, we have resource and support for - and appropriate levels. You know, not the formulas that are used now. The appropriate levels of support and access to land to do it, you know.

30 **MR GOODWIN:** I want to ask some questions about first principles, really, about that connection between land and language, particularly given that this hearing block is looking at land injustice. You say in your statement that language is the voice of the land. Can you just explain what you mean by that?

35 **DR AUNTY VICKI COUZENS:** Yes, I can and I will. Gathering my thoughts. Well, the languages are developed from place, being there. So that's why they are different languages as well. And, you know, if you consider language holds your ontological knowing, being and positioning, then - so it emerges and our languages are structured and - obviously, because it is from a different land, structured and developed differently and, therefore, categorised differently.

40 So we have categories or, you know, the way English might categorise things to the way we express things. For example, an obvious one is Waa, crow. A lot of people have got Waa, some form of Waa, Waang. It is the sounds. It is the sounds of our Country. It's the forms, the shapes and the actions that are the foundational

building blocks of our language which come from the land. Long story short, Tim, that's - yeah.

5 **MR GOODWIN:** So, then thinking about the effect of colonisation on both place and language, what, in your view have been the significant impacts of colonisation on language for Aboriginal Victorians?

10 **DR AUNTY VICKI COUZENS:** Well, in the first instance, the oppression and punishments, you know. The appropriation, the cultural appropriation that can happen. Like, you know, the derogatory word "gin" is actually the Eora word for an Aboriginal woman been appropriated so it can be used against us. It's a consumer thing, you know, consumption. Sorry, I'm just getting back to the gist of what you asked.

15 **MR GOODWIN:** Essentially, what does - I suppose -

**DR AUNTY VICKI COUZENS:** Oh, the impacts?

20 **MR GOODWIN:** And what's the relationship between, in your view, if any - if any relationship, between dispossession of land and forbidding people from speaking their language?

25 **DR AUNTY VICKI COUZENS:** It's an absolute, I think, connection or obvious consequence by removing people from Country and, you know, suppression or oppression of language. That's a really big - I don't like the word "impact" but impact because what it's trying to do is dispossess, sever. You know, sever those connections. There is that word I don't like. But sever that belonging and that being and knowing who you are in your place of belonging. Because our cultures - broad brushstrokes, I'm a bit generalising, but basically our cultures and social structures and our language and everything is about belonging and your place in that.

35 So your name, your kinship, your totems, your clans tell you who you are and how you are related to each other, including the place or the tree or the bird or the animal, fish, bird, insect, grass, everything, and how you are in relationship, so no one is left out. And to be removed from Country is to be - have all those things threatened and, you know, then you get to 2024 and if we were still the current landlords, we wouldn't be here having this conversation. Simple as that.

40 You know, if we had retained the Western concept of ownership of our lands or stewardship where we were the perceived landlords, then we would not have the current circumstances we have.

45 **MR GOODWIN:** And then returning to the importance of language revitalisation, what do you think are the responsibilities on the Victorian government in particular in relation to supporting language revitalisation?

**DR AUNTY VICKI COUZENS:** In the immediate, come and talk to us and find a resourcing to support the work so that we can build relationship with them. We want to - our aspirations long-term is to be autonomous and self-determining in a State where we are as Aboriginal people and our organisations are. Because even  
 5 though we are community-controlled, the funding and that is still tied with a lot of strings, as you know. The State needs to - while we remain - because I keep thinking down the generations what things will be like, and we can't know exactly and we can't know what structures we might live under, because things are changing all around the world.

10 But the current system requires a paradigm shift and a big one and, you know, if treaty or this Commission and treaty and other approaches can change so that we have parity in the relationship, we have the State, if we are truly recognised as sovereign nations, we would, therefore, have parity in our relationship - that's the  
 15 only word I can think of right now - to be able to negotiate that relationship. They need to negotiate with us the relationship and, therefore, how we can - because really, right now, they need to be looking at restitution and restorative justice, which sits outside the current kind of way things are done.

20 And relationships, they are not equal. And so restitution, I think, is that position we all need to come to, that paradigm shift. And in an immediate kind of urgent, "Give us some money so we can get on with the work". Because it's been too long and it is just held up. And then while we are doing that, we will work on that paradigm shift and restitution. I did ask at the Language Policy Partnership for  
 25 what is the process for calling a national emergency, you know.

And they had a little bit of a giggle but I'm like, "Well, what is the criteria for a national emergency?" Because in national emergencies like the global pandemic on COVID, they printed money and they found ways to address the circumstances;  
 30 right? So in the world there is about 7,000 languages, and they predict in 100 years there is only going to be 3,000 left. Like, what is that if that's not a global emergency?

And they are also saying - "they" being the academics and, you know, those kind  
 35 of reports and papers that people do - they are saying at the current rate of what we are doing, even though we are supposed to be funded for language, you know, revitalisation and maintenance, that by 2050 there will be no fluent speakers left in Australia. That's not far away. You know, Garawa from - Youlŋu Matha man, he said, yes, he speaks Youlŋu Matha and he speaks five other languages or 10 or  
 40 something, and five of his clan languages are just about gone.

And so everyone thinks yes, Youlŋu Matha, that's really strong. And what is strong anyway? Strong is being transmitted to trans-generationally in a sustainable way, and that happens for their mob, but their clan languages are going, and that's  
 45 what happened to us not that long ago. So we may never get all of our clan languages back but we are doing the best we can.

So I said why can't we have a national emergency because that's how urgent I think it is and how central and underpinning to all of the things that we are trying to address, language is a key element in all of those aspects of life and foundational to our very being. So I think we need a State or a national  
 5 emergency. Because that then might free up some of those resources we can't seem to get our hands on.

**MR GOODWIN:** Just a final topic while we have you here, you mention in your statement your creation with others of a Possum Skin Cloak Project and you have  
 10 a possum skin cloak next to you. I just wanted to give you an opportunity to introduce that cloak as well as to mention to the Commissioners the background to that project.

**DR AUNTY VICKI COUZENS:** I think the background to that project is, like, integral to - in the same way language is. It's part of a bigger cultural reclamation and revitalisation that we are all experiencing in these times. So it was a great privilege and honour to work on the possum cloaks. I want to acknowledge Aunty Eleanor's daughter Kelly who has been a long-time possum cloak person and several others I have mentioned in my report statement thing who have done that,  
 15 but at the time that I encountered our Lake Condah cloak at the Melbourne Museum, I had a very profound spiritual experience.  
 20

Because the ancestors came into the room and you could feel them. And I felt like I could just, you know, pull the veils of time. And it was from there that the  
 25 thinking and the thoughts about bringing cloaks back to live back in community. And then I talked with Lee and Treahna and we went off and talked to people and made copies, sort of, or representations of. Because they are Yorta Yorta. And we made, with my sister Debra, who has now passed, a copy of the Lake Condah cloak and they did the Yorta Yorta one.  
 30

And then I went home and worked around with a mob in Portland and then up at Halls Gap and down home in Warrnambool making cloaks. And then the 2006 Commonwealth Games come along and there was a think tank and one of my  
 35 cloaks had gone to New Zealand for a project we had with some of the Māori women over there. And Kimba Thompson from Black Dot Gallery, she brought to into the room, because we were all there talking about what to do for the Opening Ceremony of the Commonwealth Games. What thoughts and what creative ideas and how we could represent Aboriginal Victoria and, therefore, Aboriginal  
 40 Australia - Aboriginal and Torres Strait Islander Australia at this big international thing.

And, again, at that time, under the Reconciliation Report of 2002, the State Government and the City of Melbourne decided it would be a good time to partner  
 45 for a major public art project in Melbourne of First Nations to show the world how much they valued First Nations people in their country, as the world would be looking.

So it is probably a slight tone of sarcasm in my voice. Anyway, we did it, and we did - Joy Murphy Wandin was in the room when the possum cloak was there. She actually uttered the words, "Why don't we do possum cloaks at the Opening Ceremony?" Because I wanted to say it but I thought I better not say it because I  
 5 have a vested interest. Anyway, so she said that and everyone went, "Yeah, let's do that". And Wesley Enoch tried it on and shed a few tears. So that was where that opportunity was born and, you know, therefore, there was resourcing to provide the opportunity. And the Aboriginal Advisory Committee to the Games approved it and funding got devolved out to Regional Arts Victoria and we facilitated the  
 10 project across the State and it was this sort of moment in time where, bang, there was possum cloaks everywhere. In fact, Aunty Eleanor and her sister made one.

**CHAIR:** I have got the photo on my phone while you are talking, yes. But it was an interesting exercise, wasn't it?  
 15

**DR AUNTY VICKI COUZENS:** Yes. And, you know, we were -

**MR GOODWIN:** I might actually just quickly bring up attachment 4 on pages 30 and 31. Sorry, Aunty Vicki.  
 20

**DR AUNTY VICKI COUZENS:** But that project was important in lots of ways because then it just had that practice back out there in communities. We worked across the State with 35 of the 40-plus languages, 44-plus languages. At the time, we thought there was only about 38. And we worked with an artist from each of  
 25 those communities. Generally speaking, the model was - and they had to be supported by the Traditional Custodian groups and they were paid. We made sure artists were paid then.

And so it was a cultural model that I kind of developed and we implemented  
 30 through Regional Arts Victoria that's supporting our First Nations protocols and our own governance and decision-making processes. Oh, yeah, there is Dad. He was galivanting around at Thunder Point in Warrnambool with his cloak on. He was about 76 or something there. And - so that was a major - like amazing thing.

And then we continued that journey on with the eastern seaboard, really, NSW, Canberra and South Australia and, you know, provided that, what we had been learning, the opportunity for people to re-engage with their cultural inheritance, their belonging, their practice and the idea is, you know - well, now it's all gone  
 40 everywhere. People are doing heaps of stuff. So it's the same with kind of language in a way in that it is about that reclamation and revitalisation. So it is living back in communities so it is a normal integrated cultural thing you do.

It was such a great privilege because we got to travel to so many communities and hear stories and learn stuff off Elders. And hear stories that we are sharing here  
 45 and other things that were, you know, special to their Country, their creation stories or meet family. You know, you can't go anywhere without meeting someone you don't know or you are potentially related to one way or another. It's



been, yeah, one of the most amazing things. Dad is buried in his cloak, yes. And this one is of Gunditjmara Country from my grandmother's line where Travis is from. It's the (speaks Keerray Wooroong language) grandmother's cloak. It doesn't quite fit. I've just made it. I don't really wear it, really.

5

**MR GOODWIN:** Beautiful.

**DR AUNTY VICKI COUZENS:** 2007.

10 **COMMISSIONER LOVETT:** We have been around the State talking to a lot of mobs, particularly about land injustice, you know, around hunting rights and fishing rights and things like that. Have you encountered with sourcing the possum skins any barriers around being able to source possums locally.

15 **DRAUNTY VICKI COUZENS:** Yes, well, we are not allowed to. They are protected. So I know some mobs are having talks with parks and whoever like out at Werribee where they do culling. In some of the parks, they cull possums. So some of the mob are now negotiating to access that so they are not wasted. But, technically, we can't hunt possums still. So we buy them back from New Zealand,  
20 which is, you know, like the world has gone crazy. They are a massive pest to them, destroying their habitat for their animals and killing off their ancestor trees and all sorts of stuff. So they are happy to sell them back to us.

**COMMISSIONER HUNTER:** How much are they, roughly, a pelt?

25

**DR AUNTY VICKI COUZENS:** \$50.

**COMMISSIONER HUNTER:** How many pelts would it take to make?

30 **DR AUNTY VICKI COUZENS:** Need somewhere between 25 to 30 for an average person. Travis would need more. He is taller than the rest of us. If he wants it ankle-length. If it's only knee-length, you know -

35 **COMMISSIONER LOVETT:** But you would expect, though - you would be expect that you would be able to source the possum skins or kangaroo skins or any form of culture and practice from here in Victoria, right?

40 **DR AUNTY VICKI COUZENS:** Yes. You can buy skins from Tassie but, yeah, not on your own Country. You can't access those resources for cultural practice. Same if you are learning your language. You need to be out there on Country.

**COMMISSIONER WALTER:** So have representations been made to the State to say why isn't there a cultural licence for Traditional Owners here to hunt possums and kangaroos for skins?

45

**DR AUNTY VICKI COUZENSAUNTY VICKI COUZENS:** I don't know.

**COMMISSIONER WALTER:** Something they should do?

**DR AUNTY VICKI COUZENSAUNTY VICKI COUZENS:** Totally. Some people I know push back on that if they are caught without their fishing licence. If you haven't got that right, Native Title right on lands. But, yeah, there are some pretty obvious things we could be doing. I know everybody in Melbourne I meet and I tell them I do possums they say, "Come to my house and get it out of my house." So there must be enough possums around, even though they are technically classified as endangered.

**COMMISSIONER HUNTER:** If you were doing your possum skin, like, back - and you have obviously put - I'm going to assume that is ochre within the colouring.

**DR AUNTY VICKI COUZENS:** Yes.

**COMMISSIONER HUNTER:** Then you would need that from your own Country, that ochre. So you would need that animal from your own land to be able to - you couldn't go to someone else's land and take the ochre or whatever you needed to make that. So that's even -

**DR AUNTY VICKI COUZENS:** Yes, yes. We need access to all of those things, you know, and not be buying them from Tassie or New Zealand and, yes, being able to collect ochre. Yes, because some things are on private property so you can't get access.

**COMMISSIONER HUNTER:** We have to make a cultural compromise to be able to practice our own culture on our own Country. Would that be a -

**DR AUNTY VICKI COUZENS:** That's a good - I'm going to use that, "cultural compromise", if you don't mind. Cultural compromise. Absolutely. I think as soon as we get out of bed, we are compromised in justifying our existence. Native Title requires us to justify our existence. It is farcical, really.

**CHAIR:** So if Yoorrook were to make a recommendation around cultural licence?

**DR AUNTY VICKI COUZENS:** I think that would be a great thing. Everybody would really appreciate that. Because I don't know how much of that - you know, because it shouldn't be just on your Native Title determined lands, you know. It should be across the Country wholly as best - I don't know how that works legally, but it is not my headache.

**COMMISSIONER LOVETT:** It goes to the evidence that we have further heard around trade routes, you know. And I think that was a key part of our economic system that we did have in place prior to the colonisation around being able to trade. So when you didn't have certain things on your Country, that was a key part of trade.

**DR AUNTY VICKI COUZENS:** Yes.

5 **COMMISSIONER LOVETT:** Being able to share knowledge. Share, you know, trade eel, for instance, and so forth like we heard on Gunditj Mirring Country - Guntidjmara Country, sorry, the other day. Just another example of the systematic barrier that our people face and the basics of being able to practice culture, pass on knowledge.

10 **DR AUNTY VICKI COUZENS:** Yep.

**MR GOODWIN:** Aunty Vicki, I have only got one last question before I invite the Commissioners or you to say any final remarks or ask any further questions. I think I noticed when you gave - when you spoke in language at the start from the language of your ancestors that you repeated the line:

*"We continue to resist."*

20 **DR AUNTY VICKI COUZENS:** Yeah.

**MR GOODWIN:** And I just wanted to ask you what your - in that context of that continual resistance by your people and all First Nations in Victoria, what is your aspirations for the future of language protection and revitalisation of Aboriginal Victorians?

25 **DR AUNTY VICKI COUZENS:** Well, for us to have our language back and to live with it and, you know, transmit that, speak to our children and grandchildren in language. That's the ideal aspiration. In practical terms, I think with the system that we are dealing with currently, policy and strategic, you know, things like that and legislation, I think we have a draft policy and legislation framework attached.

I think that's one of the ways that we can think of, within the system that we are dealing with, to perhaps afford some protections and support for languages. But, yeah, my dream and aspiration and vision - and I'm sure everyone else, or when I'm saying it, other people have expressed how they want to speak their language. They want to live with their language. They want their children and their grandchildren, and for it to continue and not be, yeah, not just words.

40 We have - have that right and demand that we are able to have our languages. And, again, back to the paradigm shift, I suppose, really, in how do we make that happen. But then at the same time, how do we make that happen? We are doing our best and with all the tools that have been - that we have, but when are the - because we didn't ask for any of this.

45 This is all an imposition our peoples and our rights and our living and our wellbeing and our everything and our future. So when are they, the Western

system, going to make restitution? Because, really, it's on them to take those actions. So my aspiration would be for that to happen, like, right away.

5 **COMMISSIONER NORTH:** Would that mean from us a recommendation that the State Government establish and fund an institute for research and education in local languages? Is that the bottom line of what you are saying?

10 **DR AUNTY VICKI COUZENS:** That would be a big bottom line recommendation. That would be great, yes. That would help to address a lot of stuff.

**COMMISSIONER NORTH:** Part of restitution.

15 **DR AUNTY VICKI COUZENS:** As a restorative justice action, yes, not an investment.

**MR GOODWIN:** Thank you, Commissioners. Unless there is any other questions, those are my questions.

20 **DR AUNTY VICKI COUZENS:** Can I just read a couple of quick quotes while you might think of a question? One is from Brendan Kennedy again. And I think it's really important and you will love this one, Sue-Anne, if you haven't heard it before:

25 *"It's a strain, speaking English. It really hurts. I see Koori people trying to assimilate, trying to talk like ministers. I see them struggling. There is a pain going on. They aren't speaking their natural voice. Their health is afflicted. English is a health affliction on us."*

30 Like whoa. What a good way to put it:

*"Being forced to speak another language, not our language."*

35 That's Brendan Kennedy. And just my daughter Yaraan, who is a strong cultural warrior and great educator and teacher and has a great way of expressing our knowledges and learnings to teach the younger ones, and myself included - not that I'm a younger one. For me, healing - this is Yaraan:

40 *"For me, healing and wellbeing in an Aboriginal context envelopes connection to traditions, connection to Country, and connection to community. A place to feel that you belong and are nurtured with positive people/Elders around. It is a learning of traditional practices that have been buried, giving them new life to learn and to pass down to the next generation. I have learnt a lot about healing as I have recognised so many of our mob need healing in many different ways, but it comes back to our connection to our sacred land. Aboriginal wellbeing, one element is healthy body, healthy mind and running blood."*

45

One of our language words is - means "running blood":

5           *"When your blood is running no disease can stick to it. We are also less  
susceptible to modern disease and mental illness if we keep this learning  
inside us and live by it. To get running blood, you must be true to yourself  
and Country. Eat as much natural foods from the bush as we can,  
reactivating our Country and ourselves through kanang wanga, in my lingo,  
means deep listening. When we are in tune with our Country, we are in tune  
10 with ourselves. Essentially, we take a holistic approach, and cultural practice  
is a vital element in that. When we participate in the making of objects or  
practice culture in any material way, I believe we trigger positive things  
within our minds, body and soul."*

15    Yeah.

**CHAIR:** Thank you.

20    **DRAUNTY VICKI COUZENS:** Thank you.

**MR GOODWIN:** Thank you, Chair. And thank you, Aunty Vicki, for that  
evidence. We now propose to adjourn for lunch, Chair.

25    **COMMISSIONER LOVETT:** Sorry, can I just make one more question.

**MR GOODWIN:** Yes, of course.

30    **COMMISSIONER LOVETT:** You talked about Unc going to that conference in  
WA and not being able to speak in language and then -

**DR AUNTY VICKI COUZENS:** Dad, yeah.

35    **COMMISSIONER LOVETT:** Yes, that's right. Sorry, I referred to him as  
"Unc", but your Dad, yes. I think today, you coming along today here and actually  
sharing language as you did, talking in language but also sharing language and  
passing that on, I reckon has and will inspire people to also pick up, you know,  
their strong voice and be able to take this forward as well. So just wanted to share  
that as well.

40    I personally have - and I do talk a lot in language around our Commission and in  
the community as well, but learn from people like yourself listening and watching  
and the powerful work that you have done as well. So personally inspired me, but  
I think also it will inspire many of our other people, not just young, to actually,  
45    yeah, take on that strong voice moving forward as well.

So I just want to thank you for your work and your contributions on behalf of all of our people as well, not just for your evidence here today but the deep ongoing work that you do and continue to do and will continue to do.

5 **CHAIR:** Thank you. Commissioner, I would just like to add I feel like we have been on a cultural roller coaster up and down up and down. Thank you very much. We should adjourn because we have somebody coming in an hour so we will adjourn until 1.30.

10 **DR AUNTY VICKI COUZENS:** Thank you so much for having me. It's an honour.

<THE WITNESS WITHDREW

15 <THE HEARING ADJOURNED AT 1.07 PM

<THE HEARING RESUMED AT 1.51 PM

20 **CHAIR:** We are ready to resume.

**MR GOODWIN:** Thank you, Chair. Thank you, Commissioners. I'm pleased to say we have Aunty Jill Gallagher here to give evidence for the second time before the Commission. Aunty Jill, I know you have given evidence before the Commission previously. However, we have some new Commissioners in that  
25 time. So could I please ask you to introduce yourself to the Commissioners in whatever cultural way that you wish.

**AUNTY JILL GALLAGHER:** Thank you. Thanks, Tim. Yes, good afternoon, Commissioners. It is good to see you all again. There is a new one that I haven't  
30 met before, but nice to meet you. My name is Jill Gallagher, and I'm a very proud Gunditjmara woman from Western Victoria. I am Aboriginal because I have blood ties and cultural ties. I am Aboriginal because I have lived experience. I am Aboriginal because I'm accepted by my community. I am also the former Treaty Commissioner and the current CEO of the Victorian Aboriginal Community  
35 Controlled Health Organisation, VACCHO, and as a proud Gunditjmara woman, I would like to acknowledge that I am on Aboriginal lands and wherever we are in this country we are on Aboriginal land, and Aboriginal lands that were never ceded. So I would like to pay my respect to Eldest past or present. So thank you, Tim.

40 **MR GOODWIN:** Thank you. Aunty Jill. Do you undertake to tell the truth in your evidence before this Commission today?

**AUNTY JILL GALLAGHER:** Of course.

45 <AUNTY JILL GALLAGHER, AFFIRMED

**MR GOODWIN:** Aunty Jill, you are a senior Elder and leader in the Victorian community, let alone the Victorian Aboriginal community. As you know, the Commissioners are hearing evidence regarding land injustice in this hearing block and we are interested in hearing your evidence about the effect of land injustice on the health and wellbeing on Aboriginal Victorians. I understand you want to commence today by reading a statement that explores land injustice through the history of Aboriginal Victoria and your own personal history. So I invite you to read that statement now.

5  
10 **AUNTY JILL GALLAGHER:** Thank you very much. And thank you, Commissioners. In my presentation today, I want to touch on some pre-contact history. I want to touch on the impacts of colonisation, and I want to touch on the political - Aboriginal political movement a little bit, and I also want to touch on - apart from some personal information, not much, because I have already done  
15 that, but I also want to have a conversation with the Commission about where I think we should go next.

So, as we all know, our ancestors walked this land when there was a land bridge. A land bridge to Tasmania. They hunted megafauna and they witnessed volcanos erupting. Down in my Country there is a famous volcano, which is World Heritage Listed and that's Budj Bim. Aboriginal people cared for this land for 65,000 years-plus and we did have our own ways of knowing, our own ways of being and our own ways of doing.

20  
25 We had our lore, our own lore people. We had our own social structures. We had our own Elders and knowledge-keepers. We had all this prior to contact. We also spoke fluently many languages. We farmed the lands. And there is loads of evidence that suggests that. We farmed the lands through agriculture, harvesting seeds and fire farming. Our people did all that. We had our own doctors, our own healers. We had our own medicines, and we cared for our communities.  
30

I remember and I reflect back the time in the early 80s when I worked for the Museum of Victoria, and back then it was called the Victorian Archaeological Survey. Those of us who have been around for a while would remember, VAS, we used to call it, the old Victorian Archaeological Survey.  
35

And I discovered so much. Through working at the Museum and through working in archaeology, I discovered so much about some of the morbid end stories our ancestors were not allowed to speak about or pass on. When I was working for the Victorian Archaeological Survey, I always remember and have never forgotten one burial that we had to go down and investigate. Back then, we operated under the old Archaeological and Aboriginal Relics Act 1972. And via the police the Survey had to go down and investigate human skeletal remains - if it wasn't a recent murder victim, of course. So there was this one burial that I always have never forgotten because this one person told me so much about my history.  
40  
45

And this burial was reported to the police, being seen on the coastal parts of Warrnambool. Just outside of Warrnambool. Just between Tower Hill and Warrnambool, there is a farm. And that property went all the way down to the sand dunes on the coast. And the police contacted the Victorian Archaeological  
5 Survey and said we need to go down because they believe it is an Aboriginal burial. It is not a recent murder victim or anything like that. But the cows, the local farmers' cows were trodden all over it.

10 So we went - we attended the property. And back then, the farmer was very scared about finding something so significant on his property. He was worried about his farm being taken off him or land being given back. He was worried unnecessarily. So he wouldn't allow us on to that property to investigate this burial, but his neighbour did. And so we walked on another property all the way down and we  
15 could see from the property line that the cows were doing a lot of damage to this burial.

But after a while, the farmer decided, after we assured him we don't want his farm and we don't want his land, we just want to make sure the burial is safe. So he let us on, eventually, and it was decided that we could not leave the burial at that site  
20 because it was too - it wouldn't have been protected. So with the - we conducted what we had called a salvage excavation. And the local Aboriginal leadership at the time - remember, this is before Traditional Owners Settlement Act. This is when co-ops had responsibility for Aboriginal heritage. So we had no Native Title and we had no Traditional Owners Settlement Act at that time.

25 And so this burial, we conducted - with the local Aboriginal community, with their permission, we conducted what we called a salvage excavation. And the community said, "Can we please find out what the story means?" So we did. And it turned out that this was an Aboriginal man who was buried well before contact  
30 and he - when we excavated him, his face, his skull was facing Deen Maar, which European name for Deen Maar is Lady Julia Percy Island. Because that has spiritual significance to the Gunditjmara people down that way. So that was very good to actually validate that and to see that.

35 But more interestingly, when we conducted that salvage excavation, we brought him back to the office and he had grave goods too. He had a bone awl. He had a kangaroo bone awl. So we know at one stage he was buried with his possum skin cloak which never survived hundreds of years in the ground but the bone awl did. He also had a little medicine bag on his tailbone, which was almost disintegrated.  
40 So we didn't know what was in that medicine bag, but we knew there was a medicine bag placed on his tailbone, his coccyx.

But as it turned out, the man, he'd lived - when he died, he would have been  
45 somewhere between 70 and 90 years old. 70 or 80, something like that. So he lived a very ripe old age in a very harsh environment, in a traditional environment. But the most interesting part was that he had a very severe case of spina bifida. And, so, therefore, most of his life, he could not walk. So in a traditional lifestyle,



his people cared for him. His people hunted for him. And his people looked after him. Because a lot of scientific journals at that time said we were an uncaring savage society, but that's not true. There is evidence that says that's bullshit.

- 5 So I have always remembered that story of that old man who gave us his story, and he was eventually returned back to community and they decided where to rebury him.

10 There was another time that I reflect upon and that was when I worked - and this is in the early 80s - at the Museum of Victoria. I worked in the old museum. Not the new museum where it is. This old museum was a very scary place, by the way, but it had lots and lots of artefacts that I had never seen before, and probably some that I should not have seen. But I didn't know that. But there was one - there was one story that always kept with me from my days in the Museum of Victoria.  
15 Well, there are two stories, but I will tell you one is I came across an Aboriginal skull.

And this is well before the Murray Black Collection, the return of the Murray Black Collection. I came across an Aboriginal skull, and that's all there was of that  
20 person. There was no other body, skeletal remains. It was just a skull. But he had a hole in the top of his head. I thought "Oh, that's interesting, he has been shot." But the anthropologist who worked at the time in the museum, I consulted them and said, "Was this person shot?" and they said "No". That was very early evidence of our people, pre-contact, conducting brain surgery.

25 So what must have happened - I don't know because I wasn't there then; I'm not that old. But what must have happened to that Elder was that he - well, he wasn't an Elder. He was a young man actually. Because you can tell those things just looking at the skeletal remains. He was a young man and he must have had  
30 pressure build up on his brain for whatever reason. And so what they did, they lifted his scalp and then they used a grinding stone to grind his skull and put a hole in it. Because you could see the grinding - the grooves. It was amazing.

And that has always stuck in my head about our people, pre-contact, having our  
35 own surgeons, for crying out loud. So we were not a savage race of people, in my opinion. We were very civilised, and we knew how to treat our ill. We knew how to treat our people with disabilities. So we were not a non-caring society. So, that's just two stories that I wanted to - Tim, I just wanted to illustrate my time. There is thousands of other stories but I won't tell you all them but it is really interesting.

40 I want to touch on a little bit now - so that's pre-contact. That's - you know, we did have flourishing communities, you know, and it was just amazing to see how many years and what eras our people went through and survived. But then something catastrophic happened to our communities, and that was colonisation  
45 began. It was catastrophic.

And colonisation apparently began in 1788, and I believe it is still current today, colonisation. Then there was the tide of history that swept colonialism on to Port Philip's sandy beaches. It was brutal. And it was very quick. And those who survived the first contacts bore the brunt of the colonial expansion and the cultural arrogance and racism that went with it.

There was a wave of massacres. You can't deny that. It is in the history books. Our lands were stolen. No one can deny that. It is in the history books. Our culture was suppressed. Our languages were forbidden. Our women raped. And our families torn apart. That's fact. It's not fiction. Our traditional clan structures were impacted in a big way.

And I didn't realise how much impact that happened on our traditional structures and clan designs and how people fitted into the fabric of our way of knowing, being and doing. I didn't realise that until I became the Treaty Advancement Commissioner and tried to design a Voice for Victoria. I didn't realise the devastation that impacted on our traditional ways of knowing, being, doing in relation to our clan structures and how many of our clans actually survived.

So it was very difficult in trying to design what the First Peoples' Assembly was going to - how it was going to be formed, how it was going to operate in a modern world. But also, it was very exciting just recently when I saw that there was another reserve seat added to that design, and what it was designed for: To help our mobs grow and take up their reserve seats.

By the late 1860s, the Aboriginal population had been decimated and there were only about 2,000 Aboriginal people alive in Victoria. 2,000. And, of course, we were not allowed to own land as our people were not seen as human beings, let alone citizens of this country. Instead, we were being slaughtered.

Then there was the mission era. So once society back then decided, "Well, we better not slaughter the Blacks no more", they decided to set up missions and reserves and round us up and put us on these missions and reserves. Some of them were set up with the view that they were protecting us, protecting our ancestors. But the majority was set up to absolutely destroy us. During these times, our people - during these times that our people were - our people were forbidden - it was illegal to practice our culture and speak our languages.

If you wanted to leave the mission for whatever reason, you had to have a permit. You had to have permission. Our people were totally and utterly controlled by the governments of the day. The Board of Protection ruled everything, including whether we lived or whether we could own a home or not or whether we could see our children or not.

I want to illustrate some of this by reading out some letters from a publication, *Letters from Aboriginal Women of Victoria, Between 1867 and 1926*. In reading these letters, you can hear the despair in their words. You can hear the lack of

hope in their voices. And the first letter is from Eliza Saunders. Eliza's son, Chris, enlisted in the AIF in 1915. She received a military allotment during this time he was in service. Eliza lived at Lake Condah Mission, and this is her letter to the Secretary of the Aborigines' Protection Board, 29 August 1917:

5

*"Sir,*

*I write to ask you to grant me the favour of continued rations, as I am buying a nice new two-room cottage and three-quarter acre of land fenced, secure with palings, new large tank and lovely stove for 50 quid cash. As my only single child has been serving this country since May 1915, I have received one pound and eight shillings weekly and have saved it for my long wish of a home of our own if he is spared. I feel a sadness leaving the station, but a woman does love her own little home, and gentlemen in Heywood say I have a great bargain. 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 growing vegetables. I have fowls also. So I must close. Hoping to hear from you soon.*

20

*Your humble servant, Eliza Saunders, aged 64."*

The Aborigines' Protection Board 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 advised Eliza - advised that Eliza's rations were to cease because she was receiving military pay. The Board suggested sending Eliza to a benevolent institution or an asylum in Cheltenham. She refused and returned to South Australia. She was never able to believe buy that home.

30

Rose Kennedy. The second letter is from Rose Kennedy. Ebenezer Mission. To Captain Page, Secretary of the Aborigines' Protection Board, 4 August 1884:

*"Dear Sir,*

35

*Please, would you kindly inform me how stands the affairs about a house that was left to me by my aunt and uncle. They are both dead. I was told that it is not mine, even though the house was given over to me in a written will. The house was built by my uncle when the first missionaries were here. When the house was built and finished, the missionaries made them understand that the house was their own, and when they died it would be their children's after them, the same as white people do. They had no children. My aunt gave me the house and now it is taken from me, given to another. Please tell me the particulars.*

40

*I'm your obedient servant, Rose Kennedy."*

45

On receipt of Rose's letter, Captain Page, the Board Secretary asked Reverend Kramer, the missionary at Ebenezer, to give him some details on the matter. This is his reply:

5           *"Dear Captain Page,*

10           *Regarding Rose Kennedy's hut. I beg to say that I have 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 would 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 the station ground were station property. I wish you could help me to get this point settled once and for all by informing Rose of the same effect. No doubt when the house was built, they were intended for particular Blacks, but the following facts should not be*  
 15           *forgotten. The mission building has 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.

20

Last and final letter is Jemima Dunolly. The last letter I want to read is from Jemima Dunolly, Coranderrk to Secretary of Aborigines' Protection Board in January 1912:

25           *"Sir,*

30           *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 at least 40 years, and as reports from former managers will show, my character will bear the closest scrutiny. 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. For the sake of my girls, I'd like a home of my own, and if the government could see their way clear to giving me a home, I would feel greatly indebted for the favour and three years' rations and clothing.*  
 35           *Thanking you in anticipation. I would like 50 acres to make a living as well."*

Very resourceful:

40           *"I am yours respectfully, Mrs T. Dunolly."*

The Board rejected this idea, suggesting that the Dunollys find other land in the district. And Mrs Dunolly's final letter:

45           *"Sir,*

*We have made inquiries and 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 servant, Mr and Mrs Dunolly."*

5

Those letters, Tim, are an example and there is many more letters from Aboriginal women in Victoria living on missions that tell the story of our denial of land, of our denial just to exist as human beings. So, I think they - and if you get the opportunity, Commissioners, grab that publication and read the other letters.

10 Because it is an amazing publication that was put out by, I think, the Museum - Sandra Smith. Yes.

15 Once missions started - and so I'm going on now into once the missions started to shut down. So we are in a different era now. We weren't living on missions. So once the missions started to shut down, this is where the hard work began for us as a peoples to rebuild our ways of knowing, being and doing, or try and rebuild.

20 Our peoples either stayed on the mission sites and Framlingham, Lake Tyers are classic examples of people still living on those sites. And those - Lake Tyers and Framlingham were handed back some time ago. In Victoria, a lot of our people moved to Melbourne looking for work. Our people still found it very hard to access support and services, whether they were living on or off the mission.

25 Then we move into a bit of an era of political movement for a lot of our people right across this continent, not just in Victoria. But Victorian Aboriginal communities back then were strong leaders and very astute in political advocacy, and that comes through. 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. And just some examples, 1938, the Day of Mourning, and that's been our Day of Mourning for a long time back in 1938. Very significant milestone.

35 1962, all Indigenous people are given the vote in the Commonwealth level. 1967, referendum. Amazing time. 1972, when the Tent Embassy was established. Uluru handed back to Traditional Owners in 1985. 1992, *Mabo* decision, High Courts. Native Title. Terra nullius was overturned through the *Mabo* case. That's when Australia legally recognised that there were human beings living here before white fellas.

40 So that was a bit of a - not so much the celebration of Native Title Act because the Native Title Act didn't do a lot of good for our mobs down in Victoria, but what it did do was overturn that concept of terra nullius, and I think that was a real milestone. Then, of course, the Native Title Act in 1993.

45 In Victoria, we had a movement to set up organisations to support communities. The very first organisation in the country, let alone in Victoria, was the Aborigines Advancement League. It was established back in 1957. Sir Doug Nicholls, Doris

Blackburn, Stan Davey, Gordon Bryant, and that was a movement that started all movements, in my opinion.

5 The League's initial objective back then was to achieve citizenship rights for  
Aborigines throughout the Commonwealth. We accomplished this also in the 1967  
referendum. This meant - I was 12 years old back in 1967. So I was born into a  
country where I couldn't vote, if I had have made it to 18 before 1967. My Mum  
couldn't vote. She was 40 back in 1967. So she was of voting age but was not  
allowed to vote. So, very interesting.

10 Then there was a movement to establish Aboriginal community-controlled  
organisations. Redfern was the very first one in Australia, and it's my  
understanding the Aboriginal - the Victorian Aboriginal Health Service was the  
second one in the country, the first one in Victoria. In 1973, the Victorian  
15 Aboriginal Health Service, VAHS, was established so that our people could get  
access to basic health services.

20 And due to the overwhelming need of our people right across Victoria, that was  
the beginning of Aboriginal organisations popping up throughout the State. Back  
in the office, we do have a diagram that says who came after VAHS and who  
came after that, but I thought I wouldn't do that in this one, Tim. I thought it might  
be - it's on the record.

25 So the Victorian Aboriginal community, we all know we were hit hard during  
colonisation and the level of brutality before it went to the remote areas, we  
copped the brunt of it, and it was quite extreme. Some of our clan structures were  
destroyed, and a great deal of our people were disconnected from our culture, from  
our lands and our languages. The co-ops became our connection.

30 Now remember, this is pre-Traditional Owners Settlement Act and pre-Native  
Title. So the co-ops became Traditional Owners, so to speak, even though they  
were delivering services. So the co-op became our connection to each other. They  
helped our mobs find their way back to Country. The co-ops made us visible in the  
landscape, and they were more than just health services though. They provided  
35 places for us to - safe places for us to come together, and I think that's a very  
important point. Safe places.

40 Then I don't know how many in this room remember Camp Jungai. Camp Jungai,  
from my very early memories, was an amazing place. And, again, this is before  
Traditional Owners Settlement Act, Native Title Act. It was before any groups  
were recognised. Camp Jungai was that place. It was that place where we held  
ceremonies, where we conducted important business, where during school  
holidays, our kids, our boorais, would go to the Camp Jungai. And I remember  
one time there I was a camp leader. Will never do it again, by the way, but I was a  
45 camp leader, you know. And Elders were there passing on what knowledge they  
had and culture.

Little kids - little kids - I remember. I have got to tell you this one story, Tim. There was these group of little children, little boorais from Dandenong that came to one of our very first ceremonies. We had a Council of Elders set up and if the kids mucked up, then they would go in front of the Council of Elders. And these  
5 little kids did muck up and so the Elders went out and picked all these blackberries, ground them up and then had a good talking to, to all the little boorais, and then marked their ears. They said that's a mark of shame now. And for the rest of that ceremony, those little boorais just behaved themselves really good. It was amazing to see the transformation once culture is embedded in your  
10 everyday way of knowing, being and doing.

Anyway, I won't tell any more stories, I promise. Camp Jungai was an amazing place and it still is. You know, after colonisation, we didn't have any safe places and this is well before the co-ops too. We weren't allowed into towns. And so it  
15 became a very significant place for Aboriginal clans all over Victoria. That's what I need to say. And I still think it is, except now that we have different landscapes around the heritage then there is different views.

In Victoria, we do have a very rich and diverse Aboriginal cultural heritage and we have ancient and we also have contemporary. Aboriginal people with our  
20 culture and our past, the stories that we can tell and the gifts that we can give to all Victorians is amazing. People just don't realise that.

So in Victoria, the very first heritage protection we had for Aboriginal sites was  
25 the old Relics Act 1972. That became defunct when Part IIA was set up by the Commonwealth piece of legislation that protected Aboriginal sites, and that's where the co-ops back then were scheduled to that piece of heritage legislation that protected heritage. And then, of course, the Traditional Owners Settlement Act came into play, and Native Title and that then played out as we see the  
30 landscape today, which I think is a big improvement.

The Victorian Traditional Owners Settlement Act 2010, that provides for an out-of-court settlement to Native Title. The Act allows Victorian governments to  
35 recognise Traditional Owners and certain rights to Crown land. The Act is very important because it recognises our mob as Traditional Owners of the land and that we have cared for and lived on for over 65,000 years-plus. It gives us certain rights over Crown land, and land that shouldn't have been taken from us in the first place.

40 Land is about wellbeing and good health. It can give us the right to have freehold title and to manage land jointly with the States. It's not perfect. There are many problems. But it recognises our rights to land and to have a say in what happens to that land. We must support our Traditional Owner groups, resourcing them  
45 properly to play their fullest part in managing this land. If they are to be partners of the State they must be resourced as equal partners, and they must be resourced to fully care for Country.

I am going to finish off with a little bit of a personal history, Commissioners, and I'm going to finish off this section with a poem, if that's okay. Okay. Now a lot of you sitting around this table already know me and know my history. I don't know about the rest of you in the room, but this is a bit of a potted history.

5

My mother and grandmother, they also could not own land, and the only source of employment that they could get as Aboriginal people were either in flax mills or seasonal picking. Their education attainment was - if they had it, was primary school-level. So the struggles they faced as Aboriginal women was enormous in the era that they were born.

10

My mother couldn't tell me about her culture because her mother was not able to pass on her culture to her. As stated earlier, it was forbidden to pass on our knowledge and our language, but I remember a story that my mother told me about the late Aunty Connie Hart. Aunty Connie used to sneak around on the mission and teach other women how to make baskets, traditionally do basket weaving. But if she got caught, she would lose her rations. And back then, that's a big thing, to lose your rations.

15

Growing up with my mum and my brothers and sisters, it was a hard life for all. My mum herself had six - had 10 children. Six of those children were taken off her and raised in out-of-home care. The rest of us grow up all over Victoria travelling, following the seasonal picking and this was mainly in Gunaikurnai Country, not my own Country. And, as a result of that, my educational attainment, really, was halfway through year 7. I don't know what that means today. So I finished primary school.

20

25

Because I went to 19 different primary schools and that was really, really very hard as a young person, to go to 19 different primary schools. But, I mean, that's only a very rough snapshot. I'm not going to go into a lot more detail about that.

30

But I will finish off this section of my submission, Tim, with a poem. And it's a poem for all our mothers:

35

*"My mother was born in a time when humanity was absent. My mother was born in a time when it was not safe to be Black. Yet there was no turning back. My mother experienced the pain of oppression and she bore the scars of dispossession. My mother was born in this country where she had no rights as an Aboriginal woman. She could not vote. She could not own land. And she could not practice her culture, and she needed permission to live. My mother felt the pain of discrimination and felt the weight of hate, and yet my mother survived to be a strong Aboriginal woman. It is because of her I can. Our culture is ancient, and our culture is strong, yet we still suffer the wrongs of the past. With tears on the landscape and scars on our heart, our truth needs to be told."*

40

45

So thank you.



**MR GOODWIN:** Thank you, Aunty Jill. In many ways, your evidence has captured a clear summary of a lot of the evidence that has been heard by Commissioners this week in terms of that chronological as well as cultural history of Aboriginal Victoria, so thank you very much for that. And an important piece of evidence to finish on for this week.

Before I discuss specifically the impacts of land injustice on Aboriginal Victorians' health and wellbeing, it strikes me that a particular theme throughout your evidence just now and in particular in reading the letters of Aboriginal women and paying your own honouring to your own mum and grandmother, I'm interested in your reflection on what reading those letters in particular indicates to you about the place of Aboriginal women in Aboriginal society in Victoria.

**AUNTY JILL GALLAGHER:** Okay. The place of Aboriginal women in Aboriginal society. I see Aboriginal women as being staunch, strong people who - I mean, often you hear about - I mean, often you hear some people say, in a traditional society, women were - in a traditional Aboriginal society, women were - what's the word? It was the men that had all the power and it was the men that - well, that's not true. In any Indigenous society, that's really not true.

I mean, I didn't live pre-contact but I have heard and read some stories around it. I have seen the strength of Aboriginal women just in my Mum. I have seen the strength of Aboriginal women who are no longer with us but I knew them and the fight that they fought to survive. Our women were strong, very strong people, and I don't know whether I'm going - whether all the men out there are going to get crusty with me with this, but I think we were - I don't know whether we were a lot stronger than our men. I think there is different strengths.

But when you look at when we are trying reclaim back our culture, our connectedness, our families and our clans and our mobs, you look at who headed up a lot of those organisations. They were mainly women, Aboriginal women who took the leadership roles, you know. And I have heard some Aboriginal people say, "Well, in traditional society, they didn't take leadership roles. They took back seats." But that is not correct Aboriginal men and women had equal status. They just had a division of labour, what that division of labour was.

If anything, Aboriginal women had stronger status in the area of nurturing and raising families, but there was - like, if you look at - take, for example, the Māori people. When they were signing the treaty all those 150 years ago, whenever it was, there was one clan that had a Chief and it was a woman, right? And that clan today still has not signed any treaty and did not sign the Treaty of Waitangi because they refused to simply because the British that were there didn't recognise the female Chief. And they said to the clan, "She can't sign, pick a man." And they said, "No, we won't sign then" and walked away. And still to this day they have never signed any treaty.

Anyways, our people - I believe, in a traditional society our people are the same. But on colonisation, I have seen the strength of our women who have gone through horrific, horrific things that have happened to them 200 years ago, 150 years ago, 100 years ago, 50 years ago, 30 years ago, even today I see some of our women who still struggle, who are very strong and have staunch leadership skills, and that's no disrespect to any of our men in any way, shape or form. But, yes, I think our women played a vital role in our survival.

**COMMISSIONER HUNTER:** Can I just ask, Aunty Jill, would you say that the history that was captured on us or about us was by men for men?

**AUNTY JILL GALLAGHER:** Yes, I do. When I look at all the early historians, Brough Smyth, Alden, (indistinct) they are all white men, yeah. So of course they have a bias. And they - what is it? They channel their own beliefs on to our communities, but it is not true. Did I answer that, Tim or -

**MR GOODWIN:** As per usual, perfectly, Aunty Jill. So if I can turn, then, to the impact of colonisation on health and wellbeing, and just in the background I will have brought up the VACCHO submission to Yoorrook on health and healthcare, housing, homelessness and education, and I will bring up page 8 of that submission. Just for the Commissioner's information, VACCHO has provided a submission on land injustice. That's right, Aunty Jill?

**AUNTY JILL GALLAGHER:** Yeah.

**MR GOODWIN:** And also a submission on, as I mentioned, health and healthcare, housing and homelessness and education, which will provide an important submission for our next hearing block on social injustice. But there is a diagram in terms of the impact on colonisation of Aboriginal ways of knowing, being and doing in the health submission that I just wanted to raise with you now.

You mentioned the catastrophic effect of colonisation on Aboriginal Victorians and that land was stolen and people were dispossessed and moved off their Country. Many in the community might and do say that those acts happened - whether or not they happened, and there is even people that question whether or not that happened, but at the very least it is something in the history. It is something in the history, in our history and has an ongoing effect.

And I just wanted to ask you, in your experience, what is the impact of those first acts of colonisation, that catastrophic effect that you mentioned, on the ongoing health and wellbeing of Aboriginal Victorians today?

**AUNTY JILL GALLAGHER:** Thank you for that. There is a direct line from what happened during colonisation. There is a direct line between what happened and all the discriminatory policies that followed through to the wellbeing of our people and how we still suffer the impacts of that today. There is a direct line. The

fact that I sit here speaking English is proof that colonisation is still having an effect on us today.

5 I don't have my language. Some mob lost connection to their Country and their culture. So much was taken from us, and we are trying to get it back because we must. Not only were we not allowed to practice our language and/or cultures, but we were excluded from the new colonial society. We were excluded from education. We were excluded from employment. People had their wages stolen. Families had their children stolen. People, women, families were forced on to  
10 missions and denied education and employment and then had children taken off her.

15 My mum had six of her 10 children - can you imagine - can you actually imagine being at - well, me being a mother, you being a dad, can you imagine being a mother having six of your children taken off you? And for what? And she is still alive today. She still feels - at 98, she still feels that pain. In her younger days, she felt the shame, but it was not her shame to carry, and she gets tormented by that pain.

20 If you multiply what she is feeling by all the people this happened to, all the families who were ripped part and all the people who were excluded and discriminated against, the effect of this - the effects of this, all of this, still lives with us. It lives with us individually. It lives with our families and it lives with our communities.

25 It is no wonder that many of us have psychological distress and poor wellbeing. Because none of that has ever been dealt with. People are dying from suicide because we don't have hope. The lack of hope - people don't fully understand. The lack of hope in one - in one's life, it can kill you. It can destroy you. Our children  
30 are starting 10 metres behind other children whose parents went to private schools who could afford to go to universities and who had the wealth passed down. Passed down from their parents to their children through generations.

35 We have never had that wealth passed down. My grandmother didn't own her home. My Mum didn't own her home. And they are not unique in our community. We still have a lot of people, our own people, who can't own their own homes or own land or go to private school, or have that wealth passed down to them because of the past atrocities that have never been dealt with.

40 I would like to talk about racism. I have heard people say it is not as bad as it was. I don't know about that. Maybe that's true. I don't know. I don't think so. I haven't experienced racism today, but I have experienced it many, many times throughout my life that still lives with me today. And that's the same for all Aboriginal people. It is not as if we can wake up and think, "Oh, nobody has been racist to me today"  
45 so everything is fine and the last 200 years is forgotten. Unfortunately, that's not how it works.

But let's be clear about this. Racism does make you sick. The impacts of racism makes you unwell. And I saw that happen during the referendum, the failed referendum. Our ACCOs, our organisations, had graffiti painted on their signs. They had multiple prank calls every day. Our mob are too scared to wear t-shirts that identify them as Aboriginal because of the abuse they get. I can take off my Aboriginal t-shirt and I can blend in but a lot of our people, including my youngest son, they can't take off their Aboriginal t-shirt and blend in.

I remember once I stuck a treaty sticker on the bumper of my son's car and didn't tell him, and when he saw it, he got a little bit crusty with me because he said, "Mum, that just invites blatant racism." This is Victoria today, but it started 250 years ago, Tim.

**MR GOODWIN:** I want to take you to the VACCHO submission on land injustice. That's the submission to Yoorrook on land injustice. If I can just bring up the first page and the executive summary first. And if we can just highlight the four points under:

*"The VACCHO submission focuses on the following themes..."*

About halfway down the page. Thank you. I just want to go through each of those themes and just give you an opportunity, Aunty Jill, to explain them in your own language. And please let me know if you need a break or anything. I know we are discussing a deeply painful and emotional and traumatic matter.

The first theme is that Victorian Aboriginal peoples' cultural identity, health and wellbeing is deeply-rooted in enduring connection to Country. And I know you have already touched on it, but I just wanted to give you an opportunity to tell the Commissioners what is so important about that correlation or relationship between health and wellbeing and Country.

**AUNTY JILL GALLAGHER:** Okay. I'm trying to think of a real life story that I can tell you to illustrate that. I will tell you a couple. There is an Elder and her name is Aunty Melba Johnson. About 30 years ago, she said to me, she said, "Jill, if we do not grow our boorais strong in culture then they cannot - they will not have the necessary weapons to fight what's coming their way", to put it like that. That's not her exact quote.

But what she was talking about is, if we grow our people, boorais, middle age, youth, Elders, all strong in culture, then we - and connection to Country, that's really important. That connection to Country is vital for your ongoing wellbeing. Another Aunty, who I won't mention her name, she was diagnosed with cancer. And she had treatment. And she was supposed to have ongoing treatment for her cancer, and she decided not to. She said, "I have had enough, I just need to go back to Country. I need to go back to Country. I need walk my Country. I need to put my feet in the water in my Country and then I will be all right." And she was, believe it or not. She is still alive today.

But I think that's a bit of both. That's a bit of both modern medicine and also her belief in her Country. So, being connected as Aboriginal people to your culture and your Country, it is vital for your ongoing wellbeing and strength. For our children, if they are strong in that, they can deal with anything that life throws at them. And we don't have the opportunity to go back to Country when we need to, but it's vital.

**MR GOODWIN:** I will talk about the next two themes in conjunction because we have discussed already how the dislocation from Country continues to significantly impact Aboriginal health and wellbeing, and the third theme being:

*"Access and connection to Country continues to be undermined and is not seen as a legitimate part of the health and social care system."*

I'm particularly interested in that second part of the third theme and VACCHO and your view about the failings of the healthcare system to understand the importance of connection and belonging to Country as an element of the health and wellbeing of Aboriginal people. I'm just interested in your reflections on those failings in the healthcare system.

**AUNTY JILL GALLAGHER:** There is a lot of failings in the healthcare system, but that is one of them, is failing to understand how important it is for us as a people to be able to access - and it is not just about turning up to a GP and having your broken leg seen to or an X-ray done. It's about turning up to VAHS and sitting in the waiting room and speaking to all your Aunties and doing other business while - you are practising culture while you are sitting there at VAHS.

If you go to mainstream community health, they don't know what that is. And the services that our organisations provide is that cultural aspect that is missing from mainstream, that connection to culture and connection to Country. Even - you know, I mean, when they talk about mental health or SEWB or wellbeing, usually, the mainstream go direct to psychiatry and medications, and some of them are very toxic medications, whereas there is no need for that in some cases, and it is about going back to Country, going to heal, going to speak to Elders, maybe do ceremony.

And that in itself is a - it boosts your - I don't know how to put it. I'm struggling for words. It boosts your energy levels, your enthusiasm levels, your energy levels and that you are where you are supposed to be. And so that can help you then go and, if you need to go and do chemotherapy or do whatever modern medicine need you to do, you have spiritual wellness behind you to be able to manage that.

**MR GOODWIN:** And the submission talks about the fact that land justice is actually a protective factor -

**AUNTY JILL GALLAGHER:** Yes.

**MR GOODWIN:** - in terms of Aboriginal health and wellbeing. Is that essentially what you are saying in terms of those stories?

5 **AUNTY JILL GALLAGHER:** Basically, yes, basically. It is like one of our programs, Tim, that we are supposed to - out of the Royal Commission for Mental Health, develop two healing centres and, you know, but there has been a lot of conversations right across Victoria around, "Well what is that? What are two  
10 healing centres?" And a lot of the government people are basically saying, "Well, we need psychiatrists in there and we need, you know, clinicians in there."

Well, we might need them but maybe not in there. And if that's needed, we are not saying that shouldn't be accessed. But we are saying there is more spiritual healing that needs to happen for that.

15

**MR GOODWIN:** And if I can quickly go - before I go to the fourth theme, if I can go to page 11. And I thank the operators that they knew where I was going. Page 11 was previously on there. There is actually research that VACCHO quotes in its submissions saying that:

20

*"Connecting to and caring for Country leads to reduced substance abuse, greater social cohesion, increased community pride and improved early childhood development. As we involved our children in caring for Country activities, there is reduced antisocial behaviour, community autonomy, and Indigenous sovereignty is improved. There is fostering equal relationships and partnerships between Indigenous people and formal structures and systems that may not have been previously positive."*

25

So do I take it from that that there is actually - this isn't just the vibe of our relationship with Country; there is actual evidence that there is a direct correlation between connection to Country and better health outcomes?

30

**AUNTY JILL GALLAGHER:** Very much so. And I think when we are going to get on to it, I will show you a little video of the little boy, and I will explain why that's important and how culture has impacted on his life.

35

**MR GOODWIN:** A good foreshadowing for the Commissioners. Just in the last - and, apologies, going back to the themes on the first page, in terms of number 4:

40

*"VACCHO members lack access to land and this inequity limits and undermines wealth creation and economic stability."*

I just wanted to understand your view about why that is important for health and wellbeing outcomes for Aboriginal Victorians.

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**AUNTY JILL GALLAGHER:** Well, I think having access to sustainable resources, in this case, land, that's around self-determination. It's around – I remember back in the old Aboriginal Affairs days when the State Government used to purchase properties on behalf of Aboriginal co-ops, but they always had

5 caveats on it. So, therefore, they didn't really own it. It was like a Clayton's ownership. So you still had to get permission from government if you wanted to capitalise on it or self-determine or anyways. But owning land and having access to land is - it really is that ongoing sustainable approach to self-determination and, you know, put at a local level, yeah.

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**MR GOODWIN:** Just in terms of my final questions, I wanted to ask what - we have VACCHO's suggested recommendations regarding what needs to change, particularly from a health and wellbeing perspective, but I wanted to ask you directly what you want to see in the future for land injustice and health and

15 wellbeing outcomes in Victoria.

**AUNTY JILL GALLAGHER:** Well, I believe we need places to heal and connect and safe places. And that's where that land ownership comes into it. We held a gathering of Aboriginal mobs from across Victoria at Camp Jungai after the

20 referendum.

**MR GOODWIN:** And maybe I will get those up just while you are speaking, sorry to interrupt. But that's attachment 2, Camp Jungai photos.

**AUNTY JILL GALLAGHER:** Yeah. So this was a healing gathering at Camp Jungai. It was called 'Back to Jungai for Healing'. It was an amazing experience where young people and old people like me could come together, reconnect with our culture and our people and our families. There was a man who attended this - and I won't mention his name; he might be a bit embarrassed. But there was

30 a man in his 70s who wore ochre and painted up for the first time in his life, an Aboriginal man. There were children that attended this forum that used ochre and danced with the dancers, as you can see through those photos. And some of those children have never done that before. And we don't often have a lot of opportunity to do that.

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And so Camp Jungai as a traditional - it was an amazing experience. And because after the referendum, there was a lot of sadness - and there still is. We were wondering where to from here. And this should happen on a regular basis. Ceremony should happen on a regular basis. Whether it is at a statewide level,

40 whether it's at a Traditional Owner level, whatever level, it needs to happen. But all mob needs to be able to access it, whether you live in urban Melbourne or rural Victoria.

This little boy here has never had face paint on his face in a ceremony, never done a ceremony, and he loved every minute of it. And that's what happens when we practice and grow our culture and our experiences. So I think it's really important. I believe Traditional Owner groups should be resourced to build and maintain

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cultural and language centres. So each TO group, whether it is Wurundjeri, whether it's Gunditj Mirring - and the list goes on - they should be resourced to have their centres that maintains their cultures.

5 I mean, here in Melbourne a lot of little kids go to Greek school and, you know, there is all these schools out there for different cultures but not ours. So TO groups should be resourced to maintain that that and grow that, and I think that's really important.

10 As well as nourishing our spirit, we need to place the health and wellbeing. We need places of health and wellbeing. Our ACCOs provide these services and need to be supported to own their own infrastructure to enable them to do this. Many VACCHO members are delivering services from infrastructure that they do not fully own or control, and pretty shitty conditions too, I might add.

15 Just look at Dandenong. Dandenong Aboriginal Co-op, been around for umpteen years. And if I was a building inspector - don't record this - I would condemn them. We are allowing our children and our boorais and our people accessing infrastructure of that condition. Shame, Victoria, is what I can say. I don't care  
20 whether we are in a tight fiscal envelope. Look at Dandenong. I encourage the Commissioners to go and have a look at Dandenong.

They don't have self-determination - I'm talking about ACCOs now - to expand or build or benefit from their places. We can't have self-determination if we can't  
25 make decisions about the place where we serve our communities. We get these brand-new hospitals, amazing state-of-the-art, and we have got a health service in Dandenong falling down. Public health services get investment and buildings. Look at the hospitals, look at the mainstream community health. Look at our health services, in particular Dandenong. We are left at the bottom of the pile and  
30 begging for crumbs. If you have got a good submission-writer based in your Aboriginal organisation, you might get money. But if you haven't, you get sweet nothing.

Finally, I think we need - we need to embed Aboriginal voices in decision-making.  
35 If we are talking about land, then we should embed Aboriginal people in those bodies making decisions and shaping governments. For example, First Peoples' Assembly of Victoria should have powers to appoint members to any ministerial advisory committees, appoint board members to the Victorian Planning Authority, appoint board members to VCAT, appoint members to planning panels that  
40 ministers establish. I also think First Peoples' Assembly should sit around the Cabinet table.

By embedding Aboriginal people in decision-making processes, our voices will always be heard and will shape Victoria for the future and for the better. If we  
45 have - we have endured and we have survived, and I am confident that we will thrive. I want to show you a video of a young boy, young Aboriginal boy, who will thrive. And he will thrive because he is connected to his culture and Country



even though [*redacted reference to the boy's personal circumstances*]. So can we have that video up.

5 **MR GOODWIN:** Yes, I think it is called 'Boy Dancing: Members Meeting Portland March 2023'.

(Video 'Boy Dancing: Members Meeting Portland March 2023' played)

10 **AUNTY JILL GALLAGHER:** Down at Lake Condah. Commissioners, take note of [*Redacted reference to particular individual*] in that group. It was raining this day, too. [*Redacted reference to individual and their personal circumstances*] See the smile on his face. See how he is embedded in his culture, how he looks up to his Elders. How he loves to dance. That, to me, said 1,000 words.

15 (Video 'Boy Dancing: Members Meeting Portland March 2023' stopped.)

**AUNTY JILL GALLAGHER:** That's what culture can do for our future generations. I missed out on that, but our future generations don't have to miss out.

20 **MR GOODWIN:** Just a final question before I ask the Commissioners if they have any. What do you think all Victorians have to gain from truth-telling and treaty in this state?

25 **AUNTY JILL GALLAGHER:** I think all - I think all Victorians - and I will tell you a little story on this one. My very first overseas trip - I think I was in my 30s, and I worked for Aboriginal Affairs Victoria at the time. It was Terry Garwood, I might add. And I got to go to New Zealand and I worked in Aboriginal Heritage protecting sites, you know, and I worked in there for 15 years. But when I went to New Zealand I saw a different world. I actually saw the Māori culture hit you in  
30 the face. It was there. It was visible, even at the airport. Auckland Airport, culture is embedded throughout. What do we see at Tullamarine? Nothing.

When I went to Canada for the first time, their culture, their Indigenous culture, is  
35 embedded throughout their airport. The whole building looks like First Nations designs. So - and when I come back here, I thought, "What have we got?" We aren't even seen. Our heritage is not even seen in the landscape out here in Melbourne. I believe if we are successful in achieving treaties and through the work of Yoorrook, through truth-telling, we can be visible in our own countries.

40 And when you look at other countries around the planet, when I got - I did go to Greece, and you see the ancient culture there. I learnt about it in schools, the Ancient Greeks and the Egyptians and the Incas. You learn about that in school, and yet, we are one of the oldest living cultures on the planet, one of. Does anyone  
45 learn about our ancient culture? No.

So, I believe our cultures, both ancient and contemporary, can be our gift to the rest of the Victorian citizens. I'd love to say it could be our gift to the rest of the

Australian citizens. It can be our gift to them when they go overseas. They can talk about their ancient culture. I would like to see little children, Aboriginal and non-Aboriginal, and both those children value their culture. So our culture is not just ours. It belongs to us all.

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And I believe that's what we could have here. We can have whitefellas, non-Aboriginal people valuing our culture, understanding our ancient and contemporary culture, want to be a part of it. Wouldn't it be amazing to invite my next-door neighbours to a corroboree or to a ceremony or to experience bush tucker or to hear the didgeridoo? But no one does that. But that's what we can achieve out of this.

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**MR GOODWIN:** If the Commissioners have any comments or questions?

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**COMMISSIONER HUNTER:** I have lots but I think they are more related to health so I will get you back next time for health so I won't take up the time with those at this point.

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**COMMISSIONER LOVETT:** Aunty speaks for herself.

**CHAIR:** Very fulsome, emotional sharing. Personal stories, talking about your Mum. Thank you. Thank you. Thank you.

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**AUNTY JILL GALLAGHER:** Thank you.

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**MR GOODWIN:** Just quickly before we adjourn, Chair, I will tender the witness outline of Aunty Jill Gallagher and the attachments. I will also tender now the VACCHO submission to Yoorrook on land injustice. I will tender the VACCHO submission to Yoorrook on health and healthcare, housing and homelessness and education. That will no doubt come back to the Commissioners in the next hearing block. And I will also tender the video of the boy dancing. While I'm on my feet as well - I failed to tender but I will tender now the outline of evidence for Aunty Vicki Couzens, and I will also tender the presentation of Dr Bill Pascoe that he presented on Tuesday. So if those exhibits could be received by the Commission.

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**CHAIR:** Those will be entered into the record, thank you.

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**MR GOODWIN:** Thank you, Chair. Otherwise, we can adjourn until, I believe, 15 April.

**CHAIR:** Awesome. Have a great Easter. Thank you very much, Counsel. Thank you all for your work today as well.

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<THE WITNESS WITHDREW

<THE HEARING ADJOURNED TO FRIDAY, 15 APRIL 2024