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TRANSCRIPT OF DAY 1 – PORTLAND CEREMONY

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

**MONDAY, 25<sup>TH</sup> OF MARCH 2024 AT 9.30 AM (AEDT)**

**DAY 1**

**MS FIONA McLEOD SC, Counsel Assisting**

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## &lt;THE HEARING COMMENCED AT 9.30 AM

5 **AUNTY MAUDE ALBERTS:** On behalf of Gunditjmara and in particular - no, not in particular - welcome you to Koroitgundidj land today. Koroitgundidj is one of the 59 clans of the Gunditjmara. My name is Eileen Alberts, I am Gilgar Gundidj and the Country I belong to abuts Koroitgundidj - basically from Tyrendarra up to a certain point.

10 We are Gunditjmara, everyone knows that. We are the fighting Gunditjmara. We have fought for a long, long time for our rights to be on a Country, to live on our Country, to take resources from our Country. We are honoured with Aunty Christina here today and Aunty Laura. Aunty Tina.

15 **AUNTY TINA SAUNDERS:** How are you, darling?

**AUNTY MAUDE ALBERTS:** I'm good, thank you. And Sandra Onus. Really pushed our fight back in that 1980s for our right to protect cultural heritage on this Country, followed by the *Lake Condah Framlingham Forest Act*, which gave us back our mission. And then we started fighting for native title. Eleven years in the running and we got through. At 5.30 the night before Justice North sat at Budj Bim, and said that, yes, you have the right to protect your native title, you are the descendants of the original people of this Country. So after that it was the national World Heritage listing that came about very quickly. A lot, lot quicker than the World Heritage listing. In 2007 we achieved our native title with Justice North. What is it, our 27th birthday coming up on 30 March. From there it was our fight for World Heritage listing. On one criteria alone: The right to protect our cultural heritage and that our cultural heritage here is of world standards.

30 Now we have Budj Bim over there in the background, erupted some 35,000 years ago. Stories from Aunty Iris Lovett-Gardiner, she would tell of her people running away from the rain fire, the rivers of fire. We have been here a long, long time, way before that. And Moyjil they say is 120,000 years old. We have fish traps here that are 6,600 years old. We have stone houses here that shows shotgun pellets and how they burnt the stones as they went into the huts to kill us. We were hunted up the lava flow. A lot of us found refuge. And the same guy that brought in, you know, the Eumerella War, some say is went from 1832 to 1860, I reckon we are still fighting that Eumerella War.

40 It wasn't ended when Jupiter was shot over near MacArthur. He was the leader of that. Today we have a lot of leaders amongst us. Uncle Mook, Denise - whenever she is - and a lot of others amongst us who stand beside all Gunditjmara people. And Donna, I forgot you, sorry. They stand beside all Gunditjmara people in their fight for justice.

45 So, in welcoming you here today I've got the Cherry Ballart to chase all those bad things out of the spirit and ask the Gunditjmara to come in and protect you while you are here on Country. And my fire has gone out again. And the she-oak. The

she-oak, I know, is a gift of the old men who stand around Budj Bim, who helped - Budj Bim helped us to make life a little bit easier here. Diverted the waterways, gave us his blood, which is the scurry that you see everywhere down here, the basalt. To enable us to live a very rich, full life.

5

I grew up just over the other side of the lava flow. It was my playground when I was growing up. I grew up in the extended household with my grandparents and my great uncles, my aunts, my cousins. And I wish I could have given that kind of life to my children, and my grandchildren, and of course my great grandchildren.

10 But as soon as I turned old enough to understand the ways, I walked them around Country like my great uncles and my dad did with me. It – to learn Country, to know Country, to belong to Country is what we are all about and what we should all be about. It protects us, it sustains us, and it gives us faith.

15 So, I invite you all to come along and get smoked, and either choose the cherry ballart or maybe the old men might grant you some of their wisdom with the she-oak. So, who wants to lead us off? Elders first.

20 **TROY LOVETT:** I would like to say hello. We are a Lake Condah dance group called Koondoom Yarkeen, and that was our welcome dance. You see the girls come in and do their sweep and then the boys come in a couple at a time to do their shake-a-leg. Now that we have got the fire going, we will do the fire dance. So, this one shows the three methods we use to make a fire. We have the rubbing of the sticks together, hitting the stone, the flint stone and then blowing on the  
25 embers to get the flame.

Next up we've got the girls who are going to do their berry picking dance. This one is called (speaks in the Dhauwurd Wurrung language) they pick the berries from the trees and they also throw some back when they've got too much or some  
30 of the seeds so the trees can grow again.

(Applause)

35 The girls are actually a little bit nervous. They done their first girls-only dance just last week and then this one here is the first time Ruby Jenner has been the leader of the girls. You see the young ones coming through.

(Applause)

40 One more we have got this one is called Boon Boon. This is the lyrebird dance. The other dance we have done here this morning are dances created by us, made by our dance group. This was one that we traded for with the mob from Gippsland, Gunaikurnai mob, and this is the lyrebird dance. So over there they call him Wirral and they sing a song about how they love the lyrebird and the way he sings  
45 in song. So down here we sing about boon boon which is our word for lyrebird.

(Applause)

Just to finish off we will get the girls to do one more sweep and lead us the way out of the dance crowd.

5 (Applause)

**AUNTY DONNA WRIGHT:** (Speaks in the Dhauwurd Wurrung language) my name is Donna Wright I'm a proud Kerrupjmara woman of the Gunditjmara nation. I'm also the First Peoples' Assembly representative for the reserve seat  
 10 Gunditj Mirring. So, I'm here representing our mob. But I'm also here representing my mother and my family. This is our Country, this is my mother's land. This beautiful place here, Mum grew up here with her family. She was very loved. I just want to say - I pay my respects to my Elders here today. I acknowledge, Uncle Johnny, Aunty Tina, Aunty Laura. The most strongest Gunditjmara Elders,  
 15 resilient people in our community who have our stories, our culture, our knowledge, have kept us safe, have looked after us, have looked after our Country. But this place is so special. And what our people have been through since invasion will be told through the stories to the Yoorrook Justice Commission.

20 My mother was stolen from the mission where she grew up with her parents and her siblings and families and all my Elders' families as well and many of the mob here today. And she didn't get to grow up in a loving home. She was - she was taken. So, to be here today to be here at the Yoorrook hearings is very important for our family, especially my mother. My grandfather never recovered from his  
 25 children being taken, and it's one of the most horrific acts. Apart from all of the massacres that occurred on our land, these were sustained attacks on our Country but they are a testament to the amazing strength of Gunditjmara people. Our warriors, our ancestors who fought - who fought those wars, Eumerella War that mob spoke about too - spoke about this morning. And I always think about them  
 30 when I'm home and their fight, and it's important to honour them and remember them. And through talking to the Yoorrook Justice Commission we will honour their memory and their fight, their resilience. And we have the new - we are the modern-day warriors now taking over the legacy and we are here, organisations, representing our people, but here in this place to talk about the injustices inflicted  
 35 on generations of our children is the rightful way to have these hearings, especially here as we bore the brunt of colonisation. And in this part of our Country there is the glorification of the colonisers who stole our land, the massacres, the murders, the frontier violence, violence against our women but our children as well. And it did not stop us. We are still here and we are still fighting.  
 40 We are the proud Gunditjmara, the fighting Gunditjmara. And you are in a very, very old place, a special place that our people have fought to protect and continue to protect and now share with many people. And it's such a privilege for you to be able to come down here and see this beautiful Country and learn more about our fight and the injustices our people faced.

45

I'm proud to be a First Peoples' Assembly member for my people. I was elected by them. But I'm more proud to be standing in front of my Elders and have the

honour to speak in front of them today, and my community and our leaders in this beautiful special place. So thank you. I will just want to introduce my fellow Assembly member, one of Aunty Laura's family. The baby aunt. I wanted to say that, but I thought I had better check with you because I don't know - I thought it was Damein. But - and Denise. Sorry, Denise. Aunty Laura's daughter as well. But can I just say, I've been an Aboriginal educator for most of my years and to watch our beautiful babies - and I just want to acknowledge Ruby Jenner, if she's here, she did amazing job leading the dancers today and them little bros with her. And if anyone noticed when they were doing that, there was Bunjil flying in the background. So it was just a very, very beautiful thing. And I think, Troy, you are an amazing leader. The dance that you do, the way you speak, the way you hold yourself, very proud to be part of this today. Thank you. And I will just hand over to Mookeye. Thank you.

15 **UNCLE MICHAEL 'MOOKEYE' BELL:** (Speaks in the Dhauwurd Wurrung language) Welcome. Welcome to Tae Rak. Beautiful place. Thanks Aunty Mort for the great welcome. Yes, Troy and the dance group; amazing. It's what they have done over the journey, you know, to represent and instil strong culture is significant. I just have to say our youth justice around this part of the world is near zero, and it's because of the connection to Country. You can go other places and there's - we are next to zero. If we have got one or two on the system at the moment that will be it. And it's been that for about 10 years.

25 I would just like to acknowledge our Elders, my mum, Aunty Laura, very lucky to have her around with us. She's tough as nails as you can see, and obviously Aunty Tina. Great to see her. And Uncle Johnny, he's just an absolute legend down this way in the fight for Gunditjmarra. It's been amazing.

30 I am just going to talk a little bit about my time. My life journey, you know, born in '63. Turned 60 last December, so very - very lucky. And it's around the model of that self-determination, because in the early 70s Mum and many others created the Heywood LACG, Local Aboriginal Consultive Group. And, you know, through self-determination and really interested in building our culture, because we were pretty much town people, we lived out near Lake Condah there for a little while but pretty much lived in town. Not much access to stuff. I think Mum got a car but she didn't have a licence and we got around. But it was - that connection to the LACG was significant because it grouped us together. You know, when we talked - Uncle Theo, and Aunty Tina's brother, he talks about the old church out the mish. Our mob were the coming together in the 50s and the blowing it up meant people got dispersed again. That was part of the strategy, you know. Get us together and we are dangerous. That's how we operate. And so, getting us together in the 70s, you know, seen us go over to the Fram, catch up with our mob over there. The resilience they showed us in the early days, Aunt, you punched on a little bit, but it was all fun. You know. They give it back hard and we have continued to co-exist, and that's significant. And those early days of Heywood LACG, seeing the establishment of the Lake Condah and Aboriginal District Cooperative in Heywood, that provided opportunities. And then you know, later

years we created the Winda-Mara Aboriginal Cooperative. Sorry, the timeline. Go back to the Kerrupjmara Elders Corporation. The significance from the Alcoa decision and so lucky to have Aunty Tina sitting with us today and Aunty Sandra will be here. She's still going strong and very resilient. And always acknowledges the opportunities that decision provided me because we never had land. We only had the bit of land, a little bit of the access to the cemetery, I think. And that was about it. And it wasn't under our title. It wasn't there. And that decision from the Kerrup seen us keep 100 acres back at Lake Condah mission. That was a home, you know. Many were living in commission homes at that time. Many still live in a commission home. Pay the home off for government, community, and still have to pay, even if they are 80 something years of age, it's quite significant. I'm putting that on the table as a Treaty member. It's - you know, we can have some early wins and, you know, show some resilience because many of the Elders who are in those homes provided safety, diverted people away from jail. Still today those homes divert people away from jail. You know, it's \$150,000 to put someone in jail. Generally it's three years, so it's about \$450K. You know. You do the sums. Imagine if that went into a few homes? That would change my life. I'm lucky now, I'm lucky for what I have received, but I just know how lucky people are if they have a bit of a chance. And that self-determination is significant. And, you know, obviously the Kerrupjmara, the great opportunities through the - Mum and aunts and uncles there provided us. Access to land and the growth in them obviously our Traditional Owner group, Gunditj Mirring to be sitting here today.

So, some 10 years ago this water wasn't here. It only rises every 10 years, hey Unc, when you get a flood. That was about the only time for, you know, 60, 70 years that water wasn't there. And the Kerrupjmara Elders back in the 80s created a diversion channel right up the top here to get water back to the other side of the wall there. And then, you know, through self-determination and other stabs at it through Gunditj Mirring, this water is here. You know, and I just want to acknowledge Uncle Kenny Saunders, that vision to create the Lake Condah Sustainable Development Project was significant. And we had Unc's funeral out here last year, and to see him go past this water and the habitat that's out here is amazing. To just last weekend the women's culture burn that took place is practising our culture. So the resilience is amazing.

You know, not just Mum, but a lot of the Elders, their families, siblings, Uncle Johnny and Aunty Tina's mob passed away early. We lost a lot of - my generations have gone early before they were 50. And, you know, from us coming together and working together we have been able to - we had more over 70, more over 80 living with us today on the earth and contributing to our community. And the respects that they give to those little girls and boys out there today dancing. So that continuation is still impressive. People seem to think, you have got everything right now. There's that perception. And, you know, when we have a death which happens in our community everyone has still got to chuck in. You know, many of the Elders sitting here today, they have had opportunity to superannuation, you know. I was lucky in the 80s to get, you know, it was part of your job. You are lucky to have that in there. But today don't have that. Don't have one - you know,

they don't ask for it, either. They won't stand up here and ask for it. Nor should they. It should be offered because you have some dignity in being acknowledged for your contributions and that.

5 So, you know, land justice is really important. Aunty Donna just spoke about the wars and the - of the early settlers. The continuation of destruction of sites. You know, we hear people walk away from the Treaty process because of culture heritage management. They pick one or two little things. Like we know Treaty is about 360 degrees. I don't know how many minutes and seconds are in that Trav,  
10 but there's a lot. So, you know, I think there are only seconds, those little things, that we can all work on. You know, to make statements that you have got to get out of it because of little things like that is scaremongering.

I mean, the - yeah, we are here for the community. We grow - I think another one  
15 of Uncle Kenny's signs is just out here, when the lake is good, we are good. And, you know, the lake is looking pretty good, you know, for this time of the year. It's usually dried up a bit more than that, but it's got good water in it. Yeah, there's going to be more said about the connection, but as a young bloke growing up to being here today, the demonstration of self-determination by our leaders to give us  
20 an opportunity, and that continuation where we are going is - is here watching the staff in this room. You know, you can go and get a job, you can go and get a loan for a home when you have got a job. You know it wasn't that long ago we had six-month funding agreements. You know, an Aboriginal health worker, and that's all you had was a six-month funding agreement. You know what the bank said to  
25 you? No. No way. So our community housing program is still very, very important to us. We need another 1,000 homes here, just around here today. We are losing staff because we can't house them. We haven't got the capacity. Unc hasn't got 20 million on him right now.

30 **UNIDENTIFIED MALE:** I have got a 30-foot caravan.

**UNCLE MICHAEL 'MOOKEYE' BELL:** He has got the old caravan, you know. And, you know, it's as simple as that. You know. And we are not going to - we haven't got that. But we are entitled to get some of this because, you know, the  
35 disruption to us to an economic base is significant. I mean, I was lucky enough to go and learn a little bit, you know, just learn about the compound interest. It was significant. You know. And I think we do a pretty good investment, you know. We are getting smarter with our money. Sometimes too smart, hey Unc. Too many request forms, but that's all good. You know. But they are basic things that have  
40 only come into our system only 30, 40 years ago. And others have had, you know, 200 years of that before us. And we have got to be allowed the opportunity to grow that. You know.

45 So, finishing I just want to - you know, obviously acknowledge my brother and my sister, Denise and Damein, and Aunty Maude. Me working in native title is world class in my time, you know, obviously led by their Elders. But the energy, you know, the build-up for over those 11 years Aunty Maude spoke about, it was

every Wednesday - first Wednesday of the month for 11 years. Nothing. No money, nothing. It was just heart and soul and coming together and being led by the mob. And communication was to inform everybody, informed consent is what we bring to the table. We speak to everybody and it was an unreal experience  
 5 because, you know, it built where we are today. I just want to acknowledge that contribution. I would just like to finish now. Thank you.

(Applause)

10 **COMMISSIONER LOVETT:** (Speaks in the Dhauwurd Wurrung language) Just acknowledge Country. Pay my respects as a proud Kerrupjmara Gunditjmara man. I always say us Gunditjmara speak fast because we have a lot to say. And also you know, we are - I mean, again as our Elders have said here, we are known as the fighting Gunditjmara as well. So I also want to give a shout out to our Elders here.  
 15 Uncle Johnny - not in any particular order - Aunty Laura, Aunty Tina, Uncle Johnny. Our Elders with us here today representing multiple families of the Gunditjmara here. Also, as well as Aunty Eileen as well, and thank you for that deadly Welcome to Country as well. It is always nice seeing you coming back home and the welcomes that you give as well. Troy,  
 20 Koondoom Yarkeen Dance Group, I think I pronounced that wrong. Koondoom Yarkeen, sorry. Koondoom Yarkeen there you go. Dance Group. So I think a big round of applause for them mob as well, hey.

(Applause)

25 How inspiring is it to see the next generation coming through, walking - walking Country, talking Country and dancing up Country as well. So powerful. Also as well, we have - the Chair is unable to be here today, so Professor Eleanor Bourke, Wamba Wamba Wergaia Elder who is affectionately known as Aunty Eleanor  
 30 Bourke. Aunty Eleanor can't join us because of Sorry Business, which is really sad for her but also as our other speakers, Uncle Mookeye and Aunty Donna has said as well there has been a lot of Sorry Business. A lot of Sorry Business throughout the State as well. You know, we are losing our Elders at a really rapid rate as well. There was a lot of knowledge, I think someone referred to it - I think it was Uncle  
 35 Col - in one of the videos that we will share. The work we have done is a university. Our Elders are like a university. They have so much knowledge and wisdom that they pass on as well.

40 The Chair has a deep affection and respect for Gunditjmara people. She has enjoyed the hospitality of Traditional Owners on many occasions throughout her life. The Chair also wanted me to express significantly and acknowledge the immense contribution the Gunditjmara in the fight for land justice here in Victoria. And of course this sentiment is expressed across to all Victorians across the State of Victoria as well. On behalf of the Chair I would like to thank Gunditjmara  
 45 people here for hosting the Yoorrook Justice Commission on your beautiful lands, or our lands, on this historic occasion as well.



Sorry, I am a little bit nervous. I don't really get to come home very often and actually speak. I get to come home a bit but not actually speak on Country as well. So having the ability to also be able to yarn up with you mob and also in front of our Elders and represent my family as a proud Kerrupjmara Gunditjmara man and a Lovett as well. A big family, the Lovett family. A lot of them. A lot. Too many to name, actually, as well.

But, yes, now can I ask you to look around. Country, Mirring in my language. Wurrung, language. Speaks for itself. It tells us to listen and respond in harmonious ways. By doing this my people have managed and cared for this beautiful landscape for thousands of years. The pristine condition of this Country is one of the reasons it is now recognised by UNESCO as a World Heritage site. World Heritage site here in Victoria. Don't need to go anywhere else. No disrespect to those other mobs across Australia, come here to Victoria. Come down and check out the tours. Go through the Budj Bim. Check out the tours. Walk Country and talk Country with our Elders and our tour guides as well.

As a proud Kerrupjmara Gunditjmara man as a Commissioner of the Yoorrook Justice Commission is it a great honour to stand here on Country for meeting, for the historic opening of the land injustice hearings. Justice hasn't been done yet. We haven't got justice yet. Justice in this country is traditionally delivered in courtrooms in the cities in a large - sorry, in a language that was once foreign to our people. And judges who came here long after us and ignored our lore, customs and traditions. Yoorrook's truth telling hearings will mark the turning point for justice in this country. We will hear evidence from First Peoples, using First Peoples' languages or ways of speaking. Using First Peoples' lore and law.

Here on Gunditjmara mirring all Victorians can learn the full story of our people and the impacts of colonisation from creation to today. This Country tells us the true story of colonisation from the beginning to the end in one location. It tells us the story of how land was illegally - illegally taken, and how some land - only some land has been returned through the sheer determination and resistance and the fight of the Gunditjmara people. Some you have heard from today and some are with us today.

More than 30,000 years ago, Budj Bim erupted revealing our ancestral creation being in the landscape right over the back here. Straight through there. The lava flow created the patchwork of waterways and wetlands which our ancestors used to develop one of the most oldest, and extensive, and complex aquaculture networks in the world. Older than the Stonehenge and the Pyramids. The system supplied enough food to sustain our community or our people year-round in permanent settlements and allow us to trade with other clans and nations. We were happy and self-sufficient people. Then just 200 years ago Europeans came. They illegally - illegally took our land, our homes and our lives. Later today we will visit the site where Edward Henty landed in November 1834, establishing the first European settlement in what became the State of Victoria. This was the defining moment for First Peoples. It marked the end of our traditional way of life and the

- beginning of an unbroken line of injustice which continues today. First Peoples' land, water and resources were illegally and forcibly taken. We were denied access and the ability to practice our culture and speak our language. Our ancestors were slaughtered in massacres. The first recorded massacre in Victoria
- 5 took place at the Convincing Grounds, Kilcarer Country, which we will visit later today. It is there that European whalers used their guns to fend off the Kilcarer Gundidj people from accessing their own resources which they had done for thousands of years prior.
- 10 Despite brave resistance during the Eumerella Wars the Gunditjmara population was decimated in what was a highly unequal contest. Tens of thousands of years of unbroken connection and deep love for this Country almost wiped out in what seemed as a blink of an eye.
- 15 Then in the 1850s and 60s those who remained were forcibly moved on to missions and reserves. If you walked through the bush south-west from here, you will come to the Old Lake Condah Mission where the government entirely controlled the lives of the Gunditjmara people. Commissioners have heard
- 20 evidence about how speaking language wasn't allowed on the mission, and those who were caught had their rations cut. My uncle told Yoorrook how more than 20 of his family members were taken from Lake Condah during the early Stolen Generations. Having become homes for many families, the missions were then closed by the government. The families petitioned to have the land handed over to
- 25 the government deny this request, it instead handed out the land from the former Lake Condah Mission to returned of war veterans as part of the soldier settlement scheme in World War II. Aboriginal men who fought for Australia were - sorry, Aboriginal men who fought for Australia were excluded from the soldier settlement scheme. Excluded. Including Gunditjmara men and women.
- 30 Uncle Johnny Lovett, sitting over here, has given evidence to the Commission before about his father's exclusion from the scheme after fighting for his country. For this country. For over 10 years he has asked to have his father's contribution recognised, and in the same way that it was recognised by other servicemen. He
- 35 has not received an answer. And still to the day, Unc, not received an answer. Sitting here today, confirming that.
- 1987, the original mission lands were eventually returned to our people thanks to the fight of Aunty Sandra and Aunty Tina and many others who are standing here
- 40 today as well. Over the time the fight of the Gunditjmara has seen other parcels of traditional land returned. It is important to take a moment to acknowledge the immense and ongoing fight of First Peoples across the State of Victoria to restore land rights.
- 45 The final site we will visit today is Ploughed Fields on the cliff top overlooking Portland Bay. The colonial legacy is hard to miss here, as stated by other members who have spoken here before me. With monuments and plaques lining the area

along the old whaling cauldron. In fact, throughout Portland colonial names are everywhere on playgrounds, pubs, dog parks, senior citizens' buildings, as well as street names and highways named after colonisers. Yet there is little to no acknowledgment of the Gunditjmara people's continued contribution to this area and the way we have cared for Country for tens of thousands of years.

I note that I would like to thank Gunditj Mirring Corporation for assisting the Commission with hosting the proceedings here today as well. I would specifically like to acknowledge again the Elders who have continually fought hard for our people's rights, to not only be upheld but also recognised and upheld and implemented. Gunditj Mirring's work in the south-west exemplifies persistent advocacy for land justice for the fight of First Peoples so all Victorians can benefit. We are grateful for the privilege of using incredible facilities and being hosted at this World Heritage listed Country. More than that, we acknowledge the work that your organisation has done in revitalising Country, culture and language for the benefit of generations to come.

Today's ceremonial remarks are the start of a three weeks of public hearings into land, skies and waters; the injustice. During this time Yoorrook will hear more evidence about how the theft of land, water, and resources has impacted and continues to impact First Peoples today. Commissioners will hear from a broad range of witnesses, including First Peoples historians, organisations and associations. We will hear from government, including several Ministers, and the Premier Jacinta Allan. Some of these hearings will be out on Country. The Water Minister Harriet Shing, and Uncle Brendan will give evidence in Robinvale along the Murray. Premier Allan will give evidence at the old Coranderk Aboriginal Mission near Healesville on Wurundjeri Country.

Just as these hearings go to the heart of injustice it will also showcase the diversity, strength and resistance of First Peoples in the State of Victoria. But this time it is on our Country, on our terms as First Peoples. We invite all Victorians to walk with us, to listen, to learn and to share our history. (Speaks in Dhauwurd Wurrung language)

(Applause)

**LISA THORPE:** You probably can stop recording now because there was no consent signed by me! (Laughter) No, I'm just here to, I guess, wind up this beautiful start to our day. I just - my name is Lisa Thorpe, I'm a very proud descendant of this beautiful Country here and I'm part of the same Lovett crew that has been spoken about. I would also like to acknowledge my beautiful Elders here, and thank you for having us. And my Countrymen, my brothers and my sisters, for putting on a beautiful morning for us. It's a very fitting place to start when you talk about, I guess, the injustices of being dealt to our people but to start off with the fighting Gunditjmara. So thank you Aunties and Uncles and brothers and sisters.

For everybody else, we are winding up here right now and we are going to be having something to eat very shortly, but feel free to wander around, have a look at this beautiful Country. And then we will have some - a feed, and then I think the Commissioners might be doing some media, I believe. I think that's what's  
 5 happening. And then we will be moving on to Kurtonitj, and then we will have some more speakers there. But thank you. Appreciate your time.

(Applause)

10 **DAMEIN BELL:** We are right? Well, my name is Damein Bell I'm a Gunditjmara and a Boandik man, very happy to be here today at the start of this Land Injustice Inquiry with the Yoorrook Commission. It's very important because we have had so much taken from us, and I say that in the same breath that we have  
 15 been able to have so much returned to us primarily through the common law rights that we have fought for. No one gives you your rights, you express your rights and it's up to the Crown to have - to recognise that it always has and always will be Aboriginal land.

20 **MS McLEOD SC:** So tell us about this place?

**DAMEIN BELL:** We are at Tae Rak. Kerrupjmara is the clan here. Tae Rak is very important to us. It's very important to us as Gunditjmara, but also to us in the State of Victoria. Out this way is when the colonisation first started after the  
 25 invasion, but here is also the place where we have the revelation of one of our creation beings, Budj Bim, just over that way. When the revelation happened, it was - a volcanic eruption of about 37,000 years ago, and we still have the language and the story for that creation story. We always talk about our stories. We have to share the story to protect the story because it's been silenced for so long. We were told to be silenced. Our ancestors, our Elders were told to be silent  
 30 and it's interesting because a lot of whitefellas were told to be silent as well. We - a good while ago we were recording our Elders - had all the equipment to do that and our Elders sort of got sick of us, so we put an ad in the paper to ask for old white people if they have got stories of Tae Rak and we had an amazing response. We had people, 96-year-old people in their deathbeds wanting to share  
 35 their story about Lake Condah, about Tae Rak and Gunditjmara Country, which was incredible.

So that silence, yeah. Not only we were made to be silenced, or forced into silence, but the rest of the community was as well, the non-Aboriginal community.  
 40 With the revelation of Budj Bim we - the stories are 37,000 years old. The creation stories there. The language is still there for it. And because we had used new technology to - working with Melbourne University to work out the stone crushing things and all the isotopes and all that kind of stuff, and they worked out 37,000 years. And all the - that was published in America Geology and they rang up for  
 45 an interview, and they were sort of freaking out. They said, "Well, how do you know the creation story and how do you have language for that?" And we said, "Well, because it was being passed down. And we know that that passing down is

very important for us for who we are as part of our identity and our obligations". But it was interesting to hear that, particularly from across in America, given that they have their own First Peoples over there, and at the upper echelons of science, Western science, they are still not properly respecting what Country has to say.

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**MS McLEOD SC:** So it's incredible to think of a story surviving for 37,000 years and then to have science come along with the radioactive testing.

**DAMEIN BELL:** Yes.

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**MS McLEOD SC:** And confirm some aspects of that story.

**DAMEIN BELL:** Definitely. It was incredible. And that wasn't our first time. When we were restoring water here - because the story at Tae Rak, it is 8,000 years old, we know that. We know that through our stories, but we also know that through Western science, through the core sampling. It wasn't here 8,000 years ago, it was a grassland. And we know that Gunditjmarra ancestors constructed the lake by doing stone barriers, stone weirs, in the proper places to keep the water here. So we knew that was there. And then, again, with the Western science we seen how old it was, but it came time to put in a new weir in 2010 to restore the water, permanent water here, and all the hydrologists and all that come up and said look, the best place to put it - and this is after digital flyovers and that - and they said the best place to build a weir is here. And we said oh, guess what? Where the ancestors had built a weir, the - regional cultural weir you had knocked down in 1954 when you built the drain to drain the lake.

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**MS McLEOD SC:** So there was that knowledge of water flows.

**DAMEIN BELL:** Yes

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**MS McLEOD SC:** Of the pattern of water rising and the animals responding.

**DAMEIN BELL:** Well, it was built that way. The lake is built that way because we have fish traps, we have eel traps that are set out 54 metres AHD, but we also have traps set at 58 metres. So that seasonal flow of water, the water that's kept here to maintain the Kooyang, then the other fish, plus the life and the village around it, is all - it's all succinct. I can say that. I know when after we put the weir in, in 2010, it rained and it rained that weekend so we knew ancestors were happy. And as this water filled back up the water would snake across the lake and then hook up with the traditional aquacultural on the other side. So, what we don't see is the channels underneath the lake. Underneath the silt build-up and all that. So that technology - that cultural technology is still there.

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For us to maintain what we have here, we are the Gunditjmarra, we are the only ones who could do that with authority. We are the ones who can engage with other people. With institutions, with research institutions, with government agencies. We are the ones who could do that to bring - make sure that full story is here

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because it's not just a cultural lake, it's an environmental lake, it's a social lake. It does all those things. And it's an economic lake. One of the things that even with things like native title and all that, it's still a process that keeps us out of our commercial heritage, and our commercial identity.

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Back in the 1920s when the government was selling all the lake up to hand back to soldier settlement, but not Aboriginal soldiers, this place out here was valued at £9,000. We did the economics on that, on how much that would be today, and we just had our annual general meeting of our Traditional Owner Corporation, Guditj Mirring, and we worked out we have equity at 42 million.

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**MS McLEOD SC:** Just in the land?

**DAMEIN BELL:** Just in the land. And what we do.

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**MS McLEOD SC:** Sorry, I mean land -

**DAMEIN BELL:** Yes, yes.

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**MS McLEOD SC:** - as opposed to resources.

**DAMEIN BELL:** Land, assets, all that. Also included in that is our cultural heritage items that we have repatriated from the museum in Victoria the other year. They are all at home now, they are keeping in place. But from that £9,000 to that 42 million equity, that's basically taken us over 100 years to - you wouldn't even say it's parity. Because as Michael was talking about this morning, we still have things to do. And that's what we hope that the Treaty will bring. You know, to set things right. To look at parity, but parity from our perspective. Not parity from what the Crown thinks we deserve, but parity about what we want to do, what we have missed out on, and what we want to do into the future.

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**MS McLEOD SC:** So how do you start the conversation - and this is obviously the work ongoing - but how do you start the conversation when everything is taken and you're offered a little bit back? How do you navigate that pathway?

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**DAMEIN BELL:** It's - it's the community that has to sit down and work out what we need. But we have to work out what is possible. How do you pick and choose from the whole entire world about what your people need and what your Country needs to - to repatriate that fairness and that future. That's a real hard question. But we have been talking about what we wanted to do for a long, long time. Even from the mission days when our - when our Elders and ancestors were concentrated on to the mission, they were asking for land back then. So that's a big part of it. But, of course, it has to be healthy land, because not in Guditj, not in Mara, healthy Country, healthy people. So, with - one of the main things we do here is to make sure we get the land back, have it returned. Have it unencumbered. Because they don't teach you about bloody - what do you call it - land tax and all that in land rights school. So, you need something there. And when I spoke about when the

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Commissioner was down earlier, when we put in our submissions, that unencumbered Country not only for us but for Country itself, can the Crown remove its title, its hold, its asserted sovereignty from special places. Just so that place, that Country, can be there for itself.

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**MS McLEOD SC:** What's the story with the water that flows in at -

**DAMEIN BELL:** There is brother Shane.

10 **MS McLEOD SC:** So, part of the obvious wealth of this place is the water and the restoration of the bird life and the wetlands here. So, tell me about the water and who owns the water, who gets to take the water upstream, downstream, how does that work?

15 **DAMEIN BELL:** Well, the water was basically stolen as well. The work that we've done in line with what our ancestors have wanted and what our Elders have wanted and what our community needs, we - the lake was - it's a real physical  
20 example of water that was stolen. They drained it back in 1954. They dug the Condah drain from up around Branxholme right down here to the top of the stones, to drain all that wet - all this - all this lake, the wetland, the Louth Swamp, the Condah Swamp and they drained it all for farmlands. What happened then, we got to restore it. The main job was in 2010, and it was funny because the Crown would come down and say, "Oh, you know, where are you going to get your water allocation from?" And we would say, "Well, we get it from our ancestors. Where  
25 do you get yours from?" And they sort of freak out and run back to the Crown, you know. The Crown - I just acknowledged Uncle Keith, he talks about the Crown being the headless hat. We want to deal with people, we want to deal with Country.

30 With here, and it's worked so well, it's amazing that it's worked. Like we had all that knowledge that we had - again the cultural lake, the environmental lake, the social lake, the economic lake. We had all that knowledge go into the restoration and we got to build the weir, which was a big, big infrastructure job because when they did the Condah drain back in 1954, they talked about that being the Victorian  
35 Government's engineering marvel of the year - which was amazing. So, when we did ours it was good. The water - there wasn't a proper water allocation for it because the water was already here. So not too much was - how would you say - the water that would come through would have come through anyway, we just collected it a bit more. So, when it comes down to the Crown's permits and this  
40 and that about what you can and can't do, not much was done there. So, because, you know, it was - it was a - the restoration of water here was a - is a great benefit not only to us, but to the district. Not only environmentally, but economically as well with a tourism that's drawing to the south-west of Victoria.

45 We went through a process - so - and it's funny, where governments permit processes, where they could be - they could hold you back and tie you down, particularly when you are talking about traditional ownership, the government was

happy to help us as Aboriginal and Torres Strait Islander people, what they considered the most disadvantaged people on earth. They were happy to deal with us as disadvantaged people but not as Traditional Owners. But we are Traditional Owners. This is traditional Country. We went through Alcoa versus - *Onus v*  
 5 *Alcoa*, with Aunty Tina and Aunty Sandra and all the mob. We had that right there right through native title -

**MS McLEOD SC:** So, important cases established standing to be able to maintain  
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**DAMEIN BELL:** No, they still didn't recognise it properly. With *Onus v Alcoa*, that cultural heritage protection side of it, that takes care of that side. But with these other things, these other permits, by-laws, all that process there. Like I said, the government would help us, would be ready to help us as disadvantaged people  
 15 but not as Traditional Owners. After *Onus v Alcoa* we went through the native title, recognised that there. All that. This place wasn't recognised for native title, it was still a State game reserve, so technically that meant this place here was already extinguished from its native title. That was back in - leading up to 2007. As we know, through the work of the Mabo family we have had native title since  
 20 1991. But for how native title is evolving slowly, and not surely, it's still got a lot there. But just that - that thing about permits, how government would use us - would want to work us as disadvantaged people to meet their own box ticking, but not us for us to be recognised as Traditional Owners. We - and we found that a couple of places. Like the Victorian Fishing Authority, that regime there. Again,  
 25 they had a - you can get a cultural take permit, but you had to demonstrate your disadvantage not your traditional ownership. So that's replicated a lot across government. A lot is changing now and I hope the root process is really going to expose that so it can be fixed properly.

30 Keeping that there, how we get that elevated into the Australian common law is going to be a goal, because everything else is more again that social disadvantage that we do face, but that's the box the government also puts us in. With water here, the licensing body on behalf of the Crown is Southern Rural Water. They operate from here right across the Gunaikurnai, Monero country. They had - we had to go  
 35 through and get - we applied for the unallocated water that comes through, through the winter flow. We applied for that and -

**MS McLEOD SC:** Is that because there were no other licences available?

40 **DAMEIN BELL:** Yes. Because they were all - all over-allocated. Well, they are beyond over-allocated. What's the word beyond there.

**MS McLEOD SC:** Oversubscribed, yes.

45 **DAMEIN BELL:** Yeah, oversubscribed. They - with what was left over unallocated water, and that's part of the winter flow and all that kind of stuff, we applied to that. We talked to Southern Rural Water, we talked to the government



about we still need to have water here because there is still a lot more places we want to restore permanent water to.

**MS McLEOD SC:** Yes.

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**DAMEIN BELL:** So, we got allocated, I think it was a couple of years ago, we went through the process, when Gunaikurnai, they had some allocations, we had some allocations. I think two gigalitres something like that. Gunaikurnai has got some more. And it's - it's good that that's happening, but again it's - we are at the tail end of it because all that oversubscription that happened for squatters, for colonisations, all that, we missed out on that. So, what we are still doing now here is sort of dragging it all back.

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**MS McLEOD SC:** Yes.

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**DAMEIN BELL:** And it's - it's - you would have to think is it still - is government allowed to do that because it's an environmental benefit rather than a traditional benefit?

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**MS McLEOD SC:** So, let me ask you about the environmental benefit. The restoration of the water lands has ecosystem benefits.

**DAMEIN BELL:** Yes.

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**MS McLEOD SC:** Right. Not just in this immediate vicinity but more broadly. And we are sitting in front of the -

**DAMEIN BELL:** Kooyang.

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**MS McLEOD SC:** Yes, tanks. So, is there a valuing of that restoration of the environment and the ecosystem more broadly?

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**DAMEIN BELL:** There is, and the Crown's catching up with it. They are only sort of recognising that, sort of not that - what's that nature thing they call it? They got the eco-benefit but also what they say now that nature -

**MS McLEOD SC:** Nature benefit.

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**DAMEIN BELL:** The nature surface services. The benefits of natural services what it provides to society.

**MS McLEOD SC:** Yes.

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**DAMEIN BELL:** It will be - sort of a - over the past couple of years, the Victorian Government was working on integrated water management in suburban areas like Warrnambool and Hamilton and all that. This place didn't really fit into that because it was outside of those regional urban areas. So we said if you are

saving water there, you are leaving more water for Country so we are not dragging on that. So that - that nature benefit - there's a proper word for it now. They got a whole thing now.

5 **MS McLEOD SC:** We will think of it.

**DAMEIN BELL:** Yes. Yeah. Again, those - how we think about the benefit that it provides, yeah, we need to put in those indicators. What does this mean for traditional ownership? What does this mean for traditional Country? What does  
10 this mean for cultural strengthening? Because it's incredible out here, since we have restored it, look, the Gunditjmara were deadly before it restored Tae Rak, so we are even more deadly now.

**MS McLEOD SC:** Well, you have got a potential income stream here right from  
15 the eel product. And I see the forestry around. You know, there's along the coast the wind farms, the turbines turning. So there are resources here.

**DAMEIN BELL:** Yes.

20 **MS McLEOD SC:** In the land.

**DAMEIN BELL:** And they are planting out the ocean as well.

**MS McLEOD SC:** Yes  
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**DAMEIN BELL:** For all the renewable energy in our communities talk about it in depth, we have had some about the impact of this new generation of renewable energy, and infrastructure that's coming back to be impacted on our land as well. That still takes Country away. We had to think about, if what's - and it's terrible  
30 talking it about it from a Traditional Owner perspective, but what's the gross benefit, what's the net benefit for the world? We still have to give up part of our Country. Even though it's for, you know, wind farms, wind energy, solar. It's something that we have - case-by-case it comes up and it's something we have to consider because we have got - this place runs off solar, we made that a point. The  
35 keeping place up at the mission, that runs off solar. We have made those decisions there not only to save some money, but also to demonstrate sustainability. Because out here we have had this infrastructure out here for 8,000 years, and it's kept us going. The only thing that impacted on us for all of the previous climate changes, through the tsunamis we have had in the past, through all of the bushfires that was  
40 there after our cultural burning, the thing that's really impacted on us is invasion and colonisation. But we have survived that. But we need to be engaged because those - those - yes, the renewable energy question is here, it's happening and we need to be engaged with that. Not just as a - not just as a stakeholder. That's the other thing, we are not stakeholders. It is everyone else with stakes in our Country.  
45 We are the rights holders and the Crown really needs to recognise that.

**MS McLEOD SC:** So, Trav, we were just talking about resources. The forestry, the aquaculture you see behind us. The renewables and using the traditional lands for the benefit of the world, really. Renewable resources. So just exploring those sort of concepts.

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**DAMEIN BELL:** Yeah. The managed investment scheme that the Commonwealth Government put out for all the blue gums across the south-west, across the Gunditjmarra Country, there was no benefit for us. Those investors got 150 per cent back on their investment. So money for nothing, you know. That kind of stuff. We - what - with the renewables with carbon, the State still hasn't defined who gets the carbon rights from Crown land.

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**MS McLEOD SC:** Yes, so passive sequestration of carbon through forests growth and - - -

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**DAMEIN BELL:** Well, the forest that we have.

**MS McLEOD SC:** Restoration of the wetlands; things like that.

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**DAMEIN BELL:** No, we can do that, we can work that out. We did feasibility a long while ago and we didn't want to lock up our land for 20 years to get that benefit. But then you give - that scale isn't there. They - if we were to - they said oh, well if you did monoculture you will be right. We were thinking no, we just want our bush. But then you hear the success stories like the savanna burns which is incredible. That's a real model that we need to look at here in Victoria because that just - the - what we do here, if we make enough money to keep our mob working on Country, that's deadly. If we make \$1 million extra, that will be even deadlier. But to look at that model - and that scale of land that we need to do that. Because when you think about the opportunities we have like through the Indigenous Land and Sea Corporation, which we have done a lot of work here about returning land, all of that we have returned say about 3,000 acres along the Budj Bim lava flow. But up north they got millions and millions of hectares returned. And you think, oh. I mean there is all scales and different stories and different mobs and all that, but if they are going to have that principle. Yeah, you just think back, and you think about with all the investment that's going with the renewables and you see how many wind farms we have down here and what they are proposing off the coast, there will be a lot more white people making money off it than what we would be and it's our Country.

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**MS McLEOD SC:** Yes. So we have had a pretty good yarn.

**COMMISSIONER LOVETT:** Yeah, deadly.

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**MS McLEOD SC:** All around. Is there anything you wanted to ask while the tapes are on?

**COMMISSIONER LOVETT:** What are some of the things you are most proud about when you look at here? You have been here a long time, Unc.

**DAMEIN BELL:** It's just that we are still here. That we have this, have this  
 5 incredible community, that we still have the Elders that we do. Just thinking what  
 Michael is talking about before. At that age we have a lot more  
 great-grandmothers, we have a lot more great-grandmothers, we have a lot more  
 grandmothers and grandfathers of course, and uncles and aunties that are here  
 looking after our mob growing up. That's - that's great and to have our Country.  
 10 One of the most important things we've that is to be able to get our own land back  
 and our mob grew up on that. That's coming back from when we would go out to  
 the cemetery, then the return of the mission, and then losing some land as well,  
 which is a hard lesson for a First Nations mob when you lose land. But that just  
 resolves you the next time around you have got to look after things. So what we've  
 15 done here, it's all very proud and very proud of our families.

The - but we need that next - that - we need to level up, particularly with housing.  
 We need that to happen. We need that investment because the housing crisis - we  
 have always been in a housing crisis but when the whitefellas get in we get some  
 20 action. So to be a part of that to invest in new housing, whether it's  
 homeownership or social housing or affordable housing, we really need that down  
 here. And I know all the mobs need that because we have the right to live on our  
 land and we have got the same rights as everyone else. We have a different  
 perspective on those rights because we have always been here.

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**COMMISSIONER LOVETT:** Deadly.

**MS McLEOD SC:** Well, thank you.

30 **DAMEIN BELL:** I can have a feed now? (Laughter)

**AUNTY MAUDE ALBERTS:** Okay people. Damein, shoosh. Welcome here to  
 Kurtonitj. Kurtonitj is Gilgar Gundidj Country that I belong to, so welcome.  
 (Speaks in the Dhauwurd Wurrung language) my tongue is not behaving today. I  
 35 grew up just a kilometre or so up the road here at a place called little Dunmore.  
 My Mum was born and raised on the mission. My grandfather was a bit of a rebel,  
 so he was - he never went on the mission apart from obviously when he met Nan  
 for church. He was baptised over there with my father when Dad was 14 years old,  
 would you believe it. So Pop waited all that time to be baptised. And then Dad met  
 40 Mum, both of them were singers, both of them guitarists, and they got married and  
 I was born.

So this is the place I come home to from the hospital. We did move around a little  
 bit because the house that we lived in up here was one of the houses from the  
 45 mission. Pop put it on, board by board on to a horse and - what do you call it?  
 Horse and dray, and carried it board by board over to Little Dunmore. It was a  
 two-roomed house. By the time Pop had finished we had one, two, three, four,

five, six bedrooms, another three bedrooms in a shed beside the house, and I lived there and grew up with my grandparents, my great uncles, my aunts, my cousins, my uncles and my brothers and sisters until 1969 - we moved into Heywood. Dad decided that Mum needed a break because we had no electricity, no running water and water came from Kallara, Darlots Creek down here. Batteries were used for the wireless, and it only went on at certain times to save the batteries. Dad and Dave and the news in the evening. So yeah. I grew up with Dad and Dave. The rest of the time it was stories beside the front - the lounge room fire, the front room fire as we called it back in those days. The older cousins tried to scare us young ones. When Pop rebuilt the house he used old car windows for the windows in the house, and you know how the windows go down like that and they leave a bit of a gap? Well, my bedroom had one of those in it and at night-time the bats would come in and out of the pine tree and Dad always said, "Don't let them get in your hair I'm going to have to cut it all off." So the sheet went over my head and that's how I slept at night-time.

But it was a great upbringing. This whole lava flow was my playground on Sundays because we had chores to do on Saturday. From Monday to Friday of course it was school for me until my sisters joined me. Yeah. I wish my kids were given that opportunity to grow up like I did. It was the best kind of upbringing. And my grandfather and my great uncles, my uncles would walk us through this and tell us the stories.

This place for us is a men's business area. So when I started doing tours in with the Winda-Mara I had to go and ask my brothers, my brother if I was permitted to come out here. He said, "Yep, but only if you stay on the tracks". Now, that really cheesed me off because you know where the best puung'ort grows? The grass that we use for our weaving? Right here and I can't get to get it. And I can't ask other people to get it for me. It's a women's craft, so I certainly couldn't ask my brother to go and get it for me because men aren't allowed to touch our grass.

So, yeah, Uncle Charlie used to work on here, and I guess it's like today, when a house comes down you go and pick at the bricks and the iron and everything else. So he used to pick up the rocks from here so they can take them down to the crusher that was on Bessie Bell Road for the road surfaces. Uncle Charlie was born in 1900, Dad was born in 1925. So we certainly got to enjoy a lot of the stories from that period of time. Nan was born and raised on the mission. So, you know, she was taught don't tell - don't tell the stories, don't sing the songs. Although there was one Sunday school song that we learnt in language. Basically there were told what to do, when to do it, and how to do it on the missions.

Pop really rarely, rarely went on there. So we were so lucky with that because he continued to tell us the stories. Even though Nan would be yelling at him to stop telling us those stories because she was scared the police would come and take us away. And the same with Aunty Con when she was teaching us how to weave baskets. You know, it took me three months to convince her, but still when she

taught us the blinds had to be down and the doors locked so no one could see what we were doing.

5 She was absolutely amazed when - we were so proud of these wonky little baskets that we were making and we showed them to everyone, which is one of the reasons I still continue to teach basket weaving here. If Aunty Con had not have shown us we would have lost that part of our culture completely. So my grand-daughters - my daughters weave, my grand-daughters weave, and you can be damn sure that my great grand-daughters are going to learn to weave as well.  
10 But I will teach anyone apart from men how to weave baskets.

So this feels like coming home, really. So come look at our beautiful Kurtonitj Country. I mean, it is almost as good as Kerrup - almost.

15 **COMMISSIONER LOVETT:** It's all deadly, yeah.

**AUNTY MAUDE ALBERTS:** I had better say that, yeah. Too many Kerrup Gundidj for me here for me not to say that! (Laughter) All right. So shall we take a walk?

20 **COMMISSIONER LOVETT:** It is beautiful out here.

**AUNTY MAUDE ALBERTS:** It is.

25 **COMMISSIONER LOVETT:** It is absolutely beautiful.

**AUNTY MAUDE ALBERTS:** I mean, I'm not biased or anything.

30 **COMMISSIONER LOVETT:** No. Well, as a proud Kerrupjmara man I am saying it is beautiful out here. Amazing. As we were saying before, it just speaks for itself.

**AUNTY MAUDE ALBERTS:** Yeah, it does. The ranges were down here before collecting seeds from - what was it from? The native violet bushes. Yes. The rocks  
35 retain the heat. Are they warm?

**COMMISSIONER LOVETT:** A little bit. Certainly not cold.

40 **AUNTY MAUDE ALBERTS:** This is our seasonal calendar here. So let's find, where are we, March. Water holes are drying up and the creeks are at their lowest. And then it tells you what food are available. This was developed with our work with Melbourne Uni and it goes right around for the whole entire year and the seasons that we have. What we are doing now is working with Melbourne Uni so what do - let me see - what do the yabbies and the frogs and the turtles need to  
45 stay alive during this drying it up period? We are looking over here. So that's a drying up period, this is a fattening period. So, again, we are looking at the things that the animals and the fish need during that period of fattening up and what's

available in the landscape now to keep them coming back here. And maybe what we need to do to encourage that. So we have flowing time. You can all come in and read this for yourself, it will save me from talking. And I will answer questions. How about that?

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**UNIDENTIFIED FEMALE:** That's a great idea. Can I ask you a question?

**AUNTY MAUDE ALBERTS:** Yeah.

10 **UNIDENTIFIED FEMALE:** So the observations of your knowledge and the lining up with these months, have you seen that changing with climate change?

**AUNTY MAUDE ALBERTS:** Yes. Most definitely. Particularly with our - because I'm a weaver, I see it particularly with our puung'ort. It's drying out earlier, it needs to be burnt off earlier and it doesn't always fit with DECCA and their burning off times.

**UNIDENTIFIED FEMALE:** So how does that affect your teaching of those skills in that culture?

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**AUNTY MAUDE ALBERTS:** We work well with DEECA, and if we need to do a burn out here, although I'm not allowed to gather the grass, they will work with us.

25 **UNIDENTIFIED FEMALE:** I mean with teaching the young ones?

**AUNTY MAUDE ALBERTS:** Yeah, the young ones.

**UNIDENTIFIED FEMALE:** The alignment of the seasons.

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**AUNTY MAUDE ALBERTS:** When the puung'ort is at its best, which is just before Christmas, it is starting to really dry out now, so it's almost ready to be burnt and we are in March, the burning period. When I was growing up was back in May. So, you know, it's two months earlier now.

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**COMMISSIONER LOVETT:** A big difference.

**AUNTY MAUDE ALBERTS:** It is a big difference. Yeah. And as the land starts to gather some more moisture, the puung'ort will start shooting up again and become ready to weave with. If you happen to take the time out and go down to Tyrendarra around the carpark we have puung'ort there, that's had access to a lot of water and it is absolutely beautiful to weave with now. But you can see it's really drying out as well. Yeah. Okay.

45 **COMMISSIONER LOVETT:** Do you have a favourite time of the of year?

**AUNTY MAUDE ALBERTS:** Me? Autumn.

**COMMISSIONER LOVETT:** Autumn. What's special about autumn for you?

5 **AUNTY MAUDE ALBERTS:** I love seeing the different colours in the landscape, yeah.

**COMMISSIONER LOVETT:** Yeah. Beautiful.

10 **AUNTY MAUDE ALBERTS:** I mean, practically it's almost, you know, winter but then you could have winter down here any day of the year. Yes, yes. You know. I mean, not last week the week before I think it was 32 one day and then it poured rain the next. Poured rain the next, yeah.

15 **COMMISSIONER HUNTER:** This is fabulous. This is really good (indistinct) particularly will pass on the stories differently.

20 **AUNTY MAUDE ALBERTS:** Yeah, well, Melbourne Uni, of course together with the Gunditj Mirring, won an award, a national award last year for the work that they did here.

**UNIDENTIFIED FEMALE:** Which part of Melbourne Uni worked with you on this?

25 **AUNTY MAUDE ALBERTS:** All parts. We had engineers to whatever is going, come down here. Yeah.

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

30 **AUNTY MAUDE ALBERTS:** Okay.

**COMMISSIONER LOVETT:** Any questions. Any questions of Aunt?

**AUNTY MAUDE ALBERTS:** What's your -

35 **COMMISSIONER LOVETT:** Any questions? Any questions? Any questions of Aunt?

**COMMISSIONER HUNTER:** I will hold her, now you ask.

40 **AUNTY MAUDE ALBERTS:** What's your birth month? Come and see what happens in there.

**COMMISSIONER LOVETT:** That's a good point.

45 **COMMISSIONER HUNTER:** October.

**AUNTY MAUDE ALBERTS:** Flower. I'm a September baby.



**COMMISSIONER LOVETT:** People move to the coast for seafood and large gatherings. That's February.

5 **COMMISSIONER HUNTER:** I've got the yams.

**UNIDENTIFIED FEMALE:** What does it say over there about September?

10 **COMMISSIONER LOVETT:** Here you are. Let's have a look. Eggs are available. Great questions. Great questions.

**UNIDENTIFIED FEMALE:** We have like six. So we have early wet, big wet, you know. They are staggered and I know that the Boonwurrung in inner Melbourne, near the peninsula, have six seasons also.

15 **AUNTY MAUDE ALBERTS:** Yeah.

**UNIDENTIFIED FEMALE:** And it's a blackfella thing, isn't it.

20 **AUNTY MAUDE ALBERTS:** Yeah, it is.

**UNIDENTIFIED FEMALE:** Because this 'four seasons' is not applicable to us. Because there's multiple layers of it and you can see how it's layered.

25 **AUNTY MAUDE ALBERTS:** Yeah.

**UNIDENTIFIED FEMALE:** How this here goes into this month here and it doesn't mean our first day of spring for us, it's, you know, still -

30 **AUNTY MAUDE ALBERTS:** Yeah, that's right. No, it's interesting.

**UNIDENTIFIED FEMALE:** I have a question because I have been up in the Torres Strait, and they are talking about the changes of seasons don't line up anymore.

35 **AUNTY MAUDE ALBERTS:** No, they don't.

40 **UNIDENTIFIED FEMALE:** So when they come to tell the kids - teach the kids the knowledge, and they say, well maybe this happens when this happens. So I just wondered if you felt that too, hang on, what time of year normally it's this or. But you are looking for the moisture in the grass.

**AUNTY MAUDE ALBERTS:** Yes, I am.

45 **UNIDENTIFIED FEMALE:** That's what's guiding you. It's the overlay, isn't it?

**AUNTY MAUDE ALBERTS:** Yeah. Yes. Yeah, you can see.

**COMMISSIONER HUNTER:** And I guess, you know, with this - all these new changes how - how much of an impact - is it going to stay like this now?

5 **AUNTY MAUDE ALBERTS:** No, it's probably -

**COMMISSIONER HUNTER:** Is the winter now going to be in September maybe? You know, like the big wet?

10 **AUNTY MAUDE ALBERTS:** We have the big wet in September now. Yeah.

**COMMISSIONER HUNTER:** So everything is sort of pushed back now because of the changing of the climate.

15 **AUNTY MAUDE ALBERTS:** Yes.

**COMMISSIONER HUNTER:** So what we knew, you know, big wet would happen in August, July, is not necessarily happening in that time now. It's more moved around.

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**AUNTY MAUDE ALBERTS:** Yeah. September, well a couple of years ago -

**COMMISSIONER HUNTER:** Or even earlier.

25 **AUNTY MAUDE ALBERTS:** - Kallara the river, yeah. It overflowed from September, October, November, December. We couldn't get on that Country until January.

**COMMISSIONER HUNTER:** How long ago was this?

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**AUNTY MAUDE ALBERTS:** About three years ago, yeah. So we are kind of expecting the same again because we haven't had much rain this year at all.

**COMMISSIONER HUNTER:** Does that line up with -

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**AUNTY MAUDE ALBERTS:** If we get any more rain.

**COMMISSIONER HUNTER:** The - the COVID period, the three years? Because I know there was a lot of changes in the environment.

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**AUNTY MAUDE ALBERTS:** Yeah.

**COMMISSIONER HUNTER:** Right around the world when there was lockdowns.

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**AUNTY MAUDE ALBERTS:** Wow.

**COMMISSIONER HUNTER:** That was also, happened. I don't know if that has something to do with it, but it wasn't - everyone was locked down and they couldn't use their - gadgets.

5 **UNIDENTIFIED FEMALE:** What changes have you seen since you have done this study?

**AUNTY MAUDE ALBERTS:** This work is not that old. And as I said, we are still building on it. We want to make this big tier thing. But I don't know how we  
10 are going to present it yet. To show what kind of food and how that food has changed over time. Yeah.

**UNIDENTIFIED FEMALE:** It's hard.

15 **AUNTY MAUDE ALBERTS:** It's hard.

**UNIDENTIFIED FEMALE:** You have got fast changes and old, old ancient knowledge.

20 **AUNTY MAUDE ALBERTS:** Yes.

**UNIDENTIFIED FEMALE:** And then suddenly it's thrown out.

**AUNTY MAUDE ALBERTS:** It's thrown out, yeah. I mean Pop used to  
25 supervise the men at Nan's request to go down and burn the grass and that was always in May, June, no later than that. And I remember that because I would go down and watch. And Pop used to sit on this stump and it was still warm enough for the snakes to be active and one tiger snake just wrapped itself around the stump and waited for Pop to sit on it, yeah. So, yeah.

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**UNIDENTIFIED FEMALE:** So the dances that we saw this morning was a dance around the sustainability giving the berry seeds back.

**AUNTY MAUDE ALBERTS:** Yes.

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**UNIDENTIFIED FEMALE:** So can you tell us - share something about sustainable practices of the harvest?

**AUNTY MAUDE ALBERTS:** Yeah. Again, I talked about the grass, the  
40 puung'ort. Always leave the seed where you find the grass. Don't take more than what you need. Very, very - you know, it's like you are going out looking for a duck egg or a swan's egg. You only take one. You go into the next and take another one. Depending on how large the family is because the swan egg is really big. Nan used to make omelettes with them, yeah. And it fed a lot of people, a lot  
45 of kids.

**UNIDENTIFIED FEMALE:** But then the - the animal has its children for the next -

**AUNTY MAUDE ALBERTS:** Yes, yes.

5

**UNIDENTIFIED FEMALE:** Was that the practice with the eel farming too?

**AUNTY MAUDE ALBERTS:** The eel farming, yes. Same with the tupong, the blackfish, yeah, only take what you need. But then again, it depended on who was available, the men, who was available to go and put the eel nets in. And then everything was always shared right around the community. Even though we lived out here, we still shared with the people that were still at the mission, shared with (indistinct) where all the Lovetts were and they reciprocated. So even though we were stretch far apart, that's communal, things still happened.

10  
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**UNIDENTIFIED FEMALE:** Did those different communities, like, share stuff back -

**AUNTY MAUDE ALBERTS:** Yeah.

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**UNIDENTIFIED FEMALE:** - with, you know, the mob here?

**AUNTY MAUDE ALBERTS:** Yeah. Uncle Charlie had a huge veggie patch. Those veggies were shared around as well, yeah. So that's how it was. You know, I moved into Heywood. We were the last of the blacks to move into town, and the same principle still applied. It's like, you know, when you're living in a mob, it's not the mother's responsibility to look after the children. It's all the aunts around. And that happened in Heywood. So if you saw a kid running round the street misbehaving you could pull them up, send them home, yeah, and they would have to tell their mum why they were sent home, but that mum could also pick up - pull up my kids and send them home to me.

25  
30

So they always had someone there watching over them, it doesn't matter whether it's their aunt or someone else within our community, yeah. And I'm finding that that sort of practice is slowly leaving us, because we've got a lot of people who are Gunditjmara but don't have any connection to Country or culture or practices, the traditional lore, coming into town. So we're slowly losing that. And that's not their fault, no. Unfortunately, yeah.

35

**UNIDENTIFIED FEMALE:** The kids are roaming and all that.

40

**AUNTY MAUDE ALBERTS:** Yeah. We were one of the very lucky families not to have that happen to us, but I was going through the archives in North Melbourne doing research on my family group and I found a letter that went to the policeman in Heywood at that time who was sent out to check up on us and take us away from our family, and then I found his response:

45

"Those children are well taken care of. They're going to school. They're clean. They're being fed well."

5 **UNIDENTIFIED FEMALE:** So this is about your family?

**AUNTY MAUDE ALBERTS:** Yeah.

**UNIDENTIFIED FEMALE:** How amazing.

10 **AUNTY MAUDE ALBERTS:** Yeah. And I kind of felt well, Mum and Dad never told us any of that.

**UNIDENTIFIED FEMALE:** Yeah.

15 **AUNTY MAUDE ALBERTS:** Yeah. But yeah. That's how it was. I mean, and that's when we lived in this extended family group, yeah. So I think you're saying -

**UNIDENTIFIED FEMALE:** (Indistinct) this area around here.

20 **AUNTY MAUDE ALBERTS:** Yeah, (indistinct). All right. People are ready. We can move on.

**UNIDENTIFIED SPEAKER:** Yes. We're going to keep on walking.

25 (Group walks to another site.)

**COMMISSIONER LOVETT:** Look at this. Wow.

**AUNTY MAUDE ALBERTS:** Wow?

30

**COMMISSIONER LOVETT:** Yeah.

**AUNTY MAUDE ALBERTS:** You've not seen this one before?

35 **COMMISSIONER LOVETT:** No, I have. I have. But I mean, still every time you see it, you see something different.

**AUNTY MAUDE ALBERTS:** Yes.

40 **COMMISSIONER LOVETT:** You know what I mean, like, you know, you look at it a thousand times and you're I didn't notice that before, you know, and -

**AUNTY MAUDE ALBERTS:** Yeah. This was the one that really operated in the rise and fall of the water.

45

**COMMISSIONER LOVETT:** Okay. Yeah.

**AUNTY MAUDE ALBERTS:** Yeah. So we're looking at a fish trap here. It's got three traps and it operated on the rise and the fall of the water. So the lowest one is where you took your eel basket first, and as the water rose you'd knock that off with some stones and put it - put your eel basket in the next one. When the water  
5 come over the top of that you put it in the other one. So you were continually catching the fish here, no matter how high the water got. Because once one fish trap flooded out, the eels would just go over the top, become useless, and that's why this is divided into three.

10 Yeah, we think this creek had a French name. I did know it but I've forgotten it. So it's part of - the source of water for this comes from the Lake Condah Tae Rak, winds itself through the lava flow, down here and eventually back into the Killara, yeah. So Dad, when I was growing up, would catch fish here. There was an old smoking tree down here that we'll take a look at. That got hit by lightning, and  
15 that's where they cured the eels. Very (indistinct) doing in a pot outside now, yeah. That's, yeah, probably my favourite part because it's on Gunditj Country and that's where I belong. All right. Any questions?

**COMMISSIONER LOVETT:** Any questions?

20 **AUNTY MAUDE ALBERTS:** No.

**UNIDENTIFIED SPEAKER:** Was the eel (indistinct).

25 **AUNTY MAUDE ALBERTS:** Joey caught them all. Ink pots, the ink pots, that's where all the old fellows at Heywood go to get them. I can't find it.

**UNIDENTIFIED SPEAKER:** Aunty, is this the grass that you used?

30 **AUNTY MAUDE ALBERTS:** No. The one in the swamp itself. You can see the bulrush where it (indistinct) out the side.

**UNIDENTIFIED SPEAKER:** Yes.

35 **UNIDENTIFIED SPEAKER:** When was that lightning strike (indistinct).

**AUNTY MAUDE ALBERTS:** A long time. I was working with the (indistinct) ranger then, so it must have been - no, I was working at (indistinct). That's 2008-9.

40 **UNIDENTIFIED SPEAKER:** Wow.

**AUNTY MAUDE ALBERTS:** So just saying this was a smoking tree. If you look carefully you can see where the sticks went across the trunk, that hollow trunk where they hung their eels, a lot of fire down the bottom. Tell you what,  
45 cherry ballart and there's another grass - another tree that's really good for smoking our eels. It leaves them with a really nice, sweet smoke taste. Actually, both of the trees that are used this morning, the she-oak, it has that really nice

smoky taste, and the cherry ballart for the sweetness. So that's what I smoke, when I'm doing it at home out in the backyard, not in the kitchen where I first tried it because the whole kitchen smelt of eel. Yeah. So there's - this is a really old tree and Uncle Charlie and dad used to smoke their eels in this.

5

**UNIDENTIFIED SPEAKER:** Uncle Charlie?

**AUNTY MAUDE ALBERTS:** Albert. Yeah.

10 **UNIDENTIFIED SPEAKER:** Aunty, when they're smoking, was there like a fire in the bottom, in the middle of the tree or how is it -

**AUNTY MAUDE ALBERTS:** It's smoke.

15 **UNIDENTIFIED SPEAKER:** Yeah, in -

**AUNTY MAUDE ALBERTS:** Yeah, in the centre and then they'd close it off with a piece of bark or something similar. So lot of smoke was happening, then it dries up. No gaps in the tree so the smoke was contained, yeah, no hole down the  
20 bottom.

**COMMISSIONER LOVETT:** Keep the scent in.

**UNIDENTIFIED SPEAKER:** What do they hang the eels with?  
25

**AUNTY MAUDE ALBERTS:** A stick, the angle.

**UNIDENTIFIED SPEAKER:** What, hanging down, it was or bent over?

30 **AUNTY MAUDE ALBERTS:** Put it through their bottom jaw, put the stick through the eel's bottom jaw and hang them like that, guts and all in them.

**UNIDENTIFIED SPEAKER:** How do they do it today in the centre?

35 **AUNTY MAUDE ALBERTS:** I don't know how they do it down there, but they do have a smoker.

**UNIDENTIFIED SPEAKER:** They do.

40 **AUNTY MAUDE ALBERTS:** Yeah.

**UNIDENTIFIED SPEAKER:** (Indistinct) that's the main thing, isn't it, the -

**AUNTY MAUDE ALBERTS:** Yep. It's a beautiful tree.  
45

**COMMISSIONER LOVETT:** It is.

**AUNTY MAUDE ALBERTS:** Very old tree.

**COMMISSIONER LOVETT:** Lot of character, speaks for itself.

5 **UNIDENTIFIED SPEAKER:** Looks like it's sort of spread its new branches out of the old.

**AUNTY MAUDE ALBERTS:** Yeah.

10 **UNIDENTIFIED SPEAKER:** A normal tree that gets struck by lightning, the water gets sucked out of them. So for this to be still standing up is special. There's something in it (indistinct).

**AUNTY MAUDE ALBERTS:** The (indistinct) tree.

15

**COMMISSIONER LOVETT:** Didn't take long for the competitive edge to come out.

20 **AUNTY MAUDE ALBERTS:** Once upon a time you would have had to walk through snake infested reeds to get here.

**COMMISSIONER LOVETT:** On your tippy toes, just tipping around.

25 **AUNTY MAUDE ALBERTS:** This is where we saw that snake on Thursday. Tiger.

(Group walks to next location.)

30 **UNIDENTIFIED SPEAKER:** People just running through.

**AUNTY MAUDE ALBERTS:** True. They're really, really, I mean, they are a problem, it seems to get worse.

35 **COMMISSIONER LOVETT:** You did well with this. Quite sustainable within, you know, (indistinct).

**AUNTY MAUDE ALBERTS:** How clean is it, the bird hide. Needs to be up a bit higher.

40 **COMMISSIONER LOVETT:** Plenty animals coming through, eh?

**AUNTY MAUDE ALBERTS:** Yeah, come around here about four, five o'clock in the afternoon, you see mobs of kangaroos.

45 **COMMISSIONER LOVETT:** Yeah, because you brought us here about that time last time, bruz?



**UNIDENTIFIED SPEAKER:** Yeah.

**COMMISSIONER LOVETT:** When we came down a few weeks - a couple of months back now, but yeah.

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**UNIDENTIFIED SPEAKER:** You can see, like, notice like the kangaroos with the joeys and stuff.

**AUNTY MAUDE ALBERTS:** Yeah.

10

**COMMISSIONER LOVETT:** Yeah.

**UNIDENTIFIED SPEAKER:** The young ones are coming through now in their pouches.

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**AUNTY MAUDE ALBERTS:** Have a look around the board and you will see some of the birds that we find down here with our language name on them.

(Children speaking about kangaroos.)

20

**AUNTY MAUDE ALBERTS:** And Jayden's left us, has he, our language -

**UNIDENTIFIED SPEAKER:** Jayden's, where (indistinct).

**AUNTY MAUDE ALBERTS:** Yes.

**UNCLE JOEY:** We're talking about around here, they've got special stories with them.

**UNIDENTIFIED SPEAKER:** Okay, boys.

**UNCLE JOEY:** So what we've got is all the birds here, and they're pretty much all the same birds that we've got that are starting to come back on Country as well. But with a lot of them we've got the -

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**COMMISSIONER LOVETT:** Good to get the Commissioners involved.

**UNCLE JOEY:** (Crosstalk). So with them stories, there's good stories but there's also bad stories but there's also, there's funny stories as well. The mob, the one that I love is pithirrit, which is the plover and I'm not sure if as kids, when Dad lived in Heywood, we had these sitting on our paddocks. We used to go running collect their eggs but they used to swoop and when they were swooping they make that annoying sound but the funny sound, going prrr prrr, prrr prrr and they'd fly in and they'd swoop you at the same time.

40

But this lad here, he was fishing for the eels and he had his spear and he was walking along spearing them, but he noticed when he was making noises, the eels

45

were putting their heads up and looking at them, looking at him. So when he noticed that (indistinct) he started making that sound, prrr prrr, and they started popping their heads up. Then he was like (indistinct) and he had two spears. So he was throwing spears and then throwing them onto the banks.

5

He was a guts ache saying, yep, these are all mine. But within our family kinship system that we have is that you only take what you take, and the rest you have to stay, stay there. That's why how we always got eels all the time, because when we're living in the stone hut, you've got up to four or five people, a thousand is such a small village. So you've got to save some. But he was a guts ache so he was throwing them back.

10

The old people started to notice what he was doing. So they - they were, like, we've got to tell this fella, like, you can't go and do that. What they did, they turned him into this fella, the bird, the masked plover. So hope you notice on the bottom of the wing, you can see that he's got spurs, poisonous spurs on those wings so when he's flying, he swoops, that's the two spears that he was holding and he's there flying along prrr prrr, prrr prrr. That's my favourite story.

15

But everyone's got a story. But also you've got totem names as well. So for boys and girls we've got those names as well. They have to go and protect that animal, look after that animal. Like my (indistinct) he's one year old now, but he crawls around like a koala. So what we gave him is that nickname, weengkeel. So he has to look after that koala and make sure that he's all right, but everyone's got that sort of naming sort of totem name, so yeah. That's my favourites.

20

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**AUNTY MAUDE ALBERTS:** We'll continue on.

**COMMISSIONER LOVETT:** They're looking back now, watching us. Cool. Here they go, they go. Hopping away. A big mob of them together.

30

(Group walks to next location.)

**UNIDENTIFIED SPEAKER:** Pretty dry, isn't it?

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**AUNTY MAUDE ALBERTS:** It is.

**UNIDENTIFIED SPEAKER:** But when it rains I guess it's lovely and lush, green. Stand around here. The seasons, like, I'm fascinated by it but I think that it's the western (indistinct) up here and have a look here.

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**COMMISSIONER LOVETT:** So true.

**UNIDENTIFIED SPEAKER:** And even more so now with like the climate change and would have even changed again after COVID because a lot of people couldn't operate planes and, you know -

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**COMMISSIONER LOVETT:** Totally, yeah.

**UNIDENTIFIED SPEAKER:** -contributing to the pollution.

5 **COMMISSIONER LOVETT:** Pollution, yeah.

**UNIDENTIFIED SPEAKER:** They've written that the Bennett Rivers were crystal clear during COVID.

10 **COMMISSIONER LOVETT:** Jesus. And I remember -

**UNIDENTIFIED SPEAKER:** Because the boats weren't operating (crosstalk).

15 **COMMISSIONER LOVETT:** Yeah. I remember seeing Beijing, because you know Beijing is always real like gloomy and bloody smoky, and after about I-think it was after about, you know, three, four months of no one being able to move in China, you could see everything.

**UNIDENTIFIED SPEAKER:** Same as LA.

20

**COMMISSIONER LOVETT:** LA as well, yeah, yeah, just big pollution.

**UNIDENTIFIED SPEAKER:** Like an over the city shot, smog filled our way compared to COVID, lockdown and then it was something like there was no smog and very, very contrast.

25

**AUNTY MAUDE ALBERTS:** What you see where all the (indistinct) is. So the sink hole would fill, the fish would go into there. The sides here were dug out to create this water flow, and a fish that would be placed up there at the top near the sink hole. So another way of catching fish, taking the side out from the sink hole, and then the rest of the water flows down here, and down around into the swamp.

30

**COMMISSIONER LOVETT:** Yeah. Well -

35 **AUNTY MAUDE ALBERTS:** So heaven only knows how old these things are round here. We've never done an archaeology excavation. We have at the house up the track that we'll be stopping at, but not here on Country. I did the Cert IV in Aboriginal Cultural Heritage Management about 14 years ago and then I went on and started my archaeology degree. And then I had a heart attack, so that stopped that cold in its tracks. I still had this fascination for archaeology. And one day we'll get enough funds to have a closer look at places like this, the place that we have down at Tyrendarra. If you get a chance, call in and have a look at Tyrendarra, it's signed. The signs are a bit wonky because we didn't have a say in them. But we haven't done any excavation work down there either. So I'm not really - I'd like to know how old it is but I don't want anyone to touch it.

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45

**COMMISSIONER LOVETT:** Yeah.

**AUNTY MAUDE ALBERTS:** So I need some magical man to come along and tell me how old that is without moving any of the stones. Not possible, but yeah, maybe not in my lifetime. Yeah, so this was a great place for Dad and Uncle  
5 Charlie, my great uncle, to come down, collect the eels for us, to collect tupongs and blackfish. If you've never tried a tupong, they are so yum. They're probably, you know, I love eel but I also I love tupong better. And I haven't had any for ages. We used to collect their eggs, and then cook them in a little bit of dripping at that time, a little bit of salt and so yum. I can still taste it. I haven't had any since I  
10 was about eight though. Yeah. Okay. Well, any questions? We're going down to fresh and salty, then onto a house and then some very- you'll go down to the Convincing Ground. Okay.

**COMMISSIONER LOVETT:** Aunty, thank you.

15 **AUNTY MAUDE ALBERTS:** You're welcome. I love sharing this Country. All right.

**COMMISSIONER LOVETT:** Are they still part of the same property?

20 **AUNTY MAUDE ALBERTS:** We plan to do more out here with the calendar, yeah, not so much with the - very many fish out there.

**COMMISSIONER LOVETT:** Yeah, it's good. It's nice to be kicking off our  
25 hearings, lot to unpack.

**AUNTY MAUDE ALBERTS:** Feel it, it's hollow.

**UNIDENTIFIED SPEAKER:** Can we pass it round?

30 **AUNTY MAUDE ALBERTS:** Yes. Not to the men though. I might use it later in weaving.

**COMMISSIONER LOVETT:** (Indistinct) on board.

35 **AUNTY MAUDE ALBERTS:** So all you need to work a basket with that is a leg bone of a kangaroo sharpened to a point on the stone, and the shoulder blade to flatten the reed out so you don't cut your fingers. You can flatten it just with your  
40 nails but, you know.

**UNIDENTIFIED SPEAKER:** (Indistinct) manicurer.

**AUNTY MAUDE ALBERTS:** I mean, I don't have one.

45 **UNIDENTIFIED SPEAKER:** Aunty, do you weave them green state or do you leave them dry first?

**AUNTY MAUDE ALBERTS:** We leave them to dry for maybe 24 hours and then we'll weave with it. And then grass that we've had longer, we use it (crosstalk). So you have two pieces. We have a tail and a working piece, your kangaroo bone, the shoulder blade. That's all you need to weave. There's no knots  
5 in it. And you just work it.

**UNIDENTIFIED SPEAKER:** And once you've weaved with that much water in it and as it dries, does it change shape or -

10 **AUNTY MAUDE ALBERTS:** No. This (indistinct) has great properties. If it starts to get a little bit loose, just chuck it in some cold water and it becomes firm again. And it doesn't matter how old it is. I've done it with 20-year-old baskets.

15 **COMMISSIONER LOVETT:** Gee.

**AUNTY MAUDE ALBERTS:** Just toss it in the water, becomes green again, it's fit for use.

20 **UNIDENTIFIED SPEAKER:** That's so cool.

**AUNTY MAUDE ALBERTS:** No, it doesn't become green again, it becomes tightened. It tightens up.

25 **UNIDENTIFIED SPEAKER:** Are these (indistinct) for the women's baskets, the baskets?

**AUNTY MAUDE ALBERTS:** No, the women weave the baskets.

30 **UNIDENTIFIED SPEAKER:** Yes.

**AUNTY MAUDE ALBERTS:** After they've finished, particularly with the eel baskets, they then belong to the men.

35 **UNIDENTIFIED SPEAKER:** Right.

**AUNTY MAUDE ALBERTS:** So as usual, women do all the hard work.

**UNIDENTIFIED SPEAKER:** (Indistinct) the traps as well.

40 **AUNTY MAUDE ALBERTS:** Yep, so when the men, you know, they carry it over their shoulders, they'll wear away a little bit. Then they'll bring it back to us to mend for them. They'll take it away again, because it's theirs. (Indistinct)  
Gunditj women were traded on how well they weaved. So if you, sometimes like  
45 me and have a really wonky things, you know, I'd probably get a tiny little bit of fruit for it. My uncle would trade me for that tiny little piece of fruit. It wasn't Dad's responsibility, you know, if we were still trading. It would have been my uncle's.

And that's to stop favouritism between kids. So your uncles and your aunts were the ones that raised you, to stop any favouritism coming on. Yeah, if I could weave really, really well, I might get a piece of worked green stone, an axe head, yeah. So  
 5 depending on how well you weaved, they'd trade you off. Then you'd go and live with the men on their Country, but your kids will still have the rights and interest on your mother's Country. Yeah. So – I'm going to claim that one day. I'm going to go to England and claim the rights and interest (indistinct).

10 **UNIDENTIFIED FEMALE:** Yeah. Yeah. Go over there.

**AUNTY MAUDE ALBERTS:** Yeah.

(Group walks to next location.)

15

**UNIDENTIFIED FEMALE:** I've got – I haven't been doing basket weaving. I've been doing string bags, making string bags.

**COMMISSIONER LOVETT:** Oh, yeah.

20

**UNIDENTIFIED FEMALE:** And – from my mother's line – oh, my mother handed it down to me. My Mum's cousin, because my Mum died 20 years ago.

**COMMISSIONER LOVETT:** Yeah.

25

**UNIDENTIFIED FEMALE:** She never learned how to do it herself, and my cousin, she said, oh – and she makes some beautiful stuff. She said –

<THE RECORDING PAUSED

30

<THE RECORDING RESUMED

**AUNTY MAUDE ALBERTS:** Some idiot come down here, chopped the ears off the pigs and let them loose here.

35

**UNIDENTIFIED FEMALE:** Why?

**AUNTY MAUDE ALBERTS:** So he could go pig hunting down this way. Can't use your dogs because they don't have their ears for the dogs to latch onto. So with  
 40 Parks Victoria and DEECA, we sometimes get funded for a shoot for deers and pigs down here. I guess they've knocked off about 2000 deer so far and not as many pigs. Because pigs tend to lay under the branches during the daytime, come out in the evening. Yeah. And so that's our biggest problem.

45 Our second biggest problem here is koalas, and you've all seen what koalas can do to trees. Not these trees. These are wattle. But as we drove through, you'll see the trees

and how much the koalas have killed them. And it's actually their urine that kills the trees. Yeah.

**<THE RECORDING PAUSED** [Redacted informal conversation]

5

**<THE RECORDING RESUMED**

10 **AUNTY DENISE LOVETT:** Yeah. So we're at the place – this is Traditional Lands of the Kilcarer Gunditj that – that lived and occupied this land. And Kilcarer was one of the 59 clans of the Gunditjmara nation. And they lived and occupied here, and that was a family, an extended family that lived here. And when Hentys had come through – when the whalers from Tasmania were coming up, they would come and they would stay, and they were stealing the women, but they would go and they would leave. So people's life would be – come back to being normal.

20 But when the Hentys come through, it was a different story. The Hentys had come through and it was just the whole society was just shattered. But in this place here, Henty had established the whaling station, and during that time, one of the whales had beached here. And, of course, the Kilcarer mob come here to feast on the whale, and what the whalers have said was, no, that's not your whale. And the mob said, no, well, it is. We've always done this. They would send up smoke signals for the broader mob to come in and have this big feast on whale and they would be here for days eating whale. And this time, yeah, the whalers went away and they got their guns and they shot them. And they shot them and there was only the two survivors.

25 But run up to the hill behind us to the –

**AUNTY TINA SAUNDERS:** Mount Clay.

30 **AUNTY DENISE LOVETT:** Mount Clay, yes. Cart Gunditj mob lived up there.

**AUNTY TINA SAUNDERS:** Mount Clay.

35 **AUNTY DENISE LOVETT:** Yeah. So they were living up there. So they run up there and lived up there. And it was only when George Robinson, who was engaged as a –

**AUNTY TINA SAUNDERS:** Protector.

40 **AUNTY DENISE LOVETT:** Protector. Aboriginal Protector. They had told him the story of what happened here, and he recorded it. And it was the first Aboriginal massacre that was recorded in the history books. Yeah, in the journals of George Robinson's, not that it was ever spoke about. They'd done a lot of stories to say what really happened here didn't happen here. They'd say, oh, no, it was just the way –

45 this is where they would fight out and call it the Convincing Grounds. But it was a massacre site. It was the massacre of the – a whole family group, except the two survivors that run up and lived with the Cart Gunditj mob on Mount Clay.

So knowing that – and we all grew up with that and Aunty Tina was one of the ones that would all tell us that story, and so it was really important. And back in the 2000, the local government were going to open this road up here. See, this was the old  
 5 Coates Road from Port Fairy. So it comes – comes down through here. So they were going to reopen it. And we said, no, well, hang on, we've just – that's – you've got to be mindful of the Convincing Grounds, the Aboriginal massacre site which is protected. It was protected under the Aboriginal – under the Commonwealth –

10 **AUNTY TINA SAUNDERS:** Heritage.

**AUNTY DENISE LOVETT:** Yeah, Commonwealth Heritage Act. And that Commonwealth Heritage Act come about because Aunty Tina and Sandra Onus took on Alcoa across here. You can just see Alcoa across there. Back in the 1980s. And  
 15 they took them to court and ended up in the High Court. And the High Court recognised Gunditjmarra's special interest in their cultural heritage, and it was a High Court decision. From that, come the - they were trying to – they did the legislation, the Victorian legislation to protect heritage. And the Victoria government said, no, bugger off with your legislation. We're not doing it. So Clyde Holding at that time  
 20 took it to the Commonwealth.

**AUNTY TINA SAUNDERS:** Yes.

**AUNTY DENISE LOVETT:** And they put it in the Commonwealth Aboriginal  
 25 Heritage Legislation. There was a part 2 that was put into that legislation for Victoria only. And it had two components to it. The first one was to have Aboriginal people as the decision-makers for their cultural heritage. It was their decision how and – how their cultural heritage was being managed. And the other one was to have inspectors. And you could be an inspector – you'd have to do the compliance  
 30 training, then you could be an inspector. But it was about to have inspectors so they had that power to stop – they could put an emergency declaration on Aboriginal heritage that they thought was under threat. So we had the power to go in and stop any immediate threat to cultural heritage. And that was to stop people throwing  
 35 themselves in front of the bulldozers, because that's what they had done –

**AUNTY TINA SAUNDERS:** Yeah.

**AUNTY DENISE LOVETT:** – throughout the Alcoa fight. They were throwing  
 40 themselves in front of the bulldozers to stop the destruction of heritage over on the Alcoa site. So back to the – back to 2000 when we were dealing with the State government – the local government in protecting the Convincing Grounds, this place here, we had the local government do a cultural heritage management plan for here, and they had planning and how to manage this and protect the heritage. But also  
 45 planning measures in it, and that was the council's report, and they had that. But all they did with that was just shelve it.



So it's back – come 2000, the town planner at the time issued a permit to bring in the bulldozers here and start digging here. And, yeah, I got the phone call and come out and there was all digging. And I said, what are youse doing? You can't be doing this. And, yeah, it was really – was really – I was really angry, yeah, because he said, oh,  
 5 no, I can do this. I said, no, you don't – you can't get a permit to do this without us knowing. So, yeah, but – yeah. It ended up in VCAT. I had to go around the next day and see Aunty Tina, Sandra, Aunty Betty and tell them what had happened here to the Convincing Grounds. I went and got Mum and we've come down and seen the landowner, and said, what are you doing. And he said, oh, no, I'm just doing  
 10 wetlands. And the lad that was with him come out and said, no, no, we're building here. And I said, well, you can't. You can't build here.

So we was lucky to stop the development and have land in this area – when they do subdivisions, they have to set aside a portion of that land – only a small portion – for  
 15 public use. So they did that, and that was this area here. And it's not the extent of the Convincing Grounds, but it's to recognise and acknowledge the Convincing Grounds. So, yeah, it ended up in VCAT. It was again another – another – you'd get threats and – you'd get abused for standing up and protecting heritage, as they did back in the 1980s with the Alcoa fight, and it still – yeah. It's – yeah, whenever we  
 20 try as First Nations to do these things, yeah, this is what we come up against all the time. Isn't it, Aunty?

**AUNTY TINA SAUNDERS:** Yes, always.

25 **AUNTY DENISE LOVETT:** Yeah.

**AUNTY TINA SAUNDERS:** Well, even today, you go shopping. Like, I went shopping the other day in one of the stores here, and she was so rude, the young lady that was serving me. She asked me what I really wanted, and I told her what I  
 30 wanted, and she said, well, what do you want to do about it? You know. And I said, I want to buy it. And she just walked off. Just walked off and left me. So it was racial discrimination, and it's still today. It's – they're really rude. And this is my hometown. I've lived here all my life, you know. Saunders family, big family. Same as Lovett family. Big families here in this area. But there is a really horrible feeling  
 35 when you walk down the street. You know you're liable to get run over by a car or someone's going to throw something at you. It's really scary. So there's a lot of – I get a lot of death threats from different people, like silent phone calls and all that sort of stuff. And it's really scary. It's scary. So I hope youse understand what I'm saying.

40 **UNIDENTIFIED FEMALE:** Yeah, thank you for sharing that, Aunty.

(Crosstalk)

45 **AUNTY TINA SAUNDERS:** I know you guys are here to listen to what I say, because you are a beautiful lot of people, you know, but there is racial discrimination in this town. Okay?

**AUNTY DENISE LOVETT:** So even when we sort of get our – get things in place and have those things doing it through a legal process, we still get – things still get hijacked on us. We still get – yeah. They come out here and they can just do that. We  
 5 did – we had the other – another issue that we had was the Crown River frontages. The leases on those were held by the adjoining landowners, and they lifted them so that the recreational fisherman could go and camp and fish there. And when we go to do something like that, we have to go through native title. It's been 20 years and thousands of dollars in court costs, and yet that come about because a MP made an  
 10 electoral promise to the recreational fisherman that they could lift the leases on those Crown River frontages and allow camping and fishing going outside the Aboriginal Cultural Heritage Act to do that.

And it's just again this discrimination, even when we got the rights, it's just we're  
 15 discriminated against again. It's – yeah. It's forever. You're forever having to stand – stand and fight and argue and prove yourself again and again and again. I think the biggest thing was – the biggest reality for all of us was the referendum and the outcome. And it – at least we know where we sit. Yes. And it's given a lot of  
 20 cowards confidence to be racist.

**AUNTY TINA SAUNDERS:** Yeah.

**AUNTY DENISE LOVETT:** And that's what we have to live through every day. Every day we've got to live through it. Even when we go down the path of the legal  
 25 path, we still don't get the proper outcome like we should.

**AUNTY TINA SAUNDERS:** Yeah. Yes.

**AUNTY DENISE LOVETT:** I reckon we're done, unless – Uncle John, you want  
 30 to talk about Deen Maar, our connection? Yes.

**UNCLE JOHNNY LOVETT:** And just reflecting back on what Tina was saying and Denise was saying, there's always some sort of lie.

35 (Crosstalk)

**AUNTY DENISE LOVETT:** Always lying, hey?

**UNCLE JOHNNY LOVETT:** You know, just can't help themselves.  
 40

**AUNTY DENISE LOVETT:** Yeah.

**UNCLE JOHNNY LOVETT:** And we always have to justify us being here, you know, but the thing is – and they haven't woken up to it yet – we're in no one else's  
 45 Country but our own, and everyone's in our Country. You know? And I think the sooner people get the gist of that, the better off everything will be. And going back to

the Yes/No vote, well, you know, 800,000 Aboriginals, 1 million Aboriginals, 25 million non-Aboriginals, how are we going to win anything?

**AUNTY DENISE LOVETT:** Yeah.

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**UNCLE JOHNNY LOVETT:** You know, it's a numbers game put up by the government. And it helps the rednecks and everyone else to be – come out front and voice their opinion on how and where we should be and what we are and all that sort of thing, you know?

10

**AUNTY DENISE LOVETT:** What we're entitled to.

**UNCLE JOHNNY LOVETT:** Yeah, what we're entitled to, you know.

15 **AUNTY DENISE LOVETT:** Yes. Yes.

**UNCLE JOHNNY LOVETT:** So it's pretty hard. I grew up in a pretty rough environment in regards to racism. I grew up in Hamilton. They call it the wool capital of the world. We was mainly the only family there, and it was 10,000 people, and – and you'd walk into a pub and although you live there, the drinkers would put down their glasses and turn around and have a look at you, just (indistinct) you know. What are you doing here. You know. But – and there was always the racial snipes at us and me and me brothers and – we liked a little bit of physical stuff too, and we never backed away. And we were – the three of us were all fighters, all boxers, and all that sort of thing. So we sort of – we didn't mind. We didn't mind the sort of – handing out a little bit of retribution to the people. And we'd come back the next day if they wanted us to, and that's the way it was. But not only here. This happened in all Aboriginal communities across –

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25  
30 **AUNTY DENISE LOVETT:** Right across Australia. Yeah.

**UNCLE JOHNNY LOVETT:** Right across, because that was the attitude of white people with Aboriginal people. And, you know, when the Queen came in '56 and Shepparton and Mooroopna are four Ks apart, and when she drove across the highway, they put hessian bags up so the Queen couldn't see the Aboriginals down there on Daish's Flat. Well, I married one of them women down there on Daish's Flat. You know. And we were married for 30, 31 years. That's Penny.

35  
40 **AUNTY TINA SAUNDERS:** Yes. Yeah.

**UNCLE JOHNNY LOVETT:** And, you know, so there was all that sort of stuff that was happening. And it's never, ever really, really been recognised by the wider community as to what Aboriginal people really had to put up with, you know. And we talk about a lot of things, and I'm going to talk about Deen Maar soon. But the thing is that we talked about Soldier Settlement and things like that out at Condah, and my father and three of his brothers, (indistinct) grandfather, were the only four men in the whole of the British Empire to serve in two world wars at once. And

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when they applied for Soldier Settlement, they got nothing, yet 27,000 – 37,000 non-Aboriginals got Soldier Settlement. They also got 1,000 acres at Lake Condah which my father and his brothers should have got. I've been fighting that for – someone said 10 years. I – it's probably been a bit more.

5

**AUNTY DENISE LOVETT:** Yeah.

**UNCLE JOHNNY LOVETT:** It's probably 15 years or something. And I've still got no – no relevant sort of anything to hang my hat on to say, you know, that I've achieved anything. But the thing is, 2017 was the 100-year celebration of ANZAC. I was in Port Augusta. Port Augusta is the second-most racist town in Australia. It is also – the second language spoken in Port Augusta is English, which makes you feel good when you're walking downtown and you hear all groups from different areas all talking in their language, the little ones and all that sort of thing.

15

And I sort of put myself out front and I went and met with the mayor and told him who I was and I told him the history about my father, and his brothers and the Lovett family from the First World War right through to Afghanistan, 21 of them, and the (indistinct) in the mine and all that sort of thing. And so they asked me to speak at the RSL Club. And that was a feather in the cap, so to speak, because Port Augusta is the second-most racist town in Australia, asking this old fella here to speak. And I got up and I spoke. And it was good. And in case you're wondering what's the first most racist town in the country is, it's Kalgoorlie.

20

So there you have the both of them, and I lived in both of them and fought in both of them and been – yeah, been around that area. So I've seen racism a lot. I had an altercation with one bloke in Port Augusta because he bought some gold off two old ladies, Aboriginal traditional ladies came in from the desert and they had gold. And he bought two pieces of gold probably as big as my thumbnail off them, and he gave them \$2. So him and I locked heads straightaway – we locked horns straightaway, and I took the gold off him and give him his money back and give the gold back to the ladies, you know.

25

30

But that sort of thing's still happening in Port Augusta today. It's still happening all over the place. And I – and Aboriginal people right across this country have never, ever really been given the respect that they deserve. And it's so hard – it's so hard. And I go to a lot of communities now, and I just lost a sister who had an Order of Australia a few months ago, my traditional sister. And she fought a lot of battles too, and Maralinga and all that sort of thing. And we done stuff there.

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But getting back to this Country here, you know, it's you're on the sea. You can smell the difference. You can smell the sand. Out at Lake Condah, you can smell the difference there. You can smell the freshness. And you could hear the wildlife. You've seen the eagle up there this morning when the kids were dancing. And so there's a spiritual thing connecting Aboriginal people, and not only, I should say – white people as well, you know. They get a bit of a kick out of this too as well. All the time.

45

You know, I wasn't going to come down here. I wouldn't have been here today. I got up yesterday morning. And I do a lot of country music and I travel and I just said to myself, well, no, I'm not going to do anything today. So I think I'll go for a drive.  
 5 And I grabbed Bob, me dog, and I chucked him in the truck, and we went down to Bendigo way and Maryborough. And then I got to Maryborough and I thought I'll turn around now and head back to Shep. And I got to Dunolly and there was a bit of a market going on. My phone rings, and it was Denise. She said, Unc, where are you? And I said, I'm in Dunolly. She said, what are you doing there? I said, oh, well,  
 10 I was going to come down to Hamilton. She said, well, keep coming, she said. Because – come down for tomorrow.

**AUNTY DENISE LOVETT:** Yeah.

15 **UNCLE JOHNNY LOVETT:** So this is how I got to be here.

**AUNTY DENISE LOVETT:** Yes.

**UNCLE JOHNNY LOVETT:** So, you know, these sort of things, you know,  
 20 happen to us as a people. And we've lived with the signs of Country, animals and vegetation and everything that tell us the stories of – if the wattle's falling into the Murray River, the Murray cod's biting and things like that. And when the eels are on the move and things like that, you know. And we watch the animals and seeing their reactions to certain plants that are – if you ate them, you die. They poison you. So we  
 25 were great – and still are, you know, people who acknowledge our Country and respect it. And – because it's our lifeline.

**AUNTY TINA SAUNDERS:** I think, John, I think we're TOs, Traditional Owners.

30 **UNCLE JOHNNY LOVETT:** Yes. Yes, exactly.

**AUNTY TINA SAUNDERS:** Of this Country.

**UNCLE JOHNNY LOVETT:** Exactly.

35 **AUNTY TINA SAUNDERS:** They are standing on our land.

**UNCLE JOHNNY LOVETT:** Yes. Yeah. Yeah.

40 **AUNTY TINA SAUNDERS:** Our land.

**UNCLE JOHNNY LOVETT:** Exactly. And when – in the early times when there was a lot of interaction with Aboriginal groups – and you talk about the massacres. You talk about, you know –

45 **AUNTY TINA SAUNDERS:** We're right in the middle of a massacre site, you know.

**UNCLE JOHNNY LOVETT:** Yeah. So you're here and there's massacres, right. 60 per cent of the massacres that happened in Victoria happened in this area.

5 **AUNTY TINA SAUNDERS:** Yes. Yeah.

**UNCLE JOHNNY LOVETT:** You know? And there's hundreds and thousands of Aboriginal people who, you know, were massacred. And they were our families.

10 **UNIDENTIFIED FEMALE:** Yeah.

**UNCLE JOHNNY LOVETT:** They were our families.

15 **UNIDENTIFIED FEMALE:** We carry them in our bones now.

**UNCLE JOHNNY LOVETT:** Exactly, you know.

20 **UNIDENTIFIED FEMALE:** That – all of that story, that's carried in our bones now.

**UNCLE JOHNNY LOVETT:** Yep. So it's always a big thing. And I'll go back now to Budj Bim. And way back in the day, there was a giant that lived in that area, and he was a very vicious person, and he would kill the men. And so the women said to him, we've got to stop this, so we'll call him to a meeting. So they called him to a meeting up there. But before he got to the meeting, they placed snakes all around where he was going to sit. So – had to fix him somehow. So they sat him in amongst the snakes, and the snakes bit him, of course, and he died. And they carried him down to the coast, and they pushed him out to sea. And now, he's still out there, and you can see him in, and that is Julia Percy Island, or Deen Maar to us.

30 **AUNTY DENISE LOVETT:** Yeah. Yep.

**UNCLE JOHNNY LOVETT:** Right? Now, the funny thing – we're very spiritual people, Aboriginal people, are very spiritual people. But I have a great – I have a friend who lives in Port Fairy, and he's – he's a whitefella, but he's a good guitarist, so that makes him okay. And he – when he was a kid, he used to go rabbiting on Deen Maar. And –

40 **AUNTY TINA SAUNDERS:** (Indistinct) and they still row out –

**UNCLE JOHNNY LOVETT:** And they'd row out in the boat, and he was about 14. And this day, the swells come – became so bad, they couldn't row back to Port Fairy, so they spent the night there. He reckoned it was the most hairiest night that he ever spent anywhere.

45 **AUNTY TINA SAUNDERS:** It would have been, yeah.

**UNCLE JOHNNY LOVETT:** He heard moans and groans and all – he said, soon as daybreak come, we was in that boat and we were gone.

**AUNTY TINA SAUNDERS:** Gone.

5

**UNCLE JOHNNY LOVETT:** So, you know, I think there's a lot of things that we take for granted that sometimes maybe we sort of – we miss the calling of what it really is. And that's – that sometimes is a something that sort of slips past us. And then later on down the track, the penny drops, you know. And, yeah, I remember that and I remember this and, you know, and – but, look, if the Yes vote, you know, shocked anyone, I – I don't know why it did, because Australia had the most – worst racist recognition worldwide in 1987, you know, and it hasn't changed. It hasn't changed. And these people, they live on Countries where our people have died, and it wasn't – it wasn't just killing the men. It was killing the kids and the women, you know.

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And, you know, I know that Yoorrook has had the Minister of Police, the Minister of Aboriginal Affairs and that before them, and I think that – and apparently the Premier is coming up. And I think there's one person we've all missed out on, and that one person is the Governor of Victoria. Because the Governor of Victoria is responsible for all the native police and Aboriginal Protection Board that was put in place. And when they put that together, they then – the Governor of Victoria picked all those who should be on that board, the Aboriginal Protection Board.

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25 **AUNTY DENISE LOVETT:** Yeah.

**UNCLE JOHNNY LOVETT:** And that position needs to be called to the front of the Yoorrook Royal Commission as well,

30 **UNIDENTIFIED FEMALE:** Yeah.

**UNCLE JOHNNY LOVETT:** And it's not there yet, and I'm crying out for that to happen. I really am. And it's never been – it's never happened. And I think that that's one of the most important – important positions that ever came up. And, of course, the Aboriginal Protection Board consisted of magistrates, police, clergy, everyone but a good, honest citizen, you know. And when they – that was the Aboriginal Protection Board, but who could protect us from them? No one. And we are the result of everything that's gone wrong from the very beginning.

35

40 And the Stolen Generation, the Aboriginal deaths in custody, it jumped from 383 Aboriginal deaths in custody – within a matter of two months, it's 500. Well, let me tell you, deaths in custody started in the 1800s when they started the Lake Condah missions and other missions and everyone that died there, died of – as a ward of the state.

45

**UNIDENTIFIED FEMALE:** Yeah.

**UNCLE JOHNNY LOVETT:** You know, my old uncle – where are you – grandfather, grandfather, yeah, when he died and came home and was buried – how old was he?

5 **AUNTY DONNA WRIGHT:** Fifty (indistinct).

**UNCLE JOHNNY LOVETT:** Yeah. And still a ward of the state. Still a ward of the state. Another cousin who died in an institution in Ararat, same thing. Ward of the state. How do you become still a ward of the state at 57 and 58 and 59 years old?  
10 You know. So there really needs to be, I think – there really needs to be – if we're going to do it, let's do it right and let's do it proper, and let's – let's not miss – let's not miss anything, you know. It has to be a fair dinkum show of hands for what we need to be done, and those responsible for the positions that they hold today, they are not – they are still responsible for those positions, for what happened in the 1800s,  
15 you know.

If you've – belong to an organisation, you know, and you're the chairman and you make decisions and things like that and pass – pass votes and you're – and a change of hands, a change of directors, you know, things still stand. And for too long it's  
20 gone on that, yeah, everyone sort of talked about, you know, the Minister of Aboriginal Affairs, well, I don't see – and I've had dealings with quite a few of them. Probably three or four. And how detrimental are – have they been to Aboriginals who they're supposed to have a responsibility to? You know. If you're the Minister of something, surely, you put your best foot forward and really get into  
25 it and, you know, and make the best situation possible for the people that you're representing. Hasn't happened in this country. Hasn't happened across Australia. You know?

We had the – we had the Sorry Day. You know, waited five years. Everyone was  
30 sitting there doing this. What's going to happen now for five years? What's happened? Nothing. Nothing. So, you know, we really need to – to really put the pressure on and – and you know what I'd love to see? I'd love to see an all-Aboriginal government in this country. I really would. I've had a lawyer and another friend do research on my status as a non-Australian citizen from 2018 to 2024, and  
35 their legal opinion is that I'm not an Australian citizen under all the Acts that have been passed. So I would really love to see – I was born in 1947. Go back. Non-Australian citizens. 1948, different. But here's another non-Australian citizen.

40 **AUNTY TINA SAUNDERS:** Are we in the Constitution, John?

**UNCLE JOHNNY LOVETT:** Yeah. Yeah. Well –

**UNIDENTIFIED FEMALE:** We're mentioned, yes.

45 **UNCLE JOHNNY LOVETT:** Yeah, we're mentioned. We're mentioned in the Constitution.



**AUNTY TINA SAUNDERS:** We're not (indistinct).

**UNCLE JOHNNY LOVETT:** No.

5 **AUNTY DENISE LOVETT:** No, no. That was the referendum. Talking about the referendum.

10 **UNCLE JOHNNY LOVETT:** Yeah. So, you know, I would really love to see an Aboriginal government. And I think that it would be really something and it doesn't have to be outside of – it has to be outside of the Australian government, of course. But there can be a working group has – like what ATSIC was, you know, with – and we nearly controlled all our issues then until things happened and ATSIC was closed and things like that, and the finger pointed back to the blackfellas, of course. No one else was to blame except them blackfellas. You know, they caused the problem.

15 So that's truly what I believe. I believe that now if Yoorrook really wants to put the hammer down, they really need to call the Governor of the State to come before it.

**AUNTY DENISE LOVETT:** Yes.

20 **UNCLE JOHNNY LOVETT:** And to answer those questions as to why and how. And, you know, when 37,000 non-Australian – non-Aboriginals in two World Wars get repatriation and a blackfella can't get it – and you'll know too that the highest medals in the two World Wars were, of course, the Victorian Cross. Right? There is one blackfella from Framlingham Mission, Rawlings, done the same thing that Ted Kenna done in Hamilton. Ted Kenna got the VC. Rawlings got the Military Cross. You know? And you couldn't give it to – if it was a medal higher than the VC, the Victorian Cross, you couldn't give it to an Aboriginal. You could give him the Military Medal instead, you know. Just one down. That'll do him.

30 So all of those things, you know, that needs to be really, really pushed and looked at. And if we're ever going to get anywhere, then, you know, this is really what needs to happen. It really needs to happen. Otherwise, let's just all walk away from it.

35 **AUNTY DENISE LOVETT:** We've never been told how we lost our land. We've never been told.

**UNCLE JOHNNY LOVETT:** No. No bill of sale.

40 **AUNTY DENISE LOVETT:** And we know that it wasn't settled.

**UNCLE JOHNNY LOVETT:** Yep.

45 **AUNTY DENISE LOVETT:** Because we know our mob was slaughtered through massacres.

**AUNTY TINA SAUNDERS:** Well, this is a massacre site here.

**AUNTY DENISE LOVETT:** Yeah. Yeah. But we've never been told how we lost our land. And I think that's the first thing that needs to happen, is we need to be told. Our children need to be told what actually happened here, because this thing about  
5 not building a house and not cultivating the land that still sits in the law books is bullshit. And the – it was the legal system that let us down, that never come to our aid during that whole time. They never come to help.

**UNCLE JOHNNY LOVETT:** No.  
10

**AUNTY DENISE LOVETT:** Never come to help us. Just it was quite content with what was happening to us, to allow it to happen.

**AUNTY TINA SAUNDERS:** Yeah.  
15

**AUNTY DENISE LOVETT:** And we just didn't die out.

**UNCLE JOHNNY LOVETT:** No.  
20

**AUNTY DENISE LOVETT:** But we were never told how we lost our land. You either do it through a conquer, through war. A war was never declared on this Country. And this land was – this land – Country was never settled.

**UNCLE JOHNNY LOVETT:** And we never ceded sovereignty. And we never  
25 ceded sovereignty.

**AUNTY DENISE LOVETT:** No. And it was never settled. So that's the first thing that we need to hear for our future generations. Yeah. To change that trauma and that  
30 tragic, to change it. They've got to know what actually happened. Yeah. Yeah.

**UNIDENTIFIED FEMALE:** And it's about the truth-telling.

**AUNTY DENISE LOVETT:** Yeah.  
35

**MS McLEOD SC:** Are there any plans to recognise this place?

**AUNTY DENISE LOVETT:** Yes. Yeah.

**MS McLEOD SC:** So do you want to tell us about those plans?  
40

**AUNTY DENISE LOVETT:** So this – I didn't end the story, did I? So the landowner – because the permit was issued – so it was invalid. So it ended up in  
VCAT. So that all happened. Yeah, he was subdividing and going to put apartments  
45 or whatever on it. But anyway. He went into receivership, and the Commonwealth Bank contacted us and said, do you want to have this property? You've just got to pay the rates. And it was all handed back to us. So, yes, we will have it as a place to

recognise a massacre, but the massacres of Gunditjmara, because there's here, there's Konongwootong and that –

**AUNTY TINA SAUNDERS:** (Indistinct)

5

**AUNTY DENISE LOVETT:** Lubras Flats. There's so many. Like Uncle John said, the 60 per cent of the massacres in Victoria happened here, because this was the first –

10 **AUNTY TINA SAUNDERS:** Yeah, settlement.

**AUNTY DENISE LOVETT:** First place of contact. It was horrible.

**UNCLE JOHNNY LOVETT:** Yeah. This was – yeah.

15

**MS McLEOD SC:** It's such an important place but there's nothing to signify it at the moment. So –

**AUNTY DENISE LOVETT:** No. No. No.

20

**AUNTY TINA SAUNDERS:** No.

**UNCLE JOHNNY LOVETT:** Nothing.

25 **AUNTY DENISE LOVETT:** Yes. So it's finding the time to get there. We just did World Heritage List. So now we'll have that time and space to work here and –

**AUNTY TINA SAUNDERS:** To work it out.

30 **AUNTY DENISE LOVETT:** – acknowledge it. Yes. Yes. Yes. Thank you.

**COMMISSIONER LOVETT:** Thank you very much.

35 **COMMISSIONER HUNTER:** Sorry, Aunt, can I just – you said it's subject to paying rates?

**AUNTY DENISE LOVETT:** Yes.

40 **COMMISSIONER HUNTER:** You said that. So you have to pay rates? And where does – where are you supposed to get –

**AUNTY DENISE LOVETT:** Well, we had – we paid the rates – I think it was \$6,000. So we paid that and then the land was handed over to us, transferred to us.

45 **COMMISSIONER HUNTER:** Oh, so a once-off (indistinct).

**AUNTY DENISE LOVETT:** Yes, yes, yes.

**COMMISSIONER HUNTER:** Okay. Yeah. I thought it was (indistinct).

**AUNTY DENISE LOVETT:** It was only just what was outstanding.

5

**COMMISSIONER SUE-ANNE HUNTER:** Yep. Okay.

**AUNTY DENISE LOVETT:** Yeah.

10

**UNCLE JOHNNY LOVETT:** Yeah. No more paying rates. No.

**AUNTY DENISE LOVETT:** No.

15

**MS McLEOD SC:** So the fellow who went into receivership owed land tax or something?

**AUNTY DENISE LOVETT:** Yes. Yes.

20

**COMMISSIONER HUNTER:** Okay.

**MS McLEOD SC:** And you settled up his debt and got the – yeah.

**AUNTY DENISE LOVETT:** Yeah. Yeah.

25

**COMMISSIONER HUNTER:** And do you now have title?

**AUNTY DENISE LOVETT:** Yeah.

30

**MS McLEOD SC:** Yep.

**AUNTY DENISE LOVETT:** Yep. So, yeah, after all that, after doing that – yeah. But, yeah, it was – it got really vicious and threats of violence and insults and – yeah, derogatory terms. Very similar – not as severe as what it was for the Alcoa case, during that time. And –

35

**UNCLE JOHNNY LOVETT:** And most of the people who were getting threatened by these real –

40

**UNIDENTIFIED FEMALE:** Heroes.

**UNCLE JOHNNY LOVETT:** – heroes are our females.

**AUNTY TINA SAUNDERS:** Yeah.

45

**UNCLE JOHNNY LOVETT:** You know? Yeah. They won't step up to a –

**AUNTY DENISE LOVETT:** No.

**UNCLE JOHNNY LOVETT:** They won't step up to a bloke.

5 **AUNTY TINA SAUNDERS:** (Indistinct) I'm getting death threats (indistinct)

**UNCLE JOHNNY LOVETT:** Yeah. You know.

**MS McLEOD SC:** Thank you for sharing those stories.

10 (Crosstalk)

**COMMISSIONER HUNTER:** Yeah.

15 **MS McLEOD SC:** Yeah. Thank you.

**AUNTY TINA SAUNDERS:** Thank you for listening too.

**AUNTY DENISE LOVETT:** You've done well. You've done well, Aunt.

20 **AUNTY TINA SAUNDERS:** I know. Yeah.

<**THE RECORDING PAUSED** [Redacted informal conversation]

25

<**THE RECORDING RESUMED**

30 **KEICHA DAY:** All right. I know that everyone's had a really big day on Gunditj, and I just wanted to acknowledge that, because truth-telling is traumatic, and it's traumatic because of the denial of violence and what the colony actually means for our people, and I wanted to also acknowledge the Elders that have spoken today. It's a story that they've told over and over, and I'm really conscious that every time I come here to talk about the monuments, I feel like I'm repeating myself, but then I look at the likes of Uncle Johnny and Aunty Maude and Aunty Laura Bell who keep

35 on showing up and they keep on telling that same story over and over. And it's something that makes me very proud, but also it makes me sad, because why do we have to keep on repeating ourselves? We're not parrots. We're very proud people. So we need people to start listening.

40 I just wanted to orientate us first to explain where we are, and then Brayd might want to say a couple of words, because then I've got definitely a word salad for where we are today. But so we're actually here, what's called or known as the Ploughed Field. And, more specifically, the Ploughed Field is up there in that area. You'll see, like, a lot of pine trees and stuff like that. And it's where the Hentys, who you will become

45 familiar with, used to – that was the first area that they had said that they'd put potatoes and farmed and stuff like that. So, you know, when you talk about new

buildings and stuff and you turn the first soil, it's all very – very lovely ploughed fields.

5 Behind me, this monstrosity is one of two monuments dedicated to the Hentys, and then just to the left of me we've got the whaling pot where the colonisers used to boil down the whale fat. But also in that, Gunditjmara people were also boiled down in those pots. So we also have one more monument in town that we talk about, and it's just down from the council office. So the council office is exactly where I'm pointing. I'm very – but that, that monument also points out to where you fellas have 10 just come from, which is the Convincing Ground. So I think it's really important just to orientate ourselves. And then I'll shoot it over to Braydon and then –

**BRAYDON SAUNDERS:** Yeah.

15 **KEICHA DAY:** You can go (indistinct)

**BRAYDON SAUNDERS:** Yeah, thanks. Yeah, I think and just to sort of echo what was said down at the Convincing Ground by Aunty Denise and Uncle Johnny and Aunty Eugie too was that, you know, there was a lot of hurt that took place between 20 when these whalers did show up and, you know, to this point in time right now that – the fact that I had heard – I had known what Uncle Johnny was going to say, you know, as he – as soon as he had started, because I had heard it before. I had known what Aunty Nise was going to say, because I had heard it before. And that was our job. That's been our job, is to sit there and listen and to understand, you know, what 25 they – what they were going to say and then find a way to say it ourselves. And so that's what we – that's what we've been doing here for the last six or seven years now. I don't really remember when we started.

30 But this Ploughed Field, every Jan 26 has become an opportunity for us to take this back and reclaim the Ploughed Field for what we want to use that space for now. We see, you know, people love to come through here and walk through this – walk through this lovely little spot here with, you know, their dogs or their family and whatnot, and probably don't realise that – the real sort of destruction that that does to us as Indigenous, as First Nations people, you know, to use the space in that type of 35 way and give to the fact that, you know, it was the first ever ploughed field in this region or, you know, the first settlement. And it's just not true.

40 There was settlement way before the Hentys showed up here, and there was – there was happiness. There was family. There was sadness and sorrow. And there was wars. We still loved to get angry at one another back then too. But there was a civilisation that existed here, and to sort of echo what Uncle Johnny and Aunty Denise sort of said, was that that – was they attempted to cut that out. They pretended like we didn't exist, like we didn't matter, and then tried to commit a 45 genocide and take us all out. And, you know, Aunty Nisey said it then, and I'll say it again, but it was a failed attempt. And so we show our survival every – every year on that day to recognise, you know, them First Nations people who did fight in them wars. They call them Frontier Wars, but it wasn't our frontier. So it was – you know,

they were guerilla-type warfare that took place in them first, you know, 100, 150 years.

5 And them wars, we're still answering for today, you know. Because we fought back so hard and so well, our people are put at a disadvantage today because of it. And so we come together at this place here and talk about, sort of, you know, the fact that it is sort of – it is comedic that the shire here in Portland, the shire here in Portland want to say, you know, that Portland's the first ever settled place in Victoria. It is comedic that they still promote these ideas, these, you know, really, really  
10 destructive, you know, talking points that try their best to tear us down and make us look small. You know, we stand next to them and we feel small, but truth is, I'm way bigger than this monument.

15 I'm way bigger than any other monument that they want to build. And that's because I have brothers and sisters next to me. I have uncles and aunties and mothers and fathers that will continue to outgrow these things, you know. As tall as they build them, we're still going to be taller. We're still going to be bigger. That fight, we get together, and we show it here. When it started, there was only maybe 15, 10 or 15  
20 back when my brother sort of just wanted to get community together in sort of a response to what was happening around Australia, the movement to having or holding some type of, you know, demonstration that we're here on Jan 26 to go out and flood the streets and to shut down CBDs.

25 Whilst that was happening everywhere else, we needed our own little – you know, something to do that here on – and on such an important place. You know, what could we build here? And, yeah, my brother sort of – Chris Saunders, he decided to get a few people together, and it was mainly just people who wanted to commemorate the day with a smoking. And that was down – held down at the Convincing Ground massacre site. And then – and it was a – sort of a dawn setting  
30 smoking, and over the next sort of two or three years, it got into some of our friend groups. And they were like, well, why can't we come and do that? And, you know, it just started off.

35 I remember – I remember walking down the street a week before Jan 26, and people who I played footy with, who I didn't think cared anything about my Aboriginality, asking me, hey, you know, what are you guys going to do for Jan 26? Are we right to come down? And are we right to be there? Are we right to show our support? And that realisation, that, oh, there are people within this community that do want to stand up with us and do want to be there by our side. And so Chris had decided to, yeah,  
40 put that on show and allow other people to come into that after our Gunditjmarra-only dawn service.

45 And then we had 100 people on the first year, and the very next year, there was another 300 people, and then the year after that, there was 400 people. And we now have a gathering where, you know, we outgrew the space at Ploughed Field and this year, 2024, we moved down to the front of the bay down there where the Glenelg Shire has done a decent job at creating a space for community. And I hadn't seen

5 anyone use it the way that we used it this year. And, yeah, there would have been, again, around that 500 – 400, 500 people show up and show out. And it's not – it's not something that, you know, we ever really understood where it was going to go. But we just wanted to give people an opportunity to celebrate, you know, people like the Elders that we – that we've heard so much about.

10 And it actually became, you know, a lot of us young ones sort of taking that step forward and, you know, to have Aunty Laura and Aunty Denise and all of our Elders come in and still use – want to use the space, I think it was really important for that – for them to see us, their young ones, stepping up and trying their best to fill them shoes. Truth is, we may never, but we will try, and it's because they did. They definitely tried. So, yeah, this space here became something that we're really proud of and we look forward to every summer. You know, I said it last – this year at the – at this year's recent Jan 26 celebration.

15 You know, we had a barbecue on Jan 26. We had family come around type thing. And I said it wasn't too dissimilar from what, you know, whitefellas seem to want to hold on to for so much at that Jan 26 day. We showed pride. But there was a difference in it, you know. We weren't coming together to celebrate the genocidal maniacs of this, you know, of this country. We were actually coming together to make – make sure that the ones who were victims of that genocide are no longer misheard, are no longer misspoken about ever again. And we have an opportunity to speak – to speak for them. And that was the difference. That's the difference.

25 And, you know, we – you could say it till the cows come home, but people aren't going to realise that until they come – come down and in – and put themselves in that position to hear and learn and listen. And so, yeah, I really do applaud that effort today to put yourself in them – in them shoes and to not just leave it to, you know, Sally because you know Sally's interested in Aboriginals, you know. You know?  
30 You can do it too.

**KEICHA DAY:** Sounds personal.

35 **BRAYDON SAUNDERS:** Yeah, well. I don't know.

**KEICHA DAY:** Sally who?

40 **BRAYDON SAUNDERS:** I don't know. She's just a lovely lady. A lovely white lady.

**KEICHA DAY:** You know Sally.

**BRAYDON SAUNDERS:** I know Sally. You – we all know a Sally.

45 **UNIDENTIFIED FEMALE:** Yeah.



**BRAYDON SAUNDERS:** Yeah. Yeah. Step – step into it yourself and try your best to see it from our point of view and listen. And also talk too. One of my cousins – one of my older cousins who helped us sort of lead the day as well said to me, it does feel sometimes like you’re at a funeral though. It does feel like – you know, you  
 5 don’t want people to come up to you and talk about, you know, hey, I really want you to do this or do that or – you know? No, I just want to be left alone. And, for the most part, you know, that can be a feeling that we feel on that day. That it is a mourning. And so you can leave people to mourn in their silence and have their moments to themselves. But the space is there for them. They are allowed to do that.  
 10 And it’s no longer frowned upon. It’s no longer something that we don’t understand. Yeah.

So, yeah, it’s really important that we – that we’re here, that we get to understand this space. We get to talk about these stories every year, and we don’t really change  
 15 much. But people continue to show up. You know, it doesn’t have to change much. I think people love to be reminded of that – or need to be reminded of that story of the Henty brothers, of the whale cauldrons, you know. They ask the questions, where did the bodies go from that massacre site? And one of the Henty brothers wrote in his diaries that the whale cauldrons were lit that night, and it was because that’s what –  
 20 exactly what they were doing, and that’s the reality of it. That’s the truth in it, and that’s what we’re here to do.

But the fact that it’s sitting up there real proud and like a badge of honour, it’s – it’s what we – we did a couple of years ago. We went into the mayor’s office and said,  
 25 you know, we want to – we want to – we want to remove these monuments that tear at our heart, and they play with us, these things. They don’t do anything else to you. But they hurt us. It’s hurt. It’s a monument of hurt. That’s what they do. Take it down. And the response was, well, you know, why don’t we start small? And we said, no, cut the head off the snake. Can – stop hurting. Stop continuing to hurt your  
 30 people. Cut the head off the snake. Fall it all. And then see – then see what sort of pride you can have in this place.

Yeah. That’s me. I’m really proud of what we’ve been able to do here. Yeah. I think my brother Chris, when he started it, he was not sure, like I said, exactly how big and  
 35 important it was going to get and, you know, this year was the biggest and we had people come and – we now have people who don’t go wanting to shut down the CBD in Melbourne because they want to get out here and see what we do here. And, yeah, we implore you to – to do exactly that. It’s not something that’s led by any community group or, you know. It’s just a couple of brothers who wanted to – to  
 40 make it possible for our families to feel that mourning space, and it just so happened that, you know, the community around us wants people to realise that we aren’t alone. That we aren’t alone. And we will never be alone. Yeah.

**KEICHA DAY:** Thanks, Bray. So I have written out a word salad, because I can’t  
 45 be reasonable when I talk about colonisation, and I can’t be reasonable when I talk about the Hentys, because I feel angry. And I get upset. And I want key messages to be communicated clearly – never reasonably. If anyone knows me, I’m not a

reasonable person by any means, but colonisation isn't reasonable either. So – so, you know, here I go.

5 So I wanted to acknowledge the Elders in attendance, especially my Uncle Johnny Lovett, who is my Nan's baby brother. And Aunty Maude as well. Aunty Eugie, Aunty Donna. Aunty Laura's in the car there. I just think that it's so deadly that we have Elders that continue to show up for mob, and it's so important. We talk a lot about succession, but we should also, yeah, continue to acknowledge our Elders and who we've grown up with watching do all the things. So thank you.

10

I wanted to acknowledge fellow speakers for the day who have covered things like Soldier Settlement, loss of culture, lack of adequate facilities for our Elders and the Convincing Ground, to name a few. I also wanted to acknowledge my Countrymen in the crowd, so Gunditjmara and Yorta Yorta people, and last but not least  
15 acknowledge Country that has never been and will never be ceded. Always was, always will be.

For those that don't know, my name is Keicha Day, and I'm a Gunditjmara/Yorta Yorta woman who comes from Mirring and Woka, land that has never, ever been  
20 ceded. My matriarchy is Aunty Phemie Day, who was a Lovett, and Aunty Frances Mathyssen, who was a Briggs. And my grandfather is Uncle Tommy Day, whose brother was Uncle Harrison Day, who formed – who was one of 99 deaths that occurred between January 1980 and 1989 examined for the Black Deaths in Custody Royal Commission. My sister Candice was only two days old when my uncle died in  
25 police custody after convulsing in Echuca police cells.

I wanted to kick off by talking about colonisation here on my grandmother's Country and how, rather than an event, it's an ongoing systematic structure that seeks to  
30 normalise the ideology of white supremacy that, in turn, makes us as First Nations people on our Country 'other'. After a voyage of 34 days, the poxy Thistle arrived on Gunditjmara Mirring on 19 November 1834 at 8 am. And so begins the deliberate and ongoing colonisation by Edward Henty and his brothers. It was Edward that told the anecdote:

35 "I stuck a plough into the ground, struck a she-oak root and broke the point, cleaned my gun, shot a kangaroo, mended the bellows, blew the forge fire, straightened the plough, and then I turned the first sod in Victoria."

40 He would have also mentioned, quite matter of fact, how he treated our ancestors with complete disregard of their humanity through acts of violence and theft as he wilfully squatted on Gunditjmara Mirring. Him establishing what is known as Portland and surrounds was swift. By the time Major Thomas Mitchell led his overland surveying expedition from Gadigal mob down to Gunditjmara mob, it was with surprise that he encountered the Hentys, and it was there he found Portland Bay,  
45 a thriving township and a flourishing agricultural industry. And that was in 1836. Only two years it took for a thriving township to be found. But at what cost to Gunditjmara people?

The same journals speak of atrocities committed by Edward and his equals. They are referred to as settlers and pioneers, but colonisation isn't settlement. Violence isn't used as a weapon of settlement. Massacres, rape and theft is not settlement. To go  
 5 further, there is nothing pioneering about being white supremacists and upholding an ideology that seeks to strip an entire nation of its language, its culture, its land and its people, yet these colonisers continue to be celebrated through monuments on lands that they stole.

10 And the people that they stole it from still have to bear witness to them. Not only that, they get place names and reserves and parks and beaches dedicated to them, because this colony only knows its own lies. So when Gunditjmara people speak up and we speak out against gaslighting, we are demonised and we are told we are  
 15 other. Comment sections on social media are rife with racists who directly and generationally benefit from land theft, the rapes and the massacres.

The Glenelg Shire here lacks leadership in doing the right thing, and that is taking down these monuments, renaming the streets, the parks, the reserves and the beaches and accepting that their refusal to do so is part of the violence that we continue to  
 20 bear witness to and experience in their colony on lands that were never ceded. Because gaslighting is a form of abuse, and abuse is violence, and violence is a weapon of colonisation, which is not simply an event, but an ongoing structure that normalises an ideology that is deliberate and destructive for all intents and purposes. We continue to call on Glenelg Shire to demonstrate true leadership in this space, go  
 25 beyond the colonial impact register that we've already submitted to the Justice Commission and really get real about celebrating and commemorating these genocidal maniacs on stolen lands.

And if you want to tell the stories of Hentys on my grandmother's Country, then  
 30 you'd better be telling the truth. Tell the truth about the Hentys and who they were and what they did to our people. We should not have to keep on taking our supposed leadership to task whenever they feel like promoting yet another Henty exhibition telling of the pioneering history of Victoria's birthplace. When are we going to stop  
 35 forcing our mob to have to become distressed when the council, in all its wisdom, advertises their deadly new dog park as Henty Dog Park, knowing damn well what those genocidal maniacs did to Gunditjmara people. They set their dogs on human beings. They set their dogs on our men, women and children, and this council, in all its wisdom, wants to name its deadly dog park after the Hentys? No.

40 This is why I assert that these monuments are gaslighting and abusive, and we shouldn't have to keep stomaching these concrete slabs and place names that celebrate white supremacy and embolden the racists who benefit from it. When will we drill down to that reluctance? What are they afraid of? Upsetting the same racists who tell us we get everything for free and their taxes pay for us to sit on our holes  
 45 and that we always get – we always get something for nothing, and that we need to just get over it? Like our reasonable reaction of anger and frustration isn't normal? And I'll tell anyone, colonisation isn't normal. Celebrating genocidal maniacs isn't

normal. And the only thing normal that exists in the colony is our reaction to the colony.

I wrote something for November 19 last year to commemorate our invasion, and I  
5 wanted to share it with you before I conclude. And it's called 189, which is the years since the Hentys arrived.

10 "Gunditjmara immemorial. Always was, always will be. Since time began, Gunditjmara Mirring has never been ceded. Mirring. Plantable. Vast landscapes. Tranquillity. 189 years ago, Mirring and its people were invaded, raped and pillaged. These are the facts documented in their own diaries of death, destruction and entitlement. White supremacy abounds. Genocidal maniacs awash on our shores, observing the fires of our warriors. Henty and his pathetic equals, searching for fertile land to rape by any means necessary.

15 Descendants of the colony that will have you think we are the greedy ones. Greedy for asking for our humanity to be aligned with, that history is upheld and not repeated, that reparations for that history are made and that they accept that the rent is due. They act like humanity is such a complex notion  
20 when, really, it's simple. Mirring is ours, and we belong to Mirring. And therein lies the uncomfortable truth, because imagine spending generations building wealth and then have it taken away. Imagine.

25 Taken away like our beautiful babies. Anything to diminish our humanity. Couldn't break the spirits of the fighting Gunditjmara. Not over landscapes that were never ceded. Not over whales. Not over mission management either. But our babies, our beautiful brown babies, buried up to their necks as their mothers wailed and their fathers emasculated. In prison, property of the colony that couldn't give a fuck about their pride, their knowledge, their  
30 intimate knowledge of seasons and landscapes.

The beneficiaries of coloniser welfare declare, demand, 'Move on. We are one.' Tell that to the sands that bear witness to the blood of our ancestors, mere babies that had their heads kicked off like it was a game. A game?  
35 Game is existing in a colony that doesn't give a fuck about you or your sovereignty. Game? Game is waking up every day and having to put a mask on and exist in a colony that continues to deny the conscious and unconscious bias that infiltrates and dictates our existence. Game? Game is working so hard, having the goalposts shifted and never being good enough unless we  
40 want to be good Aborigines that are grateful, compliant, accept a brutal past that's never been reconciled, and turn a blind eye to the bias that allows such abusive demands.

45 It's the same bias that imprisons us at higher rates, that continues to kill us in custody with no charges of murder, that profiles our kin, that gaslights our constituents to believe we are the problem, that has our Elders still being buried in poverty after their lifetime of fighting for better conditions. That

5 still, still continues to put their hands on our fucking kids. Why? Because colonisation is not an event. It's an ongoing structure. And yet here we are surviving. But not only surviving, striving to survive within a colony that doesn't give a fuck about us. Why? Because this is Gunditjmara Mirring. After all, always was and always will be.

10 Despite it all, we continue to work diligently to keep our landscapes protected, to keep the babies of those landscapes protected and to hold those genocidal maniacs accountable for what they did to our people, to our land. All in the name of a colony that doesn't give a fuck about us. But you know who gives a fuck about us? Our ancestors. And that's all that should ever matter. That we are and that we continue to be and continue to teach our children to always strive, to thrive and be our ancestors' wildest dreams.

15 Always was, and always will be.

20 To reiterate a point made earlier around an Elders' facility, it breaks my heart to think of our Elders, the real trailblazers and the real pioneers, who have spent their lives trying to better the lives of future generations and still have no – we still have no place for our Elders to go. In July last year, my grandmother, Aunty Phemie, went back to the Dreamtime, and all she wanted was to come home. Well, where the fuck was my grandmother going to go? Was she going to go over to Seaview House at independent living and look over at the monument and where Gunditjmara people were boiled? Was she going to stare at an Aussie flag, Aussie pride flag, or was she going to look at the Ploughed Fields where they turned the first sod in Victoria?

30 Where are we – where are we letting our Elders go? They deserve better than that. They deserve better than to be gaslit and abused and made to feel other to their last breath. So shame on this colony. Shame. They talk a big game about reconciliation and coming together and whatever else, but these same people continue to benefit from our shared history with no concept of how lonely and tiring living in a colony is. I want reconciliation that is tangible and where our generational wealth comes without terms and conditions and contracts and handouts and compromises of my sovereignty and my children's sovereignty and our Elders' sovereignty and animal and plant sovereignty. Enough is enough. How much more do you want to take from us?

40 I want to be free from the racists. I want to be free from the violence of the colony. And I want my people to be celebrated. I want my Elders to get to live out their days peacefully, where our children live a normal life that is safe from white hands and jail cells and all the statistics that land them there. I want to get to a place where I'm not described as angry or resilient, that I'm just me, Keicha Day, a Gunditjmara and Yorta Yorta woman who comes from Mirring and Woka, land that has never and will never be ceded."

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Thank you.

(Applause)

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**COMMISSIONER HUNTER:** Can I just say before we disappear that just on behalf of the Commission – and I'm going to do it, because this is Trav's Country, and I want to thank you for leading land justice on your own Country, which is really hard. But I want to thank all the Elders that come out today. And as Keicha said, we  
10 keep telling our stories, and you were able to tell it again today, and this will be part of the public report. And I just want to thank you on behalf of the Commission for allowing us on your Country and for telling us your stories, and it means a lot to allow us here and to be able to do this. So thank you.

15 [Redacted informal discussion after close of the session]

**<THE HEARING ADJOURNED AT 3.30 PM**