

ELIZABETH BALDERSTONE
SUBMISSION TO YOORROOK JUSTICE COMMISSION

As I commence my submission to the Yoorrook Justice Commission, I would like to acknowledge and pay respect to all the Traditional Owners who lived near Warrigal Creek in Gippsland – the Brataualung People of the Gunaikurnai Nation who cared for and protected the land for tens of thousands of years. I acknowledge and pay respect to their Elders - past, present and emerging. I now live on this land close to the site of the Warrigal Creek Massacre, the focus of this Submission.

Thank you to the Commissioners of the Yoorrook Justice Commission for this significant and long-awaited opportunity to share my family's story and journey as the most recent custodians of the Warrigal Creek Massacre site. I feel it is our huge responsibility to do this, and hopefully encourage other non-Aboriginal Victorians to come forward and share their stories. I was inspired by Susannah Henty's appearance before the Commission, and then surprised and concerned that when Premier Jacinta Allan appeared more recently, she referred to her complete lack of awareness of the violent history of massacres in Victoria's settlement history. That reinforced my long-held belief that we all have a responsibility to investigate, confront and share our truths as non-Indigenous Australians. I am sure the tragedy and trajectory of the Frontier Wars and ongoing Dispossession overlays so much of the challenges and inequities faced by First Nations peoples every day.

I will firstly focus on my personal story and connection with Warrigal Creek, and then the process and journey we have undertaken so far in ensuring the full truth of the settlement of our district - and Gippsland and Australia as a whole – is understood and acknowledged.

Introduction

I first visited Warrigal Creek - the farming property - in May 1974 dropping a university friend off to work there as a jillaroo before I headed on to Wilson's Promontory for a few days hiking and holidaying - I could never have realized then as a privileged 18 year old Social Work student heading off with mates during a university break that a moment early in that holiday would lead to my taking on the care and custodianship of what is one of the most significant sites in the State of Victoria, and Australia. Some months after that visit, I reconnected with Alistair Irving, who was managing Warrigal Creek for his family farming partnership. We married in 1980 and Warrigal Creek has been my home ever since.



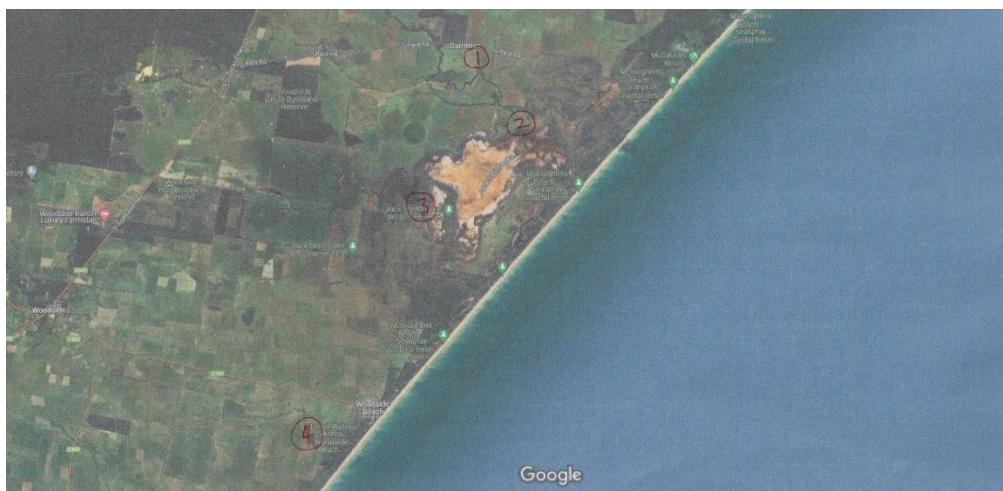
Entrance to Warrigal Creek, the Farming Property.



Further down the Farm Track

At the end of the day, my life story has been greatly defined by this custodianship – of the farming property as a whole, and most importantly the area that encompasses the site of one of Australia’s most tragic and unjust events, the Warrigal Creek Massacre. Like all farmers and landholders, we are only “passing through”, and we care for and manage our land according to our values and goals, and in a constantly changing and challenging environment. In my case, sole custodianship of this land started with Alistair’s sudden tragic death following a fall from his horse whilst mustering cattle in 1987. Our daughters, Alice and Kirsty, were just 4 and 2 years old. I believe from that point on I was given the privilege, opportunity and extraordinary responsibility of managing and caring for Warrigal Creek. As adult women now, Alice and Kirsty support and share this role with me. My three small granddaughters - Lola, Marlowe and Sylvie - are the fifth generation of the Irving family to spend time there.

Much is now documented on the Warrigal Creek Massacre. In July 1843, just over two years after European Settlement began in Gippsland, a band of settlers known as the Highland Brigade, shot between 60 and 150 Brataualung people in retribution for the murder of Ronald Macalister, the nephew of a wealthy pastoralist, Lachlan Macalister. Most of the killing is believed to have occurred at a permanent waterhole on a large bend of Warrigal Creek (Number 1 on Map 1), and it is thought follow up attacks may have occurred nearby at the mouth of Warrigal Creek where it flows into Jack Smith Lake (Number 2 on Map 1), and at Gammon Creek some kilometers away (Number 3 on Map 1), and Freshwater Creek near Woodside Beach (Number 4 on Map 1). Within a year, the “Chief Protector of The Aborigines of the Port Phillip District”, the “infamous” George Augustus Robinson, journeyed through the area, and it is believed that his impending visit caused a hasty gathering up of bones from at least the Warrigal Creek waterhole site for burying in a sandhill area known as Red Hill a few kilometers towards the Ninety Mile Beach. This area is now part of the Jack Smith Lake State Game Reserve. Both Traditional Owner and Settler stories accept that these incidents took place, and that the Brataualung people were tragically decimated in the process.



Map 1 Showing Probable July 1843 Massacre Sites

It has been difficult to pinpoint the first record of the European naming of the waterway and area as Warrigal Creek – certainly the Warrigal Creek Pastoral Runs Nos 1 and 2 were noted in 1844. My understanding is that “warrigal” means “wild dog” from the Dharug people west of Sydney. I understand it may have the same meaning in Gunaikurnai language, and that it was also used by Europeans to refer to strong “untamed” warriors. It is possible that early Settlers referred to the brave Traditional Owners of this area as “Warrigals”. I also understand the local Yau-ung family of the Bratuaulung clan sometimes called their area Tarra Warrakel or Waragallac. We would appreciate any clarification of this, and as I note later on we are advocating for the correction of the naming of Warrigal Creek as it crosses the South Gippsland Highway, and keen to include the name Yau-ung as well.

Our Family Story and Connection with Warrigal Creek

The Irving family first came to the Woodside district in the late 1880s. Alistair’s grandfather (George Irving) took up outer paddocks of the current property in the 1890s and then in 1911 purchased the homestead block which includes the Massacre site. He and his wife (Edith) raised their four children at Warrigal Creek including my late father-in-law, John Irving.

As with so many family farming operations, the family partnership that had run Warrigal Creek and other properties locally altered in 1995, and since then I have run our part of Warrigal Creek - inherited from Alistair - independently. The property now produces fine merino wool, beef and lamb, and lucerne hay grown under irrigation. We have been active members of our local Woodside Landcare Group since 1989, and have prioritised the protection of all waterways and remnant vegetation, and continually undertaken significant revegetation projects. Like so many landholders, we try to visualize and understand what the land and landscape was like prior to European Settlement. We now have close to 15% of the property protected, with a further 3% direct seeded recently as part of a Carbon farming project.



Similar to so many farmers we are passionate about caring for our land in the best way we can, and feel a huge connection with the country we farm – attempting to manage the farm in a “sustainable” manner, and balancing productivity with positive environmental outcomes. That said, our coastal landscape frequently has a challenged and thwarted look – many of the old eucalypts left in the early days of land clearing are dead or dying. I regularly reflect on Uncle Russell Mullet’s wise advice to me: “look at the trees, and listen to them”. We have worked hard to protect the remnants, and all our sections of Warrigal Creek from Jack Smith Lake towards the Mullungdung Forest are fenced and protected from grazing. New areas have been fenced off and reseeded or replanted using seed collected locally and species native to our area. Once livestock are removed many species reestablish naturally too.



Revegetation Project 2024



Creek near Homestead before Fencing off, and More Recently

I clearly remember my early visits to the Ninety Mile Beach nearby when numerous middens behind the sanddunes were open and exposed and had been grazed until fairly recently. Now so much of that area is thankfully revegetated with native species and a totally different landscape to 50 years ago.



Ninety Mile Beach near Jack Smith Lake



Jack Smith Lake

In my earliest visits to Warrigal Creek I became aware of the significance of the Massacre site. Alistair and his family were acutely aware of the history, and no one ever tried to hide or deny this truth – rather there was a quiet consciousness of the gravity of the site. In 1986 the site was placed on the Register of the National Estate. This was a Heritage Register that listed places of natural and cultural heritage, and was closed in 2007. It was replaced by the Australian National Heritage List and Commonwealth Heritage List which do not appear to include the Warrigal Creek site.

My father-in-law, John Irving, was a passionate and highly respected historian. He wrote one of his first articles/memoirs on Warrigal Creek in 1974. One fifth of this piece was focused on the Massacre. For a man born in 1910 I feel he was fairly unusual for his time. From the time I moved there permanently in 1980 I remember John regularly bringing visitors - people interested in the post European settlement story of one of the first pastoral runs in Gippsland, and often family members of the hundreds of people that have worked or lived there over the years (shearers, mechanics, station hands, overseers, contractors etc) - but also frequently people researching and recognising the Massacre. One of those earlier visitors was Uncle Russell Mullett.

I have over the years felt a growing awareness of the responsibility and gravity of caring for the Massacre Site in the gentlest and quietest way possible, and simultaneously, I am committed to ensuring that the truth of the Massacre is told and understood more widely, by Gippslanders initially, and by the Victorian and wider Australian community at large. Despite persistent advocacy for the truth of the massacre to be known and understood, it has only felt as though people wanted to listen in more recent years.

The Truth Telling Journey

In the earlier years there were very occasional media references to Angus McMillan and Warrigal Creek, and a couple of times I did write to newspapers to push for more coverage but with very little or no success.

Two very significant books were published in the early 1980s – in 1983 the first version of Peter Gardner’s book “Gippsland Massacres”. This was given to Alistair and me by a regular visitor/shooter to Jack Smith Lake. This meticulous first book by a passionate Gippsland historian was followed by “Through Foreign Eyes” in 1988 and “Our Founding Murdering Father” in 1990. Peter Gardner has continued to research and write to the current day.

In 1984 well known Speech writer and author, Don Watson (who was born in Gippsland) published “Caledonia Australis”- another great expose of Gippsland’s early history. Both these writers have played invaluable roles in the telling of Gippsland’s truth.

In May 2003 a BBC Film crew visited. They were making a documentary on the influence of Scots around the world, including a one hour segment on Australia and New Zealand. This featured a story on Angus McMillan and they filmed and interviewed Uncle Russell Mullett beside Warrigal Creek. In 2010 a second BBC Crew visited, again focused on the influence of Scottish settlers and explorers, including Angus McMillan's impact in Gippsland.

In 2005, Kate Grenville's "The Secret River" was published, and in 2007 "Demons at Dusk – Massacre at Myall Creek" was written by Peter Stewart, and then more recently, Kim Scott's "Taboo". These three powerful novels all focus on Massacre stories. The subsequent Television series of The Secret River played a particularly strong role too. There have of course been many other great authors along the way – the extraordinary work of Henry Reynolds, and also Martin Flanagan, as well as Stan Grant, Cassandra Pybus and Bruce Pascoe to single out just a few more that have particularly inspired me, and just recently David Marr's "Killing for Country". They have all given strength and validity to our quiet campaign in Gippsland.

At times over the decades the local Yarram Secondary College has had teachers brave enough to teach the truth of local history, and they have conducted excursions out to Warrigal Creek. Hopefully, going forward now, this truth telling of our Settler history becomes a fixture in the National Curriculum. I know this has been highlighted by the Commission many times already.

In 2006, I was actively involved in forming the Yarram Yarram Cultural Group (YYCG) which unites people from our local district who are passionate about securing more widespread recognition of the truth of early European settlement in our area, and keen "for any dialogue that would enhance this, and help confront the pain of such horrific times and tragedies". The Group was wanting to reach out to and engage with Traditional Owners in any way possible. In 2007 we met with the Instructing Committee of Gunaikurnai Business. At the time, the late Uncle Albert Mullett - who I am so very grateful to have become quite close to over the years - said he thought it was the first time a group of non-indigenous landholders and farmers had approached and met with a Traditional Owner group. Over the years we have been fortunate to meet with a number of Gunaikurnai representatives – frequently at Warrigal Creek – including Uncle Albert, Marjorie Thorpe, artist Richard Young, Wayne Thorpe, Auntie Doris Paton, Stevie Thorpe and Rob Douthat. These gatherings and connections have been immensely meaningful to me. We have also connected with Shaun Braybrook and his team at the Wulgunggo Ngalu Learning Place near Won Wron, and shared NAIDOC Days and other events with them.

Some of our Group were incredibly grateful to be present when the Federal Court sat at the Knob Reserve in Stratford in Gippsland in August 2013 and handed Native Title to the Gunaikurnai – an unforgettable day and a true privilege to be present, at the invitation of Uncle Albert.

In 2016 Scottish novelist Cal Flyn published "Thicker than Water". Cal is the great-great-great niece of Angus McMillan and once she learnt the truth of her ancestor she felt compelled to research and write this novel. She has visited Warrigal Creek a number of times since 2013 - initially with Jeannie Houghton a Gippsland writer - and her book has reached a much wider and younger audience, including in the UK. Through Cal I was fortunate to meet Steaphan Paton, an inspiring and hugely talented Gunaikurnai artist and passionate truth teller. Steaphan, and

photographer Cam Cope, travelled with Cal, and subsequently held a powerful exhibition “Wallung Githa Unsettled”.

The greatest boost to telling the story of the Massacre came in 2017 when Andrew Dodd and Lisa Gye brought a group of Swinburne University students to Warrigal Creek on their way through Gippsland making a documentary on the Massacre. This successful film premiered in Gippsland in 2018 and has been screened numerous times across Gippsland as well as in other parts of Victoria, frequently followed by a Q and A which I have often been privileged to be a part of.

Rachel Perkins excellent 2022 Documentary “The Australian Wars”, and films like Warwick Thornton’s “Sweet Country” and Leah Purcell’s “The Drover’s Wife”, have taken the stories of massacres and frontier conflict to much wider audiences.

The late Professor Lyndall Ryan of Newcastle University - the driving force behind the University’s “Massacre Map” - has been a huge contributor, and in March 2019 The Guardian did a powerful series which included Warrigal Creek in a feature story. This was followed by the Victorian Government’s Deadly and Proud Series with another feature on Warrigal Creek in the lead up to the establishment of the First People’s Assembly of Victoria and the Yoorrook Justice Commission, as Victoria leads the way in Australia. I am grateful to have had a couple of visits from one of the first Yoorrook Commissioners, Professor Kevin Bell.

Along the way we have been involved in the successful campaign to change the name of the McMillan Federal Electorate (but, disappointingly, not to the preferred First Nations chosen name), and the not so successful (so far) campaign to remove at least some of the Cairns marking Angus McMillan’s path through Gippsland. A push to remove those located in our local Wellington Shire in 2020 failed – but the push is ongoing, and at the very least I am confident the move to add “Truth Telling” plaques to the Cairns will succeed eventually.

Partly as a result of this campaign, the Wellington Reconciliation Group was formed, and this has grown stronger since the Voice Referendum last year.

The campaign for the renaming of local places and waterways to reflect Traditional Owner names is ongoing. The Yarram Yarram Cultural Group and Woodside Landcare Group have joined forces with Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) in advocating for the correcting of the name of Four Mile Creek where it crosses the South Gippsland Highway at Darriman,. In fact this is Warrigal Creek – and we are requesting it be renamed as Warrigal/Yau-ung Creek.

The Gippsland Art Gallery in Sale has had a long-term focus and commitment to First Nations artists and stories – and there have been many inspiring exhibitions there as well as a dedicated Gallery area now to Gunaikurnai artworks.

Most recently we have benefited greatly by the presence of a Monash University historian, Seumas Spark, who has been working in our district. Seumas has been partnering with GLaWAC and funded by the Star of the South Off Shore wind farm project proposed for Bass Strait. He

was asked to research the 'intangible cultural heritage' of the area, and has approached our community and this story with fresh eyes and an incredibly gentle energy, and an ability to uncover very early maps and interview a great range of people. With the development of the Off Shore Wind industry in Bass Strait and connection to the grid via the Ninety Mile Beach coastline and coastal plain, our area is facing added development challenges.

All along the way music has uplifted and inspired and strengthened me – including to mention just a few artists: Archie Roach and Ruby Hunter, Kev Carmody, the Pigram Brothers, David Bridie, Neil Murray, Gurrumul, Midnight Oil, Tiddas, Yothu Yindi and Paul Kelly...and many more. Deborah Cheetham's "Eumeralla – a War Requiem for Peace" is incredibly moving, as is her truly beautiful "Long time living here" Acknowledgement of Country.

Going Forward

That all summarises my "Custodian's Journey" to this point in time, and I would like to share some thoughts and reflections on "Going Forward". Aside from sharing life with my wide circle of family and friends, and our local community, protecting and caring for the Warrigal Creek Farming property including the Massacre site in my mind is my most important role. As with any farming operation we are constantly balancing the social, environmental and economic priorities and challenges that confront us, but we are very grateful for all the privileges that have been given to us along the way. My understanding of what the responsibility for the Massacre site means has certainly matured and grown over time, and can be all-consuming at times. It can feel like a very heavy burden.



Looking towards the Main Massacre Site from our Kitchen Window

As a family, Alice, Kirsty and I want to ensure the site of the Massacre is permanently protected. The area around the Site has been fenced off for many years – by us on our side of the Creek and by our neighbours on the northern side. So the site now sits quietly and undisturbed. Beautiful and abundant birdlife that inhabits the area is on constant watch, and on some level I connect with and acknowledge the site every day.



Sea Eagles Keeping Watch

We as a family have no plans to sell our property at Warrigal Creek at this point in time... however it is impossible to know what the future holds.

We have investigated a range of solutions to return the land in some form to Traditional Owners including a Joint Management Agreement and Cultural Covenants. Both of these may have limitations and I do worry how enforceable they might be with a difficult property owner. In the shorter term we definitely would appreciate a formal process regarding requests to visit the site – a register process or similar to be overseen by Traditional Owners.

In NSW, significant sites on private land can be gazetted by the Office of Environment and Heritage as Aboriginal Places. I am inspired by my cousin Jane Vincent and her family who have an Ochre Quarry on their farm, Gollion, at Sutton, north of Canberra. They have welcomed that protective and partnership process to create “Derrawa Dhaura Aboriginal Place”. Could Victoria enact a similar process?

As a family we have deeply considered the re-surveying and subdivision of an area of the property encompassing the centre of the main massacre site (approximately 2 hectares) to return ownership to the Traditional Owners (Number 1 on Map 2) This is complicated by the proximity of the site to the Homestead and so much of the farm infrastructure - the Woolshed and Shearers Quarters and workshops etc - and unlimited access is a difficult issue too. Currently, a Joint Management Agreement would seem to be a preferable outcome. In contrast, we would be very keen to pursue the return to Traditional ownership of an area of approximately 25 hectares downstream from the main site encompassing where Warrigal Creek divides and enters Jack Smith Lake (a probable second massacre site) Public access to this area is via an Unused Road that is part of Jack Smith Lake State Game Reserve. (Number 2 on Map 2)



Map 2 - Farming Property showing Massacre Sites 1 and 2

We totally respect and understand why many people – Indigenous and non-Indigenous - would prefer not to visit Warrigal Creek. I am regularly challenged by people’s surprise or even shock that we live and work and generally carry on our day to day lives so close to the Massacre site. In fact our home and garden sits on land where the attack most likely took place - maybe not at the epicentre of this tragedy but very close by to it. I don’t really know how to answer or respond to this. Nor do I know how or why the Taylor family who took up the Warrigal Creek pastoral run in 1845 - two years after the Massacre - chose to build the homestead in 1865 so very close to that spot. I can guess the reasons were its position on the highest piece of ground in the landscape, and close to permanent deep waterholes...



Homestead

Rightly or wrongly, to some extent I guess we have learnt to “compartmentalize” things. Perhaps we have figuratively - as well as literally – fenced off the main area. I don’t know.

In Sept 2018 I did a week long solo bike ride from Amiens in Northern France to Ypres in Belgium. This was partly to track down the places my grandfather had sent postcards from during WW1, and to visit the grave of one of my great uncles killed one hundred years earlier, but also I wanted to travel slowly through a landscape which continues to be lived in and farmed and cared for and loved despite the enormous tragedy that took place all around from 1914 to 1918. Did I find an answer as to how this was done - probably not - and I could only reflect and consider it subjectively as I had no conversations with farmers or villagers. But the neatness and respectful pride and great care attached to the thousands of cemeteries dotted across that region, and the micro effort and detail to tell the stories of battle and tragedy all along the way is so totally opposite to what happens throughout Australia. That haunts me. I was especially moved by occasional Memorial Gardens - very peaceful and in fact quite beautiful places - where visitors, and I guess local people too, could come and sit and reflect and remember, and be quiet, and absorb the enormity of what took place in the land around them.

If truth telling and honesty with our history as a Nation is finally taking place, these sort of quiet places of tribute and memory could perhaps be a vital part of the process.

I strongly believe that we need to honour the memory of those who died in the Frontier warfare that took place across Australia – just as we honour those who fought in other wars on ANZAC Day. Attending a Dawn Service on Australia Day a few years ago was a most moving experience, and again on ANZAC Day this year I reflected on this further, and the fact that the Australian War Memorial still does not recognize the Frontier Wars. I understand and hope that overdue plans are in place now to rectify this.

I know this is my Non-Aboriginal experience and perspective - and whatever happens at any Site of tragedy like Warrigal Creek must be determined and led by Traditional Owners - but I do strongly believe we as Non-Aboriginal Australians need places to go to learn and reflect on the tragedies and wrongs of our history. The Myall Creek Massacre site in Northern NSW is a powerful example of this, as well as the Kukenerup Memorial near Ravensthorpe in WA. The YYCG has had similar ideas and thoughts for a local “Memorial” and Truth telling information - possibly where Warrigal Creek crosses the South Gippsland Highway, or at Jack Smith Lake, or Woodside Beach - but clearly this would all need to be led by and in partnership with the Traditional Owners.

I am very supportive of the concept of an annual or regular payment by Primary Producers and Landholders to Traditional Owners along the line of Local Government Rates where payments are based on Capital Improved Values of Land. It could start at a very low rate and increase gradually over time. It could be directed to joint environmental projects to care for Country in another way.

At times over the years I have felt deeply disappointed that we are not progressing as a Nation in terms of recognition of sites like Warrigal Creek, and truth telling more broadly. However, more recently, I do feel the sands are beginning to shift. The result of the Voice Referendum was enormously flattening, but the Uluru Statement still stands strong. I regularly remind myself to go gently and slowly, and to listen deeply. We are on a shared journey.

I will always be grateful to my wide circle of family and friends who have supported me over the years, including the YYCG members. Without that backup and encouragement this process of caring for the Massacre site and arguing for truth telling in general would have been very difficult and lonely. As a family we love the land and water and air we live and farm with but we have very heavy hearts regarding the tragic history attached to it. We only hope our journey to date has been one of respectfulness, humility and integrity. Thank you for taking the time to read and consider my Submission, and for the opportunity to have this on the public record for future generations to come.

Elizabeth Balderstone

Darriman

August 24th 2024.



View towards Main Massacre Site from Homestead area - 1980 and 2024