

## **Submission to Yoorrook Justice Commission**

**From:** Meyer Eidelson President Middle Park and Albert Park History Group

**Dated:** November 2024

### **Submission:**

My submission is in relation to the former Aboriginal Graveyard 1842 at Queen Victoria Market, 65-159 Victoria Street, Melbourne, a recognized Aboriginal heritage place under the Aboriginal Heritage Act.

On Wed 21st September 2022, I led a walking tour of the Queen Victoria Market at the request of Yoorrook Justice Commission, including with the Commissioner, which explored the Indigenous history of the market precinct. Queen Victoria Market is on the National Heritage List, recognising the significant place it holds in Australian history both as a market and the former Old Melbourne Cemetery. It is also a recognized Aboriginal heritage place under the Aboriginal Heritage Act. Questions raised that day by the participants on the Yoorrook tour included the protection and interpretation of existing remains of Aboriginal people in the former cemetery and the fate of those exhumed from the Aboriginal graves section in 1877.

Pursuing that request, I have undertaken more research to locate the site in the Melbourne General Cemetery where the Indigenous bodies were transferred. My conclusions are 1. Most of the Aboriginal bodies were exhumed and removed (from the designated Aboriginal graveyard in the area of J shed to the Melbourne General Cemetery, Carlton in 1877.

This fact is confirmed by the City of Melbourne's archaeological report released 2017: Old Melbourne Cemetery: Information Collation: Stage 2 Documentation Draft Report by Godden Mackay Logan Pty. Limited, 2013. <https://participate.melbourne.vic.gov.au/queenvictoriamarket/old-melbourne-cemetery-reportavailable> 2. This almost certainly included the two freedom fighters Maulboyheenner and Tunnerminnerwait who were executed 20 January 1842. The Aboriginal graveyard was established in 1842 probably specifically to bury these well-known people in a protected location. According to the council report on the Aboriginal graveyard: "The particular corner wanted for market purposes, though within the cemetery fence, had never been consecrated, but had been used for the interment of such deceased persons as were deemed unfit to lie in holy ground. The number of bodies known to have been deposited in the place was 20, but there was little or nothing to show where they lay, and in order to remove them they had to be sunk and driven for in a systematic manner.

Twenty-eight were found altogether, sometimes five in one hole and sometimes three, as happened. They were got at about 3½ ft. from the surface. In one place were found three skeletons, recognised as aboriginal, and it is believed that they were executed in Melbourne about 30 years ago. One had a magnificent skull, large, in perfect preservation, and strongly marked with the characteristics of his race....The remains of these eight-and-twenty all but unknown persons were duly interred in the New Cemetery". 3. The 2017 council report confirmed that Indigenous bodies almost certainly still remain in the former Aboriginal burial ground in the area of J Shed. Indigenous 'remains exist as the 1877 exhumations were shallow and as indicated by past surveys.

The majority of graves in the former cemetery are likely to be more than a metre deep below the current surface, but a small number will survive immediately below the current ground level owing to twentieth century levelling.’ 4. Melbourne General Cemetery Archives Registry has confirmed that they received the coffins and bones exhumed from the Old Melbourne Cemetery in 1877. They have also confirmed the location where these remains were re-buried in the Old Melbourne Cemetery. The grave areas are unmarked and there are no memorials. The public area where they were buried has since been overlayed with earth and newer burials added but the location is known. 5. The deliberated destruction of the Aboriginal graveyard in the Old Melbourne Cemetery in 1887-8 was the first step in the process of resuming the whole graveyard in the pursuit of commercial gain in disregard for the heritage of Melbourne, the sanctity of the dead and contempt for both the European founders and traditional owners of Melbourne. Indigenous remains are not the only human remains in the market in the vicinity of the carpark and adjacent sheds. According to council’s report probably more than 6500, remain undisturbed despite past disturbances. “Previous market construction works have had only localised impact on underlying burials. Late twentieth-century works appear to have affected only the upper layers of deposit. Burials are likely to survive below.” 6. Large scale redevelopment of the market is occurring and for obvious reasons the Council has been deliberately silent on the obvious questions of the fate of the dead should they be exhumed deliberately or accidentally. 7. I recommend that the Yoorook Justice Commission request: a. That the City of Melbourne formally apologise to the Indigenous community for the deliberated destruction of the Aboriginal graveyard in the Old Melbourne Cemetery in 1887- 8 for commercial profit. And for the failure to ensure that Aboriginal remains were treated respectfully, either then or now, with appropriate markers or memorials. b. The City of Melbourne should explain how it proposes to protect the Aboriginal remains still b. The City of Melbourne should explain how it proposes to protect the Aboriginal remains still buried at the market. c. The City of Melbourne should explain how it proposes to ensure respectful interpretation about both present and past Indigenous remains. d. The City of Melbourne should ensure appropriate memorial/s at the Melbourne General Cemetery.

Respectfully Meyer Eidelson President Middle Park and Albert Park History Group

**END**