BAL-001 -002

Yoorrook Justice Commission

BALERT KEETYARRA OF UNCLE JOHN (JOHNNY) LOVETT

Introduction

1 My full name is John (Johnny) Maxwell Lovett. I was born in 1947. I am a Gunditjmara and Boandik man.

2 I have worked with Counsel and Solicitors Assisting to prepare this this Balert Keetyarra (Witness Statement) ahead of the Elders' truth-telling Wurrek Tyerrang (hearings for the Yoorrook Justice Commission (**Yoorrook**).

3 This Balert Keetyarra concerns my experiences as an Aboriginal person in Victoria, including:

(a) the experiences of my family and community living on and around the Lake Condah Mission;

(b) the war service of my father and uncles in World War I and World War II;

(c) the treatment of Aboriginal veterans and their denial of entitlement to land;

(d) the impacts of colonisation on my family and community, and other Aboriginal families and communities;

(e) my experiences in music and sport;

(f) the racism that Aboriginal people have experienced and continue to experience;

(g) my involvement in the Gunditjmara native title determination, and Budj Bim's heritage listing and the recognition of traditional owners' rights;

(h) the lack of accountability of the State and Federal governments.

4 During the course of preparing this Balert Keetyarra (Witness Statement), some questions have arisen, which I understand will be the subject of requests for documents (including Notice(s) to Produce). Given the possibility that further

documents will become available, I have been advised by the Solicitor Assisting team that:

(a) additional documentation relating to this Balert Keetyarra may be tendered in future; and

(b) it is possible that I may be recalled at a later Wurrek Tyerrang (hearing).

Background and family

5 I was born in 1947 in Hamilton in the south-west of Victoria. I still reside in Hamilton today, but I have been all over the place around Victoria and interstate, and I have a connection to a lot of people and a lot of Country.

6 I am the last living grandson of Hannah and James Lovett, who were born in 1854 and 1855.

7 My parents are Herbert Lovett and Emma Foster. I am one of their six children.

8 When I was growing up there were always lots of people around, there were about 20-30 people between the families. Some of the old uncles lived with us, and my grandmother also lived with us for some time before she passed away. There were so many people. I had lots of uncles and aunties, but they were like fathers and mothers to me, because that was tradition. I never went without a father, because I always had a father and a mother somewhere. They were very strong and honourable men and women.

9 When I was born in 1947, after my father came home from World War II, I was one of the very few babies around at that time. Uncle Freddie and Aunty Mary lived 200 yards from where we lived. So I was very spoilt in a lot of ways. I got carried around a lot and fed a lot and was very seldom smacked. Maybe that's what's wrong with me today.

10 I remember a lot of stories from the old people, in particular my father and uncles who would sit around the woodheap together. They were men of great character. They were strong men, and yet they didn't have to talk a lot. They just sat around and enjoyed each other's company. In an hour that they sat together, rolling smokes, they might only spend five minutes talking.

11 I attended Heywood Primary School and Heywood Secondary College. I was the only Aboriginal student at both schools. Being the only Aboriginal student was pretty hard at times. There were a lot of times that I didn't want to be there. You didn't have much fun in the classroom, or outside of it either. I had enough of it, so I left the secondary school in my second year.

Lake Condah

12 Lake Condah is a very special place for the Gunditjmara people. It was on that Country near Lake Condah where the Eumeralla Wars were fought between the Gunditjmara people and the white settlers in the 1830s and 1840s, which led to more than 6,000 Aboriginal deaths. There were originally around 59 clans on Gunditjmara Country, but there are only 10-15 clans remaining today. We still connect by remembering the clans that are gone.

13 The Lake Condah Mission (**Mission**) was established in 1867. When they started forming the missions, Lake Condah became a very special place for Aboriginal people. Some people might not have come from here, but it became the only home they had. At that time, they were being slaughtered on their own Country, so even though they were forced to go there, the Lake Condah Mission became a safe haven for them. Some photos of the Aboriginal people on the Mission, which I keep in my home, are at **Annexure A**.

14 My family grew up on the Lake Condah Mission. My father was born in 1897 and raised on the Mission, and my mother's family was one of the early families to be settled on the Mission.

15 The Lake Condah Mission was closed in the early 1900's, to distribute the land out for soldier settlements. The government handed out parcels of land to white people for farming use. The Aboriginal people living there were forced to leave the Mission and were dispersed to other areas.

16 The closure and white settlement of Lake Condah disrupted the everyday lives and traditions of the Aboriginal people that were living there. When I was growing up, I had to hunt if I wanted to eat. It was 'catch and kill', so we would fish and catch eels, but it meant that we didn't have tucker all the time. That was just our everyday life. We didn't have a car, we walked everywhere.

17 It became hard after white settlement on Lake Condah, because they constructed fences on all the neighbouring properties. If I wanted to eat, I became a trespasser.

War service and soldier land settlement

Service of the Lovett brothers

18 My father was a Gunditjmara and Bunganditj man. He was one of the thirteen children of Hannah and James Lovett.

19 My father and four of his brothers, Alfred, Leonard, Edward and Frederick, were the only brothers, black or white, to serve in both of the two World Wars and fight for the British Empire. They were also the only group of brothers, black or white, to serve together in both World Wars, which is documented in the War Museums in London and New Zealand. Many members of the next generation of my family also served in World War II, including the first female family members to serve, Alice Lovett and Pearl Lovett. Since then, 21 members of the Lovett family have now served in the Australian military forces. All have survived.

20 Some photos of my father and his brothers who served in the wars are at **Annexure B.**

21 My father enlisted in World War I in 1917. He was 19 years old at the time, and he had to get his parents to give signed permission for him to go. Australia had an 'all-white' policy, and Aboriginal people were unable to sign on to fight in the war. They later changed the laws so that Aboriginal soldiers who had white blood in them could sign up, and my father and his brothers enlisted.

22 In 1916, there were 11 Aboriginal men who marched up to Hamilton from the Lake Condah Mission to sign up to the army to enlist. Some of them were signed up on the day, but within two weeks after signing up, some were dismissed as being 'unfit', even though they were physically some of the fittest men in the district. It had nothing to do with being unfit, it was because they were too black. They all played football, and they ran a lot, so it was very hard to believe that they were unfit. There was a lot of racism in that area, and they were very dark skinned. My father and his brothers were allowed to enlist because the recruitment officers deemed that they had enough white blood in them, because there were white people on both parents' sides. A copy of a Recruiting Office record reflecting this is at **Annexure C**.

23 When my father was around 15 years old, he was walking down the road coming into Heywood from the Lake Condah Mission. He heard a noise, and he didn't know what it was, so he ran into the bush and hid behind a log. As the noise got closer to him and went past, it turns out that it was actually a car. He had never seen one before in

his life. When the car went past, he got out and then he followed it for 4 miles looking at it to try and work out what it was.

24 Five years later, three months after enlisting, he was operating a machine gun on the Western Front and seeing planes and boats a lot bigger than bark canoes. It must have been something beyond his imagination. I don't know what he would have thought.

25 Back then, a machine gun was the most sophisticated weapon in the war, so he was a target all the time. He was at the Hindenburg Line, which was the last defensive push by the Germans.

26 My uncles were Light Horsemen in Gallipoli and stuff like that, they were also targets. They were really in the thick of the battle.

27 My father joined up again in World War II and was in the catering services.

Aboriginal soldier settlement

28 When my father returned from his service in World War I, he came home to find that the Lake Condah Mission had been closed. The Mission was closed so that the land could be allocated to returned soldiers. Despite the fact that my dad had fought in the war, he was not allocated a parcel of land, because he was Aboriginal. He was denied a life simply because someone thought he didn't matter, and other Aboriginals didn't matter.

29 I recently found out that around 1900, there was a big drought up in the Northern Territory, so the government leased part of Lake Condah to a person up there so they could send their horses down and feed them on the Mission. There were about 80 horses that were sent down by train to the train station at Milltown from the Northern Territory. There was an old man, Norm Black, who was good friends with my father, and I sang at his funeral when he passed away. He was the man who took the horses off the train at Milltown and brought them down to the Mission. Lake Condah had around 2,000 acres, so there was a lot of area to keep the horses. But they couldn't give any land to my father or any other Aboriginal returned soldiers.

30 In around 1946, after his service in World War II, my father wrote a letter to the government making an application to receive a block of land at the Lake Condah Mission that was being cut up into blocks under the Soldier Settlement Act. The letter

was written from the army camp at Tocumwal in New South Wales, and it had an official stamp on it. It said:

> *"Dear Sir,*
>
> *I am writing to you to see if you could give me any information regarding the cutting up of Lake Condah Mission Station into blocks for Aboriginal Serviceman of this War. If same was being done I would like to make application for a block.*
>
> *Awaiting your early reply.*
>
> *I remain yours truly.*
>
> *Y5180*
> *Private H S Lovett 2nd Sub Depot*
> *1st B & D Tocumwal, New South Wales"*

31 A copy of that letter my father wrote is at **Annexure D.**

32 He never received a reply to that letter. There were 37,000 soldiers that returned from the war and were given settlement blocks, but not my father or uncles.

33 My father was very proud to be a soldier and he had a lot of good mates who he fought in the wars with. They were comrades in arms, and the distinction between white and black didn't matter. It wasn't an issue between them, but it was an issue created by the government. They came home from the war and were back to being black.

34 To this day, I don't know whether my father or my uncles ever received any kind of war pension or anything like that.

35 It was a form of racism and a form of prejudice against Aboriginal soldiers, even though they had served their country and made applications for soldier settlements.

36 My father never said anything derogatory to me about the soldier settlements and the fact that he was not given any land. I never heard him condemn or resent anyone else for having land, but it must have hurt him, because the land that they got was his traditional land and it was a part of his culture. To get to the Gazette Station at Penshurst, where worked for a while as a stockman mustering cattle, he had to walk through that Country from Heywood where we were living and walk past the area where all those white people were holding that land.

37 But he was the kind of man who got on with what he was doing. He never complained about a lot in his life. He just went about his business surviving and fulfilling the role of being a responsible man and providing for his family.

38 There were other returned Aboriginal soldiers around the area who felt resentful that the land at Lake Condah was being cut up for soldier settlements, and that they were denied the opportunity to receive any of that land. A copy of a Hamilton newspaper article from 1956 that reflects this is at **Annexure E.**

39 In August 1947, my uncle Samuel wrote a letter requesting to rent one acre of land on the Lake Condah Mission Reserve for agricultural purposes. A copy of that letter is at **Annexure F.**

40 On 3 September 1946, the Secretary of the Heywood sub-branch of the Returned Sailors', Soldiers' & Airmen's Imperial League of Australia wrote to the Minister of Lands, advising that the sub-branch had passed the following motion:

> *"That the proper quarters be approached with the view of trying to have the Condah Mission Station cut up and given to the Aboriginal and half caste returned servicemen with the view of settling them under a scheme similar to that of the Soldier Settlement plans."*

41 The Secretary of the sub-branch requested support for this motion, on the basis that they:

> "*[C]onsider that these men should be given the opportunity to settle down and reap the benefits due to them from a grateful country*."

A copy of that letter is at **Annexure G.**

42 On 18 September 1946, the Minister of Lands wrote back to the Secretary of the sub-branch, stating that:

> *"With further reference to your letter of the 3rd instant, relative to a resolution passed by your Sub-Branch urging that the Condah Mission Station site be subdivided and allotted to aboriginal and half-caste ex-servicemen, I desire to state that I have investigated this matter and, in the near future, the Government will consider the advisability of revoking the reservation of the site in question so that the land may be used for Soldier Settlement purposes.*

It is pointed out, however, that it would be very difficult to set this area apart for allotment to one type of ex-serviceman only but, if the land is made available, applications received from eligible aborigines and half-castes would be considered and dealt with on their merits."

A copy of that letter from the Minister of Lands is at **Annexure H.**

My father's life after the World Wars

43 After my father returned from World War II, he was given a piece of land by a local organisation called the 'Uplift Society' up in a little place called Greenvale, just 4 miles outside of Heywood at a place called Sunday Creek. He went and bought two condemned houses from the Lake Condah Mission, and they charged him 40 pounds for them. He dragged them through the bush to Greenvale with a horse. Before he could build it, he had to go into Heywood and get the local Constable to come out and supervise him as he was building the house. The man just came back from a pretty heavy conflict overseas, and then has to go and get a local to come and supervise him as he builds his own house for his family. It is common knowledge.

44 My father then worked various jobs to support our family. He was here and would go off again to work. I grew up without him being around a lot.

45 At one point he was working at the Gazette Station in Penshurst, living on the property in a tin hut with 16 dogs. I used to go and spend time around there when I was about 12 years old. I would saddle and ride horses around the station to muster cattle. Nobody ever asked me if I could ride a horse, I was just expected to ride it.

46 The tin hut that my father lived in at Gazette Station had no electricity. If I wanted to have a bath, my father would have to go out and pump water and heat it up.

47 The station owner was a man who lived in a 23-bedroom mansion with his housekeeper. During the lambing season, he went to Melbourne and bought a Rolls-Royce 'Silver Ghost'. He drove it around the paddocks at the property and was throwing lambs into the back of it. Meanwhile, my father, a man who had served in two world wars, was living in a tin hut that was no better than the kennels the dogs lived in.

48 He retired in around 1962 and returned from Gazette Station to live with our family in Hamilton. We lived on Station Street, in a very small and dilapidated house. The

place next door was a little factory where they hung the skins of dead sheep for drying. The smell from that was always awful, especially during the summer.

49 When my father died, he was covered by the Australian flag, and the Last Post was played as he was lowered into the ground. If you were coming through the cemetery gates on the day of the funeral you would have thought he was a white man being buried, except for the fact that there were a lot of Aboriginals standing around. He wasn't allowed to even pass into the next world without being classed as a British subject or an Australian Citizen.

50 When I think back to some of the phrases that were used about my father, one gentleman, with the best intentions, said to me one day, "*Herbie Lovett was a white man*". Now, my father was never white, but the man that said that to me meant it in the utmost context of respect for my father, so it was very hard to take offence to what he said. But that was Herbie Lovett to him. It was the same man that was my father to me.

51 My father's service in the military is widely recognised in the community. In 2013, my father and his brothers were added to Victoria's Indigenous Honour Roll.

52 There is also the Lovett Tower in Canberra which was named in 2000 by the Aboriginal and Torres Strait Islander Commission to honour the Lovett family. That building now houses the Department of Veterans' Affairs. In 2017, when they celebrated 100 years of ANZAC, I attended a dawn service in Port Augusta. I got talking to some people there and they realised who I was and made the connection with my father.

53 Following that, they invited me to speak at the RSL Club at Port Augusta. When I walked into the RSL, they had displayed photos of my dad and my uncles. That was a pretty big thing, and I felt really proud. All the mob there were rapt, and they classed me as a brother.

Language

54 We don't speak language today. When my dad and his brothers were sitting at the woodheap, I didn't hear them speak language. I believe that this is because of the way of the old days, when their mothers and fathers saw the change coming. They had started taking Aboriginal children on Lake Condah Mission and putting them in dormitories and they were not given back to their parents or given any rations until they promised they would not teach their children song, dance and language.

55 I believe that is why I don't speak the language. The grannies stopped teaching the children language to protect them, because they didn't want us to be persecuted and condemned for it. Not everyone would agree with me, but I truly believe they had our best interests at heart.

56 Some of the traditional mob thought that those who don't speak language don't deserve the respect. I've come across a lot of that in my travels. It is sometimes as though if you don't have language, you're not a part of the people. The people who speak language don't realise how rich their lives are with it.

57 There has been a lot of research conducted of language from different areas. I find it difficult to understand how research can be done of a language that has never been written. The remnants of the language has all been written by white people. Robinson and Sievwright have tried and done their best, but they weren't linguists either.

Impacts of colonisation

White settlement

58 The impacts of British colonisation began when Captain James Cook and Arthur Phillip arrived on the shores of this country, stuck a flag in the ground and said, "*We take this on behalf of the British Empire*".

59 The Aboriginal people all became British subjects and became wards of the state of Britain, without one single conviction against us, which has never been lifted.

60 When I was in secondary school, we were taught that Captain Cook 'discovered' Australia. There is a lot of history in this area and in others that have been left out of education curriculums regarding how we defended our Country because we belong to that Country, and it is ours. There is a great need to set that record straight.

Massacres and genocide

61 The Gunditjmara Country is where around 60% of the Victorian massacres of Aboriginal people took place in the 1800s. There are 140 massacre sites within a 100-kilometre radius of Hamilton. It wasn't just one or two people, there were hundreds.

62 My mob, the Gunditjmara people near Eumeralla River, were absolutely slaughtered. So were my other family's side, my great-grandfathers and grandmothers.

63 When you think about the Eumeralla War, some of the areas here have horrific massacre sites. There were a couple of good old warriors around here back in the day from the Eumeralla wars and they were clever men as well and I think the spirit still sort of lives. It still makes you want to fight for what's right.

64 She was a pretty hard place to live for my mob, the Boandik and the Gunditjmarra. It was a constant battle to survive, to the point of we fought a 22-year war on the Eumerella River and hoped to change things. We sort of got recognised as a fighting mob and I think not only us, but Aboriginal people right across this country had the same determination to survive and to survive white settlement, and they did and hats off to all of them.

65 They were pretty ruthless. Aboriginal people had things put in their rations and mix things up when they came to the stations for their handouts, arsenic in the flour and 'Plaster of Paris' too. When they died, they just picked them up and chucked them in the river or burned them.

66 There is a Reservoir now at the site of the Konongwootong massacre. The bones of Aboriginal bodies were found after the 1946 floods, because it is sandy and all that sort of thing. When the waters receded, all the bones and skulls of the massacre were exposed.

67 There is another local story where five white fellas supposedly witnessed an Aboriginal man committing suicide by hanging himself over a woman. They apparently stayed on their horses and watched it. There was a woman there, there's five white fellas there. That black fella, he never hung himself, they hung him. He was a traditional boy, what did he know about hanging? If he really wanted to die, he would have used a snake. They hung him for the woman. People need to wake up to themselves.

68 The Aboriginal people right across this country did not like war. We had the best weapon of all time that could have been used when white settlement came, but we didn't use it. That weapon was fire. We were so in tune with how we could use fire, and we could have used that knowledge to burn them all to cinders. We didn't do that, because we were not that type of people. That is something we have never been given credit for.

69 They cut off heads of Aboriginal people and sent them back to Britain to be studied and they thought we were the dying race.

70 When the Maralinga explosions went off, there were more than 22,000 body parts stolen out of hospitals for in South Australia. It didn't come up until the Secrecy Act was lifted in 2015.

Removal and control

71 When you look at the Stolen Generation and Lake Condah Mission and the people taken from that Mission and put into orphanages, it was generations of fathers and sons and daughters. There was a continuation.

72 White fellas can sit around and talk about the lineage and their families, their grandfathers and great-grandfathers, but we can't, because they were all gone. They took our language, song and dance, and they gave us new names and a blanket.

73 When Aboriginal people were put onto the missions around Victoria, they were told "*this is your lot in life, you have to do what we allow you to do, so be happy with it*". They had to get a permit from the Aboriginal Protection Board if they wanted to leave the mission to go and look for work, and they also had to get a permit if they wanted to come back.

74 Who was going to protect us from the Aboriginal Protection Board? They were there to supposedly protect us, and we needed protection from them.

75 Not only were Aboriginal people not allowed to own land, they also weren't allowed to own any personal property. My grandfather had a crystal radio set, because he was blind. When he passed away, the authorities went to my grandmother's house and asked for all of his rations that he had been given, including his shirts, singlets, boots, trousers and the crystal radio set. They took everything back, simply because they were acting on legislation that said that Aboriginal people could not own anything, and everything belonged to the Queen. Aboriginal people could not even own the shirts that they wore.

76 When the Lake Condah Mission was closed and the land was distributed for soldier settlement, we could no longer access and use the land the way we had for thousands of years. When I was growing up, all the Country at Lake Condah was taken. If we wanted to go and catch a rabbit or a fish, we became trespassers on white people's places. We lost that Country to them.

77 In the early days, Aboriginal people would often roam around from town to town to look for work. They would go and camp behind the local church for the night, which

they thought was the safest place to be. They would then be picked up by the police and charged with vagrancy. If they didn't have a silver coin in their pockets, they would be charged. Then there were also the laws around consorting, which allowed Aboriginal people to be charged with consorting with a known criminal. This meant that you couldn't spent time with your own brother. These Vagrancy Acts and consorting laws were designed to control Aboriginal people.

Aboriginal deaths in custody

78 Aboriginal deaths in custody are something that has touched everyone in the Aboriginal community. It is an issue that has been around for a long time and is still a big issue today.

79 The original deaths in custody have been around since 1788. It continued with the establishment of the missions. The Aboriginal people who died on those missions had no choice as to whether to be there and had no freedom of movement.

80 People have been known to die from separation from Country, let alone separation from their families. That is something that needs to be recognised.

81 The recommendations made by the Royal Commission into Aboriginal Deaths in Custody have hardly been addressed at all. There are still so many Aboriginal deaths occurring in custody to this day.

82 My brother in law's brother died in Echuca. The police went around and said, "*we've got a warrant for you*" for some unpaid fines. It was so urgent, that they asked if he could walk down to the station. The police jumped back in the car, and he walked down there. He got to the station at around 2.30pm, and that was the last time that anyone checked on him. By 5.00pm, he was in a critical condition, because he was a diabetic, and nobody had checked on him or given him any food to eat. They took him to the hospital, and he died the same day. A lot of them died because of a $10 fine for being drunk.

83 I spent six months working at the Victorian Aboriginal Legal Service in Melbourne. I was a metropolitan field officer, which meant that if any Aboriginal people got arrested in Victoria, I got the first phone call about it. A couple of years ago, there was an incident where the police here in Hamilton had a young fella locked up for 8 hours, without giving him a phone call to the legal service or anyone else. I went down there and ripped into them, and they acknowledged that they should have

made the phone call. I believe that it was deliberate by the people that did it, because a lot of this still goes on.

Sport

Tent boxing

84 When I was around 12 years old living in the bush at Heywood, I started boxing with a trainer up in Hamilton called Tommy Moore. He trained me up and I would often stay with him and his wife. He was a great man to me, and to all of us that were in his gym. A newspaper clipping that mentions Tommy Moore and his boxing gym is at **Annexure I**.

85 As a teenager, I was involved with various tent boxing troupes, which was a form of entertainment at country town agricultural shows. I travelled around with troupes owned by various well-known people such as Billy Leach, Jimmy Sharman and Fred Brophy. In around 1970, a 'This is Your Life' was done for Billy Leach here in Hamilton and talked about his tent boxing troupe. I was around 30 years old, and I was living in Western Australia at that time, but I came back here for it. Lots of people turned up from different areas to be part of that show.

86 It was a hard life in the tent boxing troupe, because you moved around a lot, and you didn't get the greatest meals. One thing I will say for the tent fighters and the tent crews that travelled around with us is that they fed a lot of Aboriginal families around Australia. The saying was "*a round or two for a pound or two*", so Aboriginal men and some poor white men would get up and fight to earn some money. Some of them survived on that income and they relied on it.

87 Everyone in the towns looked forward to the shows. The tent boxing was all for the entertainment of the crowds. All the tents paid. You looked after people who were your opponents when you knew they couldn't fight. Some had no experience and couldn't fight. The worst ones were those who thought they could fight, they were all white of course. They'd be drunk and would show off in front of people. In the old days we had 2 sets of gloves. There were 15 ounce and 8 ounce. You put on the 8 ounce gloves on for all the smarties, and give the 8 ounce to them. 15 ounce is like hitting a pillow. You had to learn the quirks.

88 People used to come to this town to see me and my brothers fight. When Sharman and Leach came into town here, our house was the first door they knocked on to ask us to come and fight.

Racism

89 Sport has provided Aboriginal people with opportunities. They have been allowed to participate and excel. But racism towards Aboriginal people has been around for a long time in the context of sport, particularly in Australian rules football. My brothers and cousins played football around here. I know that they would walk four miles to get to training, and their teammates would drive past them and would not give them a ride.

90 In 1956, Heywood won the grand final. My cousin, Jacky Lovett, won the game for them in the third quarter. When they went and celebrated afterward at the Heywood pub, he had to stand out on the footpath while his teammates handed him beers through the window. He wasn't allowed into the pub because he was Aboriginal. There was a fair bit of segregation and racism in this town.

91 Even at the highest level in sport, there have been lots of examples of racism towards Aboriginal people. It stems back to the old days when Doug Nicholls played for Carlton, and the trainers didn't want to rub him down because they were frightened that the black would rub off on their hands. When Rob 'Mad Dog' Muir played for Collingwood, there was a point in time where they had to lock him in the car and leave him underground and wait until all the supporters went home before it was safe for him to leave. I know that others like Barry Cable and Polly Farmer copped a lot of racial abuse as well, but they never came out and said anything about it. It has been around for a long time.

92 It also becomes an issue when a high-profile Aboriginal player gets a lot of attention from the media, and there is then a big focus and a lot of pressure on them. There are also very ugly crowds in the AFL that can be very racially abusive. In more recent times, players like Adam Goodes, Cyril Rioli and Eddie Betts have all copped racial abuse from the crowds.

93 It goes to show that even the high-profile players don't escape it. The media plays a big part in this, especially where Aboriginal people are concerned.

Experiences with racism

94 When native title came about, I was at one of the pubs here having lunch with my wife. Two drunken white fellas walked up into the lounge where we were sitting, and they asked "*what's this about native title?*". I told them that if they have five minutes, I would tell them about it. They said to me, "*all I know is that if you came on my dad's*

property, he would shoot you." They then went back into the bar, and someone told them, "*the bloke you just spoke to is Johnny Lovett*", so they came back out and apologised.

95 I think that the majority of racism and racial abuse is handed out by people who have never met an Aboriginal person in their lives, but they have preconceived ideas about what Aboriginal people are.

96 Growing up, sometimes you would walk in the pub and see the looks, in any of these little towns, Coleraine, Penshurst, it's the same. I didn't mind it at all actually. I was always up for a challenge. I didn't need a drink in me to do it either, and my brother was the same, and a lot of Aboriginals were the same too. You want to bring it on, bring it on and settle it like that. But after the event, some people became a lot wiser and friendlier towards us, so it served a bit of a good purpose. My mum and dad were never too happy about us squaring up. Dad might have had a chuckle on the side, but mum never liked us getting into a fight.

97 There's an elderly gentleman, a white gentleman, down there in the south-west at a little place called Branxholm who will tell you about a time that my father and his brothers weren't allowed into the hotel at Conah. They were refused a beer in full uniform. They went in anyhow. A bit of a barney started, and they took control of the hotel and closed the doors and drank until they felt that they'd had enough and then produced their service pistols and shot the bottles off the shelf.

98 Nowadays, I take great pride in my tourism. I talk and I gave a welcome to my country in the showgrounds here, and there were around 300 people here, I was the only Aboriginal. I said, "welcome to my country". There was a bloke sitting next to my mate, who didn't know that he was my mate, and he said, "*what is he talking about, 'his country'?*". My mate said "*well, go up and tell him that it's not his country and see what happens to you*". I don't intentionally insult anyone, but I said I have to say this, that I'm in nobody else's country but my own, and everyone else is in my country. That's fact, it's not fiction, and it's history. I usually slip that one in every chance I get to let people know.

The Stolen Generations

99 I can name 26 people that were taken off Lake Condah Mission. I was also taken from Sunday Creek. The people came back out of that not knowing their families.

100 I saw a cousin of mine, Doretta, at a funeral last year, and that was the first time we looked each other in the eyes in 62 years. The last time I saw her was in the backseat of a police car when we were being taken. I was 10 years old, and she was about three months old. Her brother, Douglas, was also in that car, and he was about 3 years old at the time. I saw him later when he was 34 years old.

101 I was taken to the Royal Park Orphanage. I don't remember how long I was there for. Some of it is confusing. It was my first time being away from my parents and away from my family. It was hard to tell how long it was, being a 10-year-old, with all that trauma. You can't think about weeks, months or years.

102 One of my cousins was also in the Stolen Generation system and was in an institution in Ballarat. When he died, he was brought home to Lake Condah. He was 57 years old, but his records showed that he was still a ward of the State.

103 The families of the Stolen Generation children need to be able to access some kind of compensation. It will not bring their parents back, but it can make their lives a little bit easier. Not much easier, but a little bit. They will always have to live with the issue of not having their parents.

104 I believe that in Victoria, the government truly wanted to wipe out the Aboriginal people to the point where there would be no knowledge of them. The Victorian government were so intent on dispersing Aboriginal people, and when they used the word dispersing, it also meant killing and massacring them.

105 If you look up the definition of an act of genocide, then the Stolen Generation and the systems that were in place around that are the closest thing you will ever get to that. Genocide is when people interfere with the lifestyles of a certain race or culture or religion of a peoples, and then it becomes genocide. They took Aboriginal kids from their Aboriginal families, stopped Aboriginal customs, traditions, law, spiritualism and religion. They totally obliterated whatever connections Aboriginal people had to Country and family. I don't know how the government has never been brought before the Courts for that act.

Native title and World Heritage Listing

Budj Bim[1]

106 The Budj Bim National Park is in the middle of the Gunditjmara Country. It is a very old place. Budj Bim was one of the many volcanoes in the south-west of Victoria. 'Budj Bim' means "high head" in the Dhauwurd Wurrung language.

107 We had a story that there was a giant that lived here, and that giant used to kill the warriors. A woman asked to have a meeting with the giant, and prior to the meeting the people placed all these poisonous snakes around where the meeting was to take place. They sat him amongst the snakes, and he ended up being bitten and he died. They carried his body to the coast just down from here and pushed it out to sea. The rock that is out there now off Portland, Deen Maar, is that giant. Today, that is called Lady Julia Percy Island.

World Heritage Listing

108 In 2019, the Budj Bim Cultural Landscape was listed on UNESCO's World Heritage List for its Outstanding Universal Values. Those 'values' were one of the world's oldest aquaculture systems constructed by the Gunditjmara people 6,600 years ago. The eel traps they built would catch the eels and fish in sinkholes that formed naturally as part of the lava flow. The most amazing part of this to me is that the people could tell where to put these rocks on different levels, without any mechanical thing to rely on. They did it all by eye and sight.

109 So many stories have been told about us as people, that we were nomadic and we roamed around, and we hunted kangaroos and emus with a boomerang and spear, and that was our lot in life. But we had a much more sophisticated life than that, and it is never told to the extent that it should be.

110 There were stone houses on Lake Condah that the Gunditjmara people nearly 7,000 years ago, and they are some of the oldest structures in the world. They were circular houses with the door facing east, because all the prevailing winds and rains came from the south. Some of these stone structures dated years back 3,000 years before the pyramids were built.

[1] See video 'Preserving Budj Bim's rich cultural heritage and languages': https://www.delwp.vic.gov.au/media-centre/media-releases/preserving-budj-bims-rich-cultural-heritage-and-languages

111 What we are looking at today that makes Budj Bim 'World Heritage' is our culture, but that is our culture and was our everyday life.

Fight against Alcoa

112 In the 1980s, two Gunditjmara women, Sandra Onus and my cousin, Christina Saunders (then Frankland), challenged a mining company called Alcoa to prevent them from damaging Gunditjmara cultural sites. Alcoa was proposing to build an aluminium smelter on the land near Portland. The land there contained the relics of Aboriginal occupation that were of great cultural significance to the Gunditjmara people.

113 The case ended up in the High Court. They had to prove that they had a 'special interest' in protecting the cultural heritage of the land, and they were successful. The High Court recognised that the Gunditjmara people carry responsibilities from their ancestors that specifically related to this part of Victoria.

114 It was a recognition of connection to Country, traditional ownership and our cultural heritage, which then paved the way for the native title claim that was later brought about in the 1990s.

Native title

115 The Gunditjmara native title claim was a very important and historical claim. We lodged our native title claim in 1996 and entered into negotiations with the government in 2002. The Federal Court judge who was hearing the case, Justice North, came in when the negotiations stalled and moved the case from a mediation to litigation. This pressured the government to come to an agreement with us.

116 The case that was lodged to have native title determined was called *Lovett on behalf of the Gunditjmara People v Victoria* [2007] FCA 474.

117 We had the Federal Court come and sit out here to hear the case. It was held by the Court that native title should be granted, based on the evidence that the Gunditjmara had built an aquaculture network, which showed that there was a long-standing connection with the Country. There was also evidence about our heritage and the heritage of the area. We were able to prove that connection to the land.

118 Native title was recognised across 2000 parcels of land, totalling 1,400 square kilometres of land area.

119 Even though it was successful, there were a lot of difficulties in bringing the native title claim. It took 11 years in total for native title to be agreed on. I couldn't get my head around the fact that we had to prove connection to Country from 1788. We had to get reports from anthropologists, linguists and historians to prove our connection to Country. We have stone structures on Lake Condah from around 7,000 years, before the pyramids were built, and then we had to prove that to the people who stole all of that from us.

120 Mabo gave us hope. But there must have been better ways for it to have been picked up in other parts of Australia. Why force us to go back to 1788? They should have just asked around, asked the Elders. We're still here. We can vouch for each other. We can explain whose country is whose.

121 The native title determination recognises our land as being Gunditjmara Country. It puts local tribes, councils and private land users on notice that they now have to deal with us as a people when they want to do whatever they used to just think they had the right to do. They now have to negotiate with us and come through the proper channels instead of thinking they can just go and dig this up and dig that up whenever they want to. They now have to come to an agreement with us, and we have to be involved in all of that.

122 But it is limited. Lake Condah is the only native title area where there are no Aboriginal people living on the land. We haven't got any people living on our whole native title Country. I can't go and live on Lake Condah. There are padlocks on the gates. All my psychological healing is out there in that area, but I have to go and get a pair of bolt cutters if I want to get into that Country. There are still lots of things we can't do. I think we need to revisit these sort of things.

Connection to Country

123 It is important to get to know as much as we can about ourselves and who we are as people, so that we go through the rest of our lives and our grandchildren have a strong connection to Country. They know the importance of this, and they are seeing it now. If we don't know a lot about ourselves, then we don't know a lot about anything else.

124 I know how much these young fellas want to dance and sing, but you have to do it the proper way. You can't just go and do things, because there's still a lot of culture in that bush out there. It can harm people if you treat it with disrespect. These things

need to be acknowledged because it's part of our culture. It was here before white people, and it will be here after we're all well and truly gone, because it's been here forever, and it will stay here forever. Who we are as Aboriginal people is there and it's everywhere.

125 Having a connection to Country is not just walking out there and having a feed of kangaroo, and then getting back in your car and driving back to town. You need to take that Country with you when you go back.

126 I grew up with lots of fathers and mothers, because that was tradition. Even today, amongst the mob where I live, I consider myself everyone's grandfather and I say to them, "*I'm your jamu*". I'm not their uncle and they aren't my great nephews, they are closer to me than that. I want to take them out there into the bush and sit them down and talk to them. I don't want to leave them with nothing.

127 A bit of funding would help, we could do camps, that sort of stuff would help. I've got a mate who is a roo shooter so we could get plenty of meat, and we can fish and catch eels and taste roo meat and all that stuff. That's the sort of stuff we need to be doing. It was part of our everyday life but then it became hard because when white settlement came.

Citizenship and sovereignty

Citizenship Opinion

128 I was born in 1947, which was one year before the *Australian Citizenship Act 1948* (Cth), which does not apply retrospectively to Aboriginal people who were born before that Act came into place.

129 A couple of years ago, I told my lawyer Tim Campbell, that I wanted to find out more about my citizenship status. We researched 234 Acts and concluded that I am not an Australian citizen. We prepared a Citizenship Opinion paper that set out all that research. A copy of the Citizenship Opinion paper is at **Annexure J**.

130 I sent the Citizenship Opinion to Dan Tehan, who was previously the Minster of Veterans' Affairs, but I never received a response. I also sent it to the Federal Immigration Minister, Alex Hawke. He just redirected it to the Department of Home Affairs. The Department of Home Affairs rejected the Citizenship Opinion and said, "*the Department does not agree with the legal opinion supplied by Mr Lovett*."

131 I also sent it to Michaelia Cash, who sent me a letter back. The letter was not even worth reading, and it was like she had not read the information properly or something because she was talking about some other case in the High Court that is coming up.

132 I have some very good friends who are non-Aboriginals, and I meet with them every Friday. When I told them that I wasn't an Australian citizen, they were horrified. I told them that I don't want to be an Australian citizen and they asked me why not. I said, we weren't given the choice of being who we wanted to be. What's happened with the Stolen Generation is the closest act of genocide that has ever happened, and yet we've never had an opportunity to have it addressed at an international level. We have never been able to speak to international bodies.

133 I am quite happy not to be an Australian citizen. Aboriginal people who are Australian citizens need to have aboriginality in front of that, and they need to be given a choice. We weren't given the choice of being who we wanted to be.

134 I'm not enrolled to vote. Even if I could, I don't want to.

135 I've designed a flag, which is on the side of my 4WD. A photo of this flag is at **Annexure K.** I've always questioned the kangaroo and emu being on the Australian crest. They're very significant animals in Aboriginal culture and law. I've actually asked members of Parliament who gave them permission to use it. Nobody can ever give me an answer. It's just another way of them wanting to control whatever they can regardless of what it means to Aboriginal people. The crown is very much part of the structure of Aboriginal heritage.

Dealings with and accountability of the government

Lack of government accountability and action

136 The government very seldomly tries to do anything about the problems it has created. We have Ministers of Aboriginal Affairs at the State and Federal level, and yet they never seem to be there purely for the purpose of improving Aboriginal people's comfort, life, social structures and future.

137 I've watched Ken Wyatt in Parliament on television, but I haven't seen him being asked many questions. That's how important Aboriginal issues are to those within Parliament, and yet we've got the highest unemployment, education and housing issues.

138 In 2008, I was invited to Parliament House in Canberra to witness the apology given by Kevin Rudd. There were so many people there, wearing red, black and yellow, and in the end you couldn't tell who was black and who was white. I knew some pretty tough fellas who were there in that room, and they were crying like babies. That's how moving it was. But they let us down again. We waited five years to see what was going to happen after that day. They gave us an apology, but by five years later they had given us nothing else.

139 To this day, there are still monuments places and named after the perpetrators of massacres of Aboriginal people. One example of this is 'Whyte Street' in Coleraine. I'm fighting against the Southern Grampians Shire Council to get the name of that street changed, because Whyte was the perpetrator of the Konongwootong massacre out there. It is such a damaging thing. The same man went to Tasmania and became the Premier.

140 It was the same situation with Horatio Wills, who was involved in a massacre of around 730 people. This would never be tolerated in any other circumstances that didn't involve Aboriginal people.

141 The Uluru Statement was pathetic and ended up nothing like it was intended to be. Ken Wyatt stood up in the middle of traditional people, which was a terrible insult to them. He should have advisors who are traditional people advising him on things he shouldn't be doing in the presence of Aboriginal people of high regard.

142 Terrible things have also happened in the Northern Territory. I was horrified by what happened at Don Dale. Nobody seemed to want to do anything about removing those kids from that place, and nobody thought about *habaes corpus*.

143 There was also the shooting of Kuminjayi and another shooting not long after that. The policemen were found not guilty.

144 Not one policeman or prison officer has been put in jail since the Royal Commission into Aboriginal deaths in custody. There were 339 recommendations, which have never been fulfilled, and a lot of them haven't even been looked at.

145 If the government wants to make this place better for Aboriginal people, they need to do it properly and be genuine about it.

Dealings with government

146 There are a lot of Aboriginal people, like Doug Nicholls, William Cooper and Aunty Christina Saunders to name a few, who have done things to try and make things better for Aboriginal people. We are all trying to do our bit to make things better.

147 I have had a lot of dealings with State and Federal Ministers. I had dealings with Warren Snowdon when he was the Minister for Veterans' Affairs. He initially didn't want to meet with me and would not acknowledge any of the letters I wrote him. I went to Melbourne and met with the president of the RSL of Victoria and took all of my father's files with me. He read those documents and rang Snowdon's office to tell him that he needed to speak to me. I said thank you very much, and I got in my car and started driving back home.

148 I got as far as Skipton when I received a call from Snowdon's secretary in Canberra. She asked if I could be in Melbourne two days later, so I went there, and Warren Snowdon flew down and we ended up meeting.

149 But he was very arrogant, and it didn't turn into anything other than a political handball. The Commonwealth just says, "*we implemented soldier settlement, but we handed the responsibility to the State*". Each of them points to the other, there's a lot of back and forth.

150 When all that was going on, I threatened to go to Canberra to rip the name off Lovett Tower, which was named in honour of my dad and his brothers. I drove up to Lovett Tower in Canberra, and when I arrived there, I got out of the car and there was all this security around me. They asked how many people I had brought with me, and I said none, just me.

151 A security guard then asked if I would mind if he brought some people out of the building to meet me, because Lovett Tower is occupied by the Department of Veterans' Affairs. Some people from the Department then came out to meet me because I was one of the Lovett brothers' sons.

Compensation claim

152 I am in the process of making a Court application for compensation for the soldier settlement block that my father was denied.

153 I handed in a bill to the State and Federal governments of around $5.386 million for repatriation for my father. When they asked how I had arrived at that figure, I said with an accountant and a mathematician, and that the figure was made up of wages, cost of stock and all the things that other people had gotten from their soldier settlements.

154 I was denied a decent life and a decent upbringing, in the sense that other people who were not Aboriginals had been brought up on an Aboriginal land, and they got the benefits of being looked after and had a pretty comfortable life. I think at some point in time there needs to be recognition of the Aboriginal input into this country. It needs to be pushed by us as Aboriginal people, and it needs to be pushed by the wider community.

Hamilton Water Board

155 I recently had a meeting with the Hamilton Water Board. They put up some wrong information on a sign at Konongwootong, where the big massacre took place. The sign recognises the Aboriginal people that were massacred at the site, but it names the wrong tribe. When I told them they had it wrong, they at first said they might not do anything about it and might just leave it there. I told them that if they didn't change it, I would back up my 4WD, put a chain around the sign and pull it down. I told them that they can't just do nothing, because if they don't do something, I will. I think they were a little shocked. We're still meeting. I think the incorrect information was put on the sign out of ignorance, but then again, ignorance is not an excuse for anything.

Music and identity

Music career

156 I've been a singer for 63 years. Music has always been a part of my life. My father was very musical, and he was the choir master at the Lake Condah Mission. He played the organ at the church on the Mission.

157 Country music to me took the place of what I lost because it still holds the stories of families. I still sing songs from the old fellas that I heard when I was young.

158 Throughout my music career, I have been a solo artist as well as a band member of Black Opal, Wild Wood, and Lovett or Leavitt. I've performed in many places around Australia at numerous events, community fundraisers and festivals. A photo of me performing at a country music concert is at **Annexure L**.

159 In 1967, my brother and I were the runners-up in the national Hoadley's Battle of the Sounds music competition at Festival Hall in Melbourne. In the 1970s, my band Black Opal came equal first at the country music festival in Western Australia. I also won the Portland Offshore Male Vocalist of 1988 and the Major Award for Male Vocalist of 2010 at the 32nd Annual South Australian Country Music Festival in Barmera.

160 I've also played with many other artists, including Shane Howard, Archie Roach, Jimmy Little, Chad Morgan, John Rex Reeves, Joanne Cash Yates, Hank Sasaki and many more.

161 I was inducted into the Victorian Aboriginal Honour Role in 2018. My profile contains some more details of my music career.[2]

Maralinga[3]

162 'Maralinga' is a song I wrote 50 odd years ago. Maralinga is a place in South Australia where the British tested nuclear bombs in the 1950s. The people in the Aboriginal communities in that area were forcibly removed from their Country, and many were exposed to the radiation during the testing which caused many injuries and deaths.

163 When I wrote the song, I wrote the lyrics in English. I then took the song to a man called Yami Lester, who was a Yankunytjatjara man from South Australia. I drove up to Walatina Station to find him in the desert, and I sat and talked with him about who I should give the 'Maralinga' to, because I didn't want to give it to the wrong people. That has happened too often in the past, where people have taken parts of Aboriginal culture that don't belong to them.

164 Yami Lester pointed me towards the people in Port Augusta. I had been familiar with places like Ernabella ('Pukatja' is the native title name for it) and Fregon and those sort of places in South Australia. I have been adopted by the people at Ernabella. Some photos of me with my brothers and my nephew who live out at Ernabella (APY Lands) are at **Annexure M.**

165 In 2016, I spoke to the traditional people at Yalata and told them about the Maralinga song and how I wrote it. I told them that I wanted to gift the song to them, and they were pretty happy with that.

[2] See: https://www.firstpeoplesrelations.vic.gov.au/johnny-lovett#rpl-skip-link
[3] Audio of recording of 'Maralinga': https://unlikely.net.au/issue-05/sing-maralinga-253

166 We then went a step further, and we did the song in language. That language is Pitjantjatjara language from the central desert area. My partner, Joanne, speaks western desert language and central desert language, and she was involved in writing the song in language. We then went and recorded the song in language at Port Augusta, and the Umeewarra Radio Station. That's how the song came to be.

Gunditjmara People

167 I also wrote and recorded a song called 'Gunditjmara People'. I wrote this song in 1986 at the when I was running the George Wright Hostel. It has become an anthem for the Gunditjmara people in the south-west of Victoria.

Activism and community work

George Wright Hostel

168 In the 1980s, I ran the George Wright Hostel in Fitzroy, which was a hostel for Aboriginal men who had nowhere to go. They were all living in parks and empty houses, and many of them had alcohol problems and things like that.

169 The hostel had 19 beds, and I had 8 staff working for me. I ran the hostel with Jackie Charles, and Archie Roach was my projects worker. This was just before he was a singer.

170 I played in a band with my brother at a cabaret on Nicholson Street in Fitzroy during NAIDOC week. All the 19 men from the hostel came along to the cabaret to watch us perform, and people didn't know who they were when they walked in with tuxedos on.

Tours on Country

171 I am currently involved in running tours out on Gunditjmara Country, called 'Budj Bim Tours'.

172 A copy of some charts showing local bush food and medicine that I use during my tours is at **Annexure N**. A photo of me giving a tour on Country to 29 people who were attending a conference at Melbourne University is at **Annexure O**.

Melbourne University scholarship program

173 I have tried to arrange a scholarship to Melbourne University on behalf of my father, for an Aboriginal student to study law and come back to work in the communities. It would be called the 'Leap into Law Program' and the idea would be that whoever got

that scholarship and succeeded would come back and work in an Aboriginal community for at least 4 years before going anywhere else into the wider community. I thought that's a just and fine thing that should be done. Melbourne University were going to run it and Aboriginal Affairs Victoria were very hooked on the idea, but it never took off and I haven't heard anything about that for the last few years.

Systemic injustice

174 I still fail to see why during COVID, Aboriginal people in remote communities were still 20 people in a house, while refugees coming in are getting houses built. That's just not during COVID, in the remote areas it's like that every day.

175 I was out there at Ernabella, and I had $120 in cash I thought "*I'll put it in to fuel in my truck before I leave*". I got 44 litres of diesel. That was just for one day, but those people they pay that price every day.

176 Things need to change in a big hurry. There doesn't seem to be any reason why things can't change in big ways. When they wanted to deport people there was room in the High Court in a couple of days.

Truth telling and treaty

177 There is no piece of paper that exists from 1788 or whenever that says that we ceded our Country, and we sold our land. If there was, then this Treaty that is currently being negotiated by the Victorian government would have existed back then in 1788. We are still the keepers of this land, and we still own this land. There is no bill of sale for this Country. So, we need to be recognised today by the government as the owners, and they need to negotiate the terms and conditions with us. The way it is now, the cart is coming before the horse.

178 White settlement played a major part on our destruction and disadvantage and everything we have gone through has been because of white settlement. Some very wealthy people here today, their families are part of the terrible atrocities that happened to us. When are they going to put their hands up for us? Guilt makes them just bury their heads in the sand and they suffer a fair bit because of it. They need to get it off their chest. I think we could all do that together.

179 I think this could be the blueprint for Aboriginal communities, their organisations and people, right through Australia. It is pretty important that we can get it right, and give hope to others. I think that's why I am pretty into it and all the old fellas, William

Cooper, Doug Nicholls and all of them, they all did their bit. This is the same sort of principle of where we can do our bit.

180 It's a situation where we can have our say regardless of what people may think, do or want to do. We can have our say about Country, about our lives, about what we hope to achieve for the future. But we can't travel too far without the past because that's the greatest part of us as Aboriginal people. We could never leave that behind.

Self-determination

181 I'm on nobody's Country but my own.

182 I don't think the government we currently have or the ones we have coming will be our solution or our salvation. I will go so far as to say that we are in need of an Aboriginal government.

183 We almost had that with the Aboriginal and Torres Strait Islander Commission, 'ATSIC'. I was part of the first intake of Regional Councillors. That was the closest we ever got to controlling our own lives, and things weren't going too badly. But when the government saw things going too well, they put a lot of rubbish in the way to knock ATSIC out of the game. They found ways and means to destroy ATSIC and blamed us for it.

184 I truly believe that Aboriginal people could work their own future out.

185 Let us be who we are.

186 There are a lot of smart Aboriginals out there, we have Aboriginal people who would be a benefit to an Aboriginal government, because they have already been in government or are in government, and they have such a lot to offer. I think that's what we need to do. We're not silly enough to think we can run this country by ourselves, but we want to run it for ourselves and what concerns us. We want our private place, and it's long overdue because we are talking about the oldest race in the world.

Dated: 27 April 2022