

TRANSCRIPT

SELECT COMMITTEE ON VICTORIA'S RECREATIONAL NATIVE BIRD HUNTING ARRANGEMENTS

Inquiry into Victoria's Recreational Native Bird Hunting Arrangements

Melbourne – Thursday 29 June 2023

MEMBERS

Ryan Batchelor – Chair

Michael Galea – Deputy Chair

Melina Bath

Jeff Bourman

Katherine Copsey

Bev McArthur

Evan Mulholland

Georgie Purcell

Sheena Watt

WITNESSES

Mr Gary Murray, Victorian Traditional Owner Land Justice Group, and

Mr Paul Haw.

The CHAIR: Welcome. I will just read out our standard statement that we read out at the start of every evidence hearing. All evidence taken is protected by parliamentary privilege as provided by the *Constitution Act 1975* and the provisions of the Legislative Council standing orders. Therefore the information you provide during the hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded, and you will be provided with a proof version of the transcript following the hearing. Transcripts will ultimately be made public and posted on the committee's website.

For the Hansard record, can you each please state your name and any organisation that you are appearing on behalf of.

Paul HAW: My name is Paul Robert Haw and I am from Boort, and I am mainly reporting because I own a museum on the edge of Lake Boort.

Gary MURRAY: My name is Wyrkermilloo, which is 'Messenger from the Murray River', That is from my father, a Wamba Wamba man. My Scottish name is Gary John Murray. I am representing the Victorian Traditional Owner Land Justice Group and also the various nations and clans from the alps down to Swan Hill and across to the Mallee. I have something to say from those groups as well.

The CHAIR: Fantastic. I will now invite you to make an opening statement. You can figure out how you want to do that amongst yourselves – about 5 or so minutes – and then the committee will introduce themselves and start asking you some questions.

Paul HAW: Is it 5 minutes each, or between us?

The CHAIR: You can go a bit over if you want, but 5 minutes between you would be my preference. But we will let you know. See how you go.

Paul HAW: Righto. As I said, my name is Paul Haw, and I will be fairly quick. I have lived in the Boort area since 1946, and the only time I had away was two years in Vietnam when I was on national service and almost lost my life in Vietnam. I was a keen shooter until recent years, and that completely ended after the Box Flat massacre, when 2000 birds floated ashore. You have got to realise a lot of duck shooters, when they shoot their five birds, just want to keep on shooting. They do not pick them up. That was the end of duck shooting for me. We know there were three other massacres around Boort; they just were not reported. And another thing: I cannot name one environmental work that Field and Game and those people have done around Boort. There is a lot of wetlands around Boort, and I cannot name one thing they have done.

I run the Aboriginal keeping place on the east side of Lake Boort – and I think you have got that photo; it is just to prove that I run the keeping place. Last week I had 100 visitors. The week before I had 200. I am mainly looking after schoolchildren, but while shooting was on I could not have one schoolchild. My participation dropped to probably 10 a week, where it has been up to 200 a week, just because of duck shooting.

There are just some of the tours – I will flick them through quickly – of the groups that I have done this week, and the beautiful scarred trees and the dried possum skins, all in Lake Boort. And this is what the tourists have to face while I am doing tours around the wetlands now. It is all the leftovers from duck shooting, and it is just disgraceful. Some people are so upset, especially schoolchildren, when they see pictures like that.

Then the next thing that really upsets me is when they camp on the Aboriginal cooking mounds. I cannot work out why duck shooters do not go through a cultural course to know what a cooking mound is and a scarred tree. I have got two cooking mounds on one of the wetlands around Boort where they camp and dig holes in. It is

just an absolute disgrace, and they should be marked and identified. Boort has the most scarred trees in the world made with stone tools, and here we are – we lose so many to duck shooting and chainsaws. I think I have got another photo of some beautiful scarred trees. This one here is a drinking vessel. We probably will lose that one in the next duck opening, which is sad. They should be identified and protected.

The firewood – it actually goes out in tons and tons now, out of especially Yando Swamp and Lake Leaghur, because they have got lots of black box trees.

I will not talk so much about the duck side of it. I am an environmentalist because I saw so much damage done in Vietnam, and I realised, a bit like the frog in the water in Boort, that I just see so much damage done by duck shooters. At the moment I have got a school project planting trees back on the wetlands where they used to be. That is all I am going to say for now.

The CHAIR: Thank you.

Gary MURRAY: Right, my turn. My nations are the Dhudhuroa in the alps, the Waywurru in the north-east of Victoria, the Yorta Yorta, the Baraparapa, the Wamba, the Dja Dja Wurrung, the Werkgaia and the Wiradjeri in central New South Wales. My blood connection is through my Aboriginal mother and father – John Stewart Murray JP OAM and my mother was a Nicholls, pastor Sir Doug Nicholls's daughter. We had connections through the Nicholls to where Paul is currently managing the keeping place, and just dwelling on that particular place, it is a sacred cultural place. We take this place seriously, and what we do not like is our cultural heritage being destroyed. We have seen evidence of one tree; there are over a thousand scarred trees or culturally modified trees around that lake, Big Lake Boort.

We are trying to showcase our cultural heritage to schools and universities, public servants and parliamentarians and all that. How can we do that during the duck season when there are guns out there? Why would we take 60 kids and 20 leaders camping at that lake near Paul's keeping place when in the morning you are going to hear shotguns going off and all sorts of other weapons. We do not know what weapons people carry these days out there. There are guns in all these waterways across this state. There are 38 nations across this state, 300 clans. Have they all been asked to support duck shooting? No, they have not. Not one group that I am in has been consulted or negotiated with or has given consent to duck shooting on our country – and nor would we. Everybody I talk to says no.

There is only one support group and that it is unfortunately in Dja Dja Wurrung, which I am a part of. We have a person who is pretty active with hunting and the rest of it, and that is Rodney Carter. The support for Carter's position is minimal. He has never had a native title claim group meeting of all 13 family groups or all 18 clans – never. He never got authorised to form a position of support for this cruel sport – cruel. Would you shoot a duck in front of your grandkids or your children? I doubt it. It might be emotive, but that is the cruel part.

Then you have got the cultural heritage being destroyed by people coming up from Melbourne. They get away for the weekend and have a good time. We all know they go to the pub and bring grog back on the bush and all that. Then they get cold and they will cut up a tree – and they do not know what they are doing. They could cut up a scarred tree not knowing that that tree is protected, and you could go to jail or you could get a million-dollar fine, a penalty, under the Victorian *Aboriginal Heritage Act*. That is what they are staring down the barrel at – that we start prosecuting them. It is our view that duck shooting is one of those archaic, cruel activities that should go – forever. It has already gone in a lot of the other states. Victoria is lagging behind on it. Our focus is cultural heritage as well as the fact that it is cruel. We believe that if the state is not going to intervene and finally make a decision to get rid of it, then we will get the Commonwealth to intervene on the basis that this state is enabling the desecration and the threats of injury to our cultural heritage. That is a fact.

In fact yesterday I wrote to the Commonwealth minister Tanya Plibersek requesting that she consider what they call a section 12 heritage protection application from the Yung Balug Clan, because we are concerned that next year, when we are running programs for the kids on Big Lake Boort, that during March and June we are going to have duck shooting back here again. We want the Commonwealth to issue a permanent declaration on that big lake to protect the scarred trees and the burial grounds – our ancestors' remains are in that lake and around it. We know that; the sites are registered under the state regime. Why do we have to do that? We have to go to the Commonwealth to get a real decision about what is going on. I understand what the committee is doing –

that you are building up a case for or against it, and that is okay. But I think there are bigger issues than just duck hunting. It is also about cultural protection, preservation and the showcasing of our cultural heritage to the world. We cannot do that if we have got duck shooting on one of the most sacred and culturally significant places in Victoria, if not Australia. It is the biggest scarred tree place in Australia. We are going to be seeking state heritage listing, national heritage listing and world heritage listing over the coming months. They are opening my remarks. Any questions?

The CHAIR: Thank you very much. I might get the committee members to introduce themselves, and then we will take it in turns asking some questions. I cannot remember where I am up to, but I will start down there.

Evan MULHOLLAND: Evan Mulholland, Northern Metropolitan Region.

Bev McARTHUR: Bev McArthur, Western Victoria Region.

Jeff BOURMAN: Jeff Bourman, Eastern Victoria Region.

Sheena WATT: Sheena Watt, Northern Metropolitan.

Georgie PURCELL: Georgie Purcell, Northern Victoria.

Katherine COPSEY: Katherine Copsy, Southern Metropolitan Region.

The CHAIR: I am Ryan Batchelor from the Southern Metropolitan Region and Chair of the inquiry. I will start. The letter you wrote to Minister Plibersek about heritage protections under Commonwealth law, would you be willing to share a copy of that with the committee?

Gary MURRAY: Just briefly, we have done a similar thing at Lake Tyrrell, or Direl – we call it Direl. We did the two years ago. That process has come to a point where the Commonwealth minister has appointed a reporter, usually a law firm. That reporter has now started, and they have to engage with all parties, including those that have got stakes in Lake Tyrrell. That reporter will provide a report to the minister about a permanent declaration on Lake Tyrrell because of the tangible and intangible cultural heritage that we have there. It is linked to the astronomy, the water and our people, the Woiwurrung people. That stuff is protected under your state legislation. But we have had the Mallee Rally on it for 47 years, and it got stopped two years ago. There is a development going on there. The process has now stopped all that while the reporter is doing their work consulting with people. The same thing is going to happen with Big Lake Boort. That is what will happen because it is so culturally significant. The Commonwealth will view it as such, and they will have to go through a similar process as occurred at Direl, or Lake Tyrrell. So to answer your question in a long way, I am quite happy to give it to the world.

The CHAIR: I think we would really value –

Gary MURRAY: Open and transparent. In fact you can have this one now, if you want.

The CHAIR: a copy of that letter, if you could provide it to the secretariat. We heard evidence earlier from Mr Carter in fact about a range of matters, including his views on the traditional owner game management strategy. Do you have any views on that strategy or that process that led to the development of that strategy?

Gary MURRAY: I would not waste my time even reading it, because I know that it is not built on proper cultural authority from the Dja Dja Wurrung people. There has been no native title claim group meeting, which is all of us, about 3000 descendants. We have not had a big meeting like that to authorise it, and that is the way it is supposed to work, the process. Then you have the corporate part. The corporation seems to be running as a bit of a lone wolf against the membership and the claim group. They are making decisions and they are creating these strategies and these policies and all that sort of stuff. They are going all right in terms of corporation stuff, but when they come to these sorts of issues they are not talking to us. They have not come to the Yung Balug Clan at Boort, and we are one of the most well-organised clans in Dja Dja Wurrung. We are the Nicholls clan, right, the Pastor Sir Doug Nicholls mob. We are organised, we are articulate and we are politically active. Three of us are on the First Peoples' Assembly, so we are politicians just like you guys – up to a point. So this strategy that has come out of Dja Dja Wurrung, I do not believe that it has got authority. I do not believe that our people are really supporting it, and I just do not know what he is on about – fair dinkum. It will come up at the AGM too in November.

The CHAIR: Mr Haw.

Paul HAW: I must mention, because I have a lot of Aboriginal people who come to my museum to learn about their culture, that I have not yet found anyone who is really interested in duck shooting. They are more passionate about the environment and things like that. Last week I had a group from Coleambally and the week before from Swan Hill and another group from Mildura, and none of them were really interested in duck shooting.

The CHAIR: Mr Haw, you showed us some examples of tours and the like that you do around the lake. Do you conduct those tours during the season?

Paul HAW: No. I cannot conduct them in season because my place is only 20 metres from the edge of the lake. By law I can get fined even for being that close. What shocked me is that the Dja Dja Wurrung themselves are not allowed in the water while duck shooting is on, and it is to do with native title. I just find that hard to believe – that duck shooters have got more rights than native title.

Gary MURRAY: Duck shooting in that period of March to June, when you look at it from a political and legal position, is actually a restraint on trade and a breach of consumer affairs rules, because we cannot trade. We cannot do the programs, and we charge the schools a fee for service to run a cultural education program. We cannot run it while those guns are out there. No school will come near us.

The CHAIR: So do you think you would have demand from more groups to come during that time?

Paul HAW: Not last week but the week before I had 150 students from MacKillop College in Swan Hill, and I took them for a tour because it was after duck opening. We were seeing all of these beautiful scarred trees – and the shire mowed a track for me – and I thought, ‘I can’t do this during duck opening.’ It depends how long duck shooting is, but it absolutely restricts my tours, especially educating schoolchildren on Aboriginal culture, both white and Aboriginal traditional owners.

The CHAIR: I am interested to know – with this Commonwealth process you want to go through on heritage protections, obviously it is a new concept in evidence today. Based on your prior experience, how long do you expect that to go?

Gary MURRAY: Well, it is my experience, right?

The CHAIR: Yes.

Gary MURRAY: The first one I ever got involved with was the Murray Downs Golf and Country Club, east of Swan Hill. They basically got on a big sand dune and developed a country club, two 18-hole golf courses, a motel, a housing subdivision and the rest of it. In that process, in the first six months of that development, they destroyed 17 of our ancestors’ graves across six specific sites, including a real special burial that was there. That issue dragged on in the Federal Court from virtually 1989 to 1991. It went for about three years, and that is about standard.

The CHAIR: All right. Mrs McArthur.

Bev McARTHUR: Thank you, Chair. Thank you, gentlemen. Do you think the Voice, if it is carried, would solve all of your issues?

Gary MURRAY: Ah, the Voice, yes.

The CHAIR: I am not sure it is relevant to the committee, Mrs McArthur.

Gary MURRAY: Well, Victoria is a real lucky state, because you have got the basis for making the Voice better. The Voice is about constitutional reform specifically, but we have already got the powers to do what they want to do there. It is in section 51. There are two clauses there that allow the Commonwealth and the Parliament to create an organisation, like it did with ATSIC and the Aboriginal Development Commission before that, and even the Indigenous Land Corporation was set up under legislation. So it is a bit of a furphy, but we will take it if it happens. The main game is the national body that gets set up. It has to be grassroots; it has to be localised and regionalised. Statewide stuff – we have already got a statewide body, the assembly. It

still needs improving, and we understand that. That is why we ended up getting on it, to fix it up from the first three years. So we have got a state concept; how that feeds into a national entity is what is important. It is our belief that ATSIC was not that bad, outside of a few individuals that mucked up. But ATSIC was sort of grassroots, it was regionalised and it was on the right path. So we need to go to ATSIC number two, and it needs to be better than what it was before.

Bev McARTHUR: Thank you. We have heard before that the Indigenous population support hunting, and hunting with guns. Do you disapprove of all hunting with guns?

Gary MURRAY: I just do not like guns. I think, you know, go off the American experience. We are not there yet, but there are a lot of guns at the moment out there in Australia. We all know what is going on with the crime that is being committed with the use of guns and that, and I think we have got to do better than that. I think if you want a duck, go to the Vic market and pay 30 bucks. Or, if we are going to take a softer line, get under the water with a straw and catch it, like we used to do.

Bev McARTHUR: Yes. So we were led to believe that hunting is a very cultural activity that is vitally important to your communities, and that currently your communities do use guns to shoot duck for their food.

Gary MURRAY: Well, I generally would not agree with you. But I would say this: we have been dispossessed, dispersed like the four winds, deculturalised. Our languages have been taken away from us, our country, our water, all the stuff that we value as occupiers of a particular country, and we have got to address that. There are some things you will pick up from traditional customs; there are other things you will not. Guns are not one of them.

Bev McARTHUR: You have showed us evidence of scar trees being decimated. Do you have actual evidence that it was duck shooters that did it?

Paul HAW: Well, it is funny how it happens during duck season. I go to the wetlands often because I am a great environmentalist, and I know most of these scar trees off by heart. It is just so saddening. I remember going to Lake Yando and looking for this scar tree that had just totally gone.

Bev McARTHUR: But you actually do not have any actual evidence of who has sawed them up?

Paul HAW: You cannot. It is pretty hard to prove it, because sometimes we are not even allowed there on the morning and that. But the sawdust in some areas is unbelievable, because they all bring chainsaws now. And I must mention, in Lake Boort alone there are between 60 and 70 cooking mounds, and some have been tested just recently to be 10,000 years old.

Bev McARTHUR: But you actually have no hard evidence as to who chopped up the trees.

Paul HAW: You cannot. Just –

Bev McARTHUR: No. Okay.

Paul HAW: But the saddest thing is they are disappearing.

Bev McARTHUR: But you have made the accusation that duck shooters actually were the destructors of the trees, but we do not have any evidence.

Paul HAW: Well, there is hardly anyone at some of these wetlands. There is no-one else there while the duck shooting is on, so it is pretty obvious.

Bev McARTHUR: Is it only in your area that you think duck shooting should be banned – in your particular area – or should it be banned everywhere?

Gary MURRAY: I think it should be banned everywhere. I think that you will not get much support from the 38 First Nations across this state once this issue is analysed properly and we discuss it. There is no way the majority of First Nations will support it – particularly when you can go to the supermarket because you are on a pension. You can ring up Coles and get it online, delivered to your front door.

Bev McARTHUR: But is that actually how your traditional communities want to buy food, calling for it or online from Coles supermarket?

Gary MURRAY: Well, I do. I have been doing it for four years. It is the most convenient way to do it; it lands right at my doorstep.

Bev McARTHUR: You appear to have discredited Mr Carter's position. Do you think he does not have the authority to speak on behalf of the Dja Dja Wurrung group?

Gary MURRAY: We have 13 family groups across 18 clans. He has not got a minority of that to support what he is saying. I will put that on the record. We are supposed to be notified about meetings about particular issues. We get notices all the time about stuff, but never, since 97 when we first started the Dja Dja Wurrung group, have we ever got a notice about 'Let's discuss duck shooting' – never.

Bev McARTHUR: Do you also recognise the Federation of Victorian Traditional Owner Corporations?

Gary MURRAY: No. The Federation of Victorian Traditional Owner Corporations came out of the land justice group in 2013. That was when people associated with the native title RAP body had done their dash with the land justice group and decided to move on, and because they controlled the money from the department of justice – \$40,000 for meetings – they took the money with them and they left the land justice group floundering. The federation got set up without us even knowing, right? And who are they? Five or six RAPs out of 11, but not out of 38 nations. There are no 38 nations on that board. It is basically the Dja Dja Wurrung group, the Eastern Maar group, the Gunnai/Kurnai group, the Taungurung group and the Bunurong group. They are the only ones that are on the board doing the stuff, and they are being looked after really well – against the interests and to the detriment of the rest of the nations that are not recognised as a RAP or a traditional owner corporation under the native title legislation and the rest of it.

Bev McARTHUR: I actually have heard that before.

The CHAIR: Ms Copsey.

Katherine COPSEY: Thank you, Chair, and thank you very much for your submissions and for being here to share your perspective and insights in this hearing today. The committee has been told by a number of witnesses that shooters or, as they usually describe themselves, hunters are the greatest conservationists out there. I am interested in your reflections on that statement.

Gary MURRAY: I bet you the ducks do not agree with that – the greatest conservationists.

Paul HAW: As I said before, there are numerous wetlands around Boort. The only thing I ever hear is destruction. I cannot name one project in the last 20 years – what they have done around the wetlands in Boort. I have to go and do it myself out of my own pocket. At the moment I am growing 4000 trees to plant back in Lake Boort, and I have to call upon schoolchildren to plant them. There is just nothing they do around Boort.

Gary MURRAY: No, no.

Katherine COPSEY: Thank you. This probably seems a bit minor in the scheme of things, but we are often told that shooters are going and filling up the esky and contributing to the local economy. I am interested, with the groups that come to visit the museum and other attractions that are around, do you know if they generally stop for a pie and a Fanta when they are coming to visit your museum and so on?

Paul HAW: Well, in Boort it does not play much on our economy at all – probably an odd coffee and a bit of petrol, and that is basically it. I even noticed while duck shooting was on that I had these protesters call in – I do not know how they found out about me – and some left amazing donations of \$100 just to see and learn about Aboriginal culture. I never had one duck shooter call in and see me, which I would have loved.

Katherine COPSEY: Thank you.

Gary MURRAY: You very rarely see them in the main street shopping. Maybe they get Coles delivery, eh? Maybe that is what it is, I do not know. I missed something. Their input into the economy of communities, and

traditional owner groups are part of those communities, is probably minimal and it needs probably to be measured properly.

Katherine COPSEY: Thank you.

Paul HAW: Another thing that worries me is that when it rains they still have to drive on the tracks into the wetlands, and if they are defined they cut the roads up, or some of them have not even got gravel on, and they make such a mess if it rains. And then who repairs them? That is not conservation.

Katherine COPSEY: I am really interested in the information you have provided around the duck as a totem for some language groups. I wonder if you can share insights around the significance of that and the impact that shooting of ducks has. I am also really interested that we have heard some evidence around disturbance to – swans, other species that are accidentally shot and whether those might also be similarly affected – the collateral from duck-shooting season.

Paul HAW: Just before duck opening I had a pair of sea eagles nesting in front of my place, and I know there is a pair in Yando Swamp, and since duck opening I have not seen them. I just hope they have not been shot or anything like that. But they have not come back since duck opening, and they are a beautiful bird.

Gary MURRAY: In the British Museum there are three etched barks that came from the 1850s. They are insured at about \$2.5 million each by the British. We are trying to get them back. They will not give them back to us unless we have got a state-of-the-art climate-controlled facility on the lake –

Paul HAW: At Boort.

Gary MURRAY: at Boort. That is where they come from. That is the home of the barks. At the same time, we have got the Jaara baby who was in a museum for 99 years until we took her out in 2003 and put her back in a tree. Not the same tree that she came out of. She had a tree burial. We had to move her down 2 kilometres from where she originally was buried by her clan, and she is sitting in that tree right now. We fear for her security because of what is going on out there in the bush where nobody can see what is going on. There are no cameras out there to stop you from burning a tree down and her remains. Her remains are in that possum skin bundle with all her 156 traditional toys and some non-Aboriginal objects. That dated her burial at about 1840, because that was the first time the white man came through there. Now these cultural items are so valuable, and we have been working very hard for probably, what, 20 years since I met you, to try and work out how we are going to make sure we look after the Jaara baby and make sure we get the barks back in a first-class, state-of-the-art multifunctional, astronomy, cultural education facility on that lake. We have had architects come in and do some concepts for us, but we fear the duck shooting going on is going to impact that project.

Paul HAW: I must mention – you spoke about other birds. You have only got to look back at the Box Flat massacre; 2000 birds floated ashore of every description – protected birds, the whole lot. I have never forgotten that. It happened at Woolshed Swamp as well but just was not reported. I have seen it in other wetlands, and you have got to realise you have only got to give them 24 hours and the foxes nearly take the lot. You have got to report them nearly straightaway. I noticed at Yando this year there were lots of occasions where they had buried guts and birds and everything. You go back next morning and every one is dug up by foxes, and so it is hard to track exactly what was killed.

The CHAIR: Ms Watt.

Sheena WATT: Thank you. I had a few questions. I wanted to start on the Victorian Traditional Owners Land Justice Group. Does your organisation have any positions on any of the state government decision-making bodies such as we heard earlier – the Victorian Aboriginal Heritage Council or other state government bodies – that represent the interests of traditional owners on cultural heritage matters, particularly exploring cultural heritage matters today?

Gary MURRAY: The land justice group has been minimised for lots of reasons because (1) we have got other commitments at a local level, a regional level and Assembly stuff, the treaty stuff. We have got all that stuff happening and we have got biodiversity stuff going on and water stuff and so on. Nobody has resigned. There are 29 nations on the land justice group; nobody has pulled out of it. They are still there, but we have no resources to do much, so basically the spokespeople are the two co-chairs, Robert Nicholson and Annette

Xiberras. We jump in where we have to, but a lot of our political action now is done for the local nations, local groups.

Sheena WATT: No, that is helpful. I should have also taken a moment to acknowledge your recent election to the First Peoples' Assembly, as we did earlier with another one of your recently elected colleagues, Mr Rodney Carter. Apologies for not opening with that.

Can I ask about ecotourism and ecotourism on country. Are any of you from the group about ecotourism ventures on wetlands? Is that something that you are interested in exploring? Have traditional owners expressed an interest in growing ecotourism opportunities? Where are you at as a group around ecotourism?

Gary MURRAY: In 1968 I was a group leader on a Camp Jungai program that first started at Lake Tyers –

Sheena WATT: Yes, I am familiar with Lake Tyers.

Gary MURRAY: eventually it moved to Rubicon. I was actually the administrator, and I was on the board there at that time at Eildon and Thornton. We ran camping programs for primary school kids, secondary school, tertiary, community and so on. That Camp Jungai was booked out 42 weeks every year without fail – every year booked out. So the model is a transferable model. We can run a Camp Jungai concept at Lake Boort, even the way it is right now. It would be a mobile camp, though, with, you know, portable toilets and tents and all that sort of stuff, and cooking facilities. So that is the ecotourism part we are trying to bring into 2023.

We are trying to pick out particular communities along the river such as in Bright, in the alps, obviously the Barmah forest. There is a station called Menara Station that the Wamba group is getting off the ILC, about a 3500-acre property. We could do stuff out there. And Boort is obviously ideal because it is a small, compact town with a caravan park combination and all that, but we could also do the outdoor education stuff there. So the ecotourism stuff is absolutely important.

The Camp Jungai concept was run around recreation, culture and sometimes education. We used to teach kids from grade 6 going into form 1. We would take them through the computers at that point – because we are talking about the 1980s, so they were real dinosaurs. We would train those kids in how to use those computers. We would also do a report on their literacy and their numeracy standards, and we would provide that report to their schools. So they would go with that from there.

Paul HAW: The Loddon shire tourism department has just started canoe tours, canoeing from Lake Boort across to my museum, which is across the other lake. They have set up a tour where they come and call in, and then they canoe back or go and canoe down to all the beautiful scarred trees in Lake Boort.

Sheena WATT: Is that run by traditional owners or a traditional owner-led organisation?

Paul HAW: No, it is run with – well, I am actually a caretaker of the Boort, and I always consult with the Dja Dja Wurrung, and I only do things if Rodney Carter –

Gary MURRAY: He is not the caretaker, he is the honorary warden. That is his official name, right?

Paul HAW: Yes, all right. And so I consult with them continually. Those tours have just started. People are canoeing already in Lake Boort up the Kinypanial Creek which flows into it, and they see all these beautiful scarred trees that are featured on the film *The Lake of Scars*.

Sheena WATT: Yes. I think that is wonderful. What I am really looking to explore is traditional owner-led, controlled and managed opportunities for ecotourism – if there is an appetite for it, if there are things that you are planning on doing and the intersection with that on, you know, Aboriginal controlled lands. So we heard earlier about the interest in expanding access and control of state game reserves for Aboriginal people and organisations and representative bodies. Is that something that your group has explored – how to improve access and control of the state game reserves when it comes to Aboriginal leadership?

Gary MURRAY: Yes. The climate out there now requires that we deal with, firstly, the *Aboriginal Heritage Act*, the state Act, and also the Commonwealth one, then the *Traditional Owner Settlement Act* and the Commonwealth *Native Title Act*. And now we have got the treaty Act – so you can imagine it. Only the established groups seem to be getting the benefits, and the established groups are only about 11 out of 38, give

or take one, all right. That means that 27 are struggling. Capacity building funding needs to be pumped into those unrecognised nations, as they call them, which is a pretty disgusting term, because how dare we get recognised by, 'Oh, well, you've got to be a RAP, you've got to be a traditional owner group, you've got to be a native title group.'

Sheena WATT: I will just ask one last question. You spoke about it earlier. You have spoken about damage to scar trees. We have seen that. Is there any other damage to sites such as sacred burial grounds that you want to share and make us aware of?

Paul HAW: Yes. There are burial grounds right in front of my place, and actually remains have been returned from museums and buried in front of my place. But this year no-one camped just there because duck shooters numbers are declining quite rapidly from year to year, and so they did not camp there this year.

Sheena WATT: Okay. Lovely. Thank you.

The CHAIR: Right. Thank you. Mr Mulholland.

Gary MURRAY: Just on that, though, the damage is both spiritual as well as physical, right? It hurts us as nations, clans, family groups that we see that desecration, and I think we have got to change that.

Sheena WATT: Yes, I understand. Okay. Thank you very much.

The CHAIR: Mr Mulholland.

Evan MULHOLLAND: Thank you. Thank you both for your presentation here today and your testimony, and congratulations, Gary, on your election to the First Peoples' Assembly.

Gary MURRAY: I might need some hints from you lot.

Evan MULHOLLAND: I will note we heard from Rodney Carter today, who was also elected to the First Peoples' Assembly. Do you accept that there are some differences of opinion within the Indigenous population on duck hunting?

Gary MURRAY: Well, whitefellas have not got a monopoly on diversity and debates – we all know that. We come to Parliament and see it, ay? So yes, we do have differences of opinion, and as a politician in the assembly I have got to try and sort something out with Rodney Carter. He needs to be sorted out. I have got it over him because of age.

Bev McARTHUR: We have got this problem with Daniel Andrews, yes.

The CHAIR: He has got it over you on seats. Mr Mulholland.

Evan MULHOLLAND: You said before, just in response to that, in discussion about Mr Carter, that there is no way all 38 First Nations would support duck hunting if they got together. Would I be right in saying at the same time that all of those 38 First Nations have not agreed to oppose duck hunting either?

Gary MURRAY: Well, how can you have a position on it if you have not met to discuss it – it is not on your agenda? The federation has shown no leadership across this state, right? And Carter was the chair of the federation. He comes up with these strategies, and he applies it to the Dja Dja Wurrung. We are the guinea pigs at the local level, and the guinea pigs are starting to get upset about it, right? So maybe we need a peace treaty between the guinea pigs and Carter; I do not know.

Bev McARTHUR: Maybe you need a Voice.

Gary MURRAY: We need a Voice, yes – that is the other one. So you know, we need to do the process properly. It has got to be inclusive. Good decision-making is about inclusiveness and about resourcing that inclusiveness so you can get a fair outcome.

Evan MULHOLLAND: Do you recognise his authority, though, to speak on behalf of Dja Dja Wurrung people? I am told he helped negotiate their native title agreement.

Gary MURRAY: Well, native title agreement comes from an authorisation meeting of every claimant. You have to be given a notice – the notice goes in the newspapers as well – and you have a big meeting and you make a decision and you authorise that. That is how it works ultimately. That is the best way to do it. But you do not do it for a CEO position, like Carter has. You do not do it for a board that basically Carter and his chair – who is his cousin – dominate.

Evan MULHOLLAND: I will give you – perhaps both of you – a hypothetical. If this committee were to say we were not going to ban duck hunting but everything else within those parameters you could make a recommendation on – how best you would like to see the practice go forward – is there anything you would recommend to us in terms of safety, tourism or First Nations culture?

Gary MURRAY: Well, you know, if destruction by duck hunters is a serious question which is unknown, put security cameras up. Do something. Get the evidence out there. You know, it is a crime.

Paul HAW: Well, if we got a compromise, I would like to see duck shooters do a training on what a scarred tree is, what a cooking mound is. And Parks Victoria – perhaps they should even mark some of these, because as I said, Lake Boort has so many scarred trees and Lake Yando I think has a cooking mound every 150 metres. They should be at least taught what they are and to value them, because it is white man's history as well as black man's history. They should value it just as much as –

Evan MULHOLLAND: No worries. That was very useful, thank you. I am done.

The CHAIR: Ms Purcell.

Georgie PURCELL: Thanks, Chair. Thanks so much for appearing today, Paul and Gary. My former boss Andy Meddick was a big fan of his tour of the museum, and I really hope to be able to get out there one day myself.

Paul HAW: Actually, I noticed. I have got a visitor's book, and I see he visited three times and I did not realise.

Georgie PURCELL: Yes, and a number of my staff have been as well. I am hoping to get out there one day very soon.

Paul HAW: Well, it has increased to 200 a week.

Georgie PURCELL: Yes, great.

Bev McARTHUR: Get in the queue, Georgie.

Georgie PURCELL: I will. Thanks, Bev. Throughout this inquiry we have heard quite consistently that habitat loss is one of the main drivers of long-term species decline of ducks, and as we know from your evidence today, trees are often cut down by shooters for the purpose of firewood while camping and on occasion also removed off site. Can you tell us in more detail about scarred trees made using stone tools and their significance, particularly at Lake Boort?

Paul HAW: First of all, the main tree around the fringe of the lake is eucalyptus largiflorens, or black box. It is the best habitat tree in Australia; it has the most hollows. The average age is probably 800 years. It takes 200 years to get a hollow. Every one has possums in it, and around Boort especially we have got lots of owl-nightjars that live in them. We have got lots of lizards, especially goannas, and hundreds of microbats. They all live in those things, even in the logs lying on the ground. Once you cut one up, it is gone forever. It took probably 800 years to grow a decent hollow, and some of the scars we are looking at are 400 years old. To think they just go by a chainsaw – it just frightens me. That is where ducks breed, in amongst the trees and things. They are cutting their own throats if they are destroying the habitat around it. We see such terrible destruction along the Murray where everybody camps, and our wetlands are getting a bit like that as well.

Gary MURRAY: It is also about the transmission of cultural heritage practices. How do we teach our kids today to scar those trees? A scarred tree that is modified today becomes an ancient tree in 200 years, and you keep the education process going about that practice. If there are no trees, we cannot do that. So the transmission of culture and education is really important to our kids and all people.

Georgie PURCELL: Thank you.

Paul HAW: I think one of the worst things for our wetland is European carp, because they have eaten all the aquatic plants. I have noticed that Lake Marmal, which had its own catchment and did not get carp in it, has got the most birds I have ever seen. All the ones that come off the river systems are just desecrated with European carp, and that is just as bad as duck shooting – European carp.

Georgie PURCELL: Thank you. Gary, you touched on this a little bit before in relation to guns, but earlier today we heard about the supposed threat of duck shooting being taken away and the impact that that would have on Indigenous culture. But as I am sure you are aware, there are exemptions currently for Indigenous hunting practices. I am wondering if you can explain to me in a little bit more detail the differences between recreational shooting and Indigenous hunting practices.

Gary MURRAY: Is it really recreational shooting? I think it is a little bit more violent than that word. That softens it.

Georgie PURCELL: I would agree.

Gary MURRAY: Yes. They are killing ducks right in front of you, and that scares the daylight out of families and kids and the rest of it. So that is that part. Traditional practices – well, there are traditions like somebody would get down one end of the creek, they would throw a boomerang and scare the ducks and they would fly up the creek. There would be a net straight across the creek and they would be caught, in these old traditional practices. Whether we want to bring them back, I do not know. That is part of the discussion we have to have about that stuff, because as I said earlier, we have been dispossessed, dispersed and deculturalised, which means that those practices might not be there anymore.

Paul HAW: The ladies used to make the most beautiful nets out of cumbungi root fibres. They would get 2 kilometres up the creek and start shooting the ducks, and the gentleman threw boomerangs along the creek and whistled like a whistling kite. The ducks were terrified of birds of prey, and they flew low in the water and flew straight in the net. If you look at Blandowski's drawings, he recorded it in detail.

Georgie PURCELL: Thank you. Thanks very much for sharing that. Paul, you touched on this in your opening, that you are a former duck shooter yourself. Could you explain in a bit more detail the events that led to your very significant change in position?

Paul HAW: Well, of course I did serve in Vietnam and almost lost my life and saw so much damage from napalm and things like that and B-52 bombings, and I thought, 'What are we doing to this beautiful country?' When I got back to Australia I realised that we were doing something similar – a bit like the frog and the water, it is just much slower. We were deteriorating and are still deteriorating. So why not halt that slow deterioration? And one of them is to preserve our wetlands and fence out our rivers and stop the burning of all the habitat and try and get rid of European carp and plant out some of the wetlands with red gums again, because they were all red gum swamps once. So that is what I am aiming to do at the moment.

Georgie PURCELL: Thank you. Just quickly, you touched on before how busy your tours are becoming at the museum. Can you explain to us the limitations in terms of how many people you think are missing out on coming through the museum when there is a recreational duck shooting season? Obviously it depends on the length.

Paul HAW: Probably a third of my participants are Aboriginal schools and students, and I am shocked at how many of them have never seen a cooking mound. So they just love to get out in country and see a cooking mound, see a scar where a possum skin was dried on or a bend out of a tree where a drinking vessel was made. If we lose all these things, we will not be able to run our tours. Thankfully we can at the moment. For two weeks I did 200 tours on Lake Boort and Little Lake Boort just to look at scarred trees and cooking mounds.

Georgie PURCELL: Incredible.

The CHAIR: Mr Bourman.

Jeff BOURMAN: Thank you, Chair. Congratulations, Gary, on your election, and, Paul, I want to thank you for your service. I come from military family myself. My uncle went to Vietnam in 1968 and 69.

Paul HAW: Same year as me.

Jeff BOURMAN: I can only imagine what you went through, and I am glad you made it back.

I mean, everything I was going to ask has been fairly thrashed out so far. Are either of you members of CADS or RVOTDS or any of those anti-duck-hunting organisations?

Paul HAW: No.

Gary MURRAY: No.

Jeff BOURMAN: I really am kind of out of things.

Paul HAW: Don't give up.

Jeff BOURMAN: Everyone asked all the questions I had all lined up, so it is getting a little tough. It is a tough room at times. You spoke earlier about that during hunting season someone would buy coffee and a bit of petrol. I am not saying anything about this, but do you think if I went elsewhere and bought it, I would get a different answer, from people that were not maybe opposed to duck hunting?

Paul HAW: I would love you to come to Boort and ask them.

Jeff BOURMAN: I personally used to live not too far from Boort.

Paul HAW: Good on you.

Jeff BOURMAN: So I know the way. But do you think I would get a similar answer from everyone? Well, not everyone; you are not going to get it from everyone.

Paul HAW: Probably at the roadhouse you would get a different answer because that is where people do get their coffee and petrol, and that is basically it, because there are not the duck shooters there used to be. No locals shoot ducks anymore. It has changed. I would hardly know one local who shoots ducks.

Jeff BOURMAN: Ironically, in my experience – I used to live outside of St Arnaud in the very, very early 1980s – they have not changed a lot in general. I have not been to Boort in a long time, but I find that they seem to be, I suppose from my perspective – and you live there, not me, but from my perspective elsewhere – very much still on the hunting thing, maybe not necessarily ducks.

I want to talk about your museum, because I see a lot in here. I see a lot of rocks and things like that that I do not personally understand. One of the themes I have got from this whole inquiry, when we get into traditional owner stuff, for want of a better term, is a lack of education for the rest of us. There are a lot of things – I mean, if I had gone to Boort and noticed a mound there, I would not have known it was a cooking mound. I know of the existence of middens and things like that; I know roughly that there are some dotted around the foreshore around Melbourne. Maybe it would not be the place to put it, in perhaps a game licence, but I think education is a big thing, because it is not just hunters that would be unwittingly destroying things like that.

Paul HAW: I could not agree more.

Jeff BOURMAN: You were talking about camping on the Murray and things like that. Up until this week I did not really know what a scar tree looked like – until I saw one – and I think one of the things sadly lacking is education just of the general public. We have an intertwined history, the traditional owners and us, for the last 200 or so years. I do not want to see anything destroyed that should not be destroyed. What I guess I am asking in a long way is – I think Mr Mulholland went over this – do you feel that education is probably something that, no matter how this turns out, could be pushed to at least give people an appreciation and some knowledge? There are some segments of society, I think, that would go and cut down scar trees deliberately. I do not want to give them an impetus. So that leaves us with a problem.

Paul HAW: I believe education is important. It is much better than the big stick method. With education, you want people to want to value it and not have to value it. That is where I fit in, and I believe it is great to start with school children. Many of the schoolchildren say, 'I'm going to bring my dad and mum back here.' So

I know that I am going to have trouble handling the amount of people that are visiting me, because I have found it is unique. My wife went up to Mildura and looked at all the museums around Mildura and over in Wentworth, and there is nothing like what I have got. I have got Albert Namatjira's boomerang. I have even got William Barak's boomerang. I have got all these artefacts there that people just want to see. Farmers, as they sold up and left 40 years ago, because they knew I was interested, said, 'Paul, I'm going to Bendigo. Here's my collection.' So I have hardly collected any myself. They have been handed into me by farmers up to 40 years ago. I do not regard them as mine; I regard them as this gentleman's, and I am already planning a concession plan in case I die. But you are quite welcome to come and pay a visit.

Jeff BOURMAN: I cannot say I go to Boort regularly, but if I am in the vicinity. Gary, do you have anything to do with the museum?

Gary MURRAY: Well, I generally –

Paul HAW: He opened it.

Gary MURRAY: Yes, I opened it. The concept is a multifunctional, cultural, educational, wellbeing, spiritual and astronomy concept. That is what we are floating up and down the river and right through the alps.

Jeff BOURMAN: Is this the museum area that you are talking about?

Gary MURRAY: Yes.

Jeff BOURMAN: Ironically, I am into astronomy as well, but that is another story.

Gary MURRAY: We are over the boomerangs on the wall concept, right. At the moment Paul's concept is just a small thing. Hopefully it will grow into a bigger one. One of the things the land justice group did, in 2019, to help the treaty commissioner Jill Gallagher in her deliberations was to produce a treaty booklet, which is about 140 pages. It is handbag size, A4 size and coffee table size. It is coloured – and we distributed it across here – and what it has in there is the names of the nations on the record, the names of the clans and the names of the ancestors, and then we talked about the treaty space and the native title space and everything else. That is the first level. The second level will be a localised version of the treaty booklet to assist people with educating themselves, including our own mob. With that first treaty booklet, every time we pulled it out from the boxes it went like hot cakes – in terms of our mob – and everybody else wanted it, right. So we will keep printing that one, but we need to start doing the local ones, particularly for treaty purposes and native title purposes. It is a connection booklet. It should talk about things like what artefacts are out there that you could be possibly destroying because you do not know about them.

Jeff BOURMAN: Yes, ignorance can be a problem. I am out of time, but I just want to say we are obviously never going to agree on the duck hunting thing – that is a given – but I will come and visit at Boort and see if there is some common ground we can find.

Gary MURRAY: Yes.

Paul HAW: That is wonderful.

The CHAIR: Thank you very much, gentlemen, for coming today.

Gary MURRAY: Just one more thing – I will formally table the email I sent to the Commonwealth. Who is going to grab it? Anyone?

Paul HAW: I must mention that this is the book *Footprints across the Loddon Plains*. It is five years of writing on detailed Aboriginal history, the effects of squatters on the environment and Mr Godfrey's diaries from when he travelled down to Melbourne here in 1849.

Gary MURRAY: And the last thing is I will formally table the treaty booklet, but I will email it to you, if that is all right, to make sure that you have got it. The local version will be done for the north-east, as well as a statewide version, so you will get that as well.

The CHAIR: Thank you for coming today, Mr Murray. Good luck on the assembly as well. I am sure it is going to be an interesting few years.

You will receive a copy of the transcript of today's evidence for review in about a week, before it is published. We will take a short break before the next hearing.

Witnesses withdrew.