

**Submission to Finance and Public Administration References Committee
on Indigenous Funding in Tasmania**

Terms of Reference

Commonwealth funding of Indigenous Tasmanians, with particular reference to whether hundreds of millions of dollars in Commonwealth funds over the last decade were unfairly, unjustly, or illegally allocated to, and spent on, only 6,000 Indigenous Tasmanians, rather than almost 26,000.

I am making this submission on behalf of myself and my family. I have been involved with the Tasmanian Aboriginal Centre (TAC) since 1975. I have seen many changes over that time both within the TAC and within the Aboriginal community. In 1980 we thought there were about 4000 Aboriginal people in Tasmania and that number was quoted in an Education Department booklet printed to educate school children about Tasmania Aborigines. At that time too many of our children and indeed all children were being taught in schools that there were no Aborigines in Tasmania.

Today no-one is certain just how many Aboriginal people there are in Tasmania. In 2012 the ABS estimated the Aboriginal population to be 24,165 persons. That may be right. What we know is that many people who today are members and clients of organisations who purport to be Aboriginal organisations and registered by the Office of Indigenous Corporations, are not Aboriginal. Many people who are Aboriginal may not claim to be Aboriginal at Census time.

While many people say that being Aboriginal is a matter of self-identification, and many of the Commonwealth programs are based on self-identification, such as the Medicare payments made to GPs for chronic disease services, people who attend services at the TAC need to show that they do have Aboriginal ancestry and that they identify as Aboriginal. Prior to having this requirement the TAC found that Aboriginal children could not access some programs because there were too many children attending whom no-one amongst the close-knit family groups knew to be Aboriginal.

When the unknown families were asked to provide some proof of their Aboriginality they could not do so, even with the assistance of the state archives who do keep detailed family records.

From that time many stories have surfaced about how some of these people claim their Aboriginality. Often is it stories such as: *yes I know the archival records show that both my ancestors were convicts but the husband had had a relationship with an Aboriginal woman and she had a child and that child was brought up by the husband and his wife* so all that child's descendants are Aboriginal. Today there can be thousands of descendants from that girl, some of whose descendants are claiming to be Aboriginal. And in many cases other members of the family say they have never heard anything about them being Aboriginal.

How one identifies themselves is a deeply personal matter. But when it comes to public policy and public spending what is more important, the personal feelings some-one has about where they believe their ancestors came from or should there be a more stringent criteria , such as there is for most government spending, such as the DVA gold card or even the Newstart allowance or parenting payments. Public policy should say that it is not sufficient to claim to be eligible, some genuine proof is required.

I believe that quite a bit of the Indigenous funding coming into Tasmania has been misspent on providing services for people who do not have any genuine claim to be Aboriginal.

A paper was presented to the National Archivist and Records Management Conference about this very topic in September 2001. I am attaching a copy of that paper as it sets out quite clearly the stories of many of the people who today work for, are members of, are on the governing bodies of, or who utilise services of corporations funded to provide services to Aboriginal people. That these groups get much Indigenous funding means there is less funding available to provide services and support to genuine Aboriginal people.

Reading through and understanding the family histories of the people who claim to be Aboriginal can seem like hard work and telling someone that there is no evidence of any Aboriginal ancestry and that there is evidence of convict or other ancestry may not be a job that people choose or like to do. But if the Senate Committee really wants to understand whether there is money provided for Tasmanian Aboriginal people that is being misspent on non-Aboriginal people it will be important to understand on what flimsy or non-existent evidence of Aboriginality is being used by many individuals and Corporations.

The Tasmanian Aboriginal Centre was built from the ground up in the 1970s, from the Aboriginal community who did not have a voice and were ignored by both state and federal governments. Without the Tasmanian Aboriginal Centre there would be no programs or services for Aboriginal people. There would have been no ATSIC, nor would there have been these 30 or so Corporations some of which have tried to get Aboriginal funding often for their own spurious purposes.

The TAC is accountable and transparent and any Aboriginal person can use the services or become involved in the TAC's decision making processes through attending regular community branch meetings, by being elected to the state committee, the TAC's governing body, or by attending specific purpose Aboriginal community meetings to discuss specific issues of importance to the Aboriginal community. Membership of the TAC is open to any Aboriginal person living in Tasmania. And you do not have to be a member to access services we provide. This is quite different to many other so called Aboriginal corporations whose goings-on are known only to their committees or their members.

Since my involvement with the TAC since 1975 I have seen some really good developments and some not so good developments. The strength of the community and pride in our achievements from bringing ourselves back from the brink of physical extinction as a race and a community in the 1800's to today having to protect our community from the fragmentation caused by people and groups who do not have any valid claims to being Aboriginal. This has had a big impact on the overall wellbeing of the Aboriginal community

as non-Aboriginal people are getting jobs, houses and eye surgery meant for Aboriginal people.

I have been part of and experienced the fantastic services provided by the Tasmanian Aboriginal Centre. From the birth of my first child in 1980 to the birth of my 7th grandchild in 2015 my family has benefitted from programs offered. School holiday programs, child health nurses, playgroups, cultural camps, palawa kani language programs, youth groups, GP clinics, referrals to specialists, dieticians and learning more about Aboriginal heritage sites and practising our culture on Aboriginal land. These are just some of the ways my family and I have had our lives improved through services provided by the Tasmanian Aboriginal Centre.

I do not know how many people in total have benefited from the Indigenous funding to Tasmania. What I do know is that there needs to be more leadership shown by all levels of government to ensure that only people who are genuinely Aboriginal and where eligible, their family members, do access Aboriginal specific funding programs. In that way organisations such as the Tasmanian Aboriginal Centre who actually use a valid eligibility criteria may receive funding to provide services to Aboriginal people who live in areas where currently the TAC is unable to offer services.

A QUESTION OF PROOF: CONFIRMING NON ABORIGINALITY USING ARCHIVAL EVIDENCE

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**Presented to National Archivist and Records Management Conference
Hobart
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For the Tasmanian Aboriginal community, Aboriginality is one of the most profound political issue facing Tasmanian Aborigines in 20 years.

There is a bitter irony that after more than a century of struggling to prove the existence of Aborigines in Tasmania, the community is now driven to having to **disprove** the existence of so many others claiming Aboriginality.

As Tasmanian historian and author Cassandra Pybus stated recently many Tasmanians claiming or believing they have Aboriginal ancestry are actually descendants of black or coloured settlers and convicts transported to Tasmania before 1850.

“Archival records reveal that 60 men and women of colour were transported to the penal colony of Tasmania from India, Mauritius and Ceylon before 1850.”

“Another 300 black convicts were from the African Diaspora, including those from the Cape Colony, the United States, West Indies and Portuguese & Spanish colonies.”

As well, numerous black free men and women came as seamen, and as servants to officers, officials and wealthier settlers or as free settlers in their own right

“There were as many as 500 black settlers in Tasmania by 1850.”

“On the other hand, after 1835 Aborigines on the mainland of Tasmania could be counted on the fingers of both hands.”

Thirteen interconnected families and their surviving children persisted in the Bass Strait and consolidated the Aboriginal presence on Cape Barren Island. Successfully ignored, reviled, denied and forcibly removed, it was not until the 1970s that the Cape Barren Islanders won recognition as a distinct Aboriginal community, one subsequently extended to include descendants of 2 Aboriginal women who married convicts on mainland Tasmania, Fanny Cochrane Smith and Dolly Darymple Briggs.

By the 1996 census nearly 14,000 people claimed Aboriginal status in Tasmania. Projections for the 2001 Census indicate that this figure could be as high as 23,000. The Aboriginal community's figure is about 6,000 – 7,000.

For Commonwealth Government purposes, Aboriginality is still merely a matter of ticking a box, filling in the form, signing the paper.

Increasingly within the State Government a person must be able to provide authentic documentary evidence that shows a direct line of ancestry linked back through an identifiable family name to traditional Aboriginal society. This will usually be in the form of a verifiable family tree, supported where necessary by archival or historical documentation which links a family to a traditional name or person.

Photographic evidence or family folklore alone will not normally be sufficient to prove Aboriginal ancestry.

In general archival records that specifically identify people as being Aboriginal, are those referring to Aboriginal people themselves in the first few decades of European occupation. Records of later generations of all Tasmanians (Aboriginal and non Aboriginal) do not indicate their race.

The only exception to this is in the records dealing with the Bass Strait Islands. The state has good archival records that allow Tasmanian Aborigines to trace their ancestry. It should be pointed out however that the Tasmanian Aboriginal community do not need to trace their ancestry; they know it.

Given the above, if people believe they have or may have Aboriginal ancestry and are unable or unwilling to specify at which point in their family tree their Aboriginality is derived, ie the birth of a child with an Aboriginal parent, and need to provide a record of this or evidence from which it could be reasonably inferred then this is a potentially difficult task. Given that a person living now is separated by six or seven generations from any record indicating that its subject is Aboriginal and would need to “track back” each of their forebears for this number of generations to determine who, if any, was Aboriginal. This could involve well over 100 people and is far from an easy task.

Such a process is similarly applicable to other genealogical research aimed at establishing a specific attribute of a possible, but unknown, ancestor that many generations ago, and this is related to the uncertainty and elapse of time, not the content of archival records.

For people wishing to provide a record that shows, or from which it could be reasonably inferred, their Aboriginal ancestry, and who state the point in their family tree at which this took place, the situation is very different. A specific event can be generally be verified or otherwise, fairly readily either absolutely or as the most likely assumption on the basis of available records.

By the early 1800s there were many people predominantly European arriving in Tasmania as free settlers, who were not the subject of contemporary records but whose presence and most likely origin can be reasonably definitely inferred from other records when there is no specific record of either their arrival or their birth this does not in itself indicate anything in relation to possible Aboriginal ancestry.

Some (Abbreviated Versions) Samples:

Information provided by applicant:

Charles Bryant was shipwrecked on Flinders Island and married an unknown Aboriginal woman from Flinders Island

Information provided by the Archives Office of Tasmania:

Charles Owen Bryand (34) married Susan Louisa Daly (20) at Hamilton on 22 August 1888 (RGD 166/1888)

Several years before Susan Louisa Daly married, Aboriginal families living in the Furneaux Islands were relocated onto Cape Barren Island under the Cape Barren Island Act, which names every family. The name Daly/Daley/Dally is not included.

Information provided by applicant:

Sarah Linton or Sarah Mace was a tribal Aboriginal woman who came from the Cygnet area. One of the applicants has noted in her supporting documentation that “half of Cygnet”, come from this line.

Information provided by the Archives Office of Tasmania:

The Convict Index records a Sarah Lenton who arrived per *Elizabeth and Henry* on 4 January 1847. She is listed as having been previously married and had 4 children in England. Sarah was aged 35, Church of England and could read only.

Sarah received her Ticket of Leave in 1851 and a Conditional Pardon in April 1854. (CON 41/11)

One of the Ticket of Leave registers for the Port Cygnet area references Sarah Linton (spelt this way in 3 different entries) per *Elizabeth and Henry* residing at Deep Bay, Port Cygnet. (POL 379/1)

Her Tasmanian husband, William Challis, was also a convict and appears in the same record.

Information provided by applicant:

Applicant was unsure as to which branch of his family tree had Aboriginal ancestry but it was well known in his family that Thirza Green was very Aboriginal to look at.

Information provided by the Archives Office of Tasmania:

One of the archivists from AOT, having noticed my request, was particularly interested in this one as her paternal great grandmother was the very same woman.

Thirza Green was born on the 14 April 1857 at Franklin, Tasmania to John Green and Jane Larkin. John was a convict per the *Lady Montagu*. Jane was a free immigrant born about 1825 in Middlesex United Kingdom

Information provided by applicant:

Many applicants and their families still claim ancestry back to a Patrick Kennedy. These people believe that Patrick Kennedy was the son of Black Bill Ponsonby and Catherine Kennedy.

Information provided by the Archives Office of Tasmania:

Archival documents show that William Ponsonby and Catherine Kennedy were married in Tasmania, 27 August 1830. The *Colonial Times* records that the two were full bloods but had been domesticated

for some time. It was the first church marriage of this kind in the colony. Catherine was killed soon after by a tribal chief, Mannalargena.

According to the AOT, there is no evidence any descendants of this couple and secondly, Patrick Kennedy was a convict who arrived on the Blenheim on 31 October 1851 and applied for permission to marry in 1853.

Information provided by applicant:

There are a large number of families who have claimed Aboriginal Ancestry through Mary Ann Tatnell who had “Aboriginal blood”

Information provided by the Archives Office of Tasmania:

A letter received from the Archives Office of Tasmania confirmed that the usual claim for Aboriginality in this family (re Tatnells/Nichols/White) has been through the White family. The letter went on to state “I think it is now well established that while members of the White family may be dark, they are not Aboriginal.

Stephen White, his wife Margaret (Peggy) nee Vass, with five children arrived on the barque *Rubicon* on 19 June 1832 to settle in Tasmania where they had a further four children. The couple met on the South Atlantic Island of ‘Tristan D’Acunha’ after the vessel White was sailing in was shipwrecked on another island in the vicinity.

Stephen married Margaret ‘Peggy’, a ‘half-caste Portuguese from Bombay’, on the Island.

Information provided by applicant:

This applicant and her family claim Aboriginal ancestry through Charlotte Saunders the “daughter of George Saunders and Hannah Gough, a native of Tasmania. Her Aboriginal name was Huana which means weep in silence”

Information provided by the Archives Office of Tasmania:

Hannah Gough was a convict who arrived per the Woodbridge in 1843. As a convict she tried to get permission to marry several men in the 1840's, neither of them Saunders

Information provided by applicant:

My great great great grandfather was Samuel Munday, known as Black Sam. This family has identified as Aboriginal for past 3 generations.

Information provided by the Archives Office of Tasmania:

Samuel Munday was a black convict, born in London, England who arrived in Tasmania per the Almorah & Pilot in 1817.

Information provided by applicant:

Applicant claimed ancestry through a Charlotte Fletcher Jones, "a full blood Tasmanian Aborigine" who married a convict. Applicant provided black & white photographic evidence.

Information provided by the Archives Office of Tasmania:

Charlotte's mother Elizabeth Flannagan was a convict when she married Thomas Jones. Permission was granted on 10 May 1836 and Elizabeth had arrived per the Mary 19 October 1831. Death registrations for both Elizabeth and Thomas give birthplace for both as England.

Information provided by applicant:

Applicants great, great, great, great grandmother was a full blood Tasmanian Aboriginal Janet Jessie Clark

Information provided by the Archives Office of Tasmania:

Jessie Janet Clark died at Scottsdale, Tasmania on 26 July 1915. (RGD 0780/1915/Scottsdale) Her death certificate records her place of birth as Aberdeen, Scotland

Information provided by applicant:

My great grandmother was Ann Hite, her mother was Dolly Dalrymple Briggs' sister Mary/Margaret Briggs.

There are many families from the north west coast of Tasmania with the same family tree but with marked variations on key aspects of oral history. For example, Ann Hite was the daughter of Thomas Hite and Mary/Margaret Briggs and was subsequently adopted by Thomas' brother, Samuel and his wife Mary Ann Hite. Other people with the same family tree have indicated that Samuel and Thomas Hite were brothers, born in Bedford, England, with both being transported to Tasmania aboard the *Malabar* as convicts in 1821. Apparently following his release Thomas became a sealer and lived with an Aboriginal woman. They had two children. Thomas left these two children with his brother Samuel and his wife Mary Ann Pendrill.

Information provided by the Archives Office of Tasmania:

According to records held by the Archives Office, "It can be assumed that these are the natural children of Samuel and Mary Ann Hite."

The Archives Office has found no evidence of any convict called Thomas Hite. There is no one called Thomas Hite in the Convict Index and no one of that name is listed as a sealer in Brian Plomley's book *Friendly Mission*. The Archives Office has also rechecked the list of the *Malabar* convicts and the only Hite tried in Bedford and transported to Tasmania aboard the *Malabar* was Samuel Hite.

In the experience of the OAA archival records have been able to establish, for the vast majority of people claiming Aboriginal ancestry who are uncertain of their lineage, their non Aboriginal ancestry.