From:	[redacted]
To:	Aboriginal Heritage Act
Subject:	Comment on the proposed Aboriginal Cultural Heritage Legislation
Date:	Monday, 20 June 2022 11:26:15 AM
Attachments:	Reconciliation in Tasmania - June 2022.docx Nicholson.docx

Submission re "A new Aboriginal Cultural Protection Act"

Submitted by John Coulson, [redacted]
John is an 86 year old Tasmanian descended from early settler Captain George Coulson who settled and named the town Dilston, where the Coulson descendants, including John, have lived for 5 generations.

Basic Comment

The objects and principles of this Act are as follows:

It is acknowledged that Aboriginal people are the primary custodians and knowledge holders of Aboriginal heritage. **This concept works against reconciliation if "primary" is interpreted as giving power to exclude the general community for the processes involved.**

The objects of this Act are –

- to recognise, provide for and further the protection of Aboriginal heritage; **Agreed**
- to provide for the involvement of the Aboriginal community in the management and protection of Aboriginal heritage; **OK, but why not have other interested parties involved if we sincerely want reconciliation?**
- to promote the management of Aboriginal heritage as an integral part of the State's Resource Management and Planning System; **Agreed**
- to establish workable and effective procedures for the Aboriginal heritage assessment, conduct and oversight of land activities and other activities with regard to Aboriginal heritage impacts; **Agreed**
- to provide appropriate sanctions and penalties to prevent harm to Aboriginal heritage; **Agreed**
- to promote public awareness and understanding of Aboriginal heritage. **It is unclear how, in its current form, the Act would achieve this.**

What is proposed: It is proposed that the new legislation would:

- acknowledge that Tasmanian Aboriginal people are the custodians of their heritage; **Not good. That they are Tasmanians should imply sharing with the community, not that being Aboriginal denotes exclusivity.**
- remove current provisions assigning ownership of Aboriginal cultural heritage on Crown land to the Crown, and not specifically provide for any other Crown ownership of Aboriginal cultural heritage; **Not good, Crown land should be accessed by all Tasmanians regardless of any cultural heritage involved. Protecting the heritage is another issue and any implication that only Aboriginals can protect and appreciate cultural heritage is racist and without foundation.**
- prohibit the sale of Aboriginal cultural heritage; **OK**
- provide for the registration of private collections of Aboriginal cultural heritage; **OK**
- clarify rights of private land holders in relation to undertaking certain activities; **OK** and
- provide for the representative Aboriginal body (see section 4) to make decisions about repatriation of Aboriginal cultural heritage. **Not good – too narrow and against concepts of reconciliation**

More Detailed Analysis

The Good Aspects of the Proposed New Legislation –

1. The importance of Aboriginal Heritage is acknowledged
2. That heritage is to be protected
3. The involvement of Tasmanian Aboriginals is included

The Not so Good Aspects of the Legislation

1. It is regarded as of concern only to the Aboriginal Community and is not as a Tasmanian asset to be protected and appreciated by the whole community;
2. It further emphasises a difference between those claiming Aboriginality and the rest of the community and as such widens the gap between people and hinders reconciliation;
3. It appears to continue the philosophy that only those claiming Aboriginality should have access to heritage items so the rest of the community should be denied access.

Fundamentally it is bad legislation if Government is sincere in wanting reconciliation as the inherent aspects are counter to any ideas of mutual cooperation and respect.

The proposed act furthers the wedge politics that activists have used to delineate their position from the rest of the community and thereby increase their power and influence. This wedge politics has been effective because only one side of the argument is heard from the activists and they are funded by the Government. This process started in the early 1970's by the Whitlam Labor Government and in Tasmania caused "Islanders" to proclaim themselves as "Aboriginal".

The results of Aboriginal wedge politics in the last 50 years –

- Virtually anyone can claim Aboriginality – this has resulted in an acknowledged population at least twice as large as is possible from the surviving original natives on the islands *(see the research done by Nicolson in the appended document)*
- Tasmania's early history has been corrupted to paint a picture of Europeans intent on annihilating the indigenous population.
- This has created a victim culture where Governments are pressured to give compensation. Land "hand-backs" are part of this and control over artefacts with the main population excluded, is another aspect.
- Having Indigenous heritage is to be regarded by everyone with respect but this is not returned by those claiming Aboriginality. This is hypercritical because the vast majority of these people have less than 5% Indigenous but more than 95% European heritage.
- The disrespect of non Aboriginals is reflected in the use of the derogative term "Whites". It is also seen by the disproportionate representation of the Aboriginal community in incarceration because of contempt for "White Man's Law" and a belief they have been victimised fosters a rebellious attitude from some.

So How Should the Act be Modified to Assist With Reconciliation?

Heritage should be regarded as "Tasmanian" and should involve the whole community, not just those who claim Aboriginality. Appropriate Tasmanians with indigenous heritage should share their cultural knowledge with other community members in a mutual endeavour to cherish, respect and protect all heritage items.

The Heritage Act should be re-drafted to be inclusive of all Tasmanians with mutual respect observed for all cultural aspects involved.

Postscript

Note the two appended documents-

1. The investigation by Nicholson of Aboriginality
2. An essay, with references, on current reconciliation in Tasmania

Dot Point Summary of the Current Situation

- Disunity is being deliberately engineered by Aboriginal activists to increase their political influence and finances;
- Not all Tasmanians claiming Aboriginality have genuine native heritage and even with those that do have it are over 90% European so special consideration of them is questionable [9];
- "Truth Telling" cherry picks events to distort a balanced view of Tasmania's early history, ignoring atrocities natives committed against settlers and efforts made to protect those first Tasmanians;
- A "victim culture" has been firmly established in many minds, something which distorts reconciliation efforts and generates anti-social attitudes;
- The public image of Tasmania is currently an incorrect one of a State which, in its early days, took genocidal action to eliminate the native population. While accepting the criminal actions of some, e.g. the sealers, it ignores the devastating effects of disease;
- All propaganda emphasis is on negative aspects of Tasmania's early history with no acknowledgement of the medical, social and other benefits of civilisation;
- The only opinions on public display are those from those claiming Aboriginality with those from the general community ignored and not being either consulted or considered by Parliament.

Reconciliation in Tasmania is Currently Failing

Background

Prior to the 1970's, it was generally accepted that the original Tasmanian Aboriginal race was extinct. However in the 1970's the Whitlam Government provided funding to help Australian Aboriginals establish representative organisations, so a "Tasmanian Aboriginal Centre" (TAC) [1] was established by decedents of the original Aborigines who lived on the islands, a population that up until then, called themselves "islanders", not Aboriginals.

50 years of Activism

Activists from the TAC generated controversy in their interpretation of Tasmania's early history by emphasizing allegations of atrocity and genocide. This generated public and political sympathies which resulted in Government moves for reconciliation to counter the perceived injustices of events 200 years previously. As part of this, control of portions of public land was given to Tasmanian Aboriginal organisations, an ongoing process. Around 1% of Tasmania is now under TALC control with non Aboriginals excluded from participation in it despite public monies being used for its maintenance. Heritage relics have been legislated to be under their control with access by the general public denied.

The Positive Result

Those with Aboriginal heritage and others with sympathies and allegiance to their aspirations, feel their presence is now recognized and they are being proactive at reviving an ancient culture. All public speeches commence with acknowledgement of the first peoples and pay respect to the elders.

The Negative Result

The Tasmanian community is now divided with some of those claiming Aboriginal heritage being antagonistic to the rest of the community because of perceived atrocities on their ancestors. Respect is demanded because of their heritage but it is a one way street with disrespect for the general community on display. This disrespect of non Aboriginals is causing mental health problems to some who now have profound feelings of victimization. This resulted in one Aboriginal, Wight-Brown, with no known provocation, threatening the life of Hobart historian Reg Watson in 2018.[2] TAC activism has established the unfortunate and incorrect image of Tasmania as a State where genocide in the early days of settlement deliberately exterminated the indigenous population.[3]

A further negative is that this antagonism has generated a disrespect for the law by some in the Aboriginal community, possible explaining the increase in disproportional representation by Aboriginals in the crime statistics by those who refuse to accept “white man’s law”.

The Perspective and Appreciation of Tasmania’s Early History is now Distorted

The efforts to protect the indigenous population in the early 1800s were not very effective because funding from England did not give the required resources. Compounding problems were the sealers living in the far North who were beyond control. They were responsible for the worst offences which involved enslavement and abuse of women. These, together with atrocities committed by escaped convicts and bushrangers inevitably led to conflict with only a few brought to account for their acts of violence, rape and murder. The result was a series of incidents resulting in the deaths of over 450 settlers and hundreds of Aborigines, many being attributed to “The Black War” [4]. Disease (venereal, flu etc), introduced by the sealers and others had further decimated Aboriginal numbers so that when peace was finally established by the missionary zeal of George Augustus Robinson, there were only very few of the original 5000 left to settle on the Islands. It is a gruesome and violent history but aspects of it have been exaggerated and politicised by the TAC to gain increased power and influence.

Unfortunately some historians have added to the confusion and are continuing to do this. There was an uproar in 2002 when Windshuttle uncovered that many of the previously accepted and respected references by historians Reynolds and Ryan were false [5]. The situation is that now a reader must approach modern publications on Tasmania’s early history with caution as not all refer back to reliable sources. And often those early sources themselves might not be accurate as West commented [6]. Long held beliefs of atrocities like that at Risdon in 1804 [7] have been shown to be false by modern research [8]. But many believe that a large number of deliberate atrocities were committed so it is unsurprising feelings of resentment occur.

Bottom line is that the propaganda of politicised early history has misled many in the Tasmanian Aboriginal community with serious social consequences and racist undertones. This, together with some public sympathisers (in the guise of Reconciliation Tasmania) has put pressure on Government policies to meet activist demands as a way forward for reconciliation. Ironically those policies appear to be causing further community division and making reconciliation an illusion.

The Way Forward?

Current Government policies are only making the situation worse. They are not addressing the basic entrenched animosity in the minds of some Tasmanians and that could also be inadvertently sponsoring crime. This is exacerbating their mental health and increasing community division so **reconciliation is not being achieved**. All current policies result from consultation only with Aboriginal groups and sympathisers. They appear to be framed on the premise that Tasmanian Aboriginals are victims of earlier Government mismanagement responsible for atrocities on their ancestors so actions should be to give compensation and solace to the descendants. This premise needs closer examination for its validity and should involve general community participation and consultation for any reconciliation process to succeed, The gap that TAC activists have created between themselves and the community needs closing with the cooperation of both parties. Currently it is a one way street resulting in the gap becoming wider with racial overtones.

It is appropriate that distasteful aspects of our early history be addressed, but this should be done with an empathetic and balanced approach which appreciates the context of the time where life was difficult, even dangerous, for both the Aboriginals and settlers, slavery had only recently been abolished, people were hung for stealing and community attitudes and values were far different than is acceptable today. The validity of negative historic claims needs to be examined by an impartial authority like Dr Ian McFarlane, a historian who is familiar with Tasmanian history but not in a position of authority like Reynolds and Lehman from UTAS who are actively supporting TAC aspirations. **We have moved ahead to establish a great society in Tasmania and we should be valuing this and sharing cultural values, not using them to cause division**.

The **Government should show leadership** and **establish honesty in our Tasmanian early history** to offset the misleading image of genocide being painted by activists. It should set up **structures to bring parties**

together to resolve differences, both perceived and actual. The **establishment of a single Heritage body** responsible for all Tasmanian heritage would be a first such positive move.

It should establish communication and public education systems systems to offset the negative mental health problems experienced by some who are currently obsessed with perceived victimisation that demands compensation. Meeting that demand for compensation is only further entrenching negative historic beliefs and making reconciliation less possible. **A fundamentally different approach is required**.

In any discussion of past events, it is vitally important that resources use valid references, not opinion. All references need to be approached with caution about the validity of content. It is difficult to have confidence that a source, even written at the time, relates a genuine event.[6]

Unfortunately discussion of these issues is currently clouded by the TAC political activism with inappropriate undertones of racism and lack of respect. Current political correctness is casting a fog over considerations which make progress towards genuine reconciliation very difficult. One wonders if the TAC genuinely wants reconciliation as they have not made any effort to assist.

Summary

50 years of activism has generated attitudes that are incompatible with reconciliation. **It is a complex situation that requires a more serious, determined and sophisticated approach by Government** to achieve both **a civil relationship between Aboriginals and the community** and to establish **truth in discussions about Tasmania's early history.** Achieving this would assist those Aboriginals who are obsessed with victimization, help community appreciation of Aboriginal culture, replace hostility with friendship and restore dignity and truth to appreciation of our history. **Government has an obligation to proactively generate genuine reconciliation** and **restore a more balanced appreciation of Tasmania's early history.**

References

[1] https://www.zoominfo.com/c/the-tasmanian-aboriginal-centre-inc/114737371

[2] The event and subsequent legal actions are discussed in this video - https://www.heraldsun.com.au/blogs/andrew-bolt/legal-first-man-with-compensation-for-antiwhite-racism/news-story/d0b636bd3a6e231778d6962fbfb9786b

[3] "Genocide" is defined as the deliberate and systematic extermination of an ethnic or national group. However this is not the situation historical records reveal. Efforts were made to protect the natives as related in West "The History of Tasmania" 1852 page 263: Lord Hobart, under whose auspices the colony was planted, directed the Lieutenant-Governor to conciliate the natives: to preserve them from oppression, and to encourage them to resort for protection to his authority. "You are to endeavor, by every means in your power, to open an intercourse with the natives, and to conciliate their good will – enjoining all persons under your government to live in amity and kindness with them; and if any person shall exercise any acts of violence against them, or shall wantonly give them any interruption in the exercise of their several occupations, you are to cause such offender to be brought to punishments, according to the degree of the offense. There are further references to the source of this page 623 note 10.

[4] Popular myth is this "War" was a calculated effort to annihilate the native population. It actually was a series of skirmishes against the Aborigines, reluctantly approved by the administration, in response to public anger at the unprovoked attacks on settler families. There were casualties on both sides with Aboriginal numbers significantly reduced. Ultimately this made the peaceful efforts of George Augustus Robertson successful but resulted in very few Aboriginals remaining to settle on the islands.

[5] "The Fabrication of Aboriginal History" in 2002 `Chapter Five discusses the issue.

[6] West "The History of Tasmania" 1852 page 623, note 15: Accounts of these killings were often magnified and were sometimes unfounded, but were spread to hide the inefficiency or hostility of the troops. There is more detailed analysis in "The Fabrication of Aboriginal History" in 2002 `Chapter Five.

Another comment made at the time also highlights this issue: "*Numerous fictitious fights are recorded as having taken place in the early times of the colony, and which, though still repeated by lovers of the marvelous and horrible, were found to be utterly false on investigation. Thus, some time in 1828, a party of military and police, who were sent in pursuit of the blacks, instead of acting against them, lay idly by in the bush, and on returning to their station reported a success over the enemy, having killed 7 of them, they said; which rumor soon magnified into, first, 17, then 40, 50, 70 and finally 100. (as*

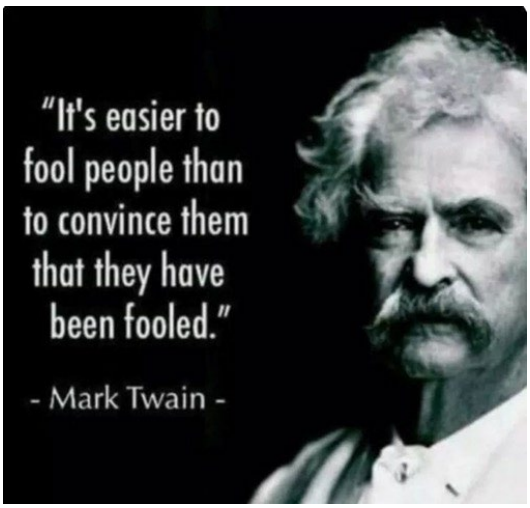
stated in Mr. Gilbert Robertson's evidence, 3rd March, 1830). They surprised them, they said, in a ravine, a perfect cul de sac, from which there was no escaping. Another gentleman, a Mr. Robertson – who, like his namesake, discredited the story, proceeded next day to the field of slaughter, along with one of the heroes of the fight, a corporal of the 40th Regiment; but, on reaching the ravine, the only victims of their fury were found to be three dead dogs. The soldier then said – "To tell you the truth, we did not kill any of them; we had been out a long time, and had done nothing, and said it in bravado." (Evidence, 4th March, 1830) These two examples of a hundred such battles will probably be enough."

[7] The story originated from evidence of convict Edward White at an enquiry in 1830:

Calder "SOME ACCOUNT OF THE WARS, EXTIRPATION, HABITS & OF THE NATIVE TRIBES OF TASMANIA 1875"**:** ***"****At 11 o'clock of the morning of the 3rd of May the shouts of the natives were heard on the Risdon hills, as they drove a herd of kangaroos before them. They were armed with waddies only (short thick hunting clubs), and were accompanied by their women and children – a certain proof that they had no hostile intentions against anyone at the time, as it was their constant rule to leave them behind when they went out to fight. An eye-witness of the events of this deplorable day, of the name of White, who gave evidence on the 16th March, 1830, to a number of gentlemen, styled the Aboriginal Committee, thus describes the approach of the natives. He says; - "I was hoeing new ground near the creek. Saw 300 of the natives come down in a circular form, and a flock of kangaroos hemmed in between them. There were man, women and children. They looked at me with all their eyes. I went down to the creek and reported them to some soldiers." It would seem that these savages were at this time unacquainted of the occupation of their country by Europeans, this witness saying "Is sure they did not know there was a white man in the country when they came down to Risdon." A quarrel soon took place but it is not quite certain who began it; though in balancing the evidence, the blacks seem to have been the aggressors. Captain Bowen was just then absent, on a visit to Slopen Island, and the troops were, at the moment, under the command of Lieutenant Moore."*

[8] Seymour & Brown "White Lies" page 33 "The point being that we do not believe Edward White was at Risdon Cove on 3/4/1804" Page 61 "In fact, the only record of a convict called Edward White coming to Van Diemen's Land on or around May 1804, is from the good ship Calcutta, on the 23rd of June, fifty-one days after the event our Ed White claims to have witnessed"
There has been research by many at the Risdon site but no evidence of an atrocity there has ever been found. Unfortunately the myth persists and the Lyndal Ryan Australian atrocity map still lists 30 killed there despite notification about White's evidence being fabricated. https://c21ch.newcastle.edu.au/colonialmassacres/map.php

[9] Nicolson "Aboriginal Identity in Tasmania" – *a copy of this can be provided on request.*



POSTSCRIPT: Current Government Policies re Reconciliation

- How is "Returning Land", which is deemed the province of Tasmanian Aboriginals with the public excluded, assisting with reconciliation?
- How is giving complete control over ancient relics to Aboriginals assisting in better communication and comprehension of Aboriginal culture by the wider community?
- Does Government believe that the current policies are "harmonizing", "making friendly after estrangement" relations between Tasmanian Aboriginals and the wider community?
  (i) If so, where is the evidence for that?
  (ii) If not, what different policies are planned to assist in sponsoring genuine reconciliation?

Aboriginal Identity in Tasmania

This is research done by Malcolm Nicholson, using in the main books from the library.

Introduction

In his book *The Fabrication of Aboriginal Society, Volume One*, Keith Windschuttle said that many of the claims about Europeans killing Aborigines in Tasmania were either exaggerated or had been completely made up by historians.

The historian, who came in for the most flak from Windschuttle, was Lyndall Ryan, author of *The Aboriginal Tasmanians*. Windschuttle said he found 17 cases where Ryan had invented killings and provided false footnotes, and another seven cases where she had exaggerated the number of Aborigines killed or captured. (**1**)

However, the real political significance of Ryan's book is not what she wrote about alleged killings of Aborigines, but what she wrote about what happened next. Ryan is cited by other historians as having proved that the Tasmanian Aborigines did not become extinct with Truganinni in 1876. She is said to have proved they survived through the Cape Barren Islanders, who were the descendants of European Bass Strait sealers and their Aboriginal women, so she has supposedly provided the historical justification for land rights in Tasmania today.

In *The Aboriginal Tasmanians*, when she is writing about the part-Aboriginal, part-European Cape Barren Islanders up until about 1970, Ryan does not call them Aborigines. She still calls them Islanders (**2**). However, other writers have taken to calling them Aborigines, just like their descendants today call themselves Aborigines.

It is true that the Cape Barren Islanders had Aboriginal ancestry and they were discriminated against because of it, but modern writers, who call earlier generations of Cape Barren Islanders Aborigines are anachronistically reading a modern definition of Aboriginality back into the past. They are describing people as Aborigines when there does not appear to be any evidence that they themselves believed they were Aborigines until the 1970s.

Thus, it looks like the fabrication of Aboriginal history in Tasmania did not end when the Black War stopped.

The problem of the definition of Aboriginality in Australia

Since the 1970s the question of who is an Aborigine in Tasmania has been a contentious one. However, no one has ever challenged whether a full blood Aborigine in the Northern Territory is an Aborigine or not. Aboriginality only becomes contentious when it involves people with both European and Aboriginal ancestry and the issue is whether or not part-Aboriginal people are still Aboriginal.

ISurely the logical way of determining who is an Aborigine would be to have a minimum percentage of Aboriginal ancestry. Once it gets less than that, the amount is too small to seriously call them an Aborigine.

Instead, in 1968 a new three part definition of an Aborigine was introduced by the Federal Government (**3**). Before then, an Aborigine was defined as a member of the Aboriginal race. This new definition said an Aborigine is (1) a descendant of the Aboriginal race, (2) who identifies as an Aborigine, and (3) is accepted as an Aborigine by the local community.

The meaning of the word “Aborigine” has been changed. An Aborigine is no longer only a member of the Aboriginal race, but also a descendant of someone of the Aboriginal race. This means that any part-Aboriginal person, a person with an Aboriginal ancestor, can be an Aborigine in the same way a full blood is.

It gets messy, especially in Tasmania, because the definition does not specify how far back the full blood ancestor, which they are descended from, can be. In Tasmania there are people who have one Aboriginal ancestor seven generations back. This means they have one great-great-great-great-great grandparent , who was an Aborigine, and 127 great-great-great-great-great grandparents who were white. This works out that they are 99.22% white, but that 99% does not count and legally, they are just as much an Aborigine as a full blood Aborigine on the mainland, and they have the same rights and benefits as a full blood Aborigine.

The author does not have a problem with some types of special benefits for Aborigines as compensation for being discriminated against or dispossessed in the past, or to help them overcome the disadvantages of being Aboriginal, but in the case of someone, who is over 99% white, their Aboriginal ancestry would be undetectable. They are not likely to have ever suffered or been discriminated against because of their Aboriginal ancestry. So, they get the modern advantages of being Aboriginal, but none of the disadvantages.

The other two parts of the new definition were that they had to identify as an Aborigine and be recognised as Aboriginal by the local community. This seems to means that if a person of Aboriginal descent does not want to identify as an Aborigine, then he is not one. This only makes sense with people of both white and Aboriginal ancestry and they can choose whether they want to be Aboriginal or not, as suggested by Peter Brown, who wrote in an Tasmanian Aboriginal magazine *Tunapi three*,

“It does not matter if you have a European parent and an Aboriginal parent, you have the right to choose to be either Aboriginal or white.” (**4**)

You can get away with this in Tasmania, where many Tasmanian Aborigines might be able to choose whether they want to be Aboriginal or white, but a full blood Aborigine does not have that that right. He is an Aborigine whether he wants to be one or not.

This definition also gets complicated because, according to Ray Robinson, deputy chairman of ASTIC, 15% of those, who identify as Australian Aborigines, do not appear to have any Aboriginal ancestors. (**5**)

One example of this is Roberta Sykes. She is an Aboriginal activist who was born in Queensland. She has worked with the Royal Commission into Aboriginal Deaths in Custody, won the Australian Human Rights Medal and has written a three volume autobiography called *Snake Dreaming*. Sykes did not know her father, but because she is black, she believes he was Aboriginal. However, there are other claims that her father was really a black American soldier who was stationed in Queensland during World War II (**6**).

Another example is Colin Johnson, who is now known as Mudrooroo. In 1961 he published *Wild Cat Falling* which is said to have been the first novel ever written by an Aborigine. He has written several more books on Aboriginal themes and taught Aboriginal literature at four universities. However, his sister researched their family tree and found that their grandfather was actually a black American from North Carolina, who emigrated to Australia in the 19th Century (**7**).

These are two prominent Aboriginal activists, who appear to sincerely believe they are Aborigines, and other Aborigines have accepted them, and they have advanced the Aboriginal cause, but it looks like they have no Aboriginal blood.

In Tasmania the percentage of those, who call themselves Aborigines, with apparently no Aboriginal ancestors, is much higher than 15%, but first, I am going to look at the background of the authentic Tasmanian Aborigines, the ones with Aboriginal ancestors.

The racial background of the modern Tasmanian Aborigines

The modern day Tasmanian Aborigines are the descendants of 12 families of European sealers and their Aboriginal women who lived on the Bass Strait islands in the 19th century. These 12 families consisted of 12 white men, 9 Tasmanian Aboriginal women, 4 mainland Aboriginal women and 1 Maori woman. (**8**)

Two part-Aboriginal women with sealer fathers broke away from the Bass Strait group and settled on the Tasmanian mainland and had descendants. They were Fanny Cochrane Smith, who lived near Cygnet, and Dolly Dalrymple on the North West coast.

Our main source of information about the Bass Strait sealers and their Aboriginal women is the journals of George Augustus Robinson which were published by Brian Plomley as the book *Friendly Mission* in 1966. Robinson gathered up the last of the Tasmanian Aborigines and took them to Flinders Island in the 1830s. He clashed with the sealers because he wanted to take all the Aborigines, including the ones which belonged to them.

It is clear from Robinson's journals that there were once a lot more sealers and Aboriginal women on the island than these 12 families, but they are the only ones who had descendants who intermarried and survived to the present. Thus, the modern Tasmanian Aborigines are a combination of three racial groups – Tasmanian Aborigines, Europeans and mainland Aborigines.

The *Sunday Herald-Sun* from April 2004 contains an article about how Aboriginal organisations in Victoria are holding up the construction of a secondary college on the Mornington Peninsula. One of these groups is the Bunurong Land Council. They trace their Aboriginal ancestry back to the mainland Aboriginal women who were taken by the Bass Strait sealers. The article says the Council's "chairman, treasurer and elders all live in Hobart or Cape Barren." (**9**) So, I assume these people living in Tasmania are claiming to be Tasmanian Aborigines because of their Tasmanian ancestors, but at the same time, they are claiming to be mainland Aborigines and are members of a Victorian Aboriginal Land Council because of their mainland ancestors.

Atrocities committed by the white ancestors of the modern Tasmanian Aborigines against the Tasmanian Aborigines

The paradox for the modern Tasmanian Aborigines is that on the hand they are descended from the Aborigines, the victims who suffered at the hands of Europeans, but they are also descended from the Europeans who caused their suffering. One thing, which both Lyndall Ryan and Keith Windschuttle agree on, is that the Bass Strait sealers bear much of the responsibility for the decline of the full blood population (**10**). They kept taking young Aboriginal women to the Bass Strait islands where they used them as slaves, so that by the 1830s the ratio of Aboriginal men to women was six to one. Every woman, which the sealers took out of the tribes, was one less woman who could have full blood Aboriginal children. As the older Aborigines died or were killed and children were not being born to replace them, it was inevitable that the Aboriginal population would decline.

Once the Aboriginal women were taken to the islands, the sealers often mistreated them. George Robinson wrote in his journals that the Aborigines told him that all the Aboriginal women on the islands had been flogged (**11**). He wrote that Edward or Sydney Mansell flogged an Aboriginal woman on Preservation Island (**12**).

When two Quaker missionaries, James Backhouse and George Washington Walker, visited Flinders Island in 1832, they recorded this account of an Aboriginal woman describing how they were beaten by sealers,

"On being asked if the sealers beat their women, she stated that they beat them very much… On being asked if particular individuals of the sealers mentioned by name beat their women, she answered that they did beat them with great sticks except three who she said did not beat them…. We requested Boatswain to inform us in what manner they beat them. She made signs of being stripped, stretched her hands up against the wall in the attitude of a prisoner tied up to be flogged and made a doleful cry, and then personated a flagellator in the discharge of his duty. After this she exclaimed in her own language, Oh I will club the mutton birds better, repeating the words

with cries and lamentations, at the same time representing a person striking her over the back and legs and herself sinking on the ground, and her voice gradually sinking as if through exhaustion." (**13**)

Possibly some Aboriginal claims for compensation and land on the Australian mainland are morally justified, but in Tasmania it is hard to take them seriously when you are talking about giving Aboriginal land and benefits to the descendants of white people who did things like this to the Aborigines.

Robinson also accused the sealers of shooting Aborigines both on the islands and the Tasmanian mainland. In 1826 sealers tried to abduct some Aboriginal women at Cape Portland and the Aborigines killed four of them. Robinson wrote that after this incident, "the sealers shot them whenever they saw them." (**14**) He also wrote,

"There is not a boat harbour along the whole line of coast but what numbers of unfortunate natives have been shot [by the sealers] : their bones are to be seen strewed on the ground." (**15**)

As Keith Windschuttle pointed out in *The Fabrication of Aboriginal History*, Robinson tended to exaggerate killings of Aborigines (**16**). There probably were not shootings and bones in every bay, but you get the idea. It sounds like there were many killings of Aborigines by sealers which have not been recorded.

The only sealer with modern Aboriginal descendants, who Robinson explicitly says killed an Aborigine, was James Everitt. Robinson wrote that he shot an Aboriginal woman on Woody Island because she did not clean his mutton birds properly (**17**).

Edward Mansell shot and wounded two Aborigines on Flinders Island in 1832 (**18**). Mansell was arrested for these shootings, but later released. Robinson's journal for the day Mansell was arrested says, "the sealer Mansell in custody as a prisoner….Much dancing this evening." (**19**). So, it sounds like the Aborigines were glad to be rid of Mansell.

Mansell was involved in another incident at Eddystone Point in 1827 when two Aborigines were killed. Mansell claimed another sealer Thomas Tucker shot the Aborigines and he did not know Tucker was going to do it (**20**). There is no evidence Mansell killed any Aborigines at Eddystone Point, but I find it hard to believe he did not know what Tucker was planning to do. Either way, he was at least an accessory in these killings.

During the Legislative Council Select Committee into Aboriginal Lands in 2000, Rick Maynard and Jay McDonald, representing the Tasmanian Aboriginal Centre, said that Eddystone Point was one of the additional areas which should be handed back to the Aborigines (**21**). It is true there are a lot of middens in the area, but what they are, in effect, saying is that Eddystone Point should be given to the descendants of a white man who was an accessory in the murder of Aborigines there.

In 1831 George Robinson visited the Eddystone Point area, gathering up the Aborigines. One of the Aborigines working with Robinson was Mannalargenna, chief of the North East Tribe. Robinson wrote that Mannalargenna wanted to know why Tucker, Mansell and the other sealers, who had been there, had not been put in jail for these killings. Robinson told him he would tell the Governor about it when they got to Hobart (**22**), but nothing was done about it. Since Edward Mansell's son Thomas was born in 1837, if Mannalargenna's wish had been granted in 1831 and Edward Mansell had gone to jail, there would be no Tasmanian Aborigines called Mansell today.

Mannalargenna had three daughters, who had been taken by the sealers, and most modern Aborigines can trace their ancestry back to them. Modern Tasmanian Aborigines like to emphasize their connection back to Mannalargenna. However, his tribe would have been one of those which suffered the most at the hands of their white sealer ancestors. Robinson wrote that Manalargenna told him the sealers were "bad men" and he wanted the Aboriginal women on the islands, including his daughters, taken off them (**23**). If Mannalargenna had had his way and all the Aboriginal women had been taken off the sealers, there would be no Tasmanian Aborigines today descended from the Cape Barren Islanders. Thus, the irony is that it is only because some Aboriginal women were kept as slaves and mistreated, and the wishes of the Aborigines were denied, that they were able to have descendants on Cape Barren Island who survived to the present.

By the 1850s life on the Bass Strait islands had settled down. In 1854 Bishop Francis Nixon visited the islands and wrote a book of his experiences called *The Cruise of the Beacon* published in 1857. On Guncarriage Island Nixon baptized several part-Aboriginal children and he married Edward Mansell and an Aboriginal woman Judy. (This is not the same woman Robinson said Mansell flogged about 25 years earlier.) Nixon wrote,

"I united an old sealer, Edward Mansell, to Judy Thomas, an Aboriginal woman. Upon investigation of the facts of the case, I was glad to find that the best of motives induced the man to repair past sin and folly by a union with this woman, aged as she was." (**24**).

This creates an image of the old sealer, with a guilty conscience about what he had done in the past, seeking to make restitution and do the right thing by marrying the aboriginal woman. So, if Edward Mansell and the Aboriginal woman he mistreated apparently managed to reconcile, why do their descendants still have a problem today?

The absence of Aboriginal identity until the 1970s

Truganinni died in Hobart in 1876. For about 100 years after her death she was thought of as being the last Tasmanian Aborigine. (There was a full-blood Tasmanian Aborigine who died on Kangaroo Island in 1888, 12 years after Truganinni, but that's another story.)

The idea, that Truganinni was the last, has been attacked in recent years because it denies the Aboriginality of the modern Tasmanian Aborigines, the descendants of the Cape Barren Islanders. However, Truganinni, herself, believed she was the last of the Tasmanian Aborigines. Before she died, Truganinni was interviewed by James Calder. This interview was published in the book *Six Pioneer Women of Tasmania* in 1956. In that interview Truganinni said, “All my people are dead now; I am the last of them and I am very lonely.” (**25**) Truganinni knew there were still people of Aboriginal descent living on the Bass Strait islands. They had asked her if she wanted to live with them (**26**). If she believed she was the last Aborigine, then she apparently did not think that the part-Aboriginal Bass Strait Islanders were still Aborigines like she was.

White Tasmanian society did not believe the part-Aboriginal Cape Barren Islanders were Aborigines. They called them half-castes or Islanders. Many modern historians now call the Cape Barren Islanders of the 19th and first half of the 20th Centuries Aborigines, but they are reading the modern definition of an Aborigine, where any part-Aboriginal person is an Aborigine, back into the past. As far as I can tell, no historian has ever published anything like a letter or a diary written by a Cape Barren Islander in the 19th or early 20th Century, in which they call themselves Aborigines. So, historians appear to be misrepresenting the Cape Barren Islanders and are describing them as Aborigines when there is no historical evidence that they themselves believed they were still Aborigines. In fact, the historical evidence suggests that the part-Aboriginal Cape Barren Islanders did not think they were Aborigines.

In May 1883 a letter was published in the *Launceston Examiner* signed by six Islanders including Thomas Mansell and John Maynard. It finished by saying,

“P.S. We may mention that the above signatures represent the heads of all the leading families of half-castes in the straits Islands.”(**27**)

They had full-blood Aboriginal mothers, but they did not call themselves Aborigines. They actually called themselves “half-castes” which was a term their descendants would understandably object to being called.

Ernest Westlake was an English Quaker who visited Tasmania in 1908 and interviewed people about what they remembered about the Aborigines. These interviews were published by Brian Plomley as *The Westlake Papers*. Westlake interviewed five Cape Barren Islanders and eight children or grandchildren of Fanny Cochrane Smith. None of them described themselves as Aborigines, even the ones with a full-blood mother.

In his introduction to *The Westlake Papers*, Brian Plomley wrote that these interviews revealed how little the part-Aboriginal descendants knew about their tribal ancestors. Plomley wrote that the Aboriginal women, living with the white sealers, appear to have taught their children virtually nothing about tribal life, apart from a few words, or else their children had forgotten or ignored it. Plomley wrote that the Islanders had become “a community of European Christian peasants…..which was neither Aboriginal nor European.” (**28**)

Molly Mallett was born on Cape Barren Island in 1925. She is now regarded as an Aboriginal elder, but it sounds like her parents did not think they were Aborigines, because in her book *My Past – Their Future, Stories From Cape Barren Island*, she wrote, “We knew we were different, but they – our parents – never told us we were Aborigines.” (**29**) She went on to say that only three aspects of Aboriginal society had been passed down through the Cape Barren Islanders, mutton-birding, making shell necklaces and story-telling

In 1953 the report *Growth of a People* by Norman Tindale, a study of the Cape Barren Islanders, was published by the Queen Victoria Museum. While the Cape Barren Islanders knew they had Aboriginal ancestors, so little information had been passed down, that by this time they did not even know all the names of the Aboriginal women they were descended from. Tindale wrote that out of their nine Tasmanian Aboriginal female ancestors, they could only remember the Aboriginal names of two of them. They could remember four more only by the European names, which the sealers gave them, and they had completely forgotten the names of three of them. (**31**)

In 1966, after George Robinson’s journals were published as *Friendly Mission*, they were able to relearn the names of their Aboriginal ancestors by reading them in there.

In 1965 the book *Moonbird People* by Patsy Adam Smith was published. She worked on a boat servicing the Furneaux Islands for six years and spent another four years living with the Cape Barren Islanders (**32**), so it is safe to assume she gained their confidence and knew what they thought. Again, while they knew they had Aboriginal ancestors, there is nothing in her book to suggest that they still believed they were Aborigines. Patsy Adam Smith referred to the Cape Barren Islanders as hybrids, half-castes and Islanders and she quoted one Islander woman who called herself and her family “half-castes”. (**33**)

In 1978 the documentary *The Last Tasmanian*, made by Tom Haydon and Rhys Jones, was released. This movie was attacked as racist by Aboriginal activists when it came out because it said the Tasmanian Aborigines were extinct and denied the Aboriginality of their descendants.

However, the most damning statement in the film about their lack of Aboriginality came from Annette Mansell, chairperson of the Cape Barren Island Association, who said,

“I’m not Aboriginal. I’m only a descendant of one. Just compare the Aborigines that were here with their descendants today. There’s a hell of a difference. There are no Aboriginals and there’s not much in any of us.” (**34**)

She went on to say that virtually no knowledge about the Aborigines had been passed down,

“It’s just history. I don’t know anything about it and I honestly don’t think there’s anybody alive who could tell you anything honestly and truthfully about the old Aboriginals. It’s only history, what we’ve learnt as you’ve learnt.” (**35**)

In her history thesis, *The Cape Barren Islanders*, Juliannne Murphy wrote about how the Cape Barren Islanders had different opinions about their identity,

"It is interesting to note the people of Cape Barren extraction, who were spoken to, have varying opinions regarding their identity. Within the Everett family, who are resident in Tasmania, Philip regards himself as an aborigine, his brother considers himself to be an Islander and his sister prefers no-one to know she is of Aboriginal descent. Devony Brown of Cape Barren claimed, "I am a Cape Barren Islander, not an Aborigine." Ron Thomas also on cape Barren stated, "I don't care whether I'm black or green…..I'm as good as any man." Mrs Annette Mansell regards herself as an aborigine and when reference was made to her brother, Derek Peardon, medal-winning footballer with the N.T.F.A., she bitterly stated, "he considers himself white, he's no brother of mine." (**36**)

So, it looks like Annette Mansell, who said she was not an Aborigine and there are no Tasmanian Aborigines anymore, has changed her mind and now says she is an Aborigine after all, but her brother says he is white. Annette Mansell later became the manager of the Tasmanian Aboriginal Centre in Burnie. (**37**)

So, it is apparent from this quote that even in the 1970s, whether or not the Cape Barren Islanders were Aborigines was a matter of personal choice. One brother or sister could say they were Aboriginal, but another with the same ancestral background could say that he or she was not.

The Re-Invention of the Tasmanian Aborigines

In 1968 the new three part definition, which said a part-Aboriginal person was still an Aborigine, first appeared. It was only after this that Tasmanians of Aboriginal descent began to call themselves Aborigines.

Much of my information for this part comes from the Master of Humanities thesis of Dennis Daniels called *The Assertion of Tasmanian Aboriginality from the 1967 Referendum to Mabo*. According to Daniels, the initiative to call them Aborigines did not so much come from the descendants themselves, but largely from an organisation called Abschol which is an abbreviation of Aboriginal scholarships. Abschol was founded in 1961 by the Australian Union of Students to provide scholarships for Aboriginal students. (**38**)

In the late 1960s the Abschol group in Tasmania was based at the University in Hobart. Two of its members were a Psychology lecturer Bill Mollison, who is best known for his ideas about permaculture, and a Tasmanian Aborigine, Roy Nichols (**39**).

According to *Living with the Land, Book 7*, published by the Education Department in 1991,

"Roy Nichols is one of the many families in Tasmania who know they are Aboriginal but have no records of their ancestors. All Roy knows is that his people came from the Tasman Peninsula." (**40**)

He later became state secretary of the Tasmanian Aboriginal Centre and chairman of the National Aboriginal Conference which was a national organisation. I'll get back to Roy later.

In 1969, after the new definition of an Aborigine was introduced, Abschol began to track down people of Aboriginal descent so they could determine who was eligible for the new benefits (**41**). At first, in 1969, it was estimated there were only 200 descendants, but by the end of 1971 Abschol had identified 846 Tasmanians of Aboriginal descent (**42**).

In 1972 Bill Mollison, assisted by Coral Everitt, began to systematically research the genealogies of the Cape Barren Islanders and the families of Fanny Cochrane Smith and Dolly Dalrymple. By the end of that year the Mollison genealogies were first published and they had identified 4000 descendants. (**43**)

Now, in the 1971 census 562 Tasmanians said they were Aboriginal, but in 1972 Mollison had identified 4000 descendants. This suggests that in 1972 about 85% of those with Aboriginal ancestry, who potentially could call themselves Aborigines, either did not know they had Aboriginal ancestors, or they knew, but they did not believe, at that time, that having a full blood Aboriginal ancestor nearly 150 years earlier meant they were an Aborigine.

By the time of the 1976 census the number of Aborigines had jumped from 562 in 1971 to 2942. It looks like Mollison's genealogical research was largely responsible for this increase because it enabled Abschol and later the Tasmanian Aboriginal Centre to identify and locate those of Aboriginal descent, as suggested by this quote from Daniels,

"One Aborigine told me that she never heard the word Aborigine applied to her community until she was visited by a group from the TAC. When told she was an Aborigine it took away all the hurt associated with words such as 'half-caste' and 'part-Aborigine'." (**44**)

So, it sounds like this woman did not think she was an Aborigine until the Tasmanian Aboriginal Centre came and told her she was one.

Daniels also wrote that the idea that the part-Aboriginal descendants should all call themselves Aborigines came from Michael Mansell,

"The term Aboriginal descendant seemed to many, including the government, satisfactory enough. But it was Mansell who first saw the problem this posed in terms of unifying the community and the Aboriginal cause. One could be a descendant, even taking out any benefits which might be provided, without being committed to each other or the struggle. "The identity issue is crucial," he said." Flinders' and Cape Barren don't help. Flinders blacks want to assimilate, and as for Cape Barren, they want to be called Islanders- how cute." It was Mansell who decided all Tasmanian descendants should call themselves Aborigines. "It is our white blood,' he said, "which is used to call us descendants; half-castes, descendants, part-Aborigines are all white man's terms. If we want to call ourselves Aborigines, let's do it and be proud." In Pride [Against] Prejudice, Ida West recognized Mansell's contribution to the identity question, " I

would like to thank Mr Mick Mansell for he called us Aborigines instead of using those words, half-castes, quarter-castes.' Terrible words." " (**45**)

Here, Michael Mansell said in the 1970s that the Cape Barren Islanders did not call themselves Aborigines, but Islanders. If it was Mansell's idea in the 1970s that they should all themselves Aborigines, then they could not have called themselves Aborigines before then.

At the 1981 census the number of Aborigines dropped from 2900 to 2700. This means that out of the 4000 Tasmanians of Aboriginal descent, 1300, nearly one third of them, still did not say they were Aborigines. By 1986, it had risen to 6700 Aborigines, out of 4000 descendants. In 1991 there were 8800. In 1996 the number of Tasmanian Aborigines had reached 14,000.

The obvious explanation for this increase is that people, who had previously said they were not Aborigines, have changed their minds and now say they are, as suggested by this quote from Doug Maynard about being at school in the 1950s,

"We were the only Aboriginal family living in Penguin at that time…..Kids at school used to call us gollywogs and niggers and insulting things like that …there were fights and all sorts of things. Now some of these same people are coming up to me in the street and saying, "Hey, Douggy, did you know I'm an Aborigine now." (**46**)

The Controversy over Aboriginality in Tasmania in the 1990s

In the 1990s two problems emerged for the Tasmanian Aboriginal Centre. Firstly, there were more people saying they were Aborigines than could possibly be descended from the Cape Barren Islanders or Fanny Cochrane Smith or Dolly Dalrymple. Secondly, between 1992 and 1994 about 20 new Aboriginal organisations were formed in Tasmania and they were not under the control of the TAC or their supporters. So, the TAC had lost their monopoly on speaking for the Tasmanian Aborigines (**47**).

In 1996 the Tasmanian Aboriginal Centre struck back and tried to decrease the number of Aborigines. They said they would only recognize people as Aboriginal if they could produce a family tree going back to a tribal ancestor. The only ones, who could do this, were the descendants of the Bass Strait sealers. This meant that many people, who had previously been recognized and accepted by the TAC, were now deemed to no longer be Aboriginal.

For years the Tasmanian Aboriginal Centre had been struggling to convince us they were Aborigines. Now, they are doing what their white critics used to do and are arguing that some people, who claim to be Aboriginal, are not really Aborigines.

Some of those, who the TAC said were not Aborigines, formed a rival organisation called the Lia Pootah Community. On their webpage the Lia Pootah Community say they are not descended from the Cape Barren Islanders. They claim that George Robinson did not collect all the Aborigines and take them to Flinders Island in the

1830s. He missed a lot of them. Their webpage says, “Possibly hundreds of [Aboriginal] women were living with European men” and that they are their descendants, but they do not have the documentary genealogical proof which the TAC demands. (**48**)

One of their elders is John Coleman (**49**). A July 1995 article in *The Mercury* says that at that time Coleman was recognised by the TAC branch in Launceston as being Aboriginal, but not by the TAC branch in Hobart (**50**). So, in another example of parochialism in Tasmania, you can be an Aborigine in Launceston, but white in Hobart.

While I like the Lia Pootah Community because they really annoy the TAC, I have to admit I think the TAC are right about Lia Pootah’s lack of Aboriginality. George Robinson may have missed a few Aborigines, but he could not have missed hundreds. Tasmania is not that big a place. Any Aborigines, who were still there after the Black War would have stood out and there would be some historical record of them. Apart from Dolly Dalrymple and Fanny Cochrane Smith, there is no evidence of full blood or part-Aboriginal women still living with settlers in Tasmania after the 1830s.

One account, which does at first look like proof of tribal Aborigines still living in Tasmania is an article called “Last of the Tasmanians” by Henry Judd in *Centenary of the Settlement of the Huon* published in 1936. Henry Judd described how his family met the last of the Aborigines, between 20 and 30 of them at Judd’s Creek in the Huon in the 1850s (**51**). It does sound like this article is describing a lost tribe of Aborigines in the 1850s. However, Ernest Westlake interviewed Henry Judd in 1908 and Judd told Westlake that the Aborigines came from Oyster Cove (**52**). So, this was not a lost tribe in the 1850s. It was a garbled or misunderstood account of the last of the Aborigines at Oyster Cove, who were allowed to go to the Huon on hunting trips (**53**).

Michael Mansell has estimated that out of the 15,000 Tasmanians, claiming to be Aborigines, no more than 6000 could possibly be descended from a full blood Aborigine. He said that many of the rest were white impostors, pretending to be Aborigines for the money, but others appear to genuinely believe they have Aboriginal ancestors (**54**).

As to why so many Tasmanians think they are descended from Aborigines, when they are probably not, the historian Cassandra Pybus has suggested that they are actually descended from black convicts and free settlers. Pybus has estimated that as many as 500 non-Aboriginal blacks were living in Tasmania by 1840. 60 of these were black convicts from India, Mauritius and Ceylon. About 300 were black convicts from South Africa and North and South America. (**55**)

Kaye McPherson of the Lia Pootah Community has claimed there were still tribal Aborigines living on the east coast of Tasmania in the 1880s, after Truganinni died (**56**). These “Aborigines” appear to be two black ex-convicts who lived near Swanport (**57**). So, just because there were some historical references to “blacks” living in Tasmania after 1830, it does not necessarily mean they were Tasmanian Aborigines.

Like the white convicts, after they had served their sentences, most of these black convicts would have stayed on and had descendants. Several years ago I heard a story that there was “black blood” in our family. I assumed this meant there was an Aborigine in the family tree somewhere, and I thought this might come in handy one day. A few years later my aunt researched the family tree and found that my great-great-great-grandfather was a convict who was transported to Tasmania. He was described in the records as a “West Indian half-caste”. So, I do have a black ancestor. He just was not an Aborigine. And that was the end of my dream for a special low-interest housing loan.

I suspect this is what happens a lot of the time in Tasmania. People hear from an older relative, that they have a “black ancestor” or “black blood in the family”, and they assume this means they have Aboriginal ancestors, so they are now an Aborigine.

In 1997 members of the Tasmanian Aboriginal Centre challenged the Aboriginality of eleven candidates, who stood in the 1996 ASTIC elections, in the Federal Court of Tasmania. The Court ruled that nine of the eleven respondents were Aboriginal, which is odd, because it seems obvious from the evidence presented that some of these nine were not descended from full blood Aborigines.

For example, three of the respondents, John Clark, Beverly Wood and Lance Lesage, traced their Aboriginality back to Mary Ann Tatnell who was supposed to have been an Aboriginal woman on the Tasman Peninsula and married George Nichols. However, Mary Ann Tatnell’s grandmother was Margaret White who arrived in Tasmania in 1832 and she was half-Indian. So, these three do have a black ancestor, but not an Aboriginal one. Nevertheless, the judge still ruled in favour of Beverly Wood and John Clark and said the petitioners had not proved they were not Aboriginal. The judge seemed to be going for two out of three of the three part definition. Even though there was no proof they had Aboriginal ancestors, they still identified as Aborigines and had previously been recognized as Aborigines and that was enough to make them Aborigines. On the other hand, the third respondent, who was a descendant of Mary Ann Tatnell, Lance Lesage, was sick and did not present any evidence. I would have thought that if the judge had ruled that his two relatives with the same non-Aboriginal ancestor were Aborigines, then, to be consistent, Lesage should have also been an Aborigine. However, because he did not present any evidence in his defence, the judge ruled that he was not an Aborigine. (**58**)

Earlier I mentioned how Roy Nichols, a member of Abschol, state secretary of the TAC and chairman of the National Aboriginal Conference believed his Aboriginal ancestors came from the Tasman Peninsula. He was not involved in the Federal Court case but Beverly Wood said they were cousins. Roy Nichols is presumably also a descendant of George Nichols who married Mary Ann Tatnell with the half-Indian grandmother from the Tasman Peninsula. So, as far as I can tell, the former state secretary of the Tasmanian Aboriginal Centre did not have any Aboriginal ancestors (**59**).

Conclusion

The controversy in Tasmania exposes the weaknesses of the present definition of an Aborigine in Australia. We have this situation where white people are arguing about whether or not they have an Aboriginal ancestor several generations back and that is supposed to make them an Aborigine. Judges, politicians and other officials seem very reluctant to be politically incorrect and put their foot down and say that some people are not Aborigines even when the Tasmanian Aboriginal Centre says they are not. In the light of the Federal Court's very generous decision, it looks like we now have a situation where, as long as they have ancestors going back to the 19th Century, anybody in Tasmania can claim to be an Aborigine.

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