

Submission to the Government of Tasmania on the proposed amendments to the Aboriginal Lands Act 1995 put forward in the Consultation Paper on Proposals for Change: An Improved Model for Returning Land to Tasmania's Aboriginal people.

From: **Distinguished Professor Maggie Walter Emerita, University of Tasmania**

Introduction

This feedback on the Proposed Directions for Amendments to the Aboriginal Lands Act 1995 Consultation Paper is from Maggie Walter, a member of the Tasmanian Briggs family and Distinguished Professor Emerita at the University of Tasmania. I do not claim to speak for all Briggs family members.

Aboriginal identity in Tasmania, as everywhere, is about family, not organisations. In Tasmania, the Aboriginal population descends from a very small group of women, all from the Northeastern part of the state and almost all women who bore children to the non-Indigenous sealers who abducted them. The established record (Plomley; Mollison) record three established family lines descending from apical Palawa ancestors that are also identified in the colony's early records.

These are:

1. Our family. Descendants of Woretermoeteryenner through her daughter Dalrymple (Dolly) Briggs (sometimes erroneously referred to as Dolly Dalrymple) based since 1847 in the Latrobe/Northwest Coast area (see attached Australian Dictionary of Biography entry for our apical ancestor Woretermoeteryenner <https://adb.anu.edu.au/biography/woretemoeteryenner-29701>)
2. The descendants of Fanny Cochrane Smith who have primarily resided in the Huon area; and
3. The descendants of those families who primarily resided in the Furneaux Islands, particularly Cape Barren Island.

The lineage of these three family groups is well and long documented in the many various publications on Tasmanian colonial history. It is worth noting that none of these publications make any mention of any Palawa descendants, other than members of these three family groups.

Official records of the descendants of these families (now numbering in the thousands) are readily available in Tasmania, alongside our own stories and knowledge of who our family members are, across generations. This combination of official record and family knowledge was used in the seminal research by Bill Mollison in the early 1970s. Mollison traced the genealogies of Tasmanian Aboriginal descendants from apical ancestors to 1976, through a collation of archival records and information from families themselves. The Mollison genealogies could only confirm the established three family lineages and found no evidence to support other, previously unknown, descendants.

Feedback on Item 2 Revisions to the ALTC Election

This submission addresses item 2, Revisions to ALCT Election that propose:

- *To remove the process for objecting to a person's enrolment on the ALCT Roll*

- *Applying a method consistent with the intent of the Governments Eligibility Policy to determine eligibility to participate in ALCT election processes, creating a consistency with the practices of the Commonwealth and other jurisdictions; and*
- *Implement appropriate procedural reforms to reflect a reduced role of the Electoral Commissioner*

I address each of these in turn.

1. Remove process of Objecting.

This proposition to remove the process of objecting without adding other confirmatory thresholds is clearly unworkable. Opening the rolls in such a way would completely nullify the validity and consequently legitimacy of the roll. The likely outcome is that the roll would be inundated with applications from those who are not only not Aboriginal, but with agendas that are harmful to Tasmanian Aboriginal people, communities and organizations. In a very short period the roll would become useless and very considerable harm would be done (again) to the Tasmanian Aboriginal population.

2. Applying a method consistent with the Governments Eligibility Policy to participate

For far too long the question of Aboriginal identity in Tasmania has been mired in paralyzing conflicts. For example, the Warner and McCormack Report 2021 identified debates on whether the person/family has been bought up in culture and/or whether they have community recognition are argued as part of the determination of their Aboriginality. Other examples include debates are around whether a family story of Aboriginal descent has more the validity than the archival record.

My contention is that these debates are unresolvable, not because they are unimportant, but because they concern values, not facts. Values are, and always will be contested. Determinations of an individual or family's cultural bona fides will depend on the values and positioning of those doing the determining. Similarly with determinations of community recognition. Moreover, such values, can and will, change over time.

Determinations of Aboriginality need to be made on facts, not values. The facts required to determine eligibility are straightforward: Does this person have a demonstrated lineage to an apical ancestor (Aboriginal person verified in the colonial historical record)?

If that lineage meets the archival threshold i.e. verifiable through recognized archival records such as the Mollison Genealogies, or the Tasmanian Archive, then that person should be able to participate in ALTC elections without the process of objections.

Lineage related information is easily obtainable. The Mollison genealogies are held in the Morris Miller Library at the University of Tasmania and have been digitized to allow descendants of the identified apical ancestor families to access their own family lineage upon request. Removing the objection process for descendants who meet the archival threshold on Palawa lineage – that is all descendants of the three recognized families – would open up straightforward enrollment to many thousands of potential participants.

Those who believe that they are Palawa descendants but who cannot find archival evidence to support those beliefs could turn to DNA testing. Results from easily available DNA testing (via sites such as ancestry.com) undertaken by members of the three established families, show that even these low budget tests confirm Aboriginal ancestry, usually recorded in the

report as ‘Melanesian’ (likely due to the low number of Aboriginal samples held in these DNA databases). If Aboriginal ancestry is confirmed this would indicate further archival work is needed before a claim could have an objection lodged. Other results would allow the claimant to reconsider their ancestry. For example, one family who thought they were Aboriginal recently did DNA testing to confirm. The results showed that while they had a black ancestor, that person was African, not Aboriginal.

3. Procedural reforms to reflect a reduced role of the Electoral Commissioner
Determining eligibility to participate in ALTC elections requires independent, rigorous oversight. I do not suggest a replacement for the involvement of the Electoral Commissioner, or even if such a replacement is desirable. Rather I emphasise the strong risks in removing a visible system of independent and rigorous oversight to the roll’s validity, legitimacy and usability.

Recognizing History in the Aboriginal Lands Act Review and Amendments

My final word is to request a consideration of the effects of that last 30 years of public and often vitriolic discussion and debate and Tasmanian Aboriginal identity on those very many members of the three verified families. These public debates, including some aspects of this review, seem to be conducted against an ignorance of Tasmanian Aboriginal history, and in particular, the history of the three verified families.

I feel diminished and disrespected that the claims by those who do not have an identifiable apical ancestor seem to always take prominence in these debates. I do not doubt the sincerity of the belief of ancestry held by many of these claimants. Indeed, I respect and encourage their right to search for verifiable a family history. But the wishes of these claimants cannot take precedence over the recognition of the thousands of descendants of the three family groups.

We know who we are, we know our ancestors and our stories and any review of the Aboriginal Lands Act needs to give due recognition to who we are, and always have been. We deserve to have that heritage and birthright respected and confirmed in any changes to the Aboriginal Lands Act.

I am happy to speak further on the arguments raised in this submission, or clarify any points and can be contacted at the email and phone number below.

Distinguished Professor Maggie Walter (Emerita)



Woretemoetyenner (c. 1795–1847)

by [Maggie Walter](#) and [Louise Daniels](#)

This article was published:

- in the *Indigenous Australian Dictionary of Biography*
- online in 2019

Woretemoetyenner (c. 1795–1847), palawa woman, also known as Pung, Bung, and Margaret, was born in the mid-1790s in the Cape Portland area, north-eastern Van Diemen’s Land (Tasmania). The North East (Cape Portland Tasmanian) people are one of the estimated

nine Aboriginal nations of Tasmania and **Woretemoeteryenner**'s father, Mannalargenna, was one of the leaders of this nation. **Woretemoeteryenner** is an ancestor of many of today's Tasmanian Aboriginal people and, with her sisters, Wapperty (Wobberrertee), Wottecowidyer, and Teekoolterme, is part of small group of palawa women who form a link between pre-European contact Aboriginal people and present-day Tasmanian Aboriginal communities. Her daughter Dalrymple (Dolly) Briggs married Thomas Johnson and had eleven children who lived to adulthood; their families and descendants mostly live in north-west Tasmania.

Woretemoeteryenner's son John Briggs married Aboriginal woman Louisa Strugnell in 1853 and moved to Coranderrk Aboriginal station, near Healesville, Victoria. Eight of John's children survived to adulthood and their many descendants live mostly in Victoria and New South Wales.

The dispossession of the palawa began with the arrival of sealers. In 1797 the *Sydney Cove* was wrecked in the Furneaux islands off the coast of Van Diemen's Land alerting the crew to the bountiful population of seals. By 1802 around two hundred European men were in the Bass Strait islands and some of them began abducting Aboriginal women as concubines and workers. The European invasion of Tasmania commenced with settlements at Risdon Cove in 1803 and Port Dalrymple in 1804. Records are scant; however, by 1810 **Woretemoeteryenner** was likely living with the sealer George Briggs, who arrived as a fourteen-year-old from England in 1805. Some sources indicate that Briggs abducted her; others suggest that she went with Briggs as part of what was originally a cooperative relationship between the sealers and the palawa. The latter seems more likely as Briggs was on good terms with Mannalargenna.

Further, **Woretemoeteryenner** was referred to as 'Mrs Briggs' by colonial officials at various times, including on her death certificate, a status not commonly afforded to other Aboriginal women who bore children to sealers.

Woretemoeteryenner lived and worked on the Bass Strait islands during her childbearing years. In about 1812 she gave birth to her first recorded child, Dalrymple, who, aged seven, was reported as being part of the household of Dr Jacob Mountgarrett, the settlement's surgeon. Her second daughter, Eliza, was born in about 1817. Another daughter, Mary/Margaret, followed in 1818. Both Eliza and Mary/Margaret died at a young age. **Woretemoeteryenner**'s fifth recorded child, John, a son, was born in 1820. Before John's birth, in around 1819, she and Briggs had a fourth daughter, and the death of this child features in colonial writings and family history. While camped near Port Dalrymple with her baby, she was attacked by a group of Aboriginal people, and the child was snatched and thrown into a large fire. She grabbed her child and hid, later making her way back to town. Despite medical attention provided by Mountgarrett, the child died.

Sometime after 1820 Briggs sold **Woretemoeteryenner** to another sealer for a guinea. By then the Furneaux islands' seal colonies had been depleted and sealers were travelling further for their quarry. In 1825 she was with a sealing party on route to the Indian Ocean islands of Saint Paul and Amsterdam. Unable to land because of bad weather, the captain left some of the group, including Aboriginal women and children, at Rodrigues. When the vessel failed to return, the group travelled to nearby Mauritius, where authorities eventually arranged for the repatriation of the three surviving women, including **Woretemoeteryenner** and one child.

On her return to Tasmania in 1827, **Woretemoeteryenner** found the palawa waging a desperate war. In 1830 George Augustus Robinson was given the task of leading a conciliatory mission to persuade the surviving palawa to give up their struggle. In return they were promised freedom to pursue their traditional lifestyles on the Bass Strait islands. This promise was never fulfilled. Instead they were moved to Wybalenna Aboriginal establishment, Flinders Island. **Woretemoeteryenner** was living with sealers on Penguin Island when she was picked up by Robinson's men in 1830 and taken to the government settlement on Gun Carriage Island (Vansittart Island) before being transferred to Wybalenna in 1832.

The Aboriginal people at Wybalenna were given English names; **Woretemoeteryenner** was renamed Margaret. Weekly market transaction records show that, in the week commencing 25 October 1836, she was paid five shillings and three pence for seven kangaroo skins, and that she purchased two quantities of sugar. Mannalargenna was sent to Wybalenna in 1835 and died there less than three months later. Robinson recorded that a daughter and a son were among those

who attended him. In 1840 Robinson stated that **Woretmoeteryenner** had a husband, probably Philip (Noowerer), a man from the Campbell Town area. Although there is no formal record of their marriage, Robinson often 'married' Aboriginal people at Wybalenna in an effort to reduce what he perceived as their 'licentious' behaviour. Philip had died at Wybalenna in 1839.

In 1841 Dalrymple, who lived with ex-convict Thomas Johnson, petitioned the colonial office for the release of her mother from Wybalenna:

As it is now a long time since I had the pleasure of seeing her, and as my situation and circumstances enable me to keep her with me in comfort may I respectfully beg leave to solicit your interposition though the proper [channel] of getting an order for the removal of my mother from Flinders Island to my residence in the Township of Perth. (NA CO280/133)

Her letter coincided with a review of Wybalenna that focused on what were increasingly seen as the exorbitant costs of maintaining the establishment. When the board recommended **Woretmoeteryenner**'s release, she became the only Tasmanian Aboriginal person released from confinement at Wybalenna and allowed to return, unfettered, to Tasmania.

Dalrymple had seven children at the time and **Woretmoeteryenner** was enchanted by her youngest child, Lewis, who she would carry 'on her back and go all round the Christmas Hills lighting fires all the way so that it would be known where they were' (Atkinson 1910, 49). **Woretmoeteryenner** died peacefully at Dalrymple's home on 13 October 1847. One week later Wybalenna was closed and the remaining forty-seven people, including **Woretmoeteryenner**'s surviving sisters, were moved to another Aboriginal establishment, Oyster Cove, in southern Tasmania. Wapperty died there on 12 August 1867. She was later described as the last of the 'sealing women' (Ryan 1981, 214).

*Maggie Walter and Louise Daniels are palawa, part of the Tasmanian Briggs family that descends from the Pairrebenne people of north-eastern Tasmania. Maggie and Louise are sisters and are direct descendants of **Woretmoeteryenner**.*

Research edited by Rani Kerin

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