

WALLANTANALINANY LYDIDDER

Southern Traditional Tasmanian Elders Council

ELDERS FOR THE LIA POOTAH PEOPLE'S KINSHIP GROUP or NATION
PO BOX 1437 Lindisfarne FAX 03 6243 8657

IN RESPONSE: to the letters dated 14 and 16 May 2001, phone conversation
16 May:

Mr David Farrell
Dear David

We are writing to inform you that we have found the data supplied to us by you has an *esprit de corps*. Therefore we are lodging a formal complaint of discrimination, bias and exclusivity for the members of the panel and nominees that you have chosen as your advisers. The panel you have chosen will be unable to offer a democratic, accurate, informed, broad spectrum, advice on the Tasmanian Aboriginal Community. The members of the panel have an ineradicable bias.

Another aspect the Elders find disturbing is that you failed to state what purpose the Aboriginal panel holds, as your letter dated 16 May 2001 states

It should be noted that it is *not* the role of the committee to determine or decide on matters of Aboriginality (point 1 lines 4&5)

- For what purpose are they then engaged?
- What role are they going to play?
- Can you give assurances that documentation will stay confidential?
- What is their determining expertise to be on the panel?
- If advice, the evidence shows unacceptable bias and exclusivity.

Communication that you had with representatives of the Lia Pootah community, concerning the elections, indicated that the panel was to offer advice on Aboriginality of the voters and those voters that are challenged. How can a predispositioned panel offer advice that you can act on without your decisions being prejudiced by the advisers. It is a continuation of the Palawa ethnic cleansing and genocide policies that were started in 1996.

The Lia Pootah Aboriginal community Elders have found that the panel you have listed, clearly indicates that there is a conflict of interest for members of your panel and the listed advisers, thus making them unsuitable and unable to offer fair and unbiased advice on any aspect of Tasmanian Aboriginal Community interaction. Your responses to our complaints and queries shows that you have

failed to understand the ramifications of your misguided discriminatory policies, which we understand are a result of your mandate, concerning what you state are informed judgements, and where you and only you will determine the Aboriginality of those objected to on the basis of advice given.

Our complaint of discrimination is based on the following responses to your 4 point letter dated 16 may 2001:

Point 1: See attached. Attachment 1

Point 2: Shows a distinct bias and total ignorance of the Tasmanian Aboriginal Community on your part, based on your selection of the listed Aboriginal committee from an unqualified or Aboriginality confirmed list. As shown in point 1, all advisers are from the same community and line of descent, Palawa. You fail to explain why those objected to have to show determination of Aboriginality to be eligible to vote, when there is no evidence to show that your panel have followed the same line of cultural determination to make them eligible to sit on the panel. As attachment 1 shows there is a conflict of interest with a member of your panel who has Kinship Members who have been challenged.

We, the Elders, requested documentation of Aboriginality from your panel so we could reassure the members of our community that the people on your panel are Aboriginal. This has not been forthcoming. One of our members who lodged a challenge to several voters has requested data on the challenge and to be a part of the proceedings. He has been informed by phone that all such challenges will be considered by you 'in camera'. As already noted this only enhances the problems of discrimination by your part in the proceedings.

One aspect which is problematic and worrying to the Elders and community members, is the common knowledge of information within both communities that this election is being used to determine the voting of the next ATSIC election and subsequently to determine Aboriginality in Tasmania. With a proven ethnic cleansing policy which is encouraging genocide towards the Lia Pootah community, from the Palawa community, your involvement with these decisions is worrying to the Elders. With this additional agenda it negates any attempt of fairness on your part and a prepossession of outcome from your selected panel.

Point 3: See Attached: Attachment 2

Point 4: Why was documentary evidence of qualification not required by the archive representatives when such expertise and qualifications were required by others who applied to be advisers on your advisory panel. As noted in point 3 designation of a position in a government department is no recognition of qualifications or expertise for a position of adviser. When the additional data required by you is almost exclusively Aboriginal in origin, surely a person, preferably Tasmanian Aboriginal, with the correct qualifications would have been

the logical choice. Why do you offer no acceptably qualified Historian, Historical Geographer, Cultural Historian, Family Historian or Genealogist in your list of advisers?

To the Elders and the broader Lia Pootah community this ranks as a clear statement of discrimination and bias, on your part, when determining eligibility for enrolment in Aboriginal elections. The Lia Pootah Aboriginal Community notes also, that your advisory panel is exclusive to one Tasmanian Aboriginal line of descent, Palawa .

The responses above are why the Elders requested confirmation of expertise in your advisers. It is why the Elders also requested confirmation of Aboriginality on the panel selected by you.

We are formally notifying you that we consider the representatives that you have selected can not offer the necessary expertise, and assurances, of a fair and unbiased hearing, given their known and documented predisposition

The Elders believe that It is highly likely that any result you determine will therefore be discriminatory and prejudicial to the Lia Pootah Community as a whole.

The Wallantanaliny Lydidder and the Lia Pootah community state that they have the right to be included on any advisory panel you set up. They have the right to be on any advisory board, committee, panel, concerning all and every Tasmanian Aboriginal issues. To refuse to include representation via representatives approved by the Elders council for any panel or committee you set up acknowledges your ignorance concerning the Tasmanian Aboriginal people and shows bias and discrimination on your part.

Yours sincerely

Tereete Lore (Kaye McPherson)
Spokesperson Wallantanaliny Lydidder

DATED

CC Jocyln Scutt
Sir Guy Green
Minister Philip Ruddock

Attachment 1

POINT 1: This attachment is showing the exclusivity and bias of your selected Panel. The Elders and the Lia Pootah community note that all have a similarity of genealogy tracing back to Cape Barren Island, Fanny Cochran Smith or Dolly Dalrymple. All have similar TAC and Palawa Community ties including a comparable ideology.

A number of the members of the panel have a common knowledge conflict of interest, why is this overlooked by you Mr Farrell.

We are at a loss as to why one group, as your letter of challenge to voters states, "known to the TAC". If the Lia Pootah community are not associated with the TAC, then the necessity of conformation by the TAC is automatically negated and redundant.

There are three (3) recognised Elders Councils and eight (8) Elders Community groups within the Tasmanian Aboriginal Community. Why are both your Elders from the same Elders affiliated group?

Lia Pootah Community information shows that:

Greg Brown: Cape Barren Island descent. Common community information states that he has been one of the people consulted and considered in the processes of the current electoral farce. Previously employed by and follows TAC policy and ideology

Furley Gardner: Cape Barren Island descent. Clyde Mansels Aunt. TAC Elders Council. Follows TAC policy and ideology. Auntie Furley is not representative of all Elders councils only the TAC Elders Council

Carla Jennings: Fanny Cochran Smith Descent (Cape Barren Island) known employee of TAC. Follows TAC policy and ideology.

As she is on the same line of descent as June Sculthorpe, Heather Sculthorpe, Helen (Fay) Tatnel, Rodney Dillon, Laurette (Shep) Tew, Belinda Dillon all of whom it is common knowledge within the Lia Pootah community have been challenged on their Aboriginality why do you consider her acceptable as an Aboriginal person to sit on your panel.

It is common community knowledge that she is a cousin to Rodney Dillon and that she is also his secretary.

A conflict of interest is an understatement, it confirms your ignorance about the Tasmanian Aboriginal community.

Greg Lehman: Cape Barren Island descent. Sister of Toni Shelden an ATSIC Regional Councillor someone who was also challenged according to community information. Aboriginality considered problematic by members of the broader community with ongoing debates about verification of Aboriginality. Known past TAC employee. Follows TAC policy and ideology. His role on the panel shows a predisposition towards bias.

Clyde Mansel: Cape Barren Island descent. Nephew to Auntie Furley Gardner. Instigator of the 1996 recommendations which were cited in the previous letter dealing with Aboriginal eligibility for the Lia Pootah Community, and recommendations which are responsible for the current ethnic cleansing policies. ALC Committee member. Follows TAC policy and ideology

Lee Maynard: Cape Barren Island descent. Known past TAC employee. Follows TAC policy and ideology

Dorothy Murray: Cape Barren Island descent. Elder and administrator of the TAC Elders council. Follows TAC policy and ideology. Auntie Dorothy Murray has publicly defamed a Lia Pootah community person on radio (we have a copy of the tape) and has publicly shown bias on a number of occasions. While she may receive respect due to her as an Elder we feel she is unsuitable to sit on the panel given her public displays of bias and prejudice

Theresa Sainty Cape Barren Island descent. Secretary of Burnie TAC. Wife of Rocky Sainty an ATSIC Regional Councillor. Follows TAC policy and ideology

Attachment 2

POINT 3: This is a non statement. What are the qualifications of Ian Pearce and Robyn Easterly? Experience shows that government departments do not necessarily have the appropriately qualified employees in the necessary positions. Head Archivist indicates administrative qualifications, not specialised research qualifications, genealogical qualifications, nor any expertise in Aboriginal historical - geographical - cultural or community expertise. The assistant Archive Administrator position (presumably a form of clerical position) indicates even less expertise in a specialist area as created by you for this election. It is for these reasons that the Elders required information of their qualifications which you have so far refused to produce.

A number of the members of the Lia Pootah community find your use of Mr Ian Pearce and Ms Robyn Easterly in position of "expert" disturbing given the experience of past dealings with them and their inaccuracy of information offered by them in their guise of "expert". This can only lead to discrimination of the Lia Pootah members who have been challenged when a panel which is of a sole dominantly TAC ideology structured and "experts" used by the TAC continuously. It makes your "expert advisers" as biased as the panel ensuring a discriminatory and biased decision by you.

Members of our community who frequent the archives, for a variety of reasons, have been informed by staff, that resources, material, and documentation, from both private, government and public collections at the archive has a minimum of a six (6) year back log in cataloguing and classification for research uses, and that much of the material in this uncatalogued store is of an unknown content. This negates any decisions you may form from information supplied by them. Simultaneously this makes any judgements or determinations they make from their position of "experts" limited, and would ensure that any data they present you with will represent unqualified or quantified material. This make even using the resources of the archives as your sole source problematic.

A factor you are obviously unaware of is that archival evidence for any genealogical determination will be limited, scanty and inexact. There are historical gaps in data of all areas due to inexact records being kept and the society of the time. These limitations of the archives are well known to genealogists, historians and historical geographers. It is common knowledge within the Tasmanian Aboriginal and broader community that the Aboriginal records held at the archives are incomplete, often inaccurate, misleading and obscure. It is also common knowledge in academic circles that much of Tasmania's Aboriginal history is not kept in the Tasmanian Archives.

The Lia Pootah Community members state that:

It is well documented that Ian Pearce has produced inaccurate, incorrect and misleading documentation which he later had to acknowledge was a mistake and incorrect. It is well documented by the Federal Court that Robyn Easterly is also responsible for giving inaccurate and misleading documentation which she later had to acknowledge was a mistake. Both have appeared in court for the TAC. Both are used by the Department of Aboriginal Affairs and the TAC to supply them with information. For you to use the same "experts" when many other better qualified ones are available, discriminates against the Lia Pootah community. It also shows extreme bias on your part.

Why was no expert family historian chosen who has considerable expertise and no hidden agenda or bias which is common knowledge. These members of the panel can only offer a conflict of interest if they are used by both you as your adviser and the TAC.