TRANSCRIPT

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE
Inquiry into the establishment and effectiveness of registered Aboriginal parties
Shepparton — 15 May 2012

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Witness
Ms R. Diffey, secretary, Wangaratta branch, Victorian Farmers Federation.
The CHAIR — Firstly, on behalf of the committee I would like to welcome everyone here today to our public hearing for our inquiry into the establishment and effectiveness of registered Aboriginal parties. I think it is appropriate that I background what the terms of reference for this committee are in relation to the establishment and effectiveness of registered Aboriginal parties.

The Environment and Natural Resources Committee is charged with considering and reporting by 28 September 2012 on the establishment and effectiveness of registered Aboriginal parties. The committee has been asked to consider:

(a) Victorian Aboriginal Heritage Council policies in relation to the appointment of registered Aboriginal parties including the factors that should be taken into account by the council in making a decision such as:

(i) the degree to which traditional ownership is contested in the area the subject of an application;

(ii) the impact that decisions may have on the community;

(iii) the capacity of the applicant to fulfil legislative responsibilities if appointed;

(iv) the process used to determine and identify the successful registered Aboriginal party;

(b) the support available to the council in making decisions about the appointment of registered Aboriginal parties including:

(i) membership and structure of the council;

(ii) council’s capacity to inquire into matters relevant to applications, including supporting applicants to provide information needed to fully assess applications; and

(c) the effectiveness of the established registered Aboriginal parties.

Having said that, I think today we have quite a few people presenting; we appreciate that very much. We have time allocations across the board for all presentations of approximately half an hour — 20 minutes for the presentation and a further 10 minutes for questions from the committee. I think it is important also to mention that only those who have made earlier submissions to the committee are to speak today. Today is not a community public meeting but a parliamentary public hearing. We thank those who have made submissions, and we certainly look forward to their contributions.

Before calling our first presenters, being the VFF, if Rhonda is ready to go, I would like to acknowledge that I am advised that we do have elders in the room; we appreciate that very much. We also acknowledge Mick Harding from the heritage council. Thank you, Mick, for joining us this morning. We also have Lindsay Dann from Minister Powell’s office. Thank you, Lindsay, for making yourself available. Having said that, we will get the public hearing under way.

I call on Rhonda Diffey to make her presentation. Before we start I also advise that all evidence taken at the hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and is further subject to the provisions of the Parliamentary Committees Act 2003. Any comments you make outside the hearing may not be afforded such privilege. As I mentioned earlier, while public hearings are open to the public, only those witnesses who have been invited to speak are able to address the committee here today. All evidence given today is being recorded and as a witness you will be provided with a proof version of the transcript in the next couple of weeks.

With those few words, Rhonda, thank you for joining us today. We look forward to your presentation.

Ms DIFFEY — My name is Rhonda Diffey, and I am presenting as secretary of the Wangaratta branch of the Victorian Farmers Federation. I am a generational farmer from north-east Victoria, but I also work professionally in cultural heritage and in education. The membership of the Wangaratta branch of the Victorian Farmers Federation is spread throughout the valleys of the Ovens and King rivers, over the Warby Ranges to Benalla and Thoona in the west, and as far north as to Springhurst, Everton and the Murmungee basin in the east. Many of our members have generational links to their farms, and we are also keepers of the stories and histories of these places since our involvement.

This is a large geographical area that we understand was the traditional land under the custodial ownership of the Pangerang/Bangerang and Minjimbuta clans, and the Kwat Kwat clan in the north. The shared knowledge
and understanding of this indigenous heritage was understood by many settler and squatter families, several of whom are members of our organisation today and still manage their families’ original settled properties. For example, many families in the Milawa area have family stories of great-grandparents who remember Mary Jane Milawa, a member of the Pangerang clan. Other families who live near the Warby Ranges recall stories passed on through their families of Aboriginal sites, watering holes et cetera. The farmers federation members’ families do not recall stories of the Yorta Yorta clan being in this area. It is this common understanding of the cultural identity of this area that has motivated our organisation to present our submission today.

In recent decades the stewardship of this country has been supported by good working relationships with many Pangerang/Bangerang elders, including elder Sandy and elder Kevin Atkinson, elder Freddy Dowling, elder Eddie Kneebone and elder Wally Cooper to name a few. All are well respected and regarded as men of great integrity. They have generously shared the Pangerang stories of the land and the Dreamtime for decades with our children, visited our farms and shared wisdom and understanding that clearly articulated and complimented our own understandings of the land.

But in recent times, since 2007, the government’s selection of the Yorta Yorta as the official RAP for this area and the subsequent lack of acknowledgement of the traditional custodianship by the Pangerang/Bangerang is what we find questionable and unfair. This decision has sent inconsistent, mixed messages of representation in regard to the rural city of Wangaratta being Yorta Yorta country, which has in many cases confused and alienated local landowners and created a climate of scepticism over information on indigenous culture.

It is the responsibility of the state to be a political gatekeeper so that selective remembering or fabrication of the truth does not occur. The state must ensure that for places as sites of contested identity a cultural awareness of remembering must be equitable and just, with a responsibility to recognise and give representation equally to all stakeholder groups, otherwise a discourse develops that perpetuates the disenfranchisement of the voiceless groups within that community. Discourse is dependent upon power and knowledge and determines who has the right to speak. The power of people to say who they are, define their own identity and relate their history is fundamental to their existence.

The renaming of our country, as indicated on signage in the Warby Range State Park as ‘Yorta Yorta country’, we find a concern. The naming of a place is fundamentally important to a sense of identity, these signs effectively assign a meaning to the landscape as a political exercise that has excluded recognition of the traditional owners of this area and is reframing future generations’ understandings of the past.

The Europeans dispossessed Aboriginal communities by claiming terra nullius, and through the renaming of the land transformed it into their space. Is this a parallel that is now happening within the indigenous community as is seen today? According to the philosopher Foucault, representations are constructed through the dominant power of one group over another, an act that marginalises the disenfranchised. Power forms knowledge and knowledge produces discourse.

Within the general community there is a thirst for understanding our indigenous heritage, but how can a true understanding be achieved when selective remembering occurs — for example, in the signage and naming of country, but also in the information given in teacher education that does not name any other clan but the Yorta Yorta as being in the north-east area. This misappropriation of history is creating different narratives of belonging that many land-holders feel is denying historical accuracy and creating a new politically correct version of history which over time will become the belief and understanding of future generations. If this is allowed to continue, the cultural connection of the Pangerang and Minjimbuta to this land will be silenced and forgotten forever. We are also concerned by the ignoring of some historical documents, including diaries, maps, journals et cetera recorded by settlers, squatters and anthropologists. We believe this information is a primary source recorded firsthand during encounters with the Pangerang and Minjimbuta during the times of early European settlement. For example, in his 1974 work Distribution of Australian Aboriginal Tribes — A Field Survey Tindale states that the:

… dominant tribe, the Pangerang occupied the broad valley of the Lower Goulburn, west of the Murray River, east and west of Shepparton … Wangaratta, Benalla and Kyabram, south to Toolamba and to Violet Town … and to the east of Wangaratta.

Although today some regard the writing of Curr, for example, of 1883 as having an ethnocentric bias, as a white man reflecting on indigenous life, nevertheless it is a text based on his firsthand experience, and who are we at this time and in this place to judge a past we have no physical connection with?
M. Melgaard’s 1982 work *A Vertigo in Living — Some Aspects of Race Relations in North Eastern Victoria 1836–1842* concurs in the difficulty in acquiring text-based evidence to confirm the traditional clans in the area due to the rapid destruction and dispossession and due to the many thousands of settlers and animals that moved through that area on their way south to the Port Phillip district from 1836 to the 1840s. Throughout her book she refers to the Pangerang as being the dominant clan in the area surrounding Wangaratta. The elders — elder Eddie Kneebone, elder Freddie Dowling, elders Sandy and Kevin Atkinson and elder Wally Cooper — have supported the use of this information. To ignore this resource may lead to an uninformed decision-making process and a distortion of truth.

We also wish to acknowledge the longstanding collaborative and productive partnerships with members of the Pangerang/Bangerang community on many Landcare projects. The information provided to our farming community has expanded our understanding of greater ecological balanced management of flora and fauna on their properties. This beneficial relationship must be officially recognised and given the due respect and political acknowledgement it deserves.

In conclusion, I will restate the vision of the Council for Aboriginal Reconciliation, which is ‘A united Australia which respects this land of ours; values the Aboriginal and Torres Strait Islander heritage; and provides justice and equity for all’. Let us hope that the Pangerang community can achieve the true recognition that it deserves, and recognition of its traditional lands will finally be achieved.

Just ending with a final quote, in the Museum of African American History there is a poster that reads ‘A people without knowledge of its history is like a tree without its roots’. Thank you.

*The CHAIR* — Thank you very much, Rhonda. If you would be kind enough to respond to some questions, we would appreciate putting some in your direction. I might ask the first question, that being, in your submission you argue that the Victorian Aboriginal Heritage Council should pay greater attention to historical documents in determining the RAP applications. What kind of evidence do you think the RAP applicant should supply to demonstrate their relationship to country?

*Ms DIFFEY* — With that particular comment that is part of our submission, we believe that within the farming community there are diaries, there are various letters and written documentation to do with the early connection of the Aboriginal clans of that area to the land. We believe that maybe further research and investigation in that particular area should be undertaken. There are a variety of maps that have been developed. I only listed Tindale, but there are also other mappings. Certainly the indigenous community were not confined by the sense of lines on a map. They were not a text-based society like we are today, so therefore the lines on the map did not exist, but natural environmental markers certainly did exist.

In my previous work that I have done with many of the elders, including elder Eddie Kneebone, there was certainly a strong sense of their understanding that the maps that included the area around Wangaratta and the north-east of Victoria were definitely of the clan lands of the Pangerang and the Minjimbuta, and that the area of the Yorta Yorta was definitely held nearer to Echuca and did not come across to that area of land. So what we are requiring in that particular statement is that there is recognition of that and that sense of traditional custodianship is definitely recognised and the Pangerang are given the ability to again assume their responsibility for their lands.

*Mr PANDAZOPOULOS* — So your focus today is around historic accuracy and justice for the Pangerang, not necessarily that the Yorta Yorta, as a recognised RAP in the region, is not carrying out their role effectively? Is that what you are saying?

*Ms DIFFEY* — I think there is a bifocal focus within our submission. Yes: firstly, definitely there needs to be the historical recognition; but also because of the long-term and ongoing work that the elders in particular of the Pangerang clan have provided over not just recent times but many, many decades within our community we do feel that their stories, their understanding of the land, need to be supported and recognised. This does not seem to be happening under the Yorta Yorta people at this time with the Yorta Yorta. I could give you an example whereby up at La Trobe University I did a teachers course in the last few years and the Aboriginal learning component was given stating that this is Yorta Yorta country. They did not state in any form the other traditional clans that were affiliated with that particular landscape.
We were training teachers. We were going out into classrooms doing our best to familiarise our students with
the understandings of land and the story of the land, and that sort of information needs to be reconsidered. It
needs to be redocumented and given an equitable fairness so that all the clans of the north-east area are
recognised. Within the farming community, particularly with the Landcare community, there was a strong sense
of custodianship and respect of the elders and their support for many projects through a lot of farms in
north-east Victoria to do with land management strategies et cetera.

We have found, working with the elders of the Pangerang, that they are highly successful, very insightful, and
we feel that they gave us a lot of support. Therefore because we feel that their relationship with this land has
been severely contravened by this legislation, this is very unjust and unfair, and it is difficult then to reconsider
our situation with regard to the Yorta Yorta and in their context of custodianship of the land.

Mr PANDAZOPOULOS — So you are telling us that in effect the way the RAP appointment process has
worked out in this particular region contributes to conflict both within and between indigenous communities?
And if that is the case, can you explain a little more about what that means on the ground?

Ms DIFFEY — Yes, we strongly believe that. We believe that with the political selection — and I am not
familiar with how the Yorta Yorta were selected to become a RAP apart from and above other clans in the
area — there needed to be a greater ability for representation of the indigenous connection to our land to be
shared with the clans that were traditional owners of the landscape. We feel that a broad-brush approach and a
selective approach with one particular group chosen creates that sense of disenfranchisement. It creates that
sense of otherness, inclusion and exclusion, and this is certainly something that we feel is detrimental to the
ongoing capacity of Australia to become a country where we can all work as one together. It is very divisive, it
has caused a lot of questioning and a lot of debate, and we feel deeply for the hurt that many of the Pangerang
members have suffered because they feel this disenfranchisement from their traditional lands.

Mr PANDAZOPOULOS — And just for me to understand more clearly: has there been ongoing conflict
apparent between the Pangerang and the Yorta Yorta even before the Aboriginal Heritage Act was
implemented?.

Ms DIFFEY — I do not know that I am able to comment on that, when going back, between the Pangerang
and the Yorta Yorta. I feel that those relations between those groups may be for them to discuss themselves. But
as observers, we feel that there was definitely a sense that the Pangerang were not going to be equitably
recognised, that Yorta Yorta were basically grabbing the pie for themselves and excluding the other groups. I
am talking about the Wangaratta area in particular. But this would be from the observer’s role. I do not know
that the farmers federation has members who are of Aboriginal descent, but from our observations we feel that
there was more of a selective nature to things, that the Pangerang need support and they have not had a lot of
support. We certainly support them very much.

We have also been working with different committees through the rural city council, where there are members
of the Yorta Yorta people, and we will continue to work with them, but there is that sense that you would work
better with them if everyone was giving true, equitable recognition to the traditional owners — the Pangerang of
that land.

Mr PANDAZOPOULOS — So what you are saying is that despite the legislation, despite the guidelines
and the requirements of how the Aboriginal Heritage Council determines a RAP, they simply just got it wrong?
I am gathering from what you are saying that you are not really confident about the process but at the same time
you told us that you are not necessarily aware of how a decision is made, how decisions are arrived at in
determining a RAP.

Ms DIFFEY — Yes, we definitely do think that you got it wrong. We think it was very poorly decided. We
feel that had there been more discussion perhaps within the communities in our area about this we may, for
example, have been able to have input. We feel that it was definitely not a good decision, it was a very poor
decision. We feel strongly that the time is right now for that erroneous decision to be made right, and it is
important that that change does happen.

The CHAIR — Just before Lorraine poses her question, Ronda, we are pushed a little bit for time, and I do
not want to appear rude, but if you could be a little more precise with the responses, if that is possible, we would
appreciate that.
Ms WREFORD — Just with regards to Aboriginal cultural heritage, how effective do you think the act and the RAP system have been to ensure the protection of Aboriginal cultural heritage, firstly? Are you able to comment on whether the present system is more or less effective than the old regime under the commonwealth act?

Ms DIFFEY — As the secretary of the Wangaratta branch of the Victorian Farmers Federation I can only comment in response to this in that particular role; I am not here as a professional in my career. Sorry, could you repeat the question?

Ms WREFORD — How effective do you think that the act and the RAP system have been in ensuring the protection of the Aboriginal cultural heritage? Are you able to comment — I understand they are your own comments — on whether the present system is more effective than the old regime under the commonwealth act?

Ms DIFFEY — My brief comment would be that seeing the visual signs of Yorta Yorta country as you drive over the Warby Ranges totally excludes any type of information to do with the clans that were traditionally there. To me that gives you the absolute response. People who are growing generations will see those signs. The majority of the community is totally not familiar with Aboriginal heritage, therefore they base their information on signage and on information that is dispersed through the education system, for example. If those traditions and the traditional indigenous groups are not given visual presence or a voice to be heard, how can it be more effective?

Ms DUNCAN — Thanks, Rhonda, for your presentation. In the process of appointing a RAP were those primary documents that you referred to earlier available to the council in their determination?

Ms DIFFEY — I would not be at liberty to say. I do not know if they were available to the council.

Ms DUNCAN — But to your knowledge these are not secret documents.

Ms DIFFEY — Absolutely.

Ms DUNCAN — These are easily accessible historical documents, so you do not know that the council did not consider them?

Ms DIFFEY — With this particular Tindale map, it is generally available. It was available through a copy of the map that was distributed through Museum Victoria for general information and education information in regards to Aboriginal plans throughout Victoria. Therefore to me it was information that would be readily available to everyone.

Ms DUNCAN — Following on from John Pandazopoulos’s questions, are you suggesting that with the current arrangements with the Yorta Yorta as the recognised RAP they are not able to protect the heritage, whether that is in your view Yorta Yorta heritage or Pangerang heritage? Are you saying that those other clan groups are not being recognised or protected in the current system?

Ms DIFFEY — Yes. I believe it would be a belief that they are not willing to give due diligence to recognition of the Pangerang, otherwise why do they not include their names on those signs? I will refer back to them again, because they are publicly up at the moment. They are a public statement that is framing community understanding at this time.

Ms DUNCAN — You were saying before that we should have a say in this process. When you say ‘we’, do you mean white Australians or the VFF?

Ms DIFFEY — I am saying that the Pangerang communities that live within the Ovens Valley should be having a say.

Ms DUNCAN — And they did not?

Ms DIFFEY — I cannot comment on that. I am saying that many people feel a sense of support and honour — the need to honour the history. It is very important that truth in history is honoured, that truth in
understanding is shared and remember that power creates understandings and truth. We must all be diligent and protect all of that.

The CHAIR — Thank you, Rhonda, on behalf of the VFF. We appreciate you giving your time and travelling down to Wangaratta to join us here this morning. Thank you very much.

Witness withdrew.