



TASMANIAN ABORIGINAL CENTRE INC.

ABN 48 212 321 102

HEAD OFFICE:

198 ELIZABETH STREET,
G.P.O. BOX 569,
HOBART TAS. 7001
Phone: (03) 6234 0700
Fax: (03) 6234 0799
Email: hobart@tacinc.com.au

182 CHARLES STREET,
P.O. BOX 531,
LAUNCESTON TAS. 7250
Phone: (03) 6332 3800
Fax: (03) 6332 3899
Email: launceston@tacinc.com.au

53 ALEXANDER STREET,
P.O. BOX 536,
BURNIE TAS. 7320
Phone (03) 6431 3289
Fax: (03) 6431 8363
Email: burnie@tacinc.com.au

Secretary
Tasmanian Forests Agreement Bill 2012 Committee
Legislative Council
Parliament House
Hobart

29th January 2013

Dear Secretary,

Please accept this submission to the Committee. We have attached the WoG maps marked- *C, D, Future Reserve Land and Future Reserve Land and Existing Reserves* in an effort to show Aboriginal values on those maps. We have also attached further maps marked-

- (a) Aboriginal heritage values in existing reserves;
- (b) Aboriginal heritage values in state forest and
- (c) Aboriginal heritage sites in existing reserves and in state forest.

These maps conservatively indicate the location of Aboriginal heritage in the sense they only show researched and discovered archaeological sites. They do not include massacre sites, camping grounds, walking tracks and so on.

I will attempt to send hard copies of all maps so that maps marked (a) - (c) are transparencies that can be overlaid against the WoG maps. They don't fit perfectly but Members may find it useful.

Summary

Decisions about use and management of land have historically ignored Aboriginal interests. Discussions between Aboriginal representatives and industry, and environmental groups, over the summer of 2011/2012, raised Aboriginal hopes of meaningful involvement and creation of the beginnings of an economic base. Those hopes were dashed by the reaction of the Tasmanian government, the Greens and environment groups in March 2012.

The Aboriginal community looks to the Legislative Council to ensure Aboriginal interests are not ignored. Within the framework of the IGA, we seek amendments to the *Tasmanian Forests Agreement Bill 2012* so that Aboriginal management of reserved areas is authorised under *Aboriginal Lands Act 1995*.

A portion of the Federal government's \$7m funding for management would be attracted to Aborigines depending on the extent of the land areas Aborigines would manage. High Aboriginal cultural values

are included in the proposed reserved areas in the IGA forests proposal. It is inappropriate that Aboriginal people are ignored while Parks & Wildlife manage lands containing Aboriginal heritage.

Parks & Wildlife have a shocking record of refusing to hand over management to Aboriginal people of conservation and other reserve areas that have largely been set aside for their high Aboriginal cultural heritage values. We strongly oppose Parks & Wildlife managing further areas of lands that contain high Aboriginal values.

Greater Aboriginal management of land would provide a much needed boost to Aboriginal reconciliation, employment and training.

Background

1. In December 2011, and on behalf of the Aboriginal people, TAC proposed to forest industry groups that ownership and/or management of any forest areas discussed under the IGA process. Aboriginal Land Council of Tasmania, a statutory body established to hold and returned lands for Aborigines in perpetuity, would hold any legal interest.
2. We entered into discussions on the basis that which areas were to be reserved or declared forestry lands was primarily a matter for industry, environmental groups and governments. We had no input into that debate.
3. We had proposed that the final outcome of discussions between IGA members would be super-imposed on any ownership and/or management by Aborigines of those lands. In other words, if Aboriginal people were to once again own or manage forested areas, Aboriginal interests would be subject to the status determined under the IGA process.
4. We anticipated that Aborigines would have input into the final agreement on the status of land areas on the grounds of Aboriginal cultural, historical and heritage information.
5. The State Government did not support the Aboriginal proposal and the Greens and environmental groups, at the first meaningful opportunity to show support for Aboriginal rights to land, expressed outrage at the proposal (see attached newspaper clippings from 2nd March 2012).
 - a) The Greens reaction was particularly negative. Leader Nick McKim wanted the Forestry Tasmania Board sacked because it dared to hold talks with Aboriginal people, even though FT's Bob Gordon stated that it would be disrespectful not to talk with Aboriginal representatives. Cassy O'Connor, Minister for Aboriginal Affairs, without talking to Aborigines beforehand, said talks to potentially return 300,000ha of lands to Aborigines was 'exploitation of Aborigines by industry', and that 'she and her colleagues in Cabinet would progress land hand backs'. The land hand back package turned out not to be 300,000ha, but 150 ha.
 - b) The Tasmanian government killed the potential benefit for Aboriginal people and shut Aborigines completely out thereafter.
 - c) The Tasmanian Wilderness Society refused to support Aboriginal ownership or management of the reserve areas.
6. Now that the draft *Aboriginal Heritage Act 2012* Bill has been released and shown to be totally inadequate in addressing the relationship between Aboriginals and Aboriginal heritage, the

Forests Agreement Bill 2012 takes on an added significance. As the attached Aboriginal heritage values maps show, much of the proposed reserve areas contain valuable Aboriginal heritage.

Aborigines as stake holders

7. Despite the declaration at Botany Bay in 1788 that all Aboriginal lands had unilaterally transferred to Britain, Aborigines in Tasmania knew nothing of this act until whites landed here in 1803. A year later the killings began.
8. From the outset it was clear that the rights of Aboriginal people to the country we had owned since time began meant nothing to an invading force of armed soldiers, backed by a workforce of convicts, with settlers eager to take possession of lands. In the space of just 30 years the Aboriginal society in Tasmanian was changed forever. Hunted down by soldiers, settlers and bushrangers, women being trapped and stolen, children held as ornaments by white officials, Aborigines constantly lived in a state of fear¹.
9. No longer free to rely on traditional lands for food or camps; no longer able to meet with other Aboriginal groups for exchange of culture, stories or friendships, the take-over by whites came quickly. As the numbers of arrivals of whites rapidly increased the future of Aborigines existing at all became bleak.
10. The treatment of Aborigines in the 1800's was as brutal and sickening as any in the history of mankind. The Aboriginal population decreased from 10,000 to around 150 in just 70 years. This history undermines claims that Tasmania was peacefully settled.
11. Even then white Tasmania was not satisfied. Despite an Aboriginal community surviving against all odds, consisting largely of 300 people living on Bass Strait islands by 1900, the official position was that they were not Aboriginal. Believing it had found the final solution, Tasmania went about building a society for whites.
12. Walter George Arthur, an Aboriginal at Wybalena, petitioned the Queen to honour the promise made by Robinson that the colonial government would reinstate Aborigines in their homelands when the fighting was finished. The government reneged on that promise.
13. Aborigines have never forgotten the loss of land, nor how it was lost. From Walter George Arthur in 1847 to prolific writer George Everett in the early 1900's through to land rights marches and finally, acknowledgement by the Tasmanian Parliament of dispossession and its effects, land has been a central plank for all talks between Aborigines and government.

The relevance of reconciliation to Aboriginal lands

14. On 15th March 2005, Premier Paul Lennon, in a potent statement, summed up the importance of land to Aboriginal reconciliation-

¹ Lyndall Ryan in her book *Tasmanian Aborigines* lists 17 acts of group massacres. And see James Joyce, Fantasy Island in *Whitewash*, p17; Plomley *Friendly Mission* for examples at pp216-217

“My Government strongly believes that land is central to the issue of reconciliation. You cannot have reconciliation without returning land to the Aboriginal people. Return of land is a key to empowering the Aboriginal community and is one mechanism that can address historic grievances. I also believe that land ownership by the Tasmanian Aboriginal community is fundamental to ensuring the recognition and survival of Tasmanian Aboriginal heritage and culture”.

15. It follows that Aboriginal ‘demands’ for lands are modified. Reconciliation is the building of a society in which both peoples- the aggrieved and majority- can be equally proud of the efforts and achievements.
16. While Aboriginal people maintain our right to our lands the reconciliation process modified land rights claims. In a spirit of goodwill, successive Tasmanian governments and parliaments have negotiated areas of land for return in order to foster better relations between Aborigines and the broad community. The evidence is that such returns do foster better relations (despite some rocky roads), creates Aboriginal employment and often boosts the local economy.
17. Mutton birding, an essential feature of ongoing cultural practices, was in decline in the early 1990’s. After the land hand-backs in 1995, \$1.5m was spent on improving production sheds to the highest health standards. As a direct result, the numbers of Aborigines mutton birding has increased by 25%. Indirectly, fuel, food, machinery, transport, packaging, lease fees and repairs have injected over \$100,000 annually into the Flinders Island economy alone.
18. The great untapped economy is in tourism. Tasmania stands to gain culturally and economically from a broad based, sustained Aboriginalisation of places. Aboriginal history is a cultural and economic asset that remains unrealised. It will remain that way while Aborigines are sidelined from promotion of our heritage. The forest ownership/management is an opportunity to invest in Aboriginal people.
19. We estimate 60 Aborigines would have been directly employed under the Aboriginal proposal that would have further placed Tasmania ahead of the flock on creating economic opportunities for those worst off. The outcome would have promoted reconciliation.

The proposed reserve areas and Aboriginal heritage.

20. The draft IGA contained a clause 51 recommending governments hold good faith negotiations with Aborigines over claims to land. Neither the Federal nor State government offered any such talks.
21. WoG Map C shows the WHA. Aboriginal values are a key element for its listing. There was no consultation with Aborigines before its listing and we have been ignored in the management and care of the area. We were not consulted about the expansion areas proposed in the IGA. There is no reason to expect that the Tasmanian government wants Aborigines to have meaningful participation in the expanded areas.
22. Map D deals with formal reserves. Aboriginal involvement in this conservation area is limited to one Aboriginal (apparently) on a committee. A tour of the coastline of the Arthur Pieman conservation area leaves little doubt that the key values for the listing is Aboriginal cultural heritage.

Michael Mansell
Legal Director

