

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT FLINDERS ISLAND COUNCIL CHAMBERS, WHITEMARK, FLINDERS ISLAND ON TUESDAY 22 FEBRUARY 2000.

KAREN HOLLOWAY WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - Thank you, Karen, for indicating to the committee that you would like an opportunity while we are here on the island to address us. The process we have used through the day is that those who wish to, make a presentation and then the committee will ask questions after that time. So we will pass over to you to make your comments.

Ms HOLLOWAY - Mine is just a fairly short concern, I think there are two main concerns I have. I have written it down because it is easier for me to say. My concerns over the decision to hand over areas of crown land to the Tasmanian Aboriginals are, firstly, that the decision by Mr Bacon was made without consultation with land owners affected by the handover and the Flinders Island community, of which the islands are a big part. There has been no information provided of these areas on land management and uses by Mr Bacon or the Aboriginal community or the wider Tasmanian Aboriginal organisation for people to understand any future changes that may occur. There was also no public input into the reconciliation process of this handover, which I feel is a must for people to be able to participate in reconciliation. I feel it was inappropriate of Mr Bacon to solely make a decision of the handover of land without involving the wider community on Flinders Island, informing them of facts and enabling them to voice any concerns.

Another area of concern of the proposed change is the lands involvement in the recent land planning review and rezoning of the Furneaux group. This process has been through heavy planning and consultation with the Flinders Island Council and communities, and I feel this decision has taken the credibility of this process. It would leave the Furneaux group with portions of land that would be excluded from any further land-use planning inclusion, and I feel all land should have the same value to everyone concerning these issues.

Mr WILKINSON - You've brought up what has been brought up a number of times today, Karen, and that is lack of consultation. Was it ever discussed with you prior to this bill coming before the House that the land that you are involved with was going to be transferred?

Ms HOLLOWAY - No. I was involved in the land rezoning last year, putting submissions in, and I would have felt that a greater area of land would be involved. The proposed rezoning for the Flinders area was from rural to open, and that would completely change any handover. I am aware that land that is handed over, my understanding is that it's completely separate and that is what I felt. There's a big push nowadays for land management and sustainability and future management, and I was unaware of anything that was given in contracts or understandings when the land was handed over. That's just my own personal opinion and that's what I'm involved in. I'm on the regional strategy committee for the Furneaux group, and it just feels funny having half of those islands within a management group and having plans and then identifying any areas that need to be looked after, and not having any known interaction with any organisation that is managing it.

CHAIRPERSON - So you're saying that you are part of a strategic group who went through an entire process, looked at the entire planning of the Furneaux group and at no stage at that time did anyone indicate that thousands of hectares would be extricated from that process.

Ms HOLLOWAY - The decision hasn't been handed down from those planning tribunals. that's actually within the government planning department at the moment, which I feel is a little bit silly to

have one thing come in and overrule completely something that may affect it; to exclude certain islands that could have been identified as having different uses.

CHAIRPERSON - The areas of land transferred will still be under the local planning scheme, unless ALCT, as the title holders of the past or future title holders possibly, have put in any countermanding submissions. The review process will probably still tag those islands with the same direction that your strategic group looked at in that earlier process. My interpretation personally is that regardless of who the manager of the land is, they will still be covered by planning issues, by environmental laws, and so on. They're not going to be extricated from the system and would have to go through the same process if it's zoned rural and they want to change it to a tourism capacity. If that doesn't fit under your planning scheme, and so on, they would still have the same responsibility. But I take on board your point that 40 000 or 50 000 hectares, or something, you may have had a different interpretation as a strategic group if you had prior knowledge.

Ms HOLLOWAY - Yes. I felt there just wasn't the information out for people to actually understand what was happening, and little concerns like that - it was very sad.

CHAIRPERSON - Did the managers of the land that was transferred in 1995 - that is, in the Furneaux group - have any involvement in the strategic group that worked on this land planning review?

Ms HOLLOWAY - There were two land planning reviews: the one that was held by the council and the land-use planning committee, which was a government organisation - and anyone who was wishing to make submissions for that would be very welcome and you would have to get their draft transcripts to identify that - and on a local level with the Furneaux regional strategy, I don't believe there is any Aboriginal representative on that group. They were asked at that time, but there isn't one on the committee. But that can happen at any time, they can come and any member of the public can ask to come and have involvement.

Mrs SILVIA SMITH - Just looking a little bit further at that. It appears that once again your concerns are basically that there's been no consultation whatsoever in this.

Ms HOLLOWAY - If someone asked me what my opinion was on the handover, I couldn't give them a full understanding of it because I still don't know what the handing over of that land means to me who lives here.

Mrs SILVIA SMITH - Do you have any lease on any of the land that's proposed?

Ms HOLLOWAY - No, I don't, but I have heard how small communities have problems about, 'We won't be allowed to go on there with access leases, the land grant will be to high water', and things like that. How can you comment, because we don't know, we haven't seen it written down. I think people should be entitled to that, as it is crown land.

Mrs SILVIA SMITH - I think that's all I wanted.

CHAIRPERSON - Thank you, Karen, and thank you too for making yourself available earlier. We do appreciate that because we did have to reshuffle our program and it was appreciated that you could accommodate us. Thank you.

THE WITNESS WITHDREW.

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT FLINDERS ISLAND COUNCIL CHAMBERS, WHITEMARK, FLINDERS ISLAND ON TUESDAY 22 FEBRUARY 2000.

Ms OLGA HENWOOD, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - Thank you for your attendance this afternoon. The process will be that we will ask you to speak to your submission, after which the committee will ask any questions, gather any information that they believe you can give them as an extension of your submission.

Ms HENWOOD - I don't want to add much to what was in my submission only to say that I made it because I'm so concerned that there is a division in the community. I wonder whether the islands are being discriminated against by such large parcels being handed over for the second time and it is causing division.

I've lived here all my life and some of my best friends are in the Aboriginal community. They're friends I've had since childhood and I share great grandchildren with some of them - at least one of them anyway. I feel that the reconciliation will be put back quite a bit if you are going to make these handovers because we didn't have Aboriginals displaced here, there was no-one living here when the white sealers came, apparently. My family first came in the middle of the 1840s, 1850s, whatever it was, to Goose Island as the first lighthouse keepers and we've had affinity with the islands ever since, continuously living here.

Mr WILKINSON - Is that one of your relations up on the board, Henwood, F., 1917?

Ms HENWOOD - That's my father-in-law and my husband is there somewhere and an uncle deceased.

CHAIRPERSON - Would you like to make some comment on a comparison between the community feeling after the 1995 transfers and what you believe the community feeling is now.

Ms HENWOOD - I think most people thought that that was going to be the first and last. I know they didn't think there was going to be any more.

CHAIRPERSON - And you felt the community were comfortable with that process?

Ms HENWOOD - They were as comfortable as they were going to be, but they weren't really happy because they didn't think we'd displaced anyone, but now things have hotted up the other way.

CHAIRPERSON - Do you feel that it has worked successfully and satisfactorily between 1995 and now?

Ms HENWOOD - No, I don't because we had a thriving mutton-bird industry on Dog Island and there's been very little done since. I understand - I was told the information fell off a truck - that there is not going to be any birding this year. If that's so that's a lot of loss of income for the islands that we can ill afford. They've been birding here for 200 years and nobody died of food poisoning, so it seems strange that all these laws have come in all of a sudden.

Babel Island is not being - and anybody that's learnt anything on mutton-birds know that you have to use your rookeries or they don't come back. Dog Island will be the same as Chappell. My mother was

born there 100 years ago this year. If you've been birding for all that time and then suddenly give it away the birds won't come back.

Mr WILKINSON - Why's that?

Ms HENWOOD - That's their cycle. When they leave here they go in that semi-circle, or circle, whatever it is, up to the Bearing Strait and back. They leave here in May and get back in September to scratch out their holes for the next year's chicks and scratch out in November and lay.

CHAIRPERSON - Do you believe the fact that there hasn't been substantial mutton-birding since that time has had a detrimental effect on the economy because, as managers of the land, if the Aboriginal community made a decision not to mutton-bird, that was a decision under the law they quite rightly could make? Do you think there's been any effect on the Furneaux Islands economy in general because they haven't been -

Ms HENWOOD - I'd say there must have been. They did bring in some young Aboriginals in from Tasmania to try to teach them to mutton-bird and I'd like to see that continue if they are interested. I don't think many of them are interested, nobody is interested in hard work these days like they were in the old days, are they?

Mrs SILVIA SMITH - It was a very thriving industry, wasn't it?

Ms HENWOOD - Oh, yes.

Mrs SILVIA SMITH - Is there evidence, do you think, that the industry itself is getting smaller and smaller because of this?

Ms HENWOOD - Yes, there's no doubt of that.

Mrs SILVIA SMITH - That must have a flow-on effect to the economy of the islands in some way.

Ms HENWOOD - It does, yes.

Mrs SILVIA SMITH - Just one question, Olga, you might be able to give me some light on. We've heard more than once today about the divisions that are happening within the community. Are you able to broaden that a little bit and what sorts of things are happening that look like dividing the community?

Ms HENWOOD - Money for one thing, somebody told me - that's the one thing that forces the division.

Mrs SILVIA SMITH - The division of one group getting money and others not?

Ms HENWOOD - Yes. You hear of a couple of women talking, there's a school trip, and I heard one woman saying she couldn't send hers and another woman came in who was working there - had ceased working there - and she said, 'I can because mine are getting paid for'. I wonder whether that is fair or not.

Mrs SILVIA SMITH - That's causing problems.

Ms HENWOOD - That's causing problems. You are never going to get reconciliation while you have those things in front of you.

Mrs SILVIA SMITH - Prior to 1995, that had been lessening, hadn't it, within the community, the communities were working together?

Ms HENWOOD - Yes, that's what we want, with a small place like this you can't be divided.

Mrs SILVIA SMITH - There was enough of that in the past, wasn't there?

Ms HENWOOD - Yes. In my opinion this is doing exactly the same thing only the opposite.

Mrs SILVIA SMITH - This particular announcement you feel is really doing that?

Ms HENWOOD - Yes. Since I haven't been able to do much, only drive, I can go and see some of my friends in the local Aboriginal community and they have told me that they won't be associated with them, they don't want to be associated with the Tasmanian people.

Mrs SILVIA SMITH - There's a rift coming there as well between the Tasmanian group and the island group?

Ms HENWOOD - Yes, apparently, two separate people have told me that.

CHAIRPERSON - Did you extend the idea that if the locals - and by that I mean the Furneaux-identified Aboriginals - actually had title to the land in the transfer rather than ALCT whether or not their attitude may have been different.

Ms HENWOOD - I think the locals should have it, I don't think anybody else should have it, especially on Cape Barren. They've been living there since the land was given to them in the last century - some of them are still living on the land that was given to their forefathers - they are quietly living, they're not doing any harm to anybody and they don't want outside interference and they'll tell you that.

Mr BAILEY - As you said in your statement, the proposal to grant these areas of land adjacent to Flinders Island are against the wishes of not only the Aboriginal people but those who are non-Aboriginal because no-one really wants this in the wider community?

Ms HENWOOD - No, they don't, that's what they tell me anyway and that's what I hear about the community and I do get about a bit.

Mr WILKINSON - When you say the local community, how many do you mean, ten, fifteen?

Ms HENWOOD - No, it's more than that.

Mr WILKINSON - That's what I'm trying to find out.

Ms HENWOOD - I think there's only about 40 on Cape Barren I am told but as you can see, I can't get many places these days, I haven't been over there for a few years.

Mr WILKINSON - When you talk about 'the proposal is against the wishes of our local Aborigines', are you talking local Aborigines as a whole or just a number of them?

Ms HENWOOD - The one's I've spoken to - and I think they speak for others as well - I am led to believe that none of them wanted the interference of the TLC and Tasmanian interest. They live here and if they want to live with the white community they need to get on with them, don't they, and vice versa.

Mrs SILVIA SMITH - If I could go on to another point you've made in your submission - and we've already heard this as well earlier today - the concern that the previously granted pieces of land are not being maintained in desirable condition and concern about a large amount of money to be expended to repair damage. What sort of damage are we looking at? We haven't been around yet to have a look.

Ms HENWOOD - I haven't been to Clarke Island but I am told that's not in very good order.

Mrs SILVIA SMITH - This is anecdotal evidence.

Ms HENWOOD - I am in favour of that being used the way they're using it but apparently - I don't know whether it's mismanagement, I wouldn't have a clue - but I have been told that it's not in very good shape. I did write to the Minister for Health and suggest before they did this with Clarke Island

and say what a good idea I thought it was and suggested that one way of reconciliation was to use everybody.

Mrs SILVIA SMITH - Yes, we've already heard that idea.

Ms HENWOOD - Instead of sorting out the Aboriginal portion of it send everybody there and start at home with the reconciliation.

Mrs SILVIA SMITH - It sounds like a good idea to me.

Ms HENWOOD - She didn't answer me though.

CHAIRPERSON - Thank you, Ms Henwood. Do you have any final comments you want to make to the committee?

Ms HENWOOD - No, just that you give serious thought to this because I know that it is splitting families and we don't want that.

CHAIRPERSON - Thank you very much.

Ms HENWOOD - We think that the mistakes of the past shouldn't be repeated.

Can I tell you this what my daughter said, she bought three children up, two of her own and one she adopted when his parents died. They were talking about the benefits of being Aboriginal and she said, 'Well, I have three children and one could get the benefits and won't and one does and shouldn't and one wishes he could and can't'. That's the way she summed it up.

Laughter.

CHAIRPERSON - Thank you very much for taking the time to make your submission and appearing here this afternoon.

Ms HENWOOD - Thank you for listening to me.

THE WITNESS WITHDREW.

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT
FLINDERS ISLAND COUNCIL CHAMBERS, WHITEMARK, FLINDERS ISLAND ON 22
FEBRUARY 2000.**

DOREEN COYLE WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - Thank you very much both for your submission and your presence here this morning. The committee appreciates the time you have taken. We will give you the opportunity to speak to your submission, make any comments and then the committee will query you on any issues they wish.

Ms COYLE - I first apologise that I have no paperwork with me. I was hospitalised the day before yesterday and I haven't been home since, so I'm in borrowed plumes and no paperwork. Never mind, my submission was very short and the basis of it again is the worry of the separation of people on the basis of race, not just in these islands but anywhere in the damn world for that matter. The more of this giving one section of people, for whatever reason, the privileges on a race basis, the more it goes on the worse it is for the community in general. I feel very strongly that eventually you can go around and around with your reconciliation gobbledegook but eventually it will provide social, economic and political - especially political - disaster for not only the wider communities, as they are known euphemistically, but the Aboriginal community as well - we'll all be in it. I think that the longer the gobbledegook goes on it will perpetuate that attitude which will result in disaster for us. It won't be in my lifetime or perhaps even your's but we'll contribute to it now unless we just simply somehow begin to put the brakes on. I don't care whether it's a bit of land and I don't care whether you're giving it to an Aboriginal or a Chinaman or whatever, but it is the idea of separating people on a racial basis. It has been done, and as the councillor said in more politically correct language than I'm able to say, that it has caused divisions far greater than they will admit here to you because, as a couple of your other people have said, the council have not consulted openly with us ratepayers - any little bit we've had to get out of them we've had to drag it out of them and it wasn't very much.

The media release - there would have been no knowledge of your coming here or your times originally anyway when it was first mooted. It was put in the *Examiner*, which a lot of people here don't receive for various reasons - or if they did it would be three weeks old when they got it - it only came to our local paper because I asked your secretary, Mrs McLeod, to have it sent and put in our local paper. The average person doesn't get the feel of anything until it's done.

But, again, my main concern is the division of people on a racial basis, for whatever reason, whether you are handing them land or what effect the government of that land - that worries me very much also because I feel that the Aboriginal Land Council in the long run is going to be a very powerful body and I think the Aboriginal people, if it's let to go on, will rue the day they'd be ruled by them more than we will. I can see a political - how should I say it - plot is not the right word, but anyway in all of this from Commonwealth level through and it can only grow if it's not thwarted now. It's not a matter of whether that man has Thoul or what he does with it afterwards, I don't care, it's the whole effect on our community that worries me very seriously.

Mr WILKINSON - That worry that you talk about, when did you notice that that started to manifest itself?

Ms COYLE - Here?

Mr WILKINSON - Here in Flinders Island - are you from Flinders Island?

Ms COYLE - I'm a mixture; I'm a recycled one, I tell everyone.

Mr WILKINSON - Right.

Ms COYLE - My great-great-grandfather was a sealer on Cape Barren 150 years ago but he had an Irish wife - a convict wife - so that's a little bit of background, The family continued right through but I have been away 40 years and back only 5. Before I left there were only rumblings - and that was in the 1950s - nothing too bad, but when I came back I got a shock - a great shock.

Mr WILKINSON - What did you notice?

Ms COYLE - I notice that there is a dreadful division but, worse than that, I notice that people are unable, unwilling or afraid to voice it.

Mr WILKINSON - Why is that?

Ms COYLE - You might be able to tell me that because they are afraid of being labelled racists or right wing something-or-others and so on. They don't want to be and most people aren't and before I left here most people weren't. We lived, as I said, for 150 years and worked together but the divisions have come and I see them here and I see the discontent. Can I say, monetarily it doesn't worry me, but it's the division of people on an ideological or racial basis.

CHAIRPERSON - When you left 40 years ago, would you have recognised who was and who wasn't of Aboriginal descent at that time?

Ms COYLE - Could you clarify your 'recognise'? By what means would you want me to have recognised them, by the colour of their skin or their name or -

CHAIRPERSON - No, I think that generally history shows that a lot of people of Aboriginal descent didn't acknowledge that in the community because in some communities there were racist tendencies, et cetera, and as such 40 years ago, what would have been your expectation? Did we have a percentage of Aboriginals that were acknowledged on the island as they are now or they didn't put their hand up and say 'I'm Aboriginal'.

Ms COYLE - I would say in the short term, but I'd like to get back to a little bit before that that you said. In our community here, closeknit as it was and people didn't move away as much or stay away as much, that they would have been known - everyone's family pretty well was known, their history and every little thing almost. It's one of those small communities where that is so. The bit you said to me there about them not wanting to be recognised as such, there was some of that. I can't tell you why. I can only refer you back to my grandparents who were outer islands people, originally from Cape Barren, who made no difference at all in their dealings with people nor did my father's family and -

CHAIRPERSON - What I'm trying to establish is the closeknit community that small islands are - how closeknit it was - and that comment there gives me a picture. We've had evidence -

Ms COYLE - You may have got a different opinion perhaps or a different slant on it from the generation before me and you will certainly get a different one from the generation after me. But that's all I can tell you as my knowledge from having grown up here and, as I say, my great-great-grandparents before me.

Mr WILKINSON - It seems to me that there's a fear within some that this is the beginning of an overtaking of land -

Ms COYLE - There is.

Mr WILKINSON - more land claims - say, sea claims; that is, you're not allowed to fish in certain areas - and really that's the thing that is concerning more than the present hand back of lands. Is that right within the Flinders Island and island communities?

Ms COYLE - To a degree, yes it is and this is something that people are not voicing. They are, to a degree, afraid to voice this. To me it is not, as I said, the ultimate problem but it is one of the little niggles or the nasties in between it. Handing back of land and fishing and so on, well it could make it awkward for everyone trade-wise and goodness knows what else if people are not able to agree, and as you divide someone on a racial basis they fight like hell - they don't care who they are. It just takes a little bit of time and it doesn't matter whether we're here or some other place in the world.

Mr BAILEY - My understanding is - and I'm not sure whether it's 30 years ago or 40 years ago or even earlier than that - that those of Aboriginal descent who were identified as Aboriginals were treated differently on Flinders Island to non-indigenous people. Evidence was given that in relation to the usage of the hotel here at Whitemark -

Ms COYLE - That is true.

Mr BAILEY - that the Aboriginals were not allowed into the main bar.

Ms COYLE - That is probably true. I was a child then but I wasn't allowed in either.

Mr BAILEY - Do you think that would have contributed to people not wanting to identify as Aboriginal in those days?

Ms COYLE - No, that was a separate thing.

Mr BAILEY - Was it?

Ms COYLE - Yes. From my own feeling of having lived here and my family feeling before me, no, that was a separate issue and possibly for other reasons as on the mainland of Australia and other places. I don't have the medical knowledge or anything to go into that a little further; I have my own ideas about it, but it was not the case as you're saying, in my opinion.

Mr BAILEY - Well, I'm not saying, I'm just putting it to you -

Ms COYLE - No, as far as I could say to you, no that wouldn't be so.

Mr BAILEY - Okay.

Ms COYLE - I've heard my grandmother - and this is only a little bit back and it just perhaps gives you a little bit of insight into how we are and how we were here, because my family were here 150 years back - praise the 'old families' as she called them. They would have been the outer island residents of Aboriginal descent or any other for that matter but, in particular, those of Aboriginal descent. I have seen her entertain Auntie Ida, amongst others, at the old home at Blue Rocks on many occasions. They were part of the tribe, part of the family. So it is more than that and I feel that it has been foisted, a lot of this movement - I don't know whether you'd call it independence - I feel it's a movement for a political independence of some order, somebody wants some power over somebody else and that's what usually starts these things. I think it has been foisted on the Aboriginal people from above. I don't think that they really realise when they have accepted the benefits or the fringe benefits what the long-term penalties will be.

Mr WILKINSON - The people from Flinders Island and outlying islands, do they consider themselves islanders, Tasmanians or do they relate more with Victoria?

Ms COYLE - Oh, we don't want anything to do with that lot.

Laughter.

Mr WILKINSON - Is that all around or -

Ms COYLE - Yes, you're right. We are a unique community here and that's why, as our councillor said, it is very, very important - more important to us this business than perhaps even the mainland of Tasmania because we are a particular community from our ancestry, our heritage, our growth of

mixture than perhaps anywhere else in Australia. I was away for 40 years and I couldn't wait to get back.

Mr WILKINSON - It's nothing to do with the inquiry but where did you go? You've said it a couple of times.

Ms COYLE - I went to an industrial area in Victoria in the Latrobe Valley where they make the power.

Mr WILKINSON - Traralgon and Sale, around that area?

Ms COYLE - Murray, Morwell, Yallourn.

CHAIRPERSON - I must say, with due deference to them, I can see why you wanted to come back.

Laughter.

Ms COYLE - As I say, it was a short, sweet submission and I don't have historical facts to put to you; I only have knowledge of having been born and bred here with far-reaching ancestry as far as this place is concerned.

Mrs SILVIA SMITH - Would it be fair to say then, Doreen, that your major concern is that this whole issue is dividing the community to a point where you fear there will be no coming back together again and being one community.

Ms COYLE - It is, unless or until something drastic would happen and I would hate to see it happen.

Mrs SILVIA SMITH - Like all-out war.

Ms COYLE - Well, how far have you got to look - not that far - people are people. The good Lord in his wisdom made us like that and there were two other old darlings referred to in the Bible, weren't there? They weren't satisfied until they wanted more and mucked it all up.

Laughter.

Mr WILKINSON - Do you think that the Aboriginal people, when you were first here, felt part of the community?

Ms COYLE - I can't speak for other people.

Mr WILKINSON - I realise that but you can get some idea.

Ms COYLE - The ones with whom I mixed - let's go back a little bit further than that. I didn't mix with those people of Aboriginal blood or descent or whatever as much as people will now because we weren't able to move around as much when I was a child. We hadn't the money for motor cars, we hadn't the mobility. We went to school with very few children of Aboriginal descent here at Whitemark because in those days there was a school on Cape Barren and there was also Lady Barren and another one out at ... So we had little contact with the children. I had, as I said to you, contact with some adult families through my grandmother's family. The people at North - Armstrongs and various others - and again when I was a teenager and I felt no difference then but I cannot say whether they felt any difference. I cannot answer for them. If they did, I would like even now to know why because I wouldn't know - but I can't speak for them.

Mr WILKINSON - The only way you could say that is if they expressed that belief to you.

Ms COYLE - Well, they didn't and to this day they haven't. I mean, I mix quite happily with people of any race.

CHAIRPERSON - Do you believe that was a culture of a small community that there was less discrimination. I mean, I relate back to my time as a school child and there was discrimination on all sorts of issues. Catholics and primary schools traded insults across fences at one another. You didn't go

to a particular place to get a job if you were a Catholic and you didn't go to another one if you were Church of England. That was the process that we have fortunately outgrown. Certainly evidence has shown that there were comments made about Aboriginals - the tar brush, et cetera - that happened in communities going back 40 years ago. What made Flinders Island special that you feel that wasn't a discriminatory issue here? Was it the small close community?

Ms COYLE - I can't say to you that it wasn't here. You will have it to a degree anywhere, the same as we had at Wybalenna - some Aboriginal people howling and yowling at what those white fellas did to them. I don't know what colour skins those fellas were that brought them here, that's immaterial to me, I don't care now because, as I say, you cannot repair the past and anyone who tries to dig it up will find it doesn't smell any better now than then. I've got off the track a little bit with your feeling of discrimination.

It could have been here but I could swear from my experience now, having coming back, that it was less of a worry then than it is now because the people then, be they of Aboriginal descent or be they anyone else, they simply lived as ordinary people. It wasn't said, 'You will be here and you will do this and that and have that and that because you're Aboriginal and you'll be able to throw him out of the pub' and so on and so on. That wasn't around, so there was a different feeling and it's a damn shame that it's all gone. It has been foisted on us and on them with this wonderful reconciliation movement, which a couple of people of said that it will do nothing for reconciliation, it will just take us around in a circle.

CHAIRPERSON - How do you think the opinion of the Furneaux community would differ if the land had been transferred back to the local Aboriginal community? Would there have been a change of attitude or still the same -

Ms COYLE - Sorry, could you repeat that for me?

CHAIRPERSON - Do you believe there would be any difference in the feeling within the community if the proposed land and the past land had been transferred back to the local Aboriginal community?

Ms COYLE - First of all, transferred back: this is also a bone of contention in the community because they didn't have it in the first place. The earliest recorded, I suppose, authoritative record of Aboriginals having been here even thousands of years back before European settlement, so those who were first here, even if they were unwilling, were the wives of the sealers. They weren't a matriarchal society and it was up to those old sealers - and a lot of wicked old fellas they might have been - but surely it was up to them the same as it was up to my great-great-grandfather who was a sealer out there with them to make provision for his family, no matter what racial taint they had.

So to give something back to someone, I can't come to terms with that. But I would feel personally that if someone came along I would hope I would be strong enough to say, 'This is not right' because I know it's not. If someone came along and said, 'You can have Puncheon Head back because your great-great-grandfather was out there' - and he owned some land, he certainly did, and I think he's buried there and ... as well. If someone said, 'Right, you can have it all back because of that' I'd want to get under the table with shame and I hope I'd have the guts to do it. Does that answer what I would feel about it - I don't care who it was given to.

CHAIRPERSON - Yes, I have got your thoughts across but if the scenario was that land was to be transferred - I'm trying to get a feel in the community - if land was to be transferred and it was out of your control do you believe the community would prefer it to be in total local on-the-ground ownership to deal with locally or -

Ms COYLE - Oh, absolutely. I see your point now. I'm sorry I missed it before.

CHAIRPERSON - No, that's okay.

Ms COYLE - Absolutely, from what I can only glean with these two ears - I don't have any written statement from them - but absolutely and, as someone else said, the Aboriginal community as a whole are divided on that and it has caused a lot of dissension among them. You can only say that is common

knowledge around, they haven't written that as such, they are like the rest of us, probably afraid to, rather than have to be ruled by the Aboriginal Land Council.

CHAIRPERSON - Doreen, do you wish to close with any final comment?

Ms COYLE - No, just to thank you for having the foresight to look into this problem because it's just not a problem of the non-Aboriginal community, it's a problem for all of us and it will be a bigger one if something doesn't happen soon. Thank you very much.

THE WITNESS WITHDREW.

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT FLINDERS ISLAND COUNCIL CHAMBERS, WHITEMARK, FLINDERS ISLAND ON 22 FEBRUARY 2000.

ALF STACKHOUSE WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - Welcome, Mr Stackhouse, and thank you again for making contact with the committee. We note in your contact you said that you would merely making an appointment and you would be speaking at this stage at the hearing. We look forward to hearing your comments; I think you've understood the process as you've been sitting here. We'll ask you to make a presentation and then the committee will make any inquiries of you they so wish.

Mr STACKHOUSE - Madam Chair and committee members, I did have, when first making application, a few notes but since then I've made a story and edited it a bit so now I'll have to read because I can't remember it all. If you will excuse me for reading my statement to you and then I'd be glad to elaborate on it anywhere you might wish me to.

In the beginning I am dealing with Badger Island principally, because I have actually experienced all these incidents and they are well documented - Mr Fletcher and Mrs Napier have considerable volumes of correspondence from me on this subject when it all happened in, I think it 1997-98. Whilst I agree it is past and cannot be undone it is relevant to the present matter under discussion so I put it forward with that in mind.

It is my opinion that you have two people who are paid to work for the Land Council who are elected members of the same Land Council and these people are also prominent in the TAC and some other elected members of the Land Council too are dedicated members of the TAC, thus the Land Council is controlled by the TAC. So, in effect, you are giving one organisation control of all Aboriginal affairs in Tasmania, even who and who is not an Aboriginal person. I do not see anything wrong with the original guidelines used to identify Aboriginal people and in a recent court case in Hobart, Judge Merkel seems to agree with this point of view.

Dealing with Badger Island. I have the utmost sympathy for the Aboriginal people generally and support in principle giving them some of their lands back. My wife is Alma Stackhouse, who you see beside me, a well-known and respected Aboriginal woman. We should all be aware of the fact that if this country was invaded by any of several other nations than the British the Aboriginal people would have been assimilated or exterminated long ago. Look around the world to see proof of this. That is still being done in the countries to our north even now. It is only civilised countries that allow minority population to stir up all this sort of trouble - Canada, USA, New Zealand and Australia.

In giving land back, I disagree with the method of selection of suitable/appropriate lands. It seems land is chosen which will cause the most disruption and thus become the more visible issue. The guidelines are laid down by government which are totally ignored straight after the event. I am directly affected in this way on Badger Island. I knew from community discussions that Badger Island may be given back. There was no contact with me from the Government until about a month after the event. I did not have any problems, having a very good relationship with the local community and was quite prepared to cooperate but within ours of the give-back control of the property was given to the TAC in Hobart, so much for local control. The TAC people came ashore, threw all our goods outside and moved in.

The resulting court proceedings that I took cost me a net \$7 000, even though the Land Council and the TAC decided to settle before the final hearing. Since then the Land Council has put my rent up from \$2 400 to \$4 000 per year and imposed a multitude of conditions governing my continued grazing of sheep there. In the future, may I recommend discussions be held with leaseholder/occupier at the beginning and the lands that will have to have the least impact on community economy given more consideration.

I see no problem giving Clarke Island, Cape Barren Island, Goose Island, for example. On the matter of Clarke Island, the Aboriginal Land Council Federal authority bought the lease on the open market and I would not have the slightest hesitation in giving them the rest of Clarke Island with great pleasure.

Now we are getting onto a different subject. All my life I have voted Liberal but this last election in Tasmania I voted Labor. This was because of my absolute disgust at the way the Liberal Government of the day treated me on Badger Island. The treatment by the same government of the Flinders Strait Shipping Company and the Airlines of Tasmania collapsed, the collapse of which cost me more than \$6 000. That's the end of my political spiel.

Back to Badger Island. We leased the island from 1952 to the date of give-back and at no time did any government person say a word to me about their intentions. Another point to ponder is my wife is an Aboriginal woman. She has worked with me on Badger Island since we were married about 40 years ago and we derive our income from Badger Island.

I don't believe reconciliation will succeed if the actions of some of the people involved create antipathy, disharmony and feelings of mistrust within the community. I also think that the Aboriginal people are not best served by isolating themselves from the rest of this community. We must all work together for the benefit of us all. It should be remembered that the Aboriginal people represent only 2 per cent of the present population of Australia.

The act needs to be changed so that local community is more clearly defined and the clause that gives Land Council power to give management to anyone else should be deleted. Management should only be given to some other body if there is no local community willing to take the responsibility and then such other body should be selected by the local community. In my opinion, local community is the group of people who live and work in a particular location, so easily defined in the Furneaux islands by being surrounded by Bass Strait.

Finally, more than 90 per cent of my income from Badger Island is spent in this area in which we live. When I leave the island it is unlikely that anyone else will use it, so that will be an economic loss to this area. Chappell Island is not now being grazed and nobody shows interest in taking it on under the conditions laid down by the Land Council.

Mr WILKINSON - Did you graze Chappell Island prior to the hand back?

Mr STACKHOUSE - No.

Mr WILKINSON - That was just Badger Island.

Mr STACKHOUSE - It was grazed by other people and their lease was not renewed when the Land Council took over.

Mr WILKINSON - Did the people want it renewed?

Mr STACKHOUSE - I believe they did - I know they did.

Mr BAILEY - Would you be able to produce a copy of the lease that you had with the Crown prior to it being taken over and the letter that was written changing the terms and conditions of the lease immediately upon its renewal or proposed renewal?

Mr STACKHOUSE - I can give you a copy of the lease that I had from the Crown Lands department or the National Parks and I can give you a copy of the current lease that I have from the Land Council.

Mr BAILEY - I thought you got a letter from them first before the lease telling you what the conditions would be. Did you say that or did I mishear you?

Mr STACKHOUSE - No, I didn't say that.

Mr BAILEY - No, it's the new lease to compare the old lease.

Mr STACKHOUSE - Yes, I have that here.

Mr BAILEY - And can you table that?

Mr STACKHOUSE - Yes. That is the lease that I now have and this is the lease of the Lands Department.

In that matter, when I heard it on the grapevine about the possible taking of Badger Island I was not concerned in the least, it was put to me in a way that the local community would own it and I would deal with the local community. I did not have a problem with that, in fact it is on record where I have said, 'Well, I can get along with them a lot better than I've been getting along with the National Parks, that'll suit me well'. The local community of course never had the opportunity.

I had a phone call from the chairman of the Interim Land Council during the lunch break at a meeting at Rutherglen when this actually happened. He rang me at lunch time and said, 'We have got Badger Island now and we're happy to tell you that we're going to lease it to you for five years at a time and the rent won't change and we're very happy to have all that mutually agreed'. I was quite happy about that but it was only hours later - or days later - that all that was thrown in the air. A subsequent conversation between me and that same chairman of the Interim Land Council, when I said that people have come ashore and they've thrown my things out, 'Oh, they can't do that, they're not allowed to do that'. Then subsequent telephone calls from this same man said, 'Take your things out, unblock the airstrip'. 'Oh, I'm not going to because I'm leasing the place still'. My lease was still current. He said, 'You have to do that, you have to do that' and hung up. So between those two phone calls he was made to tow the line and that was the result. And as my lease was still current I decided to go to court over it - well, that's history too.

Mr BAILEY - How long did it have to run at that time?

Mr STACKHOUSE - Eighteen months. It was a five-year lease and it had eighteen months to run. The disruption caused to me by being thrown out was that my sheep never got crutched that autumn because I couldn't have the house, there was no room for me to live there, my crew had nowhere to accommodate, so we didn't crutch.

Mr BAILEY - Was the house occupied?

Mr STACKHOUSE - It was occupied. Subsequently during this period too we had a wool store shed built by the jetty for storing the wool so it could be quickly loaded on the boat when it arrived. That wool store shed was taken possession of and locked up and I still don't have access to that.

CHAIRPERSON - Are you aware, Mr Stackhouse, that of any of the treatment that you experienced was experienced by any other of the leasees with the last transfer?

Mr STACKHOUSE - No, I believe at that time Badger Island was the one all the action was happening at. The other pieces of land that were handed back at that time were Dog Island - which there was some activity toward the end of the period of my argument with Badger Island - but there was no activity on Chappell Island and there was no activity on Babel Island.

CHAIRPERSON - Would you - and this is optional - would you like to hazard a guess why when it is quite evident you have strong links with the local Aboriginal community that you were treated in such

a manner?

Mr STACKHOUSE - I would think - this is my opinion -

CHAIRPERSON - That's all I'm looking for.

Mr STACKHOUSE - that the people on the other side of the camp we'll say, could see that there'd be a big storm over Badger Island and it would get publicity and notoriety all around the country - which it did. It was the most visible issue for quite a while. It received coverage on the television and in the newspapers Australia-wide and I think that was the idea, that was the purpose of the exercise. The people who were involved with Dog Island, Chappell Island and Babel Island at the time, all of those places, were much less -

Mr BAILEY - Intrusive?

Mr STACKHOUSE - No, determined, I suppose you should say, than I was to maintain my hold and my lease was still current whereas the leases on the other properties were not current.

Mr BAILEY - Were they renewed, do you know?

Mr STACKHOUSE - No, they were not. Dog Island had all little leases of the mutton-bird sheds, they were renewed, but Babel Island was not renewed, to my knowledge, and Chappell Island certainly was not renewed.

Mr BAILEY - And Babel Island doesn't run any stock at all now?

Mr STACKHOUSE - No, it was a mutton-bird enterprise anyway and it has never been used since.

CHAIRPERSON - If I could just clarify something - because we appear to have two conflicting comments - you made a comment on Chappell Island that it isn't grazed because of the conditions laid down.

Mr STACKHOUSE - Yes.

CHAIRPERSON - Then you made a comment a little bit later about Chappell Island when the lease was finished with, the Aboriginal Land Council presumably didn't want to release it out. Are you saying it wasn't up for lease or it was up for lease but nobody could meet the conditions?

Mr STACKHOUSE - On Chappell it was leased to some people called 'Napier' from Victoria and they were running it as a grazing proposition. Sometime before the handover their lease was due for renewal and the Lands Department said, 'No, we're not going to renew it yet, it's okay, leave your sheep there. We don't know what's going to happen with Chappell just yet'. Then it was handed over. There was no current lease because of that matter of being deferred, the lease was being deferred by the Lands Department so there was no current lease at the point of handover and then when the handing over occurred the Napier's were told, 'No we don't want to lease it to you, get off' - and they did. Subsequently I know the Land Council offered it to lease to other people but their conditions made it unattractive.

Mr WILKINSON - Prior to the transfer of Badger Island, were you advised by Government that any certain conditions would be met in you having the lease to the grazing area of Badger Island and those conditions subsequently weren't met, other than of course they told you through TAC that you had to go and you went to court?

Mr STACKHOUSE - I wasn't told anything by the Government or the Lands Department at all prior to the handover, in fact as I said, it was about a month later that I received a letter from the minister telling me that this had been done. There were no conditions involved.

Mr WILKINSON - Did you know that it was going to be done a month earlier?

Mr STACKHOUSE - No, I was told on the grapevine that this is what was going to happen - community grapevine, not by any official person at all. I was pretty upset over that.

Mr WILKINSON - I don't have a copy of your lease, it has been photocopied and just been given to me now. Is there an option to extend that lease?

Mr STACKHOUSE - With the Land Council?

Mr WILKINSON - Yes.

Mr STACKHOUSE - No. The Land Council lease I have now is from year to year from 1 September to 1 September and I don't know until they make a decision some time in August whether I am going to have it again or not.

Mrs SILVIA SMITH - Prior to that it was a five-year lease, was it?

Mr STACKHOUSE - Yes, and prior to that it was a 21-year lease which was gained at auction and going back to 1952 it was a 14-year lease gained at auction of crown leases. They had 14-year leases in 1952 and somewhere after that they upgraded them to 21-year leases. In 1975 I think it was, National Parks took over Badger Island and we leased it from National Parks and they gave me a five-year lease from renewal to renewal. There was never any thought of it, that it may not be leased to you. I don't remember any clause in the lease telling me that I had an option at the end of five years either, but it was quite satisfactory. The only trouble I had with the National Parks was that they wouldn't let me prune kangaroos and they wouldn't let me burn when and where I wanted and that spoiled my production off the place.

In the 1960s to 1970s we used to run 3 600 sheep and 250 cattle there. At last shearing 1 300 only were shorn. I couldn't have any more because I couldn't feed them. Now I am being allowed to shoot kangaroos and I am building flock up again now but the National Parks were not very helpful in that field.

Mr WILKINSON - Do you find now that your ability to use the land is better than it was under National Parks?

Mr STACKHOUSE - Yes, it is better now than it was then. The only deterring factor is that I only have it for a year and I am not therefore willing to spend much in capital because if you spend it this year you won't get the benefit until the year after next.

Mr WILKINSON - You are saying there's no certainty of tenure therefore you can't make plans?

Mr STACKHOUSE - That's right. If I had a certainty of tenure of five-year periods that would do me very well, I would be quite prepared to spend money on improvements - subject to approval from the Land Council, of course.

CHAIRPERSON - Have you attempted to have negotiations with the Land Council to have a five-year lease put in place?

Mr STACKHOUSE - Yes. My last meeting with the Land Council was significant by its equanimity - is that the word, significant by the fact that we agreed on most things quite readily. But as a preliminary to the meeting I was told quite clearly, 'Don't discuss 1080 poisoning and don't discuss a reduction in rental' but everything else was good, we discussed everything else and I was happy with that.

Mrs SILVIA SMITH - I notice you mentioned you were concerned about the price of leases going up. What gives you that concern? Has there been any indication to you that the cost of your lease next time around, if it's granted to you, will actually be more?

Mr STACKHOUSE - I hope it won't be.

Mrs SILVIA SMITH - I thought you were showing some concern.

Mr STACKHOUSE - My last year's operation at Badger Island lost me \$3 000. I am hoping to build the flock up to rectify that but if the rent goes up I might well be in a position not to be able to go with it, you know, there comes a time.

When it was first granted to the Aboriginal people a rate demand was sent out and the Valuer-General put \$1.3 million on the value of the property and the rate demand therefore was \$5 512. I immediately came to see council and I said, 'I cannot pay and I will not pay these sort of rates'. Fortunately, somehow, council reviewed the rates and cut it down to under \$400 which was quite satisfactory.

The profitability of the island has to cover the cost of running an aeroplane or a boat or both. At the present time I move my own wool, my own diesel and my own stock with my own boat because *Lady Gillian* is only here now and again and the other trading boats aren't interested in doing that sort of work. I use the aeroplane like the farm ute for Badger Island. That \$3 000 loss in last year's balance sheet didn't take into consideration the running of the aeroplane at all, so if you put down all the costs of running Badger Island it was more than that even. But I have been there for 50 years nearly and I like it.

Mrs SILVIA SMITH - You like it.

Mr STACKHOUSE - I will continue to go there as long as I can balance the books even.

Mrs SILVIA SMITH - I was interested in one of the remarks of the particular land that is being chosen this time of the feeling that it has been chosen to cause a disruption. Could you explain that a bit further, why you feel that way. What indications have you had?

Mr STACKHOUSE - It is difficult to put words to that beyond those words. It's a feeling in my bones. I don't have any more to say on that one.

Mrs SILVIA SMITH - And you were concerned that the local Aboriginal community hadn't really had enough control of the islands that are already given back.

Mr STACKHOUSE - The local Aboriginal community don't have any control of any of the islands that have been given back; they've been hijacked by the people in Hobart.

CHAIRPERSON - You quite evidently spoke quite passionately at the beginning about your belief in the reconciliation process of the first land transfer. Could I have an opinion from you of the proposals of the second land transfers. Is your fear because of what's happened since 1995 or because commitments to the local community weren't met or that you believe enough is enough, that there has been enough land transferred back? Could you give me an opinion?

Mr STACKHOUSE - No, I don't think that I would say there has been enough land transferred back. There are parcels of land which are currently being reviewed. I think they should have spoken more to Holloway's because they were farming Vansittart properly and industriously but Goose Island, why not give it to them? It's a nice little island if they want it, yes good luck to them. Clarke Island, they bought the lease, give them the rest, I'd be very, very happy, and the whole of Cape Barren, I don't see any problem there. As to the volume of land, I don't have a problem with that either but the local community needs to have more influence. The rules of give-back need to ensure that the local community retains control or input if they want to.

At the prior meeting that I had with the Land Council where the rent was put up to \$4 000, I met with the Land Council in the morning and then I went away and they considered everything and I came back in the afternoon. During that period when I wasn't there they rang the local community and asked the administrator - we are talking about the lease of Badger Island - 'What do you think?' The administrator gave them what she thought should be done. It meant for nothing, it was totally disregarded. There might have been some regard because I was told in the morning meeting that the rent might go up to \$5 000. In the afternoon meeting I was told, 'We are going to rent it and the rent will be \$4 000'. I learnt afterwards that they'd telephoned Lady Barren and spoken to them but their input meant for nothing. That's one of the most important things, that the local community, if they want it, have the input, have the control, I don't have a problem there at all. It gets up my nose - I'd better choose my words

carefully - when people from Hobart, who are unrelated to what is happening in the real world, make the rules for us who are struggling in the bush to live by. That embraces the National Parks, the TAC, the Aboriginal Land Council, everybody.

Mr WILKINSON - Members of Parliament.

Mr STACKHOUSE - No, members of parliament mostly come from the country too. With respect to the members of parliament, some of them are controlled by the bureaucracy, unfortunately, but then I do have to admit that some members of parliament have to be controlled by somebody because they couldn't really do it on their own.

Laughter.

Mr WILKINSON - This is getting interesting, I'll ask a few more questions.

Mrs SILVIA SMITH - Can I just explore a little bit further. You say that the local group should be given more control over what is to happen with the land. Is there money enough for the local group to do that? Is there expertise enough for the local group to do that? Because we have heard some interesting anecdotes already of land that has been handed back - and Wybalenna was one of the prime targets that was given to us - that nothing is happening there. Is the local group able to; if not, how can that be looked at?

Mr STACKHOUSE - The local group could be funded by the same source of funding that the Land Council gets to do their thing, for instance. The Wybalenna hand back is a 'hand back', because there's an argument going on between the local people and the people in Hobart, the Land Council, even to this day about what's happening with Wybalenna and nothing will happen there until that argument is resolved.

What's wrong with saying to the local community, 'This is the land, would you like to manage it?' 'Oh no, we don't have the money. Oh no, we're too busy. You manage it'. They would then have the opportunity but at the present time they don't get that opportunity, that's what I maintain.

Mr WILKINSON - I notice with your islands you were saying Goose Island, give that back, lovely little island. Do you think there should be any criteria at all set down prior to the giving back or transferring back of land?

Mr STACKHOUSE - That criteria was in existence when Badger Island was given back and it was completely disregarded. I am on record as writing to Denise Swan and to Tony Fletcher telling them what was happening and I knew the guidelines and they were disregarded to the letter, disregarded, and nobody raised a finger and said you shouldn't do that, they just disregarded it. They went ashore before their lease had expired, they threw me out on the ground, literally - I've got a photograph here showing it - and no action was taken.

CHAIRPERSON - That was after the decision made, Mr Stackhouse. I think Mr Wilkinson was saying, do you believe when land is handed back that there should be a criteria or a benchmark that must be met in significance, sacred sites, those sorts of issues, before you hand back a particular area, so you test the land against some criteria.

Mr STACKHOUSE - Yes, that would be good but in handing back, how many restrictions or how many conditions do you put on. If you hand the land back it should be given without any restrictions, I think. If plenty of negotiation was done beforehand there may not be any need for those restrictions that you envisage or those conditions.

Mr WILKINSON - What I am looking for is the criteria. In other words, let us say Clarke Island has a great deal of cultural significance to the Aboriginal community in that - I don't know what, but it has a lot of historical significance, let us say - another island might have a great deal of cultural significance because it might have paintings, carvings and quarries et cetera. Should you look for those types of criteria before handing land back as opposed to just saying, 'Yes, here's a bit of land, that looks like a nice bit of land, have that'. Do you understand my question?

Mr STACKHOUSE - Not really.

Mr WILKINSON - What I'm saying is, should there be a criteria set down before there is the consideration of any land transfer? That criteria being something like great cultural significance, great historical significance, that type of criteria.

Mr STACKHOUSE - That would be a plus, yes.

Mr WILKINSON - Then people on the outside could say, 'Yes, I can understand why that land was transferred back, because it met certain criteria'. If there should be a criteria, can I get your opinion and ask what that criteria should be?

Mr STACKHOUSE - In these island the criteria could well be the earliest of early settlement of the islands in the turn of the seventeenth to the eighteenth century when the white man brought the Aboriginal women here and started settling the islands. Those that were settled right in those early days, there are descendants from those people still around now and that would be a significant criteria in my mind. That probably exists on Badger Island and I don't have a problem with that. There would be no evidence of rock carvings or anything like that, I wouldn't think, to be found here but that would be significant if it were. Anything that relates to the earliest residents of the ancestors of the now Aboriginal people is significant and should be brought into consideration.

Mrs SILVIA SMITH - Could I just look a bit further at that statement you've just made. Wouldn't that therefore mean that there are two descendancy groups that need to be considered; it's not just the Aboriginal women, it's the sealers as well.

Mr STACKHOUSE - Yes.

Mrs SILVIA SMITH - Isn't this part of what we're trying to confront now, that there are really two groups and it should be a joint venture.

Mr STACKHOUSE - Yes, I agree with that. We should combine those two groups - like I made mention there - it's no use dividing a community, there is no future in that for either side, we want to avoid that.

Mrs SILVIA SMITH - I guess you have no qualms with the fact that there are certainly sites within - not necessarily with the Furneaux group, but within Tasmania - where there are purely significant Aboriginal sites as opposed to this mixed line that we have here in the Furneaux group.

Mr STACKHOUSE - Definitely, absolutely. It is well documented that Aboriginal people occupied this area of land before we were isolated from Australia - but I don't think we need bother ourselves with that - it is the recent occupation of the place that is significant, in my mind.

Mr BAILEY - In relation to the definition of aboriginality, you referred to that, that it was determined by the judgment to which you referred. Did you think that that method used was the correct method that was used in that judgment where those people - I think nine - were deemed to be of Aboriginal descent and two weren't?

Mr STACKHOUSE - Yes, it's difficult for some people to establish their Aboriginal identity because records weren't kept. In my young day you did your very best to hide any Aboriginal connection, you would be a dark skirt, dark skin, 'Oh yes, I am dark skinned, I'm Indian or Italian', anything but Aboriginal, 'Oh no, mate, not Aboriginal', unfortunately. So to find out now whether I was Aboriginal or not, when it was hidden so well in those early days, is quite difficult. If a person says that they're Aboriginal nowadays and he gets some benefits for doing that it only represents a very small percentage of the genuine cases. The misuse of money happens even in the best of regulated circles. I don't think it's worth spending heaps of money in a court case to show that two people were not Aboriginal but nine were.

Mr BAILEY - I accept that. I was going to lead on to say the judge in that recommended that there ought to be a separate tribunal set up for this to be determined and he did go on to say that the

composition of that should be Aboriginal people. On the basis that a judge has made a determination, who is non-Aboriginal, do you think if a tribunal were to be set up that that should not only comprise those of the Aboriginal community who have been recognised as such and some independents by a non-Aboriginal person or persons?

Mr STACKHOUSE - Yes, that would be a plus, to have a non-Aboriginal person on it but basically it is the privilege of the Aboriginal people to decide who is and who is not an Aboriginal person. I don't think that privilege should be granted to any one small or any one section of the Aboriginal community.

Mr BAILEY - What I am really saying is that when that case went to court it was a judge of the Federal court who wasn't an Aboriginal person who made that determination. That would have been at high cost and some of that would have been funded, some of it would not have been funded. It just seemed to me that his recommendation probably had some merit but where a tribunal less costly is set up, much more informal perhaps - the question I am asking you, do you think it would be better to leave that to the Aboriginal community if that were to be so or have a non-indigenous person or persons as part of that tribunal?

Mr STACKHOUSE - Yes, I believe that one non-Aboriginal person would be an advantage on that tribunal, but I wouldn't like to be seen to impose a white man's guidance or leadership or anything else in the Aboriginal man's decision making, whether his colleague is an Aboriginal or not, do you follow me.

Mr BAILEY - I do follow you. The alternative to that is that there can be court challenges made if somebody is denied the claim of being Aboriginal.

Mr STACKHOUSE - Yes, we need to avoid that sort of thing, I think, those sort of court challenges which I think are absolutely wasteful in all respects.

Mr BAILEY - But I think the point that you made was that if there is an abuse of that it is of little significance based on the number that can be commonly claim aboriginality.

Mr STACKHOUSE - Yes.

Mr BAILEY - I will just go on to one more thing. Chappell Island, can you tell me to what use that is put at the moment?

Mr STACKHOUSE - It is not being put to any use.

Mr BAILEY - So there'd be no income coming from it?

Mr STACKHOUSE - Absolutely right.

Mr BAILEY - What has happened to it over the four years?

Mr STACKHOUSE - Nothing.

CHAIRPERSON - Would you like to make some closing statement, Mr Stackhouse?

Mr STACKHOUSE - I think I've covered everything I needed to say or I wished to say. Thank you for listening to me.

CHAIRPERSON - We thank you for your indication of making a presentation and for your submission this afternoon.

THE WITNESS WITHDREW.

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT FLINDERS ISLAND COUNCIL CHAMBERS, WHITEMARK, FLINDERS ISLAND ON TUESDAY 22 FEBRUARY 2000.

EUNICE LEE WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - Thank you very much for coming along, Miss Lee. Thank you for your submission. I noted you have been sitting here for the morning so we'll follow the same process as we have with the others who give evidence. You may make some comments to the committee and then they will ask any questions on your submission they may see as appropriate. Again, we have a 30-minute time line for each of our individuals if we require that time.

Miss LEE - Well, basically I'm following my father's act, so it's a pretty hard act to follow. I've just come to see if you want to ask me any questions on my submission.

Mrs SILVIA SMITH - That's it?

Miss LEE - That's it, yes.

Mrs SILVIA SMITH - Well, I've had a fairly good look at your submission, Eunice, and I'm just trying to come to terms with it - I feel that you're also saying that this new act is splitting the community.

Miss LEE - Yes, definitely.

Mrs SILVIA SMITH - I saw you actually nodding earlier when some of the comments were made along those lines. I guess I can throw a similar question to you. Okay, we are moving forward, we can't go backwards, we have to keep going forward for this community which is a very special community, how are we going to take steps from where we are now - and it feels to me that the community is fairly well divided once again? How can you see us as Legislative Councillors through this process assisting in sort of bringing the community back together again, through this piece of legislation?

Miss LEE - Well, to be quite honest with you, I hadn't been brainwashed but I have to agree with my father. I think this reconciliation bit, it seems to be the flavour of the month and I think that is going to take us back to the dark, dark ages, not advance us.

Mrs SILVIA SMITH - Yes, because what we really need - and the Council gave a description of reconciliation as being a drawing together of people - and with this issue of parcels of land that are looking at being handed back this time, there are contentious issues in there. For example, the granting of rights to high-water mark - fifteen metres above high-water mark - for access for everyone. Are those some of things - and if there are others let me know - that could help heal that process, heal that division that's been created through this or from most people's perception?

Miss LEE - I don't believe reconciliation's going to solve anything. It's not going to bring two parties back together again, it's going to divide.

Mrs SILVIA SMITH - In what way?

Miss LEE - Well, there's them and us, I guess. I found a lot of Aboriginal people that I've grown up with don't particularly want to know me now, they feel better than a white person - I don't know what -

they've got a chip on their shoulder. But the division is there and I don't think it will be healed now, I really don't. I hope I'm wrong.

Mrs SILVIA SMITH - The parcels of land that we're actually looking at, do you see any problem in the handing back or can you tell me what the problems with the handing back of those parcels are, from your point of view?

Miss LEE - What are they going to do with them when they're handed back? It's the same old story - like Wybalenna - they'll get them, finished. They won't do anything with them.

Mrs SILVIA SMITH - I think somebody mentioned earlier that the possibility of governments handing back some sort of management process and dollars to go with it. Do you think that would be of benefit or would that be divisive again?

Miss LEE - For how long do we have to prop the Aboriginal people up? I mean, the ones up the Northern Territory are a different kettle of fish to the ones in Tasmania. For the next ten thousand years are we going to be filling the coffers for them? I don't think it's fair. I want equality for all, we are all equal.

Mr WILKINSON - In relation to Wybalenna, I know you say you had some relations buried there. What's happened in relation to your access to those burial grounds?

Miss LEE - Nothing. I believe there's supposed to be some sort of curfew on Wybalenna, whether it be six or nine o'clock at night - but there's not even a ghost up there. You go up there, the place is deserted. You never see anyone up there.

CHAIRPERSON - You haven't had any problem though, accessing the grave sites of your family?

Miss LEE - No, never been stopped.

Mr WILKINSON - Are you able to tell us the percentage of European people buried there as opposed to Aboriginal people?

Miss LEE - No, I can't offhand. I think all the marked graves are European graves and the Aboriginal graves are not there. I'm sorry, they're there but have no headstones, as far as I know.

Mr WILKINSON - And you appeared, from your submission, to be upset with the way Wybalenna was transferred. There was the submission first of the mayor and the deputy mayor talking about the consultation process that took place. As I understand it, you don't a proper consultation process took place before Wybalenna.

Miss LEE - None at all. I found out on the Friday and it was being handed over on the Sunday, so too late to do anything.

CHAIRPERSON - Originally the council were negotiating with the local Aboriginal community about Wybalenna and they drew a heads of agreement et cetera - and I gather their angst was that then suddenly it's taken over from Hobart, so the speak, for want of a better word. The community, you don't believe, were aware of all that process?

Miss LEE - Not at all. The council here seems to operate in secret.

CHAIRPERSON - Then we had the issue of the flag in 1995 again. I thought there was some comment about a initiative to discuss a proposed reconciliation document, which was something only this council has done. You don't see that those sorts of issues are community issues, not in-house issues?

Miss LEE - Of course they're community issues. I wasn't here, I don't think, in 1995 but anything like that needs to be discussed fully by the community. Not one group, I don't think, should make a decision. Well, they need community input I think into a committee.

CHAIRPERSON - I would suggest your local council is represented by you community. They have open public council meetings and you have a local newspaper?

Miss LEE - Yes.

CHAIRPERSON - You still have a feeling that this didn't sort of make the open arena in the way that you would have been happier with?

Miss LEE - Well, what have the council done about today? There's been no talk, I believe, at the council meetings on this matter, no publicity, no nothing and that was the same with Wybalenna.

CHAIRPERSON - And you see that as a local council responsibility rather than ours, as the committee?

Miss LEE - How do you mean, the council's responsibility?

CHAIRPERSON - Well, in informing the community.

Miss LEE - Of course they should.

CHAIRPERSON - If I can take you through the steps: when the committee was set up, rather than just advertising for submissions in three regional newspapers which is the standard thing, we ensured we went to every small community newspaper with advertisements so that communities were aware they had until the end of January to put submissions forward and certainly, from the numbers that have come from Flinders Island, they were well aware of that particular process. Again, we've put out continual media releases about coming out to the community rather than an expectation of everybody heading to Hobart if they wanted to say something. I'm just wondering if we've fallen down where we've fallen down on that particular process.

Miss LEE - No, you haven't but I think the council should have been behind you a bit more. The council probably could have put a few local adds in the paper. You've certainly done your bit but there's no cooperation with the council. I mean, you're very open and it's very easy to sit here and talk, but you couldn't do that with the council.

CHAIRPERSON - Okay. Any other questions?

Mr BAILEY - In relation to the other grants of land that have been given to the Aboriginal community adjacent to Flinders Island, what benefit has that been, to your knowledge, to the Aboriginal community or to what use have they put that land, if you have any knowledge of it?

Miss LEE - I don't have any real knowledge, but the land that the Aboriginals have got back, that's it, they get it back and don't worry about it then.

Mr BAILEY - Which pieces of land are you specifically referring to?

Miss LEE - The island.

Mr BAILEY - Badger Island?

Miss LEE - Babel.

Mr BAILEY - And you have personal knowledge of Babel?

Miss LEE - No.

CHAIRPERSON - Do you have any knowledge - on Clarke Island at the moment they are utilising it for some work with the young Aboriginals. As a community person on Flinders Island, do you have any input into that, any knowledge of that? It appears, externally, to be showing signs of being an exceptionally workable solution to some of the particular problems within that community. Has there been any Flinders Island input from this side?

Miss LEE - Only that I have the story - I can't mention names, but somebody that has to go over there and do work - he has to take an excavator from Flinders to Bridport and back to Clarke Island to dig a septic tank hole.

Mr BAILEY - Can just ask you a philosophical question? If the Japanese had won the Second World War and if they'd taken Tasmania and expelled us all from our homes and our land and put us in a camp somewhere, do you think your family in 150 years or 200 years time would resent that and desire that land back?

Miss LEE - I'm sure they would but can you go back in life all the time. You have to advance. I'd be very angry, very upset but I know I would have to get on with it and I'm sure the Japanese would not pay me compensation.

Mr BAILEY - So you would just accept that?

Miss LEE - I would have a grumble about it, for sure, but I'd know you couldn't turn the clock back.

Mr BAILEY - So you think that you'd just have to accept that position?

Miss LEE - Yes, and get on with life because otherwise you'll just be forgotten.

CHAIRPERSON - There was a presumption when the native title process was put into place that perhaps 1 per cent of Australia's land would be handed back under the law, as it was. Evidence was given this morning that if these transfers go ahead that 20 per cent of the Furneaux group would be lost to that particular process. Do you believe that the community of Tasmania, external to the Furneaux group, have any obligation of compensation perhaps to the Flinders community through their council, looking at 20 per cent as an exceptionally high percentage in one particular community? And would compensation be something that would be acceptable for loss of, use of areas of land?

Miss LEE - No, as I've said before, I think we are all equal and we have to fight for what we can get. I'd love to sit back and have somebody dole out money to me but it just doesn't happen. But I think I'm equal to a black person, white, pink or anything else, we're all the same and we all have to get on with our life and equality is the main important thing.

CHAIRPERSON - Okay, well that appears to be the last of the questions. Do you want to make a final comment to sum up? I always give everyone that opportunity when we're finished, to have to last say.

Miss LEE - All I'd like to say is three little words, equality for all.

CHAIRPERSON - Thank you very much, we appreciate the time you took to put your submission forward and come here today.

THE WITNESS WITHDREW.

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT
FLINDERS ISLAND COUNCIL CHAMBERS, WHITEMARK, FLINDERS ISLAND ON TUESDAY
22 FEBRUARY 2000.**

KEN WORSLEY, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - Thank you, Mr Worsley, for coming along. Again, we will follow the same process. You have a thirty minute time line - and I do note that we are running a little late - but we will still allow you your thirty minutes. The concept is you make your submission and then the committee will ask any questions they have at the end of that process.

Mr WORSLEY - First of all, I'd like to thank you for your courage in locking horns with the Premier when he arrogantly tried to bulldoze legislation through without proper consultation. I was amazed to see the composition of the working group - I only ran across that in recent days. It was surely slanted for a particular result with no wider representation.

My submission - would you like me to read it or just talk to it?

CHAIRPERSON - Just talk to it. We do have your submission in front of us and members have read it so anything you have to add or just to talk to major points you wish to bring out, we are quite happy with that.

Mr WORSLEY - Thank you. Well it's in several sections. The first one is where I stand on the issue and perhaps I will read that for the benefit of the gallery as much as anyone so that they may understand where I go from there.

This is an advertisement I paid for in the local newspaper *Island News*. As a word of explanation, I am from time to time editor of it and I don't wish our local newspaper to be the conduit for my personal views on controversial matters, so I paid for this advertisement and, as a result, I won't be putting my own views into the paper when I am editor from time to time - such as tonight. 'I have drawn a line in the sand. No longer will I personally tolerate the efforts of the Federal, State and local governments seeking to divide us. I stand alone if need be as an active advocate for one united people throughout the land. If the experience of the slightly misguided Queensland lady of a year or two back is anything to go by, I am in for a rough time. With me, however, there will be a difference. I will treat those who do not share my viewpoint with the same degree of courtesy as they extend to me. Whatever the polities, the increasingly powerful Aboriginal leadership and the intelligencia throw at me, good or bad, they will get back in the same form'. Of course, they might be like the *Examiner* newspaper and not take a lot of notice of what I had to say anyway. 'One worry is that my many friends of Aboriginal descent might mistake my motives. I am not about taking away privileges they have gained but rather extending these privileges to all who have the same need. My aim is for all to be treated equally, share the same benefits and shoulder the same obligations. Apartheid out'.

I've had a lot of verbal responses ... my stance there but no-one is coming out and publicly saying so for reasons which are explained in my submission. My friends of Aboriginal descent have continued to greet me in their normal friendly manner but have offered no comment on the announcement, nor have I solicited any. I think I can assume they support my right to have my own viewpoint.

The submission goes on to the family involvement in Tasmania. My family had the broad arrow on them fairly liberally with representation from 1788 right through to 1803 to 1823 when nineteen year

old William Worsley was sent out, for pinching food mainly. His descendants have always been very keen on food but they usually buy it or grow it these days. He married a convict.

In our family history I have found no trace of any cause for alarm amongst the original inhabitants of this island. We have been a fairly peaceful lot and I have tried to carry that through to my work life and declining years. I had the honour of spending twenty-one and a half years here as council clerk working for, with, all sections of the community and I think am considered as one of them. I have another 35 years I've been here, I have got another 15 years before they will consider whether I will be a local or not, but I'm on the way.

My submission then covers the Aboriginal organisation on the national scene. You might note that the Tasmanian office was very courteous and prompt in forwarding quite a few reports which I found very interesting and enlightening. The Federal organisation seems to be strongly based and is trying very hard to run a tight ship. The Aboriginal Organisation of Tasmania, we have the chairman living on the island here. There are 24 Aboriginal organisations in Tasmania out of a total 2 853 in the Commonwealth.

The local Aboriginal organisation in the Furneaux Islands we have two groups: the Flinders Island Aboriginal Association Incorporated and the Cape Barren Island Community Association Incorporated.

To the best of my ability I have extracted from the annual reports audited some of the funds that flow into this community. It is not possible to definitely say the sums represent all the funds flowing in because the report does not quite go to detail. They are very substantial and they do flow throughout the community. They are granted to one group but that group does employ the wider community to a great extent and it is a shame that the funds aren't slanted to all of the same need.

I have dealt with another section of the Tasmanian Aborigine with details of what was considered the population before European settlement, just to give an idea of how many people there were originally. I have dealt at some length with the aboriginality question. That is a very interesting one.

I formally draw to your attention the publication *Growth of a People, Formation and Development of a Hybrid Aboriginal and White Stock on the Islands of Bass Strait, Tasmania 1858-1949* by Norman B. Tindale, Ethnologist, South Australian Museum. I understand the Launceston Museum has updated beyond 1949 and it is a very valuable one if your committee needs to delve into that.

Another point in aboriginality. It is interesting to note the union patterns of ladies of Aboriginal descent whom I have known. The overwhelming majority have voluntarily chosen a non-ATSI partner. The percentages as calculated by me - and we have to remember that the question of aboriginality is a very involved one, even for the specialists and I am certainly not one - is that there are 77 per cent of Aboriginal ladies who marry non-ATSI and 23 per cent who marry persons of Aboriginal descent. The male pattern is a little different. 54 per cent marry non-ATSI persons and 46 per cent persons of Aboriginal descent.

I think it is fair to say that most Tasmanians would not know what an Aborigine was. They run across the bank teller, the nurse, the school teacher, people in local government and they would not know they are Aborigines. I think the ordinary people look at the television, images of people in northern Australia who do have a very rough time living on the fringes of towns and in bush shanties and somehow they equate Tasmanian Aborigines with those people and that is certainly not so. I have lived amongst them for 35 years and they are my friends, good people and they are not, in my estimation, deprived people; they are just the same as you and I.

I take on board the Wybalenna story. I have gone into a fair bit of detail there but the background of it is an illustration of just how distortion of the facts can mar the history of a place. I have quoted some people, such as a former governor and a reader of history at the University of Melbourne, as my authorities and an archaeologist and they all indicate that the place was not a place of attempted genocide, it was a genuine attempt at the time to do something for the Aborigines remaining in Tasmania. I think the hatred died in 1831 just after the black war and people tried to do what they could, well meaning but didn't succeed.

As far as starvation, which was mentioned by the Premier at the handover, that is just one big laugh. Basic food source abounds in the area, as you will see tomorrow, and the honourable Mrs Smith knows already - ample game, ample shellfish. Judy Birmingham the archaeologist found a midden during her research. She found bones of wallaby, pademelon et cetera showing that they had their staple diet. The European diet may have been a little short at time but the convicts and staff members would have been the sufferers if they didn't go for the local stuff.

I move to the stolen children which indicates that even parliamentarians can get a tear in their eye for all the wrong reasons. I know both those ladies quite well, they are good ladies, I respect them, they put across a story that was not in accordance with the facts. In fact the drama which I refer to was played out in this very room in July 1965, a day of full drama. I notice my confederate who just walked in - she was part and parcel of that group of now, in some quarters, disgraced people who were doing their duty at the time and are now looked on as stealers of children. I have covered that in some detail so the committee knows that even parliamentarians can be deluded and not even know it.

I move to the legislation. I didn't realise how far reaching and divisive of the Aboriginal Land Act 1995 was. Since I retired in 1986 an act of parliament wasn't amongst my preferred reading and it was quite a worry to see just what our parliamentarians have done for us without proper consultation.

The Aboriginal person is defined in the act. That is a recipe for trouble in the future, I feel. The electoral roll, there is a further division there. We have a secret society coming up where the rolls for you and I are opened for everybody but the Aboriginal roll is very much a closed document with severe penalties for anyone even daring to peer at it. The roll coordinator - there's one the most powerful persons in the Aboriginal industry - a very, very powerful person indeed. When you realise that Federal funds of over \$1 billion and down to the State \$6 million or \$7 million, big bickies are being handed out and there is a key person who can control who has access to those bickies.

Land vested in the council. That gives, as the council said, rights that don't belong to the elder citizen, as you were the ordinary citizen, whereas the Cremation Act there is probably another divisive one there. There should be a provision that all cultural practises can be accommodated and I think the old Health Act did allow that with the minister giving the authority.

I have concluded with a lazy person's summary. The points I have here are -

1. The Parliament's attempts at reconciliation have deepened divisions of this community.
2. There are deep divisions even within families.
3. People are apprehensive about publicly debating the issues because of a varied lot of repercussions that may flow on. The last Federal election is an example.
4. There are people in need of extra assistance but this should not be based on racial lines.
5. The Flinders Council's actions have tended to suppress community concerns rather than encouraging them to be rationally expressed.

I might say I was quite pleased with the submission put forward by our mayor and deputy mayor. The only adverse comment I have is that they didn't give the community any leadership in the lead-up to today - nothing whatsoever - although they did a very good job on the day.

6. At the Federal the emphasis seems to be a powerful bureaucracy supported by big, big dollars with those in need still largely ignored.
7. The aboriginality question will overwhelm us ultimately unless checked. We are talking about a small percentage of blood line even now.

DNA testing might be a thought there. My thoughts are we have got to 10 per cent Aboriginal, 90 per cent white, but you had better get on to specialists to run that out if that becomes a vital matter in your deliberations.

8. Flinders Council will be forced out of business by Federally-funded opposition and inability to collect rates.
9. Aborigines are happy to accept all the culture of and a majority of partners from the non-ATSI sector.
10. Aborigines only selectively select from their own culture.
11. Government readily accepts modern day versions of events - Wybalenna and stolen children are examples - without even checking if there is another side.
12. The legislation creates further deep and unnecessary divisions within the community.
13. The role has the effect of creating an Aboriginal secret society.
14. Land vesting provisions will add further to divisions within the community.
15. There will be further substantial costs to the public purse if people of Aboriginal descent express the need to access their birthright, isolated parcels of land. They can be very expensive in these turbulent waters.
16. The roll coordinator will be a very powerful person.
17. There is a parallel between George Augustus Robinson and Jim Bacon - each had the idea of transferring a mainland of Tasmania problem to the Furneaux islands. With Mr Robinson it was with people; with Mr Bacon it is land.

I wonder if Mr Bacon will also go to Victoria if his efforts fail as Mr Robinson did. Thank you, Madam Chair.

CHAIRPERSON - Thank you, Mr Worsley. Any questions?

Mrs SILVIA SMITH - Perhaps I could open it up. Looking at your summary, I just wonder if you would expand a little bit more - having been a clerk on the council you would have a bit of knowledge in this area. You are talking about Flinders Council losing funding through the inability to collect rates. Can you just expand that to us and give us a bit of an idea of how that is going to happen?

Mr WORSLEY - The lands taken over so far were used and produced rates for the municipality. They have now fallen into disuse - take Babel Island as the classic case, no roads there. It seems to be the pattern that if people of Aboriginal descent get access to land they tend for it to revert back to nature as it were. I don't know whether by design or default and ultimately it becomes a cultural land and hence non-rateable.

The further worry that the council should have - and it did surprise me that it wasn't mentioned by the delegates - municipal services in the last year to the two local organisations: Cape Barron received \$277 066 and the Flinders Island Aboriginal Association Incorporated received \$569 549. The Commonwealth Grants Commission ultimately will stumble across that and say, 'You're getting a fair bit of help for some of your people. We will drop your main grant back'. I think this council is struggling enough as it without the Commonwealth, by those fundings to a section of the community, trying to drive it out of business.

CHAIRPERSON - If we could expand a little bit there, Mr Worsley. Crown land is non-rateable.

Mr WORSLEY - Yes.

CHAIRPERSON - Could you identify the areas of land that the council would lose rates from a rating capacity?

Mr WORSLEY - Grazing leases, mutton-bird leases and privately leased for recreational purposes would be the main area.

CHAIRPERSON - So you're saying that when crown land is leased to a private individual they then pay rates to the local council?

Mr WORSLEY - Yes, that's 1986 wisdom.

CHAIRPERSON - Yes, so that I could get it clarified so that I can query that particular process. The council did not touch on the rating process and how much they may lose by the concept and I am just looking to get some information. I thought you may have been able to identify private land that was currently paying rates pre-transfer to the Aboriginal community.

Mr WORSLEY - Clarke Island, that would be in the state of flux. Badger Island, I think, is still privately leased. So I think the council still would be getting funds from there. I'm in my fourteenth year of retirement and a little bit hazy on that.

CHAIRPERSON - Thank you. It's something that we can check through the process.

Mrs SILVIA SMITH - If I could just get you, Ken, to expand a little bit. You were talking about a division in the community I just wonder if you could expand. The Council gave us quite an eye-opener into how this community is now divided. As person who is part of one division of that community, can you see a process where the community can be brought back through what is happening in this legislation? Do you have any ideas that you could give us to assist in bringing this community in particular back together again?

Mr WORSLEY - Yes, one short sharp one. Repeal the Aboriginal Land Act 1995, ditch the current one and we become one people again.

A little illustration. There were two girls in the same class at the same desk at the local school. One came home and said, 'Mum, I need a set of coloured pencils for school work - a project'. Mum said, 'I haven't got the money, I can't get them until next week on pay day' - I think she was on social welfare. That's okay, so the kiddie went to school and came back the next day and said, 'No worries, Mum, I got the coloured pencils. My friend sitting next to me gave me her's and she'll get a free set given to her by the school'. One was of Aboriginal descent, one wasn't. There's a classic case of a division down at tiny tots level where one's Mum couldn't afford them, the other one had access to free ones and could freely give them away. A good charitable thing indeed but a damning indictment of the system, isn't it?

Mrs SILVIA SMITH - But, of course, what we are doing as a nation is working towards reconciliation and this is part of that process and you're saying get rid of the 1995 legislation and get rid of this one. That is not going to further that effort of what we are trying to do.

So we need to work through a process of, as a previous witness has said, drawing the community together and I think throwing it all out is not going to help at all. We have to go forward, we've not got to regress backwards. Can you see any process of going forward?

Mr WORSLEY - Well, I'm probably one of the mayor's diehards as far as Wybalenna is concerned. That put reconciliation back a long, long way in the community. Wybalenna, back in the late 1960s, early 1970s, a group of the National Trust was formed, funds were raised and the chapel was purchased and restored. There was a lot of work done in the community on that but the people of Aboriginal descent were conspicuous by their absence.

I will tell you one little difficulty that we had. There was a Commonwealth Grant of , I think, \$1 200 - which was a lot of money at the end of the 1960s - that was conditional on employing someone of

Aboriginal descent to work on the project beside the white volunteers and a couple of paid tradesmen. We had a devil of a job - that's the council and the National Trust - in getting just one person finally for about one and a half days it was enough for us to get the grant. But there was no interest in Wybalenna whatsoever back then.

The handover didn't even recognise those people who had worked so hard back in those days. I didn't work hard; I was in this building here doing normal administration and my involvement was a side issue authorising a few accounts to be paid and getting records ready for the auditor to satisfy the Commonwealth requirement.

It went from absolute boycotting of a project which, as the mayor mentioned, is of national significance and highly prized by the people of Aboriginal descent now. But back in those days they didn't want to know about it, boycotted opening ceremonies and things.

Mrs SILVIA SMITH - We are 30 years on and we must go forward, we mustn't regress, so I'd like to see how we can do that.

Mr WORSLEY - I think Mr Bacon has effectively put the process in reverse gear by bumble-footed dealing with the issue, I feel.

Mrs SILVIA SMITH - An open consultation, you think would be a better way to go?

Mr WORSLEY - Yes, instead of virtually no consultation just demanding. We owe it to our Madam Chair for halting him in his tracks and we have you people here today.

CHAIRPERSON - Mr Worsley, the Indigenous Land Corporation has purchased private property in the Flinders area. Do you have an opinion on the community's thoughts on that particular process?

Mr WORSLEY - Community thoughts, I don't have any.

CHAIRPERSON - You own, then perhaps.

Mr WORSLEY - I think it is a good thing. They've managed to get a grant from the Commonwealth to purchase it and if they can get a grant or two to bring the particular property I'm thinking of up to scratch - I think there is about \$1 million needed to bring it up to scratch - to be a viable farm, give them a couple of little further grants and then they are own their own. I would have no worries whatsoever about that. It could only help this community.

CHAIRPERSON - Sir, if I might extend on that. The Commonwealth taxpayers - in other words, the people's money - has purchased property for the Aboriginal community to work and hopefully prosper on, where do you see it different than the people's money as in crown land being given to the Aboriginal community in the hope that they can prosper on that, as well as the recognition of significant cultural sites or whatever. I am just trying to draw an analogy in your opinion of Federal taxpayer money - which is the people's money - and the crown land, which is the people's land.

Mr WORSLEY - Well, the working farm is a step towards making us one people. I assume the title to the major property is vested in a little company which can trade the title if it wishes, that's okay. The crown land, of course, is locking it up to one little segment of the community still funded by the tax base and giving extra privileges to a section to the exclusion of the wider community. So I'd say the two are quite distinct. I see no worries if further farms were purchased here and they can trade their title when things went well again and go on to another project or divvy their profit up.

CHAIRPERSON - I don't believe under the Federal Act that they have the right to on-sell or trade titles. The land is tied up when they purchase the property. They can't just sell it down the track.

Mr WORSLEY - That I didn't know. I've been doing a lot of research but not as thorough as I should have done obviously.

CHAIRPERSON - Any other questions from the committee before we finish?

Mr BAILEY - You were talking about a property - 'Thoul', is it?

Mr WORSLEY- Yes.

Mr BAILEY - How is that operated? Which of the two groups actually - you have the Cape Barron Island Incorporation and the Flinders Island group. Is it one of those two groups to whom the money would have been given for the land to be bought at Thoul, do you know?

Mr WORSLEY- I can't answer with certainty but I believe it would be the Flinders Island Aboriginal Association Incorporated running it as one of our councillors is connected with that group and he seems to have some sway on the operation of Thoul, so I think it would be the local organisation. I can't swear to that, that's my belief.

Mr BAILEY - We can get that evidence later on.

You have in your chart here municipal services over \$500 000 in relation to the Flinders Island group. Do you know what that would have been for?

Mr WORSLEY- No, I didn't get down to local organisations. They, no doubt, would have willingly given me their annual reports also but I was snowed in with the other stuff I had. So, no, I don't really know.

Mr BAILEY - Do you know the numbers of members of each of those incorporated associations on Flinders Island? The membership of each?

Mr WORSLEY- No, I don't. My recollection of the municipality from the time I came up until today that a quarter to a third of our population would be of Aboriginal descent. They've been amongst our community leaders, our workers and very much part of our community. So they form a substantial block in this area and their views should be taken into account by the Premier and the wider Tasmanian community, in my opinion.

CHAIRPERSON - Thank you very much, Mr Worsley, for your submission and your appearance here this morning; the committee has appreciated it. If you would like to make a comment in winding up.

Mr WORSLEY- I was just wondering if you could give me guidance on the releasing of my submission. I did have a preliminary word with the secretary in Hobart and she said it was up to the committee as to what was done. I was thinking of the council library. Clyde Mansell, he has been a long-time resident of the place, I would like him to have one if it was freely -

Mrs SUE SMITH - Mr Worsley, all I could ask at the moment is that you hold it in confidence and the committee will discuss it. It is usual procedure that all submissions are the property of the committee until such time as a report is released and then those who have no problem, who haven't marked it confidential - of course those are held back -but the rest are available. But I would like to discuss it with the committee before I gave you an indication. I will undertake to do that and give you an indication before we leave the island.

Mr WORSLEY- Excellent, thanks very much.

THE WITNESS WITHDREW.

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET IN THE COUNCIL CHAMBERS, WHITEMARK, FLINDERS ISLAND ON 22 FEBRUARY 2000

HEATHER WILLIS WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON(Mrs Sue Smith) - Thank you for your submission and attendance here this morning. I don't think you were here earlier when I explained the process; we ask people to speak to their submission and then the committee will ask any questions that they wish at the end of that particular process.

Mrs WILLIS - There's no need to read the submission because you've each got a copy, haven't you?

CHAIRPERSON - No, just bring out the relevant points you wish to.

Mrs WILLIS - I started out this morning and I was going to write a whole submission and then I thought, 'No, I'll speak from my heart' but I don't want anyone to think - we have a daughter-in-law and two grandchildren who contain Aboriginality and we also have two grandchildren who are Australian so I just feel that I know a little bit about how it can affect families.

My greatest concerns are that the land that already has been handed back is not being looked after, in my opinion, properly. We have a site on Big Dog Island, so we're involved. There have been meetings called to elect a management committee to arrange for Dog Island and as far as I know nothing has happened. At one meeting Frank and I were the only two who turned up, the next one we weren't able to go to but I believe there were very few, if any, turned up - the local policeman told me that because he went.

I am also concerned - I was listening to a talk-back program and a gentleman tourist rang in and he was very concerned with the condition of the grounds around the chapel and he said that the undergrowth was to the top of the fence. So I checked with - Frank's nephew drives a tour bus and I checked with him and he said, 'Yes, that's true'. I was going to take my camera up and take a photo of it for proof and then a film crew came over and it was mowed, so I didn't get to see it first-hand but there's evidence that it's not being looked after.

The other thing I'm concerned with - I don't know whether it comes into your category - are fishing rights, especially around Great Dog Island and the Franklin Sound. We have lived here for a very long time and I think - two of my grandchildren, if it goes through can go and fish there and the other two can't so it's a sort of a distinction in a family which I don't think - we've all got to live and I think we must work together and live together.

We have a very long history with the islands because my ancestors came here in 1854 and I'm a fifth generation so I think we all must work and play together and I don't think that there should be any distinction.

I didn't say, when I was talking about Dog Island, that we haven't received a demand for our lease for this year, I don't know why but we haven't.

Mr WILKINSON - How many years does your lease run for?

Mrs WILLIS - It's a year to year thing but in the bill, because it was handed over to the Land Council, it wasn't supposed to affect our lease, that goes on, we get it every year.

Mr WILKINSON - Have you contacted the Government or -

Mrs WILLIS - No, I haven't done anything yet because I thought they might just be a little bit late.

Mr WILKINSON - How late are they?

Mrs WILLIS - Well, we usually get it in December and then I think last year it came in January so I'm just hoping.

CHAIRPERSON - Your lease is now with ALT.

Mrs WILLIS - Great Dog Island was handed back to the Aboriginal community.

CHAIRPERSON - That's right, yes.

Mrs WILLIS - It goes to the Land Council but it was the Lady Barren part of the Aboriginal Association who called the meetings to form a management committee so I don't know whether there's conflict between the areas or not.

CHAIRPERSON - No, I think there was some confusion as to whether the Government should be sending you an account for your lease or the Land Council -

Mrs WILLIS - No, the Land Council should.

CHAIRPERSON - and I'm just clarifying the Land Council have it and the lease process - you deal with them.

Mrs WILLIS - We still haven't got that so -

Mr WILKINSON - And can I ask, with your lease, is it a set fee or can it increase at the hands of ALC?

Mrs WILLIS - It's at the determination of the Land Council. It used to be with the National Parks, or whatever, but now it's -

Mr WILKINSON - Has it increased from the time the Land Council first had it?

Mrs WILLIS - No, it's still \$100.

CHAIRPERSON - What utilisation have you - are you running stock or -

Mrs WILLIS - No, no, no we just go mutton-birding.

CHAIRPERSON - Mutton-birding.

Mrs WILLIS - And I might say that Frank will be 80 this year and he's never missed a season since he was born, so I think we've got -

Mr BAILEY - And you take the mutton-birds from your leased area on that island?

Mrs WILLIS - Yes, we have a gentleman's agreement that we have an area of the island, we've got a processing shed. Our kids love it - our son lives in New Zealand and when he takes his holidays, he takes them during that season so he can go to the island so it's has been something that we've -

CHAIRPERSON - So you have an area of the island leased, what about other people?

Mrs WILLIS - Yes, they do, too. At one time there were twelve lease owners but now there's only eight, I think it is. I've been researching the islands and I've been able to get names and places of the original leasees of these islands and I thought I might give you a copy if you'd like it.

CHAIRPERSON - As a leasee without transferring from the Government - as your landlord, so to speak - have you had any problems, any concerns, nothing's changed, your quite happy and comfortable with the entire process?

Mrs WILLIS - No, nothing has changed except that we still haven't received. Babel Island - I'm in the process of doing that but Chappell Island was a special interest because my mother was born on Chappell and her father was one of the original shed owners. Her grandfather purchased 40 acres of land on Chappell in 1854. I am going to send copies of those to the Lands Department because I believe there's no record of the original owners.

Mrs SILVIA SMITH - Do you think that there is concern with the lease owners that somewhere in the future they won't be able to have those leases?

Mrs WILLIS - Well, in the bill - I've got a copy of the bill - it says that it won't, so I guess it will be up to the -

Mrs SILVIA SMITH - government of the day to ensure that.

Mrs WILLIS - I looked out the copy of the bill this morning but according to the Council Health Report there were only two sheds officially working last year so the others must have - or whether they weren't licensed or what, I don't know.

Little Dog Island is the only island this year that wants to be transferred that concerns the mutton-birds and that's an amateur -

CHAIRPERSON - Mutton-bird collecting.

Mrs WILLIS - Yes. It is interesting to know that there were no indigenous people living on these islands at the time of white settlement and in a book I have it says -

CHAIRPERSON - Could you identify the book from the front cover for us just for the tape? *Return to the Islands, Aborigines in Tasmania.*

Mrs WILLIS - 'When the sealing industry began, there were no Aborigines living on any of these islands of the Furneaux group. The sealers soon discovered that Aboriginal women living on the mainland of Tasmania were very skilled at catching seals. Women from north-east and north-west Tasmania were taken from their families and forced to help white men - we're not sure whether they enjoyed it or not. After a few years, some of the sealers began to settle down on the islands. These men usually had two to five Aboriginal women working for them. At first the Aboriginal women were interested in mutton-birds, they caught them for food, oil and feathers for their own use'.

That is pointed out by Dr Svente who said the actual mutton-bird industry was begun by Europeans and not by Aborigines, as most people think. I did bring a list of three books on the Aboriginal early -

CHAIRPERSON - If you'd like to read those in, we will then have it on record.

Mrs WILLIS - *A Narrative of a Visit to the Australian Colonies* by Backhouse in 1838, *The Cruise of the Beacon* by Bishop Nixon in 1857 and the *Friendly Mission* by Stephen Murray-Smith. I thought they were three - people don't really understand until - this was put out by the Education Department for study in the schools so I thought that was useful. I can't give it to anyone because it's the only - I don't know that copies are available to the general public but it is very interesting.

Mr BAILEY - Jim might read it out for the purpose of the transcript.

Laughter.

Mrs WILLIS - That's about all I have to say.

CHAIRPERSON - Thank you. Any questions from the committee?

Mrs SILVIA SMITH - Heather, from reading your submission I get the feeling that one of your main areas of concern are that the lands that have been handed over, there's not an awful lot of work being done to look after them.

Mrs WILLIS - Nothing, as far as I know.

Mrs SILVIA SMITH - Nothing?

Mrs WILLIS - Babel Island was one of the biggest mutton-bird rookeries in the Furneaux group - I've only been there once many, many years ago and apparently it's just overgrown now with box thorn and it seems such a shame that nothing has been done with it.

Mrs SILVIA SMITH - With hand-overs of land, do you think it would be more appropriate then to offer some sort of management systems et cetera to assist in the looking after of the land?

Mrs WILLIS - I think Dog Island is an example that nothing's been done with the closer islands, so who is to say? I don't agree with the hand-overs obviously because I think that my children and your children have to work together, it worked satisfactorily before.

CHAIRPERSON - If I could have an opinion - if land is transferred across, do you think it appropriate that we should transfer it across with conditions or we should transfer it across and say, 'Well we're transferring it, it's now their responsibility'.

Mrs WILLIS - Definitely conditions.

CHAIRPERSON - Definitely conditions.

Mrs WILLIS - I was very interested since your aspiration started, I suppose - I've taped a few, if there's been anything on the television and one gentleman said that he doesn't feel that he, in Hobart, could have any say in operations on Cape Barren because he doesn't know anything about it and I found that interesting because we have to look after our own, haven't we?

Mr BAILEY - If I could just go back to the box thorns on Babel Island, I can only assume that they must have been there before the land was granted -

Mrs WILLIS - Yes.

Mr BAILEY - because they wouldn't just suddenly appear.

Mrs WILLIS - No, but I think birds carry the seed -

Mr BAILEY - They're spreading, are they?

Mrs WILLIS - Apparently, yes.

Mr BAILEY - Just in that four years?

Mrs WILLIS - Yes.

Mrs SILVIA SMITH - I'm just harking back to this concept that the wider community has of reconciliation and I notice your comment here about Badger Island and the rehabilitation of young Aboriginal offenders, and then talking about being transferred to Clarke Island. You say that you're in favour of that scheme and you would like to see it be a part and process of the whole community as opposed to the division of using it for one part of the community as for the other. How do you see something like that going ahead - as before, and you're considering what we're doing now is dividing?

Mrs WILLIS - Definitely, yes. Just from talking to people, other people feel that too.

CHAIRPERSON - So if the Aboriginal community were given the role by the State Government of managing a process for young offenders, full-stop, regardless of heritage, you believe that would be an appropriate use for Clarke Island.

Mrs WILLIS - I do, I think it would be wonderful. Up until this land was handed over, there wasn't the division that there is now. I was born here and I taught here and I have been here all my life, except

for schooling. I think, too, one family has just been accepted into the association as an Aboriginal family and yet the brother, who is a retired council clerk from southern Tasmania, he's been researching and he can't find any evidence of Aboriginal - so there is division, there's no doubt about that.

Mrs SILVIA SMITH - Division within families too, obviously.

Mrs WILLIS - Yes, and I don't think that's a good thing.

CHAIRPERSON - Any other questions?

Mr BAILEY - I just comment on the example of two grandchildren with fishing rights and two grandchildren without fishing rights -

Mrs WILLIS - Yes, it's not discussed in the family, there's no animosity between the family, but there could be, couldn't there?

Mr BAILEY - Yes, but it's interesting -

Mrs WILLIS - And by the way we've got three in New Zealand who can claim Maori - so we've very multi-cultural.

Mr WILKINSON - Is that the real fear now, though. Not the fear of what we know has taken place, not the fear of what is now in legislation - whether it's passed or not is another thing - but the fear of the unknown.

Mrs WILLIS - That's right, yes.

Mr WILKINSON - I'm trying to understand whether that's the real fear and that's the real concern, that nobody knows what's going to happen in the future -

Mrs WILLIS - Well, you don't, do you? I have a letter from - when the first land was handed over, we were led to believe that that would be it and I have correspondence to that.

Mr WILKINSON - Who is that correspondence from?

Mrs WILLIS - The Premier of the day.

Mrs SILVIA SMITH - Ray Groom, was it?

Mrs WILLIS - I think it was.

Mr WILKINSON - And can you tell us what that letter says, please? Is it easier for you if you tendered that on Thursday?

Mrs WILLIS - Or I could give it to Shirley Holloway, she's going to -

CHAIRPERSON - If we could just have a copy of it, at your convenience, we would appreciate that. I suppose one would say that unless it's entrenched in legislation, governments of the day change and so does philosophies of particular governments.

Mrs WILLIS - Of course they do. We really did think it was going to be a one-off -

CHAIRPERSON - I think at the time that was probably quite relative. What has come forward in evidence is that Aboriginal leaders who negotiate with government, have to take their instruction from their community -

Mrs WILLIS - That's right.

CHAIRPERSON - and if community does change its mind, decide something is of significance, want to put their hand up, then their negotiators are obliged on behalf of their community to put that

forward. So you can't always relate in 1995 what a community's aspirations maybe in 1999. I have been exploring a sunset clause, for the want of a better word I suppose, but again that does not appear to relate with the culture of the Aboriginal community. They have particular ways of dealing with their matters within their culture in the same way as Europeans do.

Mrs WILLIS - This was a letter from Tony Fletcher, Chairperson of the Government Taskforce on Aboriginal issues.

Mr WILKINSON - I won't hold you up now with that question, but if you can it would be of interest if you could perhaps have a look -

Mrs WILLIS - I'll have a look when I get home.

Mr WILKINSON - when we finish and then give it to us if necessary on Thursday.

The only other question: have you any real problem with the handing back of the land that's already handed back?

Mrs WILLIS - I don't think there should be any hand-backs at all because I think we've got to learn to work and live together, that's what I really do feel and I think that there's a lot of money involved and when one member of the family can get all sorts of help and another can't - it concerns me.

CHAIRPERSON - Mrs Willis, if you would like to cast your mind back to 1995 when some areas of land were transferred and make a comparison of community feeling in 1995 and community feeling about the proposed transfers of 1999, would you like to make a comment or am I being unfair in -

Mrs WILLIS - No, well I think people are more concerned now - well, we're not sure where it's going to end, are we?

CHAIRPERSON - So you believe in 1995 that the community were accepting, trusting and said, yes, acknowledged it as a form of reconciliation, were more comfortable than they appear to be in 1999?

Mrs WILLIS - Definitely. I have no hesitation in saying that.

CHAIRPERSON - And what would you put that down to, looking back on the past four years?

Mrs WILLIS - There seems to me to be a lot more land involved in the Furneaux group than anywhere else in Tasmania and it just looks to me as though, 'You have that and we'll forget all about the rest of Tasmania' and I can't understand why because they haven't had continual occupation of these islands. Does that answer?

CHAIRPERSON - Yes. Any other questions of the committee? We do thank you, we would ask if we could have -

Mrs WILLIS - I've got a very interesting article - I'm not going to show it to everyone but. I found that a very interesting article to read, not that I want to comment on it. It was in an *Australian* paper and I think - that's from another angle of a person who is involved and I think that's a lot of our sentiments -

CHAIRPERSON - We thank you for the time you've taken today. We would ask if you could look up those documents and give us copies of them, it would be appreciated. Do you have a final comment you would like to make?

Mrs WILLIS - I just hope that no more land is handed over and that we all work together to make a better group, or State or whatever. I am really concerned about it and I just hope that you do your best.

THE WITNESS WITHDREW.

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT FLINDERS ISLAND COUNCIL CHAMBERS, WHITEMARK, FLINDERS ISLAND ON TUESDAY 22 FEBRUARY 2000.

HELEN COOPER, TASMANIAN OUTER ISLANDS ASSOCIATION, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON - Thank you, Helen. I do remind you that you are still sworn in and I do thank you for being as accommodating as you have been in allowing us to move you around because we did have a cancellation and it is greatly appreciated. We note that you are representing the Tasmanian Outer Islands Association.

Ms COOPER - Yes, and may I at the outset give apologies from the President, Mr Graham Holloway, who is on Vansittart Island and due to weather conditions is unable to get back today. So that probably brings home the strength of outer island life!

I thought, in a more casual manner, I'd like to address the concerns of the association with the proposed amendment today. But first I thought it would be appropriate if I outlined the membership of the Outer Islands Association and how we came to be because I guess it's probably quite a rare organisation, if I could put it as such. Obviously it represents those people who own land or lease land on the outer islands of Tasmania, although the majority of the membership is constituted from people around the Furneaux group, but we have membership from people in the north-west as well and we have had in the past people from the south of Tasmania.

At the moment, our membership is somewhat depleted since the passing of the 1995 Aboriginal Lands Act because that took five of the islands out of the hands of the wider community and transferred them to the Tasmanian Aboriginal Land Council. I guess that perhaps the membership of the Outer Islands Association probably represents more than any other group within the community the shared historical and cultural traditions that we were speaking of this morning.

There is well-documented evidence that there was settlement of these outer islands prior to the reconnaissance trip of George Augustus Robinson in the early 1830s. Settlement, I think we would agree, began in this area after the wreck of the *Sydney Cove* in 1797 and it was basically the survivors of that shipwreck who chose or were forced to stay here and then the news spreading of what was here which attracted people to the islands for the sealing possibilities.

Plumley in his book, *The Sealers of Bass Strait*, documents that in 1814, for example, a resident of Vansittart Island by the name of Clarke bought a party of Aboriginal people to Hobart Town - so 1814 definitely pre-dates George Robinson's reconnaissance trip of the 1830s - and that's just one example. There are quite a few in there that would back that up. From the earliest days the sealers and their women and children began the unique lifestyle of what we decided we'd call the Straits people. It's important to remember, too, that the outer islands of the Furneaux group were settled before Flinders proper, well before, and so that's another strength I think in the argument of the shared heritage of Straits people. The Furneaux group is an archipelago of about 52 islands and if one remembers the largest of those was the last settled it sort of brings home the impact of life in a small island community in the 19th century.

Many families then evolved from the liaisons with the sealers and the various women from many cultural backgrounds, mostly though Aboriginal. The families grew up on the islands and often there would be one or two families to each island, sometimes just one. There was much visiting and

intermingling between the island communities for various reasons, nonetheless social, and of course there was an awareness even then that food needed to be bartered between the islands to maintain a healthy lifestyle because of the trace element deficiencies on some of the islands.

Hunting of various game that was particular to each island, fishing and mutton-birding were the traditional pursuits of the people who had descended from the sealers and the Aboriginal women. These descendants had both European and Aboriginal ancestry and it's in this process that we have a little bit of a problem with the process that's been gone through to arrive at the situation that we find ourselves in today. We feel that the European ancestry is being totally ignored in the process. We don't have a lot of question with the detail of the stated reasons for the Aboriginal ancestry and their claims but it was just that we feel only one side is being represented.

Over the decades since the early 1800s the island people were able to support the resident families and were generally fairly self-sufficient. Gradually of course there was a change in economics which saw the farming community or the farming family not quite so able to support itself, plus the attraction of an easier and more communal lifestyle on the bigger island of Flinders was probably another factor which drew people away from the smaller islands to life on Flinders. This saw a change in the management of the outer islands from one of a resident family in control of its own little plot, so to speak, to being grazed and managed from offshore - offshore from the little island and living on the bigger island. That's where we've sort of progressed till today where we have lessees not all living on Flinders Island - they live all over the place - who, for whatever their reasons, have some affinity with the outer islands and the island situation and either like to own land or lease land and visit, work, whatever they wish to do on it. So that's the background of the association.

The concerns the association has with the proposed amendment - I guess you've heard it many times today but it's my job to reiterate it yet again; sorry about that - is with the lack of consultation with both stakeholders in the proposals of the amendments - that is, the Aboriginal community and the full non-Aboriginal community. We found it somewhat of a shock to hear on the ever-flourishing grapevine, about the same time as the mayor received a phone call, that there were several islands to be handed over to the Aboriginal people. When we confronted some of the people - when I say 'confronted' that's probably a little bit aggressive - when we spoke to some of the members of the Aboriginal association their concern was as great as ours, in fact I fully believe that their denial of the fact was an honest denial and they were quite shocked at what we said we had heard. I thought then, 'Here comes a process that's flawed and we've got trouble', and I think what's happened since that day of the announcement is evidence of that.

The association members wanted me to point out that they feel much harm has been done to the process of reconciliation by the lack of consultation. From their point of view the word 'reconciliation' means the coming together of aggrieved parties but without the setting of parameters on how far each party should move - which I thought was a fairly reasonable way of putting it. But they were adamant that they wanted it expressed that it is not a process that can be imposed by a premier or a government. In fact, the word 'imposition' totally negates the process of reconciliation. The association accepts that it is a member of the wider community; it would not have expected to be consulted as just a small group but we would have expected an input at the wider community level had the opportunity arisen and we would have taken that opportunity.

As I pointed out to you earlier, the Outer Islands Association has no argument whatsoever with the claim of prior occupation by Aboriginal people several thousand years ago during the period of the land bridge and we have no comment to make on the actions or behaviour of the sealers during the early 18th century; we're talking about historical evidence. Unfortunately to us, it seems that the historical evidence used by the Aboriginal community to substantiate the present claims is since the beginning of the 19th century and it's that that we have quite a deal of concern with. We don't say that the points in it are incorrect; we're not saying that at all, but what we're saying is you have only been presented with one side of the story. The story of the families that have evolved since the early 19th century through till now with some of them fourth and fifth generation islanders or Straits people, if I could call them that, has not been taken into account. I think that is the one aspect that association members feel somewhat aggrieved or hurt by, that all that they and their family and descendants have stood for counts for nothing in this process - up until this point, anyway.

One of the other aspects that we need to take up, apart from the lack of consultation, is that it is of concern to us that some of the proposals in the amendment are somewhat divisive. One of the points raised was that the granting of land with different conditions other than those enjoyed by the wider community is in itself divisive and there we would point to the title being given to low-tide mark instead of the normal high-tide plus the crown foreshore reservation. From an islander's point of view, the crown foreshore reservation is important for several reasons and of course the major one is access. Obviously access is by sea, by boat and it's a bit difficult when one's going to sea to exactly know where the point of land is that one can arrive at on high-tide mark and enjoy the crown foreshore or whether one has actually arrived on an area of land marked on the map that should be low-tide mark. I don't feel personally, and I know the members feel that that's something they find very difficult to live with. If title had the same conditions as enjoyed by the wider community it would be so much easier for people to grasp and accept.

One other point that the members have raised is the fact that there is no payment of municipal rates by the Aboriginal landowners unless a commercial activity is deemed to be taking place on that land and the definition of the word 'commercial' they felt was somewhat open to interpretation. Also, because they view their way of life as being so traditional, they feel that anything that makes them feel as if they're trespassing and have been denied access to what has traditionally been theirs as well as those of Aboriginal descent is divisive and not in the spirit of reconciliation.

A further point that I would like to bring up but is not basically in the amendments proposed but is of major concern is the ongoing nature of claims and the way they appear to be going ahead. We appreciate that it's the right of the Aboriginal community to identify what may or may not be of significance but it's the validation process of these claims that we feel needs to be opened up. Unfortunately, to compound the problems of this whole amendment's passage, there appears to be in circulation draft issues of proposed fishing rights of the areas we're talking about around the Furneaux group. We've known for a while that that may be on the agenda but I don't think it's helped the whole process at all when one considers they've come into circulation by virtue of falling off the proverbial truck. It probably goes to illustrate even more the secrecy and the lack of consultation that's involved in the whole process.

We're also concerned, as mentioned this morning, that almost 20 per cent of the land mass within the Furneaux group of islands is now being handed over to Aboriginal control. We feel very strongly that this community has, albeit at the beginning, been led by the nose to reconciliation, I guess - unwillingly perhaps - and has now made genuine attempts and major steps towards, I would say, reconciliation milestones that other communities haven't experienced and we feel it's a real impost to have another land claim come in so quickly after the Wybalenna amendment was brokered. We therefore have grave concerns about future claims and the impact on life as we have known it and as people here regard it as traditionally theirs in the future. I think that the secrecy that has surrounded so much of what has gone on has aroused suspicion and suspicion in itself arouses negativity and that's disappointing.

The association feels somewhat that they're probably innocent pawns in a game of political cynicism. That is the position of the members and I have to put that forward. They feel as if they're easily discounted, they are very small in number and their heritage and culture and historical values count for very little. At that point I think I'll close. Thank you.

Mrs SILVIA SMITH - I must have missed it somewhere along the line and I don't think it was your fault - the sealers came with Aboriginal women. Is it historically noted where those Aboriginal women came from originally - from mainland Tasmania?

Ms COOPER - I'm only using the source of N.J.B. Plumley's book *The Sealers of Bass Strait and Cape Barren Island* and in that it's quite well documented where people came from. Basically they seem to be Tasmanian Aboriginal women from the north-east, there seemed to be a few from the north-west and there were a couple of Indian women and Maori women that I noted whilst I was reading it - but that's not a definite list.

Mrs SILVIA SMITH - I thought I should have known that but somehow it escaped me.

Mr WILKINSON - With the process that was entered into prior to this bill being announced, we heard this morning that you knew three days prior to the pronouncement of it. Was anything at all made known to you prior to that?

Ms COOPER - The evening that the mayor received a phone call, that day I had been told by somebody that this was going to happen and the names of the islands that were involved. I then questioned a fellow councillor actually because I happened to be here at the time who is a member of the Flinders Islands Aboriginal Community Association and I asked him and he at that time denied all knowledge of it and seemed very surprised at what I was suggesting and then promptly acknowledged what I said and the following day rang me to say that yes, what I had said appeared to be correct. So that was the first we heard about it - three days before.

CHAIRPERSON - And in your opinion you believe that all the membership of the Outer Islands Group would have been lessees of some of this land?

Ms COOPER - Yes. I think that they received a letter possibly, the lessees - it seemed to vary. I think the original announcement, from my understanding, of the Premier was to have been on a Thursday or Friday and it was delayed till the Monday or Tuesday - I'm not quite certain - and the letters to the leaseholders arrived on the Friday or Monday about the same time. Because Mr Holloway's not here I'm unable to table this but I'll try to see if he can do so tomorrow. But advice had been given to landowners of Aboriginal descent - if I could put it that way without being racist - on Cape Barren in a letter dated 19 June of the same year that this process was under way and that these were the proposals.

CHAIRPERSON - But was that advice from the working party or advice from particular Aboriginal representatives who were liaising?

Ms COOPER - No, from government.

CHAIRPERSON - From the Government on 19 June?

Ms COOPER - Yes, I'm pretty certain it was 19 June, but I have to say that that may not be the whole truth because I do not have it in front of me.

Mr WILKINSON - So did any of the lessees of land on the islands that are being envisaged to be handed back get any notice, to your knowledge, of what was going on?

Ms COOPER - No, not until the announcement and then I understand Mr Bingham - I'm not sure on all the details here because at that time when Mr Bingham and the working party visited council I'm not sure whether they visited all lessees now but I know they did some of the lessees upon request. We were shearing on Green Island at that stage so I'm not really sure of all the detail, but that was the first contact that the lessees had had with the Government about the proposals.

Mr WILKINSON - Were they part of any consultation at all, to your knowledge?

Ms COOPER - No, not until Mr Bingham's working party here.

Mr WILKINSON - I'm sorry, I didn't get that - how long prior to the announcement was that?

Ms COOPER - After it.

Mrs SILVIA SMITH - Do you have any knowledge of why these particular islands were chosen or how the process of deciding on these particular islands to be part of the hand back - do you know how that happened?

Ms COOPER - I imagine that that was instigated by the Aboriginal community through the Land council and that's validated from their point of view in the briefing papers.

Mrs SILVIA SMITH - With no consultation with anyone here?

Ms COOPER - No, and there's no consideration there at all of the fact that some people would have fourth and fifth generation contacts, particularly on Little Dog Island. There's no mention of that side of the history.

Mr BAILEY - I was just going to ask, in relation to each of the islands that are intended to be granted by the bill, are there leases on each of those islands - Cape Barren, Clarke, Vansittart, Goose and Little Dog?

Ms COOPER - Vansittart, yes; Little Dog, yes; Goose, no - conservation area; Cape Barren Island, yes, there are parcels of land there but we haven't really had any violent objection from the people who do lease that land there; Clarke Island, no, because that's a conservation area plus it's already owned by the Aboriginal community. If the association had to have a wish-list we would ask that Vansittart Island be excluded on all sorts of grounds, but basically historical. It was settled before, albeit by sealers and Aboriginal women, we don't deny that but we're saying to give it to one group of people totally denies the heritage and background of another, so we don't really think it's the appropriate way to go. Also, in the briefing papers there's mention of Aboriginal graves there. There are on Vansittart graves of white settlers of that period as well. I believe Mr and Mrs Holloway are giving some evidence to you tomorrow and putting a submission to you and they will address that in more detail.

Little Dog Island is one that I feel is absolutely fraught with danger. It's an island where I think we're talking about 23 hectares of freehold land - it might be 43; I'm a bit concerned now with my changing from hectares to acres et cetera - anyway, it's a small parcel of land that we're talking about. Little Dog Island has been linked to the Robinson-Holt families for many generations; it is now an island where there are small parcels of privately-owned land which is enjoyed by the Dowry family and various others - the Gleddons, the Beetons and so on - I know they've made fairly strong representations to you. I cannot see the point in causing so much angst in the community by handing over the small parcel of land there on the basis of one party's evidence, not listening at all to the people who have had such long connections with that island and who still enjoy it. They may not live here but they visit regularly and they regard it as part of their family's heritage too. So if we had a wish-list we'd say, 'Please take out Little Dog and Vansittart islands', but then we also know that fall-back positions can be very threatening and dangerous.

Mr BAILEY - And the areas of land on Little Dog Island, is it all alienated by way of lease or is there crown land as well?

Ms COOPER - There's a small portion of crown land which is the part that the Aboriginal people have claimed and the rest of it is basically privately owned.

Mr BAILEY - So there's 23 hectares of freehold land, but what part are the Aboriginal people to get of that freehold land?

Ms COOPER - No, they're to get the crown land of 23 hectares.

Mr BAILEY - Oh, there's 23 hectares of crown land and the rest has been -

Ms COOPER - Yes, alienated by lease or purchase.

Mr BAILEY - What would the total area of Little Dog be?

Ms COOPER - I haven't got that information with me but I could get it.

CHAIRPERSON - We do have maps and we did intend to have them up but we'll have them up on Thursday.

Ms COOPER - It's a very small part.

Mr BAILEY - And Vansittart - what's the position there?

Ms COOPER - I understand there's about 600 acres of freehold and the rest of that island is leased by a crown lease to the Holloways who own the freehold. It's sort of operated by the one family.

Mr WILKINSON - What is the difference between Vansittart, Little Dog, Clarke as opposed to Babel, Chappell, Badger? What I'm trying to find out is what in your opinion was the reason why Chappell, Badger, Big Dog and Babel islands were transferred previously but not the others?

Ms COOPER - Obviously the Aboriginal Land Council put forward their reasons -

Mr WILKINSON - I'll ask them later as well but I just wondered what your opinion was.

Ms COOPER - Well, Badger Island is the site of Lucy Beeton's grave. We'll have to go through them - Chappell Island obviously has great mutton-birding significance to the Aboriginal people; Big Dog, exactly the same -

Mr WILKINSON - Is it Big Dog or Great Dog?

Ms COOPER - It's usually called Great Dog on the maps but locally it's called Big Dog, I think. Babel Island was a very big mutton-bird rookery earlier this century but it's not used as such at the moment but it has been used.

Mr WILKINSON - So if we look for some criteria to say, 'Yes, I can understand these islands being handed back', is there that same criteria as far as you're concerned in Vansittart, Little Dog, Clarke, et cetera?

Ms COOPER - I think the case for considering the European tradition and history is probably greater on Little Dog and Vansittart than it is - I mean, Clarke Island's gone, there's nothing we can do about that now; it's conservation area anyway. The others have gone; I don't see a lot of point - obviously we opposed that at the time too.

Mr WILKINSON - I'm looking for some consistency, you see, rather than just the shotgun approach.

Ms COOPER - Yes, I know, but the giving of it was based on the evidence put forward by the Land Council and, again, just the one side of things was put forward. We tried to put forward at that point in time again our argument of traditional pursuits et cetera but if it was taken into account it didn't count for anything. I guess by going to a fall-back position and saying those two islands are the ones we feel are causing the most angst within the community we are taking a shotgun approach but that's also a fact of life as well.

Mr WILKINSON - So therefore would it be correct in saying - and tell me if I'm wrong - that one of the real concerns that you have and you believe the Flinders Island community has is in relation to Chappell, Badger, Babel and Big Dog, there was a consultation process that was entered into and after that process these were the islands which were considered to be those which should be transferred, as opposed to a lack of consultation process with this latest proposal?

Ms COOPER - Yes and no. Yes, obviously we knew about that, as I mentioned before. Because these islands had been flagged before in the 1991 bill that didn't pass the House, we knew that they were on the agenda, so we had five years to consider all of that and look into it. Going back to my recollections, hazy though they may be of 1990-91, Mr White, I think to be fair, was more open in the process than this Government appears to have been over this one. So yes, lack of consultation over this is the problem.

Mrs SILVIA SMITH - You mentioned the fishing rights issue. That's not contentious at this point, is it?

Ms COOPER - Well, it's not part of your amendments now but we're only using that to illustrate firstly, the possibility of ongoing claims which we feel is a problem within such a small area and all claims having to be sustained in this area by this population and secondly, the fact that again this has got out into the community by virtue of someone passing someone something and it doesn't seem to me

to be a very healthy process. I know you can't stop that but the fact that it's drawn up to draft preparation and is in circulation is not very good.

Mrs SILVIA SMITH - Causing more division, you think?

Ms COOPER - Oh yes, that's the problem.

Mrs SILVIA SMITH - That seems to be right at the root of the whole thing, the division that's been caused.

Ms COOPER - It is, yes.

Mrs SILVIA SMITH - And the lack of consultation in this process at this time you feel has been part of that division?

Ms COOPER - Well, it's compounded the division. Obviously parties have to start talking and they do have to start talking in confidence; nobody denies that, I'm sure, but when you come to an agreed proposition I think there is time then to draw in people to take away what we're going through now. You'll probably never totally negate it but you must stop it a fair bit.

Mrs SILVIA SMITH - I suppose when you consider the possibility that there are two sides to the argument always, aren't there?

Ms COOPER - That's right.

CHAIRPERSON - Thank you. Helen, any other comments you wish to make on behalf the Outer Islands Association?

Ms COOPER - No, thank you; I think we've said that we also concur very much with a lot of what Council put forward this morning, fairly obviously.

CHAIRPERSON - Thank you very much.

THE WITNESS WITHDREW.

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT FLINDERS ISLAND COUNCIL CHAMBERS, WHITEMARK, FLINDERS ISLAND ON TUESDAY 22 FEBRUARY 2000.

LYNN MASON, MAYOR, AND **HELEN COOPER**, DEPUTY MAYOR, FLINDERS ISLAND COUNCIL WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - Thank you, ladies. We usually start the process by allowing those who are presenting a submission to do so. The committee will then take the opportunity to ask questions on your submission and any other matters at the end of that process, so we will hand over to you.

Ms MASON - Thank you. The submission from Flinders Council, we have divided this in to seven sections in our approach. First, I wanted to deal with the history of the reconciliation movement in the Furneaux group to indicate that this community does have some experience of reconciliation and what the process means in this community. Secondly, council's response to the announcement of the Government's intention to grant further lands to the Aboriginal Land Council of Tasmania under the Aboriginal Lands Amended Bill 1999. Thirdly, the process adopted by the State Government and the constitution of the working party. Fourthly, Straits people and their shared heritage. Fifthly, the historical evidence offered to substantiate the lands grants. Sixthly, the area of land proposed to be held by the Land Council in this municipality and finally, the effect of the proposed legislation on this community.

First of all, the history of the reconciliation movement in the Furneaux group. A local group in reconciliation was started in the Furneaux group almost as soon as the Federal Government made the announcement of the reconciliation process and that group was active for many years. One of the first issues that came to the attention of the community was the possibility that this community in the past has been unfair in its dealings with the Aboriginal community with a particular request to fly the Aboriginal flag on various ceremonial occasions in the community. To be as brief as possible, the issue of the flying of the flag came to a head during 1995 and at the wish of this community, taken through a public voting process, it was decided the Aboriginal flag should be flown at the airport - which is owned by council at all times. This indicated a dramatic shift in this community's view of its shared history with the Aboriginal people and of the rights of the Aboriginal people to take a pride in their cultural position in this community and in this group of islands.

I can't emphasise too much the significance of that move by the community to allow that to happen. From there we moved at the end of 1996 into negotiations over the future of the Wybalenna site. This was despite a debate that was raging at the time concerning whether or not Pacific oysters should be introduced. It may not seem immediately obvious why these two should be in conflict however conflict there was and it was fierce but we managed to discuss Wybalenna, despite there being division in the community over the Pacific oyster issue. A heads of agreement was signed between the Aboriginal community and Flinders Council regarding the possible future disposition of that site.

Early in 1997 the community commemorated the beaching of the *Sydney Cove* in 1797 - it was 200 years since that event. From the point of view of the Aboriginal community, the arrival of the *Sydney Cove* and the subsequent settlement of this area by sealers was the beginning of the loss of any unique lifestyle that they may have had here., any rights that they had to occupy this area without any European contact. Nevertheless, in commemoration of this particular event, the Aboriginal community on Flinders participated, they allowed us to use many of their facilities, they actively participated in the festival events and I, at the time, remarked on the progress that this community had made towards the

sharing of our cultural and festival events. It was not something, I suggest, that could have possibly happened even five years before that.

In 1997 also Flinders won a community award at the First National Reconciliation Conference. I draw to your attention that this was a national award for reconciliation and that we won in the community category, not just the local government category.

In 1999 we concluded the formalities and the agreement with the State Government about the disposition of Wybalenna and at the hand-over of title both here and a second reading speech in Parliament House in Hobart, elder Ida West and myself sat there together and participated in the formalities and the ceremony surrounding that.

In 1999 also this was the only council in Tasmania to conduct a public meeting on the draft document of reconciliation. There are 29 councils and this was the only one that took the initiative to discuss that draft document of reconciliation. Then in 1999 also we had the statement by the Premier. We also had the sea rights conference which we did not attend but which was reported widely in this community. Both these caused considerable concern and difficulties in this community.

I note that the first phone call I received after the public announcement by the Premier of his intention to hand back a further eight parcels of land, five of which are in this community, was from Mr John Clarke, President of the Flinders Island Aboriginal Association to express his deep concern with the way that this had occurred.

Secondly, council's action upon hearing the Premier's announcement. At our first council meeting following the announcement a motion was put and passed by council unanimously. This motion was:

'That Council advises the Premier that it strongly opposes the proposed transfer of land within the Furneaux group to the Aboriginal Land Council of Tasmania because:

1. The process did not include consultation with all stake holders;
2. The process showed total disregard for the shared heritage of all the Straits people;
3. The claims are based on tenuous historical evidence; and
4. It places an unreasonable proportion of land to transfer within the Furneaux group.'

Further record of that debate contained in the minutes of Flinders Council from November 1999 I read directly: 'Councillor Graham advised that the Flinders Island Aboriginal community shares council's concerns about the processes adopted in the proposed transfer of land to the Aboriginal Land Council of Tasmania. Councillor Graham said that lack of community consultation was a major problem and the local indigenous considered too much of the subject land is located within the Furneaux group. In addition management issues in relation to the land that has already been given to the Aborigines have not been settled. The local Aboriginal community has stressed these points to both the Aboriginal Land Council of Tasmania and the Premier'.

We shall go on from here with a discussion of the process that the Government adopted in deciding which parcels of land should be handed back to further the reconciliation process, as the Premier describes it, in Tasmania. I will hand over to our Deputy Mayor, Helen Cooper.

Ms COOPER - Thank you, Madam Chair. Council in its motion has expressed the four points that were of great concern and the first one was the lack of consultation during the whole process of this amendment process, the lack of consultation with all stakeholders. It considered that there was no representation with the community of the Furneaux group, the wider community - that is, the wider community of the Furneaux group - or directly with the Flinders Island Aboriginal Association or the

Cape Barren Island Community Association through the working party or the consultation party that was working out the amendments.

Council also has concerns about the make-up of the group which reflects largely the Aboriginal and government department viewpoints. It would appear that on the original group advising the Premier there was no representation of the wider Tasmanian community. A wider representation, we feel, may have done much to allay community misapprehension. The announcement of the Government's proposal came somewhat out of the blue, if I could use that expression. Announcements that come out of the blue like that cause immediate and unnecessary tensions and cause these to surface between the wider community and the Tasmanian Aboriginal community and locally within the internal ranks of the Aboriginal community itself - that is, FIA and the Cape Barren Island Community Association - and other Tasmanian aboriginal organisations.

The effect that this lack of consultation had on the community could well be likened to a proverbial slap in the face particularly after all the efforts achieved in the reconciliation process with the Wybalenna agreement. That was a slow and very sensitive issue that this community faced and it did it of its own volition. Council also feels that there was a negative impact on the local Aboriginal groups who had to wear the decision that was made with questionable input and prior knowledge.

Going on from that to the shared heritage of all Straits people. I would think that this is probably the area that hits the community hardest. We are not about questioning the rightness of the proposal to return land to the Aboriginal people in recognition of their prior occupancy any more than we are here to cast moral judgment on the actions of the sealers and the other inhabitants who lived in the Furneaux group in early 19th century and we are not questioning the fact that there is documented evidence of prior aboriginal occupancy of several thousand years ago but the evidence given in the briefing papers to substantiate the claims in the amendment is not based on this occupancy of several thousand years ago but rather on more times.

Given that so much of the land within the Furneaux group has been jointly occupied by both Aboriginal and non-Aboriginal people during its recent history and from the liaisons between the two groups came the people known as the Straitsmen - or perhaps Straits people in today's politically correct society - these Straits people have a common background, a shared heritage and a shared history. It is the feeling of this council, on behalf of the community of the Furneaux group, that the process of consultation and the intent of the proposed amendment has had little regard for this shared heritage and history.

It is well documented that many of the islands of the Furneaux group was settled with evidence of permanent habitation prior to the arrival of George Augustus Robinson's reconnaissance trip, by sealers and their women of various racial backgrounds although predominantly Aboriginal and their children. These were the first Straits people and it appears that they have had their history, heritage and traditional pursuits totally disregarded.

The area of traditional pursuits is one which causes much angst within the community here - the practice of mutton-birding and indeed the various pursuits of life on the outer islands of the group are regarded as traditional by people both Aboriginal and non-Aboriginal backgrounds. These practices are not based on race but are based on the shared heritage of the descendants of the original settlers. It's the failure to recognise this that is the source of much trouble within the community and as a result the legislation proposed is seen as divisive.

Given the traditional way of life was intermingling between the families of the smaller outer islands, council made its concerns known to the working party about continued access what is now known as the Crown Foreshore Reservation. This area, because of the proposal to extend title on land given to the low tide rather than the traditional high tide plus the foreshore area retained by the Crown, is an area that we would like to pursue with you a little more. Council appreciated assurance given in its November meeting with the working party that an access of an area of fifteen metres above the foreshore would be guaranteed. We see this as vitally important to retain for all residents the ability to pursue traditional past times without fear of trespass or feeling alienated.

Council requested at that time - and again reiterates its request - that this condition appear on the title of the land granted to ensure access for all people. Furthermore, council suggests it would be appropriate that ongoing licences be issued to allow access on a more spontaneous basis. For example, nothing is more prohibitive, I would suggest, than 'Wake up, it is a good day, let's go fishing, picnicking on one of the outer islands. Oh, we've got to get permission. How do we, where do we', etcetera. If we could have a more permanent licensing situation that would allow visits to these areas I am sure it would sit more comfortably within the community. Should the amendment proposals proceed 20 per cent approximately of the land within the Furneaux group will have passed to ownership by the Tasmanian Aboriginal Land Council. It's council's opinion that this represents an unfair impost on a small isolated community and it certainly represents a disproportionate amount when compared with mainland Tasmania where there are proven areas of significance.

It is also questionable whether the Government, which stated that it represented all Tasmanians, has demonstrated this through the consultation process. If we are to continue to walk down the reconciliation path, it is council's view that the views, heritage, history and the traditional pursuits of the wider community of the Furneaux islands will need to be considered seriously.

Ms MASON - I would like to take up the issue that was raised in the third point of council's motion, namely that there is considerable concern in this community that some of the historical basis for the land that is claimed is tenuous. However, I am not going to dwell on this in particular detail. I think the submissions that you will receive from many of the islanders who have very close connections with some of this land will in fact bring out more of the detail. However, the representations that have been made to council since the announcement indicate that at the very least there is considerable doubt in the community about the validity of some of the claims and that some of the evidence given is vague and unsubstantiated.

This may be because the Government does not consider it necessary for the land claimed to be validated. If this is the case then let it do away with any pretence of historical validation and base the process on the need to find suitable land appropriate for the cultural pursuits of today's Tasmanian Aborigines. This council suggests that such tracts of land would not be situated so far from mainland Tasmania. If the decision rests on historical evidence then let that evidence be opened to discussion and let it be taken into consideration that while this area has seen intense interaction between Aborigines and Europeans over the last 203 years, there has been no more than in most other parts of Tasmania and that interaction is just that, a shared history with shared pride and shared shame.

We have already dealt with the amount of land proposed within this community and the perception that this community is having an unfair amount of its land handed to the Aboriginal Land Council of Tasmania. I will therefore conclude with a summary - sorry, Councillor Cooper, do you wish to table that.

Ms COOPER - I would just like to table the areas already given. Green are from the 1995 act, as it now is; blue is Wybalenna and the orange represents the new proposal. I just thought it might be relevant.

CHAIRPERSON - If I might ask a question? On Clarke Island you have it divided?

Ms COOPER - Because half of that is currently owned or leased - owned I understand, by the Aboriginal community. It is the other part that is being proposed to be given.

Ms MASON - Reconciliation is two sides moving towards each other. Maybe one side moves more than the other and that is not in dispute. We accept that. In the historical context of Tasmania since European settlement, in all fairness that is bound to be the case. However, when the moves are being decided all parties should be given the chance to participate in the process. It is inadequate for the Government of the day to say that it represents all Tasmanians and at the same time invite separate representation from one affected group and not the other.

What we had here in the islands before this announcement was largely a group of people with a deep and ageless affinity for this land. Many of them had no understanding of a reconciliation process and to be frank they did not agree with it when it was thrown at them by earlier governments. However,

through a slow, careful process which allowed time for input and time for reflection and time for a reassessment of values they came to accept the handover of titles for Wybalenna in particular.

However, there are still those who wholeheartedly agree with this concept of reconciliation but unfortunately I cannot identify them any longer and I can't count on any support to keep building bridges in this divided community. What we now have is a large group of people who felt justifiably proud of themselves for having given it a go -and I refer here to both Aborigines and non-Aborigines - both sides had to learn to trust each other. Now, however, many people are filled with distrust. They are aware that there has still been no meeting of the management committee for Wybalenna area 10 months after the handover of title.

They feel that these islands have been unfairly singled out. The land they use for their cultural pursuits is to be given to one racial group for its sole use and it is divisive concept when only that group has been represented in the working party. There is also uncertainty about the future. This council in the light of community concern has written to the Aboriginal Land Council of Tasmania to ask for an indication of future claims. The response has done nothing to allay our fears and I quote from a letter from Mr Clyde Mansell from the Aboriginal Land Council dated 30 November 1999: 'In response to your question regarding the identification of other land areas that may have been identified for transfer to the Aboriginal Land Council, I am not quite sure what information your question, however, I am sure that you are by now aware of all of the areas identified under this package. If your question goes beyond the present package then it is a matter for the Aboriginal community to decide what other lands identified for return as a part of any future negotiations. Likewise, the community will decide at that time how many new areas should be brought to the attention of Flinders Council'.

Now, I put it to you that this is direct reputation of the concept of a shared approach to the practical process of reconciliation. Two years ago we were working steadily towards a far more cohesive community. Now, through no fault of our own, those of us who have been active participants in the reconciliation process are having to defend our past actions and explain that many members of the Aboriginal community are as disillusioned with this action as the other members of the reconciliation movement on Flinders Island. Thank you for this opportunity to present the views of this community.

CHAIRPERSON - Thank you for that submission. I now look to members of the committee. Any questions?

Mr WILKINSON - I will bounce the ball, if I can. You were saying that only one group had a say in the working party. Did you get any say at all or the Flinders Council get any say at all?

Ms MASON - None whatsoever. We were notified of the intention to handover these eight titles of land. The announcement was made on a Monday and I was rung in strict confidence by members of the Department of Premier and Cabinet to inform me that the announcement would take place. That was the first I knew of it.

Mr WILKINSON - Did you realise that there was some work going on in relation to the transfer of land?

Ms MASON - Not even that really. It was foreshadowed by the Premier during the Wybalenna transfer that further parcels of land would be considered but that was a remark made at that time and the remark was no more than that.

Mr WILKINSON - Did you have a say in the hand back of Wybalenna?

Ms MASON - Yes. That process had been initiated by a previous Liberal Government but had not been included in the original twelve pieces of land that were handed back in 1995 because it was too contentious an issue. So in 1996 this council and the local Aboriginal community got together and tried to sort out how we could resolve it and gradually in that process the Aboriginal Land Council and the State Government were brought in and it took two years to finally resolve those issues but yes, we had a large part to play in that particular process.

Mr WILKINSON - As I understand, you had a large part to play in that process but no part at all to play in this latest process?

Ms MASON - None whatsoever, yes.

Mr BAILEY - Can I just follow that? In relation to the original grants, was the council involved in those, that is before Wybalenna?

Ms MASON - We were notified and we were visited by Mr Tony Fletcher and Mr John White. There may have been others, but certainly those two in discussing the original twelve parcels or land that were handed back in the first bill.

Ms COOPER - Could I just intervene there and say of course those pieces of land had been flagged before in the 1991 Lands Bill that was defeated in the House.

Ms MASON - And we were visited at that time as well. I suggest most strongly that the reason that Wybalenna was not included in the schedule to the first act in 1995 was because it was such a contentious issue and that at least one of the major reasons for its resolution now is because the move to recognise aboriginal affinity for the piece of land that we call Wybalenna came from within this community and was not imposed upon us from outside.

Mr BAILEY - The fifteen metre ... I think above the high water mark that was guaranteed, I thought that was guaranteed in the legislation, but are you saying that's not practical or is not being observed?

Ms MASON - There is anecdotal evidence that it has not been observed since the passage of the 1995 bill and there is some concern in the community that the carrying out of this particular piece of legislation is dependent upon who is occupying the land at the time that other people go to visit it. We have discussed this with the Aboriginal Land Council and they have been most support of the concept that that fifteen metres above the high water mark should be retained for the cultural pursuits of all members of this community, however, in practice that has not always been the case and that is what is causing a bit of a problem. That's why we thought it might help if it was placed in the title that this fifteen metres above the high water mark, while it is still recognised as being part of the title that is given to the Land Council, is nevertheless recognised with right of access to all members of the community.

Mr WILKINSON - When you say it has not been recognised by some members of the community, what do you mean by that? What is happening?

Ms MASON - This is anecdotal. I wasn't there but the report that came back to me as mayor was that some yachts people had attempted to land on one of the islands, that there were Aboriginal people present on the island at the time and they were told that while they could moor off shore they could not come ashore, they could not collect any firewood or driftwood off the beach, they couldn't get any water, nothing. It was an unfortunate incident because it was wrong under law for the Aboriginal people to take that position and it made it very difficult both for us and the Aboriginal Land Council to say this is not the case, you are welcome to do this which, to be fair to the Aboriginal Land Council, is something they have said all along but they aren't here and nor are we. That's the difficulty.

Mr BAILEY - So it's a practical application of it that they are telling people no, they can't go when they have got a right to go.

Ms MASON - Yes. What we are trying to do here is rebuild trust and that is very difficult.

Mr BAILEY - When you say it's not on the title, the title would refer to it by reference to a plan that would be lodged in another place, so would you like to see the Recorder of Title actually endorse on the plan the right for anybody, well, I presume it remains as Crown Land - is it Crown Land or just a right-of-way?

Ms MASON - No, the title is handed to the Aboriginal Land Council of Tasmania so it is merely a right-of-way.

Mr BAILEY - Well, the right-of-way then, if that were to be shown on the title, would that make it any easier or -

Ms MASON - I think it would help to allay concern, yes.

Mr BAILEY - So if there was a breach you could just simply send a copy of the title which would explain the -

Ms MASON - Yes.

Mr BAILEY - I have got a couple of other things I wanted to mention. I wanted to talk about the management committee in relation to Wybalenna. I think you said it is 10 months since that occurred but there has been no committee formed, is that what you said?

Ms MASON - Yes. One of the concerns that was expressed to me by the Aboriginal community on Flinders was that no further land should be handed back until management issues within the Aboriginal community of the first thirteen parcels of land had been resolved. As evidence of that, all I can offer is that in the resolution of the disposition of Wybalenna it was agreed by all parties that a management committee would be set up which would be, in the majority members of the Aboriginal community of Flinders Island but which would have representation from Flinders Council and this was a first for Tasmania, I think.

That management committee, to my knowledge, has not been set up and certainly there have been no meetings to which any of us have been invited to further the process of caring for the site of Wybalenna. That is disappointing because one of the undertakings that we made to this community at the time of going through the Wybalenna negotiations was that there would be continued recognition of the sharing of the site of Wybalenna. That while primarily certainly it belonged to the Aboriginal Land Council but that care of the site would continue to be entrusted to all members of this community and for one reason or another there has been no evidence that that will occur. It certainly hasn't happened yet.

Mr BAILEY - My memory is that was certainly a commitment that was given and an understanding that was given in the committee room prior to the passage of that bill that the Flinders Island Council would be represented on the management committee and it is unfortunate then if that commitment hasn't been honoured.

Ms MASON - It is a difficult one because I don't think there is any intention on the part of the local Aboriginal community not to honour that commitment. I think that what is reflected here is possible disputation within the Tasmanian Aboriginal community which has led to their not being a management committee formed at all and therefore there has been no opportunity for the Flinders Island Aboriginal community to in fact begin the process of management of Wybalenna and include Flinders Council in it. That is my belief, although I can't necessarily substantiate it because, as far as I know, there have simply been no meetings. There has been no management committee made.

CHAIRPERSON - If I might extend on that, the Wybalenna site, there has to have been some management happening on it at the moment. Who has taken some responsibility informally for ensuring that has happened?

Ms MASON - Informally the local Aboriginal community have done some maintenance around the chapel and Flinders Council has continued to maintain the graveyard. Apart from that nothing has happened.

Mr WILKINSON - What would you like to see happen there?

Ms MASON - At Wybalenna?

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Mr WILKINSON - Yes.

Ms MASON - I would like the committee to be formed so that the community could have a chance to discuss it. I think potentially the site represents an extraordinary episode in Australian history which is unknown to 99 per cent of the population of Australia, leaving aside the international connotations. I think as an example of how we can reflect on our past and the physical evidence of it is still there, it is unparalleled in Australia and I think there is some interest in the Aboriginal community here and the Aboriginal community in Tasmania in furthering the site as a site of enormous historical significance but we can't do anything until the management issues have been resolved.

Mr WILKINSON - We have had some evidence to say, 'It's all right to give land back but if you give land back without the proper funds to manage that land then it is a pointless issue' and it would seem that land is transferred but it is transferred without proper funding for the aboriginal community to properly manage that land. What do you say about that?

Ms MASON - I think there is an inability to access funding so long as you haven't got a clear chain of command or as long as there is still dispute between the owners of the title and the theoretical land managers, then it is almost impossible to work out a clear path towards accessing funding. I can sympathise with anybody who is in control of funds for not handing funding on in that situation. Those issues need to be really quite clear cut, I would suggest, before any funding is handed over otherwise you just end up with a situation where some members of the community may feel justified in saying a great deal of money was handed over and nothing happened. You need clear executive control within the community so that you can act on any funds that become available.

Ms COOPER - It is not so much, I don't think, the apportioning of funding, its the mechanics to be able to pursue and handle funding that need to be in place first. That surely is the primary task.

CHAIRPERSON - If I might extend on the land process, in Ray Groom's speech to the House in 1995 he made some comments that the Land Council must involve local Aboriginal groups as well as local Aboriginal residents in management of the land: 'While the Land Council has final authority and responsibility for the land, local aboriginal groups and individuals should, as far as practical, be responsible for management on a day-to-day basis '

So that was the principal of the 1995 concept even though there are a lot of discrepancies between 'may' and 'must' in legislation and the act says 'the council is to have regard for the interest of the local Aboriginal communities' - which can be interpreted quite broadly - but again, 'the Council may do all things necessary or convenient to be done in connection or incidental to the performance of its functions and it may nominate a local Aboriginal group for that area'. That was the original principal, marrying the comments in the second reading speech with the actual legislation. Would you like to make any comment, in your experience here on Flinders Island, as to the relationship of local communities in management of areas that have already been transferred, excluding Wybalenna which you have already indicated.

Ms MASON - The position that has been relayed to me by the local aboriginal community with regard to this is the interpretation of the word 'local' by the Aboriginal Land Council of Tasmania does not necessarily mean the Flinders Island Aboriginal people. That perhaps because of the Tasmanian Government's perception of Tasmanian Aborigines as being one group, this may have been interpreted by the Aboriginal Land Council as meaning that therefore any one subgroup of the Tasmanian Aboriginal community may then be identified as a local group responsible.

The Flinders Island Aboriginal community has not been identified as the appropriate local group for any of the previous pieces of land handed back in the Furneaux group and there is considerable resentment within that community of this position adopted by the Aboriginal Land Council. I think the case may be that in some cases the Land Council has not in fact identified any local group and is still holding that particular delegation of power in abeyance, but since the legislation doesn't say that in fact it has to be done then the Land Council can in effect do that indefinitely.

CHAIRPERSON - If I could put two different scenarios to you that have been brought before the committee. One scenario was that if somebody has to hold title to property and you have to have a recognised corporate body because they are there infinite whereas other groups come and go. One scenario was that the titles of any transfers remains with the Aboriginal Land Council of Tasmania but

the act be strengthened so they must pass the management issues to a local community - and perhaps again for the first time the word 'local' has been drawn out - to the local area.

The other scenario put to us was that the title should actually be vested in the local aboriginal community and when I asked the question, 'But what if over time that community disappears for whatever reason, what would happen?', their comment was that it would be vested back to the Government in legislation to be redistributed amongst the existing Aboriginal communities at that time. Would you like to make a comment as a council on those two different scenarios that have been put to the committee?

Ms MASON - The original heads of agreement that was signed between Flinders Council and the Flinders Island Aboriginal Association regarding Wybalenna contained just that scenario. It was our vision at that time that the title of Wybalenna would be entrusted to the Flinders Island Aboriginal community and that management would be shared and we thought that that would work very well. The concept was that the Flinders Island Aboriginal community would hold the title to the land in trust for all Tasmanian Aboriginal people. In effect what happened was the reverse that the Aboriginal Land Council is now holding the title in trust for all Tasmanian Aboriginal people.

I suggest that it may have been a far easier process had the local Aboriginal community been able to pursue that particular line, if you like, because it was their feeling that management was easier if you held title, that their identification with the land was stronger than that of some other Aboriginal groups and that while the Government persists in referring to one Tasmanian Aboriginal community that has no more validity than think that there are no divisions or differences within the non-Aboriginal community in Tasmania. While rules may have to be made for the total picture nevertheless it is naive to consider that there is no dispute whatsoever within the Tasmanian Aboriginal community and that decisions where title is held one way and management goes another do nothing to heal those divisions.

Mr BAILEY - The granting of Wybalenna, what has that done in relation to reconciliation in this area?

Ms MASON - It was very difficult. There were a lot of people who felt very strongly that Wybalenna belonged to everybody and that it shouldn't be given either in ownership or in management to just one group. However, in the end, most people managed to come to terms with it one way or the other. There are still the die-hards, if you like, who firmly believe that it should never have happened but for the most part I would say this community accepted that Wybalenna was a site of particular significance for its tragic past and that there was some justice in seeing it belonging to the Aboriginal people of Tasmania.

However, the compromise involved continued participation and recognition of the part that all Flinders Islanders feel in the ownership of Wybalenna. That took two years to work through. There was quite a lot of discussion of it within the community but when the actual handover of title took place a lot of people came along and felt genuinely pleased with the joy that was exhibited by the Tasmanian Aboriginal community and felt that that was a right and proper thing to happen.

Unfortunately, however, where we are now is that the community feels it is being slapped in the face for its pains, that the work that went into Wybalenna has not been recognised for the amount of movement that this community had to make philosophically to go through the Wybalenna process, that we have been told by the Government, 'Well, that's okay but that's over and done with now and now we are going to tell you what you are going to do next'. We feel that we don't deserve that, that we deserve to be at least given the chance to comment on whether or not we consider that this is a reasonable way to proceed.

We are not arguing with the process of reconciliation. I think this community has shown that it has a better understanding of reconciliation, of moving towards each other than any other community in Tasmania. Maybe the results aren't always perfect but at least we are trying and we are active in the process. We are not just sitting back and letting somebody else tell us, either at Federal or State Government level, what should happen. We are actually trying to involve this community in the process and it is very, very difficult and it doesn't help when suddenly, after you have gone through this very difficult process, you are then told by State Government exactly what is going to happen next.

Ms COOPER - Could I add to that I think that the whole process of Wybalenna, firstly, it may have sat better with the community that the Aboriginal participation in the heads of agreement was local. I think that the community would have found that easier to work around so the first step for the community to have to overcome was the fact that title was then granted to the Aboriginal Land Council and not maintained within this community. We felt during the whole process attempt was made to divide the community on this. The local Aboriginal groups did want to work with council as being the community and every time meetings were set up by Government the meetings were separated. We were not allowed meet together with Government.

We felt that that was difficult to overcome and then of course when title went to the Land Council that was another hurdle that we worked through. Now I think that much has been done with the proposal of the amendment to negate a lot of the spirit of reconciliation there because we were able to say, 'We have done this' - and I have to be honest and say there are people out there saying, 'But what's next' and we felt that. That five parcels of land had already been given, Wybalenna had then gone on in a spirit of reconciliation and working together between all parties in the community and then bang, we cop another go with the proposals that we have got in front of us now. So I think that these are doing very little to help the whole process.

Mrs SILVIA SMITH - Could I just pick up on that issue of reconciliation. One of the things that we have been trying to come to terms with is people's understanding of what reconciliation actually means. I am very much aware historically of how divided this community was and how it came together and I am really upset and seeing what you are saying, there are cracks and it is dividing again and I think that is not where we are wanting to go. Can you give me a bit of an understanding of what the council and perhaps the wider community see as the meaning of the word 'reconciliation' from the island's point of view?

Ms MASON - I think the response you would get from the community is that both sides have to be involved, that both sides have to move towards the common ground. As I said in my conclusion, I think also there is acceptance that the moves are not necessarily equal and that in the case of Tasmania there is bound to be greater movement from the non-Aboriginal community towards the Aboriginal community and that is fair and just. However, it is not seen as a process where the non-Aboriginal community gives wholeheartedly to the Aboriginal community without some appearance of giving the other way as well. And what this community feels rightly or wrongly is that at the moment it is being asked to give and give and give again and the Aboriginal community - and I emphasise here, not the local Aboriginal community - but that the Tasmanian Aboriginal community as defined by this State Government is taking.

There are ways that we can come around this and some of them have been discussed. These involve a process of further information, education, coming out of the Tasmanian Aboriginal community, more explanation of what is going on, what their understanding of their relationship with the land is, what their understanding of the use of the land for cultural pursuits is, on what they are basing, for example, the current claims they have before us today in this 1999 amendment.

If the amount of information that comes out to rationalise these claims is only what we were given in the briefing paper then I think it is fair for this community to say that's not enough. If you want to validate this, if you want to justify this, you have got to do better than that and that's what I mean about movement. It is a two-way process and there has to be some evidence given to this community that it is two-way and not just a one-way thing.

Mrs SILVIA SMITH - And you don't feel that the community, as a whole, is getting that evidence that it is a two-way process?

Ms MASON - I am sure it isn't, whereas in the Wybalenna process they could see that - they could see that it was a two-way thing.

Ms COOPER - Going on from what Lynn has just said, in this process I think one of the major issues that comes out is a denial of the other half of the heritage. I mean, if you have liaisons forming in the early 19th century between the sealers and the inhabitants whoever they were at the time and Aboriginal women, the offspring of those people have a shared heritage. Now, this is only

acknowledging one part of that heritage and those people who share the heritage - and it is a unique heritage of the Straits people of this area - feel that all their lifestyle, their family histories and their traditional pursuits has totally been ignored. Now, that is a recipe for hurt and hurt is a recipe for disaster basically in the reconciliation process.

Mr WILKINSON - After the groups got together prior to the handing over of Wybalenna, was there any discussion at all that 'This may or may not be an ongoing process. We will keep the groups together to discuss whether we believe that there should be any further lands handed back'.

Ms MASON - Not by the local community. There are two reasons for that. One was that, given the development in the relationship between council and the Flinders Island Aboriginal community, we felt quite comfortable about the fact we could get together at any time. That had been a huge bonus in the development of the relationship and I suggest that that is the true meaning of reconciliation. The feeling that at any time we could ring up and say, 'Well, are you serious about Goose Island? If so, why?' and whatever.

The second reason that it didn't happen was because the local Aboriginal community felt that quite enough land, as I read in the minutes, had been returned to the Aboriginal people of Tasmania within this municipality and that while further land grants may be deemed by the State Government to be appropriate that they should not be in this area.

Mr WILKINSON - What grounds do you believe there should be before any transfer of land should occur?

Ms MASON - What grounds should there be for the transfer?

Mr WILKINSON - Yes - in other words, is there any criteria that you can see that should be met prior to the consideration of any transfer? Or would you rather put that on notice?

Ms COOPER - No, that's okay. I will start and I can easily be corrected here but to me the meaning of reconciliation is the coming together of two parties after a hurt and, as has been mentioned, sometimes one party has to give more but I think it is -

Mr WILKINSON - It is like a reconciliation of marriage, isn't it really, to use a simile.

Ms COOPER - Well, yes. But I think that it is a recognition of all that constitutes the two parties and for me what I would like to see if there were future claims is the ability of the non-Aboriginal communities to substantiate their claims to the area as well and that never seems to be - it is always a rear-guard action. And given that the process has now started of handing back land, surely some mechanism could be set up that would allow for a rational discussion of historical background and traditional pursuits, past times and cultural heritage, et cetera, so that the people who are going to make the decision as to which parcels of land or what is going to happen have the full facts in front of them before the decision is made. That is what I would like personally to see happen but I will hand over to the mayor.

Mr WILKINSON - Because the next question I am going to ask is do you believe that there should be any further transfer of land from what you know now?

Ms MASON - I don't believe that there is necessarily any grounds for any further transfer of land within the Flinders Municipality. I think any future transfers of land - first of all, the Government has to decide are they giving land back to permit cultural pursuits or are they giving land back on a historical basis. If it is the first, then I would suggest that there has already been a large amount of land given back here for cultural pursuits even before the current land that is under consideration and that, given its removal from large centres of population in Tasmania, it is ludicrous to say, for example, to Flinders Island, 'Well, we are going to give you a park to play football in. It is at Bellerive but that's where you can participate in your cultural pursuits'. Bit of a gift horse that one.

CHAIRPERSON - I think some were saying it when they are talking AFL teams.

Ms MASON - It is the same thing. If that is the reason for doing it then there is already land here and that's fine but any more becomes ridiculous. If in fact it is based on historical evidence then, as Councillor Cooper has said, the historical evidence of all parties should be considered and it should be open to discussion and it should be borne in mind that there is bound to be more evidence of Aboriginal occupation of these islands than there is many other parts of Tasmania, simply because these islands have been so sparsely settled that there is bound to be more evidence of prior occupation where in Tasmania it has been either grown over or farmed over or ridden over. Here, it is still here. That's not grounds for saying therefore this area had more occupancy or is more significant than anywhere else.

CHAIRPERSON - If I might just again to some degree and on that particular issue - again the question was asked because there has been some concerns raised about access, you gave one example of a yacht looking to access a particular area. What would you say as a council to a scenario where there were benchmarks of significance so that the process of significance was tightened up but at the end of the day and if transfers happened it transferred in ownership with no capacity for others to access their cultural pursuits, mutton-birding, fishing or whatever, unless they had the permission of the owner, as does happen now with private freehold land. Do you have a comment as a council to make on a scenario such as that? You may have tighter benchmarks but you may say, if that parcel is transferred owner, the community will have to negotiate with that owner, there will be nothing on a title that says you may access a particular island or a particular property. If you want to do that, you will go and negotiate with the owner in the same way as you would negotiate with another private property owner.

Ms MASON - That may be acceptable although it suggests that currently what happens with that is that under normal title, the title only goes to fifteen metres above the high watermark. The problem with this is the title goes to the low watermark and that would completely preclude any ability to set foot on any of that land. I suggest that that would be difficult, however if the criteria for the grant of such title were tightened, I don't know, I have a problem with not being able to land at all without negotiation; I suggest that that's difficult.

Ms COOPER - I think the nature of the lands being proposed to hand back, being islands, compounds the situation. Obviously nobody expects to trespass across another person's land. We are leaseholders of an outer island and most leases currently held with the Crown allow public access. People have traditionally grown up here knowing that they can go to the islands and land on the beach and just use the foreshore reservation for the traditional pursuits of camping, picnicking, whatever it might be. The fact that they are islands, that decision to title to low watermark is going to impact more greatly on the wider community than it perhaps would in giving an ordinary parcel of land.

Mrs SILVIA SMITH - That seems to be very crucial, doesn't it - access to at least the fifteen metres above high watermark - because as you say, you have a shared heritage, it's not just one group as opposed to the other, everyone has a shared heritage of mutton-birding and fishing et cetera. Not only that, of course, you have the option of emergency landing as necessitated and you can't hang out and wait to get permission to land.

How can we go around that? I know you initially said to have it on the title, is there any other option, do you think?

Ms MASON - The other one that we did consider that goes beyond the fifteen metres - and that we have discussed with members of the Aboriginal community, both on and off the island - is this possibility of licensing. The local community, I would suggest, in 50 years time may not be too concerned about who actually owns title if they can, within reason, continue to do what they've always done. They don't have access to a huge number of recreational pursuits here, it's one of the things about living here, so those that we do have we hold very dearly. If it suits the Aboriginal community and the Government to in fact hold title but to continue to permit all of the community here to use at least most of the islands, then it would go some way towards alleviating the problem. What you don't need to have to do is to contact the Land Council every time you want to go, it becomes ridiculous.

Mrs SILVIA SMITH - Yes, that's what I was thinking.

Ms MASON - There may be a system of licensing. You don't even really - if the Land Council does eventually nominate the Flinders Island Aboriginal Association as the local group with management, you don't even necessarily want to try to ring the association down in Lady Barren and say, 'Look, it's a great day, do you mind if I go out to Big Dog or whatever?' It just becomes tedious in the extreme and it shouldn't be necessary, there should be an understanding of usage that is acceptable to both parties. I suggest there is still going to be a problem with some people in the community who simply find it difficult to accept that any title should be handed over - and in particular a lot of the community feel that no more titles should be handed over - but it would go some way to resolving the day to day issues.

Mr BAILEY - Would the answer to it be that the title should only go to the fifteen metre reservation which would then leave a fifteen metre reservation between the high watermark and the low watermark?

Ms COOPER - I'm glad you raised that, yes - in a word. I think that that raises another issue, but one that we probably don't have time to pursue, that the community would view the granting of land as one thing but the granting of land with different conditions than that held by the wider community is one which they find very difficult to overcome and if the title could in some way be made more similar to the title held by everybody else in the wider community, there would be greater understanding and I am sure greater respect.

CHAIRPERSON - If there is something of particular significance on the beach area of a particular island, how would you protect that significance?

Ms COOPER - I personally - and this has not been discussed so I'm not speaking on behalf of all of the council - but I personally would have no problem if that were shown as such on the title and I think -

Mr BAILEY - To take that part out?

Ms COOPER - Yes, to take that part out and I think that given some time it would be well respected. It is the divisive nature of things that causes problems.

Mr WILKINSON - Your experience in the area would know pretty well now whether there were any sites that were of significance, would it not?

Ms COOPER - I don't think it's up to us to identify sites.

Mr WILKINSON - I just wonder whether there's been any conversation with the Aboriginal community in relation to areas of significance on these parcels of land, let's say between high watermark and the fifteen metre zone?

Mr BAILEY - That could be dealt with by legislation. As one came up and it was significant, then that could excised from the Crown land and added to the Aboriginal land which would give it full protection.

Ms COOPER - Yes. I'm just trying to think, there has been some discussion occasionally but there has been nothing positively identified, to me at least, as being an essential part of that fifteen metre to low watermark reserve that would need to be identified but we would welcome discussion on that. I would say only that in order for the community to respect it, we need to be educated in the viewpoint that is being adopted by the Aboriginal community in order to validate that claim, it is not enough to write a single sentence saying, 'Artefacts have been found here' or 'it is special'. We need assistance to understand better than that.

Mr WILKINSON - Also you believe, I take it, that you should be part of the decision-making process?

Ms MASON - Yes. It's a joke to call it consultation when you're given a private briefing, 'Don't tell anybody', three days before the announcement - that's not consultation.

Mr BAILEY - Why do you think you were told? What's the purpose in telling you if you can't use the information?

Ms MASON - I suspect that I was told so that I would be ready for my phone to start ringing immediately following the Premier's announcement, which is precisely what happened.

CHAIRPERSON - Thank you - any other questions? We've gone slightly over time but I think it's been valuable time. Do you wish to make any final comment in winding-up?

Ms COOPER - No. Thank you for the opportunity to talk to you.

THE WITNESSES WITHDREW.