

The Hon Kerry Finch,
Inquiry Chair,
Legislative Council Government Administration Committee "B",
Parliament House,
Hobart, Tasmania, 7000

27 / 6 / 13

Dear Mr Finch,

Aboriginal Lands Amendment Bill 2012 Inquiry

I write with reference to your letter dated, 12 April 2013, inviting written submissions to the Aboriginal Lands Amendment Bill 2012 Inquiry, more specifically the proposed hand back of a parcel of land at Rebecca Creek within the Circular Head Municipality.

The Circular Head Council has considered the proposal at length and has had dialogue with the Circular Head Aboriginal Corporation (CHAC) with respect to the matter.

Please find submissions from Council and CHAC enclosed.

On behalf of Council, and other stakeholders from this region, I thank the Legislative Council for the opportunity to comment on a matter that has generated considerable interest within the local community.

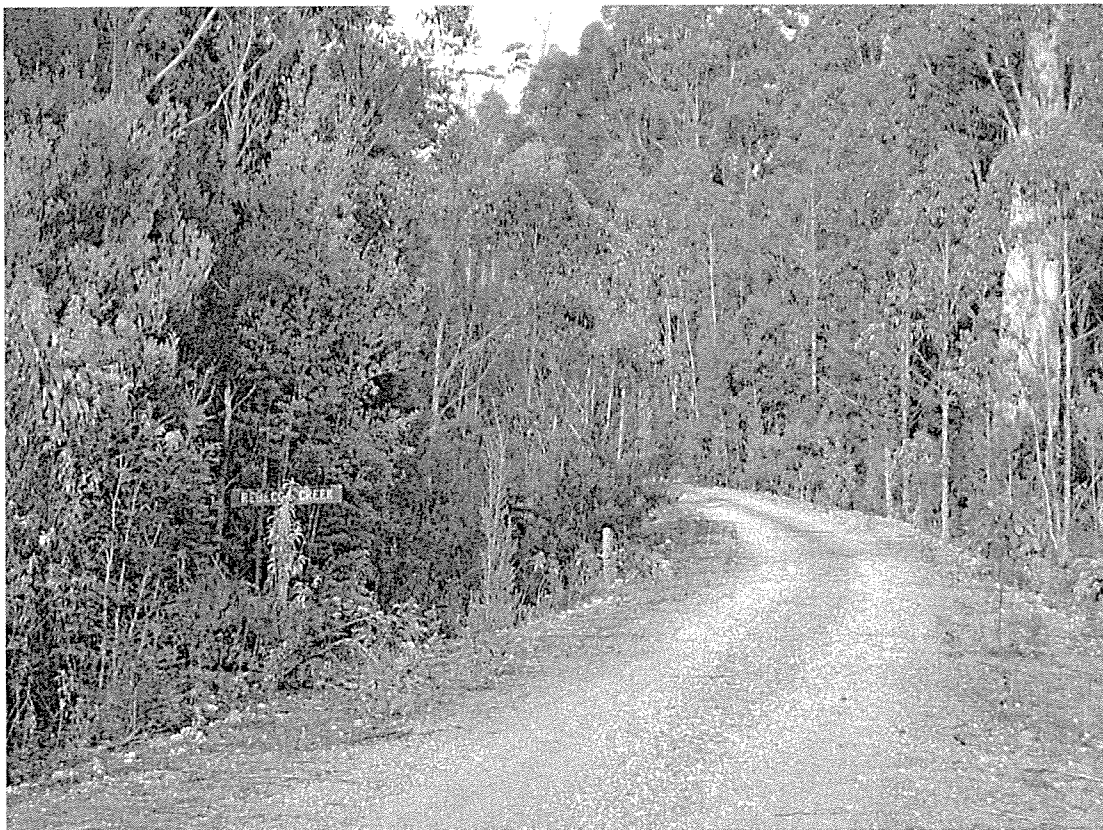
Further to these written submissions I respectfully request the opportunity for appropriate persons from Council and CHAC to speak to their respective submission documents when witnesses are called to present verbal evidence in order to fully articulate the feelings of Circular Head residents involved in the preparation of the documents.

Yours faithfully,

Daryl Quilliam
Mayor, Circular Head Council.

**A Submission to the Tasmanian Legislative Council
Administration Committee “B” inquiry in relation to the
Aboriginal Lands Amendment Bill 2012, Land Hand Back at
Rebecca Creek, from the Circular Head Council, Tasmania.**

June 2013



Rebecca Creek at access road culvert in the vicinity of the north western boundary of the land hand back zone. The image shows a remnant vegetation system indicative of the non converted area of the proposed quarry site hand back.

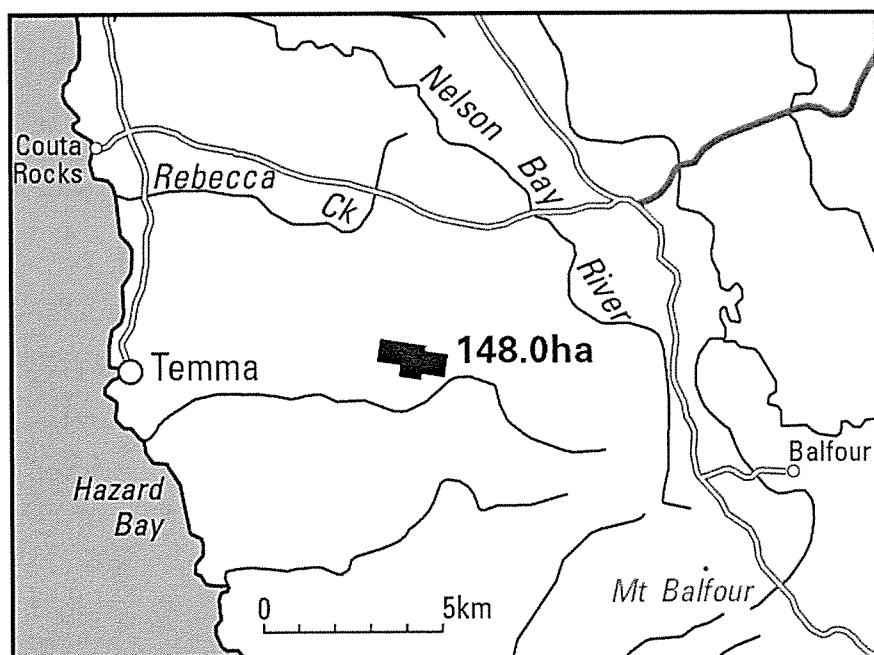
Photograph: Bill Walker – June 2013

1. Preamble

This submission is in response to an invitation from the Honourable Kerry Finch MLC (Inquiry Chair) Aboriginal Lands Bill Inquiry (Dated 12th April, 2013) to the Mayor of Circular Head Council, Councillor Daryl Quilliam for Council to comment on the State Government's intention to hand back a 148 hectare package of land (1SP240763; PID 2528917 – current tenure, Department of Primary Industries Water and Fisheries.)

The land package consists of five property titles recently owned by Britton Brothers and used for native timber harvesting and some conversion to plantation *Eucalyptus nitens* forest.

In 1985 it was noted through archaeological survey to contain artefacts indicative of an Aboriginal Spongolite quarry. The quarry is considered to be the richest known stone working area in Tasmania. Evidence indicates that the resource was traded further than any other raw material in Tasmanian pre- history. (*Department of Premier and Cabinet: 2013*)



(Map taken from the Department of Premier and Cabinet document: *Aboriginal Land Hand Back – Rebecca Creek*; 2013)

It is stated that this land at Rebecca Creek will be returned to the Aboriginal community through an amendment to the *Aboriginal Lands Act 1995*. An

amendment bill (*Aboriginal Lands Amendment Bill 2012*) will be introduced to Parliament and will need to pass both Houses of Parliament for the amendment to proceed.

2. Submission Context and Issues

The Circular Head Council, through its elected members, has several concerns relating to the hand back process for the Rebecca Creek Spongolite Quarry site thus far, as well as the expected consequences for the broader Circular Head and Tasmanian communities once the land hand back has taken place. Council is of the opinion that, for various reasons, land hand backs have not worked in the past.

Notwithstanding this matter, Council understands and accepts the significance pertaining to the pre- history cultural heritage values of the site and is in fact cognisant that the site unambiguously indicates that mining has been not only a legitimate, but a significant, economic activity within the Tarkine region for a protracted period prior to European colonisation.

Council's concerns relate to the Mount Cameron West (now Premangana) paradigm where broader community access to the site has been denied and ongoing land management activities have been less than compatible with what they believe is appropriate.

Subsequently Council notes the following matters relating to process and the likely consequences of this decision and offers some alternative win win strategies it believes to be more appropriate to heritage integrity protection and ongoing management of the Rebecca Creek Quarry site.

2.1 Process

- 2.1.1** This land hand back appears to be a political decision rather than derived from a registration test through the process defined by the National Native Title Tribunal.
- 2.1.2** There has been no apparent consultation relating to the proposed hand back with all relevant stakeholders from this region. For example Council had to make formal application to the Legislative Council with concerns after informally finding out about the proposed hand back.
- 2.1.3** How has it been determined which Aboriginal tribe originally occupied / owned the Rebecca Creek site and therefore has legitimacy with respect to future ownership and management of the site?

- 2.1.4** Does the Tasmanian Government intend to determine the legitimacy and subsequent appropriateness for the land's future management by the different Aboriginal groups; specifically the Circular Head Aboriginal Corporation (CHAC) or the Tasmanian Aboriginal Land and Sea Council (TALSC) prior to hand back?

2.2 Consequences

- 2.2.1** The Circular Head Council believes that if the Rebecca Creek Quarry site and surrounds are handed back to the Tasmanian Aboriginal Land and Sea Council it would be locked up and no longer available for the greater community to use to visit for cultural and / or recreational purposes.
- 2.2.2** The Circular Head Council believes that the proposed land hand back to one discrete Aboriginal group discriminates against other Aboriginal groups and the broader European or other ethnically derived community members. This type of discrimination is known to create considerable tension within the Circular Head Community.
- 2.2.3** The Circular Head Council believes that the Mount Cameron West land hand back has been an abject failure. The broader community has been locked out of the area since it was manifested and a considerable amount of support resources (plant, equipment, infrastructure and financial) have apparently been wasted.
- 2.2.4** A substantial amount of the site at Mount Cameron West has, in the past, been overrun with gorse. As the infestation continues to expand unabated it becomes impenetrable and the vegetative biomass constitutes a considerable fire hazard as well as a self perpetuating environmental plaque. Council is concerned that once the Rebecca Creek Quarry site has been handed back the environmental weed and fire management programs will be cease.

2.3 Alternative Management Instruments and Strategies

- 2.3.1** The Circular Head Council believes if the land was not handed back to the Circular Head Aboriginal Corporation, nominating this package of land as a State Reserve would enable access for all, reduce fire risk and weed infestation due to continuation of the current Government resourced management regime into the future.

2.3.2 Further, Council believes that the site would be adequately protected under the fore mentioned tenure and management scenario. The overarching Aboriginal Relics Act 1975 accompanied with other common law statutes would provide enough protection under a Crown Reserve system.

2.3.3 Therefore, the Circular head Council believes that if the Rebecca Creek Quarry site was declared a State Reserve instead of being handed back to the Tasmanian Aboriginal Land and Sea Council it's natural and heritage values would not be compromised, it's specific integrity would have adequate protection and it would not be lost to the Tasmanian people through another lock-up situation.