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**THE LEGISLATIVE COUNCIL GOVERNMENT ADMINISTRATION B
COMMITTEE MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART,
ON FRIDAY, 18 OCTOBER 2013**

ABORIGINAL LANDS AMENDMENT BILL 2013 INQUIRY

**Mr CLYDE MANSELL AND Mr GRAEME GARDNER, ABORIGINAL LAND
COUNCIL OF TASMANIA, WERE RECALLED AND RE-EXAMINED**

CHAIR (Mr Finch) - Thanks, everyone, I will open the meeting now, and in doing so, just make reference to the fact that the member for Apsley, Tanya Rattray, is not with us - her apologies were submitted at our last meeting - because of commitments. She had longstanding commitments at the Flinders show, so I'm sure that members would understand that commitment.

I would like to welcome you, Clyde, and Graeme Gardner to our hearing today and thank you very much for your cooperation in coming back again. I think you would understand from our last gathering that there was not enough time for us to completely explore all the issues. I know Mr Mulder had some areas down which he wanted to go, so that is why we have requested that you attend, and we are pleased that you've been able to accommodate us. We thank you very much for that. There is no need to take an oath; I think it will stand from the last time that you were here.

I would like to offer you the opportunity to say something to us again before we start the questioning.

Mr MANSELL - Thanks, Kerry, and good afternoon everyone. Yes, I would like to take the opportunity to address you again. Members will recall that in my first written submission to this committee I raised concerns about some of the questions and, following from that, attitudes that were being displayed about the Aboriginal Lands Amendment Bill 2012. My concerns were and still are associated with the extent of comment and questions being raised within the committee about issues like aboriginality. I believe that these types of questions are just an attempt to delay the process and, even worse, to create an attitude against the land being returned.

I believe there is an attempt to sidetrack the debate and to get the committee to consider issues such as aboriginality. They raise within me real concerns about the integrity, purpose and the intent of such questions.

Unfortunately, Kerry, having received your letter dated 3 October, my concerns are further exaggerated. I come here today even more anxious about the integrity of the line of questions being undertaken. It is clearly obvious to me that there is an attempt from within the committee to change the basis of land return, particularly in relation to the continued questions being levelled at me and the Aboriginal Land Council in relation to eligibility. Aboriginality is surely a matter for the Aboriginal community and as such it should not be the conjecture of this committee or any other parliamentary committee without the consent of the Aboriginal community; I do not think that is a given.

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In particular, I ask you, Ruth, why would you take or arrive at a judgment that the process of determining eligibility, particularly in relation to the ALT elections, is wrong, despite the fact that the Supreme Court of Tasmania and the Aboriginal community endorse the process. I ask what is the basis of your continued attempt to force people who make unproven and fraudulent claims about being Aboriginal? It is about time politicians listened to what the Aboriginal community is saying and do not continue to perpetuate these false claims. It is about time politicians stopped interfering with the right of Aborigines to control the process of self-determination. It is about time politicians started listening to what Aboriginal people are saying to you instead of attempting to influence an outcome by continually seeking to promote people into the process within which they have no valid basis of participation or involvement.

I ask you why, if not for self-interest, you would choose to promote the inaccurate claims of these people on the Aboriginal community? I am agitated and I do not usually get agitated. It seems to me that there is an attempt to legitimise what can only be seen as fraudulent claims without any due concern of what such attempts will have on the cultural wellbeing of the core Aboriginal community of this state. These actions show a lack of respect and are totally ignorant of what self-determination and reconciliation really mean.

I see the attack on the right of the Aboriginal community to determine aboriginality as an attack on self-determination and I would like to take this opportunity to refer to articles 3 and 4 of the United Nations Declaration of Rights of the Indigenous Peoples. Article 3 says:

Indigenous persons have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4 goes on to say:

Indigenous peoples in exercising their right to self-determination have the right to autonomy or self-government in matters relating to their internal -

And I emphasise the word 'internal' -

- and local affairs, as well as the need for financing their autonomous functions.

I think really that is the basis of providing an opportunity to the Aboriginal community to engage in free expression of self-determination. Unless that is afforded to us, then the basic right is forbidden us. I also see the attempts as being culturally disrespectful to the Aboriginal community, to the ALCT and to me as a leader and an ambassador for my community.

I suggest to the committee as a whole that this type of response and questioning is paternalistic; it is humiliating and lacks dignity. On that basis I say to the committee, these types of responses do not reflect an understanding or awareness about the cultural and ancestral obligations that should be placed on people seeking recognition. I go

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further to say that people have asked me what is the difference between the processes that are used under the Aboriginal Lands Act and the processes that are used by the commonwealth?

The simple answer is that we test it. The onus of proof is on the individual. I liken it to maybe going for a bank loan. You might go for a bank loan and you might say I have all these assets, but the bank just doesn't give you the money, they test it. They test it against their criteria for lending money. The Aboriginal community test the desire to be recognised as being Aboriginal against what we as a community see as being those cultural obligations.

I think the approach to influence and force outsiders on the Aboriginal community will impact on the cultural relations and ancestral connections of the core Aboriginal community of this state. Such demands fail to understand the cultural responsibilities and obligations that are a part of being Aboriginal. It is more about telling people what is best for them, rather than listening to what people are saying. This approach shows a lack of ability to comprehend the cultural integrity involved in making such determinations.

In that regard, I know the council has heard submissions about the process of determining Aboriginality. I bring to your attention an article that appeared in the *Advocate* newspaper in 2006. The article refers to a Devonport man who was renouncing his Aboriginal status. I think the article raises that very question that I am talking about - integrity. It seems to me that what is written in this article clearly says that the processes that may be used by other parties to determine connection are totally invalid. I put that on the table for you to read.

There is but one Aboriginal community. This community is made up of three core cultural, ancestral groupings and families. It is made of people from the Bass Strait Islands, like me and Graeme's family. Clearly, the history and the archival records of this state show our continuance - no debate. We are the people who link directly into the north-east of this state and go back to our ancestral father, Mannalargenna.

The community is also made up of Aboriginal women who were removed from Wybalenna to Oyster Cove and relocated into the general population. These women include Fanny Cochrane Smith, who settled at Nicholls Rivulet down in the Channel. Fanny's family line continues to live in the Channel and nearby Huon Valley today. Many of her family connections live in other cities around the state and on the mainland, as do the people from the islands.

The third core cultural group and ancestral family are those people descending from Dolly Dalrymple Briggs who married and had a large family on the north-west coast of the state. Her descendants also live around the state. We are the Aboriginal community.

With regard to the eligibility process to participate in the ALCT elections, I make the following comments. The Aboriginal Lands Act 1995 definition of an Aboriginal person is consistent with the view that the decisions about who is and who is not eligible to participate in the ALCT elections is a matter for the Aboriginal community, even though the process involves the participation of the electoral commissioner. You heard evidence from the electoral commissioner. It is a task they do not want and one we would prefer

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they did not have. But until politicians in this state listen to what we are saying to them and give us control over what we, as a community, should be involved in, then we have a way to go.

At least, the process that we follow now is one that gives the right of the Aboriginal community to test the legitimacy of the person making the assertion that they are Aboriginal.

Secondly, an applicant must self-identify as an Aboriginal person. Thirdly, a person must show evidence of their communal acceptance of that identification. People ask me, 'What's the difference between the processes?'. I repeat - we test it against the information we gather from within the Aboriginal community of those family links and of that community's acceptance, and we test it against what other records we can use. That is, the historic and archival records of this state. They all assist us in making a determination about the legitimacy of the person.

For the committee to concern itself to the degree that it has in relation to this matter, to me, is culturally offensive and disrespectful of my community.

The questions that were indicated also raised issues of reconciliation and there is just one example I would like to put to you. This year the Aboriginal Land Council of Tasmania, the Tasmanian Aboriginal Centre and the Tasmanian Land Conservancy enacted, I think, one single show that our reconciliation in this state is working. We formed a partnership and purchased through commonwealth funding a property in the Central Highlands of this state called Gowan Brae. Gowan Brae was an area of land that was privately owned. It was on the open market but it is a very important cultural location for Aboriginal people because it involves the pathways that were used by our old people who walked down through the Central Highlands into the Jordan Valley.

What that single act of partnership showed to me was that we had three groups who are of the same mind and that was to preserve this landscape for its values. Clearly, I think that is in itself a very clear show that our reconciliation is becoming evident. I think I can use the words that the minister used when she was here - reconciliation is made up of lots of levels and of course there will be ups and down. Nobody has pushed it, but in general I think if you look at those sorts of outcomes then they would not have been available to us if not for the Aboriginal Lands Act. I think you can consider those sorts of things as being indications of reconciliation.

Another example, I think, is Cape Barren Island. We have on Cape Barren Island at this time a vibrant community who, in their own right, are now doing things that they normally couldn't, like repairing the roads. They do all the work on the roads whereas before that was something that was done outside of their community. They are feeling energetic and revived in that activity. I think that is another show of reconciliation.

With the Flinders Council, of course, we have had our ups and downs. But we are now pursuing ways through which this process of self-governance and self-determination for people on Cape Barren Island is being increased. There is another indication of reconciliation.

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On the negative side, there is what has occurred in the north-east, particularly in the Break O'Day Council municipality where there have been attempts to show more concern about larapuna being returned to the Aboriginal community. When I was last at the committee I said that I was going up to the Break O'Day council to have a meeting with them, and we did. There was a motion on the books of the Break O'Day council which I cannot repeat word for word - my memory is not that good - but they were concerned about the return and they were going to make representation to this committee. I went to the council with other Aboriginal people who live in the Break O'Day area and we spoke to the council. As a result of that meeting, the council put that motion to workshop. We went to the workshop and, as a result of talking through the processes of what we would like to achieve at larapuna, the Break O'Day council has now stalled that motion. They have requested from their staff other information about things we speak about. I have offered and I will give them as much support as I can, but an adjunct to that is that on Tuesday of this week, I got a phone call from the chamber of commerce at St Helens.

I was aware that the chamber of commerce had been approached too about the return of land at larapuna and there was a suggestion that the chamber of commerce was against that occurring. As a result of our discussions with the Break O'Day council, the chamber of commerce has now invited me, Graeme and Aboriginal people from the local community to go and talk to them on 19 November with a view to finding out - and in their words - the whole story. If you look at reconciliation, I think you need to consider those things.

In closing my opening comments, I would like to leave you with a quote from Xavier Herbert, who is well known for his writings. In fact, he won the Miles Franklin award in 1975 for a book called *Poor Fellow My Country*. I would just like to read out a quote that he made in relation to his beliefs about the white people of Australia:

Until we give back to the black man just a bit of the land that was his and give it back without proviso, without strings attached to snatch it back, without anything but complete generosity of the spirit of concession for the evil we have done to him; until we do that, we shall remain what we have always been so far, a people without integrity, not a nation but a community of thieves.

I just leave that as my finishing comment.

CHAIR - Clyde, thank you very much for your presentation. Certainly, as Chair, there was never an intention to show any disrespect to you, your people or the process.

Mr Mansell - It is perception.

CHAIR - I understand; that is from my perspective. We have heard from your perspective about how you are feeling. We do not want you to be agitated because we have a process here where we can, again, continue to explore this subject.

Now, I realise that I have allowed some opportunity for members to increase their awareness of the bigger picture of this process. I realise it is about the land hand-back but we have also been building our awareness of the issues that the Aboriginal

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community face. Most of it has been very enlightening for us. I suppose that it reads differently on paper but I am sure the members will appreciate the evidence that has been given and the fullness of our understanding of the current state of the situation. You talk about your own test; this is our test that we are applying. That is what the committee is all about. We are exploring, as set up by parliament, this issue of the current handbacks, and we must do that in a fulsome way.

Mr MANSELL - My question is, how much does that question give this committee, or the Legislative Council, a better understanding or position to make a decision when we are talking about the return of land? But that is a matter for the committee.

CHAIR - Yes, there are things to be highlighted in the report and there are things that are outside of the scope of our terms of reference for this committee.

Now, if you don't mind, seeing that you did make a reference to Ruth Forrest, I would like to ask Ruth, 'Is there a response that you would like to make before we start questioning?.'

Ms FORREST - I would like to ask a few questions. I don't need to respond that, Mr Chairman. That's not my job on this side of the table; my job is to question the witness.

CHAIR - Yes, thanks very much. I wanted to make you that offer in case you wanted to say something. Okay, let's proceed. If we can ease your agitation, I think we can have quite a fruitful discussion now, as we continue our investigation.

Mr MANSELL - I'm hopeful we can.

CHAIR - Okay.

Mr MANSELL - In fairness, I believe that I had no other option than to let the people on the committee know what my feelings were. I did that; so in that regard I'm happy to proceed. But keeping that in mind, I don't see the need to grill me to the nth degree. I'm willing to proceed.

CHAIR - Okay, thank you. Let's see how things unfold today. First of all, I would like to hand over to Mr Mulder, if you would like to ask some questions, Tony.

Mr MULDER - I certainly would. I noticed that you smiled when you looked at me and I would hate to think that there was any personal antipathy between me and you, or between me and the Aboriginal community. I'm pleased you acknowledge it because the simple fact is that of those four questions, three of them were actually couched by me. First of all I affirm that the motivation for those questions was not to provide me with an excuse to not give you the land. It was not intended to do disrespect to your community; neither was it intended to do anything other than give out some positives, and give you an opportunity to comment.

As you know, nothing ever works perfectly. It was to actually explore a little further some of those issues on which I know that we agree to disagree. That does not mean we can't have a rational, sensible and meaningful discussion about those things, Clyde.

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Mr MANSELL - I agree.

Mr MULDER - Thank you. I just wanted to make it clear that they were motivated not to provide an excuse to deny you this land. That is a matter for each individual member to make. Some of the information that I get will actually - I hope - help persuade some of the other committees that progress is being made, and that there is a recognition that progress is yet to be made. On that basis I am hoping that these questions, rather than being motivated negatively are designed to give you an opportunity to give members encouragement to continue on the process of the reconciliation.

I am particularly interested - which is why it's the first question - about the progress on the capacity-building activities, because the reconciliation was all about empowerment. If you don't have capacity you can't achieve anything. I'm really interested. One of the things that you alluded to in your previous reference, but I would like you to do it, is the capacity in the activities. You've made mention of Cape Barren Island now, and it is of particular interest.

Why I really find that my feelings get so offended is when you say those things about the committee and the fact that I asked those questions - and you may not have known that it was me who did that. I have been through policing on a 40-year journey and I think I understand, as much as a white fella can, the issues at the sharp end where there is that social interaction. To accuse me of not understanding - no, I will never fully understand it because I don't walk in your shoes. But I have had plenty of time walking with people who are not only are walking in a black man's shoes but do not have shoes to walk in.

Mr MANSELL - I don't doubt that, Tony.

Mr MULDER - I really would like to now see some of the positives and some of the shortcomings in capacity-building. The one I would really like you to push, because of its importance to me, is the magnificent work you have been doing on youth justice issues within your community on Cape Barren Island. I don't think enough people understand that when you start to build capacity and empower a community, what can be achieved. So my first question, far from being negative, is an extremely positive opportunity for you to come out and rock it to us because now you understand the motivation.

Mr MANSELL - To the best of my ability, I will try to do that.

Mr MULDER - And that was a pretty loaded question.

Laughter.

Mr MANSELL - It certainly was. I will tap on to the end of it and talk about the alternative to Ashley program that you were leading to, Tony. I am not the best person to ask about that because that is a program run by the Tasmanian Aboriginal Centre. But, as the chair of ALCT, I have had lots of conversations with the TAC. In fact, the program is run on Clarke Island - and Lungtalanana is the traditional name for that.

Mr MULDER - In the Cape Barren group.

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Mr MANSELL - Yes, it is. The aim of that project was to take young Aboriginal people out of the system and change their pathways by giving them more opportunity to understand their history, their community and their culture. The program has worked very successfully, as Tony alluded. The percentages of people reoffending have dropped dramatically but I can't quote them off the top of my head. Graeme might be able to fill you in more than I can but I will finish up by saying that I agree that it is one of the really positive programs because the number of people reoffending and going back into the system has dropped drastically.

I can remember that when we first started that program we had something like about 10 young kids in Ashley that we were able to take out. Now I think the numbers are down to where there are one or two. It is a real example of how capacity and self-determination are helping. Graeme might be able to add a bit more.

Mr GARDNER - That program also allows for the older person, perhaps a drink driver or a very low-level sort of offender, to have an alternative. In recent times that very person actually became employed in the program. One of the young Ashley boys who went to the program one has also gained employment as a result of one of the contractors doing work on the island and being impressed by his attitude. He gave him an opportunity to work back in Launceston. So, it has worked well there.

The island also provides opportunity for those for respite care. They go over and deal with social issues. In most cases, it is women, especially those dealing with stress and other issues. It works for a program to go into an environment which is culturally friendly and also stimulating. They spend a period of time there and at their own discretion come off as they feel comfortable. Again, it is the philosophy of how the land heals and it is about good health. We would certainly look at it through education, and the opportunities that there are ways of living to see the better side of life and to have an understanding of your rights, what opportunities, what exists there to help you and that they use this opportunity.

That's why a lot of times the councils are involved in these processes. When a person comes back they are armed with something to increase their own dignity. It has been a really good process and it continues today, so it's not one of those processes that just has occurred, it continues to occur. Even at one of the earlier stages a number of judges went to the island and went through the process, and were highly recommending it. I think that led to some form of direction they want to take. It is applied in other states and this is the program in this state. Hopefully that program could venture into the non-Aboriginal side as well, so that the very minimal offender is not going into another life.

It is very active and, apart from the social stuff, there are opportunities of learning to work; discipline is involved so that they become regimented in their lifestyle as well.

Mr MULDER - I'm aware in this too that when this program was being mooted - you may have gathered I might have been part of that - that the police were actually very much involved and I think that in the context of what you are saying is that capacity-building. Here is an example of a government agency, one which is often being seen as the oppressor, and while I'm at it, my ancestry is Dutch, so should I apologise for my ancestors planting their flag on your ancestors' land?

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Laughter.

Mr MULDER - So accept that as an apology for what it is worth, as far as I can speak for my ancestors. It gets to a bit of an issue - are there other sorts of programs of cultural awareness that actually rely on you having your own space - which is what land transfer is all about?

Mr MANSELL - Definitely. Land return has provided the Aboriginal community, if you like, with confidence as much as anything to reconnect to parcels - cultural landscapes in this state - that will, as Graeme talked about before, provide healing, provide cultural wellbeing. If we look at larapuna, for instance, Eddystone Point, and I have heard the comment - the question rather than the comment - 'What Aboriginal heritage is there?' Well, the whole landscape is, regardless of whether it's got a lighthouse on it or not.

Mr MULDER - I think it's a question of - there may not be artefacts there, but that doesn't mean there isn't a cultural connection.

Mr MANSELL - That's exactly right. That's the point I'm trying to make. The community has embarked on cross-cultural programs on Aboriginal landscapes. I know that the Tasmanian Aboriginal Centre runs a cross-cultural program where they bring in people from across the sector of public service and go through a cross-cultural program. Some of those are run on Aboriginal land. We are planning for the landscape at Gowan Brae. That provides another opportunity to use that landscape as a cultural background. In fact, it was only last week that I signed off a letter agreeing for an application to funding to start to do some renovations on a small cottage up there so that we can run cross-cultural programs up there.

They are the sorts of things that you may not see every day or get to know about, but they are the sorts of things that we are doing. They are not in your face, but they are there.

In 1995, I stood up and said that I thought the process of returning land to the Aboriginal community was going to be the changing of history in this state and where Aboriginal people were finally going to start to be recognised for our place in that cultural landscape. I still believe that. But 18 years down the path, I think we've come a long way. We've got some more to do, but we've come a long way and I think until we start to understand that from both sides then we will continue to have these ups and downs and brick walls that we might run into.

CHAIR - On this point, do any other members have a question?

Mrs TAYLOR - The reason that this question came up in our discussion is going back to the original bill in 1995 which said that one of the purposes of handing land back to the Aboriginal community was reconciliation. There are different understandings of what the word 'reconciliation' means, and there are some people in the white community who understand it as different from here. That's why that question has been raised. There are many people who think that reconciliation means the Aboriginal and the non-Aboriginal community becoming closer together. How has that been achieved by the land hand-

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back so far? I don't know whether you want to think about that, but I understand that you are looking at reconciliation from different views.

Mr GARDNER - Rightly so. Reconciliation, in our first view of it, is the very act of returning land. That in itself is an act of reconciliation. To follow that is the activities, the physical activities that one does, or both do, to then be put into that basket of reconciliation. Sharing cultural values with each other is reconciliation. There is no 'Okay, we are this far apart, we are working a way together'. As long as we acknowledge each other, our differences in most cases are cultural differences. We acknowledge that the structure is in place where, as a minority, we are part of this state. All those acknowledgements are reconciliation. It's when there is a denial from either side it pushes things out a bit.

At the end of the day, how much reconciliation there is, if it's judged by our activities, we have to look at how much is judged by your activities. I think recognising or acknowledging each other and doing acts for the benefits of all people is reconciliation.

Ms FORREST - Following on from that and this may cross into the next question a little bit: Graeme, you said, I think we acknowledged that reconciliation is not just about land hand-back. Am I correct in that is what you said?

Mr GARDNER - There is a number of activities.

Ms FORREST - You said that working together, acknowledging differences, especially cultural differences, is part of that reconciliation process. You also said that acknowledging each other in the acts that you undertake is aspects of reconciliation. Adriana referred to section 18 of the Aboriginal Lands Act, which Clyde said earlier was an important aspect that you couldn't do some of these things without. Section 18, subsection (2) says, 'The Council must perform its functions for the benefit of all Aboriginal persons and in the interests of reconciliation with the broader Tasmanian community.'

We, as individual members, represent various parts of the state but we also make laws for the whole state and we need to consider the whole state in our decisions that we make, and this is our job. You have said all those things about what reconciliation is. I am just interested in how you are seeing the process of reconciliation with people who have self-determined to be Aboriginal even though you disagree - you say it is fraudulent.

But some people do self-determine as Aboriginals and they are not recognised. There are non-Aboriginal people throughout Tasmania who clearly don't identify as Aboriginal because they know they are not. How do you apply this section 18 subclause 2 of the bill in the interests of reconciliation with the broader Tasmanian community?

Mr MANSELL - Could I attempt to answer that question? I think it is about recognising what reconciliation is really all about. The issue that you raise here is about the process that has been adopted to assist the Aboriginal community to engage in the process of self-determination. It is the best we can under the circumstances because, whether we like it or not, until politicians come to a decision that 'this is nothing for us to be involved in; it

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should be a matter for the Aboriginal community', then we will never achieve an outcome. That is reasonable.

In relation to the question, can I just please say that 'Aboriginal descent' is the terminology of the 1940s and 1950s when the politicians of this state adopted a policy that took away the right of identification of Aboriginal people as a whole. The fact of the matter is, you either have Aboriginal ancestry or you don't. It is about affording the Aboriginal community the right to make a determination about that.

Ms FORREST - Mr Chairman, the question was not about Aboriginality and determination. It was about reconciliation with the broader Tasmanian community. That was what I was wanting to pursue.

Mr MANSELL - No, I beg to differ. Your question was about the process of reconciliation with those people of Aboriginal descent -

Mr MULDER - That was my question. That is coming next. Ruth's was different.

Ms FORREST - I am referring to specifics of the function and powers of the Council.

Mr MANSELL - Again, it can be the same answer if you like.

Ms FORREST - No, it is different. I am trying to stay away from this issue. You seem to have indicated it in your opening statement so I will go down this path, Mr Chairman, because I think he needs to clarify this: you have identified me as the person who wanted these questions answered. It was not me.

Mr MANSELL - No, I didn't say that. I said the questions you are asking in relation to Aboriginality. That is what I said.

Mr MULDER - Just for clarification. I think Clyde is saying that he is talking about the questions that you asked in the last hearing and you are talking about the questions that were asked in the paper. They are two different sets of questions.

Mr MANSELL - They are both entwined now. My concern, Ruth, was about, if you like, what I perceive to be a desire to promote the identification of people who, if we look at the guidelines and the process of assessing eligibility, had no right of participation.

Ms FORREST - I am not asking about that.

Mr MANSELL - I know you are not now.

Ms FORREST - I think you are showing me a lack of respect in my role as a legislator because my job here is to look at this bill, and this bill is an amendment bill. It is a bill that amends the Aboriginal Lands Act so it cannot be looked at in isolation. It needs to be looked at in the context of this act. When I am doing my job, I need to look at that - how it fits into the current act and how I represent the people I represent.

In the first instance, they are people in my electorate but also in of the whole of Tasmania. In doing that I need to question these things. By the very nature of an inquiry

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such as this, I need to take a neutral stance and put every position forward. When I put an uncomfortable question forward, I am accused of being disrespectful and a range of other accusations that were in your verbal submission just now, your written submission earlier and your comments now. I find that somewhat offensive myself.

The question I asked, and I will ask it again, is not about Aboriginality and who determines that. It is about section 18(2) of the act, which we are amending - not this particular section - we are amending the act. You said yourself, Clyde, that we have got this act that enables you to do certain things, and without it you would not be able to do them. Then in the next breath you say we need to get members of parliament out of it. Members of parliament put this act in place -

Mr MANSELL - No, no, no.

Ms FORREST - Let me finish.

Mr MANSELL - What I said was that members of parliament need to recognise where they have business and where they don't; that's what I was attempting to say.

Ms FORREST - A member of parliament's job is to put in place legislation and to represent the people of Tasmania in doing so. That means I need to listen to the people in my electorate and the people in Tasmania - all of them. You can never make all of them happy, ever, as we all know.

CHAIR - Would you like to frame it again on the question?

Ms FORREST - I've asked the question several times, Mr Chair, and I will repeat the question.

CHAIR - Thank you.

Ms FORREST - Under section 18(2) of the Aboriginal Lands Act:

The council must perform its functions for the benefit of all Aboriginal persons in the interest of reconciliation with the broader community.

I am asking, in light of the fact that there are a number of divisions within the community - the Aboriginal community, the non-Aboriginal community and some who self-identify as Aboriginal but are not accepted by ALCT for reasons that you have outlined - what has been done in those interests of reconciliation with the broader Tasmanian community, which includes people who self-identify as Aboriginal but are not accepted by AHT as such, the non-Aboriginal people like myself, and even the Aboriginal people who are recognised by ALCT.

Mr MANSELL - I suppose my answer to that is the Aboriginal Lands Act provides a process of election of people to the land council and participation in voting in that election. The Aboriginal community of Tasmania, I believe, require of the people who are elected in that process to acknowledge what they see as being important to them in relation to eligibility. I think that what we've tried to do is with the provisions of the act of

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participation we've tried to be fair across the board in terms of people's eligibility to participate.

Ms FORREST - I'm not asking about - that's a separate section of the act that you are talking about. You are talking about division 2 in that; I'm talking about division 3. Division 2 is the election of members of the council, and division 3 is about the functions and powers of the council - that's what I'm interested in.

Mr MANSELL - I think we have tried everything in our power to use the functions of the council to assist with reconciliation of people in and outside the Aboriginal community; I think we have.

Ms FORREST - Yes, I'm asking you how you've done it - that's the question.

Mrs TAYLOR - That is the question that I asked earlier, which Graeme has answered.

Mr MANSELL - I think if you look at the evidence of what we've been doing. In places like larapuna, we have thrown open the possibility to the Aboriginal and the non-Aboriginal community of participating in and enjoying the facilities there. That's an indication that we are working towards reconciliation. I think if people listened to the things we're saying about our intentions in terms of developing the wukalina/larapuna cultural trek, that is saying, 'Here is an opportunity that gives the Aboriginal community not only the possibility of greater cultural interpretation by the landscape, but to use what is there at the lighthouse precinct to help tell the history of that place as well. If you have a project like that up, what better display of reconciliation could we ever achieve.

Ms FORREST - I appreciate that, Clyde, but under this bill we are looking at land at larapuna, but we are also looking at Rebecca Creek, which is in the Circular Head area. It is very relevant for me to hear from you what you are doing in the Circular Head area to address section 18(2) of the Aboriginal Lands Act.

Mr MANSELL - If you look at what we have done to date, the only activity we have had in the Circular Head area is within - I have forgotten the name - preminghana - and if you look at that, there has been some suggestion that we have closed preminghana off to people and they are not allowed on it. That is not quite accurate. There is evidence that we have tried to develop a relationship with the broader community up there - we may not have been totally successful in doing that, but we have tried. Sometimes there is over-expectation of the Aboriginal community, particular at preminghana, where you have things like infestation of weeds and so on. It takes a long time to deal with some of those things and we are doing it - we are doing it slowly, but we are doing it.

Ms FORREST - Clyde, what I am asking for is how you have worked in the interest of reconciliation with the community up there.

Mr MANSELL - Which community?

Ms FORREST - The Circular Head community and the Circular Head Aboriginal community. We have had evidence - and I am sure you are aware of the evidence - that they have been excluded from the site. Surely a form of reconciliation would be to

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enable them to access the site and assist with the clean up of the gorse. These people live there in the region.

Mr MANSELL - I know what your question is about but it gets back to the fundamental issues of self-determination in relation to the Aboriginal community. I cannot see where we, the Aboriginal Land Council, have done anything to discourage people from being involved.

Ms FORREST - You have never invited them to be involved in the management of the land.

Mr MANSELL - The invitations are a two way street.

Ms FORREST - Through you, Mr Chairman, if ALT has custody and management rights over that land then I could say, 'I want to come on and manage the land', but you would have to issue me with an invitation or an opportunity to do so. My parents own a farm and they could invite you to come on, but you could not insist you go on and help them - it is the same sort of thing.

Mr MANSELL - The only occasion we had an opportunity to invite participation in the management of preminghana was when the land came back in 1995, which we did and that land has been managed by that group ever since. There is no basis for us to be talking to anybody else.

CHAIR - Ivan has a question he wants to cover.

Mr MULDER - I hate to say this but we still on question one. The reconciliation issue is with the next one, but anyway.

Mr VALENTINE - With regard to preminghana and any other land that is under the control of the Aboriginal Land Council - do you see opportunities in the future for people to put down their thoughts and feelings about some of these areas and feeding them back into your group to progress? Regardless of Aboriginality - that is all I want to know.

Mr GARDNER - You are right, Rob, and the answer is, 'Yes'. The Land Council itself delegates management of Aboriginal land areas, and the delegated group then assumes that management. We assist where we need to, but we don't oversee. We always encourage that land manager, or land management group, to manage the land in accordance with the act.

Take into account that we have only been land managers ourselves for the last 18 years and we have always called on the expertise of groups like DPIPWE - threatened species, and all those branches. We have also tapped into various consultants and some of the greatest consultants are local people. We utilise their background knowledge of what the landscape was, in order to get an understanding of the best process when undertaking rehabilitation - what is the best process and what has worked and what hasn't worked. That is why each year we have a management plan and the management plan covers the whole broad aspect of scientific and cultural and social knowledge to set out a plan of the best way to look after the land, as determined by the community.

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You are right, we utilise local knowledge, because it is good knowledge wherever it may come. That is in the best interests of looking after that particular area of land.

Mr VALENTINE - Regardless of whether they identify with as Aboriginal, or European, or whatever?

Mr GARDNER - It is in respect to their knowledge, so it is not a personal thing - it is their knowledge.

Mr VALENTINE - Would you see that happening with Rebecca Creek and Irapuna, at the end of the day? Will there be opportunities for that?

Mr GARDNER - It is about learning about an area and getting the information. Science is a great way of learning because we need to understand what is beneath the land and what knowledge we need. At Rebecca Creek there is evidence of artefacts that don't come from that area, so how do we tap into that knowledge. There are branches of government that do that, or there are other reports - we have people come in to do research. A lot of it is no different to what your committee is doing - getting the best knowledge to make the best decision. Ours is about developing a good plan to make good decisions for the land.

Mr MULDER - My use of the word 'Aboriginal descent' - perhaps I should have used 'with provable Aboriginal ancestry' or something. I have no trouble acknowledging my ancestors without necessarily saying that I agree with them or that I would have done what they did - I guess that is what saying 'sorry' means.

If you recall the great walk across the bridge, which was the first act of reconciliation, I was a police commander then and I took the trouble - and I think I was the only one who did it as a police officer in full uniform - with my family to do the walk. That was in solidarity with those whose ancestors I recognised had been dispossessed and who are now wearing the social and cultural consequences of that dispossession. But I was saying 'sorry' for the result. My ancestors weren't around here at the time to do it although they may have been somewhat complicit in telling the Poms where you lived, and it took them 150 years to get here.

I acknowledge the progress that has been made in capacity building. I acknowledge the work on reconciliation on both sides, and the Police Academy mural is an example of that and the youth justice program is an example of that. However, there is also a reconciliation with those who self-identify as Aboriginal but who are not accepted by your community and most of the conflict, I would suggest, in recent years has not been between the accepted Aboriginal community and those who self-identify as Aboriginals but are not accepted by the wider community.

As human beings, we have a responsibility to make some progress in that area of reconciling and that is what that second question was about. If you say, no, we do not accept them and that is it, that is fine and that is a finding of the committee and we will agree to disagree. But it would do my soul good to say that you, too, recognise that there are people who feel dispossessed because these people, in some cases, feel that their ancestor's land was robbed, that their ancestors were driven over the cliffs of Cape Grim and that they and their parents and forebears have also been the victims of the social consequences of that act for which we are busy trying to reconcile.

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I would like your perspectives about that group of people who are your main protagonists at the moment.

Mr MANSELL - It is a very in-depth question, Tony. I believe, very clearly, that you are either Aboriginal or you are not. The basis of arriving at that decision is based on your ancestral connection to the people who were the original inhabitants of this landscape. There is evidence in the community, as a whole, about those core family groupings that I spoke to you about earlier, no dispute.

In relation to people self-identifying, anybody could self-identify as anything. It is about them bringing that back to what the core cultural grouping determines as being necessary. It is about how you define that. In that regard, if you look at the process of the Aboriginal Land Act, the electoral provisions, we do everything in our power to provide an opportunity to the individual making the determination, to provide us with evidence that will substantiate their identification. The group that comes together is made up of those core groupings that I spoke to you about and there is investigation back to people outside of that structure who are part of the Aboriginal community to determine their knowledge or acknowledgement of the person making the claim.

We also bring in expertise advice about the recorded history of this state. People must accept that Tasmania has some of the best archival records there are. We use processes available to us to try to build up the linkage, to make connection. When we cannot make connection, I do not believe we have any opportunity to do anything else and that is what the Supreme Court of this state found in the cases I referred to them.

We do not just look at a list of names and think, we do not like that person, so they are not getting in. There are some real tests done and very serious conversation. I can only guarantee to you that we do everything in our power to find that connection, but if we cannot find it then I do not know what we can do other than to say we are unable to make the connection, which is what we have done.

CHAIR - The reason we have headed down this path because of the evidence that we heard when we investigated Rebecca Creek and the CHAC people made their representation to us. I think we get a sense, certainly I get a sense, that in this process of reconciliation there might be an opportunity, even though you hold to what you are saying about Aboriginality, but here is a group in the community who might have an opportunity to be embraced by the process of reconciliation and that they might have a role to play in support of what ALCT is hoping to achieve with the hand back of Rebecca Creek and there may be a role for that group to play in the future of Rebecca Creek and in preminghana as well.

Mr MANSELL - Yes, it is about determining that eligibility I suppose.

Ms FORREST - Why is eligibility - this is the whole point. We should not be sitting here determining Aboriginal eligibility and we do not seek to and nor do we wish to. It is not our job and it is not what we are doing. You are making it all about that at the moment.

You talk about the importance of self-determination, Article 3 and 4, talking about the importance of self-determination. We are respecting that. What we are not hearing from

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you is how - you take away who is and who is not Aboriginal and there are processes established to determine that - we know there are people who self-identify as Aboriginal who have in some of the evidence I have seen, significant evidence. They were accepted under ATSIC, which I know is a different process and I accept all that. In view of that they do strongly identify as Aboriginal, so what are we doing in an area where there are a significant number of these people in an area where the land is proposed to be handed back, what are we doing to work with these people and to create some reconciliation when I had Graeme sitting in my office and telling me those people are not Aboriginal and had not even been down there to talk to them.

When that is the case, there is this stand-off almost and there is a requirement in the act that reconciliation should be progressed. This is the conundrum we have. It is not about Aboriginality. It is not about determining who is or who is not; that is a separate part of the act and nothing to do with the bill.

What we are trying to determine is how we can make this work for the people up there who have a connection with the land, and there are European people who have a connection with the land, the same as at larapuna. There was European connection with that land as well. How do we make it all work together? If you are talking about reconciliation, it is reconciliation between non-Aboriginal people, between people who identify as Aboriginal or are accepted as Aboriginal under the current process and those who are not. It is about being a community as a whole, being Tasmanian.

CHAIR - Thanks, Ruth. If you would like to take that question on, Graeme.

Mr GARDNER - The ALCT is not the be-all-and-end-all of the term 'Aboriginality.' Provision of the act entitled a person to vote in an ALCT election. That is our role. We are not a service provider. We know the Office of Aboriginal Affairs has their process for those people who want to access programs and TAC is the same and I assume other organisations are too because that in a sense is their role. A lot of people do not have a need to be involved with ALCT because all they can do is go on a roll, they do not get anything out of it, whereas other organisations provide services that would be beneficial to them. In that case the opportunity for an individual does not rest solely with us, it rests with a whole number of groups who can provide whatever service they seek. It is a matter of them satisfying their needs.

Our business as a land owner is to encourage people to vote in an election as we would encourage anyone to vote in an election and to ensure that the land is managed well which I believe it is. Not all Aboriginal people vote in an ALCT election. People just do not like voting. Some do, some do not. We all know that. Some vote for you and some vote against you.

Mr MULDER - My mission in life is to make sure the whities do not have to vote at every election.

Mr GARDNER - It is not that you come to one bus stop and that is where it all gets sorted out. It is not our role.

Ms FORREST - My questions remains - I am not talking about that, we are talking about the processes of inclusion, reconciliation, for the whole of the state in view of the challenges

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there have been in the past and hopefully not so much in the future but it seems there could be.

CHAIR - Ivan, if you would like to move to your question.

Mr DEAN - My question was partly asked by Adriana at the beginning.

I was concerned that you took offence, Clyde, in the way in which we were questioning and I do not want to go down that path. There was no intent by myself and other members for that to occur. It is sad that is the way in which you saw that and took that. We would be the last people to want to create that sort of a position.

There is a very strong person in my area at Dilston who often raises issues about land return and reconciliation. What some of these people are saying is that land return, in the way it is occurring, is not assisting with reconciliation. I heard what Graeme said a while ago, that it is not really assisting. What it is doing is driving a bigger wedge between two groups of people. That it is excluding certain people from certain lands. It is not helping with that process. Graeme partly covered that with the others things that are happening with Adriana's answers. Are you able to take that any further as to what more? My other question is how far do we need to go until we get to a stage where you people say that reconciliation has been met? Can we ever get there?

Mr MANSELL - I do not know, Ivan.

Mr DEAN - How do we continue to strengthen it? Let me put it that way.

Mr MANSELL - In attempting to answer your question, Ivan, all I can say to you and members of the committee is that to the best of our ability we try to involve people outside the Aboriginal community in participation. I can only talk on examples. I go back to larapuna because it is one of the areas to be returned. Since our time at larapuna, we have done the best to our ability to involve people in the local community. We have a working relationship with the local shop at Gladstone where they are a point of contact and pick up for people going to larapuna. They collect the keys from there and that is working well. We encourage people to go to the shop and use the shop. It is about bringing and spending the money from what comes out of people going into the area.

Mr DEAN - I suspect that has been happening all the time.

Mr MANSELL - Yes, of course it has. There will be people who might feel aggrieved by land being returned but I do not think we can please everybody. We try and please those we can.

Mr DEAN - The reason - and I didn't check *Hansard* on it, but when we were talking about Cape Barren, we were being told that would go a long way to reconciling the two groups.

Mr MANSELL - I think it is a very big part. It is one of the central areas that the core Aboriginal community draws its history from, and being back in the communal ownership of the Aboriginal people, it does go a long way. As I referenced before, I think the relationship on Cape Barren at the moment in regards to activities that have

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been developed as a result of the land coming back, the roadworks and all those things that were done by local people, are all indications of its importance.

In relation to your question of when will we ever get there, I do not know. There may come a time when the Aboriginal community may say, 'Well, look, I think we have achieved a lot out of this and it has allowed us to achieve some of the goals we have tried to get.' I do not have a crystal ball so I do not know.

Mr DEAN - Thank you, Clyde.

Mr MULDER - It seems to me that the nub of this issue about who is the Aboriginal community really comes down to this archival proof.

Mr MANSELL - It is part thereof, but it is not the sole thing.

Mr MULDER - But that is the first bit, to say, 'Yes, I'm an Aboriginal', then you have the self-identified and then you have the community acceptance, the steps that follow.

Mr MANSELL - Yes, and we use everything at our disposal to make that connection, as I have said. And we use the archival records as one of them.

Mr MULDER - It is a nice, legal, scientific straightjacket which might be causing some of the problems. The question, Clyde, is, do you not recognise that there would be people living in Tasmania today with genuine Aboriginal ancestry who know that, who have continued through family stories and things to identify as Aboriginals, but are being excluded because they did not come from one of these sections that were captured by the official records? We all know it took until 1967 for the census to even bother to count you.

I am wondering what your perspective would be on people who clearly feel they are Aboriginal, who clearly feel they have a stake, but do not quite meet that sort of technical standard. Is there something within us that can say, can we just relax the rules to make that step of reconciliation? It might not necessarily be, yes, you are totally accepted, but is there a half-way house where we can start to give them a feeling that they are on the progress to being accepted by what they think is their own community?

Mr MANSELL - I might be dilatory, but I think we give them that opportunity now, by saying we will look at everything at our disposal to try to make the connection. But if we cannot make the connection, then I do not know where we go from there. It gets down to, is being Aboriginal a feeling? I suggest not. Being Aboriginal is much more than a feeling.

Mr MULDER - That is the point. It is not just a feeling, but neither is it just a historical record, Clyde, because there are tons of people who fit your criteria perfectly, who self-identify, who would be accepted by the community if they bothered to ask, but who choose not to be part of the game.

Mr MANSELL - That is a prerogative.

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Mr MULDER - What I am saying is that the same option the other way should be available for people with exactly the same feelings who may not quite technically meet the connection. I should not be preaching at you. I should be asking you your perspective.

Mr MANSELL - I am afraid we differ on that very point.

Mr MULDER - Well, we agree to differ.

Mr MANSELL - Yes, I am afraid we do.

Mr MULDER - And do not accuse me of being racist or disrespectful if I point out later on at some stage that we do have a differing perspective on that and I wish you had mine.

Mr MANSELL - I am not going to do that.

Ms FORREST - Tony was right, some people may not be able to provide the piece of paperwork that is necessary to fill the gap, but there is other very strong evidence and they are being excluded because of the absence of one piece of paper. That is the challenge here. I do not want to make this about the test of Aboriginality, because it is not about that and we keep talking about that incessantly.

Mr MANSELL - But it is so intertwined, though.

Ms FORREST - That was my point, Clyde, then you made the claim you did not want to talk about that, because that is not what it is about.

CHAIR - Please let us keep calm.

Ms FORREST - I am calm, I am just making a point.

CHAIR - Your body language is not in sync with what you just said - how you think you presented it.

Ms FORREST - I find it difficult that on one hand Clyde started off by saying this is not about that issue and then we have spent pretty much all of the time since then talking about it. It is obviously intertwined - that was my argument from the outset.

CHAIR - Thank you.

Mr MULDER - Can we move away from this vexed question? My question was not about Aboriginality necessarily, it was about reconciliation but I had to identify those who were not Aboriginal in order to do that. I think we agree to disagree, but not acrimoniously.

CHAIR - Not yet.

Mr MULDER - 'Wait for the next one', says Kerry. The next question was on reconciliation with the wider Tasmanian community and I need to explain where I am coming at with this. It is hard to reconcile with someone who you do not understand. What is the Aboriginal community doing to explain its culture and explain the way it feels to the

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wider community? It is all right to listen but if nothing is being said, you are not gaining anything, and I will put into context a couple of things. First of all, the Police Academy mural, which I find to be a very powerful piece of interpretation.

Mr VALENTINE - The academy of what?

Mr MULDER - The Police Academy. Next time you are at the Police Academy, take a walk down behind the auditorium and there is an Aboriginal interpretative mural which will give you the background, as is it known, to interpret the Aboriginal culture.

Mr VALENTINE - Yes, I have seen it. Sorry, I just did not hear what you said.

Mr MULDER - It is a powerful piece of gear and it has done wonders in helping recruit course after recruit course, together with members of the Aboriginal community who have explained it to them - interpreted their culture to explain to people why they feel the way they do. There is an historical context. Things have happened - we might not agree on the detail, and it does not matter whether they happened or not - if you think they happened, they are damned real to you. It breaks a barrier.

I will come to a personal story. Many years ago when my kids were really little, we went to Bruny Island. On the neck at Bruny Island we did the usual thing the tourists do. We used to camp at Jetty Beach - we walked up the sand dunes and at the top of the sand dunes, at the lookout, was a plaque with Truganini on it. There was also a short ode - I wish I could remember the words, and you could probably remind me - but it spoke about pausing a while and thinking about those who no longer walk this shore. Several years later we were driving down to Jetty Beach on our annual camp, and one of the kids said, 'Dad can we go back up there - I really want to sit and think for a moment about what we have done to the Aborigines in this state?'. We got back up there, and there was no plaque. When I asked why there was no plaque, I was told it was taken down because it was politically incorrect to suggest that they no longer walk this shore.

My kids had been moved as little kids, and remembered this plaque and they wanted to go back and re-visit it. I put that in the context of the offer made to the Aboriginal community to do interpretation underneath the Jordan River overpass - the lost opportunities. Sure, you did not win that battle, but could we not have salvaged something in the name of recognition? I am not being aggressive, but what are we doing about cultural interpretation? What plans do you have in process to inform the wider community, to touch people like my kids? That experience when they were younger was why they were so keen to walk the bridge.

Mr MANSELL - Two days ago I was down on Bruny Island at the very same spot. I didn't walk up the staircase because my knees are not good enough. But now, where you pull off in the car park area, there is a fairly substantive interpretation, which talks about the traditional people in the area including Truganini.

In answer to your general question about what we are doing about interpretation, the Aboriginal community is now heading in a direction where we want to get really involved in interpreting the landscape. I go back to what the land council has been endeavouring to achieve at Mount William - wukalina. That is about providing an opportunity for tourists - local, national and international - to come onto that landscape

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and get an interpretation of the cultural importance of that area for Tasmanian Aboriginals.

That project shows that we are at a point now, 18 years into having land returned, that we are starting to look at how we can best interpret our history. I can guarantee you that it is the desire of the Aboriginal Land Council of Tasmania to develop a process where interpretation of this cultural landscape includes Aboriginal and non-Aboriginal histories, because then we are starting to get well into the achievement of what reconciliation is all about. That is we are headed and that is where we are aiming to put our efforts and our attention.

We were a community divorced of land association for over 200 years. We had to reconnect, to grow, to learn, to understand again our connections. We are doing that and we are at a point now where we are starting to want to interpret those connections. You will find that if you talk to Aboriginals throughout the state, they are now looking to get involved in that interpretation. That has only come about because the Aboriginal Lands Act has provided us with that connection. I don't think I can say any more than that.

Mr MULDER - Is there any prospect of rethinking the opportunity that was being presented to you with the Jordan River?

Mr MANSELL - I think that is a matter for discussion, Tony.

CHAIR - We are straying a fair bit.

Mr MULDER - I am not too sure, Mr Chairman. This is about reconciliation and it is as much about what these guys are doing about the reconciliation of cultures.

Mr MANSELL - Let me assure all members of the committee - that was a devastating defeat for the Aboriginal community. A landscape's cultural values were destroyed. It is going to take a long time for the community to get over that. I am not saying that in the future that there won't be an opportunity, Tony.

CHAIR - We might come to the fourth question and there is another one I need to ask before the member for Apsley. Any perspectives you may have on education, in consideration of the Aboriginal tourism operators at Cape Leveque lighthouse in Western Australia?

Mr MANSELL - We have looked right throughout Australia - at many of the cultural activities that are being done in interpretation in other areas. I went to Western Australia two years ago to attend a national tourism conference and had the opportunity to talk to people who were involved in that interpretation and it varies from area to area because each area is a different interpretation. We have even gone as far as not only looking at that particular activity, but have looked at all lighthouse interpretations throughout Australia to see what is good practice and what is not. We have looked at Aboriginal walks throughout Australia and we have spoken to non-Aboriginal operators in Tasmania who conduct walks, Ian Johnson, and those people. We have spoken to them about what is the best practice and capacity building, and tried to get knowledge about it.

To earmark that one alone we have tried to get as much information as we can and it was only yesterday that I e-mailed a contact of mine who knows some people in New Zealand

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who are experienced in land interpretation and having a chat to them so we are looking at what is out there to see what fits our little niche market down here. So yes, we have looked at all those.

Mr GARDNER - The Tourism Industry Council of Tasmania has been aggressively proactive for us. We have had them on board because they see a need for us. They have provided some good insight, contacts, and provided feedback to help steer us in our business plan for the venture which would hopefully turn one into many, later on.

CHAIR - We could easily recall the Parks and Wildlife Service and the spirit of cooperation that is there and can develop in the future.

Mr MANSELL - Yes, working very closely with Parks and everyone that we talk to and everyone can see that this is where we want to end and let us work together on it. It is taking more than what may have been anticipated but we hope we are going to get there.

CHAIR - This question about the central plan register map 9466 for the Eddystone Point historic site - while it is accepted that the boat ramp is not included within the area of land CPR9466 it remains unclear as to precisely what area of land within the existing car park at Eddystone Point Road is included. It is also unclear what impact this specific area of land may have on other road users seeking to access the boat ramp and park their vehicles within the existing car park, particularly if the access is not within daylight hours or occurs during a significant Aboriginal cultural event?

Mr MANSELL - It is my understanding that there will be no impact whatsoever. The current access rights of people driving the road into Eddystone Point and parking in the designated parking area and using the boat ramp, there will be no impact whatsoever. That is my clear understanding.

Mrs TAYLOR - Tanya was suggesting that there are times when a lot of people might be down there at the boat ramp and they have probably overflow parked onto the site.

Ms FORREST - Blocking access to the boat ramp because they are in the way effectively.

Mr MANSELL - That is a matter for Parks. They control that area. I know there has been on occasion people launching boats and they used to park their cars inside the gate and we were up there at one stage and the vehicles and the boat trailers were out onto the roadside and we could not get in. We spoke to people and said, 'Look, it's about contact. Don't be afraid to contact us if there's an issue', and that has worked fairly well. But in relation to the overflowing car park, there is like an island in the middle of the car park and, to me, that should be taken out and you could provide another dozen car parks there, but it probably has nothing to do with me.

CHAIR - The question might have been whether the boundary was within the car park.

Mr MANSELL - No.

Mr GARDNER - We do not set the boundaries. We had a look at that and there are a couple of metres. We always assumed where the gate is that is the boundary, and it is an

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obvious boundary and it is treated as a boundary. But for some reason there are about four or five metres outside of it which is neither here or there but -

Mr MANSELL - But we agree that boundary is brought back to the fence line.

Mr GARDNER - Yes, I do not know why it is not that way.

Mr MANSELL - If you have a look at the map, and I did not - the boundary now goes down the fence line in that area. Before, as Graeme said, it did come out a bit. When Parks notified us about that we were agreeable to have it brought back to the fence line, two metres outside the fence line, you would not be able to manage it.

Mrs TAYLOR - Useless to you.

Mr MANSELL - Useless to everybody. So we agreed to that, and that is why that boundary was brought back.

CHAIR - Any other questions?

Mr DEAN - There was some question around access to a lighthouse. I am not sure how that was going to be resolved, people accessing the lighthouse at all times. I think it was only through cultural events that they will not have access? Concerns were as to when these cultural events will be. Clyde, can you touch on that?

Mr MANSELL - I think I tried to answer that before.

Mr DEAN - Yes, you did.

Mr MANSELL - As I understand it the provisions say that if the Aboriginal community wishes to close access over the land for a specific cultural event there is a process we have to go through. We have to notify National Parks and Wildlife, we have to notify the local council and we have to advertise 14 days prior to the event, so everybody has good warning. In relation to access up the road during the night, that was an old thing that used to happen when Parks used to manage the site, they used to close the gate every night. Since we have been there that gate has never been closed. I have been up at larapuna at 10 o'clock at night when people have driven up to have a look at the lighthouse. We thought about seeing if we could put in a bit of a speed limit, because you do not want cars tearing up and down there, but we have not done that.

Mr VALENTINE - Or a hump.

Mr MANSELL - Or a hump even, yes.

Mr DEAN - You have received a letter in relation to this from certain people saying that they were of the view or belief that because of conversations that they had overheard, that there would be extremely restricted access inside the lighthouse, that once this land was returned -

Mr MANSELL - That is not a matter for us, it is a matter for AMSA.

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Mr DEAN - Right, and that was the question being raised as to who would control that.

Mr MANSELL - There is no access inside the lighthouse at this time. We negotiated with AMSA to incorporate access up and down the light as part of this tourism venture, but we have no say over that. It is a matter for AMSA.

Mr VALENTINE - They would still have a lease, if this goes through?

Mr MANSELL - Yes.

Mr GARDNER - They provided the lease and restrictions are there for entry. I think it is limited to 10 people at a time, maximum 40 minutes. We do not interfere with AMSA's work.

Mr VALENTINE - Their lease would be with you if this land transfer goes through, rather than with the government?

Mr MANSELL - Yes.

Mr GARDNER - No, it still remains with the government.

Mr VALENTINE - At the moment, but if the land transfer goes across, wouldn't they have it with you?

Mr GARDNER - No. We currently have a sublease with the government.

Mrs TAYLOR - It is not part of the land transfer, the lighthouse?

Mr GARDNER - No, and we do not want it to be.

Mr VALENTINE - No, the lighthouse is on leased land, from the government at the moment. If this land transfer goes across, it then becomes part of the lease with the new owners.

Mr MANSELL - That we would pick up. Yes, you are probably right.

Mr VALENTINE - We will need check it.

Mr MANSELL - There would be no intention or desire to change those arrangements. The lighthouse keeper has been -

Mr DEAN - There was concern raised with that and if we had clarification, that would be good.

Mrs TAYLOR - The other question that has been asked, Clyde and Graeme - and I am raising it because it has been asked to give you a chance to answer it. Why larapuna and the lighthouse and that area? This person is suggesting that the beaches are probably where more of the Aboriginal activity took place, and that the point itself, where the buildings are, is probably more white heritage. Or if it is Aboriginal cultural heritage, it

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has been superseded or destroyed by whites, so why the buildings? Why do you want that particular bit, rather than the beaches further up?

Mr MANSELL -If we had the opportunity to have those other areas returned to the Aboriginal community, I am sure we would negotiate them. It is not about why larapuna is so important. Larapuna is important to the Aboriginal community on the basis that the whole landscape - beaches, hills, valleys, creeks, everything - was Aboriginal land. The return of land to the Aboriginal people is aimed at trying to reconnect. At this point in time we are able to negotiate the area at larapuna.

Mrs TAYLOR - Because you already have a lease on it.

Mr MANSELL - Yes.

Mrs TAYLOR - Do you recall why they gave you the lease? I think it was in 2005. What were the grounds they said were the basis for the lease?

Mr MANSELL - It was just a discussion that took place between the government of the day and the Aboriginal community about finding something in the north-east we could reconnect with.

Mrs TAYLOR - Do you think it was a matter also that the site needed someone to manage it and there was no local community group, perhaps beside yourselves that was interested?

Mr MANSELL - It was sitting there going to ruin. When those three houses were returned their condition was dreadful. In fact two of them you couldn't occupy and we negotiated with the government to have the money made available to repair them. They were in a terrible state of repair.

CHAIR - If my memory serves me correctly, there was a call for suggestions for a way to develop the lighthouse and the cottages. That was when the Aboriginal community may have suggested that the area was part of the discussions during the 1995 establishment of the Lands Act, and that a way of not progressing with the idea of tourism ventures was to establish the lease. That is my understanding.

Mr MANSELL - And you are probably right there.

Mr MULDER - One final little thing. We raised this issue with the minister and she came back with the idea that the Tasmania Together program had identified x number of hectares - I forget the numbers now. It bemused me that she was in no position whatsoever to tell us where this balance of land was, or she had no idea. Can we start to get an idea of what other areas of land are proposed for the future?

Mrs TAYLOR - Is there a list?

Mr MULDER - A wish list.

Mr MANSELL - Some people might say the whole of Tasmania.

Mr MULDER - That is the wish list. Now let's talk about the negotiations.

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Mr MANSELL - I don't know whether it is a wish list. The process leading up to and following 1995 was about identifying areas of land that had cultural significance and importance for the Aboriginal community. We have negotiated, over the journey, things like the Mount William National Park because that, in fact, is the whole landscape our traditional forebears occupied. We have talked about areas like Rocky Cape. We have talked about areas down the west coast and down the south-west. All those areas have been identified as probably being out there, but then comes the reality of trying to negotiate.

Mr MULDER - If it's possible? We were just wondering -

Mr MANSELL - That's the process we developed.

Mr MULDER - The one that strikes me is the south-west. Once again it was a poignant family moment when we read up on the South Coast Track and realised it was not a track for escaping from marooned wrecks, it is the ancient pathways where the tribes -

Mr MANSELL - Exactly.

Mr MULDER - Since I have been predominantly the person responsible for this, can I just say, 'Thanks'. You didn't have to come down and I appreciate the fact you came down. I certainly gained an awful lot out of it. I hope you guys think you had a good opportunity to explain further some of the issues - sensitive and awkward and as emotive as we can get about them. I certainly appreciated it. I gained a bit out of it, and I hope you guys did as well. I hope the committee does not get too angry with me for taking another day out of their very, very busy schedules.

Mr VALENTINE - No angrier than we normally are at you.

CHAIR - Thanks very much.

Mr MANSELL - From our perspective - people say I'm grumpy nowadays.

Mr MULDER - I've always been grumpy, now I'm old and grumpy.

Mr MANSELL - I will never apologise - I wear my heart on my sleeve. I'm a cultural person and I say it as I see it and if I'm wrong, I'm wrong. I didn't come down here deliberately to try to antagonise you people.

Mr MULDER - We brought you down here so we could antagonise you.

Laughter.

Mr MANSELL - I just say it as I feel. The opportunity to come back and talk to you - that is why I accepted. I could have easily said, 'No, thank you'.

CHAIR - Graeme, would you like to make any concluding remarks?

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Mr GARDNER - No, I think we've spent some really good time on the discussion. It was aggressive at the start, but it's been quite respectful towards the end. We understand your roles and we appreciate that. We appreciate your questions and at the end of the day it's a matter for making good decisions. If you're comfortable with that, that's good.

CHAIR - Thanks. We've strayed quite far and wide from the intent of the committee's establishment, but it has been very useful for our awareness and our understanding and it has given us the opportunity to hear about the progress that has been made. Thanks very much to the committee members today for their time and patience with the way things have unfolded. As Tony has expressed, we really appreciate the fact that you have taken the trouble to come and present again, and it has been very good for us.

Mr MANSELL - Good luck.

THE WITNESSES WITHDREW.