

Aboriginal Land Council of Tasmania
182 Charles Street
Launceston Tas 7250
GPO Box 1086



Phone: 03 6331 2833
Fax: 03 6331 2834
Email: alct@intas.net.au

11/4/2013

The Honourable Kerry Finch
Chair Aboriginal Lands Amendment Bill 2012
Parliament House
HOBART, TAS. 7000

Dear Kerry,

I wish to make the following submission to you as chair of the Aboriginal Lands Amendment Bill 2012 review committee.

The Aboriginal community hold real apprehension about the integrity, motivation and intent of two MLC members and their attempts to delay progress of the Aboriginal Lands Amendment Bill 2012. We are also concerned about the possible impact the members attitude will have on the final decision and the committee's scrutiny of the bill.

Our fears stem from the Hansard recording of the second reading on June 28th 2012 and the continued delay of the Aboriginal Lands Amendment Bill in the Legislative Council. It seems clear to us that the member for Murchison and the member for Apsley have tried to influence the passage of the bill through the Legislative Council. We are deeply concerned about the integrity and sincerity of the both MLC's; we believe they are allowing personal bias against further land return to cause the continued delay of the passage of this bill.

The particular members have indicated their non-support regarding the return of larapuna (Eddystone point) and Rebecca Creek by raising concern about the representativeness of the ALCT to the land earmarked for return. They have expressed their discontent for the land management practices of the council and I believe have attempted to use their concerns as a reason to delay or even worse vote against the bill. In particular the member for Murchison has raised concerns about the connection or non-connection of ALCT to areas of land identified for return in this bill. This is clearly an attempt on the part of the member to change the basis of land return which has previously been agreed to by the Tasmanian Parliament. We strongly urge the committee to disregard this approach. The Land Council sees this approach as being disrespectful to the Aboriginal community and the commitment made by the Tasmanian parliament as a part of previous land returns.

In 1995 the then Premier Ray Groom stated in the second reading speech of the *Aboriginal Lands Bill 1995*. ***"I am now much more aware of the traumatic struggle of Aboriginal people and the fact that the land is at the heart of any meaningful reconciliation between the original Tasmanians and the rest of the community"*** He also said ***"Land has***

special significance to Aboriginal people. Land is viewed as community concept and resources are shared throughout the community”

Further to this in 2005 Premier Paul Lennon said *“I am also honoured to have been a member of the Parliament that in 1995 passed landmark legislation establishing the Aboriginal Land Council of Tasmania and commenced the hand-back of land to the Aboriginal Community”*. He went on to say *“One of my proudest moments, when the Parliament passed further legislation to return Cape Barren Island and Clarke Island to the Tasmanian Aboriginal people. These actions have recognised the Tasmanian Aboriginal people's connection with the land and were a vital step in furthering reconciliation.*

The members for Murchison and Apsley attitudes show no understanding of the sentiments or intent expressed by Premier’s Groom’s and Lennon. Moreover, they show little ability or desire to grasp the true the meaning of land to our community. Surely, the committee must agree that the previous processes of land return which have come out of earlier land returns has and will continue to be a meaningful way of achieving reconciliation and a process to recognizing the true history of this state. A history which has included attempted genocide and removal of my Aboriginal forbears from their cultural landscapes? Surely, land return is about recognising how Aboriginal people were dispossessed from their land, severed from their culture and separated from their families. Surely, land return is about recognizing how continued Governments have dealt with reconciliation and land return in a way which is reflective of the on-going process of reconciliation and changing a history which has left Aboriginal people dispossessed. The Legislative Council must deal with this bill in a sympathetic way and not look to introduce further criteria as a basis for delaying this land return.

We also hold concern about the way the member for Murchison has displayed a bias against the Land Council and its membership by suggesting that the return of Rebecca Creek would be handing land back to people who have no direct link to the area. We see this as an attempt or assumption on the on the part of the member that land should only be returned where traditional owners can be identified. This has not and should not be a basis for land return in Tasmania. The member goes onto say *“In the case of Rebecca Creek, it is my understanding that all Aboriginal Tribes of north-west Tasmania had succumbed to the might of white man’s influence by the 1850s, therefore one might ask, ‘why are we giving this land back’”*.

This statement could be construed as condoning genocide. We believe it is a disparaging demand, mischievously placed on Tasmanian Aborigines as an additional layer of proof of ownership. It is clearly an attempt to introduce a native title type criterion. It is a further demand to show a continued and uninterrupted connection with the land, as being a prerequisite for justifying land return. This process has previously been acknowledged by the Tasmanian Parliament as not being representative of the history of Tasmania.

We also see this statement as being a bigoted, narrow-minded and ignorant of what has transpired with previous land returns. This attitude should not be encouraged or seen as representative of the attitude of the Upper House. It has no place in a modern day debate.

With respect to Rebecca Creek our understanding is that archaeological evidence shows the area to include an important Aboriginal quarry and associated Aboriginal cultural materials. It is clear to all involved that the extent Aboriginal heritage in the area made it impossible to undertake any further forestry operations on the property. The land was subsequently purchased by the State Government as a means of ensuring the preservation of the stone quarry and Aboriginal artefacts for future generations.

Rebecca Creek is a significant cultural site for the statewide Aboriginal community and if preserved under the *Aboriginal Lands Act*, it can become an important place for all Tasmanians. The property holds a rich deposit of spongolite which our Aborigines forbears used for the production of stone tools. It is the richest known Aboriginal stone deposit in Tasmania; the site produced very important cultural resource material which was traded across nations. This site is important to our community and must be return to the ALCT to ensure the area is preserved for future generations. The return of this land to the communal ownership will also increase the ability of community to reconnect to a very significant cultural place and regain a very important cultural practice.

As was the case at wybalenna, Rebecca Creek should be returned to communal ownership under the *Aboriginal Lands Act*, as way of preserving it for the statewide Aboriginal community. We urge the committee to vote for its return.

Also of concern to us, is the fact the member used photo's to condemn the management practices of the land Council at preminghana. This action shows a lack of understanding and an opinionated attitude regarding the role of the Land Council. There may well be an added bias against the elected members of the land council, there is no consideration of who we are and our role and place in community.

With respect to the photos, which we believe were presented by the member during the debate in the house. We have no knowledge of what they portray, but one would have expected the photos should have also been brought to our attention in an attempt to seek resolution to any issue. As this was not done, we can only conclude the photos are being used for manipulative reasons. A request for a copy of the photos was made to the member, access was refused. We were told the photos were the property of the Circular Head Aboriginal Corporation CHAC. It was also suggested that the Land Council should consult with CHAC to get a copy.

The member has continuously pushed her views about who is or who is not Aboriginal. She has actively tried to force her views about the issue of Aboriginality in the debate in the Legislative Council and to the Land Council. We see her actions as being offensive, intentionally uncooperative and disruptive to achieving a reasonable solution.

With regard to Aboriginality and eligibility to participate in ALCT elections I make the following comments.

The *Aboriginal lands Act 1995*, definition of an 'Aboriginal person' is consistent with the view that the decision about who is or who is not eligible to participate in the ALCT elections is a matter for the Aboriginal community. Under the *Aboriginal Land Act 1995*, an Aboriginal person must meet the following criteria. Firstly, the applicant must be able to demonstrate Aboriginal ancestry. Secondly, the applicant must self-identify as an Aboriginal

person. Finally, the individual must show evidence of communal recognition of the applicant. The onus of proof is on the individual.

People, who have established their Aboriginality under the *Aboriginal Lands Act 1995*, can show without doubt their ancestry, they can show the Aboriginal community acknowledgment of their ancestry which is further proven through community oral histories. They can also show their family links which have been verified through the archival records of this state. This principle has a proven ability to serve the needs of the Aboriginal community it is also the corner stone in providing self-determination to the Aboriginal community.

The process has also been acknowledged by the Supreme Court of Tasmania as being a fair and legal process. Accordingly, we ask why is it necessary for this debate to once again be raised during the process of returning land to the community. At best, it could only be a delaying tactic used to stall or deny the return of this land to its rightful owners the Aboriginal community.

As to the question of whether people in the member's electorate have been denied a right to enrol or vote in ALCT elections. We also see this as being irrelevant to the debate. I can't comment on this accusation, other than to say, I believe the process of using the Aboriginal advisory group is the nearest we can get self determination. Given the state's politicians have not entrusted this right to the Aboriginal community. I can however; reassure the committee the process is a very rigorous procedure. The Supreme Court of Tasmania saw the process being very fair and robust. The Supreme Court also acknowledged that the process provided procedural fairness.

We see this matter as being outside the committee's consideration at this time.

We are also deeply concerned about the intent and actions of the member for Apsley and the approach she has taken in this debate. There is evidence the member has been active in getting people to speak out about the intended return of Irapuna (Eddystone Point) to the Land Council.

We are aware of a meeting the member attended with the St Helens Chamber of Commerce and the discussion about Irapuna and the management activities of the Land Council. Whilst not totally being aware of any conclusion being reached as result of this meeting, however opportunity for the Land Council to be part of these discussions would have been a more open and transparent approach to discussing any issues.

Similarly we hold concern about the member's role in getting the group of people from Anson's Bay who addressed the Legislative Council during the debate. I am not for one minute suggesting the member should not talk to people in her electorate. But if we are to achieve transparency and openness in the debate, I would expect that a similar invitation should have been extended to the Land Council. Not once has the member sought advice from the Land Council as to our management activities or intention at Irapuna. There is also the matter of the so called lack of management activities within the lighthouse precinct and in particular the grave site. I am puzzled by the assertion that Land Council has not undertaken on ground management activities, including clearing around the lighthouse and the grave site.

In fact we have developed and maintained a partnership with the National Parks & Wildlife Service in particular the Trainee Aboriginal Ranger Program which has seen regular management programs being undertaken by the trainee's within the precinct.

This initiative is seen by the Land Council as having positive outcomes for both the participants and the Aboriginal community in that it provides an opportunity for the 5 trainee's to gain skills in weed management control, on-ground management planning and on-ground management activities as well as providing them with an opportunity to work on country.

In addition to providing an opportunity for the trainee's under above project our partnership with Parks has extended from larapuna out to the wukalina (Mt William National Park) with the involvement of two Aboriginal field officers in similar on-ground management activities. Our partnership with Parks has involved input from Commonwealth, State and the Land Council and has required an innovative approach resulting in a gain for the management of the broader landscape in the area.

Without knowledge or concern for these initiatives the member Aspley seems to hell bend on delaying or derailing the debate. It also seems there is no consideration of the possible gains to the broader community in the Break-O-Day municipality. A venture of this type could offer real gain to our community in cultural expression as well as offering opportunity to other tourism operators in the municipality. We also see the venture as providing a significant boost to employment & tourism in the region. In fact the ALCT has worked aggressively on the development of a culturally based tourism venture for the area.

With respect to the development of this venture, I make the following comments to the committee. The ALCT has worked energetically on the developing the "Wukalina-larapuna cultural walk" tourism venture within Mt William National Park and Eddystone Point Lighthouse Precinct. We see it as the way forward.

Funding was achieved from DEEWR to carry out a feasibility study; this study was completed by Trevor Forshaw of **SED consulting** now **Enterprise Capability** the report was completed in December 2011. During and as a result of the feasibility study several ongoing meetings with possible funding bodies and government agencies to achieve support for the project. These include State and Commonwealth agencies such as, Tourism Tasmania, IBA, ILC, Parks & Wildlife Service, Break-o-day Council, Regional Development and the Tourism Industry Council of Tasmania. Following the completion of the feasibility study ongoing consultation was undertaken by the ALCT and the project consultant; it was at this time it became evident that funding for the project at the level first envisaged was going to be difficult to secure. As a result a business plan should be completed and again this task was undertaken by Trevor Forshaw.

It was also decided to try to engage other people and agencies from within government and industry to help consolidate our position. An approach was made to Peter Mooney of Parks & Wildlife with a view to getting their involvement.

The Council also felt it was important for us to develop a partnership with Parks & Wildlife seeing the establishment of the base camp was to be on land in the National Park at Wukalina (Mt William). As a result we needed to gain access to the coastline in the park area. Peter was eager and willing to assist and gave his full support for the project. In fact Peter became committed to the concept and eager to provide the on-going support of parks staff including the involvement of the trainee Aboriginal rangers. The trainee rangers were engaged to undertake one of the key outcomes of identification of a site for the base camp. The Trainee Ranger program has continued to work closely with the ALCT and is at present assisting with the processes of on-ground surveys.

Also, through parks involvement we have been able to gain access to the owner and developer of the Maria Island walk Mr Ian Johnstone and visited that venture, we were also able to sit down and talk with Ian about the pitfalls of not being properly organised. We have since developed a partnership with the State Government to progress the project to completion. The return of larapuna will greatly increase the ALCT's probability of accessing Commonwealth funding to carry out the renovation work required to bring the accommodation within the Lighthouse precinct up to a standard required to operate the intended tourism venture.

A more detailed description of the venture is provided in attachment (a).

The legislative Council can play a key role in helping to bring this project to realization by voting for the return of larapuna under the lands act.

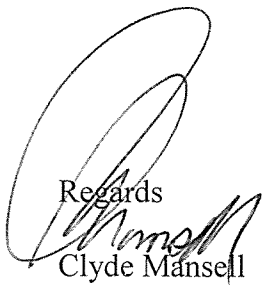
I urge members to vote in support of the return of this land.

If the Aboriginal community is to achieve true reconciliation aimed at self determination we need the Legislative Council to stand up and support the return of landscapes like larapuna and Rebecca Creek. These landscapes provide a real opportunity for the community to regain our place in an active cultural pursuit and expression. We need the members of the Legislative Council to relinquish whatever control they may assume they have over our community and build a genuine relationship with us, a relationship from which we can determine our cultural destiny and reconnection with important cultural landscapes.

The bill also has the full support in the lower house which is quite a meaningful achievement and an outcome which further endorses the intent of the parliament to return these two significant but small pieces of land to the Aboriginal community.

A no vote for this bill will be a clear message that the Upper House has lost sight of the importance of land return to the reconciliation process. A no vote will reflect a position that the upper house is content on making Aborigines jump through hoops to regain two small but very culturally significant areas of land.

It will be an indictment on those members who vote against the bill.



Regards
Clyde Mansell

ALCT

Dianne Bucknell

From: clydm [alct@intas.net.au]
Sent: Monday, 22 April 2013 12:16 PM
To: Kerry Finch
Subject: attachment regarding proposed tourism venture
Attachments: attachment (a) Kerry Finch letter.docx

Hi Di,

Here is the attachment (a) to go with the submission.

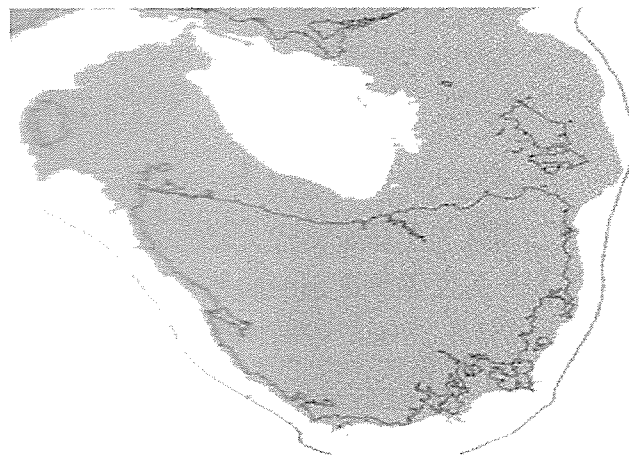
Regards
Clyde

22/04/2013

The Land Council intends to develop a tourism venture including a cultural trek from wukalina (Mt William National Park) to larapuna (Eddystone Point Lighthouse precinct). It is proposed that 10 participants will be picked up from a pre-designated point in Launceston at 9.00am on the first morning and driven to larapuna by bus. Accompanying the tour will be an Aboriginal guide. The group will be driven via Bridport to larapuna (Eddystone lighthouse precinct).

The journey to larapuna will be complemented with a morning tea stop at either at a pre-designated shop in Bridport or a lunchtime break at Gladstone.

The group will then be transported via kangaroo drive to wukalina (Mt William) where they will, under take a walk to the summit of wukalina (Mt William) accompanied by an Aboriginal tour guide. On the summit of wukalina, the participants will experience a panoramic view of the Northeast tip of Tasmania and the Furneaux Islands including Swan Is, truwana (Cape Barron Is). Lungtalanana (Clarke Is) and Flinders Is. These Islands are significant in the translating the story of continuance of Aboriginal culture and history. Participants will also be given a verbal interpretation the traditional landscape for tebrakunna (Cape Portland), including the description of the land bridge between trowunna (Tasmania) and Victoria.



map depicting the land bridge

The group will then be driven to a drop off point at the Stumpys creek area; they will walk to the base camp, which will be located in the Cobblers rocks region. Here, participants will be able to spend some time relaxing at the camp site. If they choose to and weather permits there will be opportunity for participants to relax on the foreshore. There will be an opportunity for them to have a shower and change before the commencement of the evening meal and entertainment.

Following the traditional stories from the area, participants will be given a cultural meal; included on the menu will be crayfish, muttonfish (abalone), kangaroo, mutton-bird and damper. The menu will also include Tasmania wines. This meal will be served in the main dining building.