

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT CIRCULAR HEAD COUNCIL CHAMBERS, SMITHTON ON TUESDAY 14 MARCH 2000.

BERNARD CHARLES WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - Thank you, Mr Charles, for your submission, and we do apologise for holding you up. We were running early this morning and we've started to run a little late now. The concept we've used is for you to speak to your submission, add anything you wish to add to it and then the committee will ask any questions they feel relevant. So we'll hand over to you.

Mr CHARLES - Thank you, Madam Chair. I felt compelled to make a submission following representations from people who have come up to me in the street saying that they didn't believe there should be any transfer of lands to Aboriginal groups within this municipality and, on top of that, I started to ask some persons did they know of anybody else who agreed with it. Until times after my submissions, I never met one person who agreed that it was a positive thing to do, and there are varying reasons. Some people told me they didn't believe there were any true Aboriginals who lived here or there were any true Aboriginals in Tasmania, for that matter.

There were others who felt that the concept is totally divisive, that when one group of the community is given something and the rest of the community then have to purchase or buy their assets and pay the taxes along the way, they feel that's an unlevel playing field, if you like. That's the basis of why I'm here, as an elected member of the council people talk to you and express their opinions on what happens. I felt it's necessary that somebody should come forward and make submissions.

Mr FLETCHER - Mr Charles, does your view as a councillor vary from the view generally held by the council as a corporate body?

Mr CHARLES - The council as a corporate body made a submission, mostly regarding the Mount Cameron transfer - and you'd be familiar with that. We all had input into that. I attempted, as a councillor, to have the issue declared an issue of significance under the Local Government Act in which the council could show some leadership and seek opinion of the community, because I felt that there is some apprehension by people who would otherwise not come forward to your committee because they don't understand the process and are fearful of something they're not familiar with.

So if our council could have done something to have canvassed the community, I felt it was an issue that we should take forward, however the bulk of the council felt that it should not be an issue of significance and therefore it didn't happen. I also moved to have a public meeting held, which was overturned by the council too. They believe your committee was the proper body to hear the representations and they felt the council shouldn't be involved to that extent.

Mr FLETCHER - The major concern expressed by other witnesses opposing or temporarily opposing the transfer of further lands to the Aboriginal community is one of access or general access to the nominated or proposed sites. If access could be guaranteed to the broad community in some general way with security, would you then support the transfer of sites?

Mr CHARLES - I would express my personal view. I wouldn't because we were given those guarantees when the 1995 transfers were to take place; the protections were, we understood, legislated, and it has never happened. Of course the bodies owning and controlling land from time to time change

their structures by elections or other means, and there is no guarantee. I don't know that there's any legislation or if the legislation is strong enough, it hasn't proved to be that way.

Mr FLETCHER - The legislation has never been tested; it requires somebody to take an action and test it in the courts. That's the only way you can find whether the legislation is strong enough. It needs someone who's been denied access to take an action against the owners of the property for a denial of their legal rights.

Mr CHARLES - And then individuals who haven't or don't feel compelled to put those financial resources to challenging it.

Mr FLETCHER - Yes, I understand that. Mr Charles - or Bernard - do you think it important that the Aboriginal community of Tasmania have land of their own to nurture the remnants of their culture, or do we do anything special because there was an ancient people here and their descendants are still in our community?

Mr CHARLES - I believe there would be some recognition if we had Aboriginal people living in Aboriginal conditions - and if you go back to what Eddie Mabo achieved in some recognition of his land because they were active and cultivating their culture on that land. But, for example, my understanding is that with some of those pieces of land within this municipality it has needed an outside communicator or a facilitator to recognise some of those areas. So for a long time nothing has happened. The most recognisable area, I guess, is the caves in the Rocky Cape national park, and they have remained just the same as they have ever been for - I saw them as a kid, and school parties go and visit them and there has been no limit to their access. People recognise that, yes, there were Aboriginal people living here and this is where it was.

Mrs SILVIA SMITH - I was wondering if I could follow that up because that was an issue I was going to look at, the issue of the caves. In the issue of the middens and the petroglyphs and so on that are in these sites down here, do you have any thoughts on how they can be protected without transferring land?

Mr CHARLES - The general view would be and the general view, I believe, of the community would be that there is nothing of significance in those middens that are worthy of protection. Many locals say, 'That's just another rubbish dump, and should we protect where we've dumped our rubbish for the last 200 years?' That's the general attitude that I sense in the community.

Mrs SILVIA SMITH - What about the rock carvings?

Mr CHARLES - I have never known anyone who's held them in particular high relevance, but you have to realise that I live as far away from the Arthur River township as I do from Ulverstone and Penguin and still live in this municipality. I'm a long way away from that coastal area.

CHAIRPERSON - Do you think, Mr Charles, perhaps we have failed as a society to educate ourselves about Aboriginal culture? We understand the differences between Catholic and Church of England and Irish and Scottish and yet we don't understand our own traditional Aboriginal culture and that's part of the problem of communities not recognising these significant sites?

Mr CHARLES - Perhaps we have, but also as a nation we are very free in giving somebody help to lift them up from a status if they need some help anywhere. But we expect, after a person, a society or a group or anybody else is given some help and some assistance, that they will take advantage of that and stand on their own two feet and have a go for themselves. There is a recognition, I believe, amongst the community that the Aboriginal groups are not advantaging themselves of the assistance they have been given and tend to sit back and expect more assistance. That is somewhat abhorrent to many of the other people when they see their taxes being continually spent on achieving no end result.

CHAIRPERSON - How do you believe the Aboriginal community can take advantage and benefit from the lands transferred, considering there's no financial money transferred with it, considering they will have to live within the environmental regulations that everybody else has to within the Weed

Management Act that everybody else has to adhere to? How do you believe they can take advantage of any of these sites to become self-sufficient?

Mr CHARLES - I don't believe there is any opportunity to take any advantage of it, although I've heard one or two say there were some opportunities in tourism. I am familiar with the Government's coastal policy that restricts so many things happening on coastal areas now that never happened before, but I understand the transfer of land to Aboriginal groups would be outside the coastal policy, so that in itself is an enigma.

CHAIRPERSON - Any other questions?

Mrs SILVIA SMITH - I am just formulating how I will approach this. A comment you've made in here about the possible division of the nation by what is happening with regard to Aboriginal land transfer, Aboriginal land title. What evidence would you suggest you have that there is a division happening because of what you're saying here, different sets of rules and standards apply to different groups of people?

Mr CHARLES - A few of the people who have spoken to me that don't approve of the transfer of land say, 'I can claim aboriginality if I go back through my family tree, but I want no part of it. I just want to be part of the ordinary society, I just want to be one of everybody else'. They don't want to be known as Aboriginals, they don't want to be known as being different and they expect to pay their taxes and they expect to be just the same as everybody else so that we can get on being as one nation.

Mrs SILVIA SMITH - And you consider that handing back of lands unattached are going to cause bigger divisions?

Mr CHARLES - I believe they are, yes.

CHAIRPERSON - Thank you, Mr Charles, for your submission. Both your written submission and the time you have taken today to come here and make a presentation were appreciated.

THE WITNESS WITHDREW.

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT CIRCULAR HEAD COUNCIL CHAMBERS, SMITHTON ON TUESDAY 14 MARCH 2000.

PAUL ARNOLD AND ROSS HINE, CIRCULAR HEAD COUNCIL, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - May I start by saying thank you to the Circular Head Council and their community for allowing us the use of the facilities here over the days of the hearing. It would be appreciated if you would pass our thanks on to the relevant people; we do appreciate the support they have given us to this stage.

As you would be aware this committee has been moving around Tasmania taking evidence on the Aboriginal Lands Amendment Act and we note the Circular Head Council's submission to this committee. The process we have used is that we ask those appearing before the committee to speak to their submission, to make any extra relevant points they wish to make, after which members of the committee will ask any questions they believe are relevant. Mr Hine, I pass over to you in the first instance.

Mr HINE - Thank you, Madam Chair. I will ask the General Manager to go through our submission.

Mr ARNOLD - Thank you, Madam Chair and members of the committee. Council looked at its formal position again, in view of the inquiry that is before us, on 20 January. I guess it is no secret that the council has been actively involved in trying to bring about some reconciliation of a particular parcel of land at Mount Cameron West in the last couple of years, so council has had first hand experience at trying to see some resolution of public access provisions at Mount Cameron West. Mount Cameron West is one of the first parcels of land transferred to the Aboriginal Land Council which was established under the act for the purpose of holding the freehold title of Aboriginal lands.

Following the transfer of that parcel of land to the Aboriginal community under the Aboriginal Lands Act 1995, there have been some ongoing problems at Mount Cameron West that have been brought to council's notice. Normally council wouldn't get involved in things like this but, because of our links to the community and our willingness to provide advocacy on behalf of our community to see the matter resolved, we have been actively involved in trying to bring about reconciliation on public access provisions down at Mount Cameron West. Those public access provisions have been impaired or impeded by the erection of a gate across a public footway access and that gate has been the source of some considerable anxiety and anger within the broader Circular Head community for some time, so it is for that reason we have been trying to get involved to see the gate moved, to see what council could do in the provision of infrastructure at the site that might allay the fears of the Aboriginal community. To that end we have been actively involved in the whole process.

Our submission to the committee is really trying to come to grips with what the public access really means and how it ought to be interpreted and managed in the whole exercise and to that end we have made a strong position for the committee that the understanding of public access is at best confused for the Aboriginal site at Mount Cameron West and because of that council has grave fears about further transfer of Aboriginal lands at West Point and Sundown Point because it is by no means clear as to what public access really means.

In our submission we've referred to the act and what public access is meant to mean in the act and to understand that a footway is really a roadway and that our view, in correspondence that we saw from the Solicitor-General, advised that there exists a right for all people at all times to pass over and re-pass

over the whole of the Mount Cameron West Aboriginal site. That opinion is obviously not being shared by the Aboriginal community who have the ownership of the site so we see signs about 'Trespassers Prosecuted' and those sorts of things. To us it is quite confusing as to what is the public access provisions that apply to the Mount Cameron West site at large and also what is the issue with respect to the road itself. There is public access over the road, we believe, is a matter of law and the gate is an illegal gate that should not be on there and we also believe the public access should apply across the whole Aboriginal site, from our understanding of the advice that was provided at the time.

We then negotiated with the previous government and Minister Hodgman as a representative of that government and formed an agreement whereby we could in fact come to some understanding of improving the access on the road. In fact in our evidence we've submitted to you a copy of the agreement - attachment 2 - between Circular Head Council, the Aboriginal Land Council and Minister Hodgman whereby council was the recipient of a grant for \$37 598 and for that we were going to undertake works on the Mount Cameron West road, as well as improving the particular point of dispute from the existing car park right to the beach itself. We moved in, we upgraded the existing road from the Marcus River Road to where the current temporary dwelling is and we also improved from there to the existing car park so council spent in the vicinity of \$22 000 to \$25 000 on doing the works to that road. When it came to extending the road, from the existing car park right to the beach itself - which was always the understanding - we were stopped in that process by representation to us that we would be in breach of the Aboriginal Relics Act without doing a full Aboriginal heritage survey for the site. So we took quite a number of months trying to negotiate for an interested party to do the Aboriginal heritage survey of the site.

Since that time there has been no further works at the site but we've had a number of discussions with the Aboriginal community represented by ALCT and TALC. I guess one of the confusions to council is that the Aboriginal Land Council are the landowners under the act and they appear to have leased or given control of that land to the Tasmanian Aboriginal Land Council as property managers. We've obviously not seen any of those arrangements as to how formal or informal they might be and in that regard we appear to be caught in the crossfire between TALC and ALCT in terms of what is the position of the Aboriginal community on matters affecting Mount Cameron West. We've made considerable progress with the Aboriginal Land Council, we freely admit that, but we don't appear to have had the same support from the Tasmanian Aboriginal Land Council as the land managers of the site and in that regard we've not been able to reach amicable arrangement or agreement at this point in time.

We have tried to work out who in fact is responsible to manage the public access to the site and we have received conflicting advice that the office of Aboriginal Affairs as representatives of the Government actually manage the public access; PIWE, Parks and Wildlife, manage public access, that has been told to us; ALCT as the owners, they manage public access and they are also an authority created by the Government so they manage public access; and TALC as land managers manage public access and yet the road is a public road reserved for all time for the public. Who is it, we ask, enforces public access? So we have the situation now where a gate is there and if somebody ran into that gate tomorrow there would be negligence on the part of somebody for having the gate on a public thoroughfare. It really does raise an awful lot of legal issues because if we put a gate across the road out here we would be in all sorts of trouble; if somebody hit it we'd be up for negligence for stopping access on a public thoroughfare. From council's perspective it sees it no different so we are saying that gate and the issue of public access down there is a fundamental issue that we have not reached resolution on, so council has grave concerns about West Point and Sundown Point as a result of that.

Tasmania Police have been involved, with a view to removing the gate, and their view expressed to us informally was, well if the gate came down they'd take no action because it shouldn't be there but they wouldn't remove the gate themselves. Who is the authority, we ask?

At its meeting held on 20 January, council's prime concern about this illegal prevention of public access to Mount Cameron is the foremost in our thoughts and then where council is opposed to any further land transfer until such time as public access is defined and resolved at Mount Cameron and guaranteed and a proper law enforcement procedure is identified. Council at the meeting suggested that perhaps a dispute resolution board or committee be established to ensure and guarantee future

legislated public access to lands transferred to the Aboriginal community. We are saying that really for ongoing reconciliation and ongoing management there has to be some dispute resolution mechanism that is more effective than the one that has not operated since the Aboriginal Lands Act was proclaimed in 1995.

With respect to the West Point and Sundown Point further transfer of land, this council has not been consulted on any basis to do with the management of roads and roads in the area an issue to us. We do maintain a portion of West Point Road up to the forks but nobody maintains the road from the forks onwards and we insist that those matters be resolved as to the ownership and management of those roads and maintenance of those roads before any further transfers occur. We have grave concerns that despite the best drafting endeavours of the new act we note that the bill that is before the upper House does not seek to change much in terms of public access. We believe that disputes over public access have to be better drafted but, despite the best drafting endeavours, there will always be dispute in our view and therefore we suggest the disputes resolution board to have the sole authority to decide and enforce the issue of enforcing the public access is the issue that we are most concerned about.

Council do not wish to make any submission on the issue of Aboriginality and other issues. It felt that it probably should avoid those types of issues and leave those to others to make individual submissions with respect to those. Suffice to say that council held a long-term view that the local Aboriginal community would be involved in the land management of Mount Cameron West and even new lands that are transferred to them but that has not worked out in practice. While that may have been the intent when the act was established in 1995, it has not worked out in practice over that time so our negotiations have only been with the Aboriginal Land Council and the Tasmanian Aboriginal Land Council.

CHAIRPERSON - Thank you. Before we go any further, would you like to identify on the maps the roads and where it actually finishes, the responsibility of the Circular Head Council.

Mr ARNOLD - On the West Point Road, on the new land, we maintain to these forks here, so from there onwards there is no authority maintaining the road from that point right into the area. Traditionally you'd say the Lands Department or Parks and Wildlife have the legal responsibility should anything happen on that road but because of budget restraints they have not spent money on their roads down on the whole west coast for some considerable years so we stop at that fork there on Mount Cameron West.

Mr BAILEY - Can I just ask, are they reserved roads for the Crown?

Mr ARNOLD - Yes, they're public reserve roads.

Mr BAILEY - Each of those from the junction?

Mr ARNOLD - That's our view, yes.

Mr FLETCHER - That was West Point?

Mr ARNOLD - That was West Point.

Mr BAILEY - And they do follow the reserve road, the boundaries are within a surveyed reserve road?

Mr ARNOLD - That's right, because the whole lot of that area is just crown land the reserve roads in some cases would not be on the Crown's title, they're more there by existing user-defined roads, existing use roads, that have been there for quite some time.

Mr BAILEY - Yes. Has the council ever spent any money on those roads beyond the fork?

Mr ARNOLD - No, because one of the issue that council faces is that if it starts to maintain a road regularly then it has legal responsibility for that road so we are very careful not to maintain roads once because once we do we could have a case against us. There is about 100 kilometres of road down there,

that we don't receive any funding for. The rate base out of the area is very, very limited and we're saying we don't really want 100 kilometres of road fees because that would put extra significant financial pressure on us.

Mrs SILVIA SMITH - Is there an issue of road maintenance into Sundown, I'm a bit far away here.

Mr ARNOLD - Yes, Sundown is really only the Temma Road and we maintain the Temma track down past the - the Temma track is a council road and maintained by council, but the tracks leading into Sundown Point are not our roads.

CHAIRPERSON - You spoke about the local Aboriginal community, is it a recognised corporate structure or -

Mr HINE - Some years ago, Madam Chair, I made an effort and got involved in the local Aboriginal group here and I got myself on the local Aboriginal Reconciliation Committee. I set out to foster a relationship between the local Aboriginal group and the wider community, if you like, and the local group has a lot of support in this area up here too, but the problem was that the local Aboriginal group weren't recognised by the main Aboriginal group from Hobart, if you like, the hierarchy in the Aboriginal community, so rather than being able to achieve anything it's hands were tied, if you like, and nothing was gained. I am still on the committee. I would have thought that in any proposed land transfers or whatever that the local Aboriginal group that live in the local community would have been the first involved in it all but because they are not recognised or whatever it is, they seem to be left out of it, which is a disappointment to me.

CHAIRPERSON - Do you identify the council as a large group of people?

Mr HINE - We identify it as a small group of people, we do, but they lack identification in the Aboriginal community.

Mr FLETCHER - With regard the access to Mount Cameron West, I agree with your summary totally. It is not only, I think, a breach of the law that the gate is there but it is further a breach of trust between the initial negotiators and the Government of the day which the agreement led to the enactment of the law and the law was always meant to provide access to the beach over the road. That is a running sore that gives me no confidence in the capacity of the elected land council to deliver on the commitments that it has under law. I think that is a significant problem.

I am forced to ask the question, from your basic position - your basic position, as I understand it, is that you oppose further land transfers until the public access at Mount Cameron is guaranteed and a law enforcement procedure is identified. Is this the only reason why you would oppose further land transfers?

Mr ARNOLD - The position of council is that they oppose further land transfers until public access can be resolved. Council in its special meeting did not venture an opinion on other reasons as to why or why not further land should be transferred, that council did not see its role as making a position on that.

Mr FLETCHER - Can the committee conclude that if a means of accessing Mount Cameron is found and a dispute resolution or a law enforcement process is identified - and that can be applied generally to other land - then council would support the further land transfers.

Mr ARNOLD - Council would then not oppose further land transfers.

Mr FLETCHER - So the only reason why council would oppose further land transfers is if there was an element of doubt about the matter of public access to that land.

Mr ARNOLD - Council has no confidence in the current act in the matter of public access, so that is its prime concern. If that public access can be guaranteed and sorted out for all time then council would feel far more comfortable should further parcels of land as in West Point and Sundown be transferred, but it has no confidence in the public access provisions as they stand at the moment so, on that basis, it would oppose further land transfers.

Mr FLETCHER - Are we of the same understanding, that the public access guaranteed over the Mount Cameron West was a public access over the roads and the tracks to the beaches as identified on the central plan. You seem to be asking for a more general access to the land.

Mr ARNOLD - That's right. There are two issues of public access: one is the two tracks to the beach at Mount Cameron, one on the north side and one on the south side of the mountain; the other one is the general access of people to the rest of the land, other than the public road. Council's interpretation of the Aboriginal Lands Act, supported in correspondence by the Solicitor-General, indicated that there was a right for all people for all times to pass and re-pass over the land even though it was in the ownership of the Aboriginal Land Council. So council presumes that even though land is transferred to the Aboriginal community that it is still in the public domain and the public can access all of those parts of the land, with the exception perhaps of some very spiritual or significant sites that there may be grounds for the Aboriginal community to restrict public access to it but that would only be a very small part of the whole area of land that would be thus transferred.

Mr FLETCHER - So the committee can conclude that the council would only withdraw its opposition to further land transfers if a general right of access to the public was provided over the said land at all times?

Mr HINE - If we could get the access problems at Mount Cameron West sorted out so that the majority of the people were happy - we're not going to please all the people - then it's okay. Access is the issue here, it is the issue that people fear on these new proposed transfers and the people are saying to us if we can't get it right at Mount Cameron then why do you think we're going to get it right at Sundown or West Point. So we are saying that we fix the problems up at Mount Cameron first and then we will discuss the other issues further.

Mr ARNOLD - The understanding at Mount Cameron is that the public do have access right to the top of the mountain, rights to all parts of that parcel of land, there is public access to it and that is our interpretation and understanding of the Aboriginal Lands Act 1995 and so we would presume the same to apply for West Point and Sundown Point.

Mr HINE - We're talking about walking access here, off the tracks.

Mr FLETCHER - Could I then ask you to give some thought - no need to hurry an answer in regard to this because I think it is an important response - exactly what do you understand or do you demand by way of public access to Mount Cameron West in the first instance.

Mr ARNOLD - The first demand is for the roads themselves, the foot tracks as identified in the central plan register, to be honoured as public thoroughfares - that is our first demand. Yes, council will put further funds into the hardening of the tracks to ensure that no damage does occur to the Aboriginal relics in the area. That is our first one.

Our second one is that council's expectation that under section 27(8) of the Aboriginal Lands Act there is reserve to the public at all times of right of access over Aboriginal land equivalent to the right which would exist as if the land were reserved as a coastal reserve under section 57 of the Crown Lands Act. That goes on to exclude just a small part of the plan on the central plan register so council's demand is for the public to access a right of access over all Aboriginal land in accordance with the Crown Lands Act which would in itself relate to areas such as riparian reserves and other areas where the public can access at all times, so that would be the demand or the expectation of council.

Mr FLETCHER - Thank you.

Mr WILKINSON - Do I take it then that what you're asking for is what you believe to be the plain meaning coming out of the previous act to be adhered to.

Mr ARNOLD - Yes, that's right. The act to be redrafted to articulate what was the intention and what is the intention of public access.

CHAIRPERSON - If I might go back to some comments you made in your submission about consultation. Can you give me information as to whether Circular Head Council were consulted before by the Premier's working party on proposed transfers of land and the road issues relating to those - in other words, the ones that we have in front of us. Did you have any consultation?

Mr HINE - No, Madam Chair. We heard about it on the grapevine, I suppose a couple of days before, two or three days before it was about to be announced. I did make a phone call to Bryan Green when I first heard about it and told him that I was disappointed that there wasn't any consultation with us. I think he alerted the Premier but at that time it was only a couple of days before the announcement was made and no, we didn't really have any consultations to it.

CHAIRPERSON - Thank you. I asked that question as a precursor to my next one in view of some comments you made about road access and as the committee has been working through there have been some questions we have asked of the Department of Premier and Cabinet that is responsible for Aboriginal Affairs. One of those questions - and the information is in front of me at this time - was responsibility for road access at West Point. My old training says listen to the words and it's 'at' not 'to' West Point. The response is: 'The road at West Point is maintained by the Circular Head Council on the basis that it is a public road, it is anticipated that the status and responsibility will continue once the land is transferred'. Would you like to make a comment?

Mr ARNOLD - That's not correct, Madam Chair. Council has taken a lot of legal advice in the last twelve months with regard to roads are maintainable by council. It really is a big issue as to what roads are or are not maintained by council and the Local Government Act sets down a section where councils determine the roads that are maintainable by councils and so we as a council in the last two years have actively articulated on maps roads that are maintainable by council. The roads maintainable by council map of council only goes to the fork; we do not just carry the responsibility automatic of all other public roads, that is simply not true. We would contest that at law and we believe we have solid legal advice to back up the fact that we haven't maintained those roads, as a matter of fact, for the last 100 years.

CHAIRPERSON - Thank you. Another question: in the Sundown Point area I believe there is a reserved area for public camping. Have there been any expressions of environmental concerns as to waste disposal et cetera by your council officers in relation to camping on that reserve or any other reserves that are at issue here?

Mr ARNOLD - Madam Chair, we are not the managers of the reserves for the camping purposes. The Parks and Wildlife section of the Department of Primary Industry, Water and Environment are the managers of those sites. But we are not, to our knowledge, aware of any environmental difficulties associated with it at Sundown Point or other reserves in the Arthur-Pieman area in terms of waste management. We have formulated a waste management policy and that now seems to be working effectively with respect to the Parks and Wildlife camping areas in the Arthur-Pieman area which includes Sundown Point and West Point for that matter so we are not aware of any issues related to waste management in the area.

CHAIRPERSON - Have you had any involvement with the shack sites program in relationship to those areas, specifically the six at West Point and the one at Sundown Point?

Mr ARNOLD - Our officers have been working with the shack site categorisation program for quite some time to do with all shack sites but the shack site officers carry the prime responsibility of determining what shack sites are going to be categorised in what basis. On or about 30 December last year all shack site owners on the west coast received some notification about what was going to be the categorisation of their shacks. That was done without agreement with council on the matter of infrastructure management so we have lodged an appeal to the shack site commissioner on the determination because there is no resolution about ongoing management of roads and ownership of roads and agreed financing of those roads so we are at variance at the moment with the shack site program because of the fact that roads have not been agreed upon in that process and, while there is discussion on the West Point shacks and the Sundown Point shack, we will not be supporting that until we get some resolution on contributions for road maintenance and management and perhaps waste water, sewerage, in the area.

Mrs SILVIA SMITH - I wonder if I could go back for a moment to the issue of public access because I look in your current position statement in your submission and you talk about a dispute resolution board be established to ensure and guarantee public access. I wonder if you could broaden your comments on that by letting us know who you envisage being part of that dispute resolutions board and how you envisage it would actually work. Do you have any broader ideas on that?

Mr ARNOLD - One of the issues under consideration has been whether or not, for example, the council became the land manager on behalf of the Aboriginal land community as one way forward, but the Circular Head Council does not support that at this time. One of the other things we were saying was that we have a disputes resolution board that involved perhaps one or two representatives from the Circular Head Council representing the local community, and perhaps one or two from the Aboriginal community but with a person who was chairing it who was really independent but had the authority to enforce the provisions. At the end of the day it's going to come down to an authority to enforce. They were some of the scattered thoughts around council table during the idea of this dispute resolution.

Mr BAILEY - If I can just go back to Mount Cameron West so I can understand fully the current problem and then apply that to what is proposed to be granted now. Would you have a plan of the access to Mount Cameron West?

Mr ARNOLD - I have a plan there of Mount Cameron West which shows the main road coming ..., but it's not the 3467 on the central plan register. I'll try to find another one that shows the tracks to access the beach. That is the road there from Harcus River Road which -

Mr BAILEY - That's a council road.

Mr ARNOLD - That's a council road there -

Mr BAILEY - Harcus River, and is that a council road in there?

Mr ARNOLD - It wasn't. It was part of the freehold part of the property but it had 'public road' on the title. So on that basis, as a matter of goodwill, with the money that Peter Hodgman gave us, we upgraded that road into there, so we are quite prepared on an ongoing basis to maintain that now, having had the funds to upgrade it to a suitable standard in the first instance, but -

Mr BAILEY - But that just takes it to the edge of the area.

Mr ARNOLD - Yes.

Mr BAILEY - And what happens to get to the beach?

Mr HINE - There's a gate that comes here and there's a road that goes like this down to here. This is about where the car park and the gate would be, and there's another one goes down the south side of the ...

Mr BAILEY - And they are roads which aren't maintained by the council.

Mr HINE - That's right.

Mr BAILEY - You only go to -

Mr HINE - You only go to there, but as a matter of goodwill we did upgrade that one from there to the car park, and this is the one we're talking about now.

Mr BAILEY - So that's still open to the car park.

Mr HINE - Yes.

Mr BAILEY - But people can't get access -

Mr HINE - Can't drive from there down to the beach -

Mr BAILEY - Or down that road to the beach.

Mr HINE - No, this one is left open. A lot of the surfies use that and we don't see any problem with that one.

Mr BAILEY - But who maintains that road?

Mr HINE - It's not really maintained, it's just a track.

Mr ARNOLD - Here it is. This is the central plan register 3467 and it shows the existing road, and it says 'foot track' right from the last bit to the beach. The existing car park would only come to there.

Mr BAILEY - But there is a title on which there is an existing road -

Mr ARNOLD - The title says, 'existing road' and that's the matter that we believe is the issue.

Mr BAILEY - Okay, I understand that but - it's written on this one too, 'existing road'. So that existing road would still vest in the Crown and not in the title.

Mr ARNOLD - That's right.

Mr FLETCHER - No, the existing road is the property of the land council with the right of access over it.

Mr BAILEY - It does say 'road'.

Mr ARNOLD - It says, 'existing road' on the title but you'd have to go back to the act itself to see what the act -

Mr BAILEY - It's a question of what 'existing road' means, whether that does in fact vest it in the Crown and whether the foot track is vested in the Crown.

Mr FLETCHER - I think we're only recalling from memory here, but the total of the land transferred to the Aboriginal community and there was a reserve to the public, a right of access over the existing road at all times. That's paraphrasing.

Mr BAILEY - But this title says: 'Note. There is a reserve to the public at all times a right access over that area of land marked A, B, C, D' - which is part of the area which you are constructing leading in - 'that area of land five metres either side of the centre line of the existing roads which are marked'. So from the centre line of that, there's five metres either side, and that seems to me that that is still reserved in the Crown as a reserve to the public. 'Reserve to the public at all times a right of access equivalent to the right which exists' - and presumably that's what that is.

Mr FLETCHER - That's the general right of access, but the specific right of access over the road is spelled out in another provision.

Mr BAILEY - I see.

Mr FLETCHER - That's the general right of access. The right of access is the same right of access as there would be over crown land reserve.

Mr BAILEY - Yes, I see the problem. And it's the same with the area around 1.5 metres on either side of the centre line of the tracks marked, so that's the pedestrian access. Yes, that does explain it.

Mr FLETCHER - That's the provision relating to the existing roads.

Mr BAILEY - Yes - under this one.

Mr WILKINSON - You talk about the local communities and the problem you had, Ross, with your belief that the local communities weren't brought into the equation. Do you want to expand on that a bit

in relation to your knowledge of what happened?

Mr HINE - It's a bit awkward for me to expand on it, I suppose, Jim, for the fact that I don't really know what goes on within the politics, if you like, of the Aboriginal community. I don't know why they're not recognised, whether it's a possibility it gets down to aboriginality. Aboriginality is probably the crux of the -

Mr WILKINSON - I'm not talking about that as much; I'm talking about consultation. You are on the committee that you spoke about; as I understand it, that committee wasn't consulted at all. Is that right?

Mr HINE - The local Aboriginal committee - not to my knowledge it wasn't.

Mr WILKINSON - Right. Therefore, being on that committee, did your committee have any knowledge of this bill before it came into existence?

Mr HINE - No, unless they were notified within the last fortnight or three weeks before this happened. I've had discussions with one or two of the members and they have never said to me that they were notified.

Mrs SILVIA SMITH - If I could just take that a step further and get your thoughts. Comparatively speaking, when the 1995 act was done and prior to that, it is my understanding that there was quite a lot of consultation which went into the process of what was going to happen at Mount Cameron West, and so on, and you are saying that to your thinking there was consultation there, but this time nothing whatsoever. You basically heard it at the death knell when it was announced.

Mr HINE - That's right. Ninety-five proposals we had, and Tony was involved. We had a public meeting at the Marrawah hall to talk about it and the local Aboriginal group was there that particular night at the meeting. We talked about it as a whole of community, if you like, and everybody knew what was going on. We talked about the accesses; the accesses were guaranteed, so at that particular meeting the community couldn't see anything wrong with the transfers and were generally in favour of it because we had the opportunity to sit down and talk about it as a community together.

Mrs SILVIA SMITH - So even though there hasn't been, in your words, any consultation this time, am I to gather - just an overall precis of this issue - is that if the issue of public access per se can be resolved then you would have no objections to the next two parcels of land being handed over?

Mr HINE - If the public access issues were resolved and they were written in concrete, if you like, no, I don't think the community would have. That's the main issue. There are other little issues like fishing and kelp harvesting and those sorts of things, but I think they are better negotiated with the Aboriginal community on an individual basis, if you like.

CHAIRPERSON - Surely as the council you would wish to sort out who owns what roads and who believes who owns what roads.

Mr HINE - That's right. We've got to sort the access issues out.

Mrs SILVIA SMITH - Access and roads are the main two sticking points, aren't they?

Mr HINE - Yes. Within the West Point area we've got six shacks and they are going to have to have access if they remain there, which they will. They're going to be surveyed off, I think, so therefore we need to get the access problems sorted out once and for all.

Mr WILKINSON - And you were saying you've got 100 -

Mr ARNOLD - All down the west coast there'd be over 100 kilometres of public roads that we don't maintain, but in this affecting West Point and Sundown it wouldn't be 100 kilometres, I gather it would be more in the vicinity of somewhere between ten and twenty kilometres.

Mr HINE - Probably about fifteen to twenty, or something. I don't know what it would be.

CHAIRPERSON - You spoke of the problems in your negotiations because ALCT was the owner and the authority approved by the act, and TALC were the land managers. Can you offer some suggestion to the committee as to how in the future to overcome the problems of dealing with the land manager per se instead of with, or do you believe you should be dealing with the authority approved by the act?

Mr ARNOLD - I guess, Madam Chair, we were of the understanding that section 31 of the act allowed for local management of certain areas, where it says: '31. The Council, after considering the factors specified in subsection (2), must involve a local Aboriginal group or a local Aboriginal person in the management of Aboriginal land', and subsection (2) goes on to say: 'The factors which the council is to consider in deciding which local Aboriginal group or person is to be involved is the extent to which a local Aboriginal group or person has an association or connection with the land and the extent to which a local Aboriginal group or person has a desire and capacity to manage the land and the importance of the land to all Aboriginal persons'.

Council has been concerned that the local Aboriginal group has not been in any part of participation of the local management, and so the Circular Head Council is not party to the arrangements between the Tasmanian Aboriginal Land Council and the Aboriginal Land Council as the authority that owns the land. So we can't pass judgment except to say that it would appear that there is a variance between the land managers - TALC - and the land owners - ALCT - that we get caught in and frustrated in the middle of that variance between those two groups, let alone our local management group that council had originally expected to be involved in the local management.

Whether or not the issue is that ALCT have the authority to act and this need to press on and take the decisions and act; whether that causes then unreconcilable differences within the Aboriginal community, it appears to us that is more the politics of it than what the actual arrangements might be that those sorts of politics weigh heavily in the final determination.

Mr BAILEY - In relation to the advice given by the Solicitor-General that the public had absolute right to the area, did he expand as to how that right should be enforced in his advice?

Mr ARNOLD - No, not in his advice. Just general principle.

Mr BAILEY - Was the gate removed at some time once, or am I getting that mixed up?

Mr HINE - The gate was only put on since the ranger's residence was built. The gate has only been on probably for the last two years.

Mr ARNOLD - Two and a half years. At one stage a citizen or citizens unknown removed the gate by towing it out lock, stock and barrel, but it was re-erected soon after.

Mr BAILEY - And what happened?

Mr ARNOLD - Nothing.

Mr BAILEY - So if the gate were to be removed, people could have access.

Mr ARNOLD - Yes. It was only removed for a week or so before the Aboriginal community re-erected the gate.

Mr BAILEY - Do you say you erected the gate?

Mr ARNOLD - No, we didn't. The Aboriginal community erected the gate some two and a half years ago, and we have heard that on one occasion it was removed by towing it out lock, stock and barrel but it was re-erected very quickly thereafter.

CHAIRPERSON - If I might - and a personal opinion, perhaps, is safer than a council position if it hasn't been discussed at council - it has been suggested on some occasions that perhaps any transfer of land to Aboriginal communities should be with no strings attached, no access provisions for the public, and so on; perhaps the only string being perpetuity so that it can't be sold by current Aboriginal

communities; it must be handed on for successive generations. Added to that, of course, would be a stronger test of sites of significance, sites of importance to the Aboriginal community. Would you have an opinion on the general principle of transfer so that their rights and their entitlement is exactly the same as a private property owner?

Mr HINE - Madam Chair, I have a personal opinion I'd like to express; it's not a council resolution, it's just a personal opinion. I am concerned that what we're going to do here with this proposed transfer is we're going to put a barrier up that's in place forever. That barrier will be for our grandkids and their kids, and whatever, and I believe that it is the wrong approach. I would like to see where we'd have more of a whole-of-community approach, if you like, with local Aboriginal groups and the wider community working together.

I have pamphlets clearly promoting Aboriginal reconciliation that say on the front page, 'Walking together', and to give justice to this philosophy our future generations must be free of any barrier, I believe. So I would think that a 'walking together' approach will have a greater chance of success in the protection of Aboriginal culture and heritage than the barrier approach, especially in areas outside the proposed transfer sites. Somehow or other these areas of significance outside the land transfer sites no-one seems to be talking about, but surely they are of equal importance and there are some significant sites outside the proposed land transfer.

The community perception will be, if these transfers go ahead, that they will see these other areas of significance - and it would be so easy for a government-of-the-day, in that huge area of crown land down at the Arthur River or this side of the Arthur River, to designate another area and another area. The fear of the local people is that we could end up with the whole lot of it locked away. That's just my perception. I believe we'd have more success, if you like, of managing these sites if we took a 'walking together' approach because we all recognise there are very important significant and cultural sites down there, and they'd have some potential for the whole municipality down the track. The land transfers could fuel community resentment, and once the community becomes divided it's going to be very hard to get it back together. I believe that what is happening is that the wedge is being driven in and it's going to be very awkward to get the whole of our community back together. I believe it doesn't seem to be the right approach.

One of the things we have here is an Aboriginal community, we recognise that, but we don't have any full bloods - if I can say that word, I don't know whether I can or not. Therefore in theory you would think that time will dilute, and I believe that if that's the case surely we should be looking at this from a whole-of-community approach. If the government subsidies to the Aboriginal community ceases some time down the track, and these areas of land become a burden to the Aboriginal communities and they can't manage them, they may have to hand them back to the people and the people may resent that too.

I believe that if we could have some sort of management authority that could be formed comprising the Aboriginal communities and the local Aboriginal communities and representatives from the wider local community, then these areas of land could be managed together. There could be an education program started and I believe that would have a better chance of success than the proposed land transfers. That is my own personal view, Madam Chair.

CHAIRPERSON - Thank you. Any other questions of the mayor or the general manager at this stage?

Mr FLETCHER - Yes. I'd like to draw on the mayor's experience following his statement, particularly from where he lives and the knowledge he has of the area. Are you aware that there have been Aboriginal sites of significance such as the petroglyphs and other middens on that west coast generally throughout your life for a long time?

Mr HINE - All my life.

Mr FLETCHER - All your life. Have you ever felt that those sites have been threatened in the past in some way?

Mr HINE - Never.

Mr FLETCHER - Do you feel that they are threatened in some way now?

Mr HINE - I believe they could be threatened by the fact that we could have a community that's wild, if you like. That's the only way that I could feel they could be threatened - not by everybody but just by one or two, maybe. I've lived there all my life, Tony, and I've never believed they were ever under any threat at all.

Mr FLETCHER - Do you believe the community is riled or some members of the community are aggressive at this time?

Mr HINE - Some members.

Mr FLETCHER - And do you understand why they are riled? Can you identify reasons why there is this aggression?

Mr HINE - One of the issues is the Mount Cameron issue, the gate there. They realise that it shouldn't be there and, to their credit - the local community - they've been pretty patient about that because the authorities tell us that it is an illegal gate. But I believe they see that as a barrier, if you like, to an area that the local people, including myself, have been going out there all our lives and enjoying the area. It's a beautiful area and all of a sudden we were shut out.

Mr ARNOLD - I think, if I might add to that, Madam Chair, is there is probably a feeling of being marginalised by the wider Circular Head community in the process. If the land is going to be transferred to the Aboriginal community to be at their sole discretion and use, then there ought to be far more public consultation. The Bingham working party made no reference whatsoever to Circular Head Council, the first we or the community knew about it was when it was announced by the Premier. In that time it is fair to say that there's been strong feeling in the community and, because of the descendancy of the Circular Head community, there is a strong feeling of affinity with that land that's down there. Working in my office here, we have three people out of twenty that I'm aware of who have Aboriginal descent in them. Their comment to me is that, 'We're no different to everybody else, why do we need to segregate, why do we need to marginalise this whole exercise? Let's get on with wholeness in our living'. Those three people are very small people, they wouldn't come before this inquiry, they wouldn't stand up and make any public statement anywhere about the whole issue. They're wondering what is this all about when they feel they could quite rightly claim that they are of Aboriginal descent and their feelings are being overtrodden on the whole exercise. But of course they probably wouldn't meet the modern-day definition of aboriginality, so you have this sort of sense of marginalisation in the community feeling, 'How could we do this in a far better way than it has been done?' I think that's an issue for your committee to try to work through.

Mr BAILEY - Can I just follow on to that. How many would you estimate in this community who would identify as Aboriginal and who aren't accepted?

Mr ARNOLD - The Circular Head community is probably a very strong-knit, self-reliant community where people know who has some sort of Aboriginal descendancy in their genealogy and who hasn't. I wouldn't like to be taken on evidence as saying that there are so many people, but you only have to do a bit of a head count, like in the couple of groups I am involved with. If I just do a head count of who I know has Aboriginal descendancy, it's not hard to see the figures of somewhere between 1 000 and 2 000 people in that category. But they would never pass any test of aboriginality and have never put their hands up to say, 'Hey, am I Aboriginal or not?'. They know but they don't want to make an issue of it, they just want to get on with their living and be integrated into the whole of society, into modern society, and not take issue on things of this area. But they feel, 'Okay, we're being locked out of our land', in a sense, when it passes to the Aboriginal community and public access is barred. It is a fairly deep issue, but doesn't get discussed easily because of the emotion and the associated politics that go with it.

Mr BAILEY - So what you're saying is there are significant people who would have some Aboriginal ancestry in this area who would be disillusioned by the previous granting of land and the current granting, and that's not even reconciling them.

Mr HINE - That's right, and that's where I've come from with the local Aboriginal group that their feelings were that if they're going to have, like the Mount Cameron West issue, they should be involved as a local group in the management of it, and they would then look to the wider community for some sort of help in all of this because we have out there problems with weeds, there is gorse. We could involve weed management groups, Landcare, and all of those types of things, to help maintain it. That's the philosophy of the local Aboriginal group, if you like, that they're not recognised so they never had a say or have never been party to any of these negotiations out there at Mount Cameron West either.

We have a ranger out there, he is a good guy, I know him pretty well, but they have had one or two there previously who haven't got on so well with the community and they're strangers, if you like. I would have felt that a local member of a local Aboriginal group would be a far better manager out there, or be the local caretaker because in this area everybody knows everybody and you feel more comfortable about that. I just think by not having a local group involved in this that the wider community is missing out on something because they don't know these people and they wonder what it's all about, and why are the local group not involved, and the questions that are asked. It's very awkward to go and explain to them why.

CHAIRPERSON - Thank you. Any other questions from the committee? Any closing comments that you wish to make to the committee at this time?

Mr HINE - The best of British luck!

Laughter.

Mr HINE - Thank you, Madam Chair, for the opportunity to put our submission and our views forward. Like I say, the best of luck to you all. It's a difficult issue but I've got every confidence that you'll work through it and come up with a good outcome.

THE WITNESSES WITHDREW.

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT
CIRCULAR HEAD COUNCIL CHAMBERS, SMITHTON ON TUESDAY 14 MARCH 2000.**

JOY GILLIES WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - We acknowledge that we do not have a written submission from you but that you made a request to appear before the committee, so I will ask you if you will make the comments you wish to make and then the committee will ask any questions they may believe relevant from that process.

Ms GILLIES - Thank you. I just wanted to come and give my opinion as to the fact that I am the elder of the Circular Head Aboriginal Corporation and the only elder in the district. I just feel that it is time that you, the people of the south of the State, acknowledge that there is an Aboriginal Corporate here in Circular Head and that we are local people. We are very, very concerned with our own land and our own place and we just feel that the local people should be able to have some input into the say of what happens. We don't want land rights as such; what we want is a representation of being able to look after the land to the benefit of everybody.

I don't believe that we are here to say that this is our land, that we are Aboriginals, that we were here first, that we want this and we want that. I think if there is to be land given back to Aboriginals it should represent the whole people of Circular Head, not the people down south running it. We just believe that we should have some local say into what happens. We live here, we all acknowledge that we have an Aboriginal community, we have Aboriginal people, we have a wonderful heritage to pass on but not just to Aboriginal people, it is there for everybody. I think that Parks and Wildlife and people who are working down Southdown and all of that way they are doing a wonderful job with this signposting and their different ways of fixing the tracks up so the people can go through safely.

Mr FLETCHER - Where was that, Joy?

Ms GILLIES - Down Temma way.

Mr FLETCHER - Right, okay.

Ms GILLIES - What they do down there, Tony, I think it is wonderful. I think if they are given the opportunity - and it is the same as the Government has this agreement with our council - so if there is land given back in Aboriginal money I think it should come to the Circular Head Council with a representation from the Circular Head people on that board, as well as probably someone from the Aboriginal Lands Council on it, for everybody to maintain and to look after. I mean, this is our area. If we don't look after it, who's going to? We want something to pass on to our children.

Mr FLETCHER - Joy, I think there are two aspects here of any land management - and let us talk about the existing land, which is Preminghana on Mount Cameron West at the moment. There are two aspects of that: one is the day-by-day management of the site, which is farming the site or managing the site, weed control, road protection or road maintenance and fence maintenance and things of that nature, I guess - so that is area number one; and area number two is in the interpretation of the site and the selling of the site or the telling of the stories or whatever that cultural aspect is, one is practical land management and the other one is cultural. Does the Circular Head Aboriginal Corporation have a capacity to deliver on the land management side? Do you have the numbers or the expertise or the finance to be able to manage that land and to keep it in good order?

Ms GILLIES - No.

Mr BAILEY - Any of those or all of those?

Mr GILLIES - We've certainly got local knowledge and local expertise of the cultural sites on what they mean to us but, no, we have not got the money and we have not got the expertise or the manpower to run it but, as I say, if it was run in conjunction with the council and Parks and Wildlife, yes.

Mr FLETCHER - I am trying then to identify the model that you are putting forward and it seems to me that the model is that the land would be transferred to a local Aboriginal corporation, the Circular Head Aboriginal Corporation in this case, and the Circular Head Council as a community service would manage the land and the corporation would interpret the site and deliver the cultural experience. Is that what you -

Ms GILLIES - No, no, what I mean is that we have a board of people consisting of the Aboriginal Land Council, Circular Head Aboriginal Corporation plus the Circular Head Council.

Mrs SILVIA SMITH - And the Parks and Wildlife?

Ms GILLIES - Yes, make it a joint effort of all of those concerned.

Mr FLETCHER - So that is the board of directors, if you like, who is going to deliver the services on the ground? Who is going to go out and mow the grass and spray the weeds and repair the fences and -

Ms GILLIES - Well, I presume that that would be Parks and Wildlife or the Circular Head Council. I mean, even down at Mount Cameron now there are no rubbish bins and things down there on that corner where you can drive. You only have to go down there any weekend, what have you got? You have rubbish everywhere. It is just something simple and what I am saying is that if it is local people who go down there and just see those simple things and if we know the council have not done the right thing and I ring up Ross and say, 'Righto, Ross, I want something done about this' if you have Aboriginal money to spend and it hasn't been done on this and this and this area, we can see it, we live here. But whereas those people down south are not going to see just everyday things that are only a small effort to fix.

CHAIRPERSON - I suppose this is one of the issues that has come out strongly through this whole process, that the Government transferred land in 1995 and has a proposal to transfer land in 1999 but that is merely all our doing, they are not transferring any funds to manage any of these areas.

Ms GILLIES - No, this is it.

CHAIRPERSON - So I put the question to you: if your scenario involves local Aboriginal people, National Parks and Wildlife and the local council, why not leave as it is with National Parks now and have some input through National Parks Advisory Council representation or something of that vein?

Ms GILLIES - Yes, as long as it is maintained in such a way as the Aboriginals have the cultural area and the cultural sites to pass on to others.

CHAIRPERSON - So you acknowledge that there are specific areas of cultural significance in the proposed transfers -

Ms GILLIES - My word there is.

CHAIRPERSON - and your concern is that it should be protected for the Aboriginal cultural heritage of the future but that you are seeing there is no local input into that protection and management by the local community?

Ms GILLIES - Yes, very much so.

CHAIRPERSON - Can you tell me how many of your local community would vote in the Aboriginal Land Council elections?

Ms GILLIES - I believe we had 34; I think we had the strongest representation from the State in the ATSIC elections.

CHAIRPERSON - What about the Aboriginal Land Council representation elections, did you have any -

Ms GILLIES - No, I'm not positive on that; I don't have numbers for that.

CHAIRPERSON - Has the issue of aboriginality and its process arisen in this community?

Ms GILLIES - No.

CHAIRPERSON - The process of identification?

Ms GILLIES - No, it has not, only that we are not acknowledged by the TAC.

Mr WILKINSON - Are you acknowledged by the TAC?

Ms GILLIES - No, I don't believe I am.

Mr BAILEY - Can I just follow that on, how many within this area would openly claim aboriginality, other than the 34 who currently are able to vote for the ATSIC elections?

Ms GILLIES - Well, we have over 50 students. I work as an Aboriginal officer at the Smithton High School and we have 56 names down there just from those children at the high school, so of course they belong to families, every one of them.

CHAIRPERSON - Do you know the numbers of students at the Smithton High School?

Ms GILLIES - Yes, there is almost 400.

Mr WILKINSON - So it is over an eighth?

Ms GILLIES - That is right and that is just the high school, that is not the primary. There is an Aboriginal officer also at the primary school.

CHAIRPERSON - Were you involved in any negotiations or discussions in the land transfers of 1995 under the Groom Government?

Ms GILLIES - I have always spoken to Tony, we have always had talks from the Circular Head community, haven't we, Tony?

CHAIRPERSON - So you were aware of the proposed transfer in 1995 before it happened?

Ms GILLIES - Yes.

CHAIRPERSON - Was there any consultation with yourself or to your knowledge any members of the Aboriginal community of Circular Head before the Premier's announcement in October of more transfers?

Ms GILLIES - Of this year, no - or last year, I should say. In those other talks there were quite a lot of meetings with Mr Fletcher with the Circular Head group, in 1995.

Mr FLETCHER - The question of Aboriginality is once again a key question. I am not sure how that is resolved or who resolves it. On one hand you have people who, for whatever reason, have identified their aboriginality or their links or their ancestry in only recent years and feel proud about that and want to nurture that, as opposed to those who have been involved in the movement and the core of the

Aboriginal movement for perhaps 25 or 30 years. In the 1995 land transfer it was strongly held and strongly argued that there ought to be local management and I personally believe there would have been some advantages in the Circular Head Aboriginal Corporation being involved in some way in the management process, but this schism of non-recognition between the various groups has developed and because the Circular Head Aboriginal group is not recognised they do not have a role to play, which is rather sad, I think.

Ms GILLIES - Particularly as we have more Aboriginal acknowledgment from this end than we have anywhere else in the State.

Mr FLETCHER - As far as voting is concerned.

Ms GILLIES - That's right. I mean, they're not questioned are they, when they go for the ATSIIC elections?

CHAIRPERSON - If I might put another question to you: if at the end of the process there are two proposals, one is to transfer the proposed land in this community under the same terms and conditions as the last transfer or not to transfer any land and leave it as is in the hands of National Parks and Wildlife, what do you believe would be the attitude of the Aboriginal Corporation of Circular Head?

Ms GILLIES - Well, I think it would be very sad. Even with the old way of transferring it, it is not being looked after properly now and I don't think that it will be. I would rather, just personally, see it left unless it is going to be managed by a proper board of control. I believe that the Government has put everything in power for the Circular Head area and council to look after their own end and that is just how I would like to see it go.

Mr FLETCHER - Joy, you are saying you would not oppose the transfer of land providing there was significant local input into the management?

Ms GILLIES - That's right. We want it but we want it looked after properly and signposted and whatever so that it is there for everybody.

Mr BAILEY - If I can just follow that through. At the moment the land is listed in the Tasmanian Aboriginal Land Council. You as an elder of this group, did I hear correctly when you said you didn't have a vote in relation to representation on that body?

Ms GILLIES - No, we haven't.

Mr BAILEY - You haven't personally?

Ms GILLIES - No, we have ATSIIC elections and we deal through ATSIIC.

Mr BAILEY - Well, on that basis, do you think it appropriate that the land should be transferred to that body and local ownership or do you think it should be transferred directly to local ownership?

Ms GILLIES - No, because I don't think -

Mr BAILEY - You haven't got the expertise?

Ms GILLIES - Not only that, but why create more division? There is a body there that is quite capable of running these things so, if there was something from the Government to say that they have to incorporate the local group, what would be wrong with that? We live here, we know our own area.

Mr BAILEY - It seems to me that it is a question of having a structure -

Ms GILLIES - Yes.

Mr BAILEY - which is accepted then by the landowner, because if the land is granted to the Tasmanian Aboriginal Land Council -

Ms GILLIES - That is right.

Mr BAILEY - that body is the fee simple owner or the owner in perpetuity.

Ms GILLIES - But what I am telling you is that we are also Tasmanian Aborigines who live in Tasmania, that are a part of the north-west coast of Tasmania.

Mr BAILEY - But then you are not recognised by the landowners, by those that are part of the land-owning organisation.

Ms GILLIES - Now you are saying we're not -

Mr BAILEY - You are not accepted.

Ms GILLIES - Yes, we're not accepted but we are certainly here and we certainly live here, whereas they don't live in our area. So I am saying that we need to claim that right of being the local representation who live here and know our area that we should have some input into what happens in our area.

Mr WILKINSON - To understand you fully, you believe that if the land is to be transferred it should be transferred to ALCT but there should be something there for ALCT to then allow you to be land manager or alternatively to allow you to have some real input as to how the area of land in your area should be managed.

Ms GILLIES - Yes.

Mr WILKINSON - And your personal view would be to have somebody from ALCT, the Circular Head Aboriginal community, the Circular Head Council and maybe Parks and Wildlife?

Ms GILLIES - Yes, I do.

Mr WILKINSON - And that is the view of your community?

Ms GILLIES - Yes. Here in Circular Head we all work for reconciliation and I don't think that there would be a better way of showing the reconciliation process that we have worked on - as well as the mayor and the councillors and they have worked very, very well on it ever since it has started. Mr Bob Hawke put it all in process and now Mr Howard has decided to shelve it all, well, what is the point of us all working for something if we cannot show what we are doing and what we are trying to represent. To put these processes into power, let us show that we are doing something and I think it would be a perfect way of showing it.

Mr WILKINSON - And then if I can take it further and say, as I understand you, you believe that it is okay to transfer land but, I suppose, can you say it is an empty gift without proper funding to manage that land, is that what you are saying?

Ms GILLIES - Definitely, you only have to look at down Mount Cameron. If it's not there and backed up and watched over, what's going to happen to it? We're going to have more gorse all through, if the funding isn't there to eradicate it, we can't fix it, can we?

Mr WILKINSON - The area of land that's designated in this bill, are they the community's view of significant lands?

Ms GILLIES - Yes.

Mr WILKINSON - So there is no dispute at all about the lands that are in question as far as significant areas are concerned?

Ms GILLIES - No, we have had meetings they definitely are. Well, it is right throughout. If we look at what they ruined out at Woolnorth and if this is allowed to happen down that way it would be a disaster. It is very, very rich in heritage.

Mr WILKINSON - And do I take that one of the major gripes is that you have people in the south telling people in the north-west how to manage their land?

Ms GILLIES - Well, they don't tell us how to manage our land but they are managing our land, we have no input whatsoever.

Mr WILKINSON - Do they speak with you at all in relation to it?

Ms GILLIES - No.

CHAIRPERSON - And that is because you are not recognised as an Aboriginal?

Ms GILLIES - No, I don't believe that it is that; I believe that is the whole lot of Circular Head that they have not at any time communicated with.

CHAIRPERSON - The 1995 act actually says: 'In the functions of the powers of the council, the council must perform its functions for the benefit of all Aboriginal persons and in the interests of reconciliation with the broader Tasmanian community. In its use and management of Aboriginal land and its natural resources the council is to have regard to the interests of local Aboriginal communities. The council may in respect of any area of Aboriginal land nominate a local Aboriginal group for that area. The council may delegate any of its functions or powers in respect of the use and management of Aboriginal land or other land acquired by the council to any Aboriginal group which or Aboriginal person the council considers appropriate'.

Ms GILLIES - Yes, well isn't it sad that in the whole lot of Circular Head they have never found anyone appropriate?

Mrs SILVIA SMITH - Or that they recognise as Aborigine.

Ms GILLIES - That is right. What you have just read out it is very, very sad, isn't it, that there is nobody in the north-west coast, there can't be if that act is right.

Mr WILKINSON - Joy, can I ask your lineage?

Ms GILLIES - Mine yes, I go back to Fanny Cochrane-Smith. My father was a returned man; he lived in the era that if you were Aboriginal you were taken away and they were threatened when they were children that if ever they told anybody they were Aboriginal they would not be there and they were never to acknowledge that they had an Aboriginal grandmother. So of course, when I found a book that was given to my father actually, and dad could never read, so he gave me this book to read. When I read it it had the Cripps name in it and I asked him about it. I asked him about doing the family tree and he said, 'What the hell would you want to do that for? There's no bloody black fellow in us' - which is a lot of what goes on in these families. But of course when we looked into it and found it the more I found and the more I went back to him and told him the more interested he became and then one day he just broke down and sobbed and said, 'Oh well, yes, it's true but we were never ever allowed to tell you'.

Then I went down south and consulted with a couple of other aunts and uncles; one was in a home in Lindisfarne and told me to go and never ever come back and that is what happens in all Aboriginal families, that if you go into your past and find your past out you have split the family by finding out your own heritage which is very, very sad.

Mr WILKINSON - Have you put that to ALCT? In other words, have you shown them your lineage?

Ms GILLIES - No, because they don't show me - I asked Michael Mansell once to show me his and I would be quite happy to show him mine. I know where I come from and what I am. It was in the papers that I was a red-neck. Because we live on the north-west coast we are red-necks, are we? To me, that is the pot calling the kettle black. You just heard that Sue just read out that they consult with people, well he just runs off at the mouth and speaks on behalf of every Aboriginal in the State without consulting any of them. I would just like to be able to sit down - we invited him to meetings and

invited him to come and sit down and talk to us. Before we went public on that land issue last time we asked for meetings with him; we were quite acceptable of listening to his view and either saying, 'Yes, we will stand with you or we will go against you' but we didn't get that opportunity.

CHAIRPERSON - Have you ever made application to the Chief Electoral Officer to be listed on the roll for the Aboriginal Land Council of Tasmania electoral roll?

Ms GILLIES - No, I haven't.

CHAIRPERSON - Right, because that is a process where you could have input if you are an Aboriginal - the Chief Electoral Officer - if you have not made application to go on the electoral roll. Do you know whether anyone in this community has made application and been denied the right to vote?

Ms GILLIES - Yes, I have and they have been questioned and that is exactly why when they brought it to the meeting why everybody decided to just boycott it.

Mr BAILEY - Are there any in the group here who can trace their ancestry back to Cape Barren Island?

Ms GILLIES - I imagine there are; there definitely would have to be several.

Mr WILKINSON - For how long have you been involved with the Aboriginal community up here?

Ms GILLIES - Since the 1960s.

Mr WILKINSON - There have been comments, 'Look, you weren't there during the hard times' but you would say you were there during the hard times?

Ms GILLIES - I have been there every since the 1960s. Mr Fletcher would be able to vouch that I have been in it ever since the Circular Head Aboriginal Corporation was formed but before that I have always shown with my children and other children around the place. I work for Aboriginal children.

Mr WILKINSON - Since the 1960s as well?

Ms GILLIES - No, no I have been involved in the ... centre and community things throughout the schools in this area ever since my married life.

Mr WILKINSON - Has there been given any indication to you as to why you are not accepted taking into account, as I understand it, the definition is you could trace back your lineage and you earned your spurs, you were there during the hard times?

Ms GILLIES - No, it is never thrown up here in this area. We know who we are and we know whether we are Aboriginal or not. I guarantee you everybody in Circular Head would acknowledge that I am the Aboriginal person for Circular Head. I am sure Mr Fletcher and Mr Ross Heinz, all of these chaps here would tell you and if anybody asked anybody anything Aboriginal in the area they would say, 'Well this one, this one, this one'. There are never any aspersions thrown at people that live here that I have heard of; it is only from the southern group and from the main bodies that we hear this.

Mr WILKINSON - So all the community around here as well accepts you as being -

Ms GILLIES - And all the community, I am sure the mayor will tell you, accept the local Aboriginal group for what they - and, as I say, with the reconciliation process he has worked alongside with us. I would say we are fairly progressive in our reconciliation process here with the council and with other community projects.

Mr WILKINSON - I don't understand, have you actually been to the southern people and let them know this or alternatively have you just said, 'Look -

Ms GILLIES - No, we've had meetings with other groups throughout the State but even then they've never ever said, 'Right, you put all of your papers on the table or whatever'. We have never been confronted with outright animosity - no, it has never ever been head on war, only through the papers, and then you do not know whether it is the media that say it or whether it is other people.

Mr WILKINSON - Have you ever asked?

Ms GILLIES - No, why have I got to ask?

Mr WILKINSON - No, I just wondered.

Ms GILLIES - I am quite comfortable with whom I am at any time.

Mr BAILEY - Can I ask in what year you became aware of your aboriginality?

Ms GILLIES - All through my life it has always been whispered; people always knew who we were. There were six children in our family and we were on the poorer side. The question mark was always there but, as I say, my father always said, 'No, you are not. You're as good as any other bugger that lives here'.

Mr BAILEY - And what year would he have admitted to you that you were?

Ms GILLIES - Well, even then he didn't admit until I started doing the family tree and then as I found out more and more and he found out that we were definitely going to find out was when he broke down and told us yes we were.

Mr BAILEY - And what year would that have been?

Ms GILLIES - That would have been in, probably 1967.

Mr BAILEY - So you actually had yourself involved with the Aboriginal community at about that time?

Ms GILLIES - We didn't have a Circular Head Aboriginal Corporation then.

Mr BAILEY - No.

Ms GILLIES - Yes, I have always known.

Mr BAILEY - And I thought you said that in the sixties you -

Ms GILLIES - Yes, anything through schools and things like that, yes I have always -

Mr BAILEY - And that just coincided with confirmation of your aboriginality by your father?

Ms GILLIES - Yes.

CHAIRPERSON - Thank you very much for your presentation here this afternoon.

Ms GILLIES - Thank you.

THE WITNESS WITHDREW.

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT
CIRCULAR HEAD COUNCIL CHAMBERS, SMITHTON ON TUESDAY 14 MARCH 2000.**

LYELL HOUSE WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED

CHAIRPERSON (Mrs Sue Smith) - Thank you, Mr House, for your attendance here today and for the submission that you put forward to the committee. We note you have an apology from Mr Hursey who has been detained in the south.

The process we have used is that we ask people to speak to their submission, to make any other comments they believe relevant at the time and then the committee will use the opportunity to ask any questions they may wish to ask you at the end of that process. So we will hand over to you and you can make any comment you wish.

Mr HOUSE - First of all I would like to make a correction in my submission on the first page where I have said or misquoted that 'since the late 1930s'. It is suppose to have read 'the late 1950s'.

Practically everything is in this submission what I believe but to add to it, there is nothing much more that I can add to it. You would perhaps like to ask me some questions and I might be able to add a bit more that way.

CHAIRPERSON - Okay. Well, it is open to the committee.

Mr FLETCHER - The tenor of the submission seems to be about the shack site and your commitment to that area. Your shack site is not threatened by the transfer of this land at Sundown or West Point, is it?

Mr HOUSE - By this transfer?

Mr FLETCHER - Yes.

Mr HOUSE - We are all threatened if this transfer takes place because we have seen a little bit of what went on just recently: people being booked for not having their dog inside their bus or picking up a bit of bull kelp on the beach or any little bit of a thing at all. I believe that it is totally wrong to transfer such a bit lump of land to these people who claim to be Aboriginal.

As I have said in my submission, I have been there for a lot of years and there has not been any interest at all as far as Aboriginal relics or sites or anything like that. I'm right on the track! I've had people from different parts of the world there, call in stayed with us and no interest whatsoever in Aboriginal relics at all. All of a sudden we have reached the situation - and nobody knows better than you know, Tony; you made a great speech down at West Point and I think everyone supported you and I hope you are still of the same opinion. And if anything is going to be shut up, as I have told you before, it should shut up for everybody, not just a select few.

Take the situation as an example with Mount Cameron, which you know all about. Some people went there the other day and wanted to walk up over the mountain and they wouldn't let them through the gate. There it is, now grown up with gorse, thistles blowing out all over the properties there and a few people camp there in a caravan dictating the terms to everyone and it is totally wrong. If such a transfer took place down there we would see a terrific change because we have seen just what has happened lately.

As for damage to the area. The area is in better nick than it has ever been because, as you know, I have been going there for a lot of years and that track you could get down there in a motor car now. Before we had bog holes and there is no damage to the area. It is completely wrong the claims that are made of the damage and so forth.

Mr FLETCHER - You're talking about the general area to Sandy Cape or to Queens Beach?

Mr HOUSE - The whole area, right along the coast.

If anything needs to be or to satisfy some of these people to lock up a certain patch here and there that they claim is connected to them or whatever, so be it, but they will not be satisfied with that. They want to whole coast.

Mr FLETCHER - The council at an earlier time put the proposition that they would not oppose a land transfer if by some means there could be reserved to the public a general right of access over that land and there was further in place a law enforcement proposition that guaranteed people the right of access over that Aboriginal land. Would that make a difference to you? Would the ownership worry you if the right of access was absolutely secure?

Mr HOUSE - Yes, it would because it would change. You know what has happened at Mount Cameron; that is not supposed to be like that. We are suppose to have access there but you can't go. My son goes fishing. He went down and met these fellows and had a heck of an argument and I think that he broke the gate. They said, 'We're going to put the police onto you'. Well, they arrived to see my son and they ended up saying to him, 'Good on you. Pity there wasn't a few more like you'. That is how it ended.

Leave it as it is. If the Aboriginal people want to go down there and look at their scratch on the rock at Greens Creek or look at a few shells here and there, so be it. We don't object to that - nobody does - but why transfer it? That is when the rot will set in.

Mr FLETCHER - Have you been generally or specifically aware over the last 20 years of the presence of the rock carving sites or other places of significance to the Aboriginal community on the coast?

Mr HOUSE - Repeat that again. Have I what?

Mr FLETCHER - Have you been either generally aware or specifically known of the sites of the rock carvings or the special significant sites over the last 20 years?

Mr HOUSE - Yes, I know of them.

Mr FLETCHER - You know of them?

Mr HOUSE - Yes. The funny part about it is there is nobody coming to have a look or even inquire because we are right on the track; we see most people. If you were to go down there, any of you people, when there is a long weekend and see just exactly what goes on down there and the amount of activity and what it is worth to the State just in four-wheel drives, motor bikes et cetera - that track has been there now for 60, 70 years or longer - just have a look at it. The damage is not being done, as they claim.

Of course, if you find a shell it is a midden. We developed 550 acres out here on Duck Bay, as you would be aware, and we ploughed up shells all over it. How did they get there? Not through Aboriginals, they were put there by the sea years and years ago but they would claim that the Aboriginals put it there. There are shells anywhere along the coast. We've put some stuff around our shack and I'm frightened they will come along and say, 'You'll have to shift this shack because this is an Aboriginal midden'. It is so ridiculous and unless you go and visit the area - any of you people - to see for yourselves, you won't realise how ridiculous the whole set-up is. I definitely don't approve of having the land transfer when it's not necessary. What it will do is give these few people too much

power, they will want to sell parts of it, they will want us to pay a heap of money to go down there and all it is is a land grab and a money grab by a few people and it is wrong.

Mr FLETCHER - Have you ever felt over the last 20 years that those Aboriginal sites that you know about, the carving sites and the like, have been under threat?

Mr HOUSE - Not at all. If you look at the midden on Ordnance Point, there is a great big sand blow there, as far as I am concerned. They have fenced it off and the wind and the sand travel has covered the fence. There's going to be a much bigger heap alongside it than there was on the other one which they are supposed to have dumped all their shells and carry on. A friend of mine who was interested in this business, he went there with a shovel and he dug and dug on this midden - on top there at Ordnance Point - and it's just a great heap of sand with a few shells on top of it. But that doesn't worry me if they put a gold fence around it and people would be more interested to have a look at the gold fence than they would the heap of sand. It has just swung out of all proportion; it's just absolutely ridiculous. We don't want to see a transfer of the land. Leave it as it is and let everyone enjoy that coast.

I have said a bit in here about the cattle. Being a farmer I know what it is like to renovate a pasture and that is exactly what the cattle do. They eat the marram out to the sand and you might look at it and say what a terrible thing, they've finished it, it's ruined. And what happens? It comes up fresh, it makes feed for all the wildlife and everything else but take the cattle off and see what will happen. The marram will grow up just like it has done on Duck Bay, this high, a fire will go through and sweep the whole show out. Those cattle preserve the marram grass, they cultivate it, they eat it down to the sand and we don't put cattle down there but I know it's the right thing to do. People who don't understand that side of it - you can understand the things that are put forward about the cattle damaging the coast and doing all these things and they do just the opposite. As I said, I don't put cattle down there but I'll tell you what, once they are stopped, if they ever are, she will just all grow up and a fire will go through and sweep the whole show out.

Mr FLETCHER - Is your 20 years of experience too short a period of time to see significance in changes in the coast through sand blows and the weather?

Mr HOUSE - It has improved, apart from the coast itself, right on the coast. If you are talking about the track down there, that has -

Mr FLETCHER - No I was talking mainly about the coast, the coastal reserve close to the sea. Is that changing, is that shifting, is that moving?

Mr HOUSE - Well, I said a while ago, where this midden is on Ordnance Point that is right out on the point, as you know, where it gets every bit of wind and that has now built up, blown the sand to practically another great mine, practically as high as the one that has been there for years. I don't know of anywhere else that is different.

Mr FLETCHER - Well, further north on Woolnorth, it is moving considerably, isn't it?

Mr HOUSE - Yes.

Mr FLETCHER - The dunes are moving considerably up there?

Mr HOUSE - Yes, not down there.

Mr BAILEY - Do you live on freehold land? Is your shack on freehold land or crown land?

Mr HOUSE - Crown land - but I want a freehold title, if you can fix that up for me.

Laughter.

Mr BAILEY - I'll leave that to your member.

CHAIRPERSON - Who maintains the road into your shack, Mr House?

Mr HOUSE - The council has done quite a bit there but of late years we have done it ourselves.

CHAIRPERSON - What is the distance in off the main road?

Mr HOUSE - I don't know. It's about an hour from Temma.

Mr FLETCHER - You're right on the track down to Greens Beach?

Mr HOUSE - I'm right on the track before you get to the Sandy Cape Beach.

Mr FLETCHER - Yes, that's right.

Mr BAILEY - So you're outside this area that is proposed to be granted under this bill?

Mr HOUSE - No, no. I think that the whole coast is considered as - I'm opposed to any transfer of any quantity of land to the so-called Aboriginal movement. I'm totally opposed, irrespective of where it is, but if there is a significant site somewhere I'm not opposed but when it comes to just a land grab like that down there it is totally wrong.

CHAIRPERSON - Mr House, if there is a significant site - whether it is an Aboriginal site or a traditional European site - how would you suggest that it be protected when you have isolated areas like that area where it is very busy over Easter, Christmas, long weekends and at other times there is very little management? Have you a suggestion on how we would protect these sites?

Mr HOUSE - As I said, you could put a gold fence around them and still be better off, rather than giving them the whole coast. It could be fenced. But when you take a place like Ordnance Point, as I said, they fenced the whole area right around the nook and the fence three-quarters of it is covered up with sand. That is not because of traffic or vehicles or anything else - the wind has done that.

As for the people going down there, as I said, if you were to go down there of a weekend - we drove around just the other day and looked around the camping sites. There were people there over the weekend and they were beautifully cleaned up. People have learned to look after their camping sites. They don't need anyone from the Lands department or council or anyone else to go and clean up, they accept the fact that they have to look after it. That has been evidenced more so over the last few years.

Mr FLETCHER - Is it right for me to conclude that in the question of land management the building of fences in remote areas to protect a site of any nature won't succeed and the only hope of success of protecting a site of significance is to educate and to have people respect that site for what it is and therefore look after it?

Mr HOUSE - That is the best way and especially if there was a threat that if these areas are not respected and looked after and we lose it, it's our own fault. I think that is going down pretty well even now. Once upon a time you'd see motor bikes going over the top of what they claim as an Aboriginal midden or whatever you call them, but you don't see it today.

That's about as much as I have to say about it. I know I haven't long to live - none of us have now - but our family enjoy it, besides thousands of others. I still believe that some of you people should take a trip down there and see. Things like that - what they have fenced off there - I asked the question once what was the bit fenced off for opposite ... Beach. I know now. They said, 'That's a depression' and I said, 'What's a depression?' 'That's where our ancestors would've slept'. And that's where, when I was a kid, our track used to go through and made this hollow and it is fenced off as a place where they used to sleep years ago. And stupid things like that. If you were to see them with your own eyes you'd laugh.

CHAIRPERSON - Well, Mr House, I thank you for your submission. You have put it very plain and succinctly in your submission. The committee is spending tomorrow taking a look at some of these particular areas. We are crossing our fingers that the weather passes over.

Mr HOUSE - I hope you do.

Getting back to Jim Hursey, he was the one who could have given you a heck of a lot of evidence of what's happened on Trefoil Island. I will say a bit on his behalf. He has big fishing boats and he carted the material and stuff down to the island to set these people up and he said that unless anyone had seen it with their own eyes they wouldn't believe it, what went on. They took boats, they took tractors, they took firewood, they carted thousands of dollars worth of stuff. He said even the firewood they carted down for them, they'd put it into dinghies, put it on to the beach, they would take two or three bits of jags up on to the hole and the rest would wash out to sea. They had generators, they had brand new Kamoto tractors - and actually I did see one of those tractors when it came back here to United Milk at the time - and they just left them out, salt water over them, boats, dinghies on the shore bashed up against the rocks, outboard motors took off them. He would be the boy. I was really disappointed he couldn't come. And this is transfer.

CHAIRPERSON - Mr Hursey has the capacity to approach the committee about a time on Thursday if he so wishes, that is his option.

Mr HOUSE - I'll let him know that.

CHAIRPERSON - It is up to him to make those decisions and we are better hearing his evidence from him, particularly when it is taken under oath.

Thank you very much Mr House for your submission, it is appreciated.

THE WITNESS WITHDREW.

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET ON TUESDAY 14 MARCH 2000 AT CIRCULAR HEAD COUNCIL CHAMBERS, SMITHTON.

PETER INNES SMITH WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - Thank you, Mr Innes Smith, for your submission. The process we have used is to allow people to speak to their written submission after which the committee will ask any questions they believe are relevant to make sure they have a complete understanding of what you are saying. We will pass over to you to make any comment you wish.

Mr INNES SMITH - Before we start I have been in Australia five years; I moved here from New Zealand and I am farming at Temma, which is right in the middle of the Arthur-Pieman area. After being here two years I took out Australian citizenship which they accepted me, I feel that I am part of Australia even though I have been here only five years. The best part of my life I spent in New Zealand and it is interesting what we have seen in New Zealand with the Wytangi handing back and now we see similar things happening here. That is just a brief outline of where I come from.

I am just talking about the Arthur-Pieman, Mount Cameron, Sundown and that area. In one of our first visits to Tasmania I visited Mount Cameron and had a look there so my relationship has been there over five years. One of the biggest problems there seems to have been the honouring of access to the beach and honouring of access to the top of the mountain. It concerns me to see the track to the top of the mountain has been partially blocked with tea tree being felled criss-cross across it - this is the walking track - and in that five years just how quickly the gorse is moving up and moving around the track and in another five years, whether you want to go up there or not, I think you'll be blocked with this spread of gorse because there is no evidence of control.

I believe that foreshore access, if any other person does a subdivision they immediately lose that riparian rights and I believe that this is something very important for a nation to be able to use that foreshore and that it shouldn't be excluded for one group of people and not for another group.

Fire is a problem on the coast if the fuel side of it is not controlled. We had an interesting case about five or six weeks ago. There was a fire got away in the sand dunes north of Temma Harbour and because that area had been agisted with cattle the marram grass and associated grasses virtually sprouted straight back again or survived the fire - it was interesting seeing the next day. Areas that had been fenced off to protect middens and this type of thing, if a fire gets in there it will be just open to sand blows because the fuel vegetation is so thick that it will be very difficult to control.

One of the other things I see as a problem is who is a true Aborigine when you look at the tribes that lived on the Arthur-Pieman and the ones that are there now sort of to get a relationship between the two. Animal control from over-grazing of certain species, problems of disease and things like this, there doesn't appear to be any control in these areas for that.

Mount Cameron, I believe, has a tremendous tourist potential if those tracks and things could be maintained to the general public to be able to get up there and use it. We had an occasion to go up there about four or five weeks ago and it is just a magnificent view from the top on the right day and on a windy day I guess you could use it for hang gliding or something else.

I respect the rights to protect middens and the carvings but I believe the best of these should be taken and preserved in some manner. We have a problem that a midden is shells and it must have a ... life

expectancy, so the ones that are in good heart some form of protection needs to be done but, as far as protecting every little midden, I can't quite see the sense of that in the long run.

Mr FLETCHER - Peter, you are a grazier, do you run cattle on the crown agistment?

Mr INNES SMITH - Yes, I am one of those wicked ones that - if I could just add, we graze the Sandy Cape run and we see a lot of flack from other people. The Arthur-Pieman sand hills are a very high pH and it also enjoys 50 to 60 inches of rain a year so consequently it is very hardy and rejuvenates and re-establishes and if it is left ungrazed it will become - ... and things like that will take it over. Once again, if you get a fire in ... you have a very high fuel source there and the results after that type of fire can be quite destabilising

Mr FLETCHER - You graze cattle and you have done now for five years. Does anyone graze cattle south of Sandy Cape now or are those agistment runs closed?

Mr INNES SMITH - There is very little grazing south of Sandy Cape. There has been no fire management plan in the five years that I've been there. There is no fence around the south of Sandy Cape to prevent the cattle from going to the Pieman but there are reasons -

Mr FLETCHER - And their own reasons, like grazing, to get the green pickings and they like that better. They do better on that sort of land.

Mr INNES SMITH - Yes.

Mr FLETCHER - To your knowledge, is there any management regime involving fire? Do they burn regularly on that Arthur-Pieman area?

Mr INNES SMITH - You would get that from the parks and reserves, but from what I see they really haven't got an effective plan but they do have a plan and if it's 9 May that they can burn, if it is wet on 9 May then it is missed out for this year. It is a very tight schedule. They don't plan where they say, Right, we've going to burn this area this year and that area and that area'.

Mr FLETCHER - You seem to be saying to the committee that a burning regime is probably a good management tool. But if there is not a regime of control of the marram grass, either through grazing or through burning on a regular basis, then eventually there will be a wild fire and the wild fire will burn much hotter and because it burns much hotter it will do much more damage. Is that a reasonable proposition?

Mr INNES SMITH - Yes. The year before we took over there - which must have been five or six years ago - a fire got away down towards Arthur River and it spread through the road that goes up to the wilderness road, the road that comes down to Couta Rocks, and it got into the virgin bush at the Brack there and burnt many acres of crown forest. I don't know if any of you have been through that road, you can see all the big skeletons side by side. Our first visit to Temma, that was a magnificent rainforest and we couldn't believe how quickly it got devastated. So this is possibly one of the benefits of Temma being where it is. It is a fairly large fire block. We could still get a grass fire going across it but I believe really what that ... needed was two or three strategic steps to stop a fire going from one end to the other. But fire burning and fuel control would certainly help that.

Mr FLETCHER - You seem to be raising a number of major management issues here such as access of vehicles and access for people and weed control and boundary fencing and grazing rights and that sort of thing. Can we conclude that if the Government could in some way guarantee you that the weeds would be managed and a general access would be provided and the cattle could be agisted, that you would then either withdraw your opposition to the land transfer or you would in fact support land transfer, that the ownership doesn't really matter if certain access rights are provided?

Mr INNES SMITH - Well, I think we've got the Mount Cameron - all these things were supposed to have been in there originally and they're not and before I could withdraw my objections I would like to see that running for five years with all of those things in place and then let us see, because once you

hand title over and there are no rates being paid there is no real incentive to do anything to it and in my book it is dangerous.

Mr WILKINSON - Have you noticed, Peter, coming from New Zealand five years ago and it is a bit different there because of the Treaty of Wytangi, but can you assist us at all in letting us know what has happened in New Zealand that you think is of assistance, if at all, to this committee?

Mr INNES SMITH - That is a pretty broad question.

Mr WILKINSON - I didn't want to tie you down too much.

Mr INNES SMITH - The major problem with the New Zealand one, it just opened a can of worms. When they started they never said what were the perimeters and every day the perimeter gets wider and wider. They said, 'Righto, we'll put a billion dollars aside to settle the grievances' and that billion dollars was only a deposit and the grievances are still there. The grass route is - we all have to go back to the Bible to see where these problems arise and instead of New Zealand being one people it is splitting them and it gets wider and the chasm is greater to close and there has been some - you people would have access to all of the settlements and what have you but I can see no improvement in New Zealand since the Treaty of Wytangi's settlement started; it is a country divided.

Mrs SILVIA SMITH - I just wonder if I could ask you, Peter, could you expand on a brief statement you made about the question of aboriginality. You were sort of questioning, I guess, the aboriginality of the Aboriginals of today. I just wanted you to expand on what you meant there, if you would?

Mr INNES SMITH - It really goes back to that article that was in the paper a while ago about DNA testing so as they can establish exactly who is and who isn't. I believe that that would be an interesting one to investigate and expand further because on the Arthur-Pieman Coalition Committee and things like that we would dearly like to see local people on that who know the area and can give us advice.

When you have them coming from Wellington you sort of have ALC and TALC and one does this and one does that and you can't get cohesion and we need to be able to sit around the table and talk these things through and we're not being able to get the right people for that - well, it's not the right people, it's just not being able to get locals interested in it.

Mrs SILVIA SMITH - Are you aware that there is a local Aboriginal group, although they are not recognised by the State body?

Mr INNES SMITH - And this is the problem. You talk to them and they're not recognised there but we still - yes. That's something I would like to see further researched because it all comes back to communications.

CHAIRPERSON - You made comment at the beginning of your submission, Mr Innes Smith, that there should be parameters put in place in which agreements can be measured and met. Would you like to expand as to what type of parameters you believe should be there?

Mr INNES SMITH - Well, I think the one that needs careful consideration and investigation is a partnership deal in the management of areas if they are to be set aside - I believe it is in the interest of the community that a partnership-type management plan could be more acceptable.

CHAIRPERSON - Thank you. You also made comment about beach access for vehicles and foot access. I think it is safe to say, regardless of whether it was in the ownership of the Aboriginal community or crown land under the auspices of the National Parks and Wildlife, that there would be some areas where vehicle access would be denied, would you believe that that would be fair comment?

Mr INNES SMITH - I believe there are groups that would like to see that. My argument against that is that Arthur-Pieman beach is a little bit unique in that we do not have set tides, there is no guarantee of a tide every day, so consequently you do not find shellfish anywhere along that beach because of the tidal flows and so therefore to me it is a very practical road to get from end from the Arthur River to the extreme end with doing the minimum damage. You've your internal road but I believe that that

beach should be sacred to anybody wishing to travel along it for rescue purposes, for recovering fishing gear, for all sorts of reasons. There are areas there that they are wishing to close off. I understand at the present time there are people from Arthur River who in their own time travel along there with a bike and a trailer and pick up the flotsam and jetsam that comes ashore, well it would be a pity to see that stopped. It is a control but nobody has been able to tell me why it should be controlled.

CHAIRPERSON - Thank you. Any other questions from the committee?

Mrs SILVIA SMITH - Yes, I would just like to whip back to access at Mount Cameron et cetera which has been an issue that has come up all through the day. You were talking about 'no further land should be considered until there is evidence after a two year holding time of accountability of agreements met at Mount Cameron'. Those agreements have been in place five years now and we have heard today about issues of access, but you brought up another issue about, I think you called it 'tea tree criss-crossed across the' - I gather walking track up to the top of Mount Cameron, is that correct?

Mr INNES SMITH - Yes.

Mrs SILVIA SMITH - Is that growing tea tree or has it been placed there?

Mr INNES SMITH - It is big tea tree that has been dropped like that, so my wife in her fancy shoes had great difficulty climbing over it all. It has been deliberately laid to discourage and then the gorse has got in and - there is no other reason for it to be -

Mrs SILVIA SMITH - The gorse has got in there and grown around it as well.

Mr INNES SMITH - The gorse is then growing above it again and spreading across.

CHAIRPERSON - So I gather, Mr Innes Smith, that you have had no problems actually gaining foot access to the Mount Cameron area?

Mr INNES SMITH - On this particular day, no; it was sort of pre-arranged, I think, it was asked before if this group could go to the top.

CHAIRPERSON - No other questions. Thank you very much for the time you have taken to present your submission and to appear here today before the committee, we do appreciate it.

Mr INNES SMITH - Thank you, it has been my pleasure and I wish you success.

THE WITNESS WITHDREW.

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT CIRCULAR HEAD COUNCIL CHAMBERS, SMITHTON ON TUESDAY 14 MARCH 2000.

Mr BRIAN OLIVER WALKER WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON (Mrs Smith) - Thank you Mr Walker for your attendance here today. The process the committee has been using is that we allow you to make comments to your submission to bring out the relevant points and any other information that you may wish to add since the date of your submission to the committee, after which time if they have any questions or queries they will address them to you.

Mr WALKER - Basically what I have written is what I believe. I just come as an individual who, as I wrote, have regularly used that area over the last twenty years basically - not the right words, jumping on the bandwagon is not really the right word - but the opportunity has arisen to come and put my view forward that the area seems to be shrinking all the time and this is what I perceive as another way of shrinking the area even further for recreational use mainly, that's where I come from. I guess just putting my view forward that we need to be very aware that the recreational use area is shrinking in Tasmania and I don't think it should be. How it marries in with the relevant issue of Aboriginal lands, I'm not quite sure, but I'm sure it is involved there somewhere.

Mr FLETCHER - So Brian your general concern is for the management of the Arthur River-Pieman River conservation area and the development of a management plan there which has still not been finalised over decades almost now, it has been trying to get a result out of that. Do you feel as a general rule your opportunities to follow recreational activities are being withdrawn in some form or another and you are concerned about?

Mr WALKER - Quite severely I would say over the last couple of years, quite severely.

Mr FLETCHER - How has that shown itself out? Like when you say -

Mr WALKER - Regulation - basically ever since it went into National Park management we have noticed quite severely that a lot more restrictions have been in place, some were for the good, I don't deny that at all, but just different regulations that have come on since then have made it a lot more difficult for family recreation.

CHAIRPERSON - If I might ask, who managed before National Parks?

Mr WALKER - The Lands Department did, I believe.

Mr WILKINSON - What type of things did you do when you talk about recreational activities?

Mr WALKER - As far as I personally go we mainly talk about trail bike riding along the beaches and down into the Sandy Cape area of sand dunes, we do have four wheel drives but we don't take our four wheel drives down there. Personally I believe it's too hard on them, the environment is too hard on them but like I say we've been going down there for twenty years and lots of people have; I've got a lot of friends who have been going down there for a long time, all quite concerned.

Mr WILKINSON - And you spoke about regulations, what are the regulations that have hampered your use that you speak about?

Mr WALKER - Basically, nowadays with public liability and that I guess; registration purposes which I don't have a problem with - registered motorcycles. Our kids aren't allowed to ride motorcycles there any more. We cannot even have two-up on our motorcycles and things like that. The way I see it it is just little things coming around the edge and it's just shrinking the circle.

Mr FLETCHER - Brian, the major thrust of this inquiry is in regard to the proposal to transfer Sundown Point and West Point to the ownership of the Aboriginal community. You may have been here and heard the council's position, which generally was that I think they wouldn't oppose the transfer if general access to the public could be guaranteed but if the public could get access to those blocks, would you have any different opinion to that?

Mr WALKER - No I wouldn't, I've seen and those who have been down there where they have fenced off middens and I don't have a problem with that. When we first went down there I guess we weren't aware of those sorts of things. The concern - and I haven't seen the actual details of the maps, I assume that is them on the wall there -

Mr FLETCHER - Yes, it is.

Mr WALKER - The area around Sundown Point - we camp a lot at Arthurs River and we try and ride the coast through to Temma and down. Now that passes through Sundown Point so we would want to make sure access was still available as a throughput and I know a lot of people who have shacks in that area who would still want to be able to transfer north and south on the coast.

Mr FLETCHER - During your twenty years, have you been generally or specifically aware of Aboriginal sites of rock carvings and special significance?

Mr WALKER - No, I can't generally, I suppose, but I can't say that I have every come across any, not that we've gone looking either. It has never been pointed out exactly where they were so -

Mrs SILVIA SMITH - If I may just pick it up there if you have finished, Tony? Over the last twenty years you've been riding up and down the coast - and I fully understand it, my father having a shack at Bluff, so I understand the bike riders and what not, my step brothers used to do it - would you suggest that in any of that time that there might be irreversible damage that might have been done by bike riders in any way, sense or form to the general environment? Anything that is irreversible I am talking about not, just little bits of damage, I guess that happens with bikes going over land anyway.

Mr WALKER - Yes there are other areas in this State that I have been to that we thought that bikes were going to chop up and you go back next year and you can't see where they have been so - generally from what I have seen, the environment recovers quite quickly and especially down here.

Mrs SILVIA SMITH - There is a lot of wind blow of sand and stuff, isn't there?

Mr WALKER - Yes, wind blows the sand. The biggest concern that I have is if the area shrinks and more bikes are contained in a certain area, that will enlarge the problem.

Mrs SILVIA SMITH - Yes, I did notice that from your submission. Your concern that you are getting areas cut off from use and in that happening, that there will be more people concentrating on one area, therefore what I was talking about no damage much over twenty years could actually be damaged, there could be a lot of damage done to specific areas.

Mr WALKER - If we head down to Sandy Cape and you are down there for, say, half a day, quite often you can't even find your tracks on the way back home up the beach.

Mrs SILVIA SMITH - Yes, that is right.

Mr WALKER - Generally the whole area is like that. You could probably say that the heaviest concentrations that I have noticed of use would be Easter and long weekend recreation times, I have never been down at Christmas time so I'm not sure -

Mrs SILVIA SMITH - About the same as Easter from my memory.

Mr WALKER - They are heavy concentration areas and you go back a month later and you hardly know.

CHAIRPERSON - Any other questions? Brian, I have one perhaps you maybe able to have an opinion on. We talk about areas being condensed and less area of use, when you look at isolated areas and they are isolated areas outside of your Easters, long weekends, summer-times and so on, how do you believe we can protect the special areas, whether they are special to Aboriginal spirituality and culture or whether they are special to European heritage and so on, how can we protect those special areas in a different way than perhaps a proposed, in the case of the Aboriginals, the transfer of responsibility to them.

Mr WALKER - Good question. I think the way the Arthur-Pieman coalition is heading, I have been to one of their public meetings, only one; I've read some of their paper that they've put out and some sort of committee - and it would have to involve the local Aboriginal community, it's no use having a committee that didn't - to actually run it, to run the whole area for the use of the community.

CHAIRPERSON - And how do you believe it should be funded, the managing of the area?

Mr WALKER - Well, National Parks fund it somehow so it could be funded similar, couldn't it?

CHAIRPERSON - So you are saying a government-funded process?

Mr WALKER - Yes, some user funding, I guess, could be available. There is, I believe, that now, there are permits available which some of us do have a problem with in the way some of those have come about.

Mr WILKINSON - Do you believe that if this group that you are talking about has more of an input into what goes on into an area, there would be more of an ability to have both government funding together with user funding?

Mr WALKER - I think it would work better with both; if it was just government operated, the users would balk, I think, about paying.

Mr WILKINSON - What I am saying is as far as payment for anything is concerned, if the group had some input into what went on in the area, what was allowed and what wasn't allowed in the area - you talk about upkeep and you said Parks and Wildlife pay now and therefore they should continue to pay and the question was asked, 'Well what about the users pay as well?', do you believe there is more of an ability for the user to pay if they have this input into what goes on and therefore they would be more willing to pay than otherwise?

Mr WALKER - I can only go for myself. I guess there would be a little bit more willingness to pay if there the users had an input. As far as me personally, we tend to stick to the back-blocks where it's not developed, we tend to bush it a lot more. We have noticed that in the last five years that Arthurs River has been developed more and more and that comes with progress therefore you get more and more users, whether that's good or bad, I'm not too sure yet.

Mr FLETCHER - Brian, do you belong to a club or an association?

Mr WALKER - No, I don't.

Mr FLETCHER - So you adopt your own standards, you don't run by an accepted code of practice?

Mr WALKER - We are aware of those sorts of things and we abide by them as much as possible, yes. I have no problem with their code of standards, the tread lightly code, no problem. I have seen some people down there do some stupid things and we just shake our heads.

Mr FLETCHER - I think increasingly the future - just an aside - is with some sense of ownership by you as a group so that they commit either funds or time and expertise into the management of the site

selected. That Arthur-Pieman River protected area has had something - that stretches from the Pieman River to King Island and the islands in between - like \$30 000 a year of discretionary spending over the last ten or twelve years, which is nothing at all to manage that giant area and there is no more money likely to be easily available so it is a matter of harnessing the community resource in some way.

Mrs SILVIA SMITH - I just wanted to pick up on something I have spotted in your submission, Brian, if I might. You note that many areas within the State have been closed off to vehicle use and recreational et cetera, and given to bush walkers, are any of these areas part of that, do you know? Has any of this been closed off down the west coast that you can't particularly get access to that you have had in the past?

Mr WALKER - Only on hearsay. Last I heard - I won't go any further because I've only heard it. A lot on the north-east coast, especially sand-type riding, not under the Aboriginal things, but they've been closed off for vehicular use as in recreational use and -

Mrs SILVIA SMITH - So I guess one of your fears therefore would be that there's going to be less and less area for you to pursue your activities that you enjoy doing.

Mr WALKER - Yes, that is exactly right. We see a lot of, especially around the Central Highlands and that sort of area that all keeps -

Mrs SILVIA SMITH - You travel fairly well all over the State, do you, or have a bit of a go over the years?

Mr WALKER - Over the years gone by we have, we don't have much time these days; raising a family, we all seem to have to work longer to make a living.

Mr WILKINSON - And do the same things.

Mr WALKER - And try and fit in a bit of recreation, yes. The opportunity arose for me to come and put my point of view, so I appreciate it.

CHAIRPERSON - Any other questions by the committee? I thank you, Mr Walker, in particular because I note your address is Spreyton and that you have taken the time and trouble to come to the committee here at Smithton. I can assure you the committee appreciated both your submission and the effort you have taken, as you quoted, 'average Tasmanian taxpayer', to take time out of your working life to appear here before the committee this morning. Thank you very much for that.

THE WITNESS WITHDREW.

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT CIRCULAR HEAD COUNCIL CHAMBERS, SMITHTON ON TUESDAY 14 MARCH 2000.

COLIN LYNN AND TONY JACKSON, WEST COAST KELP HARVESTER'S ASSOCIATION WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - Thank you, gentlemen, for your submission and your presence here this afternoon. We are following a process of asking you to speak to your submission, to make any other comments you feel are relevant that you wish to add to it and then the committee will ask any questions they believe are relevant at the end of that process. We will hand over to you, Colin or Tony, whichever one wishes to take the floor in the first instance.

Mr LYNN - Thanks for your time and for letting us speak. Our association's attitude was canvassed at a meeting on 26 January and all the members voted on it. Our attitude to the issues under inquiry related to the West Point and Sundown areas. We agreed that the land as proposed should be handed back to the Aboriginal people with graciousness, with no conditions whatsoever and only the consensus that black and white work together to achieve a harmonious relationship.

The reasoning behind our comments is that the association has a commercial agreement with the Aboriginal Land Council of Tasmania and we strongly feel that consultation with other user groups with the Aboriginal peoples will be a positive step for everyone. That's how we feel about it.

CHAIRPERSON - Thank you. Perhaps you could tell us what your agreement with the land council is as a start?

Mr LYNN - We met the Aboriginal Land Council of Tasmania at Launceston in December some time. We went back another time and met them and had many consultations over the phone. Our agreement was that the land council agree that once the West Point Aboriginal site becomes Aboriginal land under the Aboriginal Lands Act, the West Coast Kelp Harvesters Association will be allowed access to collect kelp from Gales Bay which is a bay towards the top end of the Aboriginal land in the West Point area, or the proposed Aboriginal land. There were a few conditions. Would you like me to go on with them?

CHAIRPERSON - Thank you.

Mr LYNN - The access was dependent on the kelp harvesters complying with terms and agreements negotiated with ALCT as set out below, and they were to assist with the

clearing and spreading of gravel on the road leading into Gales Bay and a review of the operations of harvesting every two years. There would be ongoing dialogue between the two groups as to the collection operation, and upon reaching a high tonnage of collection a negotiation of a royalty payment to the Aboriginal Land Council of Tasmania. Just a general agreement amongst all of us that we would like to build on what we already have. That's basically what we have.

CHAIRPERSON - Thank you. Questions?

Mr BAILEY - Of the five members, are any or all descendants of Aboriginal people or would claim to be?

Mr LYNN - We have one member who is the treasurer who claims to be. He hasn't actually claimed anything, but he does claim to have Aboriginal heritage. I don't know where along the line or what.

CHAIRPERSON - You make a comment in your submission that lands proposed to be handed back should be handed back with no conditions whatsoever.

Mr LYNN - That's right.

CHAIRPERSON - Do we interpret that that there should be no conditions of access during daylight hours or -

Mr LYNN - No. On the bottom of it, it said, 'No conditions whatsoever, only the consensus that black and white work together to achieve a harmonious relationship'. I would imagine how we meant that to mean was that all parties got together and discussed what they wanted out of the relationship and worked to achieve it. If that meant access and you said, 'We want to get access there', and that party comes together, he has to work towards doing that as well.

CHAIRPERSON - Are you aware of the amount of time and resources that went into an attempt to get an agreement between the Circular Head Council, the Crown and the Aboriginal community over the Mount Cameron access problem?

Mr LYNN - Yes, I am well aware of that. I've been involved in that as a member of the Surfing Association at Marrawah. There have been ongoing discussions as recently as yesterday relating to that, and I felt that - and I'm speaking as a surfer now in that area - we were reasonably happy with the compromise that we came up with just by talking to the Aboriginal Land Council. We are reasonably happy with what they've proposed, their latest thing, which was the road down to the beach with the logs like a turning circle, and that side of things.

CHAIRPERSON - Yes. We did have representation from the Marrawah surfers this morning.

Mr LYNN - Right. I'm aware of that and we're happy with that.

Mrs SILVIA SMITH - If I could pick up there with a question. In that statement, talking about no conditions whatsoever but working together, I would presume that you are aware in these two particular sites - West Point and Sundown - that there are Aboriginal petroglyphs and middens.

Mr LYNN - Yes.

Mrs SILVIA SMITH - How do you see yourself, as an association, working with the local Aboriginal group - ALCT, in this case - to protect those sites from any damage that you might cause perhaps by going in with vehicles, and so on? I don't know whether there are any near where you collect your kelp from, I have no idea.

Mr LYNN - The road that we would use to go into Gales Bay has already been looked at by ALCT, and that road is a road that was proposed that the council take over. There's no particular problem in that bay area itself.

Mrs SILVIA SMITH - Could you identify on the map here for us? You have twigged my interest, I'm not quite sure if the council knows what road you're taking over.

Mr LYNN - It's been surveyed off. It's got survey pegs there and it's recently been cleared back a little bit so you can actually get in there. That's it there, this road in here. This is Gales Bay. It's probably close to the best kelping area on the coast. It's a bay that we used to kelp and we used to work before the government interference that made us unemployed, before the kelp industry was stopped here. That was one of the main bays that we used to work.

Mrs SILVIA SMITH - Is that Gales Bay?

Mr LYNN - That's Gales Bay there. We worked the whole lot. It's a natural rocky area and it's got natural rocky roads.

Mrs SILVIA SMITH - So are you saying that that road coming along that area there is a council road?

Mr LYNN - I believe it's going to be a council responsibility because it's got survey pegs on it, survey tape on it, and I believe that if this goes ahead, that was how the people who owned those shacks or leased those shacks were supposed to access them.

CHAIRPERSON - This morning we were given evidence by the Circular Head Council that their responsibility for the road ends there, and that there have been no discussions or consultations on any of this which is not their responsibility. Do you have a comment to make?

Mr LYNN - Someone's got to be responsible for it.

CHAIRPERSON - At the moment it would be National Parks and Wildlife?

Mr LYNN - National Parks and Wildlife, yes. So whoever is responsible for it, I don't have a comment on it, but it's a road that doesn't cause any damage to anything, whereas the road that had previously been used goes over three or four middens.

CHAIRPERSON - If that area of land is transferred across, the responsibility would transfer from National Parks and Wildlife to the Aboriginal community, as things stand at the moment. You are quite satisfied - I believe you said you made some arrangements to gravel some particular areas, and so on.

Mr LYNN - Yes.

CHAIRPERSON - You would do that in conjunction with ALCT, exclusive of perhaps council involvement, or anything?

Mr LYNN - Yes, I imagine that we would. I can't really say at this stage because we've been waiting about eight or nine months, or something, for the Government to make a decision on whether we're actually allowed to do what we used to do a couple of years ago, and we still don't know whether we are or not. I will say two things: the Aboriginal bureaucracy is a hell of a lot easier to deal with than the State Government bureaucracy. I know they're bigger. We've applied to access from crown lands to kelp in about six spots in the Arthur-Pieman area and Gales Bay as well, and there's about eight different departments that have to grant their approval - I mean, there's only one with the Aboriginals so that's probably why they're a lot easier to deal with.

CHAIRPERSON - So are you interpreting that if the land is transferred you won't require any State licences of any description, you will only have to deal with the Aboriginal community?

Mr LYNN - No, I don't know that yet. I couldn't say yes or no. I'd imagine that if the Aboriginal people are given the land and own it, at this stage they are the only - what would you say - thing that we have at this stage where we can kelp. We don't have any approval from the State Government to do it.

CHAIRPERSON - I think perhaps we have received some indication of similar sorts of concerns in evidence that has been given in other areas, and some have taken a presumption that because there was a working party looking at transfers, State Government departments didn't want to give any commitments until particular issues as to ownership of land was settled. I don't know whether you've been caught in that particular process or not.

Mr LYNN - I think we've been caught in a process where the Circular Head Council were originally going to have control of a kelp licence or marine licence, and I believe that has now been taken off them and handed back to the Fisheries. I believe we've been caught in that process.

Mr WILKINSON - So that's what you're waiting for Government to get back to you on?

Mr LYNN - Yes, we've been waiting a long time. But I'm just saying that out of the two bureaucracies, we can go to one, we can lay our cards on the table and we can come up with an agreement and I sincerely believe - and all of us do - that if a few of the other user groups who have problems went and did the same thing they could sort that out as well.

Mr WILKINSON - How many members of the association?

Mr LYNN - There were eight but there's only five now.

Mr WILKINSON - So the meeting you had was with five.

Mr LYNN - Yes. To be honest, there was one person who dissented from the general view, and his view was very similar to Bernard Charles who was here before. But we are a democratic organisation.

CHAIRPERSON - The majority rules.

Mrs SILVIA SMITH - Can I ask you, Colin, in this whole process of land transfers, prior to your meeting on 26 January did you have any opportunity of any input into the Premier's working group and have any consultation with them on what was happening here and how it would affect you?

Mr LYNN - Yes. We sent along two representatives because Tony and I were away at the time that Rodney Gibbins and his crew were here.

Mrs SILVIA SMITH - Was that a meeting held here in the Circular Head area?

Mr LYNN - It was, yes. Our position was the same, all we were concerned about was getting access to Gales Bay. That was all we ever wanted. There are other places to kelp in - West Point, and areas like that - but we felt it was a sensitive area and we could get what kelp we wanted from Gales Bay and we'd be happy with that so that's the way we went.

Mrs SILVIA SMITH - Could I just ask a question totally away from all of this? What is the kelp used for?

Mr LYNN - It has over a thousand uses, but its main use is -

Mrs SILVIA SMITH - I know you can eat it.

Mr LYNN - Yes. I know its main use is in cosmetics, toothpaste, shampoo, beer, newsprint. The algaenants that come out of kelp are the ones - they buy the fine powder. It's sent away from here to Scotland, it's not processed here. It's processed to a point where it can be dry enough to ship away and then we buy it back, I guess -

Mrs SILVIA SMITH - To make all the products.

Mr LYNN - Yes, tooth dentures - who knows. There's DNA testing, there's over a thousand uses, and it's true, it is over a thousand.

CHAIRPERSON - Are you quite comfortable that the written agreement you've got, or a handshake agreement -

Mr LYNN - A written agreement.

CHAIRPERSON - A written agreement - you're quite comfortable that that agreement will outlive any change of management around the table at the ALCT?

Mr LYNN - Yes, I'm quite confident. We've gone up and met the Aboriginal Land Council of Tasmania and we went up there with no preconceived ideas and we came away from there pretty impressed, I thought, Tony.

Mr JACKSON - Well, it was getting an answer more or less in two to three weeks.

CHAIRPERSON - And you met the entire -

Mr LYNN - We went back to meet the council on the date when they did meet. As Tony Fletcher would know, we've been to him, we've had a lot of dealings with a lot of politicians and a lot of public servants, and we hold them up there and I think it's a hell of a shame that people are so negative about this particular issue. I know the major issue is access, and everything like that, but I do think all the people's problems can be worked through and it's the only way that it will be worked through. I do know that we won't get anywhere by fighting.

Mr BAILEY - My understanding is that your agreement is reviewable after two years, I think that's what you said. Would you feel aggrieved if the Aboriginal Land Council didn't renew that agreement after two years?

Mr LYNN - Our kelp licence is every twelve months, it's reviewed by the Fisheries.

Mr BAILEY - Well, that's the State Government, isn't it?

Mr LYNN - Well, of course we'd probably feel aggrieved, yes. We'd be upset and we'd lay our things on the table and we'd kick and shout and scream like anyone would. It's a two-year agreement in this day and age -

Mr BAILEY - So you're happy to accept it?

Mr LYNN - Yes, we're happy to accept it and we're happy to pay a royalty similar to what we would have to do with a State government.

Mr FLETCHER - But won't you have to pay a royalty, Colin, to the State Government?

Mr LYNN - We'll have to pay one eventually, yes, to the State Government and we'd be happy to negotiate a royalty with ALCT too.

Mr FLETCHER - Doesn't the kelp belong to the State Government? It's a matter of fine point, but the title is to high-water mark and then there's a riparian reserve above that, so the kelp is cast on crown land, it's not cast on Aboriginal land.

Mr LYNN - No, we're happy to pay - out of what you receive from kelp and what we used to receive was \$400 a dry tonne, and the company, Kelp Industries on King Island used to pay nearly \$5, I think, for their dry tonne, so if we had to pay \$5 out of a similar thing to what we had to pay ALCT, we figure that's worthwhile for the benefits that we'd get out of it. It's just a business thing.

Mr FLETCHER - Does your assessment of your position create a positive or a negative towards those shack owners at Gales Bay who might want to negotiate ownership of their shack sites, do you think?

Mr LYNN - One of my best friends has one of those shacks, and my position and his position is that when he bought that shack he was told that he could have that shack on a lease while he's alive and that was the only certainty he had, and he got that from Jack Hanson. I don't know whether I'm allowed to speak, you asked me whether it's a personal thing, I don't -

Mr FLETCHER - On your assessment on your position.

Mr LYNN - Yes. Well, I believe that us helping in there is probably a plus for the shack owners, but I don't believe the shack owners should have freehold land. If you're proposing to give the land back to them they should probably have the lease for the rest of their lives - I mean if they're 20 years old or a 25 year lease or whatever - and I don't believe that it should be a freehold lease because that's forever and a day. I can see a great contradiction in the four shacks or the seven shacks, or whatever are there, being available for freehold. It wouldn't make much sense to me.

Mr FLETCHER - Does that apply to all shack sites throughout the State?

Mr LYNN - No, only in the Aboriginal reserves or the land you're planning on giving back - or within reason. I just believe that that would create some sort of problem that you've got freehold shack owners in there, and I wish all the other freehold shack owners in other spots that are freehold, but it's just back

luck that they happen to be in a reserve where you propose to give the land back to them. I don't think they should have freehold. I think they should have what they were told when they started out - and they probably won't like me for it - but they should have their leasehold probably for their lives, what they originally were going to get. I can see great problems for something being freehold in an Aboriginal thing forever and a day, that's my personal view. I don't know what Tony's is, we're all different, and my best friend owns a shack in there.

CHAIRPERSON - Any other questions? Thank you very much, gentlemen, for your presentation this afternoon. We have greatly appreciated both the submission and the time you have taken to present yourselves here this afternoon.

THE WITNESSES WITHDREW.

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT CIRCULAR HEAD COUNCIL CHAMBERS, SMITHTON ON TUESDAY 14 MARCH 2000.

GEOFF KING WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - Mr King, we acknowledge your request to make a verbal submission to the committee. Thank you for your attendance here this morning. The process we will use is that I will hand over to you to make your submission and to make comments and then the committee will take the opportunity to ask any questions they believe are relevant at the end of it. So I will hand over to you, thank you.

Mr KING - As I understand it, I'll give a short statement of what I believe. Firstly, as a matter of introduction, I'm a farmer from Marrawah and have properties at Redpa, Marrawah and at the Arthur River. I'm also involved in tourism. I do wildlife tours throughout the region.

The reason I came here today was to basically endorse the proposal of handing back land to the Aboriginal people of Tasmania and particularly the land in my region at West Point and Sundown Point. It is not a long submission, it's just to put forward the view that I feel that the land will be managed better in the hands of the Aboriginal people. I think it's important that the ownership of the land would involve more care in the management of it. There's a number of problems that are associated with the land at the moment that involve the degradation of it through the cattle agistment that's involved on the land, the use of off-road vehicles around the land itself and there's some problems of degradation - the introduction of weeds and things like that - that don't seem to be being treated by the Parks and Wildlife Service at the moment. On the maps, say, at Sundown Point you'll find that there's things like Californian thistle, sea spurge - quite a large crop of that on the northern side of Sundown Creek - and for some reason there doesn't seem to be any attention paid to those sort of things; whereas I notice out at Preminghana, for instance, there's some really good and honest efforts at land management with the treatment of gorse and with the rehabilitation of land that's been affected by off-road vehicles.

The other thing is that it seems to be very important to the Aboriginal people of Tasmania to have ownership of land and it's a philosophy I support. I don't know whether you'd call it a reconstruction of the Aboriginal culture or anything like that but certainly I think it's important for Tasmania and for Tasmanian Aboriginals that this process go ahead.

I have a few concerns about the bill itself in the sense that there seems to be a suggestion at Sundown Point in particular that camping would be allowed to continue there which I think is an appropriate activity to have on the land. It also suggests - I think it's been suggested anyway and you may be able to clarify that - that existing leases and licences continue and my feeling is that if that includes cattle agistment I don't feel that cattle are an appropriate activity to have on the foreshore areas in particular.

I think this brief in coming to talk you also concerned any matters relevant to the bill and one of the things that I would like to see is that there are no amendments made to the Lands Act that allows uncontrolled vehicle access at Preminghana. I really think that the management of Preminghana has gone ahead with the fact that the community are controlling vehicle access there and I don't think it's suggested in the amendments, from what I can see, but I know there is a process that you go through when you're reviewing the bill that you may be interested in putting in some amendments.

Mr WILKINSON - You were saying you understand there's some amendments that may be introduced in relation to vehicle access, can I ask where you heard that and what type of amendments?

Mr KING - No, I haven't heard that but it just seems to be a part of the process of when the bills go through the Legislative Council that amendments are made and the experience I have had recently with the change of the Arthur-Pieman protected area to conservation zone, there was an amendment brought

in by Mr Schulze that a certain area of land be removed from it. That wasn't something that I heard prior to the event, so do you understand what I mean.

Mr WILKINSON - Yes.

CHAIRPERSON - Mr King, you are in the tourism trade?

Mr KING - Yes.

CHAIRPERSON - Do you utilise any of these areas or any of the 1995 transferred areas in your capacity as a tourism operator?

Mr KING - No, I don't at present. My belief is that the interpretation of Aboriginal sites in a specific sense is the realm of the Aboriginal people. There is a possibility that with West Point, because basically I drive people around looking at birds and wildlife - my property has an Aboriginal history of its own but there's a general reference to the Aboriginal people and their part in the landscape but it's not something that I focus on in my tours.

CHAIRPERSON - Have you looked to utilise access to Preminghana at any time?

Mr KING - I recommend people walk out there. I haven't contacted the Aboriginal community to have any vehicle access in a sense or anything like that, but it's a fantastic spot for people to be able to go and walk without the interference of vehicles. It's a site that's getting a lot of integrity back as far as its shore birds and those sort of things and, to me, there doesn't really seem to be a need, like with the Aboriginal lands, to be going in and doing real interpretative stuff in, say, for instance, middens, hut sites or carvings. It's just the fact that there were people there and their long history with it that seems to be of an interest to others. I do deal with groups of Americans as well and at the moment they are going down to Sundown Point - but I'm not with them at the time, they don't do any interps down there. There's another group of Japanese indigenous studies students that I deal with and they have Aboriginal guides with them and, once again, I think they go to Sundown, but my part of it is basically the wildlife.

CHAIRPERSON - You say you recommend for people to walk in, are you aware that people have done that and that there hasn't been any particular problems?

Mr KING - Actually about ten days ago I put together a four-day package for people in the area and one of the excursions was to walk through Preminghana to the beach and along the beach. They were to refer to the caretaker, although the caretaker wasn't present at the time, they came back and it was terrific really to see two people from Airlie Beach in Queensland be able to spend four or five days around this region and to go away fully satisfied - and they were experienced travellers.

CHAIRPERSON - The other comment you made was existing leases and licences shouldn't be allowed. Do you believe that if somebody has an existing lease there should be some compensatory process if their lease is terminated before the term of the lease?

Mr KING - I'm more interested in the licence side of cattle agistment and you may be able to clarify that for me - if cattle agistment is seen as an existing licence whether that would continue? Can you help me with that?

CHAIRPERSON - No, I'm sorry, I can't at this stage. I don't know whether any member of the committee can. It will depend on the end result of the management plan for that entire area, I would presume.

Mr KING - Do you think? It wouldn't be involved in this legislation?

CHAIRPERSON - No, nothing in this legislation.

Mr KING - Well, that was basically what I was referring to. I don't know of other leases and licences in a sense, particularly in these two areas -

CHAIRPERSON - I suppose I'm looking at the general principle of it. We've had evidence from existing lessees in other areas specifically that have taken over a seven-year lease that are farming particular areas et cetera, and the lease transfers with the transfer of ownership and then they would renegotiate the lease with the new owners - the Aboriginal community - at the end of their term and I'm looking for a general principle -

Mr KING - That seems to be an appropriate procedure.

CHAIRPERSON - Thank you.

Mr FLETCHER - There are licences involved with shack sites in both Sundown and West Point, are you suggesting that they should be revoked?

Mr KING - No, as I say, I was focusing on the cattle side of things but I've had a look at the shacks at West Point and Sundown Point and, to be honest, I can't see a reason for some of the ones at West Point to be there. They're just little tin sheds and I don't see that they've got any real place in the area.

CHAIRPERSON - You don't see that perhaps the traditional European heritage and uses of 40 or 50 years for some people in this area have any pre-existing rights?

Mr KING - I don't know whether they have rights but they are certainly important to those people. It's a difficult argument to sort out - I mean, because I'm not a person who considers that I have a pre-existing European right in a sense. I own land that has Aboriginal sites on it and I put those sites probably ahead of my own ideas of personal gain, for instance. I feel it's more important to respect not just the acts that are involved or the State coastal policy or those sort of things, I think it's important to consider the importance of these areas to Aboriginal people. For instance, I try to restrict my cattle from going anywhere near sites and in fact I'll be removing my cattle from a property near the Arthur River with protection of Aboriginal sites being one of the reasons for doing it.

Mr BAILEY - Could I just ask, do you have leasehold land in and around the Arthur River?

Mr KING - I own it.

Mr BAILEY - You own freehold?

Mr KING - Yes.

Mr BAILEY - We have had evidence that cattle grazing in that general area is beneficial to the land and not detrimental in relation to the marram grass and if it's eaten off it will regrow, it will feed the native animals through the season that the cattle aren't there and if the marram grass was left it would simply grow to high levels and then decay and die away, could you comment on that?

Mr KING - Marram grass is treated by the Crown as a weed at this stage, so that's probably not a bad idea if it decayed and died. My understanding, through talking to Steve Sallins from Parks and Wildlife who did a lot of work on marram, is that it regenerates through disturbance and that the most appropriate form of disturbance is fire. My anecdotal views on marram grass is that if it's given constant grazing, as is the process down there, that it does deteriorate, so that grazing, to me, doesn't seem to be the trigger for its regeneration, and that seems to be supported by the evidence of Parks and Wildlife experts.

Mr FLETCHER - Could you give an example where that might be evident? We're going down there tomorrow and if we could see something where the marram has deteriorated.

Mr KING - Yes. If you go just south of the Arthur River - and I don't know whether you'll go down that way, Tony - but there's been set stocking down there. Most of range land nowadays has a rotational grazing type of process going on and it's called cell grazing in some places. It's basically come into Tasmania over the last seven years based on a model, I think, that was developed in Zimbabwe. So the set stocking evidence of marram grass, say, running out is evident just south of a cattle grid south of the Arthur River, which is a good example, and it depends on whether you drive down - you probably

will go down that way. If you're in four-wheel drives you'll probably drive down the foreshore and go onto the beach, so you'll find it about half a kilometre south of the river and just have a look around and you'll see a fairly dramatic, I would think - it's a little while since I've been there - but I think on one side of the fence you should see thick lush marram grass and on the other side you should see thin straggly marram grass. There haven't been any cattle there at the moment so there will be some reasonable bushes but it's a good opportunity to have a look.

Mr BAILEY - Is there any marram grass growing on the land that you hold freehold?

Mr KING - Small sections of it.

Mr BAILEY - What is your experience with the cattle raising against that marram grass?

Mr KING - Prior to having my own land there I was involved in the management of a section that had a large quantity of marram grass on it and, once again, my experience is that fire seems to regenerate it and that set stocking of cattle seems to degrade it.

Mr BAILEY - There has also been evidence that the land that has already been granted to the Aboriginal Land Council in this area has degenerated in relation to the amount of gorse and weeds and general control but your evidence seems to be contrary to that evidence.

Mr KING - No, I'll have to be fair and say that I didn't do a weed map of the gorse on Mount Cameron or Preminghana, most of it actually seems to me to be on the Mount Cameron edifice itself. I haven't done a weed map to see how far it's spread since it was under Parks and Wildlife control or under Aboriginal control, but the efforts that are being made out there at the moment there's a lot of work going into getting control of it. The thing I thought was most significant was the way they're rehabilitating the deep tracks that were cut by the four-wheel motor bikes that had been going out there in the past and, yes, the fact that they were making an effort. It seems to be that there's a lot more potential for a land owner, say, who belongs to a group to get up some of these Green Corp programs - a lot of the management involves physical effort, particularly if they take on the sea spurge. Californian's a little bit different, it's a very difficult weed to get rid of. But it involves a lot of effort and I can see lots of opportunities for these groups of young people who are involved in Green Corp, et cetera, being involved in some of the management of the areas. I think it would be great for them actually to be out there.

CHAIRPERSON - Have they been involved in any of the areas to your knowledge?

Mr KING - There has been little involvement of Green Corp in this area so I can't say.

CHAIRPERSON - Any questions?

Mrs SILVIA SMITH - Perhaps if I could on the area of the effects of road vehicles and motor bikes and things like that. You've talked about the damage that you saw on Mount Cameron West - the ruts in the road, the ruts in the landscape, et cetera - would that, in your knowledge, be the same on the coast where the winds et cetera do actually regenerate the land itself? Would there be a lot of damage from vehicles on the coastline?

Mr KING - Anywhere in specific?

Mrs SILVIA SMITH - Well, looking down through the two areas we are talking about, for example, down West Point and Sundown. Do you know of any major damage caused by vehicles down that way?

Mr KING - Sundown Point, where you approach on the southern side near the petroglyph, there's two areas where the soils been broken and they're about as long as a vehicle is and you can see evidence of midden scatter in there, although I'm not an archaeologist but I understand its material of that, so there are two areas there. In the Aboriginal land itself, there's one area that I call the baby bowl where motor bikes - it's in the Bottle Creek area - but you see regularly where motor bikes go up into the dune area but they haven't actually broken the surface in many places inland, to my knowledge, anyway. Once

you break the soil surface we've got a sandy soil, it's got a very small amount of vegetation or vegetable matter below the surface so once you break the surface then you allow the wind in to start moving it. If you continue the impact you continue loosening it and the wind does the work and that's where you get your deep ruts from.

West Point - it's basically been an ad hoc rehabilitation of the track by Parks and Wildlife by using gravel so you don't see a lot of the - yes, you do, you see bits and pieces where you can identify the vehicles have been through and even with the midden area where the people go with their boat launching you can see where vehicle tracks have gone through the midden but this doesn't seem to suggest that there's a lot of vehicle activity so I don't really think there's a lot of boats, say, launched there because otherwise this would be carved out a little bit more. I did bring some photos.

Mr WILKINSON - Do you mind if we have a look?

Mr KING - No, fine. This is where four-wheel motor bikes were driven over the petroglyphs at Sundown and this is one of the reasons why I think it's inappropriate to have - well, the petroglyph zone will be cut off but it's very difficult to control these vehicles and the people that are on them. This is a camp site about 50 metres from the petroglyphs and you can see there's a small motor bike there that probably a seven or eight year old child would be riding; in other words, a juvenile or a very young person.

West Point with the surf carnival, the traffic that parks on the beach, I think this is still an issue. I'm surprised that it's being suggested that vehicles would go past the initial car park at West Point and that the vehicle traffic is being allowed to go down as far as it is because, to me, it's more appropriate to have them parking in the car park that's established there - the larger one. There's a degraded track south of Preminghana and just a couple of other photos there of where vehicles have been in middens around Bluff Hill Point. It gives you a bit of an idea of what people do.

Mrs SILVIA SMITH - I was just going to mention Bluff Hill Point because it's an area that I know particularly well from childhood. Would you agree that in recent years - and I'm saying in the last 20 years - there's been a huge surge in off-road vehicles being on those beaches and in the beach areas?

Mr KING - Yes, mainly because the gravel road was put into service the lighthouse. Before that the sandy track basically was the barrier. My land is just south of the bluff. The track that winds along the coast in and out of my property is in a shocking state, it's degraded terribly. You can see some really good examples of how inappropriate vehicle activity is in the foreshores just south of Bluff Hill Point where you've got great, about the depth of a vehicle, carved through the landscape for about 20 metres and then the next track has been started and that's just starting to go the same way, getting deep. So it's certainly been something that hasn't been managed well in the last few years and the advent of the four-wheel motor bike has been one of the triggers because they're so mobile. They were thought to be friendly to the environment but in fact used on a track on these fragile sands erosion starts shortly after you've had a number of impacts, and I don't know what that is - how many journeys someone would have to go over a track before it would start to shift.

Mrs SILVIA SMITH - In my knowledge of the area of my father's time back into the 1930s, would it be true to say that there would be some vehicle degradation - I mean, going into Bluff Hill Point below the Black Bull and that, there were various tracks, the summer tracks and the winter tracks and what have you -

Mr KING - That's right.

Mrs SILVIA SMITH - but it's being exacerbated more now because of the easy access and not only that, because of the improvement in the vehicles themselves, they are much easier to go over that sandy soil.

Mr KING - I think that's a fair point and I think it's also flowing down through the culture in the sense that younger people now are looking at off-road activity as their recreation rather than the traditional sporting pursuits of cricket and football.

CHAIRPERSON - Mr King, as a general principle, have you got an opinion on whether or not land should be transferred to the Aboriginals with no strings attached so there is no requirement to provide access for vehicles, foot traffic, et cetera, so that they have it in the same sort of principle as you, a freehold owner?

Mr KING - I'd support that.

CHAIRPERSON - Thank you. Any further questions of the committee? Mr King, thank you very much for your submission. It has been greatly appreciated the time you've taken to appear before the committee this morning.

THE WITNESS WITHDREW.

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT
CIRCULAR HEAD COUNCIL CHAMBERS, SMITHTON ON TUESDAY 14 MARCH 2000.**

MARTY VINEY, MARRAWAH SURFERS' ASSOCIATION WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - Thank you, Marty, for your submission on behalf of the Marrawah Surfers' Association to the committee. The process we have used is that we ask yourself to make comment on your submission, to add anything to it that you wish that may be relevant since the time of writing and then the committee will ask any questions they may wish to of you.

Mr VINEY - No worries. Can I just make a background to surfing in the Marrawah region?

CHAIRPERSON - Yes.

Mr VINEY - We are very, very fortunate in Marrawah and the surrounding areas for the swell that we get and the wind conditions. They are really perfect a lot of the time for surfing. You have probably realised that Marrawah is probably the icon of surfing in Tasmania. It is the most used place for surfing. There is only one unfortunate thing that we rely upon and that is the sandbanks. Because we do not have reef breaks there - this may be a bit technical for some of you -

CHAIRPERSON - We're not that old that we don't remember surfing.

Laughter.

Mr VINEY - Being that we do not have many reef breaks to rely upon a constant break where you could actually say the surf is going to be at such and such a place per day. In fact we rely upon the sandbanks. As you realise, on the west coast the sand - thousands of tonnes of sand - move per day. A place that can be good one day can be terrible the next. For that reason alone we are forced to actually search for the best conditions for a certain day. In that regard we need to be mobile and that is part of surfing, looking for the wave, I suppose, and taking your family with you. In that regard, we cannot just turn up to a beach and say we are going to surf in that area -

Mr WILKINSON - You wouldn't have said that before you were married, would you?

Mr VINEY - Oh no, probably not.

There is a very large contingent of surfers in the area. The Marrawah Surfers' Association has 35 members and most them have been surfing in the region over 20 years and they have had, undoubtedly, a freedom of access along that coastline.

From a surfer's perspective we would really like to maintain that access to certain areas because otherwise if you condense us into smaller pockets we are not really going to have reliable places to surf regularly and that would cause a bit of conflict in the area and increase tensions.

Obviously you realise the economic potential that surfers bring into the region. The biggest event in Marrawah is the surfing west coast classic event which turns over tens of thousands over the weekend. We have many visiting interstate travelling tourists just for surfing alone. We realise that the economic

potential is there and it can be boosted; if the area is managed really well surfing will prosper in the region.

Just as an indication, a lot of the surfers in the association are looking towards the second generation, our children who are growing up. The west coast classic was held last weekend and in that event there were ten surfers from the Redpa Primary School and there are only 40 children at the school - so one quarter of the school population attended that event.

Where do you want me to go from here, Sue? That is a bit of background.

CHAIRPERSON - Okay. We have your submission in front of us. If you wish to bring out any relevant points from that particular process, anything you want to say and then we will reverse the process and ask any questions.

Mr VINEY - We have raised some issues here about Preminghana. As you can understand we were hesitant for any hand over of land until Preminghana issues were resolved because we feel that surfing opportunity, which is one of the best surfing breaks in Tasmania is near what they call the carvings. We had a meeting with Clyde yesterday - we have had quite a few meetings with Clyde recently in regards to access in the West Point and Preminghana areas. We have come to basically a resolution where both parties are happy. Clyde has basically told us that a road will be partially hardened to the beach or 120 metres back from the beach. There will be a turning circle with a boom gate. To us we are meeting in middle ground really - and that is acceptable. The gate that is currently there now will be closed at night, not locked but closed. And the track will be partially hardened in regards to how the user groups and the Aboriginal community or land councils think that is the best way to deal with it.

We would like to state that the Marrawah Surfers' Association's intention is to work with the Aboriginals to prosper a better environment for everybody to live in and to cooperatively exist. I don't know about funds, we are not a very financial group, but we can certainly add to the manpower of any improvement to the area.

As regards to signage in the area, we think that any signage at Preminghana saying that the land is managed and owned by the Aboriginal Land Council but the recreational surfers of the area have a lot of input into the management of the area. So that anybody else visiting the area sees that it is not just Aboriginal land, that the locals do have an input and respect the area. We feel like we have come to a resolution on Preminghana. Rodney assures me that the walking track up to Mount Cameron will be reopened, as in the sign will hopefully be taken down, to say 'No walking access'. We're establishing a relationship. That is our best aim with the land councils, to establish a relationship and to work cooperatively.

Mr FLETCHER - Marty, so you're saying that in relation to Preminghana the issue is resolved along the lines of there being a car park 120 metres back from the beach with a locked gate. You will take your cars there and if you want to surf the northern end of the beach you will carry your boards from that point to the northern end of the beach.

Mr VINEY - We will have to walk or ride a pushbike with your surf board under your arm. That's the other option.

Mr FLETCHER - Why would you agree to that when the law guarantees you access to the beach?

Mr VINEY - It was a decision by the Marrawah Surfers' Association really. We held a meeting and we would be happy with that. We understand that it is a sensitive area. Basically we were happy to have that beach access close to us. We can walk up there, as long as the rest of our surfing culture is maintained by having access along West Point right down to Bluff Beach, which currently at the moment there is a sign up saying that there is no vehicular access.

Mr FLETCHER - So how are you guaranteed access through West Point?

Mr VINEY - Hopefully, we thought with a meeting with a resolution that we were working cooperatively. We can handle -

Mr FLETCHER - Could you show us on the map the areas you intend to use and on the beach here at West Point?

Mr VINEY - South of West Point.

Mr FLETCHER - The road, we will presume, is going in there all of the way through -

Mr VINEY - Yes, and access has been guaranteed between low-water and high-water mark along West Point Beach or Lighthouse Beach here. There is certain relevance. In this area from Lighthouse Beach to Bluff Beach is probably the most significant area for surfing on the west coast. There is close to a dozen breaks along that area with different swell sizes, with different wind conditions; they are all very much an option.

We have been travelling around Lighthouse Beach onto to Kelpies Beach - this little cove here - there are surf breaks at Eagle Rock at either end. There is another beach here which is called Doctors Creek and you drive right down to Post Office Rock, either side of Post Office Rock, and we go further down to Blackpool Creek which is another very significant surf spot and right down to Bluff Beach. We would like to maintain that freedom of traffic along that beach.

Mr BAILEY - And carry your surf boards?

Mr VINEY - It is important for us to travel with vehicles along that area. If you close this section of beach to us we can drive up to the beach here and say okay, the swell is too big, it is not very conducive to surfing; we want to travel down the beach here a bit because we know that with the south-westerly swell this end of the beach gets less swell. So if it is too big we can travel down the beach.

If you take that access along the beach away from us, we would have to drive back along this West Point road on to the Arthur River road, back to the Bluff Hill Point road and then up the beach a little way, which would take 30 to 35 minutes, I assume, on a gravel road which is potholed to buggery. It's not a very good road. This part of the beach is what most surfers in the association are concerned about, maintaining that access. We haven't been allowed to have access up at the carvings for the last two years but we are starting to live with that basically, but we are negotiating to be able to walk back up there. That is fine, but this is our most -

Mr FLETCHER - Don't you think you could potentially do damage by taking your vehicles on the beach?

Mr VINEY - We do - the biggest access point of damage would be at Kelpie's Beach. Again, we are prepared to put in the manpower if there's contribution towards gravelling. These areas can be cooperatively managed if we put some gravel or harden sensitive areas. I'm sure we can access the beach and maintain a less impact.

Mr FLETCHER - What is the difference between north of Mount Cameron and south of West Point? Surely if you can manage that area to access the beach south of West Point why can't you manage the area north of Mount Cameron in the same way? Or why can't fishermen who want to put a tinny on the beach and take it up manage it in the same way as you people have agreed to do?

Mr VINEY - No, I accept that; that is quite relevant. You could very easily. You could gravel that road - you would only have to gravel a section onto the beach and that would open the beach up and between low-water mark and high-water mark your tracks are covered on the beach. You're not having an impact.

Mr WILKINSON - It's fair to say isn't it that the Surf Riders' Association - because down on the south coast, as you probably know, of Tasmania the Surf Riders' Association helped build that track into Lion Rock. I suppose you have a lot of experience in relation to doing the type of work that you are talking about.

Mr VINEY - As you know, surfers are probably as environmentally conscious as anybody. We respect and protect the area. We don't want to do any damage, we would like it to be minimal impact and to have that we are quite prepared to put in the manpower. If we need to raise some funds we will obviously raise some funds.

Mr BAILEY - Could I ask how you are going to protect those rights or benefits?

Mr VINEY - As in?

Mr BAILEY - As in your arrangement - it is a verbal arrangement at the moment, as I understand it?

Mr VINEY - Yes, it is.

Mr BAILEY - How are you going to protect those -

Mr VINEY - That would be very tentative because obviously the Land Council changes hands every seven years, does it? Whoever is running the Land Council. I suppose that is a contentious point. Many surfers are concerned about that because we can have a verbal agreement; then when there is a changeover in a few years' time, where's our verbal agreement.

CHAIRPERSON - So at the moment you have a verbal, not a written, agreement?

Mr VINEY - Yes.

CHAIRPERSON - I noticed you wrote making suggestions of accrediting service et cetera in November 1999, when did this verbal agreement come about?

Mr VINEY - Yesterday.

CHAIRPERSON - It was settled yesterday?

Mr VINEY - Yes.

CHAIRPERSON - And you are quite happy with the terms of that arrangement as they stand at this time?

Mr VINEY - At this time, yes. I am sure some surfers in the association will be despondent with the fact that we don't have access onto the beach because that is another issue. A lot of surfers like to travel with their families. They have a wife and a young child and they want to go to the beach with them. If the surf is good at the carvings you go in by yourself. You're not going to walk with your family up there.

CHAIRPERSON - Is it fair to say that you have compromised your position to ensure that your surfing organisation gets to the surf, if nothing else?

Mr VINEY - Yes, exactly.

Mr WILKINSON - How many people approximately would use the area that you are speaking about over a year because it is a year round sport?

Mr VINEY - Over a year, goodness.

Mr WILKINSON - From outside your 35 members.

Mr VINEY - Yes. I would say in the summer months approximately 80 people turning up to the beach at West Point a week, easily. Some days you have a lot more. Not everybody owns a four-wheel drive, a lot of cars just park at the top car park and surf at West Point.

I suppose another point to consider is the fact that they don't make surf breaks anymore. What's there is there. What we lose we cannot regain. That is why surfers are so protective of their area.

Mr BAILEY - The agreement is just with your club, is it?

Mr VINEY - We're actually probably the only user group that has tried to cooperatively work with the Aboriginals in regard to Preminghana.

Mr BAILEY - You have 30 in your club or 35?

Mr VINEY - Yes.

Mr BAILEY - And there 80 on the beach - what right do the other surfers have in relation to your arrangement?

Mr VINEY - At this stage the accredited permit system that we talked about in this arrangement has been put on hold basically because it's opening a can a worms. So we're not following that line.

Obviously when we drive past Preminghana our number plates, the time and date that we enter and leave will be recorded so that if there is any damage to the area they can certainly point the finger.

CHAIRPERSON - This morning we had evidence given to us by the Circular Head Council and they presented an agreement that eventually was not signed - an agreement between the minister of the day, the Circular Head Council and ALCT. Some of the issues in that agreement were certainly confirmed in a letter they also presented from the office of Aboriginal Affairs from the Department of Premier and Cabinet confirming those arrangements. Some of those arrangements for instance were the gate, but keys so that they could be issued to people so that, again, like your arrangement they could identify if there was any damage who had been through, collected a key and therefore was the last user.

I think we acknowledge the Circular Head Council did attempt to come to some arrangement which did fall through in the particular process. I think it is fair to say other groups have attempted to make some arrangements but we take it this morning that the Marawah Surfers' Association is comfortable in the arrangements that it has made with ALCT and will look to seeing those arrangements for their organisation anyway being lived up to by the managers on behalf of ALCT.

Mr VINEY - As far as a written agreement, we would like to see any sort of agreement to be written so that it does hold some sort of ground so that if there is a hand over in certain years to come that we are not being ripped off, basically.

CHAIRPERSON - This morning we also had evidence from some users who, because they have to put their boats into the water in another position, it takes them three-quarters of an hour more on the water to access areas that they have traditionally fished for many years.

You made the same comment about the same problems you would have had if you had not achieved this particular process. Do you have an opinion on how these fisher people may be able to go through the same process you have and perhaps come to an agreement?

Mr VINEY - I don't know whether the fishermen have actually approached the Aboriginal Land Council as regards to that. The surfers took it upon themselves to approach the Aboriginal Land Council. I certainly understand exactly where the fishermen are coming from. I realise that it is very easy for them to launch a boat on the northern side of Mount Cameron to access that end of the beach rather than to travel from the bottom of Ann Bay which would definitely take them 40 minutes.

CHAIRPERSON - You listed some issues at West Point. Did you have any discussions at the same time and get some agreements there?

Mr VINEY - No. We haven't settled on anything at West Point.

CHAIRPERSON - One of the comments you made in point six of West Point was toilets to be set up in the area for sanitary reasons. Do you believe it is the responsibility of a government because they transfer land to ensure all those sorts of infrastructure are in or just fair enough to transfer land and then hope that somebody puts in the facilities?

Mr VINEY - I think it probably is a little bit immature for the Government to hand over the land to the Aboriginals and expect them, through their fundings, to pay for certain things as infrastructure. I mean, it is an outstanding issue that should have been dealt with years ago. As I said, the surfers bring in such an economic boost to the area, where is the infrastructure? We have no infrastructure, apart from some sort of minor roads partially hardened. We do not have toilets. We don't have viewing platforms. As far as tourism goes, on a surfing side of tourism, if you go to any other State in Australia there are viewing platforms, there are duckboards, they have a minimal impact area, they have signage and they have toilets.

CHAIRPERSON - Has the Marrawah Surfers' Association made approaches to National Parks and Wildlife in these areas that are under their control for these particular facilities up to this time?

Mr VINEY - Not to Parks and Wildlife, no.

Mr FLETCHER - If you were to have a surfing reserve on the west coast, Martin, where would it ideally be?

Mr VINEY - It would be between West Point and the Bluff Hill Point.

Mrs SILVIA SMITH - Just while you are on the issue of toilets, Marty, where are you suggesting that these be located considering that you use the whole beach anyway or the whole coastline?

Mr VINEY - I would say West Point at Lighthouse Beach because there is a car park at the top there. Because four-wheel drives do access the beach and travel along the beach there is still a conglomerate of people who turn up to that car park and view the surf from there and it is the most appropriate place.

The reason for duckboards and viewing platforms is to have a minimal impact on the area as well. We understand that every time we walk over the sand dunes we are having an impact.

CHAIRPERSON - How do you protect that infrastructure that is put in place, considering that it is such a wide area and that long weekends, Christmas et cetera you get people there and then suddenly - we put a viewing platform in my community at West Ulverstone with houses all around it and one night it was lit amongst housing, people et cetera. How do you protect all this infrastructure from vandalism?

Mr VINEY - With appropriate signage, I would say. The signage is saying the local surfing community, the Aboriginal community et cetera have worked cooperatively to manage this area, to protect and respect it.

I suppose a good thing about it is you do have so many surfers travelling the area and we notice what goes on. It is like in a farming community, all the farmers know what goes on when you see them drive past their paddocks. On the beaches all the surfers know what goes on, you see who drives past. That would be the only way we could ensure some sort of protection.

CHAIRPERSON - If you've made no approaches to National Parks and Wildlife for toilets duckboards, viewing platforms et cetera, why at this time are these particular issues coming up as technically a condition of transfer, I suppose I am reading it as?

Mr VINEY - Because the Marrawah Surfers' Association was only really formed to protect our culture, I suppose, our heritage. In response to that, we feel that we haven't had the deserved infrastructure for the economic input that we have into the community.

Mr FLETCHER - Martin, a couple of questions. You have a verbal agreement with Preminghana which is to your satisfaction and is a stand-alone agreement. That agreement has nothing to do with West Point, in fact in West Point you do not have any agreement at the moment.

Mr VINEY - That's right. We don't have any agreement at West Point.

Mr FLETCHER - Okay. At an earlier time in the day the Circular Head Council said that if general access of the public to the Aboriginal sites could be guaranteed then they would not have an objection to the transfer of the land. Where would the Marrawah Surfers' Association - if you can be guaranteed access to follow your pursuits you don't have an objection to the transfer of the land?

Mr VINEY - No.

Mr FLETCHER - If you can't be guaranteed access, where do you stand then?

Mr VINEY - We'd object.

Mr BAILEY - You wrote, I think Sue said on 3 November, to the Land Council?

Mr VINEY - Yes.

Mr BAILEY - When was the first contact you had with the Land Council?

Mr VINEY - Probably six to eight weeks ago, I would assume.

Mr BAILEY - You have had negotiations going on since that time?

Mr VINEY - For probably the last two months, I would say, we've had ongoing negotiations.

Mrs SILVIA SMITH - I would just like to pick up your acknowledgment of the Aboriginal sites that are nearby and the various environmental issues. On these Aboriginal sites that you know are there, have you any suggestions as to how, if the land is not transferred, that they could be protected?

Mr VINEY - By fencing properly. Again, by signage. If people do not know what is there, how do they know what impact they are having? If you do not have a sign interpreting what is in the area, how do they know that they are damaging the area?

Mrs SILVIA SMITH - Would you members know where all the sites are or just those on the areas that they are at?

Mr VINEY - They would generally know where most of the areas are.

Mrs SILVIA SMITH - They respect those?

Mr VINEY - Yes, definitely.

Mrs SILVIA SMITH - May I ask how long the association has been going or formed?

Mr VINEY - We were formed - it would not be quite twelve months.

Mr WILKINSON - Just about the year you got out of Speedos.

Laughter.

Mrs SILVIA SMITH - I didn't know Tony was a surfer.

Mr FLETCHER - I was hanging five at that stage.

Laughter.

Mr VINEY - Probably under twelve months. There was another association called the North-West Board Riders, who are still formed. They are a group that held competitions and run the west coast classic major event.

Mr WILKINSON - That has been going for a number of years, hasn't it?

Mr VINEY - That has been going 20 years.

The North-West Board Riders was a competitive body; we formed ourselves as a group to have a voice into transfer of lands as to where we stand - for infrastructure for ourselves, protecting our interests. We are a non-profit organisation. We are just out to have a voice.

CHAIRPERSON - If I could just clarify on the arrangements you have. At the moment there is a gate that is locked. You said the gate would still be closed but not locked, is that correct?

Mr VINEY - That's right.

CHAIRPERSON - Then further on in there would be another gate that is locked and you access it by getting the key from on-site people et cetera?

Mr VINEY - Yes.

CHAIRPERSON - So the gate that is there at the moment stays, but it is unlocked?

Mr VINEY - It is unlocked and it will be open during the day apparently and of an evening it will be closed but not locked.

Mrs SILVIA SMITH - But only to your group though.

Mr VINEY - No, to everybody.

CHAIRPERSON - So you have actually achieved access much further in than has been arranged at the moment for all of the public if it is going to be unlocked during daylight hours?

Mr VINEY - Yes, definitely.

CHAIRPERSON - I just wanted to clarify that. That it was two gates -

Mr VINEY - There are two gates and the bottom gate will be a boom gate and there will be a key for emergencies et cetera.

CHAIRPERSON - Similar to the arrangement that Circular Head Council looked at earlier where the Parks and Wildlife on-site, Aboriginal caretakers et cetera, will have which then gives them some capacity to know who is coming and going.

Mr VINEY - Yes.

CHAIRPERSON - Thank you. Any other comments you wish to make as a closing statement?

Mr VINEY - No, as a closing statement I would probably like to say that we are a conservative group, we are not extremists of any sort. We are just into protecting our heritage and for the second generation. As you would understand, it is definitely a growing generation. And to say, once again, that we would like to have from West Point down to Bluff Hill Point as a surfing reserve to be cooperatively managed.

We are prepared to put in the manpower, raise some money towards infrastructure to have a minimal impact and we are protecting that right for the sole fact that you just don't make surf breaks any more. What is there is there and we know where they all are and if they are taken away from us it is certainly going to have damage to the local and visiting community.

Mr BAILEY - But that hasn't yet been discussed, that second proposal?

Mr VINEY - No.

Mr BAILEY - There are no discussions on that.

Mr VINEY - No.

Mr BAILEY - Thank you.

CHAIRPERSON - Well, thank you very much for your submission originally and for your presentation here today; it has been appreciated.

Mr VINEY - Thank you very much for the time. I appreciate it.

THE WITNESS WITHDREW.

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT
CIRCULAR HEAD COUNCIL CHAMBERS, SMITHTON ON TUESDAY 14 MARCH 2000.**

TREVOR MEDWIN WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - Thank you, Mr Medwin, both for your submission and for your willingness to appear today before the committee. The process we have used today is that we ask the person who's made the submission to speak to their submission, to add any extra information they believe may be worthwhile for the committee and then the committee will ask questions if they believe it is necessary to gain further information. So we'll hand over to you.

Mr MEDWIN - Fine. To save any confusion I wrote it down because it probably suits you better; you can have a copy after when I finish. I think what I've written down is within the bounds of the law, hopefully - you'll soon tell me if it's not.

Laughter.

Mr FLETCHER - Trevor, what you say is tape-recorded and then it will be typed up and given to us in a typed format.

Mr MEDWIN - I'm quite happy with that.

CHAIRPERSON - They are public hearings and if at any stage you wish to go in camera it is your option to ask for that of course.

Mr MEDWIN - No, I'm not frightened by what I've got to say one bit because I feel what I have to say is the truth. That's why I'm here.

CHAIRPERSON - Thank you.

Mr MEDWIN - For a start-off, I'm retired, I'm 70 years of age, I know these areas very well because I've lived and worked here all my life. I feel I'm very qualified to speak on this matter because I have a genuine feeling for the area and I love this district and I want to see it progress and remain happy. With regard to the reconciliation and these large tracts of land, the question I ask is: who are they going to be given to? We do not have any pure Aboriginal people in Tasmania. We do not have many who would probably reasonably qualify for Aboriginal assistance - there are probably about 50 genuine people. This was highlighted when Mr Brown from the Cape Barren group suggested that DNA tests be taken from all people claiming aboriginality. Should this be done? I believe and I feel sure that 75 per cent of those claiming aboriginality would suddenly disappear.

Over the past month I have spent an enormous amount of time asking people their opinion on the reconciliation issue. Truthfully, not one person has agreed with the move by the Premier, that is to give a huge area of land back to the Aboriginal community. Back in 1995 the previous government granted Mount Cameron for the Aboriginals and this has proved - and now the leader of the Liberal Party admits - that this was a very wrong and destructive move which is going to be very difficult to repair. Not only are we prevented from visiting that area but the access to the beach on the northern side has been cut off by stupid, narrow-minded people who administer these decisions.

This is why it is so important that we do not allow these large tracts of land to be handed over to those claiming aboriginality. Once these decisions are made they cannot be reversed and, please, do not let

this happen in this area. Most people of this district are renowned for being patient, considerate and always take a sensible approach to any major problems that arise and we have never had problems as regards aboriginality. The reason for our great relationship with claiming aboriginality is that we have worked together, lived together, played together and sorted out our problems together. The reason for this successful relationship is - and I highlight - working together.

The frightening thing about the proposed land grant is that tension is being created and, sadly, I feel that this land grant if carried out will put a wedge in society that has never been there before. If this does happen it will put us back to where we were probably around the start of last century.

A friend of mine from Forster, New South Wales, visited me recently and he is a teacher there, teaching both black and white students. When he first went there the fighting and arguing and general discontent was rife. The new theme of their teaching was working together and in a short space of two and a half years these people had developed into a happy, sharing society simply by working together. When I told my friend of the move to lean towards people claiming aboriginality given grants of land his comments were, 'Why change your present system? I base the fundamentals of my teaching in Forster on the way that you people have worked together. Why ruin it?'

A little note for you people here. I think it is time that you people start to make some brave decisions. Forget about the votes you may gain or lose next election. Set some definite guidelines as to where aboriginality starts and finishes. We cannot continue to have people who have as little as one-thousandth part taking advantage of the benefits offered. If some move is not made quickly then possibly in two decades 90 per cent of Tasmanians will have the right to claim aboriginality. Taking the worst scenario and the land is granted to Aboriginal people, then some serious questions arise. Is it a fact that the next move is for the Aboriginals to be granted control of the fishing rights to the 3-kilometre limit? This would be another disaster. Who will manage the area? Parks and Wildlife? That would be another disaster.

The only way that the area from Marrawah to the Pieman River can be managed is for us to form a committee of management carefully selected from people of the district representing all facets that would need to be cared for. This committee shall be responsible to report quarterly to the minister on the progress and the recommendations, to work in close cooperation with Parks and Wildlife, but Parks and Wildlife shall not be allowed to make major decisions without the full approval of that committee of management. The reason for that condition is that Parks and Wildlife has made so many stupid and thoughtless decisions that they cannot be trusted to work on their own.

Mr FLETCHER - Trevor, are you aware of this model of a broad-based expert management committee working anywhere else, either in Tasmania or elsewhere?

Mr MEDWIN - Not really. I haven't really studied it a lot but I think what would be wrong with making it a first here? I think it would be ideal. My idea of it is that the people of the district love the area they know - get the correct people from every sector to work on this committee who know the area so well. That will work because the things that Parks and Wildlife do - Mr Kilby, you know him Tony, he was alarmed the other day; he said that Parks and Wildlife have told him that they are going to put a gravel road into his shack. He said, 'I don't want that. I'd lose my privacy, you'll spoil the area'. Why make that statement? We don't want that.

Mr FLETCHER - Do you think there's any need or special need to identify and manage the petroglyph sites or the special sites that have been identified? Is there any need to manage them in a special way or to give them special classification in any way?

Mr MEDWIN - Yes, I do.

Mr FLETCHER - How would you go about that do you think?

Mr MEDWIN - If we have these sites we have a tourism potential here that is fairly enormous. Take the west end thing where the midden is. Why not fence it properly? Put a notice on it, tell people what it is. Put a notice out on the road and say '5 kilometres to Aboriginal midden'. People will respect these things but if they find them willy-nilly they'll say, 'What is this?' Your rock carvings and your paintings

down at Sundown, I've known they have been there for years but it is not significant enough for me to even think about. I've seen them. We could tell people about this and it's great for the area. Let's use it.

Mr FLETCHER - Do you accept that a person of the Aboriginal community, whether it's local or statewide, someone with special training or special knowledge, could do that job of interpretation and selling of that concept better than anyone else?

Mr MEDWIN - I would think, as I've proposed a committee of management, we have to have a strong representation from people who have aboriginality and the recommendations would come from those people and we would endeavour to carry it out through Parks and Wildlife and advertising.

Mr FLETCHER - In your model, where do you envisage the money would come from to do the day-by-day management of that big area?

Mr MEDWIN - We would need assistance initially, probably assistance all the way through, but there are ways of picking up - like, the agistment for the cattle would go over there. Last year we don't know where the money went, it disappeared, but it's got to be accountable. That does generate quite a lot of money and that has to be put back in the area, not taken out. We would have to employ a full-time person, there's no doubt about that because one person, with probably some assistance from Parks and Wildlife occasionally, would manage it and I feel manage it very well - but it has to be a person who is familiar with the area, who is interested in that area and who wants to really make it work.

Mr FLETCHER - The last question I want to ask is about the Forster experience. Really, you are saying to us it's an education experience more than anything else and the school at Forster in New South Wales has adopted a focus towards the various people in the society whether they be Aboriginal background or European, Greek or Vietnamese background, no matter what they are, are all working together to deliver an outcome respecting each other's point of view?

Mr MEDWIN - That person you probably know him Trevor Clark he came over here -

Mr FLETCHER - Ah right, yes.

Mr MEDWIN - and we talked for hours about it. When they first went there the black kids sat there and the white kids sat there and these are genuine Aboriginal kids and they fought and scrapped. They decided that togetherness was going to be promoted. They explained to all these kids what was going to happen and they said tomorrow, whenever, we want you to integrate and mix with your friends. You sit with your friends no matter whether they are black or whether they are white. It started off within the first week they just mixed in together, went together. They educated the adolescents, they did not interfere with the adults because the adults could see the results of the togetherness that these young people were doing and they have fallen into line. He said they're just fantastic. They don't have fights. Any arguments are usually settled by one of the elders or two of the elders and they don't want to know what they do but they settle it their way and it's to their satisfaction. It's very interesting.

I asked him a question about what are the values of those Aboriginal people? He said, 'The main value is the paintings, the carvings and burial grounds'. I said, 'What about middens?' He said, 'What about them?' I said, 'What value are the middens?' He said, 'None. We use those for probably making paths - there are no middens left; we have used them for making roads. It's no value, it's rubbish, why value it?' I was astounded because I put a lot of value on middens; I thought they were a very valuable bit of history. That is exactly what he told me.

CHAIRPERSON - Mr Medwin, when you talked about a community committee that would manage these areas. How do you foresee that people would be appointed or elected to this particular committee to ensure you had a wide breadth of experience and different cultures who have an interest in the area?

Mr MEDWIN - It's very similar to starting off any new project. We would have to call a general meeting and the person who walked in the door here our local mayor, Mr Hine, he would come into a situation like this where we would call for a general meeting. We would have to pick a good cross-section. We wouldn't have any guidelines whatsoever and no constitution but initially we have to appoint a committee, then focus on our constitution and probably after that then call another general

meeting to work within the guidelines of that constitution to appoint the appropriate people. But we have to have a good mix from a wide base across the community.

CHAIRPERSON - Where do you see the minister representing the Government involved in this? Ultimately at the moment the buck stops with the minister, so to speak, he has responsibility for those areas.

Mr MEDWIN - Exactly. As I stated here, there has to be a quarterly report go to the minister so he's fully aware of what's going on. You couldn't leave it to the end of every twelve months or you couldn't have the minister worried about whether we're acting in a responsible way or not. He would have to get properly documented quarterly reports.

CHAIRPERSON - How do you ensure that it doesn't become another process where ultimately your local council area ends up taking responsibility financially and everything else in this process?

Mr MEDWIN - I'm only going by the amount of interest that's been generated and it has been tremendous. People are aware of the need to look after the area. Mr Fletcher visited the meeting they had down on the West End Road - which was some 500 people - I was there amongst them. That was only a casual thing. If we called for assistance with numbers we would get a tremendous number of people.

Mr WILKINSON - Would that assistance be ongoing? Often what happens, as you know, is things blow up, there is a lot of interest and then when they seem to die down again and everything's on that plateau that it often is after the initial blow up there's a need to continue that interest, continue the maintenance of the areas and do you think that interest would still be there within the community?

Mr MEDWIN - Yes, I do because people of Circular Head once they get their teeth into something they don't let go. We are renowned for this. Mr Fletcher would back me on that because we seldom ever fall down on any project.

Mr WILKINSON - He's pretty well the same in parliament.

Mr MEDWIN - You've had him there too long.

Laughter.

CHAIRPERSON - Mr Medwin, today we've had submissions from people who utilise that area who don't live there. Where do you see those people fitting into this particular process? You are talking about the Circular Head people but what about - this morning we had somebody who came all the way from Spreyton because they use that area and they wanted to have their input.

Mr MEDWIN - Exactly. A lot of these people you get four-wheel drive people who are a very strong body, they have done an enormous amount of work down there the four-wheel drive people. They go in and they protect the areas by shutting off places where bikes are riding and they do their best to look after that part of it. You get the people who have shacks down there, weekenders, they want to be able to go there and enjoy the area. We've had great response from those people to make sure that their interests are cared for.

There are a lot of areas there that are a little bit grey. Whether people are going to be able to buy their land that they have put their shacks on and also a lot of people have shacks who can't afford to buy the land, so there you get back to a situation where there is going to be a rental situation or you just kick them out altogether, which doesn't seem very fair.

Mrs SILVIA SMITH - Mr Medwin, I just wonder if you would just briefly expound your thoughts. You mentioned setting guidelines to define aboriginality. This is an issue we have been trying to come to terms with throughout all of these hearings and we've listened to various people's ideas. I just wondered if you would like to expand and just give us your general point of view on how you think we could go about setting guidelines and perhaps what could some of those possible guidelines be? Nothing in concrete, just throw some thoughts around.

Mr MEDWIN - Good question, I've thought about it a lot too. I think you have to have a register of people who claim aboriginality and you have to have a set documentation where those people can prove their aboriginality. That's not difficult and, surely, if they want to claim it they can write it on paper - the background of where it actually fits in. Somebody told me a month ago, 'I can prove that you have aboriginality in you'. I said, 'So what? It doesn't worry me'. I'm no different and I never dreamt of it, but somebody had gone to the trouble to prove it.

Your other problem is how far down the track do you go? It's becoming quite ridiculous, people who are claiming the benefits. I don't think they're entitled to it, but the law says they can.

Mr BAILEY - If this committee was to be established, to what body, group or other authority should the land be vested in that is then managed by this committee?

Mr MEDWIN - You're assuming that this land is going to be vested somewhere?

Mr BAILEY - Well, the alternative is you may say the Crown - it should stay in the Crown and just be managed on behalf of the Crown?

Mr MEDWIN - It has worked very well that way since this place has been settled. It's still working well that way. Everyone has access to it. No-one is kicked off it or anything like that. Why can't it still work the same way? It will work; it's a fragile area that needs very careful management and that is why we need a local committee to manage it because those people know how fragile it is and they know how important it is to manage it properly. I don't think it should be changed from what it is. It's working fine.

CHAIRPERSON - If I might expand on that a little bit, Mr Medwin, you say it's working fine. In the State Government's submission to this committee they put some of the issues on paper that came up in this particular area. One was the boat launching area at West Point Aboriginal site. Some stakeholders sought continued access to the boat launching area at West Point and yet the Government's response quite clearly is access to the boat launching area is not currently permitted within West Point and this will continue to be the case after any transfer.

Another issue was the camping at Sundown Point and, of course, the concern ongoing access to camping Sundown Point was sought. The comment was camping would be allowed at Sundown Point camping area will need to be managed so the area doesn't expand. The need for toilet facilities was acknowledged by all stakeholders consulted and will need to be addressed. These management issues may restrict camping in the future.

I can only presume from those two particular instances where, whilst you say it is being managed well, there are concerns already there in the community - and these two particular issues - that are still going to be concerns regardless of who has ownership of the land, whether it be crown land, State government, national parks-controlled or whether it be Aboriginal community having ownership of it. Would you like to make some comment about those two particular instances?

Mr MEDWIN - Yes, I would. The West Point Road, where the midden is, is a very interesting scenario. They put a fence across there to keep people off the midden. Nobody knew it was a midden. I've driven over there for 40 years and I didn't know it was a midden and I haven't hurt the thing either. The other side of that midden is where you launch your boats. The answer to that would be very, very simple. Put an appropriate rail fence around your midden but for a thousand dollars you will put some gravel around the bank on the other side to give access to the boat ramp. It is so simple. Why complicate an issue? It is important for that area to have a boat ramp there because if there was an emergency that is the only place you can launch a boat.

Sundown, I agree there is a problem there with toilets. Something has to be set-up and the area has to be limited to the number of people who want to camp there. It cannot be done willy-nilly. I think the area has to be set out, pegged out, where camping is allowed and a proper toilet system put in because it's not good enough the way it is.

CHAIRPERSON - So thus it's fair to say that, regardless of who owns it, you're a believer that there are problems and concerns out there that have to be addressed?

Mr MEDWIN - Too right.

Mr BAILEY - In 1995 did you support the granting of land at that time to the Aboriginal community?

Mr MEDWIN - No.

Mr BAILEY - Why?

Mr MEDWIN - They've still access to it before that. You take Mount Cameron. When I was a young chap I went up there and I visited a house on the side of that mount, I stayed there. There was nothing wrong with what I did but now they've put a fence where you can't even get on to the mountain, you can't even get to the beach the other side. That was an antagonistic attitude for that person to take that put it there.

Mr BAILEY - Yes, but those problems occurred after the grant.

Mr MEDWIN - Yes.

Mr BAILEY - I'm really talking about prior to the grant. Did you see this as being good for the community that the Aboriginals could get back some land and that your opposition to this has occurred subsequent to the granting because of the problems you now see?

Mr MEDWIN - The Aboriginal people have never been denied access. No-one has been denied access. We don't want to stop them from going there, we don't want to stop them appreciating what they've got. Why don't we share it with everybody?

What worries me here, we are a society who would get on fine but if you start separating it you're putting a wedge in society and say, 'Right, you're on that side and we're on this side'. That is the last thing we want because we've never had it and we don't want it. That's why I highlight we work together.

Mr BAILEY - Just following that on. You interviewed a number of people you said. How many would you have interviewed who gave you a positive result to your question? How many would you have interviewed who didn't support the land -

Mr MEDWIN - I didn't strike anybody. I'll be quite honest with you and I made it very broad based because I have plenty of time on my hands. Last weekend I made a point - we had a big golf tournament - and I walked around and casually asked people their opinion. Nearly 100 per cent of those people were willing to answer the questions I put to them. Basically, 'What do you think of giving the land to the Aboriginal people?' Most of them said, 'Well, what for?'

Mr BAILEY - Were any of those of Aboriginal descent who didn't agree with that proposition?

Mr MEDWIN - I talked to a chap who has probably, I don't know, may be a quarter-breeding and Mr Fletcher would know him, Alf Beeton. I asked his opinion. I said, 'What do you think of the granting of land?' He said to me, 'Don't talk about it, I don't want to discuss it'. I said, 'I was just asking your opinion' and he said, 'That's it. I don't want to discuss it. I'm too disgusted with what's going on He said, 'This place has been great to me, I could never complain'.

Mr Fletcher, he worked, we've played sport, you work, you live with them and you mix with them - the Maynards, the Browns and Beetons. They are a top people and we looked after - we didn't call them black bs or anything like that; we respected those people for what they are, for what they were.

Mr BAILEY - Thank you.

CHAIRPERSON - Thank you very much, Mr Medwin, for taking the time to come in this afternoon and make your presentation to the committee; it has been appreciated.

Mr MEDWIN - Thank you, Mrs Smith. Thank you for the hearing you gave me and also thank you for the questions and the sensible way they were asked. I hope that my answers were fulfilling to the questions. Everything I've said here this afternoon has been right from my heart, I believe that to be correct and I think only of the betterment of our community and also any people with aboriginality.

THE WITNESS WITHDREW.

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT
CIRCULAR HEAD COUNCIL CHAMBERS, SMITHTON ON TUESDAY 14 MARCH 2000.**

JOHN OLDAKER WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - Thank you, Mr Oldaker, for your submission. I think you have sat here through quite a bit of today so you understand the process of the committee looking to you to speak to your submission and then they will ask any questions they wish.

Mr OLDAKER - Thank you, Madam Chair. The issue of land transfer and the consultation period were issues that I believe caused great concern within this community. I just might add, on the subject of land transfer, under the Mabo and Wik legislation it does not apply in Tasmania and that is well documented in the legal profession.

As far as the consultation process is concerned, on 11 May Premier Bacon sat where you sit, Sue, in a forum - this room was packed - about the partnership agreement and how his Government would consult with this community, not only what was in the partnership agreement, but what might arise in the future. It absolutely annoyed me to think that they could make this decision without any consultation to the council or to this community prior to that announcement being made and when he did appear here I did have some words with him, which was a public forum, and that's well documented.

I think the issue of access to these points is the important issue and Mount Cameron West is a very big issue, but there are some other areas that have access to which are just as important and that will be West Point, Sundown Point and Rocky Cape and they are significant issues for this community to have access to those points.

The Mount Cameron West one, whilst that was given to the Aboriginal people with the best intentions and enshrined in legislation to say that the general public would have access to that beach at all times, the Aboriginal people have thumbed their nose at what was enshrined in legislation. And while the Premier might have added that day, what is legal now will be legal in the future and what is illegal will be illegal in the future, is when you have the Aboriginal community thumbing their nose at what was already in place, how the hell was you going to make them adhere to anything other thing that might be legal in the future.

The issue at West Point is the boat ramp, which is important to have access to that ramp, but we've been told that that is non-negotiable by the Aboriginal people. The issue at Sundown Point - nobody thought very highly of those who were responsible for the damage of putting that paint on those carvings at Sundown Point - but it still should be made available for camping grounds. People go there and camp and have done for a long time.

The other issue that is simmering around the place - and it has been put before your committee in other forums - is the fishing rights. In the Bingham report one of the things that was in that was that they would be seeking exclusive fishing rights 1 nautical mile to sea. Now if that happens the general public will be absolutely alarmed because a lot of people within this area like to do a bit of recreational fishing and if they are prohibited from doing that then it's not going to go anywhere near towards reconciliation.

They are my main points. I'm happy to answer any questions about those issues but I think they're the issues for this community that we have to deal with and, as far as the land rights are concerned, I don't

believe that you should be giving land to any, whether it be Aboriginal or any other specific group, when we all want to work together. In essence, we are all Australians and these issues are in national parks and they should remain in national parks for everybody to have access to.

CHAIRPERSON - Mr Oldaker, if the Circular Head area hadn't had the Mount Cameron issue, what do you believe the community's attitude to today's proposed transfer would have been?

Mr OLDAKER - Whether the Mount Cameron West one was there or not - and I have talked to many people within this community and I've been a representative of the community, not only for this council but I've represented this community in forums for a considerable number of times and, just as an aside, I've just been recently re-elected back to a TFGA committee which will be ten years consecutively with that committee - so I have a fair understanding of what the community are saying. I can tell you that everywhere I go they don't believe that we should be giving, whether the Mount Cameron one is there or not, land to the Aboriginal people.

Mr BAILEY - You spoke of the Premier coming back to Circular Head and you asked some questions of him at a later time subsequent to the partnership agreement, what was his reaction to those questions? First of all, what were the questions and, secondly, what was his answer?

Mr OLDAKER - The question was about the consultation. He made the statement that they are the sovereign Government and they will do as they like. The consultation process is starting now, but the decision - we argued with him - had already been done. If you've made a decision, you have this consultation after the decision are you going to change your mind, and my interpretation is I don't believe that they are and, consequently, they put a bill through Parliament to say that they're not going to change their mind. I might also add that the Premier, who was invited - and I know there was a motion later not to do it because this committee was coming down here to talk to people after the council had decided what their position was - but there were two meetings, two motions in two separate months where the Premier was invited to attend a meeting at Marrawah and which he either didn't want to attend or failed to attend. We certainly never had the meeting because we couldn't have it without him, but he certainly never made any effort to want to come anyway.

Mrs SILVIA SMITH - I just wonder if I could perhaps ask a question with regard to the issue of reconciliation and your statement that no land should be given to any specific group as opposed to another group - that's basically what you were saying on land transfer. I just wonder how do you see therefore that the process of reconciliation can go forward or should go forward if we don't transfer back some of the lands that many people believe were taken from the Aboriginal group in the first place?

Mr OLDAKER - Reconciliation is a process of us all working together. Giving land to the Aboriginal people, all it's doing in this community is driving a wedge so deep that you will never ever get over it, and I strongly believe that. If we're prepared to work together through this whole process and understand all these things - some of these cultural things that are there, or supposedly there, have been there for a long time. There's never been any damage done to them in that time, why have we got to transfer this land? And just to go back to the Mount Cameron West which was transferred to them, you only have to look at the weed infestation, particularly the gorse, that is now taking place there and they're not locked into the Weed Management Act, as my understanding of reading those acts.

Mrs SILVIA SMITH - The reconciliation process itself, there have been committees and hearings going around discussing this issue. Have you had any part in any of those discussions?

Mr OLDAKER - No, I haven't, Silvia. I haven't had any part in those discussions but I'm still of the strong belief that if we are prepared to work together instead of putting somebody out here and then the rest out here, because that's what it's doing, you're driving a wedge in the community while ever you give something and of course the community right now are annoyed that the Aboriginal people incidentally, they get some benefits but nobody else in the community, or supposed benefits, that nobody else can get. They can borrow cheaper money - that is a very big issue in the farming community. We'd all like to get money cheaper but we can't get that access to that sort of thing.

CHAIRPERSON - Could you give me some indication, Mr Oldaker, knowing your background in the rural area as to the state of Mount Cameron West, à la weeds, before the Aboriginal community took it over, when it was in the hands of National Parks?

Mr OLDAKER - I couldn't quantify that as to what it is but the gorse has become a major problem and it's now a weed of significance for this State to deal with. If they are outside the Weed Management Act how are you going to get them to deal with that issue?

CHAIRPERSON - I don't believe they are outside the Weed Management Act. They will have to adhere the Weed Management Act, the Environmental acts et cetera, in the same way as anyone else.

Mr OLDAKER - As I said, that's my understanding.

CHAIRPERSON - I would be corrected if I was wrongly interpreting that and they're not doing it. Any other questions from the committee?

Mrs SILVIA SMITH - Perhaps I could just get John to broaden his views on we are being told - and I'm not an expert so I can't say that it's wrong - that the areas of significance in West Point and Sundown, for example, need to be preserved. If we don't transfer parcels of land where these areas of significance for the Aboriginal people are - and historically that's supposed to have been proven by the experts - how do you suggest we should go about preserving them for future generations? I am aware that they have been there, having been holidaying on the west coast for many, many years - since I was knee-high to a grasshopper in fact - and I was always aware of the middens and always aware of the carvings and I do agree with you that there's not been much damage done, if any, to the majority of them over the years and I'm talking quite significant years. But the way of people these days is not quite as open as we have been in the past in taking care of those areas so therefore in Sundown we have the paint on there now, how can we protect them from perhaps today's and the future vandals? How can we protect them, would you suggest, without actually signing over those blocks of land or groups of land? This is your own personal opinion.

Mr OLDAKER - My own personal opinion?

Mrs SILVIA SMITH - Yes.

Mr OLDAKER - First of all, I think the definition of 'middens' is something that probably a lot of us don't really understand as to what a midden really is and what significance that might have to the culture. There's a whole range of people who have spoken here today about where the middens are and where they're not and it was said here today that a lot of those have been created by weather and they change all the time. Now I go back to my earlier point when I said that nothing in the past - and we are talking the 150 or 200 years - there has been no significant damage and I've lived in Circular Head for 17 years and I have never heard of anybody making any damages to those things. I just believe that if we are working together in this whole process and travelling together is that you will not get the nuisance value, regardless of who it is, whether they are black or white, doing any damage to those things. It was ironic that the painting occurred the day after or within a few days after the land transfer or the announcement of this land transfer - ironic.

Mr WILKINSON - Are you saying there should be more of an education process set up so people understand what's significant, understand what's historical and by that education process people then will come to admire the site and do everything they can to look after it?

Mr OLDAKER - I don't have a problem with having more education for people, Jim. I think that would be a right step in the right direction. I'm of an age, when I was going to school in our history lessons, we were taught a certain thing and Truganini died in 1876 and that's part of our history, but there was never everything discussed that there were middens or carvings or anything. I was educated at Elliott and Yolla and there was never anything in those times discussed about those sort of issues within the school. It was certainly discussed about the history of the last Aborigine - the last surviving full-blooded Aboriginal was 1876 - and I forget when the last full-blooded male died, but I understand it's something like about 1860-something, but I stand to be corrected on that.

CHAIRPERSON - Thank you. Does the committee have any other questions? Thank you very much, Mr Oldaker, for your submission. Just for your information, whilst the legislation has been introduced into the House of Assembly it's only had the second reading speech by the Premier and been adjourned. It hasn't been debated and it hasn't been passed by the House of Assembly. It still sits there on the Notice Paper awaiting this committee's final report.

Mr OLDAKER - I understand that.

CHAIRPERSON - Thank you.

THE WITNESS WITHDREW.

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT
CIRCULAR HEAD COUNCIL CHAMBERS, SMITHTON ON TUESDAY 14 MARCH 2000.**

LEO SHEEHAN WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - Good afternoon, Mr Sheehan, thank you for your response to the committee and your request to make a verbal submission. The process we've used today is that we ask a person to make their submission, after which the committee will ask any questions if they believe there is anything of relevance they need to clarify. I will pass over to you and away you go.

Mr SHEEHAN - As I've only just finished this I might just stumble over a few bits of my writing.

I want to start with just a brief run-down of my association in the Arthur Pieman- Circular Head area. I've had ties with this area from Mount Cameron to the Pieman River, mostly from the Arthur River to Sandy Cape, over the last 35 years. I bought my first shack at the Arthur River back in 1975, then in 1978 I purchased a freehold block on the southern side and built a new shack. During this time, until 1996, I spent up to three-and-a-half to four months of the year there with my family which took in all the school holidays and most weekends. Because of this and the rugged beauty of the area consequently we've become very attached to it and protective of anything that could alter that. The whole municipality appealed to us to the extent that we moved to Smithton in the mid eighties.

Four years ago, when our last child left school, my wife and I sold up our business and home and moved permanently to the Arthur River where we extensively altered what was our shack to become our new home. Approximately two years ago I commenced to build Sunset Holiday Villas on a block we purchased next door and now operate a holiday accommodation business.

What I am here for today is to voice my opposition to the handing over of land titles in this area to the Aboriginal descendants. As you are aware, there are no legal or otherwise binding obligations in Tasmania for the handover of title. I think this is mainly Premier Bacon's idea and I am sure it is not backed by all his ministers, if they were honest. It is a matter to note also the comments to the media I read last Friday where the Opposition Leader, Sue Napier, admits the Mount Cameron land handover was a mistake and it has created further tension. What he is doing, I think, with his idea of handing over the title, is actually causing a racial problem in the community of Circular Head that was not previously there. This harmony was quite noticeable when we moved to live in Circular Head but I'm afraid that has changed, especially after the handover of the Mount Cameron title and the agreement as understood by the locals and council was not adhered to and that was reflected in the comments I made a moment ago by Sue Napier.

Unfortunately there have been some other actions in this area that add fuel to a racial and distrustful attitude by the people, such as at around the Mount Cameron handover time a vehicle used to appear to be tantalising driven around the area with the words in bold lettering 'Land Grabber' up across the front of it and one of the occupants was supposed to have told one of the locals, 'We'll have all this place soon', when confronted at one stage. On two occasions I know when these people seriously damaged vehicles in the area comments, if not the exact words, but to the effect of, 'So what, we'll just go and get another new one.'

Also it was pointed out to me two depressions in the ground on the grassy area at Sundown as very significant hut depressions. Well, when I used to go duck hunting, which I did quite a lot a few years ago in that area, I remember a fence line through those depressions and from what I can remember they were sandblown gateways. I can still show you where the line of that stockyard fence ran from the

straining post that was still in the edge of the Sundown Creek a few weeks ago and that's been backed up by a man who knows this area well and worked for the original Lands Department, Mr Eric Nichols.

Another item in this is the secretive way, I think, a group came from down south, I believe, slipped into the area a few years ago and selected a spot on the back of the dune area at Tiger Flats and supposedly buried some remains or something of significance. And unbeknown, I was led to believe later, to the local Circular Head Aboriginal descendants. I suppose in time, when they think this is forgotten, they will say they have grounds for another land title claim and call it a sacred site or something. The people in this region may live a different lifestyle and have a different attitude than the people in the bustle of the city or something and put greater value on the assets of their surroundings and they don't forget these incidents very easily. So when the Premier comes along and says he is going to give away more land here without earlier discussion with the people it affects most it will only to fuel more racial problems. Okay, we did have meetings with people like Mr Wilmot, Gibbins, Kitchell, Green, Llewellyn and Sue Chappell et cetera but I'm afraid I came away from those meetings - and I've spoken to others - with the feeling that they were going to do what they wanted to do anyway.

This is possibly one of the reasons why there was such a roll-up at a protest at West Point last year. Unfortunately, with the combination of these actions and others, I know there is a feeling of distrust levelled at the people making these land claims, so much so that if a strange vehicle comes into our area and the occupants resemble people of Aboriginal descendants it is not uncommon to hear comments similar or worse to, 'They look like bloody Abo's, what do they want here?' Believe me, a few years ago this would not have happened. It is a shame because all the local people that I know of Aboriginal descent would not want to disrupt this community by claiming land title.

Now because reconciliation is the big news item throughout Australia and the State premiers are trying to deal with it to suit everybody, it seems to me our premier has opted for the easy way out by just handing over land title, that he is not obliged to do, in the guise of him doing a bit towards reconciliation during his term in office without taking into account the trouble it will cause. The main support for his action must come from down south and this would certainly be a different story if these claims were aimed at the Eastern Shore, Sandy Bay or similar.

I will state now I am not a racist but I feel I had to mention all those unsavoury points as I know it is the feeling of a lot of people in this area and I hope the genuine local Aboriginal descendants understand because I am not talking about them. I am the first to agree that there are places of great interest and significance to do with past Aboriginal culture on this coastline and it should be enjoyed by their descendants and everybody. I am the last person to want to see any of this destroyed and we could share it with all with a little thought and commonsense.

The Arthur-Pieman area is also rich in European culture. One point of interest for example, this is just a little bit of a snippet, the Arthur beach and through Sundown - that was the original road to Temma, then called Whales Head, and from there on to the mining town of Balfour. This route was so important at the time - I only learnt this this morning - that the then Arthur River punt operator, Eric Bailey, in 1946 took up a petition that was presented to the Minister for Works, who was then Eric Reece at the time, for that to be the official road. There is just so much of interest and history of both cultures in this area and it should be appreciated in a combined way and certainly not separated.

I will read you this - I have told very few people about this over the years and I certainly haven't divulged the location and the details, only to say that it is between Cape Grim and the Pieman River and not directly on the coastline. For a personal reason I wish this divided attitude did not exist for I could reveal an area that I believe is of definite Aboriginal significance I found over 20 years ago and was told at the time by the only person I confided in not to say anything, perhaps he foresaw what could happen. The details are recorded and hopefully one day they can be revealed but at this stage unfortunately I can't see it, certainly not in my lifetime I don't think.

I will finish by saying I'm a Tasmanian also and this State, especially the northern part of the west coast means so much to me and I would gladly share it with anyone who can appreciate it, but I am opposed to the title handover. I certainly would support any discussion on ways of management for the significant Aboriginal sites by the descendants and would give first preference to this being to people

of Aboriginal descent in the local community and anything I could do to assist, within reason, would be gladly given.

Mrs SILVIA SMITH - Could I just clarify an earlier part of your statement. You live at the Arthur now?

Mr SHEEHAN - Yes.

Mrs SILVIA SMITH - And you have holiday units there at the Arthur?

Mr SHEEHAN - Yes.

Mrs SILVIA SMITH - Okay. As a businessman then, can I ask you whether you were ever approached as a person that would be wanting to put input into the Premier's working group that was looking into this starting back in 1998?

Mr SHEEHAN - No, I only had the brainwave to build these units in 1998.

Mrs SILVIA SMITH - Right, but you've never had any input into any submissions to the Premier's department regarding handing back of any Aboriginal sites as a businessman?

Mr SHEEHAN - No, not as a businessman.

CHAIRPERSON - Mr Sheehan, would you like to give an opinion to the committee of what your belief the feeling in the community was in 1995 when some lands were transferred back to the Aboriginal community. How does it differ?

Mr SHEEHAN - From what I can remember - it was a fairly hectic period at that time; my wife wasn't very well and this all eventuated in our eventual move the next year - so what was actually going on specifically at that time probably was a bit clouded. I would say that I think - I would have to say this because this is the only thing I can think of at the moment - that we probably thought this sounds as though it's going to work okay. But I honestly didn't know that I wouldn't be able to get vehicular access to the northern part of Mount Cameron at that stage. I've only been there on one occasion since - my wife has had both hips replaced and we used to spend a lot of time in that area and it meant quite a lot to us, we used to look forward to going to that area. We did approach the caretaker there a year or so ago and I explained this to him but he just said, 'Sorry, no.' He said, 'You can walk.' I said, 'My wife can't walk there.' So unfortunately I've been very disappointed about that.

I realise there are areas there that could be - and it certainly could be abused - but perhaps with a permit system or something you might be able to still take a vehicle along those beaches and go fishing or just to inspect the place. Over the years I've shown so many people the Aboriginal carvings up along that beach and they're all of great interest and certainly the last thing we'd ever want to do to any of these things would be to destroy them. I think there's room for everybody. These places should be identified and I think if they're identified then anybody who did the wrong thing down there, I think you'd find it would be inclined to be self policing to a certain degree and those people won't be wanted back there again. You will always get vandals, you'll always get people that will do something stupid. Down around the corner you'll get people that will pull the flowers out over that roundabout. You don't close Smithton off, you find who it is and you make an example of them and that's what needs to be done with anybody who is inclined that way to do any destruction down there. And because it is such a close-knit area and the people that are genuinely appreciate it you would find that those people would not be welcome back there again. I won't ever say that you would never have a problem but I don't think a drastic move needs to be taken.

Mr FLETCHER - Leo, you've had a long association with the area and you've obviously been generally and specifically aware of sites of petroglyphs and perhaps other sites of significance to both cultures, as you point out. Have you ever been aware in the past, other than in recent times, or had a feeling that those sites were at risk or were in danger of destruction at all?

Mr SHEEHAN - As I said, when I had the meeting with Mr Gibbins, I think he looked up when I told him I drove up over the top of those carvings at Sundown when I originally went down there because they were completely under the sand. At the moment - about a fortnight ago - I would probably estimate them to be a metre under the sand because we don't know what happens in cycles down there. I know when I first came there the access to Sundown was along the beach and the sand was up so high that we drove over those rocks right out on the sea side and went round the cutting that we go up through now - if you're familiar with the area at the end of Sundown Creek - and we went around that point and in from that way. I can remember when that was access.

Mr FLETCHER - I think the point has been coming through that the only public statements of there being a risk or there being tampering has been relatively recent, there has never been any act of aggression against those sites in the past.

Mr SHEEHAN - I was disgusted with what went on down there before with the black paint and I think most people were.

Mr FLETCHER - Do you think that is happening because people are now more aware of the sites or because of the tensions in society.

Mr SHEEHAN - I think it was just typical of some vandalism that happens anywhere, unfortunately.

Mr FLETCHER - You know of the sites and you understand their significance.

Mr SHEEHAN - I'd like to know more about it.

Mr FLETCHER - How would you protect them? How do you think we should protect them so that they're not damaged in the future?

Mr SHEEHAN - A typical example is the one when you come off where Jack Hansen and back in his era when they fenced off that particular one - when you come down from the Arthur River just before you enter into where a creek runs out of the sand dunes and it's before you enter into an area where you could possibly start to get on the beach. It has been untouched since, it probably wasn't even necessary to go to the extent and the security of the fence that was put around it. I think if they were even just sign-posted because they're places of history and significance.

If you drive up central Australia and you see these signs, World War II site number one, two, three, airstrip, whatever, and people could go there and appreciate them.

Mr FLETCHER - So you're saying it is a matter of interpretation and signage is a first step.

Mr SHEEHAN - Yes, even to the extent of putting an appropriate coloured sign or whatever out on the Temma Road for the people who are interested, to say there are some sites that have regional significance in here. I don't know to what extent they want to go but you walk the boardwalks of the Gordon River and places like that and you will see little things sitting up there with a treated pine thing and a bit of a thing and a little bit of a story with a shade over it to keep the weather off it - even those things. I can't imagine anybody, especially if they're pointed out, just deliberately - it would be a poor type of person who would deliberately go and do any damage to them. As it is now, they're not policed. I think they've probably been abused or not known about for as long as they ever will be and now people are aware of them. I admitted going down across Brookes Creek years ago - I went up and over there. I didn't think of that as being a midden area or something like that, but now you certainly would.

Mrs SILVIA SMITH - I just wonder if I could pick up on - you mentioned it and it has been mentioned here earlier today - about a depression in the sand at Sundown that is supposedly now a protected site and you're saying that it was a wind-blow area.

Mr SHEEHAN - I am positive. I went there a couple of weeks ago, because I used to go duck shooting around that area a lot - and another chap that I'd like to talk to; I don't know where he is, I haven't seen him for years - he used to come with me, just to confirm it, but it was always a problem because there was a fence line that ran up there because we couldn't sneak around, we had to go out

into the paddock so the ducks couldn't see us or that we wouldn't frighten them. There was a fence line that ran up through there. I know we had to walk into the paddocks and I'm positive that we walked through gateways there and when I spoke to a chap, Eric Nichols, who again had been in that area for years and worked with the original Land Department, he confirmed, he is dead set positive it confirmed my suspicions of those being gateways. It's the way they've blown, for a start.

Mrs SILVIA SMITH - That's Sundown, wasn't it?

Mr SHEEHAN - All the sand is just on the eastern side of it because the prevailing wind is a south-westerly and it has blown up that side. You'd imagine if it was probably dug - and especially dug thousands of years ago - that those mounds would not be on the back side, they'd be spread out around it or certainly knocked down, but you can see the grass has grown over them and they're on the north-eastern side.

Mrs SILVIA SMITH - The coastline along there, weather moves it the whole time, doesn't it.

Mr SHEEHAN - Of course it does, to the extent that once you go down over the bridge probably about a kilometre you can turn in a track there and go inland I would say for half a kilometre and you will find a bank of yellow beach sand, you will find - I don't know whether you call it calcified or petrified - trees that are still up to about this size. If you dig in those banks you will find them and you will see the cutting where they've put a road into a dam there for the Parks and Wildlife. So the sand dunes, at some stage, blew all the way back in there. We've only been here for a short time, we don't know what cycles are down there and what they can uncover and what they do.

Mrs SILVIA SMITH - Just in the short time we've been here there have been a lot of changes along that coastline. You gave evidence of that when you were stating that you've driven over the rock carvings when they were actually totally covered by sand.

Mr SHEEHAN - That was a few years later and then all of a sudden after probably one winter everything was all sitting out there. Along that same beach - I've never seen it since but I reckon I saw old Neil Flint, who died recently, came up to the Arthur River one day and said, 'Come out here, boy, I want to show you something down here.' I've only ever seen it the once in all the years I've been there, but there was a whale vertebrae, I reckon it was six or eight foot wide, just a big knuckle up on the sand sitting up like that, never seen it before or after.

Of course, then there's the ..., I've only ever seen that rib sitting up high and dry on the Arthur Beach that once in that period of time. There's a lot of interesting things there and these things that we're concerned about protecting and I certainly believe they should be.

Mrs SILVIA SMITH - And you're of the firm opinion that the handing back of land is actually dividing the community.

Mr SHEEHAN - I am sure it is, yes, unfortunately.

I know Mr Gibbins said that it would not be legislated to hand over that title if access wasn't granted. I know when we had a meeting here with him, but I just don't know now because there seem to be too many things pointing, for me to really believe what they say, I wish I could.

Mrs SILVIA SMITH - Was Mr Gibbins talking about the 1995 handover or this group?

Mr SHEEHAN - No, the proposed handover of Sundown.

Mrs SILVIA SMITH - If access was tightly legislated within the legislation that public access would be allowed, not like what happened at Mount Cameron West, but in this instance and covering that issue, would you feel better about the handover of these two parcels?

Mr SHEEHAN - No, unfortunately I don't think I would now. I would nearly have to say no. I just don't think I could take the gamble on it, personally. But anything to work with them so we can all just try to get along together, I'll do anything I could in that area.

Mrs SILVIA SMITH - Just before we leave then, on that issue, the council this morning talked about a group perhaps getting together to manage and look after land rather than a variety of groups. Would you be interested in that sort of concept, where several different interested parties could get together and discuss and work out management of land rather than giving it to a specific group?

Mr SHEEHAN - I would certainly be interested in talking about that. I did mention that.

CHAIRPERSON - Thank you, Mr Sheehan, for coming in this afternoon and making your presentation.

Mr SHEEHAN - That's all right, thanks very much.

THE WITNESS WITHDREW.

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT
CIRCULAR HEAD COUNCIL CHAMBERS, SMITHTON ON TUESDAY 14 MARCH 2000.**

FRANK SMEDLEY WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - Thank you, Mr Smedley, for your submission and for your presence here this afternoon to make further submission to the committee. The process we have used through the day is that we ask you to speak to the relevant points in your submission, to add anything that you so wish to add and then the committee will ask any questions that they feel they may need to ask just to confirm their interpretation of what you are saying. So if you would like to make some comments relevant to your submission and we will move on from there?

Mr SMEDLEY - I guess the submission came from the viewpoint that I'm just a concerned citizen about what's been happening and I wanted to voice that and I guess that's why I have agreed to come here today to reinforce the comments I've put in my submission.

Mrs SILVIA SMITH - Perhaps I could ask Mr Smedley a question that might help him to give a little bit broader view on what he's saying here. You were talking that the area could be closed off and access denied, what gives you the impression that that could happen?

Mr SMEDLEY - I guess from the comments that are being voiced about the place and having been a person who's used the area for many, many years that concerns me that if it is given off to another group and it becomes a locked up area that I can no longer use that area that's been part of my life for many years.

Mrs SILVIA SMITH - Are you concerned that a similar thing to perhaps what's happened at Mount Cameron West is going to perhaps happen in these areas?

Mr SMEDLEY - Yes, there's every possibility that could happen.

Mrs SILVIA SMITH - You talk about making every effort to protect the beauty of this area and I believe that we've heard from various others today that they have done their little bit in protecting the areas of beauty, what about the areas that are stated as areas of significance; for example, the petroglyphs and the middens that are stated as being of significance to the Aboriginal people? If the land is not given to the Aboriginal people to protect as a whole, how can we go about protecting these specific sites - the petroglyphs and the middens, for example?

Mr SMEDLEY - Well, if there are areas there that have particular relevance to the Aboriginal community I don't have a problem with secluding those small areas off where they can come and view them or whatever they need to do, but I don't believe that should be extended to a broader scale of locking up the entire area, just those areas specific to their interest.

Mrs SILVIA SMITH - Where do you holiday or do you have a shack somewhere?

Mr SMEDLEY - I don't personally have one but I stay in one at Brooks Creek, if you are familiar with that location.

Mrs SILVIA SMITH - No.

Mr SMEDLEY - Ordnance Point.

Mrs SILVIA SMITH - Ordnance Point, okay - that's well down. We've heard some thoughts here today that these areas would be better looked after by a total selected management committee from within the community. Have you got any thoughts on that idea, as opposed to giving them to one group, a selection of people - the council, the kelpie fishermen and the scalefishermen, the Aboriginal people - getting all those people in a management group, as caretakers perhaps of the whole area - no specific area, the whole area?

Mr SMEDLEY - I haven't given a lot of thought to that but that sounds to be quite an interesting concept, yes.

Mrs SILVIA SMITH - I think in today's age we're becoming more conscious of looking after areas and I don't agree that the areas have been damaged in any way over the years with people like yourself and my family that have gone down into those areas, there's no great degradation. I guess we're becoming historically interested in various things and the Aboriginal past of Tasmania is one of them. So we're looking at protecting those areas in some way, so you would prefer not granting the land and perhaps a group, if we're going to look after it, a good people.

Mr SMEDLEY - If the area's got to be managed differently to what it is, yes, rather than give it to a specific group I would see it better being controlled by the groups you mentioned so that it's still available for all and sundry to go there and enjoy it.

Mrs SILVIA SMITH - Or even leaving it as crown land as it is now.

Mr SMEDLEY - Or leave it as crown land, yes.

CHAIRPERSON - Mr Smedley, does it matter to you who actually has title of the land as long as the traditional users still have the same rights of access that are currently being enjoyed?

Mr SMEDLEY - I think I'd prefer that the traditional title remain either as is now, because if we change that and give it to be a specific group there's a whole lot of things that could happen in the future, mining, tourism - a whole lot of things could happen - and if it becomes specific to a group those things could be excluded years down the track and I'd prefer to keep it as it is.

CHAIRPERSON - Some people have given evidence today that they feel there have already been several restrictions to what was their traditional way of utilising the areas in question in the past through National Parks and Wildlife restrictions, et cetera. Would you say that was fair comment? Do you feel that there's so many restrictions coming on that it's making it harder to enjoy the area?

Mr SMEDLEY - I guess that hasn't affected how I use it in all honesty, no.

Mr FLETCHER - I guess the question that begs an answer, Frank, is if by some means the Government were able to guarantee a general public access to the land for the purposes that you hold important, would you then be concerned about the transfer of ownership?

Mr SMEDLEY - I'd still be nervous, yes.

Mr FLETCHER - Would you care to expand on why?

Mr SMEDLEY - Well, I think where the transfer of ownership has happened in the past it hasn't been to anyone's advantage. I much prefer to retain it how it is.

Mr FLETCHER - So whilst members of the Aboriginal community might argue that the transfer of Mount Cameron West to their community has been a very substantial advantage to the way Aboriginals consider themselves and relate to their past history, you don't acknowledge that at all?

Mr SMEDLEY - No, not really, as long as they've got access the same as everybody else, otherwise we're creating two groups of people - two lots of laws - and I believe it should be one.

Mr FLETCHER - Okay. Well, if you're saying one law for the people then you would accept that the Mabo/Wik High Court decisions and the Federal native title legislation ought to apply to Tasmania so

if Tasmanian Aborigines applied for native title to the Federal jurisdiction under the national native title legislation and were successful you'd support that?

Mr SMEDLEY - I'm not familiar enough with the Mabo legislation to comment, Tony.

CHAIRPERSON - You made some comments about areas closed off already in a state of deterioration, do you wish to expand on that?

Mr SMEDLEY - I particularly think of Trefoil Island and what's happened there with mutton-birding over the years and currently Mount Cameron. I don't think either of those areas have advanced, in fact I believe they've deteriorated.

CHAIRPERSON - Did you have any understanding of, say, the Mount Cameron area what state it was in, weed management wise, et cetera, under National Parks and Wildlife before it was transferred to the Aboriginal community?

Mr SMEDLEY - Yes, quite a fair understanding.

CHAIRPERSON - And you believe that it has deteriorated since then?

Mr SMEDLEY - I believe so, yes.

CHAIRPERSON - Thank you. Does the committee have any other questions?

Mr WILKINSON - Frank, it's a situation where we've had a lot of evidence and we've had a lot of evidence in two areas: people with the views that you've been expressing today and people with the opposite view. So, as far as the questions are concerned, that's the questions that would have been asked have been answered in relation to the view that you're expressing.

Mrs SILVIA SMITH - I suppose, just in summarising and rounding off, I would suggest that perhaps from your point of view that the statement you made, 'I strongly support the view that we are all Australian and this area should remain accessible to all people' what you're basically saying then generally is, 'We are one people, we are all Tasmanians, we are all Australians and there should be only one law' and you're concerned that we're dividing into two and giving two lots of rules and regulations. That's the basis of your concern.

Mr SMEDLEY - That's my comment, yes.

CHAIRPERSON - Thank you very much, Mr Smedley. Your time has certainly been appreciated both in the effort that you went in putting in a submission and then coming here today to present your evidence to the committee and we thank you for that time.

THE WITNESS WITHDREW.

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT THE CIRCULAR HEAD COUNCIL CHAMBERS, SMITHTON ON TUESDAY 14 MARCH 2000.

Mr TREVOR ROBERT SPINKS WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIRPERSON (Mrs Sue Smith) - Thank you, Mr Spinks, for your submission and for your attendance here this morning. The process the committee has used is that it allows the person making the submission to make some comments to expand on it if they so wish and then the committee utilises the time to ask any questions they wish to get any clarification in the time allocated. So we ask you if you want to add to your submission or point out the relevant issues in it and then we will take it from there.

Mr SPINKS - Okay. Probably my submission is going to be very brief because I won't have much more to say than what is in my submission. Let me give you a little bit of background. For some years we have enjoyed the use of access to the beach, north of Mount Cameron, for the purpose of doing a bit of recreational fishing. If you go to that area, there is a large bay north of Mount Cameron and then there is a very small bay that you can get to with a four-wheel drive and it's that small bay where you can launch a dinghy. I have boys who are part Aboriginal - their mother is very much part Aboriginal so that makes them part Aboriginal - so we have enjoyed using that area for many years.

However since the access has been blocked, we have been restricted from getting there. We've been kindly able to use a boat ramp at Marrawah through private property - I don't know how long this kind favour is going to last because more people are coming to that owner and say, 'Can we go through there?' - so we appreciate it. However my concern is, if we still want to go to that area and do a bit of recreational fishing, that it is about a 45 minute sea trip to get to areas like Calm Bay and that surrounding area, which is north of Mount Cameron. I'm concerned from the angle of safety, that if you get a wind change or the wind strengthens, someone is going to get caught along there in small craft. That's one of the reasons I would really like to see the Mount Cameron West access reopened to the public.

I cannot see what reason there is for blocking vehicular access to the coast, it's just a restriction on recreational fishermen. That's about all I had to say and I think I have listed the points there in my letter. I've discussed this matter with Tony on a number of occasions and he is well aware of my thoughts on it -

Mr FLETCHER - And supported your thoughts on it, without compromising my position here, Trevor.

Laughter.

Mr SPINKS - In recent weeks we have had a couple of trips to the area using the Marrawah ramp and have struck weather conditions which haven't been favourable to getting back to Marrawah. You can only launch a small craft from the beach north of Mount Cameron. Now whilst we take every precaution, I've just got a feeling that if the area remains closed, someone could run into real strife there. It's not like a Sydney-Hobart yacht race, but someone could come unstuck with a dinghy.

Mr BAILEY - Is it mainly dinghies that would be launched from either of those ramps?

Mr SPINKS - You can only launch with a dinghy, you can't get anything -

Mr BAILEY - So what size?

Mr SPINKS - Ours is a 15 foot open aluminium dinghy, you could launch probably a 16 foot; anything above it would be too difficult.

CHAIRPERSON - In part of the negotiations the council had in an attempt to solve the particular problem, there was a proposal put forward for a gate to be erected to provide beach safety - 'A gate shall be erected at the car park across the access route from the car park' - were those who utilised the area comfortable with that particular position?

Mr SPINKS - There is a gate erected at the car park but permission is not granted to go through it. I have called at the caretaker's cottage and said, 'Can we go through?' and the caretaker has said, 'No, the only access is to be given to management'. I have said to them on my last visit down there, 'My sons are part Aboriginal, can they have access for fishing?' and the answer was, 'We don't know but we'll get back to you' but we haven't heard anything and that's two months ago.

CHAIRPERSON - If the issues of Mount Cameron are solved, Mr Spinks, to everybody's satisfaction, do you believe the attitude to further transfer would be any different to some that are coming forward in the submissions that we are receiving?

Mr SPINKS - I think it would go part of the way to resolving the problem. I can't speak on the issues south of the Arthur River because I'm not conversant with which areas are intending to be transferred.

CHAIRPERSON - But you have no problem with the principle of transfer of crown land to Aboriginal community, provided the public access proposals identified, et cetera, are adhered to?

Mr SPINKS - I have no problem but the public do need access. I think a similar problem exists with the one at West Point but I haven't been using that ramp so it hasn't affected me to this point of time.

Mr BAILEY - What sort of numbers of recreational fishers would want to use that on a regular basis?

Mr SPINKS - Not large numbers. The most that I have seen there at any one point of time is three boat trailers. It's such an area that is dependent on weather conditions, and you might get one day in fifteen or twenty that you could fish there, that would be all that you would get. It's got to be easterly for a number of days to settle the sea and it's not as though you're going to have someone there very day, it's basically a summertime thing and then probably one to two days in fifteen would be a maximum that you would get.

Mr FLETCHER - You have to get the wind right, the tide right and have a day off at the same time-

Mr SPINKS - Yes, not so much the tide, it's the wind and the sea.

Mr WILKINSON - And the fish have to be biting too - what type of fish do you catch there?

Mr SPINKS - Abalone, trumpeter and crayfish.

Mr BAILEY - Not bad sort of fish.

Mr SPINKS - No, it's a good selection, you can have a good day out down there.

Mr FLETCHER - It's the first time that anyone has ever admitted to catching crayfish anywhere but at Crayfish Creek in this area.

Laughter.

Mr FLETCHER - If you ask someone where they get their crayfish, it's always out at Crayfish Creek.

Mr WILKINSON - Have you seen anywhere where the land has been degraded as a result of access?

Mr SPINKS - No I haven't. There has been one track through the sand to the beach and there is one track over a little bank that you sometimes need to go over if the tide is not out sufficiently to go around the rocks to the next bay. Providing people stick to that one track to the beach, I don't see any problem.

Mr WILKINSON - In your experience in the area, have people always stuck to that track or have they gone off track?

Mr SPINKS - There has been a bit use of a side track there, I don't think it's used very often but I don't see any reason why it can't have a couple of treated posts in front of it to stop access, as they've done everywhere else along the coast.

Mrs SILVIA SMITH - I just wonder if I could ask - it's probably a fairly personal question - with this new legislation that is part and parcel of it, the issue of aboriginality. You did mention that your wife and obviously then therefore your children are part Aboriginal, would you say whether they have been recognised as Aboriginal in this area by the Aborigine and by TALC or ALC or -

Mr SPINKS - No, but my recognises that she is fifth generation part Aboriginal but it's nothing that we major on and take any advantage of and we don't have any recognition amongst Aboriginal groups.

Mrs SILVIA SMITH - We had been told earlier today that there is an Aboriginal group active here but they are not recognised by the State group as being Aboriginal.

Mr SPINKS - That is possibly right, some of my wife's family take some part in that group but my wife hasn't done.

Mrs SILVIA SMITH - It's probably a hard issue to deal with anyway, not being recognised for who and what you are.

Mr SPINKS - Yes, but that's not a big issue for us. The issue that I wanted to talk about was the access to Mount Cameron.

Mrs SILVIA SMITH - The access - and that not only goes for the access to land at the Mount Cameron but obviously the new areas that we are discussing.

Mr SPINKS - Yes, there are a lot of beautiful areas on the west coast that the public have used and enjoyed for many years and I certainly wouldn't like to see them locked up to the public.

CHAIRPERSON - Mr Spinks, I think we all acknowledge that there are significant special sites to Aboriginal communities, they have spiritual significance or some cultural significance in some way and quite possibly there are some European sites of significance because there has been no work done on tracking European sites of significance in these particular areas. With such a wide expanse of area where, as you have said yourself, it doesn't get a lot of use, just intermittent, if areas are transferred and given to a specific group to manage, how can we protect those areas of special significance? Have you any ideas that you can assist the committee with there?

Mr SPINKS - No, I haven't. I haven't studied the sites. I know that they are putting fences around some sites and I wonder sometimes at the wisdom of these fences because with the continual shifting of sand, the fences are just going to be covered at any rate within a period of a year. No, I haven't given any thought to that to be quite honest, Sue.

CHAIRPERSON - Are there any other questions from the committee? Thank you very much, we appreciate your submission, it was succinct but very much to the point. We fully understand your concerns and where you are coming from.

Mr SPINKS - And I would like to do our fishing trip to Mount Cameron next week via the track, can you guarantee me this?

Laughter.

THE WITNESS WITHDREW.

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ABORIGINAL LANDS MET AT
CIRCULAR HEAD COUNCIL CHAMBERS, SMITHTON ON TUESDAY 14 MARCH 2000.**

**DAVID OSBORNE AND COLLEEN OSBORNE, TASMANIAN SCALEFISHERMEN'S ASSOCIATION
WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.**

CHAIRPERSON (Mrs Sue Smith) - Thank you, David and Colleen, for appearing before the committee this morning. I acknowledge two submissions; one from yourself, Colleen, as the secretary of the Tasmanian Scalefishermen's Association, and I note your concerns and also inform you that the amendments proposed do not bring into being any changes to fishing in that particular process at this time. Also, David, we acknowledge again a submission from yourself and I am making a presumption you are appearing on behalf of an organisation and then on behalf of yourself. Is that correct?

Mr OSBORNE - That's correct.

CHAIRPERSON - Right. Well, Colleen, perhaps if you'd like to start.

Mrs OSBORNE - When you say there wouldn't be any changes proposed, the mere fact of access is what concerns us, because in the last few years the scalefish fishery has gone through a lot of changes whereby gear is actually restricted. Once upon a time it was open slather; you could have as much metreage of net as you wanted. Now you are classed into classes of a beach seine fisherman, a gill net fisherman, might be live fish - there's all sorts of different categories now. One fisherman may have a whole suite of those things that he can do and we're just looking at potential future markets. There are still scalefish industry areas which are underdeveloped and which because of the transport, particularly in Circular Head, flying fish out to the mainland and to overseas markets that there is potential for our scalefish activities to still increase and employ more people in this area, particularly down the west area that we're talking about.

My other concern is that whether actually handing land back is going to further the reconciliation process. I feel personally myself that it will drive a wedge in the community. Already services are provided exclusively for Aboriginal rights as in dental health and legal et cetera and there is a feeling out there in the general community that that will put people offside and be divisive rather than be reconciliatory.

Those are the main issues for fishing. I also have an article from the *Readers' Digest* which talks about trouble in the myth business and that's pertinent in the fact that David's submission asks a lot of questions about the determination of who decides what an Aboriginal midden is and whether anthropologists or scientists are on the payroll and have a conflict of interest when they look at middens. David probably wants to speak about the formation of middens and tidal movements and the big seas that we experience on the west coast and what we've seen first-hand.

Mr FLETCHER - Could I just ask a couple of questions with regard to the fishing aspects before we go away from that subject? Colleen, I wonder could you indicate the value of fish caught in and around the areas which are the subject of this proposed transfer - Sundown and West Point - by members of your association? If you can't give a dollar figure can you say there is active fishing in that area or high activity fishing or low activity fishing in that area?

Mrs OSBORNE - Bob Lister would be able to inform you more on that side of things and he would have an overall view for the rock lobster as well as the abalone because at the moment there may not be a lot of scalefishing going on but I'm looking at potential for the lower fish trade, in particular

overseas export markets, as transport improves and all that infrastructure improves, then the opportunities are going to be greater. Bob, I believe, will address the committee at some stage but, as far as an off-the-top figure for scalefish in that area, I'm afraid I'd rather not give an estimate -

Mr FLETCHER - But I think you're saying to me at the moment that fishing activity around the coast and those areas is low activity at the moment but the potential is reasonably good for the future.

Mrs OSBORNE - That's right, plus I believe there's a lot of recreational fishing activity goes on there and that supplements the family and the tourism value of the area.

Mrs SILVIA SMITH - If I could just carry that on, in relation to the scalefishing industry, not only now but in the future, I guess your main concern then, would I be right in suggesting, is that access to those points. I don't know whether your concern is because of what has happened at Preminghana, whether you're suspicious that perhaps that same sort of thing will happen with further land transfers.

Mrs OSBORNE - Yes, exactly because then we'd be up for more fees to access, even if they said, 'Yeah, we're going to give you access', but there may be a fee involved. There may be other issues where some fishermen have big boats and they might come into shore with their dinghy; other people need to actually access the beach to either launch their vessel or to carry out beach seine operations or in those channels down there there is the possibility that there's going to be a live fish market through fish trapping. There's lots of avenues; the pilchard market hasn't been touched down that way.

Mrs SILVIA SMITH - I don't know whether you fully answered it with Mr Fletcher's question - there's not much fishing going on down at those two areas at this point, but it's the potential for the future - is that what I got?

Mr OSBORNE - No, not in live fish.

Mrs SILVIA SMITH - What about rock lobster and abalone - there's plenty of that going on, isn't there?

Mrs OSBORNE - Yes.

Mrs SILVIA SMITH - But not the scalefish.

Mrs OSBORNE - No.

Mr WILKINSON - In relation to those two, would most of those people access the areas to fish from boats without going through the land, or alternatively would they do it by taking small boats out by gaining access to the land?

Mr OSBORNE - Most of it would be done from the land when we get the live fish market going properly.

Mrs OSBORNE - The rock lobster and abalone fishermen mostly have the bigger vessels and wouldn't need the access via the land, but I know there is some concern about landing areas that they've always used but that's up for them to address.

Mr BAILEY - Does your association represent just professional fishers or the amateurs as well?

Mrs OSBORNE - Our association is the Tasmanian Scalefishermen's Association which represents commercial scalefishermen but I believe the Tasmanian Fishing Industry Council, through Bob Lister the executive officer, will address the select committee - I believe he's put a submission in and I hope that he will address you on behalf of the other commercial fishing areas.

The questions are in the submission here about what constitutes a midden and what really determines what is significant culturally to the Aboriginal population. We have some concerns that it could number in the tens of thousands, the middens that have been identified already. We've actually seen a site south of Jacksmith's that looks like a midden starting to happen by the sheer nature of the ocean blowing shells in. We've sat in there and it starts off as shells there and shells there and our concern is over a

number of years shell movement and tidal movement and the huge seas you experience on the west coast blowing those shells backwards and forwards with the wind and the tide and also birds will carry them inland, that we're concerned as to who says, 'That's a midden and this one's not, that's just some shells that the waves have washed up there'.

We're also concerned that if it is handed over to Aboriginal hands that local community involvement will be encouraged because at the moment the driving force seems to come from Hobart. We haven't seen a lot of local Aboriginal population actually saying that this is what they want and that this is the way they want to go. Our concern obviously is that any study that is carried out is by someone who is independent. There's a saying, he who pays the piper calls the tune, so there's that concern as well. I'm happy to leave you this *Reader's Digest* article which talks about myths and some of the Aboriginal land things that have happened.

Mr FLETCHER - David and Colleen, do you hold the view that some middens are particularly significant, that perhaps there are a range of sites where some are significant?

Mr OSBORNE - How long does a shell last for when it's exposed to the environment? Is it 20 years, 30 years, 200 years? They're the questions I want answered because the sand will cover up some areas that they've just fenced off at the Gannet. There might be a shell there next year probably because of the wind, the following year it will be uncovered because of the wind. How long does that shell last in that environment with constant movement? I would like that question answered because if you bury something it might last 100 years before it decays. The shells might be 100 years old but how long have they been there?

Mrs OSBORNE - And in situ too; I mean, obviously there is concern for ourselves. We recognise there are petroglyphs and areas that may be of special cultural significance but whether it's a midden, that's to be debated. What's most important to the Aboriginals themselves, they could go round saying, 'Yes, that, that, and that'. Where does it end? What is the most special place for them?

Mr FLETCHER - So you're not denying there are middens - you accept that there are middens?

Mr OSBORNE - Yes.

Mr FLETCHER - The point I'm asking is would you accept that there are some middens that are more significant than others?

Mr OSBORNE - Well, I'm not an expert to speak on that one, to be honest. Don Ranson would be able to help us out on that. I never got a chance with him yesterday but, any rate.

Mr FLETCHER - Well, I guess the next point either as individuals or as members representing your association, if it were proven that there were significant sites, would you be in favour of protecting those significant sites if they were middens? If an archaeologist -

Mr OSBORNE - When all the questions are answered, who's going to determine that?

Mrs OSBORNE - And by 'protected' - a lot of value can come from education. You can put a fence around it today and tomorrow it will be down. If you educate our children on why it's significant and that people respect it and you don't get arrogant Aboriginals on a beach saying, 'Get off!' - and it's happened, I've been witness to that happening. That's the attitude that you need to change; it's not a matter of putting a fence round it because a fence can be torn down tomorrow and the next day and from here on ever after. You've got to have the children knowing why it's special and the adults accepting that fact, that they may be special places, but is it special enough to fence it off and to stop access to a beach where someone's going to make a commercial living, even if it's only once a year? If there's an opportunity of a school of salmon going through it might be 20 tonnes once a year and that's a missed opportunity.

Mr FLETCHER - So your proposition really is that from a land management perspective the building of fences to protect sites in remote areas is a waste of time and the only true way to protect sites is to

develop an understanding of the significance so that people respect the significance and want to protect because of that.

Mrs OSBORNE - My word! It's like the litter campaign; we don't have as much litter any more because people's habits are changing over a long period of time and there's respect for the environment that never used to be there. I certainly feel that if you give them land then you've got to give them the money for the infrastructure; it's already been asked for, that they will require money to manage this land. I really think that they should not have precedence over someone commercially kelp harvesting or commercially scalefishing, that those activities - we don't hoon up and down beaches, we're responsible beach users. We're inclined to pull someone else into gear if we see them doing something that's degrading to the environment but we recreationally go down to the area but we certainly want it protected from a commercial fisherperson's point of view, whether they're scalefishermen, kelp harvesters or whatever.

Mr FLETCHER - You've used the area for a very long period of time. Have you been, either generally or specifically, aware of the petroglyph sites or sites of significance on the west coast? Have you as young man growing up - I'm calling on your memory -

Mr OSBORNE - The ones at Green Creek were shown to me but I think that was made by, you know - no, I can't really say except probably, I'm not sure of the one at Sundown - it was painted - I'm not sure of that one either, so I can't really say that I've seen something that's been proven to me that's been done by a culture.

Mrs OSBORNE - I was told as a child not to play at Temma, in that area, because that was a midden and that's as far as my education and memory takes me.

Mr FLETCHER - So you've not been specifically aware that there have been rock carving sites at this point?

Mr OSBORNE - No. All these artefacts they show you, I can take you to this new one that's being formed - and I'm going to take the National Parks people down and show them - because it's been three years now and it's gone from a foot to about eight feet deep. It has been blown inland and that's got more stones on it than you can poke a stick at - the way you're supposed your thumb on it and take out shells and things like that - it's all happening, it's there and this one's only three years old. And it's moving inland so in another ten or twelve years it's going to meet up with the sand - it's only on rock face now and a bit of marram grass - and it'll get back inland a bit with the wind and that's where it'll start - somebody's going to say the boys were there - the Aboriginals - but it's not true. The stones are there - I've got stones at home; I've moved them, I'll tell you, a couple that I've shown people and the Aboriginals have got the same sort of shape. The weather's done it - that's what I think, anyway.

Mrs OSBORNE - And I feel too, you're saying did he have a memory of petroglyphs and that - lot of people in the area use the area unless someone says there's something special there it's left alone. People are unaware; they're not going to -

Mr FLETCHER - I guess the point of my question - and I've asked the question of a number of people who have come in this morning - were you aware and if you were aware did you ever feel that those places were threatened by the usage of persons or parties in the past?

Mr OSBORNE - Well, to me, I'm not educated enough to understand what the culture was but I can find that sort of stuff, except for a couple of the carvings they've got there - and I'm not sure of they're not man-made because the rock was that hard and with the tools that they had - I can't sort of speak because I can find the stones, whether it's at Sandy Cape or Church Rocks or Kings Run or wherever they want, I can find them.

Mr FLETCHER - Yes.

Mr OSBORNE - And it's the weather's that's done it because there wasn't that many there according to history - there just can't be that many areas. Sure, there's going to be the one or two but there can't be that many.

Mrs OSBORNE - In the Living Marine Resources Act - and I don't know if this has any relevance here - but there is something entitled, 'Interfering with fishing' at 256 - 'a person without reasonable excuse must not (a) prevent a person from lawfully fishing; or (b) hinder or obstruct any person who is lawfully fishing'. Now whether that's pertinent to something you are likely to do but there is also the State coastal policy to take into account as well and, as far as I'm concerned, if someone puts a fence up they're interfering with our fishing effort.

Mr WILKINSON - Section 256, wasn't it?

Mrs OSBORNE - Yes.

Mrs SILVIA SMITH - Colleen, a little question about your thoughts on the reconciliation process. Your question was: does the handing back of more land really help the reconciliation process? At an earlier time we had it suggested to us that reconciliation was all about walking together. Would there be an option, in your thoughts, that perhaps everyone including the Scalefishermen's Association should be part of a community group to look at looking after these areas of land and using them for the future, rather than blocking it off to one group or another?

Mrs OSBORNE - I think that would be much more helpful than the way it's gone up to date, certainly.

Mrs SILVIA SMITH - Do you think it would alleviate the contentious issues that are coming up, like access for example?

Mrs OSBORNE - It could well do. I've spoken to a lady by the name of Molly Mallett who is an Aboriginal elder and she didn't agree with how things were going and she's a Cape Barren Islander. There are a lot of young Aboriginal people I've spoken to as well and I'm actually going to be godmother to one of them, so I have no grudge with Aboriginals specifically or anything but I think that it would work better if we worked together. That's what reconciliation is about, not putting people off side with each other.

Mrs SILVIA SMITH - Yes. And within that process, coming back to the petroglyphs and the middens, once they've been established by an independent authority I think you said or an independent archaeologist, that these in fact are historical middens, historical petroglyphs, would you see a process happening where they could be, say, fenced off, for example - and that's just a broad thought there - and that a joint management group could look after them in perpetuity for future generations' historic information. Would you think that is a possibility?

Mrs OSBORNE - I think that's a far more sensible approach than the one we've had previously, that you have groups working together to find some process whereby that can be done, yes.

Mrs SILVIA SMITH - Right. Taking that issue a little bit further, knowing the history of Tasmania and what we are told through history - and history is only a person's interpretation at the time and people interpret things differently - do you believe that, as a generation today, that our ancestors did the wrong thing and do you believe that we should be paying back, so to speak - in other words, giving land back because the land was taken and perhaps it was understood at the time that we were going to look after the Aborigines and perhaps history has proven that we didn't? Would you believe that we should be giving back some parcels of land in reparation for injustices done?

Mrs OSBORNE - No, because all the Aboriginals in Tasmania who are Tasmanian Aboriginals have a portion of Welsh or Irish or Spanish or Indian descent. They wave the Aboriginal flag but you very rarely see them wave their other Spanish flag or whatever because there's no monetary value on it. It's got out of hand; we don't need to feel warm and fuzzy because we're helping the Aboriginal. I wasn't here doing all those wrongs. I could have been one of those. I believe that my ancestors did have Aboriginal roots but that doesn't stop me having European roots and I have not got my hand out. There are a hell of a lot of people out there who don't say they're Aboriginal because then people think they've got their hand out and they want it greased with money. I think that that's going down the wrong track. I think we should all be Australians.

Mrs SILVIA SMITH - So you're sort of saying that these issues are actually dividing the nation?

Mrs OSBORNE - Yes. Are we going to go back to the Normans and the Saxons and the Celts and the Jutes and say, 'You did the wrong thing; you invaded that land when that should have been ours'? We can't look back, we've got to look forward and while we're saying we should say we're sorry we're not working together as Australians - particularly in Tasmania, because with the Northern Territory and glaucoma and all sorts of issues like that, I feel, yes, there is a need for a special health service and they do need special help - give it where it's needed, but not based on race, on need.

Mr FLETCHER - Colleen, there are High Court precedents - Mabo and Wik - and there is national law, native title legislation. If a claim was mounted to a Federal tribunal and native title rights were given to land to Tasmanian Aborigines, would you support that?

Mrs OSBORNE - Probably not.

Mr FLETCHER - Why? Why should Tasmanian Aborigines be treated differently to Aborigines anywhere else in the nation?

Mr OSBORNE- I thought Truganini was the last one.

Mrs OSBORNE - Because there aren't any full-bloods. They've had the help of - no-one's been brought up and through no fault of their own but it's not my fault either that they haven't been able to live their Aboriginal heritage.

Mr FLETCHER - But aren't you denying the reality? Don't we have a situation where a Federal court has determined that a person is an Aborigine, the Federal Government has laws in relation to Aborigines, the Federal Government pays welfare benefits and other benefits to people who are proven to be Aborigines, so surely you can't say there are no Aborigines or no people who qualify to be called an Aborigine in Tasmania? That's denying the reality of it.

Mrs OSBORNE - Well then, that's another issue that's up on the drawing board at the moment on aboriginality, isn't it? I strongly feel that a DNA or some sort of bank like that that Tony Brown spoke of to this committee is a good thing. On one hand Michael Mansell says he doesn't want to know the 'paper' blacks who are new in - what happens in the case of a friend of mine who has just found out his adopted mother - his father who he'd never known was a Thomas and he's Aborigine? Through no fault of his own he's never known and then you get the case where someone might be eighth generation. Where do you call it a day that you start being an Australian and not just an Aborigine? You know - one-sixth, one-eighth, one-quarter? There's got to be a line drawn, I think.

Mr FLETCHER - It's a very vexed question.

CHAIRPERSON - Thank you very much, both for your submission on behalf of the Scalefishermen's Association and your personal submissions as well. The committee has appreciated the time you've taken.

THE WITNESSES WITHDREW.