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10 July 2013

Government Administration Committee
Legislative Council of Tasmania
Parliament House
Hobart TAS 7000

Dear Select Committee

Re: Aboriginal Lands Amendment Bill 2012

In Tasmania, the process of reconciliation formally began with the passing of the 1995 Aboriginal Lands Act which returned a few parcels of land to the Aboriginal people. The Act itself refers to reconciliation in sub-section 18 (2).

Successive governments of different political persuasions enacted further land returns in 1998 and 2003. In 2006 Tasmania became the only State to compensate the Stolen Generations victims.

Anti-discrimination laws and the efforts of sporting bodies such as the AFL, focus on providing equality of opportunity for all people who reside in Australia, especially Aborigines. Reconciliation goes beyond individual opportunity and addresses the type of society people want to live in today. The reconciliation process has looked to the past, acknowledged the wrongs of dispossession, the killings, the removal of Aboriginal children and the denial of identity.

For a long time Tasmania turned a blind eye to the way in which modern Tasmania was created, and at what cost to Aboriginal people. Over the more recent decade of positive efforts towards reconciliation, no-one talked of guilt but of responsibility. Given that Tasmania had such a shocking and racist past, how could contemporary Tasmania take responsibility for dealing with that past, particularly as it affects Aboriginal people today?

By taking important initiatives such as the legislative return of lands, and compensating the Stolen Generations, governments and parliaments showed that much can be achieved through facing up to the past and making Tasmania a better place for having done so.

The process adopted in Tasmania also helped ensure that 'truth and reconciliation' was adopted with dignity. No longer was it expected that the victims of dispossession, racism and injustice be required to come cap in hand to the conquerors. The reconciliation process offered respect and a degree of humility, and in return Aboriginal people accepted the gestures in the spirit in which they were offered.

That short history contrasts with the current parliamentary dealings with small areas of land at Rebecca Creek and Irapuna.

Having had 67,000 square kilometres of land stolen, it is almost contemptuous that the Aboriginal community is now offered a mere 150 hectares. Even then it appears some Members will quibble, under pretexts of varying plausibility, with that small amount of land being returned.

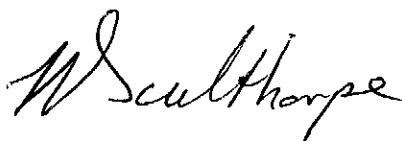
It is an unedifying sight to see members of parliament purporting to speak on behalf of Aboriginal people. They are offering a battleground in the interests of short term electoral popularity rather than a genuine attempt to heal the hurt such actions have caused during bad relations between black and white in this State. Similarly with arguments about the existence of areas of European significance in the land parcels being considered for return. Of course there is European history. How could it be otherwise when Europeans have had control of the land for over 200 years? Additionally, to use the near genocide of our ancestors as a reason to reject the return of small parcels of land is beneath contempt.

It would have been far more productive had the Legislative Council members indicated to the government that 150 ha of land trivialised the efforts of past parliaments and the importance of maintaining the momentum of reconciliation. Such leadership would also have confirmed the importance of the reconciliation process in the scheme of developing a better Tasmania.

We hope the few MLCs who cannot understand, or who refuse to make the effort to understand, the historical significance of engaging diplomatically with Aboriginal people and progressing the notion of reconciliation are not representative of the Council.

We do not contest the role of the Legislative Council in reviewing bills put before them. No doubt a way can be found to carry out the function of review whilst at the same time promoting reconciliation with the Aboriginal people, but it will require a considerable degree of sensitivity and diplomacy. We wish you well with your work.

Yours sincerely

A handwritten signature in black ink, appearing to read 'H Sculthorpe', written in a cursive style.

Heather Sculthorpe
Chief Executive Officer