

APPENDIX A – PUBLIC SUBMISSIONS

1. Mr John Coulson	4/4/13
2. Mr Denis Lisson	8/4/13
3. Aboriginal Land Council of Tasmania	23/4/13
4. Mr Alan Wolf	25/5/13, 9/4/13, 26/6/13
5. Mr and Mrs Lindsay Dawe	24/6/13
6. Mr Peter Paulsen	24/6/13
7. Parrdarrama Pungenna Aboriginal Corporation	28/6/13
8. Circular Head Aboriginal Corporation	27/6/13
9. Tasmanian Aboriginal Centre	10/7/13
10. Circular Head Council	27/6/13
11. Mr Paul Docking	8/7/13
12. Minister for Aboriginal Affairs - Hon Cassy O'Connor MP	22/7/13
13. Mr Kevin Hancock	1/8/13
14. Ms Jenny Bicanic	22/8/13
15. Ansons Bay Progress Association	22/8/13

APPENDIX B – PUBLIC HEARINGS

Wednesday 6 August 2013

Circular Head Council Chambers
Smithton

Circular Head Council (Mayor Daryl Quillam,
Deputy Mayor John Oldaker, Cr Jan Bishop,
Cr Jeanie Murrell, Cr Ashley Popowski and
Cr Trevor Spinks)

Mr Alan Wolf

Circular Head Aboriginal Corporation (Ms
Dianne Baldock and Mr Graeme Heald)

Friday 16 August 2013

Tidal Waters Resort, St Helens

Mr and Mrs Lindsay Dawe

Mr Peter Paulsen and Mr John Denmen

Break O'Day Council Mayor Sarah Schmerl

Monday 23 September 2013

Parliament House, Hobart

Minister for Aboriginal Affairs Hon Cassy
O'Connor MP and Mr Nick Evans, DPAC

Aboriginal Land Council of Tasmania (Mr
Clyde Mansell and Mr Graeme Gardner)

Parks and Wildlife Service (Mr Peter
Mooney)

Heritage Tasmania (Mr Pete Smith)

Mr Greg Lehman

Tasmania Electoral Commissioner (Mr Julian
Type)

Friday 18 October 2013

Parliament House, Hobart

Aboriginal Land Council of Tasmania

(Mr Clyde Mansell and Mr Graeme Gardner)

APPENDIX C – CORRESPONDENCE MINISTER FOR ABORIGINAL AFFAIRS

Minister for Human Services
Minister for Community Development
Minister for Climate Change
Minister for Aboriginal Affairs

Level 9, Marine Board Building, 1 Franklin Wharf, HOBART TAS 7000 Australia
GPO Box 919, HOBART TAS 7001
Phone (03) 6233 6756 Fax (03) 6233 2671
Email: minister.o'connor@dpac.tas.gov.au



- 4 OCT 2013

Hon Kerry Finch MLC
Inquiry Chairman
Legislative Council General Administration Committee B
Parliament House
HOBART TAS 7000

Dear Mr Finch 

Thank you for your letter of 25 September 2013 regarding clarification of two issues which arose from my appearance before the Legislative Council General Administration Committee B on the proposed amendment to the *Aboriginal Lands Act 1995* to return *Irapuna* to the Aboriginal community.

My use of the words 'private land' was meant in a colloquial manner and certainly not as a legal term. It was used in such a way as to provide an example of how land returned to the Aboriginal community through the Aboriginal Land Council of Tasmania (ALCT) should be perceived. Perhaps a better example would have been the perception that the general public has of Tasmania's national parks. These parks are regarded as 'free' for the use of the general public as places to visit for recreation, education and relaxation.

In reality, however, the public does not have an unconditional right of access to national parks. Members of the public, whether they be day visitors or tourists, are required to purchase permits which entitle them to enter a national park. In addition, the Department of Primary Industry, Parks, Water and Environment (DPIPWE) may limit access to particular areas for nature conservation or other reasons. Conditional access is an established practice and policy which has broad acceptance in the Tasmanian community.

I would therefore like to reiterate that land returned to the Aboriginal community under the *Aboriginal Lands Act 1995* is held on behalf of the Aboriginal community and cannot be sold or leased. This is clearly stated in the *Aboriginal Lands Act 1995* under sections 18(b) and 27(1).

In terms of further information on the circumstances that led to the Government's decision to lease *Irapuna* to ALCT, I can advise that this issue has been ongoing since 1999.

A Working Group, the Aboriginal Land and Cultural Issues Working Group, was established in 1999 by the then Premier, Jim Bacon, following a meeting with a number of senior members of the Aboriginal community. The role of the Working Group was to analyse the land and cultural issues which were raised and to recommend appropriate processes for working through and resolving these issues.

The Aboriginal community put forward ten parcels of land for consideration to be returned. One of these parcels of land was Mt William National Park, which included *larapuna* and Bay of Fires. It also included Deep Creek and Musselroe Bay. The area is a link for Aboriginal people to their ancestral and traditional homelands and provides an opportunity of maintaining a continuing participation in many cultural activities such as fishing, hunting and gathering. Furthermore, the Aboriginal community has, for many years, sought to have Mt William National Park returned to Aboriginal ownership.

Larapuna was occupied by the Aboriginal community in September 2001 following a decision by the then State Government to seek tenders for the site's development. The Aboriginal community argued that a commitment had been made in 1999 to return the site to their ownership in the context of discussions around Mt William and that the decision to advertise for tenders to develop the site was contrary to these commitments.

Declaration of *larapuna* as an historic site in 2002 under the *Nature Conservation Act 2002* was followed by consultation with the Aboriginal community for a lease over the site. The *Nature Conservation Act 2002* allows the relevant Minister to lease conserved land for a term approved by the Minister. It defines the purposes of the reservation which include public appreciation and education. In addition, a lease effectively gives the lease holder the rights of any landowner and therefore the holder of a lease may, for instance, restrict access.

The term 'public appreciation' in the Act relates to the issue of public access. At the time of negotiating the lease it was agreed that the local community would not accept any changes to the current access arrangements. The arrangements did not restrict access during the day or night and it was eventually decided to follow the pattern of Risdon Cove, where public access is only restricted for specific cultural events.

The purpose of the lease was to provide the Aboriginal community with security of tenure so that the site and its natural resources could be sustainably used and managed for the benefit of Aboriginal persons.

Former Premier Paul Lennon made a commitment to the Aboriginal community to consider such a lease and it was a high priority for the Government of the day. In addition, at the time of negotiating the lease, it was agreed that under the Conservation Management Plan 1995, the State Government had not fulfilled its responsibilities in terms of the essential maintenance required on the various buildings. Therefore, the Government undertook to do immediate maintenance works to protect the site and ensure the safety of any future tenants prior to signing the lease. The lease was signed in 2006.

In the period during which ALCT has held the lease over the site, the non-Australian Maritime Safety Authority buildings have been upgraded and the site has become a significant centre for the promotion of Aboriginal cultural activities.

The issue of returning this parcel of land to the Aboriginal community has been on the agenda of this Government and previous Governments and it is not something that has been undertaken lightly.

I trust that in view of this further information you will find in favour of this amendment.

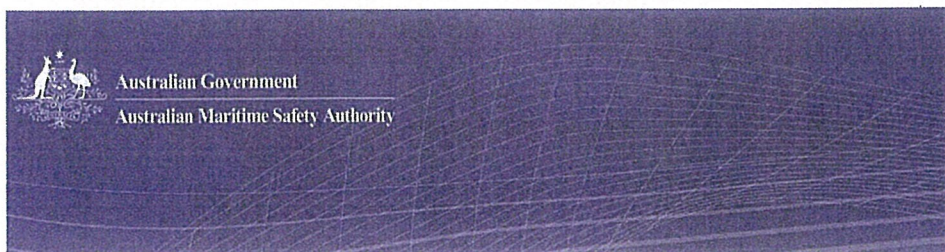
Yours sincerely



Cassy O'Connor MP
Minister for Aboriginal Affairs

13/66675/2

APPENDIX D – CORRESPONDENCE FROM THE AUSTRALIAN MARITIME



CHIEF EXECUTIVE OFFICER

The Hon Kerry Finch MLC
Chair
Aboriginal Lands Amendment Bill 2012 Inquiry
Legislative Council
Parliament House
HOBART TAS 7000

Dear Mr Finch

I refer to your letter of 22 August 2013 regarding the committee inquiry into the Aboriginal Lands Amendment Bill 2012 proposing transfer of a parcel of land containing the Eddystone Point Lighthouse to the Tasmanian Aboriginal Land Council.

The following information is provided to clarify the responsibilities of the Australian Maritime Safety Authority (AMSA) in relation to on-going management of the Eddystone Point Lighthouse and I have sought to address each of the questions raised by the inquiry.

AMSA has a registered lease over Lot 2 on CPR No. 4000 (the Land), the Eddystone Point Lighthouse site, which is not due to expire until 30 April 2023, or until 30 April 2048 if the further term is activated. AMSA assumes that, if the State of Tasmania transfers the Land to the Aboriginal Land Council of Tasmania (the Council), the Land will, in effect, remain subject to the lease and the Council will, in effect, become the Lessor, having the rights and responsibilities that it entails.

AMSA leases 3 parcels of land at Eddystone Point pursuant to the Heads of Agreement between AMSA and the State of Tasmania dated 9 April 1998. The current responsible Tasmanian Government department is the Tasmania Parks and Wildlife Service (TPWS).

The lease terms and conditions are the same for all three leases and all allow AMSA and its invitees 24 hour access to the lease area via adjoining land (which is any State land adjoining, adjacent to or in the vicinity of the AMSA leased area over which AMSA obtains access to and

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from our leased area from a surveyed road or an ocean land point or both).

AMSA may use the leased areas only for establishing, maintaining and operating a Marine Aid to Navigation (covering all matters AMSA is likely need to operate or maintain, such as a helipad, DGPS, radio beacon, light or radar). AMSA can also issue a licence to a third party for the purpose of installation and operation of telecommunications, survey, meteorological, navigational and other like facilities. However, AMSA must first seek the State's permission and must pay the State 50% of any annual licence fee received from the third party. AMSA has a license with Tasmanian Police for the installation and operation of radio repeater equipment on the lighthouse fabric which commenced on 1 December 2010 for a five year term.

In the case of Lot 2 (which contains the historic lighthouse) AMSA was required to issue a Tourist Licence to the State at lease commencement to allow the State to operate guided tours under specified conditions (such as training, safety, etc). The Tourist Licence also allowed the State to issue a sub-licence to a third party operator with AMSA's permission. TPWS has issued such a sub-licence, with AMSA's consent, to the Council. The term of the Tourist Licence is the same as the AMSA lease term.

All leases commenced on 1 May 1998 and each will terminate on 30 April 2023. Each lease has a 25 year further term option which will automatically come into effect unless AMSA advises the State that it does not want to take up the option at any lease - at least six months before lease end.

<i>Leased Area</i>	<i>Use at Lease commencement</i>	<i>Current Use</i>	<i>Area</i>
Lot 1 on CPR 4000	Proposed Helipad Site		400m ²
Lot 2 on CPR 4000	Lighthouse	Lighthouse	216m ²
Lot 3 on CPR 4000	Proposed lighthouse site		400m ²

AMSA may surrender the leases by giving no less than 60 days' notice to the Lessor if AMSA no longer requires the use of the land for the purpose of operating a marine aid to navigation. The Lessor must accept such surrender. A condition of surrender is that AMSA must relinquish the marine aid to navigation and the land to the Lessor in good repair and condition, fair wear and tear accepted.

If the Land is transferred to the Council, AMSA assumes that the Council will, in effect, become the Lessor for the Lease over, in effect, the Land, and will be subject to the same rights and responsibilities as the current Lessor. AMSA will, in effect, remain the Lessee under the lease over the Land until the lease expires, and is subject to the rights and responsibilities set out in that lease and outlined above.

In addition to the rights and responsibilities set out in the lease, AMSA is also subject to the rights and responsibilities set out in the *Navigation Act 2012* with respect to aids to navigation, including the Eddystone Point lighthouse. These rights and responsibilities largely exist

regardless of whether the land that the aid to navigation is located on is owned by the Commonwealth, a State or Territory, or a private individual or corporation. These rights and responsibilities need to be understood by the Council so that there is no misunderstanding regarding the Council's rights or otherwise to access and control of the Land and the lighthouse.

If, prior to the transfer of the Land to the Council, there is a serious concern that the Council will not comply with the lease and will seek to exclude AMSA from the lighthouse, it is possible that AMSA could seek to enter into an agreement with the State of Tasmania for the acquisition of the Eddystone Point lighthouse and other property used in connection with it, as well as so much of the Land required or used for the purpose of the aid to navigation. If AMSA is unable to enter into an agreement of this sort, under s189 of the *Navigation Act 2012*, the Minister may acquire the above by compulsory process. This would be a measure available under the *Navigation Act 2012*.

Under s190 *Navigation Act 2012*, AMSA has the power to establish, maintain and inspect aids to navigation, which includes the right to enter private property for the purposes of inspection.

Under sections 194-208 of the *Navigation Act 2012*, a number of offences are established in relation to the damaging, altering, removing, or trespassing on an aid to navigation. These offences have a range of penalties which include imprisonment and the imposition of penalty units.

In addition to the legal rights and responsibilities held by AMSA in relation to aids to navigation, AMSA also acknowledges a wider responsibility to preserve historic lighthouses and related marine artefacts for the community's benefit. AMSA's commitment to heritage conservation benefits the Australian community and AMSA through:

- contributing to valuing and preserving Australia's maritime history which is so closely linked to the nation's development;
- improving public access to maritime heritage structures, artefacts and information, in particular, in regard to historic lighthouses;
- enhancing AMSA's reputation and providing another avenue for AMSA to actively engage with the Australian community to better promote its overall objectives of maritime safety and protection of the marine environment; and
- demonstrating that heritage objectives can effectively co-exist with an organisation's business objectives.

Action taken by AMSA in relation to the Eddystone Point lighthouse will be consistent with the rights and responsibilities set out in the lease, the *Navigation Act 2012*, as well as AMSA's commitment to the preservation of historic lighthouses and artefacts for the community's benefit.

The lease will ensure that AMSA has appropriate legal rights to access over, and control over, the lighthouse up until it expires in either 2023 or 2048. Two potential problems AMSA foresees are:

- A. The Council may seek to restrict access to the Land in a way that is in breach of the lease, which could force AMSA to take legal action to enforce its rights under the lease; and
- B. Upon expiration of the lease in 2023 or 2048, the Council may be unwilling to enter a new lease and may seek to exclude AMSA from the lighthouse site. This would present a serious issue, given AMSA's ongoing responsibility to maintain aids to navigation.

Both of the matters mentioned above can be partially addressed at this early stage by ensuring communication occurs with the Council regarding what they are going to be able to do with the Land both now and at the expiration of the lease.

As stated above, AMSA has on-going rights and responsibilities in relation to the Eddystone Point lighthouse site and these will remain regardless of who owns the Land and whether the lease is active or has expired. The Council will need to understand the role of AMSA and the restrictions that the presence of the lighthouse will have on use of the Land, and if this is clearly communicated, it should negate the potential issues that have been raised in this letter.

Thank you for the opportunity to contribute to the Committee's inquiry into the Aboriginal Lands Amendment Bill 2012.

Yours sincerely



GRAHAM PEACHEY

20 September 2013

APPENDIX E – CORRESPONDENCE TO AND FROM BREAK O'DAY COUNCIL



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Georges Bay, Port Phillip, St Helens
PO Box 21, St Helens, Tasmania 7216
T: 03 6336 3900 F: 03 6336 1551
Email: info@breakoday.org.au
Website: www.breakoday.org.au

Our reference:

Inquires to Angela Matthews

24 October 2013

The Hon Kerry Finch
Chairman of Committee
Aboriginal Land Amendment Bill Inquiry
Parliament House
HOBART TAS 7000

Dear Hon Finch,

Re: Community Consultation – Land Handover at Larapuna

I refer to the above and advise that this matter was considered at the recent Meeting of Council held on Monday 21 October 2013.

Council understands the imperative of your Committee in resolving this matter to proceed with the adoption of the legislation. However, Council has relatively recently become aware of strong community feeling on related to this matter, both for and against, and believes it is very important to allow for an informed response from constituents. These constituents are true stakeholders to this issue with strong ties to either the indigenous or non indigenous heritage of the area, or both, or a history of use of the area.

On this basis, Council is requesting an extension of time to prepare and provide a response to the proposed legislation on behalf of our community to the 30 November 2013. I confirm that Council has in place a program of meetings to ensure that an informed and appropriate community response can be provided by this date.

I thank you for your consideration and please contact me for further information or clarification, if required.

Yours sincerely


Des Jennings
GENERAL MANAGER

from the mountains to the sea



Phone: (03) 6212 2250
Fax: (03) 6231 1849
Email: stuart.wright@parliament.tas.gov.au



LEGISLATIVE COUNCIL
PARLIAMENT HOUSE
HOBART, TASMANIA 7000

30 October 2013

Mr Des Jennings
General Manager
Break O'Day Council
PO Box 21
ST HELENS 7216

Dear Mr Jennings

Aboriginal Lands Amendment Bill 2012 Inquiry

I refer to the Legislative Council Government Administration Committee "B" inquiry in relation to the Aboriginal Lands Amendment Bill 2012. I wish to acknowledge receipt of your correspondence of 24 October 2013 in which the Break O'Day Council requested an extension of time until 30 November 2013 to provide a submission in relation the Bill.

The Committee has considered the request and has resolved not to provide an extension of time in the circumstances. There are two grounds upon which the Committee reached its decision.

Firstly, the Committee has carefully considered the previous opportunities the Council has been provided to contribute to the inquiry and has concluded that multiple invitations have already been afforded to the Council to make its views known. For completeness I confirm the following chronology of events.

- Correspondence to the Mayor of 12 April 2013 that invited a submission from Break O'Day Council to be received by COB 28 June 2013;
- Advertisements that were placed in regional newspapers during March 2013 that invited public submissions to be received by COB 28 June 2013;
- An invitation for the Council to appear at a public hearing in St Helens on 16 August 2013.

Secondly, the Committee is in the final stages of preparing its report. Unfortunately, there is insufficient time available to meet your request within the time available for the Committee to complete its deliberations.

In relation to community feedback, I can confirm for the benefit of the Council that the Committee did receive feedback from some members of your community and also took evidence at public hearings in St Helens.

I would appreciate if you would ensure that a copy of this correspondence is distributed to all elected Councillors of the Break O'Day Council at your earliest convenience. The correspondence will also be included in the Committee's report for the public record.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kerry Finch', with a stylized flourish at the end.

Hon Kerry Finch MLC
Inquiry Chair



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FROM THE MAYOR

Our Ref:

Enquiries: Sarah Schmerl

6 November 2013

Hon Kerry Finch MLC
Legislative Council
Parliament House
HOBART TAS 7000

Dear Hon Finch MLC,

Thank you for your correspondence received on the 30 October 2013 in relation to Councils request for extension of time to make a formal position. We understand the importance of this matter and that it needs to be dealt with in a timely manner, therefore Council met yesterday and the following responses were provided.

- Mayor Schmerl – Fully supportive of the land hand back with the conditions currently stated in the Draft Legislation.
- Deputy Mayor Rubenach – Fully supportive of the land hand back with the conditions currently stated in the Draft Legislation.
- Cllr McGiverson – Supportive of the land being handed back but not the infrastructure, including the grave which is European Heritage.
- Cllr Tucker - Supportive of the land being handed back but not the infrastructure, including the grave which is European Heritage.
- Cllr LeFevre – Supportive of the land being handed back but not the infrastructure, including the grave which is European Heritage. If the buildings were to be handed back it is imperative that there are strict conditions applied to the use, maintenance, etc of this infrastructure.
- Cllr Osborne - Fully supportive of the land hand back with the conditions currently stated in the Draft Legislation as the Lighthouse is owned by AMSA and would not be included in the hand back.

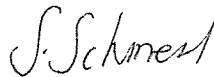
from the mountains to the sea



- Cllr Johns - Supportive of the land being handed back but not the infrastructure, including the grave which is European Heritage.
- Cllr McGuinness - Supportive of the land being handed back but not the infrastructure, including the grave which is European Heritage. There are other areas such as Mt William and Deep Creek which have more Aboriginal Heritage than Larapuna. Supportive of the current lease arrangement as the State Government would still be the land owners to ensure the area is managed appropriately.
- Cllr Coulson - Supportive of the land being handed back but not the infrastructure, including the grave which is European Heritage, this area is not a significant part of the Aboriginal Heritage. The proposed tourism ventures could still occur without being the owners of the land.

Thank you once again for the opportunity to provide comments on this proposed land hand back to the Aboriginal Community of Larapuna and I do hope that the comments above are taken into consideration.

Yours faithfully,



Sarah Schmerl
Mayor

APPENDIX F – MINUTES OF MEETINGS

**Signed copies of the original Committee Minutes for the Inquiry are contained
on the following pages.**

GOVERNMENT ADMINISTRATION COMMITTEE 'B'

MINUTES OF MEETING

Wednesday, 20 March 2013

The Committee met at 9.02am in Committee Room 2, Parliament House, Hobart.

Members Present:

Mr *Dean*

Mr *Finch*

Mr *Gaffney*

Mr *Hall*

Mr *Mulder*

Ms *Rattray* (Chair)

Mrs *Taylor*

Present:

Mr Stuart Wright (Secretary), Ms Mann

Minutes of Meetings:

The Minutes of the meetings held on Wednesday 21 November 2012 were adopted without amendment.

Aboriginal Lands Amendment Bill 2012 Inquiry

Election of Inquiry Chair:

The Committee Chair called for nominations for Inquiry Chair.

Mr *Mulder* nominated Mr *Finch*

Mr *Dean* nominated Mr *Mulder*.

The Committee Chair called for Ballot papers to be distributed. The Ballot was not completed.

Mr *Gaffney* and Mr *Hall* advised the Committee that they did not wish to participate in the inquiry.

The Secretary advised the Committee that preference should be given to appointing substitute members rather than forming a sub-committee on the advice of the Clerks as there were procedural and legal difficulties that may arise in relation to sub-committees.

The Committee Chair advised Members that she would approach all Legislative Council members individually to inform each Member of the vacancies available and the opportunity for substitution for this inquiry.

The Secretary was asked to forward an email to all Legislative Council members advising of the two vacancies for this Inquiry and seeking their interest in participating as substitute members for this inquiry.

The Secretary advised the Committee that there would need to be a further establishment meeting once the issue of substitute Members was resolved.

Business:

Correspondence:

The following correspondence was endorsed:

- *Emails – various - dated 24.1.13 from/to Laurette Thorp, Manager, Office of Aboriginal Affairs, Community Development Division, DPAC regarding information about progress on this inquiry*

Additional Information: The following additional information was noted and received:

Letter to the Editor, The Mercury (10/12/12) – 'Discrimination'

Other Business:

Overtime Costs of the Tasmanian Prison Service

Mr Dean as Inquiry Chair informed the Committee he had received the Draft Report that had been prepared by Mr Wise. Mr Dean made further amendments to the Draft Report and advised Mr Wise. Mr Wise will prepare a further Draft Report noting these amendments and the Draft Report will be circulated to all Members prior to the next meeting.

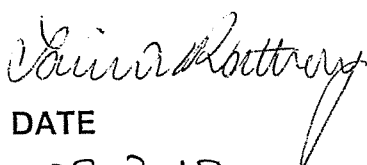
A meeting date to discuss this Report will be advised at a later time.

Next Meeting:

The next meeting of the Committee will be held at 10.15am on Wednesday 27 March 2013 in Committee Room 2

Adjournment:

The Committee adjourned at 9.22am.


DATE
27.3.13.

CONFIRMED

CHAIR

GOVERNMENT ADMINISTRATION COMMITTEE 'B'

MINUTES OF MEETING

Wednesday, 27 March 2013

The Committee met at 10.20am in Committee Room 2, Parliament House, Hobart.

Members Present:

Mr Dean
Mr Finch
Mr Gaffney
Mr Mulder
Ms Rattray (Chair)
Mrs Taylor

Absent:

Mr Hall

Present:

Mr Wright (Secretary), Ms Mann

Confirmation of Minutes: The Minutes of the meeting held on Wednesday 20 March 2013 were adopted without amendment.

[Mrs Taylor left her seat at 10.21am]

Business:

Aboriginal Lands Amendment Bill 2012 Inquiry – Substitute Members

The Chair moved the following **Motion** in accordance with Sessional Order 4(15)2 –

“That for the purpose of the inquiry into the Aboriginal Lands Amendment Bill 2012, leave be granted for the following substitute Members to join the Committee: The Hon Rob Valentine as substitute for the Hon Mike Gaffney and the Hon Ruth Forrest as substitute for the Hon Greg Hall”

The Motion passed unanimously.

[Mrs Taylor resumed her seat at 10.25am]

Other Business:

The Committee requested the Secretary seek advice from the Clerk regarding the membership of Mrs Taylor for this inquiry as she is a member of the Aunty Ida West Wybalenna Trust Fund and whether this situation may cause a conflict of interest during the inquiry.

Next Meeting:

The first meeting of the Aboriginal Lands Amendment Bill 2012 inquiry Committee will be held at 9.30am on Thursday 28 March 2013 in Committee Room 2

Adjournment:

The Committee adjourned at 10.29am

DATE

CONFIRMED

CHAIR

GOVERNMENT ADMINISTRATION COMMITTEE 'B'

MINUTES OF MEETING

28th March 2013

The Committee met at 9.32am in Committee Room 2, Parliament House, Hobart

Members present:

Mr *Finch*
Ms *Forrest*
Mr *Mulder*
Ms *Rattray*
Mrs *Taylor*
Mr *Valentine*

Present:

Mr *Wright* (*Secretary*)
Ms *Mann* (*Executive Assistant*)

The Committee Chair extended a welcome to the substitute Members of the Committee, Ms *Forrest* and Mr *Valentine*.

Aboriginal Lands Amendment Bill 2012 Inquiry

Election of Inquiry Chair:

The Committee Chair called for nominations for Inquiry Chair.

Ms *Forrest* nominated Mr *Finch*.

Mr *Dean* nominated Mr *Mulder*.

The Committee Chair called for Ballot papers to be distributed.

The vote was as follows:

Mr <i>Finch</i>	4 votes
Mr <i>Mulder</i>	3 votes

Therefore Mr *Finch* was declared Inquiry Chair.

Mr *Finch* took the Chair.

Mr *Finch* called for nominations for Inquiry Deputy Chair. Mr *Mulder*, being the only nomination, was declared Deputy Inquiry Chair.

Business:

The Committee **Resolved** to insert advertisements in the early general news pages of the three daily newspapers on Saturday 6 April 2013 and that receipt of written submissions be conditioned for closure by close of business on 28 June 2013.

The Committee further **Resolved** to place advertisements in the following local papers: Circular Head Chronicle and Sun Coast News.

It was further **Resolved** that the Media Release be forwarded to the regional newspapers and to the Flinders Island News.

The Committee **Resolved** that

- (a) Witnesses be heard under Statutory Declaration in Tasmania.
- (b) That evidence be recorded verbatim unless otherwise ordered by the Committee
- (c) That the Secretary send invitations to make submissions to the following:
 - Federal Minister for Aboriginal Affairs (Ms Jenny Macklin MP)
 - Minister for Aboriginal Affairs (Ms Cassy O'Connor MP)
 - Circular Head Aboriginal Corporation
 - Tasmanian Aboriginal Centre
 - Tasmanian Aboriginal Lands Council
 - Circular Head Council
 - St Helens Chamber of Commerce
 - Break O'Day Council
 - Flinders Island Aboriginal Association
 - Anson's Bay Community Group
- (d) and the Secretary to have discretion to accept late submissions.

Media Release

The Committee **Resolved** that the Secretary prepare a media release for approval and release through the Chair and that a draft advertisement be sent to Gray Matters.

Future Program:

The Committee **Resolved** to wait until after the closing date for receipt of submissions before a decision is made as to the invitation list of witnesses to present verbal evidence.

Next Meeting:

Proposed for 2 July 2013 at a time to be advised.

Adjournment:

The Committee adjourned at 10.01am

DATE

2/7/13

CONFIRMED


INQUIRY CHAIR

GOVERNMENT ADMINISTRATION COMMITTEE 'B'

MINUTES OF MEETING

2 July 2013

Aboriginal Lands Amendment Bill (No 27)

The Committee met at 10.02am in Committee Room 2, Parliament House, Hobart

Members present:

Mr *Finch*
Ms *Forrest*
Mr *Mulder*
Ms *Rattray*
Mrs *Taylor*
Mr *Valentine*

Present:

Mr *Wright* (Secretary)
Ms *Mann* (Executive Assistant)

Minutes of Meetings:

The Minutes of the meetings held on Wednesday 28 March 2013 were adopted with a minor amendment.

Correspondence:

The following correspondence was received and endorsed:

Inwards:

- Letter dated 5/4/13 from the Clerk of the Council advising no direct conflict of interest for Mrs Taylor in the inquiry
- Email dated 9/4/13 from Mr Alan Wolf requesting a meeting with the Committee
- Letter dated 9/4/13 from Circular Head Council

Outwards:

- Email dated 9/4/13 to Mr Wolf in response to his email
- Letter dated 15/4/13 to Circular Head Council
- Email dated 8/4/13 to Mr Denis Lisson acknowledging submission
- Email dated 8/4/13 to Mr John Coulson acknowledging submission

Letters of invitation dated 12 April 2013 to forward a written submission to the following:

- Federal Minister for Aboriginal Affairs (Ms Jenny Macklin MP)
- Minister for Aboriginal Affairs (Ms Cassy O'Connor MP)
- Break O'Day Council
- St Helens Chamber of Commerce
- Circular Head Council
- Tasmanian Aboriginal Land and Sea Council
- Tasmanian Aboriginal Centre
- Circular Head Aboriginal Corporation
- Flinders Island Aboriginal Association

The Secretary advised the Committee that to date no response had been received from either the Minister for Aboriginal Affairs (Hon Cassy O'Connor MP) or the Federal Minister for Aboriginal Affairs (Ms Jenny Macklin MP)

Submissions Tabled:

The following submissions were Tabled:

- Mr John Coulson (1)
- Mr Denis Lisson (2)
- Aboriginal Land Council of Tasmania (3)
- Mr Alan Wolf (4)
- Mr John Coulson (1a) – supplementary submission
- Mr Lindsay Dawe (5)
- Peter Paulson (6)
- Circular Head Council

General Business

The Committee discussed the issue of the publication of submissions on the Committee website.

Ms *Forrest* moved:

That the decision regarding publication of submissions be held over until the next meeting to enable Members to review the content of the submissions as appropriate.

The Motion was **Resolved** unanimously.

The Committee further **Resolved** that Hansard transcripts of public hearings be published on the Committee website.

Future program

The Committee **Resolved** the following hearing schedule and **Resolved** that each witness/group be allocated one hour to present verbal evidence:

- Public hearings at Smithton on Tuesday 6 August 2013 after a day of site visits to Rebecca Creek and Preminghana on Monday 5 August 2013 (the Committee to travel on Sunday 4 August) –
 - Invitation to attend public hearing at the Circular Head Council Chamber (if available) be offered to
 - Mr Alan Wolf
 - Circular Head Council
 - Circular Head Aboriginal Council
- Public hearings at St Helens on the afternoon of Friday 16 August 2013 following site visits in the morning of that day to Larapuna (the Committee to travel to St Helens on Thursday 15 August 2013)
 - Invitation to attend public hearing at the St Helens Council Chambers (if available) be offered to
 - Mr Peter Paulsen
 - Break O'Day Council

Mr Dean indicated that he will be an apology for the meeting on the North West Coast.

It was further **Resolved** that the Secretary contact Ministerial Advisor Mr Mike Cain, to facilitate arrangements for the site visits to Larapuna, Rebecca Creek and Preminghana.

It was further **Resolved** to hold a future hearing in Hobart and to invite the Aboriginal Land Council to present verbal evidence (and other witnesses tbc).

Next Meeting:

5 August 2013

Adjournment:

The Committee adjourned at 10.01am

DATE

6 - 8 - 2013 .

CONFIRMED

INQUIRY CHAIR

GOVERNMENT ADMINISTRATION COMMITTEE 'B'

Aboriginal Lands Amendment Bill (No 27)

The Committee met at 9.00am at Tall Timbers Resort, Smithton for a site visit to Rebecca Creek.

The Members were accompanied by Mr Graeme Gardner and Mr Caleb Peddar, Aboriginal Land Council of Tasmania and Mr Mike Cain, DPAC.

MINUTES OF MEETING

6 AUGUST 2013

The Committee met at 8.45am at Circular Head Council Chambers, Goldie Street, Smithton.

Members present:

Mr *Finch*
Ms *Forrest*
Ms *Rattray*
Mrs *Taylor*
Mr *Valentine*

Apologies

Mr *Dean*
Mr *Mulder*

Present:

Ms *Mann (Acting Secretary)*

Public Hearing

At 9.25am Mayor Daryl Quilliam, Deputy Mayor John Oldaker, Cr Jan Bishop, Cr Jeanie Murrell, Cr Ashley Popowski, Cr Trevor Spinks from the Circular Head Council were called, made the Statutory Declaration and were examined.

Papers Tabled:

- *'The Tasmanian Tribes & Cicatrices as Tribal Indicators among the Tasmanian Aborigines' – N.J.B. Plomley (Whole Report)*
- *'The Tasmanian Tribes & Cicatrices as Tribal Indicators among the Tasmanian Aborigines' – N.J.B. Plomley (Paper No. 1)*

The witnesses withdrew at 10.20am.

The Committee suspended at 10.20am

The Committee resumed at 10.25am

At 10.25am Mr Alan Wolf was called, made the Statutory Declaration and was examined.

Tabled documents:

- *Various (Genealogy charts, extracts from various genealogy charts, newspaper clippings, letters)*

The witness withdrew at 11.05am

The Committee suspended at 11.05am

The Committee resumed at 11.10am

At 11.10am Ms Dianne Baldock, CEO and Mr Graeme Heald, Chair, Circular Head Aboriginal Corporation were called, made the Statutory Declaration and were examined.

The witnesses withdrew at 12.05pm.

Minutes of Meetings:

The Minutes of the meetings held on 2 July 2013 were adopted without amendment.

Correspondence:

The following correspondence was received and endorsed:

Inwards:

Submissions:

- Circular Head Council
- Circular Head Aboriginal Corp
- Tasmanian Aboriginal Centre
*The Committee **Resolved** to accept this late submission*
- Mr Paul Docking
*The Committee **Resolved** to accept this late submission*

Email from Circular Head Council advising names of attendees

Various emails between the Secretary and Mr Graeme Gardner/ Mr Mike Cain finalising arrangements for site visit to Rebecca Creek/ Preminghana

Email from the Chair dated 18/7/13 in response to Graeme Gardner's email

Email dated 18/7/13 from Graeme Gardner with attachments (6 photos of Rebecca Creek terrain)

Letter dated 22/7/13 from Minister O'Connor to Chair

Outwards:

Appointment emails dated 12/7/13 to -

- Circular Head Aboriginal Corporation
- Circular Head Council
- Mr Alan Wolf
- Mr Peter Paulsen
- Break O'Day Council

Other Business

- (1) At the request by a member of the Committee, an approach was made by Parliamentary Research to DPIPWE to provide the Committee with a copy of the lease document for *Irapuna* (Eddystone Point). Mr Mooney advised Dr Bryan Stait the lease document was not able to be provided and therefore the request was denied.

The Committee **Resolved** that the Acting Secretary write to Mr Mooney and request the lease document(s) pertaining to the *Irapuna* (Eddystone Point) site be provided.

- (2) The Committee discussed Mr Graeme Gardner's email to the Chair (18/7/13) denying the request for the Committee to visit Preminghana.

Ms Forrest moved a Motion –

that the Committee request access to visit and tour Preminghana as part of its ongoing inquiry.

The Committee voted as follows:

Ayes: Ms Forrest

Noes: Mr Finch
Ms Rattray
Mrs Taylor
Mr Valentine

The Committee therefore **Resolved** that no further request be made to visit Preminghana and the denial of 'access to visit and tour Preminghana as part of its ongoing inquiry' be noted in the Final Report.

- (3) The Committee noted that an approach had been made to the Chair by Mr and Mrs Lindsay Dawe requesting an appointment with the Committee to present verbal evidence.

The Committee **Resolved** that the Acting Secretary contact Mr and Mrs Dawe and invite them to present their verbal evidence at the public hearing in St Helens on 16 August 2013.

- (4) It was further **Resolved** that the Secretary contact Mr Julian Type, Tasmanian Electoral Commissioner, Department of Justice, to invite him to present verbal evidence at a future Hobart hearing.

Next Meeting

Friday 16 August 2013 at St Helens.

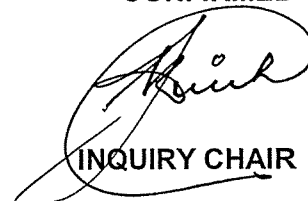
Adjournment:

The Committee adjourned at 12.45pm

DATE

16/8/13.

CONFIRMED


INQUIRY CHAIR

GOVERNMENT ADMINISTRATION COMMITTEE 'B'

Aboriginal Lands Amendment Bill (No 27)

FRIDAY 16 AUGUST 2013

The Committee met at 8.30am at Tidal Waters Resort, St Helens to travel to Eddystone Point/*Irapuna* for a site visit.

Members were met at the site by Mr Graeme Gardner and Mr Clyde Mansell.

Mr Mansell gave a presentation to Members and accompanied them on a tour of the site including internal access to the lighthouse.

MINUTES OF MEETING

16 AUGUST 2013

The Committee met at 12.25pm at the Leprena Room, Tidal Waters Resort, St Helens.

Members present:

Mr *Finch*
Ms *Forrest*
Ms *Rattray*
Mrs *Taylor*
Mr *Valentine*

Apologies

Mr *Dean*
Mr *Mulder*

Present:

Mr *Wright* (*Secretary*) and Ms *Mann* (*Assistant to Secretary*)

Public Hearing

At 12.25pm Mr Lindsay Dawe and Mrs Margaret Dawe were called, made the Statutory Declaration and were examined.

Tabled Papers:

- Eddystone Point presentation folder (historical, heritage and cultural) including a DVD

The witnesses withdrew at 1.05pm

At 1.06pm Mr Peter Paulsen and Mr John Denmen were called, made the Statutory Declaration and were examined.

The witnesses withdrew at 1.45pm

The Committee suspended at 1.46pm
The Committee resumed at 1.56pm

At 1.56pm Mayor Sarah Schmerl was called, made the Statutory Declaration and was examined.

The witness withdrew at 2.15pm.

Minutes of Meetings:

The Minutes of the meeting held on 6 August 2013 were adopted without amendment.

Correspondence:

The following correspondence was received and endorsed:

Inwards:

Late submission received by Mr Dean on 1.8.13 from Mr Kevin Hancock
*Committee **Resolved** to accept this late submission*

Lease agreement – Eddystone Point Lighthouse Historic Site - received from Mr Peter Mooney on 12.8.13
*Committee **Resolved** to treat this document as a Tabled document and not to publish prior to the tabling of the Committee's evidence folders with the report*

Outwards:

Letter to Mr Peter Mooney dated 8.8.13 requesting lease document for Eddystone Point/*Irapuna*

Email to Mr and Mrs Lindsay Dawe dated 8.8.13 advising appointment time at St Helens public hearings

Email to Ms Heather Sculthorpe dated 8.8.13 advising of Committee's acceptance of the late submission from Tasmanian Aboriginal Centre Inc.

Other Business

(1)The Committee **Resolved** to publish all submissions (excluding *in camera* submissions) on the Committee website.

(2)The Committee discussed the Resolution agreed to at its meeting on 6 August -

'that the Secretary contact Mr Julian Type, Tasmanian Electoral Commissioner, Department of Justice, to invite him to present verbal evidence at a future Hobart hearing'

The Committee agreed to continue with the invitation for Mr Julian Type to present verbal evidence at a future Hobart hearing.

[Ms Forrest left the meeting at 2.25pm]

Next Meeting

Thursday 22 August 2013

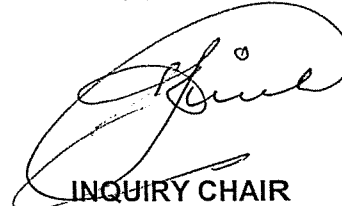
Adjournment:

The Committee adjourned at 12.45pm

DATE

22/8/13.

CONFIRMED



INQUIRY CHAIR

GOVERNMENT ADMINISTRATION COMMITTEE 'B'

ABORIGINAL LANDS AMENDMENT BILL (NO 27)

MINUTES OF MEETING

THURSDAY 22 AUGUST 2013

The Committee met at 10.00am in Committee Room 3, Parliament House, Hobart.

Members present:

Ms Forrest
Mr Finch
Mr Dean
Ms Rattray
Mrs Taylor
Mr Valentine

Absent

Mr Mulder

Present:

Mr Wright (Secretary) and Ms Mann (Assistant to Secretary)

Minutes of Meetings:

The Minutes of the meeting held on 16 August 2013 were adopted without amendment.

Correspondence:

The following correspondence was received and endorsed:

Inwards:

Email dated 21 August 2013 from St Helens and Districts Chamber of Commerce and Tourism Inc

Outwards:

Letter dated August 2013 to Mr Kevin Hancock advising his late submission had been accepted

Other Business

The Committee agreed to consider late submissions received from east coast residents who expressed an interest and wished to have input into this inquiry subsequent to the public hearings in St Helens.

The Committee further agreed to send information and links to the website to Mr Neil Stump following his request for details of the inquiry

Future Hearings

The Committee **Resolved** to hold a day of public hearings on either 16 September or 23 September 2013 depending on the availability of Minister O'Conner, with 23 September being the preferred date.

The Committee requested the Secretary contact the following witnesses and invite them to give verbal evidence on a date to be confirmed:

- DPIPWE - Parks (1 hour)
- Aboriginal Lands Council (1 hour)
- Tasmanian Aboriginal Centre (1 hour)
- Mr Greg Lehman (1 hour)
- Mr Ray Groom (1 hour)
- Heritage Council (30 minutes)
- Mr Julian Type (30 minutes)

The Committee further **Resolved** that the Secretary write to AMSA (Australian Maritime Safety Authority) to seek information regarding their current and ongoing responsibilities for the lighthouse at Eddystone Point.

Ms *Rattray* advised the Committee that submissions may still be forwarded to the Committee by some interested parties on the East Coast and that she hoped the Committee would give due consideration to accepting any final submissions received out of time.

The Committee further **Resolved** to send out a media release to reflect the ongoing progress to date and to advise that further public hearings will be held in September.

The Committee had a general discussion regarding the timeframe for producing the Report. The Secretary advised the Committee that it would be feasible to produce a report by the November sitting but it would be subject to other work commitments.

Next Meeting

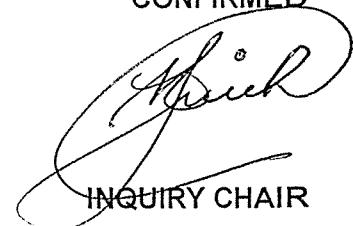
To be advised.

Adjournment:

The Committee adjourned at 10.41am

DATE

CONFIRMED



INQUIRY CHAIR

GOVERNMENT ADMINISTRATION COMMITTEE 'B'

ABORIGINAL LANDS AMENDMENT BILL (NO 27)

MINUTES OF MEETING

MONDAY 23 SEPTEMBER 2013

The Committee met at 9.50am in Committee Room 1, Parliament House, Hobart.

Members present:

Mr *Finch*
Ms *Forrest*
Mr *Dean*
Mr *Mulder*
Ms *Rattray*
Mrs *Taylor*
Mr *Valentine*

Present:

Mr *Wright* (*Secretary*) and Ms *Mann* (*Assistant to Secretary*)

Minutes of Meetings:

The Minutes of the meeting held on 22 August 2013 were adopted with one minor amendment.

[Ms *Forrest* took her seat at 9.54am]

Correspondence:

The following correspondence was received and endorsed:

Inwards:

Confirmation email dated 2/9/13 from Mr Julian Type
Confirmation email dated 9/9/13 from Minister O'Connor
Confirmation email dated 11/9/13 from Mr Greg Lehman
Confirmation email dated 17/9/13 from ALCT

Late submissions:

The Committee **Resolved** to accept the following late submissions: (TR/ID)

- Ansons Bay Progress Association
- Mrs Jenny Bicanic

Outwards:

- Email dated 11/0/13 to Mr Kevin Phillips from AMSA to clarify when a response to previous correspondence might be received
- Email dated 22/8/13 to Mr Neil Stump advising links to the inquiry website

-
- Letter dated 22/8/13 to AMSA regarding Eddystone Point lighthouse
 - Email dated 26/8/13 from Stuart to Mr Mike Cain requesting package of information
 - Email dated 26/8/13 to Ms Heather Sculthorpe (Tasmanian Aboriginal Centre) confirming decline of invitation to attend hearing
 - Appointment letters/emails dated 27/8/13 to the following -
 - Minister Cassy O'Connor (Minister for Aboriginal Affairs)
 - Minister Brian Wightman (Minister for Parks)
 - Email appointment confirmation to Greg Lehman
 - Email appointment confirmation to Electoral Commissioner, Julian Type
 - Email appointment confirmation to Aboriginal Land Council of Tasmania (Mr Graeme Gardner) and requesting names of attendees

Tabled - Media Release

The media release dated 22/8/13 was tabled.

The Committee suspended at 9.55am
The Committee resumed at 10.01am

[Mr *Mulder* took his seat at 10.01am]

At 10.02am Hon Cassy O'Connor MP, Minister for Aboriginal Affairs, was called and was examined. Mr Nick Evans, Director, Community Development, Department of Premier and Cabinet was called, made the Statutory Declaration and was examined.

The Committee suspended at 10.10am (fire alarm test)
The Committee resumed at 10.12am

[Mr *Mulder* took his seat at 10.14am]

Question on Notice

Information regarding the maintenance of the road leading into the *Iarapunna* site

The witnesses withdrew at 11.25am.

The Committee suspended at 11.26am
The Committee resumed at 11.29am

At 11.25am Mr Clyde Mansell and Mr Graeme Gardner, Aboriginal Land Council of Tasmania were called, made the Statutory Declaration and were examined.

[Mr *Dean* left his seat at 11.37am]
[Mr *Dean* resumed his seat at 11am]

[Mr *Valentine* left his seat at 12.34pm]
[Mr *Mulder* left his seat at 12.35pm]
[Mr *Valentine* resumed his seat at 12.38pm]

Tabled Document:

Booklet – 'Irapuna & Rebecca Creek'

The witnesses withdrew at 12.39am

At 12.39pm Mr Peter Mooney, Deputy Secretary, Parks and Wildlife Service, was called, made the Statutory Declaration and was examined.

The witness withdrew at 12.59pm

The Committee suspended at 12.59pm
The Committee resumed at 2.03pm

At 2.03pm Mr Pete Smith, Director Heritage Tasmania was called, made the Statutory Declaration and was examined.

[Mr *Dean* took his seat at 2.08pm]
[Mr *Mulder* took his seat at 2.10pm]
[Mr *Valentine* took his seat at 2.24pm]
[Mr *Dean* left his seat at 2.29pm]
[Mr *Mulder* left his seat at 2.30pm]
[Ms *Forrest* left her seat at 2.31pm]
[Ms *Forrest* resumed her seat at 2.33pm]

The witness withdrew at 2.31pm

At 2.32pm Mr Greg Lehman was called, made the Statutory Declaration and was examined.

Question on notice:

Confirmation of the names of certain books of interest to the Committee in relation to Tasmanian Aboriginal history as recommended by Mr Lehman (to be emailed to the Secretary).

[Mr *Dean* resumed his seat at 2.57pm]

The witness withdrew at 3.44pm

At 3.46pm Mr Julian Type, Electoral Commissioner was called, made the Statutory Declaration and was examined.

The witness withdrew at 4.17pm

[Ms *Forrest* vacated her seat at 4.18pm]
[Mr *Valentine* vacated his seat at 4.18pm]

Next Meeting

There was a general discussion about the need for a further meeting of the Committee to confirm the Committee's views on the direction of the report.

The Committee **Resolved** to schedule a further meeting on Tuesday 24 September 2013 at 1.15pm

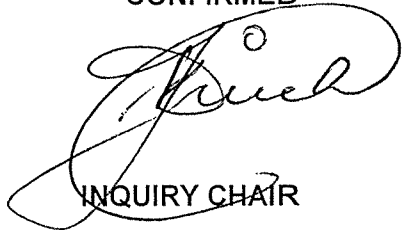
Adjournment:

The Committee adjourned at 4.20pm

DATE

24/9/13

CONFIRMED



INQUIRY CHAIR

GOVERNMENT ADMINISTRATION COMMITTEE 'B'

ABORIGINAL LANDS AMENDMENT BILL (NO 27)

MINUTES OF MEETING

TUESDAY 24 SEPTEMBER 2013

The Committee met at 1.18pm in Committee Room 1, Parliament House, Hobart.

Members present:

Ms Forrest
Mr Finch
Mr Dean
Ms Rattray
Mrs Taylor
Mr Valentine

Apology

Mr Mulder

Sessional Order 4 (4): The Committee **Resolved** to grant Mr Mulder apology leave from the Committee for the duration of the meeting. The Secretary confirmed the requirements of Members in relation to absences from meetings under Sessional Order 4 (4)

Present:

Mr Wright (*Secretary*) and Ms Mann (*Assistant to Secretary*)

Minutes of Meetings:

The Minutes of the meeting held on 23 September were adopted without amendment.

The Committee **Resolved** that it was not necessary to write to the Minister for Aboriginal Affairs requesting information on the maintenance of the road leading into *Irapuna* as this information was provided by Parks and Wildlife (Mr Mooney) during their public appearance this day.

Correspondence:

The following correspondence was received:

Inwards:

Letter dated 20/9/13 from AMSA in response to the Secretary's email dated 11/9/13

Letter dated 20/9/13 from Tasmanian Seafood Industry Council

There was a general discussion about the AMSA correspondence and it was **Resolved** that its concerns should be noted in the report

The Committee **Resolved** to accept the submission as a Tabled Document rather than a submission.

Other Business:

The Committee **Resolved** to write to the Minister for Aboriginal Affairs to clarify her position on the following issues

- Why the Minister referred in her evidence to the status of the land administered by the Aboriginal Land Council of Tasmania as 'private land' in consideration of the *Aboriginal Land Act 1995*
- Further information on the reasons for the leasing of the land at *Irapuna*

Draft Report

The Committee discussed the drafting of the Report.

Next Meeting

Wednesday 25 September 2013 at 9.30am

Adjournment:

The Committee adjourned at 2.28pm

DATE

CONFIRMED



INQUIRY CHAIR

GOVERNMENT ADMINISTRATION COMMITTEE 'B'

ABORIGINAL LANDS AMENDMENT BILL (NO 27)

MINUTES OF MEETING

WEDNESDAY 25 SEPTEMBER 2013

The Committee met at 9.35am in Committee Room 1, Parliament House, Hobart.

Members present:

Ms Forrest
Mr Finch
Mr Dean
Ms Rattray
Mrs Taylor
Mr Valentine

Apology

Mr Mulder

Sessional Order 4 (4): The Committee **Resolved** to grant Mr Mulder a leave of absence from the Committee for the duration of the meeting.

[Ms Forrest took her seat at 9.38am]

Present:

Mr Wright (*Secretary*) and Ms Mann (*Assistant to Secretary*)

Minutes of Meetings:

The Minutes of the meeting held on 24 September were adopted without amendment.

Correspondence:

The following correspondence was received:

Inwards:

Letter dated 24/9/13 from Minister Wightman giving approval for appearance of Mr Peter Mooney and Mr Pete Smith

Other Business:

- (1) The Committee **Resolved** to re-write the letter to the Minister for Aboriginal Affairs to include an additional reference – that reference being 'to the lighthouse and other buildings' at the *Irapuna* site as detailed below -

-
- Further background information on the circumstances that led to the Government's decision to lease the land at *Irapuna* (including the lighthouse and other buildings) to the Aboriginal Land Council of Tasmania, rather than any other site on the north east coast of Tasmania or elsewhere that is of significance to the Tasmanian Aboriginal community.
- (2) The Committee **Resolved** that Ms *Forrest* investigate the Aboriginal tourism lighthouse ventures in Western Australia on behalf of the Committee (time permitting) when she travels to West Australia next week on a private visit and to report back to the Committee on her return.

Draft Report

The Committee continued further discussions on the drafting of the Report.

The Committee **Resolved** to prepare a report that notes the major issues raised in the evidence and to state the common findings in the Report only given the divergence of views within the Committee.

Next Meeting

Monday 28 October 2013 at 10.00am to commence deliberations on the report

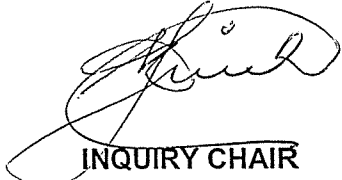
Adjournment:

The Committee adjourned at 10.20am

DATE

2/10/13

CONFIRMED


INQUIRY CHAIR

GOVERNMENT ADMINISTRATION COMMITTEE 'B'

ABORIGINAL LANDS AMENDMENT BILL (NO 27)

MINUTES OF MEETING

WEDNESDAY 2 OCTOBER 2013

The Committee met at 10.00am

Members:

Committee Room 1	Mrs Taylor
Parliament House	Mr Finch
Hobart	Mr Mulder

Conference Phone	Mr Dean
	Ms Rattray

Apologies

Ms Forrest
Mr Valentine

Sessional Order 4 (4): The Committee **Resolved** to grant Ms Forrest and Mr Valentine leave of absence from the Committee for the duration of the meeting.

Present:

Mr Wright (*Secretary*) and Ms Mann (*Assistant to Secretary*)

Minutes

The Minutes of the meeting held on 25 September 2013 were adopted without amendment.

Correspondence

The following correspondence was received and endorsed:

Inwards:

Email dated 25/9/13 from Minister O'Connor advising Committee will receive a quick response to our letter dated 25/9/13

Outwards:

Letter dated 25/9/13 to Minister O'Connor requesting clarification and additional information

General Business

- (1) The Secretary updated the Committee on the previous Resolution at the meeting on 25 September 2013 concerning Ms *Forrest's* proposed visit and investigation of the Aboriginal tourism lighthouse ventures in Western Australia and advised that this proposed investigation would no longer occur due to there being no identified operations in southern Western Australia.

The Committee **Resolved** to include a reference in the Report to the Western Australian Cape Leveque (Kooljaman) lighthouse Aboriginal tourism venture (in the far north of the State) from information gathered from their website.

- (2) The Committee discussed Mr *Mulder's* request that the Aboriginal Land Council of Tasmania be recalled to present further evidence due to the Committee running out of allocated time at the last hearing.

The Committee **Resolved** the following in relation to the recall of the ALCT to a further public hearing:

- That the ALCT be recalled to give further evidence at a public hearing for a period of up to 2 hours and that the preferred date for the hearing be 2pm on Friday 18 October 2013 at Parliament House in Hobart or if that time is not possible, Wednesday 16 or Thursday 17 October 2013 at 9am.
- That the Secretary phones the Chair of the ALCT Mr Clyde Mansell to inform him of the Committee's invitation and to confirm his willingness to attend the hearing with Mr Graeme Gardner.
- That the Inquiry Chair write to the ALCT outlining the following of broad issues that the Committee wishes to pursue at the next hearing and that further issues may be raised on the day –
 - Progress on the capacity building activities of the community following previous land transfers
 - Progress on reconciliation with those of aboriginal descent who are not accepted by the community
 - Progress on wider reconciliation and cultural interpretation with the wider Tasmanian community
 - Any perspectives the ALCT may have in relation to education in consideration of the aboriginal tourism operators at the Cape Leveque (Kooljaman) lighthouse in Western Australia.

-
- (3) The Committee discussed the drafting of the report and the Secretary confirmed the previous resolution of the Committee in relation to the proposed structure of the report.

The Committee affirmed the previous resolution of 25 September 2013 that the Secretary prepare a report that notes the major issues raised in the evidence and state the common findings in the Report only, given the divergence of views about support for the Bill within the Committee.

Next Meeting

Friday 18 October 2013 at 2.00pm in Committee Room 1.

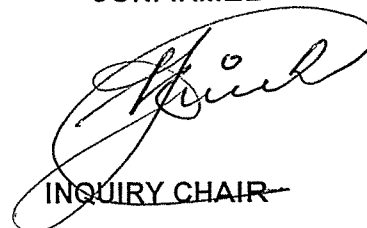
Adjournment:

The Committee adjourned at 10.40am

DATE

18/10/13.

CONFIRMED



INQUIRY CHAIR

GOVERNMENT ADMINISTRATION COMMITTEE 'B'

ABORIGINAL LANDS AMENDMENT BILL (NO 27)

MINUTES OF MEETING

FRIDAY 18 OCTOBER 2013

At 2.03 pm the Committee met in Committee Room 1, Parliament House, Hobart.

Members Present

Mr Dean
Mr Finch
Mr Mulder
Mrs Taylor
Mr Valentine

Apologies:

Ms Rattray

Public Hearing:

At 2.04pm Mr Clyde Mansell and Mr Graeme Gardner were re-called and were re-examined.

Tabled Documents:

Advocate newspaper articles dated 23 March 2006 and 31 May 2006

[Mr Mulder left his seat at 3.43pm]

[Mr Mulder resumed his seat at 3.45pm]

The witnesses withdrew at 4.00pm

Minutes

Minutes of the meeting held on 2 October 2013 were adopted without amendment.

Correspondence

The following correspondence was received and endorsed:

Inwards:

Letter dated 4/10/13 from Minister Cassy O'Connor in response to our letter dated 25/9/13

Letter dated 3/10/13 and submission dated 28/6/13 from Mr John Whinray received by Mr Finch

Email from Mr Greg Lehman detailing information on reference books referred in his evidence on 23/9/13

Further letter from Mr Whinray to Mr Finch dated 16/10/13

Outwards:

Letter dated 3/10/13 to Mr Clyde Mansell

Further letter dated 7/10/13 to Mr Clyde Mansell

Letter dated 9/10/13 to Mr John Whinray

Tabled Documents:

The following documents were Tabled:

Maps – Eddystone Point (Irapuna) (CPR 9466) and Rebecca Creek (CPR 9469)

Other Business

The Secretary advised that the Draft Report will be completed and forwarded to all members after review by the Chair during the week of 21 October 2013 in preparation for discussion at the next meeting.

Next meeting

Monday 28 October 2013 at 10.00am

Adjournment

Committee adjourned at 4.05pm

DATE:

28/10/13.

CONFIRMED



CHAIR

GOVERNMENT ADMINISTRATION COMMITTEE 'B'

ABORIGINAL LANDS AMENDMENT BILL (NO 27)

MINUTES OF MEETING

MONDAY 28 OCTOBER 2013

At 10.00am the Committee met in Committee Room 1, Parliament House, Hobart.

Members Present

Mr Dean
Mr Finch
Mr Mulder
Ms Rattray
Mrs Taylor
Mr Valentine

Minutes

Minutes of the meeting held on 18 October 2013 were adopted without amendment.

Correspondence

The following correspondence was received and endorsed:

Inwards:

Letter dated 24/10/13 from Break O'Day Council requesting an extension of time for presentation of a submission.

*The Committee **Resolved** that the Secretary and the Chair prepare a response letter to the Break O'Day Council advising that its request for an extension of time for presentation of a submission was denied, outlining the reasons and the chronology of events and a further request for each Break O'Day councilor be provided with a copy of the Committee's letter.*

General Business

The Committee **Resolved** to accept as a Tabled Document the late submission/correspondence received from Mr Whinray

Draft Report

The Committee reviewed and amended the Draft Report.

The Committee requested the Secretary confirm whether the spelling of larapuna was in fact with a lower case l.

[Mr Mulder left his seat at 11.10am]

[Mr Mulder resumed his seat at 11.14am]

The Committee suspended at 12.22pm
The Committee resumed at 12.25pm

[Mr *Dean* left his seat at 12.27pm]
[Mrs *Taylor* left her seat at 12.28pm]
[Mr *Dean* resumed his seat at 12.29pm]
[Mrs *Taylor* resumed her seat at 12.30pm]
[Ms *Forrest* resumed her seat at 12.30pm]
[Mr *Dean* left his seat at 12.58pm]

The Committee suspended at 1.02pm
The Committee resumed at 2.06pm
The Committee suspended at 3.54pm
The Committee resumed at 4.12pm

[Mr *Mulder* and Mr *Dean* took their seats at 4.15pm]
[Mr *Mulder* left his seat at 4.59pm]
[Mr *Mulder* resumed his seat at 5.03pm]

Regarding *Iarapuna*, Map CPR9466 - The Committee wanted further clarification concerning some areas outlined in this map.

- The Committee **Resolved** that the Inquiry Chair, Chair of the Committee and the Secretary meet with the Leader of the Government Mr Farrell and Government representatives to discuss the boundaries of the map CPR 9466 for the Eddystone Point Lighthouse Historic Site.

The Committee discussed Minister O'Connor's letter of explanation dated 4 October 2013 regarding the use of the words 'private land'. The Committee **Resolved** to post this letter on the website and for the letter to also be included in the report.

Members were requested to review the findings in the Report and liaise with the Secretary as soon as possible and prior to the next meeting for any adjustment or further additions to the Draft Report.

Next meeting

6 November 2013 at 10.00am (Mr *Dean* via teleconference) or 11 November 2013 TBC.

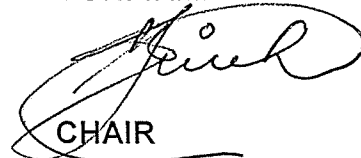
Adjournment

Committee adjourned at 5.29pm

DATE:

6/11/13 -

CONFIRMED


CHAIR

GOVERNMENT ADMINISTRATION COMMITTEE 'B'

ABORIGINAL LANDS AMENDMENT BILL (NO 27)

MINUTES OF MEETING

WEDNESDAY 6 NOVEMBER 2013

At 10.06am the Committee met in Committee Room 1, Parliament House, Hobart.

Members Present

Mr Dean

Mr Finch

Ms Forrest

Mr Mulder

Ms Rattray

Mrs Taylor

Mr Valentine

Minutes

Minutes of the meeting held on 28 October 2013 were adopted without amendment.

[Mr Dean took his seat at 10.09am]

Correspondence

The following correspondence was received and endorsed:

Outwards:

- *Letter dated 30 October 2013 to Break O'Day Council in response to their request for extension of time to present submission*
- *Email dated 6 November 2013 from Secretary to St Helens & Districts Chamber of Commerce and Tourism Inc acknowledging their letter*

Inwards:

- *Letter dated 5 November 2013 from St Helens & Districts Chamber of Commerce and Tourism Inc*

Tabled Documents:

- Overhead Colour map of the Eddystone Point Lighthouse Historic Site supplied by DPIPWE

General Business

The Secretary confirmed as per his recent email that he had received confirmation from the ALCT that the spelling of aboriginal place names such as larapuna was with a lower case.

The Committee discussed the content of the St Helens Districts Chamber of Commerce and Tourism letter.

A **Motion** was put to the Committee that

The Committee to write a letter of response to the St Helens Districts Chamber of Commerce and Tourism Inc (CCT) covering the following issues:

- *Advise the CCT of the timeframe for when the Committee is expecting the Bill will be debated and that any submission received is now out of time but that correspondence received will be tabled in Committee;*
- *Recommend the CCT bring its own meeting forward to allow them to make its decisions in order to meet with the Committee's timeframe*
- *That it should write to individual members of the Committee to make its views known so that the points can be considered by Members when the Bill is under debate in the Chamber*
- *The letter from the Committee provide a consistent approach with the recent correspondence to the Break O'Day Council.*

The Committee voted on this Motion and the vote was as follows –

Ayes

Mr Dean
Mr Finch
Ms Forrest
Mr Mulder
Mrs Taylor
Mr Valentine

Nos

Ms Rattray

The Committee motion passed in the **affirmative**.

[Mr Dean left his seat at 10.35am]
[Mr Mulder left his seat at 10.42am]
[Mr Dean resumed his seat at 10.48am]
[Mr Mulder resumed his seat at 10.49am]
[Ms Rattray left her seat at 10.45am]
[Ms Rattray resumed her seat at 10.50am]
[Mrs Taylor left her seat at 11.20am]
Mrs Taylor resumed her seat at 11.25am]
[Ms Forrest left her seat at 11.24am]

The Committee suspended at 11.36am

The Committee resumed at 11.48am

[Ms *Forrest* took her seat at 11.48am]
[Ms *Forrest* left her seat at 12.56pm]

The Committee suspended at 12.58pm
The Committee resumed at 1.54pm

[Mr *Dean* resumed his seat at 1.56pm]
[Ms *Forrest* resumed her seat at 1.59pm]
[Ms *Rattray* left her seat at 2.40pm]
[Ms *Rattray* resumed her seat at 2.42pm]
[Mr *Finch* left his seat at 3.22pm and Mr *Mulder* took the Chair]
[Mr *Finch* resumed his seat at 3.26pm and resumed the Chair]
[Mr *Dean* left his seat at 3.34pm]
[Mr *Dean* resumed his seat at 3.42pm]

Draft Report

The Committee continued its review and consideration of Findings and Recommendations to the Draft Report.

The Committee discussed Finding No. 4. Ms *Forrest* requested an amendment to the existing draft recommendation and put the following **Motion** to the Committee -

That the Government review the intent and operation of Section 18 of the Aboriginal Lands Act 1995 with particular reference to whether sub sections (1), (2) and (3) of the Act are being fulfilled

The vote was -

Ayes

Ms *Forrest*
Ms *Rattray*
Mr *Mulder*

Nos

Mr *Dean*
Mr *Finch* (deliberative vote)
Mrs *Taylor*
Mr *Valentine*

The vote passed in the **negative** with the deliberative vote of the Chair.

Mr *Valentine* then put forward the following **Motion**:

That the Government review Section 18 of the Aboriginal Lands Act 1995 with particular reference to sub sections (1), (2) and (3), to clarify the intent and operation of that part of the Act

The vote was -

Ayes

Mr Dean
Mr Mulder
Ms Rattray
Mrs Taylor
Mr Valentine

Nos

Ms Forrest

The vote passed in the **affirmative** without the need for a deliberative vote by the Chair.

Note: Ms Forrest requested that she abstain from the vote if possible. The Secretary provided preliminary advice at the meeting that the Sessional Orders did not enable a Member to abstain from a vote when present at the meeting. The Secretary undertook to confirm his advice with the Clerks. The advice was later confirmed by the Deputy Clerk as correct. Ms Forrest's vote was therefore recorded in the Nos.

The Committee requested the Secretary forwarded the amended Draft Report prior to next meeting.

Next meeting

Monday 11 November 2013 at 5.00pm in Committee Room 1

Adjournment

Committee adjourned at 4.04pm

DATE:

19/11/13.

CONFIRMED


CHAIR

GOVERNMENT ADMINISTRATION COMMITTEE 'B'

ABORIGINAL LANDS AMENDMENT BILL (NO 27)

MINUTES OF MEETING

MONDAY 11 NOVEMBER 2013

At 5.07pm the Committee met in Committee Room 1, Parliament House, Hobart.

Members Present

Mr Dean

Mr Finch

Mr Mulder

Ms Rattray

Mrs Taylor

Mr Valentine

Minutes

Minutes of the meeting held on 6 November 2013 were held over until the next meeting.

[Mr Mulder left his seat at 5.14pm]

[Mr Mulder resumed his seat at 5.17pm]

[Ms Forrest took her seat at 5.18pm]

Correspondence

The following correspondence was received:

Inwards:

- Email dated 6/11/13 from St Helens & Districts Chamber of Commerce and Tourism Inc. with attachment letter of recommendations dated 6/11/13
- Letter dated 6/11/13 from Break O'Day Council

General Business

Mrs Taylor raised with the Committee the timing and the urgency surrounding the finalization and presentation of the Report. The Committee discussed this issue and confirmed its intention to continue preparing the Report and present it during the current sitting of the Parliament.

Mr Mulder raised the concept of a Committee investigating the *Aboriginal Lands Act 1995* next year or, in lieu of the whole Act, investigating Section 18 of the Act.

[Mr Dean left his seat at 5.48pm]
[Mr Dean resumed his seat at 5.51pm]
[Mr Mulder left his seat at 6.10pm]
[Mr Mulder resumed his seat at 6.12pm]

Draft Report

The Committee continued its review and consideration of the Draft Report.

[Mr Mulder left the meeting at 6.16pm]

Ms Forrest requested an additional Recommendation and put the following **Motion** to the Committee -

*Access to the Rebecca Creek site be facilitated on a case-by-case basis
by the ALCT*

The Committee voted on this Motion and the vote was as follows –

Ayes

Ms Forrest
Mr Dean
Ms Rattray

Nos

Mrs Taylor
Mr Valentine

The Committee motion passed in the **affirmative**.

[Mrs Taylor left the meeting at 6.21pm]
[Mr Dean left the meeting at 6.29pm]

The Committee requested the Secretary check some of the Hansard quotes and forward the amended Final Draft Report prior to next meeting.

Next meeting

Monday 18 November 2013 at 4.00pm in Committee Room 1

Adjournment

Committee adjourned at 6.45 pm

DATE:

18/11/13

CONFIRMED



CHAIR

GOVERNMENT ADMINISTRATION COMMITTEE 'B'

ABORIGINAL LANDS AMENDMENT BILL (NO 27)

MINUTES OF MEETING

MONDAY 18 NOVEMBER 2013

At 4.04pm the Committee met in Committee Room 1, Parliament House, Hobart.

Members

Mr Dean

Mr Finch

Ms Forrest

Mr Mulder

Ms Rattray

Mrs Taylor (via conference phone)

Mr Valentine

Minutes

The minutes of the meetings held on 6 November 2013 were adopted with minor amendments. ID/RV

The minutes of 11 November 2013 were adopted without amendment. TM/RV

The Committee **Resolved** to rescind the previous minutes of the meeting of 28 March 2013 and to adopt new minutes with a minor amendment.

Correspondence

The following correspondence was received:

Inwards:

- *Email dated 12/11/13 to the Chair from Mr Lindsay Dawe*

General Business

The Committee discussed its response to the letters from the St Helens & Districts Chamber of Commerce

The Committee **Resolved** to rescind the former Resolution of 6 November 2013 to write to the St Helens and Districts Chamber of Commerce covering the following issues:

- *Advise the CCT of the timeframe for when the Committee is expecting the Bill will be debated and that any submission received is now out of time but that correspondence received will be tabled in Committee;*
- *Recommend the CCT bring its own meeting forward to allow them to make its decisions in order to meet with the Committee's timeframe*

- *That it should write to individual members of the Committee to make its views known so that the points can be considered by Members when the Bill is under debate in the Chamber*
- *The letter from the Committee provide a consistent approach with the recent correspondence to the Break O'Day Council.*

The Committee further **Resolved** that following receipt of additional correspondence on the evening of 6 November 2013 from the St Helens and Districts Chamber of Commerce that the Secretary now prepare a letter of acknowledgment simply noting receipt of their correspondence.

[Mr Dean left the room at 4.14pm]
[Mr Dean resumed his seat at 4.18pm]

Final Report

The Committee continued its review and consideration of the Final Report.

Page by page up to page 7 – unanimously adopted with minor amendments

Introduction - unanimously adopted with minor amendments

Aboriginal Land Act 1995 and Aboriginal Land Amendment Bill – unanimously adopted with minor amendments

Eddystone Point – unanimously adopted with a minor amendment

Rebecca Creek – unanimously adopted without amendment

Long term considerations – unanimously adopted with minor amendment

Appendix – unanimously adopted without amendment

Findings – unanimously adopted without amendment

Recommendations

There was a general discussion about whether to proceed with recommendations in the Report. There was also a discussion about recommendations as they relate to the possible inclusion of dissenting statements attached to the Report.

[Mr Dean left the room at 4.43pm]
[Mr Dean resumed his seat at 4.44pm]

The Secretary advised the Committee that if it was to proceed with the inclusion of recommendations in the Report there would need to be a division on each of the recommendations to enable the recording of votes for and against the adoption of each recommendation into the body of the Report.

The Chair **Moved** that the Recommendations not stand part of the Final Report

Ayes

Mr Dean
Mrs Taylor
Mr Valentine
Ms Rattray

Nos

Mr Mulder
Ms Forrest

The Committee motion passed in the **affirmative**.

The following members indicated they would no longer be proceeding with the inclusion of a dissenting statement.

Mrs Taylor
Mr Valentine
Ms Rattray

The Committee **Resolved** to amend paragraph 23 of the Report to remove the reference to Recommendations.

Inclusion of Minutes in the Report

Ms Forrest raised the issue of the inclusion of the Committee Minutes in the body of the Report. There was a general discussion on this proposal.

Ms Forrest **Moved** that the Minutes of the Committee be included in the body of the Report.

Ayes

Ms Forrest
Mr Mulder
Ms Rattray
Mr Valentine

Nos

Mrs Taylor
Mr Dean

The vote passed in the **affirmative**.

Inclusion of wording of Recommendations in the Minutes

Ms Forrest raised the issue of the inclusion of the full wording of the former recommendations in the Minutes of today's meeting. There was a general discussion on this proposal.

Ms Forrest **Moved** that the full wording of the former recommendations be included in the minutes of today's meeting.

Ayes

Ms Forrest
Mr Mulder

Nos

Mr Dean
Ms Rattray
Mrs Taylor
Mr Valentine

The Committee motion passed in the **negative**.

Presentation of Report

The Chair confirmed that the Report would now be Tabled on Wednesday 20 November 2013.

Dissenting statements

The Secretary confirmed the wording of Sessional Order 22.

The Chair confirmed that members presenting Dissenting Statements would need to provide their completed statements to the Secretary by 2.00pm Tuesday 19 November 2013 for inclusion in the Report.

Next meeting

Sine die

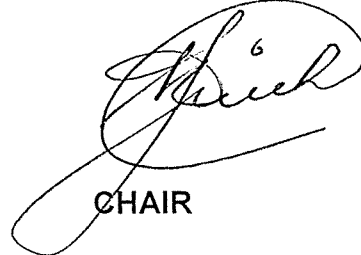
Adjournment

Committee adjourned at 5.25pm

DATE:

19/11/13.

CONFIRMED

A handwritten signature in black ink, appearing to read 'Chair', is written over the word 'CHAIR'.

CHAIR

APPENDIX G – DISSENTING STATEMENTS

**The dissenting statements of the Hon Ruth Forrest MLC and Hon Tony Mulder
MLC are contained on the following pages**

Dissenting Statement by the Hon Ruth Forrest MLC Member for Murchison

As I stated in my second reading speech, I support land handback to the Aboriginal people and communities.

This statement is to be read in conjunction with the evidence received by the Committee in submissions and in public hearings.

Evidence provided by Aboriginal historian Mr Greg Lehman provided a clear description of the benefits and some of the challenges associated with this process. Mr Lehman was closely involved in the negotiation and drafting of the Aboriginal Land Bill and the establishment of Tasmanian Land and Sea Council (TALSC), now the Aboriginal Land Council of Tasmania (ALCT).

Mr Lehman informed the Committee:

I have been a long-term supporter of return of land to the Aboriginal community, I have been a contributor to processes that have generated those outcomes and I will continue to support that as a principle because the simplest and most direct way to facilitate community development is by the provision of a number of key things.

A couple of those are social justice, which is one of the things that is addressed by the return of the land and the other is to provide an economic base. There are a lot of other interests that are served by the return of land - enhanced opportunity for cultural practice, educational opportunities, cultural education opportunities for young people in the community.

My two key concerns are that there are two particular opportunities that are presented when lands are returned and it will be up to people in the future to have opinions about how well we have achieved those opportunities. The two I am thinking of - the first is to maintain social and community cohesion, particularly in local areas and the second is to ensure that the potential for cultural and economic development is realised. For example, I do not think it is enough for governments to simply sign over title to a parcel of land and then that is the end of it. It is important to provide resources so that opportunities can be realised, and different opportunities are presented on different parcels of land.

....

Reading through one of Clyde Mansell's submission to the council on this matter, he has pointed to what seem quite tangible opportunities in terms of participation in development of local tourism projects for Irapuna.

Those opportunities are really important and when land is returned and those opportunities are not realised, then that almost inevitably starts to reflect negatively on that other opportunity, which is to build social cohesion and social capital. That is particularly important because I am sure all of you will agree that Tasmania, over the last 200 years, has had quite fraught history and there is plenty for the Aboriginal community to be unhappy about.

....

These gestures can be very powerful acts of reconciliation and building of cultural and social capital if they are managed appropriately¹.

In my view the objectives underpinning the return of land can only happen through an inclusive approach that promotes reconciliation between all Tasmanians such that all Tasmanians can develop a shared history.

The intent reflected in section 18 of the *Aboriginal Lands Act 1995* can only be achieved if we maintain the social and community cohesion and then and only then will we see the critically important social justice benefits, economic benefits and enhanced opportunities for cultural practice and cultural education opportunities.

As the *Aboriginal Lands (Amendment) Bill 2012* is amending the *Aboriginal Lands Act 1995*, I have prepared this dissenting statement based on the issue of the apparent lack of fulfilment of the purpose and intent of section 18 of the *Aboriginal Lands Act 1995* in particular subsections (1), (2) and (3) that state:

18. Functions and powers of Council

(1) The Council has the following functions:

- (a)** to use and sustainably manage Aboriginal land and its natural resources for the benefit of all Aboriginal persons;
- (b)** to exercise, for the benefit of all Aboriginal persons, the Council's powers as owner of Aboriginal land;
- (c)** to prepare management plans in respect of Aboriginal land;
- (d)** to use and sustainably manage any other land in which the Council acquires an interest;

¹ Hansard Transcript 23 September 2013, Mr Greg Lehman, p.57

(e) such other functions as are imposed on it by or under this Act or any other Act.

(2) The Council must perform its functions for the benefit of all Aboriginal persons and in the interests of reconciliation with the broader Tasmanian community.

(3) 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.

In view of evidence received by the Committee, some which is referenced below and based on finding number 26 in the Report that states:

It is unclear whether the ALCT is performing all of its functions and powers under section 18 (1), (2) & (3) of the Aboriginal Lands Act 1995;

I proposed a recommendation as recorded in the minutes that are attached to the Committee's Report. This recommendation stated:

That the Government review the intent and operation of Section 18 of the Aboriginal Lands Act 1995 with particular reference to whether sub sections (1), (2) and (3) of the Act are being fulfilled.

This motion was defeated.

A subsequent motion was put for a recommendation that stated:

That the Government review Section 18 of the Aboriginal Lands Act 1995 with particular reference to sub sections (1), (2) and (3), to clarify the intent and operation of that part of the Act.

In my view this proposed recommendation did not go far enough as the evidence supports the fact that there has been a lack of engagement and consideration of the interests of the local Aboriginal community and broader Tasmanian community in Circular Head, in particular with regard to the land at Preminghana that is currently managed by the ALCT.

It is my contention that the Government needs to establish whether the intent, purpose and operation of section 18 of the Act is not only reviewed but also assessed as to whether section 18, particularly subsections (1), (2) and (3), are being fulfilled. I voted to retain this and seven other recommendations in the Committee's report despite the fact that in my view this particular recommendation was not worded as I initially moved. The minutes reflect the outcome of the Committee's votes on these matters.

I believe that until such a review occurs, the progress of reconciliation, which is a two way process, that is directly associated with the proposed handback of land to the aboriginal community, ongoing division and a lack of meaningful reconciliation will continue. For reconciliation to progress as desired under the Act, and the benefits as described in the Act are to be achieved, the engagement and inclusion of the broader Tasmanian community will be necessary.

From the evidence received it seems this remains a challenge particularly in the Circular Head region.

Mr Gardner representing the ALCT stated

Reconciliation, in our first view of it, is the very act of returning land. That in itself is an act of reconciliation. To follow that is the activities, the physical activities that one does, or both do, to then be put into that basket of reconciliation. Sharing cultural values with each other is reconciliation. There is no 'Okay, we are this far apart, we are working a way together'. As long as we acknowledge each other, our differences in most cases are cultural differences. We acknowledge that the structure is in place where, as a minority, we are part of this state. All those acknowledgements are reconciliation. It's when there is a denial from either side it pushes things out a bit.²

As the majority of members of the Circular Head aboriginal community, many of whom have been recognised as aboriginal by the Commonwealth under ATSIC, this would appear to be at odds with a reconciliation process as described by Mr Gardner.

Mr Clyde Mansell from the ALCT also responded with regard to Circular Head:

If you look at what we have done to date, the only activity we have had in the Circular Head area is within - I have forgotten the name - preminghana - and if you look at that, there has been some suggestion that we have closed preminghana off to people and they are not allowed on it. That is not quite accurate. There is evidence that we have tried to develop a relationship with the broader community up there - we may not have been totally successful in doing that, but we have tried.³

Further to this comment, the following exchange relates to the relationship between the ALCT and the Circular Head Aboriginal Corporation (CHAC):

² Hansard Transcript 18 October 2013, Mr Graeme Gardner, p.10

³ Hansard Transcript 18 October 2013, Mr Clyde Mansell, p.13

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

Mr MANSELL - Which community?

Ms FORREST - The Circular Head community and the Circular Head Aboriginal community. We have had evidence - and I am sure you are aware of the evidence - that they have been excluded from the site. Surely a form of reconciliation would be to enable them to access the site and assist with the clean up of the gorse. These people live there in the region.

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

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

Mr MANSELL - The invitations are a two way street.

....

Mr MANSELL - The only occasion we had an opportunity to invite participation in the management of preminghana was when the land came back in 1995, which we did and that land has been managed by that group ever since. There is no basis for us to be talking to anybody else.⁴

The submission provided by the Circular Head Aboriginal Corporation (CHAC) indicated that with regard to the proposed land handback at Rebecca Creek in the Circular Head region, there was no communication from Government or others with CHAC or the Circular Head Council or any other community members who are all key stakeholders.⁵

Evidence received from the CHAC suggested ongoing tensions with regard to Preminghana. When questioned about attempts that had been made to engage with the ALCT and have more input into the management of the land and access to the area, Ms Dianne Baldock, the CEO of CHAC noted:

Several attempts have been made. We have invited the TAC to meet. When they come into our community they come in very strong. There is always a bus load

⁴ Hansard Transcript 18 October 2013, Mr Clyde Mansell, pp.13-14

⁵ Circular Head Aboriginal Corporation Submission, June 2013, p. 2

of them. We would like to sit down and talk but they are not wanting to take that on because they feel they are the leaders of Tasmanian Aboriginals, but like Graeme said, they do not speak for us.

....

*We have sent many invitations to come down to Circular Head and let us work through a reconciliation plan, but it never happens.*⁶

With regard to the decision by Government to hand back land at Rebecca Creek Ms Baldock said:

*No, we were not engaged in the decision at all, but we have been aware of the history of the area. I have been aware of it for eight years or nine years. I have been at the Circular Head Aboriginal Corporation for 11.5 years. We take our young people back to country, down to Rebecca Creek or West Point. West Point was one of the most known places we take them to because we know the history there quite well.*⁷

At a subsequent meeting of the Committee a motion to remove all recommendations from the report was supported by a majority of the Committee. I did not support this motion as I believed the recommendations as drafted and agreed to at a previous meeting were consistent with the Committee's findings.

I recommend that finding number 26 be considered fully and that:

1. The Government review the intent and operation of Section 18 of the *Aboriginal Lands Act 1995* with particular reference to whether sub sections (1), (2) and (3) of the Act are being fulfilled.
2. If such a review determines that section 18 of the *Aboriginal Lands Act 1995* is not being fulfilled that the *Aboriginal Lands Act 1995* be further amended to ensure the involvement with, and engagement of, the local aboriginal communities and broader Tasmanian communities to progress the intent of this legislation and reconciliation between all Tasmanians.

Parliament House
HOBART
19 November 2013



Hon Ruth Forrest MLC
Member for Murchison

⁶ Hansard Transcript 6 August 2013, Ms Dianne Baldock, p.27

⁷ Hansard Transcript 6 August 2013, Ms Dianne Baldock, p.27

13 November 2013

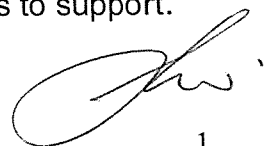
**Dissenting Statement by the Hon Tony Mulder MLC
Member for Rumney**

I support land hand-back to the Aboriginal people and communities.

The Committee spent considerable time developing the findings that appear in the report and with which I concur. The Committee also spent considerable time and effort identifying and articulating the following substantial recommendations.

1. Appropriate signage at the entrance to the Eddystone Point Lighthouse Historic Site be installed and maintained, that confirms the terms of public access to the site and the contact details within the ALCT;
2. The Government prioritise funding for the repair of the existing car park adjacent to the boat ramp at Eddystone Point;
3. The Bill be amended to allow reasonable deviations from the access road for the purpose of externally viewing the European heritage buildings and grave site on the Eddystone Point Lighthouse Historic site, except when a significant aboriginal cultural event is being held on that land;
4. An interpretation facility be established in respect of the significant aboriginal heritage related to Rebecca Creek. The interpretation facility could be off-site if considered appropriate;
5. Access to the Rebecca Creek site be facilitated on a case by case basis by the ALCT;
6. The Government review section 18 of the *Aboriginal Lands Act 1995*, with particular reference to sub-sections (1), (2) and (3), to clarify the intent and operation of that part of the Act.

I dissent from the decision of the Committee, at its very last meeting, to remove these recommendations from the Report. I believe their removal significantly weakens the purpose of the report and hence the reconciliation it seeks to support.



In respect to the deleted Recommendation 6 (now removed), the Committee heard evidence and found that the implementation of section 18 of the Aboriginal Lands Act 1995 may not be meeting the original intent.

Evidence provided by Aboriginal historian Mr Greg Lehman provided a clear description of the benefits and some of the challenges associated with this process. Mr Lehman was closely involved in the negotiation and drafting of the Aboriginal Land Bill and the establishment of Tasmanian Land and Sea Council (TALSC), now the Aboriginal Land Council of Tasmania (ALCT). Mr Lehman expressed concern that land hand-backs needed to:

"maintain social and community cohesion, particularly in local areas and the second is to ensure that the potential for cultural and economic development is realised. For example, I do not think it is enough for governments to simply sign over title to a parcel of land and then that is the end of it. It is important to provide resources so that opportunities can be realised, and different opportunities are presented on different parcels of land.

....

Reading through one of Clyde Mansell's submission to the council on this matter, he has pointed to what seem quite tangible opportunities in terms of participation in development of local tourism projects for larapuna.

Those opportunities are really important and when land is returned and those opportunities are not realised, then that almost inevitably starts to reflect negatively on that other opportunity, which is to build social cohesion and social capital.

....

These gestures can be very powerful acts of reconciliation and building of cultural and social capital if they are managed appropriately¹.

I am of the view that the objectives underpinning the return of land can only happen through an inclusive approach that promotes reconciliation between all Tasmanians, including those aboriginal communities recognised by the TALC, other aboriginals who culturally self-identify as aboriginal and are recognised as such by their local communities and the wider ethnically diverse Tasmanian community.



¹ Hansard Transcript 23 September 2013, Mr Greg Lehman, p.57

The intent and operation of section 18 of the *Aboriginal Lands Act 1995* will only be achieved if social and community cohesion is delivered to **all** communities.



Hon Tony Mulder MLC
Member for Rumney