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A Submission to the Tasmanian Legislative Council Administration Committee “B” inquiry in relation to the Aboriginal Lands Amendment Bill 2012, Land Hand Back at Rebecca Creek, from the Circular Head Aboriginal Corporation. Tasmania

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1. Preamble

This submission is in response to an invitation from the Honourable Kerry Finch MLC (Inquiry Chair) Aboriginal Lands Bill Inquiry (Dated 12th April, 2013) to the Board of Directors and Chief Executive Officer of the Circular Head Aboriginal Corporation, to comment on the State Government’s intention to hand back a 148 hectare package of land (ISP240763; PID 2528917 – current tenure, Department of Primary Industries Water and Fisheries.)

The land package consists of five property titles recently owned by Britton Brothers and used for native timber harvesting and some conversion to plantation *Eucalyptus nitens* forest.

In 1985 it was noted through archaeological survey to contain artefacts indicative of an Aboriginal Spongolite quarry. The quarry is considered to be the richest known stone working area in Tasmania. Evidence indicates that the resource was traded further than any other raw material in Tasmanian pre- history. (*Department of Premier and Cabinet: 2013*) It is stated that this land at Rebecca Creek will be returned to the Aboriginal community through an amendment to the ***Aboriginal Lands Act 1995***. An amendment bill (***Aboriginal Lands Amendment Bill 2012***) will be introduced to Parliament and will need to pass both Houses of Parliament for the amendment to proceed.

2. Submissions Context and Issues

The Circular Head Aboriginal Corporation through its members, have many concerns relating to the hand back process for the Rebecca Creek Spongolite Quarry. The expected consequences for the wider Circular Head community, especially the Circular Head Aboriginal community, if the land is handed back to the Tasmanian Aboriginal Land and Sea Council (TALSC), will be phenomenal. Due to mismanagement of current land, that is supposed to be regularly maintained by TALSC, and the prohibited access to Premengana, to the Circular Head Aboriginal community and the wider community.

CHAC understand the significance pertaining to the pre- history and continue to have a strong cultural link to the heritage and values of this land. CHAC also understands on an economical level the importance of a legitimate mining industry within the Tarkine region.

CHAC proposes some alternate strategies to the Tasmanian Legislative Council Administration Committee “B” which will allow the Circular Head

Community and Aboriginal Community to feel more at ease and heard and that would be more appropriate to heritage protection and ongoing management of the Rebecca Creek site and surrounds.

3. Process

3.1 CHAC holds concerns with the fact that local relevant stakeholders had no consultation relating to the proposed hand back prior to the amendment. CHAC found out informally as did the local council.

3.2 How has/ will the Tasmanian Government determine which Aboriginal tribe is entitled to future ownership and management of the land? Which tribe lived on the land? When no communication has been held with CHAC the local Aboriginal Corporation for Circular Head or with the local Circular Head Council and community members, who are all relevant stakeholders within this process.

3.3 Will the Tasmanian Government engage with relevant stakeholders such as The Circular Head Aboriginal Corporation (CHAC), Tasmanian Aboriginal Land & Sea Council (TALSC), Circular Head Council and Community to determine the legitimacy and appropriateness for the land's future management and hand back process?

4. Consequences

4.1 The Circular Head Aboriginal Corporation believes that if the Rebecca Creek Quarry site and surrounds are handed back to the Tasmanian Aboriginal Land and Sea Council, it would be locked up and no longer available for the local community and Aboriginal community and not be kept to the beautiful state it needs to be. Local community members currently use this land for cultural and recreational purposes and will continue to implant their footprints into the soil and not walk away, unlike past caretakers of other significant areas that have been handed back to another group. The Circular Head Aboriginal Corporation, its members and the Circular Head Council believe that as the local Organisation's for the community and Indigenous community, should be the authority to which the Government turns to, when it needs advice and management on the land in the geographic area of Circular head region.

4.2 The Circular Head Aboriginal Corporation notes that the Tasmanian Government seeks advice from another Aboriginal Organisation that may not have strong cultural links to the land as the Circular Head Aboriginal community and community members. These are the people who have a very close connection to the land in our community.

4.3 Tasmanian government has not considered the viewpoints of the Circular Head Aboriginal Corporation and its members and have only sought advice from another Aboriginal group from the South of the state. The people of the region need to be able to voice their concerns, as the spiritual connection to the land in our community, is very strong and respected amongst the local group members.

4.4 The Circular Head community is fed up with dictatorship from a political beauracratic perspective and the community is getting tired of having to fight for what they believe is rightfully their own landscape. As a community, it is expected that all the community members, regardless of their cultural significance, should respect the special values of the land in Circular Head, regardless of where they are positioned.

5 Alternative Management Strategies

- Circular Head Aboriginal Corporation has the capacity to manage this piece of land, if the land was handed back to the local Circular Head Aboriginal community. The Indigenous Land Corporation has recently divested 15 acres of land to CHAC, which had been maintained to a beautiful landscape prior to the hand over. This maintenance has been carried out in a volunteer capacity. If the land is considered for local Circular Head Aboriginal community members to uphold the maintenance and practice and protect cultural heritage, it will be done in the most respectful and culturally appropriate manner. Another strategy would be to engage local council to assist in the advisory and recommendations of the named land and to develop a Memorandum of Understanding so each group will have roles and responsibilities for managing and preserving the area. By utilising the expertise of both the local council and Aboriginal community members and CHAC, will ensure the land is maintained and care will be taken on a collaborative approach.

On behalf of the Circular Head Aboriginal Community, Circular Head Aboriginal Corporation and its members.