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Department of Natural Resources and Environment Tasmania
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SUBMISSION - RE: Review of the Aboriginal Lands Act 1995

Introduction

My name is Tai Hapimana. I am a 62-year-old Tasmanian Aboriginal man currently residing in Queensland where I am in employment.

I am a proud descendant of Edward (Ned) Tomlins a Tasmanian Aboriginal sealer and Hipora Iwikatea his New Zealand Maori wife from his second marriage. Ned Tomlins and Hipora Iwikatea were my great-great grandparents. It is from this union that I identify my dual indigenous heritage.

Connection to Country

The hearth group I belong to is the Tomlins family. This is my Tasmanian Aboriginal family group. Ned Tomlins mother Poolrerner, a Pare.re.been.ne (Pairebeene) clanswomen from Tebrakunna in North-East Tasmania is the ancestral grandmother whom we acknowledge as the matriarch of the family. As a hearth group the Tomlins family claim customary and traditional connection to country through ancestral links to Tasmanian Aboriginal clans across Tasmania. These clans include:

Lee.ner.rer.tar
Lee.moon.ner.kan.ner
Pare.re.been.ne
Pin.ter.rair.er
Pare.dare.re.me
Moo.mair.re.me.ner

The above clans are from the North-East and Oyster Bay tribes of the east coast of Tasmania. The Tomlins family can also claim connection to the Ben Lomond and Big River tribes.

Connection to Country is at the very heart of Indigenous Australia, knowing who you are, and from whom you inherited a customary right to claim ownership and guardianship over lands and sea. This custom, traditionally practised to this day by Aboriginal and Torres Strait Islanders and formally acknowledged by the Crown, should be the rule in guiding the Tasmanian State Government in determining the return of lands and seas in Tasmania. Such a rule would complement well Article 33.1 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which recognises "*Indigenous peoples have the right to determine their own identity or membership in accordance with their own customs and traditions*".

Concerns

As an Indigenous Australian I hold a concern my right as a Tasmanian Aboriginal person is being negated as a result of the current Aboriginal Land Council of Tasmania (ALCT) requirement that only those Tasmanian Aboriginal who reside in Tasmania may participate in the ALCT registration and voting process. I view this ALCT requirement as flawed and culturally insensitive. How would

individuals and family members be able to participate in and fulfil their responsibilities as traditional owners if they are denied input. Being 'off Country' shouldn't be the excuse to disconnect.

Recommendations

Through this submission I would like the Department of Natural Resources and Environment Tasmania to make recommendation to State Government the following allowance in its review of the Aboriginal Lands Act 1995 –

- That 40,000 years of cultural lore, customary protocol, and traditional land tenure be given rightful consideration when determining an area or region of Tasmania be returned to Tasmanian Aboriginal ownership.
- That registration and voting on the Aboriginal Land Council of Tasmania (ALCT) be amended to include registered members of Tasmanian Aboriginal Corporations residing on mainland Australia.
- That Article 33.1 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which recognises "*Indigenous peoples have the right to determine their own identity or membership in accordance with their own customs and traditions*" be the rule in guiding the Tasmanian State Government in determining the return of lands and seas in Tasmania to Tasmanian Aboriginal ownership.
- That Article 13.1 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which recognises "*Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons*" be given consideration when an area or region within Tasmania is returned to Tasmanian Aboriginal ownership.

Conclusion

I would like to thank the Department of Natural Resources and Environment Tasmania for giving me the opportunity through this short submission to make comment and hopefully see positive changes made by the Tasmanian Government in its review of Aboriginal Lands Act 1995. Positive changes lead to positive outcomes. All the best...

Regards,

Tai Hapimana

