



## **Submission to the Government of Tasmania on the proposed amendments to the Aboriginal Lands Act 1995 put forward in the consultation paper on proposed for change: An improved model for returning land to Tasmanian Aboriginal people**

My name is Thomas Kenneth Riley,

I write regarding the proposed changes that affect my community in a manner that may be detrimental to our wellbeing and continuation as a community. I am a member of the Tasmanian Aboriginal Corporation, Karadi Aboriginal Corporation and Six Rivers Aboriginal Corporation. I will outline my views on these issues, but I may present the views of my family and community members I have spoken with. Responsibilities for these views are mine alone.

I am the Grandson of Thomas Kenneth Riley and Alpha Victoria Riley (nee Everett). My Grandfather was the Great Grandson of Dalrymple Briggs, a woman a large portion of the northwest community trace their lineage too. My Grandmother was an Everett from the Cape Barren Island mission/reserve. She was acknowledged as a survivor of the stolen generation as well.

### **Clarifying the scope and intent of the Act**

While culturally important sites will always be a priority, allowing land to be handed back for the purpose of housing and economic benefit would be accepted by the Aboriginal community. However, this then brings back into question who is accepted as community and would require this benefit.

### **Remove the process of objecting to a person's enrolment on the ALCT roll**

I do not agree with this revision. That process is important. If a person cannot provide their genealogy that clearly shows their link to a known and accepted ancestor, then objecting to their enrolment needs to be a right of the community. Making the process to object so hard that most wouldn't bother, is detrimental to our community. We cannot get centrelink, loans, credit cards or licenses without substantiating our identity, we can't vote in state or federal elections without doing it, so why would this be expected to be any different?

## **Applying a method consistent with the Governments Eligibility Policy to participate**

I don't understand this proposed revision. Are people who can't substantiate with genealogy claiming that they should be able to use a stat dec from an organisation to participate in ALCT elections or nominate as an electee? Because that is entirely what this would appear to be. This would not fly for anything else, why does it apply to us?

One of the issues that I have is the expectation of us, not only the verified documented families but those who've lived through former societal expectations, to simply accept those who 's families had no association with the Aboriginal community and who have never shown us who they are with documentation that shows their lineage. The word of somebody is not enough under any circumstance. People bring up the stolen generation, the government wouldn't give money to somebody who simply claims it without substantiation of it. Those families who did receive compensation, mine being one of them, had to substantiate their genealogy and family history. Why has this later been able to be used as a crutch for those who haven't bothered or simply can't substantiate a family tree that ties to our families?

If you want to vote on Aboriginal issues and participate in Aboriginal affairs, substantiate your right to do so. A statutory declaration does not satisfy this. Genealogy proven by archival information and birth certificates are what should be expected if that person is not known by the majority of the community.

## **Procedural reforms to reflect a reduced role of the Electoral Commissioner**

I do not agree with this revision. The governments open door policy on Aboriginality in Tasmania has led to the ridiculous stat that we are now only 2nd to the Northern Territory regarding the percentage of identifying Aboriginal people per capita for land mass. That makes no sense whatsoever. Given the decimation our people faced in the black war of the 1800s and the few Aboriginal people that survived, this is not possible. It's a disgusting fraud and fallacy.

## **Enabling broader and more inclusive representation on the ALCT electoral roll**

The wording used here is somewhat misleading. What is considered more inclusive? If you have an apical ancestor, then you have the right to enrol in the ALCT election. If you can't show that you have that ancestor, then you obviously can't prove that you are Aboriginal. Until you can, you should not be able to participate. If its requiring representation from each end of the state, not organisational representation, then the community may agree. We have community that are not members of organisations that may want to represent their family and I don't think allowing a forced representation from those would benefit those people, nor is it fair.

## **Simplifying the process for land return by creating a new instrument of transfer for significant parcels of Crown land**

This could benefit the community. If it prevents separate amendments needing to take place each time to enact different compliances, then I think it would be accepted. If it's simply proposed to allow further input and debate from the government in the decision to allow land transfer or not, then I don't know if it is any benefit. Public scrutiny already takes place regularly. The last time I remember this not really occurring was the transfer of Murray field to SETAC/WAC, probably because it was remote, being on Bruny Island and out of the way of most of the public.

## **Creating transparent processes and clear criteria for proposing and assessing land for return**

I am not sure what this revision suggests. All land requested by Tasmanian Aboriginal people has had a cultural significance to Aboriginal people. If this suggests a criterion needs to be met, it sounds like this is to suit requests by certain parties to prevent us from gaining access to land that may be significant to our culture and history because they have or have had sole access to it. Certain parties on the northwest coast have suggested that the Aboriginal community want to get access to; and prevent non-Aboriginal access to; land that non-Aboriginal people currently have shacks on. If those people have rights to that land, then it would be expected that the land would not be proposed for return. This has been the process elsewhere as far as I understand. If significant artefacts or sites are present, we would only require access to those. This has been a mutual agreement achieved elsewhere.

## **A land management role for local or regional Aboriginal community organisations**

The term regional organisation is extremely misleading as the TAC has offices in every point of the state, the south, the north, and the northwest coast. They have had offices in all 3 major areas for over 40 years. Does this mean an organisation solely in the northwest coast is considered regional and the TAC office is not? Even if the TAC caters for a larger portion of community in that region or a lot longer time? Preminghana for instance, there are people working up there that have lived in the northwest coast all their lives. Why would we be expected to allow an organisation to manage our land when they have not been transparent in their membership, and they have outright sided with those who wish to destroy our sites? The same goes for the northeast, where organisations have come up out of the blue, with questionable memberships, requested through Aboriginal heritage to have sole access to land and the opportunities it provides for land management.

## **Identification of land suitable for transfer**

I do not agree with land being considered regionally important or that an organisation should be able to put forward a request for land to be classified as specifically important to people in a region of the state. All apical ancestry in Tasmania is of people from the northeast. That is not debatable. Word of mouth and stories does not substantiate. While families grew up in the northwest and southeast, there are no descendants of the people of that area. The current Aboriginal community encompasses the entire state because we are now scattered across the entire state. Therefore, I believe most of this proposal/revision is not necessary and only attempts to separate the community based on organisations.

## **Clarifying the role of the Aboriginal Land Council of Tasmania and require reporting of administrative and land management activity**

This proposed revision makes no sense to me. There has always been an annual report from ALCT. Whether it has met the expectation of all community, I don't know, but there has been accepted annual reports since its inception. This revision suggests that the this has not and does not occur. That is not true and is misleading.