

Aboriginal Lands Act Review, Submission

Sarah Wilcox

Clarifying the scope and intent of the Act

Please stop using the term reconciliation. The term reconciliation implies that there was a previous relationship, and that the relationship was a positive one. It is also very triggering to some people for other reasons. It's also condescending that the government is "granting" certain land parcels with a certain significance. You are and should be, returning all crown land to the rightful custodians. All land is significant to the health and wellbeing of all country - everything is connected. The government cannot adequately care for the country, both environmentally and culturally. Aboriginal land managers can.

I do agree with the inclusion of waterways. Both waterway and sea rights must be included so we can also environmentally and culturally care for water quality, food and culture resources.

Revisions to the Tasmanian Aboriginal Land Council of Tasmania (ALCT) election process.

I oppose the proposals to revise the ALCT elections.

You are proposing to allow people who claim Aboriginality, who have no evidence of their Aboriginality, to be included on the roll without an objection process.

The current process allows Aboriginal people (us) to challenge anyone applying to get on the roll who is not Aboriginal. Anyone challenged must prove their eligibility through the Tasmanian Electoral Commissioner. This is the most appropriate, transparent, and fair process.

If anyone applies for anything else, such as employment benefits or getting a driver's license, they must prove who they are. This process should not be any different. It actually isn't difficult to prove you are Aboriginal, if you are Aboriginal. Visit Libraries Tasmania to find out how. Further to that

You use the term inclusive but all you are doing is stripping Tasmanian Aboriginal people of our rights, our ability to be a self-determining people by allowing non-Aboriginal people to have a say over our lives, our land, our culture and our heritage. This isn't inclusive, it's the continuation of invasion and colonisation of our sovereignty.

Furthermore, I see this as an attempt by the current Minister for Aboriginal Affairs to gain votes within his electorate. It is an extreme conflict of interest. I have no confidence in the Minister. He does not support or value the Tasmanian Aboriginal community.

I refer the Tasmanian Government to the United Nations Declaration on the Rights of Indigenous Peoples:

Specifically: Article 4 Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 8 1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture. (and) (b) Any action which has the aim or effect of

dispossessing them of their lands, territories or resources; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights; (d) Any form of forced assimilation or integration;

Article 18 Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 33 1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live. 2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Simplification of land transfer process.

Agree this should be done.

A land management role for local or regional Aboriginal community organisations.

Aboriginal land managers who look after Aboriginal land, are experienced, and have the deep knowledge and expertise to care for our country and its resources. To give land management responsibilities to people who have no knowledge and who do not understand heritage landscapes or management techniques would be irresponsible and see irrevocable damage to our country.

All Tasmanian Aboriginal people have access to Aboriginal land that is vested in ALCT. The suggestion that they don't is false.

There are policies in place, that have been developed and reviewed by the Tasmanian Aboriginal community which supports Aboriginal people access to returned land but also encourages and supports Aboriginal land use, community connection and enabling the ongoing cultural connection to country, its resources, and our practices.

ALCT is collective and inclusive ownership model and community members are part of its governance, unlike other organisations. In other organisations, rights are only afforded to members on their list, it is exclusive and any transfer of land to these organisations will exclude Aboriginal people across Tasmania.

Identification of land suitable for transfer.

All lands across lutruwita are equally important and significant to all Aboriginal land. We call for the return of all Crown Lands to Tasmanian Aboriginal people.

This is a poorly worded question that is misleading and I am suspicious of its intent. This question seems geared to return land to self-identified Aboriginal organisations rather than the Tasmanian Aboriginal community as a collective. Not all registered organisations are Aboriginal. I find this approach unethical and once again goes against the UN declaration of indigenous rights for determining who is part of our community.

Governance issues.

ALCT is an open and transparent to the Tasmanian Aboriginal community. I disagree there are governance issues. They are immersed in the community across the state, including the Bass Strait Islands. ACLT reports to the Aboriginal community through community meetings and events. They also host community discussions and forums to encourage healthy conversations to promote Aboriginal land use. The role of ALCT is to be responsible to the Tasmanian Aboriginal community and they do this with minimal resources.

As I stated previously ALCT is collective and inclusive ownership model and community members are part of its governance, unlike other organisations. In other organisations, rights are only afforded to members on their list, it is exclusive and any transfer of land to these organisations will exclude Aboriginal people across Tasmania.

Tasmanian Aboriginal people have cared for and managed this country for thousands of years, we should not have to prove to anyone our cultural management techniques when it is since invasion that land and heritage have been damaged.

The Aboriginal community must decide how land is returned and managed.

Please add further comments here.

I'm appalled by the proposals put forward to change the Aboriginal Lands Act by the state government and how also how this review and consultation process has been handled.

It is clear that the proposals and the process have been created to benefit small groups of people rather than the Tasmanian Aboriginal Community.

Many community members would struggle to provide feedback on this review and the proposals. You have not complied with the government's community engagement framework and have failed to be fair, flexible, accountable, trustworthy, and respectful, and you certainly have not listened to how a community consultation process should be developed for our community. You have made assumptions and stereotyped our community.

You have failed to understand the community. You have failed to understand how the community receives information and the capacity to respond. You have failed to understand also the competing consultations and immense pressures on the Aboriginal community, including Treaty and Truth-Telling processes, pandemic stress, economic and housing stress, and many other issues that impact our families. You also scheduled this consultation during a time when you are talking about Treaty and Truth Telling and across NAIDOC week. There a very clear times of the year you should avoid consulting with the community, and it's not hard to figure out this is one of them.

You quote the spectrum and other values of the International Association of Public Participation in your community engagement framework. You have not met them in the slightest for this consultation.

You have not met any of the standards outlined in the State Government's Community Engagement Framework. It has not been well-planned. It has not been inclusive (not identified or addressed barriers to community engagement). Not coordinated (clearly no environmental scan done when obviously everyone is also trying to deal with treaty, truth-telling, and basic human needs and health). Not connected to decision-making (not clear and therefore feels like a fait accompli for the Minister's electorate). Not genuine (definitely feels like a tick-a-box exercise like the "eligibility" process). Not providing feedback (I've not once seen any correspondence from the government – if

not for the community and the TAC, I would not have known). Unclear resources and skills (any experienced and qualified communications and engagement professionals on this project?). No ongoing monitoring and evaluation (clearly not open to opportunities and not respectfully sharing information).

The Tasmanian Government needs a serious overhaul of its communications and engagement practices to remove the political from the operational needs for engagement and relationships. The current situation adversely impacts my (and others) mental health and well-being. I hope the Premier considers this in his portfolio and has a good look at the United Nations Declaration on the Rights of Indigenous Peoples.

Sarah Wilcox

Tasmanian Aboriginal community member