

**1. Thank you for making a submission - your name, or the name of the organisation you are making a submission on behalf of, is required.**

With the exceptions listed below, and consistent with Tasmanian Government policy, it is intended that all submissions will be treated as public information and published on the Department of Natural Resources and Environment Tasmania website.

- In the absence of a clear indication that a submission (or parts of the submission) is intended to be treated as confidential the Department will treat the submission as public.
- No personal information other than an individual's or organisation's name will be published. Further information on confidentiality is available in the *Personal Information Protection Act 2004* and *Right to Information Act 2009*.
- If you would like your submission treated as confidential, whether in whole or in part, please indicate this in writing at the time of making your submission clearly identifying the parts of your submission you want to remain confidential and the reasons why. In this case, your submission will not be published to the extent of that request.
- Copyright in submissions remains with the author(s), not with the Tasmanian Government.
- Defamatory or offensive material will not be published.

**Please enter your name, or the name of the organisation you represent, in the field below to continue. \***

Simon Cook, Forico Pty Limited

## 2. Clarifying the scope and intent of the Act

It is proposed that the long title of the Act be amended and/or a Purpose and Objectives be added to expand the Act's scope and intent, to reflect the importance and significance of land to Tasmanian Aboriginal people.

The current long title for the Act is as follows:

*An Act to promote reconciliation with the Tasmanian Aboriginal community by granting to Aboriginal people certain parcels of land of historic or cultural significance.*

Previous feedback, as highlighted in the Consultation and Stakeholder Feedback Report, indicated that the use of 'land' in the Act appeared to only consider 'historic or cultural significance'. However, there was a clear view from many respondents that this should be expanded to capture and acknowledge a deeper understanding of 'land' to Aboriginal people. For example, health, wellbeing, housing and economic outcomes. Inclusion of water(s) in the scope of the Act may also be considered.

In keeping with this feedback, the Government considers that this broadening would be a more accurate reflection of the way that land return is regarded around Australia, as well as in Tasmania.

Critically, the Act should specify its intent to create a process by which Crown land can be more readily returned by the Government. Other forms of transfer, such as voluntary gifts or sales of land by private owners, will continue to be available.

Comments and suggestions are invited on how best to amend the Act and make this intent clear.

**Simply select an option below, and add any further comments you wish to make in the 'Other' field. Please note there is a 1000 character limit.**

- I agree with all aspects of the proposed approach.
- I agree/disagree with some aspects of the proposed approach, I will elaborate in the comment field below.
- I disagree with all aspects of the proposed approach.

### 3. Please add further comments here.

Forico acknowledges that the Tasmanian Aboriginal communities have a deep understanding and connection to 'land' that incorporates trees, water, sea and air. Forico supports expanding the scope of the Act to reflect the importance and significance of land to Tasmanian Aboriginal people.

Forico is Tasmania's largest private land asset manager. As such Forico manages our forest resource for multiple sustainability responsibilities encompassing economic, environmental and social objectives. The plantation forestry resource is managed for wood fibre production, and the natural forest areas for conservation and biodiversity values. Our forest assets occur across the landscape incorporating a mosaic of natural and ecosystem values, including flora, fauna and cultural heritage.

Rather than adopting an approach of land return, transfer of land or voluntary gifting or sales, Forico is striving to develop collaborative relationships within our geographic footprint to ensure cultural values or 'connection to country' can occur for the Aboriginal community as prescribed in our Reconciliation Action Plan. We believe this can only be done through collaboration and the development of partnerships and relationships built on respect.

As referenced in the state government policy Agenda - 'Resetting the Relationship with Tasmanian Aboriginal people' announced by the Tasmanian Government in 2016, three themes need to underpin relationships with the Aboriginal communities in Tasmania:

- Recognition;
- Reconciliation; and
- Real Outcomes.

These themes are equally important today to created meaningful relationships.

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

It is proposed that the Act would be amended to:

- remove the process for objecting to a person's enrolment on the ALCT Roll (s.10(3)(c) etc);
- apply a method consistent with the intent of the Government's Eligibility Policy to determine eligibility to participate in ALCT election processes, creating consistency with the practices of the Commonwealth and other jurisdictions; and
- implement appropriate procedural reforms to reflect a reduced role of the Electoral Commissioner.

**Simply select an option below, and add any further comments you wish to make in the 'Other' field. Please note there is a 1000 character limit.**

***For background to these proposals visit page 8 of the Consultation Paper - add link***

- I agree with all aspects of the proposed approach.
- I agree/disagree with some aspects of the proposed approach, I will elaborate in the comment field below.
- I disagree with all aspects of the proposed approach.

#### 5. Please add further comments here.

Forico supports an open and transparent process to determine eligibility to participate in Aboriginal Land Council of Tasmania (ALCT) election processes that would provide clarity on who can nominate and participate as members of the Council. However, ultimately the decision on the composition of the ALCT should be determined by the Tasmanian Aboriginal communities themselves.

The current composition of the ALCT has a strong alliance with Tasmanian Aboriginal Centre (TAC). Forico supports the review of the ALCT, with the Council expanded to incorporate voices of other Aboriginal community members. There is a potential to include membership from within Aboriginal Corporations associated with the Tasmanian Regional Aboriginal Communities Alliance (TRACA) but also more broadly to those Tasmanian Aboriginal people who are not affiliated with either TAC or TRACA organisations.

Forico acknowledges the challenges faced within Tasmania regarding the eligibility criteria associated with identification and recognition of members within, and between, the Tasmanian Aboriginal communities and varying degrees of acceptance of the current process.

Forico strongly supports the concept that a unified and collective ALCT will oversee the management of Aboriginal land for the benefit of all Aboriginal people.

## 6. Simplification of land transfer process.

It is proposed that the Act would be amended to:

- create a new instrument of transfer for significant parcels of Crown land, including reserved land, which will simplify the process; and
- otherwise make greater use (for both freehold and unreserved Crown land acquired by ALCT) of the ability to declare land as 'Aboriginal land'.

**Simply select an option below, and add any further comments you wish to make in the 'Other' field. Please note there is a 1000 character limit.**

***For background to these proposals visit page 11 of the Consultation Paper - add link***

- I agree with all aspects of the proposed approach.
- I agree/disagree with some aspects of the proposed approach, I will elaborate in the comment field below.
- I disagree with all aspects of the proposed approach.

## 7. Please add further comments here.

Forico is supportive of a process that is efficient and streamlined that would avoid the necessity to amend the Act each time a land return is proposed. It is recommended that a clear, consolidated process is followed.

For freehold land, as a private land asset manager, Forico recommends that appropriate engagement and consultation occurs with prospective landowners during the process if the land is declared 'Aboriginal land' with the opportunity to discuss potential transfer or ongoing shared management pathways.

The process whereby the Tasmanian Government has the capacity to disallow a proposal for land transfer needs to be clearly described and defined.

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

It is proposed that the Act would be amended to provide, as part of the new instrument of transfer:

- o the option to specify a land manager or co-manager, in addition to ALCT, including where appropriate a local Aboriginal group; and
- o consolidated details of access rights, ensuring that Aboriginal land vested in ALCT would be (as far as practicable) freely available to access by Tasmanian Aboriginal people and organisations.

**Simply select an option below, and add any further comments you wish to make in the 'Other' field. Please note there is a 1000 character limit.**

***For background to these proposals visit page 12 of the Consultation Paper - add link***

- I agree with all aspects of the proposed approach.
- I agree/disagree with some aspects of the proposed approach, I will elaborate in the comment field below.
- I disagree with all aspects of the proposed approach.

## 9. Please add further comments here.

The proposal to amend the Act and transfer responsibility of land management to ALCT or local Aboriginal groups, whilst a worthy initiative in principle may be challenging to deliver in practice given the capacity of Aboriginal community to support and service these opportunities through generating sufficient resources to effectively manage the land.

As previously described, Forico is striving to develop collaborative relationships across the state encouraging 'connection to country' initiatives for the Aboriginal community through the development of partnerships and relationships built on respect.

Forico is actively encouraging Tasmanian Aboriginal people and organisations to engage with Forico to advance mutually beneficial opportunities on our land and forest resource that contains culturally important areas.

## 10. Identification of land suitable for transfer.

It is proposed that the Act would be amended to provide for:

- clear identification of the values, and the significance to Tasmanian Aboriginal people, of any land proposed for transfer;
- a way of identifying whether the significance is primarily to all Tasmanian Aboriginal people (ie, statewide) or is specifically local/regional; and
- development of clear criteria to support future evaluation of land nominated for return.

**Simply select an option below, and add any further comments you wish to make in the 'Other' field. Please note there is a 1000 character limit.**

***For background to these proposals visit page 13 of the Consultation Paper - add link***

- I agree with all aspects of the proposed approach.
- I agree/disagree with some aspects of the proposed approach, I will elaborate in the comment field below.
- I disagree with all aspects of the proposed approach.

## 11. Please add further comments here.

Forico strongly supports the approach to provide clarity, consistency and transparency of the nomination and evaluation process for any proposed land transfer.

A mechanism that clearly identifies the cultural values present and their significance to Tasmanian Aboriginal or regional communities will be an important framework.

Forico notes that the Consultation Paper makes a clear distinction between public and private tenure 'Privately owned land will not be eligible for declaration as Aboriginal land unless first gifted to ALCT, or purchased by or on behalf of ALCT' and 'The Act is focussed on the transfer of Crown land.' We strongly advocate that this distinction is clearly articulated in the revised Act.

## 12. Governance issues.

It is proposed that the Act would be amended to:

- require management plans to be prepared and published that are proportionate for the size or complexity of the land parcel involved; and
- require ALCT to publish an annual report to support transparency and accountability to Tasmanian Aboriginal people on whose behalf they hold and manage land, and to increase understanding and appreciation among the broader Tasmanian community of the work that ALCT and other Aboriginal land managers undertake.

**Simply select an option below, and add any further comments you wish to make in the 'Other' field. Please note there is a 1000 character limit.**

***For background to these proposals visit page 14 of the Consultation Paper - add link***

- I agree with all aspects of the proposed approach.
- I agree/disagree with some aspects of the proposed approach, I will elaborate in the comment field below.
- I disagree with all aspects of the proposed approach.

## 13. Please add further comments here.

Forico strongly supports the obligation to produce a Management Plan that would provide greater transparency about how the land is being managed in relation to cultural heritage, including any objectives for the land that relate to benefiting Tasmanian Aboriginal people.

Forico supports the requirement for ALCT to publish an annual report as a mechanism for transparency and accountability to Tasmanian Aboriginal people. This would be beneficial to increase the knowledge and understanding of how the land is being managed and the associated objectives for the collective benefit of all Tasmanians through the journey of reconciliation.