

**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 In this case, your submission will not be published to the extent of that request.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- Defamatory or offensive material will not be published.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. \***

## 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.

Tasmania needs to take into consideration that some sites are just as important to non-Indigenous Tasmanians as they are Indigenous Tasmanian descendants. Risdon Cove is a perfect example of how a land hand back can go terribly wrong. This site is now owned by the Tasmanian Aboriginal Community and the colonial history and heritage that is so important to non-Indigenous people has been locked away. Permission will not be granted by the Indigenous community for further study of the site or proper access to the site by historians and researchers. This site should have always have been a dual heritage site, a concept that seems to be ignored in the land hand back process. We cannot place one community groups history and heritage above another, that is a racist concept.

### 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.

## 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.

Any land handed back needs to be assessed for colonial history aspects and proper access always allowed for non-Indigenous Tasmanians.

## 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.

Any land handed back that has historical importance to non-Indigenous Tasmanians should have access rights applicable. Reconciliation is not a one way street.

## 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.

No mention of colonial history here at all. An area rich in colonial history, such as Risdon Cove, should be included in an assessment.

## 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.

## 14. Thank you for your submission. If there are any final comments you would like to make, please do so in the space below.

The Government cannot forget that reconciliation is not a one way street. Colonial history and heritage is every bit as important.