

**Tasmanian Aboriginal
Heritage Council**



YEAR IN REVIEW
2020-21

ACKNOWLEDGEMENT

The Aboriginal Heritage Council acknowledges that the Land on which it meets, and on which this document was published, is Aboriginal Land. It always was, and it always will be. It has never been ceded to anyone. Tasmanian Aboriginal people still suffer from the trauma inflicted upon our ancestors. We feel it when our vulnerable sites are destroyed. We worry about how vulnerable our sites still are. When this Council meets, we come together to try to protect our sites, and in doing so, recognise and honour what was taken from our Old People. What remains, we fight to preserve for today's Aboriginal community and for those still to come.

WARNING

Aboriginal and Torres Strait Islander Peoples are warned that this publication may contain images of, and information relating to, deceased persons.





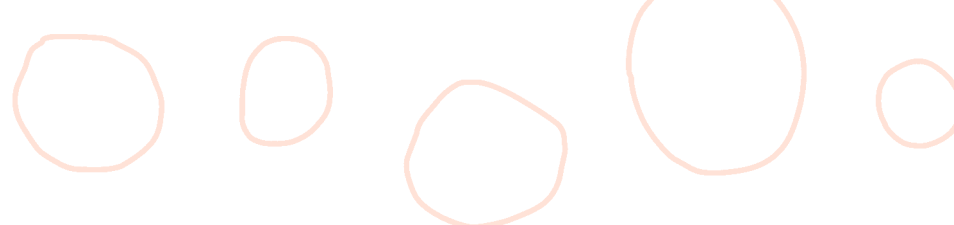
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MESSAGE FROM THE CHAIR

OF THE ABORIGINAL HERITAGE COUNCIL





Welcome to the inaugural *Year in Review* from the Aboriginal Heritage Council. As the 2020-21 financial year ticked over, Aboriginal people across the country celebrated NAIDOC week, with 2021's theme of *Heal Country*.

This concept means different things to different people, but for me, when I think about Country, I think about family. Blood. Water. Food. The sustainability of these resources. Our Old People. The Country in which all Tasmanians live, work and play was taken, violently, from the ancestors of Tasmanian Aboriginal people – a truth that is important to acknowledge and to talk about. Only by talking about the true history of Tasmania, and working together, can healing take place.

It is with this in mind that the Aboriginal Heritage Council welcomed an announcement by the Premier in mid-2021 to commission a report which will include the views of Tasmanian Aboriginal people, on a pathway to Truth Telling, Treaty and Reconciliation. The report, to be delivered by October 2021, will describe what a pathway to Treaty might look like.

Although the Council was not aware that this commitment was coming, it is viewed very positively and is considered by members to be a great opportunity to gain stronger protection for our cultural heritage.

Equally promising, as we move towards greater protection, is the now finalised Review of the *Aboriginal Heritage Act 1975*, under which the Council was established in amendments made in 2017; but which is now over four decades old.

The Council has worked solidly over the past twelve months, and indeed over the nine years of the non-statutory and statutory Councils' existence, to push the Tasmanian Government to introduce the new Act. It is still a work in progress and each day this Act is not in place with vital changes we lose our ability to protect our sites.

A report on the Review can be found at <https://dipwwe.tas.gov.au/about-the-department/aboriginal-heritage-act>, along with the Tasmanian Government's response.

Council members worry that there is little protection for Aboriginal heritage, particularly due to developments proposed for the Tasmanian Wilderness World Heritage Area (TWWHA) without cultural plans in place. The exposure of Aboriginal sites to the tourism trade is concerning without full consultation with Aboriginal communities.

As Chair, I want to thank Council members for the hard work they have put in across 2020-21; we have undertaken a lot of business, which you can read about on pages 14 – 19.

Members are functioning well together, and have been great contributors at the meetings we've had this year. The visit to sites on the north-east coast in May 2021 indicated to members how vulnerable our sites are to tourism, running of cattle and exposure to other elements. It is clear members are working hard to support their communities in the protection of their culture. Protecting Aboriginal cultural heritage should have priority over economic development - once our heritage is destroyed, it cannot be replaced.

As a Council, we do recognise that things are getting better - but we still have a long way to go. The Aboriginal Heritage Council has spent the past year working to advise the Tasmanian Government on the importance and value of Aboriginal cultural heritage in Tasmania, and we look forward to continuing this work throughout 2021-22.



OVERVIEW

OF THE ABORIGINAL HERITAGE COUNCIL



The statutory Aboriginal Heritage Council was established under the *Aboriginal Heritage Act 1975* in August 2017. The Council replaced the non-statutory Aboriginal Heritage Council that had been in place since 2012.

The Act allows for the Council to:

- make recommendations to the Minister for Aboriginal Affairs on any matter in respect of which the Act provides;
- advise, and make written recommendations to the Minister in relation to any object, site or place alleged to be a relic under the Act;
- advise, and make recommendations to the Minister on such other matters in relation to the administration of the Act as it thinks fit;
- make recommendations to the Director of National Parks and Wildlife on any matter in respect of which the Act provides; and
- advise, and make recommendations to, the Director of National Parks and Wildlife in respect of any other matter relating to the exercise of the Director's functions under the Act.

The Aboriginal Heritage Council provides advice and recommendations to the Minister for Aboriginal Affairs, the Director of National Parks and Wildlife and stakeholders on the protection and management of Aboriginal heritage in Tasmania.

The Council also provides advice to the Department of Primary Industries, Parks, Water and Environment on the recognition and management of cultural heritage values in the TWWHA.



MEMBERSHIP

2020-21

Rodney Dillon | Chair 2017 – 2020 |

Appointed to a second three-year term on 1 January 2021

Rodney has extensive understanding and knowledge of the *Aboriginal Heritage Act 1975* and has been a member of numerous high-level boards including National Oceans (5 years), the Australian Heritage Council (6 years), Stolen Generations (4 years) and was a Commissioner for the Aboriginal and Torres Strait Island Commission (8 years).



Zoe Rimmer | Deputy Chair |

Appointed to a three-year term on 1 January 2021

Zoe has worked in the museum and cultural heritage management sector over the past seventeen years and is currently the Senior Curator of First Peoples Art and Culture at the Tasmanian Museum and Art Gallery. Zoe is a PhD candidate at the University of Tasmania investigating how Aboriginal political activism and repatriation has shaped museum practices both within Australia and internationally, through a Senior Indigenous Research Scholarship. Zoe is an alumna of the National Gallery of Australia's Indigenous Arts Leadership Program and is a current member of the National Museum of Australia's Indigenous Reference Group.



Robert Anders | 2017 – 2020 |

Appointed to a second 18-month term on 1 January 2021

Rob has a Bachelor of Surveying (Hons) degree with nearly 30 years' experience in field surveying and Geographic Information Systems (GIS) and is a long-term employee of the University of Tasmania. He currently works in two roles at the University; as a Senior Technical Officer in the School of Geography, Planning and Spatial Sciences, and as the Aboriginal Education and Strategy Officer in the College of Science and Engineering. In the latter role, Rob's focus is on engagement and increasing the level and awareness of Aboriginal knowledge, rights, and perspectives, in relation to teaching and research activities at the school and college level. His knowledge and experience have allowed him to pursue his interests in the application of spatial mapping techniques to research Tasmanian Aboriginal history, in which he has authored numerous maps for books and other works. Rob is involved in working at the community level, is passionate about looking after Country, the management and protection of Aboriginal heritage sites, sharing his knowledge, and practicing culture.



Merv Gower | 2017 – 2020 |

Appointed to a second 18-month term on 1 January 2021

Merv is from Devonport and has been involved with the Aboriginal community at many levels since 1972. Merv is regarded as an Elder in his local community.

Merv's passions are employment of Aboriginal people, health and education, to help create self-sufficient Aboriginal corporations and communities, ownership and protection of land and heritage. Merv believes these characteristics will support a healthy and functional Aboriginal community.



Tanya Harper |

Appointed to a three year term on 1 January 2021

Tanya has worked for the past thirty-five years in Aboriginal education, training and welfare related roles in Tasmania, the Northern Territory and Queensland.

Tanya has worked for many years in Aboriginal Community organisations, primarily the Tasmanian Aboriginal Centre. Tanya has also operated a private consultancy, pakana connections, developing and delivering targeted cultural understanding training to Government and non-Government organisations.

Tanya has a Bachelor of Social Work from the University of Tasmania and a Graduate Diploma in Women's Studies from the University of Adelaide and was an inaugural member of the Tasmanian Women's Consultative Committee.

Tanya currently works for the State Service Management Office as the Senior Consultant, Aboriginal Employment. Her interests include local Aboriginal cultural practices, creative culturally inspired resources and art works, and changing public attitude and perception to encourage the recognition, valuing and celebration of all Tasmanian Aboriginal people and culture.



Greg Brown |

Appointed to an 18-month term on 1 January 2021

Greg is a well-respected member of the Tasmanian Aboriginal community. In 2020, Greg retired after a long career with the Tasmanian Government. Twelve years of that service was in various roles with the Government's Senior Executive Service and eight years as the Manager of the Office of Aboriginal Affairs. Greg has considerable repatriation (remains and cultural material) experience. In 2006, Greg was chosen to successfully represent the Tasmanian Aboriginal community to mediate with the Natural History Museum in London for the return of seventeen sets of Tasmanian Aboriginal remains to their rightful home. Greg has extensive legislative experience, community and stakeholder engagement experience and is a highly effective communicator, negotiator and facilitator.



Hank Horton | 2018 – 2021

Hank is a past member of the non-statutory Aboriginal Heritage Council and is an active member of the Aboriginal community with involvement at all levels including community, Local, State and Federal.

Hank is heavily involved in Aboriginal education and the promotion of ongoing Aboriginal culture in Tasmania, working with many schools and education groups to deliver and promote meaningful Aboriginal history. Hank is a member of a number of boards, committees and councils dealing with a wide range of Aboriginal affairs and land management issues, including the National Parks and Wildlife Advisory Council, dealing with land management issues in National Parks and the Tasmanian Wilderness World Heritage Area. Hank also sits on national-level committees, such as the Australian World Heritage Indigenous Network and the South-East Marine Parks Advisory Committee.

Hank works with many of the major land managers and operators to better manage Aboriginal heritage values.



Jeanymaree Jenkinson | 2018 – 2021

Jeanymaree has been involved in Aboriginal affairs for over thirty years, being the founder of Aboriginal Student Support Parent Awareness in Strahan and a member of several organisations. In 1994, Jeanymaree was awarded the NAIDOC Tasmanian Aboriginal Artist of the Year.

Jeanymaree was a Tasmanian Regional Aboriginal Councillor with the Aboriginal and Torres Strait Islander Commission and Chairperson of the Tasmanian Regional Aboriginal Councillor Women’s Committee as well as the Tasmanian Indigenous representative to the Office of the Status of Women in her time with Aboriginal and Torres Strait Islander Commission.



Fiona Hughes | 2018-2021

Fiona is passionate about educating her community and future generations about Country and cultural practices and has been actively involved to improve recognition and outcomes across Tasmania for Aboriginal people of all ages, from all walks of life through many organisations and community positions.

Fiona has extensive experience on Country - land, sky and sea, passed down to her by her Mother and Elders. Fiona has vast knowledge on the protection of Aboriginal heritage sites throughout Tasmania which includes practical experience when she lived and worked on Country at Preminghana in North-West Tasmania.

Fiona is currently an Executive Director and co-Chair of Reconciliation Tasmania.



Sarah Wilcox | 2017 – 2020 Deputy Chair |

Appointed to a second three-year term on 1 January 2021 | Resigned May 2021

Sarah is committed to making sure Tasmanian Aboriginal people have a say in the preservation, protection and management of cultural heritage and landscapes, and to enable opportunities for community members to reconnect with Country and continue a strong living culture. She is passionate about achieving meaningful consultation and has experience in cultural heritage recovery. Sarah is a communications professional and is committed to Tasmanian Aboriginal people telling their stories in their own way.



Sonya Searle | 2017 – 2020

Sonya is from the Burnie area and was a part of the Burnie Tasmanian Aboriginal Centre branch and community. She moved to Woolnorth Station with her two children at the end of 1999 working in various roles as a Jillaroo (stock hand), cook and tour guide. In 2005 she moved to Smithton.

In 2013, Sonya started working at Circular Head Aboriginal Corporation as the Culture and Capability Coordinator. Her interest in Aboriginal heritage issues and cultural practices are very close to her heart. She feels privileged and honoured to have been appointed a seat on the Tasmanian Aboriginal Heritage Council. She sees clearly the important role the Council plays within Tasmania, as a well-constructed Council, Tasmanian heritage and cultural values will continue to be protected with more education to the wider community.



Steve Stanton | 2017 – 2020

From a young age Steve was always keen to get “out in the bush” while growing up in the suburbs of Hobart. Later he realised that being “on Country” was an integral part of his identity as an Aboriginal person. Land, plants, animals, sites, stories, cultural landscapes and spiritual values have meaning for Steve and strengthen his connections with Country. Over the past thirty years Steve has focussed on Aboriginal heritage and site management and it is this knowledge, combined with his experience of Country that he brought to the Council. Steve has spent a lot of time working in and exploring the Tasmanian Wilderness World Heritage Area. He is very passionate about ensuring that the area’s highly significant Aboriginal cultural heritage values are managed in a culturally appropriate way. He believes this is fundamental to ensuring their long-term protection, their survival and to maintain their cultural integrity.



Angela Triffit | 2017 – 2020

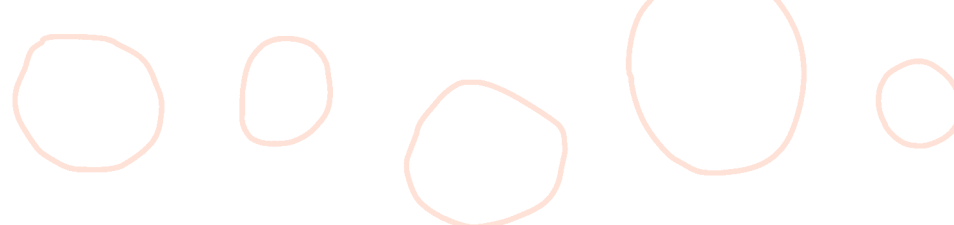
A mother of two young children, Angela enjoys going bush and continuing cultural practices with interest in language, weaving and shelling. Angela has a Bachelor of Arts in Aboriginal Studies and Psychology, and a Master of International (public) Health.

Angela has worked with community-based organisations, the Commonwealth government, various State and Territory governments and overseas. Angela’s expertise includes policy development, implementation, monitoring and evaluation, drafting and deciphering legislation, developing and nurturing relationships between organisations. Angela has expertise and knowledge of how government policy works and affects people on the ground.



THE COUNCIL'S GUIDING PRINCIPLES





The Aboriginal Heritage Council considers **eight key Principles** as it undertakes its work. These Principles guide how members work with each other; and how they work with the Aboriginal community, government and proponents.

1. Council members interact with each other and stakeholders respectfully.
2. The Council is transparent.
3. The Council is objective in its decision-making and considers all available information.
4. Members value all opinions and the importance of robust discussion; however, once a decision is confirmed all members own it publicly.
5. Members act with integrity.
6. The Council explains its decisions.
7. Early engagement with the Council is essential – it must be the first point of contact on Aboriginal heritage matters, not the last.
8. Members work professionally and are committed fully to their role on the Council.

To help guide its work, the Council considers proposed work and projects against **eight Assessment Criteria**.

1. Does the proposal achieve higher levels of protection for Aboriginal heritage?
2. Is the proposal manageable and realistic?
3. Does the proposal demonstrate the Council's capacity and effectiveness?
4. Does the proposal improve Aboriginal community ownership of heritage and advance recognition of that ownership?
5. Is the proposal based on an acceptable level of consultation and engagement which involves free, prior and informed consent?
6. Does the proposal build capacity for the Aboriginal community to engage in the process?
7. Does the proposal involve innovation and new thinking and is it courageous?
8. Does the proposal create greater awareness in the general community and support their education?

In making its Principles and Assessment Criteria available to the public, the Aboriginal Heritage Council hopes not only to increase understanding of the manner in which Council undertakes its work, but to also encourage potential proponents to approach the Council with these elements front of mind.

CELEBRATING

ABORIGINAL CULTURAL HERITAGE



The desire to protect objects and places is intricately linked with the value placed upon them. As Tasmanian Aboriginal people, Aboriginal Heritage Council members celebrate and cherish their culture, tangible and intangible, and want to play a leading role in ensuring that the whole Tasmanian community does as well.

In other states, the value of Aboriginal heritage and culture is seen in the role sites and experiences have in making up the tourism economy – think of Kakadu, Uluru or Kings Canyon. The connection of these places to Aboriginal people, culture and traditions enhances their inherent aesthetic value and therefore their value to the population of the relevant state, to the Australian people, and to international visitors.

In Tasmania, there is a different relationship with Aboriginal cultural heritage, reflected in the struggle of Aboriginal people to secure robust protection. While the Aboriginal Heritage Council does not endorse making all cultural heritage sites places of mass tourism, it does wish to encourage an evolution of the value placed on Aboriginal heritage and cultural traditions by the people and the Government of Tasmania.

Tasmanian Aboriginal culture is well over 40,000 years old . Tasmanian Aboriginal people are the original inhabitants of this Land and survived an ice age, as well as invasion and colonisation. Tasmanian Aboriginal people have left the mark of their presence throughout the State, through such tangible forms as rock markings, cultural living spaces such as middens, hut depressions showing evidence of community life, stone artefacts and ochre quarries .

The landscape also bears the memory of cultivation and protection, through burning and renewal, activity that is now receiving greater attention and respect as climate change and sustainable land management become increasingly important .

As the journey towards Truth Telling and Treaty begins in Tasmania, the Aboriginal Heritage Council hopes that the celebration, as well as the protection, of Aboriginal heritage and culture is at the forefront of decision making, as is the education of the Tasmanian people about its value .

If more Tasmanians understood not only the tangible value of Aboriginal heritage, but also the meaning and value placed upon it by Tasmanian Aboriginal people, all Tasmanians could begin to relate to each other better, and together value the ongoing, rich cultural legacy of our home state.



COUNCIL BUSINESS

2020-21

During 2020, COVID-19 pandemic restrictions affected the Council's ability to meet face to face. However, the Council continued to meet remotely, undertaking assessments and providing considered advice to the Minister for Aboriginal Affairs on permit applications under the *Aboriginal Heritage Act 1975*.

July 2020

At the first meeting for the financial year, the Council considered, and unanimously opposed, the permit application submitted for the Wirksworth Estate Integrated Aged Care Facility. As part of deliberations, it was agreed that, due to the significance of the site, and it being most likely the last such site left in the Derwent Estuary area, there should be no further disturbance.

The Council considered a further four permits, none of which were opposed; heard about the upcoming launch of the Council's dedicated website and discussed the process to be undertaken to appoint new members upon the expiration of several terms during 2020.

August 2020

This month, the Council launched its own website - aboriginalheritage.tas.gov.au/council. The site was developed over many months and is the primary resource for news on Council projects and activities. The website also promotes greater awareness and understanding of Tasmania's unique Aboriginal cultural heritage.

The Council was also briefed by the Parks and Wildlife Service on the Tourism Master Plan for the TWWHA, and the potential role of the Council regarding the Plan. More information about the position of the Council on the Tourism Master Plan can be found on page 21.

September 2020

In September 2020, the Council had the opportunity to consider the permit applications submitted by the Tasmanian Museum and Art Gallery and the Queen Victoria Museum and Art Gallery, for the repatriation of the petroglyphs held by these institutions. The Council wrote to the Minister for Aboriginal Affairs and advised that it did not oppose the issuance of these permits and noted the appreciation of members at the return of these precious cultural artefacts.

Permit applications from five other proponents were considered by the Council, which also heard an update regarding the planting of a blue gum in St David's Park, attended by Rob Anders, representing the Council. Blue gums (*Eucalyptus globulus*) occur naturally in south-east Tasmania, and the planting of a second tree to join the existing Blue Gum, which is listed as a Significant Tree on the Hobart City Council's Significant Trees Code, is intended to acknowledge the remains and spirits of the Old People who are interred in the Park.



October 2020

The Council held an “extraordinary” meeting in October 2020, primarily to discuss the Tourism Master Plan (TMP) for the TWWHA, as well as the proposed development of a Cultural Heritage Decision Protocol. The Protocol would seek to establish a procedural framework that identifies and provides for Aboriginal involvement and engagement in decision-making.

It was agreed that the Council would continue discussions with the Parks and Wildlife Service on this matter.

The Council also determined to write to the Federal Minister for Indigenous Australians, the Hon Ken Wyatt MP, on the topic of the Wirksworth Estate Integrated Aged Care Facility development. In its letter to Minister Wyatt, the Council wrote that the development is of major concern because if it were to proceed, an 8,000-year-old site will be destroyed. Minister Wyatt subsequently responded in November 2020 but made no undertaking to assist in the matter.



November 2020

In November 2020, the Council received an update on the progress of the Review of the *Aboriginal Heritage Act 1975* and discussed the draft Review outcomes document which would subsequently be provided to the Minister for Aboriginal Affairs in 2021. The Council advised the Review team that members wished to have the opportunity for further detailed and extended conversation throughout the submission process and raise any further issues necessary. This was arranged for December 2020.

The Council considered, and did not oppose, three permits and received an update on the progress of the Review of the Act and current projects in the TWWHA.

December 2020

The day before the scheduled December 2020 meeting, the Council undertook a visit to a proposed development in Clarence, to gain a greater understanding of the site, and the potential impacts to Aboriginal cultural heritage values. Council members found the site visit to be very beneficial to each party’s understanding of the other’s point of view. Discussions with proponent representatives also provided an opportunity to discuss potential Aboriginal cultural heritage interpretation. While the Council provided some advice to the proponent on several aspects of the proposed development, members unanimously determined not to oppose the permit. This example of the Council and developers working together to understand each other’s point of view is a great model for the future, underscored in the Guiding Principles established by the Council.

The Council then returned to Hobart to meet with the team conducting the review of the *Aboriginal Heritage Act 1975* for more in depth discussions.

The following day, on the last meeting for 2020 and the first face to face meeting of the Council since COVID-19 restrictions had been instigated, the Chair acknowledged and thanked Council members for their work undertaken over the year. Rodney particularly recognised departing members Sonya Searle, Steve Stanton and Angela Triffitt.

January 2021

While there was no meeting in January 2020, on the first day of the new year Rodney Dillon, Robert Anders, Mervyn Gower and Sarah Wilcox were all reappointed to the Aboriginal Heritage Council for their second terms, with Rodney continuing in his role as Chair. Three new members, Greg Brown, Zoe Rimmer, and Tanya Harper were also appointed to the Council on this date.

February 2021

The first meeting for 2021 followed an Induction Day at which Aboriginal Heritage Tasmania staff presented members with updated policy and governance documents to support them in their role as Council members (see p.24).

As the first point of business at the meeting, the Council appointed a new Deputy Chair, Zoe Rimmer. Also joining the meeting remotely was the Minister for Aboriginal Affairs, the Hon. Roger Jaensch. Minister Jaensch welcomed new members and discussed the work of the Council for the coming year, emphasising that he is respectful of the Council's knowledge and advice. The Council also considered two permit applications and received a presentation on the digital scanning project facilitated by Aboriginal Heritage Tasmania's Cultural Management Group, recording rock marking sites in the TWWHA.

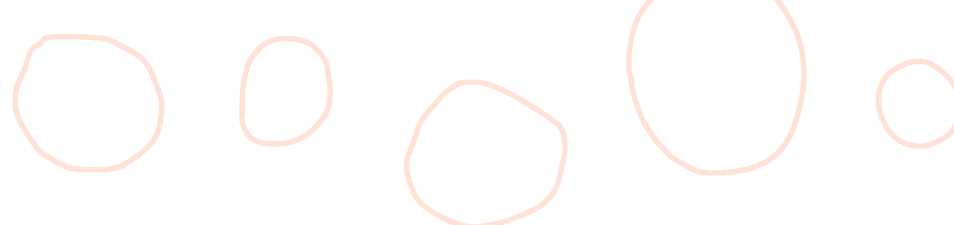
March 2021

In March 2021, the Council received a presentation from the Macquarie Point Development Corporation on works being done at that site; a presentation for a proposed walking trail in the Tyndall Range and an update from the Department of State Growth on the proposed Eaglehawk Neck highway redesign.

April 2021

In April 2021, Council members discussed the need for consultants to develop better relationships with the Aboriginal community, to ensure feedback is received from all relevant individuals and groups regarding proposed developments which may impact Aboriginal cultural heritage. The Council also confirmed logistics for its May 2021 meeting, to be held on the East Coast to facilitate visits to heritage sites in the region.





May 2021

At this meeting, held in Scamander, the Council determined to oppose only the second of two permits opposed throughout 2020-21. In discussions on the application for works at a private residence, the Council agreed its concern lay with the additional sites in the vicinity, which are available for development and which may also impact Aboriginal cultural heritage. In its advice to the Minister for Aboriginal Affairs, which was not followed, the Council flagged these concerns around the broader site.

The Council also developed an agenda for a strategy workshop to be held in June 2021; and considered new content for its website.

The following day, Aboriginal Heritage Tasmania staff joined the Council on a field trip to significant Aboriginal cultural heritage sites on the North-East Coast, led by Council member Hank Horton. The field trip provided an opportunity for members to connect with Country, enriching and emphasising the importance of the work done by the Council to protect Aboriginal culture and heritage.

June 2021

Prior to its final meeting for the financial year, the Council held a facilitated planning session to consider its focus looking forward, particularly in light of the review of the *Aboriginal Heritage Act 1975* and the recent announcement by the Government of a pathway to Treaty with Tasmanian Aboriginal people.

The Council discussed how to move forward strategically with authority and influence to achieve its goals and aspirations. A focus of the Council's work will be the development of new Aboriginal heritage legislation to ensure it provides strong protection for Aboriginal cultural heritage values within Tasmania. The Council confirmed its Principles and Assessment Criteria which provide the foundation for its work.

On the following day, the Council held its regular monthly meeting and discussed the Premier's recent announcement regarding consideration of a Treaty. Members welcomed the announcement and noted the importance of protecting and celebrating Aboriginal cultural heritage as a necessary precondition for a Treaty. Later, staff from the Parks and Wildlife Service provided a presentation on the draft *Status and Trends in the Condition of Cultural Values in the Tasmanian Wilderness World Heritage Area* document. The document aims to understand the disparate values across the Tasmanian Wilderness World Heritage Area including what the values are and their current condition.

Further detail on the permit applications considered during 2020-21 may be found in the next section.



PERMIT APPLICATIONS

CONSIDERED BY THE COUNCIL

During 2020-21, the Aboriginal Heritage Council considered twenty-eight permit applications, applied for under the *Aboriginal Heritage Act 1975*, which sought to destroy, damage, deface, conceal, or otherwise interfere with a relic.

The role of the Council in the permit application assessment process is to advise and make written recommendations to the Minister for Aboriginal Affairs in relation to any Aboriginal heritage or relic. Council members receive detailed briefings on each permit application from expert staff within Aboriginal Heritage Tasmania. The briefings outline the background to the application, the Aboriginal heritage which will be impacted by the proposal, the cultural significance of that heritage, what the proposal seeks to do including any mitigation of the potential impact, what consultation has been undertaken with the Aboriginal community and the advice of Aboriginal Heritage Tasmania regarding the proposal.

The twenty-eight permits were received from proponents as diverse as Local Government, State Government departments, the Australian Defence Force, Government Business Enterprises, private development companies, local businesses and individuals.

Permit applications were submitted for activities including foreshore trail upgrades, residential subdivisions, flood risk mitigations, repairs to park infrastructure, road upgrades and major developments including the Wirksworth Aged Care Facility at Bellerive.

On this latter application, the Aboriginal Heritage Council's advice to the Minister for Aboriginal Affairs was that it strongly opposed the issuing of a permit, one of only two permit applications the Council opposed during 2020-21. Regardless, both permits were subsequently granted.

In providing advice on the Wirksworth Aged Care Facility permit application to the Minister for Aboriginal Affairs, the Council emphasised the importance of the site to Tasmanian Aboriginal people. The Council evidenced this through a number of characteristics including the area's history as an extensive meeting and living space spanning many generations; as a site containing a large number and variety of in situ material culture and as a rare example of an extensive Aboriginal cultural heritage site in the Derwent Estuary associated with the Moomairremener people.

Application for a Permit
(Section 14 of the *Aboriginal Heritage Act 1975*)

Please forward a completed Permit Application form to AboriginalHeritage@tas.gov.au. Use the check list provided to ensure all relevant attachments are included. For further information, refer to *Aboriginal Heritage Standards and Procedures*.

1. Project

Project Title:	
ARTP number:	
Title of Assessment report:	
AH site(s) to be impacted:	

2. Applicant

Name:	
Organisation:	
Address:	
Telephone:	
Email:	

3. Proponent

Name:	
Organisation:	
Address:	
Telephone:	
Email:	

4. Property Details

Street Address:	
PID(s) or Title Number(s):	

5. Project Proposal

Provide a summary of the project and description of actions which will impact Aboriginal heritage:

Provide details as to what mitigation options have been considered to either avoid or lessen the impact on Aboriginal heritage:

Aboriginal Heritage Permit Form 21/07/2021 Page 1 of 2

Given this significance, and the size of the property, Council members were unable to comprehend how an opportunity to avoid interference with the significant Aboriginal cultural heritage identified could not be achieved.

Decisions such as these reinforce the Council's commitment to ensuring the new legislation planned for development during 2021-22 provides for better protection. The Council is committed to working to increase the Minister for Aboriginal Affairs' knowledge and appreciation of Aboriginal cultural heritage and to securing a commitment to a high level of protection.

The Council also had the opportunity to support the issuance of permits to allow the repatriation of petroglyphs held by the Tasmanian Museum and Art Gallery and the Queen Victoria Museum and Art Gallery, to the Country from which they were removed – Preminghana. Council members were very happy to be able to support the return of these significant pieces of heritage, noting that the application was in line with nationally accepted repatriation practice, promoting the value of Aboriginal heritage and culture.

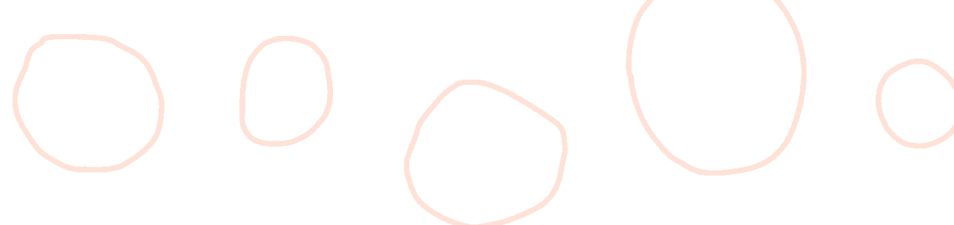
The Council hopes that with increased awareness of its role and of the importance of Aboriginal cultural heritage, fewer permits will be required, as developers and other proponents seek to progress projects which do not impact Aboriginal cultural heritage, but rather protect and value it. Sadly, the Council remains frustrated that Aboriginal cultural heritage is one of the last matters considered in the planning process for new developments, and that the Council is the last port of call for proponents. The Aboriginal Heritage Council calls upon the Minister for Aboriginal Affairs and Minister for Planning to take the lead on developing legislation that ensures Aboriginal cultural heritage is considered as a priority in all development proposals.



THE IMPORTANCE OF
ABORIGINAL
CULTURAL HERITAGE

IN THE TASMANIAN WILDERNESS
WORLD HERITAGE AREA





The TWWHA is a diverse Aboriginal cultural heritage landscape in which the cultural heritage of Tasmanian Aboriginal people is preserved.

It is significant to Tasmanian Aboriginal people because of the rich cultural heritage presence, with around 1000 known Aboriginal cultural heritage sites providing evidence of ancestral Aboriginal life in the TWWHA and increasing knowledge of the daily life and activities of the ancestors of Tasmanian Aboriginal People.

The Aboriginal Heritage Council engages with the work being undertaken to further knowledge of Aboriginal presence in the TWWHA primarily through regular updates from Aboriginal Heritage Tasmania's Cultural Management Group. The Cultural Management Group manages the TWWHA's Aboriginal cultural heritage values in collaboration with Tasmania's Aboriginal people and routinely seeks the Council's input and guidance.

The work undertaken by the Cultural Management Group includes the following strategic projects and activities, upon which the Council is updated at its monthly meetings.

- A comprehensive survey of the TWWHA, including the 2013 extension, to ascertain all Aboriginal values.
- Analysis of previous Aboriginal cultural heritage work to understand key knowledge gaps.
- Identifying at-risk sites and developing a program of prioritised management actions for these sites.
- Implementing an equitable policy and process that allows Aboriginal people access to, and use of, animal, plant and other materials in the TWWHA for cultural purposes.
- Undertaking an assessment of the TWWHA as an Aboriginal Cultural Landscape of Outstanding Universal Value.
- Developing an Aboriginal Community Engagement and Communication Framework.

In May 2021 the Tourism Master Plan for the Tasmanian Wilderness World Heritage Area, a requirement of the *Tasmanian Wilderness World Heritage Area (TWWHA) Management Plan 2016*, was released. Council members Rob Anders and Fiona Hughes formed part of the Tourism Master Plan Advisory Committee.

The purpose of the Tourism Master Plan is described as contributing to “refining a balanced approach to tourism development in the Tasmanian Wilderness World Heritage Area as permitted in the Management Plan”. The Tourism Master Plan also identifies that presentation and interpretation of cultural values must involve Tasmanian Aboriginal people in all levels and at all stages of decision-making. It is important to remember that Aboriginal cultural values are the only cultural values recognised in the World Heritage listing of the TWWHA.

The Council has previously expressed the view, in writing to the Minister for Aboriginal Affairs and in other forums, that the Tourism Master Plan should not progress until a full cultural heritage values assessment of the TWWHA is undertaken. The Council maintains this view and continues to argue that proper protection of the Aboriginal cultural heritage values of the TWWHA must be ensured until new, more robust legislation is passed.

¹ [https://dpiwwe.tas.gov.au/conservation/tasmanian-wilderness-world-heritage-area-\(twwha\)/twwha-tourism-master-plan](https://dpiwwe.tas.gov.au/conservation/tasmanian-wilderness-world-heritage-area-(twwha)/twwha-tourism-master-plan)

REVIEW

OF THE ABORIGINAL HERITAGE ACT 1975

The Review of the *Aboriginal Heritage Act 1975* commenced in June 2019.

The Aboriginal Heritage Council provided a submission to the first stage of the Review. It contained details of the changes the Council would like to see in relation to key issues for future legislation protecting Aboriginal cultural heritage. Some of the changes the Council advised the Tasmanian Government it would like to see in the new legislation are outlined below. The Review Report was delivered to the Government in the first quarter of 2021 and was expected to be tabled, along with the Government's response, in the winter session of Parliament. Updates on the progress of this matter may be found at

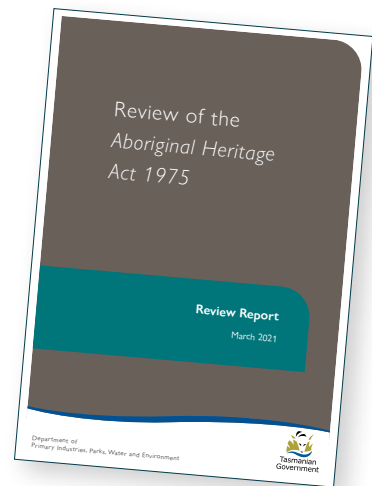
<https://dpiwve.tas.gov.au/about-the-department/aboriginal-heritage-act>.

In its submission, the Council noted that reviews of legislation occur infrequently. The effects of this Review will be long lasting and will have consequences on Aboriginal cultural heritage that will impact current and future generations of Tasmanian Aboriginal people. Aboriginal cultural heritage is facing growing threats and impacts on many fronts through an increasing and geographically wider population distribution, increased tourism activities and other economic development.

It is therefore imperative that the revised *Aboriginal Heritage Act 1975* has meaningful outcomes for the management and protection of Aboriginal cultural heritage, which includes appropriate enforcement measures and consequences for noncompliance.

Tasmanian Aboriginal people should be recognised as the true and rightful owners and custodians of their cultural heritage - rights that have never been ceded. The current Act does not represent Tasmanian Aboriginal people as rights holders of their heritage. This is demonstrated by the limited definition of Aboriginal heritage.

The *Aboriginal Heritage Act 1975* does not give Tasmanian Aboriginal people the ability to make decisions regarding their heritage and culture. It does not provide the means through which to manage, protect and preserve the heritage and cultural landscapes which include land, inland waters and sea.



The Aboriginal Heritage Council does not currently have any powers to make decisions that relate to Aboriginal heritage. Recommendations can be disregarded by decision makers, who have in the past not been required to provide any reason or justification for their decisions. Decisions are open to political, development and tourism bias, which may not be in the best interests for the management and protection of Tasmania's Aboriginal cultural heritage.

The Act should provide empowerment to Tasmanian Aboriginal people to be the decision-makers and to develop cultural heritage and land management plans for projects that may impact cultural and heritage landscapes.

There is also a lack of education and awareness supporting the value Aboriginal heritage and cultural landscapes have to Aboriginal people. The Act should provide clarity about these values to landowners, both private and public, and about the priority that cultural heritage should have over economic development.

Allowing Aboriginal people to continue to access, engage and connect with cultural heritage landscapes should also be provided within the legislation.

The Act needs to link with other legislation, such as the *Land Use Planning and Approvals Act 1993*, to ensure that Aboriginal cultural heritage issues are considered early in the application process, and the *Coroners Act 1995* as it relates to the return of Aboriginal human remains.

The Council looks forward to being closely involved in the development of the new Aboriginal cultural heritage legislation as it progresses, and to reporting on outcomes in the next Year in Review publication.



GOVERNANCE

Council proceedings are supported by a suite of governance documents, updated and endorsed in the first quarter of 2021.

Induction Day

On 25 February 2021, an Induction Day was held, at which each of the documents supporting the Aboriginal Heritage Council were examined, discussed and agreed to by all members. Each document was accepted by the Council by the signature of the Chair.

The documents include:

Memorandum of Understanding

The Memorandum of Understanding defines the principles, roles and relationships that guide engagement, collaboration and service provision between the Aboriginal Heritage Council and Aboriginal Heritage Tasmania, within the Department of Primary Industries, Parks, Water and Environment.

The Memorandum of Understanding and supporting documents will be reviewed annually.

Charter

The Charter outlines Council roles and the scope of those roles under the *Aboriginal Heritage Act 1975*. It provides specific details about the responsibilities of membership, the skills and qualifications required of members, and details about remuneration, allowances, issues resolution, decision making, confidentiality requirements as well as a Code of Conduct.

Meeting Procedures

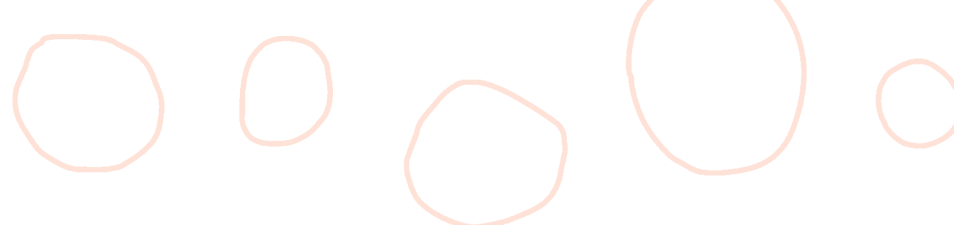
The Meeting Procedures document provides specific details about the processes involved in scheduling, attending and participating in Council meetings. It outlines expectations of members with respect to meeting preparation and engagement, provides information to support decision making processes and describes the support provided by Aboriginal Heritage Tasmania.

Communications Guidelines

In performing its role and function, Council members receive sensitive and confidential information; provide advice and recommendations to the Director of National Parks and Wildlife and the Minister for Aboriginal Affairs and engage and communicate with proponents, Tasmanian Aboriginal people and the general public.

As a result, members may, from time to time, seek to communicate or clarify their individual views on matters of Aboriginal cultural heritage values. The Guidelines were developed to assist members in identifying and managing the risks associated with those communications.

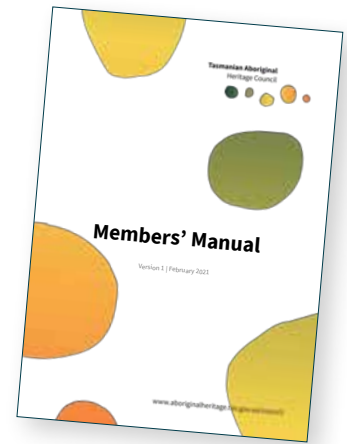




Members' Manual

The Members' Manual provides detail on how Council meetings are scheduled, how agendas are developed, how meeting outcomes are actioned and by whom. This information is covered in more detail in the Meeting Procedures document.

Housekeeping matters such as confidentiality declarations, registration of interests, and remuneration and expenses are covered in more detail. Information about the support provided to the Council by the Executive Services section of Aboriginal Heritage Tasmania, is also outlined.



THE COUNCIL'S RELATIONSHIP

WITH ABORIGINAL HERITAGE TASMANIA



Council members and staff from Aboriginal Heritage Tasmania work together respectfully and collaboratively to support the effective administration and implementation of the *Aboriginal Heritage Act 1975*.

It is the role of the Council to:

- provide considered advice and recommendations on the management of Aboriginal cultural heritage values that fall within the scope of the Council;
- promote awareness and education of Aboriginal cultural heritage values; and
- promote, strengthen and support partnerships and collaborative processes between the Council, the Department and Tasmanian Aboriginal people.

The appointed Chairperson is responsible for:

- presiding over the Council and Council meetings;
- representing and making public statements on behalf of the Council; and
- acting as the key contact point with Aboriginal Heritage Tasmania staff on behalf of the Council.

It is the role of Aboriginal Heritage Tasmania to support the Council to make informed decisions and perform its functions under the Act through the provision of:

- governance policies and procedures;
- information, advice and recommendations; and
- executive support.



THE COUNCIL'S PRIORITIES

FOR THE NEXT THREE YEARS

Looking forward, the Aboriginal Heritage Council believes the biggest issues it will need to address include:

- supporting the reform of the *Aboriginal Heritage Act 1975* to ensure better protection;
- protecting Aboriginal cultural heritage on Tasmania's West Coast;
- improving the Minister for Aboriginal Affairs' knowledge and appreciation of Aboriginal cultural heritage and securing a commitment to a high level of protection;
- providing effective input into the Treaty process;
- increasing recognition of the Aboriginal Heritage Council and its views;
- protecting Aboriginal cultural heritage in the North East;
- supporting an education campaign to increase the value the public place on Tasmania's Aboriginal cultural heritage;
- achieving better enforcement of protection; and
- protecting Aboriginal cultural heritage in the Tasmanian Wilderness World Heritage Area and on Maria Island, the South Coast and Tasmania's other coastlines.

Council members look forward to reporting on their progress towards these goals in the next *Year in Review* in 2021-22.





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CONTACTS

The Aboriginal Heritage Council has a dedicated website at

<https://www.aboriginalheritage.tas.gov.au/council>

Proponents wishing to brief the Council on proposed projects and developments can find our briefing form on this site.

You can email the Council on aboriginalheritagecouncil@heritage.tas.gov.au

The Executive Officer providing support to the Council can be contacted on **03 6165 3136**

SUPPORTED BY



Tasmanian
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