Respondent

5 | Anonymous

64:32
Time to complete

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 organisational 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 In this case, your submission will not be published to the extent of that request.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   - Defamatory or offensive material will not be published.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 in the field below to continue. *

   N Richardson

2. **A new Act with explicit purposes and objectives:**

The Review has confirmed that the Act is out of date and that new legislation is required. The Government is committed to preparing new and contemporary legislation as a matter of priority.

It is proposed that the new legislation would have explicit objectives that include:

· recognition of the age and significance of Tasmania's Aboriginal cultural heritage;

· recognition of Tasmania's Aboriginal cultural heritage as an enduring and living cultural heritage;

· acknowledgement that Tasmania's Aboriginal people are the custodians of their cultural heritage;

· acknowledgement of the need to give appropriate consideration to the management and protection of Tasmania's significant Aboriginal cultural heritage in broader Tasmanian Resource Management and Planning System processes; and

· encouragement of compliance through promotion of awareness about Aboriginal cultural heritage, as well as through practical procedures and very strong penalties.

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 https://nre.tas.gov.au/about-the-department/aboriginal-heritage-act (https://nre.tas.gov.au/about-the-department/aboriginal-heritage-act)

- [ ] 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.
- [x] I disagree with all aspects of the proposed approach.

3. Add further comments here.

4. **Better definitions:**

   Inclusion of expanded and more appropriate definitions of Aboriginal cultural heritage in the Act is an expected change that will require strong input from Tasmanian Aboriginal people, as well as reference to examples from interstate and national law.

   It is proposed that new legislation would have expanded and more appropriate definitions which include:

   · omission of the term 'relic' in the definition of Aboriginal cultural heritage;

   · provision for recognition and registration of intangible heritage (songs, language, stories, landscapes, customs etc);

   · retention of the recognition that significance to the Aboriginal people of Tasmania is the defining characteristic of Aboriginal cultural heritage;

   · retention of the exclusion of objects made, or likely to have been made, for sale; and

   · potential specification of other categories of heritage (e.g. secret and sacred), on consideration of advice from Tasmania's Aboriginal people.

   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 10 Consultation Paper https://nre.tas.gov.au/about-the-department/aboriginal-heritage-act (https://nre.tas.gov.au/about-the-department/aboriginal-heritage-act).

   - [ ] 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.
   - [x] I disagree with all aspects of the proposed approach.

5. Add further comments here.

6. **Ownership:**

It is proposed the new legislation would:

· acknowledge that Tasmanian Aboriginal people are the custodians of their heritage;

· remove current provisions assigning ownership of Aboriginal cultural heritage on Crown land to the Crown, and not specifically provide for any other Crown ownership of Aboriginal cultural heritage;

· prohibit the sale of Aboriginal cultural heritage;

· provide for the registration of private collections of Aboriginal cultural heritage;

· clarify rights of private land holders in relation to undertaking certain activities; and

· provide for the representative Aboriginal body (see next section) to make decisions about repatriation of Aboriginal cultural heritage.

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 https://nre.tas.gov.au/about-the-department/aboriginal-heritage-act (https://nre.tas.gov.au/about-the-department/aboriginal-heritage-act)

- [ ] 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.
- [x] I disagree with all aspects of the proposed approach.

7. Add further comments here.

8. **Representation of Aboriginal people and interests:**

It is proposed the new legislation would:

· establish and recognise a statutory Aboriginal representative body that will have decision making powers;

· set out processes for nomination and appointment of members of the representative body; and

· set out requirements for membership – skills, gender balance, regional representation.

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 15 of the Consultation Paper https://nre.tas.gov.au/about-the-department/aboriginal-heritage-act (https://nre.tas.gov.au/about-the-department/aboriginal-heritage-act)

- [ ] 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.
- [x] I disagree with all aspects of the proposed approach.

9. Add further comments here.

10. **Who makes decisions on Aboriginal cultural heritage:**

    It is proposed the new legislation would:

    · establish principles of early and proactive consideration of Aboriginal cultural heritage with a primary focus on avoiding impacts;

    · establish a system whereby a new Aboriginal Heritage Council (AHC) will make decisions about authorisations for unavoidable interference or destruction in relation to management of Aboriginal cultural heritage in as many circumstances as practically possible (including by issuing permits);

    · provide that complex matters are managed through Aboriginal Cultural Heritage Management Plans where the pathway to approval is agreement between the proponent and the AHC; and

    · provide a pathway of last resort for the Minister to propose a resolution where a proponent and the new AHC are unable to reach agreement on an Aboriginal Cultural Heritage Management Plan for a proposed activity, after exhausting good faith efforts to reach agreement.

    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 17 of the Consultation Paper https://nre.tas.gov.au/about-the-department/aboriginal-heritage-act (https://nre.tas.gov.au/about-the-department/aboriginal-heritage-act)

    - [ ] 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.
    - [x] I disagree with all aspects of the proposed approach.

11. Add further comments here.

12. **Alignment with the State's planning and development system:**

    It is proposed the new legislation would:

    · require persons making decisions, or providing advice under the Act to take into account the objectives of the State's Resource Management and Planning System (RMPS);

    · establish statutory assessment and approval processes and timeframes which align, where practical, with other RMPS legislation – particularly the *Land Use Planning and Approvals Act 1993*;

    · encourage, and where appropriate require, early consideration of Aboriginal cultural heritage in planning and development processes, with the intention of identifying, avoiding and proactively managing potential impacts; and

    · retain provisions for statutory guidelines which may adopt standards, rules, codes and guidelines – particularly in the forestry and mining sectors.

    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 19 of the Consultation Paper https://nre.tas.gov.au/about-the-department/aboriginal-heritage-act (https://nre.tas.gov.au/about-the-department/aboriginal-heritage-act)

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    - [x] I disagree with all aspects of the proposed approach.

13. Add further comments here.

14. **Modern management mechanisms:**

It is proposed the new legislation would:

· provide for Aboriginal Cultural Heritage Management Plans (both voluntary and mandatory) for high-risk/high-impact projects, as in other modern legislation, with the normal process being for finalisation by agreement between the proponent and the new AHC, and (see section 6 above) going to the Minister only if agreement cannot be reached;

· provide for development projects of lesser scale or complexity to be subject to a streamlined assessment and approval process for permits, approved by the new AHC, triggered by the known presence of Aboriginal cultural heritage;

· provide for a system of voluntary Aboriginal cultural heritage agreements to provide for flexible management and protection arrangements (e.g. especially useful for farmers and other owners of land containing Aboriginal cultural heritage values);

· establish a statutory Aboriginal Cultural Heritage Register to record and support management of Aboriginal cultural heritage records and statutory processes;

· introduce modernised provisions enabling the creation of Aboriginal Cultural Heritage Protected Areas for areas requiring the strongest protection, with appropriate management provisions;

· provide for a range of appeal processes, to ensure the Act is administered reasonably and fairly; and

· subject to advice from Tasmanian Aboriginal people, recognise additional categories of Aboriginal cultural heritage and include special management provisions.

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 22 of the Consultation Paper https://nre.tas.gov.au/about-the-department/aboriginal-heritage-act (https://nre.tas.gov.au/about-the-department/aboriginal-heritage-act)

- [ ] I agree with all aspects of the proposed approach.
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- [x] I disagree with all aspects of the proposed approach.

15. Add further comments here.

16. **Compliance and enforcement:**

    It is proposed the new legislation would:

    · retain the current level of penalties for disturbing or damaging Aboriginal cultural heritage, as well as a range of proportionate penalties for administrative offences that do not directly harm heritage;

    · include 'stop work' and 'vacate site' provisions with clearly defined criteria for when and how they may be used, and how long they may remain in force; and

    · include provisions enabling the issue of infringement notices and remediation orders with clearly defined criteria for when and how they may be used, and what types of conditions they may contain.

    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 24 of the Consultation Paper https://nre.tas.gov.au/about-the-department/aboriginal-heritage-act (https://nre.tas.gov.au/about-the-department/aboriginal-heritage-act)

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

17. Add further comments here.

18. Are there any final comments you would like to make?

Last time I checked we are a democracy. Regardless of race, religion, background or heritage we should be equal. We cannot become one as a society while we are continually being divided. Today's society in Tasmania have committed no crime or act against aboriginal people, we should not be shamed for being white and living here and we should not be held financially liable for "resetting " the relationship with aboriginal people. If many of these amendments pass it will categorise, as a whole, the land of Tasmania as aboriginal heritage and every new plan or project or works to existing land and infrastructure will attract a tax for being "white" development and having to be approved by an aboriginal heritage board with the appropriate fees being applied of course. This plan has the intention to extract money from the people of Tasmania and then pass it to the aboriginal committees, boards and councils that are mentioned in this draft. Is that what reconciliation is all about ? Money or something else? Victoria has passed legislation where 2 million hectares of land is now subject to "an apology tax" (as reported in the weekly times 2020). Users of land and water for farming , fishing or forestry or other business are now required to pay aboriginal groups to access those resources. Is that reconciliation or borderline revenge? Will these amendments ultimately mean we will have red tape, green tape and black tape placed onto today's society for land use, land development, infrastructure development, recreational activities and just for being white? That's not democracy at all. That's socialist policy and identity politics. Aboriginal people have the same rights as everyone else, fact. Aboriginal people can join a political party, seek pre selection and be judged by the Tasmanian voter. Or they can form their own party, develop policy and stand candidates in an election. Or they can nominate and run as an independent on their own policies and be judged by the Tasmanian voter. All these examples are what we all have the right to do. To date, has any aboriginal party been formed if these changes are so important or are the deals being done by left leaning departments of government? The general population have no idea of these types of legislation that are being changed. This should be taken to an election as a well published policy and not done behind closed doors and have the "we consulted " box ticked by a relevant department. As an example, our current premiere signed off on renaming many places on the Tasman peninsula and around the state and then scurried down the corridor and called an election and these changes were soon brushed aside in a campaign. Granted, some of the changes around definitions might be deemed appropriate, but definitions can be argued and what may appear to be an innocent change might in fact place further liability and burdens on the Tasmanian public and open the door for more unspecified liberties. It's called wedge politics. The federal indigenous affairs portfolio is funded to the tune of about 34 billion dollars per year. What does that do? Where does that money go ? I would not like to see future generations of Tasmanian people be treated as guilty for past events and be subjected to retrospective applied financial liability for being white. Where is the acknowledgement in this legislation from the aboriginal people to the rest of the population? Where is their acceptance that history can not be changed, where is their acknowledgment towards the population for the battles of ww1 and ww2 that fought for freedoms they enjoy today. Would the aboriginal lobby groups prefer the nazi swas Stika or the Japanese red sun in their flag ? Reconciliation is about two parties coming together to sort out differences. The traffic can't all be one way in this legislation. Something has to come from the aboriginal people that states they accept history, they accept those of us living here are equal.