DEPARTMENT OF EDUCATION learners first

A New Aboriginal Cultural Heritage Protection Act: Consultation Paper on High-Level Policy Directions

Tasmanian Department of Education Feedback

The Department of Education (DoE) offers its reflections on the Consultation Paper on a new Aboriginal Cultural Heritage Protection Act, focusing on those areas that are particularly relevant to the education of Tasmania's children and young people.

We welcome the work already completed and appreciate the opportunity to participate in the next phase of consultation.

The Department of Education agrees with the need to model to learners how we can protect Tasmania's Aboriginal cultural heritage through this legislation now and in the future.

Responses by area

1: A new Act with explicit purposes and objectives

- The Tasmanian Aboriginal community is well recognised throughout the new Act and collaboration has occurred with them throughout the proposed new legislation process
- We note an absence of an explicit objective of the new Act to **protect** Tasmania's Aboriginal cultural heritage.
- The 'objects' of this Act still need to reflect the Tasmanian Aboriginal heritage and community. It is noted that 'Tasmanian' is regularly omitted.

2: Better definitions

- The refined definitions are appropriate and model respect to learners.
- Intangible heritage considers the care needed to be taken when sharing Tasmanian Aboriginal language. As *palawa kani* is shared more broadly throughout education settings this legislation acknowledges the reverence required in this area. This reflects current understanding in DoE regarding intangible heritage.
- Professional Learning will need to be delivered to key DoE staff to ensure learning opportunities and resources are created that reflect the terminology used in the new legislation.

3: Ownership

- The Department of Education acknowledges that the issues of ownership are complex and recommend that the Act explicitly state that Tasmanian Aboriginal People are not only custodians of their heritage but also the owners of their heritage.

4: The representation of Aboriginal people and interests

- The suggested establishment of the statutory Tasmanian Aboriginal representative body will support the work of Aboriginal Education Services to build culturally responsive practices in schools.

5: Who makes decisions on Aboriginal Cultural Heritage

- The Act, going forward, should be clear in ensuring that Tasmanian Aboriginal people, through the suggested establishment of the statutory Aboriginal body, will have the central role in deciding how Aboriginal cultural heritage is to be managed in Tasmania.

6: Alignment with the State's planning and development system

- Aboriginal cultural heritage is a key consideration how the Department of Education plans capital works projects, either through direct engagement and consultation and/or through adhering to Council planning requirements. We support the encouragement of early consideration of Aboriginal cultural heritage in planning and development processes.

7: Modern management mechanisms

- The DoE will require clear processes, guidance, and expertise from the suggested establishment of the statutory Aboriginal body, as they have received from AHT in the past. For example, unplanned incidents in schools where Human remains were thought to have been found and stone tools being found on school site.

8: Compliance and enforcement

- A focus on clear communication of requirements under the new Act will be needed to support understanding and compliance in the broader community, including for Department of Education sites.