



FOREST PRACTICES AUTHORITY

30 PATRICK STREET HOBART TASMANIA 7000  
PHONE (03) 6165 4090 FAX (03) 6233 7954

ABN 72 773 330 912

## **ABORIGINAL HERITAGE ACT REVIEW**

### **SUBMISSION BY FOREST PRACTICES AUTHORITY**

#### **Section 2**

#### **(3) (a) and (b) a relic “which is of significance to the Aboriginal people of Tasmania”**

##### **Comment**

In practice most artefacts found on land are not judged to be relics on the basis of “their significance to the Aboriginal people of Tasmania” but on the criteria of whether they have been produced by Aboriginal people and show signs of human manufacture – i.e. relics consisting of stone artefacts (the most commonly found relics in the State) are routinely defined on *technical criteria* as determined by experts at Aboriginal Heritage Tasmania. FPA considers that appropriate reference to this method of defining a stone relic should be included in Section (2).

The definition of other relics may also need to be considered.

The FPA is of the opinion that throughout the Act the question of artefact significance should be kept distinct from the issue of artefact definition and identification.

#### **(3) (b) “any object, site, or place that bears signs of the activities of any such original inhabitants or their descendants”**

##### **Comment**

Since Jackson’s work in the 1960s (Jackson 1968, Proc. Ecol. Soc. Australia 3: 9-16) evidence has accumulated (Thomas et al. 2010, Terra Australia 32, chapter 18) that the vegetated Tasmanian landscape retains an Aboriginal imprint, i.e. “bears signs of the activities of any such original inhabitants or their descendants”. So the present wording of the Act could be read as implying that landscapes retaining a imprint of centuries or millennia of Aboriginal management (by burning) are “relics”. Consequently, whether “place” includes “landscapes” will need to be decided. Either the definition of “place” needs to be broadened to include landscapes, or “landscapes” will need to be specifically excluded by tightening the definition of “place”.

## **Section 7. Declaration of protected sites**

The relationship of “protected sites” and “protected objects” to the list of sites in the **Aboriginal Heritage Register** needs to be clarified in the Act. The FPA suggests that the Act defines the AH Register as the database in which protected sites and protected objects are listed.

**Section 7 (3) “An order shall not be made under this section in respect of an area of land (other than an area of Crown land), unless the owner and occupier of the land consent, in writing, to the making of the order.”**

This section essentially makes management or protection of relics (as required by Section 9) optional on private land and mandatory on Crown land. The reason for this private-land exemption is not clear. On forested land the FPA, with the agreement of forestry companies, the TFGA, and the Aboriginal Heritage Council, has ensured that newly-found artefacts on both forested Crown land (PTPZ land) and forested private land are described and recorded on the Aboriginal Heritage Register.

There is an opportunity for inserting into the Act a level of recognition for Aboriginal heritage that does not require the Minister to declare a protected site. The Act could be rewritten so that artefacts on private land must be *recognised and recorded*, even if the landowner chooses not to allow designation of the artefacts as protected “sites” or “objects”. Recognition and recording could be achieved by inserting a new section (after Section 7) entitled “**Declaration of Recorded sites**” in which the Minister specifies that any newly-found objects (artefacts, middens etc) on any land (Crown or private) will be (a) recorded on the AH Register; and (b) assessed for their significance, if necessary by a field visit.

This new section will go some way to ensuring that Aboriginal history over the whole state is recorded, without imposing land-use limitations on private land owners or users.

Peter Volker  
**Chief Forest Practices Officer**

11 September 2019