

Submission re Aboriginal Heritage Legislation Review

by John Coulson

Background of the Author

- 84 year old non Aboriginal, descended from early settler Captain George Coulson who settled and named the town Dilston where John still resides;
- Trained as a maths/science teacher who was head of the Maths Department of Scotch-Oakburn College for many years;
- Ran the family farm as a profitable dairy business for close to two decades supplying Bakers Launceston with the largest Northern contract for whole milk – involved in dairy politics in that time, on the State Milk Board and chairman of Farmer organisations;
- Involved in tourism for 7 years both as an operator of a B&B, as the chairman of a group of operators and an executive of another;
- Since retirement has been acutely interested in Tasmanian Aboriginal politics, been involved in lobbying for reconciliation and been an active member of Reconciliation Tasmania (RT) since its inception – currently a member of an RT committee devising a response about a review of Aboriginal Heritage legislation.

Concerns About the Current Situation in Tasmania

- Prior to the “reforms” of the Federal Whitlam Government the descendants of the original Tasmanian Aboriginals were integrated into the community (as they are now) with no particular special privileges or recognition;
- In the 1970’s the Whitlam Government created the opportunity for activism to evolve, something which Michael Mansell took advantage with the TAC of and set about creating division by politicising and corrupting Tasmania’s early history, convincing everyone genocide was intended;
- The 40 years of propaganda has established a “victim culture” in the minds of many of those who claim Aboriginality and this is reinforced by many academics and others who consider these descendants deserve compensation 200 years later for assumed atrocities on their ancestors;
- The current membership of RT is made up of these sympathisers and the less radical members of the Tasmanian Aboriginal Community;
- Aboriginal politics in Tasmania is very one sided with activism by the TAC and general support for Aboriginal aspirations by RT. There is no organisation for those like myself who are upset by the exaggerated and unbalanced interpretations of our early history which are being used to gain questionable rights to Public land, generally cause division in our community giving rights and recognition to Tasmanian Aborigines that we consider unwarranted;
- The early conflicts between the natives and settlers were heightened by a lack of communication with authorities not proactive in learning one of their 9 languages. Ironically, activism has created the same situation now where Tasmanian Aboriginals, all urbanised and speaking English, do not want to communicate with non Aboriginals or involve “whites” in their heritage and other matters.
Concessions are only to be made for them, not by them;
- Overall the current situation is a racist one where anyone can claim to be an Aboriginal and this opens the door to special considerations. Many of us in the community object to this because there is no evidence of discrimination and no justification for any individuals to receive special treatment because of claimed Aboriginal Heritage which, at 6 generations later is likely less than 3% anyway.

The Role of Government

Government is elected by the people to pass legislation in the best interests of the community. One can question if the best interests of the community can be served on matters of Aboriginality if only the Aboriginal voice is given serious consideration. **Many of us feel that current Government approaches are counter to the best interests of the Tasmanian community, discourage any notions of reconciliation and are fundamentally racist.**

The Current Situation with Aboriginal Heritage

- Current discoveries are locked away from general community involvement and interest;
- Most Tasmanians, because they are not involved and sense a general antagonism to them from Tasmanian Aboriginals (as exemplified by the frequent disrespectful reference to “whites”), do not feel any obligation about or sympathy towards any discovery of or protection of ancient Tasmanian relics;
- The result is that the Tasmanian Aboriginals are concerned “their” heritage is not currently protected;
- Despite this concern, there remains an unwillingness by Tasmanian Aboriginals to share heritage and the concept they should “own” and be in exclusive control of this heritage remains embedded in their approach and suggests the politics of ownership and control is more important than heritage protection;
- There is currently opposition to suggestions that non Aboriginals be involved at any level with ancient Tasmanian relics. With this mantra suggestions of a single Tasmanian Heritage Act like that in the ACT is being rejected by RT.

How Could Aboriginal Heritage be a Conduit for Reconciliation?

Government should dissociate itself from partisan approach from the TAC and RT and consider -

- Aboriginal Heritage is Tasmanian Heritage and, as such, is a community asset and should not be the exclusive domain of Tasmanian Aboriginals;
- It can have more spiritual significance to Tasmanian Aborigines, but this does not mean no one else should be involved or have an interest (noting that all the Aboriginals in this State have more European than Aboriginal heritage so have reason to be more tolerant than currently);
- Current legislation is NOT protecting Aboriginal heritage to the satisfaction of anyone and this is because the general community is excluded so has no interest in it;
- The heritage legislation offers an opportunity for Government to induce communication and better understanding between the current disparate groups by involving non Aboriginals in the consideration and protection of Aboriginal Heritage.
- Legislate for a single Heritage act, like that in the ACT but with a different advisory council(s) structure, with involvement of Aboriginals and non Aboriginals in the three areas (i) Natural heritage (ii) Colonial heritage and (iii) Aboriginal heritage.

The Bottom Line for Government

To me there is a clear choice –

A: Retain the current legislation with a few tweaks to give the appearance of having listened to the community;

OR

B: Throw out the current legislation and introduce a new single Tasmanian Heritage Act that involves ALL sides of the community to the interest of increased protection of our invaluable heritage with the bonus of inducing better understanding and discussion between the Aboriginal and non Aboriginal sectors of the Tasmanian community. *See next page for more specific suggestions.*

For Tasmania, Option B is as radical as the Federal gun legislation was years ago. Undoubtedly Option B would encounter savage opposition from vested Aboriginal interests, just as the gun legislation did. But **it would be welcomed by significant number of us and have our support.** My hope is that our State Government would be courageous enough to finally legislate for the interests of Tasmanians generally and not continue to bow to minority activist pressure groups with racist policies, something electorally more unpopular than is currently appreciated.

Suggestions for Adapting the ACT Heritage Act as a Template for Tasmania

The ACT has the one **heritage council** addressing 3 main heritage areas – (i) Natural heritage; (ii) Colonial & Historical heritage and (iii) Aboriginal heritage.

In adapting this to Tasmania, it is suggested that there be 3 sub advisory councils for those 3 areas and they forward items for consideration to a main heritage council with cross membership between all 4 councils be possible and desirable.

The following criteria are suggested:

** **the Natural Heritage sub advisory Council** have at least one member from the Aboriginal Community, one member with professional qualification and experience in environmental matters, one member from Parks and Wildlife, and one member from the general public with interest in Tasmania's Natural Heritage but not necessarily associate with any lobby group, plus any other members at the discretion of the appropriate minister;*

** **the Colonial and Historical Heritage sub advisory Council** have one member representing interests of local councils, one member with qualifications and expertise in Colonial and general architecture and its preservation, one member of the general public with interest in the preservation of Colonial and other buildings and items but not necessarily associated with any lobby group, one member appointed by the National Trust, one member with qualifications and expertise in Tasmanian history, one member associated with tourism, one member from Parks and wildlife, plus any other members at the discretion of the appropriate minister;*

** **the Aboriginal Heritage sub advisory Council** have at least 3 Tasmanian Aboriginals, one from each of the North, North West and Southern regions, plus other members who might or might not be Aboriginal, with one member expert and qualified in archaeology, another expert and qualified in Tasmanian history and a non Aboriginal with interest in Aboriginal heritage, plus any other members at the discretion of the appropriate minister;*

** **the main Tasmanian Heritage Council** consist of 8 members, 2 each from the sub advisory councils including at least one Tasmanian Aboriginal, a Parks and Wildlife representative plus 2 others appointed by the Government.*

The "Fact Sheets" as shown at <https://www.environment.act.gov.au/heritage/publications-and-resources> cover the requisite "motherhood" and other provisions required in any Heritage Act and are in line with current Tasmanian criteria so can be adapted as appropriate to a general Tasmanian Heritage Act.

The basic structure of the Act, its sub councils and main council should ensure that –

- * decisions about heritage value and protection of buildings, artefacts etc are made after professional evaluation;
- * evaluated buildings, artefacts etc are adequately protected by legislation;
- * there is general community involvement, interest in and motivation for protection of all items under the protection of the Act.

This will require an appropriate communication structure which will give the foundation for interaction and appreciation of Aboriginal and non Aboriginal heritage with all Tasmanians. In turn, the one Tasmanian Heritage Act should act as a conduit for reconciliation.

Retaining the current "Aboriginals only" advisory council, even in modified form, will only perpetuate the current division, the lack of involvement and mutual appreciation of heritage, and ultimately its protection, in our Tasmanian community.

Progress is impossible without change, and those who cannot change their minds cannot change anything.

