

Aboriginal Heritage Act Review

20 September 2019

Dear Sir / Madam

Statutory Review of the Aboriginal Heritage Act 1975

Forico Pty Limited (Forico) appreciates the opportunity to be involved in the review of the *Aboriginal Heritage Act 1975*.

Background

Forico is Tasmania's largest private plantation grower and forest manager (www.forico.com.au) responsible for the management of 173,370 hectares of land. 90,000 hectares is dedicated to plantation resource, which is harvested and re-planted in a sustainable manner. An additional 77,000 hectares consists of natural forest which is managed exclusively for conservation and biodiversity values and is subject to minimal or no disturbance.

Management of Aboriginal Cultural Heritage in Tasmania by Forest Managers

For Forico and other forest managers operating in Tasmania, legislative compliance to the *Aboriginal Heritage Act 1975* is fundamentally achieved through adherence to the "*Procedures for managing Aboriginal cultural heritage when preparing Forest Practices Plans*." These procedures were developed through a collaborative process facilitated by the Forest Practices Authority (FPA) which involved forest managers, selected Forest Practices Officers (FPOs), and Aboriginal Heritage Tasmania (AHT). The procedures were endorsed by the Aboriginal Heritage Council and have been successfully implemented for several years.

These agreed procedures outline the steps to be taken when assessing areas for Aboriginal cultural heritage prior to forest operations; planning for Aboriginal cultural heritage management; and managing any unanticipated discoveries. The agreed procedures must be followed prior to the certification of each Forest Practices Plan (FPP), which legally permits the commencement of a forestry operation. The existing framework currently functions effectively and efficiently and complies with the overarching State and Commonwealth legislation.

Procedures for Managing Cultural Heritage when Preparing Forest Practices Plans

The Aboriginal Heritage Register (AHR) is the sole dataset of Aboriginal heritage places and objects which are of significance to the Aboriginal people of Tasmania. The database is administered by AHT and due to the confidential and potentially sensitive nature of the information, the database can only be accessed by FPA trained and endorsed Aboriginal Heritage Forest Practices Officers.

During planning for operational activity, the Procedure for Managing Cultural Heritage prescribes that a search of the AHR is undertaken to identify any previously known sites. Absence of a site listing for an area should not be interpreted as indicating that no sites are present. The database search will be complemented by a pre-operational field inspection to assess whether the operational area is likely to contain unknown sites and to attempt to relocate any known sites identified in the AHR.

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The Procedures for Managing Cultural Heritage prescribes that identified Forest Practices Officers become adequately qualified and endorsed through AHT to provide these selected individuals with the ability to develop practical skills and greater awareness of Aboriginal cultural values to:

- Understand the significance of Aboriginal cultural heritage sites;
- Be capable of undertaking planning for the protection of Aboriginal cultural heritage and advise other operational staff of the suite of available planning tools;
- Undertake and report on field surveys for Aboriginal cultural heritage; and
- Complete site reports for new Aboriginal cultural heritage sites.

If Aboriginal cultural heritage sites are present within the operational area during operational planning, the Forest Practices Plan (FPP) will clearly identify these locations and provide concise management prescriptions including exclusion zones on the FPP map and highlight whether a post-operational survey is required. If Aboriginal cultural heritage is located during planning, then procedures are implemented to exclude the areas from operational activity. New sites will be recorded and submitted to the Regulator (both FPA and AHT) for inclusion on to the AHR.

The procedures detailed above must be reviewed "...*whenever significant legislative changes are enacted...*", with the result that any additional obligations and modifications to the *Aboriginal Heritage Act 1975* will be comprehensively and adequately reflected within the Procedures for Managing Cultural Heritage. This will ensure ongoing protection of Aboriginal cultural heritage by Forico and other forest managers in to the future.

Forico strongly recommend that the existing framework and approval pathway is sustained in the current format to maintain and / or enhance Aboriginal cultural heritage across the forest landscape.

Forico's commitment to the protection and management of Aboriginal cultural heritage within its estate is supported by several other voluntary and legislative mechanisms in addition to "*Procedures for managing Aboriginal cultural heritage when preparing Forest Practices Plans*" and the *Aboriginal Heritage Act 1975*. This additional context for our management approach to Aboriginal cultural heritage is described below.

State and Commonwealth Legislation

Forico must demonstrate compliance to legislation at both a State and a Commonwealth level:

- *Aboriginal Land Act 1995* (Tasmania);
- *Aboriginal Heritage Act 1975* (Tasmania);
- *Forest Practices Act 1985* (Tasmania); and
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Commonwealth).

Third-Party Voluntary Certification

Forico is committed to sustainable forest management principles, as demonstrated through its having met the requirements of two independent, globally-recognised third-party Certification Schemes:

- Responsible Wood Certification Scheme (AS 4708:2013); and
- The Forest Stewardship Council Certification Scheme (FSC-STD-AUS-01-2018 EN).

These voluntary certification scheme obligations exceed the compliance requirements of the legislative framework within Tasmania. The elements of each scheme that relate to Aboriginal cultural heritage are outlined below.

The Australian Standard – Sustainable Forest Management (AS4708-2013: www.responsiblewood.org.au/standards/australian) addresses:

1. Criterion 8: Cultural Values. "*Forest Management shall protect and maintain, for Indigenous and non Indigenous people, their natural, cultural, social, recreational, religious and spiritual heritage values.*" Specifically, clauses 8.1 and 8.2

2. Criterion 2: Stakeholders. *"Forest Management shall demonstrate proactive stakeholder engagement."*

The FSC National Forest Stewardship Standard of Australia (FSC-STD-AUS-01-2018 EN: www.au.fsc.org/en-au/standards/forest-management) :

1. Principle 3: Indigenous Peoples' Rights. *"The Organisation shall identify and uphold Indigenous Peoples' legal and customary rights of ownership, use and management of land, territories and resources affected by management activities."*
2. Principle 4: Community Relations. *"The Organisation shall contribute to maintaining or enhancing the social and economic wellbeing of local communities."*
3. Principle 9: High Conservation Values. *"The Organisation shall maintain and / or enhance the High Conservation Values in the Management Unit through applying the precautionary approach."*
4. High Conservation Values are classified within the FSC Standard. Of relevance to Aboriginal heritage is HCV 6: Cultural Values. *"HCV6 – Cultural values. Sites, resources, habitats and landscapes of global or national cultural, archaeological or historical significance, and / or of critical, cultural, ecological, economic or religious / spiritual importance for the traditional cultures of local communities or Indigenous Peoples, identified through engagement with these local communities or Indigenous Peoples."*

Forico is audited annually by accredited Certification Bodies to demonstrate continued compliance to these sustainable forest management standards.

Forico High Conservation Value Assessment and Management Plan

Within the publicly available Forico High Conservation Value Assessment and Management Plan, Forico recognises the importance of Aboriginal cultural heritage throughout the Forico managed estate (www.forico.com.au). The Management Plan provides information to stakeholders about how Aboriginal heritage values are maintained and / or enhanced by Forico. It also recognises that Aboriginal people may be interested in the Forico managed estate for:

- Access to the area for traditional purposes;
- Visits to important sites;
- Gathering of traditional resources; and
- Education to teach Aboriginal law and custom.

Engagement with the Tasmanian Aboriginal Community

Stakeholder engagement is an important aspect of sustainable forest management that Forico actively implements and endorses throughout the business. Forico is striving to ensure that sensitivities to cultural issues are incorporated within management practices throughout the Forico managed estate, including the acknowledgment of peoples spiritual or traditional connection with the land. To promote meaningful and constructive co-operation and exchange of information requires the establishment and maintenance of open, positive and respectful two-way communication.

In addition to having clear internal stakeholder engagement protocols and guidelines, Forico subscribes to the Tasmanian Forest Industry Good Neighbour Protocol (https://www.pft.tas.gov.au/publications/tasmanian_forest_managers_good_neighbour_protocol).

To be a successful business, Forico must extend its stakeholder engagement efforts beyond the legislative framework. Since Forico commenced operations in September 2014, proactive engagement has been undertaken with a number of (i) statutory Aboriginal Bodies (Aboriginal Heritage Tasmania, Aboriginal Heritage Council, Aboriginal Land Council of Tasmania, and Reconciliation Tasmania); and (ii) various regional Tasmanian Aboriginal community groups. Forico is attempting to develop relationships that will ultimately promote mutual engagement and maintain and / or enhance Aboriginal cultural heritage in sensitive locations throughout the Forico managed estate.

Initiatives proposed by Forico with the Aboriginal community have included the:

- Development and implementation of a Memorandum of Understanding (MOU) with various entities; and
- Proactive involvement in the development of Cultural Heritage Management Plans at sites where sensitive Aboriginal cultural heritage has been identified, in order to work collaboratively to restore and rehabilitate natural vegetation to protect these highly significant landscapes.

Aboriginal community response and progress on these initiatives has been slow, however Forico remains committed to this important engagement opportunity.

Conclusion

Forico strongly encourage that the existing framework to maintain and / or enhance Aboriginal cultural heritage within managed forests of Tasmania is not modified. As articulated above, the "*Procedures for managing Aboriginal cultural heritage when preparing Forest Practices Plans*" operate efficiently and effectively and comprehensively aligns with the Tasmanian Aboriginal cultural heritage legislation now and in to the future.

Through proactive engagement, Forico wish to enhance the management of Aboriginal cultural heritage on our estate beyond the requirements of the *Forest Practices Act 1985* and *Aboriginal Heritage Act 1975*. To this end, we continue to encourage the Aboriginal community to collaborate with Forico wherever possible to actively promote and achieve mutually beneficial outcomes through meaningful, respectful and transparent communication. Finalising the MOU will enable a structured framework for ongoing engagement.

We look forward to being involved and contribute in the review of the *Aboriginal Heritage Act 1975* during the upcoming consultation period.

Please do not hesitate to contact me if you require additional information.

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Sustainability Manager