

TASMANIAN ABORIGINAL HERITAGE LEGISLATION

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DRAFTING BEGINS

Drafting of the Tasmanian Aboriginal Heritage Bill has begun.

I am confident that those working on the project have provided the Office of Parliamentary Counsel (OPC) with thoroughly considered drafting instructions. Public input, examination of other contemporary heritage and planning legislation and meetings with the Aboriginal community have made this possible.

It is expected that a draft Bill will be completed later in the year, with a final Bill ready for Parliament's spring sitting.

Following the draft Bill's release, public consultations will begin; I consider this to be the most significant phase for public comment. It is an opportunity to examine the details of how the new legislation will work and what it will mean to you.

I am both proud and excited to be involved in this important legislation.

Let me add that these are difficult times for the State due to the global recession.

But we have to confront the tough

environment with responsible economic management and build on the successes of the past in order to create a better future for Tasmanians.

This is certainly the case with the former Department of Environment, Parks, Heritage and the Arts, which merged with other departments on 1 July 2009. I am sure that the service provision of these agencies to the people of Tasmania will not be diminished and this legislation will remain a priority for the new Department.

Aboriginal Heritage will remain as part of my portfolio.

Our project team will contact you soon with options for receiving a copy of the draft Bill and details of this final phase of consultation.

I thank you for your contribution so far and encourage you to participate in the coming consultation.

Michelle O'Byrne MP
Minister for Environment, Parks and Heritage

How Legislation is Made

- Need for changes to/new legislation identified –initiated by Minister, responsible Department, members of the public or as part of legislative review process
- Research
- Approval sought from Minister/Cabinet to proceed
- Identification of key stakeholders
- Consultation/policy development
- Develop drafting instructions
- Prepare draft Bill (OPC)
- Consultation on draft Bill
- Amendments to draft as required (further consultation may be undertaken)
- Submit final Bill to Parliament
- Parliamentary phase

It is not this cut and dry. There is always a lot of research, negotiations and work going on behind the scenes.

Inside this issue: local government, standards and guidelines packages for Aboriginal heritage assessments, permits and management plans, revealing site discovered at Brighton bypass site, new department for Aboriginal Heritage Tasmania . . .

Guidelines and Standards Packages Released

Last month Aboriginal Heritage Tasmania released guidelines and standards packages for Aboriginal heritage officers and archaeologists



investigating and reporting on Aboriginal heritage in the State.

These packages were developed to ensure consistency and improved workflow in the management of Aboriginal heritage. They are an essential tool for Aboriginal heritage officers and archaeologists working with Aboriginal heritage in Tasmania or anyone contracting these professionals.

These guidelines and standards will also pave the way for a smooth transition of work practices when the new legislation is finalised.

The packages include technical

practice notes, standard contract proformas and workflow charts, as well as Tasmanian Site Index Forms.

Aboriginal heritage investigation reports need to be of a high standard to enable staff within Aboriginal Heritage Tasmania to confidently make desktop decisions about the management and protection of Aboriginal heritage on country.

The packages are available at www.aboriginalheritage.tas.gov.au. Anyone wanting a printed copy should contact Aboriginal Heritage Tasmania on 6233 6613 or Aboriginal@heritage.tas.gov.au

Local Government the Key

Anyone going through a planning development application, whether they are an owner builder or multi-national developer, will tell you there are no shortages of 'i's to be dotted and 't's to be crossed.

The Tasmanian Aboriginal heritage legislation project team has been meeting with local government and planning authorities throughout the project to ensure that the new legislation will integrate with existing planning processes with a minimum of red tape.

Time lines will be uniform, information will be in the right places and

“Evaluating and protecting Aboriginal heritage at the planning stage of a development is a win win situation for everyone . . . “

proponents will be required to meet their responsibilities at the beginning of the planning process; this will lead to a process which drastically reduces the possibility of costly and frustrating delays.

“Evaluating and protecting Aboriginal heritage at the planning stage of a

development is a win win situation for everyone; in most cases mitigation measures can be dealt with before they cause damage to Aboriginal heritage, delays and additional costs to developers.

“Most importantly, Aboriginal heritage will be protected,” Manager of Aboriginal Heritage Tasmania, Steve Gall said.

“The last thing I want to be doing is stopping anyone’s development once it starts.

“While there will be times when this

continued on page 3

KEEPING THINGS SIMPLE

Management Plans and Permits

Very few would disagree that contemporary legislation to protect Tasmania Aboriginal heritage is long overdue.

Delay in addressing this has provided one advantage; the examination of new Aboriginal heritage legislation in other States.

Queensland has the *Aboriginal Cultural Heritage Act 2003* and Victoria the *Aboriginal Heritage Act 2006*.

Interstate Legislation

Unlike interstate legislation it

is proposed that the Tasmanian legislation will continue to use permits for small scale activities and research type activities, reserving management plans for complex projects, ongoing management of Aboriginal heritage, multiple Aboriginal heritage sites or mitigation requirements.

It has become evident that use of management plans interstate for Aboriginal heritage protection can be cumbersome and standards difficult to meet.

The Tasmanian legislation attempts to provide reasonable flexibility to allow

Aboriginal heritage to be managed in a straight forward manner.

Simple Issues

This is why Tasmania proposes to continue with the permit process to deal with simple issues and management plans to deal with complex issues.

The project team has talked with stakeholders interstate and is grateful to be able to learn from their experiences.

continued from page 2

is unavoidable, there will be clear and transparent mechanisms built into this legislation for such occasions.

“Planning to protect Aboriginal heritage early in the development process will mean these occasions will be rare.”

The proposed legislation aims to

provide greater certainty for the Aboriginal community, landowners, land users and developers in managing Aboriginal heritage.

Aboriginal Heritage Tasmania would like to thank all those who called in with queries and for a chat at our display at the last weeks Local Government Conference.



Did you know?

Mutton birds, a traditional and contemporary favourite dish for Aboriginal people, are also harvested for their oil, which is used to treat colds, skin complaints and respiratory ailments. It is also added to horse feed to help make their coats shiny and is rich in the brain food Omega-3 fatty acids.

DEVELOPMENT LEADS TO RESEARCH

Major developments, such as the new Brighton transport hub provide an opportunity to fully assess and understand Aboriginal heritage places.

This in turn allows informed Aboriginal heritage management decisions to be made and assists with sustainable development.

Aboriginal Heritage Officers and archaeologists have been blown away at the richness of the Aboriginal landscape rediscovered as a result of thorough investigations at the Brighton Transport hub site. The transport hub will be a modern facility for storage and exchange of rail and road freight.

There are potentially thousands of stone and European glass tools, made by past generations of Tasmanian Aboriginals at the site.

It is understood that the area, which the infamous failed Black Line passed through in the 1830s, was used by Aborigines from as long ago as the last ice age until after the arrival of Europeans.

Tools fashioned from European

bottle glass, still with razor sharp edges, which have been located at the site, are evidence of the interaction between European and Aboriginal culture.

It raises many fascinating questions about a history which goes back thousands of years and is every bit as interesting as the cave art of France or the pyramids of Egypt.

Off-site scientific assessment should conclude within the next 12 months and parts of the extensive Aboriginal site have been set aside as conservation zones, preventing impacts from these or any future developments. Department of Infrastructure, Energy and Resources and Aboriginal Heritage Tasmania will develop a Management strategy to protect the zones, it will include protocols for Aboriginal

community access, ongoing access for Aboriginal heritage investigations and interpretation of the site.

While there have been challenges with the management of the site, more interestingly, the physical evidence may challenge the pages of Tasmania's history as we know it.



Researchers at the Brighton transport hub site.

NEW DEPARTMENTS

Just in case you haven't heard . . .

- Aboriginal Heritage, Environment, Parks and Wildlife Service, Heritage Tasmania, and the Royal Tasmanian Botanical Gardens, all divisions of the former Department of Environment, Parks, Heritage and the Arts (DEPHA) merged with divisions of the Department of Primary Industry and Water (DPIW) to form the new Department of Primary Industry, Parks, Water and Environment (DPIPWE) on 1 July 2009.
- Arts Tasmania and Tasmanian Museum and Art Gallery, formerly divisions of DEPHA, have joined the Department of Economic Development, Tourism and Arts (DEDTA).
- Respective Ministers will retain their portfolios.

Further Information To find out more about the Tasmanian Aboriginal Heritage Legislation project, contact:

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