

## Proposed changes to the *Aboriginal Lands Act 1995*

The Tasmanian National Parks Association Inc. (the "TNPA") is grateful for the chance to comment on the matters raised in "An improved model for returning land to Tasmania's Aboriginal people: Consultation Paper on proposals for change". We note that the consultation paper has been significantly influenced by "Pathway to Truth-Telling and Treaty: Report to Premier Peter Gutwein" (the "pathway report") by Professors Warner and McCormack and Ms Fauve Kurnadi (available at [https://www.dpac.tas.gov.au/\\_data/assets/pdf\\_file/0029/162668/Pathway\\_to\\_Truth-Telling\\_and\\_Treaty\\_251121.pdf](https://www.dpac.tas.gov.au/_data/assets/pdf_file/0029/162668/Pathway_to_Truth-Telling_and_Treaty_251121.pdf)).

The consultation paper contemplates the transfer of "reserved land" to the Aboriginal Land Corporation of Tasmania (the "ALCT") under the *Aboriginal Lands Act 1995*. Although the paper does not explain the meaning of the phrase "reserved land", the TNPA assumes that it is intended to have the same meaning as in the *Nature Conservation Act 2002*.

As noted in the pathway report, the TNPA supports the creation of kooparoona niara (Great Western Tiers) National Park as an Aboriginal National Park. The park would include areas currently reserved under the *Nature Conservation Act 2002*, some as State reserve and others as conservation area (see <https://tnpa.org.au/wp-content/uploads/2021/03/Kooparoona-Niara-Great-Western-Tiers-National-Park-proposal.pdf>).

The pathway report also recommended establishing a kooparoona niara Aboriginal Protected Area, in conjunction with the commencement of legislation the report recommended for Aboriginal protected areas. The report envisaged that the kooparoona niara Aboriginal Protected Area would be the first Aboriginal protected area, serving as a model for others.

The TNPA accepts the view in the pathway report that legislation is needed for Aboriginal protected areas, including the proposed kooparoona niara (Great Western Tiers) National Park.

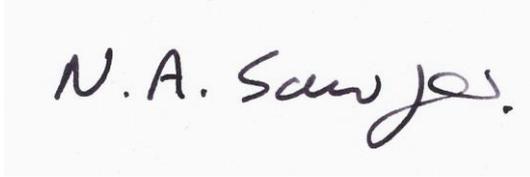
The report noted several ways (with potentially very significant differences) in which legislation could provide for Aboriginal protected areas, with title in the areas vested in either the ALCT or another Aboriginal organisation. (By contrast, the *Aboriginal Lands Act 1995* deals only with land vested in the ALCT. The consultation paper expressly indicates that this position is to be maintained.)

Reserved lands cannot sensibly be identified for transfer under the *Aboriginal Lands Act 1995* until the essential features of legislation for Aboriginal protected areas are settled (including its relationship with existing provisions of the *Nature Conservation Act 2002* and the *National Parks and Reserves Management Act 2002* for reserved land and its management).

The need for a settled understanding of the essential features of legislation for Aboriginal protected areas to inform identification of reserved lands for transfer should not be used as an excuse to delay amendment of the *Aboriginal Lands Act 1995*. Rather, amendments of that Act, and legislation for Aboriginal protected areas, need to be developed together, as quickly as possible. This will enable the kooparoona niara (Great Western Tiers) National Park to be

established as the first Aboriginal protected area in accordance with the recommendation in the pathway report.

The TNPA is interested in continuing to take part in the development of legislation for Aboriginal protected areas.

A handwritten signature in black ink on a light grey background. The signature reads "N. A. Sawyer." with a period at the end. The letters are cursive and fluid.

Nicholas Sawyer, President, TNPA

22 July 2022