

Relics Act shamefully disrespectful

By Matthew Groom
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Matthew Groom commits to better protect Tasmanian Aboriginal heritage

Tasmania is home to truly extraordinary Aboriginal cultural heritage dating back more than 40,000 years.

It is testament to the remarkable connection the Tasmanian Aboriginal people have had to our island home since the earliest moments of human history, but Aboriginal heritage is not just a thing of the past, it's also of the present and will be part of our future. It lives and breathes.

We need to better understand Tasmania's Aboriginal cultural heritage - acknowledge, respect and celebrate it. To do this we need to ensure we have better laws for its protection.

The Aboriginal Relics Act 1975 is woefully outdated. It is shamefully disrespectful of the Tasmanian Aboriginal people in not acknowledging their ongoing existence, instead treating their cultural heritage as a relic of the past. It has become an embarrassment to us all and must be reformed.

The Government has been liaising with Aboriginal communities on how to better manage and protect Aboriginal heritage in Tasmania. The Government recently expanded the Aboriginal Heritage Council to ensure it reflects a broader cross section of Tasmanian Aboriginal communities.

The Government wants to be inclusive and open as we discuss with Aboriginal communities the issues most important to them. This has allowed a fresh conversation to take place about the Act and the best approach for protecting heritage.

Based on advice from the Aboriginal Heritage Council, and from wider discussions with Aboriginal communities over the past two years, the Government considers the best approach is to amend the Act as soon as possible.

At the same time, there must be ongoing engagement with Aboriginal communities and the broader community on future reform. A handful of fixes to the Act won't make it perfect, but we cannot allow the quest for perfect legislation to stop us from acting at all.

Some would prefer the Act be entirely replaced straight away. Previous attempts to introduce a completely new Act have been unsuccessful so the Government is seeking an alternate path to improved protection, understanding and celebration of Tasmania's Aboriginal Heritage.

If we are criticised for this, but improve Aboriginal heritage protection, I will be happy to cop that criticism.

Recent vandalism of Aboriginal cave art in the Derwent Valley highlights the importance of amending the Act, especially given the penalty for an offence is a fraction of that for damage to non-Aboriginal heritage.

The Government knows penalties alone are not the answer, but they are a critical component of legislative protection. We propose to amend the legislation by: REMOVING reference to 1876 as a "cut-off" point for defining Aboriginal heritage.

RAISING penalties for damage to Aboriginal heritage in line with those for damage to non-Aboriginal heritage.

INTRODUCING scaled offences, with the removal of the ignorance defence and the six-month time limit for prosecuting offences; FORMALLY recognising the Tasmanian Aboriginal Heritage Council as the council to advise the Minister; SETTING a statutory timeline for a further review of the Act. CHANGING the name to the Aboriginal Heritage Act.

The Government encourages all Tasmanians to be involved in the review and to provide input on the proposed amendments.

A public submission period seeking input has just commenced and will be open until the end of July. A background document provides a summary and explanation of the proposed amendments.

The Government knows from the history of attempts to improve protection of this heritage that it is not an easy task. If it was, it would have been done a long time ago.

Recent comments from one Aboriginal community group made it clear the legislation in Tasmania is one of the most outdated in Australia. I agree 100 per cent. The Government is determined to lift Tasmania from the back of the pack so current and future generations of Tasmanians can respect, understand, and celebrate the remarkable heritage of Tasmania's first people.

Details on the proposed amendments and how to make a submission are at www.dpipwe.tas.gov.au Matthew Groom is Heritage Minister in the Hodgman State Government.