



TASMANIAN ABORIGINAL CENTRE

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20th May 2026

The Hon Bridget Archer MP
Minister for Aboriginal Affairs
Parliament House
Hobart TAS 7000

Dear Minister,

We write on behalf of the Tasmanian Aboriginal community represented by the Tasmanian Aboriginal Centre (TAC), an Aboriginal community-controlled organisation established more than 50 years ago to advocate for the rights of Tasmanian Aborigines and challenge the ongoing injustices, discrimination and control over our lives, lands, culture and heritage.

As you are aware, Aborigines in Lutruwita/Tasmania have been calling for adequate protection of Aboriginal heritage for decades and welcomed the announcement that new Aboriginal heritage laws would soon be introduced. It therefore came as a profound shock to discover that a draft Aboriginal Heritage Bill had already been developed and completed by Government, ready for public consultation, without any Aboriginal involvement or input whatsoever.

Despite the Liberal Government ignoring our formal request to halt the release of the Draft Aboriginal Heritage Bill until Aboriginal involvement in its development had been sought, and proceeding with public consultation regardless, we later agreed in good faith to meet with you regularly based on your commitment that the legislation would be Aboriginal-led, Aboriginal-designed and Aboriginal-authored.

However, after only two meetings, and despite your repeated assurances that our concerns regarding the Bill, our proposals for future Aboriginal heritage management, and our right to own and control our own heritage were being genuinely heard and supported, we were astounded to find out the Government had advertised "Expressions of Interest" for a Government-appointed Aboriginal Heritage advisory body for the next three years before consultation on the Bill has even concluded. This clearly shows the structure and direction of the proposed Aboriginal heritage systems have already been determined by Government.

Aborigines have been consistently clear in our opposition to an advisory-only model where Government retains final authority over our heritage.

We have been unable to find any evidence that Tasmania's Aboriginal heritage laws have ever been used by the Liberal Government to protect Aboriginal heritage, rather, only to approve its destruction. In the past three years alone, more than 80 permits to destroy Aboriginal heritage have reportedly been approved by the Minister, while we have found no instance of the Minister accepting advice from the "Aboriginal Heritage Council" to refuse a permit to destroy. We see this as a proven failure by the Government to protect Aboriginal heritage and further evidence

that the current system exists to facilitate the destruction of our cultural heritage, rather than prevent it, and nothing within the draft Bill changes this.

Aboriginal cultural heritage was created by our ancestors and is inherited by each generation of Aboriginal people at birth. Tasmania's Aboriginal community has never relinquished ownership of our heritage. What has occurred is not the loss of ownership, but the continued denial by successive governments, including your own, of our right to exercise ownership and authority over our cultural heritage.

The development of new heritage laws presents an opportunity to restore rights long denied to Aboriginal people, rather than continuing Government control over Aboriginal heritage.

Our concerns regarding the current Bill include but are not limited to:

- The Bill maintains ultimate control through powers reserved for the Minister and Government agencies.
- The proposed Aboriginal Heritage Council remains merely an advisory body appointed by Government, rather than an independent Aboriginal-controlled authority chosen by Aboriginal people.
- Proponents can bypass the advisory Council and seek Ministerial approval in certain circumstances.
- Broad regulation-making powers allow Government to weaken protections, exempt activities, or narrow the operation of the Act without Aboriginal consent.
- Cultural landscapes remain subject to Government-controlled recognition processes.
- Intangible cultural heritage, including oral traditions, practices, knowledge and cultural relationships, remains inadequately protected.
- The Bill continues a permit system that allows Aboriginal heritage to be harmed or destroyed through Government approvals.
- The Bill continues powers allowing the state to acquire Aboriginal heritage while denying Aboriginal ownership and control.

This stands in stark contrast to the treatment of colonial and European heritage in Tasmania.

When it comes to non-Aboriginal heritage, Government recognises ownership and accepts that those who created that heritage, and their descendants, hold authority over it.

Yet when it comes to Aboriginal heritage, Aboriginal people are treated as mere "stakeholders" or "custodians" of heritage created by our own ancestors.

The draft Bill maintains the discriminatory position that Aboriginal heritage ultimately belongs under Government control, while European heritage remains recognised as belonging to those who created and inherited it.

There is no equivalent power under Tasmania's *Historic Cultural Heritage Act 1995* allowing the state to compulsorily acquire European heritage from its owners, yet the draft Aboriginal Heritage Bill continues powers enabling Government acquisition and control of Aboriginal heritage.

Maintaining one system of ownership and authority for European heritage, while denying those same rights in relation to Aboriginal heritage, is racial discrimination.

The Bill is also inconsistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), particularly Articles 11, 12 and 31, which affirm the rights of Indigenous peoples to maintain, protect and develop our cultural heritage, traditional knowledge, sites and cultural practices.

It is also disappointing that the Bill makes no reference to UNDRIP or to the nationally endorsed Dhawura Ngilan: A Vision for Aboriginal and Torres Strait Islander Heritage in Australia.

Over the past three months, we, the TAC, has facilitated well-attended fortnightly Aboriginal community meetings across Lutruwita/Tasmania regarding the proposed Bill. These meetings confirmed widespread concern regarding the Bill and strong support for Aboriginal ownership and authority over our heritage.

As a result, we formally call on you and the Tasmanian Government to:

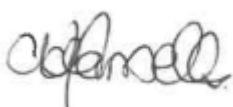
- Recognise Aboriginal ownership of Aboriginal heritage in law.
- Commit to Aboriginal-led drafting of Aboriginal heritage legislation.
- Ensure Aboriginal people hold final decision-making authority over Aboriginal heritage matters.
- Establish an independent Aboriginal-controlled heritage authority chosen by Aboriginal people, not appointed by Government.
- Embed Free, Prior and Informed Consent and self-determination throughout the legislation.
- Remove Ministerial override, bypass and exemption powers.
- End the permit-to-destroy model.
- Halt progression of the current Bill until a genuine Aboriginal-led process can occur.

We are not opposed to reasonable development. What we oppose is a system where Aboriginal heritage can continue to be destroyed under Government control while Aboriginal people are denied ownership, authority and final say over our own cultural heritage.

The Government has repeatedly described this Bill as reform. However, changing administrative structures without transferring ownership and authority to Aboriginal people is not meaningful reform.

While we remain willing to engage regarding genuine Aboriginal heritage reform, recent actions by Government have significantly undermined trust and confidence in the current process. As a result, we request that all future communication regarding these matters occur formally and in writing, including clear written responses from Government to the concerns and proposals raised by the Aboriginal community.

Yours sincerely,



Nala Mansell
Campaign Coordinator
Tasmanian Aboriginal Centre