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Tasmanian Aboriginal Centre Inc Submission on Place Names Act Issues Paper

1. The Tasmanian Aboriginal Centre Inc. (TAC) is a non-profit community based organisation established in 1973 providing legal, health, educational, cultural and welfare services to Aborigines throughout Tasmania. The organisation is committed to developing the social, political, economic and cultural independence of all Aborigines. Reclamation and protection of Aboriginal land, heritage and culture is one of the most significant of the Centre's functions.

Since 1992, the Tasmanian Aboriginal Centre has undertaken the retrieval and revival of *palawa kani*, Tasmanian Aboriginal language, throughout Tasmania. This program has been funded wholly by the Australian government.

2. *palawa kani* is the name of the revived Tasmanian Aboriginal language. Its standardised spelling system has been derived by linguistic methods from phonetic evidence from the original languages and used by Tasmanian Aborigines since 1998. The Nomenclature Board of Tasmania's *Rules for Place Names in Tasmania* 2013 stipulates (12.1) "*Official Aboriginal place- names must be in palawa kani language..*" and "*The Tasmanian Aboriginal Centre is the recognised representative Aboriginal language organisation.*" This reflects Principle 2.8 of the Tasmanian Government's *Aboriginal and Dual Naming Policy* 2012.

3. We welcome the objectives of the Place Names Act Issues paper "*to modernise the legislation to clarify the roles and responsibilities of all parties involved in the official naming process, further streamline the underpinning administrative processes and enhance opportunities for compliance with national standards.*" We acknowledge that standardization of names, their representation in written and, increasingly, digitised form, and efficient processes and procedures for their allocation are all important functions of Tasmania's statutory naming authority. The Issues paper addresses these concerns and deals comprehensively with related technical and administrative matters.

4. However, digitising of spatial data and modernised administrative arrangements are not the only new elements affecting place naming since the Survey Coordination Act 1944 was enacted. Major shifts have also occurred in mainstream attitudes and practical responses to the histories, values and rights of indigenous people. Since 1992, the Committee for Geographical Names of Australasia (CGNA), a standing committee of the Intergovernmental Committee on Surveying and Mapping (ICSM), has encouraged naming authorities in all

Australian states and territories to acknowledge the continuing importance of the original Aboriginal place names, to adopt more frequent official use of these names, from both languages still spoken and languages no longer spoken, and to undertake community education programs to increase awareness of Aboriginal culture and Aboriginal place names. [*Guidelines for the Consistent Use of Place Names in Australia. Appendix A. Guidelines for Use of Aboriginal and TSI Place Names. 1992;2009;2015*]

5. CGNA coordinates all naming authorities within Australia. It is guided by and reports to the United Nations Group of Experts on Geographical Name (UNGEGN), the official international body tasked with providing technical recommendations on standardizing geographical names at national and international levels from its successive Conferences on the Standardization of Geographical Names (UNCSGN). Since the 1970s UNCSGN have recommended and monitored the development and implementation of principles and guidelines for countries to adopt for the promotion and use of minority and indigenous place names. These are in response to various United Nations initiatives and international instruments aiming to protect and develop indigenous peoples' cultures and rights.

6. Key points from the international and national principles and standards (outlined in 7-10 below) are:

- * Increasing the number of official Aboriginal and dual names is a key aim for naming bodies
- * All geographical names and specifically those of indigenous people are a significant part of a country's cultural heritage
- * Recognition and promotion of indigenous place names are important aspects of the work of the standardization of geographical names
- * Promotion of this work benefits the geographical names authorities and provides valuable information for the community in general
- * It is the role of the naming body to increase its members' awareness and understanding of Aboriginal language and culture and of all relevant international, national and local principles and policies
- * It is the role of the naming body to educate the general public on the use of officially recognised place names; promote a greater community awareness of geographical names; support initiatives for appropriate use and preservation of geographical names, and for the recognition of their heritage and cultural importance
- * State and Federal governments to provide funding as needed for these initiatives
- * At least one Australian state (South Australia) has written dual naming into legislation. (Amendments made in 1999 to the 1991 Geographical Names Act enabled dual naming for many features in the Flinders Ranges. There are now more than 300 dual named features in SA, including the River Torrens/Karrawirra Parri and Kati Thanda/ Lake Eyre.)

7. International standards

Resolutions from United Nations Conferences on the Standardization of Geographical Names (UNCSGN) which set principles specifically for minority and indigenous place names are:

- * Resolution 11/36 (2nd UNCSGN, 1972) on *Problems of minority languages*: recognising that geographical names in minority languages are often spelt in diverse ways, recommends that countries, in consultation with native speakers of the minority language, adopt and use a common standard spelling system for place names in the minority language.
- * Resolution 22 (5th UNCSGN, 1987) on *Aboriginal/native geographical names*: wherever possible and

appropriate, the geographical names of indigenous people be adopted for official use by the country in which they live, in recognition that *“the geographical names of these groups are a significant part of the toponymic traditions of every area or country in which they live”*.

* Resolution VIII/1 (8th UNCSGN, 2002) dealt specifically with the *Promotion of minority group and indigenous geographical names*: noting that *“... the preservation of minority and indigenous group culture is recognized as being an important aspect of the work of the standardization of geographical names ... there are many agencies throughout the world actively pursuing the retention/revitalization of minority and indigenous group culture through the recording, recognition and promotion of the toponyms representing such groups; the promotion of this work will benefit the geographical names authorities and the United Nations, as well as provide valuable information for the community in general..”*; Australia offered to assist to compile a summary report on this work from geographical names authorities to be presented at 2007 UNCSGN.

* Resolution IX/5 (9th UNCSGN, 2007) on *Promotion of the recording and use of indigenous, minority and regional language group geographical names*: noted that *“... the promotion of the recording and use of such names is a valuable aid to the recognition, retention and revitalization of indigenous, minority and regional language group heritage”*; recommended the continuing updating of the summary report and development of *“a range of models (particularly with regard to legislation, policies and research procedures) for the promotion of the recording and use of indigenous, minority and regional language group geographical names. “*

Other relevant resolutions emphasise the cultural heritage values of all place names:

* Resolution V111/9 (8th UNCSGN, 2002) on *Geographical names as cultural heritage*: recognised *“the importance of geographical names as part of a nation’s historical and cultural heritage”*, and urged *“countries... to undertake ... the promotion of a greater understanding among the wider public of the significance of inherited geographical names with respect to local, regional and national heritage and identity.”*

* Resolution IX/4 (9th UNCSGN, 2007) on *Geographical names as intangible cultural heritage*: *“Recognizing that toponyms are indeed part of the intangible cultural heritage, and “under a variety of threats,” encouraged official naming bodies to implement programs “to safeguard and develop” use of place names, which provide a sense of identity and of continuity, in accordance with the UNESCO Convention for Safeguarding of Intangible Cultural Heritage 2003.*

8. Self determination and United Nations Declaration on the Rights of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) to which Australia is signatory since 2009 specifies practical applications of self determination, several of which are relevant to place naming.

Article 13: *“ 1. Indigenous peoples have the right to revitalise, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.*

2. States shall take reasonable measures to ensure this right is protected...”

Article 15. States are also to ensure that *“1. Indigenous peoples’ cultures and traditions, histories and*

aspirations are to be appropriately reflected in education and public information.”

Article 31. *“1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions...They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.*

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.”

Article 18. *“ Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.”*

Article 19. *“States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.”*

9. National standards - CGNA Guidelines

The CGNA *Guidelines for the Consistent Use of Place Names in Australia, incl. Guidelines for use of Aboriginal and TSI Names* in its successive versions from 1992 to March 2015 outlines national standards which derive directly from UNGEGN principles and resolutions and states that the principle of self-determination for Aboriginal people is to underpin all place naming issues. (Appendix A. 4.1. b) CGNA reports to each UNCSGN on the progress of Australian naming authorities against these national standards.

The *Guidelines* stipulate that

“(4.2) Authorities and agencies with naming rights should give due recognition to: principles developed under international treaties and agreements; policies and principles developed by the CGNA; and policies and principles developed in their own area of responsibility.”

The Terms of Reference include:

“(1) Promote a greater community awareness of geographical names ...

(5) Support initiatives for the appropriate use and preservation of geographical names, and for the recognition of their heritage and cultural importance

(6) Support UNGEGN and its initiatives.”

The Main Objective of *Appendix A: Guidelines for the Use of Aboriginal and TSI Place Names* is:

“To ensure that Aboriginal...place names are recognized by all Australians as being part of Australian heritage and need to be preserved. “

To assist in meeting that objective, Secondary Objectives include:

“(3.2.e) Nomenclature authorities to undertake when possible to educate the general community in the use and pronunciation of Aboriginal ... place names. (This can be started by the use of authorised names on maps, wide distribution of policies, taking opportunities to speak to appropriate and interested groups, various media releases etc., all of which can be very beneficial without the need to be involved in costly programs.)

(3.2 f) Nomenclature authorities be committed to continuing development of appropriate procedures to facilitate the recording and use of Aboriginal and TSI place names and State and Federal governments recognise the need to provide funding.”

Section 4.4 highlights Education “*as a crucial factor for increasing the awareness, knowledge, and correct pronunciation of names of Aboriginal and TSI origin, and in educating the wider community about the importance of place names to these cultures*”, and lists “*rules ..to assist nomenclature authorities in dealing with these issues.*” These include:

“(a) to undertake, where possible, an educative role in popularising correct spelling and pronunciation of Aboriginal and Torres Strait Islander place names;
(b) to undertake, with the Committee for Geographical Names in Australia (CGNA), an educative role to develop positive international perspectives of the use of indigenous names in Australia;
(c) to import a realisation that Aboriginal and Torres Strait Islander place names represent gifts from those cultures, the sharing of which imposes ethical obligations on the users. (This covers such areas as respect for restrictions, acknowledgement of sources, authorisation for use of names, etc);.....
(f) to educate nomenclature authority support staff in appropriate consultative mechanisms;
(j). to create an increased awareness among nomenclature authority staff of Aboriginal and Torres Strait Islander language and culture.”

10. National standards CGNA Reports of Australia

The most recent CGNA *Report of Australia* to the 10th UNCSGN, 2012 cites as one achievement since the 2007 Conference, the “*continued promotion of dual naming of features with indigenous and introduced place names*”. Key initiatives for the next 5 years include:

** “Communicating with indigenous communities to seek opportunities to recognise and use traditional indigenous place names...*

**Increasing the representation of traditional indigenous names in gazetteers..*

** Educating relevant industries and the general public on the use of officially recognised place names”. (pp6-7)*

CGNA’s second report to the 2012 UNCSGN, on *Australian Indigenous Names Projects*, notes in the same vein that: “*Progress is still being made to ensure that Indigenous Place names are becoming progressively better represented in the general geographic nomenclature of Australia*”; and

“the increased use of [Indigenous place] names either as stand-alone names or dual named...will assist in:

**Emphasising the existence of the languages, even those that are considered extinct.*

** Supporting the use of Indigenous languages in the general community.*

** Retaining aspects of Indigenous heritage.*

** Providing windows into Indigenous heritage for the rest of the Australian community.” (pp 2,3)*

The Report cites as examples of this progress that South Australia has “*legislated the ability to institute dual names for a feature, with an Aboriginal name and another name*” and NSW has begun a process to “*legislate preference for traditional Aboriginal place names to be used*” (p4).

11. Land Tasmania Place Names Act Issues paper, September 2015

None of these objectives or initiatives to progress the restoration of Aboriginal place names are mentioned in the Place Names Act Issues paper. No acknowledgment is made of the resolutions and guidelines of CGNA and UNGEGN that all geographical names are important tools used to identify culture, heritage and landscape, signifying deep held values, and that Aboriginal names in particular should be promoted and supported.

While noting the introduction of the Tasmanian Government's *Aboriginal and Dual Naming Policy 2012* among a list of "*significant advancements*" (p3), the Issues paper does not suggest any provision within the new Act to enable the increased use of Aboriginal names within the state nor for the educative role which UNGEGN and CGNA both assign to a naming authority.

12. Provision for Aboriginal place names within new Place Names Act

For new legislation to truly "*reflect contemporary standards*" and "*enhance ... compliance with national standards*", which the Issues Paper states as aims, it must include measures enabling the naming body to:

- * adopt increased numbers of *palawa kani* names,
- * give preferential status to *palawa kani* dual names as well as feature names,
- * develop more streamlined procedures for assigning Aboriginal names
- * facilitate the process by promotion and education for its own members and the general public.

13. The effects of the social and cultural values of place names on naming processes

Place names indisputably function as "*critically important reference points*" and "*the most common way that people identify geographical locations*" (Issues Paper p1). Equally significantly, they hold "*... irreplaceable cultural values of vital significance to people's sense of well-being. They are an important part of local identity and contribute to a sense of belonging. Geographical names constitute a part of the collective memory and heritage and so function as social identifiers.*" [UNGEEN Media Kit 2: Geographical Names Part of our Social and Cultural Values]

The way that place names act as repositories of personal or community identity through use, memory and association is discussed in Australia's Report to 2007 UNCSGN on *Restoration of Indigenous Toponyms: Recognition of Attachment, Identity and Dependence*. Using the dual naming of Gariwerd/Grampians National Park in Victoria in 1989/90 as a case study, the report considers the emotional and psychological attachments people form with place names, which emerged as expressions of opposition by sections of the mainstream community to the proposed dual name. The report concludes that a preparatory process of public education undertaken by the naming authority about Aboriginal culture and the importance of place names to that culture, in line with UNGEGN and CGNA resolutions and policies, could have forestalled many negative community reactions, and led in turn to a more positive experience of community engagement and a speedier reassignment of the Aboriginal name. The Report lists other benefits from "*Proactive leadership in the area of Indigenous place name restoration (and dual-naming)... such as furthering reconciliation processes, preserving cultural heritage (both Indigenous and non-Indigenous), and avoiding the issues associated with cultural practices which place Indigenous heritages on the peripheries of mainstream societies.*"

14. Aboriginal community expectation

A new Act needs not only to comply with international and national standards, and enact the intention of the Policy, but also strive to meet the expectations of the Tasmanian Aboriginal community. CGNA Guidelines include the need for *“Recognition of Aboriginal and TSI cultural expectation, particularly in respect of methods of community contact, community structures, and respect for community wishes”* (Appendix A. 4.1.h). Tasmania was last of all states and territories to adopt any Aboriginal naming initiatives; its Policy was approved in late 2012. This followed more than a decade of discussion within the Aboriginal community throughout the state on our desire to see our language place names reinstated, including a long period of almost 8 years (2005 – 2011) in which successive governments were lobbied to adopt a policy. It is the general expectation of Aborigines now the Policy is finally in place that it will act as a vehicle for expeditious and uncomplicated reassignment of Aboriginal names which the State, through the Policy, has acknowledged as necessary for justice and reconciliation. To date only six names have been restored after a convoluted process starting in April 2013, with those names not confirmed by the Minister until February 2014. The length of this process suggests the names were not received with complete enthusiasm by the Board nor were any measures in place to expedite their restoration if so desired. Seven more names submitted to the Board in March 2015 have not yet been approved.

As a Policy is only a guide to intent and is always subject to the will of the prevailing naming authority and/or Minister, the restoration of Aboriginal names can only be securely assured if provisions to enable that are included in legislation.

15. Recommendations on Place Names Act Issues Paper

Issue 1: Governance

We agree the composition of the naming body’s Board or Advisory Committee should be changed from that specified in the Survey Coordination Act 1944. Composition should be skill based and more closely represent the diversity of Tasmanian society. Members should be nominated and/or elected from their respective interest groups, not appointed by Ministers or government agencies. Among others, it could include a representative from the Aboriginal community; a representative or nominee of, the State Librarian; and a representative of the Multicultural Council of Tasmania.

The length of term of members of the group should be at least two years, with the opportunity to be reappointed. Incoming members should undertake an induction process which should include education on Aboriginal culture and relevant international, national and local guiding principles, policies and procedures.

Recommend: an Aboriginal representative to be included on the Board/Advisory Committee or any new naming body. This person is to be nominated by the Tasmanian Aboriginal Centre as the organisation confirmed in the Policy as the recognised representative body on Aboriginal language matters and community consultation. In the same way, the NSW Geographical Names Board includes one member nominated by the NSW Aboriginal Land Council, as the primary and largest Aboriginal organisation of longest-standing within the State.

Issue 2: Guidelines and Standards.

We **agree** that guidelines published under new Place Names legislation should mandate conformity with national standards rules and guidelines on dual and Aboriginal naming, specifically the CGNA Guidelines Appendix A, and their current reflection in the *Rules for Place Names in Tasmania 2013 Sect 12. Aboriginal place names.*

As the representative Aboriginal organisation, the Tasmanian Aboriginal Centre is to be given opportunity to comment on any sections dealing with Aboriginal and dual naming in any proposed guidelines or other regulations. [UNDRIP Article 19]

Issue 3: Ambiguity about ‘place’

Recommend: that any new definition of “place” shall include the category of “*cultural landscapes specific to Aboriginal people and defined by them*”, which may encompass and/or overlap several different geographical features.

Issue 4: Assignment of names to public thoroughfares

Recommend : Ensure that assigning of Aboriginal names by any other authority (such as road management authority or local government authorities) remains subject to the control and approval of the Aboriginal community through the representative organisation, the Tasmanian Aboriginal Centre. [*Aboriginal and Dual Naming Policy 2.10*]

Issue 5: Assignment, approval and consultation processes.

New ways to expedite the approval process are to be welcomed. They need however to take account of relevant principles and policies. The *Aboriginal and Dual Naming Policy* clearly states a preference for Aboriginal names for unnamed geographical features, and international and national principles clearly encourage naming authorities to take positive measures to ensure increased numbers of both stand-alone and dual Aboriginal names are restored. The proposals for assignment make no provision for this. On the contrary, the proposals are very reactive to anticipated “*potentially contentious*” naming submissions, for which one might read “Aboriginal naming” submissions, as a handful of objections were received for both sets of Aboriginal names submitted to date. What criteria will establish whether a proposal is contentious or likely to generate concern or not? Who will decide? What measures will be applied to resolve or dismiss this contention?

None of the proposals are very concrete, and they leave a lot of leeway for ministerial discretion. Drafts of the new Act should specify more precisely the proposed options the Minister may call upon when varying processes, and allow for further comment on those proposed processes.

Consultation processes and education

Neither the term nor the methods of “*community consultation processes*” are defined. While appearing to satisfy requirements of public involvement, transparency etc, such processes in themselves are not necessarily effective, unless well planned and managed.

The need for community acceptance of a name is crucial and inarguable and canvassing community opinion is a necessary step to comply with national standards. Once received however, those opinions then have to be managed and resolved and it can be difficult and sometimes impossible to achieve the desired outcomes. Complaints processes and considerations by advisory committees are inadequate measures to effectively handle resistant and uninformed reactions from members and sectors of the public. However, as was seen in the Gariwerd/Grampians National Park situation, an introductory comprehensive program of public education by the naming body would have better prepared the local community and the Victorian people in general, as well as fulfilling the objectives of UNGEGN and CGNA. *“UNGE GN and CGNA resolutions and policies acknowledge that part of the restoration processes need to involve 'the education of the wider community about Aboriginal and Torres Strait Islander culture and the importance of place names to that culture’”*.. [Report of Australia 2012; Resolution 22, 5th UNCSGN 1987; CGNA Guidelines. Appendix A. 3.2.e; UNDRIP Article 15]

To be effective, any community consultation processes should be preceded by - or even replaced by - a well planned public education campaign by the naming body to build awareness and understanding both of general naming issues and also Aboriginal cultural heritage so a specific proposed name can be seen in those contexts. It is necessary to remember that Tasmania was the last Australian state to adopt any Aboriginal naming initiatives and many sectors of the public still need to be informed, if not persuaded, of the reasoning behind this move as a first step in the naming restoration process. Information on UNGEGN and CGNA principles can develop understanding in the Tasmanian community of many aspects of place names and in particular of the importance of Aboriginal names not only to Aborigines but as a unique element in the fabric of Australian society. Such an information package would give valuable context to the whole concept of Aboriginal naming, and can include some background to the names being proposed, although not information restricted and controlled by the Aboriginal community. [CGNA Guidelines. Appendix A. 4. (g) + (h)]

Conducting such an awareness campaign need not be costly, as methods suggested in *CGNA Guidelines Appendix A. 3.2.e.* show. UNCSGN papers and the *Reports of Australia* and other countries contain much useful information which can be summarised. The UNGEGN Media kits are a good framework. Material already on the ICSM website can be used – for example, the Ernie Dingo ‘What’s in a Name’ video and its accompanying Geographical Names Internet Teaching Package DVD; information on Aboriginal culture and history can be sourced from the Aboriginal Education Services agency of the Tasmanian Education Department and through Cultural Competency courses offered by the TAC. The information could be added to the Place Naming web site, included in new Guidelines, promoted at public events and venues (eg food and music festivals, museums and art galleries etc), through government, local government and private sector networks, in schools and other institutions, and so on.

Such community education campaigns would not only forestall objections deriving from lack of knowledge and understanding but also help to create a more positive environment for, and more informed discussion about, Aboriginal naming issues. They also would promote the work of the naming authority itself.

To perform this role requires that all naming body members and staff are themselves well informed on both Aboriginal history and culture and all relevant UNGEGN and CGNA principles.

Recommend: that members of the naming body, its staff and any advisers, consultants etc undertake Aboriginal Cultural Competency courses or sessions as a necessary procedure. Such courses are conducted through TAC’s nationally accredited Registered Training Organisation either as part of a relevant VET Certificate III-IV qualification, or as a shorter packages tailored to the needs of the client. Participants have included personnel

of Parks and Wildlife Service, Department of Premier and Cabinet, and Department of Health and Human Services, among other government and private service providers who strive to ensure a culturally competent service.

Recommend: that members of the naming body, its staff and any advisers, consultants etc attend open Aboriginal community events where possible. Such events are promoted on TAC website and Facebook pages and often advertised in newspapers and include NAIDOC events, putalina (Oyster Cove) Festival, Risdon Cove Land Return Celebrations, Invasion Day and other rallies, and occasional public meetings for specific purposes.

Assigning names

Developing new legislation gives the naming body the opportunity to support and promote the intent of the state government's *Aboriginal and Dual-Naming Policy* - that Aboriginal names are to be given preferential status. In most cases, there are no alternate names to create "contention". Any "contention" usually derives from the perception of a complainant that Aboriginal names are not legitimate or not preferred by them to European names. Community education programs can address these perceptions. Leadership from the naming body in applying the international and national principles in concrete ways will have positive influence on social attitudes within Tasmania.

Recommend: that the new Act mandates a process to assign Aboriginal names to unnamed natural features in which an initial period of community education, including opportunity to comment, is undertaken by the naming body; after which period the name is assigned without need for reference group/advisory committee consideration or public gazettal processes. (Just as Proposal 5.3 proposes "*non-contentious names*" be assigned to man-made features without reference group or public gazettal processes.)

This enacts the intention of the *Aboriginal and Dual Naming Policy*, which is supported by the CGNA Guidelines (3.2), and Resolution 22 (5th UNCSGN, 1987).

Recommend: that the new Act mandates a process to assign dual names (*palawa kani*/English) in which an initial period of community education, including opportunity to comment, is undertaken by the naming body; after which period the name is assigned without need for reference group/advisory committee consideration or public gazettal processes. (Just as Proposal 5.3 proposes "*noncontentious names*" be assigned to man-made features without reference group or public gazettal processes.)

16. We thank you for the opportunity to have made our comments and recommendations and we look forward to the progress of the new Place Names Act. We look forward also to the opportunity to make further comment in later stages of this process, and on any draft legislation.

11 January 2016

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