# Template FOR INPUT INTO THE

**AUSTRALIAN HERITAGE STRATEGY**

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| Overview  This template should be used to provide comments on the content of the Australian Heritage Strategy. | |
| Contact Details | |
| **Name of Organisation:** | Indigenous Advisory Committee |
| **Name of Author:** | Indigenous Advisory Committee |
| **Date:** | **13 June 2014** |
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| Questions  Please add your comments for some or all of the questions provided with the Strategy’s three high level themes below. If you have other information you wish to provide, please add this in the “Other comments” field. | |
| 1. **Improve National Leadership**   What are the most important things the Australian Government should be doing to offer leadership in heritage?  How can the Australian Government provide guidance and support for our national heritage—while still empowering other government, industry and community members to take responsibility and get involved?  What priority areas are important to you, your organisation or group?  What practical actions would you suggest to improve national heritage leadership? | |
| The Indigenous Advisory Committee (IAC) has provided the below comments on the Australian Heritage Strategy. To ensure our comments have been incorporated into this template, we have broken our response down into sub-headings. We can also provide our comments in track changes in an electronic version of the Strategy if this assists.  **Commitments and Proposed Actions**  **1.a) Improved support for Australia’s iconic World Heritage sites - Commitments**  ***Insert*** – Provide resources and opportunities to identify, assess, and nominate Indigenous heritage values to existing World Heritage properties, as well as manage and monitor Indigenous heritage values in existing and future World Heritage properties.  **1.a) Proposed actions:**  ***Insert*** – Identify new potential heritage sites to be added to Australia’s World Heritage Tentative List and submit to the World Heritage Committee for approval.  **1.b) Capture a representative National Heritage List - Commitments**  ***Insert*** – Ensure all World Heritage Areas (WHA) have Indigenous cultural values identified and assessed for retrospective National Heritage listing where applicable.  **1.b) Proposed actions:**  ***Insert*** – Develop a strategy to advance including Indigenous cultural values for existing WHAs where they need to be included in the National Heritage List (NHL).  **1.c) Pursue greater recognition and protection of our natural and cultural heritage, particularly our Indigenous cultural heritage - Commitments**  Ensure that Indigenous communities are provided with the opportunity and assisted to undertake regional assessments across their traditional lands and seas to record their cultural values. This would be a step toward recognising the rights of Indigenous peoples that align with the UN Declaration on the Rights of Indigenous Peoples which Australia has supported. The community will be the holder of such information to benefit and enable them to develop economic opportunities for their benefit.  Future expansion of the NHL is undertaken strategically; ensuring gaps in Indigenous cultural heritage are identified and prioritised for listing protection.  Provides continued scope for relisting places/properties to include additional Indigenous cultural heritage values.  Natural and cultural heritage values are better integrated in future assessments, particularly for iconic species, e.g. turtles and dugongs  **1.c) Proposed actions:**  ***Insert*** – Identify priority sites for assessment for potential World Heritage listing for Sydney’s Royal National Park. (Separate Cape York and Sydney Royal NP as they will have different priorities and timelines).  ***Insert*** – Ensure that ethical best practice standards are applied when working with Indigenous peoples and their heritage values.  It is regrettable that the strategy does not provide more emphasis on the importance of reviewing and enhancing heritage laws and policies outside of the one-stop-shop framework. In particular the Aboriginal and Torres Strait Islander Heritage Protection Act needs to be strengthened either as a standalone law or through the Environment Protection and Biodiversity Conservation (EPBC) Act.  The enhancement of heritage laws and policies needs a conversation around the values and principles guiding the protection and management of Indigenous heritage as well as the importance of preserving and supporting the use of Indigenous languages.  The intersection of heritage laws and policies also need to considered within the context of their intersection with the Native Title Act particularly given the potential for decisions made with respect to heritage to be in contravention of the ‘future acts’ regime.  It is important that Indigenous cultural heritage associated with waters (marine, inland, underground) is recognised and the highly significant stories associated with waters is taken into account and recognition is paramount. Indigenous people continued to face significant impediments to access to water for economic, environmental and cultural purposes, and that those impediments varied among jurisdictions and regions.  **1.d) Contribute to international heritage standard setting and guidance - Commitment: (There appears to be no Commitments for this Category in the Draft Heritage Strategy, however IAC’s recommendation is to include the following.)**  ***Insert*** – Ensure that the strategic alignment of Australia’s heritage programmes maintains a strong alignment between national heritage leadership and Australia’s related international obligations under the Convention of Biological Diversity, the World Heritage Convention, the Ramsar Convention and also adhering to the principles of the United Nations Declaration on the Rights of Indigenous Peoples.  **1.d) Proposed actions**  ***Insert*** Ensure that Australia’s heritage programmes address their obligations under the Convention of Biological Diversity, the World Heritage convention, the Ramsar Convention and also adhering to the principles of the United Nations Declaration on the Rights of Indigenous Peoples.  **1.a) Priorities:**  ***Insert*** – Australia currently has two (2) places on the World Heritage Tentative List and with indications of further potential considerations for World Heritage, Australia needs to re-assess heritage sites that they want to include on the world Heritage Tentative List.  **Issues / Opportunities**  ***Insert*** - As not all World Heritage Areas have Indigenous cultural values listed, it is the aspiration of those Traditional Owners to have their cultural values included in the existing World Heritage inscriptions. Most often the Indigenous communities do not have the resources either in funding or expertise to undertake the work required to identify, assess and nominate for World Heritage listing. Once identified and listed, those cultural values then need to have Indigenous people engaged to manage and monitor in periodic reporting against Outstanding Universal Value (OUV) in the World Heritage listing.  **1.b) Issues / Opportunities**  ***Amend*** - Commentators have suggested that some important categories of heritage assets are not well represented on formal heritage lists — and as a result are not provided with adequate legislative recognition or protection. For example, the arid zone and benevolent and care institutions are two categories of places currently poorly represented on the National Heritage List. There continues to remain a number of World Heritage Areas where Indigenous heritage values are still not listed on the National Heritage List and this strategy aims to address this issue.  **1.c) Issues / Opportunities**  ***Amend*** - Despite the recognition highlighted in these reports that conditions for our heritage are generally good; there is always room for improvement. Additionally AIATSIS has developed the Guidelines for Ethical Research in Australia’s Indigenous Studies that supports the principles of Ask first and goes beyond to ensure that ethical best practice standards are adhered to.  This Strategy should take advantage of existing programmes where the protection and management of cultural heritage is already taking place through the implementation of existing Plans of Management; such as Indigenous Protected Areas and Working on Country Programmes.  **1.d)**  ***Insert*** - Australia is signatory to a number of International Conventions and it is important that Australia meets its obligations through appropriate implementation in heritage programmes that will address these responsibilities.  There is a question regarding the capacity of Green Armies to provide the leadership required. How are Indigenous Green Armies going to be supported to provide the level of leadership required? Also, how is the recognition and protection of Indigenous Heritage going to be improved?  The proposed actions imply that Indigenous support will be facilitated for Cape York World Heritage listing, but not for Royal National Park in Sydney. There should be a standard approach that requires the exploration of Indigenous values wherever National and World Heritage Listing is being considered. Greater support for the recognition of world heritage places on the basis of their Indigenous values is required.  The promotion of the ‘Ask First Guidelines’ is to be commended, but they should be integrated with international standards such as the ‘Akwé: Kon Guidelines’  Training and employment appears to be the driver of Indigenous engagement in the strategy, which fails to recognise and build on the knowledge and capacity that currently exists among traditional owners. The strategy fails to recognise the contributions that Indigenous peoples have already made to conserving and managing heritage places.  Leadership is particularly required to arrest the accumulated decline of Indigenous heritage as identified in the 2011 SOE report. | |

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| 1. **Pursue Innovative Partnerships**   What partnerships are most needed within the heritage sector?  What heritage roles and responsibilities should be led by governments, peak heritage organisations or community groups in the 21st century?  How should resources be shared through heritage partnerships to ensure the greatest return on agreed priorities?  Can you provide examples of successful innovative partnerships you or your organisation have established? |
| **Commitments and Proposed Actions**  **2.a) Greater heritage policy and process alignment across all levels of government – Commitment**  ***Insert -*** Promote the need for all State and Territory Indigenous Heritage legislations to be aligned with the Environment Portfolio as they currently sit either with Indigenous Affairs or Parks and Wildlife Portfolios. This would enable consistency with Commonwealth legislation, regulations and best practice standards for Indigenous heritage identification, assessment, management, protection and monitoring at the World Heritage and National Heritage levels. There would also be better alignment for Indigenous heritage for jurisdictional Bilateral Agreements with the Commonwealth.  **2.a) Proposed actions:**  Pursue and promote with the Australian Government for COAG to put in place mechanisms for all State and Territory Indigenous Heritage legislations to be consistent and be administered under the Environment Portfolios for consistency and better administration for all jurisdictions.  **2.b) Building heritage capacity through workforce support, education and training - Proposed actions:**  ***Amend dot point 2 to*** – Commit to provide opportunities for Indigenous people to access training and career path development in heritage identification, management, promotion and celebration.  ***Insert*** – Commit to provide educational materials for the Australian community about the processes of the protection and management of Australia’s heritage.  It is imperative that the Green Army is aligned with the most relevant and appropriate training curriculum if they are working with heritage at the built heritage, cultural sites and landscape projects. For Indigenous heritage it is also imperative that the appropriate Elder is used on the team as a Cultural Adviser.  **2.b) Issues / Opportunities**  ***Insert*** - It is important for the Australian community to understand the processes of adequate protection and management of our heritage values.  Supporting the central role of Indigenous people in relation to decision regarding our heritage is to be applauded. It is difficult to understand how this will be achieved, however, in light of the States and Territories being given control of these processes through the new bilateral arrangements.  Opportunities for Indigenous people to develop career paths and get training already exists through programmes such as WOC.  The strategy should recognise the ‘innovative partnership’ between the IAC and AHC. |

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| 1. **Enable encourage communities to understand and care for their heritage**   What should the Australian heritage sector be doing to help the Australian community better engage in heritage activities?  How can a shared understanding of our national heritage be developed and best celebrated together?  Do you have any examples of activities that have been successful in promoting local heritage to a broader audience?  What is the role of technology and new media in providing greater community access to heritage? |
| **Commitments and Proposed Actions**  **3.a) Creating incentives to care for our heritage - Commitments:**  Empower Indigenous communities to record, manage and monitor Australia’s biodiversity species important to cultural uses.  **3.a) Proposed actions:**  ***Insert*** – Support Indigenous communities to undertake comprehensive strategic heritage assessments over their traditional lands and waters to be managed by them for potential future activities.  Promote the establishment of a Confidential Register of Biodiversity Species for Indigenous Cultural Uses.  **Priorities – Issues / Opportunities**  ***Insert*** - There is an opportunity for Indigenous communities to undertake a comprehensive strategic heritage assessment so that certainty and assurance of known heritage values are recorded prior to any development activity. This data should also be managed by the Indigenous communities themselves so that proper planning can be done to the best of their knowledge for better education, recording and management of their cultural heritage.  Additionally another opportunity for Indigenous communities would be for the establishment of a Confidential Register of All Biodiversity Species for Indigenous Traditional Use (RBSITU). The purpose of this initiative would be hand in hand process from the comprehensive strategic assessment and recording species of natural resources that are used for cultural purposes (eg: healing, medicinal, sacred, ceremonial and cultural practices) so that the species is monitored for its sustainability and not become a threatened species and/or extinct. The RBSITU would be confidential and protected but recording its broad location and managed by the Indigenous people to ensure its confidentiality. This would empower the Indigenous community to manage their heritage values and developers would be required to negotiate with the communities about proposed future actions. The RBSITU could potentially be a Matter of National Environmental Significance (MNES).  Landscape-based planning (Master Planning) that facilitates the identification of sensitive heritage sites and enables the quarantining of certain places from certain types of developments is required and should be promoted through the strategy.  The development and implementation of national standards and best practice guidelines for the conservation and management of heritage should be a commitment, not an action.  The improved alignment of heritage policy in Australia is already taking place however, its driver is based on the belief that heritage regulations are an impediment to economic development. The strategy provides no clear direction to improve the conservation and management of heritage places where they are at risk of destruction in the name of economic development. While State and Territory regimes are evolving they are not resulting in a net benefit for heritage conservation and enjoyment.  The need for improved access to information should be supported, but there needs to be controls in place to ensure that information related to Indigenous heritage is not accessed and used without the Prior Informed Consent of the relevant traditional owners.  **3.b) Promoting greater knowledge and engagement with our heritage - Commitments:**  The IAC recommends that provision for resources be contributed for the supporting the Australian World Heritage Indigenous Network (AWHIN) and the Australian World Heritage Advisory Committee (AWHAC) to continue to network and advise the Australian Government on emerging issues across the World Heritage properties.  **3.d) Management of heritage places - Commitments:**   * State of the Environment (SOE) reports’ cultural heritage management concerns and the shifting understanding over 20 years within these reports of Indigenous cultural heritage. Additional funding is provided to help ensure the SOE 2011 improvements to cultural heritage value monitoring and reporting can be pursued. * Recognises that while loss of unknown sites is an issue, loss of assets at known sites also needs to be recognised and addressed, e.g. Burrup Peninsula. Base level data on unknown sites should be collected as a priority. * Include action(s) relating to the development of standard definitions, thresholds and minimum standards that should be taken into account by development proponents where their actions may impact upon Indigenous cultural heritage values. * Previously submitted IAC comments on approvals standards for one-stop-shop bilateral arrangements should be taken into account with:   1. future heritage considerations under the regulatory reform process, and   2. where relevant within the Strategy. * Heritage Branch also encouraged to discuss these regulatory reform considerations further with Environment Assessment and Compliance Division. * Partnerships developed following release of the Strategy should be equitable and provide the appropriate voice for traditional custodians for Strategy actions relating to their heritage. * Regional strategic plans take more account of likely heritage values and Indigenous people’s desire to nominate for protection, e.g. with Cape York regional planning process. * National Indigenous cultural heritage legislation is aligned where possible, and duplication relating to state legislative variances is reduced where possible. |
| **Other comments** |
| **What is heritage?**  Heritage can be simply defined as the special places or things that tell important stories about us and our world. Heritage is present everywhere – it is in household objects, in machinery and technology, and in buildings and landscapes. It is what we value from the past and wish to pass on to future generations. It includes stories, traditions, languages, events and experiences, architectural wonders, and our unique natural, historic and Indigenous heritage values. Heritage is an integral part of life today. It is constantly evolving and is shaped by all Australians.  **Australia’s heritage community**   * Indigenous people as Traditional Owners and custodians working on country, employed in parks and other roles in Indigenous organisations.   The strategy is quite underwhelming and generally suffers from:   * A lack of detail about how it will achieve what it aspires to. * Seeming to be inconsistent with recent policy developments. * Being repetitive and its structure is disjointed.   The aim of the strategy is essentially its purpose and it fails to inspire. There is nothing about in the aim or the vision about enhancing the protection of Australia’s heritage. It is mostly a restatement of existing commitments, priorities and actions.  Indigenous peoples and people from other cultural backgrounds outside of Great Britain are under‑represented, particularly with respect to the imagery used in the draft strategy.  While the strategy talks of building a shared understanding of what Australia's heritage is it is difficult to see how this document will aid that cause. Ironically, the strategy promotes the virtues of those policy developments that are driven by those who benefit the most out of the destruction of Australia’s’ heritage and fails to recognise that the loss of heritage is too often the opportunity cost of economic development  The structure of the Strategy is very confusing and repetitive. The language of the document needs to be consistent in its tense and the use of Action (doing) verbs. And there is no timelines attached to any of the actions in the Strategy which needs to be ‘outcome focussed’. There should also be a mechanism to be able to evaluate the progress of the Strategy and a Review Process to update the Strategy every 5 years.  **Recommendations**  That the Minister and the Department support the IAC and AHC to come together through a long‑term ‘innovative partnership’ designed to enhance and support the finalisation and implementation of the strategy.  The IAC recommends that a new heading for **Actively Support Australia’s Indigenous Heritage** be inserted after the *Improve National Leadership* section. The recognition of Indigenous heritage in this Strategy will highlight its importance for the whole of Australia to acknowledge its history. |