



**AIATSIS**

AUSTRALIAN INSTITUTE OF  
ABORIGINAL AND TORRES STRAIT  
ISLANDER STUDIES

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Australian Heritage Strategy Submissions  
Heritage Branch  
Department of the Environment  
GPO Box 787  
Canberra ACT 2601

## **SUBMISSION TO THE DRAFT *AUSTRALIAN HERITAGE STRATEGY***

The Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS) welcomes the opportunity to provide comment on the Draft *Australian Heritage Strategy* (the Strategy) released for comment in April 2014.

This submission

- provides informed comment on the priorities, commitments and proposed actions identified in the *Draft Australian Heritage Strategy* (April 2014)
- proposes a number of ways in which AIATSIS could, if appropriately resourced, contribute to the Strategy.

### **About AIATSIS**

First established in 1964, AIATSIS is a Commonwealth publicly funded research agency within the Department of Education Portfolio, and a key national Indigenous cultural institution. Renowned as the world's premier research, collecting and publishing organisation for Aboriginal and Torres



Strait Islander cultures and languages, AIATSIS is a leading international role model for ethical engagement with Indigenous peoples.

AIATSIS is a statutory authority governed by a Council of nine members, four of whom are elected by the AIATSIS membership. The remaining five members, who must be Aboriginal or Torres Strait Islander people, are appointed by the Minister for Education.

AIATSIS delivers a range of products and services related to the protection and promotion of Aboriginal and Torres Strait Islander peoples' cultural heritage, including:

- a discoverable and growing collection of Aboriginal and Torres Strait Islander cultural materials and information
- quality research publications and online information resources about Aboriginal and Torres Strait Islander peoples' history and culture
- guidelines for ethical research, collections management and publishing with Aboriginal and Torres Strait Islander peoples
- research projects on matters of importance to Aboriginal and Torres Strait Islander peoples, including on subjects related to place-based and intangible cultural heritage management
- digitisation of collection items for preservation and access
- a range of public programs and events that showcase Aboriginal and Torres Strait Islander heritage
- outreach programs that return materials from the collection to Aboriginal and Torres Strait Islander families around the country
- efficient and innovative learning and development programs for staff and Indigenous students.

AIATSIS represents and delivers benefits to many different stakeholders with shared interests in Indigenous heritage, including Aboriginal and Torres Strait Islander families, native title groups and their representatives, academics, schools and universities, collecting and research institutions, Indigenous non-government agencies, and state and federal governments.

### **AIATSIS' submission to the Draft Australian Heritage Strategy**

AIATSIS' submission responds to the scope of the *Australian Heritage Strategy*, which is understood to be limited to place-based heritage only, acknowledging that extends to both tangible and intangible aspects of place-based heritage.

The AIATSIS submission is also limited to comment on issues of Indigenous cultural heritage only, although it is important to acknowledge that Aboriginal

and Torres Strait Islander peoples should be consulted about and involved in the identification and protection of Australian heritage places more generally.

The submission identifies some of the key opportunities the Strategy potentially offers to AIATSIS stakeholders, and makes practical and realistic suggestions about possible future processes, commitments and actions.

AIATSIS does not agree, however, with some of the underlying assumptions of the Strategy, and queries the extent to which Indigenous stakeholders have to date been consulted in its development.

Our primary concern is with the Strategy's failure to articulate the current poor state of Indigenous cultural heritage protection in Australia and the nature of existing threats to its preservation and sustainable management.

### **The current state of Indigenous place-based heritage**

The Strategy summarises the findings of the *2011 State of the Environment Report* as showing that conditions for Australian heritage generally is 'good, though some deterioration had been evident in recent years' (p.17). No mention is made of the state of Indigenous heritage specifically.

However, as an appendix to this report, *State of the Environment – State of Indigenous Cultural Heritage 2011* (SoE-ICH 2011)<sup>1</sup> makes clear, Aboriginal and Torres Strait Island cultural heritage is suffering in the face of a number of threats that undermine its integrity and present multiple challenges to its management.

Overall, the authors of SoE-ICH 2011 find that Indigenous heritage is poorly understood, inadequately documented and protected, and increasingly under threat from approved destruction. Specific findings include that:

- Aboriginal and Torres Strait Islander peoples are for the most part excluded from formal government decision making processes that impact on the management of Indigenous heritage. (SoE-ICH 2011, p.7)
- In a number of jurisdictions there is a high rate of issue of permits authorising harm and destruction of Aboriginal heritage as a result of development approvals, permits and consents. (SoE-ICH 2011, p.8)
- The number of applications to the Commonwealth Minister for the Environment to provide emergency protection to Indigenous heritage places has increased in recent years, but the rate of approval of such applications remains low. (SoE-ICH 2011, p.8)

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<sup>1</sup> Available at <http://www.environment.gov.au/system/files/pages/ba3942af-f815-43d9-a0f3-dd26c19d83cd/files/soe2011-supplementary-heritage-state-indigenous-cultural-heritage.pdf>

- The high level of approved destruction of significant Aboriginal places remains a major threat to Indigenous heritage. (SoE-ICH 2011, p.11)
- There has been an increase in the recording and listing of Aboriginal and Torres Strait Islander peoples' heritage sites on government registers but there is little to no accounting or public reporting of the cumulative impact of the destruction of these sites (SoE-ICH 2011, p.11)
- There are significant limitations on the data available to assess the state of Indigenous cultural heritage across jurisdictions (SoE-ICH 2011, p.11)
- Many different agencies are responsible for Indigenous heritage legislation across jurisdictions, but there are no national requirements for consistency in the management of Indigenous heritage places. (SoE-ICH 2011, p.12)
- The different definitions of Indigenous 'heritage' used by the states and territories make it difficult to establish a national picture of the extent to which Indigenous heritage is being protected or impacted. (SoE-ICH 2011, p.12)
- Despite a number of reviews and amendments to state and territory Indigenous heritage legislation in recent years, Australian laws do not yet reflect international obligations under instruments such as the *UN Declaration on the Rights of Indigenous Peoples* to allow for free, prior and informed consent in relation to the management of Indigenous heritage. (SoE-ICH 2011, p.12)

Although the Strategy identifies a general aspiration to 'improve the recognition and protection of Indigenous cultural heritage', AIATSIS is of the opinion that the Strategy as it currently stands fails to identify any meaningful commitments or actions for addressing existing threats to Indigenous place-based heritage, in particular the threat of approved destruction through development projects.

Some of the proposed solutions, such as the use of the Green Army to encourage training and capacity building in Indigenous communities, are poorly conceived and will not provide the appropriate level of support that many Indigenous cultural heritage projects require. Moreover, important policy innovations proposed in previous consultations and SoE reports, such as national coordination of programs that pro-actively document and assess Indigenous heritage, have not been committed to within in the draft Strategy.

Most significantly, the Strategy fails to recognise that Aboriginal and Torres Strait Islander peoples should be resourced and empowered to take control of the management and protection of their own regional cultural heritage assets.

National leadership on this issue requires the creation of a national forum that enables Aboriginal and Torres Strait Islander groups from around the country to come together to discuss and identify solutions to the common challenges they face ensuring recognition and protection of their cultural heritage places and their associated intangible heritage values.

Such a forum should involve native title holders and their representatives, who have specific cultural and legal obligations to protect cultural heritage places for future generations. With this in mind, I draw your attention to the Final Report of the *Review of the Roles and Functions of Native Title Organisations*, recently released by the Department of the Prime Minister and Cabinet.<sup>2</sup>

This report contains a considerable amount of information about the current cultural heritage management activities of Registered Native Title Bodies Corporates (RNTBCs) and Native Title Representative Bodies and Service Providers (NTRBs/SPs). As well as highlighting a range of innovative and successful projects and partnerships, the report draws attention to a range of issues that constrain the ability of these organisations to more effectively manage and protect significant places on traditional lands.

### **How can AIATSIS contribute to the development and implementation of the Australian Heritage Strategy?**

The *Australian Heritage Strategy* provides an extraordinary opportunity for the Commonwealth government to provide genuine leadership in the area of Indigenous place-based heritage.

With its key functions located at the intersection of research and education, and collection and preservation, AIATSIS is uniquely and pivotally placed to work alongside the Department of Environment to deliver on the Strategy's potential in this area.

AIATSIS already plays a significant role in the collection, coordination, analysis and promotion of information about Indigenous place-based heritage, both domestically and internationally. Many of AIATSIS' statutory functions and current activities align with the commitments and proposals outlined in the *Australian Heritage Strategy*, with which it shares an overriding vision.

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<sup>2</sup> Deloitte Access Economics, *Review of the Roles and Functions of Native Title Organisations Final Report*, March 2014.

<http://www.deloitteaccess economics.com.au/uploads/File/DAE%20Review%20of%20Native%20Title%20Organisations%20-%20Final%20Report.pdf>, [accessed 30 May 2014].



AIATSIS can assist the Department of Environment deliver the three key elements of the Australian Heritage Strategy, namely National Leadership, Innovative Partnerships, and Community Engagement:

#### **National Leadership**

- ✓ knowledgeable and committed Indigenous governance
- ✓ 50 years' experience in managing and safeguarding cultural information
- ✓ an international profile as a leader in Indigenous archiving
- ✓ in-house expertise in all areas of Indigenous heritage, including site documentation and assessment, GIS information management, Indigenous tourism, and state and federal legal and policy regimes.

#### **Innovative Partnerships**

- ✓ a history of fostering successful projects and partnerships between Indigenous groups, government and industry
- ✓ experience delivering career development programs for Aboriginal and Torres Strait Islander people in the area of Indigenous research and cultural collections
- ✓ a successful track record in securing external funding for heritage-related projects

#### **Community Engagement**

- ✓ a long-standing and successful community outreach program
- ✓ considerable experience promoting Indigenous cultural heritage to the general public
- ✓ extensive and longstanding relationships with Aboriginal and Torres Strait Islander communities, including native title groups.

AIATSIS is already in part fulfilling the role suggested in previous submissions to the Australian Heritage Strategy through the following activities:

- ✓ maintaining a national clearing house for the collection and preservation of geo-spatial data and related information about Indigenous heritage places
- ✓ engaging in research to harness traditional knowledge to support sustainable management of country
- ✓ supporting the education and understanding of Indigenous cultures across Australia and preserve Indigenous heritage among the general public
- ✓ providing professional development pathways for Aboriginal and Torres Strait Islander people wanting to work in the area of cultural heritage management.

AIATSIS has the information, the research expertise and the networks to expand on these activities and ensure that the design and implementation of the Indigenous cultural heritage management elements of the *Australian Heritage Strategy* are ethical, effective, and of both national and international significance.

We trust this submission assists with the development of the *Australian Heritage Strategy* and look forward to future discussions about challenges and opportunities it presents.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Russell Taylor', is written over a large, stylized, hand-drawn oval shape.

Russell Taylor  
Principal

## **Comments on commitments and proposed actions**

### ***1. Improve National Leadership***

#### ***a. Improved support for Australia's iconic World Heritage sites***

##### ***Commitments:***

- *Provide support to local environment and heritage conservation projects across Australia through the Green Army Programme.*

AIATSIS does not believe that the Green Army Programme will provide appropriate or adequate support for many Indigenous groups seeking to proactively protect and manage heritage places. See 1(c) below for a detailed discussion.

#### ***c. Pursue greater recognition and protection of our natural and cultural heritage, particularly our Indigenous cultural heritage***

##### ***Commitment:***

- *Encourage training and capacity building in Indigenous communities through the Green Army Programme.*

AIATSIS has reviewed the *Green Army Programme Guidelines* and makes the following comments regarding its viability as a mechanism for delivering outcomes that contribute to the management and protection of Indigenous place-based heritage.

The Green Army Programme as it is currently conceived is likely to be unsuitable for use by most Indigenous groups seeking assistance with heritage conservation projects.

It is limited in scope, administratively complex, costly to deliver, and won't address development-related threats to Indigenous heritage. The only funding available to an Applicant through the Green Army Programme covers the stipend for 9 inexperienced young people, their supervisor's salary, and up to \$10,000 worth of equipment. The Project Sponsor is expected to fund all other personnel and resources required for the project.

Particularly for groups located in remote or regional areas where sites may be located some distance from towns or communities, the absence of funding to pay for essential project personnel and other costs will mean that the Green Army Programme is not a viable option for supporting these kinds of projects.

There is no funding available through the Green Army Programme to assist the Applicant to fund older members of an Indigenous community to



participate in heritage projects. They are the experts in significance of sites and appropriate land care, and hold the cultural knowledge and stories for their country/countries. As such, the Green Army proposal fails to address age and gender stratification in regards to knowledge about and access to Indigenous place-based heritage.

There is no funding available to assist the Applicant to pay for the involvement of heritage specialists, such as archaeologists, historians, anthropologists or natural scientists, to assist with the documentation of heritage places or stories.

As an alternative to using the Green Army for Indigenous heritage projects, we encourage the Department of Environment to explore other avenues for supporting Aboriginal and Torres Strait Islander communities to undertake proactive cultural heritage management activities that also provide opportunities for learning and development of young Indigenous people. Developing these alternatives should be done in consultation Aboriginal communities and relevant organisations, including RNTBCs and their representatives. They could also involve corporate sector interests who undertake activities on Aboriginal lands that potentially impact Aboriginal places of significance.

AIATSIS also encourages the Department of Environment to explore other options for supporting tertiary education, training and professional development for Aboriginal and Torres Strait Islander people wishing to specialise in cultural heritage management. AIATSIS' *Step Up* program (see page 15 below) is a good example of such a program.

***Proposed actions:***

- *Promote the best practice Ask First Indigenous consultation guidelines.*

AIATSIS commends the promotion of the *Ask First Guidelines* within the Australian Heritage Strategy and suggest this proposed action be elevated to a stated commitment.

- *Improve the recognition and protection of Indigenous cultural heritage.*

Noting the absence of commitments and proposed actions that deal with the management and protection of intangible cultural heritage within the Strategy, AIATSIS commends the proposal to improve recognition and protection of Indigenous place-based heritage, and suggests this proposed activity should be elevated to the status of a commitment within the Strategy.

It is not clear, however, how this broad ambition is to be achieved within the context of the Strategy.

AIATSIS suggests that the identification of specific actions to achieve this ambition be developed through wide consultation with Indigenous stakeholders at national, state and local levels and in particular with native title and other Aboriginal corporations who have particular obligations to their members to protect Country.

*What are the most important things the Australian Government should be doing to offer leadership in heritage?*

*What practical actions would you suggest to improve national heritage leadership?*

*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?*

The recently released final report for the Review of the Roles and Functions of Native Title Organisations prepared by Deloitte Access Economics identifies insufficient engagement and co-operation with government bodies as a key challenge in achieving the statutory obligations and broader aspirations in the area of cultural heritage management and protection.<sup>3</sup> Stronger co-operation with local businesses, government bodies and service providers to ensure the protection of cultural heritage is a key aspiration of RNTBCs.

AIATSIS recommends the Commonwealth commit to the following activities as part of the *Australian Heritage Strategy*:

### **Engagement**

- Conducting comprehensive face-to-face consultations with Aboriginal and Torres Strait Islander stakeholders and actively seeking their input in the process of finalising the Australian Heritage Strategy.
- Undertaking national coordination and implementation of policies and programs that pro-actively document and assess Indigenous heritage.
- Convening and resourcing a continuing national forum for community leaders and heritage practitioners from Aboriginal and Torres Strait Islander communities to discuss and provide advice on significant issues relating to the management and protection of Indigenous heritage and cultural landscapes.

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<sup>3</sup> In May 2014, the Department of the Prime Minister and Cabinet released the final report of the *Review of the Roles and Functions of Native Title Organisations* by Deloitte Access Economics. See <http://www.deloitteaccess economics.com.au/uploads/File/DAE%20Review%20of%20Native%20Title%20Organisations%20-%20Final%20Report.pdf>, p.79

- Developing a national approach for continuous engagement with and resourcing of native title organisations—including RNTBCs and NTRBs/SPs—to ensure they have the local capacity to manage and control significant heritage places on native title lands.
- Ensuring that Aboriginal and Torres Strait Islander groups are also consulted about developments in the protection and management of nationally significant heritage assets that are not explicitly “Indigenous” in character.
- Providing greater support for AIATSIS to:
  - ✓ Establish and maintain a national clearing house for the collection and preservation of geo-spatial data and related information about Indigenous heritage places.
  - ✓ Engage in research to harness traditional knowledge to support sustainable management of country.
  - ✓ Support the education and understanding of Indigenous cultures across Australia and preserve Indigenous heritage among the general public.
  - ✓ Provide professional development pathways for Aboriginal and Torres Strait Islander people wanting to work in the area of cultural heritage management.

### **Documentation, Reporting and Protection**

- Setting common standards for recording and reporting of sites and site disturbance across jurisdictions, and mandating public reporting of disturbance of heritage sites.
- Undertaking immediately a national audit of Indigenous collections at risk of permanent loss in the next 10-20 years and develop a plan for their preservation and digitisation. These collections are critical for the research and documentation of Indigenous heritage.
- Undertaking thorough regional assessments in partnership with Indigenous stakeholders, including Indigenous rangers, that lead to comprehensive inventories of natural and cultural assets that are controlled by local Aboriginal parties.
- Strengthening partnerships with cultural institutions who conduct programs that return copies of relevant Indigenous materials in digital form, and investing in local keeping places in consultation with community members.
- Prioritising the rollout of the National Broadband Network to Indigenous remote communities and to regional areas. This will support the digital repatriation and access to Indigenous collections held in collecting

organisations by Indigenous people in remote and regional areas. These collections will assist in the research and documentation of Indigenous heritage by Indigenous communities.

- Sponsoring research to identify and measure the cumulative impacts of past and continuing approved disturbance and destruction of Indigenous heritage.
- Establishing, in consultation with key Indigenous stakeholders, an appropriate framework for assessing and aligning data from state and territory Indigenous heritage registers, and including a mechanism by which the destruction of sites and removal of places from these registers can be monitored.
- Providing opportunities and support to identify and manage Indigenous heritage values in World Heritage sites.

*What priority areas are important to you, your organisation or group?*

AIATSIS' functions, which are established under the *Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989*, are to:

- ✓ undertake and promote Aboriginal and Torres Strait Islander studies
- ✓ publish the results of Aboriginal and Torres Strait Islander studies and to assist in the publication of the results of such studies
- ✓ conduct research in fields relevant to Aboriginal and Torres Strait Islander studies and to encourage other persons or bodies to conduct such research
- ✓ establish and maintain a cultural resource collection consisting of materials relating to Aboriginal and Torres Strait Islander Studies
- ✓ encourage understanding in the general community of Aboriginal and Torres Strait Islander societies.

In keeping with our statutory functions, AIATSIS is concerned to ensure that Aboriginal and Torres Strait Islander peoples are provided with appropriate input into the development and implementation of laws and policies that impact on their heritage assets, aspects of which AIATSIS is currently charged with securing.

AIATSIS is also concerned to ensure that Aboriginal and Torres Strait Islander peoples' involvement in the management and protection of their heritage is predicated on the principles of best practice and free, prior and informed consent.

## ***2. Pursue innovative partnerships***

### ***a. Greater heritage policy and process alignment across all levels of government***

#### ***Commitment:***

- *Develop one stop shop streamlining processes to make it easier to navigate heritage regulations.*

AIATSIS does not support the accreditation of state governments to manage Commonwealth assessment and approval processes for the identification and management of Indigenous heritage places.

As *SoE 2011* clearly demonstrates, many state governments are failing in their responsibilities to protect Indigenous heritage places. While a 'one stop shop' located within state planning systems may simplify approval processes for developers, we do not believe it will enhance Aboriginal and Torres Strait Islander people's capacity to control and manage cultural heritage places and landscapes.

Rather, such a system will increase impacts on Indigenous heritage places by facilitating more frequent approvals that allow for the destruction of cultural and archaeological significant places.

AIATSIS agrees that improving partnerships between all levels of government and Indigenous interests is a worthy ambition and should be pursued within the context of the *Australian Heritage Strategy*. We also recognise that there is a balance to be struck between recognising the benefits of heritage while minimising the burden on those who are responsible for managing heritage assets.

This balance will only be achieved, however, when all levels of government acknowledge that it is Aboriginal and Torres Strait Islander peoples who should be primarily responsible for managing their local heritage assets. As things currently stand, in most jurisdictions Aboriginal and Torres Strait Islander groups have very little input into or control over government decisions around the registration and destruction of Indigenous heritage sites. Indeed, in some jurisdictions, Aboriginal groups do not even have the right to appeal ministerial decisions about site impacts.

Improved cooperation and coordination around the regulation of Indigenous heritage assets will only occur when Aboriginal and Torres Strait Islander groups are provided with meaningful opportunities to have a lead role in those processes.

Accreditation of state governments as overseers of nationally protected matters under the EPBC Act should only occur when state governments can demonstrate that their own planning processes provide for meaningful levels of Indigenous input into decision making around Indigenous heritage places.

***Proposed actions:***

- *Improve communication about heritage laws, regulations, policies and decisions to help ensure they are better understood by all, especially for local governments and private owners.*

AIATSIS encourages the development of specific commitments within the Strategy that address the issue of 'patchwork' legislation at Commonwealth and state government levels.

- *Ensure Indigenous Australians have a central role in decision making relating to their heritage while providing protection for traditional areas, objects and languages.*

AIATSIS fully supports this proposed action and recommends elevating it to a commitment within the Strategy.

AIATSIS emphasises the need, when pursuing such commitments, to ensure that it is the Aboriginal communities and entities (such as native title organisations) with primary legal and cultural obligations to protect heritage places who are given primary carriage for decision making in relation to their Indigenous heritage places.

## **b. Building heritage capacity through workforce support, education and training**

**Commitment:**

- Establish the Green Army Programme to provide opportunities for young Australians to gain training and experience in environmental and heritage conservation by participating in projects that generate real benefits for Australia's natural and cultural heritage places.

**Proposed actions:**

- Explore complementary partnerships that build linkages between Green Army heritage projects and innovative education, training and, mentoring opportunities and quality frameworks.

AIATSIS does not believe that the Green Army Programme is an appropriate vehicle for the delivery of education and training in the area of Indigenous heritage. Please see 1(c) (above) for a more detailed discussion of this commitment.

- Explore opportunities for Indigenous people to access training and career path development in heritage identification, management, promotion and celebration.

AIATSIS supports the exploration and development of greater opportunities for Indigenous people to access training and career development in heritage related fields.

The skills required for a professional career in heritage management (for example: archaeology, environmental management, IT, history and anthropology) are highly specialised and usually require post-graduate qualifications. Aboriginal and Torres Strait Islander people experience low rates of tertiary education in comparison with the general Australian population and require support to undertake such study.

AIATSIS therefore recommends exploring partnerships between employers and tertiary institutions to provide Aboriginal and Torres Strait Islander people with opportunities to gain on-the-job experience in heritage management while working towards a formal qualification.

AIATSIS' *Step-Up Program*, which is funded by the Department of Prime Minister and Cabinet, is a great example of an accelerated career development program that provides Aboriginal and Torres Strait Islander people with clear pathways to meaningful professional careers in research and collecting institutions, or in their own communities. Among other outcomes, *Step-Up* participants:

- ✓ gain skills in Indigenous research and information management that can be utilised across research and cultural institutions
- ✓ receive training and educational attainment in research, collections management and administration, and
- ✓ springboard to meaningful professional careers in research and collecting institutions or in their own communities.

AIATSIS encourages the Department of Environment to explore opportunities for supporting similar programs within the context of the Australian Heritage Strategy.

### **c. Innovative funding, resource sharing and creative partnerships**

#### **Proposed actions:**

- Explore the development of new incentives and resource gathering partnerships.

- Encourage increased grassroots investment and local business participation through new philanthropic and creative business partnerships.

AIATSIS supports the exploration of innovative approaches to the funding of Indigenous heritage projects by philanthropic and business partnerships, but emphasises the need for such opportunities to be developed in consultation with Indigenous stakeholders.

AIATSIS sees there is an opportunity for development of a strategic approach to investment and partnership development in this area. Such an approach would identify potential sources of long-term funding support beyond start-up projects or one-off infrastructure injections. Aboriginal and Torres Strait Islander communities should be the primary drivers of this strategy.

There is a growing body of research that demonstrates the many potential benefits of corporate sector and philanthropic financing of heritage conservation activities for all stakeholders.<sup>4</sup> Although the relationship between heritage and business is not unproblematic, there is a strong shared value business case for encouraging private sector engagement in corporate social responsibility partnerships for heritage conservation.<sup>5</sup>

While not absolving the Commonwealth of its responsibilities to manage and protect Aboriginal and Torres Strait Islanders' heritage particularly in relation to development-triggered heritage issues, AIATSIS believes that such partnerships may be a very effective way of proactively addressing large and complex Indigenous heritage conservation challenges.

Government involvement to ensure the success of such partnerships might include:<sup>6</sup>

- promotion of the shared value business case for corporate social responsibility for Indigenous cultural heritage
- development of policies that ensure company activities avoid damage, destruction, exploitation or over-commercialisation of Indigenous heritage sites
- resourcing of Aboriginal and Torres Strait Islander groups to pursue such opportunities in a meaningful way
- encouraging ethical business practice in relation to heritage

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<sup>4</sup> See for example: Starr, F 2013. *Corporate Responsibility for Cultural Heritage: Conservation, Sustainable Development and Corporate Reputation*, Routledge Press, New York.

<sup>5</sup> Starr 2013, p.146.

<sup>6</sup> Starr 2013, pp.147-167.



- recognising and incorporating public interests in such partnerships
- recognising corporate champions in this area
- encouraging those businesses whose activities have the greatest impact on Indigenous heritage assets (for example, mining companies) to assume greater responsibility for funding heritage conservation projects
- encouraging the design of sustainable long-term projects with Indigenous communities that include local skills development, employment and adequate long-term financial and expert support
- encouraging and resourcing the sharing of information and technology between Indigenous heritage projects to avoid duplication of effort.

*What partnerships are most needed within the heritage sector?*

The primary stakeholders in any partnership to support Indigenous heritage initiatives should be the Aboriginal or Torres Strait Islander communities and entities who have responsibility for caring for the heritage in question. Increasingly, these organisations will be the corporations established to hold and manage native title rights and interests over traditional lands.

Partnerships are needed between keeping places, local and state collecting institutions and centralized national cultural heritage institutions. If supported and properly resourced, such partnerships will promote training and development, broaden professional career opportunities and support the agency of grassroots Aboriginal and Torres Strait Islander peoples and communities within the cultural heritage sector. They will also ensure long-term security and access to heritage information assets.

As the recently released *Final Report of the Review of the Roles and Functions of Native Title Organisations* illustrates, some RNTBCs and the NTRBs/SPs who represent their interests are already successfully engaged in such partnerships, the benefits of which extend to income and employment generation for Indigenous participants. Such projects include the establishment of business units within many NTRBs/SPs to provide support for native title groups to meet statutory obligations around heritage compliance, as well as to actively engage in cultural heritage protection, and land management.<sup>7</sup> There are many opportunities to build on the number and scope of such partnerships.

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<sup>7</sup> Deloitte Access Economics, March 2014, *Final Report of the Review of the Roles and Functions of Native Title Organisations*, [http://www.deloitteaccess economics.com.au/uploads/File/DAE%20Review%20of%20Native%](http://www.deloitteaccess economics.com.au/uploads/File/DAE%20Review%20of%20Native%20Title%20Organisations.pdf)

Commercial organisations whose activities impact on Indigenous cultural heritage places and landscapes, such as mining companies, should particularly be encouraged to support and collaborate on cultural heritage management projects with native title groups and Indigenous host communities.

Advocacy, financial support and resourcing are needed to return information to native title groups and by doing so enable them to build on, maintain and use living archives of heritage information to achieve a range of social and economic aspirations.

What is also needed is a change in how non-Indigenous holders of Indigenous heritage information, such as resource developers and state governments, see themselves and their obligations in relation to the large archives of Indigenous related knowledge that they hold.

There is also considerable potential for partnerships between Commonwealth government, collecting institutions, state governments, industry and native title organisations such as RNTBCs and NTRBs/SPs to support high quality, community-based research projects that proactively document and preserve significant Indigenous cultural landscapes and place-based heritage assets in areas not immediately under threat from development.

*Can you provide examples of successful innovative partnerships you or your organisation have established?*

### **The ‘Mining Knowledge Project’**

In collaboration with a native title group from the Pilbara region of Western Australia and a major mining company holding considerable commercial interests in their traditional lands, AIATSIS has scoped a three-year project that will see valuable heritage information currently held by the mining company returned to the host community’s PBC.

This project will bring together cultural, technological and other specialist expertise to develop

- **GIS and other information management technology** that provides local access to and control over cultural heritage information
- **Protocols and Agreements** that establish clear pathways for access and provide long term security for information assets

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[20Title%20Organisations%20-%20Final%20Report.pdf](#) [accessed 29 May 2014], pp.29, 63-66, 70.

- **Aboriginal Language Resources** for use with the information management systems
- **Training and employment** for local Aboriginal IT administrators, technicians and language workers
- **Open Access** Research on the challenges and benefits of returning mining archives to host communities.

The project requires the investment of considerable time and effort to work through issues such as confidentiality, intellectual property, and the myriad of commercial, cultural and legal risks facing both proponents and native title groups.

If successful, this project will bring many benefits including:

- ✓ improved business governance
- ✓ increased cultural confidence,
- ✓ the creation of direct and indirect employment
- ✓ sustainable economic development
- ✓ improved social wellbeing

AIATSIS would welcome the opportunity to explore how similar projects could be promoted and resourced through the *Australian Heritage Strategy*.

### ***AIATSIS Digitisation Project***

The AIATSIS Collections are a unique repository of Indigenous knowledge and culture collected over many years and are now the world's largest collection of materials related to the Aboriginal and Torres Strait Islander peoples of Australia.

The AIATSIS Collection includes a wide variety of analogue formats: film, video, audio, photographic formats and print materials. These formats span a long history of media technology and representation.

However, the age of these materials means that there is a risk of content loss due to the physical deterioration of the carriers, particularly when items have not previously been stored under optimum conditions prior to their arrival at AIATSIS.

Additional complications are presented by the fact that many of the analogue format playback devices for particular formats are themselves no longer manufactured or supported.

AIATSIS serves geographically dispersed client groups and individuals with access to collection items. For ease of access, distribution and reproduction many of these requests are now required in digital formats.

To address the above preservation and access issues, AIATSIS conducts a comprehensive digitisation and preservation program with the aims of preserving original materials and continuing to manage, develop and provide access to collection content.

The bulk of AIATSIS' unpublished holdings are unique and irreplaceable. The collection contains approximately 630,000 photographic images, 12,000 manuscript titles, 40,000 hours of recorded sound, and 16,000 film cans. Much of the information held relates to specific places or landscapes of significance of Aboriginal and Torres Strait Islander families from around the country. Like the places themselves, not all this knowledge is available to the public; a lot of it was collected with obligations of confidence. And sadly, in some instances the knowledge contained in these items is no longer held by members of the communities from where they originated.

The AIATSIS collection alone represents a huge untapped resource for the documentation of Indigenous place-based heritage. More than seventy percent of clients accessing the audiovisual collections have family or cultural connections to the content. When adequately resourced to digitise and repatriate holdings to communities, such collections can extend their reach and help keep knowledge alive.

Digitisation of collection items is prioritised based on a matrix of factors – including significance, state of deterioration and level of client demand. Digitisation is conducted by specialist technical staff with a range of analogue to digital transfer equipment selected to achieve quality results to identified technical standards.

AIATSIS retains specialist engineering staff and has a suitably equipped workshop to ensure that vintage analogue playback devices remain operational to required specifications.

Digitisation is guided by the AIATSIS Collections Business Plan and is conducted with regard to the adopted ATSILIRN (Aboriginal and Torres Strait Islander Library, Information and Resource Network) protocols.

We encourage DEC to consider including resourcing for the digitisation of Indigenous heritage information assets held by institutions such as AIATSIS should within the Australian Heritage Strategy.

### ***3. Encourage communities to understand and care for their heritage***

#### ***a. Creating incentives to care for our heritage***

##### ***Commitments:***

- *Through the Green Army Programme, bring young people together with heritage managers to learn about heritage conservation and restoration projects.*

AIATSIS does not believe that the Green Army Programme provides appropriate or adequate support to Indigenous groups seeking to proactively protect and manage heritage places. See 1(c) above for a detailed discussion.

#### ***b. Promoting greater knowledge and engagement with our heritage***

##### ***Proposed actions:***

- *Explore partnerships to establish a single entry point information portal for access to heritage information at all levels (world, national, state and territory and local).*

While AIATSIS is supportive of the concept of developing shared technology for use by multiple Aboriginal and Torres Strait Islander groups in the management of their local heritage assets, we are concerned that a single entry point information portal may not be an appropriate model for providing access to all registered Indigenous heritage places, particularly those held on state and territory heritage registers.

As the authors of the Strategy will well be aware, information about the location and significance of Aboriginal and Torres Strait Islander heritage sites can be subject to cultural restrictions that prohibit sharing of such knowledge on the basis of factors such as age, gender or ritual status.

Furthermore, there is a significant degree of mistrust among many Aboriginal and Torres Strait Islander people around the provision of secret/sacred information to researchers and governments, fuelled in part by past high-profile breaches of responsibilities to protect restricted cultural information that have had profound consequences for Aboriginal informants and their families.<sup>8</sup>

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<sup>8</sup> Archaeologist Richard Gould's publication of images of Ngaanyatjarra gender-restricted ritual and imagery in the early 1970s is a well-known example. The fallout from these events, which occurred over 40 years ago now, continues to reverberate in contemporary Western Desert communities. See Peterson, N 2003, 'The Changing Photographic Contract:

Some Aboriginal communities therefore choose, where possible, not to publish information about sites in order to ensure that cultural protocols are not breached, and to prevent possible vandalism to significant sites.

While it may be appropriate for some registered Indigenous heritage sites to be included in a public single entry portal that includes a range of other heritage places as well, this will not always be the case. In instances where it was not appropriate, a single entry portal could be used to direct users to the relevant Indigenous body for information about a particular area.

Extensive consultation with local Aboriginal or Torres Strait Islander custodians of heritage places will be necessary to before making information about Indigenous sites publicly available through such a portal in order to ensure the free, prior and informed consent of the owners or custodians of those places is secured.

- *Improve public access to heritage information through new technologies, social media and plain English government online nomination/ application forms.*

AIATSIS agrees that a fundamental requirement for effectively managing heritage places, especially Aboriginal or Torres Strait Islander heritage places, is access to the right information.

It is especially important to ensure that Aboriginal and Torres Strait Islander communities and their corporate representatives have the necessary information, skills and technology available locally to assist with decision making about the management and protection of heritage places and cultural landscapes.

The amount of written and geospatial information generated through heritage-related activities can be huge, particularly in areas of intense resource extraction and related 'future act' activities.

Such information assets are of great value to those Aboriginal and Torres Strait Islander people and entities—such RNTBCs—who have cultural and legal obligations to sustainably manage them for the use and benefit of future generations. However, as a growing body of literature clearly demonstrates, few Aboriginal or Torres Strait Islander community groups or organisations are sufficiently resourced to appropriately manage these assets.<sup>9</sup>

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Aborigines and Image Ethics', in Pinney & Peterson *Photography's Other Histories*, Duke Uni Press, pages 135-136.

<sup>9</sup> See for example, McGrath, PF, C Stacey and L Wiseman 2013, 'An overview of the Registered Native Title Bodies Corporate regime', in Bauman, T, LM Strelein and JK Weir (eds), *Living with native title: the experiences of registered native title corporations*, Canberra: Australian Institute of Aboriginal and Torres Strait Islander Studies, pp.27-64; Deloitte Access

While intergenerational transmission of heritage-related knowledge continues among family members through oral history and the practice of ceremony, many Aboriginal and Torres Strait Islander people experience high levels of educational, economic and technological marginalisation.<sup>10</sup> This marginalisation results in a degree of digital exclusion and reduces the capacity of individuals to apply emerging technologies such as Geospatial Information Management Systems (GIS) to the management and protection of place-based heritage.

Identifying the resourcing of heritage information management technology and skills development for Indigenous groups as a priority within the *Australian Heritage Strategy* will help improve Indigenous heritage management outcomes, support intergenerational transmission of knowledge, and address other areas of Indigenous disadvantage.

### ***c. Appropriate timing for the national celebration of Australia's heritage***

#### ***Proposed action:***

- *To increase community engagement with Heritage Week, investigate whether the date should be shifted to enable greater local engagement in heritage activities.*

AIATSIS does not support the shifting of the date of Heritage Week to coincide with the celebration of Australia Day on 26 January.

Marking as it does the anniversary of the arrival of the First Fleet of convicts and settlers from Great Britain, Australia Day is a flash point for Aboriginal and Torres Strait Islander people and has historically been a day of protest for those wishing to draw attention to the colonisation of their traditional lands. As early as 1938, 26 January was recognised by Aboriginal people as 'The Day of Mourning', and more recently has been referred to by some as 'Invasion Day'.

If the *Australian Heritage Strategy's* ambition to bring together all Australians to celebrate their shared heritage and identity through an event of national significance is to be truly inclusive, it should consider staging Heritage Week at another time during the year.

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Economics, *Review of the Roles and Functions of Native Title Organisations Final Report*, March 2014.  
<http://www.deloitteaccessseconomics.com.au/uploads/File/DAE%20Review%20of%20Native%20Title%20Organisations%20-%20Final%20Report.pdf>, p.2.

<sup>10</sup> L. Ganley, *Connect, Innovate & Support: Digital Inclusion and Aboriginal and Torres Strait Islander Peoples: A Summary Report on Stakeholder Consultation for participating groups*, Telstra June 2013, available at <http://broadbandforthebush.com.au/wp-content/uploads/2013/06/Telstra-Indigenous-Digital-Inclusion-Stakeholder-Summary-June-2013.pdf>

#### ***d. Management of heritage places***

##### ***Proposed actions:***

- *Explore the further development of national standards and best practice guidelines for conservation and management of heritage places.*

AIATSIS agrees that heritage work can be a complex business that at time requires expert advice and guidance. This is particularly true for Indigenous heritage projects where issues of ethics, information ownership, free prior and informed consent and cultural protocols are particularly important to ensuring the interests of Indigenous stakeholders are being appropriately addressed.

In the context of native title and site clearance surveys for development projects, there is growing concern that ethical practices are not always being observed. Corporate interests have an extraordinary degree of control over heritage management processes, and conflicts of interest abound among proponents and the heritage consultants they commission to conduct compliance surveys.<sup>11</sup>

AIATSIS recommends that the Commonwealth work with AIATSIS and relevant professional not-for-profit organisations with members working in the area of Indigenous cultural heritage management to explore the creation of an alliance of multi-disciplinary practitioners. Relevant organisations include:

- Australian Indigenous Archaeologists' Association
- Australian Archaeological Society
- Australian Anthropological Society
- Institute for Professional Practice in Heritage and the Arts
- Australian Association of Consulting Archaeologists
- Australian Historical Society

Such an alliance would be well positioned to collaborate with Aboriginal and Torres Strait Islander stakeholders and the Australian Heritage Council to develop multi-disciplinary guidelines that set out appropriate standards for documentation and monitoring of multiple values of Indigenous heritage places, with a view to moving towards registration of heritage practitioners working in this field.

- *Work with the Australian Heritage Council to provide appropriate monitoring and evaluation methods to:*
  - *help managers develop practical arrangements for protecting the values of heritage listed places, and*

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<sup>11</sup> See for example: Bednarik RG, 2013. 'Cultural heritage management, ethics and rock art in Western Australia' in *Australian Aboriginal Studies* 2013/2, pp.86-91,



- *build a more comprehensive understanding of the condition of our collective national heritage.*

AIATSIS fully supports collaboration towards establishment of better understanding about the current condition of Indigenous cultural heritage in Australia, but makes the following observations.

Research to develop a national picture of the state of Australia's Indigenous cultural heritage should occur in close collaboration with those Aboriginal and Torres Strait Islander communities and entities with cultural and legal obligations over heritage on traditional lands.

As the authors of SoE-ICH 2011 observed (p.11), there are significant limitations on the data available to assess the state of Indigenous heritage. Establishing a national baseline for measuring is impossible due to the inconsistencies between how different jurisdictions define and record Indigenous heritage sites and the processes by which they subsequently report their destruction.

Commitments to specific data collection against agreed reporting criteria at both Commonwealth and state level will be required if Australia is to build a more comprehensive picture of the state of place-based Indigenous heritage assets.

AIATSIS supports the recommendation of SoE-ICH 2011 (p.12) for consultation with key Indigenous heritage bodies and other stakeholders to establish an appropriate national framework for assessing and aligning data from state and territory Indigenous heritage registers, along with requirement for standard reporting of state data.

### ***e. Models for recognition of Australian heritage champions***

#### ***Proposed action:***

- *Explore the best approaches for the recognition of Australian heritage champions.*

Like many of their fellow Australians, countless individuals from Aboriginal and Torres Strait Islander communities regularly dedicate considerable unpaid time and personal resources to ensuring their important cultural places are maintained and protected.

AIATSIS supports the development of a mechanism by which the work of such individuals is recognised. We encourage the creation of a special category of recognition for Aboriginal and Torres Strait Islander heritage champions.

*What is the role of technology and new media in providing greater community access to heritage?*

The role of technology and new media in providing community access to heritage and heritage information is essential, particularly for those Indigenous communities who experience economic, educational and technological marginalisation.

New technologies provide opportunities for members of Indigenous groups to document, secure and share valuable information about their heritage places, regardless of where they live. They also provide cultural heritage institutions with infrastructure to support reciprocal archival practices, allowing access to collections so that Aboriginal and Torres Strait Islander expert knowledge can be applied to cultural heritage collections.

### **Technology for the documentation of Indigenous heritage places**

GIS technologies are becoming increasingly important to Aboriginal and Torres Strait Islander groups with aspirations to document, manage and protect their heritage places.

GIS databases enable heritage managers to quickly and reliably compile and analyse large amounts of information about the location, history and cultural context of heritage sites, and understand cumulative dimensions of multiple impacts on cultural landscapes. Hand-held tracking units that enable mobile, capture of place-based heritage information provide quick and accurate data to populate such databases.

Research commissioned by the Indigenous Digital Excellence Agenda (IDEA) and conducted by Telstra<sup>12</sup> found that capturing cultural information through digital technologies is considered by Aboriginal and Torres Strait Islander communities to be a very worthwhile use of time and resources. Several organisations have active projects to record cultural information, and some had developed protocols that prescribed access conditions.

A good example of such a project is the *I-Tracker* program coordinated by the North Australian Indigenous Land and Sea Management Alliance (NAILSMA). The program provides rangers with digital field tools, training and support to collect culturally sound and scientifically robust data on a broad range of natural and cultural resource management issues. The data collection protocols are standardised across north Australia to support regional comparisons and include monitoring and mapping of cultural heritage.

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<sup>12</sup> Ganley, L 2013, *Connect, Innovate & Support: Digital Inclusion and Aboriginal and Torres Strait Islander Peoples: A Summary Report on Stakeholder Consultation for participating groups* <http://broadbandforthebush.com.au/wp-content/uploads/2013/06/Telstra-Indigenous-Digital-Inclusion-Stakeholder-Summary-June-2013.pdf>, accessed 21 May 2014

## **Technology for the security for Indigenous heritage information**

Emerging technologies enable the digitisation of non-digital documents to ensure historical information about heritage places is preserved regardless of the original format in which it was captured.

AIATSIS' Digitisation project (discussed above) is a great example of how such technologies are being put to use to preserve precious cultural heritage assets. In the coming years, the digitisation of knowledge holdings will be crucial to ensuring this Information remains accessible to future generations.

The importance of building connections between significant places and knowledge about these places, held in the form of notes, photographs, films and audio recordings in collections such as AIATSIS, cannot be overemphasised.

AIATSIS has developed spatial metadata over many years that link collections to geographic grids. This will become invaluable as a means to discover collections relating to country all over Australia. Map-based (geospatial) discovery tools will become major heritage information sources on the Internet as people travel Australia both physically and online. There are also major educational opportunities for the national school curriculum from these geospatial systems.

AIATSIS is currently developing its GIS management capacity with the aim of being able to map significant Indigenous heritage assets against a number of criteria and make this information available to users of the collection, Indigenous communities and members of the general public.

The potential of GIS capabilities are enhanced by our digitisation program, which is ensuring that thousands of documents every year are protected from degradation and compatible with emerging information management technologies, and remain accessible to users.

## **Technology for the promotion of Indigenous heritage information**

New technology has the potential to play a significant role in the promotion of Indigenous heritage information for and by Indigenous people, but also to share such information with a wider audience.

IDEA's research found that mobile and social media technologies are increasingly important to Aboriginal and Torres Strait Islander people, even in remote communities where there is little or no mobile coverage.

Participants in the IDEA research, which was conducted through interviews with 35 Aboriginal and Torres Strait Islander organisations around the country, indicated that:

- Smart phones and tablets were the preferred technology, although the affordability of such technology is an issue
- Social media, in particular Facebook, is a 'communication vehicle of choice' for individuals
- Social media is not so widely used by Indigenous organisations, although it is seen as crucial for keeping in touch with geographically dispersed family and community members
- Community technology resources work well and help lift digital engagement
- Access to technical support and quality IT resources are considered important to ensuring the function of community computer services and 'hubs'
- Local ownership of technology-based programs is essential to ensure community buy-in and successful implementation
- Technology is providing an opportunity for young people to engage with their elders and encourages intergenerational transfer of knowledge about heritage places.

However, the IDEA research noted a number of barriers to increasing use of technology among Aboriginal and Torres Strait Islanders, including:

- a lack of infrastructure
- a lack of IT hardware in the home
- affordability
- a lack of appropriate web-based services.

AIATSIS suggests that the *Australian Heritage Strategy* can make a meaningful contribution to the uptake of new technologies by Aboriginal and Torres Strait Islander people in order to manage and protect heritage places by creating and resourcing opportunities to connect and innovate that are culturally safe, legally robust and technologically appropriate.