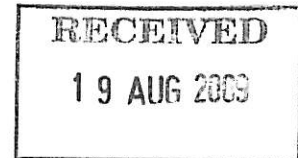


Dr Zeny Edwards
Architectural Historian
32A Warrangi Street
TURRAMURRA NSW 2074
AUSTRALIA
T: 02 9402 7919
E: zenyedwards@hotmail.com

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Indigenous Heritage Law Reform
Heritage Division
Department of the Environment, Water, Heritage and the Arts
GPO Box 797
CANBERRA ACT 2601



Dear Hon Minister Peter Garrett,

I welcome The Hon Minister Garrett's invitation to comment on the 'possible reforms to the legislative arrangement for protecting traditional areas and objects'. Although admirable, these reforms tackle only a few facets of a richly faceted Aboriginal heritage. A holistic, national approach is needed rather than the current piecemeal, attempts by state and federal governments that address partial problems rather than the whole.

What is crucial in the success of reform is the communication and liaison with the Aboriginal community itself, its elders and the broader Indigenous communities, so that their views are heard and listened to. They are the stakeholders in this reform and they should have the major input in the discussion and their submissions should take priority over others. There is a need to start with the basic issues and come to an agreement e.g. there is disagreement between the use of 'Aboriginal' and 'Indigenous' within the community itself.

I instigated a Brains Trust Forum whilst president of the National Trust of Australia (NSW) in 2008 to address heritage issues overlooked by the 2020 Summit. Foremost among these issues concerned Aboriginal Cultural Heritage which led the Forum to submit a communiqué to the Prime Minister containing recommendations which are now housed in this submission. The Forum's discussion on Aboriginal Heritage drew the most number of comments from the public when publicised in the media. The most pertinent of those comments are stated in this submission – particularly those relating to the precarious situation of Australia's Indigenous languages. The Forum was so successful that we resolved to hold another Forum response to an urgent demand to address issues concerning Aboriginal Cultural Heritage. I have since left the National Trust and have lost the opportunity to hold such an important Forum.

I now strongly recommend that the Federal Government take on the initiative to hold a NATIONAL SUMMIT ON INDIGENOUS CULTURAL HERITAGE: ITS CONSERVATION AND THE WAY FORWARD. Headed by Prime Minister Rudd, representatives from the Aboriginal communities, significant Aboriginal leaders and experts in Aboriginal Heritage as well as experts in Cultural Heritage should be invited to attend.

The Federal Government, in conjunction with the State and Territory governments, should develop a National Indigenous Linguistic, Cultural and Social Policy to conserve and promote Aboriginal and Indigenous cultural heritage.

An important focus for such a policy is the development of place-based educational programs for the community on Aboriginal heritage from the past to the present to foster an acknowledgement, appreciation and understanding of the integral role of Aboriginal and Indigenous culture as the foundation of our heritage. Relevant attempts are being made in this regard about:

- the Aboriginal tribes that occupy their particular place, who we now acknowledge in forums as 'the traditional custodians of the land'

- the significance of Aboriginal words to modern Australia which have been incorporated in the English language e.g. place names and street names
- customs and practices such as smoking ceremony, corroborees, music, dance, the Dreamtime, symbolism
- practical skills and crafts learnt from the Aborigines e.g. navigation through heavenly bodies, art, bush food
- significant Aboriginal people in history.

They are half-hearted, tokenistic attempts at placating the Aboriginal people rather than a rigorous and on-going program to validate, promote and appreciate Aboriginal Heritage as central to Australian history.

Priority programs that should be tackled by government include:

LANGUAGES AND CULTURAL HERITAGE ENGAGEMENT

A. The Conservation of Indigenous Languages in Australia

The Aboriginal and Torres Strait Islander languages of Australia are the first languages used throughout the country. Since non-indigenous occupation and colonial settlement the number of languages spoken in Australia has decreased dramatically. In most regional areas throughout the continent, a significant number of languages have become extinct. The remaining languages that are still being spoken or used are at risk of becoming extinct.

The 'State of Indigenous Languages in Australia' submission by McConvell and Thieberger, 2001¹ reports:

The Indigenous languages of Australia represent a great storehouse of knowledge and tradition about the environment and ancient culture of Australia, both for the Indigenous people themselves, and for all Australians... Indigenous Australians are struggling to maintain and revive their languages and associated traditions against great odds...the pressures working against the languages at the beginning of the twenty-first century remain as strong as ever. The facts and figures in this paper still present a bleak picture of language endangerment, which could all too easily lead to the loss of all Indigenous languages in this country.²

Greg Wilson, Policy and Programs Officer, Aboriginal Languages with the Department of Education and Community Services, South Australian government wrote:

As a non-Aboriginal Australian who has been involved with Aboriginal languages in education for 34 years now, and who speaks Pitjantjatjara, Yankuntjatjara and Arabana and who has published in these languages for school education purposes, and who is just now embarking on a new Diyari (east of Lake Eyre) project, can I put in a plea for the centrality of Aboriginal languages in your proposed Brains Trust forum.

Aboriginal languages are uniquely Australian. Aboriginal languages and cultures sit at the core of our Heritage. Every other language spoken in Australia in 2008 is a transplanted language, English included. Most are referred to in terms of the overseas country with which they are associated... Russian, Greek, French and English. People laugh when I refer to 'Australian' as a language. The problem is of course, that if Russian dies in Australia it isn't an issue for the language; millions still speak it in Russia and elsewhere. As an Australian language dies, that's it... no repository of speakers overseas to keep it safe...only the possibilities through the actions of a few still associated with the remnant language.

Australia at the time of colonisation could boast around 270 distinct languages, and many hundreds or regional varieties of these languages (in the order of 750). At this point approximately 17 are still transmitted intergenerationally, perhaps 90 or so have very few speakers and are facing extinction, and the other 150 or so

¹ McConvell, P. and Thieberger N., 'State of Indigenous languages in Australia – 2001', 'Australia State of the Environment Second Technical Paper Series (Natural and Cultural Heritage)', Department of the Environment and Heritage, Canberra.

² The paper was commissioned as part of the State of the Environment reporting program by Environment Australia, and carried out as a consultancy by the Australian Institute of Aboriginal and Torres Strait Islander Studies, with Patrick McConvell as project officer and Nicholas Thieberger of the Department of Linguistics and Applied Linguistics, University of Melbourne, as sub-consultant.

have gone. I cannot understand how this nation doesn't centralise that fact. Much yet needs to be put in place to keep that which is so uniquely Australian, so much at the core of this country's cultural Heritage, alive.

Key Problems:

- A decrease of 90% in the number of Indigenous languages spoken fluently and regularly by all age groups in Australia since colonisation (1800) to 2001.
- A decrease from 100% in 1800 to 13% in 1996 of Indigenous people speaking indigenous languages
- The fall has accelerated in the ten year period 1986-1996 (according to the last survey figures completed).
- If this trend continues unchecked, there is a possibility that there will be no Indigenous languages spoken in Australia by 2050.
- Of the 20 languages categorised in 1990 as 'strong', 3 were regarded in 2001 as 'endangered'.
- Funding for support of Indigenous languages is not consistent and short term.
- There is no policy framework or evaluation procedure for funding
- In the recent period, Indigenous people have increasingly contested the right of others to appropriate their cultural and intellectual property
- Lack of assessment of the complexity of issues involving the ongoing use of Indigenous languages
- Lack of data resources and an integrated administration and principal repository of these data.
- Lack of cohesive and comprehensive methodology and process in the gathering of data
- Short timeframe in the gathering of data and implementation of surveys and compilation of results
- The need to establish a National Data Base of Indigenous Languages.

Recommendations:

- Research surveys into the state of Indigenous languages should be carried out within a reasonable timeframe and must be constantly maintained and regularly updated.
- Use the United Nations template for collecting data on endangered languages worldwide
- Gather all the databases currently being compiled (FATSIL, ATSIC, AIATSIS, Census, Departments of Education, Media Organisations, other cultural organisations) and assess with regard to duplication, updating, inconsistencies.
- Establish a standard National Indigenous Languages Database
 - A bibliography on Indigenous languages available electronically
 - A register of experts, research and language resources and centres
 - An electronic archive on Indigenous Languages
 - A Conservation Plan for Endangered Indigenous Languages
 - Establish a National Monitoring and Support Authority on the state of Indigenous Languages
 - Nomenclature be recorded of place names, the justification for their choice, and whether local Indigenous people were consulted in the process.

B. A Living History Program to promote Aboriginal Heritage: Its past, present and future.

Every historic place in Australia, Old Government House and Experiment Farm Cottage in Parramatta NSW are two prime examples, are important for their ability to articulate the history of first contact and relationship between European settlers and Aboriginal and Indigenous people. But this link with the Aboriginal history is not actively pursued or promoted.

The interpretation of these properties has largely been done from a Eurocentric perspective. Aboriginal history has been more or less overshadowed by the gloss of events pertaining to European settlement. A program is needed for the principal purpose of incorporating and promoting the Aboriginal aspect and foundation of historic places as an integral component of its history. This approach will present a holistic interpretation of the history of significant places and promote a more emphatic message that Aboriginal culture is dynamic and touches all aspects of Australian heritage. It will enhance the experience for visitors to these places and with the renewed vigour of interpretation will educate visitors to appreciate, acknowledge and understand the contribution of Aboriginal heritage to the significance of a place.

Current information of all significant heritage properties and places should be updated to include indigenous information about:

- The tribes and clans that were the traditional custodians of the land
- The languages spoken by the tribes and clans
- Remnant Aboriginal artefacts and archaeological finds
- Place names and symbolism
- Ceremonies, dance, scar trees and other activities
- Relationship with European colonisation
- Significant Aboriginal people in the place's history

Implementation

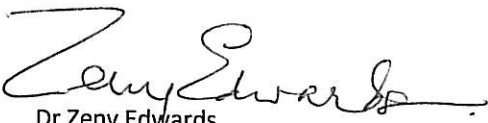
- Through the employment of an Aboriginal Education Officer (Local government level, State Level, Federal Level) who is well versed in Aboriginal languages and heritage in a dedicated role in administering the Aboriginal Cultural Heritage Program
- Through liaison and consultation with the Aboriginal elders and the wider Indigenous community
- Through liaison and consultation with professionals, academics and institutions expert in Aboriginal heritage
- Through liaison and consultation with professionals, academics and institutions expert in Aboriginal languages
- Through incorporation in all our education programs for schools and communities.

Goals

- To provide an indigenous perspective to historic, cultural events and promotion of historic places, as the foundation to their specific histories and the continuing legacy of their influence.
- To include in the conservation of these specific places interpretations of their indigenous cultural heritage and their continuing practical and physical presence
- To educate and encourage the community through these places an appreciation of the indigenous heritage

I hope I have provided a bit of helpful contribution to the Indigenous Heritage Law Reforms.

Yours sincerely,



Dr Zeny Edwards

Past president of the National Trust of Australia (NSW) and past deputy president of the National Council of National Trusts (2007-2008)