

# State of Indigenous cultural heritage - A survey of Indigenous organisations

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## BACKGROUND

Our acceptance that heritage helps to define identity and express values and aspirations, means we must be concerned about the conservation of Australia's Indigenous heritage. There is a fragile grasp on the management of Indigenous culture, which is integral to the identity and well-being of Australian Indigenous peoples.

The SoE report provides a means of tracking changes in the environment, and developing strategies to manage the protection of our heritage on a national scale. Essentially, if it is not measured, it also may not be managed or maintained.

The 2001 Australian State of the Environment ( SoE) Report incorporated a survey of Indigenous organisations to assess the state of Indigenous cultural heritage. For the 2006 SoE Report, the same process is repeated, taking into account the limitations of the 2001 survey – largely being gaps in the data.

The scope of the current research was to collect data from Indigenous organisations relating to the state of Indigenous cultural heritage, utilising the standard questionnaire previously applied. This information was collated and provided to the Department of the Environment and Heritage as a technical report for the 2006 SoE process.

It is important to establish and refine a process to report upon the conservation and management of heritage places and Indigenous languages; Indigenous involvement in heritage protection and management as well as other professionals and volunteers; funding, legislation and strategies; and the effect of tourism on cultural heritage.

Indicative of the importance placed on managing Indigenous heritage and safeguarding culture, all the Indigenous people representing organisations that participated in this research, were generous with their time (given that they were typically under-staffed at the time of contact over the holiday period) and all were willing to be mentioned as participants in the research and quoted where appropriate.

## RESEARCH OBJECTIVES

The intention of the research was to conduct 45 interviews via telephone with representatives of Indigenous organisations across Australia to ascertain the state of Indigenous heritage. The study was to be conducted via 30 minute discussions over the telephone.

The five environmental indicators used in the research for assessment of Indigenous heritage are:

1. Knowledge of heritage places and objects – assessment of heritage values and identification of areas requiring national listing;
2. The physical condition and integrity of heritage areas/objects – ensuring that a system of measurement enables heritage areas to be preserved;
3. Response to conservation needs – an integrated approach to planning and conservation;
4. The availability and distribution of skills and expertise to manage the protection of cultural heritage; and
5. Community awareness and involvement with natural and cultural heritage issues.

Other key outcomes of the research are:

- o Refinement and testing of the research instrument (questionnaire)
- o A thorough analysis of the data obtained from the participating Indigenous organisations
- o Conclusions pertaining to the state of Indigenous cultural heritage; and
- o Identification of the pressures related to conservation of Indigenous cultural heritage.

## RESEARCH METHODOLOGY

The Department of Environment & Heritage provided lists of Indigenous organisations and contacts within those organisations to be used for the research.

The Indigenous participants were to be representative across Australia by State / Territory, as well as by urban / rural location and incorporating broad coverage by organisational type.

**TABLE 1: SAMPLE STRUCTURE**

<b>Indigenous Organisation</b>	<b>SA</b>	<b>NT</b>	<b>WA</b>	<b>QLD</b>	<b>NSW</b>	<b>VIC</b>	<b>TAS</b>	<b>ACT</b>	<b>Total</b>
Land Councils / Co-ops	3	2	3	2	4	4	1	1	<b>20</b>
Aboriginal Corporations		1	1	2		1			<b>5</b>
Native Title Representatives		1	2	2	1				<b>6</b>
Indigenous Cultural Centres	1	1	1	1	1	or 1	1		<b>7</b>
Indigenous Heritage Committees	1	1	1	1	1	1			<b>6</b>
<b>Total</b>	<b>5</b>	<b>6</b>	<b>8</b>	<b>8</b>	<b>7</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>45</b>

Telephone interviews using the Questionnaire [see Appendix] provided by the Department of Environment and Heritage were expected to take 30 minutes. Field work commenced on 15 December 2004, and concluded on 15 February, 2005. The majority of interviews achieved were 'self-completed' by respondents, and not over the telephone as anticipated.

Initially it was thought that field work would be able to be completed in December, prior to Christmas, however there were a number of issues to contend with, and an outline of these follows.

## **RESEARCH ISSUES**

The timing of the field work has been a major issue – both in terms of the number of respondents participating, the depth of information provided, and the mode of getting the information.

The December to February period is holiday time for many people, and for Indigenous people it is ceremonial time as well. This has meant that access to representatives of Indigenous organisations was severely restricted during the time of fieldwork for the research.

Difficulties experienced:

- Indigenous organisations were under-staffed and short of time to dedicate to this program.
- A strong reluctance for one person to represent the views of “all” the community without a consultation process with others.
- While conservation of Indigenous heritage is paramount to all, there is some scepticism about outcome of participation – so what? EG. What will it do? More information going into a black hole?

Consequently, whilst we intended to conduct in-depth interviews, 90 per cent of respondents we spoke to on the phone requested that information be provided [see Appendix] and the survey in most cases be faxed to the organisation. A few Indigenous respondents preferred email and filled out the questionnaire electronically.

The telephone interviews that we did secure took more than an hour each to complete.

The telephone interviews that were scheduled prior to Christmas and in the New Year were 100 per cent unsuccessful, with not a single respondent being available at the scheduled time.

## **SUGGESTED IMPROVEMENTS**

As the study is considered important by Indigenous organisations, and is intended to be representative of Indigenous organisations around Australia, and there is 5 years between each State of the Environment

Report, it is suggested that for the next SoE Report, the following be considered:

### **1. Timing**

Research should be conducted over the course of the year prior to collating information for the SoE Report.

- This will enable much broader representation to be sought
- Events unexpected or otherwise within Indigenous communities will not prohibit participation
- A respectful period of notice to allow for participation and collaboration on the research will be provided

### **2. Funding**

A more realistic budget is required to really achieve any real coverage of organisations across Australia.

### **3. Method of research**

The best result for this research would be achieved via a two-pronged approach:

#### ❖ Qualitative

Conducting in the vicinity of 20 depth interviews (via telephone or self-complete if the respondent is committed to providing detail) – which would be expected to take one hour each (on average)

#### ❖ Quantitative

Utilising simple tick boxes and simple rating scales (Better Same Worse) (Good Average Poor) a short quantitative survey to measure key indicators of Indigenous heritage maintenance.

These quantitative surveys could be emailed out to organisations or faxed in hard copy where that is the primary means of communication.

It is likely that some respondents will always want to self-complete the qualitative questionnaire, rather than discuss the issues over the phone.

A variety of methods (telephone, self-completion) should be offered.

However, it is likely that with more time and no pressing, unrealistic deadlines, a mutually appropriate time to conduct a telephone interview, and access to the appropriate person is more achievable.

Some of the self-completed surveys were exceptionally detailed and informative, however, a few were sparse, the respondent was reluctant and often critical of the questions being 'very white fella oriented'.

#### **4. Incentive for research**

While a monetary incentive is not at all necessary for the research, an appropriate 'thank you for participating' would be good.

Most respondents or organisations will not object to providing information freely, particularly when they see it has real purpose. To this end, a copy of the research report or some other appropriate information is warranted.

## CULTURAL CENTRES

### Range of services provided

Some Cultural Centres included in the study had statutory heritage responsibilities and as such were more operationally diverse than others. These Indigenous organisations ranged in function from a simple museum housing a small collection of contemporary Aboriginal art and traditional artefacts, which doubled as a meeting place for the local Indigenous people; to places providing all facets of services required by Aborigines in the area – including housing, asset management, small business development, education and training, and welfare programs, as well as museum and art gallery. All Cultural Centres were considered to be for use and support of the Aboriginal communities represented in the area.

### Funding

Cultural Centres managed to varying degrees of proficiency independently of government funding in a number of cases, and where the enterprise received government funding, it tended to be not under the auspices of Cultural Heritage.

The Armidale Aboriginal Cultural Centre & Keeping Place was struggling to stay open, as it had lost its sources of funding from the NSW Ministry of the Arts and ATSIC – and now was “on the skids” and surviving “by the skin of its teeth”. It was staffed by one person full-time, with support from 3 semi-employees for 2 days a week, from the Community Development Enterprise Program for Indigenous people. Other than that, there was a volunteer book-keeper (non-Koori) and a sense of impending doom about prospects to keep running.

*“Culture is so important, without it you are nothing; you’ve got nothing. There should be funding for all museums.”*

Some Cultural Centres were government funded and had earnings through providing cultural heritage assessments and advice, and payments from developers; while others were entirely self-funded and thrived via entrepreneurial means – with earnings supplemented by small businesses like restaurants, tourism, back-packer accommodation, and provision of educational programs for children.

All Cultural Centres considered the funding they received was not adequate for activities relating to managing cultural heritage.

Priorities for funding relating to Indigenous heritage included:

- Ensuring “sustainable” tourism in remote regions – there was a general lack of understanding in local, state and federal government agencies about the amount of support that would be required to establish new ventures to reach the point of being self-sustaining, although communication had commenced to this end. *[Quinkan, QLD]*
- Writing Cultural Heritage Management Plans incorporating better consultation with Aboriginal elders. *[Quinkan, QLD]*
- Developing working partnerships between Government agencies and Indigenous organisations.
- Educating Indigenous people to provide more comprehensive information to tourists about their local heritage.
- Cross-cultural training for Indigenous people to provide tourism services – experiences true to their heritage (not beer and bbq in the bush).
- Employing Heritage Officers full time to carry out duties under the State / Commonwealth Heritage Act – like surveys and assessments. *[Bairnsdale, VIC]*
- Providing on-going employment opportunities for Indigenous people – to work as Rangers in parks and with cultural monitoring.
- Acknowledging Aboriginal lands and sites – particularly where construction had been undertaken on sites of Indigenous significance.
- Saving Indigenous churches from demolition.

*“...acknowledgement of Indigenous people’s land – going in to Tamworth there is a sign which reads: ‘Welcome to Tamworth, Land of the Kamilaroi People.’”*

### **Statutory responsibilities**

The three Victorian Cultural Centres were bound by statutory responsibilities for heritage, while the Cultural Centres in Queensland and NSW were not.

The Victorian Cultural Centres had responsibilities under the Aboriginal and Torres Strait Islander Act 1984 (Part IIA 1987 amendment for Victoria), for protection and conservation of identified sites with heritage value. Protection of Aboriginal cultural property included any places, objects and folklore significant to the local Aboriginal people.

In the case of Quinkan and Regional Cultural Centre, the statutory responsibilities for heritage reside with the Agnarra Aboriginal Corporation which had ownership rights to the land. Quinkan had secondary responsibilities for providing information and guidance to tourists visiting heritage sites (the rock art in particular) – according to the Queensland Cultural Heritage Management amendment to the Cultural Heritage Act 2003.

### **BRAMBUK INCORPORATED CULTURAL CENTRE**

Brambuk Inc. has operated since 1982 and is primarily responsible for the land incorporating the Grampians National Park, surrounds and thin strip of land to the SA border (approximately 270,000 hectares of land.) Brambuk is not for profit, 100% Aboriginal owned and comprises 3 entities:

- 1) A registered museum and art gallery.
- 2) The office of the Aboriginal Committee Board of Directors and the Brambuk Cooperative.
- 3) A registered community under the Cultural Heritage Act. It includes 5 different communities, each of which has a representative on the Board.

The Board runs Brambuk Inc. which has been operating independently of government funding for the last 5 years. Directors work on strategic issues - focus on creating new enterprises - purchasing buildings, land, and getting project-based funding. The projects also generate income eg. sheep farming, horses, etc. Non-Indigenous partners/family assisted with running businesses.

Brambuk Inc is run as a small business and is very robust. It is funded from:

- 200,000 visitors to Brambuk per year
- 14,000 schoolchildren attend educational/cultural programs per year
- The only Aboriginal-owned backpacker accommodation in Vic
- Payments from developers
- Other small businesses such as restaurants

Brambuk provides the following services:

- Housing, managing assets (eg vehicles), small businesses
- Tourism - shops, restaurants, tours
- Education - traineeships for youth, but have to battle for funding
- Welfare - help ex-prisoners integrate back into society by giving them work such as shearing sheep. It assists other disadvantaged people.

Brambuk care for country by conducting archaeological surveys in registered new sites (mostly men's sites, but there are some women's). Everyone who works at Brambuk has to complete Certificate II in Cultural Heritage - they need to interpret heritage items (from Vic, TAS, NSW) such as photos, artefacts and stories, inform the Elders and provide advice. All staff must know their responsibilities and act as curators for Indigenous cultural heritage.

#### **QUINKAN AND REGIONAL CULTURAL CENTRE – QLD**

The organisation represents the community of Laura, and Aboriginal people of the three major language groups in that region.

The Cultural Centre opened on 26 August 2004, two months after a leading community Elder died, right at the beginning of what is traditionally observed as a period of mourning. Consequently there was some initial hesitancy among the local Indigenous community to show support at that time of mourning.

There was a lot of recognition that the Cultural Centre will play a crucial role in the future development of the Laura area. Construction involved a lot of politics from both the Indigenous and non-Aboriginal groups over the position and building of the Cultural Centre and components of its business.

Tourism is definitely encouraged, firstly, they are looking at how to increase visitation to centre, and they charge an admittance fee. However, the Cultural Centre has to rely upon more than head-count for income, and also have a retail centre. Secondly, there is initiative to develop tourism in the region and for the engagement of local Aborigines in this development. [See Quinkan Business Aspirations, Appendix]

There is an incredible resource in the region with the local rock art available for viewing, but it requires a lot of time and training to ensure that the local Aborigines that wish to work in tourism are trained in hospitality and tourism,

and have a comprehensive knowledge of the local area - something that, according to the local Elders, could not be assumed.

The Cultural Centre is in preliminary discussions regarding the potential for repatriation of artefacts to the region. It is open 7 days a week to the public. The peak tourist season is during the dry season, from 1 May to 15 November.

The Cultural Centre had the potential to become a national icon in 10-15 years but would require a coordinated approach by government, non-government and private sectors to achieve it.

The development of cultural tourism in the area was not well understood by the Federal, State and Local government agencies. While 'sustainable tourism' and 'sustainable development' were terms often used, there was a lack of understanding regarding the amount of funding that was needed to get areas to that point.

The Cultural Centre had 2 grants, which amounted to less than \$150,000 per year, and really required about 250% of that again. Although the building cost \$2 million, the construction costs were very high due to the remoteness and costs associated with building in wilderness areas, and the building at was in fact quite modest.

The issues of isolation not only come to play in terms of construction, but also operating costs and the cost of tourists to reach the region. In terms of overseas visitors, Cape York Peninsula is one of the last known wilderness areas, and has a romantic notion about it. Although this could be strongly marketed, it is not widely understood or recognised.

Other issues are that the type of visitor that tends to go to wilderness places is typically well-informed and have high expectations about learning about Indigenous people and areas. Therefore, if these expectations cannot be met, there would be consequences for the maintenance of heritage and tourism.

## INDIGENOUS HERITAGE COMMITTEES

The scale of representation for the two Heritage Committees included in this study went from a single Indigenous community to coordinating activities across seven Indigenous communities.

The Narungga Heritage Committee represents the Narungga Aboriginal people of Yorke Peninsula in SA, and provides site surveys, monitoring, consultation, education and maintenance of cultural sites. It has statutory responsibilities under the South Australian Heritage Act 1998, legislation considered to be *“used against Aboriginal people and not for the purpose that was intended”*. In terms of *“Black fellas’ law”*, the Committee was responsible for *“respect of cultural sites, Elders knowledge of cultural laws of sites and Dreaming”*.

Frustration was expressed about the lack of consultation and credence given to views of the Committee about significant Indigenous sites.

- Despite determination by the Aboriginal Affairs Minister that Black Point and Wattle Point on the Yorke Peninsula were both significant sites, permission was granted to disturb these sites;
- Despite some developers consulting with the Narungga Committee, ignoring recommendations had no consequences;
- Local Government failed to consult with the Narungga Heritage Committee about heritage issues on the Yorke Peninsula at all; and
- The lack of progress for registration of Aboriginal sites by the Department of Aboriginal Affairs and Reconciliation (for 15 years no sites were registered, and now after 2 years there was still a backlog).

Local heritage was only known by the direct descendants of the Traditional Owners in the area. The development of housing estates, wind farms, marinas, beach access, National Parks development and quarries – which disturbed Indigenous cultural sites – were major physical issues affecting the condition of Indigenous heritage. In terms of spiritual heritage, access to Dreaming sites on private property and the decimation of vegetation that was once used for medicines were key issues.

The Committee maintained its own database and received no government funding for heritage.

*“The federal/state/local government do not put in one cent for Aboriginal heritage preservation and protection on the Yorke Peninsula” Narungga Heritage Committee, SA*

Priorities for funding were:

- Administration, management and monitoring of significant sites;
- Legal representation to fight for what was left of the Indigenous heritage in the area; and
- Funding for an independent Archaeologist to conduct independent surveys and site recordings.

The legal protection afforded by South Australia’s Aboriginal Heritage Act did not meet requirements and was a priority to change. The Federal Act was considered better.

A major short-coming was lack of consultation with the Traditional Owners. Because the Committee was *“making noise against government decisions”* they were consulted but still essentially ignored, and *“significant cultural sites and burial grounds are being desecrated and destroyed”*.

The current consultation process needed to change in the following ways:

- Change the Aboriginal Heritage Act in SA;
- The Minister of the day should not get the final say in heritage issues;
- Consultation and negotiation must happen with the Traditional Owners – not people from another clan, claiming to be the rightful owners;
- Consultation needed to be at the beginning of proposals, not the commencement of development;
- Access to lawyers or an independent Heritage body and independent Archaeologists;
- Employment of an Aboriginal Cultural Officer, a direct descendent of the Traditional Owners, to oversee heritage issues in the locality; and
- Greater power to the State Heritage Committee to protect Aboriginal heritage and more regular meetings (not quarterly as currently do).

The South West and Wimmera Cultural Heritage Program (SW&WCHP), Victoria, represented the following Local Aboriginal communities:

- Gunditjmara Aboriginal Co-operative, Warrnambool
- Framlingham Aboriginal Trust, Purmin
- Goolum Goolum Aboriginal Co-operative, Horsham
- Ballarat & District Aboriginal Co-operative, Ballarat
- Brambuk Aboriginal Cultural Centre, Halls Gap
- Wathaurong Aboriginal Co-operative, Geelong
- Winda Mara Aboriginal Co-operative, Heywood

The SW&WCHP employs a Coordinator and six Cultural Heritage Officers which represent each community on the Committee and operated as Inspectors (under the relevant cultural heritage legislation, the Aboriginal and Torres Strait Islander Act 1984 (Part IIA 1987 amendment for Victoria)) to manage Cultural Heritage (make emergency declarations of protection, and to assist police execute warrants to secure endangered Aboriginal artefacts).

Statutory authority for decision making about heritage lies with the local Aboriginal Communities listed on the Schedule of the Cultural Heritage Legislation within the SW&WCHP. However, both Kerrup Jmara Elders Corporation and the Lake Condah Aboriginal Co-operative are non functioning organisations, but Winda Mara Aboriginal Corporation (incorporated) and the Gournditch Mara Native Title Group (not incorporated) are seeking to be listed on the Schedule.

There is a 'service agreement' between the SW&WCHP and its funding body, Aboriginal Affairs Victoria with its relevant operation area, the Heritage Services Branch.

The condition of Indigenous heritage was slowly being destroyed in the communities, because of lack of management resources. There was only \$3 000 available from the SW&WCHP for minor works. The responsibility for protection and preservation of sites fell on landowners and developers – and the advice of the local Aboriginal communities was generally only followed if it was of benefit to the landowners /developers.

Funding needed to be made available to local Aboriginal communities and to encourage landowners and developers to be proactive with protection of Indigenous heritage. Funding was available for protection of native grasses, but not for heritage issues.

Priorities for funding included ensuring each local Aboriginal community had access to a full time Cultural Officer (with administrative support); and developing incentives like the carbon credit scheme for landowners to protect wetlands and native vegetation on their land.

**Duties of a Cultural Heritage Officer:**

- Assist the local Aboriginal community meet their responsibilities under the cultural heritage legislation, the Aboriginal and Torres Strait Islander Act 1984 (Part IIA 1987 amendment for Victoria);
- Provision of advice representing the Indigenous community;
- Identification and access of resources / grants from agencies to develop projects / activities;
- Deliver a strategic heritage management project to address the Indigenous community and government issues;
- Ensure regular inspection of selected Aboriginal heritage places;
- Plan and undertake management works for heritage sites under threat;
- Investigate claims of discoveries of Indigenous heritage; and
- Develop and implement heritage awareness activities and programs to improve heritage management within the Indigenous community.

The legal protection for Indigenous heritage was inadequate, and needed to be consistently included within all Local Government Planning Schemes. This needed to be implemented at a national and State level, to enforce Local Governments to comply. The local Aboriginal community could only make heritage decisions if it was informed about prospective developments.

*“Local government, developers and private landowners will deliberately manipulate ‘due process’ to intentionally avoid cultural heritage.” South West &*

*Wimmera Cultural Heritage Program, VIC.*

## ABORIGINAL CORPORATIONS

Four Aboriginal Corporations were included in the study, from Victoria, Tasmania, Queensland and South Australia.

The services provided by these Indigenous organisations tended to be broad – encompassing providing for the cultural heritage interests of the groups represented within the Corporations, as well as legal, health, sport and recreation, housing and emergency relief.

*“We have a broad mandate under our constitution to advance the social, economic, environmental and political situation of Indigenous peoples generally, through a cultural heritage operational and philosophical approach.” NW Qld Cultural, Heritage and Community Council Aboriginal Corporation, Qld*

Caring for country was central to the purpose of Aboriginal Corporations:

*“...involvement in all aspects of country from environmental impacts to road and bridge construction, to grazing and logging and also water management.”*  
*Yorta Yorta Community, NSW/VIC*

The Aboriginal Corporations all had statutory responsibilities – although not all formal – for Indigenous heritage.

- The Yorta Yorta Community (VIC) had an agreement with the Rumbalara Aboriginal Cooperative to speak for traditional country;
- The North Western Qld Cultural Heritage and Community Council Aboriginal Corporation adhered to the Queensland Government’s Aboriginal Cultural Act 2003 on behalf of the Mitakooki Juhnjar, Kalkadoon and Yulluna peoples;
- The Nepabunna Community in South Australia accorded to IPA – Nantawarrina Heritage Covenant; and
- Mersey Leven Aboriginal Corporation in Tasmania operated (unofficially) under the ATSIC Act, done by the Office of Register of Aboriginal Corporations, 1976.

The key concerns regarding the physical state of Indigenous culture were:

- Lack of funding and uncertainty of funding
- Road work
- Logging and grazing – disappearing flora and fauna
- Water management – unnatural flows
- State and Commonwealth heritage legislation
- Erosion in areas around art and factory sites
- Tourism, visitation and deconditioning of sites

The spiritual health of Indigenous culture suffered from fragmentation of the available knowledge, and insufficient funding to:

*“...realise the healing and therapeutic effects of cultural heritage – a central tenet in addressing personal inner conflict and the broader social problems which confront Indigenous peoples - many experience life without the rationalising effects of culture. This contributes to a ‘state of anomie’ manifest in dysfunctional behaviour such as alcohol abuse, unemployment and poor education levels within the Indigenous community.” NW Qld Cultural, Heritage and Community Council Aboriginal Corporation, Qld*

Three out of the four Aboriginal Corporations were not funded for cultural heritage, and the funding for the North Western Qld Cultural Heritage and Community Council Aboriginal Corporation was sourced via the Indigenous Coordination Centre – not government. Others had funding for healthcare and recreation (sport), but not heritage.

All considered the funding situation was inadequate to meet their needs, particularly for priorities such as:

- Purchase of properties to return to Traditional Owners;
- Geographical information systems software;
- Training in cultural heritage and geology;
- Developments like boardwalks to keep tourists off sites, and protecting areas from flooding;
- Management and promotion of Indigenous heritage; and
- Creation of a Keeping Place.

Most thought that legislation was inadequate to protect Indigenous heritage.

*“..it never will be adequate; there are too many loop holes in the legal system in terms of favouring developments.” Mersey Leven Aboriginal Corporation, TAS*

It was suggested the implementation of National legislation specifically related to Indigenous cultural heritage was needed – to serve as a guide to the States [specifically mentioned the Queensland Aboriginal Cultural Heritage Act, 2003].

*“The State of Victoria has a program that allows organisations to speak for country, which to the Yorta Yorta is the responsibility of the Elders Council, not an homogenised group of people with no spiritual or physical connection to country [the Rumbalara Aboriginal Cooperative]” Yorta Yorta Community, NSW/VIC*

Also, funding for Indigenous people to enforce heritage legislation and work towards ensuring greater consultation with Indigenous people in the development process was a good way to better protect heritage sites.

## NATIVE TITLE REPRESENTATIVE BODIES (NTRB)

The Native Title Representative Bodies (NTRB) included in the study had rigidly defined duties and specific restrictions upon usage of funding. These organisations had formal statutory functions – lodging, reviewing and authorising activities within the region under the Native Title Act. A number of NTRB already existed with other functions under different legislation, for example, the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth), which included responsibilities for cultural heritage, or corporations that had formed themselves to take on general community coordination roles, including cultural heritage, without a statutory basis, such as some Indigenous organisations in Queensland.

The seven formal functions of a NTRB under the Native Title Act are:  
(1) facilitation and assistance; (2) certification; (3) dispute resolution;  
(4) notification; (5) authorisation; (6) internal review; and  
(7) matters / agreements with other NTRB.

The respondent for the Gurang Land Council Aboriginal Corporation (which stated it did not have statutory responsibilities for heritage) was seemingly not involved with the *“Native Title Claimant groups of the Central Queensland region”* other than in a strictly legal capacity.

Another Queensland NTRB – Carpentaria Land Council Aboriginal Corporation also stated it did not have statutory responsibilities for heritage, but owner groups had asked the Carpentaria Land Council to also become a cultural heritage body.

In contrast, the Cape York Land Council (QLD), South West Aboriginal Land and Sea Council and Kimberley Land Council in Western Australia and the Northern Land Council in the Northern Territory, stated they did have statutory responsibilities for heritage:

*“... responsibilities to the identified Aboriginal owners’ sacred and significant sites, regarding access to land and sea, and a responsibility to support and maintain Indigenous knowledge.” Northern Land Council, NT*

Overall, marked differences between the functions of NTRB were not evident. The NTRB addressed heritage issues via Indigenous Land Use Agreements, and other agreements with mining companies, pastoralists, tourist operators and other stakeholders. It was evident they acted as intermediaries between proponents and the Traditional Owners – with decision making responsibility falling to the Traditional Owners, and facilitation of the process to NTRB.

Some NTRB were more active advocates for protection of Aboriginal heritage.

*“We work with people who possess a living culture. They have knowledge and the ability to pass on that knowledge to the appropriate people in the appropriate manner and time frame.” Northern Land Council, NT.*

The Central Land Council, NT, provided protection of sacred sites, the most important aspect of its Aboriginal land management. It also had a role with the repatriation of sacred objects.

*“Section 23 of the Aboriginal Land Rights Act (NT) includes the formal functions of Land Councils “to assist Aboriginals in the taking of measures likely to assist in the protection of sacred sites on land (whether or not Aboriginal land), in the area of the Land Council.” Central LC, NT*

The Kimberley Land Council also provided land management services (under the WA Aboriginal Heritage Act). Mining companies had to have heritage clearance to get a licence, which overlapped with Native Title. The KLC was once involved with community development, but was no longer able to continue this because of Commonwealth funding restrictions.

Nearly all the NTRB provided advice about Indigenous heritage to various organisations, although it was not a core function. Advice regarding the protection of Indigenous heritage was provided to all levels of government and government agencies/authorities, as well as other proponents – developers, mining industry representatives, museums, repatriation funding bodies, and importantly, they provided advice to their constituents – the traditional owners of the land concerned.

*The Cape York Land Council was involved with advice and input to Arts Queensland regarding the development of the Quinkan Regional & Cultural Centre at Laura.*

*The South West Aboriginal Land and Sea Council only advocated for the Noongar people in WA, but in doing so, had contact with the range of government bodies, statutory authorities, and developers.*

***“Funding for Native Title is very specifically targeted and narrowly defined – for example, we can only litigate for Native Title, as opposed to providing support to the community to make an agreement between parties.” Kimberley LC, WA***

Consistent with all Indigenous organisations, the NTRB universally considered that funding was inadequate to effectively deal with the volume of claims and issues to contend with on behalf of traditional owners.

The two Northern Territory NTRBs were funded for cultural heritage: via mining royalty equivalents held in Aboriginal Benefit Accounts and had Federal Government Native Title funding.

***“Grants (some part of Care of Country) including from the Indigenous Land Corporation, Worldwide Fund for Nature, the Bushfire Council, Cooperative Research Centre, and philanthropic funds.” Northern Land Council, NT***

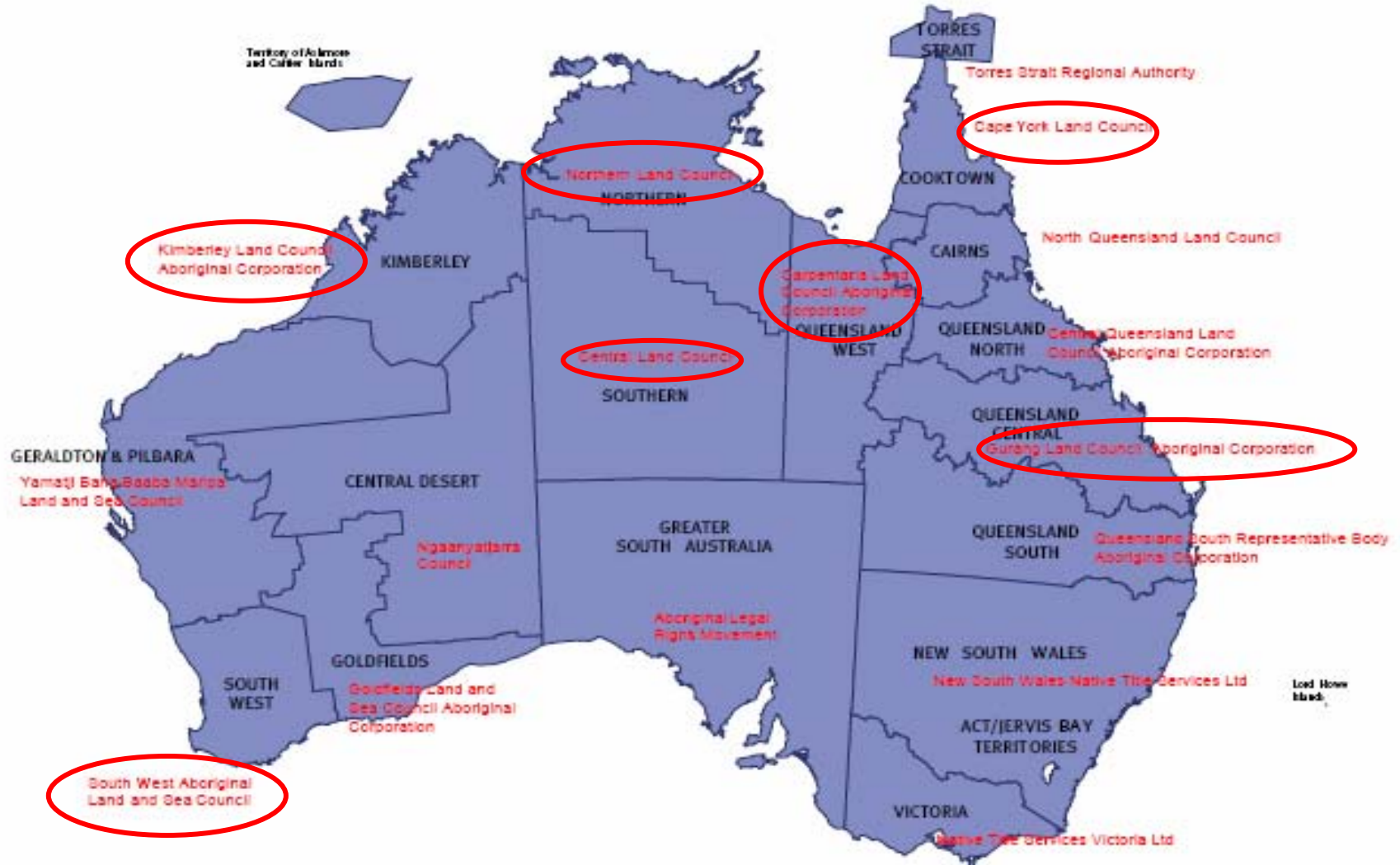
The Northern Land Council worked in partnership with the Northern Territory and Commonwealth Governments to develop ‘appropriate’ tourism. It was *“financially robust as long as the legislation supports land rights – which are subject to the government of the day.”*

The Central Land Council was less robust but *“had the wherewithal to recover much of the remaining costs from development proponents.”* However, due to delays from having sufficient resources to properly carry out the statutory heritage protection functions and processes, *“occasionally heritage can be put at risk for the want of adequate resources.”*

The NTRB from other States did not have funding for heritage from the government, other than for Native Title, but some also received funds from mining royalties and exploration fees, and from other proponents (anyone involved in a development).



# NATIVE TITLE REPRESENTATIVE BODIES



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## INDIGENOUS LAND COUNCILS

Seven respondents representing Land Councils from NSW, Vic, Qld, WA, SA and NT provided information for the study. It should be noted that 'land councils' have been formed under very different arrangements in each state / territory, for example, the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth), with responsibilities towards cultural heritage, and in NSW, the Aboriginal Land Rights Act 1983 (NSW), forms a clear structure of local, regional and state land councils under this legislation, without any formal cultural heritage role.

The Land Councils provided a range of services to their communities, including:

- The Injinoo Council (QLD) represented an Indigenous community of 300 people, and provides environmental (garbage and sewerage), health and mechanical services, for everyone in the community, including non-Indigenous locals and tourists.
- Kowanyama (QLD) provides land and natural resource management, community governance and cultural heritage interpretation.
- Wurundjeri (VIC) provides services relating to the management of Aboriginal Cultural Heritage, 1984 Commonwealth Protection Act.
- Andamooka (SA) provides education, health and housing for the Kokotha community.
- The Kimberley Land Council, aside from being a NTRB, also provides land and sea management services on behalf of the traditional owners. This is undertaken via various projects across the Kimberley region.
- The Tiwi Land Council (NT) represented the Nguiu, Pirlangimpi, Milikapiti and Ranku communities on Bathurst and Melville Islands.
- The Yaegl Local Aboriginal Land Council (NSW) represents Indigenous people of the Maclean community and provides housing (15 houses and emergency accommodation), employment via a Centrelink contract at Yamba, natural resources, education and land claims services.

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Not all the Land Councils have statutory responsibilities for heritage under a States Land Rights Act, although many are a first contact on heritage issues and for most protecting and maintaining Indigenous heritage is a prime concern, achieved through:

- Legal action against those who damage or threaten Indigenous heritage;
- Education of tourists through provision of historical tours of the regions;
- Advice to any body undertaking any type of work in the regions (local government, developers, archaeologists, etc.);
- Ensuring the Indigenous community members visit and camp in heritage areas; and
- Via quarantine restrictions in the case of Tiwi Land Council on the Islands of Melville and Bathurst, NT.

The Land Councils played roles in caring for country. In terms of a large organisation like the Kimberley Land Council (40 staff, half of which are Indigenous), caring for country was achieved via:

- Creation of management plans for maintenance and reporting on progress;
- Providing education in schools and within the communities;
- Representing traditional owners in decision making forums;
- Lobbying for institutional change; and
- Assisting the traditional owners and community representatives on the committees and Boards with making decisions about change.

*“... in relation to managing country, it ideally is a combination of traditional practices and western science. There is more of a socio-economic context in today’s world. It is very important to not get locked in to freezing heritage – the traditional owners want to both preserve and use their country.”*

*Kimberley Land Council, WA*

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The Yaegl Land Council (NSW) undertook work with Yaegl Native Title to recognise Indigenous rights to access lands for hunting and so on. The Tiwi Land Council had responsibilities to look after 46 significant sites on Bathurst Island and 89 sites on Melville Island.

Funding for Indigenous heritage varied among the Land Councils. Wurundjeri (VIC) was not funded at all; the Kimberley LC (WA) was primarily funded for Native Title by the Northern Territory government, but also received funding via the Natural Heritage Trust. Kowanyama (QLD) received occasional grants from the Queensland government and museum organisations. Injinoo (QLD) was also funded mainly from the Natural Heritage Trust; Andamooka (SA) was funded through mining royalties; Tiwi (NT) also received mining royalty equivalents and was 40% self-funded via its business investments; and Yaegl (NSW) received \$110,000 per year from the State Land Council, and \$10,000 was set aside for heritage issues – but other funding was able to be accessed if needed.

Generally funding was not considered adequate to sufficiently manage Indigenous heritage. However, Kowanyama (QLD) was not one of these.

*“There are so many places to record and look after.” Andamooka, SA.*

*“Yaegl is going through a transition period with a Native Title claim outstanding, so everything is at a standstill until that is decided.” Yaegl (NSW)*

*“It’s not enough, we have such a big area to look after, it’s the biggest land trust in the whole of Queensland.” Injinoo, (QLD)*

*“Funding is not adequate on a broad scale to enable communities to participate in the management of their cultural heritage, as well as providing employment and economic opportunities for Indigenous people.” Kimberley Land Council, WA*

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## STATE OF INDIGENOUS HERITAGE: ASSESSMENT

### KNOWLEDGE OF HERITAGE PLACES AND OBJECTS

- Within Indigenous communities, knowledge of heritage places and objects is generally thought to be well known; but outside of these communities, not so much.
  - EG: Brambuk (VIC) has 738 registered sites – 5 major sites open to the public, 20 sites well known to the community, and approximately 400 sites that are not known to community outside Brambuk.
  - Not all respondents could provide detail about heritage places and objects, with some responding *“too many to list”*
  - Some stated that a thorough audit was required
- Sometimes knowledge of heritage places was restricted within the families that are direct descendants of the true traditional owners.
- Where the Indigenous Councils had no computers, no databases and no Cultural Centres – the preservation of information and knowledge was of utmost importance – *“to be recorded and stored for future generations” (Injinoo Council, QLD)*
- There were no specific suggestions of places that needed national listing, however, it was mentioned that the National Parks and Wildlife Service [now the Department of Environment and Conservation], the statutory body with responsibility under legislation to record and protect all Indigenous archaeological sites, had failed to register sites that should have been registered (*Armidale Aboriginal Cultural Centre & Keeping Place, NSW, and Yaegl LALC, NSW.*)
- Traditional Owners / Elders knew of heritage places and objects.
- Better resourced Indigenous organisations had sufficient staff members to undertake assessments and identification of cultural objects and heritage sites.

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Generally, the Elders within some Indigenous communities considered that knowledge of heritage places was not sufficiently comprehensive within their communities, particularly by the younger generation.

For example, within the Tiwi Land Council there was *“changing demographics with the older traditional leadership now dying out. **Currently there are 900 under 14 years of age, of a total 2500 people.**”* This posed a substantial problem with *“new Tiwi generational commitment”*.

It was suggested that the provision of training for Indigenous staff by Elders (perhaps with support by professionals, like archaeologists) was necessary to ensure adequate knowledge and maintenance of heritage sites.

## **THE PHYSICAL CONDITION AND INTEGRITY OF HERITAGE AREAS/OBJECTS**

- Indigenous organisations that were more ‘corporately’ run – with a Board or Committee (with representatives of relevant Indigenous clans), had a more formal mandate to manage and conserve the physical condition of heritage sites and Indigenous culture. These organisations has issues of:
  - Inadequate funding to manage heritage sites; and
  - Too few trained (Heritage Officers) Indigenous staff.
- Organisations that were well resourced could manage separate, specific functions – like business development (tourism); management of objects and management of sites; etc – seemed to also have a more comprehensive knowledge of the current condition of sites, the requirements for protection and means to manage the local heritage.

*“...mutual obligations for ensuring visitors were informed before going on country, and would abide by the protocols for visiting the region”* Quinkan & Regional Cultural Centre, QLD

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- Cultural Centres that operated mostly as a museum and shop, possibly run by one person with the assistance of volunteers, did not have the resources for an indepth understanding of the integrity of local heritage. Most often the responsibility for management of Indigenous heritage did not fall to such organisations anyway.
  - The standard of Keeping places for artefacts varied considerably – from being a drawer in the office, to simple locked storage, to that which was both secure and environmentally controlled.

*“Keeping Places range from a well looked after constructed premises (usually in towns) to shipping containers that are lockable and could be located anywhere, to old tin shacks in the bush near ceremonial sites where Aboriginal people leave objects.” Kimberley LC*

*(WA)*

- Spiritual Indigenous heritage was also fragile – with a lack of indepth knowledge of traditions and fragmentation of the available knowledge. So too the situation with Indigenous languages. Spiritual culture was considered to be slowly deteriorating with the passing of Indigenous Elders and lack of commitment by the younger generation within Indigenous communities.
- Spiritual heritage also depended upon having access to sites for ceremonies to be performed, which were sometimes located on privately owned properties. The ability to access and manage significant sites on land that was not in Indigenous hands was an issue. However, the most frequent concern in terms of spiritual heritage was:

*“keeping the culture strong, with more involvement from Elders and families, sharing and caring about looking after country.” Bairnsdale*

*Keeping Place, VIC.*

*“Spirituality is powerful and the most important aspect of Indigenous culture. Grampians National Park collects water for all NW Victoria. This is a highly spiritual place – every single element has cultural value, especially the waterfalls. The Pinnacles site represents the brothers who helped creation.” Brambuk Inc. Cultural Centre, VIC*

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The presence of Indigenous Heritage Committees was a positive indicator of action to ensure that the survival of Indigenous culture was being addressed.

The key issues for protection of local Indigenous heritage and factors considered to be causing slow deteriorating were (in order of priority):

1. Lack of funding to ensure the integrity of Indigenous heritage – funding was both inadequate and uncertain;
2. Development – construction on Indigenous sites. Examples of housing estates, logging, quarries, wind farms, and marinas being constructed on what were once culturally significant sites, which had destroyed Indigenous heritage;
3. The inconsistent / total lack of appropriate and timely consultation with local Indigenous communities about developments concerning the regions;
4. The lack of legal protection and enforcement to ensure that processes are followed;
5. The lack of management resources for local Aboriginal communities to physically manage their own cultural sites;
6. Lack of commitment among the newer generation of Indigenous people in the communities to care for country and carry on Indigenous traditions;
7. Restricted access to freehold and leasehold land, which impacted on the spiritual heritage– being unable to conduct ceremonies;
8. Infestation – pests, ants, rabbits, feral animals, weeds, invasive plant species, feral animals, cane toads, etc.;
9. Weather – soil erosion and decay of Indigenous sites; climate change, flooding; fire management; and
10. Widespread farming had wiped out some species of vegetation that was once used by Indigenous ancestors for medicines.

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Managing tourism and access to heritage sites was mentioned by *Quinkan (QLD)*, *NW Qld CH&CCAC*, *Carpentaria LC (QLD)*, *Mersey Leven (TAS)*, *Yorta Yorta (VIC)*, *Brambuk (VIC)*, and *Kimberley LC (WA)*, as a factor concerning the physical maintenance of heritage sites.

While tourism was encouraged as a source of revenue for some Indigenous organisations, the funding to ensure that sites were protected, by signage, boardwalks to restrict access and so on, was often not available.

*“some people are keen on tourism as long as it is ecologically sustainable and sensitive to their culture. Traditional Owners do not have the resources to take on tourism. Some TO’s would like to do eco-tours in the Gulf region.”*

*Carpentaria LC, QLD.*

*“Tourism is encouraged at a ‘managed’ level – make tourist roads and routes where people can go. Open roaming is not encouraged as it desecrates sacred sites.” Kimberley LC (WA)*

Having a formal, organised Heritage Committee was a good step towards ensuring the protection of Indigenous heritage.

However, many places were not adequately resourced to support such a range of staff functions, and funding would be needed for employment of Indigenous Cultural Officers / Heritage Officers to work with government departments, other agencies and the community. This was possibly the best means of ensuring the integrity of Indigenous heritage was protected in a region.

*“Increase funding for South West & Wimmera Cultural Heritage Program to ensure each local Aboriginal community have access to a full time Cultural Officer with administration support and resources.” South West & Wimmera Cultural Heritage Program (VIC)*

Many Indigenous organisations considered employment of a Cultural Officer / Ranger would facilitate the consultation process and protection of heritage – *Narungga Heritage Committee (SA)*, *Tiwi LC (NT)*, *Northern LC (NT)*, *Bairnsdale KP (VIC)*, *Andamooka LC (SA)*.

*“We would like to appoint Heritage Officers dedicated as part of our Forestry and Aquaculture industries as full time staff.” Tiwi LC (NT)*

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## RESPONSE TO CONSERVATION NEEDS – AN INTEGRATED APPROACH TO PLANNING AND CONSERVATION

- It was widely held that involvement and coordination between Indigenous people, particularly with Elders and outside agencies, government and developers, was insufficient to ensure the protection of heritage.
- Consultation often did not happen at all, or was too late, which left Indigenous organisations at a disadvantage and unable to address the planning and protection of Indigenous heritage adequately.

*“Where the Native Title Act applies, native title holders require more time for meaningful consultations. If they cannot veto the development, CLC must at least be given time with the native title holders to make informed decisions about the development.”*

*Central LC (NT)*

*“The processes and timeframes to respond to activities that impact cultural heritage are problematic and unreasonable. The communities we are dealing with are “remote”; it is very difficult logistically to get the required people together, in one place at a specific time, in order to hold the proscribed meetings.*

*The process is too corporate, legalistic and is confusing for most people, Indigenous and non-Indigenous.*

*It is often disrespectful of Indigenous people.*

*It is a top down, imposed process which does not apply well in most situations, but particularly with Indigenous people, given their history.*

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*This often results in resentment and a reluctance to co-operate which impacts on achieving the necessary outcomes relating to the protection of Indigenous heritage.” Cape York LC (QLD)*

*“Local governments should be compelled to liaise with local communities. This should be mandatory as per the cultural heritage act, and enforced.” Brambuk (VIC)*

- Funding – the inadequacy, uncertainty and instability of funding
  - for access to lawyers to fight inappropriate developments (Narungga Heritage Committee (SA)) ;
  - for establishment of long term planning processes and goals relating to maintenance of Indigenous heritage; and
  - for cultural centres, computer databases to record heritage artefacts and sites (Injinoo Council, QLD)
- The State based Heritage Acts (particularly within NSW, SA and VIC) were inadequate to help protect Indigenous heritage. The Federal legislation for Indigenous Heritage offered more protection.

*“The Federal Act is excellent – it provides a lot of legal parameters but it needs to behave in a more authoritative manner over the States....Aboriginal Affairs (State Govt) is being sidetracked by other issues instead of working with the relevant local Indigenous community.” Brambuk (VIC)*

*“State heritage protection is not adequate – fines go up to \$25K for developers, which is a drop in the ocean and insufficient to act as a deterrent.” Yaegl (NSW)*

*“The Aboriginal Land Rights (NT) Act, 1976 is Commonwealth legislation. It provides adequate protection for Aboriginal cultural heritage on Aboriginal Freehold land under this legislation. Off Aboriginal Freehold land, this and other legislation does not yet*

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*provide adequate protection. In other words, Aboriginal people only really have adequate protection for their cultural heritage where that heritage occurs on or applies to Aboriginal Freehold land.” Central NT)*

*“Even the Federal Aboriginal Heritage Act offers more protection than the State Aboriginal Heritage Act” Narungga Heritage Committee (SA)*

*“I don’t think the Commonwealth Heritage Act or the State Heritage Act is adequate – the Minister of the day can decide whether or not a site is protected, which makes it too politically vulnerable. In WA there is a history that shows the Heritage Act has been used as a process to legitimise site destruction. There has been some shift with the State Dept in recent years, recognising a responsibility to protect Indigenous heritage sites.” Kimberley LC (WA)*

*“The perception that legislation can actually improve a preservation outcome without the support of the people who own the land is unrealistic in a remote setting. Legislation that requires that participation and involvement and discards various ministerial “final say” may be more successful.” Tiwi LC (NT)*

- The Victorian Government has a program that allows *“organisations to speak for country”*, which the Yorta Yorta Community believe is more appropriately the responsibility of the Elders Council, and not *“an homogenised group of people with no spiritual or physical connection to the country”*. This sentiment was echoed from a number of Indigenous organisations.

*“The State’s Cultural Officer sometimes gains financially when he deals with developers. He takes the money and uses an “Elder” who is actually from NSW to make his advice seem legitimate.” Brambuk (VIC)*

*“Recognition of traditional ownership rather than simply Aboriginality and greater control by Traditional Owners rather than control simply being in the hands of ineffectual government departments” SW Aboriginal L&SC, (WA)*

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- Most Native Title Representative Bodies considered funding for Native Title was too narrowly defined, which failed to recognise the links that exist between cultural heritage, land management and Native Title. It was inefficient because complementary opportunities were lost. For example: the acceptable land use and Indigenous values could be documented together, but at present are determined independently. There were missed opportunities to combine jobs and look at issues holistically.
  - Also, funding for Native Title was not adequate to resolve all the outstanding land claims, and allow Indigenous communities to get on with the process of looking after their heritage.

*“CCLC has limited funding – it will take approx. 30 yrs to resolve the Native Title claims because they don’t have the funding and resources to investigate each claim.” Carpentaria CLC (QLD)*

*“In most cases, Indigenous peoples can’t start a lot of work until Native Title is determined. In the last 10 years only 5 NT determinations have been made – all of which happened in last 3 years. Therefore at that rate, it will take 30 years before all native title claims for the area will be determined. This was also due to inadequate funding and resources to investigate each claim.” Kimberley LC (WA)*

## **THE AVAILABILITY AND DISTRIBUTION OF SKILLS AND EXPERTISE TO MANAGE THE PROTECTION OF CULTURAL HERITAGE**

- Generally there was a lack of skills amongst the Indigenous population to professionally manage protection of heritage sites.

*“..local aborigines don’t have the necessary expertise regarding maintenance of heritage sites, or the occupational health or safety issues that go along with it.” Quinkan (QLD)*
- Heritage Committees were ‘over-represented’ with professional Indigenous staff, compared with the Local Indigenous Councils and Corporations.

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*The Narungga Heritage Committee (SA) was 100% comprised of Indigenous staff, none of whom were in paid positions, both full time and part time as Committee members, a Senior Heritage Monitor, Heritage Monitors, and Elders and community members.*

*The Armidale Aboriginal Cultural Centre and Keeping Place (NSW) Chairperson was a Consulting Archaeologist.*

*The Bangerang Cultural Centre Cooperative (VIC) employed Cultural Officers as well as Administrators and Board positions.*

*The South West & Wimmera Cultural Heritage Program represents local Aboriginal communities located in the south west of Victoria. The SW&WCHP employs a Co-ordinator of the program and six Cultural Heritage Officers, which are located at the local Aboriginal community organisations. The local Aboriginal community are represented on the Committee of Management.*

- There were very few Indigenous Archaeologists, Cultural Monitors, or Heritage/Cultural Officers – to undertake required assessments and heritage protection duties, or to work with external agencies on behalf of the Indigenous organisations to ensure culturally sensitive developments.

*“All Archaeologists are non-Indigenous. Developers and National Parks and govt’ employ Archaeologists and often try to get the cheapest quote. Archaeologists are often not endorsed by Community and don’t even have Monitors, since this costs more.*

*There should be legislation to enforce the use of a Monitor, and an archaeologist approved by the Community.” Brambuk (VIC)*

- However, not just anyone would be acceptable for Local Aboriginal communities. Where external agencies (government or developers) employed an Indigenous Cultural Officer – this person must be accepted by the local Indigenous people. It was preferable to employ a local Cultural Officer, a traditional owner – otherwise, there was the

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possibility that the appointment was just somebody who could make money at the expense of the local Aborigines. (Reported as occurring in Brambuk, VIC).

- Legal skills, although not necessarily with Indigenous people, are required to fight for Indigenous heritage where local government and developer interests conflict with Indigenous community interests. This had happened in a number of places - where advice and due process of consultation by the Indigenous community goes unheeded.

*“Local government, developers and private landowners will deliberately manipulate ‘due process’ to intentionally avoid cultural heritage.” SW Wimmera Cultural Heritage Committee (VIC)*

*“Local and state government authorities mostly ignore what we have to say. At Black Point and Wattle Point on the Yorke Peninsula, the state Aboriginal Affairs Minister determined that both areas were significant Aboriginal sites and then gave the OK to destroy or disturb these sites.*

*Some developers have consulted with the Narungga Heritage Committee (NHC) but still continue to ignore what we have to say, and get away with it.” Narungga (SA)*

## **COMMUNITY AWARENESS AND INVOLVEMENT WITH NATURAL AND CULTURAL HERITAGE ISSUES.**

- The majority of respondents report that the local heritage is well known within the Indigenous community.

*“In the Gulf a lot of sites are known and well recorded. Most Indigenous Elders know stories. Anthropologist will record sites but not specific information relating to that site, so heritage not well known in non Indigenous community.” Carpentaria LC (QLD)*

- Involvement with heritage issues within the Indigenous communities is possibly deteriorating – Elders feel the younger generation does not understand the stories and significance of heritage.

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*“ the older traditional leadership now is dying out. Currently there are 900 under 14 years of age, of a total 2500 people.” Tiwi LC  
(NT)*

It was suggested that the provision of training for Indigenous people by Elders (with the support of professional archaeologists) was necessary to ensure adequate knowledge and maintenance of heritage sites.

*“We would like to increase the number of school programs and run workshops to keep traditional practices alive – general education. The Yaegl LALC has a language program running to try to save the local language, with the elders group.” Yaegl LC  
(NSW)*

- There is little involvement or support from non-Indigenous communities. Some volunteers and some employees are non-Indigenous in Indigenous organisations, but generally a minority.
- Where Local Government interests with development conflict with Indigenous heritage, due process is sometimes disregarded.

*“Local Government, to this day, do not consult with the Narungga Heritage Committee about heritage issues on the Yorke Peninsula.” Narungga (SA)*

- There was a lack of understanding by the Government and non-Indigenous Australians in general about the conditions in remote communities *(Cape York Land Council, QLD)*
- The non-Indigenous community knows little of the Indigenous heritage of an area. An Anthropologist might record the sites, but not the specific information relating to the site. Most Elders knew the stories. *(Carpentaria LC, QLD)*

*“Research shows that the Northern Territory public is antagonistic to Indigenous heritage issues.” Northern Land Council (NT)*

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## APPENDIX

## 1. STUDY PARTICIPANTS: INDIGENOUS ORGANISATIONS

**Table 2: Participants by Organisation Type**

Local Aboriginal Land Councils / Cooperatives	Aboriginal Corporations	Heritage Committees	Indigenous Cultural Centres	Native Title Representative Bodies
Yaegli, NSW	Yorta Yorta, VIC	Narungga, SA	Armidale, NSW	Cape York LC, QLD
Wurundjeri, VIC	Nepabunna Community Inc, SA	South West Wimmera Cultural Heritage Program, VIC	Bangerang, VIC	Carpentaria LC Aboriginal Corp, QLD
Andamooka, SA	Mersey Leven, TAS		Brambuk, VIC	Gurang LC, Central QLD
Kowanyama Land Natural Resource Mgt, QLD	NorthWest Qld Cultural Heritage Community Council, QLD		Bairnsdale Keeping Place, VIC	SW Aboriginal Land & Sea Council, WA
Injinoo DOGIT, QLD			Quinkan, QLD	Kimberley LC, WA
Kimberley Land & Sea Management, WA				Central LC, NT
Tiwi LC, NT				Northern LC, NT

**Table 3: Participants by State**

	NSW	VIC	TAS	SA	WA	NT	QLD
Land Council	Yaegl	Wurundjeri		Andamooka		Tiwi	Kowanyama
Aboriginal Corporation		Yorta Yorta	Mersey Leven	Nepabunna			NW Qld Cult.Heritage Community
Heritage Committee		SW Wimmera Cult. Heritage Program,		Narungga			
Cultural Centres	Armidale	Brambuk					Quinkan
		Bairnsdale K.Place					
		Bangerang					
Native Title Rep Body					SW Aboriginal Land & Sea Council, WA	Central Land Council	Cape York Land Council
					Kimberley Land Council	Northern Land Council	Carpentaria LC Ab. Corp,
							Gurang Land Council

**Table 4: Heritage Management by Participant**

Indigenous Org	Keeping Place	Cultural Centre	Data base	Stat Resp
Armidale Aboriginal Cultural Centre and Keeping Place, NSW	1	1	1	x
Yaegl Local Aboriginal Land Council, NSW		1	1	✓
Bangerang Cultural Centre Cooperative, VIC	1	1	1	✓
Brambuk Inc. Cultural Centre, VIC	6	1	1	✓
Bairnsdale Keeping Place, VIC	1		4	✓
SW & Wimmera Cultural Heritage Program, VIC			1	x
Yorta Yorta Community, VIC		1	1	✓
Wurundjeri Tribe Land Compensation & Cultural Heritage Council Inc, VIC				✓
Mersey Leven Aboriginal Corp, TAS	1	1	1	x / ✓
Narungga Heritage Committee, SA				✓
Nepabunna Community Inc, SA	1	1	1	✓
Quinkan&Regional Cultural Cnt QLD	1	1		✓
NW QLD Cultural Heritage & Comm. Council Aboriginal Corp, QLD				✓
Kowanyama Land&Natural Resources Mgt Office, QLD	1	1	1	✓
Carpentaria Land Council, QLD		2		x
Cape York Land Council, QLD		4	3	✓
Injinoo Council, QLD				✓
Gurang Land Council Aboriginal Corporation, QLD				x
Tiwi Land Council, NT	2		1	✓
Central Land Council, NT	3	1	1	✓
Northern Land Council, NT	~1200	12	1	✓
Andamooka Land Council, WA	1		1	✓
SW Aboriginal Land and Sea Council, WA				✓
Kimberley Land Council, WA	8	6		✓

## 2. CASE STUDY: BUSINESS ASPIRATIONS FOR THE QUINKAN / LAURA REGION

The following tables give an indication of the business aspirations of each group as identified by the Cultural Heritage Management Team during the consultation workshops 2002. In order to develop a Business Plan for the Region more specific details of proposed business ventures are needed. Details needed in relation to Guided Tours for the Region are covered in the Cultural Heritage Management Plan Questionnaire 2003.

GROUP / CLAN NAME	BUSINESS ASPIRATIONS IDENTIFIED	TRAINING & EMPLOYMENT REQUIREMENTS *NB The need for Ranger Training is unanimous across all Groups
Ang Gnarra (Laura)	<ul style="list-style-type: none"> <li>- Arts and crafts business</li> <li>- coffee shop</li> <li>- motel</li> <li>- camping grounds</li> <li>- vehicles hire</li> <li>- camping supplies</li> <li>- Indigenous guide service</li> </ul> <p><i>NEED TO</i></p> <ul style="list-style-type: none"> <li>- identify artists &amp; nature of work produced</li> <li>- give clear outline of each business venture</li> </ul>	<ul style="list-style-type: none"> <li>- Groundsmen</li> <li>- administration staff</li> <li>- cleaners</li> <li>- performers</li> <li>- tour guiding service</li> </ul>
Olkolo	<ul style="list-style-type: none"> <li>- Small private enterprises, e.g. tour guiding.</li> </ul>	<ul style="list-style-type: none"> <li>- Training programs should be tailored specifically for jobs and not training for the sake of training</li> </ul>

<p>Thaypan</p>	<ul style="list-style-type: none"> <li>- Business enterprises related to tourism.</li> <li>- Those related to looking after history, tradition, custom, family connections etc</li> <li>- Arts and crafts for the Centre and across the Region.</li> </ul> <p><i>NEED TO</i></p> <ul style="list-style-type: none"> <li>- clearly identify each of the above</li> <li>- identify artists and type of art produced</li> </ul>	<ul style="list-style-type: none"> <li>- Training and employment that provides opportunities for the young people</li> </ul>
<p>Yalanji</p>	<ul style="list-style-type: none"> <li>- Guided tours as part of business plan</li> <li>- The Centre - to represent artists and art</li> <li>- Art related enterprises</li> <li>- Specific Business opportunities for young people</li> </ul> <p><i>NEED TO</i></p> <p>* Identify artists and type of art produced - traditional, contemporary, artefacts, prints, t-shirts etc</p> <p>*Specify art related enterprises - what are these?</p>	<ul style="list-style-type: none"> <li>- Heritage site officers</li> <li>- Interpreters</li> <li>- Writing submissions for funding</li> <li>- Cultural Awareness Training (Peter Wallace indicated his interest in participating in training programs)</li> </ul>
<p>YIMITHIRR Bulgan &amp; Baalngarr</p>	<p>Bulgan and Baalngarr propose to set up tour operations whereby visitors will be accompanied by traditional owner rangers and guides onto their country. Tours will include visits to various significant sites such as lagoons, caves, story places, bora grounds and so on and include certain traditional activities and experiences.</p>	
<p>Bulgan</p>	<p>Day Tours</p>	<p>Bulgun stipulated</p>

<p>Bulgan Tours to include  <b>Kings Plains - lagoon / (Pink waterlily)</b>  <b>Black Mountain - Yirranbal legend / Sacred caves</b>  <b>Bora grounds</b> - gender restrictions on access (refer Harold Ludwick)</p>	<p>Tourist ventures to caves and lagoons at Kings Plains. Visitors to experience hands on experience of sites and associated stories, legends etc. Also to participate in traditional activities and customs such as spear-making and throwing. Tea and damper may also be a feature of the tour</p> <p><b>Camping Tours</b></p> <p>Only when operational infrastructures are in place - they would like to encourage 2-3 night 4wd camping tours on country</p> <p>All tours to be conducted by Traditional Owner guides and rangers</p> <p>Tour companies to comply with protocols set in place by Bulgan people</p>	<p>the need to look at skills required by youth in the area  the need for an audit of skills within the clan group  that all training and employment endeavours should be implemented as group initiatives and run by Traditional owners, with assistance from government agencies, and to tie in where possible with other agencies/programs e.g. SES, police, ambulance, hospital etc</p> <p><b>Areas of training required are as follows</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> land conservation, preservation and restoration</li> <li><input type="checkbox"/> first aid</li> <li><input type="checkbox"/> cultural training for youth</li> <li><input type="checkbox"/> ranger training</li> <li><input type="checkbox"/> administration, management and small business</li> <li><input type="checkbox"/> hospitality</li> <li><input type="checkbox"/> submission writing</li> <li><input type="checkbox"/> bus driving</li> <li><input type="checkbox"/> promotional</li> <li><input type="checkbox"/> web design</li> </ul>
<p><b>Baalngarr</b></p> <p>Baalngarr Tours to include  <b>Lake Emma</b></p>	<p><b>Need to</b> identify any other business aspirations and give details</p>	<p><b>Baalngarr</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> ranger training</li> <li><input type="checkbox"/> administration - book-keeping etc</li> <li><input type="checkbox"/> public speaking</li> </ul>

<p>Pink Water lily Turtle story at Mango Crossing Carpet Snake Story / Black Cockatoo Story</p>	<p>clearly outline nature of tours (this will be covered in CHMP Questionnaire)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> story telling</li> <li><input type="checkbox"/> submission writing</li> <li><input type="checkbox"/> promotional / marketing / sales</li> </ul> <p>They also specify that these training programs are to be set in place and run by Traditional Owners with support and assistance from the Quinkan &amp; Regional Cultural Centre and outside agencies. Such activities should tie in with other agencies and programs already operating as applicable</p>
<p>Overview of Business, Training and Employment Aspirations &amp; Requirements for the Region</p> <p>(See Also Regional Report p.18-19 &amp; Nos 40a/41a of Amended Questionnaire 2002)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Tourist related ventures</li> <li><input type="checkbox"/> Arts and craft businesses</li> <li><input type="checkbox"/> Retail</li> </ul>	<p>Business Management / Administration / Writing submissions</p> <p>Marketing &amp; Promotion</p> <p>Tourism</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> tour guiding</li> <li><input type="checkbox"/> ranger programs</li> <li><input type="checkbox"/> interpretive/heritage guides &amp; officer</li> <li><input type="checkbox"/> booking agents</li> <li><input type="checkbox"/> tour operations</li> <li><input type="checkbox"/> Bus Driving Licence</li> </ul> <p>Entertainment / Performance / Public Speaking</p> <p>Shop Management / Retail</p> <p>Screen printing / Signwriting &amp; other Arts training</p> <p>Landscaping, Building</p>

### 3. SURVEY FOR INDIGENOUS ORGANISATIONS

*Section One: Firstly, some background information about your organisation.*

1. Which community/s does your organisation represent?
2. What services does your organisation provide? (Education, housing, health, etc)?
3. Does your organisation have statutory responsibilities for heritage? What are these responsibilities?                      Yes                      No
4. What area of land do you have primary responsibility for, if any? How / do you look after the cultural heritage of this land?
5. Do you provide advice, statutory or otherwise, on cultural heritage to other bodies? (local government, developers, statutory authorities, etc) What?
6. Do any of the communities you represent have any of the following (please provide total number for each category below). Describe these.  
A keeping place      A cultural centre      A database of cultural heritage

*Section Two: data relevant to SoE 2006 Indicators relating to knowledge, condition&integrity, conservation, skills and community awareness of heritage.*

1. Is the heritage in your area well known to your community? Yes No

Do you have access to state register? .....

Do you control non-community access to register information? .....

Do you maintain your own list / register / database?.....

How many places / objects do you know of in your area?

2. Do you have a role for caring for your Country? Yes  No

a) What issues relate to the physical condition of your cultural heritage?

b) What are the issues related to the spiritual health of your cultural heritage?

3. Is your organisation funded for cultural heritage? Yes No

What are your main sources of funding? (government - federal/state, mining royalties, tourism, cultural heritage assessment etc)

4. Is the funding received by your organisation adequate for activities related to managing your cultural heritage? Yes No

5. What do you see as priorities areas for funding for heritage?

6. Is the legal protection afforded by the government adequate to preserve your Indigenous cultural heritage? Yes No

7. How could such legal protection be improved?

8. Do you have a decision-making role about proposed developments that may impact your heritage? Yes No

a) If no, are you consulted about such proposed developments that may impact your heritage? Yes No

b) What would you change in the current consultation/statutory process? Why?

9. Do you have staff working full time on cultural heritage? Yes No
- a) What are their roles / titles?
- b) How many are: Indigenous: No.=.... Other: No.=...
- c) How many other staff are involved in cultural heritage?  
 Indigenous: No.=.... Other: No. =..
- d) How many volunteers assist with managing heritage?  
 Indigenous: No.=.... Other: No. =..
- e) How many members of your staff have had formal/informal training in cultural heritage?  
 Formal (Indigenous): No.=..... Informal (Indigenous): No. =.....  
 Formal (Other): No.= ..... Informal (Other): No. = .....
- f) What training would you like for your staff related to cultural heritage?

## 4. INFORMATION PROVIDED TO RESPONDENTS

### FACSIMILE TRANSMISSION:

**To:** *Indigenous respondent name*  
**Company:** *xxx Land Council Aboriginal Corporation*  
**Fax No:** (00) 0000 0000  
**From:** *researcher*  
**Date:** 00/00/00 **No. Pages:** x (including this)  
**Subject:** Department of Environment and Heritage,  
Survey of Indigenous Organisations

***[If transmission unsuccessful, contact researcher: Fax: (00) 0000 0000]***

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*Dear ....,*

*Thanks for giving me the opportunity to send this to you. We are working on behalf of the Department of Environment and Heritage to conduct a survey to assess the current state of Indigenous heritage and identify issues in this area. Please find the following information:*

*(A) some background information about the State of Indigenous Heritage - a survey of Indigenous organisations. I have included the contact details for \_\_\_\_\_, who can confirm the validity of this research.*

*(B) the questionnaire for your review, which you can fill out and fax back to me, email it (I can provide an electronic version), or we can discuss it over the phone - whatever would suit you best.*

*I would greatly appreciate your participation in this important work to get a better understanding of the state of Indigenous heritage. Please call or email me anytime.*

*Thanks and kind regards,*

***Researcher***

COMMONWEALTH OF AUSTRALIA REPRESENTED BY  
THE DEPARTMENT OF THE ENVIRONMENT AND HERITAGE

STATE OF INDIGENOUS CULTURAL HERITAGE – A SURVEY OF INDIGENOUS  
ORGANISATIONS

**BACKGROUND INFORMATION**

The Australian Government is required by law to produce a State of the Environment Report for Australia. That law is the Environment Protection and Biodiversity Conservation Act 1999 ([www.deh.gov.au/epbc/index.html](http://www.deh.gov.au/epbc/index.html)). The Australian Government Department of the Environment and Heritage (DEH) is responsible for preparing and publishing this Report under the advice of the independent Australian State of the Environment Committee (ASEC).

One of the main aims of the State of the Environment (SoE) reports is to better understand the current state of our environment and heritage places and what this means for policy and decision-making.

Much information on Indigenous cultural heritage is with the relevant Indigenous communities as well as in state / territory heritage registers. A survey of Indigenous organisations was conducted as part of the 2001 SoE process to assess the state of Indigenous heritage. Open Mind Research Group will repeat the survey, taking into account the limitations of the 2001 survey.

The focus is on collecting information from Indigenous organisations about the state of Indigenous cultural heritage. Open Mind Research Group aims to bring together from Indigenous organisations information and views on the state of Indigenous cultural heritage.

The Natural and Cultural Heritage theme will be addressed in the 2006 State of the Environment Report using a set of five core indicators underpinned by a number of indicators.

**Core Indicator 1: Knowledge of Heritage**

- Process of listing, number and distribution of Indigenous heritage listings

**Core Indicator 2: Physical Condition and Integrity of Heritage**

- Physical condition and integrity of a sample of Indigenous heritage places

**Core Indicator 3: Responses to conserve heritage**

- Funds provided to heritage and other agencies for Indigenous heritage
- Changes in Indigenous heritage legislation

**Core Indicator 4: Expertise and Skills for Managing Heritage**

- Number of volunteers trained by heritage organisations and institutions
- Number of people working in Indigenous organisations, number of Indigenous enrolments in university heritage courses, number of Indigenous people employed by agencies involved in Indigenous programs and management of Indigenous heritage

**Core Indicator 5: Community Awareness of Heritage**

Community awareness of heritage places and objects and their conservation

**Contact person for enquiries:**

Environment and Sustainability Reporting Section  
Department of the Environment and Heritage  
GPO Box 787  
Canberra ACT 2601  
Tel: 02 6274 1111

## 5. INDIGENOUS HERITAGE LEGISLATION IN AUSTRALIA

### ACT

- Heritage Objects Act 1991
- Land (Planning and Environment) Act 1991

### NSW

- NSW Heritage Act 1977(NSW Heritage Amendment Act 1996, Schedule 1)
- NSW National Parks and Wildlife Act 1974

### NT

- The Northern Territory Heritage Conservation Act 1991
- Northern Territory Aboriginal Sacred Sites Act 1989\*

### Qld

- Aboriginal Cultural Heritage Act 2003\*
- Torres Strait Islander Cultural Heritage Act 2003\*
- (Queensland Heritage Act 1992)

### SA

- The Aboriginal Heritage Act 1988\*
- (Heritage Act 1993)

### Tas

- Aboriginal Relics Act 1975
- (Historic Cultural Heritage Act 1995 (Amendment Act 1997))

### Vic

- Archaeological and Aboriginal Relics Preservation Act 1972
- Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Part IIA 1987 amendment for Victoria) (delegated by Commonwealth)\* (Heritage Act 1995)

### WA

- Aboriginal Heritage Act 1972-80
- (Heritage of Western Australia Act 1990)

### Commonwealth

- Australian Heritage Council Act 2003
- World Heritage Properties Conservation Act 1983
- Aboriginal and Torres Strait Islander Heritage Protection Act 1984\*
- Environment Protection and Biodiversity Conservation Act 1999)
- (Historic Shipwrecks Act 1976)