

Excavations, Surveys and Heritage Management in Victoria

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Front cover:

Dead standing black box Culturally Modified Tree along Kromelak (Outlet Creek) (Photo: Darren Griffin)

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Editorial note

The papers included in this ninth issue of *Excavations, Surveys and Heritage Management in Victoria* were presented at the annual Victorian Archaeology Colloquium held at La Trobe University on 1 February 2020. Once again we had over 150 participants whose attendance testifies to the importance of this fixture within the local archaeological calendar. It continues to be an important opportunity for consultants, academics, managers and Aboriginal community groups to share their common interests in the archaeology and heritage of the State of Victoria.

The papers published here deal with a variety of topics that span Victoria's Aboriginal and European past. While some papers report on the results of specific research projects others focus on aspects of method, approach, education and the social context of our work, and approach.

In addition to the more developed papers, we have continued our practice of publishing the abstracts of other papers given at the Colloquium, illustrated by a selection of the slides taken from the PowerPoint presentations prepared by participants. These demonstrate the range of work being carried out in Victoria, and we hope that many of these will also form the basis of more complete studies in the future. All papers were refereed by the editorial team. This year Elizabeth Foley managed this process and the sub-editing of this volume under the guidance of Caroline Spry. Layout was again undertaken

by David Frankel.

Previous volumes of *Excavations, Surveys and Heritage Management in Victoria* are freely available through La Trobe University's institutional repository, Research Online < www.arrow.latrobe.edu.au:8080/vital/access/manager/Repository/latrobe:41999 >. We hope that this will encourage the dissemination of ideas and information in the broader community, both in Australia and internationally.

We are grateful to the Colloquium's major sponsors ACHM, Ochre Imprints, Ecology and Heritage Partners and Heritage Insight; sponsors Biosis, ArchLink, Christine Williamson Heritage Consultants and Extent; and to La Trobe University for continuing support. We would like to thank them, and all others involved for their generous contributions towards hosting both the event and this publication. Yafit Dahary of 12 Ovens was, as always, responsible for the catering.

Preparation of this volume was, like so much else in 2020, undertaken during the severe restrictions imposed because of the COVID-19 pandemic. We hope that 2021 will be a better year for all and that even if we are unable to hold our Colloquium at the usual time we will be able to do so later in the year.

The editors and authors acknowledge the Traditional Owners of the lands and heritage discussed at the Colloquium and in this volume, and pay their respects to their Elders, past and present.

Cultural heritage significance – not to be muted or trifled with

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Dan Turnbull² and Robert Ogden²

Abstract

The Bunurong Land Council Aboriginal Corporation regards the establishment of cultural heritage significance as a crucial component of the study of Aboriginal cultural heritage and Aboriginal lifeways in Australia. How cultural heritage significance is assessed is particularly important within the context of cultural heritage management, where this information has the potential to influence decisions about heritage protection. The authors believe it is past time that Aboriginal groups drive how cultural heritage significance is produced within cultural heritage management. In order to achieve this, the Bunurong Land Council Aboriginal Corporation is developing a metric and guidelines for the assessment of cultural heritage significance to be used within their Registered Aboriginal Party area. This metric recognises the multi-faceted nature of cultural heritage significance, incorporating a range of significance criteria (including scientific values) within a broader framework that incorporates contemporary Aboriginal values in places within a broad cultural landscape.

Introduction

'Heritage is the very stuff of social identity and to this extent can be regarded as a form of social action' (Byrne 2008:67).

This paper arises from the routine work of a Registered Aboriginal Party (RAP), the Bunurong Land Council Aboriginal Corporation (BLCAC), who are the decision-makers regarding the implementation of the *Aboriginal Heritage Act 2006* (Vic.), hereafter AHA, within the BLCAC RAP area in Victoria (**Figure 1**). The question that this paper would like to pose is: How does the AHA (including its amendments and associated regulations) and the Burra Charter articulate with

cultural heritage management, specifically in how they assess cultural heritage significance in Victoria?

The AHA provides for the preparation of Cultural Heritage Management Plans (CHMPs) before the commencement of high-impact activities within areas of legislated cultural heritage sensitivity. As part of the CHMP process, archaeological investigations are required to determine the extent, nature and significance of Aboriginal cultural heritage within the activity area so that appropriate management conditions can be developed. In this context, there is a concerning trend for the significance of Aboriginal cultural heritage to be assessed in ways that are superficial or inadequate. An example of this includes the scientific values of an Aboriginal place being assessed as having a negative value (for example -2) on an internal rubric designed by a consultant. However, the same place is also considered by the BLCAC to be of very high cultural importance. According to the consultant, this results in the place being given a significance rating of low (or even extremely low) and CHMP conditions are then proposed based upon this analysis.

Furthermore, it is alarmingly common for the results of the significance assessment to bear no relation to the management conditions that are developed during the cultural heritage management process. Often, this may be influenced by the pressures of developers, the skill of the heritage advisor/archaeologist and budget constraints. At times, significance assessments driven by development construct a diametric paradigm between scientific and cultural significance, which reflects a fundamental misunderstanding of both the AHA and the Burra Charter. As a result, many places of cultural heritage significance are destroyed during the development process, often with only a token nod to the recording of cultural values. This form of assessment may be due to the heritage advisor/archaeologist (the author of the CHMP) not being comfortable or not having the skills to define what the cultural heritage significance of an Aboriginal place is. However, often this limitation is confused with only being able to assess the scientific significance of a place, rather than understanding that scientific significance forms part of the total cultural heritage significance of a place. In Victoria, there is also

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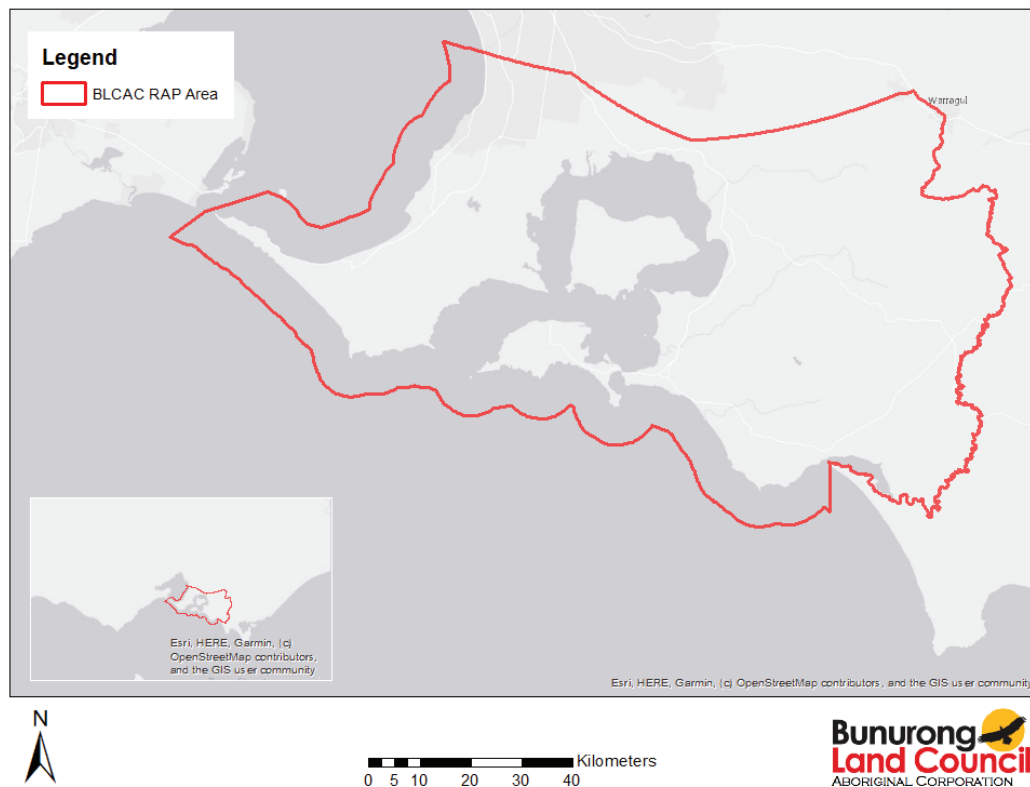


Figure 1. BLCAC current RAP area (August 2020)

currently no universal method for defining significance, which leads to numerous and varied approaches by practitioners. In order to remedy this shortfall, BLCAC is in the process of creating a metric to guide the assessment of cultural heritage significance within their RAP area, and we hope that this will encourage other RAPs to embark on the development of similar guidelines.

It seems that several factors lead to erroneous significance assessment within the cultural heritage management process. For example, places can be classified as low significance because they have not been understood or explored comprehensively. These errors become entrenched, and the effect is compounded when other newer places are assessed in reference to previous significance assessments for similar places. There is also a widespread reliance upon dated methodologies for the assessment of scientific significance (see Bowdler 1984). Perhaps most importantly, methods for the meaningful integration of scientific and other components of significance are currently lacking. It is common for heritage advisors/archaeologists to acknowledge that Traditional Owners consider all of their heritage to be highly significant but for these views to be summarily dismissed because ‘it doesn’t mean anything if everything is considered highly significant’. This approach typically results in a situation where only the scientific significance is considered to be important,

authentic or valid.

We believe that now is an appropriate time to shift this paradigm within the heritage industry and reconsider how cultural heritage significance is assessed during the preparation of CHMPs. It is essential that scientific and other components of significance are accounted for during the process of significance assessment and that the management conditions developed for CHMPs reflect the results of the significance assessments they contain. We propose this reconsideration of significance assessment so that the cultural heritage management process can incorporate co-operative, accurate, comparative, consistent and functional approaches to cultural heritage management and conservation.

The main question posed in this paper needs to be addressed for several reasons, including:

1. The assessment of cultural heritage significance in Victoria within the cultural heritage management process can be misleading, or ill-informed, often leading to the destruction of places of significance; and
2. This question builds upon the intention of the AHA to empower Indigenous groups to have an active role in assessing and conserving their cultural heritage, rather than merely authorising its destruction.

In this paper, we discuss how cultural heritage significance is assessed in the Burra Charter and the AHA and suggest that a rubric is required to define how

cultural heritage values will be defined in the BLCAC RAP area. The implementation of a rubric would address the above concerns and move the assessment of cultural heritage significance closer to the intention of both the AHA and the Burra Charter. By creating a rubric to define significance that is controlled by the RAP from within a decolonising agenda, a space is produced that can begin to overcome the significant power discrepancy that exists between RAPs, the government and developers.

Assessing Significance

There is a large body of work that relates to defining significance in cultural heritage management (also known as compliance, consulting or commercial archaeology) in Australia. This paper will not summarise all of this work, as it is previously discussed by several authors, most notably Brown (2008). However, some significant contributions in this area include work by Smith (2004:3) who argues that the assessment of significance through archaeology and cultural heritage management makes this practice a 'technology of government' which allows archaeologists to occupy a position of privilege when defining heritage values. This practice is problematic for the assessment of Aboriginal places and their associated social, cultural and heritage values.

Bowdler (1981, 1984) proposes a framework for assessing archaeological significance; she argues that archaeological significance should be assessed according to two categories: timely and specific research questions, and representativeness (Bowdler 1981:129). Secondly, Bowdler argues that 'archaeological significance is a mutable, even a transformational, quality, which changes as the subject changes' (Bowdler 1984:1). Importantly, this second aspect can be used to consider the cumulative impacts of development upon Aboriginal places; however, in practice, this is rarely done with any proficiency (Smith et al. 2019). Bowdler's (1984) work is still in frequent use within the cultural heritage management sector, however, as Brown (2008) argues, aspects of this work have not been applied correctly and therefore have become outdated.

Brown (2008) reconsiders Bowdler's body of work as it relates to cultural heritage management in New South Wales (NSW). When considering representativeness as an indicator of scientific significance Brown argues that this concept should be abandoned as its application has become 'sufficiently problematic' (Brown 2008:25) as heritage legislation provides comprehensive protection for all places, providing no incentive to assess its representativeness accurately. However, we would argue that although these places are officially protected, the reality of the compliance archaeology process is that sites are often destroyed as soon as they are discovered. Secondly, Brown (2008) argues that timely and specific

research questions are not developed during the cultural heritage management process and that the actual research potential of a place holds little sway within regulatory frameworks. Importantly, Brown (2008) notes that Smith (2004:114–118) recognises that in practice research potential is often simply expressed in terms of whether a site is disturbed, rather than its actual potential.

The studies just reviewed discuss the nuances of understanding the scientific significance of a place. However, they do not discuss social and spiritual values and how to understand and interpret them within a heritage context. Byrne et al. (2001) broach this topic in an NSW context with a guide to understanding social significance within cultural heritage management. This discussion paper outlines how heritage practitioners currently define social significance and how social significance can be used as a tool for creating positive social change, mainly through the inclusion of Aboriginal people's perspectives into the assessment of places of significance.

Specific to Victoria, Freslov (1996) compiled a report that assessed the state of coastal archaeology and identified several issues, including how to assess the significance of coastal sites. Freslov (1996) notes that these significance assessments were largely based on the reporter's general knowledge of sites, and the reporter's knowledge of sites in the region, an excessively simplified system of point scoring for preservation, contents and representativeness and finally on the assumption that older sites are more significant than more recent sites. The first two issues have been largely addressed since the introduction of the AHA and a more formal Aboriginal heritage register (the Victorian Aboriginal Heritage Register, or VAHR). However, Freslov (1996:60) also notes that at worst, the last two points 'are open to abuse within the contract system and sites may be deemed less significant to satisfy an employer'. Crucially, Freslov identifies that the worst issue with significance assessment in Victoria is the failure to integrate and address Aboriginal cultural heritage significance in any meaningful way. This lack of meaningful engagement is an issue that Aboriginal groups still face daily, more than 20 years on from Freslov's report.

The Burra Charter and the *Aboriginal Heritage Act 2006*

The Australia ICOMOS Burra Charter (2013) was first developed in 1979 and has set a benchmark for the assessment of significance internationally. The Burra Charter has, to an extent, influenced much of the cultural heritage legislation in Australia, including in Victoria. The document has undergone several revisions; the current version was produced in 2013. There is a plethora of publications that discuss the use of the

Burra Charter, but often not considering its application to Aboriginal archaeology (Ireland 2004; Logan 2004; Waterton et al. 2006). Consequently, this paper is not the appropriate place to discuss this at length, however, it is essential to note that the Burra Charter outlines the following criteria for the assessment of cultural heritage significance in alphabetical order: aesthetic, historic, scientific, social and spiritual values. These criteria contribute equally to the nature of the cultural heritage significance of a place and cannot negate one another.

These assessment criteria are outlined in several practice notes and are designed as a practical guide to working with places that contain heritage values. The application of these criteria (often through a metric) allows for the production of accurate and inclusive statements of cultural heritage significance. The intention of the Burra Charter is clearly reflected in the AHA and much of the heritage legislation in Australia.

The purpose of the AHA is clearly outlined in its introduction and is included here as it is considered crucial to understanding its meaning within a decolonised context:

The main purposes of this Act are—

(a) to provide for the protection of Aboriginal cultural heritage and Aboriginal intangible heritage in Victoria; and

(b) to empower traditional owners as protectors of their cultural heritage on behalf of Aboriginal people and all other peoples; and

(c) to strengthen the ongoing right to maintain the distinctive spiritual, cultural, material and economic relationship of traditional owners with the land and waters and other resources with which they have a connection under traditional laws and customs; and

(d) to promote respect for Aboriginal cultural heritage, contributing to its protection as part of the common heritage of all peoples and to the sustainable development and management of land and of the environment [Aboriginal Heritage Act 2006 (Vic.)(1)(1)].

This comprehensive definition of the purpose of the AHA is integral to this discussion as it directly articulates with how the current cultural heritage management process in Victoria may improve through establishing and integrating how Aboriginal cultural heritage values are assessed. Whether or not the AHA currently addresses its purpose is another issue entirely, one that likely needs a full and open discussion at a later date. Importantly, the AHA establishes how, when and why CHMPs are produced and the role of RAPs. It defines the assessment of cultural heritage significance as being defined by several criteria: archaeological, anthropological, contemporary, historical, scientific,

social or spiritual and significance in accordance with Aboriginal tradition [Aboriginal Heritage Act 2006 (Vic.) (3)4]. Very rarely are all of these values assessed within the cultural heritage management process, and consequently, cultural heritage significance is not assessed to its full potential, often leading to adverse outcomes for Aboriginal communities and the cultural heritage record. Crucially, the AHA promotes the involvement of the RAP in the assessment of their cultural heritage. Consequently, a metric for defining the cultural heritage significance of Aboriginal places that is produced and enforced by a RAP are required to address this structural inequality.

The proposed metric will be applied to archaeological places within the Bunurong cultural landscape that are located during research or commercial projects. It will include a number of criteria, including rarity in this context (e.g. on this landform), potential for protection into the future, scientific potential, educational/interpretation potential, associations with non-archaeological values and significance in accordance with Aboriginal tradition. These criteria will be discussed between the consultant and BLCAC. The results of this rubric will then go on to inform appropriate management conditions, preservation outcomes, interpretive strategies and will allow for a better comparison of different places within a geographic region.

Discussion

It is clear that even before the introduction of the AHA in 2006, as Freslov (1996) notes, Aboriginal cultural heritage significance was not assessed adequately in Victoria. This paper argues that this is still the case. Therefore, the intention of both the AHA and the Burra Charter is not currently being met within the cultural heritage management process. Often this is due to scientific and cultural significance values competing against one another. This fundamental misunderstanding must be addressed, as scientific values (or archaeological significance) and other relevant values all need to be incorporated into a broader assessment of cultural heritage significance.

Crucially, the general goodwill of the archaeological community cannot be underestimated, and BLCAC hopes to continue to work productively with developers, archaeologists and the government. As Bowdler (1984) notes, values change over time, and as identity and power politics change over time so too will the criteria for heritage assessment (Tutchener 2013). Consequently, any rubric proposed by BLCAC is not designed to be entirely static. However, it is hoped that this intention is understood in later iterations, and this allows for some consistency in how cultural heritage significance is defined, particularly in respect to the inclusion of

Aboriginal cultural heritage values.

What becomes evident throughout the cultural heritage management process is that there is still a large power discrepancy between RAPs and other organisations. To some extent, both the AHA and the Burra Charter attempt to bridge this divide and their impact can be seen in the assessment of cultural heritage significance in CHMPs. As Moon (2017) notes, there are parallels between the AHA and the *Native Title Act 1993* (Cwlth), where both sets of legislation assist in establishing Aboriginal organisations, however once established they are then not adequately supported by the government. In the case of RAPs this is still evident, as RAPs have often become a ‘one-stop shop’ for consultation purposes regarding all sorts of various matters. However, if RAPs are not resourced adequately for this broader role, this quickly becomes a burden on small community organisations. This power discrepancy is also clearly seen within the cultural heritage management process, where a developer has at hand considerable resources (human, financial and legal) that can assist in gaining their desired outcomes. Therefore, there is still a significant power disparity between Aboriginal organisations, developers and government departments (Tutchener 2015). It is our hope that through creating a significance assessment rubric that BLCAC can contribute to a positive change within the heritage sector and through the ability to control the assessment of their heritage BLCAC can regain a portion of power within this process. More broadly with the establishment of the First Peoples Assembly in Victoria and Treaty negotiations on the horizon, it is still possible that in some way, this power discrepancy will be corrected more substantially.

Conclusion

This paper has highlighted the need for a RAP-driven significance assessment rubric within the BLCAC area. The requirement for this originates from the inherent power differential between RAPs and sponsors within the cultural heritage management process. This paper suggests that this power imbalance can begin to be corrected by the introduction of a significance assessment rubric that creates a space for a RAP to decide the significance of their heritage and gain some control of this process. Both the Burra Charter and the AHA outline several criteria that can be adopted within this proposed rubric, and this is reflected in the work of many heritage consultants in Victoria. However, by formulating a rubric driven by the needs of the RAP, it is hoped that significance assessment will also become more standardised within the BLCAC RAP area, which may in turn produce greater conservation outcomes in the future.

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