

DSEWPaC Indigenous Advisory Committee
State of the environment 2011 workshop –
summary notes

DECEMBER 2011

PRODUCED BY Richard Mackay
FOR the Department of Sustainability, Environment, Water, Population and Communities
ON BEHALF OF the State of the Environment 2011 Committee



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Cover image

Kantju Gorge, Uluru-Kata Tjuta National Park, NT

Photo by Director of National Parks

Preface

This report was developed for the Department of Sustainability, Environment, Water, Population and Communities to help inform the Australia State of the Environment (SoE) 2011 report.

The Minister for Environment is required, under the *Environment Protection and Biodiversity Conservation Act 1999*, to table a report in Parliament every five years on the State of the Environment.

The Australia State of the Environment (SoE) 2011 report is a substantive, hardcopy report compiled by an independent committee appointed by the Minister for Environment. The report is an assessment of the current condition of the Australian environment, the pressures on it and the drivers of those pressures. It details management initiatives in place to address environmental concerns and the effectiveness of those initiatives.

The main purpose of SoE 2011 is to provide relevant and useful information on environmental issues to the public and decision-makers, in order to raise awareness and support more informed environmental management decisions that lead to more sustainable use and effective conservation of environmental assets.

The 2011 SoE report, commissioned technical reports and other supplementary products are available online at www.environment.gov.au/soe.

Department of Sustainability, Environment, Water, Population and Communities - Indigenous Advisory Committee

State of the Environment 2011 Workshop

Fern Meeting Room, Department of Sustainability, Environment, Water, Population and Communities, John Gorton Building, Parkes, Canberra, ACT

Wednesday 10 November 2010, 1.30 – 4.30pm

Attendees List

PARTICIPANT	ORGANISATION
Ms Melissa George	Chair, Indigenous Advisory Committee (IAC)
Ms Chrissy Grant	Deputy Chair, Indigenous Advisory Committee
Mr Dave Johnson	Indigenous Advisory Committee
Mr Jason Field	Indigenous Advisory Committee
Ms Freda Tatipata	Indigenous Advisory Committee
Ms Elizabeth Wren	Indigenous Advisory Committee
Prof Richard Mackay, AM	Godden Mackay Logan Pty Ltd State of the Environment 2011 Committee
Mrs Lee-Anne Shepherd	State of the Environment 2011 Team Department of Sustainability, Environment, Water, Population and Communities

Summary Notes

Workshop Overview

The Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) Indigenous Advisory Committee (IAC) participated in a briefing and workshop discussion as part of the preparation of the Australian State of the Environment (SoE) 2011 Report to the Commonwealth Parliament. The workshop was facilitated by Richard Mackay, in his role as a member of the State of Environment 2011 Committee. For the purposes of the State of Environment 2011 Report and the workshop, 'heritage' encompasses both natural and cultural heritage (both tangible and intangible), whether formally listed or not, and both Indigenous and non-Indigenous heritage.

This workshop had four purposes:

- to brief participants on the process for preparing the SoE 2011 Report;
- to share the current version of an evolving draft chapter outline for the heritage section of the SoE 2011 report and to invite comment;

- to gather high level opinion on major issues, threats and potential responses for Australia's Indigenous heritage through an interactive workshop discussion; and
- to identify potential contacts who could provide information.

Introduction

The workshop opened with Richard providing an outline on the SoE reporting approach, including the Committee's intention to address drivers, risk assessment, management effectiveness and outlooks in the report.

Richard outlined that the aim of the workshop was to obtain the collegiate view on threats, pressures, risks and management responses as they relate to Indigenous heritage, together with recommendations on suitable contacts and data sources. A draft chapter outline for the 'heritage' section of the SoE 2011 report was tabled and comments were received from the IAC.

Issues raised

During discussion of Australian Indigenous heritage, its management and what to report on, the following issues were raised:

- inconsistent views on Indigenous heritage issues between state agencies and communities or peak bodies;
- legislative changes over time weakening the protection of Indigenous heritage;
- lack of protection provided to 'protected' areas;
- cumulative effect of slowly losing spiritual values as more and more sites are damaged to the point that their value is no longer there, with no single body or watch-dog monitoring this at a national level;
- inadequate collection of data to facilitate listing / protection or national understanding of destruction of Indigenous heritage places;
- high levels of impact where there are large repositories of natural resources and industry influence in decision making regarding heritage management;
- incremental loss of Indigenous knowledge, particularly language (which is critical to intangible Indigenous heritage);
- the high degree of complication surrounding funding to record Indigenous knowledge;
- lack of effective Indigenous engagement regarding projects to record Indigenous knowledge;
- loss of local places;
- jurisdictional, legislative and management separation of nature from culture and art -- contrary to the reality for Aboriginal people;
- people's reluctance to list places on registers due to concerns about privacy and lack of faith in the process;
- loss of the statutory basis of the Register of the National Estate (RNE) in February 2012, as it has been a useful tool for Indigenous heritage;
- a perception that removing items from their context does not destroy their value, and the management actions that follow on from this belief, and

- lack of Indigenous involvement in teaching archaeology in universities.

Suggested information sources

Freda Tatipata suggested that the following two references might provide useful background reading:

- Chaloner, 2004. The Aboriginal Heritage Act 1972: a clash of two cultures; a conflict between two laws.
- Ritter, 2003. Trashing heritage: dilemmas of rights and power in the operation of Western Australia's Aboriginal heritage legislation.

Indigenous Advisory Committee - State of the Environment 2011 Workshop – identification of issues and potential case studies

Richard Mackay facilitated a workshop exercise where participants were asked to identify key issues, case studies illustrating those issues and sources of relevant information.

Issue & what to say	Case study (<i>Information sources</i>)
<p>Listing and Identification</p> <ul style="list-style-type: none"> Criteria/thresholds need to be determined by indigenous people Assessments need to be made outside development pressures There is no national data and perspective of listed and protected Indigenous heritage places Local v other significance division is not clear Communities are wary of listing sites, because of "consent to destroy" provisions in legislation and public availability of information Listing is usually too late and done as a reaction to a proposal for development Balance – cultural heritage is almost always seen to be outweighed by financial gain 	<p>Disparity between the rights of Indigenous people to determine their heritage and reality.</p> <ul style="list-style-type: none"> Brighton Bypass (<i>Fiona Newsome, Tasmanian Aboriginal Land and Sea Council</i>) Data on the number of listed sites and the number of sites destroyed (eg: NSW Section 90 permits) Burrup (<i>Yamatji L&S Council, Yindjibarndi Foundation; Wong-Goo-Tt-Oo, Wilfred Hicks. Get Indigenous views, not those of consultants</i>) Acceptance of the Ask First Guidelines
<p>Incremental destruction of sites</p> <ul style="list-style-type: none"> There is no single national body or watch-dog monitoring/managing this at a national level, so there is no national understanding of the extent of destruction of Indigenous heritage which is occurring. Denial of rightful people to be involved in decision making or participate in the process Prior informed consent Differences between western (or industry) and Indigenous assessment of importance 	<ul style="list-style-type: none"> WA Kalgoorlie (<i>Kado Muir / Brian Wyatt</i>) Hunter Valley Bowen/ Surat Basins Burrup Peninsula (<i>Yamatji L&S Council, Yindjibarndi Foundation; Wong-Goo-Tt-Oo, Wilfred Hicks. Get Indigenous not consultants views</i>) James Price Point (<i>Ari Goring at Kimberley Land Council and traditional owners</i>)

Issue & what to say	Case study (Information sources)
<p>Separation of nature from culture</p> <ul style="list-style-type: none"> • Inseparable in Indigenous culture • Some government agencies and policies recognise the interconnected nature of natural, Indigenous and historic heritage 	<ul style="list-style-type: none"> • Stories of loss of community practice, governance and capacity • Separation of arts and culture from environment in management regimes • Only some jurisdictions recognise the rights of Indigenous people to use, access and manage lands and waters for cultural purposes • Changes between NHT2 (2007) and Caring for Our Country (2010) and how they have impacted on Indigenous people and heritage
<p>Traditional Knowledge</p> <ul style="list-style-type: none"> • Differences between government or NRM approach and Indigenous approach • Loss of support/capacity/people • Local level very vulnerable • Look at number of funded traditional knowledge projects, including both NHT2 and Caring for our Country 	<ul style="list-style-type: none"> • Traditional Knowledge Revival Pathways • National Indigenous Knowledge Centre (Jacqui Huggins, 20/20 Summit) • Cultural heritage mapping, Wet Tropics Management Authority (WETMA) (<i>Alistair Birtles, WETMA</i>) • North Australian Indigenous Land and Sea Management Alliance (NAILSMA) and WETMA • Indigenous language is threatened; the use of Indigenous language is indicative of the health of Indigenous culture and heritage
<p>Perception of Value</p> <ul style="list-style-type: none"> • Aboriginal heritage seen to be ‘in the way’ of development • Profits from development versus costs for surveys, assessments and management of heritage • We are currently at a critical precipice • Systematic problem if obligation is put on developer, as they have an inherent conflict of interest • As destruction proceeds similar sites increase in value as they become more rare. 	<ul style="list-style-type: none"> • Measure percentage of destruction permits and compare to number of applications • What is the monetary value of Indigenous heritage to Australian tourism? (David Throsby; Glen Miller at Tourism Australia) • If Indigenous heritage is not valued in a development context – aren’t reserves all the more important? Therefore, more sites are required in reserves and need to be treated well. Suggestion that mining tax should help to fund protection and management of these sites.