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Cultural heritage management



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This chapter deals with Tasmania's rich cultural heritage. Cultural heritage values include Aboriginal heritage sites and artefacts and historic heritage sites and artefacts, both are protected under specific legislation.

Cultural heritage places offer an insight into past ways of life, and for Aboriginal people they provide a powerful connection to place.

Cultural heritage sites are often fragile and easily damaged. They can be difficult to identify and once they are lost or destroyed they are gone forever.

Everyone who undertakes land management works has a legal and moral obligation to protect Tasmania's cultural heritage values for future generations.



5.1

5.1 Aboriginal heritage

This section deals with Aboriginal heritage management and the importance of working with the Tasmanian Aboriginal community to ensure that Aboriginal heritage values are valued and protected.

Aboriginal occupation of Tasmania stretches back at least 40 000 years, and the entire Tasmanian landscape is part of the Aboriginal story. As a result, there are numerous Aboriginal heritage places including shell middens, rock markings, stone quarries, stone arrangements, rock shelters and fish traps in coastal areas.

All Aboriginal places are important, as each one is an integral part of the 'country'. 'Country' describes all of the areas that Aboriginal people traditionally used or occupied. Aboriginal people have strong physical and spiritual links with the 'country'.

Tasmanian Aboriginal people have strong and ongoing connections to coastal landscapes and heritage sites. They are the primary source of information about their heritage and should be involved in its protection, identification and management.

5.1.1 Tasmanian Aboriginal people

Tasmanian Aboriginal culture is one of the oldest living cultures on earth. Sites bearing signs of occupation and past traditions and practices have been scientifically dated back to 40 000 years ago.

Tasmanian Aborigines lived through ice ages and major geographical change such as the sea level rise which inundated the Bassian Plains, separating Tasmania from mainland Australia.

Tasmanian Aborigines are the only group of humans

Figure 5.1 Aboriginal midden on the north-east coast of Tasmania. © Chris Rees





to evolve in isolation for 10 000 years. Their culture and heritage is unlike any other and they are a diverse group of people with many nations, languages and traditions.

Aboriginal heritage places, both tangible and non-tangible, provide a spiritual link for Aboriginal people to their tradition, culture and roots. These places are of great interest to archaeologists and historians globally.

Tasmanian Aboriginal people have a long association with the coast and have sustainably used coastal resources for thousands of years, gathering food items such as short-tailed shearwaters (yolla or muttonbirds), seals, swan eggs and shellfish. Today many Tasmanian Aboriginal people continue to practice traditional cultural practices such as going birding (gathering yolla) and collecting coastal resources such as shells, grasses and kelp to make necklaces, baskets and water carriers.

Aboriginal middens can be found on most Tasmanian coastlines and contain layers of shell, stone artefacts, charcoal, ochre and animal bones. Aboriginal shell middens hold ancient cultural knowledge and information and are extremely important on a local and a global scale.

Middens provide an insight into the way people lived in Tasmania and the resources that were available in any particular area. With the ongoing threat from development and sea level rising, middens are a non-renewable source of information and hold great potential for further understanding and appreciation of the lives of Tasmanian Aboriginal people.

5.1.2 Legislation and approvals

Currently Aboriginal heritage in Tasmania is protected under both Tasmanian and Commonwealth heritage legislation.

The *Aboriginal Lands Act 1995* (Tasmania) covers management of access to land and waters for mineral and petroleum exploration purposes.

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Commonwealth) protects Aboriginal Heritage at a National level.

The *Aboriginal Relics Act 1975* protects Aboriginal 'relics', 'protected sites' and 'protected objects' in Tasmania.

'Relic' is defined as:

- any artefact, painting, carving, engraving, arrangement of stones, midden, or other object made or created by any of the original inhabitants of Australia or their descendants before 1876;
- any object, site, or place that bears signs of the activities of any such original inhabitants or their descendants which occurred before 1876; or
- the remains of the body of an original inhabitant or of a descendant who died before the year 1876 that are not buried in:
 1. any land that is or has been set aside or used as a burial ground or cemetery under any Act, deed, or other instrument; or
 2. a marked grave in any other land.

A 'protected site' is land where a relic is situated which the Minister has declared ought to be protected and preserved.

A 'protected object' is the specified relic to which a Ministerial order declaring a protected site relates.



It is an offence under the *Aboriginal Relics Act 1975* to:

- destroy, damage, disfigure, conceal, or otherwise interfere with a protected object or relic
- carry out an act which is likely to endanger a protected object
- remove a relic from where it was found or abandoned
- sell or otherwise dispose of a relic or remove it from the state
- destroy, damage, deface or otherwise interfere with any fencing or notice erected, or any other work carried out in, or in respect of, a protected site under the Act, other than in accordance with a permit granted by the Director of National Parks and Wildlife
- remove a protected object from a protected site, other than in accordance with a permit granted by the Tasmanian Minister. (However, the Director of National Parks and Wildlife can direct the removal of protected objects from a protected site to a place of safety if he or she is satisfied that they are likely be damaged, destroyed or lost.)

The penalty for a contravention is a fine of up to \$1000 or imprisonment for up to six months.

You must report any discovery of Aboriginal heritage relics

Any person who finds a relic must (with limited exceptions), inform the director or an authorised officer as soon as practicable after the find. The penalty for failing to comply with this requirement is a fine of up to \$1000.

You must have a permit before doing anything that will impact on Aboriginal heritage

All Aboriginal heritage places are protected under the *Aboriginal Relics Act 1975* and any action that will have an impact on Aboriginal heritage, no matter its size

or condition, requires a permit under section 14 of the Act. All Aboriginal heritage places are protected, whether on private or public land.

5.1.3 Role of Aboriginal Heritage Tasmania

Aboriginal Heritage Tasmania is the state government agency responsible for preventing natural and human actions from adversely affecting Aboriginal heritage places and values.

Aboriginal Heritage Tasmania works with the Tasmanian Aboriginal community to recognise and respect Tasmanian Aboriginal culture and heritage, and secure the protection and promotion of Tasmanian Aboriginal heritage for present and future generations.

The agency is responsible for administering the *Aboriginal Relics Act 1975* and provides land management and expert advice for responsible management of Tasmanian Aboriginal heritage. It also undertakes research and interpretive activities to help protect and promote Tasmanian Aboriginal heritage throughout the state.

The vast cave middens of the Rocky Cape National Park in the state's north-west provide one of the most complete records of the lifestyle of coastal Aboriginal people anywhere in Australia.

Material accumulated in the cave middens reveal 8000 years of continuous occupation. Evidence shows that seals, scale fish and a variety of shellfish, supplemented by other game and edible plants such as grass tree and fern, formed a large part of the diet at Rocky Cape. Tools used for gathering and preparing food and for other cultural activities have also been discovered at the site.



5.1.4 Tasmanian Aboriginal Land and Sea Council

Tasmanian Aboriginal Land and Sea Council (TALSC) plays a role in consulting with and representing the Aboriginal community through providing advice and services to the public and land managers on heritage, land management and land rights issues as well as sea management and sea issues.

TALSC offers the following range of services:

- Cultural awareness and education program
- Heritage and site assessments
- Aboriginal heritage consultancy advice and services
- Direction for and provision of 'Welcome to Country' at events

The Tasmanian Aboriginal Land and Sea Council endorses Aboriginal Heritage Officers (AHO). It investigates areas of land for the presence or absence of Aboriginal heritage and provides advice on the ongoing management of this heritage.

5.1.5 Tasmanian Aboriginal Site Index (TASI)

Aboriginal Heritage Tasmania is the custodian of the Tasmanian Aboriginal Site Index (TASI), which provides the main listing of recorded Aboriginal heritage places. Over 11 000 places are listed on the Index, which is maintained by Aboriginal Heritage Tasmania in the Department of Primary Industries, Parks, Water and the Environment (DPIPWE).

Access to TASI is a formal process. For any

Figure 5.2 Middens provide a wealth of information about the lifestyle of Aboriginal people in a particular area and are an extremely valuable historic record. © Aboriginal Heritage Tasmania





development/works outside an existing footprint, contact Aboriginal Heritage Tasmania at the beginning of your planning process. Access forms are available from Aboriginal Heritage Tasmania or on the website. TASI is used by Aboriginal Heritage Tasmania to determine whether on-ground Aboriginal heritage assessments are required prior to development.

5.1.6 Aboriginal heritage assessments

In most cases, the purpose of conducting an Aboriginal heritage assessment is to:

- locate indicators of (known or previously unrecorded) Aboriginal heritage within a specific project area
- help protect Aboriginal heritage by offering mitigation advice
- provide recommendations regarding the need for further investigation
- inform the proponent of its obligations under the Act.

Therefore the most important part of a survey report is to clearly state:

- what the proposed project is
- if and how it will affect any Aboriginal heritage
- whether there are any alternatives to the impact on Aboriginal heritage or options for mitigating damage.

This information is then used by AHT to:

- keep an accurate record of Aboriginal heritage sites
- make desk-top decisions about the need for further investigations, the requirement for a permit under the Act and/or the future management of sites
- ensure that the proponent is complying with the Act
- make decisions and recommendations to the Minister regarding permit applications.

It is the role of AHOs to determine whether Aboriginal heritage will be affected by the proposed activities. AHT needs accurate reports with adequate information to be able to make decisions and provide further advice to proponents regarding legislative requirements.

Aboriginal Heritage Tasmania will advise you what level of assessment is required for your development. Aboriginal heritage assessments are undertaken by an archaeologist and/or Aboriginal Heritage Officers according to the *Standards and guidelines for consulting archaeologist and Aboriginal heritage officers*.

A consultancy brief will be provided by Aboriginal Heritage Tasmania. This template forms the basis for the work to be carried out and will help define the survey requirements for both the proponent and the consultant. It also sets out Aboriginal Heritage Tasmania's expected Aboriginal heritage investigation and reporting standards.

The brief for an Aboriginal heritage assessment needs to include details of the project and all associated infrastructure and techniques and methods that will be used to carry out the work.



5.1.7 Guidelines for working with the Aboriginal community

Before undertaking works in the coastal zone you need to consult with the Aboriginal community. Contact Aboriginal Heritage Tasmania and request a desktop TASI search of your proposed work site.

An Aboriginal assessment is often required before a project can be undertaken. A survey will identify any constraints on the proposed activities that might be necessary to avoid damage to Tasmanian Aboriginal heritage values.

Aboriginal involvement in some projects may be required, especially if they are close to or on Aboriginal heritage places.

You may be required to undertake specific rehabilitation techniques that have been developed for dealing with Aboriginal heritage places. These recommendations will be part of your assessment and can be discussed with Aboriginal Heritage Tasmania or the Tasmanian Aboriginal Land and Sea Council.

You must stop work immediately if you discover any Aboriginal artefacts. Contact Aboriginal Heritage Tasmania for advice. It is often a simple case of having

Figure 5.3 Procedure for Aboriginal heritage investigations.
Source: Aboriginal Heritage Tasmania website accessed 7th October 2010.





the site recorded and minimising future disturbance.

Tasmanian Aboriginal people should be involved in the development of any interpretative and educational material associated with Tasmanian coastal areas. Their association with the coast is so significant that material that fails to incorporate acknowledgement of Aboriginal custodianship and values is no longer acceptable.

Include a 'Welcome to Country' at events. Contact TALSC for more information.

Aboriginal Heritage Tasmania can provide advice about protecting heritage places, including development setback requirements and all other aspects of Aboriginal heritage protection and management. Additional information can be obtained from TALSC.

5.2 Historic and maritime heritage

Historic places mark the many important events and activities that shaped the more recent history of Tasmania. These include convict sites, pioneer cemeteries, old buildings, shack communities and mining sites. Tasmanian maritime heritage includes numerous shipwrecks, some Victorian-era light stations, and a range of old wharves, jetties and ports.

5.2.1 Legislation and approvals for historic heritage

Under the *Historic Cultural Heritage Act 1995*, a works application is required for any works or development which may impact on the significance of a place entered in the Tasmanian Heritage Register. Where proposed works are minor and will not affect the significance of the place, the Heritage Council

may provide an 'exclusion' from the normal works application process.

Heritage Tasmania is the state government body that fulfils statutory responsibilities under the *Historic Cultural Heritage Act 1995*.

The *Commonwealth Historic Shipwrecks Act 1976* protects historic wrecks and associated relics that are more than 75 years old and in Commonwealth waters, extending from below the low water mark to the edge of the continental shelf. Shipwrecks within Tasmanian state waters are protected under the *Historic Cultural Heritage Act 1995*.

In Tasmania, the Historic Heritage Section of the Parks and Wildlife Service is the government authority responsible for the management of the State's historic shipwrecks and other maritime heritage sites.

The Burra Charter: The Australia ICOMOS Charter for the conservation of places of cultural significance provides detailed guidance for assessing the significance of cultural heritage places.

The *National Parks and Reserves Management Act 2002* covers historic sites within Tasmania's parks and reserves system.

5.2.2 Types of heritage listings

The Tasmanian Heritage Register lists places that the Tasmanian Heritage Council considers to be of historic cultural heritage significance, that is, of significance to any group or community in relation to the archaeological, architectural, cultural, historical, scientific, social or technical value of the place.

Other government listings include the Tasmanian Historic Places Index held by DPIPW. Supplementary lists may exist in local government planning schemes, and in management plans under



the *National Parks and Reserves Management Act 2002*.

Historic shipwrecks are listed in the *Australian National Shipwrecks Database* hosted by the Australian Government, Department of Sustainability, Environment, Water, Population and Communities.

The Tasmanian Heritage Register and local planning scheme schedules list places of mainly national and State significance. Other sites of significance to local communities and places not yet listed or assessed for entry on these lists may be at risk from development.

5.2.3 Managing historic and maritime heritage

The main objective for managing historic and maritime heritage is to preserve the heritage values for future generations, adding to our understanding of human history in Tasmania.

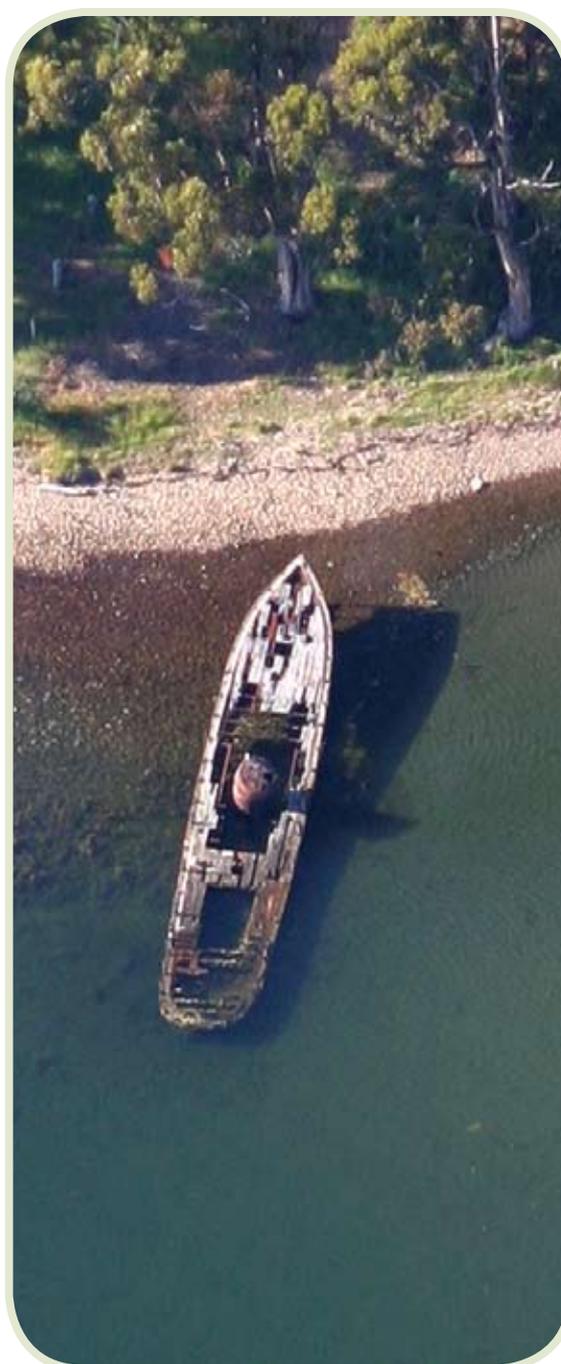
Management often involves minimising the adverse effects of natural processes and human actions on these often fragile heritage values.

Key management objectives for protection of historic heritage:

- identifying and recording of historic heritage sites
- seeking specialist advice
- determining conservation significance and management requirements of the site
- undertaking protective projects
- involving local community groups
- increasing community awareness by interpreting cultural values to broader community and visitors

Coastal land managers have an obligation to know the whereabouts of historic heritage sites and to ensure that their works program and activities do not have an adverse impact on those sites and their values.

Figure 5.4 Shipwreck off the coast of northern Tasmania.
©Stewart Wells, Heritage Tasmania





They can play a role in educating the community about historic sites and values and in working with local community groups to protect and restore historic heritage values.

Before undertaking works in coastal areas it is important to consider historic or maritime heritage values.

- Identify if any sites are present by contacting Heritage Tasmania and/or the Historic Heritage Section of the Parks and Wildlife Service.
- Ensure that historic or maritime heritage will not be adversely affected by work activities or the building of infrastructure.

5.2.4 Tasmanian Heritage Council

The Tasmanian Heritage Council came into existence in 1997, following the proclamation of the *Historic Cultural Heritage Act 1995*. The Council is made up of councillors representing diverse community and professional interests including property owners, farmers and graziers, conservation interests and areas of expertise such as history, architecture, archaeology, engineering and tourism.

The Heritage Council is a statutory body, separate to government, responsible for the administration of the Act and the establishment of the Tasmanian Heritage Register. Its primary task is as a resource management and planning body, focused on heritage conservation issues. As such, any development on heritage-listed places require the approval of the Heritage Council before works can commence.

5.2.5 Tasmanian Heritage Register

The Tasmanian Heritage Register is a register of those places that are recognised as being of historic cultural heritage significance to the whole of Tasmania. These places are important to Tasmania and Tasmanians because of their contribution to our culture and society. They are also important as part of the cultural fabric that is so much a part of our tourism industry, our state's identity and brand.

The Register is maintained by the Heritage Council under the *Historic Cultural Heritage Act 1995*. Any person may nominate a place to be entered in the Heritage Register.

5.2.6 Community historical societies

In many coastal areas there are community groups with an interest in local historic heritage. These historical societies meet regularly and share their research on local history features and stories. They seek funds to protect or restore heritage sites and features; promote historic sites and features with signage, publications and guided tours; and are often a wealth of knowledge and enthusiasm.

Any planning for management of historic heritage values should be undertaken in collaboration with community historical societies where they are present.



5.3 Climate change and cultural heritage

The Tasmanian coastline is rich in Aboriginal heritage values and sites. These and other heritage values and sites on the coast are susceptible to impacts of climate change, in particular sea level rise. Low-lying sites are at risk of coastal inundation due to sea level rise. There are risks to heritage infrastructure from rising groundwater, erosion and landslips, and exposure of acid sulfate soils that can lead to corrosion. **Refer to section 11.4 Acid sulfate soils.**

Many Aboriginal heritage sites are already located in intertidal and subtidal areas as a result of sea level rise associated with the last interglacial period. More and more coastal Aboriginal heritage sites will be affected by rising sea levels and therefore it is more important than ever to protect Aboriginal sites and values from human impacts such as works activities.

Land managers should monitor sites carefully for any change or potential impact and undertake risk assessments to determine the best strategies for mitigation and protection of heritage values where appropriate.

5.4 Tools and resources

Complete details of all printed publications listed here are provided in a reference list at the end of the Manual. Other tools and resources including websites are collated in **Appendix 5.**

Aboriginal heritage

A list of Aboriginal Heritage Officers

Available from the Tasmanian Aboriginal Land and Sea Council (TALSC).

<http://www.talsc.net.au/>

Aboriginal Heritage Tasmania

<http://www.aboriginalheritage.tas.gov.au>

Information about the importance of protecting Aboriginal heritage.

- List of registered archaeologists
- Standards and Guidelines for Consulting Archaeologist and Aboriginal Heritage Officers
- Forms requesting access to TASI database for Aboriginal heritage site searches

Ask First: A guide to respecting Indigenous heritage places and values (Australian Heritage Commission 2002)

Historic and maritime heritage

Australian national shipwreck database

<http://www.environment.gov.au/heritage/shipwrecks/database.html>

Heritage Conservation Funding Program

Aims to assist heritage property owners by providing funding. The Heritage Council operates the program on behalf of the Tasmanian Government. Places permanently entered in the Tasmanian Heritage Register are eligible.

Heritage Tasmania

Advice on works on heritage sites

1300 850 332.

