



# Aboriginal Heritage Act (AHA) Review Submission

Hon Ben Wyatt

Minister for Aboriginal Affairs

31 05 2019

Dear Minister,

Thank you for providing the opportunity of responding to the review of the Aboriginal Heritage Act.

## **Government Policies Pertaining to Aboriginal People**

We note that the State Government has a number of initiatives at present which are either principally or in part designed to advance the wellbeing of the Aboriginal people of Western Australia. These State initiatives include:

- Review of the Aboriginal Heritage Act <https://www.dplh.wa.gov.au/aha-review>
- Statement of Intention on Aboriginal Youth Suicide <https://www.dpc.wa.gov.au/ProjectsandSpecialEvents/Pages/Aboriginal-youth-wellbeing.aspx>
- Our Priorities <https://www.wa.gov.au/government/our-priorities-sharing-prosperity>
- Interim Aboriginal Working Group for Close the Gap Refresh

Alongside of those current processes we note that the WA Government is committed to the development of:

- An Aboriginal Affairs Policy for Western Australia
- An Aboriginal Cultural Policy for Western Australia

KALACC notes the following recent advice from the State Government:

A whole-of-government response on Aboriginal youth suicide will sit within a broader landscape of change and reform in Aboriginal affairs in Western Australia, which will include our commitments to a refresh of the Closing the Gap agenda (2019-2029), and a State Aboriginal affairs strategy that will prioritise social, economic and health outcomes, with an emphasis on Aboriginal empowerment. [p 3]

..... Setting the policy environment to facilitate Aboriginal self-determination and empowerment is a key aim in the Western Australian Government's approach to Aboriginal affairs. The 25 recommendations in this category examine how government and Aboriginal people and organisations can work together to achieve this aim, emphasising the need to ensure that Aboriginal culture is considered and applied throughout. These recommendations, and ensuing discussions with Aboriginal stakeholders, will inform us in considering how to embed Aboriginal cultural considerations into how we do business....

The Government is committed to building a new relationship with Aboriginal people and communities through partnerships that promote a person-centred approach to the design and delivery of services, valuing shared decision making and accountability.

WA Government *Statement of Intent on Aboriginal Youth Suicide*; pages 3,5

### **The Kimberley Aboriginal Law and Culture Centre**

The Kimberley Aboriginal Law and Culture Centre (KALACC) is the peak representative body for Aboriginal law and culture in the remote Kimberley region. KALACC's mission is *'to assist and promote the ceremonies, songs and dance of Kimberley Aboriginal people, to encourage and strengthen their social, cultural and legal values and ensure their traditions a place in Australian society.'* KALACC has for 37 years played a pivotal role in facilitating and celebrating Kimberley Aboriginal cultures and supporting the custodians of the world's oldest living continual culture. We support the rich and diverse traditional cultural practices of the more than 30 language groups of the Kimberley and its five distinct cultural traditions, helping to keep this ancient culture vibrant, young and relevant today.

The values by which we operate to achieve this are:

**Respect:** For culture, for tradition, for Elders and for Law

**Creativity:** Teach, encourage and inspire our young people

**Unity:** 'Wunan' - share culture across the region and across the nation

**Celebration:** Showcase indigenous culture and artists to the world; support artistic practice

**Leadership:** Promote dialogue at national, state and regional levels on issues of culture, recognition and reconciliation; stand our ground and provide an example to others.

Our success and national leadership in this space is recognised through Reconciliation Australia showcasing KALACC as the national exemplar of cultural governance via its Indigenous Governance Toolkit website <http://toolkit.aigi.com.au/case-studies/kimberley-aboriginal-law-and-culture-centre>. Key programs are dictated by our overarching goals as described in our *Strategic Plan*, including cultural maintenance, cultural heritage and repatriations, cultural employment, cultural transmission, cultural performance, advocacy and awareness, as well as organisational capacity.

## **KALACC Response to the AHA Review and Consultation Paper and Comments About How Government Can Best Support the Heritage Aspirations of Aboriginal People**

It is with our mandate [described above] at the fore that we respond to the *Consultation Paper* (March 2019) released by the Western Australian (WA) Department of Planning, Lands and Heritage (DLPH) to undertake a ‘Review of the Aboriginal Heritage Act 1972’. While we applaud the current process engaged by the McGowan government under the stewardship of the Hon. Ben Wyatt, particularly the acknowledgement that the existing AHA is beyond repair, we assert that the current document still requires further improvement.

We also note that legislation is itself just one mechanism of government operations. The Government’s recent *Service Priority Review* seeks to use the processes of restructuring the machinery of government in order to deliver better outcomes for the community of Western Australia. KALACC takes this opportunity to note that better heritage outcomes for Aboriginal people are very much needed and that guidance on this has been provided to successive governments over many years.

An important example of the need for better heritage outcomes for Aboriginal people was the publication in 2008 by the Western Australian Museum of the report *For now and forever: An analysis of current and emerging needs for Aboriginal cultural stores and repositories in Western Australia*, written for the Museum by Greg Wallace and Kim Akerman  
[http://museum.wa.gov.au/sites/default/files/For\\_Now\\_and\\_Forever\\_-\\_for\\_download.pdf](http://museum.wa.gov.au/sites/default/files/For_Now_and_Forever_-_for_download.pdf)

KALACC notes as follows from the foreword to *For now and forever*:

Department of Indigenous Affairs Pilbara Region. The objective of the Indigenous Affairs portfolio is 'closing the gap' between the social and economic well being of Indigenous and non-Indigenous people. One of the Department’s responsibilities is to administer the Aboriginal Heritage Act 1972 (the Act) by maintaining the Register and Aboriginal Sites, assess section 18 Notices under the Heritage Act, provide support to the Aboriginal Cultural Material Committee (ACMC), provide advice on heritage matters, and the protection and management of Aboriginal sites. The Department supports the directions recommended by this project which can make a key contribution to strengthening cultural maintenance and furthering appreciation of significant elements of Aboriginal cultural heritage.

We also note:

STRATEGIC RECOMMENDATION: Key stakeholders advocate establishment of a taskforce to develop guidelines and a resource kit to promote more effective engagement in planning processes for buildings that meet the needs of cultural organisations in northern and inland Australia.

*For now and forever*, page 3.

The DIA statement [above] from 2008 aligns closely with the sentiments expressed in the May 2019 WA Government *Statement of Intent on Aboriginal Youth Suicide*, in regards to directly linking heritage matters with Closing the Gap and to improving Aboriginal wellbeing and in regards to empowering Aboriginal people.

Regrettably however, key recommendations from reports dating back to 2008, such as ***For Now and Forever***, are yet to be enacted by the WA Government.

KALACC fully understands the distinctions between different levels of jurisdiction, including the demarcation of Commonwealth and State responsibilities and interests. But we also note the calls from the State's Service Priority Review for joined up and whole of government strategies to maximize outcomes for community.

Appendix Two to this present document is ***Returning cultural heritage material to Country***

<https://aiatsis.gov.au/news-and-events/news/returning-cultural-heritage-material-country> KALACC has a formal MOU with AIATSIS and in addition to that we are currently working with AIATSIS on the implementation plan for an initial return of heritage objects from the United States of America back to Bardi country on the Dampier Peninsular. Experts at the Australian National University refer to an 'ocean of material' ie to the huge quantum of physical items that need to be repatriated to country and to community. In a meeting with AIATSIS last week AIATSIS staff used a figure of 'not less than 80,000 items.'

We look forward to learning of ways in which the State Government will assist the Aboriginal communities of Western Australia to meet their cultural heritage hopes and aspirations.

KALACC congratulates the WA Government on its AHA review processes. However, as we have illustrated above, legislative change needs to be supported by and matched by structural and policy changes within Government and to commitments from Government to work in holistic and collaborative ways that seek to move beyond narrow portfolio demarcations.

Considering the proposals in the March 2019 Consultation Paper, we now provide for your information and consideration on the following pages a number of the points which KALACC considers need clarification, amendment or inclusion as the AHA Review progresses. KALACC Woman's Chairperson, Merle Carter, currently sits on the Aboriginal Cultural Materials Committee and KALACC has been represented at AHA Review sessions in the Kimberley, principally by Deputy Chair Gordon Marshall. The substance of this current submission was workshopped at a KALACC Directors Board meeting held in Fitzroy Crossing on 10, 11 April 2019.

Yours sincerely



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*"To assist and promote the ceremonies, songs and dance of Kimberley Aboriginal people, to encourage and strengthen their social, cultural and legal values and ensure their traditions a place in Australian society."*

## **Proposal 1 – deliver new heritage legislation**

KALACC applaud this decision. There were far too many issues with both the legislation itself, it's application and policies developed around it that directly impacted Aboriginal people in the control and management of heritage places.

To date, the process employed to consult widely with stakeholders, particularly Aboriginal people, aligns with best practice models of engagement and community consultation. The challenge now will be to ensure that submissions from the Aboriginal community are incorporated into the new legislation and not compromised for the exploitation by industry and development.

The challenge that remains is to ensure that the new legislation aligns with the *Native Title Act* and the *National Heritage Act*, in addition to local government planning process, the environmental act and lands act. All the corresponding Acts should include reference to the revised AHA.

Furthermore, the AHA should mandate that heritage surveys are conducted at the commencement of the planning process, rather than added on with haste towards the end, allowing inadequate time for free, prior and informed consent to be given to any proposal or resulting agreements.

## **Proposal 2 – update definitions and the scope of new Aboriginal heritage legislation**

KALACC are satisfied with the proposed updated definitions and scope to include ancestral remains, places that are cultural landscapes and place-based intangible heritage.

However, with the inclusion of ancestral remains, thought also needs to be given to repatriation programs and implications for those who remove ancestral remains. Currently, KALACC have a Repatriations Officer who manages repatriations of ancestral remains and secret/sacred cultural material across an extensive remote region. This position receives periodic funding from DPLH, but this needs to be sustainable into the long term. This type of position should be:

- funded permanently by DPLH in alignment with this legislation
- be resourced adequately to ensure ancestral remains and cultural material is repatriated appropriately and in a culturally secure way back to the relevant Traditional Owner groups
- that Keeping Places and Cultural Centres whose responsibility it is to care for this cultural material are also resourced across the State
- amnesty for those who finance repatriation of cultural material offered; maximum fines applied to those who do not

KALACC applauds the Government for its recent statements of commitment to:

a State Aboriginal affairs strategy that will prioritise social, economic and health outcomes, with an emphasis on Aboriginal empowerment.

Aboriginal empowerment in the heritage context will only be achieved when there is support for Aboriginal ownership of and employment within the heritage services sector. No one questions the role of the 143 Aboriginal medical services across Australia, staffed by Aboriginal employees to deliver health services to Aboriginal communities. There is nothing other than fulsome praise and support for the work of Indigenous Rangers. And yet when KALACC raises the need for Aboriginal employment to deliver Aboriginal heritage services to the Aboriginal community, we are regarded as being odd or quaint [at best] if not greeted with open criticism and rejection.

### **Proposal 3(A) – Local Aboriginal Heritage Services**

KALACC has concerns not with the definition and description applied to the development of Local Aboriginal Heritage Services (LAHS), but to the application and implementation of LAHS. In particular:

- This process duplicates what is already in place in the Kimberley, whereby Registered Native Title Prescribed Body Corporates (RNTPBCs) manage their own heritage surveys and future acts, or elect their own representative to act on their behalf such as Kimberley Regional Economic Development (KRED) or the Kimberley Land Council.
- There is no explanation of what ‘demonstration of community support’ will actually be and where there are overlapping claims to represent the interests of an area, how decisions will be made to manage this. This needs to be well-defined to make sure that the community support evidence provided is not biased
- Where there are gaps in the distribution of LAHS, DPLH was suggesting that they would play the role of a LAHS from Perth. However, KALACC assert that these areas should be allocated to a regional body such as KALACC (Kimberley Land Council (KLC), KRED etc). Regional cultural bodies such as KALACC should be considered for this in preference to the Perth-based DPLH for groups who do not have capacity at present to have their own LAHS
- As RNTPBCs obtain capacity to manage a LAHS for their lands, that a transfer/transition process is supported by DPLH from regional bodies across to the respective groups
- Dispute resolution processes need to be developed and embedded within the legislation to ensure that if a LAHS is not performing, steps are made by DPLH to assist where possible
- If a LAHS is de-registered, regional bodies such as KALACC who may play this role for other Native Title areas, should be contacted in the first instance to support this group
- Cultural governance structures are embedded within the LAHS. This should be similar to the framework adopted by KALACC and many Kimberley Aboriginal Organisations, whereby the LAHS itself is supported by cultural advisors/law bosses to ensure the relevant cultural knowledge is accessible to the LAHS as it examines heritage places identified and proposed for registration
- Currently, the consultation process suggests that a LAHS will determine whether information provided is suffice for the registration of a ‘site’ as per the revised definition. How will DPLH ensure that there is consistency across the state in the minimum information required?



- Resourcing of LAHS critical. Without appropriate and adequate resourcing (including of cultural governance structures), a LAHS will not deliver what it was designed for. Currently, there is a situation where the Native Title Act insists on establishment of PBCs but there is no funding to support this. KALACC want to make sure this does not happen here
- Consideration must be given to how to manage developments that will involve more than one LAHS – such as with any developments on the Fitzroy River. For example
  - Mining may be large enough to impact neighbouring LAHS so then who has responsibility for this?
  - How will groups downstream of a proposed development, represented by a different LAHS, have an opportunity to assess impact to their heritage place/s?

### **Proposal 3(B) – Aboriginal Heritage Council**

KALACC agrees with the proposed abolition of the Aboriginal Cultural Material Committee. Currently however, the proposal suggests that only the Chairperson of the nine-person council must be Aboriginal. There is no reason why a greater number of the AHC should not be Aboriginal – rather suggesting only one person can have a voice for all Aboriginal people in the State is somewhat tokenistic. Rather KALACC propose the following:

- All members of the AHC must be Aboriginal
- A group of ‘specialist advisors’ is appointed to support the AHC, from hydrology to engineering to anthropology/archaeology and the like.

### **Proposal 3(C) – The Minister’s Role**

KALACC approves of the suggested amendments to the Minister’s role to ensure accountability and transparency. However, additional powers need to be applied including

- Right to veto for culturally sensitive places must be upheld by the Minister
- Appeal process needs to include counter-appeal mechanisms. If for example the LAHS, the AHC and Minister all uphold a decision to protect a heritage place and the developer appeals and wins, then there should remain a further counter-appeal option for the Aboriginal community in question – this should not relate simply to whether a decision was ‘lawful’ but should reassess all of the information provided
- No right to veto or counter appeal for an Aboriginal community further undermines cultural knowledges and cultural authority. This then has a greater impact on the wellbeing of Aboriginal people as their heritage places are destroyed and their knowledge and authority continually questioned by a Westminster system

## Proposal 3D – Role of DPLH

While KALACC has no objection to DPLH retaining overall administration of the Act, we want to ensure that there is transparency and accountability of service delivery. KALACC notes that:

The Government is committed to building a new relationship with Aboriginal people and communities through partnerships that promote a person-centred approach to the design and delivery of services, valuing shared decision making and accountability.

KALACC applauds the Government on this commitment. Our view is that heritage outcomes to date, delivered under the watch of DPLH, have not delivered on these principles of partnerships, shared decision making and accountability. KALACC is keen to see these principles enacted and delivered on the ground in regards to future heritage situations, contexts and projects and we hope and trust that DPLH is committed to delivering on these broader Government principles through:

- No future amendments to internal policies and processes that see heritage places on the registered de-valued and shifted sideways due to insufficient information as occurred with the creation of the ‘Other Heritage Place’ list. This list was not defined in the Act and had greater negative implications than simply suggesting that further information was required – rather these were interpreted as ‘NOT heritage places’ by developers and industry. DPLH needs to commit to re-evaluation of heritage places on the register rather than simply creating a policy to shift these sideways
- Government procurement processes must be followed when tendering for any works undertaken on community heritage projects. In the recent case of the Fitzroy Crossing Old Cemetery Project a tender was awarded to a NSW-based company rather than to a local community-led initiative. The local proposal involved all of the community, was collaboratively developed through a series of community meetings and had been proposed prior to the tender process for a cost of less than \$500,000. The winning tender was awarded then to the NSW group (who had not even contacted anyone in the community) following re-negotiation of the removal of site overburden – a cost which when removed also from the local tender would have meant it was still cheaper than the winning tender. We further note that the NSW-based company was then short-listed for a state heritage award for what was, and which remains, a Fitzroy Crossing community project. KALACC acknowledges that the awarding of this Tender took place prior to the introduction of the Aboriginal Procurement Policy. However, even after the introduction of this policy, there is potential for future sub-optimal outcomes to also arise. We note that the thresholds for Government departments to meet are low percentages. And we remain concerned that Government agencies seem reluctant to split projects in to separate tenders. This tendency serves to disadvantage and disempower Aboriginal organisations which may have the capacity to deliver on some, or often most, of the scope of works, but may be unable to deliver on the entire scope of work for any given project. KALACC also notes the comprehensive and rigorous heritage processes currently being employed in support of the implementation of the Wadjemup Aboriginal Burial Ground. We note with interest that that project is funded through Lotterywest. KALACC calls on the Government to introduce a set of benchmarks and industry standards for good practice in regards to supporting Aboriginal cultural heritage in Western Australia. This KALACC recommendation is consistent with the recommendations contained in the *For Now and Forever* report published by the WA Museum in 2008 [see appendix].



- KALACC is strongly supportive of introducing good heritage practices in support of Aboriginal heritage and we want to see legislation developed to protect the Aboriginal heritage interests of our communities into the future. We propose that all mitigation strategies include the provision of resources to protect and preserve Aboriginal heritage, including:
  - The direct engagement of local Aboriginal organisations to deliver elements of tenders that are locally viable. If large projects need to be broken in to smaller tenders in order to achieve this outcome, then that is precisely what should happen
  - That any winning tenders must provide written evidence of local community consultation and letters of support as part of their tender bid. KALACC notes that DPLH mandate this as a requirement for quite small community heritage grants at present and yet this same requirement has not previously been present for heritage tenders of much greater financial scale and magnitude, thus leading to sub – optimal community outcomes.

### **Proposal 3(E) – Heritage Professionals**

Suggested amendments to the management of Heritage Professionals still requires greater clarity.

- What is the purpose of the Directory of Heritage Professionals if this is not to be mandatory? Why would heritage professionals choose to make the effort to be on this when there are other professional bodies who already have strict processes in place for membership?
- Who will decide on the minimum requirements for reporting? Currently across the Kimberley it is an accepted standard that there is both an ‘Open’ and a ‘Confidential’ report. The former is provided in all instances to the client and the latter contains confidential information on heritage places identified both during the survey and in previous confidential reports. If this process is not in place across the State, this should be considered as the AHA review is finalised

### **Proposal 4 –Aboriginal Heritage Register**

KALACC strongly objects to the current position whereby the Aboriginal Heritage Information System (AHIS) is available online to anyone in the public. Cultural bosses continually bring to KALACC’s attention the invasion of cultural places identified on AHIS. 4WD groups, tourism ventures and locals alike can access the ‘approximate’ location of sites. This should be protected and while DPLH may have access to this information, that it is managed into the future by LAHS. We therefore suggest

- That the AHIS database is moved offline as in other states (such as Victoria) to protect site locations from unauthorised and unwanted visitors
- That LAHS manage the information held on each place, under the direction of cultural advisors as part of cultural governance mechanisms
- Reporting of heritage places to LAHS in confidential reports by heritage professionals should be mandatory
- Reporting of heritage places to LAHS by developers’ post-survey is mandatory and addressed in mitigation strategies developed as part of heritage agreements

- Registering of sites on the new Aboriginal Heritage Register held by DPLH is not mandatory nor obligated
- The public should be educated to understand that the first point of call with heritage ‘discoveries’ for want of a better word, is made to the relevant LAHS in the local area
- Cultural considerations of staff gender need to be inherent within the process – from the LAHS to the proposed AHC and the staff that assist with the process on the way for culturally sensitive heritage places
- Other heritage places must re-considered around the new definition and identification made where additional information is needed; with the LAHS in question resourced to obtain/provide this information

## **Proposal 5 – Referral mechanisms**

KALACC advocates that this referral mechanism introduces mandatory consideration of Aboriginal Heritage across the State. As acknowledged in the existing Act, all Aboriginal heritage, whether on the register or not, is protected. Therefore, mandating that heritage surveys are required as part of any proposed development is essential.

Furthermore, enforcement needs to be considered as part of these mechanisms. Developers need to understand that to engage in this process is cost-effective whereas to attempt to navigate or negate the process is one that requires excessive resources with no possible gain.

## **Proposal 6 – Encourage and recognise agreement making**

KALACC applauds this initiative although this needs to align with agreements that may be in place. For those where heritage protection is high, these should be accepted if agreed to by the Traditional Owners.

If, however, the negotiation process resulted in little to no protection of heritage places, this needs to be enforced as part of a new agreement between the proponents.

## **Proposal 7 – Transparency and appeals**

The introduction of an appeal process for the Aboriginal community to protect their own heritage places is overdue. However, with the introduction of this, the legislation needs to ensure that this process is one that is rigid and will not bend easily.

If a heritage place is protected in the face of one development proposal, no other companies should be able to seek to introduce similar developments.

## **Proposal 8 – Enforcement**

The enforcement proposed in the new legislation is an improvement and should remain in line with penalties enforced around the country for the damage or destruction of heritage sites.

- Processes should be in place so that LAHS can also assist with identifying and reporting where compliance may be an issue
- Caveats should be introduced so that the maximum penalty is reviewed every five years, rather than close to fifty years later

## **Proposal 9 – Protected Areas**

The protection afforded by protected areas needs to continue and further consultation should be undertaken with those currently protected, to identify how these can be strengthened into the future.

Once again, KALACC applaud the process undertaken by DPLH to introduce new legislation for heritage protection across the State. The challenge will now be for DPLH to ensure that, submissions such as this remain front and centre in informing and guiding the resulting Act and that this body of work aligns with and materially contributes towards the State's goal of

Setting the policy environment to facilitate Aboriginal self-determination and empowerment.

# Appendix One – Selected Excerpts from *For now and forever: An analysis of current and emerging needs for Aboriginal cultural stores and repositories in Western Australia* 2008

written for the Museum by Greg Wallace and Kim Akerman

[http://museum.wa.gov.au/sites/default/files/For\\_Now\\_and\\_Forever\\_-\\_for\\_download.pdf](http://museum.wa.gov.au/sites/default/files/For_Now_and_Forever_-_for_download.pdf)

## Key Findings

The project team identified and defined three streams of cultural storage facilities (Archaeological Repositories, Cultural Stores, and Cultural Centres) and developed recommendations on processes relevant to each. The project team identified a pressing need with archaeological collections and developed strategic recommendations on processes to broaden understanding of their significance and to assess feasible options for their sustained management in the region. The team also identified a major challenge for designing buildings that meet the needs of cultural organisations in northern and inland Australia and developed a strategic recommendation which addresses the challenge.

## Strategic Recommendations

The following issues need to be addressed to provide a framework for decision making from which appropriate actions can follow.

### Liaison Processes and Cultural Protocols

There is no common solution available to meet every cultural storage need, each must be considered on a case-by-case basis. It is essential to define the purpose of a cultural storage project before exploring different ways material might be housed. The project team identified the importance of cross-cultural skills, cultural protocols and processes in liaison to ensure clear understanding by all parties of the roles and needs of various streams of cultural storage.

#### STRATEGIC RECOMMENDATION:

Key stakeholders commission a body such as the Wangka Maya Pilbara Aboriginal Language Centre to develop ways by which liaison with traditional custodians over cultural stores can be advanced by furthering development of training and processes that can better meet cultural protocols.

### Archaeological Repositories

The project team identified a pressing need to develop repositories for increasing numbers of archaeological collections that have been made in the course of survey and salvage work in the Pilbara. These collections and associated data have important cultural, scientific and legal value. Arising from this there is a need for a broader understanding of both the cultural and archaeological significance of this material and an assessment of sustainable options for its ongoing preservation and management in the region. While various stakeholders are involved in development of archaeological collections, a case can be made for establishment of one or more common regional repositories.

#### STRATEGIC RECOMMENDATION:

Key stakeholders commission a body such as the Wangka Maya Pilbara Aboriginal Language Centre to develop ways by which negotiations with traditional owners over the long term storage and maintenance of archaeological collections can be advanced.

**STRATEGIC RECOMMENDATION:**

Key stakeholders enter into negotiations with indigenous bodies to ensure that salvaged archaeological material can be kept in a manner that preserves the scientific integrity of the collections and upholds the cultural responsibilities held by those indigenous custodians.

**STRATEGIC RECOMMENDATION:**

Key stakeholders, including those whose activities lead to the collection of archaeological material and those with legislative responsibilities, consider commissioning a planning study to examine feasibility of establishing one or more regional repositories dedicated to appropriate storage of archaeological materials and associated records.

**Sustainable Building Design**

There are very challenging environmental issues in northern and inland Australia which call for innovative approaches to building design. Dedicated collection holding spaces with controlled environments are needed for various bodies in addition to those seeking to preserve Aboriginal cultural material. Organisations such as small museums, cultural centres and archives face the same sorts of challenges. The relatively small scale of such projects, coupled with the heavy competing demands of major projects during economic booms, are a barrier to solutions being developed. The challenges to developing solutions for organisations in remote and regional locations, particularly those in northern and inland areas, will not be overcome unless a concerted effort is made to bring together the expertise to address the issue. The project team identified a strategic and pressing need to develop guidelines to assist client groups, architects, the building industry and funding and development bodies.

**STRATEGIC RECOMMENDATION:**

Key stakeholders advocate establishment of a taskforce to develop guidelines and a resource kit to promote more effective engagement in planning processes for buildings that meet the needs of cultural organisations in northern and inland Australia.

## Appendix Two – Returning cultural heritage material to Country

<https://aiatsis.gov.au/news-and-events/news/returning-cultural-heritage-material-country>

Wednesday, 29 May 2019 - 12:30pm

The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) is leading the [Return of Cultural Heritage project](#) which is seeking to return Australian Aboriginal and Torres Strait Islander cultural heritage material from overseas collecting institutions back to its original custodians and owners.

In 2020, Australia will mark the 250th anniversary of Captain James Cook’s voyage to the east coast of Australia. AIATSIS CEO Craig Ritchie said it also marks the start of the process of Aboriginal and Torres Strait Islander cultural heritage material being removed overseas.

“AIATSIS believes that as we approach this anniversary every effort needs to be made to secure the return of cultural heritage material to Indigenous communities,” Mr Ritchie said.

The project is being funded by the Australian Government as part of the budget package to mark the anniversary of Captain Cook’s first voyage.

The project has a number of key objectives, including:

- returning of Aboriginal and Torres Strait Islander cultural heritage material from overseas collecting institutions;
- supporting the development of relationships between Indigenous communities and overseas institutions to allow communities to tell their stories in their way; and
- developing a database of Aboriginal and Torres Strait Islander cultural heritage material held in overseas institutions.

“From talking with Aboriginal and Torres Strait Islander peoples across Australia, we know communities would like material returned – we also know that people want information on which institutions have their material and how it was collected; which is why the development of an accessible database is so important. The database will empower Indigenous communities, providing access to information on their cultural heritage material,” Mr Ritchie said.

“Aboriginal and Torres Strait Islander cultures have been adversely effected by colonisation – the return of material will give people an opportunity to reconnect with material and revitalise their culture.”

Early engagement is currently underway with relevant Aboriginal and Torres Strait Islander communities, organisations and custodians.

“The project will require extensive consultation across Aboriginal and Torres Strait Islander Australia to firstly seek approval from relevant custodians and owners about whether material should be returned and to ensure material is managed appropriately and respectfully,” Mr Ritchie said.

“While the project is part of an effort to return material to its original custodians and owners, it does not seek the return of all material held in overseas collections. The project will provide a vehicle for institutions to establish a partnership with Aboriginal and Torres Strait



Islander peoples and expand their knowledge and understanding of the material in their collections.”