

Aboriginal Heritage Act 2006 7 Years on – Consultant's Challenges, Perspective

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Outline of Presentation

- Challenges – Consultant’s Role
- Processes – Risks, Approvals and Assessment Trajectories
- Perspectives on Significance of Aboriginal Cultural Heritage
- Relationships and Industry Trends



Aboriginal Heritage Consulting – Greatest Challenge for Management

Stakeholders and Interested Parties

- Client – price and development area
- Traditional Owners – respect and protection of heritage
- Regulatory Authority – compliance with regulations
- Archaeology – appropriate assessment and evaluation of scientific significance
- Self-interest – maximising profit



Where does the consultant stand?

Alliance with one or more perspectives

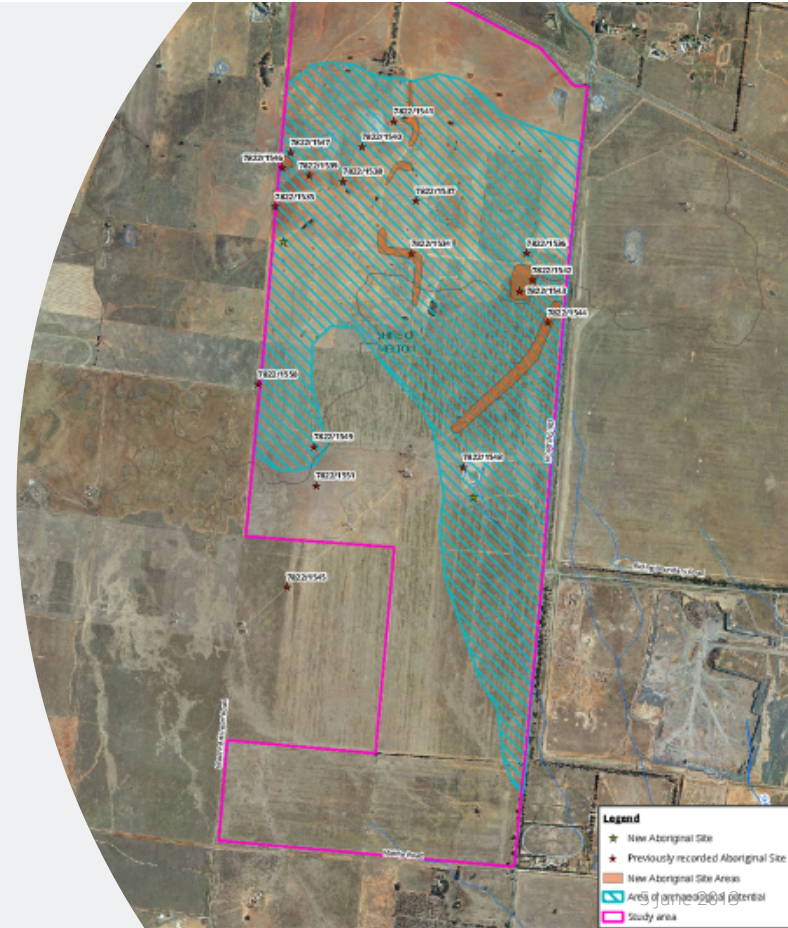
- Industry has taken sides
- Few have taken middle ground
- Impartiality the key – archaeological perspective vs cultural heritage



Risk Management and Approvals – Act and Regulations

Legislation provides for a model of management only

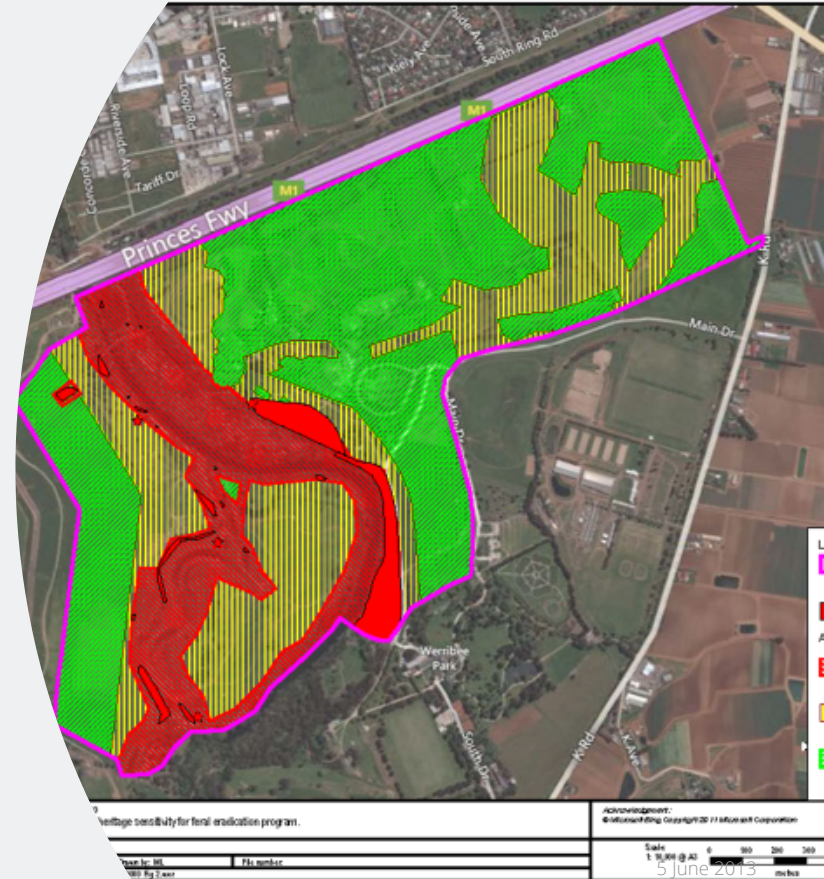
- Process for determining level of likelihood varies greatly
 - statutory requirements
 - unidentified heritage



Shift in Trends – Compliance – Risk Management

Based on comprehensive understanding of risk = constraints and costs

- **Due Diligence** – preliminary investigation to determine constraints – pattern in both direction: basic letter documents at low cost that removes requirements; large desktops that outline comprehensively client risks
- **Cultural Heritage Management Plan (Desktop and Standard)** – at minimum because desktop assessments are extremely difficult to approve
- **Cultural Heritage Management Plan (Complex)** – majority go to complex for several reasons



Cultural Heritage Management Plan – Notice of Approval

CHMP NAME: Proposed Industrial Sub-division at 1455 Thompsons Road, Cranbourne North, Victoria: Cultural Heritage Management Plan

CHMP NUMBER: 11156

SPONSOR: Rod Gillespie, 21st Century Roads Pty Ltd **ACN/ABN:** 38 090 555 954

Cultural Heritage Advisor(s): Martin Lawler and Dr Illya Berelov

Author(s): Martin Lawler, Dr Illya Berelov and Tim Cavanagh


Cover date: 1 August 2012 **Pages:** ix + 157

Received for approval: 2 August 2012

Approvals and Quality of Work

Evaluators are mostly concerned with level of quality

- Likelihood question needs to be solved
- Management solution related to amount of information available
- Track record critical

TO BE COMPLETED BY THE SECRETARY (OR DELEGATE)	Yes	No
I have considered the Evaluation Report for this CHMP and:		
<i>I am satisfied that the CHMP has been prepared in accordance with the standards prescribed for the purposes of section 53 (in the Aboriginal Heritage Regulations 2007 and the Approved Form).</i>	✓	
<i>I am satisfied that the CHMP adequately addresses the matters set out in section 61.</i>	✓	
<i>In considering this application, I consulted with and considered the views of Aboriginal persons or bodies I considered relevant to the application.</i>	✓	
<i>I have given proper consideration to any relevant human rights</i>	✓	
<p>I, Tracey Avery, Acting Deputy Director, Aboriginal Affairs Victoria, acting under authority delegated to me by the Secretary, Department of Planning and Community Development, and pursuant to section 65(2) of the Aboriginal Heritage Act 2006 hereby approve / refuse to approve this cultural heritage management plan:</p>		
<p>Signed:  TRACEY AVERY</p>		
<p>Dated: 24 August 2012</p>		
<p><small>• This notice of approval should be inserted after the title page and bound with the body of the management plan. • The recommendations in this management plan are now compliance requirements. Officers from the Department of Planning and Community Development may attend the subject land to monitor compliance with the recommendations.</small></p>		

Typical Example of Management Challenge – Artefact Scatters

Most Common Site Type – Provided with variable consideration, protection, treatment

- Client may struggle to understand the importance of such sites and be confronted with costs associated with testing, registration, extent, testing and salvage
- Traditional owner groups may not want the development to proceed, or require excessive salvage
- Scientific “merit” of a site may not warrant a high significance rating



Significance is a relative concept

Site Name/ Number	Site contents	Condition	Representativeness	Scientific significance
Site X VAHR 7921-XXXX	3	2	2	7 (high)

- **Management outcomes are not transferable**
 - Town centre CHMPs allow for hassle-free further development
 - Rural area CHMPs may be more difficult when same types of sites are encountered
 - Differences can result in vastly different management outcomes
 - i.e. landscapes

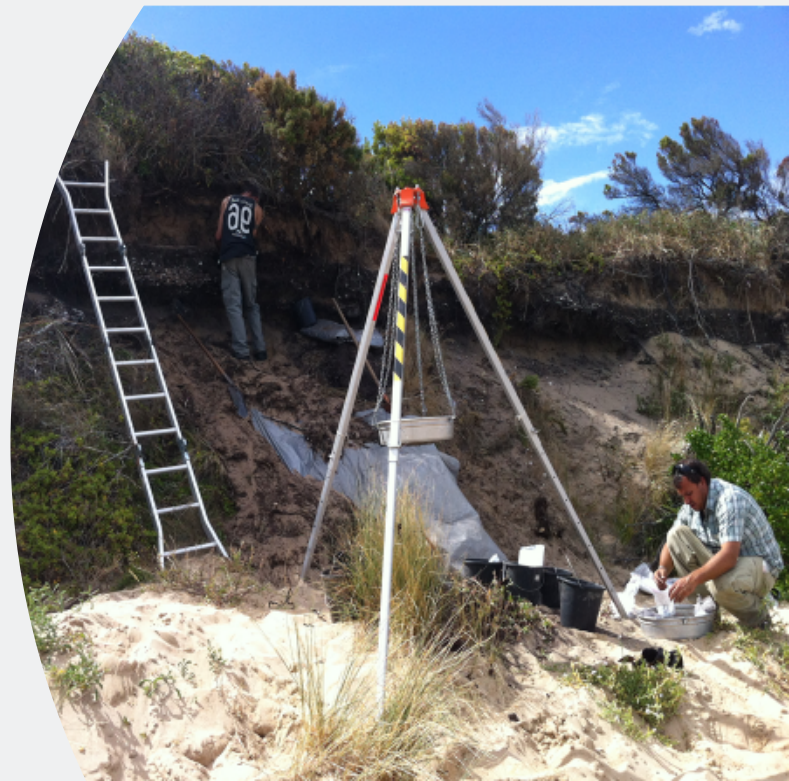
Relationships with Traditional Owners

- Registered Aboriginal Party (RAP) – Evaluators/RAP Applicants and Traditional Owners (TOs) - Participants – trust is critical
- Avoidance and minimization becoming increasingly important
- Traditional values/ethnographic recording



Relationship with Aboriginal Affairs Victoria

- Evaluators – Approvals/Gatekeepers, Administrators – trust also critical in terms of assessment process and forward planning
- Relationship is critical to determine risks
- Improvement in General Evaluation Processes and Willingness to Partner with Industry
 - Browns Creek



Industry Trends

- Highly Competitive Environment – many players
- Costs reduced overall
- Streamlined Processes including site registration and approvals – timeframes down
- Quality differences enormous on the upper end of the market

Pros and Cons

- 
- Improvement in TO role in managing heritage outcomes
 - Continued difficulties in addressing issue of likelihood and therefore quantum of work

Questions?