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To cite this article: Amy Roberts & Nathan Woolford (2024) Who cares? Indigenous cultural heritage protection in Australia, Australian Archaeology, 90:1, 99-100, DOI: [10.1080/03122417.2024.2317569](https://doi.org/10.1080/03122417.2024.2317569)

To link to this article: <https://doi.org/10.1080/03122417.2024.2317569>



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Published online: 24 May 2024.



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Who cares? Indigenous cultural heritage protection in Australia

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When faced with the Editors' provocation to write something 'forward-leaning, challenging and agenda-setting' for the discipline we felt that nothing should be more front and centre than the protection of Indigenous Australian cultural heritage.

The Juukan Gorge atrocity once again revealed a lack of care (on behalf of non-Indigenous Australians and companies) in relation to the protection of Indigenous Australian cultural heritage. We deliberately use the term 'atrocity' in this context (as opposed to 'disaster') as the destructive acts to which we refer were ultimately 'intentional' and arguably, therefore, 'performative acts of violence' (see Cuno and Weiss 2022:1). Juukan Gorge is just one of many in a long line of very public Aboriginal heritage disputes which, despite opposition from Traditional Owners, ultimately resulted in the destruction of significant and sacred cultural places (involving tangible and intangible values): Noonkanbah (Umpampurru), Hindmarsh Island (Kumarangk), Bootu Creek ('Two Women Sitting Down') and more.

Many of these atrocities, as well as the often more hidden work of the cultural heritage industry, highlight the regular and 'sanctioned' destruction of heritage. As argued by a Victorian Traditional Owner '[w]e are managing destruction, not protecting heritage' (Victorian Aboriginal Heritage Council 2021). This is not to say that cultural heritage practitioners are not well-meaning, but it must be recognised that government-sanctioned heritage destruction takes place around the country on a daily basis—transport corridors, wind farms, mines, housing developments, car parks and more—a stone artefact scatter here, an impacted burial there—and on it goes. Not to mention the daily un-sanctioned occurrences of heritage destruction that occur, often in highly sensitive heritage zones such as riverine and coastal environments (via numerous impacts including four-wheel driving, irrigation channels and more recently sea-level rise). Similarly, heritage on freehold titles largely remains inaccessible to

Traditional Owners and therefore unmanaged. Consequences for the destruction of Aboriginal heritage are rare (e.g. see Victorian Aboriginal Heritage Council 2021). In South Australia, for example, there has not been a single successful heritage prosecution under their *Aboriginal Heritage Act 1988*.

In the wake of Juukan, archaeologists and others in the heritage industry are faced with the dilemma and contradictions of their roles once more, particularly in relation to the requirements of various State and Territory heritage legislation. As stated by the First Nations Heritage Protection Alliance (2022a) it is clear that the 'laws governing cultural heritage protection are not working for Aboriginal and Torres Strait Islander people'.

One of the key issues that Indigenous Australians have faced in heritage protection has been ministerial power in decision-making processes (e.g. *Dare & Ors v Kellaray Pty Ltd & the Minister of South Australia* 2022). It is no surprise then that numerous reviews have highlighted the lack of authority accorded to Indigenous Australians 'to approve or deny heritage protection applications' (First Nations Heritage Protection Alliance 2022b:3). The Alliance's (2022a) primary aim is, therefore, to produce 'legislative reforms that entrench First Nations Peoples as key decision-makers and prioritise the protection of cultural heritage'. Will this historic moment be achieved? How are Australian archaeologists supporting this project? What other actions could be brought to bear to achieve these aims?

Among a range of measures called for by the Alliance (2022b:3) is the need for '[t]ruth-telling around cultural heritage destruction'. Perhaps States and Territories should be called upon (or independently assessed) to produce annual heritage scorecards clearly outlining how many sites were destroyed that year, whether the destruction was sanctioned or un-sanctioned, and whether or not it

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occurred with State and Traditional Owner approvals, along with broad mapping showing the geographic spread of destruction? It should also be noted whether or not Traditional Owners had the ability to say 'no' in each case. Such scorecards exist in relation to other aspects of human health and well-being (e.g. World Health Organisation 2022). Given that connection to Country and the protection of cultural heritage is at the heart of well-being for Aboriginal and Torres Strait Islander peoples we should also be monitoring these areas (see also commentary provided by Holcombe 2022 in relation to cumulative impact assessments). Similarly, heritage destruction should be considered a threat to Indigenous health. The Traditional Owners of Juukan, represented by the Puutu Kunti Kurrama and Pinikura Aboriginal Corporation [PKKP], eloquently expressed the loss and damage inflicted when they wrote about the deep grief experienced as a result of the disaster due to 'the loss of connection to our ancestors as well as our land' (PKKP Aboriginal Organisation 2020).

The notions of grief and well-being in relation to Indigenous heritage seem largely not to be understood by the general public. How do we get non-Indigenous Australians to understand the emotions of Traditional Owners, to see beyond what is so easily glossed as 'politics'? How do we get the public to care? Just as the Uluru Statement was 'from the heart', how can we use the concept of 'archaeologies of the heart' (Supernant et al. 2020) to inform the public about the greater emotional and spiritual importance of the heritage places which are the focus of our work and study? Education is at the heart of this dilemma and a greater voice for Traditional Owners may be a key component. The role of the discipline has been revealed to be much more complex in regard to its relationship with Indigenous peoples.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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