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
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
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

<table>
<thead>
<tr>
<th>Site Name/Number</th>
<th>Site contents</th>
<th>Condition</th>
<th>Representativeness</th>
<th>Scientific significance</th>
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<td>Site X</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>7 (high)</td>
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<td>VAHR 7921-XXXX</td>
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- 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