

The Right to Protect Sites

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AIATSIS

AUSTRALIAN INSTITUTE OF
ABORIGINAL AND TORRES STRAIT
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Any form of native title which did not recognise the need to protect sacred and significant sites would debase the whole concept of recognition of traditional rights in land.

Hayes v Northern Territory [1999] FCA 1248 [51]

Two distinct types of cultural heritage projects in Australia at the moment:

1. Community-led cultural heritage projects

1. Externally-commissioned cultural heritage projects

A national picture:

1. Legislative and policy regimes
2. Numbers and types of future act heritage projects
3. Cultural heritage management by agreement
4. Post-determination cultural heritage management
5. Cultural heritage information legacies

1. Legislative and Policy Frameworks

- How do different jurisdictions provide for cultural heritage management?
- How do their laws and policies interact with the *Native Title Act*?
- Who has input to the design of these policies?
- Who administers them?
- Who has the authority to make decisions about impacting cultural heritage sites?
- To what extent are native title groups involved in decisions about cultural heritage management?

2. Numbers and types of future act cultural heritage projects

- How many surveys are occurring every year, and in what regions?
- What is a typical heritage survey load in areas of high- and low- future act activity?

3. Heritage management by agreement

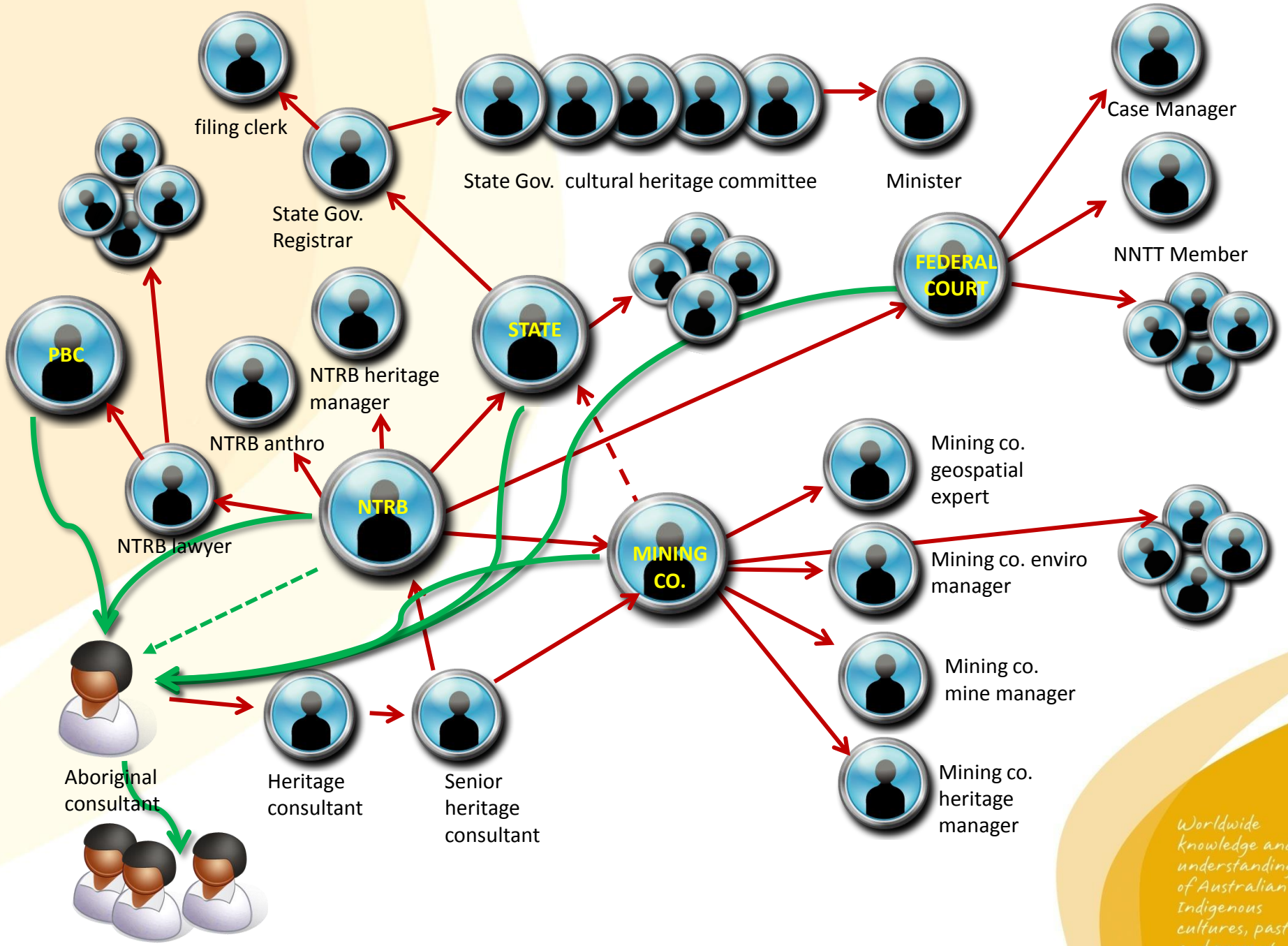
- How do private agreements differ between jurisdictions and regions?
- Do private agreements provide for better cultural heritage protection?
- How do agreements deal with the long-term management of cultural information?
- How is proponent compliance with cultural heritage agreements being monitored?

4. Post-determination cultural heritage management

- Strategies?
- Partnerships?
- Resources?
- Aspirations?

5. Information management practices for cultural heritage

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5. Information management for cultural heritage

- Size and location
- Data manipulation and re-organisation
- Access
- Consolidation and Coordination

Possible next steps:

- ❖ Develop research partnerships
- ❖ Conduct case studies of information flows and archives
- ❖ Establish pilot projects for information management

The NTRU cultural Heritage and Native Title Research Project will aim to:

- describe Legislative and policy regimes around Australia
- evaluate the size and scale of future act heritage projects
- analyse the cultural heritage management by agreement
- examine PBC cultural heritage management strategies, and
- explore cultural heritage information legacies

For more information:

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