

A Submission to the Productivity Commission
Inquiry into the Conservation of Historic
Heritage Places

**Prepared by
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Introduction

The Productivity Commission has commenced a public inquiry into the policy framework and incentives for the conservation of Australia's historic built heritage places

Archaeological heritage is a component of historic heritage. This submission focuses on the conservation of Australia's historical archaeological heritage. ASHA's submission illustrates the importance of this aspect of Australia's heritage, the benefits which accrue from its conservation, current issues in this process and solutions to those issues.

1.0 What is ASHA?

The Australasian Society for Historical Archaeology (ASHA) was formed in 1970 as a non-government organisation for those who are working in or interested in the historical archaeology of Australia. At present it has more than 300 members throughout Australia and internationally.

ASHA aims to promote the better understanding of historical archaeology in Australia and the Asia-Pacific region. ASHA supports the exchange of information and reference material through a range of publications while an annual conference, regional seminar series, and workshops further support professional development.

Soon after formation ASHA was expanded to include interest in the historical archaeology of New Zealand and this was officially recognised in 1995 when the name of the organisation was changed from the Australian Society for Historical Archaeology to the Australasian Society for Historical Archaeology. The society is based in Australia but its executive committee includes both Australians and New Zealanders, and conferences are held in both countries.

2.0 What is Historical Archaeological Heritage?

Historical archaeology is the study of the past using physical evidence in conjunction with historical sources. It focuses on the objects used by people in the past and the places where they lived and worked. It can tell us about the way things were made and used and how people lived their daily lives. Historical archaeologists investigate sites and relics such as those left by early Asian fishing fleets and Dutch explorers, as well as the settlements of Europeans, Chinese and other cultural groups, including Aboriginal and Maori people after European arrival.

What are historical archaeological sites? Archaeologists study many types of physical evidence, including:

- buildings (both ruined and standing);
- structures such as wells, mine shafts and bridges;
- objects of household use such as crockery, bottles;
- personal effects and toys;
- machinery and tools;
- human, animal and plant remains; and,
- cultural landscapes including gardens, cemeteries, and industrial landscapes.

Archaeology is not just about objects and remains, it is also about recognising patterns, recognising links across and between sites, writing new stories about places and the way people used them, acknowledging new significance of places because of their archaeological potential, and exploring and protecting that potential.

Why does historical archaeology need to be protected?

Heritage is important to most Australians. It is valued as a link to where people have been, to understand the present and to shed light on the future. By its very nature it is an important resonance in our lives. Heritage can mean many different things from oral history to heirlooms, to a historic building to an unchanged landscape. Archaeological sites and the objects found there are part of that heritage and are valued by many members of the public as containing information about the past and both illustrating and evoking the past.

The reason why these sites need the protection afforded to indigenous archaeological sites and to standing structures is because these archaeological resources are irreplaceable. They have enormous potential to contribute to our knowledge of our history, providing information that is

unavailable from other sources. It is important that archaeological resources are adequately investigated and recorded if they are to be disturbed. Some sites are important for the knowledge we can gain from them. That is why we excavate and learn from them. Some sites that are very significant to the community are kept in the ground and interpreted because they can supply evidence that we can see and touch.

The evidence provided by historical archaeological sites can make a critical contribution to our understanding of ourselves: it enables the understanding of human reactions to the broad historical themes affecting the settlement and development of Australia and New Zealand, from the early 17th century to the present. Archaeological sites and archaeological techniques of investigation can contribute to an understanding of many of the historical themes that are found in our nations' respective stories, for example:

- European settlement,
- breaking up the land,
- development of industry both primary and secondary industry ,
- urbanisation.

Both the old Australian Heritage Commission and the NZ Historic Places Trust have undertaken work on the development of Thematic Frameworks. The Australian Heritage Council is also exploring a thematic approach to National Heritage Listing.

3.0 How is archaeological heritage currently protected and managed?

3.1 International Conventions

Heritage legislation as it pertains to archaeological sites in most countries of the world is broad and all-encompassing. In some jurisdictions the approach taken by legislators is to have general heritage legislation which covers all types of significant heritage places, which could include archaeological sites. In other jurisdictions specific archaeological legislation has been introduced which may or may not be additional to other broader heritage legislation. Despite attempts by legislators to restrict the definition of archaeological sites to prescribed lists, such attempts inevitably fail. The problem lies in the nature of the resource. By their very nature of being predominantly subsurface, in most cases it is simply impossible to predict where all the archaeological sites lie, and which sites will prove to be the most important. Often sites perceived to be of low importance are only revealed for their true significance after excavation or development has commenced.

The value of archaeology and the responsibility to protect archaeological heritage has been recognised internationally and locally for many years. The basic principles have been outlined in a number of documents, including:

- 1956 *UNESCO Recommendation on International Principles Applicable to Archaeological Excavations* (New Delhi),
- 1970 *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*,
- 1972 *Convention for the Protection of the World Cultural and Natural Heritage* and
- 1995 *Unidroit Convention on Stolen or Illegally Exported Cultural Objects*.

All serve to set out the international best practice for heritage conservation, including archaeology.

Europe has endorsed a standard for the protection and curation of the archaeological resource entitled *European Convention on the Protection of the Archaeological Heritage (Revised) 1992* and all members of the European Union are signatories to the standards, practices and policies.

In the United States, federal legislation protects archaeological sites and relics on Federal land and most states have similar legislation. The Secretary of the Interior has published standards for heritage protection and intervention. In 1999 the Secretary of the Interior signed a national strategy to preserve and protect archaeological sites in situ, conserve archaeological collections and records, utilise and share archaeological research results, and increase public education and participation in archaeological.

Safeguarding archaeological sites is required by law in Canada. The provincial, territorial, and federal governments have each created a law or

laws dealing directly with archaeology or archaeological resources within its jurisdiction.

These documents were influential in the development of best heritage practice in Australia, and Australia is a signatory to the UNESCO, World Heritage and Unidroit Conventions.

Each of these heritage Charters and Conventions recognises the value of archaeological heritage to the local and international communities and specifically acknowledges archaeological sites as a non-renewable resource. Each identifies legislation as an essential mechanism for heritage preservation and implementation of such legislation is obligatory under the international conventions.

3.2 Summary of Archaeological Heritage Management Protective Legislative Mechanisms

The main legislative mechanisms or triggers that are used to protect and conserve archaeological heritage are:

1. the listing or registering of an archaeological heritage place or item so that activities affecting the place are controlled;
2. legislating to impose environmental and heritage impact assessment procedures which therefore trigger assessments of archaeological heritage significance. The blanket protection of archaeological relics in NSW is an example of this. This development control process also involves the use of mitigative measures for archaeological heritage such as rescue excavation or *in situ* conservation;
3. the requirement for the discovery of archaeological relics to be reported to an authority. Responses here might include a direction to stop work and preserve the archaeological heritage items or the need to undertake rescue excavation.

These mechanisms are broadly analogous to archaeological heritage management procedures around the world and there is a large international literature on their description, definition and implementation.

3.3 Archaeological Heritage Management by the States and Territories

3.3.1 New South Wales

There are a number of agencies responsible for the management of historic heritage in NSW. The principle agency is the NSW Heritage Office, which administers the NSW *Heritage Act 1977* and its amendments. The NSW Heritage Office provides specialist advice to the Minister for Urban Affairs and Planning, the *NSW Heritage Council* and the wider community about the management of heritage across New South Wales. They maintain the NSW State Heritage Register and administer, under delegation to the Director of the Heritage Office, the *Commonwealth Historic Shipwrecks Act 1976* in relation to historic shipwrecks adjacent to the NSW coast.

The relics provisions under the *Heritage Act 1977* provide blanket protection for historical archaeological 'relics', and by extension, archaeological sites. Permits are required for the excavation or disturbance of archaeological sites and relics. There are 2 dedicated positions for archaeologists, while a further two positions are currently filled by individuals with archaeological expertise. With the exception of a specialist historian, most of the other positions within the organisation are general heritage officer positions, with staff drawn from professional fields such as conservation architecture, planning and landscape architecture.

These two officers face an increasing workload in issuing excavation permits. In 2003-2004, 63 archaeological excavation permits were issued under Section 140 of the *Act* and this number will increase as development increases. Most excavation permits are issued for rescue archaeology and are funded by developers looking for a green fields site to undertake their development. Very few sites are perceived to be of such significance that they are left without being removed by a development. The major example of the preservation of archaeological heritage is First Government House which had the Museum of Sydney constructed at the back of the site which is preserved under the forecourt to the Museum.

Other agencies in NSW that take a lead role in historic heritage management are the Department of Environment and Conservation (DEC formerly National Parks and Wildlife), Sydney Water and the Sydney Harbour Foreshore Authority. Each of these agencies has an historical archaeologist on staff, and has a delegation from the NSW Heritage Office to grant excavation permits under the NSW *Heritage Act* on their estate. They are also responsible for administering the *NP&W Act 1976*, which has specific historical archaeology provisions.

Currently, of the approximately 1500 items on the NSW SHR, only 26 items might be defined as terrestrial archaeological heritage¹. While buried, inaccessible archaeological sites, especially those in urban areas, will cause listing difficulties. Archaeological investigation has revealed the values of a large range of places of great significance which are yet to be listed, including the Blacktown Native Institution site and the Wellington Valley Convict Station and Mission site. Archaeological sites often account for Australia's hidden histories – places not represented by monumental remains - but nevertheless reflecting distinctive aspects of identity and historical experience. Few sites in NSW have been listed in the State Heritage Register as there is an agency bias towards listing large monumental buildings.

¹ These include discrete sites such as First Government House site Sydney, Lake Innes House, Port Macquarie and Port Macquarie Government House – the number also includes broader items such as the Great North Road, Adelong Falls Gold Workings and old Marulan township – which might better be thought of as "archaeological landscapes". The numbers mean that only about 1.73% of the items on the SHR are archaeological heritage, which does not seem to reflect the 'real' percentage that they are in the built environment.

3.3.2 Victoria

Heritage Victoria administers the *Heritage Act 1995*. The *Heritage Act 1995* provides blanket protection for all historical archaeological sites, known or unknown, with a requirement for permit applications to disturb archaeological relics and sites.

The *Heritage Act 1995* protects archaeology at two levels. All archaeological places and relics have blanket protection and where known, are listed in the Heritage Inventory. Any need to excavate, damage or destroy and archaeological site, or move and sell any archaeological relic, requires the consent of the Executive Director. In addition, all archaeological places or objects which have been assessed as being of state significance are listed in the Victorian Heritage Register. Any changes to the places or objects listed in the Victorian Heritage Register require a permit from the Executive Director.

The Victorian Heritage Register enables Heritage Victoria to preserve and conserve archaeological sites which are of significance to the State of Victoria while the Heritage Inventory enables Heritage Victoria to record and monitor sites which are not considered to be of state significance or where the significance is unknown.

The two levels of protection enable two different principles in issuing consents and permits to be followed. The guiding principle for places on the Register is to protect and conserve as much of the fabric of the place and the relics/artefacts as is possible, while for places listed in the Heritage Inventory recording, excavating and monitoring are the usual methods of assessing and managing the heritage values of a site.

There is one specific position for a historical archaeologist and three for maritime archaeologists out of a staff of 32. From time to time trained archaeologists have been employed in other positions or on a project basis for archaeological activities. Other positions draw on the skills of architecture, planning, horticulture, history and material conservation. In addition Heritage Victoria and Parks Victoria jointly employ an archaeologist on a project basis. This position has been based in the central gold fields region for the last five years but is used on an as needs basis in other regions. Increasingly the Victorian community has been requesting archaeological advice which cannot be met by Heritage Victoria and no funding is available for local government to supplement the local architectural heritage advisors.

In 1998 Heritage Victoria introduced the conservation bond scheme, which enables developers to share the costs for the conservation of archaeological artefacts. Conservation bonds are required as a condition of a permit or consent and is used to ensure that all artefacts from historical archaeology excavations are adequately catalogued, conserved and stored.

3.3.3 Tasmania

The Tasmanian Heritage Office administers heritage legislation and associated land management activities across the State through the Department of Tourism, Parks, Heritage and the Arts. The *Historic Cultural Heritage Act* 1995 is administered by the Heritage Office. Archaeology is covered by the Act but it does not provide blanket protection for archaeological sites, rather it applies only to places on the register. There is currently one part-time archaeologist within the Heritage Office who process works applications. There appears to be little time for documenting new archaeological sites or to enforce the archaeological provisions of the *Heritage Act*. The Historic Heritage Section of the Office carries out management and project work on historic sites and lands that are directly administered by the Government, largely through the Tasmanian Parks Service. Although there is no specific full time historical archaeologist position within the Section there one full time maritime archaeology position. Consultants are also engaged for historical archaeological work on an irregular basis. There is also a full time historical archaeologist on staff at the Port Arthur Historic Site Management Authority.

3.3.4 West Australia

In Western Australia the WA Heritage Council administers the *Heritage of Western Australia Act* 1990. There are no specific historic relics provisions in the act, although in practice pressure can be applied in development approvals for developers to undertake archaeological excavations for places on the WA State Heritage Inventory. Cultural significance can be assessed in relation to a place, the relative value that the place has in terms of its aesthetic, historic, scientific or social significance, for the present community or future generations. There are no specific positions for a historical archaeologist, and no in-house skills in this discipline, as staff come from the disciplines of architecture, heritage conservation and history. Most staff are employed as heritage managers, rather than as specialists from these disciplines. Concern has been raised amongst the public at the lack of protection of archaeological heritage.

3.3.5 Northern Territory

In the Northern Territory, the Heritage Conservation Branch of the Department of Lands, Planning and Environment has responsibilities for managing historic heritage according to the *Northern Territory Heritage Conservation Act* 1991. Archaeological places and archaeological relics are protected under Part 6 Section 39 of the Act. Although there is no blanket protection under this legislation for non-indigenous archaeological sites or relics, there is protection for places that are on the Register of Heritage Places. In practice, planning regulations (Northern Territory Planning Act) are such that approvals must be made by the Heritage Conservation Branch, Department of Lands, Planning and Environment, and they may require pre-disturbance excavation or investigation as part of the planning approvals process. There are four professional heritage staff, and all four have aboriginal archaeological training. There is no dedicated positions for a historical archaeologist. The lack of protection for historical archaeology, particularly World War II heritage, is of particular concern.

3.3.6 Queensland

The Cultural Heritage Division of the Environmental Protection Agency in Queensland is responsible for administering two pieces of legislation which cover historic heritage: *Heritage Act* 1992 and the *Cultural Record Act* 1987 (which replaced the *Aboriginal Heritage Act*). The *Cultural Record Act* 1987 is currently under review, but at present covers both aboriginal and historic heritage, and gives blanket protection to sites with a requirement for permits to be issued for their excavation or disturbance. There are a number of archaeologists that work in Cultural Heritage, with other staff drawing on skills from town planning, architecture, law and engineering. Archaeologists are not employed as Aboriginal or historical archaeology specialists, but undertake both prehistoric and historical archaeology assessments.

3.3.7 South Australia

South Australia administers the *Heritage Act* 1993 and *Historic Shipwrecks Act* 1981. Places can be listed in the Heritage Register for archaeological value but there are no archaeological provisions in the *Heritage Act*. South Australia does not have a government historical archaeologist or any in-house skills in that area, but does have a Maritime archaeologist.

3.3.8 Australian Government

Within the Department of Environment and Heritage is the Heritage Division. The Division develops policies and programs for the conservation and public appreciation of Australia's natural and cultural heritage places. It has responsibilities for Australian heritage and world heritage. It provides advice to the Minister, the Government and the community to assist in the effective identification and conservation of heritage places and encourage the community to participate in heritage activities. The Division administers the Commonwealth's obligations under the World Heritage Convention and the Australian Heritage Council – a statutory body. It also administers the *Environment Protection and Biodiversity Conservation Act* 1999, the *Historic Shipwrecks Act* 1976 and the *Protection of Moveable Cultural Heritage Act* 1986.

The Heritage Division, a cross-divisional group that undertakes in addition to other heritage activities historical place assessments and provides historic advice. The Division has no designated Historical Archaeologist position, but a variety of technically qualified personnel, including, at present, two historical archaeologists who provide technical heritage advice generally, and are looked to to provide specialist historical archaeological assessments or advice as necessary.

While the *Environment Protection and Biodiversity Conservation Act* 1999 does not exclude the identification and management of historical archaeology no activities undertaken by the Commonwealth have supported historical archaeology. No specific archaeologists are employed and no funding or support has been directed towards the investigation and management of Australia's rich archaeological heritage in many years.

Summary

This review of current State/Territory and national systems shows that most states and territories have either specific or general coverage through heritage legislation for historical archaeology places/values. What is lacking is that some states do not specifically state that historical archaeology sites and artefacts are protected, as is undertaken by most countries in the world, and most states do not employ anyone with sufficient skills in historical archaeology. Despite increasing community expectation that archaeological places would be adequately protected, only a few jurisdictions, notably Victoria and NSW, have addressed the issue and addressed the policy challenges for protecting and managing Australia's historical archaeology heritage.

4.0 What are the issues affecting the conservation Australia's archaeological heritage

The major issues which have been identified in a number of reviews and reports of historical archaeology in Australia have been:

- 1 Standard legislation across all jurisdictions
- 2 Adequate resources for the community to access archaeological technical support
- 3 Central management of archaeological relics
- 4 Framework for archaeological research

4.1 Standard Archaeological legislation

The review of legislative protection of Australia's disappearing historical archaeology indicates that in only a few jurisdictions is it adequately protected and nowhere are there sufficient resources to deal with the number of sites which are disturbed by modern development.

It is confusing that each jurisdiction has different legislation and different standards of practice. Australia lags in adhering to world's best practice for the protection of archaeological heritage.

Standard legislation needs to equal world's best practice rather than water down current provisions to the lowest common denominator.

Concern has been raised at keeping the blanket protection of all archaeological sites and the report of the Productivity Commission indicated that sites should only be listed if there was a conservation agreement. This would only lead to the wholesale destruction of Australia's archaeological heritage, as most archaeological sites are not easily visible on the ground surface and require investigation to be identified.

Broad protection for archaeological sites is the common practice throughout the world. It is based on the concept that it is difficult to know the presence or significance of an archaeological site either through little remaining above ground or no obvious way of discerning the presence of an archaeological site and its significance.

Despite attempts by legislators to restrict the definition of archaeological sites to prescribed lists, such attempts inevitably fail. The problem lies in the nature of the resource. By their very nature of being predominantly subsurface, in most cases, it is simply impossible to predict where all the archaeological sites lie, and which sites will prove to be the most important. Often sites perceived to be of low importance are only revealed for their true significance

after excavation or development has commenced. Such provisions are necessary when the resource is effectively hidden.

In many Australian sites there is no general protection provision for historical archaeology and as a consequence no archaeological sites are protected unless listed in that State's heritage register. As the significance of archaeological sites is difficult to recognize in advance, few archaeological sites are listed and protected. When development occurs, archaeological heritage is destroyed before it can be identified, let alone assessed for its significance and placed on a heritage register. The result is that some states in Australia are rapidly losing their archaeological heritage and have no mechanism to protect or record such sites.

4.2 Adequate resources for the community to access archaeological technical support

The Government Historical Archaeology Network (GHAN), which reports to the Australian and New Zealand Heritage Chairs and Officials, has noted the lack of adequately skilled historical archaeology professionals employed by heritage agencies. It has also commented on the lack of archaeological advisors available for local government and the community to access. This has been a major problem in protecting the archaeological resource of Australia and is in direct contrast to the broad archaeological network that is utilised in the USA, Britain, Europe and the Middle East. A recent PhD on archaeological management by Nadia Iacomo (La Trobe University) also examined the issue.

Lack of adequate archaeologist employed by heritage agencies or by local governments has meant:

- delay in advising developers and owners of their obligations to protect Australia's historical archaeology;
- costs incurred by these delays;
- lack of resources to assist owners and developers; and
- lack of community knowledge of their archaeological heritage.

4.3 Management of Archaeological Relics

Archaeological heritage is a complex mixture of both immovable and movable cultural heritage. Archaeological heritage encompasses not just the site but the relics or artefacts that are part of the site. It is through the study of the artefacts combined with the examination of the stratigraphy of the site that an understanding of how people lived in the past can be ascertained. Both the site and the artefacts are critical parts of our archaeological heritage. Two issues have proved problematic to archaeological management authorities throughout the world. The first is the looting of archaeological sites and the loss of the knowledge concerning the site and the second is the curation of archaeological collections once they have been properly excavated.

4.3.1 Bottle Collectors and Artefact Custodianship

How to manage the artefacts that are excavated is a major challenge for all countries. Archaeological artefacts can be extremely valuable in their own right and have a high monetary value. This has led to major problems with a huge international illicit market. Sites are often excavated illegally to locate intact artefacts that can be sold. In Australia there are large collecting clubs of metal detectorists and bottle collectors who illegally excavate and sell their finds. Some of the material is not worth much money but some artefacts can realise high prices. The clandestine excavations destroy irreplaceable heritage and they leave no record of their findings thus denying the community of both the artefact and the knowledge of how it was found.

The impact of the destruction of archaeological sites by bottle hunters and metal detector clubs is second only to works of major infrastructure development in its significance. Clubs organize group outings and have a vigorous information network of newsletters and meetings, and do basic research as to where the best places to hunt are. They encourage each other with stories of their finds and some are able to sell them on. As the only costs are those of a bush weekend, which is taken for its own enjoyment, each sale of an artefact is seen as a total profit.

The impact that such activities have on an archaeological site can be devastating. Sites which have survived relatively intact the ravages of drought, flood and fire for over hundred and fifty years, can be destroyed in one afternoon's vigorous digging. In the process all the information about the site is lost as the context is destroyed but also any context and historical value that the objects might have held has been lost. The real losers are not the archaeological managers but the general public.

After the archaeological sites are disturbed, no information about them or the objects that came from them, ever reaches the public arena. Whole parts of the history of an area are lost forever.

Currently the collectors not only have a belligerent attitude to government and a perceived view that government is trying to deny them the right to go and collect but they fear prosecution. Thus if they find an intact site which they know contains rare items they do not disclose where they found them to any authority, fearing they will be prosecuted for digging the site, will have their objects confiscated, and will be prevented from going on the land in the future as it is locked up. There is no incentive to inform and no encouragement from government that such behaviour would be rewarded. In a desperate effort to protect the resource authorities have threatened prosecution to offenders as the only reward for reporting.

At the same time, they are increasingly destroying more sites and Australians are fast losing their heritage. Possible solutions to this crisis are raised in Section 5.

Artefact Conservation Agreements

Archaeological artefacts require conservation and storage. Archaeological collections are precious research resources. To enable their best use rather than being left in boxes in storage they are ideally available for research through a museum or similar institution.

While some museums are designated storage repositories for archaeological collections in various heritage acts, the reality is that museums in Australia unlike their counterparts in Europe and the Middle East are not funded to maintain archaeological collections. There are no central collecting repositories in Australia as has been established in Canada, USA and the United Kingdom. Large state collecting institutions have refused to take large archaeological collections. This has meant that either the heritage agency has been required to store the objects or the developer and/or owner of the site has been left with this responsibility. Some owners have been very responsible and have paid for storage but others have felt that this should not be their responsibility and have abandoned the collections.

Many large and historically significant artefact collections that were excavated as part of government permit requirements, at a cost of many thousands of dollars, have been effectively destroyed by the failure of government agencies to ensure that adequate long-term storage and archiving facilities exist. Unless the artefacts from archaeological sites are afforded protection after excavation, the result is the loss of a large part of the history of Australia.

4.4 Archaeological Research Framework

Archaeological work has the greatest value when it is conducted within a detailed research framework, which enables the findings to make a contribution to our understanding of historical activities. Archaeological work, and the costs associated with it, can be criticised if the benefits and outcomes resulting from the investigation are not seen to be significant or relevant, or are not presented in a way that is accessible for the broader community.

A key element in the development of meaningful research frameworks is a detailed understanding of the archaeological resource. At present, almost all archaeological work conducted in NSW and Victoria, and indeed Australia, is funded by development. Much of the archaeological character of the nation has not been evaluated, because it is located in areas that have not experienced high levels of development pressure. There is a need for the nation's archaeological resources to be more systematically assessed, including the use of local government Heritage Studies (which traditionally have not considered archaeological places).

While this is limiting knowledge in those two states this is in contrast to the complete ignorance in other jurisdictions in Australia where a non-renewable resource is frequently destroyed with no knowledge of what Australia is losing.

Over the last two years, the Archaeological Advisory Committee of the Victorian Heritage Council has commissioned four Archaeological Site

Identification and Assessment projects, in partnership with various local governments. Similar studies have been undertaken in NSW at major early settlement areas such as the City of Sydney, Newcastle, Port Macquarie and Parramatta. These studies have been very useful in beginning to identify archaeological places, but many more of these studies need to be undertaken not only in Victoria and NSW but initiated in other Australian jurisdictions.

The studies enable good planning outcomes to be achieved and prevent large cost blow-outs to developers as has occurred in the past. A cause celebre where early investigations were not undertaken and major costs incurred when archaeological remains were found is the development of the Conservation of Music in Sydney. This situation would not have occurred with the excesses of money spent if good archaeological management studies had been undertaken.

The responsibility for the development and consideration of research frameworks should be assumed by heritage agencies, with assistance and support by the academic community and archaeological consultants.

Research frameworks can also be used to determine how historical artefact collections should be acquired, conserved, stored and used. Similarly, issues such as site conservation and interpretation, and the preservation of *in situ* fabric, must take into consideration the research value and significance of the place.

Once a research framework has been developed, it is possible for more informed planning and management decisions to be made. For example, it may be determined that the potential archaeological values of a place are high, if that place is likely to be able to contribute to significant research design questions. Conversely, another place may be assessed as having a low level of potential archaeological significance (and require a low level of investigation or monitoring) if it is unlikely that research questions will be addressed. Obviously it will be necessary for research frameworks to be flexible and able to evolve as historical, archaeological and other information comes to light.

5.0 Identifying possible solutions

Uniform legislation

In 2003 the Government Historical Archaeology Network (GHAN), which reports to the Australian and New Zealand Heritage Chairs and Officials, reviewed the legislative protection for archaeology in Australia and recommended that Australia and New Zealand consider actively moving towards a standardisation of archaeological protection which adopts international best practice. They proposed an ideal scenario for the protection of the archaeological resource consistent with best practice in Australia and New Zealand and common practice internationally.

The intention of the GHAN review was to promote uniform protection across all of the government and private sectors in Australia and New Zealand, thus reducing confusion amongst the general community and the development industry, including government departments that are undertaking developments. Uniform protection should be consistent with world best practice. It will also promote protection of significant or important places that cannot be protected through general planning mechanisms.

Based on an analysis of international systems, therefore, one can construct a model for an ideal domestic system of statutory principles, and their application in practice. This could consist of:

- Blanket protection for the historical archaeological places with a 50-year rolling date;
- 'The ability to accept nominations, assess significance, and list in protective registers and/or local planning schemes or use in similar protective instruments, places that could be of, or include historical archaeological value. All agencies and bodies that carry out these functions, including heritage advice provision, and enforcement and planning tasks that relate to the protection of these heritage values and places, require access to appropriately qualified professional heritage personnel. Where full time employees are not engaged for this task, appropriate heritage training, which should include historical archaeological training, should be available for relevant personnel;
- The informed ability of the authority, whether it is central or local, to issue consents for activities to be undertaken on those archaeological places, which enables them to delay proposed development to determine appropriate historical archaeological requirements to protect the resource consistent with its significance, whether this protection be cessation of activity, modification of the activity, further delay to allow further investigation/study and recommendations, monitoring and/or recording, or some other measure;

- The ideal scenario would also include the curation, analysis and storage of archaeological relics/artefacts. These have the potential to tell the story of human history;
- The interpretation of archaeological places should be promoted; and,
- The general community should be encouraged to see historical archaeological heritage as just one aspect of heritage that is to be protected.

GHAN recommended that:

1. Historical archaeology must be recognised as an important component of the cultural heritage framework.
2. If historical archaeological sites, deposits and artefacts/relics are not already covered by State/Territory or national heritage legislation, including specific archaeological provisions, then they need to be so protected. Uniformity of such legislation should be encouraged.
3. Uniform standards, procedures and policies, where possible, should be adopted. Agencies such as the NSW Heritage Office and Heritage Victoria, who have well developed systems and processes in place, can assist in the formulation of policies, procedures and training across other State/Territory and national agencies.

Archaeology advisors

The GHAN report recommended that: States and Territories need to ensure that adequate provisions for the statutory management of archaeological resources, whether at State/Territory or local level, is able to be provided.

Rather than increasing the central agency's ongoing staff, as is common in Europe, Canada and USA, one solution is to employ heritage advisors at the local government level. This system is utilised very successfully in the United Kingdom.

In Victoria and NSW, the Heritage Adviser system allows local governments to draw on heritage expertise, usually in a part-time capacity. However, almost all Heritage Advisers are architects or historians, and there is very little archaeological expertise available at the local government level. Some NSW local governments have employed archaeologists but this is a minority.

The Archaeology Advisory Committee of the Victorian Heritage Council recommended to the Heritage Council of Victoria in 2004 that a network of regional Archaeology Advisers should be established to provide advice to local government and assist with the management of archaeological places throughout the state. ASHA believes that such a system should be implemented throughout Australia.

The network of advisers with archaeology expertise would ensure that informed and consistent advice was made available throughout the country. Although, in time, it would be beneficial to be able to devolve responsibility for many aspects of archaeological place management to the local government level, the current lack of archaeology expertise available at the local level requires the state heritage authority to provide this service.

Looting of sites and Bottle Collectors

This issue was considered by the maritime archaeologists in the 1980s and for more than ten years a Commonwealth-funded amnesty system operated which encouraged divers who had illicitly looted historic shipwrecks to report their finds so that they could be catalogued and the knowledge retained in a central database able to be used by practising maritime archaeologist. The philosophy behind such a program is to control the collection of shipwreck artefacts yet retain knowledge of what artefacts have come from which ship.

In the UK faced with a similar problem the National Heritage Lottery Fund funded a program which was run by the British Museum which funded local outreach archaeologist based in country museums who documented artefacts brought in by collectors. The scheme has been highly successful and can be referred to on their web site: www.finds.org.uk

ASHA strongly recommends that a similar scheme be established in Australia for historic archaeological sites.

Artefact Conservation and Curation

One of the difficulties in Australia has been requiring developers to pay for conservation works, particularly for the conservation of archaeological artefacts. Most major collecting institutions have refused to take large archaeological collections and they have been the only organizations which have the necessary material conservation and curatorial skills.

In 1998 Victoria introduced a different approach to the management of archaeological artefacts excavated by developers. Victoria was assisted in having established for maritime archaeological objects a conservation laboratory and storage facility. It is unique in Australia and is looked on as a model. However, no money was available to manage the historical archaeology collections excavated by development projects.

The archaeological artefact conservation agreement system is innovative in Australia and is being looked at by other heritage agencies in Australasia and also in the UK. The policy is essentially that archaeological works should not occur without consideration of the conservation of the artefacts. Prior to its introduction developers were obliged to undertake conservation but were not complying with this requirement. The State was being left with an unfunded liability in of a large collection of artefacts, excavated as part of a development, but with no resources to curate and care for the growing collection.

The Artefact Conservation Agreement requires the developer to lodge a conservation sum with Heritage Victoria that is then used to conserve significant artefacts, any funds not expended are returned to the developer and no additional costs are required of the developer as the costs are capped. It has meant that the government is not left with an unfunded liability and the developer is given surety of cost. It has been highly successful and has paid for the storage and handling of over a quarter of a million artefacts. It has enabled the part funding of the conservation laboratory and its staff and enabled the artefacts to be used for public exhibitions and research.

A similar program of sharing the costs could be introduced throughout Australia. However for it to work central repositories in each state need to be established. In the UK such a facility has been established with the Assistance of the National Heirtage Lottery Fund which is called the London Archaeological Archive and Research Centre (www.museumoflondon.org.uk/). It operates as a repository, research centre and centre of excellence.

6.0 Conclusions

Australia's archaeological heritage is unique and fragile. It is under threat from a number of pressures, most significantly development and amateur collecting activity. These threats are not being adequately dealt with by the piecemeal approach to legislation and resourcing which exists around the country at present.

This submission has sought to identify the nature of the archaeological heritage in Australia, its valuing by the community, and its ability to contribute meaningfully to Australian life.

This submission has also outlined the nature of the obstacles faced to the successful realisation of that contribution. A number of solutions have also been proposed, including more uniform legislation in keeping with world's best practice and the provision of adequate long-term storage facilities.

In some parts of the country archaeological heritage is reasonably well-protected, but in others it is not, and there is room for improvement across the board. Unless steps are taken by this generation, a precious and finite part of Australia's heritage will be lost to future generations.

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