

Development at any price?

The case of Australia's Indigenous Heritage

Dr Carmen Lawrence

Introduction

The site where Launceston stands is, like Australia itself, a very ancient place. It was and still is an Aboriginal place despite more than 200 years of colonisation. I have learned that the traditional owners of this place and the Tamar Valley are the Letteremairrener people, to whom I pay my respects.

Heritage: What is it?

Perhaps you'll forgive me for starting with a very obvious question, but one about which there is surprisingly little public discussion. What do we mean by heritage? What is it? Whose is it?

Unfortunately, as Kate Clark pointed out in an essay commissioned by the Australian Heritage Council, the question is often posed in the context of what she calls the 'heritage bashing' which accompanies planning controversies; heritage is seen as the province of elites determined to stifle progress. You won't be surprised that mine is a much more positive take.

For me, the word captures the concepts of both inheritance and identity. In the broadest sense it is what we inherit; it's about what we value of that inheritance and what we decide to keep and protect for future generations. It is both global enough to encompass our shock at the destruction of the Buddhas of Bamiyan in Afghanistan and as local as our own sepia tinted family photographs. Everything which our predecessors have bequeathed, both tangible and intangible, may be called heritage – landscapes, structures, objects, traditions, stories and language. This inheritance shapes and expresses who we are; it gives meaning and depth to our lives, whether we are aware of it or not. Each of us has both a unique as well as a shared heritage; and some of that heritage will be directly experienced, understood and incorporated into our sense of ourselves (like my Irish ancestry); some of it only dimly apprehended, requiring a respectful recognition and willingness to learn – like Australia's Indigenous heritage to most Australians.

It is no accident that one of the first targets of those engaged in genocide is the obliteration of heritage – and through that, identity. The destruction of important civic buildings and places of worship is often part of so-called 'ethnic cleansing' in violent conflicts. The victors systematically seek to remove the traces of the vanquished community in order to establish control over them. As Milan Kundera (1981) put it in *The book of laughter and forgetting*, 'the first step in liquidating a people is to erase its memory. Destroy its books, its culture, its history' (p 159).

In Australia, those who took the aboriginal children to try to turn them into domestic servants and farm labourers explicitly prohibited the children from speaking their own languages and taking part in cultural practices. The *Bringing them Home* Report documented these effects in considerable detail, finding that principal effect of the removal policies was the severe erosion of cultural links. This was, of course, the aim of these policies. It was said at the time that the children were to be 'prevented from acquiring the habits and customs of the Aborigines' (South Australian Protector of Aborigines in 1909). Clearly, the intended outcome of the removals was to prevent Indigenous children from developing Indigenous cultural identity as part of their sense of themselves. One witness to the inquiry described this loss:

When we left Port Augusta, when they took us away, we could only talk Aboriginal. We only knew one language and when we went down there, well we had to communicate somehow. Anyway, when I come back I couldn't even speak my own language. And that really bugged my identity up. It took me 40 odd years before I became a man in my own people's eyes, through Aboriginal law. Whereas I should've went through that when I was about 12 years of age.

(Confidential evidence 179, South Australia)

Witnesses also described their sense of not belonging anywhere or to any community.

I felt like a stranger in Ernabella, a stranger in my father's people. We had no identity with the land, no identity with a certain people. I've decided in the last 10, 11 years to, y'know, I went through the law. I've been learning culture and learning everything that goes with it because I felt, growing up, that I wasn't really a blackfella. You hear whitefellas tell you you're a blackfella. But blackfellas tell you you're a whitefella. So, you're caught in a half-caste world.

(Confidential evidence 289, South Australia)

As the report made clear, while Indigenous cultures were not destroyed by these policies, and continue to exist, many were profoundly changed. As Keating said in the Redfern speech:

[I]t might help us if we non-Aboriginal Australians imagined ourselves dispossessed of land we had lived on for fifty thousand years – and then imagined ourselves told that it had never been ours. Imagine if ours was the oldest culture in the world and we were told that it was worthless.

But the destruction of heritage need not necessarily be the result of such traumatic and cataclysmic events. We are constantly making judgments about what is worth protecting and passing on – as well as about what we would prefer to forget. Not all of these judgments are carefully considered – or even conscious – and many are hotly contested. In struggles to preserve our heritage, economic goals, in particular, may take precedence over what is really precious to us. Circumstances may also conspire to erase the traces of our past; we feel for the people of Christchurch. What is valued can also change dramatically over time (think of our convict heritage) and as a general rule, we seem to have great difficulty determining in our own time things which later generations will value.

Why does it matter?

Why, you might ask does all this matter? Whether we are aware of it or not, we are connected to and influenced by our social and physical environments, our cultural landscape. People often have strong emotional bonds to places and the communities in them. There is now a great deal of evidence too that our well-being depends in large measure on our relationship with our environment, broadly conceived – the relationships we have with the people around us and the natural and built environment we inhabit; if this cultural environment is destroyed or degraded or if people are prevented from enjoying it, their health and well-being deteriorate.

For example, research in Western Australia has shown that the happiest and healthiest Indigenous Australians, with low arrest rates and good educational attainment, are those who have been able to retain a strong attachment to their culture and have a strong aboriginal identity. Conversely, the psychologically adverse consequences of destruction of people's familiar environment have been well documented (Conner et al., 2004). For example, interviews with people living in the Hunter Valley of New South Wales found that 'the transformation of the environment from mining and power station activities was associated with significant expressions of distress linked to negative changes to interviewees' sense of place, well-being, and control' (p 47), a phenomenon philosopher Glen Albrecht has described as "solastalgia", a loss of a sense of place.

The State of Our Inheritance

The recent *State of the Environment* (SOE) report, which was widely ignored in the media, described the current state of our heritage in the following way:

Australia has a rich natural and cultural heritage that underpins our sense of place and national identity. ... Our land features extraordinary geodiversity, with unique ecosystems and profound cultural traditions that extend back thousands of years. Layered across this ancient landscape is the evidence of more than two centuries of colonial and post-colonial history ... Some of this heritage has been recognised through land reservation or statutory listing, but many heritage places are not formally identified or protected. Indeed, some of the values of Australia's heritage places are intangible and relate to traditions, use or meaning, so they may be less evident in physical form.

In assessing the state of protection of Indigenous heritage, the same report concluded that individual decisions on assessment and development have resulted in the progressive, cumulative destruction of the Indigenous cultural resource. It's clear that Indigenous heritage is confronted by two main threats: the disruption of Aboriginal knowledge and culture and the disturbance and destruction of sites due to urban expansion and resource extraction.

Part of the problem, as outlined in the report, is that the nature and extent of Indigenous cultural heritage is unknown to much of the community, with the result that we do not really know what is

The Examiner-John West Memorial Lecture, 2012. Carmen Lawrence, *Development at any price?* 2

being destroyed. In fact, surveys and assessments of Indigenous heritage are often funded and undertaken in response to specific threats from development projects. Record – then destroy. The SOE report also points out that conflicts about the destruction of indigenous heritage by industry remain common and that ‘one of the main threats to indigenous heritage places is conscious destruction through government approved development’ – the Brighton Bypass over the Jordan River Levee outside Hobart is a good example.

As you know, The Jordan River has been placed on the National Heritage List because of its special cultural relationship with Tasmanian Indigenous people and the story it tells of our history from colonisation until today. The AHC judged it to be ‘a rare and ancient stratified open site and one of the last remaining physical links for Indigenous Tasmanians to their ancestors’ traditional way of life and cultural practices’. We argued that ‘it provides Tasmanian Aboriginals with a physical and symbolic link with their identity and culture’. The assessment of values goes on to record the fact that:

Tasmanian Aboriginal people have a unique position in Australia's history. Following the death of Truganini in 1876, the Aboriginality of the Tasmanian Indigenous community was officially denied. This denial of their identity resulted in the widespread disruption of the physical remains of their culture and ancestors. The Jordan River Levee site provides Indigenous Tasmanians with an uninterrupted and undisturbed connection to their ancestors and culture and also their struggle to maintain and defend their identity in the face of denial and other threats.

But we know, that even when decision makers are aware of heritage impacts, as they are in this case, they frequently choose to authorise destruction, bit by bit; economic considerations are given priority over heritage protection and the cumulative impact of development is not properly assessed.

Aboriginal heritage can be described as having two dimensions: the first, evidence of Aboriginal communities from earlier times, including burial sites, middens, rock and cave paintings and scatters of stone tools, some as old as 50,000 years, others more recent; the second encompassing the places or landscapes that are of spiritual significance to living Aboriginal people. Such areas are often associated with the actions of mythological beings during the creative period of the Dreaming, moving over the land and shaping the form it now takes and the laws and ceremonies that guide people’s lives. Both aspects of Indigenous heritage are under threat.

It is clear that Australia’s Indigenous people view their world as an interconnected whole: they make no intrinsic distinction between the lands, waters, the plants and animals and the culturally significant sites and objects linked to the traditional knowledge, which lie at the heart of Indigenous culture and identity handed down through the generations.

Such traditional knowledge can only be kept alive through use and application in the country to which it is tied. Protecting land and places and promoting cultural practices (especially languages and creative expression) are both crucial for the maintenance of traditional knowledge. Where such use and application are disrupted, as is often the case with resource extractive industries, cultural heritage in the broadest sense is under threat.

I want to give you several recent examples from my home state where the mining boom is at full tilt and both state and federal governments enthusiastically barracking the industry players. Resource extraction industries inevitably place pressure on heritage places. Activities carried out by the mining and gas industries and by those taking timber from native forests may result in the removal or degradation of features which form an important part of Indigenous heritage and of our heritage more generally – landscapes, habitats, rock art, ancient story lines and geological formations. In the rush to feed and fire the steel mills of China we barely stop to consider the loss that this represents.

What little research there is has shown that ‘mining and other forms of industrial development can result in profound and often irreversible damage to the cultural heritage of indigenous peoples’. It is fear of such damage that often drives indigenous opposition to such development, especially since heritage laws have generally proved ineffective in protecting indigenous heritage. And, in many cases, the promised economic benefits have not materialised.

Some 60% of mining in Australia actually abuts or is located on aboriginal land. Commonly, an application is made by a developer or mining company to undertake some activity which may harm Indigenous heritage and the responsible agency will typically require that an Indigenous heritage

assessment be undertaken by the applicant before a permit is issued. Most of Australia's Indigenous heritage laws allow Ministers, or some other body, to authorise the destruction of sites. While consultation with relevant Indigenous groups is generally required, it seldom results in the applications being refused and as a result, such decisions are a continuing source of conflict between Indigenous communities and government agencies and corporations.

To compound the problem, there are limited public data on how many and to whom permits or consents are issued authorising harm or destruction of Indigenous sites. The authors of the SOE report indicated that they could find no long-term studies that have systematically assessed the cumulative impact on Indigenous heritage of these decisions to approve destruction; but what evidence there is indicates a perilous situation.

Neither has Native Title law necessarily helped protect heritage places, especially when mining companies divide and conquer as the Fortescue Mining Group has done to the Yindjibarndi people of Roebourne. In 2003, a united group of 10 Yindjibarndi elders put a Native Title claim on behalf of their people for a large area of their traditional Karijini land in the Pilbara. Some five years later, the Fortescue Metals Group (FMG) lodged applications for mining leases in the middle of the claim and began negotiations through the representative body, the Yindjibarndi Aboriginal Corporation (YAC), who rejected the initial offer of compensation from the company.

Under Native Title law miners cannot commence mining unless they reach agreement with traditional owners or have negotiated in 'good faith'. When the negotiations broke down in this case, FMG requested arbitration from the Native Title Tribunal which, as it almost always does, ruled in the miners favour. Further appeals from the YAC followed but, before their completion, the State Government issued licenses for the company to proceed and the company re-started negotiations with – and funded – a breakaway local group. They also provided funds for legal advice to the group to enable them to apply to remove some of the original native title claimants from the claim, since the law requires that the company should negotiate with *all* the claimants. Community division and distress of the elders unable to protect their country has been the result.

The company has also sought to evade even those few ministerial conditions originally placed on the project: to work with Yindjibarndi custodians, represented by the Yindjibarndi Aboriginal Corporation (YAC) and to carry out comprehensive ethnographic and archaeological surveys – before commencing the massive ground disturbance. The YAC were recently prevented from entering the area in question in breach of the mining lease which requires that use of and access to the land by the Yindjibarndi people should not be restricted except for safety reasons.

Like many other groups, the Yindjibarndi people have been asked to trade off their heritage for economic benefits and employment; while they undoubtedly welcome improvement in their living conditions and life chances for their children, many of them are very uneasy about the fact that this may mean the destruction of important heritage sites and the destruction of their capacity to exercise their responsibilities to 'care for the land and make sure that the language and the culture are passed on'. Mr Woodley, chair of the YAC has said,

We are deeply angered that fundamental human rights standards spelled out in United Nations covenants are being blatantly violated in this state. The Minister's decision steals from our people what is at the centre of our world, the cultural heritage that lies at the heart of our identity, our confidence, our right to exist as Yindjibarndi.

A local song captures the strong connection to place:

the wind belonging to the sea-side snake is rising
blowing up-river
roaring through/
the wind from the sea is blowing up-river
roaring through/
trees touch me
a fire is burning there
loaded full with spirit power/
they are dancing, dancing
round and round
stamping on the ground
over and over
on the ground at Yirribinyanha

Given this sort of experience, it's not surprising that a survey of traditional Aboriginal owners which asked what they wanted to do with their land found that less than 13 per cent listed economic development as a first priority while more than one-third highlighted access, residence, land and sea management and cultural heritage (Balsamo and Calma, 2007). As researcher Jon Altman points out there is considerable evidence that Indigenous people rarely benefit equitably when major extractive activities occur on their customary land – indeed it is far more common for such activities to impact negatively on their livelihoods and cultures.

It is worth reminding ourselves that for Aboriginal people, the distinction that is often made between cultural and natural heritage is an artificial one. The reality is that 'in many locations, natural, Aboriginal, cultural and historical values co-exist layer upon layer revealing the history of human interaction with the environment of many, many thousands of years' (Damien Bell); the environment is perceived as one interconnected and complex cultural landscape, created and lived in by ancestors and the contemporary community. This way of thinking was very clear in the AHC assessment of the heritage values of the West Kimberley which preceded the area being placed on the National Heritage List. And in the energetic resistance by local Aboriginal people – and others – to the establishment of a gas hub at James Price Point in the peninsula between Broome and Derby.

Anyone fortunate enough to have visited the area will agree that the West Kimberley is an extraordinary place by any measure. It has a fascinating and unique wildlife, a magnificent coastline, spectacular gorges and waterfalls, ancient and ongoing Indigenous culture and a distinctive pastoral and pearling heritage. Not only is it recognised as one of the most ecologically diverse parts of the world, but scientists discover new species almost every time they visit. Some have argued that it deserves UNESCO World Heritage Status as a 'site of outstanding cultural and natural importance to the common heritage of humanity'.

Whatever its official status, it is, I believe, Australia's last great wilderness; one of very few remaining on our planet. Despite decades of European settlement it is remarkably unspoiled; the coastland and marine life is not fully charted, and many parts of the rugged, trackless terrain rarely visited. It has so far been protected by this relative isolation. But that may be coming to an end.

The West Kimberley occupies approximately 420,000 square kilometres of the far north-west margin of our continent. The Indian Ocean sculpts its rocky coastline and off the coast lie thousands of islands, many fringed with coral. The steep escarpments of the Mitchell Plateau rise nearly 800 metres above the sea. This is a complex landscape – the extensive plains, the dissected sandstone plateaus and the rugged mountains – formed by geological events thousands of millions of years ago. More recently, over 300 million years ago, the extensive limestone ranges emerged from the remains of an extraordinary reef complex, rivalling the Great Barrier Reef in scale. This has since eroded to form an intricate network of caves and tunnels, the superb gorges with which some will be familiar. In these rocks, frozen in time, are many fossilized species and the remnants of past life. Best known perhaps are the dinosaur footprints and tracks which are exposed in many places in the Broome Sandstone along the western length of the Dampier Peninsula. Recent research has underlined the uniqueness of this area – precisely the one to be destroyed to make way for an LNG plant which need not be built there.

The Kimberley is marked by many overlapping stories, principally those of the Aboriginal people who have occupied the land for over 40,000 years. Indeed, there is informed speculation that this may be where the Aboriginal people first set foot on Australian soil. This is the traditional and spiritual home to 13 traditional owner groups who speak more than 30 different Indigenous languages, some unique to the region. It is home, too, to their ancestors and the many creation beings held by Traditional Owners to have shaped and occupied the ranges and plains, rivers and waterholes, seas and islands. Powerful creation beings such as the Wanjin are seen in many different forms; in the rock art, river systems, tidal movements, stone arrangements, geographic formations, animal and plant species and in the stars and planets.

What has come to be known as the 'Dreaming' or 'Dreamtime' is for Aboriginal people the Law, transmitted through traditional narratives, images, song and dance, weaving together the elements of their social world – their entitlements, responsibilities and obligations. As one Bardi woman said, 'they are living stories; they are the spirit of us'. The many Wanjin paintings of large eyed, mouthless, anthropomorphic beings with halo like rings encircling heads and the elegant human-like painted images (the Gwion Gwion) have attracted a lot of international interest. The form what is considered one of the longest lasting and most complex rock art sequences anywhere on the

planet. However, to the aboriginal people, this is not art in the western aesthetic sense but places where creation beings have placed themselves in rock.

The area is also host to what may be the greatest diversity of migrating shorebirds in the world; of 200 known shore bird species, 50 land on beaches and wetlands in the Broome area. The fine grained silt of Roebuck Bay is teeming with tiny crabs, molluscs and worms rich in protein on which these birds feed. This rich life has sustained aboriginal people for generations – marine shells, molluscs, fish, shellfish, turtles, Dugong.

While many of the world's oceans are heavily polluted, the Kimberley coastline remains among most pristine marine environments on earth. It is a sanctuary to Humpback whales and the rare snub fin dolphin. In the superb coral reefs and the extreme tidal environment are many remarkable freshwater and saltwater fish; eels; saw fish; whiprays, as well as the endangered northern river shark.

There is no doubt the Kimberley will be permanently altered by plans to exploit oil and gas off the coast and to establish a gas hub at James Price Point. And that will almost certainly not be the end of the story; a great many mining projects await the green light of development. What is in contemplation is not a small footprint but a very large and complex piece of infrastructure, which will almost certainly expand over time; witness the LNG complex to the south, on the Burrup, which is now an industrial estate. Just last week it was announced that another Nitrate fertiliser plant is to be built on the site.

Most people know the Burrup Peninsula – if they know it at all from TV footage of gas tankers powering through the impossibly blue channels of the Dampier Archipelago, delivering gas to an energy hungry world from the processing plants on the remote Pilbara coast.

What most do not appreciate, is that in the background is the most significant heritage site in Australia and the only Australian site to have been placed on the World Monuments Funds list of the 100 most endangered places. For on the Burrup – or to give it its indigenous name Murujuga – is the densest concentration of rock art in the world, estimated at perhaps as many as a million petroglyphs; what some have described as 'the worlds largest gallery of engraved prehistoric art'. And despite the fact that it is now on the Australian Heritage List, most Australians are almost entirely ignorant of its existence.

Rock carvings are scattered through the barren rocky ridges and steep-sided valleys of the peninsula and the surrounding islands. The oldest of the art work is believed to date from the period when the Burrup was an inland range, before the inundation which drowned much of the surrounding landscape over 9,000 years ago. Amongst the distinctive images are geometric designs, tracks of humans, animals and birds, and a huge variety of both naturalistic and figurative representations of humans and animals, some so detailed that they can be identified as particular species. The rock art includes depictions of Thylacines or Tasmanian tigers, extinct on the mainland for over 3,000 years and panels and composite images of daily activities, such as hunting, which have clearly been added to over long periods of time. With European settlement, as was so often the case in our history, came devastation for the original inhabitants of the peninsula, the Yaburara people, many of whom were massacred in 1868.

Many different engraving styles are represented – scored lines made with a very fine pointed rock, pecked marks, abraded lines and indents in the dark red-black glossy patina that covers the rocks in this area. The 'fine execution', the 'dynamic nature' of the images and the high degree of creativity has often been admired by those fortunate enough to have visited the site. For many it has been a revelatory experience.

All who have seen even part of this extensive precinct – covering 42 islands over a 45k radius – marvel at the range and diversity of the art work which, together with camp sites, middens, quarries and standing stones form an irreplaceable record of the lives of the Indigenous people from the first arrivals to the recent past. We are privileged to glimpse the minds and identities of individual artists and communities. The National Trust has described the Dampier Rock Art Precinct as 'one of the world's pre-eminent sites of recorded human evolution and a prehistoric university'.

It should be obvious that such a site is a precious part of our heritage, of the world's heritage, deserving of careful study and preservation. Instead of the care and reverence which we would expect to be shown to a site with the significance of Stonehenge, the painted caves of Lascaux in

France or the structures of Machu Picchu, the rock art precinct on the Burrup has taken second place to industrial and resource development for more than 40 years. A land use impact assessment undertaken in 2006 estimated that approximately 15% of the Burrup Peninsula land mass had been heavily impacted by existing industrial, residential and infrastructure development (McDonald, 2006, p 34).

Although there have been a number of partial surveys of this matchless site, many of them undertaken as part of the development approval process, it has never been the subject of a comprehensive inventory or analysis. As a result there is no generally accepted framework for understanding the various locations and cultural elements within the site. Nor has a heritage management plan been finalised. Since the decision by Malcolm Turnbull in 2007 to place the site on the National Heritage List (excluding the area set aside for the Pluto LNG expansion), the Western Australian Government has still not completed the management plan for which it is responsible. In the meantime, industrial expansion remains on the agenda (two proposals for nitrates facilities and a desalination plant are under consideration), vandalism is occurring and the few tourist visits are haphazard and unsupervised. In early 2011, in response to a motion in the Senate, Minister Burke asked the Australian Heritage Council to undertake an emergency assessment of the outstanding universal values of the Dampier Archipelago and any threats to the site. Our preliminary assessment is not good news.

Anyone who has been paying attention to Australian public debate over the last few years can't have failed to notice that there's been a lot of talk about values. Heritage, of course, is about values – or more precisely, what we value from our past, what we are prepared to protect and conserve and to pass on to future generations. As I have already said, knowledge and experience of our heritage gives meaning to our lives, inspires us and contributes to our collective sense of identity. The sites, landscapes and places which we can be galvanised to protect are, in some ways, an indication of what matters to us and what we think of ourselves. Our actions speak louder than words. As they do on the Dampier Peninsula, in the Kimberley, in the Tarkine.

Increasingly, I find myself agreeing with the historian, the late Tony Judt, that 'Something is profoundly wrong with the way we live today'. In his book, *Ill fares the land*, Judt (2010) argued that we have come to make a virtue out of the pursuit of material goals to such an extent that 'this very pursuit now constitutes whatever remains of our sense of collective purpose'.

He suggested that this pursuit is now firmly entrenched in an orthodoxy which judges achievement and public policy in exclusively economic, rather than moral, terms. The result is that when we consider whether to support a particular development or initiative, we don't ask whether it's good or bad, whether it will help bring about a better society or a better world, but rather, how will it affect the economy, whether it is efficient, whether it will lead to increases in GDP and, if so, how much it will contribute to growth. Most people do not appear to regard this as a problem; the equation of wellbeing with economic growth is taken as given and the identity of society with the economy as un-contentious. Indeed, they do not see any alternative to this construction; it is simply the way the world works.

However, research here and in other developed countries shows that even when people obtain more money and material goods, they do not necessarily become more satisfied with their lives or more psychologically healthy, especially if it has been bought by the destruction of cultural and environmental heritage.

We know that increasing consumption results in the accelerated depletion of finite resources; in the pollution of air, land and water; in the destruction of heritage places; in climate change and biodiversity loss; and, beyond a certain point, human discomfort. People exposed to constant change, persistent noise, drought and unusual weather and the destruction of their heritage are more likely to report feelings of unhappiness and to experience higher rates of mental illness.

A recent review of the problem of indigenous suicide by Stuart attributes the high rates of suicide in some indigenous communities to people 'grieving from loss of culture and identity'. Unless we re-weight the balance between economic activity and heritage and culture, priceless human assets will be lost forever and the wellbeing of Indigenous Australians – and of all of us – further compromised by the pressure to produce and consume more useless 'stuff'.

Organised by the Launceston Historical Society and delivered at the University of Tasmania, Launceston.