

**ABORIGINAL CULTURAL HERITAGE
ON FARMLANDS:
The Perceptions of Farmers of the Tatiara District of South
Australia**

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For my family: past, present and future

Especially for my Mother and Father:

Rosina (Rose) Daisy Toone - nee Young (1919-1998)
Henry William (Bill) Toone (1913-1972)

“You won’t get it done by looking at it, Son.”

(Bill Toone, c1967)

Declaration

I hereby declare that, to the best of my knowledge and belief, my submission of *Aboriginal Cultural Heritage on Farmlands: The Perceptions of Farmers of the Tatiara District of South Australia* is my own work, except where acknowledgement is indicated, and that it has not been previously submitted for any degree or examination at any university.

I authorise the National Centre for Indigenous Studies to lend this thesis to other institutions or individuals for scholarly research.

Signed:

Gary Robert Toone

Date:

Acknowledgement

My main acknowledgement and debt must be to the participants in this study who, while knowing they will not be named, were willing to contribute their time, consider their positions, and share their stories. Without their involvement, this study would not contain the rich expressions of experiences, ideas and beliefs of members of Australia's Tatiara farming fraternity.

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Abstract

The management of Aboriginal cultural heritage in intensively settled and farmed regions of Australia faces legal and ethical challenges. This study examines how fifteen farmers from the Tatiara District of South Australia perceive Aboriginal Cultural Resources (ACR) and Aboriginal Cultural Heritage (ACH) on their freehold farmland. Drawing on the concept of cultural heritage as a cultural process, the thesis employs an Interpretive Phenomenological Analysis (IPA) methodology to interpret the findings of detailed interviews which explored the perspectives of farmer stakeholders and the way ACR and ACH is managed in farming contexts.

Previous research on Aboriginal heritage has focused on the interests and perspectives of Aboriginal, professional and government stakeholders. However, in terms of effective management of ACR and ACH in farming landscapes, a pivotal ‘first step’ is understanding the points of view of the farmers on whose land the ACR resides: how Aboriginal heritage fits within the ‘lived life’ of agriculture; what farmers know of South Australian Aboriginal cultural heritage protection legislation and administration; and how they understand the protection of ACR and ACH on their farms.

This thesis finds that, despite uncertain understandings of cultural heritage, Tatiara farmers have a positive attitude toward protecting and preserving ACR. However, a marginalisation of farmers in Aboriginal heritage management leaves them feeling ignorant, incompetent, vulnerable and reluctant to engage and deal with Aboriginal issues. These findings highlight the significance of including all stakeholders in cultural heritage management regimes and of facilitating dialogue between farmers and those Aboriginal communities for whom the cultural resources on farms have the potential to become heritage.

Stakeholder cooperation and collaboration is particularly necessary in circumstances where cultural resources are divorced from cultural knowledge, control and ownership. The results of this study suggest that efficacious Aboriginal heritage management in cross-cultural situations rests on an investment in the capacity of non-Aboriginal stakeholders to engage with

Aboriginal cultures and heritage, and for Aboriginal people to engage with 'known' and 'unknown' ACR with the potential to become ACH. The conclusion of this study is that worthwhile Aboriginal heritage management will likely emanate from mutual respectful, trusting relationships, developed in local ethical spaces supporting stakeholder cross-cultural communication, negotiation and collaboration.

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Glossary

Aboriginal	A cultural category recognising the Indigenous identity and multiple cultural and ancestral affiliations of contemporary Australian Aboriginal people.
Aboriginal Cultural Heritage (ACH)	The Aboriginal Cultural Resource(s) (ACR) which contemporary Aboriginal people (as a cultural group) identify and invest with meanings (which can be independent of ownership) as a reflection and expression of their constantly evolving values, beliefs, knowledge and traditions.
Aboriginal Cultural Resource (ACR)	The surviving tangible and intangible elements, whether natural or made by humans, of the cultural activities and energies of the members of an Aboriginal cultural group.
Aboriginal heritage management	The official, legal and bureaucratic control of the protection and management of Aboriginal heritage (ACR and ACH).
Capacity	The combination of all the strengths, attributes and resources available within a community, society or organisation that can be used to achieve agreed goals.
Conservation	The processes of looking after a cultural heritage resource so as to retain its cultural significance.
Coordination	The synchronisation and integration of activities, responsibilities, and command and control structures to ensure that resources are used most efficiently in pursuit of the specified objectives.
Cultural landscape	Comprises the diversity of manifestations of the interaction between humans and the natural environment.
Cultural resource	The surviving tangible and intangible elements, whether natural or made by humans, of the cultural activities and energies of the members of a cultural group.

Cultural significance	The meaning or value ascribed to a cultural resource by present-day generations of a cultural category.
Extension	The building of capacity for change through improved communication and information flow between industry, agency and community stakeholders.
Externality	An activity or transaction of one party that occurs without consideration of the costs or benefits occurring to an external third party.
Intracultural	The existence and interaction between members of a cultural category.
Intercultural	The existence and interaction of diverse cultural categories.
Multicultural	Relating to or including many cultural categories within a society
Multifunctionality	The recognition that there are public good values attached to non-commodities.
Preservation	Maintaining the fabric of a place or object in its existing state and retarding deterioration.
Protection	The act or process of applying measures designed to defend or guard against physical and non-physical harm and exploitation.
Social value	The range of qualities for a cultural resource, such as spiritual, customary, economic, political, or state qualities which are valued by a majority or minority group of that place.
Stakeholder	Any group or individual who can affect, or can be affected by, the achievement of the objectives of an organisation.

Chapter 1

Introduction

In all of us there is a hunger, marrow deep, to know our heritage, to know who we are, and where we have come from. Without this enriching knowledge, there is a hollow yearning, no matter what our attainments in life, there is the most disquieting loneliness (Haley, A. 1976, *Roots: the saga of an American family*, New York, Dell Publishing Company).

This study presents a broad-ranging review of the efficacy of current South Australian Aboriginal heritage management practice in protecting Aboriginal Cultural Resources (ACR) and Aboriginal Cultural Heritage (ACH) that is located on farms. It adds to the scholarship on Aboriginal heritage management through documenting aspects of farmers' perceptions in the Tatiara District of South Australia: their knowledge, participation, attitudes and behaviours toward ACR and ACH. Although farmers are a primary stakeholder in natural and cultural heritage located on farms, current literature and heritage practice largely fails to consider their attitudes and potential behaviours towards ACR and ACH.

1.1 Background to the research

Globalisation has been one of the factors encouraging individuals and groups to connect and reconnect with the past in seeking cultural distinctiveness in a world of increasing homogeny. Cultural heritage is a part of this widespread 'turn to the past'. Characterising global Indigenous concerns are works arguing that cultural heritage is important for fostering Indigenous personal and group identities, and promoting well-being (United Nations [UN], 2007), and that access to, and enjoyment of, cultural heritage is a human right (Silverman & Ruggles, 2007). In the Australian context, Indigenous rights are, in part, acknowledged when scholars call for the inclusion of Indigenous cultural and intellectual perspectives in discussions of Indigenous cultural heritage: for instance, the importance of

incorporating the cultural heritage values of Indigenous people in the management of Australia's natural resources (Venn & Quiggin, 2007) and in archaeological research (Greer, 2010, p. 54). While researchers and academics are making theoretical and practical advances with many points at issue concerning Indigenous cultural heritage in Australia, other aspects receive little attention. One such neglected area of study is how non-Aboriginal landowners and land managers, particularly farmers, engage (if at all) with Aboriginal cultural heritage.

There are two important reasons for focussing on farming areas. First, the centrality of land and nature in both farming and Aboriginal cultures highlights the potential for conflicts and contestations in cultural perspectives and values. The intensive land-use practices of contemporary farming can have an impact on ACR significant to Aboriginal people. Indeed, some contemporary Aboriginal Australians view settler farmers as epitomising the colonising force that has transformed their cultural landscape. For example, as stated by the Ngarrindjeri Nation (2007):

The stealing of our land by the South Australian authorities was illegal according to the instructions of the British Crown. Farmers and other settlers began occupying these stolen lands in about 1840. This was swiftly followed by destructive changes to our environment, the effects of which continue to impact on us today (Ngarrindjeri Nation, 2007, p. 15).

Second, many ACR on land long settled by non-Aboriginal farmers are likely to have become isolated from Aboriginal families and communities. Physically and cognitively disconnected from ACR, Aboriginal people are unable to define and identify them as inherent components of their Aboriginal culture. The success or failure of any heritage conservation attempt on private land is, therefore, dependent upon the motivations and limitations of the landowner who have practical control over these resources. Although the potential for negative influences to ACR and ACH from farming have been noted (Organ, 1994; Schnierer, 2011), as far as can be ascertained, the understandings and attitudes of Australian farming landowners to ACR and ACH has not been studied.

Farmers' perceptions of Aboriginal cultures and the evidence of an Aboriginal past and present are a central aspect of this thesis. In carrying out this study, the understandings of Aboriginal heritage held by farmers in the Tatiara District

Council of South Australia (see Figure 1.1) are contrasted with current South Australian Aboriginal heritage protection laws and administrative systems.

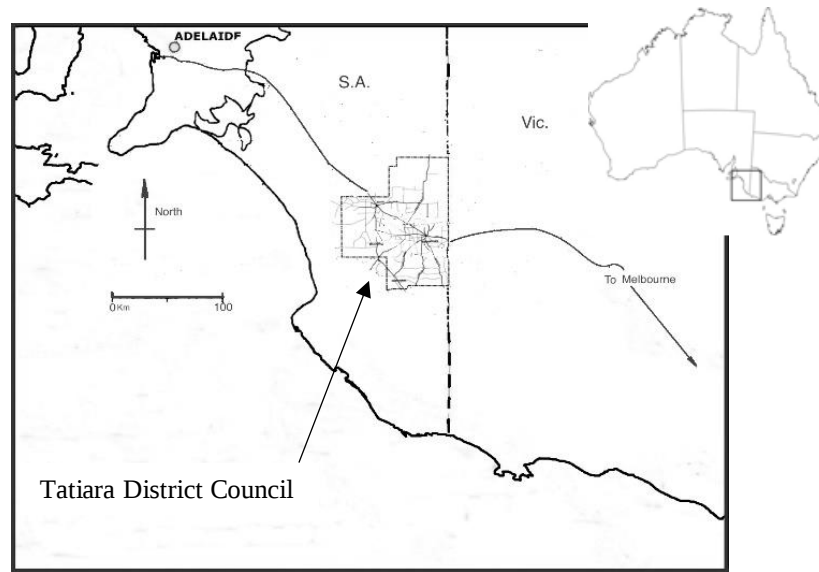


Figure 1.1: The study location - Tatiara District Council (TDC) area of South Australia (The TDC is discussed in depth in Chapter 4).

This thesis investigates and evaluates theoretical, practical and pragmatic aspects related to Aboriginal cultural heritage management on private farmland in an intensively settled part of Australia, owned and utilised by non-Aboriginal farmers.¹ There is no intent to contrast non-Aboriginal and Aboriginal values to any great extent or to give priority to one group over another in the management of cultural resources or heritage. Rather, this thesis emphasises the cultural processes culminating in the production of heritage. Nonetheless, the argument is put strongly that the actions of dominant cultural, political and economic groups should not limit or diminish the right of Indigenous peoples to their cultural heritages.

On this point, ACR and ACH on farms deserves increased attention. The results of the current study show that power imbalances impede the development of ACH on private farm properties. The participating farmers of the current study have uncertain understandings of cultural heritage ideas and a narrow sense and sensibility of Aboriginal cultures and values. Farmers' perceive that they have a

¹ As used here, management refers to formal Aboriginal heritage management, such as, legislation and administration regimes, and the informal, day-to-day, farm management strategies of farmers. A farmer may not necessarily own the land they farm. Land owned by one person may be leased or managed by another for farming purposes.

limited competence and capacity to respond to ACR and ACH and are, therefore, circumspect about engagement with Aboriginal issues. From the results, two pivotal factors are evident: First, farm owners lack knowledge and information about Aboriginal cultures, ACR and ACH (whether officially recorded or not), and Aboriginal heritage law and; second, current South Australian governance systems, structures and processes operate in various ways to assume cultural authority over ACR and ACH.

Although the participants in the current study are non-Aboriginal farmers, it is unwise to assume a cultural disconnect between farmers and Aboriginal people. While few residents in the Tatiara District Council (TDC) area are Indigenous (Australian Bureau of Statistic [ABS], 2011), some farmers in the region may identify as Indigenous Australians.² ACR and ACH on farmland, therefore, are possibly interpreted and locally managed by farmers in different ways. However, the argument in this thesis is that farmers are inevitably connected with Aboriginal heritage management, regardless of their cultural or ethnic status, through the potential existence of ACR and ACH on their land.

1.2 Questions of definition

1.2.1 Cultural heritage

The multiplicity of definitions of cultural heritage and the associated terminology used in scholarship and popular parlance present difficulties for this thesis. This problem is compounded because concepts of cultural heritage have never been static. The historical progression of cultural heritage theory has resulted in an array of ideas and interpretations, and the continual development of theoretical heritage models and principles (Harvey, 2001).

The difficulties in defining the concept of heritage have prompted many scholars to default to broad and expansive definitions which do little to aid clarification (Lowenthal, 1998, p. 94). Those professions historically involved in cultural heritage and conservation management (archaeology and architecture are notable

² The 2011 census (ABS) of the Tatiara local government area shows 50 people living in the Tatiara District who identified as Aboriginal or Torres Strait islander. However, the ABS data does not identify specific cultural or ancestral connections.

examples)³ are often the ones which frame the associated discourse (Waterton & Smith, 2009, pp. 10-12), and the definitional restrictions they impose have resulted in a plethora of confusing terms. For example, terms such as ‘archaeological resource’, ‘cultural heritage resource’, or simply ‘archaeology’ or ‘cultural heritage’, may refer to the same thing or hold multiple meanings. It is therefore essential that there be clarity about the terms used in this thesis.

As Chapter 2 explains, my arguments draw on the concept of heritage as a dynamic *cultural process*. Under such a rubric, a distinction can be made between things (tangible or intangible) as *cultural resources*, and cultural resources which have been determined to have *significance* and are thus considered to be *cultural heritage*. Making this distinction underscores the role of cultural process in the determination of heritage, and is fundamentally different from an approach that perceives heritage as a quality that is innate to the object itself. Who has the authority to determine ‘significance’ (or benefit from it) is an important consideration. In this thesis, my argument is based on an understanding that it is the prerogative of the *cultural group* to define its own heritage.

Cultural heritage, therefore, involves three essential elements: a cultural resource, a cultural group (or associated cultural groups), and the determinations of significance. *Cultural heritage* thus becomes a set of *cultural resources* which a *cultural group* identifies and invests with meanings (which can be independent of ownership), as a reflection and expression of their constantly evolving values, beliefs, knowledge and traditions (Council of Europe, Faro convention 2005).⁴ Through such processes, members of a cultural group recognise and capitalise on aspects of their past, framing them subjectively and socially as foundational elements epitomising the meanings and values of that group. Viewing heritage in this manner enables us to understand the issues inherent in the management and protection of, first, *cultural resources* when they are dislocated from the cultural group that may claim them as heritage, and second, *cultural heritage* which, to all intents and purposes, is managed by members outside of that group.

³ Historians, linguists and anthropologists are also becoming increasingly involved in some aspects of Aboriginal heritage through Native Title research.

⁴ In cultural anthropology, one cultural group or category is distinguished from another through variations in cumulative cultural knowledge, experience, beliefs and values (Keesing, 1981, pp. 213-214; Matsumoto, 2001, p. 10).

In addition, the concept of cultural heritage as a cultural process opens the potential for multiple interests in cultural resources (see Chapter 2).

Understanding this point is crucial for appreciating the significance of the historical and cross-cultural factors affecting the management of cultural heritage and cultural resources that relate to Aboriginal people but which are located on agricultural farmlands.

1.2.2 **Aboriginal**

For the purposes of this study, the term *Aboriginal* is used as a cultural category in recognition of the multiple cultural and ancestral affiliations of contemporary Aboriginal people with heritage and other interests in the case study area, and the integrating sense of ‘Aboriginality’ held by many Australians living in the settled parts of southern Australia (see Chapter 2). The term is consistent with that used in the South Australian Government Aboriginal heritage legislation and administration regime (see Chapter 3).

The use of the term ‘Aboriginal’ in this way is not an attempt to deny or discount individual or other cultural identities established throughout Australia and the Torres Strait, Indigenous or otherwise. While the Aboriginal cultural category is set apart from other cultural or sub-cultural groups (for example, world, national, state, organisational, occupational and clan/family cultural categories), membership is not mutually exclusive and Aboriginal people may have membership with several cultural groupings. Where there is a more general discussion of Indigenous cultural heritage, the broad, inclusive terms of ‘Aboriginal and Torres Strait Islander’ or ‘Indigenous’ will be used.

1.2.3 **Aboriginal Cultural Resource (ACR)**

I use the term *Aboriginal Cultural Resource* (ACR) to refer to the surviving tangible and intangible elements, whether natural or made by humans, of the cultural activities and energies of the members of an Aboriginal cultural group. On farms ACR may manifest as, for example, natural landscapes and features existing as mythological and spiritual pathways, sites, scarred trees, stone artefacts assemblages, cooking hearths and burials, or as historical sites and places, such as, former sheep and mission stations, fringe camps, reserves, and

massacre sites. ACR is of potential interest for contemporary Aboriginal people because these surviving aspects of their cultural past evoke collective memory, that is, the sharing of cultural information, knowledge and meaning that potentially leads to the communal establishment of Aboriginal Cultural Heritage (ACH).

1.2.4 Aboriginal Cultural Heritage (ACH)

In this thesis, the term *Aboriginal Cultural Heritage* (ACH) is used to denote the *Aboriginal Cultural Resource(s)* (ACR) which contemporary Aboriginal people (as a cultural group) identify and invest with meanings (which can be independent of ownership) as a reflection and expression of their constantly evolving values, beliefs, knowledge and traditions (UNESCO, 2015, p. 4). Members of present day Aboriginal communities define, construct and utilise ACH in ways that establish, maintain and control their collective identity.

1.2.5 Aboriginal heritage

The term *Aboriginal heritage* is replicated as used by others, for example in legislation and scholarly works. I also use the term in the thesis in discussing situations, documents and literature that do not make a distinction between ACR and ACH.

1.2.6 Aboriginal heritage management

I use the term *Aboriginal heritage management* to mean the official, legal and bureaucratic control of the protection and management of Aboriginal heritage; primarily instituted by governments in the face of social change and economic development (discussed in depth in Chapter 3). In common literary usage, Aboriginal heritage management does not differentiate between the management of ACR and the management of ACH, although, in practice there may be some differentiation in management protocols and strategies. To avoid confusion in this thesis, I use the phrase 'Aboriginal heritage management' to refer to the formal management that may include ACR and/or ACH. The phrases 'ACR management' and 'ACH management' will be used for those parts of my argument requiring differentiation between the two.

1.3 The research problem

This study starts with the premise that Aboriginal people have the human right to know and access surviving aspects of past Aboriginal life-ways (Silverman & Ruggles, 2007; UN, 2007) and aims to determine the effectiveness of current systems and methods of locating, recording, and protecting ACR and ACH situated on private farming properties. I try not to identify or advocate classes of ACR for protection or conservation as ACH. Rather, the research objective is to identify the attitudes, inclinations, issues and processes that may be barriers and impediments to farmers' involvement in ACR and ACH protection and stewardship, and Aboriginal establishment of ACH. My argument is that Aboriginal heritage management of ACR and ACH on or connected to farmlands needs to include members of the land exploiting farming group as major stakeholders.⁵

At a broad level, this thesis contributes to a greater understanding of the complexities of managing Aboriginal heritage, offering four key considerations for facilitating stakeholder engagement and an efficacious management regime. Stakeholder engagement and involvement is especially necessary in cases where ACR and ACH are cognitively or physically isolated from, or not under the direct control of, the cultural groups who potentially benefit from them. Thus, an exploration of the efficacy of the management of ACR and ACH on farms involves assessing the capacities of the Aboriginal heritage legislation and administration, and attitudes of farming landowners.

ACR potentially contributes toward various functions, meanings and purposes among contemporary Aboriginal individuals, families and social groups and they will also have opinions and views about ACR in the Tatiara. However, because this study focusses on farmers' perceptions of ACR in respect to questions of the efficacious management of Aboriginal heritage, achieving its objectives does not require data on the perspectives of Tatiara Aboriginal groups, although a broad understanding of Aboriginal history and values is necessary.⁶

⁵ As used in this thesis, the term *stakeholder* refers to 'any group or individual who can affect, or can be affected by, the achievement of the objectives of an organisation.' (Freeman, 2010, p. 25).

⁶ This aspect is further discussed in Chapter 2.2, *Aboriginal Identities in farming landscapes*; Chapter 4, *The Tatiara: Foundations for Cultural Heritage*, and Chapter 8. *Conclusions*.

Data on farmers' perceptions is necessary because they are in a controlling position regarding the custody of surviving ACR and established ACH on farms. I argue that understanding farmers' attitudes toward ACR and ACH is pivotal for the development of successful strategies for ACR and ACH management on farmlands; particularly for ACR that may be divorced from Aboriginal cultural possession. Farmers participating in the current study were not interrogated about their knowledge of ACR on their properties because of the ethics of potentially placing them in a vulnerable position in respect to their obligations as landowners under current South Australian Aboriginal heritage legislation (*AHA (SA) 1988*).

In intensively settled regions dominated by European political and social structures, and non-Aboriginal landowners, and where Aboriginal populations are low, farmer involvement in Aboriginal heritage management is particularly important. In geographical areas, not subject to extensive Aboriginal cultural surveys and in which the traditional Aboriginal communities have been disrupted or displaced, the protection and preservation of ACR is dependent on people external to the relevant Aboriginal cultural group. Therefore, for present-day Aboriginal heritage management strategies and practices to be adequate in such circumstances, the collaboration of the landowner is crucial. A concern for the management of ACR is that farmers' perceptions and evaluations of evidence of Aboriginal life on farmlands are limited, contributing to the loss and destruction of ACR. Furthermore, without farmer involvement, ACR on farms with potential significance may remain beyond the reach of Aboriginal people. Out of sight and inaccessible to contemporary Aboriginal people, those ACR are then subject to attrition and destruction through changes in the use and ownership of land through time. A study exploring farmers' attitudes and responses to ACR and ACH will enable a deeper understanding of the potential of farmers to influence or be influenced by government-led Aboriginal heritage management practice.

The Aboriginal cultural group whom the ACH empowers and the farming landowner group that control ACR on farms are two stakeholders in Aboriginal heritage management on farms. A further major stakeholder is the State system through which Aboriginal heritage management is legally defined and administered. With farmers and legal management regimes carrying power and authority in certain circumstances, there is potential for both to influence the establishment of ACH on farms. Examining the ways in which these two

stakeholders perceive and deal with ACR and ACH aids understanding of the current advantages and disadvantages in Aboriginal heritage management on farms; an understanding which is essential considering the various social and political uses and resultant disharmonies of heritage (Lowenthal, 1985, 1996, 1998; Hinton, 2007).

1.3.1 Divergent cognitions and interests in cultural heritage

Within the framework of cultural heritage outlined above, the definitions of heritage vary, influenced by many values and interests, including nationality, religion, ethnicity, class, wealth, gender, or occupation. Economic, political or cultural motivations further shape the interpretations, representations and communications of history through heritage (Graham & Howard, 2008, pp. 1-2; Lumley, 2005, p. 15-25). Such insights are pivotal in cultural heritage management because materials and events are interpreted and evaluated by people per their values, understandings and points of view (Spirkin, 1983). The opportunities for tensions in cultural heritage arise when: multiple values and meanings are attached to the same cultural resource; differing cultures overlap spatially or; one culture is in a position of dominance – or all three. Successful Aboriginal heritage management of ACR and ACH on farm properties, therefore, needs to consider cross-cultural factors.

Farmers' cultural ideals, beliefs and points of view, and their understanding of their political and economic position, shape farm business practices and decision-making. As explained by Lillehammer (2007, p. 170), a farm is “the operational centre in a modern subsistence economy as an integrated part of a bio-industrial landscape order.” It is the socio-economic-spatial context that directs farmers' efforts toward economic development enabling prosperity and long-term survival of, often family, farm businesses. Nevertheless, even though farmers' perceptions of their farms are probably highly focused on the physical qualities and attributes of the landscape that benefit agricultural production, this does not exclude their being able to engage with Aboriginal heritage management.

1.3.2 Farmers' roles in Aboriginal heritage management

In many respects a case-study (Baxter & Jack, 2008, p. 545), the Tatiara District Council area, is an arena which is suitable for gaining an understanding of farmers' perceptions of ACR and ACH in the context of farming. At the macro level, the agricultural landscape of the TDC sets the scene, confining the participants of the study to a similar environmental, historical, social and institutional context that influences people's opinions and behaviours (Yin, 2010, p. 8). Having participants with similar social attitudes, values, beliefs and behaviours enables close and detailed analysis of farmers' perceptions of ACR and ACH. Matching the diversity of environmental conditions within the TDC, the participants have varied farm production systems, economies, practices and management strategies. Therefore, at a micro or individual level of analysis, individual concerns about ACR and ACH in specific environmental and farming situations can be distinguished (Kleinman, 1997).

As a broad range of farmer perspectives was supportive of the aims of this study, no limits were placed on property size or production type, or on the gender balance, age or wealth of participants. The consequential range of attitudes and opinions contributes positively to the analysis and broadens the findings of the current study. However, the results of this study should not necessarily be seen to correlate with the perceptions of farmers in other farming regions. Physical and social differences between agricultural regions within South Australia potentially contribute to differing perceptions among farmers of those regions. Settlement patterns in South Australia are temporally and spatially complex and varying, affecting land boundaries, tenure, demography, economy, society, language and land use differently in different areas. For example, a point made by Wundersitz (1979) in a study of white attitudes toward Aborigines was that farmers living near Aboriginal settlements expressed higher levels of intolerance than those who lived much further away. Nevertheless, with modern agricultural support networks, communications and transport, farmers maintain strong interests and links with farmers and farming across the agricultural areas of South Australia.

The great variety in the topography, soils, vegetation, climate, and surface and sub-surface hydrology in the farming areas of South Australia significantly influences agricultural practices and technologies. Cultural diversity in terms of

settlement history and the variety of interactions and power plays between colonists and Aboriginal groups (Harrison, 2004), in combination with physiographic differences, contribute to corresponding variation in the amount and degree of survival of ACR on farmlands and how farmers might perceive them. Nevertheless, the detailed contextual physical and social information relevant to the Tatiara District (provided in Chapter 4) enables some assessment of the potential for the transference of findings to other settings.⁷

Government preparations for the *AHA (SA) 1988* included consultations with the (SA) United Farmers and Stockowners Association (UFSA).⁸ However, politicians at the time complained that these consultations were minimal and, moreover, that there was little time available for adequate consultation with the constituents in their electorates.⁹ More recently, the National Farmers Federation [NFF] (2012) has noted that the lack of consultation and participation in forming and implementing heritage strategies was a concern for farmers nationally:

The main concerns raised by NFF [National Farmers' Federation] is the lack of a systematic approach to heritage listings, the lack of consultation and participation in the process of listing, good information on what heritage means to various stakeholders, the lack of adequate management plans, the funding to implement these plans, and a new model to deliver heritage outcomes on private land (NFF, 2012).

It is known that community involvement is a key to success in preventive heritage protection measures (García, Cardoso & Van Balen, 2015). The contention is that resolving issues in locating, protecting and managing ACR and ACH on private farmland require the consideration of the perspectives of farmers as key stakeholders. Implicit in the concerns of farmers (expressed above) are questions involving farmers' capacities and behaviours, raising the questions, what are farmers' perceptions of, and attitudes toward, ACR and ACH on their land?

⁷ For further discussion of the research approach and context of this study, including the researcher's position, refer to Chapter 5, *Research Methodology*).

⁸ The Aboriginal Heritage Act [AHA] (SA) 1988 is the main legislation supporting the current management of Aboriginal heritage in South Australia. In 2016, further legislation (the *Aboriginal Heritage (Miscellaneous) Amendment Bill* (SA) 2016) was passed in both Houses of Parliament.

⁹ South Australia, House of Assembly 1987, *Debates*, 21 October, pp. 1428-1434. The United Farmers and Stockowners Association became the South Australian Farmers' Federation (SAFF) in 1992; further structural changes in 2013 resulted in the new name of Primary Producers, SA (PPASA).

1.3.3 Farmers' unique position for enabling Aboriginal Cultural Heritage (ACH)

The impact of European settlement on Aboriginal demographics and the enclosed nature of farming landscapes mean that Aboriginal people are often unaware of ACR in locations physically separated from them. In contrast, farmers who have a close and intimate interaction with places, sites and objects within the farming landscape, are uniquely positioned to play a pivotal role in Aboriginal heritage management on farms. With familiarity and experience of their landscape acquired daily and often over generations, farmers develop a deep knowledge and awareness of their farmlands. Indeed, in the context of long-time colonised agricultural regions, farmers' experience with the evidence of past activities of Aboriginal peoples on their farms has the potential to exceed that of contemporary Aboriginal people.

It would therefore seem appropriate to assume that farmers can positively contribute to Aboriginal heritage management on farms through the discovery of ACR, which they might then manage in a stewardship role in conjunction with ACH. However, they also have the potential ability to negatively, intentionally or unintentionally, influence the protection and preservation of ACR on their farms. Despite the Aboriginal heritage legislation and the administrative efforts of the South Australian Government, the critical role of farmers in the protection and management of ACR and ACH has been overlooked. It is a cause for concern for staff at the AHB, therefore, that few farmers inform the South Australian Aboriginal Heritage Branch of ACR on their farms (Wearne, J., 2011, pers. comm., Aboriginal Heritage Branch).¹⁰ The evidence that few Tatiara farmers do not consider or report ACR (this thesis) only serve to highlight concerns about farmers' levels of knowledge, experience and awareness about ACR and ACH.

If current Aboriginal heritage legislation, administration and protocols do not actively encourage or enable farmers to report what they know of ACR, or if farmers perceive ACR and ACH on their land to be problematic in terms of their

¹⁰ In South Australia, landowners are required under section 20 of the *Aboriginal Heritage Act (SA) 1988*, to report the discovery of Aboriginal sites and objects to the Minister. The official protocol is to contact staff of the State Aboriginal Heritage Branch operating within the agency of the Aboriginal Affairs and Reconciliation Division of the Department for State Development (<http://www.statedevelopment.sa.gov.au/aboriginal-affairs/aboriginal-affairs-and-reconciliation>).

farming enterprises, then it is likely that they will not be interested in being involved with Aboriginal heritage management. This indifference possibly explains the low numbers of reported and registered Aboriginal sites and objects in the closely settled and intensively farmed Tatiara district of South Australia (Crowe, H. pers. comm., 2012).

- What then, is the efficacy of current South Australian protection and management strategies and procedures for locating, supporting and maintaining ACR and ACH on farming properties?

This problem is the central consideration of this thesis.

1.3.4 The use of Aboriginal heritage legislation and administration

From the early days of Australia's white settlement, governments, federal and state, have introduced and established distinct legislation and government departments to manage various aspects of the lives of Indigenous Australians (McCorquodale, 1984; Rowley, 1970). The introduction in the late nineteenth and early twentieth centuries of a government policy of *protection* effectively segregated and marginalised a large percentage of the Aboriginal population. The accompanying legislation of the *Aborigines Acts* supported a series of by-laws and regulations that proved debilitating for Aboriginal people. The policy of *assimilation* of the late 1930s was an effort to address perceived problems of an increasing number of Aboriginal people of mixed descent. Assimilation was intended to solve this problem by absorbing Aboriginal people into a wider community identity (Brock, 1995; Dodson & Leibler, 2012). Government attempts in this regard have had adverse effects on Aboriginal and Torres Strait Islander peoples: a legacy that continues (Chesterman & Galligan, 1997; Evans, 2003).¹¹ Nevertheless, since the early 1960s, Australian governments have continued to seek to protect and conserve the cultural heritage of Indigenous peoples by developing specific legislation, and associated government departments.

The current federal legislation dealing with Aboriginal heritage protection is the *Aboriginal and Torres Strait Islanders Heritage Protection (ATSIHP) Act* (Cmth)

¹¹ For further discussion of the effects of various government policies see Chapter 2.2: *Aboriginal identities and heritage values in the intensively 'settled' parts of Australia*; and Chapter 4.4: *The colonial impact*.

1984. This Act was primarily instituted as a short-term measure to provide the means for the protection for traditional Aboriginal places and objects perceived by Aboriginal people as receiving inadequate protection at State or Territory level (Healy, 2008; Shearing, 2012). Protecting areas and sites with scientific or historic significance (rock art or areas of past occupation) is not an aim of the *ATSIHP Act*, unless these have a significance to living Aboriginal people consistent with Aboriginal tradition. In this respect, the Act enables Aboriginal people to play a role in making decisions about the management of aspects of their heritage, albeit limited to traditional elements. Effectively, however, the Act encourages the use of state and territory legislation, itself functioning only as final recourse for the protection of traditional areas and objects. Therefore, South Australian Aboriginal heritage legislation, the *Aboriginal Heritage Act [AHA] (SA) 1988*, is the primary instrument for the protection and management of ACR and ACH in that state.

At first glance, it seems unlikely that the *Native Title Act (Cmth) 1993*, recognising continuing traditional Aboriginal relationships with the land, would be a useful tool in the management of South Australian ACR and ACH on freehold farm properties where native title is negated. Increasingly though, federal native title legislation is being used by Aboriginal people involved in Aboriginal heritage issues, primarily in site management through the implementation of Indigenous Land Use Agreements (ILUAs).¹² Sometimes ILUAs are applied to mining and exploration, but mostly agreements are made regarding terms of access, consultation protocols, and co-management of sites and places (National Native Title Tribunal, 2016). State, regional and local governments pay attention to the use of ILUAs as part of their development planning strategies and objectives for their respective jurisdictions (South Australian Government, 2011, p. 31). ILUAs are thereby proving useful for Aboriginal people to protect and maintain their interests in significant places and sites, as exemplified by the ILUA negotiated between the Yorke Peninsula Nurrunga Aboriginal people, the South Australian State Government, and four Yorke Peninsula district councils (Local Government Association of SA, 2004).

Many scholars (Schnierer, 2010, p. 38; Chaloner, 2004, p.1; Petrie, 2005, p. 177) are critical of the management of Aboriginal heritage based on Australian laws

¹² *Native Title Act (Cmth) 1993*.

and Government administrations. The concerns commonly raised are the use of narrow definitions of heritage excluding Aboriginal perspectives, and the Eurocentric nature and methods of management (Tehan, 1996, pp. 267-268; Ritter, 1995). It is evident that many of the problems associated with managing Aboriginal heritage arise through isolating heritage from the context of the cultural groups involved. In the southern settled areas of Australia there is an additional issue of disregard for the presence of Aboriginal peoples that Hemming and Rigney (2010) emphasise is exacerbated by current management strategies and processes:

The myth of southern Indigenous extinction is still strong and is carried into – and transformed within - contemporary colonising domains such as management planning, Museum ethnology, Australian history, archaeology and anthropology have been major contributors to the development of this myth. They have constructed the form and content of Aboriginal heritage and have become its new protectors (Hemming & Rigney, 2010, pp. 101-102).

An argument of this thesis is that Aboriginal heritage legislation and administration fails to fully research and evaluate the impact of farmers' perspectives of ACR and ACH. Consequently, there is an unknown potential for adverse effects on the ACR and ACH of Aboriginal people.

In exploring farmers' roles in the management of ACR and ACH in the Tatiara region, this thesis asks two questions:

- How do Tatiara farmers comprehend South Australian Aboriginal heritage protection legislation (*AHA (SA) 1988*) and administration?
- What are Tatiara farmers' perspectives about protecting and conserving ACR and ACH on their farms?

1.4 Justification of the research

A better understanding of farmers' attitudes and behaviours toward ACR and ACH will aid the development of Aboriginal heritage management strategies more suited to agricultural situations. A more integrated stakeholder approach to Aboriginal heritage management will lead to the development of more efficient, useful and sustainable cross-cultural resource management policy and protocols in Aboriginal heritage legislation and administrative systems. Not only does the

current study collect data on farmer attitudes, but also on some farm activities potentially affecting ACR and ACH. Therefore, on a practical level, the research will assist the development of more nuanced approaches to the conservation management of Aboriginal heritage.

Expanding farmer engagement with Aboriginal heritage will potentially lead to increased reporting and recording of tangible and intangible ACR throughout intensively settled rural landscapes. Such an outcome will allow Aboriginal people greater access to potential heritage resources, thereby, enabling the establishment of ACH and the invigoration of the local Aboriginal community. An active stakeholder role in the Aboriginal heritage management regime meanwhile positions farmers in a social space suitable for engaging with broad national issues about Aboriginal cultures and Aboriginal values in Australian society.

Such an inclusive framework is supportive of fostering and promoting cross-cultural understanding of Aboriginal cultures and the place of Aboriginal people in contemporary Australian communities.¹³ Community engagement with the members of Indigenous communities is a foundational element of Australian Government attempts to ‘close the gap’ of Indigenous disadvantage in life expectancy, child mortality, education and employment (Council of Australian Governments (COAG), 2015; Hunt, 2013). Not only is engagement with local Aboriginal groups considered a way toward reconciliation through mutual respect, goodwill, and equity (Council for Aboriginal Reconciliation, 2000; Reconciliation South Australia, 2015), but also a way to acknowledge the prominent place of Indigenous peoples in Australia’s national identity and heritage (Harrison, 2004, p. 143).

1.5 Research strategy

This study has three distinct but concurrent parts. The first part (Chapter 2) involves interrogation of current literature in three areas. First, a review of heritage based literature provides the theoretical structure that supports and informs the research analysis, including concepts and values specific to cultural

¹³ The notion of a moral space in which farmers can engage issues of Aboriginal Heritage is raised in the following Chapter 2: *Cultural Heritage and Aboriginal Identity in Farming Landscapes*.

heritage. Second, literature on Aboriginal cultural meanings and connections probes various issues in the context of Aboriginal values and identities in intensively settled districts of Australia. The third section examines literature about previous national and international research into conservation and farming, highlighting issues that also pertain to ACR and ACH on farms.

The second part of the research (Chapter 3) examines South Australian Aboriginal heritage law and bureaucracy, with a focus on considering how statutory mandates and the actions of government agencies influence Aboriginal heritage management outcomes. An emphasis is placed on the context of locating, identifying and recording, and protecting and managing ACR and ACH on farm properties. Examining the aims of the South Australian Aboriginal heritage legislation and the policies and regulations of government departments delegated for its administration, enable the identification and evaluation of correlations and disparities with farmers' perspectives.

The Tatiara District Council (TDC) region of South Australia is the geographical focus of this research project. Accordingly, a significant part of this study was to set the contextual scene that confines the data, analyses and discussions of this thesis. To that end, Chapter four of this thesis provides context and explanation of the TDC area and history underpinning and affecting cultural heritage in the region, primarily ACR and ACH.

The principal task of the research involved a process of selecting and interviewing TDC farmers. The focus of interviews was on gathering data about the significance, understanding and meanings that participant farmers ascribe to their situations and experiences of ACR and ACH. The Interpretive Phenomenological Analysis (IPA) methodology guided the collection and analysis of data throughout this process. Included in this final part of the research was the transcribing of interviews, ratifying interview transcripts, and the production of this thesis.

The chosen research strategy was to focus on an analytical exploration of farmers' perceptions of Aboriginal cultures, resources and heritage, and then contrast those findings with current South Australian Aboriginal heritage legislation and administrative practice. This approach enabled exposure of inconsistencies in the effectiveness of current Aboriginal heritage management on farmlands, and

similar situations, where ACR are potentially culturally divorced from Aboriginal people and under the de facto management of others.

1.6 Outline of the thesis

Chapter 1. Introduction

This introductory chapter establishes the area of research, setting out the background for this study. Included are explanations of the significant terms, the research aims and questions, the significance of the research, and the methodological strategy. There is also an outline of the thesis structure with an explanation of the role of each chapter in the thesis.

Chapter 2: Cultural Heritage and Aboriginal Identity in Farming Landscapes

Chapter 2 positions my research within the current disciplinary debate on the cultural heritage of Indigenous peoples. Although there is no literature which specifically examines ACR and ACH on farms, three topics are interrogated: first, current understandings of cultural heritage; second, the meanings and values unique to Aboriginal cultures living in intensively settled southern parts of Australia and; third, the various heritage issues in the context of rural farming businesses. Examining national and international research into known issues about natural and cultural conservation on agricultural lands allows further assessment of the impacts of the current approach to managing Aboriginal heritage on farms.

Chapter 3. Aboriginal Heritage Management in South Australia: Legislation and Administration.

This chapter examines present South Australian Aboriginal heritage legislation and heritage management regimes exploring the inconsistencies between the aims of heritage legislation and administration about ACR and ACH on farms. In early South Australian legislation, farmers were given an active management role as wardens and stewards of Aboriginal resources on farms. In drafting later legislation, Legislators noted the business interests of farmers and pastoralists, but did not consider it suitable for landowners to have or exercise legal powers. There is no formal collaborative role for farmers in current South Australian Aboriginal heritage management practice.

Chapter 4. The Tatiara: Foundations for Cultural Heritage

Chapter 4 describes past Aboriginal and non-Aboriginal patterns of settlement and land use of the Tatiara region, thus providing the situational and cultural contexts for the study. The values and meanings invested by different groups with connections to the Tatiara region are dependent on cultural and economic backgrounds, and temporal and experiential interactions between existing landscapes, environments and human cultures.

Chapter 5. Research Methodology

This chapter details the qualitative methods and strategies employed in this research thesis; by explaining the ontological and epistemological positioning of the researcher, issues and extents in ethics, research settings and context, sample, and data collection methods and rationale allows assessment of the reliability and validity of the study.

Chapter 6. Results and Discussion – Part 1: Understandings and Sensibilities

This chapter presents the findings of the study of the perceptions of Tatiara farmers to ACR and ACH emerging within the interview process. Analysis of the qualitative data collected by the semi-structured interviews, identifies nine themes, and twenty-six sub-themes. In this, the first of two results chapters, the themes (1) Concepts of heritage (2) Local Aboriginal people and culture (3) Respect and empathy (4) Connections to land, and (5) Issues of trust (6) are presented, explored and discussed using selected quotes taken directly from the raw data.

Chapter 7. Results and Discussion – Part 2: Capacity and Engagement

This, the second of two results chapters, extends the findings of the study and presents, explores and discusses the perceptions of Tatiara farmers to ACR and ACH through the themes, (6) Discovery of ACR (7) Information and guidance (8) Farming around ACR and ACH (9).

Chapter 8. Conclusions

This final chapter explores the implications of research findings for ACR and ACH on Tatiara farms and, more broadly, South Australia and Australia. The chapter discusses the significant disconnects existing between major stakeholder groups in the management of ACR and ACH. The findings of this study inform the conclusion that it is essential that management strategies counter existing barriers to developing and implementing efficacious management of Aboriginal cultural heritage, especially in situations where ACR and ACH is divorced from Aboriginal cultural possession and control.

1.7 Conclusion

Throughout this thesis runs the argument that current Aboriginal heritage management principles and practice in South Australia disregards the implications for heritage protection of farming landowners being the managers of ACR. In the Tatiara District, farmers are not normally cognisant of Aboriginal cultures, cultural resources or potential heritage on their farms. Nor do farmers receive from government agencies information and education about locating, protecting and managing ACR that may be on their land. Developing Aboriginal heritage management systems and protocols without considering farmers as key stakeholders threatens the sustainability of ACR on farmlands and its cultural transition to ACH.

The current study identifies and discusses four reasons why farmers may not disclose evidence of past Aboriginal activity on their property or take on the active role in Aboriginal heritage management. First, heritage concepts entrenched in current Aboriginal heritage legislation are not in harmony with farmers' understandings of heritage, nor do current management protocols appropriately consider farmers as de facto managers of ACR. Second, although race relations is identified as a minor factor in farmers' attitudes, farmers do not fully comprehend contemporary Aboriginal cultural identities and concerns, particularly those in the more densely settled and urban areas of Australia. Third, State Aboriginal heritage management and State planning and development processes do not facilitate or trigger farmer involvement or participation in Aboriginal heritage management.

Fourth, farmers hold a view that Aboriginal links with their land are potentially problematic for their business and, therefore, the topic is to be avoided.

If Aboriginal heritage management does not involve farmers, ACR on farms may remain unrecorded and subject to continuing loss by attrition through changing farming practices, generations, and ownership. Such a situation is contrary to accepted heritage practice (Australia ICOMOS, 1999, p. 3) and denies contemporary and future Aboriginal people access to, and control of, their heritage.

Chapter 2

Cultural Heritage and Aboriginal Identity in Farming Landscapes

Inheritance emanates not from sites and objects themselves but from the complex webs of cultural history contextualising them (Grydehøj, 2010, p. 85).

Indigenous cultural heritage is a matter of concern not just for Indigenous communities, but for all governments in Australia.¹⁴ The Commonwealth Government (Department of the Environment and Energy, n.d.), for instance, communicates interest in Aboriginal heritage in terms of a recognition of Aboriginal interests and links to the land, and the perception that Aboriginal histories and cultures are of value for national and State heritages. Thus, governments identify a need to manage Aboriginal heritage; protecting and preserving it from harmful effects that may arise from changes in social behaviour and cultural values associated with economic and social development.

Primarily, governments approach Aboriginal heritage management through various pieces of legislation (and associated bureaucratic administration) with the aim of regulating planning and development in terms of when and how Aboriginal cultural heritage management issues need to be considered. Therefore, both the Commonwealth and States' Aboriginal heritage management aspirations are strongly linked with the aims and practicalities of resource management and planning systems.¹⁵

However, critics note that the actions taken and directions given by governments in heritage management are shaped by European principles and methods that fail to account for Indigenous values and perspectives of heritage (Cleere, 2001;

¹⁴ Since 1965, the Australian Commonwealth and all State and Territory governments have introduced and enacted legislation specifically for the protection of Indigenous (Aboriginal and Torres Strait Islander) cultural heritage.

¹⁵ Aboriginal cultural heritage management and administration is the topic of the following Chapter 3.

McIntyre-Tamwoy, 2002; Ritter, 1995; Tehan, 1996; Venn & Quiggin, 2007). Indeed, heritage definitions, ethics, rights and values are a subject of active and ongoing international and national debate among academics, heritage professionals and communities (Ashworth, 1994; Bakker & Odebdaal, 2011; Blake, 2000; Byrne, 1996; Harding, 1999; Harvey, 2001; Smith, 2006). However, few of these critics consider the values and perspectives of landowners in evaluating the establishment, protection and stewardship of Aboriginal Cultural Resources (ACR) and Aboriginal Cultural Heritage (ACH) which happen to reside on farm properties. It is in the circumstances of farming districts that Aboriginal people are potentially unaware of existing ACR, and established ACH is not under unilateral management by them as cultural owners.

Farming freeholders have a de-facto relationship with ACR because of their ownership and use of land. Therefore, management strategy and planning for ACR and potential ACH on farms that fails to consider the roles and behaviours of farmers has potential to result in adverse consequences. As a precursor to exploring farmers' perspectives and other circumstances of ACR and ACH on farms, three topics of literature relating to previous research is explored (1) Current theoretical understandings of cultural heritage (2) Aboriginal identities and heritage values in the intensively 'settled' parts of Australia and (3) Heritage conservation in rural contexts.

2.1 Theoretical understandings of cultural heritage

Conceptions of cultural heritage have gradually changed over time, moving from ideas of intrinsic material significance to an appreciation of specific meanings and values important for society (Loulanski, 2006; Munjeri, 2004; Vecco, 2010). In the latter case, Merryman (1986) argues that there is juxtaposition of ideas about cultural heritage: first; all aspects of the past are valuable for everyone, and therefore the 'common' cultural heritage of all humanity and second; that cultural heritage values are explicitly connected in specific geographical, national or ethnic group contexts. Various theoretical perspectives of cultural heritage manifest in diverse articulations by scholars, heritage professionals, governments, and in the case of Aboriginal heritage, Aboriginal people. So, the way that cultural heritage is perceived to be constructed, and thereafter articulated, becomes a crucial factor in the perceptions of the broader public and in arguments of who

should and can possess, control and use things from the past; and these have significant ethical and practical consequences.

It not surprising that a study by McDonald (2007) on public involvement with Australian heritage revealed that the notion was poorly understood. Harding (1999, p. 315) believes it is the failure to understand cultural heritage that creates problems when dealing with the culture of others. McDonald (2007, p. 2) found many cultural and intellectual levels to constructions of meanings attached to heritage. Although McDonald's study restricts participants to an urban population, it included a cross-sectional range of age groups and ethnicities and used a mixture of qualitative and quantitative methods. Participants in the study reported a difficulty in identifying the nature and scope of heritage and identified further education as necessary for them to engage in meaningful discussions about heritage. The participants in McDonald's study were hesitant and unsure about defining the cultural heritage concept. Nevertheless, with reflection, people could identify heritage meaning at several different levels. McDonald found people were most passionate about protecting things that had a close personal connection to them, and that these things were a stimulus for the 'sharing of stories.' (McDonald, 2007, p. 13) According to McDonald (2011, p. 799), interest or involvement in heritage issues emanated from close personal connections, such as, family history, and was linked to with attendance at events or a visit to certain sites.

Cultural heritage links to culture. Culture is a subject of enormous complexity and a term used in different ways for describing and explaining aspects of human life (Matsumoto, 2001, pp. 9-10). For the purposes of this thesis, human culture is broadly understood as ideas and values of the past, learned, developed and transmitted in the context of living in a social setting (Kroeber & Kluckhohn, 1952, p. 357; Keesing, 1981, pp. 68-69; Matsumoto, 2001, p. 10). A problem that arises from the outset is distinguishing between culture and heritage. The distinction is not immediately obvious, mainly because each describes historically derived elements passing across generations. Appreciating that heritage involves present-day members a cultural group reflecting the priorities of the present in identifying and caring for significant things from the past for the benefit of generations to come, reveals cultural heritage as a product of culture.

2.1.1 Heritage as a cultural process

It is possible to view cultural heritage as an aspect of communal identity, which Castells (2011) regards as constructed “on the basis of a cultural attribute, or related set of cultural attributes, that is/are given priority over other sources of meaning.” (p. 6).

As portrayed in the following diagram (Figure 2.1), heritage is established through a cultural process, rather than a reference to the intrinsic value of things.

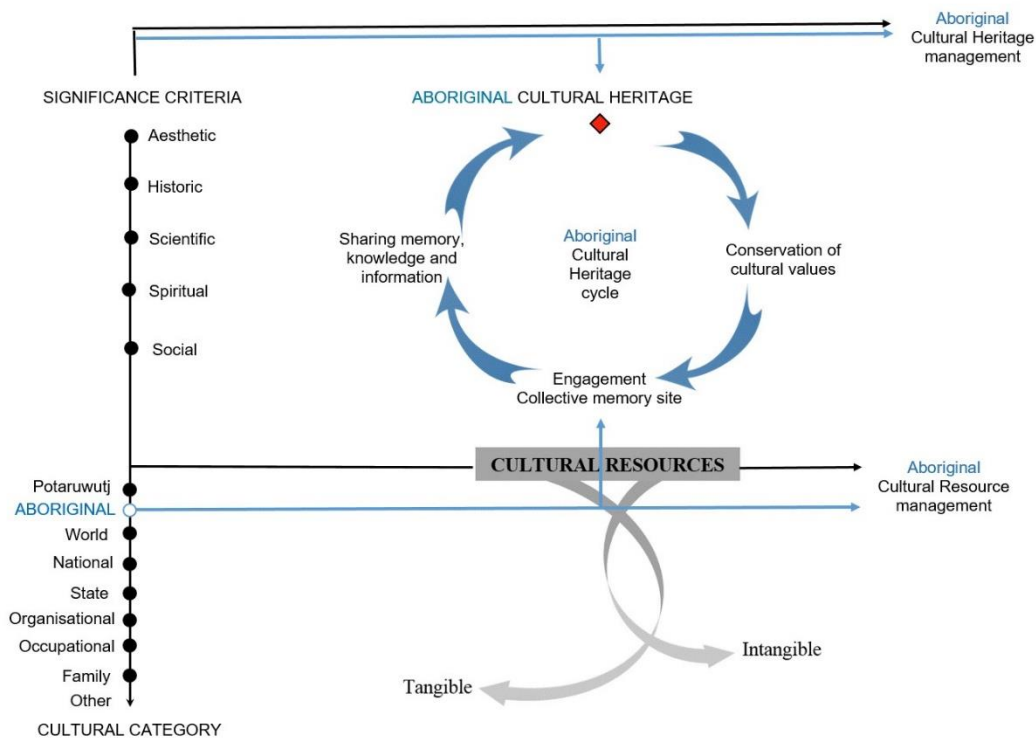


Figure 2.1: The establishment of cultural heritage. The example of the Aboriginal cultural category is highlighted. ‘Potaruwutj’ examples an Aboriginal cultural group defined by Tindale (1974). Significance criteria are per the Burra Charter (Australia ICOMOS, 2013).

Historian Sue Marsden (1992, pp. 1-3) recognises two working definitions of history. The first defines history as everything that has happened in the past, a definition that includes those happenings that are unknown to people because indications of the event are absent. The second defines history as interpretations made of the past by historians and passed on to the wider community as a narrative. The latter view allows for different interpretations of history based on

the significance people attach to available or selected evidence of the past. Having defined history in this way, Marsden (1992) then identifies cultural heritage as, those “aspects of our past that we want to keep.” (p. 1-3). Ashworth (1994, p. 16) agrees that history provides the resource for heritage, also supporting the idea that heritage does not embrace the entirety of surviving elements of the past.

Tonkin (2012, p. 1) also agrees that heritage is not everything from the past, emphasising heritage as the choices made by people in deciding what is ‘worth’ passing on to future generations and what is ‘worth’ inheriting.

It is prudent to reiterate at this point that the relevance of the differentiation made in this thesis between ACR and ACH derives from an appreciation of the intangible and the cyclical characteristics of cultural heritage and the cultural process that is inherent in the identification of material and immaterial things as heritage items. Cultural resources (whether to be deemed significant or not) are of important consideration in management strategies because they are the non-renewable assets for heritage constructions (Graham, Ashworth & Tunbridge, 2000, p. 22).

Appreciating cultural heritage as the time-relevant cyclical human engagement with aspects of the past calls attention to the involvement of a cultural resource and a cultural group, and the determination of significance. Thereby, highlighting the importance of the conceptual distinction between historical resources and the present-day meanings and values of a cultural group. With heritage defined as a cultural process, geographical space and subjective meanings are integral elements to the way that heritage is collectively defined and communicated (Graham et al., 2000, p. 4; Hardy, 1988. p. 333; Lowenthal, 1998, p. 205). In situations where the management of cultural heritage is *intracultural*, strategies for the identification and protection of cultural resources and the conservation of significant cultural values are, for the most part, culturally consistent, connected and controlled.¹⁶ However, in circumstances where heritage management is *intercultural* (exemplified by Aboriginal heritage management in South Australia),

¹⁶ The term ‘intracultural’ is used here to refer to the interactions of members of a cultural group with similar worldviews, values, beliefs and habits that are perceived and acknowledged by its members. Conversely, ‘intercultural’ is used in the sense that the worldviews, values, beliefs and customs of one cultural group (category) largely rest outside the perception, or acknowledgement of another given cultural group (category).

important differences in perception potentially result in unexpected consequences (for any cultural group involved) in the way heritage is determined and transferred.

2.1.2 Collective memory

It has been argued that the memories of individuals are shaped within the collective of the group with which they identify (Assmann & Czaplicka, 1995, p. 127; Halbwachs, 1950, p. 2). Comprised of the fundamental elements of memory, history, and tangible and intangible vestiges of the past, heritage constructions are framed socially and spatially (Lowenthal, 1985, p. xxii). It is the collective memories of the members of a cultural group that provide the meanings that are the precursor to the identification and development of a nurturing cultural heritage offering communal support and identity.¹⁷

It is the sites of collective memory that evoke the sharing of information and knowledge that prescribe significance, that is, the intangible impressions, meanings and value, constituting a cultural narrative of the past (Eyerma, 2004, pp. 161-162), or as Sontag (2003, p. 85-86) prefers, a collective ‘construction’ of what it is that is important. As a major expression of the significances of human and cultural life, cultural heritage is a crucial aspect supporting the identity and wellbeing of a cultural group (Harding, 1999, p. 303) and has importance for the formation and support of identities (Lennon, 2006, p. 3; Lowenthal, 2005, p. 81; McLean, 2006). Collective memory is not simply remembering, but the sharing of information and knowledge that is prescribing significance. Certain places, sites and objects invoke intangible impressions, meanings, worth and value that are integral to establishing the perceptions of contemporary people and their narratives of the past (Assmann & Czaplicka, 1995; Rydgren, 2008, p. 316).¹⁸

Accordingly, collective memory is an important cultural experience. Waterton and Smith (2009, p. 15) suggests that this communal experience is a process of

¹⁷ Other terms used to describe *collective memory* are ‘cultural memory’ (Assmann, 2008) or ‘social memory’ (Burke, 1989). Social or collective memory may be more fitting terms in the context of Aboriginal knowledge in intensively settled regions, considering the historical breakdown of traditional Aboriginal cultures and the myriad of Aboriginal experiences of colonisation.

¹⁸ Relationships between historical narratives and the reality of the past are not explored in this thesis.

negotiation and communication of cultural values leading to the development of perceptions of significance and its transmission as cultural heritage. Seen in this light, cultural resources are less monuments, objects, places or sites belonging to someone, but the “cultural tools that societies use to remember and, in that process of remembering, construct meanings that have relevance and utility to the present” (Waterton & Smith, 2009, p. 16). Ultimately, cultural resources, as sites of collective memory, play a crucial role in the realisation of the benefits of cultural heritage, such as group identity and worth. In this context, contemporary community engagement with cultural resources is a necessary factor in the establishment of cultural heritage. However, the benefits of heritage can only be realised when there is a cultural capacity to do so. A concern of this thesis is that Aboriginal people do not, in many cases, have knowledge or cultural possession of ACR. If Aboriginal people are unaware of potential cultural resources, then their ability to engage in the process of collective memory establishing Aboriginal Cultural Heritage (ACH) will be limited.

2.1.3 Multiple meanings

A pivotal question in this thesis is whether non-Aboriginal farming landowners in Australia can value ACR and ACH and appreciate the need for its protection and stewardship. It could be surmised that the resources of another’s culture might not interest farmers, although this assumes people are not able to view a cultural resource or another’s cultural heritage in different ways. The global success of cultural and heritage tourism evidences cross-cultural appreciation of ‘other’ cultures (Herbert, 1995, pp. 1-20; Timothy, 2011, pp. 2-3) and many scholars accept cultural resources as having multiple meanings for multiple people (Antrop, 2005; Ashworth, 1994; Berger, 2009; Stephenson, 2008). ACR on farm properties, therefore, has potential value for Aboriginal peoples and farmers, although undoubtedly in different ways.

As previously noted, collective memory is constructed in social settings, and communicated between members of a social group. However, individuals may simultaneously belong to, and identify with, multiple groups (Yinger, 1960, p. 626; Kleinman, 1997, p. 98; Straub, Loch, Evaristo, Karahanna & Srite, 2002, p. 18). That being the case, the processes of remembering and valuing landscapes, places and objects must occur in multiple ways. Berger (2009, pp. 83-91) points

out that all artefacts are reflecting subcultural or cultural attitudes and values. He particularly stresses the importance in recognising variations in individuals and social group's perceptions and appreciations of artefacts.

It may be construed, therefore, that people hold many notions of self and memories at one time and objects become imbued with multiple meanings in different ways and through different people. The meanings behind people's attachments to things may vary considerably from one person to the next by small or large degree through the differing perspectives individuals or groups have for places and objects. Jones (2007), in his book 'Ochre and Rust', illustrated this point in writing about a cross-cultural odyssey of nine objects held in the South Australian Museum's Australian Ethnology Collection. In telling these stories, he displays objects with ongoing, fluctuating attachments of significance and meaning. The objects, having multiple memories, stories and significance attached to them become a shared resource contributing to several cultural heritages. Thus, landscapes, places and objects are revealed to hold a variety of values for different people; each tangible and intangible cultural link fulfilling multiple roles in society (Antrop, 2005, pp. 21-34; Berger, 2009, pp.47-49). In the context of an Australian farm, the landscapes, places and stories, including Aboriginal sites and objects, have the potential to hold diverse, intangible significance for both Aboriginal and non-Aboriginal people.

2.1.4 The significance of significance

Integral to the cultural process inherent in the making of cultural heritage is the correlation that occurs between the heritage resource and an assessment of a significance that identifies it as having a cultural heritage value - which consequently attracts notions of protection and conservation management. Although cultural heritage is an idea of Western theorists, protecting and conserving significant aspects of culture is recorded as common in traditional Aboriginal cultures (Berndt & Berndt, 1999; Hubert, 1994; Strehlow, 1947). In this respect, it seems the idea of identifying values embodied within the cultural resources of Aboriginal peoples holds few problems in developing Aboriginal heritage management strategies. However, difficulties arise in identifying and selecting which elements and qualities of the past are worthy of protection, preservation or conservation.

Significance emerges as a primary characteristic of cultural heritage, and significance assessment of various cultural resources is the primary tool used in cultural heritage management. Regarding management, the cultural heritage significance enables prioritisation for action and appropriate decision-making about protection and conservation measures. However, *why* an object is considered significant, *how* this is determined, and *by whom*, is dependent upon the historical, and contemporary social, political and religious context.

Members of a cultural category interpret significance in ways that establish meaning for them. Museums, for instance, assess significance as specified by provenance acquisition, rarity and uniqueness, visual and sensory effect, condition and completeness, historical meaning and exploitability; each point is assessed commensurate with international, national, regional, cross-regional, local, community or organisational perspectives (Reed, 2012, pp. 4-6). An archaeologist meanwhile might assess the significance of an archaeological site or object in line with a frame of reference useful for the study of material culture, such as, condition, richness, depth, age or uniqueness (Hardesty & Little, 2009, pp. 69-97).

Like the museum example, the significance of an Aboriginal site or object for the Australian Nation or an Australian state will reflect the importance of the site or object in line with the mission statement and policies of the Nation or a particular state, and the cultural shifts of the broader population through time (Russell & Winkworth, 2010, p. 2). Countries aspire to create uniting nation-state identities; a circumstance that is not unique to Australia and is widely written about (Herb, 1999; Guibernaun, 2013; Smith, 1986, 1991; Tolz, 1998). Somewhat paradoxically though, a united national identity appears for many countries, including Australia, an ambition that does not match the multiplicity of cultures of their inhabitants.

Inconsistencies within the general population will appear because individual identities and wellbeing are closely aligned with cultural values and beliefs that are predetermined and expressed in agreement with particular cultural worldviews (Hiebert, 2008). However, as Rosenmann, Reese, and Cameron (2016, p. 204) point out, divisions between cultural groups (or categories) are often fuzzy because individuals attach themselves to several cultural worldviews simultaneously, a factor that is pronounced in multicultural 'settler' countries such

as Australia. The salient point is that significance is tied to the ideologies of cultural groups, organisations or institutions that relate to power and are dependent on social meanings relative to spatial and temporal settings (Bernbeck & McGuire, 2011).

Recently, the Australia ICOMOS Burra Charter (2013) has focussed attention on intangible values through adding spiritual and social dimensions to cultural heritage. The Burra Charter states that significant places embody aesthetic, historic, scientific, spiritual or social values. The ICOMOS idea of place includes associated aspects, such as fabric, setting, use, associations, meanings, records, or related places and related objects. However, the Charter goes on to state that places may have a range of values for different individuals and groups (Article 1.2). The implication is that cultural and social significance are principal values and that it is necessary that the relevant cultural group select and identify which aspects of their past are worthy of protection, preservation or conservation (Appadurai, 1988; Council of Europe [COE], 2005).¹⁹

The Australia ICOMOS Burra Charter (2013) emphasises a necessarily tangible core to heritage,²⁰ although acknowledging the role of the tangible and intangible in the assignment of significance. However, distinguishing tangible places and objects as the basis for attachments of significances lessens considerations of meanings and values evoked by immaterial cultural resources such as, oral histories, song, music, and traditional family obligations and ties, language, knowledge and, contracts and agreements. Such immaterial cultural resources may exist within many spatial limits, including broad national or state levels. The previous point should not be taken to mean that ACH based on intangible ACR cannot have attachments to specific places, sites or objects. Nor should cultural resources of an immaterial or material nature be considered to have any more, or less, potential for cultural heritage. Still, there is international recognition of an inextricable relationship between the tangible and the intangible in cultural heritage and this evident in the *Convention for the Safeguarding of the Intangible*

¹⁹ In modern societies, the ethic of conserving and preserving elements of history as heritage illustrates the cultural process, albeit mostly western cultures (Mason, 2006, p. 30; Smith, 2006, p. 88).

²⁰ Possibly a carry-over of the early concerns of the International Council of Monuments and Sites (ICOMOS) organisation for the conservation of architecture and restoration of historic buildings and places.

Cultural Heritage (UNESCO, 2003).²¹ Acknowledgment of the intangible aspect of cultural heritage pays attention to the cultural significances in heritage; such as the experiences, memories and knowledge that is meaningful and valuable for contemporary people. It is this feature that is central to any cultural heritage, including the heritage of Aboriginal people. Therefore, in terms of Aboriginal heritage management;

Aboriginal people should be positioned to assess for themselves which sites are significant to them and how management should proceed to protect such significance (Bowdler, 1992, p. 21).

However, with cultural groups constructing and treating cultural heritage in different ways based on the meanings each attach to elements of the past, decisions on heritage significance made cross-culturally are potentially problematic. Particularly troublesome are, “Laws and policies for the benefit of Indigenous cultures ... that are all contingent upon the existence of particular values, preferences or attitudes of people external to the culture in question.” (Stobbs, 2005, p. 19). With the focus of this thesis on ACR and ACH in the intensively farmed Tatiara District of South Australia, the development of Aboriginal identities and heritage values in intensively settled regions of Australia needs addressing.

2.2 Aboriginal identities and heritage values in the intensively ‘settled’ parts of Australia.

In many regions of Australia, Aboriginal populations are heavily outnumbered due to a long-time intensive settlement of disparate and dominant European cultures. In these circumstances, members of an Aboriginal community may appear as integrated into contemporary society, work and lifestyles. As members of contemporary society, Aboriginal people, who adhere to contemporary socio-cultural norms, attitudes and practices, may be prevented from having knowledge and access to ACR in urban and non-urban areas, such as farms. An inability of Aboriginal groups to attach meanings to landscapes, places and objects is plainly

²¹ As of July 2015, Australia has not ratified the Convention for the Safeguarding of the Intangible Cultural Heritage (UNESCO n.d., Legal Instruments web page, Asia and the Pacific, Available online: http://portal.unesco.org/en/ev.php-URL_ID=23045&URL_DO=DO_TOPIC&URL_SECTION=201.html, Accessed 2 July 2015).

a barrier to the development of ACH. Meanwhile, perceiving absence of contemporary Aboriginal communities in their regions, farmers may have outdated notions of Aboriginal race and culture, which will have serious ramifications for their perspectives about Aboriginal connections to their farm.

Memmott and Long (2002, pp. 39-56) have called attention to the idea of place as the connection between people and the environment. However, their work makes it clear that places may not remain culturally static, emphasising that dominant colonial forces impose Western values on places within landscapes. The 'sense of place' or 'sense of belonging' (often expressing participatory experiences and sentiments of importance) is influenced by the meanings attached to traces of the past, developed through the cultural context of the Aboriginal group making them (Anderson, 2009, p. 5; McKibben, 1989, p. 307).²² Consequently, local cultural connections and context is an essential consideration when discussing issues of Aboriginal heritage management (Whittle, 1993, p. 68).

Distinctions, based on commonalities in culture and ancestry, set apart one group of people from another and provide the basis for group identification (Kymlicka & Norman, 2000, pp. 18-19; UNESCO 1985). For the Indigenous peoples of Australia, cultural bonds are forged and shaped by common issues of survival, equality, cultural survival, and economic and political rights (Sanders, 1989, pp. 27-28). However, miscegenation and modernity over the course of European settlement led to non-Aboriginal perceptions of people of Aboriginal descent in the 'settled' areas of Australia as retaining only fragments of a 'real' genetic base and culture (McGregor, 1997, p. xi). To many Europeans, these Aboriginal people were not 'authentic' Aborigines. Scholars have suggested that the stereotypes of race, full-bloods, and the 'inauthentic Aborigine' have outlasted colonialism into the present day (Dodson, 1994, p. 3; Pennycook, 1998, p. 51) and nationwide Australian surveys support these suggestions (Larson, Gilles, Howard, & Coffin, 2007; Paradies & Cunningham, 2009).

According to Jones (1997, p. 364), racial attitudes provide a way to confine, rationalise and manage social conflict, and to debate difference and social hierarchy. Jones (1997) explains that, while relevant at an individual level, racial

²² Anderson's use of 'traces' (2009, p. 5) equates to the use of 'tangible and intangible cultural resources' in this thesis.

attitudes are a social construction. Cultural constructs of belief and behaviour that are racist permeate institutional structures and become embedded social events and behaviours. The sharing of these ideas without having to resort to defence or explanations allows them to be transmitted through generations (Jones, 1997 p. 472). Both Cowlshaw (1987) and Grey (2000) have noted the above ideas may reach into the practice of social anthropology in Australia.

Present-day Australian Aboriginal heritage legislation does not distinguish an 'authentic' notion of Aboriginal culture based on genetics or standardised behaviours (Dodson, 1994, p. 3). However, the idea of an authentic Aboriginal culture may have become institutionalised in Australian heritage management regimes, possibly through government attempts to build a unified national identity (Ireland, 2002, pp. 21-22). Moreover, it appears that these ideas of Aboriginal authenticity continue. Davis (2007), for example, claims the 'authentic', 'traditional' Aboriginal culture dominates the writing of Australian histories and McNiven & Russell (2005) are persuasive in demonstrating how a focus on archaeology in Indigenous research and writing separates Aboriginal people from their past.

The Aboriginal voice is often lacking in interpretations of postcolonial history and, as Battern (2005) points out, Western interpretations deny cultural and traditional change and assign Aboriginal peoples peripheral roles in mainstream Australian historiography. Non-Aboriginal perceptions of an unchanging Aboriginal culture supports a general conceptual consignment of authentic Aboriginal people away from cities and close settlement to Aboriginal communities exhibiting overt traditional elements, or to the annals of prehistory (Langton, 1981, p. 16). Such attitudes may explain the difficulties and issues associated with sacred sites in many multicultural societies, particularly those in countries with colonising histories, such as the United States and Canada. For example, the topic of sacred sites is prominent in investigations of problems in protecting Native American sacred sites on Federal land (Ward, 1992), and in the exploration of the American Federal Government response to American Indian religious claims on public land (Yablon, 2004). Issues about sacred sites, however, also arise in non-colonial situations, such as the contestations surrounding contemporary religious activities at the well-known sites of Avebury and Stonehenge in England (Blain & Wallis, 2004). Nevertheless, it is the socio-

political dominance of colonising cultures that produces privileged interpretations of landscape history (Graham et al., 2000, pp. 98-99), and the aims of non-Aboriginal cultural groups and corresponding supporting social systems contribute to a continuing dominating narrative.²³

In cross-cultural contexts, identification with Indigeneity and Aboriginality are significant responses to dominant social forces. These circumstances raise the prominence of the social values of cultural resources and the social importance of conserving a heritage.²⁴ It is becoming increasingly clear that Aboriginal identities and sense of worth are bolstered through heritage constructs emphasising Aboriginal cultural continuities and re-established Aboriginal visibility within landscapes (Byrne, 2003, p. 77).

2.2.1 Aboriginal cultural revival

In a process known in anthropological circles as *cultural revival*, Aboriginal cultural elements lost through processes of colonisation and dispossession are recovered and used to bring meaning to contemporary people living in a highly-colonised world (Ross & Pickering, 2002, p. 16). Accessing and collectively ‘remembering’ traditional knowledge and information (often gathered through the knowledge of traditional Aboriginal Elders and from anthropological documents) revitalises and strengthens a contemporary collective Aboriginal cultural identity that can be identified as ACH (Byrne, 1996, p. 84).

However, the social and environmental settings for constructions of ACH in areas of southern South Australia are not those of ancestral times and revitalised Aboriginal cultures are not the same as those cultures of Aboriginal ancestors. The period since European settlement has been one of great change for Aboriginal people, although spatially and temporally varied. Aboriginal people living in southern Australia today have far different histories and experiences than those of

²³ The ramifications are clear in the two heritage surveys conducted in the Tatiara district of South Australia, the geographical focus of the current study. For further information on the Tatiara heritage surveys see, Chapter 3, *Aboriginal Heritage Management in South Australia: Legislation and Administration*.

²⁴ As defined in the Burra Charter (Australia ICOMOS, 2013), aesthetic, historic, scientific, social and spiritual values are used to assess the *cultural significance* of a place for past, present or future generations (Article 1.2, Definitions).

traditional pre-European times.²⁵ Over time, cultural associations are continually forming and are time contingent. As with all cultures, adaptive measures taken by Aboriginal people in response to changing circumstances reforms Aboriginal ideas, meanings and values (Cowlshaw, 2012; Kolig, 2005; Merlan, 2006). Certainly, they may not be related to realities in the same way as they were in pre-contact times, if at all. Nevertheless, scholars argue that Aboriginal people in intensively settled regions retain key elements of traditional cultural values and identities (Clarke, 2003, p. 208; Sullivan, 1985). Aboriginal commonality in language, family and local ties, obligation, and links to land are some aspects of tradition discernible in these circumstances (Keen, 1988, pp. 10-22). The retention and transmission of elements of traditional life indicate that Aboriginal adaptive changes are often made through perspectives built on the memories of traditional Aboriginal values (Clarke, 1996, pp. 76-77).

Memories of aspects of the traditions and customs held by specific social groups before European colonisation are instrumental in bolstering cultural pride and identity of contemporary Aboriginal people. Modernity and tradition are not incompatible. While certain traditional values may not fit well with modernity and vice versa, others may be quite harmonious and not unsuited to modern cultural processes. In a mutually supportive fashion, traditional structures supply the skills and values contemporary Aboriginal people use in striving towards a variety of modern goals and possibilities (Gill & Paterson, 2007, p. 116; Gusfield, 1967, p. 355; Keen, 1988, pp.12-14; Tonkinson, 1999, p. 133-134).

The extensive changes that inevitably occur in culture, demography and landscape (Mander & Antrop, 2003, p. 21-34) may obscure a continued Aboriginal cultural presence from the minds of current farming landowners. Aboriginal people find the lack of free access to places within landscapes particularly vexing, “Trying to deal with issues such as having a troubled, or no, connection to land ... being removed” (Fredericks, 2004, p. 31). Byrne (2004), asserts that not only have displaced Aboriginal people become landless, they have also “been displaced from the consciousness of the majority” (p. 90).

²⁵ The postcolonial histories and experiences of southern Australian Aboriginal cultural groups have also been different from those of Aboriginal communities in the central and far north of the State (Clark, Y. 2000, The construction of aboriginal identity in people separated from their families, community, and culture: Pieces of a jigsaw, *Australian Psychologist*, Vol. 35(2), pp. 150-157).

Links to places, sites and objects are pivotal in revitalising Aboriginal cultures, reconstructing identities, history, place and meaning (Lydon and Ireland, 2005, pp. 1-2; Memmott and Long, 2002, p. 51). Loss of Aboriginal connectedness with a place is, therefore, a threat to regional Aboriginal identity. Harrison (2004, pp. 18-23) states that those investigating Aboriginal and non-Aboriginal pastoral heritage are neglecting material evidence of changes to pastoral landscapes. He also asserts, “Physical traces of sites become more important as a source of the creating collective memory as the ‘lived’ memories of the place become less clear” (p. 203). Although the above premise holds true for both Aboriginal and non-Aboriginal land use over time, the focus of the following section of this thesis is the ACR of traditional and postcolonial times that remain on farmlands. Aboriginal people in the South-eastern parts of Australia view evidence of prior occupation in the landscape as significant tangible proof of their ancestral connections to the land (Sullivan, 1985). However, in areas of intensive farming, where European settlement has caused Aboriginal communities disruption and displacement, and surveys for ACR are rare, existing evidence of past Aboriginal cultural life may be little documented or protected.

2.3 Heritage conservation in rural contexts

There has been little publicity or protracted debate and negotiation involving ACR or ACH on southern South Australian farming lands held in freehold title. It might seem, therefore, that there is little need for concern about ACR and ACH in farming areas, such as the Tatiara District. However, the competing ideas, values and meanings of the stakeholders involved may be of detriment to ACR and ACH and the generation of appropriate and efficacious Aboriginal heritage management strategies and processes. Scrutiny of the literature reveals international and national fears for the sustainability of cultural resources on farmlands, along with opportunities for mitigating these concerns through cross-cultural awareness of, and support for, notions of multifunctionality and public good. Literature on farming practices, farmers’ ethics, and conservation issues on farms (primarily in relation to water, soil and vegetation conservation) helps in understanding potential impacts upon ACR and ACH on farms.

2.3.1 Cultural resources on farmland: a concern internationally

It is possible to assume agricultural regions have few Aboriginal heritage issues; with farmers assisting in locating, reporting and recording ACR, and acting in some stewardship role. However, the protection and management of cultural resources on farmland is a concern well recognised in Australia and beyond.

A review of archaeological resources in Western Canada (Spurling, 1986) found that agricultural cultivation had serious destructive effect on extant archaeology. The investigations considered the impacts of disturbance on artefact morphology and distribution, highlighting neglected areas of research, such as the selective removal of artefacts, surface feature destruction, distortions in spatial relationships, and breakages. The study had limitations of a scientific archaeological focus, omitted many aspects of cultural heritage and only involved four provinces in western Canada. Nevertheless, the study clearly demonstrated agricultural farming practices pose a greater threat to the survival of cultural resources than any other factor (Spurling, 1986, p. 72). Closer to Australia, New Zealand farming and forestry are acknowledged as the primary sources of risk to sites of Maori archaeology (Prickett, 1985; Jones, 2007, p. 13).

The European Archaeological Council deemed the situation of heritage in rural contexts as serious, devoting a publication to explicitly addressing heritage management in farmed and forested landscapes (Trow, Holyoak & Byrnes, 2010). The physical threat posed by farming is also acknowledged in the English study titled, 'The Ploughing of Ancient Monuments in England' (Burrows, 1985). Known sites and monuments were found to be ploughed in all thirteen counties taking part in this study: Seven had less than 10% of sites ploughed; Four had between 10-20% sites ploughed; and two more than 20% of sites ploughed (Oxford Archaeology, 2002 [appendix B]). The outcomes of the above research initiated a 'Monuments at Risk' survey aiming to establish the state of affairs about archaeological sites in England (Darvill, Fulton, Bell, Russell, & Anderson, 1995). The study showed that cultivation of arable land posed a significant threat to the United Kingdom's archaeological resource. Forty-eight percent of archaeological monument landscape had evidence of destruction of associated archaeological remains. Moreover, over a third of archaeological sites were at risk from damage due to cultivation. The study also found many known sites had

undergone a land-use change since 1945, with cultivation, development, mineral extraction and road building the key causes for destruction. Because of this and other studies, the Department of Environment, Food and Rural Affairs (DEFRA) in the United Kingdom commissioned a major research project. This study was entitled, 'Management of Archaeological Sites in Arable Landscapes' (Oxford Archaeology, 2002). The focus of this project was on providing a management strategy for archaeology on farmland that preserved archaeological sites and reduced the threat of damage while maintaining agricultural viability and minimising loss of revenues to the farmer.

Although these studies demonstrate approaches that emphasise the archaeological component of heritage, there are several outcomes relevant to ACR on Australian farms. First, they indicate that farming of arable areas places severe pressures on the sustainability and integrity of the cultural resources of potential cultural heritage. Second, the threat to the cultural heritage resources existing in areas of long-term intensive farming is real and increasing. Third, the DEFRA study identified a need for further research into farmers' attitudes, believing them pivotal in generating suitable management approaches towards archaeological heritage conservation.

2.3.2 Threats to Aboriginal Cultural Resources (ACR) on Australian arable farmlands

The Australian Environmental Protection Authority (2008, pp. 286-291) provides an insight into the circumstances of Aboriginal heritage in the Australian landscape in the *State of Environment Report*. While acknowledging the crucial role Aboriginal heritage can play in reconciliation between Indigenous and non-Indigenous Australians, the report also recognises the fragility of Aboriginal heritage sites and objects. Several of the threats to Aboriginal sites and objects, noted in the report, are directly relevant to farming: for instance, unsympathetic and insensitive development, off-road vehicles, agricultural and pastoral activities, erosion, and invasive plants and animals.

Although no Australian studies specifically measure the effects of farming practices on ACR, an Australian federal government-sponsored report titled *The State of Indigenous Heritage* (Schnierer, Ellsmore, & Schnierer, 2011) warns of

various threats to the conservation of Aboriginal heritage in Australia. The Schnierer et al. (2011) report follows the view of cultural heritage as identified by the Aboriginal people responsible for recommending reforms to NSW heritage laws in NSW (stated in their *Report of the NSW Ministerial Task Force on Aboriginal Heritage and Culture*, 1989). This view holds Aboriginal culture as inseparable from Aboriginal Cultural Heritage; including moveable and immoveable property, lands, waters and biodiversity, traditional knowledge, expressions of culture, languages, Indigenous Ancestral remains, human genetic material (DNA), and documentation of the heritage of Indigenous peoples in all forms of media (Schnierer et al., 2011, p. 15).

The main danger to potential and real indigenous heritage places emanates from decisions of development (such as mining and major building works) requiring and achieving government approval for their deliberate destruction (Schnierer et al., 2011, p. 121). However, changing land-use, such as, off-road driving and certain agricultural practices, neglect or abandonment, and invasive plant and animal species are also direct threats to the survival of Aboriginal resources on farms (Schnierer et al., 2011). Prioritised economic considerations are sometimes to the detriment of heritage protection (Schnierer et al., 2011 p. 122). It is important to note here that, while farming is a socio-cultural practice (Vanclay, 2004, p. 213), it is also a commercial industry in which economic considerations are highly relevant.

Current Aboriginal heritage management structures mean Aboriginal people are reliant on the efforts of government and landowners. Access to and protection of Indigenous heritage on private, leasehold or crown lands are particularly problematic (Schnierer et al., 2011, p. 125).²⁶ Schnierer et al. (2011) consider the lack of Indigenous ownership, control and management of their cultural heritage to be a significant detriment to Aboriginal cultures. Particularly harmful factors include inadequate Indigenous consultation, funding, decision-making powers in administration and planning, and legal avenues for enabling and enforcing

²⁶ The South Australian legislation (*AHA (SA) 1988*, s. 36) enables Aboriginal people to access private property. Nevertheless, access is dependent on the authorisation of the Minister and any conditions that may be set. Section 37 of the *AHA (SA) 1988* states that nothing in the Act prevents Aboriginal people from doing anything to Aboriginal sites, objects or remains relating to Aboriginal tradition.

protection of Aboriginal heritage (discussed further in the following chapter). While the safeguarding of Indigenous cultural heritage on Indigenous owned or controlled lands may be reasonable, protection is not as evident in other systems of land tenure.

Damage resulting from a lack of knowledge, awareness or understanding of Aboriginal cultures and heritage is concerning for Indigenous people (Manton, 2010, p. 3). Dewey (1933, p. 117) describes understanding as the same as grasping a meaning or identifying a thing in a situation in which it is important. What Dewey is referring to is a person's cognitive (mental) ability to process knowledge and emotion and then instinctively judge and act on whatever situation or subject is in front of them (Hogg, & Abrams, Martin, 2010). Understanding therefore, directly correlates to the formation of attitudes and expressions of behaviour (Hogg & Vaughan, 2005, p. 150). It should be noted here that attitudes do not determine behaviour, but can be used as a predictor of likely outcomes (Fazio & Olson, p. 140).

Schnierer et al. (2011) found that current Aboriginal heritage management structures offer little in monitoring the impact of agricultural practices on the integrity and conservation of Indigenous values in rural landscapes. In areas of intensive settlement, most investigations of Aboriginal heritage concentrate on areas of development requiring development planning approvals (Roberts, Hemming, Trevorrow, T., Trevorrow, G., Rigney, M., Rigney, G., Agius, L. & Agius, R., 2005, pp.45-53; Crowe, H., pers. comm., Aboriginal Heritage Branch, 29 November 2011). However, farming activities, such as ploughing of virgin pastures, fencing, drainage channels, and track-making, do not normally require involvement in cultural heritage assessments (Attorney-General's Department, 2008).²⁷ Yet the above activities constitute real changes in land-use and threaten ACR and ACH. Thus, the operations of South Australian development and planning systems have practical ramifications for identifying, recording and managing ACR and ACH. Clearly, consideration of the multiple functions of landscapes is pivotal in the management of development and planning, and Aboriginal cultural heritage.

²⁷ The Development Act (SA) 1993 is further discussed in the following Chapter 3: *Aboriginal Heritage Management in South Australia: Legislation and Administration*.

2.3.3 Multifunctionality and the public good

The idea of absolute and exclusive possession of private property originated from concerns for the rights of private individuals (Anderson, 1979, p. 425).

Particularly relevant to agricultural land, property rights provided by individual land ownership include the exclusive right to possess, use, manage, and dispose of land (Sheehan & Small, 2002, p. 9). There is now an emerging realisation of competing property rights and rights to resources of the land, such as rights to water (Reeve 1999, p. 8). By extension, it is appropriate to include cultural resources in landscapes within this scope of possibility through their potential to contribute to the wellbeing of members of the broader society (Serageldin, 1999).

The idea of a multifunctional landscape (multifunctionality) first rose to prominence in European countries, mainly through concerns associated with protection of farm subsidies and trade liberalisation in EU countries (Cocklin, Dibden & Mautner, 2006, p.198; Diakosavas, 2004). However, the idea has also been interpreted to recognise public good values attached to non-commodities. This focus is relevant to environmental and social products of a farm system, such as scenic vistas, rural living, wildlife habitat, and cultural heritage (Weersink, 2002, p. 267; Romstad, Vatn, Rørstad & Søyland, 2000, p. 119). The present public good focus and impetus in Australia involves environmental conservation and is linked to concerns of land degradation, water restrictions and climate change (Cocklin et al., 2006, p. 204). Applying the public good idea to Australian conditions and rural landscapes has potential benefits for ACR and ACH. However, the idea is in a transitional phase and not yet receiving full acceptance (Cocklin et al., 2006, p. 204).

A concept of agricultural externality (closely related to the idea of multifunctionality) is also helpful for understanding issues of ACR on farms. An externality occurs when an activity or transaction of one party occurs without consideration of the costs or benefits occurring to an external third party. External costs or benefits are associated with the costs and benefits of production or consumption, can be negative or positive, and spread temporally and spatially (Serageldin, 1999). For example, a farmer determines to plant a cash crop of canola on land previously used for grazing. In the process of ploughing the earth in readiness for seeding, damage occurs to an ancient Aboriginal campsite.

Whether knowingly or unknowingly, the farmer's actions are incurring a cost to the relevant Aboriginal group that will carry over generations, no matter where they may live. Farmers are slowly receiving exposure to the idea of external effects of farming. However, there may also be other factors influencing levels of farmer involvement and interest in conservation issues (Bjørkhaug & Richards (2008, pp. 97-111).

2.3.4 Complexities with farming and conservation

Several scholars (Halfacree, 1995, p. 4; Jones, 1995, p. 36; Mormont, 1990, p. 36) consider rurality, as a cultural construct, socially grounded in the tangible and intangible circumstances of localities. Thus, exhibiting what De Ferranti (2005, p. 52) describes as multidimensional relationships to natural resources, employment, markets, and agriculture. The main point expressed is that, "Social, political, environmental, and economic conditions will all contribute to the way rural communities are materially constructed and culturally expressed" (Liepins, 2000, pp. 326-327).

Farming is not an entirely homogeneous occupation. As described by Carter and Hollinsworth (2009, p. 414), farming subcultures are diverse in geography, economic activities, and socio-demographic composition. They can also be differentiated by the historical and spatial makeup of a rural community (Gorman-Murray, Darian-Smith & Gibson, 2008, p. 38). However, the progressive and constant change in rural technologies, economies, and demographics (Smith, 2007; Lawrence, Marsden, Lowe & Whatmore, 1990; Perkins, 2006; Sheng, Zhao & Nossal, 2011; Smailes, 1997) has meant the complex and unique character of farm operations has been found extremely difficult to capture (Noe & Alroe, 2006, p. 1).

Not unreasonably, farmers' perceptions of farm landscapes, and the places and objects within them, will be centred on the business of farming. Farmers and farming enterprises will work under normative frames of reference to the product(s) of each farm property. Vanclay, Mesiti & Howden (1998) suggest, the "heuristic models of possible action" (p. 104) guide farmers' approaches or styles toward maximising productivity and mitigating risk.

Despite the differences in farming communities and production, risk and uncertainty is a common factor in farming and has received extensive study (Bond & Wonder, 2012; Greiner, Patterson & Miller, 2009; Kimura & Antón, 2011; McHenry, 2009; Nguyen, Wegner, Russell, Cameron, Coventry & Cooper, 2007; Pannell, Malcolm & Kingwell, 2000).²⁸ Nguyen et al. (2007, pp. 23-24) grouped the characteristics of risk to a farmer into three areas: first, production risk associated with variability in weather, biological forces, technologies and demand; second, price risk connected to variations in the price of consumables; third, the political and institutional risk associated with changes in policy and regulation that has some effects on agriculture. Nguyen et al. (2007) suggest it is possible that landowners' concerns for change in law and regulation reflect recent government policy shifts toward the conservation and protection of the environment. Farmers in international contexts are noted as having similar worries (Harwood, Heifner, Coble, Perry & Somwaru, 1999, p. 4). Similarly, farmers may view changes in government policy on Aboriginal heritage a problem.

Following the perspective expressed by Sauer, Denevan and Mathewson (2009, pp. 36-42), land use, settlement patterns and cultural resources within the landscape reflect socio-cultural meaning and structure. With culture, it may be assumed the above aspects are best recognisable by the cultural insider. Being an insider allows someone who is attuned to a socio-cultural space to identify the order of things within that space (Hage, 2006).²⁹ In spaces (or landscapes) consisting of overlain cultural worlds, members of one culture may observe evidence of another by recognising the exotic: that is, things that are strange, unusual and out of place. Local knowledge is often not recognised as important in locating areas and objects of previous cultural activity (Riley, Harvey, Brown & Mills, 2005; Brown, 2011, pp. 45-47). It is possible for farmers to notice evidence of past Aboriginal activities on their land because something is visibly distinctive and unusual. Noticing something foreign in the landscape does not mean farmers can determine Aboriginal significance. A farmer's interpretations will be made in line with their insider cultural meanings and values (Ucko & Layton, 2005, pp. 11-12). In areas having a high population density, material evidence of Aboriginal

²⁸ Risk and uncertainty concerns in agriculture are related to the occurrence of events and circumstances that have the potential to produce outcomes adverse to the business of farming.

²⁹ For more on Insider theory in this context see, Bourdieu, P. 1984, *Distinction: A social critique of the judgement of taste*, Harvard University Press.

cultural activity has great potential of being identified, particularly by people closely involved with the land. Conversely though, unawareness of ACR increases the potential for farming to have a negative effect on them.

The rural areas of the southern part of Australia that are actively and intensively farmed do not, in matters of ACR and ACH, attract significant attention from the anthropology and archaeology professions. Possibly, farming areas do not provide many funding and employment opportunities of members of these occupations. A study of the University of Queensland (Fairbairn & Ulm, 2007) identified working opportunities for archaeologists in Australia. Major employment was in government, archaeological consulting firms, large mining and resource corporations, engineering and environmental consulting firms, Aboriginal Land Councils, museums, and universities. Organ (1994) sees the lack of activity in farm areas as a systemic problem that leads to the “silent, unseen destruction of sites” (p. 4).³⁰ Organ (1994, p. 5) makes a claim that developers and landowners are free to destroy unregistered sites because it is unlikely that they will be found out. He argues that most landowners and developers lack knowledge or interest in Aboriginal heritage issues, and will only become involved when forced to do so. Organ also suggests that fear and ignorance, shown by the debates around Mabo, have engendered a view that Aboriginal cultural sites compromise land ownership and would not be welcomed.

2.3.5 Farmers and ethics of conservation and protection

Literature about rural landowners, conservation and stewardship, while prolific, almost exclusively concern ecosystems and biodiversity, couched in terms of the environment, natural resources, sustainable agriculture and climate change. The literature reveals tensions between ideas of environmental conservation and farming. In the main, farmers express concerns about eroding property rights and the limitations on making long-term decisions about farm resources (National Farmers Federation, 2010; McDougall & Paterson, 2003, p. 3; Reeve, 2002, p. 10).

³⁰ Organ (1994) is speaking specifically of Aboriginal heritage protection regimes of New South Wales and voicing opinions based on experience and not scientific study.

Thackway and Olsson (1999, p. 92) reported that farmer involvement in a conservation planning project in Queensland has been hesitant. The primary concerns of farmers are a loss of capacity in income, government control of property and fears of Aboriginal land claims. Encouraging farmers to take an interest in bio-conservation was considered pivotal in countering farmers' fears and influencing their involvement because conservation attempts were "likely to be successful where the interests and aspirations of stakeholders are considered and acknowledged" (p. 96). The point, argued domestically and internationally, is that landowners are key stakeholders in making changes in the landscape (Primdahl, 1999; Guerin, 1999, p. 301; Carr & Tait, 1991, p. 292).

Geno & Urquhart's (2001, p. 7) examination of the urban-rural divide identified that farmers tend to regard themselves as practical people, who act as stewards for the countryside. Even so, Vanclay (1992, p. 97) reports farmers seeing stewardship as their responsibility to look after the land to sustain the farming way of life for future generations. Farmers feel unfairly pressured on matters of environmental responsibility and resentful at having to bear the increased costs associated with compliance with environmental guidelines (McEachern, 1992, p.167; Carr & Tait, 1991). Concern about negative economic impacts, therefore, override farmers' rising sense of stewardship ethic (Curtis & De Lacy, 1998, p. 71).

The findings above correspond with those of a study of American farmers, where:

Perceived economic pressures are correlated with a greater willingness of farmers to tolerate unethical conduct and that the more common a respondent believes an action is in his community, the more accommodating he is of it. (James Jr. & Hendrickson, 2008, p. 16).

A finding of the above study was that farm practices resulting in harm were more objectionable than those that were wrong as defined by law, indicating that some farm practices were more unacceptable than others - a conclusion that leads James & Hendrickson (2008, p. 17) to suggest normative social pressures might better regulate the behaviour of farmers, not legal attempts to force behaviour compliance. This is an approach that may be more effectual in situations farmers perceive as having little chance of being enforced.

Agricultural extension is a process of delivering information to farmers. The State Extension Leaders Network (State Extension Leaders Network [SELN], 2006) has explained extension as:

The process of enabling change in individuals, communities and industries involved with primary industries and natural resource management (NRM). Extension is concerned with building capacity for change through improved communication and information flow between industry, agency and community stakeholders. Extension seeks outcomes of capacity building and resilience in individuals and communities. Extension contributes to protecting, maintaining and enhancing the landscapes, livelihoods and lifestyles of all Australians (SELN, 2006, p. 3).

Thus, agricultural extension refers to capacity building through the delivery of science-based information and knowledge to farmers so that they may appreciate and manage change, creatively applying the new knowledge to agricultural practice. The goal being to help resolve problematic situations, and improve the “stock of human, social, financial, physical and natural capital in an ethically defensible way.” (Macadam, Drinan, Inall & McKenzie, 2004, p. 17).

The more that a person, or persons, know about the world, the greater their sensitivity about intercultural matters (Perry, 1999) and their potential involvement in cultural heritage. Without full knowledge of the facts, people will refer to familiar concepts and objects and make evaluations based on previous knowledge or experiences, or in progressing decisions, plan and amend as the situation requires. These responses to uncertainty are subject to errors of judgement (Tversky & Kahneman, 1973). The way a person sees and mentally identifies the meaning of something (or someone) is relationally and contextually constructed (Sluss & Ashforth, 2007) and, thus, informed by their culture, personal history and experience. Therefore, an individual’s present and future is built on a perception of knowledge developed through a process of subjectively condensing real or ethereal experiences of similar things and situations and, in doing this, a person’s knowledge transforms into attitudes and reasoned behaviour (Rips, Blok & Newman, 2006). The consequence of an absence of appropriate experience or discourse is a reduction in the scope of the symbolic meanings of things and people, lessening and narrowing attitudes, and providing opportunities for inappropriate behaviours.

The affective meaning (or sentiments) of identities, behaviours, emotions and settings serve as interpretive reference points (Hämäläinen & Saarinen, 2008). In terms of geographical setting, sentimentality is largely coupled with a connected past that has deep and meaningful attachments. While people may connect deeply and meaningfully with the places about them, in tangled cultural landscapes it may be difficult to perceive the meanings of members of 'other' cultures without some sense of the values of that culture. The motivation to have regard for the meanings and values of members of 'other' cultures with 'other' pasts is, therefore, a central issue in heritage management, especially in situations of cultural hegemony.

At the core of ethical decision-making in heritage, especially those applied across cultures, is the recognition that it is members of cultural groups that form meanings and decide value (Taylor, 1997). Ethical decision-making involves selective judgements that consider the consequential effects on the lives and well-being of others (Trevino, 1986, p. 601) while supporting the moral self of members (Blasi, 1983, 2004; Monin & Jordan, 2009). Underpinned with familiar cultural meanings of right and wrong, integrating Aboriginal heritage management into existing structures for farm improvement may be more acceptable and secure for farmers than current legislative efforts.³¹ Thus, an agricultural extension framework may provide, what Ermine (2007) calls the ethical space for farmers to actively engage with Aboriginal heritage management.

Farmers have economic, social and environmental goals, but adoption of innovation in these areas will only result when there is a perceived advantage (Pannell, Marshall, Barr, Curtis, Vanclay & Williamson, 2006, p. 1407). Low adoption of environmental conservation measures may be explained by few farmers perceiving advantage. In this case, communication of the benefits of innovation in farming practices, of which conservation is an example appears crucial (Cruse & Maybery, 2003, p. 14). In instances where reasons for a change are complex and costs and benefits difficult to assess, farmers' opinions and ideology are challenged. In these circumstances, communication must be extremely clear, or adoption is unlikely (Guerin, 1999, p. 296).

³¹ An evaluation of the current South Australian Aboriginal heritage regime is the topic of the following Chapter 3. *Aboriginal Heritage Management in South Australia: Legislation and Administration*.

Effective and meaningful engagement between members of groups holding disparate cultural experiences requires communication, trust, collaboration and negotiation within organisational structures and systems that allow opportunity for interaction, and objections to be expressed and resolved (Bouwen & Taillieu, 2004; Gray, 1989, 2006). The resulting benefits are social cohesion and wellbeing, inclusiveness and respect, increased knowledge and cooperation, increasing synergy and improvement, and heightened contribution and participation (Ward & Mayer, 2009). An American study (Brown, Mitchell & Sarmiento, 2000, pp. 70-71) has identified the necessity of the support and engagement of local people in the stewardship of both natural and cultural heritage. Selin and Chevez (1995) identify that strategic collaborative approaches are conducive to arousing public responsibility in managing environmental and natural resources, and Gray (1989) has demonstrated the collaboration is a successful approach to broad and intricate problem solving. Bouwen and Taillieu (2004) argue that sharing perspectives among authority, business, science, users and social interest stakeholders constitutes a collaborative social learning process where issues in interdependent involvement may be satisfied. There is also an increasing awareness of local heritage places and active and sustained involvement in local community events, and aspects of heritage and identity figure strongly in local tourism products and marketing (Lennon, 2006). Accordingly, existing trusting, local social relationships present an ideal opportunity for disseminating knowledge and information among community members (Abrams, Cross, Lesser, & Levin, 2003; Levin & Cross, 2004).

Issues in cultural heritage management associated with farms are recognised internationally and in Australia (Brown, 2011; Daugstad & Grytli, 1999), although the heritage values at issue are usually those of the dominant culture. Holmes (2006, pp. 221-222) notes that the management dynamic between government and non-government stakeholders has altered insofar as successful governance outcomes need attention to the complexity and diversity of local contexts. Success requires supportive landowners, but “the interplay among incentives, law, values, group conflict, and social norms is hugely complex” (Elmendorf, 2004, p. 502).

2.4 Conclusion

The discussion of current understandings of cultural heritage reveals four points significant to this thesis. First, people create meanings through engagement with significant cultural resources that influence the behaviour of the present-day society in locating, defining and supporting identity (Hall & McArthur, 1993, p. 3). Therefore, present-day people are involved as primary actors in the undertaking of cultural heritage. As Waterton and Smith (2009, p. 2) affirm, heritage is a cultural process in which a cultural group identify and define their values.

The second point is that culture(s), and, therefore, cultural heritage(s) continually change, meaning that significance and values will differ, adjust and revise through space and time. Clearly, heritage is not defined by a single possessor because it is possible for a variety of heritage to emanate from the same resource (Ashworth, 1994, pp. 17-18). Therefore, in certain circumstances the resources for cultural heritage may have importance across cultures. In these cases, experiences, stories, artefacts and conventions are given meanings that are often different and sometimes contested (Graham et al., 2000, p. 35).

The third point is that cultural heritage encompasses the tangible and intangible; something that is becoming recognised as increasingly important to people, including Australian Aboriginal societies (UNESCO, 2003). Evaluated in such a light, current methods of heritage assessment may well “fall short of revealing the richness and diversity of cultural values in landscapes” (Stephenson, 2008, pp. 37-38).

The last point is that the preserved intangible and tangible remnants of the past are the resources for constructions of cultural heritage. Instances of ill-considered land-use can alter the landscape to such an extent that cultural features and meanings become isolated from sections of present day communities (Antrop, 2005, pp. 21-34). Among the barriers to Aboriginal involvement with land and land resources is a lack of access (Lane, 2002, p. 829). Areas associated with the disruption and displacement of the traditional Aboriginal owners, such as the

regions of intensive farming in the southeast of Australia, typify this circumstance.³²

The literature has revealed that, internationally and domestically, cultural resources within rural landscapes are at serious risk from agriculture, especially so in intensively farmed arable regions. The literature suggests that farming is a threat to ACR and, therefore, the establishment of Aboriginal heritage. ACR, intangible and tangible, are a critical resource for contemporary Aboriginal people in constructions of heritage and, therefore, identity. In this respect, farmers' perceptions of ACR and ACH are important because, ultimately, responses to difference can be apathetic, sympathetic, frantic or punitive and it is these reactions that define how Aboriginal people see themselves as different or separate (Clarke, 1974, p. 436).

There is an absence of research on Australian farmers' standpoints about ACR on farmland. Consequently, questions are raised about farmers' knowledge and mental constructs of Aboriginal cultures, and how farmers might manage any ACR of which they are unaware. Moreover, farmers' concerns may not include ACR, and the belief that farmers act as stewards of their landscapes is possibly tainted by other overriding concerns held by them. This situation creates opportunities for the loss of extant ACR. The literature displays a consensus that the perceptions and opinions of farmers in a local, regional context are pivotal to effective Aboriginal heritage management policy and procedure. Effective management practices will include positive outcomes for locating and conserving ACR and enabling Aboriginal people the access and freedom to decide their cultural heritage for themselves. Existing tensions between the ideology of conservation and the practice of farming are highlighted in this chapter, raising concerns about the efficacy of the current management of South Australian Aboriginal heritage. The following chapter, therefore, places a focus on the context of farming in examining and evaluating existing South Australian legislation and administrative practice put in place for protecting ACR and ACH.

³² This is not to say some Aboriginal people do not have difficulty gaining access to important lands, places and objects in other areas of Australia. However, farming generally occurs in more intensively settled parts of Australia where Aboriginal knowledge of and physical access to cultural resources may be impeded.

Chapter 3

Aboriginal Heritage Management in South Australia: Legislation and Administration

A man's property is some object related to him. This relation is not natural, but moral, and founded on justice. 'Tis very preposterous, therefore, to imagine, that we can have any idea of property, without fully comprehending the nature of justice, and shewing its origin in the artifice and contrivance of man (Hume, D. 1984 [originally 1739], *A Treatise on Human Nature*, London, Penguin Classics, p. 542).

This chapter explores South Australian government approaches to managing Aboriginal Cultural Resources (ACR) and Aboriginal Cultural Heritage (ACH), evaluating those aspects of legislation, administration and planning that influence locating, reporting, protecting and preserving of ACR and ACH on farm properties in the Tatiara District of South Australia.

When Australia voted in favour of the United Nations' *Universal Declaration of Human Rights* in 1948, it was recognising equal rights and human dignity as important in advancing higher standards of living and social freedoms.³³

Commensurate with human rights, cultural heritage benefits people of present and future generations (Blake, 2011, p. 200). A common assumption in Australian federal and state governments' policies is that material and immaterial cultural resources, and the cultural heritage emanating from these, contribute to personal and community identities (Environmental Protection Authority, 2008, p. 287; State of the Environment 2011 Committee, 2011, p. 697). By its very nature, cultural heritage is, therefore, an essential component of human rights worth supporting and sustaining (Blake, 2011, p. 204). However, in regulating toward a united and cohesive society, Australian governments pay close attention to contemporary economic and political factors and, therefore, take notice of the

³³ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), Available online: <http://www.un.org/en/documents/udhr/>, Accessed 19 May 2013.

suggestions and opinions of the wider community, including community organisations, industry sectors and disciplines. In seeking out shared worldviews and using them to inform government policy and law, the approach is obviously geared toward representing the views and values of the dominant majority (Bates & Bates, 1991, p. 123; Parrott, 1990, p. 75).

Four Commonwealth acts directly aim to conserve, protect or recognise aspects of Aboriginal cultural heritage in Australia. These are the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC), the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP) and the *Protection of Movable Cultural Heritage Act 1986* (PMCH) and the *Native Title Act 1993* (NT). The primary means available for protecting and conserving ACR and ACH in South Australia is through the *Aboriginal Heritage Act (SA) 1988* (hereafter *AHA (SA) 1988*). The *Development Act (SA) 1993* and *Development Regulations (SA) 2008*, along with accompanying planning policy and processes, are also instrumental in effecting the aims of the *AHA (SA) 1988*.

The first South Australian legislation protecting Aboriginal cultural heritage was the *Aboriginal and Historic Relics Preservation Act (SA) 1965* [*AHRPA (SA) 1965*].³⁴ Superseding the *AHRPA (SA) 1965*, was the *Aboriginal Heritage Act (SA) 1979* [*AHA (SA) 1979*], which in turn was replaced a few years later by the *Aboriginal Heritage Act (SA) 1988* [*AHA (SA) 1988*], the act that is currently in force.

The impetus for South Australian Aboriginal heritage protection and conservation came from concerns about the preservation of Aboriginal rock art sites, leading to discussions in the early 1960s by members of the South Australian Lands Department, the Aboriginal Affairs Department, Flora and Fauna Advisory Committee, the South Australian Museum, and the University of Adelaide and resulting in their recommending to the State Cabinet a heritage protection Bill (Edwards, as cited in Wiltshire & Wallis, 2008, p. 100). For some members of the Legislative Council, the protection and preservation of relics was a simple problem that did not concern living Aboriginal people:

³⁴ Although the *Aboriginal and Historic Relics Preservation Act 1965* (SA) was assented to on the 9 December 1965, it was not proclaimed in the Government Gazette until 1967.

This is not a nation-rocking matter in which policy is involved; there is not much politics in it because, after all, the people to whom we are referring have been dead for some time (C. R. Story, South Australia, Legislative Council 1965, *Debates*, 17 August, p. 1236).

Consequently, the focus of the 1965 Aboriginal and Historic Relics Preservation Bill was the protection and preservation of the relics of Aboriginal people and of the early settlement and exploration of South Australia.³⁵

3.1 Aboriginal and Historic Relics Preservation Act (SA) 1965 **[AHRPA (SA) 1965]**

The introduction of this Bill to Parliament in 1964 generated considerable debate and, although it was passed in the Lower House, the Bill failed to gain the support of the Legislative Council. Some legislators felt uneasy that the wide powers of prosecution and expenditure were beyond the control of the Minister and Parliament;³⁶ other legislators were concerned about the lack of protection for landholders and other people fossicking for collectables because, at the time, amateur collecting was believed by many to play an important and necessary role in preserving ancient and historic relics.³⁷

Private landowners were consulted during the drafting of the *AHRPA (SA) 1965*. Although the comments made by their representative organisations were not recorded, a concern for ensuring protection of the rights and interests of pastoralists and agriculturalists was prominent.³⁸ The State recognised that landowners could aid in management and believed that a majority of them would be prepared to comply with the State in acting as wardens in the protection of relics.³⁹ Notably, the Bill also included protection for significant relics of the early non-Aboriginal settlement and exploration of the State.⁴⁰ A major concern was the potential loss of historic relics owing to vandalism, accident, carelessness, and sale overseas. Since the protection of relics was thought to be the purview of

³⁵ South Australia, Legislative Council 1965, *Debates*, 4 August, p. 800.

³⁶ South Australia, Legislative Council 1965, *Debates*, 4 August, p. 800.

³⁷ South Australia, Legislative Council 1965, *Debates*, 17 August, p. 1022.

³⁸ Concern for the maintenance of the rights and interests of landowners were expressed by various members in both Houses of Parliament during debate on the Bill.

³⁹ South Australia, Legislative Council 1965, *Debates*, 4 August, p. 800.

⁴⁰ *Aboriginal and Historic Relics Preservation Act (SA) 1965*, s 3 (1) & s 21 (2).

capable and interested people staffing universities and the museum, the Minister of Education, who presided over these institutions, was chosen the responsible Minister. Once the *AHRPA (SA) 1965* was proclaimed in 1967, the Minister of Education and the Director of the South Australian Museum (The Protector) administered it.⁴¹ They were assisted in their task by an advisory board including representatives of the Council of the University of Adelaide, the South Australian Museum (SAM), the Department of Aboriginal Affairs, the Department of Lands (represented by a member of the Pastoral Board nominated by land holders) and a Chair nominated by the Minister.⁴² There was no Aboriginal involvement in protecting their own heritage (Wiltshire & Wallis, 2008, pp. 98-114)

There were complications with the implementation of the *AHRPA (SA) 1965* from the outset; principally problems with administration:

Recording progress to date has been slow due to the demands placed upon facilities and staff by the procedures of site declaration (Ellis, 1975, p. 8).

Along with a lack of adequate funding, there were disputes between government agencies and personnel over confusion in the roles of the Relics Unit and the SAM. Issues of confidentiality of registered sites and objects, and an inability to control persons granted permission to enter designated prohibited areas also caused problems in implementing the Act (Wiltshire & Wallis, 2008, p. 104).

Administrative staff of SAM became concerned that sites and objects of significance to Aboriginal people were being neglected while those of aesthetic and commercial interest to non-Aboriginal people were receiving unwanted attention (Ellis, 1975, pp. 9-10). With an increasing focus on the connections of Aboriginal people with natural sites and landscapes, in 1977, the Minister for Environment and Conservation became responsible for the *AHRPA (SA) 1965*, with the administrative Relics Unit transferring from the SAM to the Department of Environment. At about the same time, the South Australian Government introduced and enacted the Heritage Act 1978 (SA):

⁴¹ Although initially the responsibility of the Minister for Education (*Aboriginal and Historic Relics Preservation Act (SA) 1965*, s 5), administration of the Act was later delegated to the Minister of Environment and Conservation (Ellis, 1975, p. 7).

⁴² *Aboriginal and Historic Relics Preservation Act (SA) 1965*, s 6 (2).

An Act to preserve, protect and enhance the physical, social and cultural heritage of the State; to amend the Planning and Development Act, 1966-1977; to amend the City of Adelaide Development Control Act, 1976; and for other purposes. (*Heritage Act 1978 (SA)*).⁴³

This Act legally separated the non-Aboriginal heritage from Aboriginal heritage, apparently in support of an integrated system for the management of development planning and the environment (Hart, 1978). The *Heritage Act (SA) 1978*, in practice, supported the aims of the existing and future Acts regulating South Australian Planning and Development in South Australia. About the same time as the *HA 1978* was promulgated, the *Planning and Development Act (SA) 1966-1978* was in the process of being split, with the introduction to Parliament of the Planning Bill (SA) and the Development Bill (SA).⁴⁴

In a complex process, areas of overlap between the Planning Bill and the Development Bill made it necessary for amendments to the *AHRPA (SA) 1965*, resulting in the introduction of the Aboriginal Heritage Bill 1979, providing an Act to:

Provide for the protection and preservation of sites and items of sacred, ceremonial, mythological or historic significance to the Aboriginal people; to repeal the Aboriginal and Historic Relics Preservation Act, 1965; and for other purposes (*Aboriginal Heritage Act 1979 (SA) (AHA (SA) 1979)*).

3.2 Aboriginal Heritage Act (SA) 1979 [*AHA (SA) 1979*]

In presenting the Aboriginal Heritage Bill to Parliament, Labor Premier Corcoran spoke of revitalising Aboriginal cultures and expressed an appreciation of the connections between cultural traditions and legacies and Aboriginal social identities. He argued that the survival of cultural traditions depended on meanings passed down through the generations, and that it was necessary to protect material culture crucial to traditions from destruction and decay, particularly in regions attracting mineral exploration and recreational activities. By now it was

⁴³ The *South Australian Heritage Act (SA) 1978*, was repealed by *Heritage Act* (now *Heritage Places Act*) (SA) 1993.

⁴⁴ These Bills would emerge as the *Planning Act (SA) 1982* and the *Development Act (SA) 1993*.

recognised that it was vital for Aboriginal people to have a voice in protecting and maintaining their heritage; as Premier Corcoran said:

This new Act recognises that Aboriginal cultural traditions are not dead with only the remains to be protected but are alive traditions which Aboriginal communities themselves must play the major part in conserving, preserving and passing on for the benefit of their future generations (Corcoran, Premier and Treasurer, South Australia, House of Assembly, *Debates*, 15 February 1979, p. 2695).

Hence at least three Aboriginal people were included on a nine-member Aboriginal Heritage Advisory Committee. One representative from each of the South Australian Museum and the Pastoral Board were also to be included. At least one Aboriginal person was to be a representative of a tribal group able to advise on the protection and preservation of places and objects of sacred, ceremonial, mythological or historical significance, and the protection of Aboriginal remains.

It was not an intent of the Act to exclude people, particularly landowners, from actively participating in preserving Aboriginal heritage, with both sides of politics considering it essential to give:

Property owners who have sites of great significance to the Aboriginal people the opportunity to assist in ensuring that irresponsible elements and vandals do not damage those sites (Gunn, Liberal Opposition Member for Eyre, South Australia, House of Assembly, *Debates*, 21 February 1979, pp. 2871-2872).⁴⁵

However, the requirement under *AHRPA (SA) 1965* for private land owners to give their consent before the declaration of prohibited areas or historic reserves was now removed to bring the *AHA (SA) 1979* into line with the new *Heritage Act (SA) 1978* which had no such requirement for items of non-Aboriginal heritage.⁴⁶ Moreover, the new *AHA (SA) 1979* would not allow landowners to be honorary wardens or inspectors because of perceived difficulties in controlling their

⁴⁵ The Labor Minister of Community and Development, J. C. Bannon, was also emphatic that the intention of the new Act was not to deter property owners and other concerned people from involvement on the protection of Aboriginal sites and items (Bannon, South Australia, House of Assembly 1979, *Debates*, 21 February, pp. 2871).

⁴⁶ Owners and occupiers of private property would need to be informed of any proposed declaration (*AHA (SA) 1979*, s. 21).

behaviours and a view that the enforcement of protection measures was best carried out by trained persons.⁴⁷

Before the *AHA (SA) 1979* could be declared, there was a change in State government. The new Liberal government immediately declared an intention to develop new legislation in consultation with Aboriginal people (Wiltshire & Wallis, 2008, p. 107). However, the resulting *Aboriginal Heritage Amendment Act (SA) 1981* failed to pass through the parliament, as stated Wiltshire & Wallis (2008, p. 108), because of lingering uncertainties about the content and direction of the Act. In the interim, with the *AHRPA (SA) 1965* still in force, government administrative structures were reorganised and the Relics Unit, formally under the umbrella of the South Australian Museum, became the Aboriginal Heritage Section within the, newly formed, Department of the Environment and Planning.⁴⁸ At this stage, there was a complete internal review of the organisational structure and practice of Aboriginal Heritage Section.

Recommendations of the review were for a new Aboriginal Heritage Branch (separate from the State Heritage Branch), increased staff and resources, rationalisation of functions and an increased Aboriginal involvement.⁴⁹ Following the change of the South Australian Government back to Labor in 1982, the above administrative adjustments were initiated; the State Heritage Branch now administering the *HA (SA) 1978* and the Aboriginal Heritage Branch (AHB) taking responsibility for the administration of the new, yet to be introduced, Aboriginal heritage legislation.⁵⁰ While continuing to attempt to provide support and protection for Aboriginal heritage under uncertain legislation,⁵¹ the AHB was to assist in the formulation of the new Act. However, disagreements between

⁴⁷ Under the *AHRPA 1965*, Inspectors and Wardens had powers to demand the name and address of suspect persons; inspect, examine, search for, and seize any relics; and ask any person likely to damage relics to leave a historic reserve (s 12 (1) a, b, d, and e). Inspectors also had powers of arrest and detainment (s 12 (1b)).

⁴⁸ Previously acting separately, the environment and planning departments during this period combined into a single Department of Environment and Planning, and the *Relics Unit* renamed the *Aboriginal Heritage Section*.

⁴⁹ *Aboriginal Heritage Newsletter*, March 1984, p. 1.

⁵⁰ The 'Relics Unit' of the South Australian Museum had been renamed the 'Aboriginal Heritage Section' on its transfer to the South Australian Government Department of Environment and Planning. It was reformed as the 'Aboriginal Heritage Branch' in 1984 (Wiltshire & Wallis, 2008, p. 108).

⁵¹ The *Aboriginal Heritage Act 1979* (*AHA (SA) 1979*) was yet to be proclaimed and the *Aboriginal and Historic Relics Preservation Act 1965* remained in force during this time.

legislators and AHB staff about drafting the new Act resulted in the eventual exclusion of AHB staff from involvement in the process (Wiltshire & Wallis, 2008, p. 108).

The Aboriginal Heritage Bill, finally introduced to Parliament in 1987,⁵² prepared the way for repealing the *Aboriginal and Historic Relics Preservation Act (SA) 1965* and the *Aboriginal Heritage Act (SA) 1979*.⁵³ To facilitate the aims of State development, it was also necessary to make minor amendments to the *Mining Act (SA) 1971*, the *Planning Act (SA) 1982*,⁵⁴ and the *South Australian Heritage Act (SA) 1978*. There was considerable criticism of the level and extent of Government consultations in developing the new Aboriginal Heritage Bill, although some Aboriginal communities were approached and there was provision in the new Act for Aboriginal people to be involved in an advisory capacity.⁵⁵ The formulation of the Aboriginal Heritage Bill included consultations with Aboriginal communities and government, and non-government interests'.⁵⁶ Prominent in these were representatives of the mining industry, Pastoral Board and the United Farmers and Stockowners Association, although the extent of consultations with individual farmers is not fully known.⁵⁷ The Opposition claimed consultation was inadequate, complaining about a lack of opportunity and time to consult members of their electorates to gather opinion and discuss the Act.⁵⁸

Parliamentary debate included consideration of international obligations. During debate, M. J. Elliott (South Australia, House of Assembly 1987, *Debates*, 1 December, p. 2297) cautioned that plans for actions on cultural sites and objects

⁵² South Australia, House of Assembly 1987, *Debates*, 15 October, p. 1235.

⁵³ The *Aboriginal Heritage Act 1979* (AHA (SA) 1979) was never proclaimed. It has never been repealed because the AHA (SA) 1979 is applicable to certain operations of the *Roxby Downs (Indenture Ratification) Act 1982* (s. 9). In protecting Aboriginal heritage, the *Aboriginal Heritage Act 1988* supersedes the AHA (SA) 1979.

⁵⁴ The *Planning Act (SA) 1982* was repealed by s 6 of *Statutes Repeal and Amendment (Development) Act (SA) 1993* on 15.1.1994.

⁵⁵ The Aboriginal voice in Aboriginal Heritage management was to emerge through the inclusion of an Aboriginal Heritage Committee to advise the Minister (see more below).

⁵⁶ South Australia, House of Assembly 1987, *Debates*, 21 October, p. 1434.

⁵⁷ The United Farmers and Stockowners Association became the South Australian Farmer's Federation (SAFF) in 1992; further structural changes in 2013 resulted in the new name of Primary Producers SA.

⁵⁸ South Australia, House of Assembly 1987, *Debates*, 21 October, p. 1335.

needed to be carefully considered because of the number of international agreements to which the Australian Government had assented. One such international document is highly relevant to ACR and ACH on farms. Although expressing values of property ownership and exhibiting a historic and aesthetic rather than cultural focus, the *Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works* (UNESCO, 1968) specifically raised the threat posed by farming operations, such as, deep ploughing, drainage and irrigation operations, the clearing and levelling of land, and afforestation. Moreover, the Recommendation identifies the issue of unclassified and unrecorded cultural resources and the attribution of contemporary significance.

In emphasising the obligations of States to produce protection law and provide supportive elements that enable the efficacy of those laws, the Recommendation urged preventive and corrective measures to be instituted, such as, legislation and regulation measures, financial and administrative procedures, penalties and awards, and the necessary advice and educational programs (UNESCO, 1968, part III-13a-i). UNESCO Recommendations and Declarations of UNESCO are aimed to influence the development of national laws and practices, rather than requiring Member States to instigate legislative approaches as is the case with UNESCO Conventions.⁵⁹ However, when adopted, Recommendations place obligations on Member States to deliver the recommendation(s) to the appropriate competent national authorities.⁶⁰ Notwithstanding the previously noted weaknesses, the South Australian Parliament enacted the *Aboriginal Heritage Act (SA) 1988* on the 17 March 1988.

3.3 **Aboriginal Heritage Act (SA) 1988 [AHA (SA) 1988]**

In developing the *Aboriginal Heritage Act (SA) 1988*, policy makers and legislators considered two avenues for protection of Aboriginal cultural heritage.⁶¹

⁵⁹ The intention of UNESCO Recommendations and Declarations is to influence the development of national laws and practices. They do not attract the legislative focus of UNESCO Conventions. When adopted, Recommendations place obligations on Member States to deliver the recommendation(s) to the appropriate competent national authorities. Obligations inherent in passed UNESCO Recommendations are relevant to all Member States, regardless of their voting status (UNESCO, 1995-2010).

⁶⁰ Obligations inherent in passed UNESCO Recommendations are relevant to all Member States, regardless of their voting status (UNESCO, 1995-2010).

⁶¹ South Australia, House of Assembly 1987, *Debates*, 15 October, pp. 1235-1236.

The first was to identify specific sites and objects of significance for Aboriginal people and provide these with strong legal protection. The second option was to provide legal protection for all Aboriginal sites and objects regardless of their identification or registration status. Policy makers considered the first option impractical owing to the expense of identifying and registering large numbers of Aboriginal sites and objects. Damage and loss occurring to significant unregistered Aboriginal sites and objects during the process were also a concern. Hence, the second option was selected as a legal *blanket of protection* for all sites and objects of significance to Aboriginal heritage, with legislators believing it was unnecessary to identify and register them all, “but offsets this by providing for ministerial exemptions in certain areas where certain activities are justified.” (Crafter, Minister for Aboriginal Affairs, South Australia, House of Assembly, 1987, *Debates*, 15 October, p. 1235).

The *AHA* does not provide a definition of Aboriginal heritage, leaving interpretations to arise from the specifics of the Act. Somewhat ambiguously, the ‘blanket of protection’ for Aboriginal sites, objects and remains is contingent upon specific criteria of significance (*AHA (SA) 1988*, s. 3):

An Aboriginal object is defined in the Act as;

An object of significance according to Aboriginal tradition; or of significance to Aboriginal archaeology, anthropology or history (s. 3).

Aboriginal site is defined as;

An area of land that is of significance according to Aboriginal tradition or significant to Aboriginal archaeology, anthropology or history (s. 3).

Aboriginal remains is defined as;

The whole or part of the skeletal remains of an Aboriginal person but does not include the remains that have been buried in accordance with the law of the State (s. 3).

Aboriginal cultural tradition is also defined in the Act. The *AHA (SA) 1988* (s. 3) determines the meaning of Aboriginal cultural tradition:

Aboriginal tradition means traditions, observances, customs or beliefs of the people who inhabited Australia before European colonisation and includes traditions, observances, customs and beliefs that have evolved or developed from that tradition since European colonisation (*AHA (SA) 1988*, s. 3).

A Traditional Owner is defined as:

An Aboriginal person who, in accordance with Aboriginal tradition, has social, economic or spiritual affiliations with, and responsibilities for, the sites and objects (s. 3).

The expounding of Aboriginal traditional culture as ongoing has been lauded as a progressive feature of South Australian Aboriginal heritage legislation (Evatt, 1998). Therefore, recognising contemporary Aboriginal cultural processes and assisting Aboriginal groups to protect or preserve their traditions is certainly not a contentious issue.⁶² However, there is potential for tensions to arise through limited understandings of Aboriginal tradition (Weiner, 1999, pp. 133-134) and contemporary ideas of Aboriginality (Tonkinson, 1999, pp. 139-141). Traditional customs are adapting and changing per the circumstances of each generation (Keesing, 1981, p. 166; Linnekin, 1983, p. 242-243). Therefore, in present-day settings, symbols of tradition carry values and meanings used in ways that previous generations would not appreciate as traditional (Eisenstadt, 1973, p. 21; Cowlshaw, 2012, pp. 401-405). This distinction is particularly relevant because many members of Western societies do not see Aboriginal tradition playing a role in modern settings (Graburn, 2000, p. 8). For instance, some legislators of the *AHA (SA) 1988* did not regard some Aboriginal people living in cities and settled regions capable of speaking for traditional Aboriginal culture: as Hopgood, Minister for Environment and Planning, said:

As I understand the position, it [the *Aboriginal Heritage Working Party*] is constituted of city based Aborigines who seem to have little or no contact with the traditional people; some have come from interstate and some are not Aborigines at all. The committee was formed about nine months ago. The person who seems to speak for this group, an Irene Watson, is the person who was interviewed on television tonight. I utterly reject any suggestion by members opposite that Irene Watson is speaking for traditional Aboriginal culture in this state (Hopgood, Minister for Environment and Planning, House of Assembly, *Debates*, 21 October 1987, p. 1435).

Irene Watson is from the Tanganekald - Meintangk peoples, the traditional owners of the Coorong and South-East region of South Australia, and is an academic with

⁶² The protection and preservation of cultural traditions is consistent with human rights objectives contained in the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (UNESCO, 2005, p. 5).

the University of South Australia.⁶³ A perspective of southern Australian Aboriginal people as having no traditional right or responsibility to speak on behalf of Aboriginal heritage, as evidenced by Minister Hopgood's comments, is indicative of probably one of the foremost contemporary issues in managing ACR and ACH in areas long settled by Europeans.

The notion of conserving significant artefacts, behaviours or beliefs and passing these on from one generation to another are similar in tradition and heritage, but have subtle differences. In an anthropological sense, traditions function within a group with exclusive membership, whereas heritage functions in a much more accessible way, benefitting many people (Ronström, 2005, p. 9). As highlighted in the previous chapter, heritage focussing on the traditional aspects of a cultural group limits the scope and range of cultural heritage; not only regarding the things that people may find significant, but also the people who may value them.

3.3.1 Administrative structures of the *AHA (SA) 1988*

Today, the Aboriginal Heritage Branch (AHB) is responsible on behalf of the Minister for Aboriginal Affairs and Reconciliation (AARD) for administering and ensuring compliance with the *AHA (SA) 1988*. At the time of writing this thesis, the *AHA* has been in force for close to thirty years and, although under review for the past eight years, has only recently been reformed.⁶⁴ AARD is currently a division of the South Australian Department of State Development.⁶⁵ The *AHA (SA) 1988* provides three main structures for implementing the aims of the Act: The South Australian Aboriginal Heritage Fund; the Aboriginal Heritage Committee; and the Central Archive.

The experience of implementing the earlier heritage legislation led the Aboriginal Heritage Branch to identify funding as a major restriction on its protecting ACH (Wiltshire & Wallis, 2008, p. 108). Section 19 of the *AHA (SA) 1988* therefore established the South Australian Aboriginal Heritage Fund administered by the Minister. The intention of the South Australian Aboriginal Heritage Fund was to

⁶³ <http://www.unisanet.unisa.edu.au/staff/Homepage.asp?Name=irene.watson>.

⁶⁴ Recent (2016) amendments have now been made to the *AHA (SA) 1988* - see Chapter 8.6, *Aboriginal Heritage (Miscellaneous) Amendment Bill (SA) 2016*.

⁶⁵ During recent (2014) South Australian Government department restructuring, the Aboriginal Affairs and Reconciliation (AARD) Division was moved from the Department of the Premier and Cabinet (DCP) to the new Department of State Development (DSD).

acquire land or Aboriginal objects or records, provide grants or loans for research into Aboriginal heritage, and make payments under Aboriginal Heritage Agreements entered by the Minister. The Fund was also to be used in administering the Act, or for any other purpose related to the protection or preservation of the heritage of Aboriginal people.

Although introduced with the intention of providing the fiscal resources to put in place incentives, advice, and educational programs that would accord with UNESCO obligations,⁶⁶ the Fund is proving to be of little service in protecting or preserving Aboriginal heritage. The Fund has not been operational for many years and cannot be accessed by the staff of the Aboriginal Heritage Branch. AHB staff are unable to say why the fund is currently defunct (Crow, H., 2013, pers. comm., Aboriginal Heritage Branch, 16 May), although reinstituting its use is a recent focus (Crow, H., 2015, pers. comm., Aboriginal Heritage Branch, 12 November).

The Aboriginal Heritage Committee (SAHC),⁶⁷ advises the Minister on the protection and preservation of Aboriginal sites, objects and remains that are of significance according to Aboriginal tradition, archaeology, anthropology or history (*AHA (SA) 1988*, s. 3). There was some argument that significance and measures of protection are best determined at the local level: as one politician put it;

I would submit that a committee of Aborigines representative of the whole State is not the best vehicle for making that judgement. Surely it is much better to use the people in that area, who understand their tradition and culture, when making a judgement on a site or object which may be significant in that particular area to that particular group of Aborigines (Davis, Legislative Council, *Debates*, 10 November 1987, p. 1779).

Aboriginal people also indicated they were keen to have Aboriginal heritage matters managed at local level. For instance, meetings between AHB staff and Aboriginal individuals, families and small groups in the South East of South Australia during 1982-3 indicated that Aboriginal people living in the region wanted to conduct their own heritage surveys and have their own local registers.

⁶⁶ *Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private works* (UNESCO 1968, 13, pp. 141-142).

⁶⁷ The Aboriginal Heritage Committee must be fully composed of Aboriginal people (*AHA*, 1988, s. 7).

They could best represent themselves through local heritage committees, although that they conceded that the State Heritage Committee had merit if their representatives were members.⁶⁸

The Government took the position that a central Aboriginal Committee was appropriate for coordinating heritage matters throughout South Australia:

Aboriginal people ... made it clear during the Bill's development that they wanted to have a major input into decisions on preserving their heritage. They wished this input to be at the local level, but saw value in a coordinating central committee to consider matters of State-wide significance (Cornwall, Labor Minister for health, Legislative Council, *Debates*, 3 November 1987, p. 1567).

Although a central Aboriginal Committee has a prominent role in South Australian Aboriginal heritage management, several factors have reduced its effectiveness. First, the Government's position (as Cornwall, suggested) indicates a bias toward State interests and logistical management, rather than the interests of local Aboriginal groups. Second, while the SAHC seeks to represent the interests of Aboriginal people from all regions across the State in the protection and preservation of Aboriginal heritage, this is not accepted by all Aboriginal people in South Australia (Schnierer, 2010, p. 27). Third, operating from a centralised position, the SAHC has limited capacity in providing detailed direction about the significance and protection of Aboriginal sites and objects. Finally, although obliged to consult with and consider the advice of the SAHC, the Minister has no obligation to follow that advice.⁶⁹

The *AHA (SA) 1988* compels the Minister to maintain a Central Archive holding records of reported Aboriginal sites, objects and remains. The part of the Central Archive that records all sites and objects determined to be significant according to Aboriginal tradition; or archaeology, anthropology or history is known as the Register of Sites and Objects (RASO):

9—Central and local archives (*AHA (SA) 1988*, s. 9)

The Minister must keep central archives relating to the Aboriginal heritage.

⁶⁸ *Aboriginal Heritage Newsletter*, March 1983, No. 7; June 1983, No. 8.

⁶⁹ *Aboriginal Heritage Act (SA) 1988*, ss. 5, 8.

(2) Part of the central archives (to be entitled the "Register of Aboriginal Sites and Objects" must contain entries describing, with sufficient particularity to enable them to be readily identified, sites or objects determined by the Minister to be Aboriginal sites or objects.

(3) The Minister must not remove an entry from the Register of Aboriginal Sites and Objects unless the Minister determines that the site or object to which the entry relates is not an Aboriginal site or object.

(4) The Minister may assist (financially or in any other manner) an Aboriginal organisation to keep local archives relating to the Aboriginal heritage.

Recent (2012) estimates are that, in the state of South Australia, 7 850 Aboriginal heritage sites or objects are listed on the Central Archive of the Aboriginal Heritage Branch (Crow, H., 2012, pers. comm., Aboriginal Heritage Branch, 12 November), a rise of 365 from the number stated in 2008 (Environmental Protection Authority, 2008, p. 287). The stated number includes all notifications to the Aboriginal Heritage Branch, including those that have been formally placed on the Register of Aboriginal Sites and Objects (RASO). Approximately 3 572 sites and objects entered on the RASO as of November 2012.

The format of the RASO means that reports to the SA Aboriginal Heritage Branch are difficult and costly to interrogate. However, rough estimates are that 95% of reports come from consultants, and the Aboriginal Heritage Branch's own conservation team.⁷⁰ Approximately 5% of reports come from Aboriginal communities. Less than 1% of reports, it is estimated, are generated by the public, including farmers (Wearne, J., 2011, pers. comm., Aboriginal Heritage Branch).

These numbers are particularly significant because they indicate that, despite the intentions of Act, farmers, as landowners, are rarely making notifications of the discovery of Aboriginal sites, objects and remains on their properties. It is worth noting at this point that the extent of Aboriginal lands now owned and used by farmers is not insignificant. For instance, 27.46% of the private lands of South Australia (classified as Freehold and Crown Leasehold) are held in freehold title. The South-east region of South Australia covers 7% (65 500 km²) of the state (Australian Bureau of Statistics (ABS), 2011b) and 74% (48 480 km²) of this land

⁷⁰ Reports associated with development applications are included in this estimate (J. Wearne, 2011, pers. comm., Aboriginal Heritage Branch).

is agricultural land (Australian Government, 2015). Approximately 5 972 farms are in the South-east region; 46% of all the farms in South Australia (Australian Government, 2015). The Tatiara District Council occupies approximately 6 527 square kilometres, or 13.5 % (ABS, 2012) of the South-east region and most of this land is used in some form of farming enterprise.⁷¹

3.3.2 Protecting Aboriginal heritage under the *AHA (SA) 1988*

Compliance with the legislation is particularly reliant on a dual penal and administrative-regulatory approach. The penal technique of monetary fines and gaol sentences is intended to deter noncompliance (Parrott, 1990, p. 79). On the surface, the *AHA (SA) 1988* appears successful in protecting ACR or ACH because no court cases have resulted from noncompliance to certain sections of the Act. For example, no one has been prosecuted for failing to report finding (s. 20) or deliberately or accidentally damaging (s. 23) Aboriginal sites, objects or remains. Moreover, no one been charged with failing to comply with directions from the Minister or an Inspector) about a site, object or remains (ss. 24 & 26) or for divulging information contrary to Aboriginal traditions (s. 35) (Crow, H., 2012, pers. Comm., Aboriginal Heritage Branch, 30 November). However, the fact that no litigation has taken place concerning these sections of the Act should not be read as demonstrating the effectiveness of the Act in protecting ACR and ACH. On the contrary, court cases are an important aspect in the development of law through judicial review (Bates & Bates, 1991, p. 199). Judicial review is essentially a test of administrative powers and actions in a court of law, that is, the legality of actions undertaken in administering an Act (Legal Services Commission, 2014). Without opportunities for judicial review in the areas mentioned above, the effectiveness of the *AHA (SA) 1988* is dependent upon public service interpretations of the meanings of definitions written into the Act and bureaucratic administrative structures and capacities. A lack of judicial review means a missed opportunity to test and review the effectiveness of administrative policy and decision making (Derham, Maher & Waller, 1991, p. 29; Harris, 2006, p. 1).

Clarity of Aboriginal heritage law, for both administrators and the public (including, in the case of this thesis, farmers) may be provided by regulations

⁷¹ The geographical, environmental and social setting of the TDC is discussed further in the Chapter 4: *The Tatiara: Foundations for Heritage*.

setting out the details for administration. Summers (1971, p. 736) identifies a close alliance between administration and regulation; administrators being responsible for ensuring compliance with statutory rule and standards:

Statutory rules are themselves of great public advantage because the details ... can thus be regulated after a Bill passes into an Act with greater care and minuteness and with better adaptation to local or other special circumstances than they can possibly be in the passage of a Bill through Parliament. Besides, they mitigate the inelasticity which would otherwise make an Act unworkable and are susceptible of modifications ... as circumstances arise (Jenkyns, 1893, cited in V. C. R. A. C. Crabbe, 1986).

During the development stages of the *AHA*, staff of the Aboriginal Heritage Branch (AHB) identified several issues that needed to be resolved through the development of detailed regulations:⁷² First, a detailed definition of the classes of sites and objects to be declared (*AHA* s. 3); second, the processes for issuing permits for research and the involvement of local Aboriginal people (*AHA* s. 5, s. 19, s. 32); third, the process of application for determinations and how these matters would be assigned to Aboriginal people (*AHA* s. 12, s. 13); fourth, the engagement and employment of inspectors (*AHA* s. 15, s. 16, s. 17, and s. 18); and finally, the sale and disposal of Aboriginal cultural material (*AHA* s. 29).

The *AHA (SA) 1988* (s. 46) makes provision for regulations to aid in implementation of the Act and the management of Aboriginal heritage. However, for reasons unascertained by the current study, administrative regulations have never been set in South Australia, resulting in lack of clear definition of the respective roles and actions of stakeholders in protecting and preserving ACR and ACH. In the case of farmers, their daily practices potentially place them in unanticipated situations that might require decisions affecting Aboriginal heritage. Without easily accessible, and defined guidelines relevant to their specific circumstances, farmers must decide for themselves the criteria on which to base their actions. The Victorian *Aboriginal Heritage Act [Vic] 2006*, in contrast, has regulations (*Aboriginal Heritage Regulations [Vic] 2007*) that assist farmers (among other people) in making decisions to mitigate harm for Aboriginal heritage. These specify areas of cultural heritage sensitivity (*Div. 4*) and the types of activities that have an impact on Aboriginal heritage within those areas (*Div.*

⁷² *Aboriginal Heritage Newsletter*, No. 25, March 1988, p. 1.

5). The regulations also set out the circumstances, standards and fees for Aboriginal heritage management assessments, plans and agreements (*Parts 3, 4, and 5*).

3.3.3 Ambivalent use of ‘significance’ in the *AHA (SA) 1988*

Crucially, according to the wording of the Act, ACR yet discovered, or yet to be determined ‘significant’ appears unprotected. As indicated in Figure 3.1, this situation arises because, under the *AHA (SA) 1988*, Aboriginal sites and objects are identified through the determination of significance according to Aboriginal tradition, or archaeology, anthropology or history.

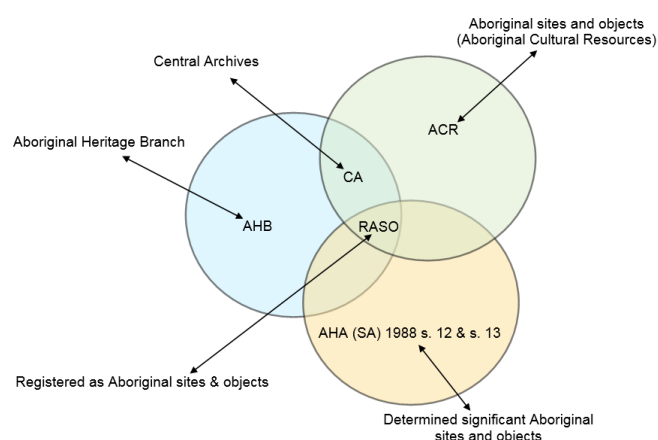


Figure 3.1: The identification of Aboriginal sites and objects through specific significance criteria in the *AHA (SA) 1988*.

The previous sections of this thesis have highlight the central principle of significance in cultural heritage and within the *AHA (SA) 1988*.⁷³ In South Australia, policy-makers planned for certain categories of sites or objects to be excluded or included from the definitions of Aboriginal sites or objects through administrative regulations,⁷⁴ implying significance was intended to have a determining role in the protection regime. However, the current approach to determining the identity of Aboriginal sites and objects supports the protection of sites and objects for their fundamental worth as Aboriginal in origin, rather than

⁷³ As highlighted in Chapter 2, the idea of ‘significance’ is a vital element to defining Aboriginal heritage, and is central aspect of Aboriginal Cultural Heritage as understood in this thesis.

⁷⁴ South Australia, House of Assembly 1987, *Debates*, 15 October, p. 1236.

capturing deeper intangible meanings and values of contemporary Aboriginal people.⁷⁵

A site or an object that is determined significant and entered on the RASO is legally and conclusively presumed to be an Aboriginal site or object under the full protection of the Act. It was the intention of legislators of the *AHA (SA) 1988* that Traditional Owners would determine what site or object is of significance to Aboriginal people,⁷⁶ although within the limits of the significance criteria outlined in the Act. Significance is determined through bureaucratic interpretations of the Act, administrative processes and, ultimately, the Minister (*AHA (SA) 1988*, s. 12). Crucially, the Act does not protect sites and objects the Minister determines are of no significance (s. 11b) or has given the authority for them to be damaged, disturbed or interfered with (s. 23). Most importantly, it is this aspect that highlights the issue of protection and conservation of Aboriginal sites or objects (ACR) yet undiscovered, or not yet determined as significant.

The current state of confusion about the *AHA* and its interpretation generates a perceived need, by Aboriginal groups, government administrators, heritage professionals and the public alike, to authenticate ACR as ‘Aboriginal’ and therefore, deem ‘authentic’ or ‘real’ ACR as ACH. It is this construal of ‘significance’ under the Act that allows administrative policy in South Australia to claim a legal blanket of protection for all Aboriginal sites and objects, although it appears that ACH is protected, but ACR is not.

This Aboriginal heritage management regime limits the scope of available ACR and diminishes contemporary Aboriginal investments in cultural heritage. While it is unlikely that Aboriginal people in the southern settled areas of Australia will view any recoverable element of past Aboriginal life (ACR) as insignificant, their knowledge and understandings of ACR will generate through the cultural process of collective memory. In contrast, farmers’ knowledge and understandings of ACR is likely a collective construction (Sontag, 2003) arising through western reference systems such as schools, books and museums that emphasise antiquity, science and history rather than the contemporary heritage of Aboriginal people.

⁷⁵ Contemporary Aboriginal values and meanings is a topic for further study as noted in a section of the final chapter (Chapter 8: *Conclusions*).

⁷⁶ South Australia, House of Assembly 1987, *Debates*, 21 October, p. 1435.

Farming landowners understanding ACR as the relics of a bygone people, obsolete and irrelevant in the modern world is a potential problem for Aboriginal heritage defined under modern concepts.

Since farmers are de facto managers of sites and objects on land under their control, their understandings, ideas and priorities are pivotal in achieving positive outcomes in locating, protecting and conserving ACR and ACH. Farmers who interpret sites and objects according to Western archaeological, anthropological or historical meanings may not recognise the potential of pre and post European sites and objects as cultural resources for the heritage of contemporary Aboriginal people who may live alongside them (Organ, 1994, p. 5). The current Aboriginal heritage regime lacks measures for cooperative management between Aboriginal people and farmers that would address this potential problem.⁷⁷

3.3.4 Determining Aboriginal heritage

Beside there being ambiguity in the meaning of significance in the Act, the process by which significance is determined is itself logistically complex, although seemingly straightforward. In undertaking determinations under section 12, the Minister must conform to the dictates of section 13 of the Act:

- (a) before making a determination under this Act; or
- (b) Before giving an authorization under this Act; or
- (c) Before a site or object is declared by regulation to be an Aboriginal site or object, or is excluded by regulation from the ambit of the definition of Aboriginal site or object.

Take all reasonable steps to consult with -

- (d) the Committee; and
- (e) any Aboriginal organisation that, in the opinion of the Minister, has a particular interest in the matter; and
- (f) any -
 - (i) Traditional Owners

⁷⁷ The questions of farmers' knowledge and understanding of Aboriginal heritage law, and their perceptions and judgements of elements of an Aboriginal past (that may be on their property) is taken up in the second phase of this study; collating available documentary evidence, observing farm practices, and interviewing selected participating farmers.

- (ii) Other Aboriginal persons, who in the opinion of the Minister, have a particulate interest in the matter.

Despite the requirement for consultation, the Minister's discretion holds sway over any advice or recommendation that he or she may receive.⁷⁸ Consequently, the Minister can grant an authorisation to another party, such as a construction company, to damage, disturb or interfere with any Aboriginal site, object or remains. There is no need for the Minister to establish the presence of Aboriginal sites or objects before giving authority to damage, disturb or interfere with any Aboriginal site, object or remains. In the words of the Honourable Justice Stanley:

There is nothing in the Act which requires the Minister to be satisfied as to the existence or otherwise of an Aboriginal site, object or remains before giving a s 23 authorisation [to damage, disturb or interfere with Aboriginal sites and objects]. The Minister's power under s 23 does not arise only where objects or remains have been identified (The Honourable Justice Stanley, at 183, *Starkey & Ors v State of South Australia* [2011] SASCF 164 (Gray, David & Stanley)).

The Minister's ability to make final decisions on ACR and ACH matters exposes Aboriginal heritage management in South Australia to political and economic pressures (Harris, 2002, p. 86) potentially detrimental to the establishment of ACH.

Appropriate consultation with Traditional Owners and other Aboriginal people in Australia is not a simple matter. It requires time and funding: for staffing, advertising and travel. Receipt of a section 12 application requires the Minister (under s. 13 (1, 2, 3)) to initiate contact and discussion with the South Australian Aboriginal Heritage Committee (SAHC), Aboriginal organisations, Traditional Owners, and Aboriginal families and individuals who may have an interest. Relevant parties may live in various regions of the State; possibly interstate. As the representative body for Aboriginal heritage across the State, the SAHC will consider the views and interests of Traditional Owners and local Aboriginal people before advancing any comments, decisions or recommendations to the Minister. In recent times, an Aboriginal Heritage Committee representative has attended community consultation meetings, directly communicating the views

⁷⁸ This authority has been legally reviewed and confirmed by the Supreme Court of South Australia (*Aboriginal Legal Rights Movement Inc. v State of South Australia*, 1995, 64 SASR 558).

expressed back to a scheduled State Aboriginal Heritage Committee (SAHC) meeting.⁷⁹

Beyond this, Aboriginal community values or responsibilities may be internally disputed (Schnierer, 2010, p. 36), requiring extensive and ongoing negotiation and discussion. Upon request by the Traditional Owners of a site or object, the Minister must delegate Ministerial powers under ss. 21, 3, 29, 35 to the Traditional Owners of that site or object if they so desire (*AHA, 1988, s. 6 (2)*).⁸⁰ However, difficulties exist in identifying and locating Traditional Owners in regions where traditional Aboriginal systems have been severely disrupted through a history of colonialism. Currently in many areas of southern Australia, Aboriginal representations on heritage are made through Aboriginal heritage associations and organisations run by Aboriginal people. As evidenced by the decision of *Newchurch v the Minister for Aboriginal Affairs and Reconciliation*, in these areas, matters of consultation with Traditional Owners are not easily resolved to the satisfaction of Aboriginal people.⁸¹

Although consultation is a legal necessity, minimal resources and a current staff of ten severely restrict the efforts of the AHB, reflecting negatively on its task of recording and registering Aboriginal sites and objects (Crow, H., 2011, pers. comm., Aboriginal Heritage Branch, 29 November). As knowledge about the location, extent and significance of sites and objects is necessary for management and protection, AHB currently focuses on locating, assessing and verifying sites and objects entered on the Central Archive and RASO. Although present-day

⁷⁹ There were seven scheduled meetings of the SAHC for the year 2009/ 10. Two of the meetings were held outside metropolitan Adelaide (SAHC, 2009/10, p. 7). There are eight meetings scheduled for 2015 (SAHC meeting dates, Available online: <http://www.statedevelopment.sa.gov.au/upload/aard/Meeting%20Calendar2015.pdf?t=1447370909521>, Accessed 13 November 2015).

⁸⁰ The Supreme Court case, *Starkey & Ors v State of South Australia* ([2011] SASCFC 164) has confirmed that the Minister must delegate his or her powers when requested by Traditional Owners. Further, this case also made clear that the consent of Traditional Owners was necessary for Minister to grant further authorisations or revoke that delegation.

⁸¹ In the South Australian Supreme Court, Mr Newchurch challenged a decision by the South Australia Minister for Aboriginal Affairs and Reconciliation to revoke an authorisation ("the First Authorisation") granted by the Minister under s 23 of the Act ("the Revocation Decision"), and a decision by the Minister to refuse to delegate powers under s 23 of the Act to the traditional owners of the site ("the Delegation Decision"). He also challenged a second authorisation ("the Second Authorisation") granted by the Minister about six weeks after she had revoked the First Authorisation. These challenges were rejected and dismissed according to Judgment of The Honourable Chief Justice Doyle (*Newchurch v the Minister for Aboriginal Affairs and Reconciliation* [2011] SASC 29 (03 March 2011)).

AHB staff have technical expertise (in terms of archaeology at least), limited staff numbers and the requirements for consultation is a serious administrative impediment to protecting ACR and ACH. However, re-locating and re-evaluating sites and organising community consultation is costly and time consuming (Crow, H., 2012, pers. comm., Aboriginal Heritage Branch, 30 November).

In countering the problems of determination and consultation, the AHB is currently evaluating registered sites and objects within a specified region ‘en bloc’. As part of this process, the AHB starts a process of consultation and determination of significance of any other reported Aboriginal sites and objects in the area. This strategy achieves valuable savings for the AHB logistically and monetarily and, equally importantly, augments opportunities for local community involvement and education (Crow, H., 2011, pers. comm., Aboriginal Heritage Branch, 29 November).⁸² Nevertheless, the AHB responsibilities are for the entire State. While this strategy is a sensible use of limited resources, the sequential approach means attention to Aboriginal heritage in other regions is delayed, possibly for years.

3.3.5 Landowners’ legal responsibilities to Aboriginal Cultural Resources (ACR) and Aboriginal Cultural Heritage (ACH)

The prevention of interference with Aboriginal heritage sites was a continuing concern identified in earlier legislation.⁸³ Consequently, the *AHA (SA) 1988* s 23 prohibits disturbing or interfering Aboriginal sites or objects, including deliberately moving, picking them up or collecting them. The prohibition on disturbance of Aboriginal sites or objects poses problems for farm operations which can cause interference or disturbance to them. Therefore, re-vegetation efforts, seeding, ploughing, scarifying, driving vehicles or stock over a site, or dumping rubbish or dead stock onto a site, may constitute a breach of the Act (DCP, n.d., p. 3). Further, *AHA (SA) 1988* s 20 requires landowners to report discoveries of ACR on their properties. Noncompliance constitutes a criminal act

⁸² The advantages of the ‘en bloc’ strategy include: cost savings in time, travel, notifications and advertising; local Aboriginal and non-Aboriginal community members are more likely to become involved; and it is a favourable time for informing the local population of the importance of Aboriginal Cultural Heritage and their legal obligations (Crowe, H., 2012, pers. comm., Aboriginal Heritage Branch, 30 November).

⁸³ South Australia, Legislative Council 1988, *Debates*, 16 February, p. 2758.

with sanctions. Maximum penalties are, in case of a body corporate, \$50 000; and in any other case, \$10 000 or imprisonment for 6 months.

The AHB has the power to investigate alleged breaches of the Act and has conducted several such investigations. Only one case is believed to have resulted in court action (Crowe, H., 2015, pers. Comm., Aboriginal Heritage Branch, 12 November), although searches of various legal databases have failed to find reference to any such court action. No sanctions have ever been applied to noncompliance of section 20 of the *AHA (SA) 1988* (Crow, H., 2012, pers. comm., Aboriginal Heritage Branch, 30 November).

Unlike Queensland Aboriginal heritage legislation (*QAHA, 2003*) which incorporates a cultural heritage duty of care (*QAHA, 2003, s. 23*) that is accompanied by appropriate Guidelines (*QAHA, 2003, s. 28*),⁸⁴ South Australian legislation relies on prohibition alone to protect ACR and ACH. A lack of clarification of the *AHA (SA) 1988* through an absence of regulations, litigation and judicial review means that the disturbance of ACR through actions incidental to farming remains legally untested in South Australia.

It is a presumption of the *AHA (SA) 1988* that landowners will be able recognise Aboriginal sites, objects and remains, or will access the appropriate expertise to do so. Crucially, therefore, under the *AHA (SA) 1988*, locating, reporting and protecting ACR and ACH on farmland hinges on the knowledge and awareness of farmers. But the processes by which farmers might acquire such knowledge are informal. The presence of Aboriginal sites and objects on their land might come to the farmer's notice if sites or objects have been declared Aboriginal sites or objects through the determination process and entered on the RASO. Freehold land title deeds note the presence of registered Aboriginal sites or objects,⁸⁵ and registered sites are recorded and attached to land title deeds by staff of the AHB as the final process of site registration and entry on the RASO (Crowe, H. Pers. Comm., 2015). Hence, a farmer will be aware of the presence of registered

⁸⁴ *Aboriginal Cultural Heritage Act* (Queensland) 2003, Current as at 31 March 2013—revised version, Available online: <https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/A/AborCultHA03.pdf>.

⁸⁵ Registered sites and objects determined to be of significance according to Aboriginal tradition or, significant to archaeology, anthropology or history are entered on the Register of Aboriginal Sites and Objects (RASO). Recorded on land title deeds, notice of registered sites and objects is transferrable to the new owners upon change of land ownership.

Aboriginal sites or objects on their land if he/she was present at the time of registration or was informed of the sites before buying the property.

If, for reasons under the AHA, potential Aboriginal sites or objects on private property are to be assessed by officers from the Aboriginal Heritage Branch, the landowner must receive reasonable notification (section 22(2)). This process of assessment is an opportunity for an exchange of advice and information between AHB staff and the farmer. In these circumstances, the presence and approximate location of ACR on farmer's land, and any actions or procedures necessary to conform to the Act can be clarified. Nevertheless, the AHB receives few enquiries about ACR. Most enquiries involve applications for large development projects and a few for small development applications such as local council development assessment panels. Some individuals, including farmers, have been known to contact the AHB with queries about development happening in their area or with concerns for ACR and ACH. However, these enquiries are uncommon (Crow, H., Pers. Comm., Aboriginal Heritage Branch, 29 Nov 2011).

Many sites or objects reported and entered on the Central Archive decades previously were poorly recorded and have yet to undergo the determination process. Possibly assessment, or visits, by authorities have never occurred. Although the original notification of the discovery of Aboriginal site or object may have come from a landowner, changes in land ownership may have meant that the knowledge and memory of these sites and objects (and other heritage aspects) has been lost.⁸⁶ In these situations, current owners may be unaware of these ACR.

Ostensibly, using section 12 (3), farmers can research the presence (or not) of Aboriginal sites and objects on their properties. However, there is no obligation on farmers (or the Aboriginal Heritage Branch) to undertake surveys for Aboriginal sites, objects and remains. It is extremely unlikely that the AHB would initiate such cultural heritage surveys due to limited resources. Moreover, because development (as interpreted in the *Development Act* (SA) 1993) does not include activities incidental to farming, farming activities which are in fact detrimental to

⁸⁶ The results of the current research support the notion that farmer awareness does not necessarily arise through the act of registering Aboriginal sites (see Chapter 7. *Results & Discussion – Part 2: Capacity and Engagement*).

ACR and ACH are not recognised or challenged. Furthermore, policy-makers envisaged that the need for determinations would arise only in legal disputes.⁸⁷

Any landowner interested to know if their property has identified Aboriginal heritage, or concerned that current farming operations may inadvertently contravene section 23 of the *AHA (SA) 1988* can contact the Aboriginal Heritage Branch office. Normally, information on the Central Archive or the RASO would be kept confidential. However, in cases where a property holds Aboriginal sites, objects or remains, the AHB Officers may provide farmers detailed information on the identification of sites and objects and any action necessary to ensure conservation requirements. However, Aboriginal sites and objects on SA farms will only be entered on the Central Archives or the Register of Aboriginal Sites and Objects (RASO) if they have been previously reported to the Aboriginal Heritage Branch. Proactive efforts by farmers to determine the presence of Aboriginal sites and objects on their land is potentially time consuming, expensive and disruptive to farming schedules; likely deterring farmers from initiating such action (see Chapter 7). Farmers seeking certainty and clarity about previously reported or newly discovered sites, objects or remains on their property may appeal to the Minister for a determination about a site or object. Farmers initiating such determinations face potential impediments of expense and inconvenience in doing so. Under section 12(6), the Minister may require an applicant to provide further information accompanying the application or engage an expert, acceptable to the Minister, to do so. In such cases, the applicant will be liable for the costs of recruiting the expertise needed for conducting investigation and survey and producing a report. The Minister may not consider applications to determine whether a site or object is considered significant (therefore an Aboriginal site or object under the protection of the Act) if the identification of sites and objects is insufficient (s. 12(8a) and may reject applications considered insincere (s. 12(8b)). Although a section 12 application must be determined within 30 days of the Minister receiving that information (s. 12(7)), the Minister may refuse to entertain applications where resources to determine the application are lacking (s. 12(8c)). Clearly, using the Ministerial determination process is complex and potentially costly and time-consuming.

⁸⁷ South Australia, House of Assembly, 1987, *Debates*, 22 October, p. 1524.

Most reporting of Aboriginal sites, objects and artefacts to the Aboriginal Heritage Branch of South Australia result from archaeological surveys conducted as a prerequisite to development (Crow, H., 2008, pers. comm., Aboriginal Heritage Branch). Apart from avoiding damaging ACR, planning for development has the potential for facilitating identifying and protecting ACH. However, the indications are that current planning systems and processes is not effective in doing this with ACR and ACH on farming properties.

3.4 The role of development and planning in Aboriginal heritage management

A problem for the detection and survival of ACR on farms arises through the government's perceived need to protect the economic base of agriculture by excluding aspects of farming as a factor in development planning. Furthermore, contradictory elements in the objectives, stratagems and relationships of government sectors and levels interested in rural Australia create exclusionary inequalities that have adverse consequences for Aboriginal communities regarding their cultural heritage.

The South Australian planning and development regime includes legislation, strategy and planning. The *Development Act* (SA) 1993 [DA] and the associated *Development Regulations* (SA) 2008 [DR] establish the legislative framework for the planning and development system and puts in place legal procedures. The DA establishes certain statutory bodies,⁸⁸ and the need (and the procedural details) for a Planning Strategy and Development Plans. The legislation also sets the rules for development assessment processes and appeals, including laws relating to building work. The DR provides the detail for the above legal framework, including the means and processes that maintain the relevance and continuity of the regulations (Planning Institute of Australia [PIA], 2013).

The South Australian Planning Strategy sets forth current State Government policy for development and land-use in South Australia as required by the *Development Act* (SA) 1993 (s. 22). Along with the Greater Adelaide region,

⁸⁸ The Development Policy Advisory Committee (DPAC) and the Development Assessment Commission (DAC).

seven regional areas have individual strategy plans.⁸⁹ Three major regional centres also have plans, as have several Aboriginal community centres. For instance, structure plans are in place for each of the nine Aboriginal communities on Anangu Pitjantjatjara Yankunytjatjara lands,⁹⁰ and for the Aboriginal communities of Gerard and Raukkan.⁹¹ In line with the South Australian Planning Strategy, different geographical regions in the state will develop plans that guide development and land use and inform assessments on development applications (Department of Primary Industries and Resources [DPIR], 2008, p. 1). Therefore, each local council area in South Australia has a Development Plan detailing zones, maps, and policy controlling the present and future use of the land covered within that area.⁹² Thus, Development Plans inform the local community of the expectations of development of geographical areas, and provide the structure and criteria for making development decisions and ruling on appeals against decisions (DPIR, 2008, p. 1).

3.4.1 Planning and development in the SE of SA, including the Tatiara District Council area

The Limestone Coast Region Plan (LCRP) guides development and land-use for seven regional councils, including the Tatiara District Council (South Australian Government, 2011, p. 2). This plan recognises that changing agricultural industries and demographics in the Southeast region have the potential to impact negatively on the environment and population (p. 8). Themes of environment and culture, economic development, and population and settlements structure the LCRP; and for each of these relevant planning priorities, principles, and policies

⁸⁹ Regional strategy plans are available online at: <http://www.sa.gov.au/subject/Housing%2C+property+and+land/Building+and+development/South+Australia%27s+land+supply+and+planning+system/About+South+Australia%27s+planning+system>

⁹⁰ Anangu Pitjantjatjara Yankunytjatjara lands were established under the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*. The land-holding authority is the APY Executive Board, comprised of elected members from across the APY Lands.

⁹¹ A former Aboriginal mission, Gerard community members are landowners granted title under the *Aboriginal Lands Trust Act 1966*. Under the control of the Gerard Community Council, Gerard located in the Riverland region of eastern South Australia, near the towns of Berri, Barmera, and Loxton. Formally the Point McLeay Mission, Raukkan community members are landowners granted title under the *Aboriginal Lands Trust Act 1966*. Under the control of The Raukkan Community Council, Raukkan is on Ngarrindjeri country, located in the coastal region of the Coorong, south-east of Adelaide.

⁹² There are also Development Plans for remote parts of the state which do not fall within a council area.

are identified (South Australian Government, 2011, p. 20).

A key LCRP land-use principle identifies and protects places of heritage and cultural significance; including sites that have Aboriginal cultural significance (South Australian Government, 2011, p. 31). The LCRP follow definitions of Aboriginal significance as described in the *AHA (SA) 1988* and as advised by the Aboriginal Heritage Branch. The LCRP urges councils to identify areas of biodiversity, and areas of scenic and amenity value to be protected, and to develop and maintain local heritage registers and identify heritage-listed sites in development plans (South Australian Government, 2011, p. 22). However, current planning processes, such as exhibited in the Tatiara District, do not emphasise compliance with Aboriginal interests; something that has not gone unnoticed by planning professionals (Porter, 2006; Wensing, 2012, p. 260; Wensing & Porter, 2015).

It is the disturbance of land through land use that has potential to affect the integrity of ACR in the farming landscape. Change in land use amounts to development under the South Australian *Development Act* 1993 (s. 6) and is specifically addressed. Some actions or activities in landscapes are not identified as development and these are listed in *Development Regulations* (SA) 2008.⁹³ However, these exemptions do not apply in cases where changes in land use impact on State Heritage Places (DR, 2008, 7(3). Under the terms of the *Development Act* (SA) 1993, ploughing or tillage of land for agricultural purposes is incidental to farming operations and, consequently, is not regarded as development (Schedule 2, A1, 1 (1a)). The South Australian *Development Regulations Act* (SA) 2008 defines the activities of farming as follows:

Farming includes the use of land for any purpose of agriculture, cropping, grazing, or animal husbandry, but does not include horticulture, commercial forestry, horse keeping, or any intensive animal keeping or the operation of a stock slaughter works or dairy (*Development Regulations* (SA) 2008, Schedule 1: Definitions).

Horticulture is a particularly intensive use of the land, including market gardening, viticulture, floriculture, orchards, wholesale plant nurseries or

⁹³ With certain restrictions, no development plans are required for brush fences, carports and verandas, swimming pools, shade sails, water tanks, bushfire shelters, solar panels, internal building works, demolition, and some activities by State agencies within the precincts of the Riverbank zone in Adelaide (*Development Regulations* (SA) 2008, Schedule 1A(15)).

commercial turf growing.⁹⁴ Changes in land use to incorporate such activities require development approval; as does large development activities, such as, road building, marina construction and mining (Rolf & Windle, 2003). In contrast, activities intrinsic to farming are not regarded as development and do not require cultural heritage impact study or assessment, for instance, changing the use of land from stock grazing to cropping. Farming activities disturbing the surface layers of the earth potentially damage, disturb or interfere with extant Aboriginal sites, objects or remains and other ACR. Disturbance of Aboriginal sites and objects is in direct contravention of section 23 of the *Aboriginal Heritage Act* (SA) 1988.

The Minister responsible for the *Development Act* may amend Development Plans to include a place (or part of a place) of State or local heritage following the recommendation of the South Australian Heritage Council acting under the *Heritage Places Act* (SA) 1993 (5a, 1). The SA *Development Act* 1993 (4, e & f) identifies and prohibits the types of works that could materially affect the heritage values of local and State heritage places. However, the South Australian *Heritage Places Act* 1993 restricts the designation of heritage to non-Aboriginal heritage:

Heritage Places Act (SA) 1993: An Act to make provision for the identification, recording and conservation of places and objects of non-Aboriginal heritage significance; to establish the South Australian Heritage Council; and for other purposes (Version: 1.2.2010).

The *Heritage Places Act* [HPA] (SA) 1993 requires the relevant authority to forward to the Minister responsible for the Act any application for development that affects a State Heritage Place (Planning SA, 2002, p. 24). The *Aboriginal Heritage Act* [AHA] (SA) 1988 has no such requirement, therefore, consideration of Aboriginal cultural heritage through processes dictated by the *Development Act* (SA) 1993 does not occur.

The Limestone Coast Region Plan (LCRP) rates the preservation of significant Aboriginal places and objects as a fundamental element of development control:

Principle 3: Identify and protect places of heritage and cultural significance, and desired town character.

⁹⁴ *Development Regulations* (SA) 2008, schedule 1.

Policy 3.4: Identify and protect sites that have Aboriginal cultural significance and provide guidance in relation to native title and Indigenous Land Use Agreement (ILUA) requirements (LCRP, 2011, p. 31).

Although the Tatiara Development Plan (TDP) is guided by the LCRP, it must follow the directives and obligations of the *SA Development Act* 1993 and the *Development Regulations Act* 2008. These two Acts clearly outline the criteria for identifying places of State or Local Heritage value. Consequently, the Tatiara Development Plan [TDP] identifies heritage objectives per State and Local Heritage. First, in the case of Heritage Places, the use, or adaptive re-use, of identified State and Local Heritage places that supports the conservation of their setting and cultural significance. Second, in the case of Historic conservation areas, development that promotes, conserves and enhances cultural significance and historic character of identified places and areas (South Australian Government, 2013, pp. 39-43).

While Aboriginal material culture (sites and objects) are most likely to survive in rural landscapes, the TDP does not consider places of potential or real Aboriginal heritage significance. Thus, the policies and processes for development approval in the Tatiara District Council area do not facilitate the identification or protection of Aboriginal cultural heritage in the district, including on farm properties.

If there is an application to council for approval of development, the Local Government Development Assessment Panel makes the determination following the guidelines set out by the South Australian Planning Department (Department of Planning, Transport and Infrastructure (DPTI), 2012). The document, available to assist development applicants, the ‘Guide for Applicants – All Applications’ (Department of Planning, Transport and Infrastructure (DPTI) 2012), simply states that, “Consideration should ... be given to Aboriginal heritage, particularly in the case of undisturbed sites near watercourses or the coast” (p. 4). The Guide for Applicants – vineyards/ viticulture (Department of Planning, Transport and Infrastructure (DPTI) 2012),⁹⁵ does not mention of any aspect of heritage, European or Aboriginal, although it stipulates that applicants should be provided

⁹⁵ Change in agricultural land-use to vineyards/ viticulture is change determined sufficient to require the submission of a development application. Nevertheless, it is uncertain if this process of approval for development adequately considers affects to ACR, if at all.

information of requirements set out in the *Guide for Applicants - All Applicants* (p. 1). In the latest Tatiara Development Plan (South Australian Government, 2013), there is no mention of Aboriginal or Indigenous cultural heritage, and the Tatiara District Council Development Application form does not refer to cultural heritage (Callisto, R., 2011, pers. comm., TDC, 1 November).

Moreover, the *Development Regulations (SA) 2008* (Schedule 8, Referrals and concurrencies) nominates classes of development that require the authority receiving applications for development to refer them to a nominated government authority that has an interest in the matter. Concurrence means that the relevant authority must receive the assent of the prescribed authority to approve the development. Consequently, when development impinges on State Heritage Places (Schedule 8(5) or Historic Shipwrecks (Schedule 8(17), the Minister responsible for State Heritage (or Historic Shipwrecks if that is the case) must be informed. Although there are requirements for the referral of development applications impinging on State Heritage Place and Historic Shipwrecks, there is no need to refer development applications to the Aboriginal Heritage Branch for consideration of matters of Aboriginal heritage in the Tatiara District Council area.⁹⁶

While some changes in land-use are more readily identified as requiring development approval, the planning process plainly does not ensure due diligence towards determining the existence, protection or conservation of Aboriginal sites, objects and remains, or indeed, other aspects of Aboriginal cultural heritage. Nor does the development planning process involve farmers undertaking normal farm operations. To conform to the dictates of the *AHA (SA) 1988*, a farmer must not only identify ACR and ACH on their property, but also identify what farm practices that have the potential to affect them. However, because of the subjective element in determining ACR, ACH, and land use change, farmers might not always identify potential effects on ACR and ACH, or the need for submission of a development application to the council.

⁹⁶ *SA Development Regulations 2008, Schedule 8, Referrals and concurrencies* nominates classes of development that require the authority receiving applications for development to refer them to a nominated government authority that has an interest in the matter. Concurrence means that the relevant authority must receive the assent of the prescribed authority to approve the development.

Although unmistakable political, logistical and financial problems constrain the TDC in instigating and conducting Aboriginal cultural heritage surveys, the potential usefulness of knowing about existing Aboriginal resources is acknowledged by the TDC (Callisto, R., 2011, pers. comm., Tatiara District Council, 1 November). However, the TDC office holds no listing of Aboriginal heritage or reported sites and objects (yet to undergo the determination process); nor does the TDC initiate investigations for the presence ACR in the Council area. While charged with assisting in protecting and preserving the region's Aboriginal heritage under the LCRP, there is little facility in the TDC's approach for protecting ACR and ACH. If the TDC does not have knowledge of the ACR and ACH in its jurisdiction, or does not take an active role in local Aboriginal heritage management, then the interests of local Aboriginal people are effectively disregarded.

A history of European governance imposes western values and systems affecting Australian farm landscapes (Memmott and Long, 2002). Various pieces of legislation function in ways that separate Aboriginal heritage from mainstream history and heritage (Byrne & Nugent, 2004, p. 5) and, ultimately, privilege one heritage discourse over another (Bell, 2013, p. 435). Official structures of government and agency that impact (in some way) on agricultural areas in South Australia, are not structured in ways that assist farmers' awareness and appreciation of ACR and ACH. The following example in the Tatiara district of South Australia reveals how institutionalising heritage management disadvantages communities from understanding local Aboriginal cultural heritage.

Under the auspices of the *Heritage Places Act* (SA) 1993 (The HPA), the Tatiara District Council conducted and published two district heritage surveys identifying outstanding natural or cultural elements in the Tatiara district. The first, a report to the South Australian Department of Environment & Planning called; *Heritage of the South East* (Danvers, 1984) and the second, a report to the District Council of Tatiara, titled the *Tatiara Heritage Survey* (Tatiara Council (SA) & Austral Archaeology & Historical Research Pty Ltd., 2004). Aboriginal cultural heritage was not considered by the authors of the two Tatiara heritage surveys because the HPA is not designed to consider aspects of Aboriginal heritage, considering only places significant to South Australia's development and identity. The results of the two Tatiara heritage surveys were subsequently published and are communicated

to the wider local community through the library system. Consequently, the existence of places, sites, and objects of value for Aboriginal people in the Tatiara district is not communicated to the wider Tatiara community, reinforcing the perception of a lack of continuity of Aboriginal cultures and a lack of Aboriginal interest in cultural heritage. To date, no district focused Aboriginal heritage surveys have been conducted in the Tatiara District and there is no identified strategy or process to determine the presence and significance of, or to monitor the effects of agricultural development on, ACR and ACH. Aboriginal people and their heritage in the Tatiara District are - for all practical purposes - officially excluded.

3.5 Conclusion

The South Australian Government acknowledges the cultural heritages of Aboriginal people as worthy of protection and preservation. However, the current processes and systems are not directed toward facilitating the protection and preservation of ACR and ACH on farms. The imprecision of the legislation and limitations in administration is an important part of the ineffectiveness of the AHA. Ideas and terminology in the legislation deliver conflicting messages, and administrative efforts are doing little to encourage or assist farmers to perceive Aboriginal values and realities. Farmers' capabilities in recognising ACR are assumed in the *AHA (SA) 1988*. There is a failure to provide supporting regulations that would assist in clarifying and prescribing practical aspects necessary in accomplishing the aims of the Act.

Determining significance, a primary element in the contemporary explanations of heritage, is central to establishing the protection of Aboriginal sites or objects under the Act. However, the processes of determination are difficult and limiting. Proactive efforts by farmers to ascertain the presence of ACR and incorporate them into farm management strategies is not supported by the *AHA (SA) 1988* or its administration. A lack of resources of farmers and the government is an obstacle to determinations under section 12 of the AHA. Using section 12 determinations in seeking out Aboriginal sites and objects on farms is unlikely to occur because of the restricted government staffing and funding. Thus, the protection and nurturing of ACR and the establishment of ACH on farm properties is diminished.

The reliance placed on the process of planning development to protect State heritage fails to encompass farming operations potentially harmful to ACR and ACH. The *AHA (SA) 1988* offers some protection of sites and objects, but only those threatened by construction and infrastructure development. Protection is through mandatory requirements of development planning processes, including the policies and mitigation requirements placed on developers. ACR and ACH at risk from agriculture does not enjoy the formal levels of protection (in policy or practice) stemming from planning and development processes. Although early Aboriginal heritage legislation included farmers as an integral element in the protection and preservation of ACR and ACH, the current *AHA (SA) 1988* gives farmers no formal role to play in management. Relying on individual farmer's awareness, knowledge, principles, and goodwill towards ACR and ACH, the lack of direct involvement places reliance on threats of penalty to deter farmers from conduct and behaviour that is detrimental to ACR and ACH. Nevertheless, farmers are land managers with day to day responsibility for managing the farm landscape. Thus, farmers are major stakeholders in ACR and ACH whose support and cooperation is necessary for protecting and nurturing of ACR and ACH on farms.

This chapter has highlighted then, that Aboriginal heritage legislation in South Australia, despite a government expectation to the contrary, does not directly or adequately address Aboriginal heritage on farms. Currently, there is room for improvement to the current Aboriginal Heritage regime, including the Act (SA) 1988, and supporting administrative, financial and educative facilities, that will facilitate farmers' awareness, understanding, and obligations toward ACR and ACH.

Chapter 4

The Tatiara: Foundations for Cultural Heritage

A cultural landscape is fashioned from a natural landscape by a culture group. Culture is the agent, the natural area is the medium. The cultural landscape is the result (Sauer, 1925, p. 46).

Engagement with landscape and time is historically particular, imbricated in social relations and deeply political (Bender, 2002, p. S104).

This chapter describes aspects of past Aboriginal and non-Aboriginal settlement and land use within the Tatiara region, the situational and cultural contexts of which locate this study. Its purpose is to identify the spatial and temporal changes in the Tatiara social and environmental landscape that can add insight, not only to the array of natural and cultural resources potentially contributing towards contemporary Aboriginal people's constructions of heritage in the Tatiara, but also to farmers' perceptions and perspectives of these.

Although this chapter utilises European records to build one picture of Aboriginal life in the Tatiara, it does not seek to write or represent its Aboriginal history. It has not, for example, sought to document contemporary Aboriginal knowledge of the history of the Tatiara, nor has it undertaken an exhaustive exploration of all possible sources of information about Aboriginal life in the area before and after European contact. Roberts' (2003) exploration of Aboriginal perspectives of archaeology has touched on the topic, concluding that contemporary Aboriginal values and meanings to Aboriginal material culture develop according to the lived experiences of Aboriginal people and these are expressed in terms of Aboriginal knowledge, power and voice (see Chapter 2).

An Aboriginal history of the Tatiara is a separate and important task, yet one that would respond to different research questions than those which are considered in this thesis. However, what is important for these questions is to recognise that the continuing lack of a detailed and celebrated Aboriginal history of the Tatiara is a

significant factor in influencing how farmers understand and perceive ACR and ACH. As will be discussed in later chapters, farmers demonstrate little knowledge of Aboriginal history in general, and of the Tatiara in particular. There is, as in so many other places within Australia, a notable absence of local Aboriginal history for the education of local Tatiara residents. ACR is likely to survive from pre-European and post-European periods of Tatiara history, therefore aspects of both combine to provide the ACR for a contemporary ACH.

4.1 Documented Aboriginal Cultural Resources (ACR) and Aboriginal Cultural Heritage (ACH)

There has been little research into ACR of the Tatiara and relatively few places and objects have been documented. Although limited and holding recorder bias, significant intangible ACR is found recorded on maps, in books and pamphlets, journals and in local knowledge. Tangible ACR is held in the Australian Ethnology and Archaeology collections at the South Australian Museum, which also houses Aboriginal human remains from the Tatiara region. Fifteen sites in the TDC are recorded on the Central Archive of the Aboriginal Heritage Branch.

4.1.1 Aboriginal Language(s) as Aboriginal Cultural Resources (ACR)

Recognising place names as cultural resources is important because Aboriginal languages symbolise and encapsulate the domain of existence for traditional Aboriginal cultural groups, of which the landscape and natural resources are a foundational element. Along with some of the Aboriginal clan groups noted in the following pages, many Aboriginal place names within the TDC area are preserved. A history of some of these is presented in the sections below. Most apparent, the *Tatiara* designation stands a central marker in the present-day TDC area. The localities of Wirrega, Pooginagoric, Willalooka and Mundulla are also prominent examples of Aboriginal place names in the TDC.

Other place and locality names are not so prominent, but are known locally or found on maps. Interpretations however, are fraught with difficulty. Clarifying such aspects as form, morphology, meaning, etymology, and the feature or place being referenced requires considerable linguistic expertise (Amery & Buckskin, 2014). Nevertheless, place names of the South east of South Australia have a

significant potential as an intangible resource for the cultural heritage of contemporary Aboriginal people (Clarke, 2015). Linguistic studies of recorded Aboriginal place names can possibly inform contemporary people about past Aboriginal meanings and lifestyles in the TDC, and the mere presence of named Aboriginal places has potential for their interpretation by contemporary Aboriginal people (and others) as symbolic of a continued Aboriginal presence in the TDC landscape. Some non-Aboriginal oral histories detailing aspects of Aboriginal language in the TDC have also been documented. For example, one TDC farmer recalled his father's recollections of conversations with a local Aboriginal woman (before she died in 1938 at the age of 82)⁹⁷ to document 'Wa-toon-agoric' (Magpie Fly Over) as an important watering place of Aboriginal people, and 'Prildee'; a species of native ant (Martin and Hicks, 1986, p. 10).

4.1.2 Tangible Aboriginal Cultural Resources (ACR)

The South Australian Museum Australian Ethnology Collection records objects under the localities/towns of Bordertown (Table 4.1) and Padthaway (Table 4.2), as well as the Tatiara region itself (Table 4.3). In addition, objects are also documented to the Potaruwutj Aboriginal language group (Table 4.4). Whatever the recorded provenance of objects, in most cases, numbers are low and the details are vague.

Table 4.1: Aboriginal objects in the South Australian Museum Australian Ethnography Collection - provenance to Bordertown.

South Australian Museum: Australian Ethnology Collection			
Provenance search term: Bordertown			
Accession #	Description	Acquisition source	Cultural associations
65968	Basket, coiled	Miss F. M. Gratwick	No data
44352	Club, hooked	Mount Gambier Institute	No data

Data courtesy of the South Australian Museum.

Table 4.2: Aboriginal objects in the South Australian Museum Australian Ethnography Collection - provenance to Padthaway.

South Australian Museum: Australian Ethnology Collection			
Provenance search term: Padthaway			
Accession #	Description	Acquisition source	Cultural associations
A68205	Club, hooked	Aboriginal heritage Unit	No data
A68206	Shield, long, incised	Aboriginal heritage Unit	No data

Data courtesy of the South Australian Museum.

⁹⁷ 'Oldest Tatiara Identity', Border Chronicle (Bordertown, SA, 1908-1950), Friday 8 July 1938, p. 1.

Table 4.3: Aboriginal objects in the South Australian Museum Australian Ethnography Collection- provenance to the Tatiara region.

South Australian Museum: Australian Ethnology Collection			
Provenance: Tatiara District/ region			
Accession #	Description	Acquisition source	Cultural associations
44353	Club, hooked	Mount Gambier Institute	No data
44354	Club, plain flat	Mount Gambier Institute	No data
44355	Club, plain flat	Mount Gambier Institute	No data
44356	Club, single knobbed	Mount Gambier Institute	No data
44357	Club, single knobbed	Mount Gambier Institute	No data
44358	Club, double knobbed	Mount Gambier Institute	No data
44359	Club, double knobbed	Mount Gambier Institute	No data
44360	Club, swollen in middle	Mount Gambier Institute	No data
44361	Club, swollen in middle	Mount Gambier Institute	No data
44362	Club, boomerang shaped	Mount Gambier Institute	No data
44363	Club, Boomerang shaped	Mount Gambier Institute	No data
44364	Boomerang, swollen end	Mount Gambier Institute	No data
44365	Boomerang, swollen end	Mount Gambier Institute	No data
44366	Spear Thrower	Mount Gambier Institute	No data

Data courtesy of the South Australian Museum

Table 4.4: Aboriginal objects in the South Australian Museum Australian Ethnography Collection- provenance to Potaruwutj.

South Australian Museum: Australian Ethnology Collection			
Provenance search term: Potaruwutj			
Accession #	Description	Acquisition source	Cultural associations
A20292	Basket	Mrs Gibson	Milerum (Clarence Long
A20293	Fish trap/ basket	Mrs Gibson	Potaruwutj
A21142	Basket	Mrs W. F. Tapfield	Potaruwutj
A21143	Basket	Mrs W. F. Tapfield	Potaruwutj
A21144	Basket	N. B. Tindale	Potaruwutj
A21145	Basket	N. B. Tindale	Potaruwutj
A21332	Fish trap/ basket	N. B. Tindale	Potaruwutj
A21333	Fish trap/ basket	N. B. Tindale	Potaruwutj

Data courtesy of the South Australian Museum

The Potaruwutj objects were acquired between 1932 and 1934 from the Kingston and Taratap areas within the Hundred of Lacepede, approximately eighty kilometres south of the TDC. The Potaruwutj language group are was identified by Tindale (1974) as occupying country encompassed by the TDC.⁹⁸

⁹⁸ N. B. Tindale (entomologist and, later, ethnologist) of the South Australian Museum worked extensively in this area with Aboriginal assistant Clarence Long (Milerum), whose mother was a Potaruwutj woman (Jones, 1995).

In addition, SAM has separately classified approximately thirty-seven (37) lots of Aboriginal stone artefacts with provenance to the TDC as archaeology and accessioned these objects into their Archaeological collection. These artefacts are, in the main, located in relation to the Bordertown and Keith townships, but have been collected from around the TDC (Table 4.5 below).

Table 4.5: Aboriginal artefacts with provenance to the TDC in the South Australian Museum's Archaeology Collection.

South Australian Museum: Australian Archaeology Collection		
Accession #	Description	Location
A21490	Chippings	Bordertown – Naracoorte Road – 7 mile post
A21491	Flake, discoidal	Bordertown – Naracoorte Road – 7 mile post
A21493	Hatchet	Bordertown – Naracoorte Road – 7 mile post
A53686	Hatchet	Bordertown, near
A16643	Grindstone	Bordertown, 3 miles east of
A16644	Grindstone	Bordertown, 3 miles east of
A16645	Grindstone	Bordertown, 3 miles east of
A16646	Hammerstone	Bordertown, 3 miles east of
A16647	Hammerstone	Bordertown, 3 miles east of
A48868	No data	Bordertown, 4 miles north of
A51478	No data	Bordertown, 4 miles north of
A17170	Hatchet	Bordertown, on native reserve
A17171	Hatchet	Bordertown, 5 miles northeast of
A17172	Hatchet	Bordertown, 4 miles north of
A17173	Hatchet	Bordertown, 5 miles south of
A17174	Hatchet	Bordertown, 5 miles south of
A17175	Hatchet	Bordertown, 5 miles south of
A51733	No data	Bordertown, 5 miles south of

Data courtesy of the South Australian Museum.

Grindstones, hatchets (ground-edge stone axes), hammerstones, flakes and chippings make up the bulk of the artefacts. Owing to the nature of the latter classifications, there may be more than one object associated with each accession number. In the past, some Aboriginal human remains were removed from the Tatiara and sent to the SAM. Human remains are no longer collected by the SAM and all the Aboriginal ancestral remains that it holds are involved in the museum's program of repatriation. Staff are currently negotiating with various Aboriginal individuals and groups with cultural and ancestral connections with the Tatiara District as part of the process of repatriating ancestral remains from the TDC.⁹⁹

⁹⁹ This thesis does not provide a list of human remains with provenance to the Tatiara District due to the sensitivities of such information.

The fifteen Aboriginal sites in the TDC region that are recorded in the Central Archive of the Aboriginal Heritage Branch are noted in the following Table (4.6).

Table 4.6: TDC Aboriginal sites recorded on the Central Archives of the AHB.

Tatiara District Council (TDC)		
Site status	Site type	Location
Registered	Archaeological/ burial/ scarred tree	Farm/ TDC
Registered	Archaeological	*Farm
Registered	Archaeological	Conservation Pk
Registered	Archaeological	*Farm
Registered	Burial/ historic	Aboriginal land
Registered	Archaeological	Farm
Reported	Archaeological/ burial	Farm
Reported	Archaeological	*Farm
Reported	Cultural	Conservation Pk
Reported	Archaeological/ scarred tree	Farm
Reported	Scarred tree	TDC
Reported	Archaeological	TDC
Reported	Archaeological	*Farm
Reported	Archaeological	Farm
Reported	Archaeological	Farm

*Data courtesy of the Aboriginal Heritage Branch: with permission of the Murrapeena Heritage Association (now defunct). * Indicates sites on the land of farmers participating in the current study.*

Some of the limited documentation of ACR in the region of the TDC area comes from interested amateur researcher, Colin McEntee (1945, pp. 49-54). He investigated and wrote about the Aboriginal occupation of the Peake-Lameroo District immediately to the north of the TDC, an area not yet fully explored archaeologically. McEntee was mainly concerned with Aboriginal relics and most of the artefacts he recorded came from the seven main sites situated near main waterholes and soaks in that region. These artefacts were variously described as knives, trimmed and serrated flakes, chisels, gouges, adzes, ground hatchets, scrapers, pirries or gravers, fabricators, anvils, and nardoo seed grinding stones (p. 53). McEntee (1945, p. 51) identified the materials from which these artefacts were made as dolerite (also known as Diabase), quartzite, granite, jasper, porcelanite, and flint. He postulated that, as the source of these materials was far from the Peake-Lameroo District, there were trade connections between neighbouring groups (and see history below).

4.2 The Tatiara: setting and environmental background

Located in the Upper South East region of South Australia, the Tatiara District Council (TDC) covers an area of 652,720.2 hectares and has a current population of about 6743 (Australian Bureau of Statistics [ABS], 2012). Bordertown, about

17 kilometres from the Victorian border, is the principal town and administrative centre for the TDC. The town of Keith is a second important centre located about 47 kilometres along the Dukes Highway to the north-west of Bordertown. Mundulla is an important local centre about 10 kilometres southwest of Bordertown, and the slightly smaller local centres of Willalooka and Padthaway still further to the southwest (see Figure 4.1 below).

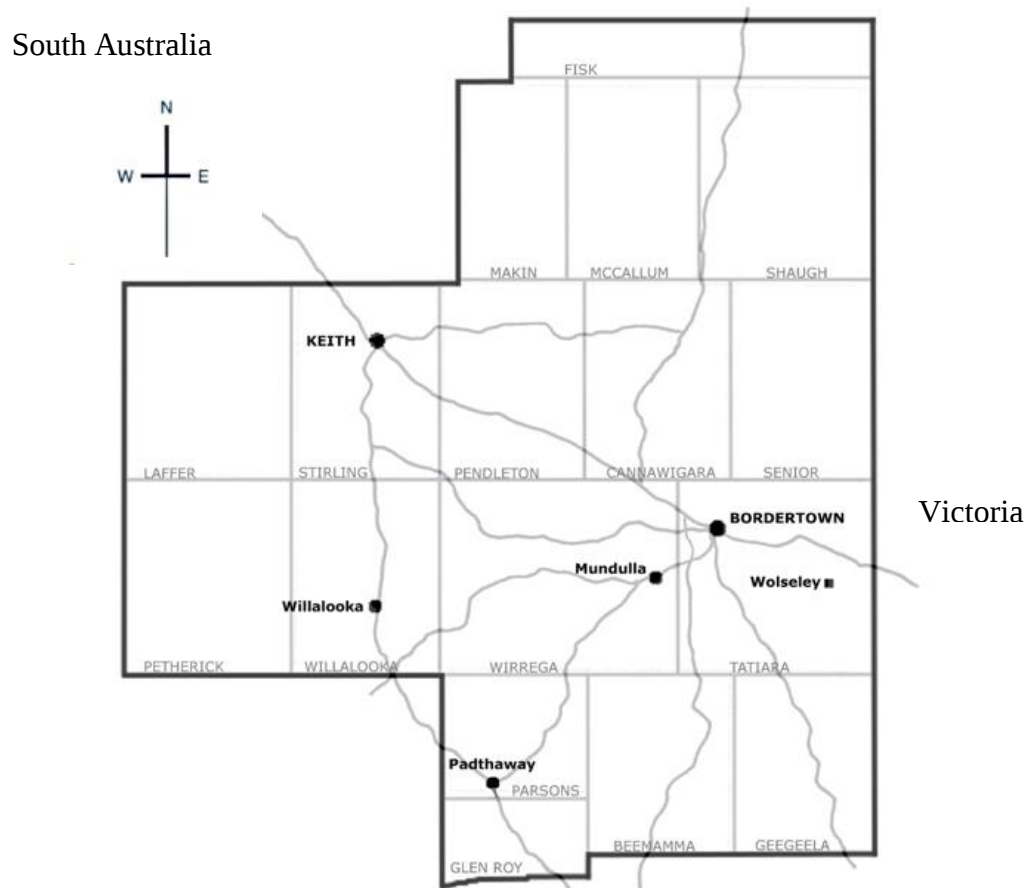


Figure 4.1: The Tatiara District Council - Showing the Hundreds land division and major community centres.

The northern boundary of the TDC meets the expansive sandy Mallee country that extends north to the Murray River and beyond. The western boundary of the district edges the inland Coorong coastal region and on the southern boundary the TDC meets the south-east plains extending towards Naracoorte and the Lower South East region. The eastern boundary of the Tatiara district is the South Australian -Victorian state border. The economy of the TDC is based on agricultural and pastoral production, although the availability of subsurface waters enables extensive irrigation, facilitating some horticulture (TDC, 2010, p. 6). Although the TDC boundaries set the limits of this research study, in

environmental and ecological terms the district is a portion of an extensive and interrelated Australian physical and cultural geography and biology.

It is the recurrent patterns in geography, geology and ecology, including human ecological factors, such as land-use, that define land system regions (Rowan, Russell, Ransom & Rees, 2000). Partly because of the impinging Kanawinka and Marmon Jabuk fault-lines, the TDC sits at the juncture of three established sub-bioregions as shown in Figure 4.3 below. The western parts of the TDC are within the Keith sub-bioregion, the northern parts in Upper South East sub-bioregion, and the central and southern section's part of the Frances sub-bioregion (Department of Environment, Water and Natural Resources (DEWNR), 2015).



Figure 4.2: The location of Sub-bioregions as they intersect in the TDC (South Australian Government, Department of Water, Environment and Natural Resources, www.naturemaps.sa.gov.au, information generated 8 November 2014). Image Landsat- Source: 'Tatiara District' 36°18'52.56" S and 140°46'13.71" E, Google Earth, accessed 2 May 2014.

The Bureau of Meteorology records (BOM, 2015), indicate the Tatiara has a Mediterranean climate, with rainfalls between 350 to 550 mm and average temperatures of 21 to 24 degrees Celsius. The neighbouring Wimmera plains of Victoria records similar rainfalls; ranging from 350 to 550 mm (Morcom & Westbrooke, 1998, p. 275). The northern Mallee country of the TDC and the Big Desert region of Victoria have lower rainfalls, and higher temperatures and evaporation rates than areas to the south (BOMb, 2015) and the available surface water in these areas is confined and short-lived. The availability of water, as an

essential element of life, has considerable influence on the distribution of plant and animal species, and human habitation patterns.

Waters in the western Hundreds of Petherick and Laffer are influenced by the parallel sand ridges blocking coastal drainage. The coastal plains in the Keith sub-bioregion are low lying areas where the high sub-surface water table confines surface water to a series of linear land-locked swamps. In addition to the complex series of swamps and watercourses of the Hundreds of Petherick and Laffer, the main water courses of the Tatiara are the Tatiara and Nalang Creeks. The water flows in both creeks are ephemeral in nature, as are the associated ponds and swamps. As shown in Figure 4.2 below, the overall topography of the TDC slightly reduces in elevation from the northeast to the southwest, towards the Coorong and water flows are in that direction.

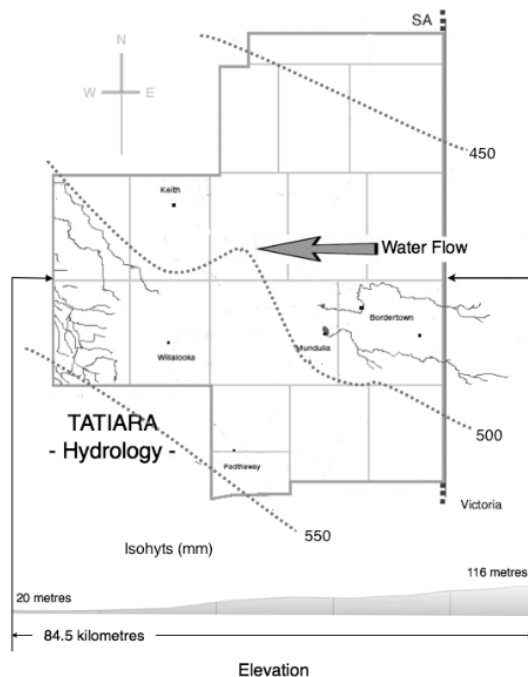


Figure 4.3: The TDC drainage-basin - showing water flows and rainfalls.

The Tatiara and Nalang Creeks originate in the western districts of Victoria, winding into and through the eastern districts of the TDC, filling depressions and hollows along the way. As seasonal rainfalls feed the two creeks, they dry out during the hotter months. The western parts of the Keith sub-bioregion and the Frances sub-bioregions are wetter. The Gum Lagoon Conservation Park and the Coola Coola Swamps have various reliable waterholes and nearby are the further important water points of Swedes Flat, Jip Jip (also Jyp Jyp) and Darwent's waterholes, and Kongal and Punjum springs. Further to the east, the Frances sub-

bioregion contains the Nalang and Tatiara watercourses and many scattered ephemeral wetlands, such as, Moot-Yang-Gunnya, Poocher, Changwa, Chowla, Choopawip, and Glen Gowan Swamps.

The habitat areas of the TDC supported an extensive animal and plant life of the types providing pre-European Aboriginal populations a plentiful resource for food, artefact-making and medicines (Clarke, 1985, 1987, 1994, 2011, 2012, 2015b; Naughton, O’Dea & Sinclair, 1986; O’Dea, Jewell, Whiten, Altmann, Strickland & Oftedal, 1991; Whitehouse, Turner, Davis & Roberts, 1998). Internal geology, landforms, and overlying regolith, soils, are elements influencing the type and distribution of indigenous flora and fauna and are, ultimately, defining factors shaping human settlement and use of the Tatiara landscape.

4.3 Traditional Aboriginal life in the Tatiara District Council (TDC) region

Attachments and responsibilities to people, places and landscapes play central roles in traditional Aboriginal societies, hence surviving aspects of these affiliations are potentially relevant to contemporary constructions of ACH. No detailed accounts of Aboriginal life in the Tatiara region occur until several decades after the initial disruption of their lives at European settlement. The consequential lack of record and uncertainty over meanings present difficulties for distinguishing social, economic, territorial and linguistic interpretations of Aboriginal life in the Tatiara region prior to the arrival of Europeans.

Most of the detail about Aboriginal cultures in the Tatiara prior to, and following, the arrival of Europeans come from literature associated with early ethnographic surveys (for example, Curr, 1887; Howitt, 1904; and Mathews, 1902). These studies have produced examples, although often meagre, of Aboriginal vocabulary and grammar, regional cultural lifestyles, and customs. These, and similar, accounts attempt to convey or explain Aboriginal meanings and values through Western ideas and interests in aesthetic, anthropological and technological aspects of traditional Aboriginal societies, such as art, tools and linguistics. Many of these accounts were written early (in terms of European

settlement), when Aboriginal people were rapidly adapting traditional lifestyles in face of the presence and pressures of European occupation. Therefore, the records may not accurately reflect traditional Aboriginal demographics, lifestyles or behaviours.

With the Tatiara region on the geographical periphery of their studies, the contributions of Haynes (1887); Curr, (1887); Tindale (1937, 1941, 1974, 1976); Humphries (1879); Lawson (1879); and Eyre (1845) produced limited vocabulary lists attributed to Aboriginal languages of the Tatiara District. Providing additional data on aspects of Aboriginal life in the TDC are items in the collections in the South Australian Museum and private hands, numerous local and state newspaper articles, local history publications and, rarely, journals documenting the recollections of pioneer settlers of Tatiara, especially post-European settlement. Analysis in the current study indicates that the latter data sets are cultural resource elements associated with contemporary farmers' collective memory of Tatiara history and heritage (see Chapter 6). Despite the difficulties of a limited record, much ACR in the TDC is identifiable when we consider what may survive of past Aboriginal interrelationships with land, social systems and language of Aboriginal societies (Howitt, 1904, p. 17).

4.3.1 Tatiara: A Tract of Country or an Aboriginal 'Tribe'?

With the focus of this study on the area of the TDC, the nuance of the 'Tatiara' label requires review. Unawareness or misunderstanding of the cultural use of Aboriginal languages was not an uncommon experience for early European settlers and the cultural aspects of Aboriginal languages were neglected in early linguistic studies (Clark, 1990; Keesing, 1981, pp. 77-78; Sutton, 1979, p. 89). Consequently, the cultural, situational and social contextual meanings behind the traditional Aboriginal use of the word 'Tatiara' were not recorded nor carefully examined by Europeans. However, the Tatiara designation quickly became useful for Europeans as a means of regional positioning within the broader geographical context of colonial South Australia. The habit of referencing much of south-eastern South Australia in the early years of settlement as the 'Tatiara' causes geographical and cultural confusion. Assigning the Tatiara appellation to broad and sweeping geographical areas has entangled disparate Aboriginal groups into one pseudo 'Tatiara tribe', producing skewed images of uniform Aboriginal

cultural behaviours and identities. It is possible that Taplin (1859-79, p. 65) had such broad geographies in mind when accrediting the Tatiara tribe as perpetrators of cannibalism occurring near Lacepede Bay, 100 kilometres to the south of the TDC.¹⁰⁰ An early newspaper account of the European ‘discovery’ of the Tatiara region reports the presence of water, plentiful grass and hills, stating that, ‘the good country may extend as far as the river Murray.’¹⁰¹ While pre-European meanings attached to the ‘Tatiara’ designation are obscure, it appears that the term predominantly referenced the well-watered, well-grassed parts of the TDC and Victoria. Descriptions of the TDC district as the ‘good country’ persist in present-day TDC marketing strategies (TDC, 2014).

Just as Europeans identified ‘good country’, so Aboriginal groups favoured areas with plentiful natural resources as ideal living environments (Benson & Redpath, 1997). The open plains of the TDC - Wimmera are only one part of a complex web of ecosystems exploited by Aboriginal groups in accordance with the seasonal rhythm of food supplies and social imperatives (Pretty, nd). As Aboriginal groups used dry and infertile country sporadically (Tindale, 1976), the fertile areas of the TDC probably constituted a significant resource for several separate but culturally interlinked, Aboriginal groups.

From a European settler perspective, Aboriginal use of the land sometimes appeared surprisingly regulated. For example, McKenzie (1937, p. 3) noted that Aboriginal groups living on the SA-Victorian border had an established a corridor of country (a few miles wide extending from within the TDC area of South Australia to McKenzie’s spring in the Western District of Victoria) in which hunting of all game was regulated. Rather than being an exception, regulatory practices were likely common for Aboriginal foraging and hunting activities everywhere. This reference though, gives support to a notion of the cultural affiliations of Aboriginal populations with similar language and subsistence strategies being analogous to natural geographical areas having reliable resources

¹⁰⁰ Lacepede Bay is off the present-day coastal town of Kingston, some 100 kilometres to the south-west of Bordertown in the TDC.

¹⁰¹ ‘South Australia-The Tatiara’, *Geelong Advertiser and Squatters' Advocate* (Vic.: 1845 - 1847), Saturday 8 November 1845, page 3.

(Tindale, 1976, p. 40) and that these are an indicator of Aboriginal cultural boundaries (Peterson, 1995, p. 61).

4.3.2 Aboriginal cultural groups in the Tatiara

A paucity of data makes it difficult to identify and describe traditional Aboriginal groups living within the TDC area and to trace precisely patterns of Aboriginal occupation, and social and economic meanings and values of Aboriginal people living traditional lives. The very little information recorded for Aboriginal groups of the TDC area create uncertainties about Tatiara group names and geographical limits. Taplin (1879, pp. 57-61), for example, writes separately of the Tatiara and South Eastern tribes, the Padthaway tribes, and the Naracoorte and South East Coast tribes, all of which are in the immediate vicinity of, or adjacent to, present-day TDC.

Curr (1887, p. 456), while acknowledging several separate groups, estimated the Aboriginal population of the Tatiara around five hundred. However, the geographical extent of the region Curr considers the Tatiara is unclear. The South Australian newspaper (1850) reported either 20 or 200 Aboriginal people living in the Tatiara region.¹⁰² Although, nearly twenty years later, the 1868 sub-Protector report for the region quotes Police Trooper O'Reilly, based at Bordertown, as stating that the Aboriginal population of the whole of the Tatiara district was 38.¹⁰³ The seemingly fluctuating population numbers noted in the Tatiara may reflect the devastating impact of European diseases prior to settlement (Campbell, 2002), the movement of Aboriginal populations, a refinement of the geographical extent of the Tatiara (as mentioned previously) or frontier violence. As an example of the latter point, in areas abutting the TDC region (in the Western Districts of Victoria), one hundred and fifty-eight Aboriginal people were judged to have died violently; up to three thousand deaths are estimated [believed underestimated] in total (Corris, P. 1968, p. 157). The attraction of ration depots, missions and 'safe havens' in neighbouring districts in Victoria, and on the South

¹⁰² It is difficult to determine if the population noted is 20 or 200 due to either misplaced or missing digits in the printing process (*South Australian* (Adelaide, SA: 1844 - 1851), Tuesday 15 January 1850, page 4).

¹⁰³ *Report from Protector of Aborigines for half year ended 30th June 1868* (SA), p. 2, AIATSIS archives, Available online: http://50years.aiatsis.gov.au/archive_digitised_collections/_files/archive/removeprotect/59880.pdf, Accessed 12 June 2015.

Australian coast (such as Robe and Kinston) may also have affected estimates of the Tatiara Aboriginal population. Often Aboriginal people travelled to distant places out of curiosity or a chance to see and gain new items and other goods (Eyre, 1845, pp. 372-373) or, possibly, to gain refuge from violence.

An opportunity for recording some aspects of Aboriginal life in the Tatiara arose in 1874, when the South Australian Governor Musgrave received a letter from a Dr Bleek (of South Africa) recommending the study of the manners and customs of Aboriginal peoples of South Australia. In response, Taplin, a missionary-teacher at Point MacLeay (now Raukkan), suggested a questionnaire be developed that could then be delivered to people around the colony known to have associations with Aboriginal people. A questionnaire was subsequently compiled and sent out (Taplin, 1879, pp. 5-7). Twenty-four questionnaires were completed and the results were later edited and published in Taplin's (1879) book, *The Folklore, Manners, Customs, and Languages of the South Australian Aborigines: gathered from inquiries made by authority of South Australian Government*.

Police Trooper Humphries, who was stationed at Bordertown in the Tatiara at the time, received the questionnaire and chose Yilgoonin as his Aboriginal informant to answer the list of questions. Humphries records that Yilgoonin, an 'old native of the Tatiara tribe' (pp. 57-58), gave a clear indication that he was of the Jackegilbrab tribe, speaking the Nalunghee language. His tribe, he told Humphries, had six clans (Kooinkill, Wirriga, Chala, Camiagnigara, Niall, and Munkoora) which 'occupied the whole of the Tatiara country' (p. 58).

Four of the clan names mentioned by Yilgoonin continue into the present-day as nearby place-names: Wirrega homestead and railway siding; Cannawigara (Camiagnigara) homestead and locality; Monkoora (Munkoora) Well; and Chowla (Chala) Swamp and (Chala) House are all well-known contemporary locations within the TDC region. The proximity of these place names to Bordertown support the notion of Yilgoonin's affiliations with those parts of the TDC landscape (Kimber, 1968).

The scholarly works of Howitt (1904, p. 55) and Smyth (1878, p. 39) accord with the information provided by Yilgoonin that the Jackalbarap (Jackegilbrab) group

identified with parts of the TDC area. Howitt (1904, p. 55) states that the country to the west of Lake Hindmarsh was inhabited by the Doenbauraket, and Smyth (1878, p. 39) places the Jackalbarap to the west of the Duwinbarap (a likely variant spelling for Doenbauraket used by Howitt, 1904). Thus, the Jackalbarap is placed occupying the western extremity of the Wimmera district of Victoria and adjacent to the town of Bordertown in South Australia. Kimber (1969), in his investigation of the existence of an Ngarkat Aboriginal tribe, argues the Jackegilbrab (Jackalbarap) as an alternative name for the Ngarkat group. Kimber acknowledges, though, that the cultural and territorial extents of the Jackalbarap country likely extend from the TDC region well into Wimmera district of Victoria (Kimber, 1969, MS, p. 2).

4.3.3 Aboriginal Linguistic Boundaries

As language is a primary expression of culture (Keesing, 1981), linguistic studies are helpful establishing cultural relationships between Aboriginal groups and, therefore, geographic regions. Some scholars (Clark, 1990; Hercus, 1969; Tindale, 1974) use similarities and differences in languages to identify and separate traditional Aboriginal groups into tribal areas because dialects of language are believed to relate to identifiable clan groups (Clark, 1996, p. 6). For example, as indicated in the following Figure 4.4, Campbell (1934, p. 25), places the northern extent of the Bunganditj clan groups at the edge of the ninety-mile desert near Bordertown in the TDC, running east-west just to the north of Naracoorte and south of Bordertown.



Figure 4.4: The northern extent of the Bunganditj Aboriginal clan groups (approximate); per Campbell (1934). [Image Landsat- Source: ‘Tatiara District’ 36°18’52.56” S and 140°46’13.71” E, Google Earth, accessed 26 June 2015].

Norman Tindale's interpretations of Australian Aboriginal language groups apportion the majority of the TDC region to the Potaruwutj language group (Figure 4.5 below), with the northern extent between present-day towns of Naracoorte and Keith (Tindale, 1974, p. 218).

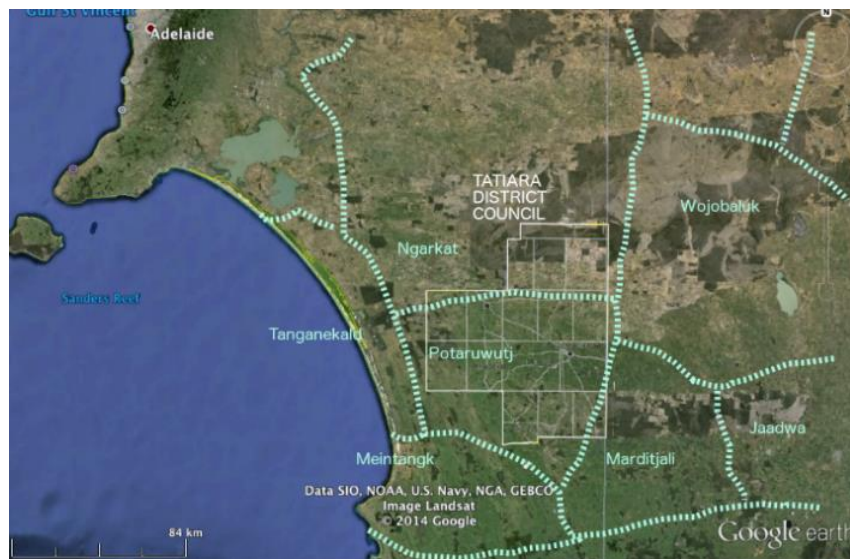


Figure 4.5: The language boundaries of Aboriginal groups of the Upper South East of South Australia and western Victoria (After Tindale (1974). Highlighting the position of the Potaruwutj language group in relation to the Tatiara District Council area. [Image Landsat- Source: 'Tatiara District' 36°18'52.56" S and 140°46'13.71" E, Google Earth, accessed 26 June 2015].

The mother of Milerum (Tindale's principal informant for the south-east of South Australia) was 'Lakwunami', a member of the Potaruwutj from the Keilira region, about 32 kilometres' south-west of Padthaway towards the town of Kingston.¹⁰⁴ Tindale's maps indicate that much of the 'Country' of the Coolucooluk, Polinjunga, Tatiara, and Wirigirek clans of the Potaruwutj people are encompassed by the boundaries of the TDC district. Tindale interprets Wirigirek as near present-day Wirrega, the local area surrounding the small railway siding of the same name situated to the side of the Dukes Highway, about 20 kilometres north-west of Bordertown, heading towards the South Australian State capital of Adelaide.

¹⁰⁴ Norman B. Tindale, 'Milerum (1869–1941)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/milerum-7572/text13217>, published first in hardcopy 1986, Accessed online, 22 January 2015.

Using examples of Aboriginal languages collected by various scholars who worked throughout western Victoria, Clark (1990, p. 353) has produced the map of the Wergaia language area below (Figure 4.6).¹⁰⁵



Figure 4.6: The TDC in relation to Wergaia language groups and clans (After Clark, I., 1990). [(Image Landsat- Source: 'Tatiara District' 36°18'52.56" S and 140°46'13.71" E, Google Earth, accessed 26 June 2015)].

Clark's map tentatively locates the Jackalbarap group near the western edge of the boundary of Wergaia language area, which runs parallel to the SA-Vic State border.

A limited number of Aboriginal language vocabulary lists were collected by early ethnographers and settlers in and around the TDC area. As indicated in the representative list in Table 4.7 (following page), there are some similarities in vocabulary, although some words ascribed to the Tatiara language differ between lists (Curr, 1887, p. 456; Haynes, 1887, p. 458; Taplin, 1879, p. 159). Although never detailed or extensive, Haynes (1887, p. 456); Curr (1887, p. 458); Humphries (1879, p. 159); Lawson (1879, p. 159) recorded Aboriginal language names and vocabularies from around Bordertown in the TDC district.

¹⁰⁵ Clark's sources are as follows: Mathews - Notebook, 1902 [Gr.6401], 1903 [Gr. 6484, 6514]; Hagenauer - in Smyth 1878; Hartmann - in Smyth 1878; Spieseke - in Smyth 1878; Curr 1887; and Hercus 1986 (cited in Clark, 1990, p. 336).

Table 4.7: A comparative sample of the vocabulary of Tatiara and Western Victorian languages.

English word	Haynes (In Curr (1887) Tatiarra words	Curr (1887) Tatiarra words	Tindale (Journal of the SE) Tatiara words	Tindale (Journal of the SE) Potaruwutj words	Humphries & Lawson (In Taplin, 1879) Bordertown & Tatiara	Mathews (1898 & 1903) Lakes Werringen & Albacutya Tyattyalla	Rev. Spieseke (In Taplin, 1872) Wimmera
Kangaroo	Mindyun	Mindja		Prumpadai		Mindyun	Minyun
Dog-tame	Kal	Kaal		Kal		Gal	Kale
Hand	Manyarek	Manya				Munya	Mannanyuk
One	Kyap	Kaiup				Kaiup	Keyap
Two	Polatch	Polaitch				Bulaty	Polit
Father	Miamik	Maame			Mamee	Mame	Mahmak
Mother	Piapik	Baab			Barbee	Pape	Babuk
Head	Poorpek	Boorp				Burp	Purpuk
Eye	Wurrinyek	Mir		Tammaki		Mir (mirr)	Mirr
Mouth	Charpek	Chalalk				Tyarp	Tyarbuk
Tongue	Challinck	Challe				Tyalin	Tyalli
Blood	Korrekek	Kork	Kolanu	Korok		Kurk	Curkuk
Spear thrower	Karrek	Kaarik				kurrik	Karrick
Sun	Neowi	Irangool		Kardu		Nyani	Nyauwe
Moon	Mitichun	Yern				Mityen	Mityan
Star	Trot	Toort				Turt	Turt
Day	Neowi	Yerungoori		Kado		Nyau yingune	Kehla nyauwe
Night	Porrung-	Boroin				Burun	Purroin
Fire	Wanyep	Wi		Wannap [wanap]		Wanyup	Wanyap
Water	Katchin	Kaiejin	padeyaki	Padeyak [fresh]		Kutyin	Katyin
Rain	Maiung	Miring				Mering	Mityak
Boomerang	Karum-karum			Nerum nerum		gattimgattim	Kertum
Stone	Kotchep	Laa		Pentar		Kutyup	Kotyap
I (me)	Yerrowik	Chormek				Yurwek	Tyurmik
You	Yerrowin	Choramin				Yurwin (thou)	Tyyurmin
Good	Daelk	Tealk				Dhalguk	Dealk
Bad	Yatchin	Yikam				Yattang	Yatye
Dead	Wikin	Wiikin		Nukan [norokkan]		Wikin	Weekin
Wife	Matchimek					Ngunnikwil	Matyimuk

Similarities and differences in vocabulary are discernible.

Hartmann (1878); Mathews (1902, pp. 71-106); Spieseke (1872, pp. 142-153); and Thornly (1878, p. 60), have recorded names and vocabularies from around the Lake Hindmarsh and the Victorian Wimmera district, adjacent to the TDC. The vocabularies collected by Eyre (1845) that are attributed to the Ngarkat language are weak and are not included in the above table. The few references to the Ngarkat language are based on observations of *Boraipar*, the language of a group (the Arkatko) positioned somewhere to the east of Moorunde on the Murray River (Eyre, 1845, p. 331). Linguistics does not explain political interactions between bands and/or clans (Peterson, 1976, pp. 6-11).¹⁰⁶

¹⁰⁶ The striking similarities between ‘Tattayarra’ (Angas, 1847), ‘Djadjala/ Djadjali’ (Clark, 1990), ‘Tatiarra’ (Haynes, 1887), ‘Tyattyalla’ (Mathews, 1902), and ‘Tatiara’ (Taplin, 1879) warrant linguistic investigations lying outside the scope of the current study.

Nevertheless, linguistic similarities do favour the notion that cultural relationships and ties existed among people living in those regions,¹⁰⁷ and such evidence is commonly used by anthropologists in their reports about group connections in native title claims (P. Clarke, Pers. Comm., 4 May 2016). The extensive cultural connections of the Tatiara Aboriginal groups with other groups about them is further supported by evidence of travel to and from the TDC region for the procurement of resources (Angas, 1847, p. 72-73; Bride, 1898, p. 109; McBryde, 1984, p. 136; McCarthy, 1939, p. 407).

A language group is neither an economic group nor a land-owning group, but a reflection of commonality among languages (Clark, 1990, pp. 1-3). Such is the paucity of language record, the western boundary of the Wergaia language area and the Potaruwutj language boundaries are best understood as linguistic boundaries reflecting a lack of available linguistic evidence rather than features indicating cultural continuity or discontinuity. Modern boundaries, such as the TDC and the SA-Victorian border, played no role in traditional Aboriginal societies and were not definite barriers to Aboriginal movement post-European settlement, therefore, shifting genetic and cultural connections among Aboriginal groups are certain to exist beyond present-day Tatiara District Council (TDC) boundaries.

The available evidence suggests the possibility of multiple cultural groups, comprised of several sub-groups, intersecting within this district. Therefore, presenting arguments, for or against, Aboriginal Cultural Heritage (ACH) based on linguistics or the hereditary right (or not) of any particular Aboriginal group to a specific area of land within the TDC is problematic, neglecting three important factors: first, lack of appropriate knowledge of traditional kinship affiliations in the area (Rumsey, 1993, p. 200); second, lack of understanding about cultural connections to the place through social and factional processes operating across regional systems (Keesing, 1981, p. 120; Veth, 2002, p. 2); and third, the impacts and experiences of European colonialism for Aboriginal people connected with the TDC. Distinguishing distinct geographic boundaries based on linguistics has

¹⁰⁷ Language similarities may reflect the existence of such things as ceremony and wife exchange relationships. For example, Howitt (1904, pp. 240-252) notes that men from Aboriginal groups living in the areas east (Wotjobaluk) and south (Buandik - also Booandik) of the Tatiara must procure their wives from 'outside' groups.

adverse implications for ACH because they evoke ideas of discontinuities of culture and opportunities for cultural marginalisation (Peterson, 1976, pp. 6-11). However, this distinction does not preclude Aboriginal languages as an ACR element.

4.3.4 Aspects of traditional Aboriginal life in the Tatiara

In traditional Aboriginal societies, the actions of mythical Ancestral beings during the Creation period,¹⁰⁸ establish ‘the foundations of human socio-cultural existence.’ (Berndt & Berndt, 1999, p. 137). As all topographic features, including subterranean and celestial aspects of the Aboriginal cultural landscape, played a significant spiritual role in the life of traditional Aboriginal groups (Clarke, 2003, pp. 15-29), the present-day natural features, including plants and animals, of TDC landscape, are also likely to hold significant meanings and values for contemporary Aboriginal people.

Granite domes are one example of a prominent physical feature bonded with Aboriginal people through such a conceptual relationship (Bindon, 1997). For example, the granite outcrops at Kingston form part of the noted Emu and Brolga saga of the SE of South Australia (Clarke, 1997, p. 144). It is conceivable that the better-known granite outcrops in the Tatiara (Kongal, Gyp Gyp, Christmas Rocks and Mount Monster) have similar links. On the eastern side of the TDC, a creation myth of western Victoria involved the Bram-bram-bult brothers, who, aided by birds, finally defeat and kill the Giant Emu, Ngindyal (or Tchingal). Such stories explain parts of the landscape topography and the Emu’s feathers and egg laying habits altered during and following the battle (Mathews, 1904; Isaacs, 2006).

An important aspect of traditional Aboriginal life was the continuity of valuable natural resources, and Aboriginal societies of the TDC were no exception. Prior to European intervention, the environment of the TDC was complex and variable, enabling occupation of the whole region. However, some areas, such as the drier

¹⁰⁸ The Creation period occurred so long ago that the stories of Ancestral times now possess qualities that is often translated into European terms as ‘The Dreaming’ (Berndt & Berndt, 1999, p. 229; Rose, 1996, *Nourishing Terrains: Australian Aboriginal Views of Landscape and Wilderness*, Australian Heritage Commission, Canberra, pp. 26-28; Sutton, P. 1988, In *Dreamings: The Art of Aboriginal Australia*, edited by Peter Sutton, Penguin Books, Melbourne, pp. 14-18.

USE bioregion, were probably more intensively occupied during the wetter winter and less so in the dry summer months. It was economically and socially expedient to look after the places of favoured plants and animals (Hunt, 2001, pp. 149-151). As an example, the Tatiara region was noted as a place for reed spear shafts (Bride, 1898, p. 109), and the making of mats and basketry (Clarke, 2014). Therefore, there was an economic significance and value to the locations where reed and other grass and sedge species grew. Several studies (McBryde, 1984, pp. 132-153; McCarthy, 1939, pp. 405-410; Pretty, n.d.) have documented that at certain times and places in the SE regions of Australia, of which the TDC is a part, there was sufficient food and water to sustain larger assemblies of people. Several major waterholes, swamps and springs in the TDC area have characteristics indicating the potential for such a purpose prior to European settlement (Field notes, 2013, 2014; McEntee, 1945).

Stone was also a major asset in traditional Aboriginal societies (Holdaway & Stern, 2008). As the geology of the Upper South East region is predominately sedimentary limestone with occasional granite outcrops (Cook, Colwell, Firman, Lindsay, Schwebel & Von de Borch, 1977; Mawson & Parkin, 1943), stone suitable for tools is in short supply and, as such, a valuable resource. As an example, ACR in the form of fragments of the pink granite are found extensively on farms throughout the TDC, signifying this stone as an important material element in the traditional Aboriginal economy. Therefore, attaching an economic significance to possible source points, such as the pink granite outcrops of Mount Monster.

There is evidence that complex cultural interrelationships existed between traditional Aboriginal groups living in the Western Victorian and Upper South East regions of South Australia. In investigating the distribution and of greenstone axes made of material sourced from the Cambrian greenstone belts of Victoria, McBryde (1984, pp. 354-382) compared the ethnographic evidence of social interaction between Aboriginal groups in Victoria (Figure 4.7).¹⁰⁹

¹⁰⁹ Ground-edge stone axes (commonly found in the TDC) were also made from other material such as diorites and granites.

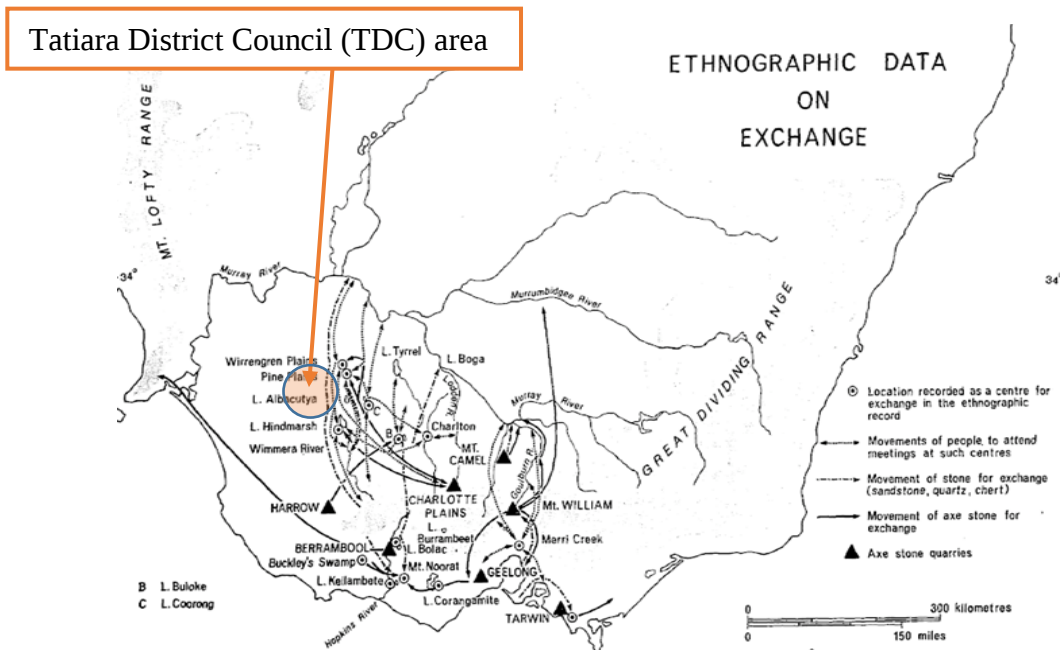


Figure 4.7: Exchange sites and movements in South-eastern Australia (McBryde, 1978. p. 371) in relation to the (approximate) location of the Tatiara District Council area.

The proximity of the Tatiara District to major places of exchange in neighbouring Victoria (McBryde, 1984, p. 371; McCarthy, 1939, p. 407), such as the major ceremonial and exchange site of Bunyo-Budnutt at Nhill (Jensz, 2010, p.115), indicate the potential existence of close relationships between Aboriginal groups of the region and the complexity of exchange in Australian Aboriginal societies in SE Australia.

4.4 The colonial impact

European histories of Aboriginal occupation of the SE region of Australia, written by members with the same or similar cultural backgrounds, contrast sharply with the meagre records written by members of Aboriginal groups about their history. Broad explanations of the process of European settlement leading to the emergence of contemporary South Australian landscapes is provided by Dr M. Williams (1974). More specifically, Alan Jones (1986) and Daisy Fry (1947, 1974) provide detailed accounts of the European settlement of the Tatiara. Apart from mentioning that Aboriginal people had led Europeans to the ‘good country’ east of Adelaide, Jones and Fry pay little attention to how local Aboriginal people contended with or contributed to European settlement in the Tatiara.

For Aboriginal people, survival has repeatedly meant regularly remodelling and adapting conceptualisations and lifestyles to sustain life under the new and changing government and society dominated by Europeans. Roberts's (2003) analysis of Aboriginal perspectives of archaeology reveals Aboriginal perceptions of circumstances and events in the TDC as ongoing 'lived experiences'. As explained by an Aboriginal woman of the Tatiara, Kerry Hunt (in Roberts, 2003), "their [archaeologists'] knowledge is out of books, but ours is a lifetime." (p. 188). In the current absence of a written Aboriginal history of the Tatiara that may highlight Aboriginal chronicles and perspectives of European settlement, only European accounts are used below.

Newspapers of the 1840s report that Aboriginal people of the Tatiara made visits to such places as Moorunde, Lake Albert and Glenelg, so it is probable that local Tatiara Aboriginal groups were well aware of Europeans from their encounters with other Aboriginal people or Europeans in the course of normal social interactions, travels and trade.¹¹⁰ Angas (1847, pp. 72-74), for example, records that not long after arriving in South Australia in 1844 he met a small group of people near the River Murray who conveyed to him that they were from the 'Tattayarra' country. A boy in the group, named 'Tchadkai', signified to Angas that their home was to the east and, as the Tattayarra people spoke of a 'great water' and of bark canoes, Angas deduced they meant Lake Hindmarsh in western Victoria, directly to the east of present-day Tatiara. It is not unreasonable to assume that the Tattayarra people Angas encountered were familiar with the people and area of the TDC.

The European incursion into the region of the TDC came late in terms of settlement in the southern districts of South Australia. European settlers occupied the regions to the west, south and east of the Tatiara before, inevitably, they came to 'settle' in the Tatiara area. Fry (1947) reports that it was an Aboriginal man named 'one toed Charlie' that guided the first settlers (MacLeod, Binnie, Lawson and the Scott brothers) eastward to the country with plenty of water and food - the Tatiara. For some members of Tatiara Aboriginal societies, contact with Europeans had an almost immediate effect. For others, contact was, to some

¹¹⁰ The *South Australian*, 12 August 1845, cited in Fry, 1947, p. 4.

extent, delayed, although precipitated by experiences marking the beginnings of new challenges facing them.

4.4.1 The pastoralist period (1846-1872)

In the year 1845, Loudon Macleod and John Scott travelled into the Ninety Mile Desert beyond the barrier of sand ridges and Mallee scrub that was said to hide a pocket of country ideal for grazing.¹¹¹ Crossing the scrubby 90-mile desert, the men eventually came across an expanse of land covered with gum trees and grasses. Occupying the well grassed and watered areas of open plain on the South Australian side of the SA/Victorian border; containing the major water holes and swamps in the region, this area was ideal for sheep (Jones, 1986). It was not long before occupation licences were issued for the Cannawigara (Scott Bros.), Wirrega (Mr Binnie), and Nalang (Mr McLeod) Stations, situated (as shown below in Figure 4.8) together near present-day Bordertown.¹¹²

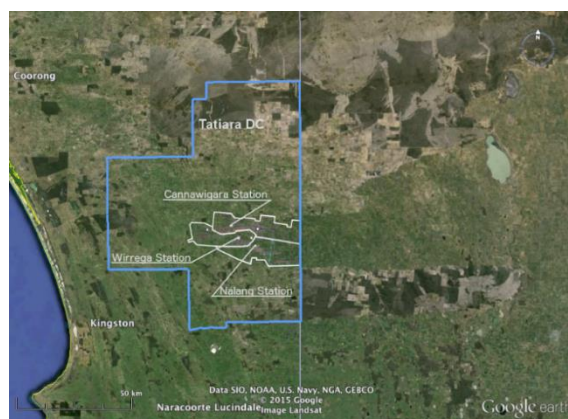


Figure 4.8: The Cannawigara, Wirrega and Nalang sheep stations on the open plains of the TDC. [Image Landsat- Source: ‘Tatiara District’ 36°18’52.56” S and 140°46’13.71”E, Google Earth, accessed 26 June 2015].

About the same time, a Mr Lawson was also granted an occupation licence for land near Padthaway, further to the south-west; the place currently retaining the name. The establishment of the four stations signified the beginning of pastoral land-use of the TDC area. It was not long before nearly all the lands within the region suitable for that purpose were part of established pastoral stations.¹¹³

¹¹¹ *South Australian*, 12 August 1845, 9 September 1845, 3 October 1845, 12 December 1845; cited in Fry, 1947, p. 4.

¹¹² *Government gazette*, 26 February, 1846.

¹¹³ In 1846, the Tatiara area was being touted as ‘the finest district for sheep in all the colonies.’ (‘Progress of settlement’, *South Australian*, Adelaide, SA: 1844 - 1851), Friday 25 December 1846, page 5).

Settlers, however, avoided the Mallee country to the north and west of the open plains because, according to Fry (1940), sheep were difficult to manage in dense Mallee scrub areas, which lacked suitable water resources and were the haunt of many Dingos.

As Scott, Binnie, McLeod and Lawson had marked out their stations over the watered, grassed, open forest areas of the TDC region that were ideal for sheep, the major swamps and semi-permanent water sources (concentrated in several places along the Nalang, and Tatiara creeks) became centres of the pastoralist industry, such as homesteads, sheep yards and wool sheds. Thus, almost immediately, access to water was restricted for Aboriginal people and wild animals. Game animals became scarce around waterholes and grassed areas and hard to hunt. Major Aboriginal vegetable food sources of seeds, roots and tubers, began to be depleted through the grazing of sheep and cattle; Yam Daisy (*microseris lanceolata*) being a prominent example (Clarke, 1985). Although there is no record that Europeans forcibly drove Aboriginal people from the district, to all intents and purposes, their encroachment produced the same result. The balance of nature was upset. So too was the balance of Aboriginal cultures (Rowley, 1986, p. 82).

4.4.2 The unsettled frontier

There is little record found of the first five years (1846-1851) of European settlement in the region of the TDC and no definitive evidence of deadly conflict between Aboriginal people of the TDC and Europeans. It is, of course, unresolved whether an absence of evidence equates to an absence of conflict. There is ample evidence of widespread conflict and violence in neighbouring districts (Clark, 1995, pp. 180-183; Eyre, 1845, p. 282; Foster, 1983, p. 3; Reynolds, 1981, p. 77). James Brown, manager of Keilira Station, mid-way between Padthaway and Kingston and some distance from present-day TDC (Bell & Marsden, 2008), was arrested in 1849 and placed in custody at Guichen Bay for shooting Aborigines.¹¹⁴ Although charged with killing five Aboriginal people, a lack of witnesses meant

¹¹⁴ The Guichen Bay settlement, approximately 130 kilometres from Bordertown in the TDC, is the known in the present-day as the town of Robe. 'Local Intelligence', *South Australian Register* newspaper (Adelaide, SA : 1839 - 1900), Wednesday 7 March 1849, page 4.; 'Colonial news - South Australia', *The Maitland Mercury & Hunter River General Advertiser* (NSW : 1843 - 1893), Saturday 14 April 1849, page 3.

the case did not proceed (Hassell, 1966, pp. 102-103). As witnesses to such crimes were often Aboriginal people, legal evidence was difficult to acquire and convictions were unlikely. Language problems, Aboriginal superstition about naming dead people, bewilderment of Aboriginal people of European justice and witnesses fears of possible retribution were often relevant factors. Sometimes Aboriginal and European witnesses simply disappeared (Hassell, 1966, pp. 102-114). Although James Brown was reportedly from the Tatiara, this is not correct in contemporary terms.

Following the arrival of the settlers, it seems that some Aboriginal individuals in the TDC adapted to the new situation by choosing to retreat from the frontier and stay away from the Europeans and the sheep stations (see the following section on the social impact of colonisation). Other Aboriginal people remained in contact with settlers, in some cases providing them assistance (Allen, 1906). The new conditions led to friction between European settlers and Aboriginal people, with some older TDC settlers remembering the Tatiara 'tribe' as numerous and troublesome in the early days.¹¹⁵ Early in the settlement of the Tatiara (probably between 1846 and 1850) Mr Binnie of Wirrega station was said to have once been forced to hide from Aborigines in fear of his life (Allen, 1906, p. 69). In a later incident, Mr McArthur of Swedes Flat station resorted to sending for police assistance after being ejected from his hut by a group of Aboriginal men.¹¹⁶ Although these accounts may be true, they cannot be definitive of one Tatiara 'tribal' group membership as their numbers, in all probability, comprise of all the visitors from other places (Lake Hindmarsh for example) passing through the district, as well as the members of local clans.

With traditional relationships severely affected by European settlement (Stanner, 1961, p. 81), it is unsurprising that the European record describes animosity among various Aboriginal groups in the early years of the colony of South

¹¹⁵ 'Bordertown', *The Narracoorte Herald* (SA: 1875 - 1954), Friday 23 August 1907, page 2 and 'The Blacks and the Early Days in the Tatiara', *The Narracoorte Herald* (SA: 1875 - 1954), Tuesday 24 September 1907, page 1.

¹¹⁶ According to Mr McArthur, during October 1854, Aboriginal men had forced the door of his station hut and threatened to spear him. P C Johnson of the Bordertown Police Station investigated the incident and arrested two unnamed Aboriginal men. The two men subsequently escaped during the journey to Mosquito Plains Police Station (present-day Naracoorte). Unit 1, Jan 27 1854 – Dec 31 1883, Volumes 1-9, *Bordertown Police Station Records – Station Journals* (SA State Records), GRG5/158.

Australia. Disturbance to the rules of kinship and marriage, restricted access to food and land, and an undermining of solidarity between genders and generations inevitably led to interpersonal and intergroup conflict (Taylor, Schmitt, & Roy, 2003, p. 209). Berndt, and Berndt with Stanton (1993, p. 14) and Taplin (1878, pp. 60-61) note Ngarrindjeri Aboriginal people of the Coorong were in a bitter relationship with Tatiara Aboriginal groups, having a violent history. Tindale (1837, 1941) recorded that Aboriginal groups of the Tatiara and surrounding groups exchanged songs of ridicule because of perceived kinship irregularities in wife exchanges. Fry (1847, p. 29) reported that a man named 'Black Joe' was reputedly killed by 'wild' Aborigines because he was a worker on Cannawigara station, although there may have been several other unknown reasons. Allen (1906) remembers that the Aborigines living on Wirrega station would 'sometimes all go off fighting other tribes, but no stranger came to attack them.' (p. 68). During the pastoralist period, burials of European and Aboriginal people took place on the station properties (Fry, 1940, 1947). Therefore, burials discovered today may be traditional Aboriginal burials of the pre-European times, or Aboriginal and non-Aboriginal burials of the post-European period.

The conflicts between Aboriginal individuals, families and communities following European settlement were likely the result of the disruption of traditional Aboriginal imperatives in economies, politics and social norms. Even so, historical social disturbance and division among Aboriginal individuals and groups cannot be raised as arguments against a united ACH because heritage constructions are made in the present-day. Heritage meanings and values are attached to contemporary circumstances and issues, thus, permitting retrospective superimpositions of unity among previously disparate Aboriginal groups.

The European settler position of power and dominance, prejudiced by the idea of Aboriginal people as a race doomed to extinction (McGregor, 1997), affected their relations with Aboriginal people. Fry (1947, p. 16) reports that the mistress of Wirrega station removed a child from its mother because she understood it to be in danger of its life. In another case, the owner of nearby Binnum station was said to have 'rescued' a baby boy from a native hut in an apparently recently abandoned camp (with food piled ready to cook on the smoking fire), taking him

back to the station to live.¹¹⁷ Evidently, European settlers of the Tatiara of this period were unable to perceive or unwilling to acknowledge the inhumanity and injustice of colonial dispossession (Harris, 2003, p. 85). The absence of reports of overt violence and the increase of reported acts of paternalism have led to European descriptions of themselves as being ‘extremely kind to the blacks.’¹¹⁸

4.4.3 Strategies for survival

During the first few years of European settlement many Aboriginal people may not have seen themselves as part of European life, but some were willing to assist settlers, share knowledge and expertise, stories dance and songs. For those Aboriginal people who remained on the Tatiara sheep stations some aspects of traditional economic, social and spiritual life remained within reach.

During his visit to South Australia in 1867, Prince Alfred, the Duke of Edinburgh, witnessed the ‘Kuree’ (also ‘Kuri’) dance put on by the Ngarrindjeri people at Point McLeay (now Raukkan),¹¹⁹ although there were, reportedly, aspects of coercion behind Aboriginal participation in these displays.¹²⁰ Lydon (2005b, pp. 26-27) emphasises that, as much as anything, such performances were public assertions to rights and of land and the entitlements of reciprocal connections. Closer to the TDC, Pine (1897, pp. 169-173), writes an account of the story told him and the group of drovers in about 1864 (this may have been an isolated incident) that took place at Woods Well in the Tatiara. A few days after hearing the screeching of night bird, an Aboriginal accompanying the group of drovers told them the legend of ‘Ti-Ya-Tinity,’ the Screech Owl (*megascops*) and how it came by its shrieking voice.

During 1852, a police station was set-up near the Cannawigara station woolsheds as protection for the gold moving between the Victorian goldfields and Adelaide (Fry, 1947, pp. 19-21). Fry (1947a, p. 13) and Woodsford (1969, p. 11) suggest

¹¹⁷ ‘Thrilling Pioneering’, *Early Days in South-East*, Chat with Mrs Kate Cummings, *Register*, Adelaide, Wednesday, April 28, 1926, p. 12.

¹¹⁸ ‘The Aborigines’, *South Australian*, Friday 7th, February 1851, p. 2.

¹¹⁹ ‘Prince Alfred in Adelaide’, *Illustrated Australian News for Home Readers* (Melbourne, Vic.: 1867 - 1875), 26th November 1867, p. 8.

¹²⁰ Taplin, *Diaries*: 12-13 November 1867, PRG 186-1/12, Vol. 6, 4/5 fiche, State Library of South Australia.

the attraction of many South Australian men to the goldfields of Victoria following the discovery of gold in 1851 drained the availability of a non-Aboriginal workforce and the Tatiara sheep station managers became more reliant on Aboriginal labour. In 1851, annual occupational licences in South Australia were replaced by 14-year pastoral leases (Department of Lands, 1986), providing some security for pastoralists. Although probably not their perception, there were some advantages for Aboriginal people because this meant a chance of remaining close to 'Country' and there were emergent opportunities to engage with the station economy (Hassell, 1966, pp. 86-100; Pope, 1988), an occurrence not uncommon in pastoral areas (Rowley, 1986, p. 83).

As with the European settlement in other parts of Australia, it was inevitable that rapid cultural shifts took place in the Tatiara (Clarke, 2003, pp. 208-226). Newly inspired cultural meanings and values of Aboriginal individuals and groups overlapped traditional ones. Pastoralism brought with it new technologies and materials that Aboriginal people utilised and adapted to suit their circumstances. For example, blankets replaced possum skin cloaks, glass was a much better material for knives than flint, and stone axes were discarded in favour of the new steel hatchets (Clarke, 2003, pp. 13-14). New relationships with Europeans developed and many Aboriginal men and women were employed assisting around the stations. Aboriginal people worked as stockmen, shepherds and shearers, and in the homesteads as cooks and domestics (Fry, 1947). Rare photographs of Aboriginal people in the TDC during the pastoral period (1842-1870) are of workers at the Wirrega sheep station, noted on the photographs as members of the 'Wirrega clan to the Tatiara tribe'.¹²¹

Traditional skills were still relevant at times. Occasionally, station owners and the police sought the assistance of local Aboriginal people and, as expert trackers, were often called upon to assist in tracking fugitives from justice, and people and stock lost in the thick Mallee scrub.¹²² Although the need for police gold escort ceased after 1852 (South Australian Police Historical Society, 2015), the police

¹²¹ Tatiara 'tribe', Collection: AA30 Daisy F. M. Fry, series AA30/02 – photographs relating to Aboriginal people of the 'Tatiara Tribe', *Aboriginal employees of Mt John Binnie, Wirrega Stn, S.E. of S.A.*, 1852-1872, Archives, South Australian Museum.

¹²² GRG5/158, *Bordertown Police Station Records*, Unit 1, Jan 27 1854 – Dec 31 1883, Volumes 1-9., Station Journals, SRSA (State Records of South Australia).

station remained as Bordertown and became established as the new administrative centre for the region.

Compared to the land enclosures that came with the closer settlement that was to follow, the latter stages of the Tatiara pastoral period are marked by a certain latitude given to Aboriginal people to move into and camp around the district. Although in stark contrast to traditional Aboriginal life, Aboriginal freedoms were similar in some respects to those Aboriginal people living on other pastoral properties in other locations in South Australia. For instance, Aboriginal people living in the camps of the TDC pastoral stations were visiting Bordertown, with some people visiting the Ebenezer mission station at Lake Hindmarsh, 120 kilometres to the east, in Victoria.¹²³ The Ebenezer mission was built on the site of the Bunyo-budnutt Aboriginal ceremonial ground (Jensz, 2010, p. 115).¹²⁴ Aboriginal people were also visiting the Tatiara from the Wimmera, Coorong and Padthaway.¹²⁵ A well-known local Aboriginal woman, 'Granny Pinkie', was born on the Nalang pastoral station around 1856 and many people alive today are her direct descendants, some who may be farmers. Granny Pinkie travelled extensively as a young woman. It is reported that she occasionally visited Padthaway and Mount Monster (near Keith) in the TDC, and Pinnaroo and Cow Plains.¹²⁶ It is possible that the movements of Granny Pinkie illustrate an effect of European settlement and that her 'country' lay elsewhere than the Tatiara region.

Some environments and locations, once familiar, favoured or significant for Aboriginal people living traditional lives, became unpopular to them or were barred from their access, particularly the springs and waterholes now fouled by stock. Many traditional Aboriginal cultural routes and economies were replaced

¹²³ Report of Dr Penny, Medical Officer to Aborigines at Bordertown, Tatiara, included in the *Annual Report of the Sub-protector of Aborigines (SA) for the year ended 31st December 1878*, E. L. Hamilton, Sub-Protector, p. 5.

¹²⁴ Also known as the Lake Hindmarsh Mission Station, Ebenezer is located on the Wimmera River, Victoria, about 100 kilometres east of Bordertown, South Australia. According to Lydon (2009), 'the buildings still standing are the oldest surviving mission buildings in Victoria, and the site is one of the most significant Aboriginal cultural places in south-eastern Australia, recorded as Aboriginal Affairs Victoria site no. 7225/179, place no. 6.1-3, Victorian Heritage Register.' (p. 7).

¹²⁵ Report of Dr Penny, Medical Officer to Aborigines at Bordertown, Tatiara, included in the *Report of the Sub-Protector of Aborigines for the year ended 31st December 1875*, p. 3.

¹²⁶ 'Passing of 'Granny' Pinkie'; oldest identity and link with 'Tarpot', Aboriginal international cricketer', *Border Chronicle*, 8 July 1938, page 1, Col. A.; Cow Plains (Kow Plains) is near Cowangie, a locality part way between Pinnaroo in South Australia and Ouyen in Victoria. Kow Plains is approximately 130 kilometres NNE of Bordertown, S.A.

by new places and pathways, such as ration depots and allocated camping grounds. In addition, some previously valued aspects of traditional social structure fell into disuse and, with new social relationships establishing, increasing attention placed on the economic and social needs and values of survival.

4.4.4 The social impacts of colonisation

The advance of European agricultural development and land-use accompanying closer settlement and intensive farming had an impact on more than Aboriginal landscapes, places and objects. As Aboriginal dispossession and European occupancy of land progressed on both sides of the South Australian and Victorian border (Keneley, 2002), increasing demands were placed on the individual and social lives of Aboriginal people.¹²⁷ With a breakdown in traditional Aboriginal political and economic structures, Aboriginal people were forced to adapt, revising some cultural values and meanings and strengthening others. While some Aboriginal families remained in the TDC, some moved from the Tatiara to various other South Australian towns and mission stations. Gale (1966, pp. 25-27) has shown that some Aboriginal family groups from the south west extremes of the Tatiara District (TDC) area tended to move towards Raukkan, and those people from the northern parts of the TDC tended to move towards the Gerard Mission station (see Figure 4.9 below). Previously known as Point McLeay Mission Station, Raukkan is located on the banks of Lake Alexandrina near the mouth of the Murray River, about 172 kilometres north-west of Bordertown. Gerard Mission was located near the town of Loxton on the River Murray, about 216 kilometres north of Bordertown. Memories of the movements of some Aboriginal people have also been documented, indicating the movement of some people from the Tatiara District places as far away as Poonindie, near Port Lincoln (Brodie, 2002, pp. 12-13).

¹²⁷ For a history of Aboriginal - non-Aboriginal relations in South Australia, see Brock, P. 1995, 'South Australia', In Anne McGrath, ed., *Contested Ground*, St Leonards, Allen & Unwin, pp. 208-239; Hassell, K. 1966, *The Relation Between the Settlers and Aborigines in South Australia, 1836-1860*, Libraries Board of South Australia and; Rowley, C. D. 1986, *The destruction of Aboriginal Society*, Canberra, Australian National University Press, pp. 74-85. For an Administrative History of Aboriginal Affairs in South Australia, see Raynes, C. 2002, *A Little Flour and a Few Blankets 1934-2000*, State Records of South Australia.



Figure 4.9: The movement of Aboriginal people post-European settlement. Showing movement toward mission stations (after Gale, 1966). Image Landsat- Source: ‘Tatiara District’ 36°18’52.56” S and 140°46’13.71” E, Google Earth, accessed 2 May 2014.

As the pastoral properties were reconfigured into smaller farm units, Aboriginal people were forced off the land, resulting in a further geographical scattering of Aboriginal people with ancestral and cultural links with the TDC region. It is probable that a few Aboriginal people were also attracted to the established towns and mission stations, particularly Ebenezer, across the border in Victoria. In these new places, Tatiara people married and had children, establishing themselves as permanent residents. The investigations of Ellis (1963-65) into aspects of Aboriginal music and songs exemplifies the geographical spread of the Aboriginal people with links to the Tatiara region. Ellis contacted and recorded conversations with various Aboriginal people, including six people asserting descent from groups of the Tatiara region. Of the six, all men, one was born at Murray Bridge, two at Point McLeay, two at Wellington, and one was described as born ‘on the river’. At the time of the Ellis research, one of her participants was living at the Gerard Mission, one at Tailem Bend, one at Wellington and three were residing at the Yalata Gaol (Ellis, 1963-65). It is relevant to note that, while none of the above people lived in the TDC area, they referenced themselves as ‘from the Tatiara’. Although it must be remembered that there is a tenuous boundary element in references to the Tatiara, the above references indicate enduring cognitive bonds with that region. In the present-day, Aboriginal people identifying with the TDC region can be found living all around Australia. Conversely, Aboriginal people from other places outside of the TDC have found their way to the Tatiara to live as permanent residents, sometimes for generations.

For instance, an Aboriginal woman who died on the Aboriginal reserve at Bordertown in 1910 was reportedly not from the Tatiara, but from a nearby group reportedly antagonistic to the Tatiara people.¹²⁸

With the movement and relocation of Aboriginal people to and from the Tatiara, Aboriginal notions of country increase in complexity. According to Sutton (1995, pp. 49-50), individuals in these situations accept multiple layers of responsibility for multiple countries. Consequently, Aboriginal understandings of ACR will be diverse and unlike those of traditional times, having multiple meanings and levels of significance. Weir (2012, pp. 2-3) believes this circumstance requires continual negotiation of individual and group positions and responsibilities in line with expanding affiliations with other peoples and places.

As pastoral lands became farm properties, adding yet another historical cultural layer (Sauer, 1925) to the Tatiara landscape, Aboriginal people remaining in the Tatiara district were forced to relocate to camps on vacant parklands surrounding Bordertown. The *Waste Lands Act of 1857-8* (s. 3) had provided the power for the Governor to set land aside for the use or habitation of Aboriginal people.

However, it was not until about 1874 that Aboriginal people of the Tatiara first began living on an unused section of crown land on the outskirts of Bordertown, under control of the Tatiara Council (Young, 1955, p. 33). In 1892, Police Constable Thornton wrote to the Minister for Agriculture requesting a block of land to be reserved for the use of Aboriginal people, so they would not trespass in search of wood and water.¹²⁹ Some Aboriginal families remained on some farms until 1910 (Participant P-4, Pers. Comm, 14th March 2015), indicating that some farmers accommodated the desires of some Aboriginal people to continue attachments to certain places. However, by 1915, apart from individual Aboriginal workers, there was no longer an Aboriginal community presence on the majority of farms.

Members of the non-Aboriginal population of the TDC increasingly discerned an Aboriginal presence in towns as problematic. Issues of Aboriginal health were

¹²⁸ 'Death of Black Kitty', 1910, *The Register* newspaper (Adelaide, SA: 1901 - 1929), Friday 3 June 1910, page 10.

¹²⁹ GRG 52/1/1866-1909, State Records of South Australia (SRSA); 932a, 25 February 1892, Protector of Aborigines, Out Letter-Book 6 (7 January 1885 to 8 December 1892).

evident, exacerbated by living conditions and the inability of Aboriginal people to access traditional foods or resources for health treatment (Saggers & Gray, 1998). In May of 1892, a request by Mounted Constable (MC) Thornton (Bordertown Police Station) for some tarpaulins to provide shelter at the camps in Bordertown was refused by Chief Protector Hamilton because they were costly and short-lived. Instead it was suggested that;

New wheat or flour bags are now frequently supplied for the Native wurleys, which when opened out and sewn together, form a very suitable covering – You can obtain a few dozen of these at Border Town and supply same to natives. (Hamilton, 953a, 20 May 1892, *Out Letter-Book* 6 (7 January 1885 to 8 December 1892).

One European resident of Bordertown, a Mr Truman, wrote to the Protector of Aborigines in 1892 and 1893 calling attention to the health of Aboriginal people of Bordertown district, complaining that Aboriginal people were ‘treated like dogs.’ Following enquiries, the Protector accepted Mounted Constable Thornton’s lengthy explanation that Mr Truman’s information was not correct.¹³⁰ Two years later, in 1895, Lizzie Pinkie, an Aboriginal woman of the district, wrote to the Protector complaining of not receiving enough rations or blankets. Again, following enquiries of the Protector, Mounted Constable Thornton’s claim that the Aborigines at Bordertown were provided adequate rations and blankets was accepted.¹³¹

South Australian native affairs policy between 1911 and 1961 became more focussed on the protection of Aboriginal people of full-descent and the assimilation of those people of part-descent. The realisation that Aboriginal people were not dying out promoted an assimilation policy, particularly for children born through mixed ancestry. The Aborigines Department took control of the former mission stations of Point Pearce (1 September 1915) and Point McLeay (1 January 1916) where many half-caste Aboriginal people now lived. In line with government efforts of the time to educate half-caste children into the workforce, legal means were found to facilitate the removal of these children

¹³⁰ GRG 52/1/10/93, (1866-1909), State Records of South Australia (SRSA).

¹³¹ GRG 52/1/211/95, (1866-1909), State Records of South Australia (SRSA).

from their present unaccommodating environment for employment and, as a consequence, their parents (Raynes, 2002, pp. 35-55).

European concerns about mixed ancestry were manifest in Bordertown, when, in May 1913, the Chief Protector, W. G. South, encouraged the Office of the Commissioner of Public Works to remove Bordertown Aboriginal children from their parents;

I visited the Native camps at Bordertown...I was not able to get full particulars of the names, ages and circumstances of two families of half-caste and quadroon children living in the camps, but what I saw leads me to think that the children should be at once removed and placed under the State Children's Department. Two of the children are white, with blue eyes, and one has auburn hair (W. G. South, 13 May 1913).¹³²

Dealing with perceived problems of historic and cultural difference by emphasising degrees of Aboriginal 'blood' not only demonstrated European prejudice, but ignored familial and social ties. This situation was hurtful for Aboriginal families and particularly divisive among Aboriginal community members (Watson, 2014, pp. 117-119).

The presence of Aboriginal people in the wider colonial landscape, away from designated reserves and mission places, was perceived by many in European colonial society as a problem. An Aboriginal presence in this *white space* constituted what Byrne (2003) identifies as 'the real and nervous space of race relations.' (p. 189); one that was also perceptible in the Tatiara. Over this time, a number of non-Aboriginal Tatiara people began to perceive the TDC community as no place for Aboriginal people. In 1934, the Bordertown Council sought to remove Aborigines away from Bordertown 'to a more suitable locality'.¹³³ After a letter being sent to the Chief Protector of Aborigines (M. T. McLean) to that effect, it was reported in the *Chronical* newspaper that the Protector had refused the request because the stations at Point McLeay and Point Pearce were overcrowded and it was better to get 'half-castes' to leave mission stations and find work. This newspaper report also stated that a motion was moved at a

¹³² GRG 52/1/1913/18, State Records of South Australia (SRSA).

¹³³ 'Aboriginal Reserve at Bordertown', *Border Watch* (Mount Gambier, SA: 1861-1954), Tuesday 20 February 1934, p. 3.

meeting of the Bordertown Council that, in exchange for better housing on the Bordertown reserve, the Council should agree to allow the camp to remain in place and favour the resumption of the land by the Crown to bring it under the control of the Department of Aborigines. This motion was defeated because the majority of Councillors believed the move would precipitate the Chief Protector sending more Aborigines to Bordertown in efforts to relieve the congestion at other stations.¹³⁴

In 1964, Aboriginal concerns about European prejudices were again realised when the Clarke family of Bordertown hurriedly moved to the nearby town of Wolseley in response to information that the ‘welfare’ were coming to take their children away. Mrs Clarke recalls that;

While we were away from the reserve, the local council went in and levelled our hut to the ground, leaving nothing but empty space where our little home had been. Inside that home were some of our few possessions which we had no time to take with us, but were intending to go back and collect (Clarke & Rowett, n.d.).

Following a period of renewed Aboriginal activism in the 1960s, government and public attention began to focus on a need for Aboriginal consultation and self-determination (Clark, 2008). Between 1965 and the present-day, a series of legislation and regulation ensued, some of which is designed to address the demands of Aboriginal people for protection of their heritage and rights to land. Title of the section of reserve land at Bordertown was dedicated for Aboriginal heritage and community purposes and conveyed to the Aboriginal Lands Trust in 2003. Although no one now lives on the Bordertown Aboriginal reserve, Aboriginal graves are located there and Aboriginal people visit, evoking memories of people and times past, and of injustice and diminishing rights and freedoms. Nevertheless, the ‘paddock’ at Bordertown also has significance as a place of positive memories and the home of generations of Aboriginal people (Clarke & Rowett, n.d.; Owen & Peisley, 1993).

¹³⁴ ‘General News’, *Chronical* (Adelaide, SA: 1895-1954), Thursday 1 March 1934, p. 13.

4.5 Closer settlement (1872 – present)

The South Australian Waste Lands Amendment Act (sometimes known as the Strangways Act) passed in January 1869, allowed the South Australian government to acquire and sub-divide pastoral lands into agricultural lands, thus intensifying European notions of rights to property and land tenure. These property rights closely aligned with “power over things and resources.” (Gray & Gray, 1998, p. 15). Historically in European societies, property rights of land for agricultural production stressed the efficient utilisation and control of land. As elements of possession and control emerged as important factors in agricultural land-use (McDougall & Paterson, 2003), quantification and delineation of land was considered essential.¹³⁵ The progression of boundary-making and land modification accompanying the shift from pastoralism to closer settlement and intensive farming of the Tatiara district is fully explained by Jones (1986). However, Jones does not describe the impacts on local Aboriginal people coincident with intensive and ongoing European development of the Tatiara district. The economic aspirations and needs for agricultural development of the TDC landscape, such as the clearing vegetation and fencing, enclose and denude the countryside, severely disturbing natural and cultural features potentially significant for Aboriginal people. Commensurate with the progress of closer settlement of the TDC, Aboriginal presence in, and access to, the broader TDC landscape lessened, as did, possibly, farmers’ awareness of Aboriginal links with their farmland.

As sections of the TDC were surveyed and sold, fences were erected delineating boundaries and gates placed to regulate access. Road construction linked local town centres, facilitating farmers’ access to land and the movement of people, stock, goods and machinery around the district. Although roadsides framed small linear ecological reserves and some standing trees were left in paddocks for shade for stock, areas designated for cultivation were cleared of vegetation and stone. Broadly determined by localised biophysical conditions (Climate, soils, landscape and biological organisms) and scientific advances, the progression of European settlement in the Tatiara has always been sporadic. Influencing farmer’s expertise

¹³⁵ For discussion on the multi-functions of land see Chapter 2.3: *Heritage conservation in rural contexts*.

and aspirations in farming are available agricultural knowledge and technologies, and economic conditions, both now and in the past (Koppelman & French, 1996).

4.5.1 Farming methods between 1870 and the present and their impact on Aboriginal Cultural Resources (ACR)

With initial European disturbance of the earth and cultivation, the topography, native vegetation and animal populations are severely disturbed (Tyler, Twidale, Ling & Holmes, 1983). At the same time, many sites of potential significance to Aboriginal people (ACR), such as, watering places, campsites and burial grounds have been, and continue to be, damaged. Most importantly, continual changes in the landscape means that today, surviving ACR continues to be affected, sometimes repeatedly.

The Hundreds of Tatiara and Wirrega were the first to be surveyed and sold for farming and, in 1870, cultivation first began on the high surface 'Gilgai' clay soils of the Francis sub-bioregion. The open plains and the clay soils of the former sheep stations were quite suitable for wheat growing, requiring minimal effort to ready for cultivation and planting. The heavier soils of the Wimmera flats are the main cropping areas of western Victoria and South Australia, producing high yields and supporting numerous crop and pasture varieties (Badawy, 1982, pp. 9-11; Gardner, Fawcett, Steed, Pratley, Whitfield & van Rees, 1992, p. 915). In cultivated areas, continual disturbance of the earth over many years has destroyed the integrity of the pre-European surface landscape, including existing Aboriginal camp and occupation sites. However, the ubiquitous nature of stone artefacts means that they will survive unchanged in the ground for millennia. Holdaway and Stern (2008, p. 2) claim scatters of stone artefacts makes up more than 99 percent of the archaeological record. Given farmers' close relationship with the earth, and changing farming techniques and technologies, cultivated areas have a prolonged potential to reveal Aboriginal stone artefacts. For example, ground-edged stone axes have been unearthed in the TDC as late as 2015 (Participant P-2, 2015, Pers. Comm., 11 December) and 2016 (Participant P-9, 2016, Pers. Comm., 27 February). Although relatively unstudied in Australia, plough-zone archaeology has potential to reveal much information about previous patterns of Aboriginal land use (Gaynor, 2011) that, most importantly for aboriginal people, can add to ACR contributing to ACH.

4.5.2 Opening up the marginal farming country since the 1940s

The sandy Mallee areas around the town of Keith were little used during the pastoralist period because of the thick scrubby country, meagre water supplies and the trouble with wild dogs. Not immediately receiving the attention of farmers following the break-up of the pastoral properties, these areas remained relatively undisturbed for many years. The sandy soils of the Tatiara tend to be of little nutritional value and water repellent (Reuter, 2007). It was not until the introduction of trace elements and fertilisers in the 1940s that land clearance intensified in these areas (Jones, 1984, p. 81). The clearance of low-lying scrub and heath country of the western and northern Hundreds of the TDC (Jones, 1984, p. 617) enabled the seeding of pasture species. As well as supplying a food source for the dryland grazing of stock, pastures stabilise sand dunes, protecting them from wind erosion. Particularly important in the agricultural development of the region centred on the town of Keith was the Australian Mutual Provident (AMP) Society Scheme, providing opportunities and incentives for soldiers returning from WWII to work towards clearing land and owning their own farms (Bell & Cairns, 1958; Jones, 1984, pp. 531-566). It is important to realise that European perceptions of landscapes as *marginal* agricultural country were most certainly different from Aboriginal perceptions of landscapes derived from their ‘Dreaming’ and hunter-gather-fisher economies. In each process of altering the landscapes for agriculture, plants, animals and cultural places are disturbed that are possibly significant for Aboriginal individuals and groups.

Large tracts of sandy country in the TDC now support crop and stock production. Nevertheless, because of the initial low productivity values, the late development period, and the government objectives of the conservation of natural heritage, high levels of remnant natural vegetation remain. The sections of uncleared vegetation and conservation parks in the TDC area now act as refuges for tangible ACR, such as, old Aboriginal camping grounds, cooking hearths, scarred trees and burials.¹³⁶ At present, other than being protected from further European

¹³⁶ The TDC area encompasses the conservation parks of Mount Monster [92 hectares], Padthaway [984 hectares], Bangham [738 hectares], Kelvin Powrie [18.0 hectares] and the Ngarkat group, comprising Ngarkat, Mount Rescue and Mount Shaugh [262 700 hectares] (TDC 2010, Tatiara Development Plan, 4 February 2010, Available online: https://www.tatiara.sa.gov.au/webdata/resources/files/Tatiara_Development_Plan1.pdf, Accessed 16 April 2015, P. 6).

development, no attention is paid to the identification of ACR that can potentially lead to the establishment of ACH and its conservation.¹³⁷ Although management plans are in place for most reserves and conservation parks, as far as can be ascertained, none have undergone surveys to ascertain the presence of ACR. On farms, with vegetation clearance, wind erosion and cultivation, Aboriginal occupation sites and burials are exposed over time. As stone tools and skeletal remains became visible to the locals, it was not uncommon in the past for local farmers and other interested people to collect them.¹³⁸

4.5.3 Claying since the 1970s

The relatively recent emergence of a claying technologies and strategies in farming in the 1970s (Cann, 2000) is an important factor in the spread of arable farming to more marginal agricultural areas of the TDC. Clay spreading and delving is a relatively recent soil management technique used in the sandier areas, highly conducive to improving crop yields through advancing soil moisture retention in the top soils and addressing stabilisation and erosion issues (Betti, 2013; Rebbeck, Lynch, Hayman, & Sadras, 2007).¹³⁹ Thirty-seven thousand (37 000) hectares of land has been ‘clayed’ in South Australia. Thirty-two thousand (32 000) hectares of that total occurring in the south east of the state (Cann, 2012, pp. 271-231).

Agricultural interests currently publicise clay spreading and delving as examples of ‘best practice’ in South Australian farming (Cann, 2000; Grains Research and Development Corporation (GRCD), 2011; Woodard & Harding, 2010).

Nevertheless, as can be seen in the following images (Figure 4.10), mixing sub-surface clays with sandy topsoils deeply disturbs the earth’s surface. Therefore, with claying operations comes the certainty of disturbance or destruction of any in-situ resources, such as ancient and historic Aboriginal camping grounds,

¹³⁷ The principles for development in the TDC are outlined in the *Tatiara Development Plan* (South Australian Government, 2013). Also, refer to Chapter 3, *Aboriginal Heritage Management in South Australia: Legislation and Administration*.

¹³⁸ ‘Out Among the People,’ *Advertiser* (Adelaide, SA: 1931 - 1954), Tuesday 28 November 1933, page 16.

¹³⁹ For further information on the practice of clay spreading and delving refer to; Davenport, D., Hughes, B., Davies, S., Hall D. 2011, ‘Spread, Delve, Spade, and Invert: A Best Practice Guide to the Addition of Clay to Sandy Soils.’ Rural Solution SA, Agricultural Bureau of South Australia, *Caring for our Country*, Grains Research Development Corporation, Grains Research and Development Corporation (GRDC), No. 9781921779275. (GRDC: Kingston, ACT).

cooking hearths, artefacts and burials, of potential significance to local Aboriginal people.



Figure 4.10: The impact of clay spreading and delving on the landscape surface and sub-surface (Tatiara District 2014).

4.5.4 Water extraction, use and management

Water is always a controlling factor in any agricultural pursuit and earthworks around its use can have severe impact on extant ACR. Irrigation is used most extensively in the Hundreds of Tatiara and Mundulla because the easy availability of good sub-surface water and the fertile soils there. Use of the sub-artesian aquifers beneath the TDC dramatically expands the production range of fodder, seed and root crops. At first, flooding techniques were used to irrigate the flats areas within the Hundreds of Mundulla and Tatiara. Later, technological advances

in earth moving and levelling enabled areas to be irrigated in other parts of the TDC.

The Google earth images below (Figure 4.11) give some indication of the impacts of varied farming techniques and production in different parts of the TDC region.

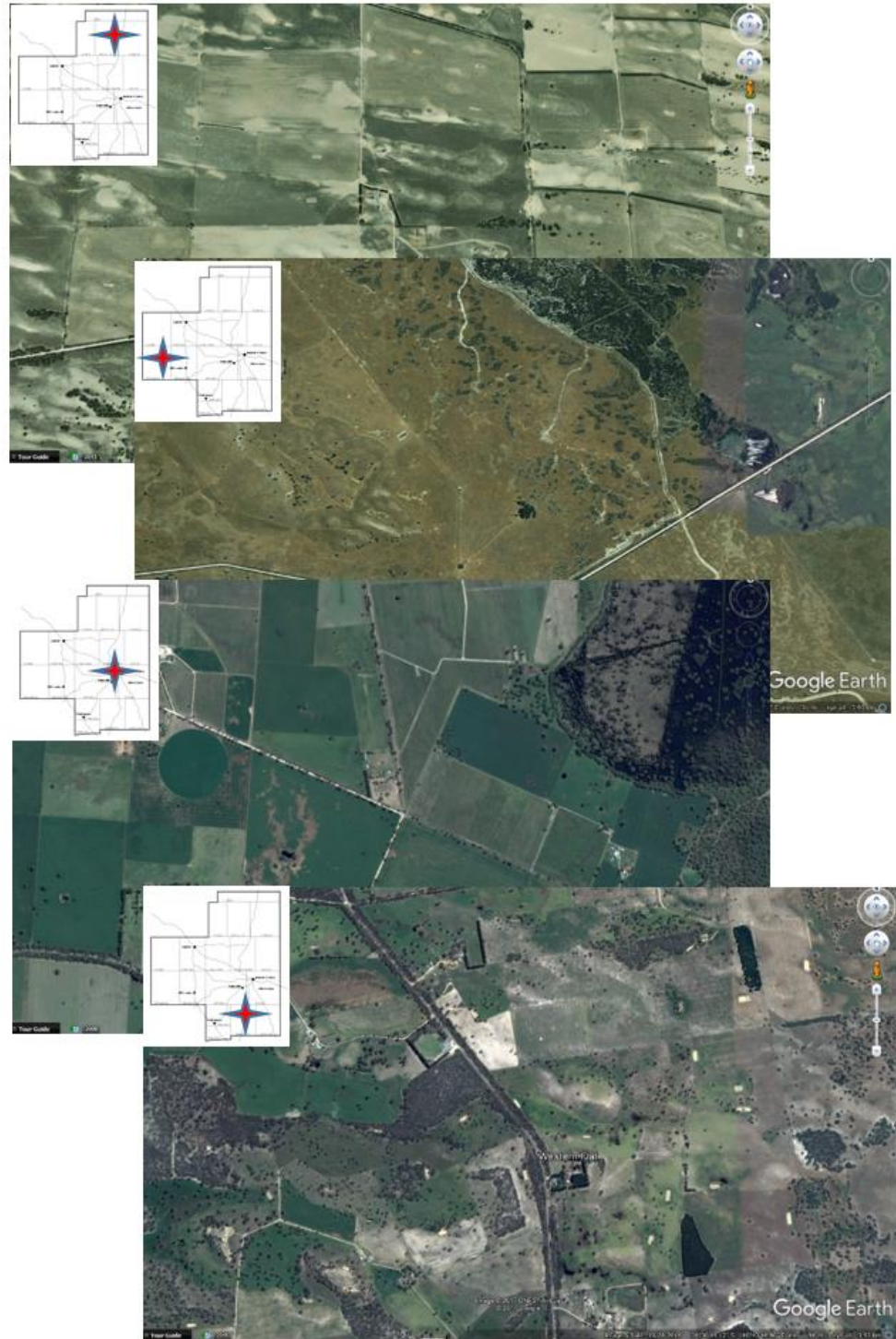


Figure 4.11: Google earth images of the TDC highlight the impacts of farming production, techniques and methods on the varied TDC landscape (Image Landsat-Source: 'Tatiara District,' 36°18'52.56" S and 140°46'13.71" E, Google Earth, Accessed 26 June 2015).

Specialised machinery and laser levelling technologies enable the use of flood and centre-pivot irrigation systems in areas with old low dune systems. Water conservation issues have brought centre pivot irrigation into use and circles of green (circular patches discernible in the above image indicate the use of centre-pivot irrigation) has become a familiar sight in the district. Unlike flood irrigation, centre pivot irrigation can be operated on a slightly undulating land surface and, therefore, complete levelling of the earth is not necessary. While extending the range of crop, fodder and seed species grown, levelling of the old dune systems disturbs and exposes previously undisturbed sub-surface material, including archaeological evidence of Aboriginal occupation, such as camp sites and burials. However, centre-pivot irrigation enables farmers to transition from grazing to cropping strategies, potentially disturbing or destroying existing Aboriginal cultural sites and objects in the process of cultivation.

4.6 Conclusion

Although first appearing relatively homogenous, the Tatiara District Council (TDC) region encompasses an environment of overlapping ecosystems of abiotic and biotic diversity that, in combination, are an important factor in understanding Aboriginal and non-Aboriginal social and cultural histories in the TDC. The rapid and deleterious impact of European colonisation severely disrupted Aboriginal organisation and life. Almost immediately following European settlement of the TDC, spaces, places and objects in the TDC were the nexus of competing spiritual, social, and economic values and meanings. However, European domination of the TDC setting prevents Aboriginal access and control of cultural elements potentially significant to them. In contemporary times, Aboriginal people with cultural affiliations to the TDC extend across broad regions and cover multiple Aboriginal groups, creating difficulties in carrying out appropriate local consultation.

The Aboriginal response to the effects of colonialism is multifaceted and continuing. Aboriginal families coming into or remaining in the TDC area lived their lives; maintaining and forming significant social and cultural connections, although under the scrutiny and control of Europeans. It is highly likely that, along with the apparent erasure of an Aboriginal presence, farmer's awareness of Aboriginal connections to their land (pre and post-contact) diminish, particularly

through change in generations or land ownership, and the lack of any specific educational resources in the area to inform them of such connections. With new techniques and technologies impacting on land-use of the TDC, existing, potentially significant, cultural (some natural) resources for Aboriginal people are under continual threat. Currently, much ACR is isolated in the broader TDC landscape, out of the easy reach of contemporary Aboriginal people. With farming amounting to much of land ownership and land-use in the TDC, the farming context arises as a necessary consideration in Aboriginal heritage management. It is therefore crucial to understand farmers' perceptions and perspectives regarding ACR and ACH on farms so that current Aboriginal heritage management strategies can be evaluated and amended if necessary.

Chapter 5

Research Methodology

Each of us tend to think we see things as they are, that we are objective. But this is not the case. We see the world, not as it is, but as we are - or, as we are conditioned to see it. (Covey, 1990, p. 28).

This chapter provides a rationale for the choice of research methodology and how it has guided data collection and analysis. The methodological framework of this research project originates in the answers to four interconnected questions relating to the research process as proposed by Crotty (1998, pp. 2-3). (1) What is the theory of knowledge and view of reality (epistemology and ontology) underpinning the theoretical perspective and methodology of the research? (2) What is the researcher's philosophical position (theoretical perspectives) informing the methodology and providing context for logic and criteria? (3) How will the researcher strategically approach the research (Methodology) to link the choice of methods to the sought-after product of the study? (4) What are the selected techniques and procedures (methods) best suited for gathering and analysing the data used for answering the research questions?

5.1 Methodological paradigm

This study may be described as multidisciplinary because theories and concepts associated with various sociological disciplines elucidate and inform key issues. However, my research is imbedded in a qualitative epistemological position, reflecting a desire to gather data on the views of participant farmers about Aboriginal Cultural Resources (ACR) and Aboriginal Cultural Heritage (ACH) on farmland. Thus, the research has a focus on a specific social, cultural and historical context, placing an emphasis on the complexity and interrelatedness of individuals and communities. I outline the research design in Figure 5.1 and provide further details in the proceeding sections.

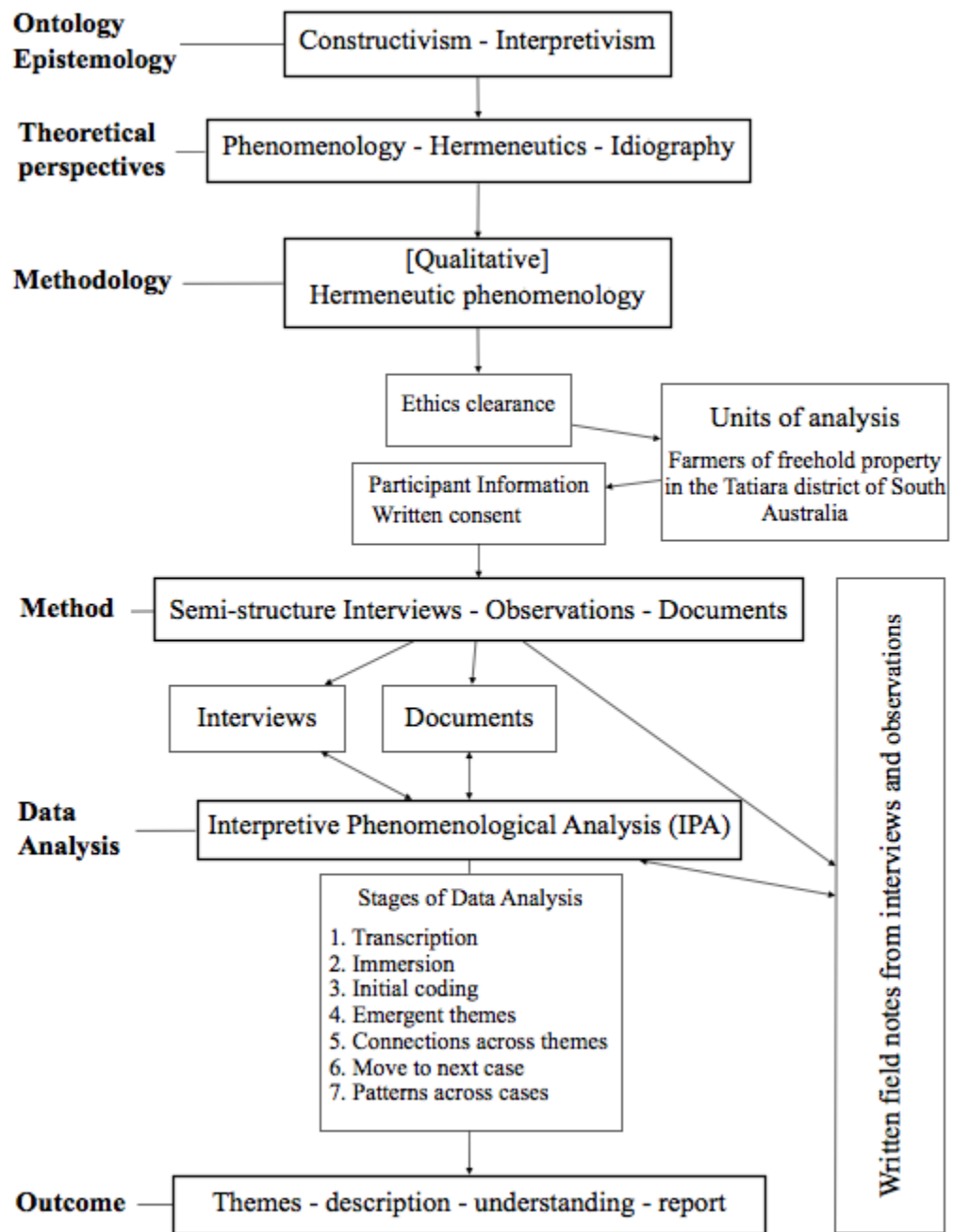


Figure 5.1: Summary of the research design.

5.1.1 Ontology and epistemology

I apply a relativist (interpretive) framework to this study, ascribing to the epistemological and ontological belief that people create reality through their social interactions with the world (Hesse-Biber & Leavy, 2010, p. 17). However, the reciprocal action between people and the objective world ‘shape’ meanings; therefore, reality is ultimately an interaction between the objective and subjective (Crotty, 1998, p. 48; Schwandt, 1989, p. 394). Thus, reality is cultural, is in a state of flux, and understandings dependent on context.

Social construction theories of reality reject the premise of the existence of a purely objective world that can be measured and quantified without human awareness or perception (Searle, 1995). A constructivist stance assumes that humans engage with the world they are interpreting and that meanings thus developed are socially interactive and based on historical and social perspectives (Crotty, 1998). In this case, knowledge of reality is idiosyncratic (Krauss, 2005, p. 760), with the consequence of multiple and varied realities attached to phenomena (Collis & Hussey, 2003, p. 49). Within this philosophical framework, individual perspectives of social phenomena are never complete or authoritative (Berger & Luckmann, 1966, p. 60) and the researcher and participant act together in exploring these socially constructed perspectives (Guba & Lincoln, 1994, p. 111).

5.1.2 Qualitative research

The rationale for using a qualitative approach to this research is to explore and describe the participants' experiences and interpretations of the management and protection of ACR and ACH on land that they farm; particularly the relationship, or otherwise, with farm management. Qualitative research addresses questions of how people make sense of the conditions and situations of the world they inhabit and experience, and their attempts at managing them (Merriam, 2002, pp. 4-5; Patton, 2002; Willig, 2001, p. 9). This approach suits studies aiming to explore little known issues in terms of the meanings people bring to them (Denzin & Lincoln, 2005, p. 3).

The goal of phenomenological qualitative research is to find the ‘lived experience’ (Smith, Flowers & Larkin, 2009). The open-ended exploratory approach of phenomenology suited this study as it was possible that new insights or conditions

would arise from talking to farmers (Yin, 2011, p. 9). In the complex or under-researched topic of ACR and ACH on farms, this approach was useful because the study was then open to unexpected findings that could be expressed using rich, unlimited and emergent description (Yin, 2011, p. 209). Through small-scale, detailed exploration and analysis of farmers' perceptions, I could then pay attention to, interpersonal issues, meaning, context and culture (Patton, 2002, p. 14; Smith & Dunworth, 2003, pp. 603-604). People experience and engage with life through their culture (Keesing, 1981), so the historical and social contexts, and settings are relevant to understanding participants' views about ACR and ACH (Creswell, 2003, p. 8; Yin, 2011, p. 14). The qualitative approach is appropriate to this study because it provides the insight necessary for clarifying and understanding the roles and perceptions of participants' experiences, views, understandings and management of ACR and ACH in typical everyday farming settings.

5.1.3 Interpretive phenomenological analysis (IPA)

IPA is a practical, hermeneutic, and inductive approach to extensive data analysis with inbuilt flexibility (Smith et al., 2009). Methodical employment of IPA in analysing similarities and differences in what people think or believe is significant in producing in-depth descriptions of single cases, or of themes shared between small numbers of cases (Chapman & Smith, 2002, p. 127; Smith & Osborne, 2003, p. 56; Smith et al., 2009).

I have chosen an approach of IPA analysis supporting discussion of broader social, cultural and theoretical conventions and contexts (Brocki & Weardon, 2006, p. 96; Smith, 2004, pp. 43-44) and producing wider explanatory insights and interpretations of the phenomena under study (Fade, 2004, pp. 650-653; Larkin, Watts & Clifton, 2006, p. 104; Smith & Osborne, 2003, p. 54). In seeking analysis into the perspectives of farmer participants, the inductive nature of IPA allows me to develop discussion considering various theories, models and approaches relevant to ACR and ACH on farms (Larkin, Watts & Clifton, 2006, p. 104; Smith & Osborne, 2003, p. 54; Smith et al., 2009, p. 31). Although the IPA has a focus on statements about individuals (Smith & Osborne, 2003, p. 54), the inclusion of several examples enables a greater range of beliefs and practices to be revealed and more general statements to be made (Smith et al., 2009, p. 32).

While Smith et al. (2009) provide a thorough summary of the philosophical foundations of IPA, a synopsis is provided here (table 5.1).

Table 5.1: Philosophical foundations of IPA.

Phenomenology: Contextual perspective of the lived experiences of personal contact with the world; the first-person point of view. “Embedded and immersed in a world of objects and relationships, language and culture, projects and concerns” (Smith et al., 2009, p. 21).
<u>Husserl</u>: Experiences are reflections of personal perceptions. Examination of experience involves reflecting on the ‘intentional’ relationships in awareness and experience. <u>Heidegger</u>: The perspectives of the individual emerge within a spatial and temporal context. <u>Merleau-Ponty</u>: Perceptions through individual perspectives. Embodied position. <u>Sartre</u>: Action and meaning. Relationships with other people.
Hermeneutics: Theory of interpretation; “How the phenomenon appears” (Smith et al., 2009, p. 28). The role of the researcher in obtaining meaningful insights through participants’ perceptions of the phenomenon. Iterative analytic process.
<u>Schleiermacher</u>: Holistic view of interpretive process - objective and subjective. <u>Heidegger</u>: Engagement and access to the world through interpretation. <u>Gadamer</u>: Assumptions and preconceived ideas emerge through the interpretive process (hermeneutic circle).
Idiographic: Focus on the things unique and personal to the individual within particular context. Unique perspectives of phenomena. Small, purposive, homogenous sampling. Detailed and in-depth analysis of a small number of cases, leading to general statements while “allowing retrieval of particular claims for any individual” (Smith et al., 2009, p. 32).

Based on Smith et al. (2009, pp. 12-21).

Detailed knowledge of phenomena under study may be developed through the participants assumed expertise of their own life-world and experiences, understandings, perceptions, and views (Reid, Flowers & Larkin, 2005, p. 20). Research participants can voice their opinions and concerns while the researcher makes contextual interpretations to elucidate them (Larkin et al., 2006, p. 102). Nevertheless, I acknowledge that participants’ abilities in expressing their thoughts and experiences affects a researcher’s analytic and reflective abilities to interpret them and, therefore, great care should be taken during the analytical process (Brocki & Weardon 2006, p. 97).

With empathetic questioning, the idiographic IPA approach gathers understanding about the meanings participants attribute to individual situations and experiences (Reid et al., 2005, p. 20). Heidegger’s hermeneutic philosophy purports that a contextual world envelops people, and the researcher cannot and should not negate their prior understanding and engagement in the subject under study (Larkin et al., 2006, p. 106). The assumptions and philosophies that I, as the researcher, bring to this study considerably guides my choice of methodology (Collis & Hussey, 2003, p. 55; Yin, 2011, p. 11). As an active partner in the research, I am unable to divorce myself from meanings elicited during a study and

my personal awareness, experience, and background knowledge is embedded within it (Lavery, 2003, p. 28). This is an advantage in analysis of farmers' perceptions because of my better appreciation of the subtleties involved (Conroy, 2003, p. 57). IPA follows the principle of a two-way interpretive process during which a researcher acknowledges preconceived ideas and opinions by repeatedly reflecting on them (Smith et al., 2009, p. 35).¹⁴⁰

IPA's phenomenological and hermeneutic theoretical methodology sits well with the ontological and epistemological foundations of this research and is a valid way of allowing participants to give voice to concerns and experiences related to their situation and environment (Larkin et al., 2006, p. 117). Smith et al. (2009) provide procedural guidance for the IPA approach, although stating that these are open to adaptation. Through the researcher's iterative analysis and interpretation of the text of claims made by the participant (Crotty, 1998; Larkin et al., 2006, p. 111; Smith et al., 2009), explorations can be made into how participants assign meaning to their contextual experiences and interactions (Smith, Jarman & Osborn, 1999). IPA is advantageous for identifying commonalities and differences among participant farmers' understandings and viewpoints of ACR and ACH (Smith, et al., 1999).

5.1.4 Validity and reliability in qualitative research

There is considerable debate over the possibility of evaluating the validity and reliability of qualitative research through the criteria of positivistic research (Collis & Hussey, 2003, p. 58, p. 186; Kvale & Brinkmann, 2009, p. 248; Long & Johnson, 2000, p. 30; Yin, 2011, p. 78). Within positivistic studies, demonstrating the study repeatable and findings duplicable (Collis & Hussey, 2003, p. 186) addresses reliability issues. In a qualitative study, this may not be necessary or desirable. Indeed, it may not be possible as the participant's own formulations and constructions of their reality form the basis of qualitative findings.¹⁴¹ Research findings may be checked against other research participants or through researcher observations (Ambert, Adler, Adler & Detzner, 1995, p. 885), although it is

¹⁴⁰ Smith (2004, pp. 39-54) describes this mutual process of interpretation as a 'double hermeneutic'.

¹⁴¹ Yardley (2000) makes the argument that reliability is an inappropriate criterion for assessing qualitative research because the purpose of qualitative research is to produce just one of many valid interpretations.

important to note that participating in the research reconstructs participants' understandings of the topic, invalidating replication (Caelli, Ray & Mill, 2003, p. 7).

The use of multiple cases producing similar results may be viewed as replication of a sort (Yin, 2011, p. 226). However, assessment of qualitative data is subjective and there is the possibility for multiple interpretations of a single situation (Yardley, 2000, p. 218), suggesting reliability (as conceptualised in positivist research) as unsuitable as criteria for assessing the subjective nature of qualitative studies. Nevertheless, dealing with issues of the quality of qualitative research is of central interest. Concerns of validity and reliability relate to the rigour or trustworthiness of the research (Morse, J. M., Barrett, M., Mayan, M., Olson, K., & Spiers, J. 2008, p. 15). Thus, research approached in a rigorous manner is more trustworthy or credible (Ajjawi & Higgs, 2007, p. 631).

The following tables note: first (Table 5.2) that credibility, transferability, dependability, confirmability are criteria for addressing issues of trustworthiness in naturalistic research, a term encompassing *qualitative studies*;¹⁴² and second (Table 5.3), the techniques used to achieve those outcomes.

Table 5.2: The preferred terms for quality criteria of qualitative researchers.

Naturalistic (Qualitative)	in preference to	Scientific (Positivist)
Credibility		Internal validity
Transferability		External validity
Dependability		Reliability
Confirmability		Objectivity

After Guba (1981, p. 80).

¹⁴² Guba (1981) also identifies other issues in naturalistic research: *bounding*, what data is included or excluded in the research; *focusing*, how that data is organized and assembled for meaning constructions and *investigator competence* (p. 75).

Table 5.3: Techniques associated with integrating validity and reliability in qualitative studies.

Qualitative Research	
Criteria	Technique
Credibility	Reflexivity, member checking and peer debriefing or peer examination.
Transferability	Dense descriptions of the study population through descriptions of demographics and geographic boundaries of the study.
Dependability	Audit trail: research purpose-sample selection-data collection-data reduction-data interpretation-data presentation.
Confirmability	Reflexivity: a self-critical attitude of the researcher about how one's own preconceptions affect the research.

After Guba (1981, p. 83).

5.2 My position as researcher

Any conclusions that I reach in this study will invariably be influenced by my own experiences and learning. I grew up on a farm. I am well acquainted and comfortable with farming cultures, living and working in rural communities for many years. My wife is the daughter of a local Tatiara farming family and, together with our two children, we lived in the Tatiara district for 18 years. This close association and familiarity with the Tatiara district positively enhanced the success and viability of this research project. Although our family had left the Tatiara District some ten years before my undertaking this research, my experiences make me appreciate certain characteristics of farmers and farming in the Tatiara.

My knowledge of the Tatiara district and my pre-established relationships, respect and goodwill with the farming community of the Tatiara district has been advantageous for local support, response and participant recruitment. This situation strongly supported the establishment of rapport and close engagement with participants during interviews and was, therefore, instrumental in facilitating the participants' elucidation of their experiences (Harrison, MacGibbon & Morton, 2001, p. 333; Smith et al., 2009, p. 82). My position of insider-outsider researcher brought with it a need for careful thought about the epistemological and ethical issues involved. In consequence, I strove to develop a holistic research paradigm (including the use of the IPA method) that would, at every stage, work

toward addressing issues involving community standards, social relations and the integrity of my research practice.

A trustworthy, safe and honest research environment involves establishing a trusting relationship between research and participant, and data gathered in such research environments will add to the credibility of the research (Taylor, 2011, p, 13). The benefits of any ‘insider’ knowledge and privileged understanding requires carefully balancing with potential power imbalance issues or inequalities in purpose (Taylor, 2011, p. 8). Consequently, as a first step in the fieldwork for the current study, it was necessary for me to clearly explain the purpose and intentions of the research to potential participants, clarifying their legal position and giving assurances about the protection of their dignity and wellbeing. This gave potential participants the opportunity to assess and gauge their future position as participants and my position as a researcher before agreeing to participate.

Whilst I have social ties with members of the Tatiara rural, farming community, I do not participate in the core activities of farming; in this respect, I am an *outsider*. I have had little to do with the business of farming since I left my parents’ farm as a teenager. Consequently, I do not have an extensive knowledge of many of the modern products of farming or farm production methods. However, insofar as I can be conceptually placed as a (former) member of the local community, I am an *insider*. This insider perspective allows me to have a degree of empathy and understanding for the social and occupational situation of rural areas and farming. It enables me to bring to this research the degree of cultural competence necessary to understand the “experiential claims being made by a participant” (Smith et al., 2009, p. 195), including a broad knowledge of the farming vernacular.¹⁴³

The ability for a researcher to be both inside and outside the perceptions of research participants is considered by some as an ideal research position (Hellawell, 2006, p. 487). An outsider perspective gives me the conceptual tools to interpret observations and experiences of the research in ways independent and disengaged from friendships and farming. As an insider, the cultural and

¹⁴³ Roseneil (1993) refers to the knowledge of the vocabulary and jargon used by research participants as *empirical literacy*.

contextual familiarity and knowledge of farming and intimacy with the region meanwhile allowed me to form realistic interpretations to my observations and to “gauge honesty and accuracy in responses” (Hockey, 1993, pp. 99-125) during interviews. However, I was aware that over-identification can result from a researcher’s close association and familiarity with the participant group (Fontana & Frey, 1994). Therefore, I felt it crucial that during all stages in the study I also constantly looked inward to my own experiences and introspections.

I understand that perceptions and interpretations will be affected by the social relationships within research project and that the data gathered will inevitably favour some aspects of the research more than others. I was always mindful that my knowledge and experience would not necessarily correspond with that of a participant (Ashworth, 1996, p. 23; Silverman, 2006, pp. 271-315). Reflecting on possible biases and maintaining *self-awareness* was an important part of the research process of data collection, analysis and findings (Finlay & Gough, 2008, p. 17; Karnieli-Miller, Strier & Pessach, 2009, p. 286).

Reflecting upon each interview was an opportunity to inform my approach for the next interview. It is inevitable that some bias remains, although I strove not to presuppose what the participant was saying or contributing (Kvale & Brinkmann, 2009, p. 242). It is probable that my personal values surfaced during discussions and interviews, influencing some participants’ perceptions of ACR and ACH. Certainly, it was evident early during fieldwork that farmers’ knowledge of Aboriginal matters was lacking, and my position as the researcher was, necessarily, often one of informant.

Overall, the researcher/participant relationship in the current study was one of mutual collaboration. My position as an *insider-outsider* enabled an investigation revealing emic and etic perspectives (Pike, 1967) and *certain truths* (Lewis, 1973, p. 585) about how farmers perceive ACR and ACH on farms. It should be noted that IPA is essentially an interpretive process and, therefore, the findings of the current study are my interpretations of participants’ perceptions. The structured approach of interpretive phenomenological analysis (IPA) devised by Smith et al. (2009) assisted the extremely complex interpretation phase of the research.

5.2.1 Validating my own research

Credibility

The relationship between researcher and participant contribute to the success of research and the quality of emergent data (Kvale & Brinkmann, 2009, p. 74). Clearly articulating the goals and boundaries of the study and offering limited self-disclosure during the initial meeting with participants assisted me in building an integral component of trust and rapport, and a sense of collaboration (Smith et al., 2009). Credibility refers to the internal consistency of research (Collis & Hussey, 2003, p. 187). In this study, I triangulated different sources of documents, interview transcripts and observation notes to enhance reliability (Yin, 2011, pp. 81-82). I validated interview transcript texts for accuracy in a validation exercise where I revisited participants in a process of ratification. At this time, I undertook further questioning of participants to clarify any ambiguities and to verify my interpretations made of the data.

Transferability

Transferability refers to whether research findings can be generalised across different settings (Guba, 1981). For this study, there is ‘thick description’ (Geertz, 1973, pp. 5-6) of Tatiara farmers’ conceptualisation and involvement in ACR and ACH management. I have acknowledged the limitations relating to the selection of participants (Pringle, Drummond, McLafferty & Hendry, 2011, p. 22). IPA methodology values using a homogenous research sample (Smith et al., 2009, p. 49) which means making comparing and connecting research results to other groups and places difficult. Nevertheless, the broad category of farmer participating in the current study is not restricted to the current study area. Therefore, in many aspects it may be possible to transfer finding to other geographical areas. In what Smith, et al. (2009, p. 51) term *theoretical transferability*, it is possible for the reader to link their personal and professional experiences with topical literature and the analysis of the perceptions of individual participants in this study. Thus, allowing the reader to evaluate the transferability of results to people and contexts with which they are themselves familiar.

Dependability

Dependability lies with the consistency and accuracy of methods used in research. I did not use inter-rater coding reliability tests in this study because there is little

likelihood of others identifying the same codes and themes.¹⁴⁴ Assessment for dependability requires evidence of consistency and accuracy that an observer may use to trace and assess decision making stages and a “coherent chain of argument” in analyses (Smith et al., 2009, p. 183). Guba (1981, p. 87) considers that examples of raw data and data analysis provides evidence of a clear and organised research process.¹⁴⁵ In a similar fashion. I present examples of the study purpose, sample selection, data collection, data reduction, data interpretation in this chapter and appendices (G, H, I and J).

Confirmability

Reflexivity is a factor supporting confirmability of qualitative research, where the researcher maintains a self-critical attitude of one’s own preconceptions (Finlay & Gough, 2008, p. 17). This is necessary because immersion in the research process makes it impossible for qualitative researchers to keep an objective stance to the subject matter (Willig, 2001). Rather than an absolute condition, validity in qualitative research is a matter of degree relating to the integrity, character, and quality of the research throughout the process (Yin, 2011, p. 79). Kvale & Brinkmann (2009, p. 250) conceptualise qualitative investigations as enterprises of craftsmanship with quality controls occurring within the seven stages of the research process, as shown below in Table 5.4.

Table 5.4: Validity at seven stages in qualitative research.

Stage of research	Validation
Thematising	Sound theoretical presuppositions and logical derivations from theory to research questions.
Designing	Adequate design and methods used for the subject and purpose of the study. Ethical beneficence.
Interviewing	Trustworthiness of reports & quality of interview through questioning meaning of what is said and checking information in situ.
Transcribing	Valid linguistic style used in translation of oral to text.
Analysing	Valid and logical questions put to text and logical interpretations.
Validating	Reflective judgement on forms of validation, application of concrete procedures for validation and, appropriate community for validation.
Reporting	Reporting a valid account of the findings and considering the role of the readers of the report.

Kvale & Brinkmann (2009, p. 248-9).

¹⁴⁴ Inter-rater reliability is a recognised process in quantitative research that is sometimes used in qualitative research. The process involves multiple people independently coding data and then comparing and assessing the results for correlations or contradictions (Armstrong, D., Gosling, A., Weinman, J. & Marteau, 1997).

¹⁴⁵ Guba (1981, p. 87) describes this evidence of the research process as an *audit trail*.

IPA methodology does not place complete reliance on bracketing, but advocates an awareness of one's own personal beliefs, perspectives, and theoretical orientation influencing the collection and interpretation of the data (Smith et al., 2009, p. 35).¹⁴⁶ Rather than setting aside prior expectations and assumptions, the qualitative researcher reflectively considers the likelihood of their own values, experiences, interests, assumptions and preconceptions influencing the collection and analysis of the data and tries to mitigate them. Keeping field notes of my observations and personal contemplations during data collection and analysis aided my abilities to self-awareness; the ongoing reflection within the study acting to strengthen its validity.

5.3 Research method

This research primarily focusses on examining the way participant farmers of the Tatiara perceive ACR and ACH that may be on their land. However, many possible points for further exploration and subsequent questioning emerge from this wider perspective given the variety in interrelated contextual circumstances and history of farming in the Tatiara. For this study, three important areas are discerned: non-Aboriginal and Aboriginal land-use, non-Aboriginal and Aboriginal life experiences, and non-Aboriginal and Aboriginal cultural resources available for heritage constructions.

5.3.1 Research questions

The following research questions were identified by the researcher:

- What are Tatiara farmers' perceptions of cultural heritage?
- What are Tatiara farmers' attitudes toward ACR and ACH on their land?
- What are Tatiara farmers' perspectives about protecting and conserving ACR and ACH on their farms?
- How do Tatiara farmers comprehend South Australian Aboriginal heritage protection legislation (*AHA (SA) 1988*) and administration?

¹⁴⁶ Bracketing in phenomenology refers to placing in brackets (shutting out) pre-existing experiences, concerns, assumptions and theories, allowing a perceptive awareness of the world (Husserl, 1927, para. 3, Cited in Smith, et al., 2009, p. 13). Such awareness is an important element of the skills of active listening and is also useful in text analyses where it is desirable to capture new and hidden themes.

- How can the research results constructively inform policy and practice for the protection and conservation of ACR and ACH on farmlands?

5.4 Research ethics

This study focuses on ACR and ACH from the perspective of farmers.

Nevertheless, the subject is highly pertinent to Aboriginal people. I began this research project supporting the principle of positive outcomes for Aboriginal people and with a desire to be inclusive (Department of Aboriginal Affairs and Reconciliation [AARD], 2013). The Aboriginal Affairs and Reconciliation Division (AARD) of the South Australian Government determines the relevant Aboriginal group to contact for negotiations prior to undertaking research involving Aboriginal people. In the case of my research in the Tatiara District Council area, I informed the Murrapeena Heritage Association and other interested local Aboriginal community members about the research at the proposal stage, and kept them advised of the research as it progressed. The Murrapeena Heritage Association became defunct during this study. Subsequently, regular contact has been maintained with prominent Aboriginal individuals and families interested in the Tatiara; most of whom attended my presentation of the research and the results at a meeting of members of the Upper South East Aboriginal Focus Group.¹⁴⁷

In consultations with local Aboriginal people, it was agreed that it was not the intention of this study to locate or document ACR, although there was always a real possibility of the research project to reveal ACR, including Aboriginal Ancestral remains. Most Aboriginal people will regard this a good outcome in the sense that people will then have an opportunity to access and engage with ACR as aspects of their heritage. Nevertheless, Indigenous sensitivities should be considered when discussing or writing about Aboriginal sites and remains without the involvement of Aboriginal people. In deference to these concerns, I do not identify the locations of ACR discussed in this thesis.¹⁴⁸ Furthermore, I make

¹⁴⁷ According to the South Australian Aboriginal Heritage Branch (Crow, H., 2015, pers. comm., Aboriginal Heritage Branch, June), the Murrapeena Heritage Association is currently defunct. Beside individuals and families, the current point for Aboriginal consultations regarding the Upper South East region, in which the Tatiara is placed, is the South East Aboriginal Focus Group (SEAFG).

¹⁴⁸ There are legal reasons for nondisclosure and confidentiality of Aboriginal sites and objects; these are detailed in the following sections.

every effort to refrain from attaching anticipated Aboriginal significances to those sites and objects discussed.

The letters of Aboriginal support for this research project (Appendix D & E) supported my application for ethics approval from the Australian National University (ANU) Ethics Committee. A Plain Language Information Sheet was provided to potential participants (Appendix A), and the Consent Form (Appendix B) to be signed by participants in the study. I subsequently received the necessary approval of ANU Ethics Committee to commence the research (Appendix C).

I have imbedded the discussion of ethical issues within the remaining sections of this chapter, discussing issues relating to benefits and risks associated with the research for participants, such as, informed consent, confidentiality, the right to withdraw and data use.

5.5 Research sample

In applying a qualitative methodology, I did not intend collected data to be statistically representative. The chosen sample population was farmers of property in the Tatiara District Council (TDC) region of South Australia. Although exact numbers are unable to be determined, approximately 1057 separate farm management units operate within the TDC (K. Hutchinson, TDC, pers. Comm., 12 December 2013). I employed a purposive sampling strategy for participant recruitment that provided for achieving a depth of understanding with an approach that was flexible and diplomatic (Yin, 2011, pp. 88-89). The number of participating farmers was fifteen.

5.5.1 Sample size and recruitment

Smith et al., (2009, pp. 51-52) would regard fifteen as a big sample size for an IPA study because, for IPA purposes, samples are small, purposive and broadly homogenous (Smith et al., 2009, p. 49). However, Smith & Osborne (2003), cited in Brocki and Weardon (2006, p. 95) note the proviso that the context be adequately detailed. Therefore, the IPA methodology is flexible in that it allows inclusion of enough participants to enable analysis to make more generalised claims. Thus, IPA has sufficient openness and flexibility for the augmentation of samples. This is beneficial for exploring the usefulness or relevance of emergent

explanations determined from analysis of previous samples (Barbour & Barbour, 2003, p. 181).

While Tatiara farmers are a homogenous group in terms of their general occupation and setting, they are heterogeneous so far as farm economies and technologies are concerned. They use a variety of farm management strategies, practices and procedures that are, in part, determined by different local geographical and environmental conditions. This diversity may affect the possibility and manner of farmers' interactions with ACR and ACH. The situations and contextual positions of participants' limits the information supplied from participants to partial understandings of the topic (Haraway, 1988, p. 584). However, the selection of participants with a range of viewpoints allowed the development of a synthesis of perspectives (O'Toole, 2004, p. 310) that complemented and added to the partial perspectives of each other. I considered this approach enabled the development of a holistic view of farmers' perceptions of ACR and ACH and allowed analytical comparisons to be made (McAfee, 2004).

Recruitment of participants began in January 2012 and continued to March 2013. This long timeframe reflects logistical difficulties in negotiating times to meet with potential participants (and interviewing participants) due to the seasonal nature of farming and the geographical extent of the research area. My recruitment strategy was two-fold. First, I approached farmers of property with identified Aboriginal sites entered on the Central Archives and invited them to participate in the study. Owners of property with Aboriginal sites, objects or burials entered on the Central Archive cannot be criminally implicated with non-compliance of s. 20 of the *AHA (SA) 1988*.¹⁴⁹ Therefore, I was able to assure these participants that they could freely answer questions about their awareness of these specific Aboriginal sites without the worry of potential legal implications in this regard. Data thus obtained is useful because a landowners' knowledge about specific Aboriginal sites, objects or burials, on their land reflects their attitudes towards them and, therefore, the effectiveness of current Aboriginal heritage management

¹⁴⁹ S. 20 of the *AHA (SA) 1988* obliges landowners to report the discovery of Aboriginal sites, objects and remains. For further details see Chapter 3: *Aboriginal Heritage Management in South Australia-Legislation and Administration*.

strategies. However, potential participants were also informed of their legal obligations under the Act in respect to s. 23 of the Act.¹⁵⁰

I was not able to question any participants about their management or treatment of Aboriginal sites, objects and remains (whether on the Central Archive or not) because of the risk of their implicating themselves in noncompliance of s. 23 of the Act. There were additional concerns of confidentiality about Aboriginal sites, objects and remains that affected the study participants and myself as the researcher. Under s. 10 of the *AHA (SA) 1988*, information on the Central Archives (or local archives if they exist) must be kept confidential under unless permission is obtained from the Traditional Owners, or in the absence of traditional owners, the relevant managers of the archives.

While I have approval from the relevant Aboriginal organisations to have access to the records of Aboriginal sites and objects in the Tatiara District (Appendixes D, E & F), I do not have permission to publish specific details of them. Therefore, other than by number, type, and geographical setting, Aboriginal sites, objects and remains in the Tatiara District are not identified in this thesis. Maintaining the confidentiality of Aboriginal sites and objects also aids in maintaining the privacy and confidentiality of farmer participants and their properties. Fifteen Aboriginal sites in the Tatiara district (Table 5.5) are entered on the Central Archive, ten of these sites are located on nine separate farm properties.

Table 5.5: Recorded Aboriginal sites of the TDC: setting is indicated.

Tatiara District Council															
Aboriginal site #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Setting	Farm	Farm	Farm	Farm	Cons. Park	Farm	Farm	ALC	Cons. Park	TDC	Farm	Farm	TDC	Farm	
Record	RASO	CA	RASO	RASO	CA	RASO	CA	RASO	RASO	CA	CA	CA	CA	CA	CA
Participant	No	No	Yes	Yes	-	No	No	-	-	-	No	No	-	Yes	

The green shading indicates farmers participating in the study.

¹⁵⁰ S. 23 of the *AHA (SA) 1988* prohibits any person from damaging, disturbing or interfering with Aboriginal sites, objects and remains. For further details see Chapter 3: *Aboriginal Heritage Management in South Australia-Legislation and Administration*.

Six of the fifteen sites are entered on the Register of Aboriginal Sites and Objects (RASO). One site (#6) is in a Conservation park and one (#9) is on Aboriginal Land Council (ALC) land; these were not considered as part of the current study. Initially, registered site #6 was believed to be on farmland. However, subsequent investigations revealed that this site was incorrectly documented and was not on the farmer's property, but in a neighbouring Conservation Park.¹⁵¹ This farmer agreed to take part in the study regardless. Of the registered sites on separate farm properties (#1 & #8), one farmer could not be contacted and the other was too busy to meet to discuss the study. The farmer whose land has two registered sites (#3 & 4) agreed to take part as a participant. Of the six farmers with sites entered on the Central Archive (but not on the RASO), two (#2 & #7) were unable to be contacted, one (#13) was too busy to arrange a suitable time to meet and another (#12) was not interested in being part of the study. The two remaining farmers with Aboriginal sites on their property and on the Central Archive (# 5 & #15) agreed to be participants in this study. In total, three farmers were interviewed who have Aboriginal sites of their farmland that are entered on the Central Archive.

The second part of the recruitment strategy utilised the method of 'snowballing' sampling, producing a further twelve participants. The technique uses persons initially contacted to provide contact details of others in their networks. Contacts interested in hearing more about the study or in participating in the research also provide details of potentially interested people. Thus, recruitment of the sample group of participants continued in a 'snowball' fashion (Yin, 2011, p. 89). In this second stage of recruitment, I first contacted farmers in the district personally known to me whom I believed to have an interest in the topic and willing to participate. These farmers, in turn, introduced other farmers I could talk to about participating in the study. Recruitment, interviews, and analysis progressed in the manner described above until fresh data was mainly confirming data already collected. Therefore, additional data was not providing anything sufficiently new (Strauss & Corbin, 1998, p. 136) that would justify the application of additional time and resources (Strauss & Corbin, 1998, p. 292; Yin, 2011, p. 92).

¹⁵¹ It is noteworthy that another site (#11) was also found to be incorrectly documented by an archaeologist and recorded on the Central Archive as approximately 1.2 kilometres from its actual position.

5.5.2 Initial contact and non-participation

The recruitment of participant farmers presented several challenges that were unanticipated. The timing of my contact was crucial to organising a meeting, as essential farming activities take priority for farmers. Initial contact with most farmers was through a telephone call made between 12:00 Noon-1:00pm and 6:30pm-8:30pm Monday to Friday. These times coincided with mealtimes when it was probable farmers would be home. I did not attempt contact on Friday evenings or weekends, respecting the likelihood of farmers having sporting and family commitments during those times. I made an average of five attempts for each successful contact; not all phone calls were successful due to no one answering the phone. Three farmers contacted were not interested in discussing the subject.

Many farmers contacted were interested and agreeable to meeting to discuss the research project. However, with some farmers an opportunity to do so did not take place. The major barrier to appointments were seasonal farm management priorities. Farm activities vary considerably between farms in accordance with farm production, time of the year and weather. Family holidays and other family related commitments were minor factors; by far the most common reason for not meeting to discuss the research was being *too busy*. One farmer initially agreed to meet to discuss the research but withdrew before the meeting could take place. The farmer contacted me to tell me that, following a family conference, they decided not to meet to discuss the research, due to past *problems* with ACR and ACH on their farm. They considered it was better to avoid interfering in a situation that is currently causing no problem, but was perceived to have potential to become a problem. There were several other cases where farmers also declined to participate, but did not state a reason. However, all farmers agreeing to meet to hear about the research subsequently agreed to take part as participants. This indicates that finding the opportunity to explain the project and the farmer's role as a participant fully was a major factor in farmers' participating in the research.

5.5.3 Initial Meeting

Gaining informed consent was essential to the ethical integrity of this study and the establishing of a trusting relationship. Before beginning this study, I assumed

that participants' knowledge and standpoints regarding Aboriginal cultures and Aboriginal heritage law would be varied. Therefore, potential participants required clear concise explanation of all aspects of the study to understand the research and any possible risks and benefits. There was a distinct possibility for the subject to be a sensitive and emotive issue for some people. Considering this, I presented potential participants with an 'information pack' at the first meeting. The information pack contained the Plain Language Information Sheet, Consent Form, a copy of the *Aboriginal Heritage Act (SA) 1988*, and a copy of the SA government guidelines to the *AHA (SA) 1988*.¹⁵²

The initial meeting with potential participants tended to last between one and two hours. I discussed each section of the Plain Language Information Sheet with potential participants, including the sections of the *AHA (SA) 1988* most relevant to farmers. The issue of confidentiality of information about the private and personal lives of people is an important ethical consideration in qualitative research (Guenther, 2009; National Health and Medical Research Council, 2007). Although answering the questions of this study did not require divulging personal information, in situations where ethical and legal considerations may compete it is unethical to offer strict confidentiality (Finch, 2001, pp. 34-35). Therefore, a primary task was full explanation to farmers of certain legal obligations as landowners with ACR and ACH.¹⁵³ Strict penalties apply to noncompliance of these laws. At this first meeting, I made clear, orally and in writing, the information not required, and that I would not be identifying persons, properties and Aboriginal sites or objects involved in the research. Although I informed potential participants that confidentiality could occur only 'as far as the law allowed',¹⁵⁴ such reassurance was, nevertheless, an element in enhancing

¹⁵² The guidelines to the Aboriginal Heritage Act (SA) 1988 are currently accessible through the South Australian Department State Development website (<http://www.statedevelopment.sa.gov.au/aboriginal-affairs/aboriginal-affairs-and-reconciliation/publications/aboriginal-heritage-act>).

¹⁵³ Under the *AHA (SA) 1988*, landowners are obliged to report the discovery of Aboriginal sites, objects or human remains (section 20), and no person is permitted to disturb or damage Aboriginal sites or objects unless authorised to do so (section 23). See Chapter 3 for discussion on this subject.

¹⁵⁴ Respecting the privacy, confidentiality and cultural sensitivities of the participants in research is an ethical responsibility. However, there can be no such thing as a guarantee of confidentiality. Confidentiality can only be assured 'as far as the law will allow' due to necessity of complying with any State and federal legal obligations (National Health and Medical Research Council, Australian Research Council, & Australian Vice-Chancellors' Committee 2007, National Statement on Ethical Conduct in Human Research, Canberra (Updated December 2013): Available online: <http://www.nhmrc.gov.au/PUBLICATIONS/synopses/e72syn.htm>).

establishment of trust and confidence of potential participants, and mitigating participating farmers' exposure to the risk of distress or embarrassment.

On many Australian farms, family members share management decisions as a management unit (Tanewski, Romano & Smyrnios, 2000, p. 70). In some instances, more than one member of a family management unit was present at the first information session. In two separate cases, two members of a single-family farm management unit requested inclusion as participants. I decided it was valid to include family members as separate participants because each person desired to provide a perspective, and each played a role into farm management decisions potentially affecting ACR and ACH. While participant farmers signed the form giving consent to take part in the research and an interview, they also knew of the option to withdraw from the study at any time. It was at this stage, because of the nature and relevance of information revealed during the initial meeting I also asked participants for permission to make use of any researcher notes taken following the initial interview.

5.6 Data Collection

Part of the methodology for this study involves analysing archival and documentary material relating to South Australian Aboriginal heritage legislation and the bureaucratic strategies and practices used for its implementation: for example, Government policy documents, Parliamentary debates, and other various Government agency records. Data from these sources enabled me to identify and evaluate the correlations and disparities with the data gathered on farmers' perspectives and perceptions of ACR and ACH.

Gathering data on farmers' attitudes to ACR and ACH through survey questionnaires was not a research method selected for this study because need for a flexible and dynamic approach to data gathering that encompassed the diversity of farmers' perspectives and perceptions. IPA methodology suits data collected through the research participants' rich and detailed accounts of their experiences (Smith et al., 2009, p. 56) and the semi-structured, in-depth interview approach ideally suits this task (Kvale & Brinkmann, 2009, p. 27).

A favoured method for conducting the semi-structured interview is through interpersonal conversation. In this way, the participant and I could discuss matters as they arose (Kvale & Brinkmann, 2009, p. 130), giving an opportunity for the researcher to explore preconceived themes and issues (Yin, 2011, p. 134). At the same time, the unstructured nature of the interview is open to sequential change, giving the researcher the flexibility to follow-up new insights of the participants lived world, following new directions and asking new questions (Collis & Hussey, 2003, p. 170; Kvale & Brinkmann, 2009, p. 123). A semi-structured interview involves close collaboration between the researcher and the participant (Kvale & Brinkmann, 2009, p. 48). The relaxed, friendly and unofficial style allowed participants to tell their stories and explain their views of reality (Kvale & Brinkmann, 2009, p. 82) and, through analysis, I was better able to understand their views and actions (Yin, 2011, p. 135).

I discounted the focus group interview method as an option for data collection. Potentially, disparate and definite views on ACR and ACH would initiate issues of confidentiality and sensitivity for Tatiara farmers. Krueger and Casey (2000, p.24) make a point that the focus group method of data collection is useful in uncovering feelings and ideas, and exposing factors influencing opinions, behaviours and motivations. However, it was necessary that I mitigate the exposure of participants to social discomfort regarding personal sensitivities and confidentiality (Collis & Hussey, 2003, p. 36; Yin, 2011, p. 46). Focus group interviews are not an accelerated way for conducting multiple individual interviews (DiCicco-Bloom & Crabtree, 2006), and may be a method of data collection too removed from the IPA aim to capture the idiographic nature of experience (Tomkins & Eatough, 2010). Therefore, I considered it preferable to collect data by semi-structured interviews individually and in a place of comfort and privacy for the participant. There is no set time for an unstructured interview and it is possible for an in-depth interview to take several hours (Gilham, 2005, p. 55). However, I planned that each interview would take approximately one hour. I based this duration on my estimation of the time that farmers would be willing to devote, and the time deemed appropriate by Smith et al. (2009). In practice, interviews ranged in time from 40 minutes to 87 minutes.

Following the phenomenological approach to semi-structured interviewing, I drafted an interview guide (Appendix G). An interview guide, while useful for

guiding interviews and setting the boundaries for the conversations (Yin, 2011, p. 137), does not need to be strictly followed. The overall goal of this study is the investigation and exploration of research. Although Yin (2011, pp. 134-135) uses the term qualitative interview, his description of the researcher using a “mental framework” (p. 134) of questions in the interview process is characteristic of the interview guide approach used with in-depth unstructured or semi-structured interviewing.

My aim of identifying the perspectives of farmers through semi-structured interviews meant entering the psychological and social world of the participants (Smith, 1995; Yin, 2011, p. 135). For this occur, it was necessary for the participant to take part in guiding the interview, allowing me to probe emergent issues and follow-up the participants’ interests or concerns. The interview guide contains twelve open-ended questions identified before the interviews.¹⁵⁵ Each interview began with an exploration of participants’ understandings of heritage, before moving on to discussions of ACR and ACH, legislation, sites and objects, and stories in the context of farms. For the same reasons as outlined in the first part of the recruitment process, questioning was constrained with farmer participants recruited during the second part of the recruitment process. I was unable to question participants about the presence and management of Aboriginal sites and objects on their properties that were not on the Central Archive because of the risk of implicating those farmers who were non-compliant with s. 20 and s. 23 of the Act. Participants were reminded prior to interview that I was not seeking information about Aboriginal sites and objects, but was more interested in their attitudes about them.

Although I acknowledge that interviews should flow naturally and set questions are to be avoided (Smith et al., 2009), the open-ended questions acted as a prompt for me as the researcher and to generate flowing conversation. Through signing the Consent Form (Appendix B), participants gave permission for interviews to be audio-recorded and transcribed for textual analysis. I took hand notes following each interview to highlight topics to follow-up later or to pursue in following participant interviews. After transcribing each interview to text, I removed

¹⁵⁵ Open-ended questions are recommended by many researchers to “understand and capture the points of view of other people without pre-determining those points of view.” (Patton, 2002, p. 21).

participant's personal details and identifying information from the textual data, replacing these with a code index. Following this process, I met again with participants for them to approve the transcribed text of their interviews and offered them a copy for their records.¹⁵⁶

5.6.1 Conducting the semi-structured interviews

Although I conducted most semi-structured interviews individually as recommended by Smith et al. (2009), three interviews each involved two participants. As previously mentioned, two instances occurred because of the desire for members of a single-family farm management unit to participate. The other instance was unplanned and happened at an arranged appointment with a potential participant. On my arrival at the participant's home, I found a neighbouring farmer also present. Following explanations and discussions of the research study with the group, the neighbouring farmer stated a desire to participate. All present made the decision to conduct the interview immediately and, with consent forms signed, both farmers took part.

The semi-structured interview is a highly interactive process with an element of reciprocity of exchanges of information and story between researcher and participant in the construction of knowledge about the topic under discussion (Kvale & Brinkmann, 2009, p. 48). Emphasis placed on the interview as a conversation with no right or wrong position supported a harmonious relationship. I maintained sensitive and empathetic awareness to verbal and non-verbal cues during interview (Smith et al., 2009), using humour in reducing any tensions or awkwardness that arose. From the first interview, it became evident that farmers had many questions about the subject. I was extremely conscious of my role in providing information; I was also aware of the need to be actively engaged in the process as an active listener.¹⁵⁷ My previous learning involving communication

¹⁵⁶ Audio and textual data are kept for five (5) years (ANU Policy- 2.5, Part A: Principles and Practices to encourage responsible research conduct, https://policies.anu.edu.au/ppl/document/ANUP_001235).

¹⁵⁷ Active listening is a (interview) communication technique. Active listening means not only hearing the words that are said, but also actively engaging in the interview so that it progresses in ways that answer the research questions. Active listening requires the interviewer to develop intuitive skills that are sensitive to social relationships, context and cues, as well as knowledge and understanding of the theme, topic and questions to be answered (Kvale & Brinkmann, 2009, pp. 138-139; Smith et al., 2009, pp. 64-65).

and interpersonal skills was useful; nevertheless, I had little experience in practical interviewing before undertaking this study. Although I had identified this beforehand and taken steps to learn, interviewing is a skill learned through practice (Cooper, Fleischer & Cotton, 2012, p. 8; Kvale & Brinkmann, 2009, p. 82).

I started collection of data with the realisation that conducting interviews would be a process of continual and ongoing development of me as an interviewer achieved through practical application and retrospective thinking (Kvale & Brinkmann, 2009, p. 89). Knowledge and experience in such things as timing, order, phrasing of questions; the use of prompts; and active listening all play a role in successful interviews (Kvale & Brinkmann, 2009, pp. 123-140). Therefore, rather than test my chosen method of data collection through a pilot study, I decided that the most useful way forward was through treating each interview as a *stepping stone* for developing my interviewing procedure and technique. In this manner, I made improvements in the quality of my interview craftsmanship, contributing validity to the entire research process (Kvale and Brinkmann, 2009, p. 248), including analyses and findings.¹⁵⁸

5.6.2 Interview transcription

Research integrity and veracity arise through the accurate capturing of meanings and perceptions created during conversations and respecting the voices of participants (Yin, 2011, p. 41). Transcribing interview speech to text is an important methodological step requiring consideration of the nature of the research questions that the data will answer (Oliver, Serovich, & Mason, 2005, p. 13). With the current study, farmers' experiences and understanding of realities of ACR and ACH is to be found in the words expressed during interviews. IPA requires a verbatim record of the words spoken during the interview of interview, so that the content of interviews can be interpreted (Smith et al., 2009, p. 74). However, there is little need for verbatim transcriptions to be detailed insofar as they are an exact replication of the oral interview (Oliver et al., 2005, p. 4;

¹⁵⁸ Validity in research not only concerns assessments of research methods and the checking, questioning, and theorising of analysis and findings, but also develops through testing and verifying knowledge arising out of the communicative process of an interview (Kvale and Brinkmann, 2009, pp. 253-256).

Powers, 2005, p. 42-42; Smith et al., 2009, p. 73). In a process of *denaturalisation*¹⁵⁹, nonverbal vocalisations, response tokens, and involuntary vocalisations during transcription are removed, enhancing the extraction of meanings and perception (Lease & Johnson, 2006, p. 76; Oliver et al., 2005, p. 1273-1274). I included in my transcriptions notes of laughter, pauses, and breaks because they are reminders of interview context, and indicators of significance and emotion which are useful during analysis (Smith et al., 2009, p 74).

I transcribed interviews as they occurred. Reflecting on interview content during the transcription process enabled me to identify aspects to address, thereby improving my competency as an interviewer for each subsequent interview. All participants contributed valuable, person perspectives of the phenomena under study and, because of this, I included all transcripts of all interviews in the study. Names and information identifying participants, farm properties, and Aboriginal sites are blanked out to maintain privacy and confidentiality of potentially sensitive information.

5.7 Data analysis

Smith et al. (1999) claim that the purpose of an IPA study is to thoroughly explore the participants' view of the topic. Following the reasoning of Smith et al. (1999), in describing and exploring their experiences farmers share some fundamental understandings and ideas about ACR and ACH. These are then, in a series of analytical steps, coded into themes and sub-themes while highlighting connections between them. An integrative set of master themes are then further analysed to illuminate farmers' attitudes and behaviours towards ACR and ACH.

Smith et al. (1999) describe the IP analytical process as reading each interview transcript several times, apprising and making notes of nonverbal or interesting responses. Key phrases indicating emerging themes are coded and clustered together with examples of data illustrating each theme. With all the transcripts coded, one predominant theme is identified through a systematic review of the

¹⁵⁹ *Denaturalised transcription* (verbatim) follows the understanding that speech represents the meanings and perceptions that construct reality and that it is unnecessary to include idiosyncratic elements of speech (umms and arhs) in transcripts. An opposite view is *naturalised transcription* (true verbatim) where language is regarded as representing the real world and transcription, therefore, must capture as much detail as possible (Oliver et al., 2005, pp. 1273-1274).

thematic clusters. For the next step, each transcript is revisited, re-examined and re-coded; new codes are noted. The resulting code list is examined for connections and links, creating a list of super-ordinate themes and sub-themes. Finally, there is detailed interpretive analysis of connections between and within these extended themes with the aim of elucidating conditions, circumstances, actions and influences pertaining to the situation under study. The following Table (5.6) provides a summary of the IPA analytical process.

Table 5.6: The stages of IPA analysis used in this study.

Analytical Stages	Analytical steps
Data set into text (input)	Transcribing verbatim transcripts based on each recorded interview, accompanied by notes gathered during field-work. Familiarisation with content.
Iterative reading, Noting & Initial coding	Reading and rereading each transcript (or field-notes) several times and assigning descriptive codes. Separating distinct, linguistic and conceptual comments and making notes of interesting and significant responses or notations.
Theme development	Reducing coded data and organising them into thematic clusters at primary and subordinate levels. Recoding.
Connections across themes	Delineating connections and patterns between codes and themes. Production of a summary table of thematic clusters with references to transcript or field-note text.
Additional case study	Move to the next case study, treating the associated text as a new case, allowing for the emergence of additional themes.
Synthesis across cases	Integrating cases and presenting them in a summary table. Identification of individual and shared meanings as master and subordinate themes.

Based on Smith et al. (2009).

In an iterative process of reading the transcripts, preliminary themes or interesting ideas were noted by highlighting sections of text and allocating a descriptive code encompassing the ascribed meaning. Where it was appropriate, the participants' own words were taken from the text of the interview. In a second stage, I revisited the initially coded themes, reducing them to clusters of themes (or sub-themes) of a similar topic. I further reduced codes through an iterative process into 'master' themes. I completed primary analysis of the first transcript before moving on to the second transcript, a procedure in line with the idiographic approach of IPA (Smith, 2004, p. 41).

As I coded additional transcripts, connections between them became apparent. The addition of each case to the study enabled further levels of interpretation through cross-case analysis focussing on areas of difference and similarity (Smith, 2004, p. 44). Thus, emergent themes enhancing the story of farmers and ACR and ACH, through their individual experiences, were structured with understandings of the broader view of the situation of ACR and ACH on farms (Smith, 2004, p. 42).

5.8 Conclusion

In this chapter, I have detailed the qualitative interpretive framework and methodology for gathering and analysing data for answering questions about the attitudes of farmers to ACR and ACH. The answers to these questions contribute toward deeper understanding of the potential farmers have to influence or be influenced by Aboriginal heritage management.

I have reasoned that my selection of fifteen farmers within the Tatiara District Council area of South Australia are suited to answer questions pertinent to the aims of the research. The selected farmers are a homogenous group in occupation and setting, although there is a heterogeneousness in their farm economies and technologies that broadens the range of farmers' perspectives captured.

I have highlighted my endeavours to integrate ethical structures, processes and practices into all stages of my research. Participants were informed of the aims and purpose of the research, and their legal responsibilities as landowners (under sections of the *AHA (SA) 1988*) before consenting (or not) to participate.

Participants and their properties are afforded confidentiality (as far as legally practicable), access to data and the right to withdraw. Aboriginal sites and objects in the TDC are also unidentified to prevent their identification to farm properties and prevent potential breaches of s. 10 of the *AHA (SA) 1988*.

I have described and discussed my position as insider-outsider in the research area and the various ways of managing my researcher position and community responsibilities throughout the study. Ethics approval for the study was obtained from the Australian National University (ANU) Ethics Committee and participant consent was obtained in writing before interviews. Having been audio taped,

the interviews were transcribed and analysed using the Interpretive Phenomenological Analysis (IPA) method. The result of this analysis is presented and discussed in the following two chapters.

Chapter 6

Results and Discussion - Part 1: Understanding and Sensibility

Where you stand, depends on where you sit (Miles, 1978).

This chapter examines the perceptions of farmers emerging within the interview process. It begins with a summary of the analytical themes providing the framework for the detailed interpretation of the sub-themes that follow in this and the following chapter. It is important to iterate at this point that the quotes of participants in the results serve to illustrate the *range* of farmers' perceptions about Aboriginal heritage on farmlands rather than a (statistical) representation of them, or a focus for debate about the difference(s) between them (see Chapter 5.7, p. 157).

I identify nine master themes through analysis of the qualitative data collected via the semi-structured interviews: (1) *Cultural heritage concept* (2) *Local Aboriginal people and culture* (3) *Respect and empathy* (4) *Connections to land* (5) *Issues of trust* (6) *Discovery of ACR* (7) *Information and guidance* (8) *Farming around ACR and ACH* (9) *Perceived threats*. I present my findings in accordance with the individual themes and their interrelated sub-themes (Table 6.1) in turn, using selected quotes taken directly from the raw data. It is the wider account encompassed within the next two chapters that captures the complexity of the data and the interconnectedness between them. Most of the sub-theme components are recurrent across many interviews. However, some sub-themes emanate from a few individual accounts exhibiting a unique or in-depth perspective. A code number system identifies individual farmers throughout this document while protecting their identities. I present, discuss and evaluate my findings under the separate headings of *Understanding and Sensibility* (following in this chapter) and, in Chapter 6, *Capacity and Engagement*. (See Appendices G, H, I and J for examples of interview data and analysis).

Table 6.1: Summary of analysis - Master themes and Sub-themes.

Presentation of findings	Master theme	Sub-theme
Understanding & Sensibility (Chapter 6)	Cultural heritage concept	Heritage and history
		Heritage as treasured history
		Heritage as Identity
	Local Aboriginal people and culture	'Modernity' and loss of culture
	Respect and empathy	Empathy with Aboriginal loss
		Appreciating Aboriginal connections
		A source of pride
	Connections to land	Importance of land for farmers
		Stewards & caretakers
	Issues of trust	Authenticity
		Trustworthy advice and assistance
		Personal distrust
Capacity & Engagement (Chapter 7)	Discovery of ACR	Out of mind
		Out of sight
		Anecdotal evidence
	Information and guidance	Knowledge of AHA (SA) 1988
		Knowledge of ACR and ACH
		Administrative function and guidance
	Farming around ACR & ACH	Farming decisions
		Responsibility
		Significance
		Behaviour
	Perceived threats	Loss of control
		Farm disruption
		Cost
		Legal ramifications

The following sections of this chapter explore and consider farmers' understandings and sensibilities to Aboriginal cultures and heritage under five Master themes: 1. *Cultural heritage concept* 2. *Local Aboriginal people and culture* 3. *Respect and empathy* 4. *Connections to land* and 5. *Issues of trust*. There are twelve associated sub-themes.

6.1 Cultural heritage concept

During preliminary meetings with the potential participants for this study, most farmers indicated that cultural heritage — either their own or that of Aboriginal people — was not something they normally thought about. Comments made by two participants sum up this point succinctly:

Something I don't think about (Interview: Farmer P-1).

Well, I suppose I know very little about cultural heritage. I haven't spent any time thinking about it really, but... Explain what you mean by cultural heritage? (Interview: Farmer P-3).

However, with some reflection on the topic, all participants considered cultural heritage closely related to notions of history. There was also a shared view of cultural heritage as the past behaviours of people, with surviving elements of various events occurring throughout history providing the evidence for that behaviour. Heritage was expressed by many farmers as being the surviving evidence of history that people valued or saw as important. For some farmers, cultural heritage is an important component in contemporary constructs of self, identity and worth.

Although venturing to state that heritage was important and valuable, conversations about the subject were exploratory and at times difficult because of participants' feelings of ignorance (Field-notes, 20 January 2012). Tatiara farmers' perceptions of cultural heritage are therefore tentative and uncertain. For this reason, there is the possibility that participants' insights and responses were influenced by their awareness of my (the researcher) interests, attitudes and values, potentially shaping analytical outcomes. I was, however, mindful of this possibility through-out data collection and subsequent analysis (see previous Chapter 5.2: My position as researcher, pp. 139-141).

The uncertainties demonstrated by participants support the previous research of McDonald (2007) that showed the Australian public felt uninformed about heritage and were reluctant to venture opinions about it. Participants of the McDonald study (2007) defined heritage broadly, with an interest in heritage stemming from connections and interactions and relating to things they perceive as important for themselves or the nation, or were irreplaceable, or unique. The

current study further supports McDonald's research with participants in this study considering tangible and intangible evidence important to preserve, either for themselves and their family, the local district or the Australian nation. Participants in the current study spoke about heritage values in terms of their close personal feelings and meanings evinced through connections with the land; seeing the cultural values attached to evidence of Aboriginal occupation of their land in these terms. The nuance of farmers' views is captured in the sub-themes: *Heritage as history; Treasured history; and Identity*.

6.1.1 Heritage as history

Overwhelmingly, farmers voiced an opinion of cultural heritage as evidence of past human behaviour. Some farmers had an idea of heritage as evidence (as physical remains) of the cultural traits of past peoples. Other farmers perceived heritage as the accounts of history. Aboriginal heritage was included within these ideas:

It's [heritage] how things have happened with a certain group of people over 50, 100, 200 years (Interview: Farmer P-10).

Well, heritage is, I suppose, anything to do with the past, you know, really, and I suppose Aboriginal cultural heritage is really, I suppose [the same] (Interview: Farmer P-3).

Heritage is the day to day life...It's just that their [Aboriginal] evidence might be a bit harder to find (Interview: Farmer P-11).

However, many farmers also indicated an intangible quality to cultural heritage that is evidenced in behaviours, story and narrative:

Cultural heritage in my view is the habits and so forth of the Aborigines in the past, such as their hunting abilities, corroboree and that type of thing (Interview: Farmer P-1).

Heritage is anything to do with previous occupants of the land; whether that be a hundred years ago or five thousand years ago...and things they leave behind...Stories they leave behind, artefacts, that sort of thing (Interview: Farmer P-7).

Cultural heritage is the people of an area. The people. To me cultural is people and their behaviour, so it's a recording or history of how people behaved, and did, and said (Interview: Farmer P-2).

There is an awareness among research participants that heritage can "mean different things to different people at different times" (Farmer P-2) and that

heritage has “many different meanings attached to it” (Farmer P-14). Farmer P-13 expressed the view that value and meanings attached to a specific site or object is dependent on the cultural group origins:

Well, It could be, as you are talking about, the Aboriginal cultural heritage, or it could be the cultural heritage of post-war immigrants, or it could be the cultural heritage of early English settlers into a region (Interview: Farmer P-13).

Most farmers perceive cultural heritage within a farm landscape as an interplay of non-Aboriginal and Aboriginal histories. For some farmers, the evidence of an Aboriginal history is added to a European settlement history which contributes to an extended narrative of Australian history, including their own properties:

I am probably a person who doesn't really see Aboriginal and white man as separate. I believe we have all got the same history, the same...we might not have the same heritage, the same grass roots, but we have got...Australia...has got the same history (Interview: Farmer P-2).

It [Aboriginal heritage] really does give Australia a real history, doesn't it? Like, it's not all that long ago that they were here and running the place, so here we are talking about the stuff that was, on our property, probably used not all that long ago to be honest (Interview: Farmer P-3).

Almost all participants find Aboriginal cultures interesting. They consider that knowledge of past Aboriginal activities on their farm properties would be an interesting addition to the history of their farms.

Sometimes you are out in the paddock, you think to yourself, what was here before white man was here and what were people doing? It is probably more than interest value. It's something, this piece of land, you know? You wonder what's happened for thousands of years before. It doesn't matter who's on it. [Person's name] had it for a start. I'm interested in what they did, and obviously, what happened before that. That's the start of white man settlement, but before that. Aboriginal heritage probably doesn't keep me awake at night, but it is interesting. When that [stone axe] was found, you know, the imagination goes wild. I wonder what was going on here. What sort of trees were there? What were they using that axe on? (Interview: Farmer P-14).

ACR on farmland, therefore, evokes meanings and values for farmers personally.

Sometimes it might be interest value. It's hard to know how much of value. Obviously, you see things like the stone axe, and other things

that other people's fathers have had, and you think, there's a fair old history here (Interview: Farmer P-14).

It's an interest. The value is in its interest in historical...historical interest probably. As part of the overall...you know, in the same way that...like the old sheds I was telling you about, that's part of the history that's now gone; part of the historical value of the property (Interview: Farmer P-7).

I think that it [ACR] would have an interest as an indicator of who has used the land before. So, in a way, it sort of almost becomes part of our farming heritage; this is where the people trod before (Interview: Farmer P-13).

All Tatiara farmers place prominence on a view of heritage as evidence of the lifestyles and behaviours of past societies. Most participants claim an interest in Aboriginal cultures. However, their limited understanding of Aboriginal cultures means they are uncertain of what is important for Aboriginal people. In a process, identifiable as collective memory, Tatiara farmers readily attach importance to historical places and objects which hold meanings for themselves personally, their family, to the local district or to Australia. Farming may be understood as a cultural category holding meanings and values that the farming fraternity see as desirable to pass on to future generations of farmers. In this sense, a 'farming heritage' is considered important to protect and preserve for future generations. As will be considered more deeply in the next section, farmers reflecting on the topic commented that people value some remnants of the past because they hold very special meanings.

6.1.2 Heritage as treasured history

Although farmers generally recognise values attached to the landscape, and the cultural remnants within it, as being different for different people, they often express heritage value as aspects of history that are important. Farmer P-4 for example, conceptualises heritage as the elements of history which have special meaning or value:

Obviously, history is what's happened in years gone by, and heritage is something we should really...It is, sort of, history treasured, I suppose, that's heritage (Interview: Farmer P-4).

Farmers often described Aboriginal heritage as being important because the pre-European history of Aboriginal people is largely recorded in material remains and

oral history. Farmers generally perceive these aspects as both scarce and depleting, and attach an importance to ideas of recording and protecting them. Farmer P-4 equates the loss of Aboriginal artefacts and, therefore, Aboriginal heritage, with a loss of material culture associated with his own non-Aboriginal heritage. In this instance, lamenting a perceived lack of regard for heritage:

I mean, you know, they [Aboriginal people] were humans too. But they didn't have the written word like we have, like, as in records, if we are lucky enough. Even in our own histories, diaries are burnt. Our own histories are burnt. People say, I don't want these photos. I don't know who the heck they are, I'll chuck them out. You just keep all your photos, store them on your computer, and one day you might be able to identify them. Even our own heritage, we don't value (Interview: Farmer P-4).

Farmers' views of heritage are consistent with current heritage theory and debate arguing for attention to subjective meanings and values in the heritage concept (Ashworth, 1994; Smith, 2006; Tonkin, 2011; Vecco, 2010). Not only do participants in the current study consider heritage as a way of understanding history, they also identify valued aspects of the past as an integral to social meanings and values of the present-day. Therefore, for participants in the current study, heritage is an integrating link between the past and the present.

6.1.3 **Heritage as identity**

The views expressed above, draw attention to an aspect of heritage recognised by several farmers. These farmers consider heritage as significant for its deep effect on the behaviour of living people. Farmers perceive evidence of past behaviours of people as affecting present-day people in various ways. Several farmers comment that cultural heritage is an important component in the formation of contemporary peoples' understandings of self.

It defines who we are now and why we do what we do. I would imagine - cultural heritage. It's the history of us as a people and how certain ways that we do things has evolved. The history of how we do things and why we do them that way (Interview: Farmer P-8).

I think it [heritage] is an understanding of where we've come from, that helps shape what we are (Interview: Farmer P-13).

I reckon heritage is places, or events, or people in your past that makes what happens now...or is part of what happens now, or what you are now. (Interview: Farmer P-14).

Why you look at things the way you do...and that is because you are referring it back to where you come from, or where you understand you come from anyhow, your perception of where you've come from (Interview: Farmer P-12).

Many participants think cultural heritage to be multidimensional and personal in meaning and this is a relatively sophisticated opinion of heritage. On a personal level, these farmers believe it important to understand their origins and character. On a broader level, farmers understand valued elements of the past are closely connected to the way people think and behave in the present-day. The comments of farmer P-2 express the idea of Aboriginal heritage as encapsulating broad national values:

Well, it [cultural heritage] can be important to the people, but it's also important to society ...because it's part of what makes us who we are. It's obviously important to the Aboriginal people if its Aboriginal heritage and culture, but I think that's narrowing life down probably too much for me. I am probably a person who doesn't really see Aboriginal and white man as separate. I believe we have all got the same history, the same ...we might not have the same heritage, the same grass roots, but we have got ...Australia...has got the same history. So it becomes not only the Aboriginal heritage, but it becomes part of our heritage and culture as well... I think we should be one as such. (Interview: Farmer P-2).

6.1.4 Discussion

From a Tatiara farmers' perspective, the farm landscape is an arena where Aboriginal and non-Aboriginal histories have been acted out. Participants consider the surviving remnants of Aboriginal history important to protect because they perceive a depleting evidence of Aboriginal history, unsupported by written accounts and highly dependent on oral transmission. In this respect, farmers' views accord with the aims of the current Aboriginal heritage legislation in South Australia (the *AHA (SA) 1988*). The current study shows that Tatiara farmers appreciate the aspects of heritage written into the *AHA (SA) 1988* that seek to protect and preserve Aboriginal sites, objects and remains, that is, ACR. Participants appear to make no distinction between ACR and ACH. The material remnants of the past are things participants are interested in and value as irreplaceable and unique historical evidence. The present attention in the Act to aspects significant for Aboriginal tradition, anthropology, archaeology, and

history¹⁶⁰ emphasises broad and diverse Western values, allowing national and institutional values to intrude to dominate the meanings held by Aboriginal people (Ashton & Hamilton, 2000). Further, because the cultural values and meanings of Aboriginal people are little known to them, participants were much more comfortable when discussing cultural resources allied to their own culture.

Farmers collectively appreciate that places and objects inspire meanings and sentiments that are integral to the narrative accounts of history and an important part of any heritage. Thus, many farmers support an idea of heritage not far removed from heritage theory arguing for the inclusion of intangible elements (Loulanski 2006; Munjeri 2004; UNESCO, 2003). Therefore, supporting the findings of the McDonald (2007) study, changes to Aboriginal heritage legislation and management strategies that reflect modern heritage theory is liable to achieve the support of farmers.

Many farmers participating in the current study appreciate that cultural heritage is a pivotal factor in identity-making and that this is a part of present-day people. Many participant farmers also understand heritage and identity values as different for different people, a view consistent with current appreciation of identity as operating at various levels ranging from individual to national (Harvey, 2008). For instance, non-Aboriginal farmers' encounters with ACR trigger collective memories, imagination or thought about past Aboriginal connections and activities on the same land. This reveals two important facets to farmers' interactions with ACR on their farms, both of which potentially influence the establishment of ACH. First, in developing an understanding of ACR, farmers rationalise them in terms of their own non-Aboriginal cultural meanings and values, and secondly, the understandings farmers develop for ACR directly influence their understandings of contemporary Aboriginal people and cultures.

While farmers are comfortable when identifying things important to them, they are uncomfortable about identifying possible Aboriginal cultural values, supporting the conviction of Hall (1991) that heritage is "always composed across the silences of another." (p. 49). As Tatiara farmers perceive cultural heritage as linked to social values, their perceptions of local Aboriginal values, their

¹⁶⁰ Aboriginal Heritage Act (SA) 1988 (s. 3), Chapter 3: *Aboriginal Heritage Management in South Australia - Legislation and Administration*.

emotional responses to local Aboriginal people, and the complex influences of Australia's Aboriginal history are an important aspect of their reasoning about Aboriginal heritage. Thus, it is pivotal to know and understand how farmers perceive and position Aboriginal cultures in the local area.

6.2 Local Aboriginal people and culture

There is just one sub-theme associated with this Master theme. The sub-theme of '*modernity*' and *loss of culture* reflects farmers' limited exposure to and experience with Aboriginal people and culture at a local level.

6.2.1 'Modernity' and loss of culture

Most farmers reported limited experience with Aboriginal communities, Aboriginal people, or Aboriginal sites and objects:

I don't know that I grew up with any Aboriginals in the town even, as a kid. We always saw some at [local place]. When we played footy and what have you as little kids. But there was never any in the [local] area (Interview: Farmer P-2).

Because of our particular area here, we don't have very much interaction with Aboriginal heritage sites or anything else (Interview: Farmer P-12).

I don't know of any other [Aboriginal] families, I only ever really knew of the [local Aboriginal family]. I don't really know of any others...what I knew of, the traditional Aboriginals around here (Interview: Farmer P-5).

Farmers P-5 and P-3 indicate their perceptions of Aboriginal people and life are influenced by their experiences of Aboriginal people and communities in the northern areas of Australia rather than the Tatiara region:

I've never really had any prejudice against Aboriginals. Mainly through ignorance, I've never had anything really to do with them until we went up north (Interview: Farmer P-5).

It's [Tatiara district] probably an area where it's [the Aboriginal presence] not obvious hardly at all, is it, to be honest? Compared to say, if you went to parts of the Northern Territory or something where it's all around you. We don't see it at all (Interview: Farmer P-3).

Some farmers' regard the identifier *Aboriginal* as equating with traditional pre-European Aboriginal life and history; a perception seemingly blocking them from

a view of an Aboriginal presence and a continuing Aboriginal culture in the Tatiara district. Farmers', therefore, perceive contemporary Aboriginal life as disconnected from traditional times. For example, farmer P-5 expressed difficulty in understanding the possibility of continuity of traditional Aboriginal heritage connections:

I don't know how that's going to be passed down. That concept of Country around here. If there's no one here to carry it on. It will be less traditional, and more a historical sort of thing (Interview: Farmer P-5).

This farmer went on to expound a view of a local Aboriginal person as divorced from traditional social groups and behaviours; implying that they were unable to access or perpetuate Aboriginal heritage values:

I went to school with [local Aboriginal person], but I didn't really think of [person's name] as an Aboriginal as such. To me [pronoun] just happened to have Aboriginal blood...To me [pronoun] wasn't like the [Aboriginal family name], who were an actual tribe, or clan, or group (Interview: Farmer P-5).

Most participants consider Aboriginal heritage an important element of the Tatiara district. However, farmers' lack of experience with Aboriginal communities' cause many to struggle to interpret heritage meanings for contemporary local Aboriginal people. Farmers' perceive diminishing numbers of Aboriginal people and a fading traditional Aboriginal culture in the Tatiara district. For some farmers, these perceptions seem to reinforce a view that the importance of ACR and ACH for local Aboriginal people is also diminished:

It [Aboriginal cultural heritage] probably would be [important], but I have had no experience of a group of Aborigines (Interview: Farmer P-12).

Well, I think it [ACR] is [important] to the Aborigines because there's not so many of them around now to appreciate it (Interview: Farmer P-4).

When we say Aboriginal you, sort of, automatically think what has disappeared that shouldn't be. I mean in our situation in this district, it would be mostly non-continuing culture, because there's no..., not too many Aboriginals around still (Interview: Farmer P-10).

Well, there's...I don't think there's anybody left really, as far as the Aboriginal families go, that I know of, to carry that on (Interview: Farmer P-5).

There is a perception among some farmers that contemporary Aboriginal people are unable to relate to Aboriginal relics in the Tatiara region because, having *lost* traditional links and, being involved in contemporary life, they will have no special interest in them. Farmer P-9, for example, attaches value to Aboriginal relics in historic sense, but expressed some doubt about the relevance of them as heritage for Aboriginal people in the modern day:

The usefulness of it [Aboriginal cultural heritage] for, you know, the very few Aboriginal people that are here. I'm not sure that they're really that interested in it. I don't know, but I'm imagining that they're not. That they're not that actively interested in finding out...Well, it's not a passion of theirs to follow their ancestry, or their culture. From what I've observed (Interview: Farmer P-9).

6.2.2 Discussion

Few Aboriginal families live in the Tatiara District. Less than one percent of people living in the Tatiara District Council region identify as Aboriginal (Australian Bureau of Statistics [ABS], 2011) and these people do not overtly exhibit traditional elements of Aboriginal life.¹⁶¹ Other than these individual Aboriginal families, the nearest large Aboriginal communities are at Raukkan¹⁶² and Mount Gambier, each approximately two hundred kilometres away.¹⁶³ The resulting minimal experience and exposure Tatiara farmers have to Aboriginal individuals and communities limits their appreciation of key Aboriginal cultural values and identities likely retained by Aboriginal people.¹⁶⁴ Farmers perceive an absence of traditional Aboriginal culture in the Tatiara, which, for them, is evidence that Aboriginal culture in the local area has ended. They understand Aboriginal culture to comprise obvious *traditional* elements like the Aboriginal cultures currently exhibited in central and northern Australia, and in *old* Aboriginal artefacts occasionally found in their paddocks. On that account,

¹⁶¹ Chapter 3: Aboriginal Heritage Management in South Australia - Legislation and Administration.

¹⁶² Raukkan, an early Mission place formally known as Point McLeay, is situated on the banks of Lake Alexandrina, near the mouth of the Murray River.

¹⁶³ There are Aboriginal families scattered throughout the Southeast of South Australia and across the border in Victoria.

¹⁶⁴ Chapter 2: Cultural Heritage and Aboriginal identity in Farming Landscapes.

farmers rely on stereotypes in seeking the essence of Aboriginality, as Byrne (1996) describes, 'on the frontier and in the past' (p. 91).

Participants in the current study make judgements and opinions about Aboriginal cultures that are based on limited personal experience. This view is augmented by educational systems in Australia which arguably deliver a biased view of Aboriginal history (O'Dowd, 2012, pp. 88-104) and the stereotype of what is Aboriginal (Balvin & Kashima, 2012; McGregor, 1997). Although judgements do not always incorporate racial stereotypes and people try not to use them, discussions of sensitive topics during disagreements, or when people feel threatened in some way, are liable to involve using stereotypes (Feather & Mckee, 2008; Kunda & Spencer, 2003, p. 540). Some participants do not discern Tatiara Aboriginal people (or Aboriginal people living in other areas with a cultural interest in the Tatiara) as holding traditional values, implying that mixed-race Aboriginal people, being less recognisable, are assimilated into the larger Australian society. A perception arises, therefore, that the less Aboriginal a person looks, the more they have 'lost' their culture and the less 'real' they are.

The current study indicates such attitudes may negatively influence farmers' perceptions about the value of ACR in the Tatiara district for local Aboriginal people. However, as Subašić and Reynolds (2009) point out, the social and historical context of the position of Aboriginal people in Australia is a crucial factor in the identity of Aboriginality. Aboriginal people who are born and raised in European dominated environments, within which they may become competent members of society, may not choose to identify fully with the dominant culture.¹⁶⁵ In the opinion of Langton (1981), the assumption of an assimilated *detribalised* or *urbanised* Aboriginal people is understudied and problematic. Nevertheless, the consideration and respect for Aboriginal people and cultures shown by farmers during the interviews indicates farmers are not averse to the idea of contemporary Aboriginal people having bonds with their farmland; most farmers regarding this possibility positively.

¹⁶⁵ For further reading on these concepts see, Sam, D. L. 2006, Acculturation: Conceptual background and core components, *The Cambridge Handbook of Acculturation Psychology*, Cambridge University Press, Cambridge, UK and; Parke, R. D., & Buriel, R. 1998, Socialization in the family: Ethnic and ecological perspectives, *Handbook of Child Psychology*, John Wiley & Sons New York.

6.3 Respect and empathy

Most farmers participating in the current study indicate an understanding of the losses Aboriginal people have experienced through colonisation, rapid changes in culture, and forfeiture of land. Within this master theme are three sub-themes: *empathy with Aboriginal loss, appreciating Aboriginal connections, and a source of pride.*

6.3.1 Empathy with Aboriginal loss

Farmers generally sympathise with the changes that occurred in Aboriginal societies since colonisation and are particularly sensitive to the effect of European settlement and the extensive change of land-use, including ownership of land. Many farmers associate the dramatic social and economic changes with a tragic loss of the traditional components of Aboriginal culture. Farmer P-4, in calling for greater recognition of Aboriginal cultures, feels changes to traditional Aboriginal lifestyles and economies has been difficult for Aboriginal people:

I think it's really important that we recognise their culture. I mean, while we may not agree with the way they carried on with their culture, a lot of it, but a lot of their culture was OK too. And they have their ways of doing things and their laws and customs, and that sort of stuff. I feel as though it's been pretty tough on them really (Interview: Farmer P-4).

Farmer P-8 expressed an empathetic understanding of the profound effects for Aboriginal people of catastrophic and complete loss of land:

I guess for Aboriginal people it [land] was taken from them. That's the issue. That's the big thing. Like, if somebody came in and took it from us now, we would grieve for our land, like they grieve. But you would think we'd perhaps have...but they had no say, no rights, no place to grieve or whatever. That probably one of the hardest things (Interview: Farmer P-8).

Tatiara farmers' empathy is developed through their own personal experiences, feelings and emotional connections with the landscapes of their farms.

There would be Aboriginal families that...there's not much documentation of Aboriginal history, they still would be able to tell stories, pass them down, or guess where their ancestors came from. It would be important to them. Admittedly, we have title deeds and history to that, so we know who's been here. But Aboriginal people

would be able to say that they know that they were from [place name]. Maybe not the North side or West side, but they would know they were from [place name]. So, they would know, when they come past, they'd say that is where my ancestors came from. That would be important to them the same as anywhere our family's been is important to us. (Interview: Farmer P-14).

In the context of farming in the Tatiara, the connections between people, the land, and the environment are important considerations in Aboriginal heritage management.¹⁶⁶ How farmers think or feel about their own and Aboriginal life in the Tatiara will ultimately affect their behavioural and cognitive responses to notions of, and confrontations with, ACR and ACH while farming. The results of the current study show the empathetic and sympathetic response of participants is engendered by farmers' attachments to land and their perceptions of a declining Aboriginal culture. Farmers realise that some Aboriginal people, local or from outside the district, may have connections to the Tatiara area and regard the possibility of Aboriginal associations with their farmland positively. Participants have an interest in Aboriginal cultures, appreciating Aboriginal connections to their farmland and assume that local Aboriginal people will also have an historical interest in them. However, many farmers are not able to conceive that Aboriginal interest will have any correlation with traditional Aboriginal life or values.

6.3.2 Appreciating Aboriginal connections

All fifteen farmers indicate they would be happy for their farm property to have connection with a historic place or event, including Aboriginal sites. Some farmers are conscious of the possibility of their properties holding places that are important for contemporary Aboriginal people. There is a view that local Aboriginal people, or Aboriginal people now living in other parts of Australia, may potentially regard the Tatiara district and the various places within the district as significant and relevant in their lives:

There is a particular family where it's extremely important to, it seems to be extremely important to. That would be [person's name] and [person's name] and... Is it [name of sibling of first person]? (Interview: Farmer P-8).

¹⁶⁶ Refer to Chapter 4: *The Tatiara - Foundations for Cultural Heritage*.

It's still important to an Aboriginal person, that might be living in Adelaide, that had Grandfather brought up in the Tatiara and lived along the Tatiara Creek (Interview: Farmer P-10).

So, they [Aboriginal people] would know, when they come past, they'd say that is where my ancestors came from. That would be important to them the same as anywhere our family's been is important to us (Interview: Farmer P-14).

Farmer P-14 expressed the idea that others having associations and connections to his property was potentially beneficial to himself because of his own attachments to the farm:

If we had an Aboriginal family come along and told us their Great Great Grandfather had cut his canoe out of this tree, you'd say great. It adds another dimension, or adds a bit of value to what you think about your place (Interview: Farmer P-14).

Farmers were generally of the view that evidence of Aboriginal associations with their farmland were due a measure of respect:

Most of the blokes I know around here have a respect for Aboriginals. Not...certainly not that it is in the forefront of their mind, but I think they'd be pretty much like me if they found something. They'd certainly respect it (Interview: Farmer P-5).

For farmer P-5, it was a respectful duty to protect ACR on his farm:

I'd be more than happy to have it [ACR] there...I would certainly have looked after it though, because I've always considered that, you know, sacred to a certain extent (Interview: Farmer P-5).

This view is supported by farmer P-11, who felt landowners had an ethical responsibility to protect ACR:

If you actually knew there was something there, I think yes, there is perhaps an onus [on the farmer] to do something to protect it (Interview: Farmer P-11).

Along with their professed interest in Aboriginal cultures, and having given the matter considerable thought, participants realise that some Aboriginal people, local or from outside the district, may have connections to the Tatiara area and regard the possibility of these associations with their farmland positively. Some farmers go so far as to declare Aboriginal connections to their farm as a source of pride.

6.3.3 A source of pride

For some farmers, the historic aspects of their farms induce a sense of pride. One farmer confirmed family pride in having a listed historic place on their property:

Yes. That can come in more ways than one. It is part of our history. I know, actually, when we, as a family, talk about it, it is, in some ways, something we're proud to own, [name of place], for its history's factor (Interview: Farmer P-2).

Although farmer P-2 had previously been officially informed about the listed State Heritage Place on his property, he was unaware the site was also entered on the Central Archive of the Aboriginal Heritage Branch as an Aboriginal site. However, he thought he would have a similar regard for the site, whatever type it was:

Researcher:

Would you feel that same sort of pride as if it [historic site] was an Aboriginal site?

Farmer P-2:

Actually, probably. I mean, I don't think that wouldn't make a difference...I would think that wouldn't worry me at all, no (Interview: Farmer P-2).

Another farmer with two registered Aboriginal sites on his farm reflected on his sense of pride in having some sort of association with Aboriginal culture and history through his ownership of land:

Since you've been here I suppose I've thought a little bit more about it, and you know, it's important and it's...and I am actually quite proud of Aboriginal heritage really in Australia. Anything I have had to do with Aboriginals I'm sort of proud that they were here before us and left the land in a terrific state. You could probably learn a lot off them I think (Interview: Farmer P-3).

Another farmer, while having no identified Aboriginal site on his property, also expressed this view:

In some ways, you should be reasonably proud that your farm has got some significance with the cultural background of Aborigines (Interview: Farmer P-4).

Expressing the sentiment of pride in a different way, farmer P-10 said having an Aboriginal site on his property would be regarded as an additional asset and it would be a privilege to have an Aboriginal site on the property:

Farmer P-10:

I'd feel quite honoured to have a place [Aboriginal site] on the property. You know, a bit of an attraction.

Researcher:

Yes?

Farmer P-10:

Really. Not that you'd make it a tourist destination or anything, but it's a valuable asset (Interview: Farmer P-10).

6.3.4 Discussion

The satisfaction some farmers feel for owning land with signs of previous Aboriginal occupation may emanate from an appreciation of Aboriginal cultures as “a unique dimension of Australian life and thought.” (Berndt & Berndt, 1999, p. ix). However, many participant farmers perceive the evidence of Aboriginal links with their land as useful, valuable and worth protecting because they extend the history of farmland. Nevertheless, participants in the current study appreciate that landscapes, places and objects hold multiple meanings and values for different people; a perspective accepted by many scholars (Antrop, 2005; Ashworth, 1994; Berger, 2009; Stephenson, 2008).

Largely, participants in the current study recognise that colonisation has affected Aboriginal cultures enormously, and acknowledge the loss of control and access to land experienced by Aboriginal people. The study of McIntyre-Tamwoy (2004) suggests that non-Indigenous people may value a place or landscape because of the real or perceived values of Aboriginal people. However, farmers are cognisant of a powerful emotional response generated through their personal and intimate interrelationship with the land. Some farmers consider this sensitivity to the land emulates the attachments of Aboriginal people.

Aboriginal links with farmland are respected and valued by participant farmers for adding a long-time Aboriginal history to the short-time settler history of their farms, and that this adds to their personal histories and heritages, although Ah Kit (1995, 35) is of the view that the realities of a colonial past also hinder the non-

Aboriginal participation in Aboriginal heritage. Historian Tom Griffiths (1996) describes the “transformation of pre-history to history” (p. 4) as an attempt by people, possibly unconsciously, to “foster emotional possession of the land” (p. 5). It should be noted here that several farmers approached to participate in this study declined without stating a reason. One farmer, though, declined to take part in this study because it ‘may cause trouble’, indicating that, for this farmer at least, having an ACR on his farm was not a source of pride, but a source of nuisance. Investigations of farmer involvement (or not) in Indigenous issues, such as the current study (see Chapter 5.5.2, p. 150), warrant further investigation using alternative methodologies (see Chapter 8.4.3: Future research, p. 257). Nevertheless, participating farmers’ recognition of Aboriginal connections to their farmland (and their receptiveness toward the idea of heritage protection and conservation of ACR and ACH) is positive because ‘recognition’ is a key issue for reconciliation,¹⁶⁷ as well as a solid foundation for building farmer engagement and support for the management of ACR and ACH on farms.

6.4 Connections to land

The sub-themes, *Importance of land for farmers* and *Stewards & caretakers*, reflect participants’ cultural, social, environmental, and economic connections to farm landscapes. There is little doubt that land is an essential component in conducting a farm business and is important for farmers. However, many farmers confirmed that they have a bond with their farmland that surpasses a business relationship, developing through a close and intimate interaction with the landscape and environment and long-time, often intergenerational, ownership of farms.

6.4.1 Importance of land for farmers

Farmers overwhelmingly express the importance of land to their business and satisfaction in optimising the landscape for farming. Often described as development, this is considered by farmers as necessary for a viable and sustainable farm business. However, farmers also claim that their close working partnership with the landscape generates special feelings and attachments. Farmer

¹⁶⁷ Council for Aboriginal Reconciliation, 2000; Environmental Protection Agency, *State of the Environment (SoE) of South Australia*, 2008, pp. 286-291.

P-14 alluded to the notion of close association with a timeless land inducing special feelings of appreciation:

It [land's worth] is probably more than interest value. It's something, this piece of land, you know, you wonder what's happened for thousands of years before. It doesn't matter who's on it (Interview: Farmer P-14).

Family events and happenings occurring within the farm landscape become closely linked with, and part of the family narrative. In the experience of farmer P-5, links with land were intergenerational in nature:

Well, this land here, where I live, that was originally a scrub block, and we've developed it from original scrub. When we bought it in 1965, right here was all scrub. The reason why I built the house here was, my Grandfather come down here one day, when I was about 11. We walked up through the scrub and he said this would be a good spot to put a house one day. When we cleared it 30 years later, 25 years later, we actually built a house here (Interview: Farmer P-5).

Farmer P-2 professed an empathy with Aboriginal viewpoints when talking about connections to land; expressing a personal connection to farmland surpassing economic considerations:

This is something my wife even doesn't understand in some ways, is that when it comes to handing a farm on to a son, because we have got a son who is hovering. He probably will come home to the farm. But it's not because of the business that I want him to come home, it's because of the land. I mean, it...because we cleared, not so much this farm we are on here, but the home farm. When we cleared it all, we brought it...You know, it has just become part of 'us'. I actually understand where the Aboriginal culture and the land comes from because they, didn't farm it, but they used it and it becomes part of their whole being...and in some ways that what the land does to me as well, because I could live on this land even if I didn't farm it (Interview: Farmer P-2).

Farmer P-2 went on to say:

It's sort of, one of the things that land can do to you. You just get so attached to it that it's part of you. So it's a little bit of everything in there. I do farm it as a business, but it's a heck of a lot more than that (Interview: Farmer P-2).

Other farmers also consider their own attachments with the land correspond with those of Aboriginal people:

Do you know, I don't think that is just an Aboriginal thing? That's a human thing. We all have that connection to where we come from at a deep core level (Interview: Farmer P-8).

We talk about Aboriginals having a bond to the land, well, I don't think there's any difference to farmers of several generations; they have that same bonding. I am sure; I can't believe it's [the Aboriginal bond] any stronger (Interview: Farmer P-11).

Most farmers considered that their ownership and bonds to farmland did not necessarily preclude acceptance of layered histories and heritages associated with their properties, which they accept as a valuable addition to distinctiveness of their farms.

6.4.2 Stewards and caretakers

From the interviews, farmers communicated a view of themselves as stewards or caretakers of their farmland for the benefit of future generations. Some farmers articulated this view specifically:

You've occupied the land and then developed it until the point where it is now...and, hopefully, keep it in a reasonable state for generations in the future (Interview: Farmer P-5).

I'm only going to be on this place for X number of years, so I'll enjoy it while I've got it. And that then becomes part of my trusteeship to it. I've got it while it's mine and I'll look after it. Then it's the next person's, sort of thing. I would like it to be my descendants (Interview: Farmer P-2).

Although emotionally attached to the farmland, farmer P-2 points to difficulties combining caring for land with the practicalities of farming:

It depends on what mood I'm in, probably [both laugh]. I mean, I do see myself as a caretaker of it [farmland], definitely; but I try to make it as a business out of it. But at the same time, the land probably means more to me than the business (Interview: Farmer P-2).

Supporting farmers' general appreciation of historical associations and an Aboriginal connectedness with their properties, many farmers felt it beneficial for documentation of the Aboriginal connections and the recording of Aboriginal sites and objects to occur. Farmers felt that the protection and preservation of Aboriginal sites and objects was for the benefit of future generations:

This area being so undocumented and unknown, and if it's not worked at now, then that's it. It [heritage knowledge] will be lost forever. There will be no record of history, you know, of lots of the areas around here (Interview: Farmer P-9).

You don't want to disturb [ACR], you know, if there's been damage in the past, you don't want to do any more damage than what is already there (Interview: Farmer P-6).

I certainly wouldn't want anything done to it that would damage it (Aboriginal sites) or anything. Yeah, I'd be positive about having one rather than having any negative connotations (Interview: Farmer P-11).

On the other hand, if you are a little bit interested, perhaps it's worth fencing that area off, and just keeping it for generations, and just having it documented and recorded, I think would be good (Interview: Farmer P-4).

I mean what would be wrong with, you know, fencing it off and looking after it. It wouldn't be too bad a thing to do would it? And have some, get some help to do it (Interview: Farmer P-3).

The idea of land ownership incorporating a stewardship role caused some farmers to perceive a responsibility to provide public access to aspects of their farm property:

Yes. We own it [land] by title, and that's how I look at it. We should still probably share what we have got on our property with other people (Interview: Farmer P-4).

In considering a caretaker role in farming, and a possibility of contemporary Aboriginal people seeking connection with farmland, none of the participants expressed an objection to Aboriginal access to places of significance for Aboriginal people. The comments of two farmers illustrate this kind of response:

I don't mind if they [Aboriginal people] want to come and look at the property and stuff like that, and respect it. I mean when it all gets down to the fact - we don't own the land anyway. We are only looking after it. Yes, we own it by title, and that's how I look at it (Interview: Farmer P-4).

If I had some site and Aboriginals wanted to come on to it, honestly, I wouldn't have a problem with that (Interview: Farmer P-11).

6.4.3 Discussion

Land is the essence of a farm business and proper management of land is regarded by farmers as essential to operating a viable and sustainable business. However, farmland is often closely linked to individual meanings, which participants often described as extending far beyond business interests, where close social and working relationships with the farm landscape engenders deep strong emotional states for them. In this way, over time, the use of the farm landscape as a *space* for primary production also becomes a *place* in the landscape instrumental to the individuality and identity of the farmer (Low & Altmann, 1992). Tatiara farmers form sentiments, fostered from personal (often generational) family connections, events, stories, and notions of *home*, contributing to a sense of history and the formation of personal values (McKibben, 1989). Thus, the history of the farm is valued by participants as an important aspect contributing to their heritage.

It is Vanclay's (1992) view that most farmers support an ethos of stewardship. For participants in the current study, taking care of the farm means passing along to future generations a viable and sustainable agricultural land. Farmers' ideas of conservation are linked to positive outcomes for agriculture. Therefore, farmers' ideas of conservation incline toward farm management and the natural environment values, rather than cultural values. Nevertheless, as shown in the previous section, socio-cultural values are a significant aspect in attachments to land. Participants of the study by Curtis and De Lacy (1998, pp. 70-71) were "more concerned for the economic impacts associated with land degradation" (p. 71) than ethical responsibilities, supporting the notion that factors in farming can compromise a sense of stewardship.

Similarly, Thackway and Olsson (1999, p. 92) conclude that farmers' hesitancy to involve themselves in bio-conservation efforts were due, in part, to economic concerns. Their examination of four case studies indicates partnerships in conservation are more liable to success when engaging the interest and support of farmers. The results of the current study support these findings. As current strategies for ACH protection on farms rely on farmers reporting the discovery, and avoiding disturbing or destroying ACR and ACH,¹⁶⁸ the meanings and

¹⁶⁸ Aboriginal Heritage Act (SA) 1988, s. 20 and s. 23.

requirements of ACH stewardship for landowning stakeholders are pivotal in achieving favourable outcomes (Hunziker, Buchecker, and Hartig, 2007, p. 57). However, while the participants in the present study have an interest in ACR and ACH, they are also worried about how stewardship of ACR and ACH might affect them and their businesses.¹⁶⁹ Therefore, understanding the situations and needs of farmers engenders the trust and confidence necessary for farmers' support and engagement with ACR and ACH.

6.5 Issues of trust

Despite their expressing support and empathy for Aboriginal history and heritage, trust emerged from the interviews as a prominent issue for farmers. This master theme comprises the sub-themes of *authenticity*, *trusting advice*, and *personal distrust*.

6.5.1 Authenticity¹⁷⁰

Interviews with farmers revealed very little overt racial prejudice. However, two farmers introduced notions of race when discussing the validity of some sites. Where Aboriginal sites were of an intangible nature, farmer P-1 felt some doubt could be held about the genuineness of claims of significance. While acknowledging due respect and the right of Aboriginal people to sites of intangible significance, farmer P-1 voiced concern over the possible fabrication of sites for benefits related to goals of Aboriginal activism and economic profit:

I have a problem with sacred sites. In that suddenly they appear from nowhere. I can tell you some stories which I'm not going to repeat now of it [laughs]. They're dreamed up some of them. There some genuine ones, I'm not knocking that around. But sacred sites are a very handy weapon and I'm afraid that they are...I know of instances where they've been turned up and there was never one there before and that's a problem we've got to look at, and I think we've got to respect their sacred sites the same as they respect our churches; but they've got to be genuine. That's the point (Interview: Farmer P-1).

¹⁶⁹ Farmers' perceived threats are points taken up in the following chapter (Chapter 7, *Results and Discussion – Part2: Capacity and Engagement*).

¹⁷⁰ For discussion of authenticity, refer to Chapter 2: *Cultural Heritage and Aboriginal Identity in Farming Landscapes*.

However, farmer P-1 went further; using ideas of race when expressing concerns about the genuineness of Aboriginal people claiming places and sites significant:

Yes, I do. I think that they...well I'll rephrase that. I think that some of them do [find places significant]. Well I mean, you get back to the real Aborigines, the full bloods they definitely do. I'm quite sure of that. Whether the others do or not, I'm not real sure on that (Interview: Farmer P-1).

Farmer P-1 went on to state:

I think with the full-bloods you are pretty right. They would come up with something that was pretty genuine. But I think there's a bit of fantasy as it gets further along and money's involved [laughs] (Interview: Farmer P-1).

One other farmer perceived racial distinctions in evaluating Aboriginal people stating:

The full-blood Aborigine for me is fine. They are really nice people (Interview: Farmer P-15).

Nevertheless, participants in the current study, including the two mentioned above, are supportive of the notion of protection and conservation measures for ACR and ACH. However, farmers maintain that if they did not trust or feel comfortable dealing with an individual or institution, they are disinclined to engage with them.

6.5.2 Trustworthy advice and assistance

Several farmers revealed that they would only report the discovery of Aboriginal sites or objects on advice received from trustworthy individuals or organisations. Moreover, many farmers considered decisions and advice on Aboriginal heritage management required recognition of the practicalities and constraints of farming. Farmer P-10 states:

If it's not a body you can trust or feel comfortable with, then you are just not going to report it. If you thought, I know that this can be protected, and I might get half the cost of fencing off this area to keep the stock out of it, or something like that, which they do with natural heritage, yes. So, something like that (Interview: Farmer P-10).

Some farmers indicated they would seek initial advice from a trusted organisation.

A trusted contact point suggested by farmer P-13 was:

The museum is a recognisable institution, and if they are not the appropriate people to contact, they will tell us where to go (Interview: Farmer P-13).

Other farmers indicated that initial contact for advice would best be someone personally known and trusted by them, using the researcher in the current study as an example:

But that's probably the situation, the fact that I know your [the researcher] history, that I knew you had an interest in it and things like that. I think you'd be my first port of call actually, I'd talk to you [referring to researcher] first (Interview: Farmer P-11).

It would have to be somebody who knows a bit about.... There's this bloke [Referring to researcher] that knows a bit about Aboriginal sites, he might; somebody like that might be able to help [both laugh] (Interview: Farmer P-10).

Trust in the aims of the official government body responsible for the management of Aboriginal heritage and the administration the *AHA (SA) 1988* was also identified as an issue. While ruminating on possible management decisions made by the Aboriginal Heritage Branch following reporting of ACR, the comments of farmer P-4 suggested some concern and doubt about the motives of Aboriginal people:

I reckon it might depend on who runs it [Administration of the *AHA (SA) 1988*]. I reckon if...not so much white people, but people of our own culture were running it...with the Aborigines as well, we'd get more trust in the situation. Instead of just having Aborigines running it. I don't suppose they do just run it anyway, it's probably white people as well. To get the trust (Interview: Farmer P-4).

The research data indicates issues of ACR and ACH are regarded negatively when people do not feel at ease or comfortable. The interviews revealed the personal distrust of some farmers is related to the notion that information and opinion from local Aboriginal people would not be authentic and authoritative, or would result in some *trouble*.

6.5.3 Personal distrust

The interviews revealed that some farmers were distrusting of local Aboriginal people active in Aboriginal heritage in the Tatiara district, believing that their advice would not be authentic or authoritative and may lead to *trouble*. The view of Aboriginal people as ‘trouble’ does not seem to be applied extensively, but focused upon specific local people closely involved in Aboriginal heritage matters:

There are certain local Aboriginals have been troublemakers, but most of them aren’t, they are just the same as anybody else. I wouldn’t have a problem (Interview: Farmer P-11).

These farmers’ mistrust is not always based on personal experience, but also arises from their hearing about the experiences of other people in the district. For example, in discussions of identifying local ACR, farmer P-15, highlighted the experiences of a relative:

He [relative] quite often disputed what [local Aboriginal person] said. For the reason, he travelled a lot of the area around here because of his contracting work and he said [a local Aboriginal person] was wrong on quite a few things. He used to get quite irate (Interview: Farmer P-15).

The interviews revealed that accounts of the experiences of others were sufficient to affect the decision-making processes of farmers. Although feeling it would be important to seek expert opinion in identifying ACR, farmer P-7 lacked the confidence or inclination to seek the advice of the local Aboriginal people:

Get some advice. Like, is it [is the site of Aboriginal origin]? That’s probably what I’d do; before I went to any authorities...not a certain other person [referring to specific local Aboriginal person] (Interview: Farmer P-7).

6.5.4 Discussion

Participants in the current study are much more comfortable with expressing ideas of their own heritage than trying to understand the cultural heritage of another cultural group. Two of the fifteen participants in the current study rationalise their thinking about Aboriginal cultures in terms of race. Although this finding reflects an outcome of the study conducted by Dunn, Forrest, Burnley and McDonald

(2004) showing about one Australian in eight hold racist views,¹⁷¹ it does not mean the views of these two are racist, although they help to underpin such views (Hall, 2000, pp. 222-224). Modern theories of racism differentiate between an ‘old racism’ of racial hierarchies and notions of superiority and inferiority, and a ‘new racism’ of cultural indifference that relates to intolerance, national identity-making and white privilege (Dunn et al., 2004, pp. 411-412). New racism functions using stereotypes that are promulgated through the media and socio-political discourse (Goodall, Jakubowicz, Martin, Mitchell, Randall & Seneviratne, 1994, pp. 61-65).

Interestingly, the two participants mentioned above did not reference intolerance, national identity-making or white privilege in forming their perceptions of other cultures. In forming their opinions, they drew on things they knew, or believed they knew, thereby holding to (pre-existing) prejudice about what Aboriginal or Aboriginality should be (Pedersen, Griffiths, Contos, Bishop, and Walker, 2000). This is a result that highlights that education and information are critical in addressing issues of stereotype and prejudice. Further, the Pederson et al. (2000) study showed the function of prejudicial attitudes was different for different locations, indicating that local context is also a pivotal factor. Local context is also relevant in distributing educational solutions aimed at overcoming the racial attitudes of people in New South Wales and Queensland (Forrest & Dunn, 2006).

Almost all participants were initially unaware of the *AHA (SA) 1988* and the role of the AHB as the government body to approach about Aboriginal heritage matters.¹⁷² Even with that knowledge, suggestions were made that the SA Museum was the place to direct enquiries. Several farmers also suggested the researcher as the person they would contact if there was need for advice or assistance regarding ACR and ACH. There are several possible reasons for this.

¹⁷¹ Racial discrimination is defined internationally as “any distinction, exclusion, restriction or preference based on race, colour, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.” (UN1965, *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD), Part 1, article 1 (1), Available online, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>, Accessed 30 August 2014).

¹⁷² The details of the *Aboriginal Heritage Act (SA) 1988* and the administrative role of the Aboriginal Heritage Branch (AHB) were explained (a copy of the Act was given to participants) to participants during the initial recruitment meeting, before agreeing to participate in the current study.

One farmer expressed the notion that farmers would distrust in the idea of dealing directly with the institution perceived as having a mandate to deal favourably with Aboriginal issues. Another farmer referred to the museum as an institution with personnel having expertise (Smith, 2006) in ACR or the ability to direct inquiries to the appropriate place. For other farmers, their suggestion of the researcher as a point of contact was possibly influenced by relational aspects in three areas: first, acknowledgement of the researcher as a person known to have expertise of Aboriginal heritage issues; second, participants' ability to place the researcher as a 'safe' contact within the local community; third, through the process of research discussion and interview involving elements of researcher trust, noted by Collis and Hussey (2003, p. 167-9), Kvale and Brinkmann (2009, p. 302), and Yin (2011, p. 118-119).¹⁷³

Tatiara farmers do not trust that their ideas of Aboriginal cultures and values have currency as they have difficulty in recognising elements of Aboriginal culture and determining what is possibly significant. Participants in the current study feel they are not able to discern many tangible and intangible resources or heritage values of local Aboriginal people and, therefore, are inclined to leave it to experts to point out the form and significance of an Aboriginal object or place. Thus, farmers pay deference to the expertise and "authorised heritage discourse" (Smith, 2006, pp. 11-12) of governments and heritage professionals. Although local Tatiara Aboriginal people may intercede as interested parties, they are not given credence as experts by many farmers because they are perceived as lacking in knowledge or are untrustworthy and looking after their own interests. This finding has substantial implications, not only for the management of ACR, but also for the establishment of ACH because Aboriginal knowledge and knowledge production lies at the heart of ACH.

The personal experiences of participants did not appear be a required factor in evincing attitudes of distrust. As mentioned previously, farmers draw on what they know or learn when forming attitudes or opinions on other cultures, and anecdotal evidence was enough for these participants to prefer to defer from engagement. The findings above indicate that farmers' attitudes toward, and

¹⁷³ Establishing trusting relationships with participants was considered a necessary factor in successfully undertaking the current study – refer to Chapter 4, *Research Methodology*, pp. 16-18.

relationships with, local Aboriginal communities will have implications for collaborative approaches in dealing with ACR and ACH on farms (Nicholas, Roberts, Schaepe, Watkins, Leader-Elliot, & Rowley 2011).¹⁷⁴

Several farmers, initially contacted as prospective participants, declined to take part in the current study because they perceived potential backlash from the Aboriginal community through participating. One of the dissenting farmers described the Aboriginal heritage situation as currently quiet, and it was best for it to remain that way (Field-notes, 16 January 2012). There is apparent disjuncture between the satisfaction farmers' claim for connections of ACR and ACH with their farm property and the concurrent reality expressed by participants (and non-participants) that these connections are problematic. Farmers' perceived problems with ACR and ACH is expanded in the following chapter, and consideration of the whole issue is undertaken in the final chapter.

6.6 Evaluative summary: understanding and sensibility

6.6.1 Uncertain ideas and understandings of cultural heritage

Although initially having given little conscious thought to the idea of heritage, most participants perceive cultural heritage in ways that may be regarded as modern. However, participants do not trust that their appreciation of cultural heritage is valid at a professional level. With consideration, most participants regard surviving elements of the past as a fundamental to cultural heritage. However, many participants go further, seeing cultural heritage as those elements of the past that are treasured and meaningful for present-day individuals. Therefore, for many participants, the meaning of cultural heritage is perceived for contemporary social needs; understanding that valued elements of history form the foundation for contemporary identities. Participants perceive Aboriginal heritage in similar terms, but do not know or understand the values of Aboriginal cultures. Participants perceive Aboriginal heritage in broader terms than the idea of heritage within the *AHA (SA) 1988* and, following their careful study of the *AHA (SA) 1988*, farmers continue to be unsure. This uncertainty arises because the

¹⁷⁴ Discussed in the following Chapter 8, *Conclusions*.

participants perceive heritage values as subjectively decided and question whether they have the right or ability to say what is important for Aboriginal people.

6.6.2 Narrow sense and sensibility of Aboriginal cultures and values

Many participants empathise with the notion of Aboriginal people having close and intimate connections to land. However, participants value potential Aboriginal connections to farmland through an appreciation of Aboriginal history, which they perceive as adding to national, local and personal histories and heritage. Participants recognise and value layers of histories to their farmland, perceiving elements of farmland history adds to their personal heritage. Although believing that landowners have a responsibility toward conservation for future generations, participants' stewardship ethic is biased towards benefits to farming.

Farmers are interested in Aboriginal cultures, but feel ignorant because of their lack of knowledge and understanding. Participants interpret Aboriginal people in the Tatiara as suffering loss of their Aboriginal culture through miscegenation and modernity. Authenticity of traditional Aboriginal life is a factor in most farmers' rationalisations of Aboriginal cultural values because they lack understanding of contemporary Aboriginal cultural values. Perceiving Aboriginal people living in the Tatiara area today as culturally inauthentic, participants' sense of Aboriginality arises through stereotypical views of traditional Aboriginal people elsewhere.

The results of this study indicate that farmers welcome information concerning ACR and ACH, however, trust and confidence is a relevant factor.

Trustworthiness is clearly a feature in farmers' proclivities toward engagement and involvement in matters of ACR and ACH, especially when they perceive issues as affecting or opposing their farming interests. It is increasingly clear that it is important to comprehend farmers' perceptions as they affect their *Capacities and Engagement* in locating, protecting, and preserving ACR and ACH on their farms. In the following chapter, I present and discuss further findings of the current study under this heading.

Chapter 7

Results and Discussion - Part 2: Capacity and Engagement

Familiar acquaintance with meanings...signifies that we have acquired in the presence of objects definite attitudes of response which lead us, without reflection, to anticipate certain possible consequences (Dewey, 1910, p. 125).

Tatiara farmers' perceptions of Aboriginal heritage on farms are explored and discussed in this chapter under the heading of *Capacity and Engagement*. Findings are presented and discussed under four themes; (6) *Discovery of ACR* (7) *Information and guidance* (8) *Farming around ACR and ACH* and (9) *Perceived threats*. Fourteen sub-themes are incorporated and selected quotes are taken directly from the raw data.

Whatever the motivations of the original legislators of the *AHA (SA) 1988*, the South Australian government has instituted a legally enforceable expectation that landowners, including farmers, will actively engage in discovering, protecting and preserving Aboriginal Cultural Resources (ACR) and Aboriginal Cultural Heritage (ACH) on their land. Under the *AHA (SA) 1988* (s. 20), the owners or occupiers of land must report any discoveries of Aboriginal sites, objects or remains to the authorised Minister as soon as practicable. Moreover, section 23 of the Act states that no one may damage, disturb or remove Aboriginal sites, objects or remains. Maximum penalties apply in both cases; in case of a body corporate- \$50 000 and, in any other case, \$10 000 or imprisonment for 6 months.¹⁷⁵ Despite their initial ignorance of their legal obligations (as outlined above), participants in the current study feel that it is presumptuous on the part of government to assume

¹⁷⁵ *Aboriginal Heritage Act (SA) 1988*, Part 3—Protection and preservation of Aboriginal heritage- Division 1—s. 20- Discovery of, and search for, Aboriginal sites, objects and Remains; and s. 23-Damage etc. to sites, objects or remains.

they have the capacity to conform to the expectations placed upon them. They feel the expectations and demands of Aboriginal heritage law do not integrate well with the requirements, practicalities, and practices of farming. Farmers make the point that the landscape is often disturbed in the act of farming and farm decisions proceed with practices that may damage ACR.

7.1 Information and guidance

Farmers report an overwhelming ignorance regarding the legalities and characteristics of Aboriginal heritage. Although many farmers are aware of the possibility of the existence of Aboriginal heritage legislation, most have little idea of their legal obligations under sections of the *AHA (SA) 1988*. No farmer knows of the review of the *AHA (SA) 1988* currently being undertaken by the South Australian government. Nor do farmers understand the various forms of ACR. For instance, farmers were not conversant with the idea of significant Aboriginal landscape features (such as, granite outcrops, springs or swamps), and, while farmers understood about stone tools and traditional weapons, they were not aware of the places where these may potentially be found on their farms. All farmers felt a need to be better informed and educated about Aboriginal material culture and their legal responsibilities regarding ACR and ACH.

7.1.1 Knowledge of the *AHA (SA) 1988*

Interviews with farmers revealed that most know or presume the existence of legislation about Aboriginal heritage. However, farmers' awareness does not extend to knowledge of the specifics of Aboriginal heritage law and how they are affected as landowners, including their obligations to report the discovery of Aboriginal sites or objects:

I wouldn't have had any specific knowledge of [*AHA (SA) 1988*] by-laws, or clauses, or whatever. At all (Interview: Farmer P-10).

Researcher:

You have already said to me that you weren't aware of the legislation [*AHA (SA) 1988*]?

Farmer P-5:

Not my responsibilities. I knew there was legislation, but I didn't know I had those responsibilities; the specific responsibility to report something if I found it (Interview: Farmer P-5).

Another farmer stated:

Researcher:

Did you realise that you need to report something [of Aboriginal origin] if you find it? Did you know that before [the interview]?

Farmer P-6:

I didn't know that before [the interview], no (Interview: Farmer P-6).

On learning of their obligations under the *AHA (SA) 1988*, most farmers indicated a willingness to comply. Farmer P-5 felt comfortable with the idea of reporting any discovery of Aboriginal sites or objects:

Now that I know what I have to do, I'd be more than happy to report it [discovery of ACR]. Whereas, in the past, I didn't know that I had to do that (Interview: Farmer P-5).

For farmer P-6, awareness and knowledge of legal obligations provided clear direction and purpose to steps to take should ACR be revealed to him:

I suppose the only thing is now I know and I'm aware of it [AHA (SA) 1988]. You'd know what to do now, but before that, you don't know, you don't know of that (Interview: Farmer P-6).

Farmer P-14 also acknowledged little knowledge of landowners' obligations under the Act. However, he observed that knowledge of landowners' legal responsibilities to report Aboriginal sites or objects would enable them to make informed decisions, although that did not necessarily mean compliance:

You knew it [AHA (SA) 1988] existed, but didn't know much about it. I didn't know if you found stuff, you had to report it. Probably, if most people knew that, they would report it...or cover it up quick (Interview: Farmer P-14).

No farmers were aware of the current review of the *AHA (SA) 1988*. Farmer P-6 provides a typical interview response:

Researcher:

They are actually making changes to the Aboriginal Heritage Act at the moment. Were you aware that this Act is under review?

Farmer P-6:

I think you said the other day, yeah.

Researcher:

But you didn't know that before [that conversation]?

Farmer P-6:

No. I didn't actually. I knew nothing (Interview: Farmer P-6).

Farmer P-2 expressed frustration that legal and administrative changes potentially affecting him personally are not conveyed and explained in a direct manner by the government agency responsible:

Researcher:

Did you know about that process [review of the *AHA (SA) 1988*]?

Farmer P-2:

No. Look, it's one of the processes of government that I find frustrating in some ways because they do change things without us, at grass roots, ever knowing about it. It's all right for them to say that they included SAFF [S.A. Farmers Federation] in the process, not everyone is a member of SAFF. But even so, that's taking the easy option, and I think if they want to change me as an individual, I do need to be told, 'individually' that I'm involved in it. Not tell a group, an organisation, and then expect that organisation to come and contact me. Not that I would, probably, have done anything, but I think a letter to me would ...It gives me the choice (Interview: Farmer P-2).

Many farmers questioned the fairness of being open to penalties for legal non-compliance while having little or no knowledge of their responsibilities under the Act. In the opinion of farmer P-8, there is a government administrative obligation to provide farmers adequate education of their legal responsibilities:

The only thing that I think is unfair about it [*AHA (SA) 1988*] is that you can be fined or whatever for something you didn't know about. Surely you need to be educated about all this beforehand? (Interview: Farmer P-8).

7.1.2 Knowledge of Aboriginal Cultural Resources (ACR) and Aboriginal Cultural Heritage (ACH)

Participants also question whether they have the knowledge or skills to engage with ACR and ACH. Farmers indicated it is essential for them to be educated and informed of what may be located on their farms, not only in the forms and types of ACR, but also in the relevance and significance of ACH. Farmer P-10 declared he had no idea of what to look for, or where to look for it:

If it was a burial site, like that, or somewhere where people had obviously camped and cooked...I don't know how you'd know where that was though, I wouldn't know (Interview: Farmer P-10).

This view was supported by farmer P-1, who was of the view most people are not trained in ACR and would not be able to recognise it:

There is a lot of people who wouldn't have a clue what Aboriginal artefacts were (Interview: Farmer P-1).

Most farmers lament their ignorance of Aboriginal cultural matters. Farmer P-6 feels that knowing legal obligations to report ACR is insufficient, and there is a need for more information about ACR and ACH; particularly in the procedures to follow in reporting and caring for ACR and ACH:

But for me, it's [discovering ACR] probably looking for a needle in a haystack. Yes, for me, until I was a bit more informed on what could be there and what to do. What I'd be actually looking for (Interview: Farmer P-6).

Farmer P-3 has two known Aboriginal sites on his farm. However, although both sites are formally registered Aboriginal sites (entered on the RASO), little information has been conveyed to him about the significance and content of the sites. Although acknowledging some responsibility for his ignorance, he expressed a desire for more details and management advice about the sites:

Oh. Educate the people that, like us, the landowners, that what's there and what is important about it. It's my fault I suppose, but we are so ignorant, not informed at all about what's there (Interview: Farmer P-3).

7.1.3 Administrative function and guidance

The Aboriginal Heritage Branch is the bureaucratic arm responsible for the administrative function and guidance to ensure compliance to the AHA, although the current study identifies some disparity between bureaucratic records and farmers' perceptions of ACH on their land.

Aboriginal sites located on farms in the Tatiara district and entered on the Register of Aboriginal Sites and Objects (RASO), or entered on the Central Archive, are recorded as being located on farms owned by four participants in this research. One farm is recorded as being the location of two Aboriginal sites entered on the RASO. One farm is recorded as having one Aboriginal site entered on the RASO, and two farms are recorded as each having one Aboriginal sites entered on the CA. The location of the registered Aboriginal site recorded as being on the

property of farmer P-1 was disputed by the farmer. Claiming experience of Aboriginal sites and objects, farmer P-1 was adamant that the records were incorrect:

I don't believe there is any Aboriginal cultural heritage site on my land. I think it gets mixed up with [local place] alongside (Interview: Farmer P-1).¹⁷⁶

Farmer P-3 was aware that his land contained registered Aboriginal sites discovered and registered before his buying the property. His experiences indicate that there is little follow-up from the Aboriginal Heritage Branch about management of the sites following ownership change. Although being informed about the sites during the purchase of the property, farmer P-3 feels his knowledge of the location of them is inadequate:

I wasn't dead certain, no, where they [registered Aboriginal sites on farm] were (Interview: Farmer P-3).

He goes on to declare that he spent little time considering the form, content, or the heritage values of the sites:

I know very little about it and haven't even thought much about it, and hardly knew it was there to be honest (Interview: Farmer P-3).

Reflecting on his limited knowledge, farmer P-3 felt he should be more proactive in seeking further information from the previous owner:

He [previous owner] may...look he may know. He's an interesting sort of bloke. He may have been interested enough to look into it. But he never actually told me anything about it. I probably should find out (Interview: Farmer P-3).

The two farmers with Aboriginal sites entered on the CA were not aware of the places as sites of past Aboriginal activity. Farmer P-6 was aware of a site on his property as a historic site, although he was unaware it was also reported as an Aboriginal site:

¹⁷⁶ This fact was later confirmed by the researcher. The RASO records of the Aboriginal Heritage Branch gave an incorrect map reference and land owner's name for the location of the Aboriginal site. However, it is certain the Aboriginal site is correctly linked to the appropriate section of land on land title records.

Well, I wasn't aware of that [Aboriginal site] until you told me the other day. I always presumed it was heritage listed for [SA State heritage place] (Interview: Farmer P-6).

Farmer P-6 went on to suggest that government intervention informing farmers of Aboriginal sites was necessary to assist farmers to conduct farming operations around heritage sites:

Well, I guess it's got to help, well, you doing this, and if also you have found a site, and it was, everything was documented better so that you are aware that it's there or not (Interview: Farmer P-6).

Land owned by Farmer P-2 also has a site with dual listing as a State Heritage Place and an Aboriginal site. Although well aware of the site as State Heritage, he had no understanding of it as an Aboriginal site:

But specifically-no. I didn't specifically see [regard] it [Aboriginal site entered on the SA Central Archive] as an Aboriginal site (Interview: Farmer P-2).

Farmer P-2 also felt the Aboriginal Heritage Branch had a responsibility to inform farmers about any Aboriginal connections reported to be located on the farm; making the point that this information was needed to enable farm management to take them into account:

If it's been reported as such and recorded as such, we do need to know about it, because if you don't know, how can you look after anything anyway? (Interview: Farmer P-2).

Farmer P-2 goes on to explain that anyone, including Aboriginal individuals or organisations having knowledge about Aboriginal sites on a property, has a responsibility to inform the farmer:

Look I'm not trying to be nasty to Aboriginal people or anything like that, but if they happen to know that we had something on our farm and they didn't report it, and we went out and destroyed that site, somehow or other, not knowing there was anything there, the responsibility, in some ways, goes back to them for not having reported it back then, rather than wait until we make a mess of everything and then reporting it (Interview: Farmer P-2).

The comments of other farmers supported these views. Farmer P-8 identifies a perceived need for farmers to have the knowledge of extant Aboriginal sites to manage farming around them:

I mean, education is often the key, isn't it? And when you said here the other day that, you know, the Aboriginal Heritage Board [sic] have got maps with sites on it. Well, we've got no idea of any of that. So if people were educated in that (Interview: Farmer P-8).

Farmers were unaware of the availability of government information about Aboriginal site, objects and the legislative requirements of landowners published by the Aboriginal Heritage Branch.¹⁷⁷ Commenting that the guidelines were unknown to him, farmer P-7 indicated that it would be a practical advantage to be informed about them:

It's probably helpful to know those things. I didn't know those things...some of those guidelines the heritage branch put out... Yes...but it's probably helpful to be aware of them (Interview: Farmer P-7).

7.1.4 Discussion

The results of the current study indicate that farmers' lack of knowledge of Aboriginal cultures, cultural material, and other resources for Aboriginal heritage is a key factor in the failure to discover ACR and consequential reports to the AHB. Before agreeing to participate in this study, farmers were informed by the researcher of their obligations under sections of the *AHA (SA) 1988*. In later interviews, many participants declared it was necessity for landowners to know their legal obligations; first, because it was important to have clarity of the steps and process to follow if ACR was discovered, and second, because it allowed making informed decisions.

Despite an internationally recognised responsibility for governments to provide the financial means and administrative measures necessary to protect and preserve ACR and ACH, information, advice and educational programs fail to reach farmers of the Tatiara district. Ultimately, the question is: is the South Australian

¹⁷⁷ The guidelines are available on the internet. All potential participant farmers were provided with the series of guidelines, and a copy of the *AHA (SA) 1988*, before their consenting to become participants in the research project.

government failing in their responsibility under international agreements, or is the South Australian government Minister in authority, and their agency, failing their responsibility under the Act?¹⁷⁸

Participants voiced frustration at their ignorance of their responsibilities as landowners under the Aboriginal heritage legislation because that meant farming decisions were not fully informed. The results also indicate that farmers' behaviours (whether these actions breached sections of the Act or not) would depend on their assessment as to how the discovery of ACR would affect their farm business, thereby, providing evidence for the concerns expressed by Schnierer, Ellsmore and Schnierer, (2011), where pressures relating to associated business and activities of private landowners may compromise strategies for protecting and preserving ACR and ACH.

7.2 Discovery of Aboriginal Cultural Resources (ACR)

An important issue raised in this study is that, unless specifically asked, farmers rarely think about Aboriginal connections with their properties, including the possibility of discovering physical evidence of previous Aboriginal occupation. Many farmers commented that their focus was on the practical economic priorities of farming and the idea of finding Aboriginal sites or objects would be unlikely to occur to them. Farmers also noted their general ignorance of the form and manner of ACR and ACH. A common comment was that, while farmers will notice unusual things on the farm, it is unlikely that ACR will be recognised by farmers unless they are better educated and informed. ACR may be manifest in numerous forms in farming landscapes. Material ACR, potentially recognisable by farmers, includes such things as campsites, scarred trees, stone artefact assemblages, cooking hearths and burials. ACR may be from traditional pre-European or historical time periods (see Chapter 4.4.4, p. 123). In Chapter 4.5.1, p. 125, I explained the pervasive nature of lithic material. Flaked stone artefacts, including lithic debitage, may occur as isolated, individual items or as low-density scatters, and could, potentially, cover extensive areas of a farm property.

¹⁷⁸ UNESCO (1968) issued a recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works; discussed in Chapter 3, *Aboriginal Heritage Management - Legislation and Administration*.

The three sub-themes within this master theme, *unmindful*, *out of sight* and *anecdotal evidence* reflect farmers' views of their consciousness of ACR and their abilities in perceiving ACR.

7.2.1 Out of mind

Farmers have a general view of the Tatiara landscape as much changed since European settlement, Repeated and extended cultivation of the land and vegetation clearance has continued to the present day, with more recent changes in farm technologies and practices contributing to further changes in the Tatiara topography.¹⁷⁹ Consequently, most farmers say they do not expect to discover ACR on their farm. For example, farmer P-1 considered that there were very few areas of his farm left undisturbed from pre-European times, stating, when it was originally ploughed, every “skerrick was ripped up” (Interview: Farmer P-1). This view is supported by farmer P-6, who states:

I should imagine they [ACR] would have been destroyed a long time ago because limestone...you either run a ripper through it...or somehow or other it's just been destroyed or cropped, or picked up [stones] and piled in the corner of a paddock or something (Interview: Farmer P-6).

Although with no way of knowing for sure, it is entirely possible for Aboriginal campsites to have been destroyed in the past through farming. Farmer P-9 considered destruction of an Aboriginal site had possibly occurred on their farm years previously:

Dad always said [blackened fire area] that was an Aboriginal thing...We just used to not think anything of it. We worked [ploughed] through it. We worked through it, but it stayed there for a while (Interview: Farmer P-9).

For the majority of farmers discovering ACR is not a conscious thought in their minds when farming, especially in areas where land has been farmed for a very long time:

I never ever expected to see a camp site out there (Interview: Farmer P-1).

¹⁷⁹ Refer to Chapter 4: *The Tatiara: Foundations for Cultural Heritage*.

We have been over the paddocks that many times now that...I wouldn't even go looking. Even if I knew where to look, I wouldn't. I don't think it would be worthwhile (Interview: Farmer P-5).

I wouldn't consciously go out and look. Not be going out and looking on the ground for it [Aboriginal sites & objects] (Interview: Farmer P-6).

I would find most of the farm that worked and cultivated that it would be very unlikely that I would find anything-on the real farmland (Interview: Farmer P-2).

Farmers indicated that the possible presence of ACR on their farms would not occur to them unless they had a personal interest in the subject, or an unusual event or intervention triggered consideration of it. As Farmer P-6 said:

I guess, you know, if it's an unusual paddock, or something different about it you probably would think twice, but if it's just a flat bit of ground and there was nothing unusual about it, you wouldn't consider it, think to do that (Interview: Farmer P-6).

For those participants in the current study who were sensitive to Aboriginal issues, awareness arose through an interest in Aboriginal culture and history or a bureaucratic requirement. For example, one participant farmer has a long-time interest in local ecology and history, and hence a curiosity and concern for the Aboriginal history of the Tatiara. Although believing that most farmers would not be interested, he personally looks for and takes notice of evidence of Aboriginal occupation of the Tatiara district.

I am interested in the culture and history of Aborigines. Most people probably wouldn't be interested in it. Because everybody's different and everybody just goes out and does their farming every day and doesn't think anything of it (Interview: Farmer P-4).

Ownership of land with registered Aboriginal sites is the source of one participant's involvement with Aboriginal heritage; although this farmer knows little about sites themselves:

To be honest I know very, very little about it [the two registered sites]. All I knew was that when the [state development] went through, they must have found something and that's when it all started. That's the only thing I know about it, to be honest. (Interview: Farmer P-3).

For another participant, thoughts of ACR on parts of his property resulted from his application for a licence to mine stone on part of his land. Part of this process involved obtaining clearance from the S.A. Aboriginal Heritage Branch that mining operations would not affect Aboriginal sites or objects in the area.

I put a mining lease on it and then I sold it to [local business people] and those guys. They mined it and I get a royalty from them. But it had to go through them to get the mining lease on it, it had to go through the Aboriginal Heritage Branch. I don't think they inspected it. I think they just have a look on a map and say well there's nothing there, that's alright (Interview: Farmer P-7).

For almost all participants in the current study, not only is the idea of ACR out of their minds, most ACR is also out of their sight.

7.2.2 Out of sight

Most farmers also questioned whether they had the skills to recognise ACR; including signs of Aboriginal occupation of their farms. Farmer P-6 noted:

In the past, I wouldn't have been looking for it [ACR] anyway. So, to see something you need to know what you're looking for and be looking for it (Interview: Farmer P-6).

Other farmers indicated a lack of knowledge of the various types of ACR. For stone artefacts, farmer P-9 declared:

A grindstone [would be recognised], but a flake or something like that? No. Well, I can just say, no way. I wouldn't have looked at that twice [indicated a sample stone flake] as being anything that was man-made (Interview: Farmer P-9).

Farmers P-14 and P-7 support the opinion that stone artefacts are difficult to recognise:

There are probably lots of funny shaped rocks out in the paddock and you think it's just another rock. Especially with marks on limestone ones because, you know, the tines have dragged over it and scooped out that bit. It might have been one axes were sharpened on, you just don't think about it (Interview: Farmer P-14).

Farmer P-7 envisaged the possibility of ACR within the farm landscape, but felt limited in his knowledge of them:

You would imagine there would have been quite a few sites around, but as far being able to recognise them, I wouldn't have a clue. It's only the physical objects like axes that we've ever found (Interview: Farmer P-7).

During farm activities with the potential to uncover some types of artefacts, such as, ploughing operations, farmer P-13 commented that ACR would be unlikely to be seen:

But the other thing is, when you are ploughing, I mean our machinery is narrow, but it depends where it is in the cut. It [ACR] could be several metres away from the edge of the cultivator and you wouldn't even see it (Interview: Farmer P-13).

In discussions of ACR as Ancestral Aboriginal skeletal material, farmers felt it probable that they would only notice obviously human remains, such as a human skull. The general opinion was other forms of skeleton remains would not be noticed or would be assumed of animal origin. As Farmer P-11 commented:

The one site [a sand hill] which I think would be, you know, easy digging to bury somebody, which is actually where I leave all my dead sheep anyway. So, if an extra pair of bones turn up, I'm not probably going to notice them anyway (Interview: Farmer P-11).

Similarly, farmer P-14 makes it clear that the presence of bones was a normal part of farm life:

A rib could be a sheep. If you had a whole rib, you might see it. But just part of a rib could be part of a sheep. You will only see things that are out of place (Interview: Farmer P-14).

7.2.3 Anecdotal evidence

While local stories include some anecdotes of Aboriginal associations with the district, participants in the current study recall little family oral history of Aboriginal life connected with their farmland. Farmer P-5 cannot recall his grandparents mentioning anything about Aboriginal life connected to their property:

I've never heard him [Grandfather] tell any Aboriginal stories either. I had a fair bit to do with him when I was younger and I would have remembered if he had said something about it. He didn't and my other Grandfather didn't either, so...I can't go back any further (Interview: Farmer P-5).

Although asking local people about the history of the farm, this participant's enquiries have not revealed any anecdotal evidence of Aboriginal life. The property of farmer P-1 has not been in the family for generations:

No, we've only been there since nineteen eighty, but I've spoken to plenty of people out there that have been there for a while. The only stories you hear about are the old wagon teams that used to go through (Interview: Farmer P-1).

Yet although farmers do not recall stories of local Aboriginal life connected with their farms, they report several family stories of Aboriginal associations with the Tatiara district at a broader level:

There is not a lot [of] stories about the Aboriginal heritage around here. The only one I know is the one that Grandpa told us. About a 'Blackfella's Tree' (Interview: Farmer P-7).

My father said they were Aboriginal [plaited trees]. That's as far back as I can go. There's lots of them around (Interview: Farmer P-9).

Farmer P-11 also mentioned the presence of plaited trees in the district, although having some doubt as to the authenticity of them:

Scar trees and things like that; you see them around. There are some plaited trees or something about, aren't there? Supposedly (Farmer P-11).

Farmer P-11 describes how previous generations of his family had places on their farm associated with Aboriginal activity:

My mother's family were down at [place name] area. That's where their farm is, but they had a block up there in the [place name] area, which is now owned by [local person], and it was called [place name], and [place name] was an Aboriginal campsite (Interview: Farmer P-11).

Farmer P-11 goes on to note that in the Tatiara:

I have actually heard of people finding skeletons (Interview: Farmer P-11).

One individual farmer reported a family story passed down and across generations of a site located in a local conservation park. The site is generally assumed among their family to have an Aboriginal origin because of the presence of unnaturally stacked stone:

There was the stone wall... [Person's name] said he walked along there and turned left into the scrub and there's a pile of marker stones there. Someone had told him they were from 300 miles away (Interview: Farmer P-14).

7.2.4 Discussion

Participants in the current study hold little evidence of Aboriginal life connected with their farmland in their oral histories. The few stories that circulate about the Aboriginal people, places and objects in the Tatiara district are uncertain and speculative. Some participants could recall limited information about Aboriginal occupation of the district, although stating earlier generations may have been able to provide more accurate information, especially with stories concerning their farmland. Farmers lamented the continual loss of this knowledge over time as a depleting history resource, indicating that research in this area may be worthwhile and welcomed by farmers.

Participants emphasise the economic necessity for prioritising the farm business and, in planning or carrying out farming operations, they do not consider the potential for uncovering or having an impact on unknown ACR. The results of the current study support previous studies into how natural and cultural changes in landscapes over time tend to mask the histories of past peoples from contemporary societies. Antrop's (2005) analysis of European landscapes concluded that the inevitable and extensive change occurring in demography and landscape obscures associated history and cultural diversity from the minds of modern farming landowners. In his work on Aboriginal heritage constructs in settled landscapes of Australia, Byrne (2004) points out that not only have many Aboriginal people become landless, they have also "been displaced from the consciousness of the majority." (p. 92). The above situation prevails for Aboriginal cultures on the Australian continent where European settlement has resulted in rapid and immense changes in local cultures and landscapes, particularly in heavily settled areas.

Surface and subterranean ACR potentially revealed through farm activities is unlikely to be discerned by most farmers, although some farmers may notice unusual objects appearing. Although most participants in the current study are familiar with some Aboriginal objects, such as, stone axes and grindstones, none

has training in recognising these or any other types of Aboriginal cultural material. Additionally, it is a concern for farmers that Aboriginal artefacts (particularly stone artefacts) potentially occur extensively across the Australian landscape. With Aboriginal heritage legislation interpreted as protecting all classes of Aboriginal objects from damage and disturbance, then their presence is highly problematic in terms of conventional and future farming practices and the practice of Aboriginal heritage management (see Chapters 3.3 and 8.3).

Participants report seeing objects of unusual or unfamiliar shape or colour, but have not perceived these objects as potential ACH. For example, farmers may notice stones of the type found in campsites that have undergone colour changes through heating in fires (Coutts, Henderson, Fullagar & Evans, 1979), but they may not associate the stones as, potentially, the camp ovens of Aboriginal people. Human remains, including Aboriginal Ancestral remains, are highly respected by participants, who claim they would take measures to communicate their presence to the police and protect them from harm.

There is anecdotal evidence that some farmers in the district that have fenced in blown-out sand dunes containing human remains. It not known if this has been done to protect against wind erosion and stock damage, or out of respect for the burial, but it is likely all aspects have a role in these decisions. In another case some years ago, the daughter of a farmer reported (to the author of this thesis) that when she was little girl, an Aboriginal burial place discovered on their farm was declared off-limits by her father and members of the family were forbidden to go near it, suggesting a respect and care for Aboriginal skeletal remains possibly exceeding their own cultural understandings and values on burials. With no corresponding evidence that farmers make efforts to inform Aboriginal community members, Aboriginal people may interpret this as uncaring.

Nevertheless, this thesis finds that participating farmers respect and value Aboriginal burials. However, none of the participants in the current study is trained in recognising human skeletal anatomy. Participants explain that, because many animal bones are distributed in and around the farm landscape, there is a propensity to ignore the presence of bone, paying attention only if they recognise obvious human skeletal parts, such as a human skull or femur.

7.3 Farming around Aboriginal Cultural Resources (ACR) and Aboriginal Cultural Heritage (ACH)

Farmers manage their farm businesses in different ways corresponding to the geography and topology of their farmland, and the foci of their primary industries. However, farmers generally agree farming as a business requires practical, often immediate decision-making. Many participants perceive some part to play in managing places or objects of importance on farmland with potential or identified ACR or ACH. A prominent concern raised was of a lack of knowledge of the significance of Aboriginal sites and objects. Farmers with identified Aboriginal sites or objects on their farms point out that without knowledge of the Aboriginal values attached to places and objects, management decisions and behaviour around ACR and ACH will be based on their own assessments and these may not accord with Aboriginal people or the Aboriginal Heritage Branch.

7.3.1 Farming decisions

During the interviews, farmers testified as to the nature of making decisions related to farming. Although forward planning is as an important element of farming, much decision-making is based on the practical aspects and the immediacy of some aspects of farming. Some farm decisions result in inadvertent protection of ACR through areas being left undisturbed, while others have the potential for inadvertent destruction of ACR. In the opinion of farmer P-12:

Unless you actually have something of that sort of nature [Aboriginal site or object], you don't necessarily have a basis on which to form an opinion, really. Or you haven't had the need to form an opinion, let's put it that way (Interview: Farmer P-12).

Farmers report that without previous experience, when coming across a problem they will seek advice from the local council, neighbours, or friends who are known to have knowledge or experience relevant to the decisions being made. In the opinion of farmer P-8, gathering pertinent information is part of the decision-making process. Nonetheless, he suggested awareness of the need for involvement in a formal approval process is often tied to prior involvement:

You cross those bridges when you come to them. Because you decide to do something then you find out about it, don't you? You would

only be really aware of it [planning approval] if you'd done something before, built a building or did something major where you found out you needed one (Interview: Farmer P-8).

Following a decision to obtain a mining lease for some of his farmland, farmer P-7 found that a need for formal planning approvals initiated a process that included formal assessment for potential ACR and ACH on the land:

The only thing we've ever really had to...When we had the quarry out the block. When I took out the second lease, another lease on that. For another area, out there we had to have it go through Aboriginal heritage. I don't know whether they came and had a look or what. They had to approve it (Interview: Farmer P-7).

He was not personally involved with discussions or negotiation with Aboriginal Heritage Branch staff during this process and thought the experience, "wasn't a problem...It was just another process...part of the process" (Interview: Farmer P-7).

Other farming decisions have the unintended effect of protecting ACR from disturbance. For example, evidence of Aboriginal past life-ways, such as, old camp sites, stone artefacts, and Ancestral burials, is often located in sand dunes. Farmers' decisions to stabilise dunes in efforts to mitigate erosion in the Tatiara district means sand dunes are often not ploughed; although they may be used as grazing areas for stock. Farmer P-6 describes how geology and geography are prime factors in his approach to farming a rocky-sand dune area:

But it's got a bit of limestone in one part and alongside of it is the sand hill and I've never worried. It's fairly steep. It's not a big sand hill, but it's got a steep side to it, so I've never touched it (Interview: Farmer P-6).

Farmer P-6 goes on to indicate these factors influence his management decisions when farming around the heritage place identified on his farm:

It's just grazed. The place has got a lot of trees around it, so you can't get close to it...machinery, which is a good thing. There's no need to go there anyway because it is a sandy hill. There's no real need to go in there or go near it (Interview: Farmer P-6).

Participants in the current study do not wish to harm ACR and ACH, indicating farmers' readiness to accept protection and preservation measures as worthwhile.

However, participants believe that a comprehension of ACR and ACH is necessary before acceptance of any responsibility towards ACR and ACH while farming.

7.3.2 Responsibility

During interviews, there was discussion about the responsibilities of farmers to have a duty of care towards ACR and ACH while farming. During conversation, farmer P-11 expressed some disquiet about the idea because he thought it was unsuited the practicalities of farming operations:

I'd be a bit concerned about that. Because that [duty of care] almost means that, if I wanted to dig a dam in my swamp, one of my things I'd have to consider is, is there going to be Aboriginal things being disturbed. And I think, no, I don't want that hassle. If wanted to dig a dam, why can't I just dig a dam without proving that I've considered that implication? (Farmer P-11).

Farmer P-11 went on to explain that in certain circumstances, farm decisions were necessarily made quickly and *on the spot*:

My main concern would be the clay spreading. Often you can start with a paddock and you might have an intention of where the dam is going to be, but that might change pretty rapidly if you run out of clay. You have everything there, well, we'll go and try this spot over here. It's that quick (Farmer P-11).

The interviews with farmers revealed no pre-existing perception of responsibility for ACR and ACH on their land because it is not a topic they normally consider. However, given the time to reflect on the issue, farmers accept that, as landowners, they had a measure of responsibility for ACR and ACH on their properties, and most farmers are concerned about the possibility of ACR being disturbed inadvertently. Farmer P-3 observed that there were several stakeholders involved when ACR is located on farmland and that all had some role to play in the protection and management of it:

Who's responsible for it? [Self-reflective question]. I have no idea really. It should be probably amongst a few people, shouldn't it? Really, I suppose. Well, obviously, the Aboriginal community has got a big part of it I suppose, but I suppose everybody has a bit of a stake (Interview: Farmer P-3).

Farmer P-5 felt a moral obligation to protect any Aboriginal sites deemed worthy and would be willing to take measures to do so:

Farmer P-5:

I would be more than happy to do that [protecting an ACH site]. If that's what was required, absolutely.

Researcher:

There might be some sort of funding to help a farmer do that.

Farmer P-5:

I am sure there would be, but I'd do it regardless of incentives (Interview: Farmer P-5).

In contrast, farmer P-1 considered the management of a heritage site was not a farmer's responsibility. As he saw it, the people or organisation to which the site was significant had responsibility of it:

If they want to keep it as a site, it should be their responsibility for that particular site only (Interview: Farmer P-1).

Farmer P-1 also suggested a concern for immediate and ongoing costs involved with maintaining and protecting Aboriginal heritage that may be found on his farm; "I just mean that [if] anything needs to be done to it, it's up to them to do it." (Interview: Farmer P-1). For farmer P-1, other's responsibility for ACH sites and related activities on his farmland did not extend to unmitigated interference with his ownership and control of the land-use. Concerned that a heritage site could be extensive, he emphasised that there would need to be negotiation to determine boundaries.

A concern that protection and management of ACR and ACH could potentially affect farmer autonomy in farm management was also expressed by farmer P-9, who stated:

Well, it's dependent on how it [ACR and ACH] affects what you are trying to do. If it has no effect, well, you're happy to be responsible for it and look after it. You know, like, if it's in the corner of a paddock, it makes a difference to it if it's in the middle of the paddock. That's how fickle we are about it (Interview: Farmer P-9).

Farmer P-12 considered it his responsibility as landowner not to contribute to the degeneration of any ACR and ACH on his farm:

I would think, initially...it depends on what you class as responsible. Responsible from the owners of the land point of view, is not to destroy it [ACR and ACH] (Interview: Farmer P-12).

Similarly, farmer P-11 saw his responsibility as limited to preventing farm operations impinging on the integrity of any ACR and ACH:

I would have thought that it would be, primarily, my responsibility to protect it [ACR]; and that would probably be to the extent that we would keep livestock away from it and nothing more than that. Probably just leaving it alone is what is required (Interview: Farmer P-11).

Most farmers generally agree that fencing is the obvious option when protecting an ACR and ACH site. Farmer P-4 thought:

Perhaps it's worth fencing that area off, and just keeping it for generations, and just having it documented and recorded, I think would be good. If farmers were willing to do that (Interview: Farmer P-4).

In the experience of farmer P-3, there have been no directives to him from the Aboriginal Heritage Branch about care of registered Aboriginal heritage sites on his farm. He notes, to his knowledge, that the sites have not been accessed by staff of the Aboriginal Heritage Branch during his ownership of the farm. Of his own volition, farmer P-3 fenced off one registered Aboriginal heritage site to prevent his stock from having an impact on the sandy area:

The only thing...You probably got a question about that, but the area that we thought that was the [Aboriginal] site, we fenced it off. But we probably fenced it off because it was a blow-out more than because it was an Aboriginal site. We thought, well, this is the Aboriginal site and its blowing out, we'll fence it anyway, we just fenced it off so no stock go on it (Interview: Farmer P-3).

Further comments by farmer P-3 about this ACH site indicate that, while the site was stable in some respects, there was some ongoing disturbance to it:

Well, it's a bit of a shifting sand situation. I suppose it [wind] could uncover something as well. It could cover stuff too. I've walked over it a few times. It's covered in quite dense grass, because it's now grown back because of the fenced off...You know, there's wheat grass growing over it quite thickly. There is a fox burrow there too (Interview: Farmer P-3).

7.3.3 Significance

Most farmers think that the evidence of Aboriginal life-ways in the Tatiara is historically important, and several farmers see surviving remains of past Aboriginal life-ways in the Tatiara as having enhanced meaning for the Aboriginal community. Farmer P-13 articulates this view:

I think, to the Aboriginal community, that cultural heritage is probably a lot more important than it is to some sectors of the wider community (Interview: Farmer P-13).

Farmers' perceptions of ACR appear to foreshadow their behaviour toward it. For farmer P-15, the significance of an Aboriginal site or object is judged for its archaeological importance and effect on history:

If it [the discovery] was quite major and you thought it was going to help history, you'd pick something up. But there's probably lots of those [stone axes] around and it's not going to make a major difference to be able to say it was a major camp if you just had one (Interview: Farmer P-15).

He goes on to say:

I don't think that [indicating stone axe] holds much significance, but if it had a handle, or something a bit more, I probably would. Otherwise I think I'd throw it on a heap and leave it (Interview: Farmer P-15).

Most farmers indicate that the significance of ACR and ACH needs to be explained to them for them to appreciate ACR and ACH, and to allow informed decisions when farming around them. For farmer P-9, education is the key; explaining that knowledge of how others perceive an Aboriginal site or object will affect their own perceptions and behaviour concerning ACR and ACH:

If it just means going around another thing, and everyone's being educated, or told how significant it was, it would make a difference. If it was really significant and we were educated, and informed, about its purpose or whatever, it would make a difference to how you looked at it. Whereas if it was just another campsite, you would just treat it with less respect, I would...That's how we operate. Everyone operates like that. So the importance of things is significant. How much importance someone else puts on something, slightly weighs how we view it. If it's not important to someone else, and it's not important to me, then it's not important - simple (Interview: Farmer P-9).

It appears that farmers' perceptions of the significance of ACR will determine their behaviour towards it. The opinion of farmer P-12 was some farmers might be tempted to destroy ACR, including Ancestral remains:

It could be very tempting, if it was something very small, in certain situations, just to put the plough through it [ACR]. I can imagine that could very easily be an attitude. In some situations, if there was something that, suddenly somebody came across it, a bone or two (Interview: Farmer P-12).

However, other interviews indicate farmers value the conservation of burials and human remains, indicating that higher significance is attached to this category of ACR than utilitarian Aboriginal artefacts:

But if you came across, say some bones, then you'd sort of feel [differently] (Interview: Farmer P-15).

A burial site would be very different from a tree stump, and I think that would demand as just a respect as any burial site would (Interview: Farmer P-13).

There could be, you know, there could be a hundred bodies buried there, you wouldn't know, would you? It might be just a few sea shells or something. You know, if you knew what was there...if there was a hundred bodies there, you'd really respect it wouldn't you. But we just don't know. I don't suppose anybody knows, do they? (Interview: Farmer P-3).

Not only are farmers uncertain about the elements of Aboriginal heritage, they do not know the quality or meanings Aboriginal people may assign to them. Importantly, the ways in which farmers perceive the presence and significance of aspects of the Aboriginal past influence farmers' behaviour toward them.

7.3.4 Behaviour

Although two farmers have an interest and extensive knowledge of Aboriginal stone artefacts, most farmers do not. Even so, most farmers think that a recognisable object would be salvaged from where it was found. In the following examples, it seems that farmers generally perceive an Aboriginal object (for example, a stone axe) is of sufficient importance for salvage. Although context appears to be a factor, many farmers do not necessarily perceive the place where an object was found to be significant:

If I hadn't got one [stone axe], I'd probably keep it - If I had some, I'd say I'll let that go, I've got another axe (Interview: Farmer P-14).

I would pick it [stone axe] up and bring it home. Thinking the axe itself was important, not the site it was found. That it could have been anywhere, the site wouldn't be significant. If it was near a waterhole, that's perhaps different (Interview: Farmer P-11).

Farmer P-11 further explains:

If it's in the middle of a paddock, in which the square metre here, is no different than the one a hundred metres away. No, it's all the same, and I'd bring it home. To leave it there. Ah no. What's the point of that? (Interview: Farmer P-11).

On receiving information about ACR and ACH provided by the researcher, most farmers indicated that their increased awareness of their legal responsibilities about ACR and ACH was beneficial. Although indicating that disturbing an artefact was unavoidable, many farmers said that they would now consider informing somebody about the discovery of ACR:

You probably need to pick it [object] up to have a look at it wouldn't you? You would naturally pick it up to see what it was. You have broken the law for a start obviously, but you'd probably bring it home and ring up (Interview: Farmer P-14).

It would depend on what it was. Yeah, probably. Since I've been talking to you, I think I would probably ring up (Interview: Farmer P-14).

Some farmers became enthusiastic following the interviews and reported back that they were actively involving themselves in looking for ACR:

The other day, it's only after I'd spoken to you [the researcher], down this paddock here, out from the spring, there was a roundish stone. That was just a limestone, I thought I'd stop and...I did drive past and I thought, 'I'll go back and have a look at that' (Interview: Farmer P-6).

7.3.5 Discussion

The results of the current study indicate the meanings and values of contemporary Aboriginal people have limited presence in farmers' cognitions of the Australian landscape, including their farmland, and that many farm management decisions and behaviours occur without awareness, knowledge, or direction about ACR and

ACH. For farmers, decisions are pragmatic and problem-solving, with assessments for actions based on personal and business needs (Geno & Urquhart, 2001). Consequently, farm practices arise which have the potential to be detrimental to ACR and ACH on farm land. A prime example in the Tatiara district are the practices of clay spreading and clay delving.¹⁸⁰ However, some participants in the current study are concerned that unknown or unrecorded ACR may be disturbed accidentally during farm operations.

Although participants in the current study realise that individual Aboriginal sites and objects will probably hold some significance for contemporary Aboriginal people, they do not know what these may be and they are troubled that they could legally be held accountable for disturbance of unrecorded or undiscovered ACR. The evidence of the current study is that certain artefact classes, stone flakes for example, fall below a level of visibility and are disregarded by farmers. This factor identifies the crucial management aspect of appropriate education, training and guidance for farmers.

Section 23 of the *AHA (SA) 1988* states no person, without the authority of the Minister, may disturb, damage or interfere with an Aboriginal site, object or remains. Farmers consider it unfair that they should be held responsible for Aboriginal sites and objects that are unknown to them or that they are incapable of recognising. Farmers perceive information and knowledge about ACR and ACH a prerequisite to severe penalties inflicted on landowners for any disturbance or damage. Thus, demonstrating the necessity for farmers to be fully informed and guided about the presence, recognition, protection and preservation of ACR and ACH sites.

The protection and preservation management for ACR and ACH is the function of AHB, and the delivery of the necessary details to farmers is incumbent on this office. Although adequate funding was recognised by the legislators as necessary for the administration of the AHA, the issue has not been satisfactorily addressed and is an ongoing problem in South Australian Aboriginal heritage management, implying that staffing and funding constraints of the AHB may be hindering

¹⁸⁰ For further discussion about the practice of clay spreading refer to Chapter 4: *The Tatiara: Foundations for Cultural Heritage*.

delivery of relevant information to farmers.¹⁸¹ Farmers draw attention to the need for them to know the ways Aboriginal sites and objects on their land may be significant. Without such knowledge, farmers say they defer to values they understand; values associated with science, local history, or an Australian national identity. Ideally, the significance of an Aboriginal site or object should be explained by Aboriginal people. However, as argued by Cowlshaw (1987, p. 234), cultural values are fluid and not easily identified as Aboriginal people are continually (re)defining themselves considering their changed or changing local situations (Langton, 1981). The implication, therefore, is that understanding ACR and ACH protection requirements requires ongoing cooperation and consultation with local Aboriginal people. Local Tatiara social networks are inadequate for disseminating knowledge about Aboriginal cultures: first, because farmers do not proactively seek out further knowledge on the topic and; second, because, although interested, they distrust their impressions of Aboriginal cultures, having little or no experience in the area. The suggestion is, therefore, that avenues for communication and information exchange between industry, agency and community stakeholders warrants further investigation.

For most participants in the current study, Aboriginal burials and burial sites are due respect equivalent to non-Aboriginal burials and cemeteries. Human remains are not likely to be handled or disturbed; with most farmers knowing they have a responsibility to report any finds to the police. Participants' regard for utilitarian artefacts is different to burials and more varied. Serious collectors of Aboriginal artefacts claim an element of expertise that, as Byrne (1996, pp. 89-90) points out, adds social capital for the collector, enhancing their social position.¹⁸² Whether farmers find objects in places already substantially disturbed or not, they think that to leave them alone is to abandon them and subject them to probable further damage, therefore, farmers think that picking up old objects they might find constitutes a form of preservation.¹⁸³

¹⁸¹ Refer to Chapter 3.3.1: Administrative structures of the *AHA (SA) 1988*.

¹⁸² None of the participants in the current study could be regarded as serious collectors of Aboriginal artefacts.

¹⁸³ Participants in the current study reported that Aboriginal or historical artefacts, as well as interesting natural objects, such as coloured or shaped stones, had been picked up over the generations of farming their lands. Most of these objects were readily available to the current farmer, being stored in houses and sheds.

Participants consider Aboriginal artefacts significant as archaeologically relevant evidence of the local history of the Tatiara district and regard it as logical to salvage these objects. However, as Byrne (1996, pp. 92-93) also points out, collecting artefacts from the surface of the landscape is a behaviour detached from contemporary Aboriginal societies, doing little to support perspectives of Aboriginal cultures and Aboriginality as relevant and entangled with present-day Tatiara life. The prospect of learning and talking about Aboriginal cultures, including sites and objects, interested participants, many demonstrating that understanding their obligation to report any discoveries to authorities was important to them. In some cases, although being informed of their legal obligations under the *AHA (SA) 1988*, participants indicated that discoveries of ACR would not necessarily result in a report to authorities; such action is dependent on the farm context and the degree of uncertainty and risk perceived by an individual farmer.

7.4 Perceived threats

A common thread throughout this study is farmers' perceptions of threats against the viability and control of their agricultural business. Acutely aware of anything that might pose a risk to their livelihood, lifestyles and families, their response to the possibility of ACR and ACH on their farms is notably influenced by perceived loss of control, farm disruption, costs, and legal ramifications.

7.4.1 Loss of Control

There is an economic necessity in farming for continuity of farming operations and events that may impede or deter farm operations are a major concern for farmers. Although uncertainty does not necessarily result in a risky situation (Harwood et al., 1999, p. 2), farmers manage uncertainty in ways that attempt to mitigate or eliminate perceived risk. Part of the circumspect attitude of participants arises from their perceptions that their land tenure may be affected by Aboriginal people asserting rights to access ACR and ACH. In the opinion of farmer P-4, farmers worry about Aboriginal people taking advantage of the presence of ACR and ACH to institute claims for their land:

But, also protecting them [farmers] from the onset of, you know, a land grab from Aborigines, which a lot of farmers worry about. And I think that's a fairly good reason why a lot of people don't say much (Interview: Farmer P-4).

Farmer P-4 has an interest and knowledge of Aboriginal cultural material and, unlike most farmers, is observant of ACR in the Tatiara district. He details his experience on his finding and declaring the presence of ACR to neighbouring farmers:

Anyway, I found a few, I reckon, grinding stones, I can't remember whether I found an axe or not, but there was a fair few grinding stones, or a... Hammers or whatever; they'd smash their seeds and stuff, round...in the sand hills. Of course, the neighbours got very upset about that. They said, oh jeepers, you'd better not tell the authorities about this (Interview: Farmer P-4).

It was this farmer's opinion that farmers require reassurance about the security of their farms assets:

We need to go into a situation where people don't feel threatened by the Aborigines that are left through trying to say, look we want to grab your land so that we can do our cultural stuff on it, or whatever, you know (Interview: Farmer P-4).

Most participants in the current study are aware of Aboriginal interests in land through native title, although it does not have appear to be a prominent issue for them (native title is discussed further in a following section of this Chapter: 7.4.5). After giving the topic some more thought, farmers remained unsure of the potential of native title to affect them and their farm businesses. Farmers' perceived uncertainty surrounding native title appears to be a factor in farmers' decision-making about reporting the discovery of ACR. In discussions, Farmer P-12 articulated uncertainty of the meaning of native title and the feelings of aggravation generated by ideas of compromised rights to land:

It just depends what native title is. If it means that the Aboriginal Heritage Branch, or whoever, representing the Aborigines would be taking control and could dictate absolutely as to what you could do on your land. I would not be amused. I would certainly feel that, if it's freehold land, it should give you some rights (Interview: Farmer P-12).

This farmer went on to suggest the uncertainty around native title could have the capacity to negatively influence farmers' decision-making on Aboriginal heritage matters:

The fact that suddenly there is native title that could tip the scales, perilously. It could really scare people. Probably more from the point of view that, what you don't know, you fear (Interview: Farmer P-12).

The uncertainty associated with the outcomes following the discovery of sites or objects was a concern for farmer P-4:

Well, that's the trouble [with access to sites]. What are they going to do? Are they going to tell you, we want to make a claim on this place and if we want to have a booze-up down there, or, what do you call it? A corroboree, I don't know (Interview: Farmer P-4).

For another farmer, similar ideas of Aboriginal heritage impinging on their ability to farm parts of their property was concerning:

And you could end up, if you had a...I can imagine if somebody had a stream running through their property, you could have...And there were things on a bank of a stream, all of a sudden they were found, you could have half your farm that you couldn't access. I could well imagine (Interview: Farmer P-12).

Notions of a lack of control or being left out in matters concerning their farms was also troubling for many farmers. Farmer P-2 expressed concerned that vital knowledge about the location of Aboriginal sites or objects may be kept from landowners:

It just worries me that sometimes with Aborigines, as a landholder and a land owner, that we sometimes don't know what other people have got attachments to it, sort of thing, and at the last minute they can dump something on you and where you thought you owned it, you didn't. You don't really own it on your own (Interview: Farmer P-2).

In discussing the review of the *AHA (SA) 1988*, and an associated proposal for mandatory reporting of ACR observed by any person, farmer P-10 observed:

If the Act was like that [mandatory reporting for all] and anybody could report anything, then you are more likely to put no trespass signs on your whole place. Especially if you knew you had something [ACR] and you didn't or hadn't reported it yourself (Interview: Farmer P-10).

Farmer P-10 went on to suggest the *AHA (SA) 1988* did not sufficiently reflect realities of farming or farmers' perspectives:

It [*AHA (SA) 1988*] doesn't look terribly workable really...Not user [farmer] friendly, but artefact finding people friendly (Interview: Farmer P-10).

For him, it is important that farmers have a measure of control in ACR and ACH on farms and, therefore, consultation is necessary:

If you found something you thought might be significant, well, anything...you'd still want to have some sort of control over what might happen, or at least be consulted all the way (Interview: Farmer P-10).

For this farmer, the idea that outsiders could interfere with farm operations was enough to make him disengage from the issue:

If you think that somebody's just going to barge in and do what they want because the legislation says, you [the farmer] are less likely to be looking for or want to be involved in anything (Interview: Farmer P-10).

7.4.2 Farm disruption

Close allied to farmers' concerns about a lack of control and ownership of land, are anxieties about potential disruption of farm operations:

It could be an encumbrance to your economic running of the business, but it would depend where it was. Or what it was, or where it was. Like if it ended up being slap bang in the middle of where you wanted to put a pivot [irrigation] or something and if you couldn't put it there, and it was the only spot you could put it, flood irrigation or whatever, it was the only spot you could actually put it. Well, that's where you would probably shut up! Realistically. (Interview: Farmer P-7).

In this country, if you've got a big rain threatening, that [discovering a site] could mean you just didn't get the paddock in [sown] (Interview: Farmer P-12).

And just the process of taking it to court means that your whole farming operation is suspended for the duration (Interview: Farmer P-13).

It certainly would be a concern if our farming operation was really disrupted (Interview: Farmer P-13).

While land is your heritage, it's also your tools of trade. A lot of people are a bit wary of having your tools of trade tied up (Interview: Farmer P-14).

Farmer P-15 considers the threat of having farm operations impeded by reporting discoveries of ACR was too big a risk to take; particularly considering decisions on the matter are made by people with of a lack an understanding of farming:

Once you freeze everything [farming]...like I said before, I just think it makes it too hard to want to give it [knowledge of ACR] up. I mean, your [the researcher's] attitude is fine, but there are some others out there who don't ever go out in the paddock. They have studied it, read it out of a book, and they want to come down, bring a whole heap [of people] down and stop everything on the farm. To be honest, we're not going to want to put up with that are we, really? (Interview: Farmer P-15).

In contrast, in the experience of one farmer, the presence of Aboriginal heritage on the farm is not problematic. Despite initial concerns about buying a property with two registered Aboriginal sites, this farmer declares the sites have not interfered with his farming business; further indicating, to his knowledge, no organisation or person has involved themselves with the sites for many years:

Farmer P-3:

I suppose I was a bit concerned when I first bought the property because, you know, we'd never come across anything like this before and thought, you know, should I be worried about this, you know? Should I...we weren't not going to buy the property because of it, but it did concern me that perhaps it was there and what problems would it be for us.

Researcher:

But you found nothing that has concerned you, have you?

Farmer P-3:

No. I haven't. I've been here 12 years and you're the first person to bring it up, so... [Both laugh]. It hasn't been a problem at all (Interview: Farmer P-3).

7.4.3 Cost

There is also a wariness among participants of perceived expectations that having ACR or ACH on their farms will have some cost for them. Farmer P-15 felt that scant reporting of ACR by farmers is due in part to farmers' perceptions of a

possibility of legal involvement and associated costs. Farmers report economics as an influencing factor involved in ACR and ACH protection and curation. For example, farmer P-10 discerns a link between farmers' ethical behaviour toward the conservation of ACR and ACH and the financial exigencies of farming:

At the moment, you are breaking your neck to get out of as much debt as you can. So, you know, if it was profitable to do it [heritage protection], then the more likely the more moral you'll be (Interview: Farmer P-10).

In discussing the idea of a farmer's duty of care towards ACR and ACH, and the potential for associated costs, farmer P-10 warns that imposed costs may influence some farmers to ignore ACR and ACH in cases where it may impede farm development opportunities:

If there is a cost to it [duty of care], I suppose you can't avoid that. He [the farmer] might just decide to do it [farm development] anyway, especially if there is a cost involved (Interview: Farmer P-10).

Farmer P-7 perceives an expectation that farmers will absorb the costs associated with the protection and conservation of ACR and ACH for the public good:

If you want to get people to report things, whether...If there's an Aboriginal site on someone's property, that is a significant site, that landowner is then expected to preserve that site. They have an economic loss from that, probably. They don't get compensated for it, but it's preserved for all people. (Interview: Farmer P-7).

Consequently, it was important for this farmer that there was recognition and acknowledgement of an imposed cost for them in protecting and conserving ACR and ACH on their farm:

It wouldn't have to be significant, but it could be something that recognises that you have got a financial disadvantage from doing it (Interview: Farmer P-7).

7.4.4 Legal ramifications

Farmers are also concerned about the legal ramifications of having ACR and ACH on their farms. They perceive involvement in legal disputes potentially costly, with fair outcomes uncertain. For some farmers, the idea of involvement in the ups and downs of the legal system was intimidating and off-putting:

Well, the law frightens most people, doesn't it? (Farmer P-5).

It [legislation] has the potential of being extremely oppressive and scary. It has that potential (Interview: Farmer P-12).

Some farmers' perceptions of the *AHA (SA) 1988* legislation as uncompromising and punitive appear to incline them to wariness:

The law's the law, and, unfortunately sometimes things can work out not quite the way... The law is not as just as it should be, in some ways (Interview: Farmer P-2).

By the letter of the law, and therefore you are liable to 10-15 grand ['000 dollars] or whatever it is. That's the sort of thing. It doesn't... This is an interesting phrase I suppose, but it [*AHA (SA) 1988*] is absolutely black and white (Interview: Farmer P-12).

Usually the first thing you read [in legislation] is, if you do not do this, you will be fined \$10 000, and then it goes on about whatever it's about (Interview: Farmer P-7).

The only wariness you've got is the law-makers and the rule-makers. There has been some silly examples... Well, if it wasn't for that, people would be a lot more open to it [reporting ACR], I think (Interview: Farmer P-14).

Most farmers believe the deliberate destruction of ACR and ACH deserves punishment and severe penalties, such as large fines or gaol. However, they voiced serious concerns about penalties for inadvertent breaches of the *AHA (SA) 1988*, perceiving punishment, in cases of where breaches may have been due to ignorance, as unjust.

The feeling of most farmers was that bearing costs associated with legally defending such matters would be unfair, and any penalties for inadvertent breaches, undeserved:

I guess though, that in some little situations, people, because of the law, are not going to say anything at any rate. The average person isn't going to say anything because once you go before the court of law it's going to cost (Interview: Farmer P-15).

Farmer P-4 expressed the opinion that ideas of shame and punishment, associated with chance breaches of sections of the Act, prevented farmers from reporting discoveries of ACR:

I think all that is a little bit rich, to be fined anyway for anything like that [non-reporting of discovery]. If they didn't put so many...If they didn't put a, sort of, stigma on it, people would come out in the open a bit more and talk about it, and show, this is what we found and all this. But you're not allowed to do that because you might get locked up in jail or something. You don't want that (Interview: Farmer P-4).

Farmer P-5 also sees law as a matter farmers do not want to get involved with:

Like I said, that legislation [*AHA (SA) 1988*] stops people from coming forward as far as I'm concerned. There's no grey area, no 'out' for it - if they get really tricky with it (Interview: Farmer P-5).

It was the view of farmer P-10 that the *AHA (SA) 1988* legislation did not reflect the situation of farming or the perspective of farmers:

For people, say farmers, you are looking on farms generally, so, not that farmer friendly in that I'm going to read that [*AHA (SA) 1988*] and say, no worries, I'll go and report that [Aboriginal site or object] (Interview: Farmer P-10).

He went on to point out the Act inclined him to remain quiet about ACR on his farm:

You are more likely to say, oh, I don't want to get tangled up in that, I think I'll keep quiet (Interview: Farmer P-10).

For farmer P-5, ideas about the possibility of legal action was also sufficient to incline him to remain quiet about ACR on his farm:

I am not going to report what I've told you now, about those stones, because legally I was supposed to. If there was an amnesty, I would be the first one to go in and say, look I found these around-a-bout this time. If I report it now, with the threat of prosecution, I'm not going to do that (Interview: Farmer P-5).

Farmer P-5 continues:

If there's a 1% chance I'm going to get nailed for it, then I'm not going to do it [report discovery]. You know, a 12-month amnesty - put the whole thing out amongst the public so that everyone knows. They might be surprised what they'd come up with (Interview: Farmer P-5).

Farmer P-14 explains that farming has certain economic constraints restricting their ability to be involved themselves in legal matters. He goes on to point out

that the behaviour of farmers will follow their inclinations, therefore threats were counterproductive to the aims of the legislation:

Probably it is nothing to do with the Act, it's just with farming there's lots of things happening and you just haven't got the wherewithal to deal with it. Like lawyers who can match those who might work against them. As an example, there would be big companies that say they are going to pay less for grain than agreed. They say see you in court, but you can't because you haven't got the wherewithal. You can't do that. You can't trust the justice system, or you can't afford to fight in the justice system if they're being particularly silly; in our eyes, particularly silly. It's all about perspective though. But if there wasn't the threat of it, a bit more incentive or a bit less disincentive, the whole situation would work better (Interview: Farmer P-14).

7.4.5 Discussion

Farmers' stocking and cropping strategies rely heavily on reliable and consistent environmental, economic, and political conditions (Nguyen, Wenger, Russell, Cameron, Coventry, & Cooper, 2007, pp. 23-24). Uncertainty in any of the above elements, therefore, constitute a risk to the farming enterprise.¹⁸⁴ Potential participants in the current study were apprehensive discussing Aboriginal matters (Field-notes, 16 January 2012), feeling that involvement in Aboriginal heritage will mean a loss of control. Farmers hold apprehensions that if their land is discovered to have connections to an Aboriginal past, including native title, this will affect their control over the ownership, use and management of their farmland.

The division between native title (Aboriginal rights and interests in land) and cultural heritage (the protection of Aboriginal sites and objects) is made very clear in South Australian political and legal circles (Aboriginal Affairs and Reconciliation Division, 2008). Rather than a holistic title in land, native title is a bundle of rights created by the Australian law system. Some previously recognised native title rights are the rights to: recognise, possess, use and occupy the land; gain access to the land; live on the land; undertake hunting and gathering; use the natural resources; and engage in social, cultural, traditional activities (Sculthorpe, 2005, pp. 177-178). However, depending on existing rights and interests legally exercised by others, native title can be extinguished. Freehold

¹⁸⁴ Refer to Chapter 2.3.4: *Complexities with farming and conservation*.

title in land, commonly found in farming situations, such as the Tatiara, is an obvious example extinguishing native title. No native title claims can be made on such land and native title groups cannot comment on Acts that affect these places.¹⁸⁵

Nevertheless, participants perceive that legal changes affecting land ownership is possible because of public and political support for Aboriginal people asserting rights to land or access to ACR and ACH. The results of the current study reflect the results of a comprehensive study in United States of America (Harwood et al., 1999) which shows changes in regulation and policy to be a major concern for farmers. In the Australian context, Reeve (2001) argues land ownership has always been subject to the laws and restrictions of the state, but that, in practice, tensions stem from social and economic change and not changes in common law, such as the Mabo and Wik judgements. Nevertheless, a reluctance by landowners to allow access to land is a problem identified by archaeologists and other researchers since Native Title legislation came in force (Pardoe, 1985).

Participants in the current study understand that changes in legislation and government policy may affect farming and regard this as a normal risk in the farming business (Kimura & Antón, 2011, p. 33). However, participants' concerns are heightened when they perceive that they are left 'out of the loop' in matters potentially affecting them. Farmers have little confidence that they have influence or power over political decisions affecting farming. They think that there must be certainty about the consequences of having ACR and ACH on their land before they will chance revealing knowledge of ACR and allowing unrestricted access to their farms. Most participants also consider the Aboriginal Heritage Branch will not recognise the realities of farming when responding to a discovery of ACR on farms. Therefore, Tatiara farmers think it is better to maintain silence about ACR and ACH, rather than risk delays or disruption in production and development. For many farmers, interference from people with little idea of farming, or entering public and political debate about ACR and ACH, has the possibility of negative consequences for their farming lifestyles and businesses.

¹⁸⁵ *Native Title Act 1993*, Schedule 1, parts 1-7, 327-376.

In present circumstances, most participants in the current study expressed no wish to harm ACR and ACH. However, farmers are worried that they will be forced to bear excessive costs associated with practical measures preventing damage to Aboriginal sites. Farmers consider it essential that their financial contributions toward ACR and ACH protection be recognised or shared in some way. Farmers expressed concern for perceived unfair burden of managing ACR in ways they do not understand or have the time or money to spare. Some participants suggested economic pressures associated with farming influence their propriety in approaches to real or potential ACR and ACH on their land. Participants feel the protection and preservation of ACR and ACH benefits others and that to expect farmers to bear the expense of complying with aspects of the *AHA (SA) 1988* is unfair. In this regard, the current study supports the results of the previous studies showing farmers were tolerant of unethical conduct when experiencing economic pressures (James and Hendrickson, 2008), and farmers were resentful toward bearing costs involved in environmental conservation (Carr & Tait, 1991).¹⁸⁶

Farmers expressed great fear of getting involved with the legal system through dealing with ACR and ACH, perceiving the *AHA (SA) 1988* as punitive, uncompromising, and potentially costly. Most participants expressed the view that the Aboriginal heritage legislation does not reflect the real situation of farming, perceiving bureaucratic administration of the *AHA (SA) 1988* in the same way. Participants were alarmed and startled at the suggestion they may breach sections of the *AHA (SA) 1988* through inadvertently causing harm and destruction to ACR and ACH while farming. While most participants believe that there should be severe legal penalties for disturbing ACR, they consider penalties should only apply when there was deliberate disturbance. Farmers also perceive the AHB as the policing arm of the Act, and are unwilling to risk attracting attention that may result in the necessity of defending themselves in a court of law through their ignorance. Consequently, farmers prefer not to be noticed and do not like to raise the topic of Aboriginal heritage, particularly with people who they do not trust.

¹⁸⁶ See Chapter 2.3: *Protecting Aboriginal heritage on South Australian farms*.

7.5 Evaluative summary: capacity and engagement

7.5.1 Limited capacity to respond to Aboriginal Cultural Resources (ACR) and Aboriginal Cultural Heritage (ACH)

The results of the current study indicate that, prior to the intervention of the researcher, most farmers had no regard for the potential presence of ACR on their farms and were ignorant about broader issues concerning Aboriginal cultures, and ACR and ACH on farmlands. One or two farmers are motivated to pay attention to ACR through personal interest or bureaucratic necessity. However, most participants perceive a lack of education, information, training, guidance, and assistance that limits their ability to observe or identify ACR. Participants feel ignorant, incompetent and uninformed about Aboriginal heritage, the *AHA (SA) 1988* and their legal responsibilities toward ACR and ACH, believing the relevant education and information is necessary to enable them to make informed decisions. Although claiming not to wish harm on ACR or ACH, participants believe current approaches to the management of ACR and ACH do not harmonise with the practicalities of farming. Farmers perceive their legal responsibilities under the AHA are not matched by a government responsibility to fully educate, inform, support and guide them toward understanding the significance of various elements of ACR and ACH. With little understanding of the values and meanings significant for local Aboriginal people, farmers say that their behavioural motivations will be dependent on farming contexts and perceived risks to farming.

7.5.2 Circumspect engagement with Aboriginal issues

Participants are circumspect and fear involvement in matters of ACR and ACH will have detrimental consequences for themselves and their farming enterprises. Participants perceive themselves vulnerable to a loss of control of farm ownership and management. Farmers are wary of potential change in government policy and legislation, feeling that they lack the power and influence to have their farming perspectives listened to and respected. Participants are cautious of directives affecting farming that fail to consider the practical aspects of farming. Being conscious of, and seeking to mitigate risky situations, participants perceive delays or disruptions to farming operations due to Aboriginal heritage matters have

potential for economic repercussions that will leave them susceptible to loss as financial burden or time. Participants regard incentives and compensation a necessary aspect of Aboriginal heritage protocols on farms that cause farmers to bear a cost. Participants are also apprehensive and nervous that involvement in matters of ACR and ACH will have legal ramifications. Although believing in punishment for deliberate disturbance and destruction of ACH, farmers are concerned that current ACH laws are unnecessarily rigid. Participants perceive inadvertent disturbance or destruction of Aboriginal sites or objects through farming is probable. Many farmers consider charges of non-compliance with sections of the AHA would be unfair and costly, perceiving it necessary to argue their case in court to have matters clarified. Consequently, participants are inclined to avoid situations that have the potential to involve them in legal action with costly repercussions.

Chapter 8

Conclusions

People of different religions and cultures live side by side in almost every part of the world, and most of us have overlapping identities which unite us with very different groups. We can love what we are, without hating what – and who – we are not. We can thrive in our own tradition, even as we learn from others, and come to respect their teachings (Annan, Kofi, 2001).

This study began with the premise that Aboriginal people have the right to know and access their past and establish heritage, and that, in regions where Aboriginal communities have been severely disrupted or displaced through agricultural settlement, the involvement of non-Aboriginal land owners is essential in Aboriginal heritage management. In the preceding chapters, I have explored and considered the various social and political uses of heritage, and selected farmers' opinions and relevant concerns about Aboriginal connections with their farming properties in the Tatiara District of South Australia. My overall objective for this research was to learn and understand farmers' perceptions and experiences of Aboriginal Cultural Resources (ACR) and Aboriginal Cultural Heritage (ACH), and, thereafter, evaluate the efficacy of current South Australian Aboriginal heritage protection and management strategies and procedures.

The results of this study run counter to the idea that conventional regulatory approaches to Aboriginal heritage management are effective, both in terms of consequent benefit for Aboriginal people and in practical application. The farmers participating in the current study have uncertain understandings of cultural heritage ideas and a narrow sense and sensibility of Aboriginal cultures and values. Perceiving themselves vulnerable and incapable of adequate response to the presence of ACR and ACH on their farmlands, farmers are circumspect about engaging with Aboriginal issues. These findings suggest that power imbalances, discordant worldviews, and the competing situational interests and values of

stakeholders are central factors negatively influencing the efficacy of Aboriginal heritage management, particularly in the protection of ACR and the establishment of ACH on farms.

With much of the ACR in settled regions isolated on private farm properties where Aboriginal people are not in cultural possession of ACR or control of ACH, the results of this study can inform the complex challenge presented to Aboriginal heritage management in such contexts. Close focus on the three pivotal conceptual elements that correlate in establishing Aboriginal Cultural Heritage (ACH) – an Aboriginal cultural category, Aboriginal Cultural Resource(s) (ACR), and Aboriginal cultural value(s) – enable a clearer picture of not only the social and cultural processes involved in Aboriginal heritage, but also some of the practical aspects of its management in cross-cultural situations that raise questions. For example:

- Is it possible for everything to be protected?
- What can the findings of the current study tell us about the State heritage - Aboriginal heritage duality in Aboriginal heritage management?
- Considering the *AHA (SA) 1988* as a framework for action, what are the motivations for Aboriginal heritage management?
- What has the ACR - ACH dichotomy (emphasised in this thesis) added to understanding of the management of Aboriginal cultural heritage?
- What heritage claims, if any, do non-Aboriginal people have on ACR, and can non-Aboriginal and Aboriginal heritage coexist within the same place or object?
- What heritage management strategies can be used that satisfy each cultural stakeholder group involved?
- What standing, if any, do farmers have as managers of ACR?
- How can Aboriginal heritage management better empower Aboriginal people's access to and cultural possession of ACR, and their establishment and control of ACH?

The responses to these questions centre on the socio-cultural processual concept of heritage and the cross-cultural possibilities of stakeholder engagement.

8.1 The significance of relative values in Aboriginal heritage management

Existing cultural heritage theory notes the centrality of ascribed meanings and values to things and the necessary involvement of members of a cultural group or category in the establishment of cultural heritage (Castells, 2011; Harding, 1999; Harvey, 2001; Loulanski, 2006; Merryman, 1986; Munjeri, 2004; Vecco, 2010). Therefore, integral to the cultural process inherent in the making of cultural heritage is the correlation that occurs between the heritage resource and an assessment of a significance that identifies it as having a cultural heritage value - which consequently attracts priority for action and appropriate decision-making about protection and conservation measures. However, as previously seen, *why* an object is considered significant, *how* this is determined, and by *whom*, is dependent upon the cultural, historical, social, political and religious context. The factor of significance contestation, or lack of it, becomes a particularly important Aboriginal heritage management consideration in situations where members of a cultural category, such as a state government, a profession, or an occupation, has, in some way, controlling power over the cultural resource(s) of Aboriginal people. The high potential for ACR in ascendant colonial-settler circumstances, such as on a farm, to be unknown to contemporary Aboriginal people further complicates the issue.

Within a socio-processual theoretical framework of cultural heritage, cultural resources are represented by surviving tangible and intangible elements featuring in the past activities and energies of members of a cultural category. Given the intermeshed histories of Australian Aboriginal and non-Aboriginal cultures within the Australian landscape, the surviving evidence of past lives potentially exist as an equivalent cultural resource for members of Aboriginal and non-Aboriginal groups. To use the example of the three cultural categories prominent in this thesis, if members of an Aboriginal group, the State of South Australia, or a farming family has historical cultural associations with the same *thing*, that thing occurs simultaneously as a cultural resource for Aboriginal people (ACR), the State (State cultural resource), and the farming family (Family cultural resource).

The heritage implications are clear. Should a tangible or intangible cultural resource be meaningful and significant (that is, of heritage value) for the members of each of the above cultural categories, then that cultural resource will manifest simultaneously as Aboriginal heritage (ACH) *and* State heritage *and* farmer (possibly family) heritage. Although abstract, the rights and privileges of the members of each cultural group to form and hold their respective values and meanings are real and, in that sense, the cultural heritage (being intangible and separate from the cultural resource itself) is *possessed* by the members of each cultural category. In contrast, the primary possession rights or *ownership* of a cultural resource potentially exists with members of a cultural group other than another possessing, or potentially possessing, a cultural heritage with that resource.

Multiple versions of significance attached to the same thing may not, in itself, be perceived a problem at a conceptual level; as a participant in the current study questioned: “It doesn’t have to be [a problem] because, can’t two people love the same thing? You know...in different ways.” (Interview: Farmer P-2). The suggestion of the dispossession of cultural resources inhibiting the establishment of cultural heritage has immense political implications considering the dominant power forces at play within the context of a colonised Australia.

A central issue that must be acknowledged and addressed in Aboriginal heritage management are the benefits and harms associated with the exclusive possession and control of ACR by members of non-Aboriginal groups. Exclusive possession of ACR provides the non-Aboriginal possessor with an exclusive ability to ascribe significance, or not, and to determine what happens to the material things to which members of other cultural groups may potentially attach heritage significance. As cultural heritage is linked with identity affirmations developed in response to history and experience, the social, economic and political implications of such exclusion, perceived or not, are substantial. Non-Aboriginal power and control over ACR replicates historical Aboriginal dispossession through inhibiting Aboriginal collective memory (Halbwachs, 1992, p. 2) and subsequent Aboriginal narratives supporting identity, cultural revival, survival and equality, and economic and political rights raised in Chapter 2.

8.2 Cross-cultural issues in Aboriginal heritage management on private land

Much of the ACR on farms are prevented from legitimate conversion into ACH because circumstances hinder Aboriginal people connecting with them, such as where ACR on farms is unknown to Aboriginal people, or, for some reason, their physical access to it is restricted or denied. This study has shown that, despite interest and some expressions of empathy, farmers do not have the knowledge or ability to be proactive in Aboriginal heritage management, nor is it in their interests to become involved (such as reporting or caring for ACR). Therefore, the State's expectation that farmers will assume the burden and responsibility of engaging with the Aboriginal heritage management regime is mistaken.

A conclusion drawn from these results is that, for landowners, governance over the ACR, rather than establishing principal heritage rights to them, is the pertinent issue. Principle heritage rights are, of course, a way to assert primary governance rights and, this not being a new area, there are multiple examples of the co-management of heritage sites by Aboriginal people and other stakeholders – the management of Uluru-Kata Tjuta National Park being a prominent one (Department of the Environment and Energy, 2010). However, for Aboriginal people, the decision-making that co-exists with governance ultimately determines the rights and controls over their cultural resources. Accordingly, if Aboriginal heritage governance does not also fully engage the activity, meanings and values of Aboriginal people, then Aboriginal rights to bolster and support personal and group identities, and community well-being through heritage constructs is contradicted. The implication is that the aspect of cultural theory that must be emphasised in heritage management, especially in cross-cultural situations, is the essential *relationship* between members of a cultural group and their cultural resources that is so central in establishing heritage – and so problematic for heritage when there are barriers to those relationships, whether social, geographical, political – or all three.

Farmers' demonstrations of perceptions of an absence of relationship between ACR in the landscape and contemporary Aboriginal people is accompanied by an absence of a *cross-cultural relationship* between the appropriate stakeholders in Aboriginal heritage management on farmlands, that is, landowners, government

and Aboriginal people. An absence of a meaningful stakeholder relationship stifles and obscures the Aboriginal 'voice', and obstructs the establishment of ACH. Thus, under the current South Australian Aboriginal heritage management regime, barriers to ACR in disconnected contexts becoming ACH persist, which in turn continue to replicate dominant perceptions of an Aboriginal absence.

The practical implication is that farmers will not interpret things of an Aboriginal past on their farms as potential ACR, but continue to position and rationalise them per their own values and meanings (in effect, a farmer cultural resource). Thus, farmers enter a cultural process with ACR (possibly ACR that is unknown to contemporary Aboriginal people) that may potentially culminate as differently as disregard for it, or in the establishment of farmer (or family) heritage. As far as can be ascertained, there are no examples in the TDC of farmers facilitating ACR to ACH; only examples of a) disregard and b) the establishment of farmer heritage through some farmers salvaging Aboriginal artefacts. Whatever the outcome of this cultural process, farmers' perceptions of an absent and detached Aboriginal presence that is demonstrated in the current study are repeated and intensified. There is a similar issue with formal Aboriginal heritage governance, in that ACR (narrowly expressed in legislation as Aboriginal sites and objects) is rationalised as a State resource and managed in terms of what are essentially the interests, values and meanings of Western-oriented sciences, such as anthropology and archaeology, or the South Australian State.

Exacerbating issues of ACR and ACH on farmlands are farmers' perceived conflicts of interest. Even with the appropriate awareness, knowledge and understanding of Aboriginal cultures and meanings (shown to be deficient in farmers' perceptions), the interviews of the current study also show that there is a likelihood that economic imperatives may prevail in ways that act against the survival of ACR or it becoming ACH. Farmers participating in the current study mainly express unease about the idea of Aboriginal heritage on farmland in relation to the potential for a loss of control (and perceived legal and economic consequences) over how they wish to make use of their land because of the presence of ACR. It is vital, therefore, that farmers feel reassured and confident that they can make accurate and empathetic assessments about potential losses and the probability of occurrence in respect to the presence of ACR and ACH. The inference is that ACR on farms will remain unprotected and ACH

unestablished if an Aboriginal heritage regime does not facilitate relationships that can deliver an exchange of information and knowledge that not only generates cross-cultural familiarity with the values and meanings of contemporary farmers and Aboriginal people, but also engenders their cooperation and support.

8.3 Aboriginal heritage in disconnected contexts: Implementing ethical management

It is only through active engagements with the pasts we produce in the present that we can generate the individual and collective memories that will bind us together in future (Harrison, 2013, p. 231).

The findings of the current study confirm that current South Australian Aboriginal heritage legislation and its administration, within a setting of non-Aboriginal social, political and economic dominance, offers little opportunity or capacity for supporting an Aboriginal presence, protecting ACR, or facilitating the establishment of ACH on farms. The implication is that heritage strategies must counter possible Aboriginal disenfranchisement through fostering relationships where Aboriginal people can intercede and point out ‘other’ (Aboriginal) meanings and values attached to places and objects in the farming landscape. The question is, how, given what we now know of present Aboriginal heritage management policies and farmers’ perceptions, can such Aboriginal cultural heritage processes be facilitated?

Government policy on Aboriginal heritage must be developed and administered with the proper input and consultation of the major stakeholders, this is a principal management factor in contexts where there is divorce between ACR and contemporary Aboriginal people. It is a conclusion of the current study that addressing the fundamental issue of implementing ethical Aboriginal heritage management in such contexts requires a response to the four closely interconnected barriers to the protection of ACR and the establishment of ACH on farms identified in the current study (Chapter 6 & 7) – *Uncertain ideas and understandings of cultural heritage; Narrow sense and sensibility of Aboriginal cultures and heritage values; Limited capacity to respond to ACR and ACH; and Circumspect engagement with Aboriginal issues*. Although the above barriers are considered separately in the following sections, they interrelate and must be

considered as integrated in a mutually supporting framework for Aboriginal heritage management.

8.3.1 Uncertain ideas and understandings of cultural heritage: promoting uniformity

In exploring disconnection issues in South Australian Aboriginal heritage management, it is pertinent to consider the power forces that threaten Aboriginal connections with their past and to ask questions about the rationales behind formal Aboriginal heritage governance structures and practices as they affect ACR and ACH.

The hegemonic argument of the existence of unanimous Australian meanings and, therefore, an agreed Australian worldview, creates uncertainty in ideas and understandings of cultural heritage that appears characteristic of members of Australian societies (McDonald, 2007), including farmers taking part in the current study. Hart (2010, pp. 1-2) makes the point that ‘national’ worldviews dominate alternative worldviews existing in the same geographical space, such as Indigenous worldviews, effectively silencing their perspectives. It is easy for many Australians, including some participants in the current study, to see little need for separating the broad Australian population into separate identities and creating divisions. This is a false perception because Australia’s social history is founded on a variety of ethnicities; centring on the Indigenous cultural groups whose members insist upon interpretations of histories as defined by their own experiences and explanations (see Roberts, 2003). Although it is possible to define Australian and Aboriginal cultural categories, the misconception of a single Australian identity, or a single Aboriginal identity for that matter, signals the need for caution in stereotyping or reifying cultural categories; a factor discussed previously in Chapters 2 and 6. The idea of a broad Australian cultural heritage, is similarly problematic because it shields the unassailable truth of multiple meanings. As Ashworth (1994) advises:

There is no national heritage product but an almost infinite variety of heritages, each created for the requirements of specific consumer groups; viewed from the side of the customer, each individual necessarily determines the constitution of each unique heritage product at the moment of consumption (Ashworth, 1994, p. 17).

As stated previously, it is in the interests of governments (national, state or local level) to govern in ways that work towards a homogenous society. However, this should not be at the expense or to the detriment of members of Australia's Indigenous population. The question is, how far do farmers and state government interests and ideals pervade the management of Aboriginal cultural heritage in situations where ACR is unknown to Aboriginal people or not under their control?

Blanket protection or an authoritative cloak?

There are compelling arguments that non-Aboriginal interests can, and do, drape an authoritative cloak around events and happenings of the past that are of interest to Aboriginal people (Byrne, 1991; Harding, 1999; Harvey, 2001; Smith, 2006). For example, initially, the separate approaches of the South Australian Government to the governance of South Australian State heritage and Aboriginal heritage appears beneficial in that it provides discrete recognition of Aboriginal people's rights to self-determination of Aboriginal heritage.¹⁸⁷ In practice, however, the division has disadvantageous outcomes for Aboriginal people.

Separating the administrative arms of two heritage Acts under separate government administrative departments weakens Aboriginal heritage in two prominent areas: first, in current South Australian development and planning regimes and; second, in the administrative capabilities of the Aboriginal Heritage Branch.¹⁸⁸ Both are identified in this thesis as primary factors in the inadequacies of the management of ACR and ACH on farmlands. Moreover, as has been revealed in previous chapters,¹⁸⁹ any argument that assumes that the auspices of the South Australian *Heritage Places Act* (an Act prominent in development planning) will subsume management of places and events of the post-European

¹⁸⁷ Refer to Chapter 3: *Aboriginal Heritage Management in South Australia- Legislation and Administration*.

¹⁸⁸ Although only examined at a superficial level in this thesis, State heritage appears better positioned and resourced within the Department of Water, Environment and Resources than the small Aboriginal heritage team operating as the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation (AAR) Agency within the Department of State Development. Aspects of the administrative capacities of the AHB are outlined in Chapter 3: *Aboriginal Heritage Management in South Australia- Legislation and Administration*.

¹⁸⁹ The impact of current South Australian planning and development processes on ACR and ACH are discussed in Chapter 3.5: *The role of development and planning in Aboriginal heritage management*. Traditional and contemporary Aboriginal values are discussed in Chapter 2.2: *Aboriginality, identity and cultural heritage for Aboriginal people in 'settled' parts of Australia* and; Chapter 4: *The Tatiara: foundations for cultural heritage*.

era significant, or potentially significant, for contemporary Aboriginal people is incorrect.

The current South Australian Aboriginal heritage management regime demonstrates conflicting interests in protecting and managing Aboriginal heritage while encouraging the emergence of a state identity and facilitating state development. The apparent paradox of duality of purpose in the current Aboriginal heritage management regime is problematic because whenever the State bureaucracy perceives a political or economic imperative, priority of action (or non-action) is conceded to the State. Thus, Aboriginal heritage becomes managed per State values and meanings rather than Aboriginal ones. The State failure to distinguish jurisdiction of ACR and ACH, in part, allows dominant State values and meanings in policy and practice to prevail over all things of Aboriginal origin, and contribute to confusion and misunderstanding of the heritage process.

Legislative ambiguity and ambivalence

The embedded Eurocentric bias in the *AHA (SA) 1988* puts State worldviews and planning interests above the importance of socially assigned Aboriginal meanings and values in Aboriginal heritage. This is troubling because perceptions of Aboriginal heritage emanate through the definitions given in the Act. For example, the legal attention to traditional Aboriginal life and Western interests, such as history, anthropology and archaeology, in Aboriginal heritage management works against ACH in two ways: first, emphasising these elements of Aboriginal culture in the Act detracts from the material and events of Australia's recent past that may have significant meanings for contemporary Aboriginal people and; second, the Act reinforces people's perceptions (including many participating farmers in the current study) of Aboriginal material culture as the archaeological evidence of a past and now extinct culture and, therefore, of minor relevance to contemporary Aboriginal people.¹⁹⁰

Current legislation (the *AHA (SA) 1988*) is encumbered with ambiguous meanings that must be clarified, particularly about the significance and determination of ACH, otherwise uncertainty and confusion will continue. This point is important

¹⁹⁰ It should not be assumed from the point made here that Aboriginal people have no potential use for archaeology, anthropology and history in assessing the significance of ACR.

because the content of the *AHA* sets the foundation for cultural heritage practice through determining the framework used by the administrative bureaucracy and heritage practitioners. Not only is the *AHA* a regulator for administrative and heritage practice, through its advocacy the Act also functions as the authority influencing public perceptions of heritage, including those farmers participating in the current study.

Public support is necessary for protecting ACR and ACH, especially so when it is divorced from Aboriginal control. Uncertainty and confusion among public perceptions of the heritage concept are liable to mitigate the public support that is pivotal in the implementation of the law (Bates & Bates, 1991). Although it has been said that “trust in government is not a major concern for the working of modern society” (Hardin, 2003, p. 10), there must be enough confidence in authority for governance to be effective. Therefore, because a trusting relationship between stakeholders is an advantage for cross-cultural acceptance of the aims and directions of Aboriginal heritage management, it is necessary and appropriate to have clarity in Aboriginal heritage legislation and its implementation.

The suggestion, therefore, is that the ‘first step’ in moving toward efficacious Aboriginal heritage management is a cognitive shift in the government concept of cultural heritage to an idea that provides greater consistency and uniformity between all stakeholders, including greater recognition of cultural relativity and the socio-cultural concept of heritage that this and other studies have shown to be important to people. Theoretical consistency in heritage concepts will aid a uniformity of understanding among the Australian public that, potentially, encourages understanding of the existence of meanings and values held by members of ‘other’ cultural groups. On a practical level in Aboriginal heritage management, such understandings will inform non-Aboriginal interpretations of potential ACR that is either unknown to, or not under the control of, Aboriginal people.

The results of the current study make it clear that legal rules by themselves are insufficient to encourage and facilitate cross-cultural collaboration. In addition, to better facilitate capabilities and foster involvement across cultures (discussed in following sections), it is necessary for non-Aboriginal stakeholders in Aboriginal heritage management to have sensitivity to the needs and aspirations of

Aboriginal people, especially where ACR is in the physical possession and precinct of members of non-Aboriginal cultures.

8.3.2 Narrow sense and sensibility of Aboriginal cultures and heritage values: developing sensitivity

Ethical issues in heritage stemming from the impediments to human rights and freedoms (Taylor, 1997) are evident in Aboriginal heritage management on farms, not only in the previously discussed dual standard of the South Australian Aboriginal heritage governance regime, but also in the individualism and inaction of Tatiara farmers and their narrow sense and sensibility of Aboriginal cultures and values. A major contributing factor in both cases is a general disengagement between the non-Aboriginal Tatiara community and contemporary Aboriginal people whose cultures and values connect with the Tatiara District.

From disparate meanings to common regard

What is clear from the results of this study is that bridging the gap between farmers' appreciation of Aboriginal relics found on their farms and their appreciation of Aboriginal people's connections with the Tatiara District, involves expanding farmers' understanding of contemporary Aboriginal people. Particularly, how outside judgements about 'authenticity' are bound up in constructions of Aboriginal identity imposed by Europeans and an oppressive history, which have little to do with the lived experiences of Aboriginal people today.

Many of the participants of this study have little intimate knowledge of the local Aboriginal histories or the impact of settlement on local Aboriginal lives. Many participants do, however, have some sympathy for the deleterious impact of colonialism on traditional Aboriginal cultures in a broad sense and can empathise with how Aboriginal people must have felt about their land being taken away from them. Paradoxically, despite this sensitivity, there is a separation between farmers' feelings and how they perceive contemporary Aboriginal people. What the participants lack is access to the relevant experience, knowledge and information about local Aboriginal cultural histories, meanings and values that will satisfy their interest and enable them to comply with their legal obligations about Aboriginal heritage. These findings suggest that establishing connections

across this space is a pivotal factor in achieving non-Aboriginal involvement in Aboriginal heritage management.

Highlighting the continued historical connection or *presence* of Aboriginal people in the colonised landscape requires an appreciation of the history shared by Aboriginal people and settlers (Battern, 2005; Harrison, 2004). Although unable to be validated, it is possible that farmers choosing not to participate in the current study made that decision because of the difficulties involved in acknowledging the colonial past and a living Aboriginal culture, as suggested by Ah Kit (1995, p. 35). However, having discovered some of the impacts and implications of misplaced notions of so-called real and authentic Aboriginal culture in Chapter 2 and Chapter 3, it is clear these ideas are contributing barriers to non-Aboriginal farmers perceiving what is relevant and necessary in the lives of Aboriginal people.

A representation of an Aboriginal history meaningful for Aboriginal people is one emerging from Aboriginal ideologies and perspectives of facts. As Aboriginal frames of reference are of the essence in telling Aboriginal histories, Aboriginal meanings and values about ACR are integral to Aboriginal expressions of ACH. This aspect is salient in the point made by a local Tatiara Aboriginal woman that, “Aboriginal people have a voice and we want to be heard.” (Hunt in Roberts, 2003, p. 204). With a geographically distributed Aboriginal population, surviving Aboriginal meanings and knowledge of the Tatiara District Council (TDC) region is scattered, enabling non-Aboriginal narratives of the history of the TDC to dominate the *Aboriginal voice*. In this respect, the surviving ACR in the TDC, and in similar regions, has immense importance for Aboriginal people as a cultural resource supporting alternative Aboriginal narratives.

Aboriginal voices sharing knowledge of historical attachments to traditional and contemporary local landscapes underlines the continuity of Aboriginal cultures and counters stereotype issues revolving around notions of *real* and *authentic* Aboriginal people and histories. Further knowledge about local Aboriginal histories and connections with their farmlands that participants in the current study ask for is, therefore, a promising platform upon which to build strategies and processes that aspire to ultimately benefit all cultural heritages in cross-cultural situations.

Dedicated programmes of further education, information and research promoting local Aboriginal cultures and values should reach out to the public, preferably through inclusive systems and processes that ensure the incorporation of local Aboriginal stories and values into local community events, history and heritage. Such cross-cultural educative measures entail considerable consultation and research involving Aboriginal people, potentially over-stretching present state government resources, but learning is a crucial step in building the trust necessary in cross-cultural relationships. Further experience with, and education and information about, present-day local Aboriginal cultures and values will assist non-Aboriginal people in perceiving ACR and ACH as essential elements in contemporary Aboriginal life, and to be more willing to involve themselves in Aboriginal matters. An informed public is better placed to spread appropriate information about ACR and ACH to principal stakeholders through local community networks; including farmers sharing knowledge of ACR on their land with local Aboriginal people.

Distributing knowledge

The notion of sharing cultural knowledge exposes two further points concerning Aboriginal heritage management on farms: first, the distribution of information and knowledge attached to ACR that facilitates Aboriginal collective memory and; second, the distribution or non-distribution of culturally restricted information and knowledge that is potentially attached to ACR and ACH.

Sharing knowledge among Aboriginal people

For the ACR and ACH in the Tatiara District Council (TDC), and it is assumed in other similar situations, not only is it an important aspect of collective memory that knowledge transfer occurs between Aboriginal people in the TDC, but also between Aboriginal individuals and families living elsewhere with historical and cultural interests involving the TDC. As noted previously (Chapter 4.4.4), contemporary Aboriginal people affiliated with the TDC have expanded responsibilities since European settlement, both geographically and culturally. This thesis has shown that a distributed Aboriginal population contributes to the less than satisfactory results of current administrative approaches for Aboriginal determination of the significance of ACR (further limited legally in the *AHA* to sites and objects); partly due to the financial and logistical difficulties in

facilitating Aboriginal community awareness and involvement. The implication is that the structures and processes of the formal management of ACR (and the ACH produced) will need to be more flexible and accommodating of this characteristic through constant negotiation with appropriate Aboriginal groups and individuals.

The South Australian government has recently followed the lead of the Victorian government in introducing a legislative amendment to the *AHA* that allows the inclusion of Recognised Aboriginal Representative Bodies (RARB).¹⁹¹ RARB have been introduced to benefit communication between government and non-government stakeholders and Aboriginal groups, but may also provide a structure in which members of disconnected and geographically scattered Aboriginal populations can undertake a collective memory process relating to information and knowledge of ACR in a particular area. It remains to be seen if the new RARB approach has any benefit for any party in respect to ACR and ACH on private land.

Restricted knowledge

In traditional Aboriginal societies, cultural information about certain significant landscapes, places and objects can only be divulged to the appropriate persons (Clarke, 2003, pp. 18-19) and contemporary Aboriginal people may hold similar principles. Although, as evidenced by one participant in the current study, the secret nature of some Aboriginal meanings and values can be problematic when the motivations behind Aboriginal expressions of them are not trusted or interpreted as authentic (see Chapter 6.5.1, Farmer P-1).

Over time, traditional Aboriginal cultures shift and change. However, in Australia, colonisation has hastened changes. It is highly probable that places, sites and objects are not interpreted by contemporary Aboriginal people in the same way as their ancestors, although their values and meanings are no less valid in a heritage context. Meanings and values attached to things may have been retained, in other cases, they may have been modified or replaced. It is equally probable that the tensions and conflicts of early colonising times remain to manifest in a heightened, although altered significance to extant ACR. It is possible, therefore,

¹⁹¹ *Aboriginal Heritage (Miscellaneous) Amendment Act (SA) 2016*; an Act to amend the *Aboriginal Heritage Act (SA) 1988*. For further details see the final section in this chapter.

that contemporary Aboriginal people respond to power-knowledge-space issues by highly valuing ACR as representing an Aboriginal presence in a colonised landscape and, therefore, closely guard knowledge and information about them as a unifying aspect of their lives.

In terms of Aboriginal heritage management, possible issues with sharing Aboriginal knowledge and knowing about ACR in palimpsest landscapes are potentially mitigated through non-Aboriginal acceptance of the idea of *restricted knowledge*, whether perceived or not, and resolving such issues locally with local Aboriginal people. Thus, strengthening the idea, posited by Hemming and Rigney (2010) and exemplified by the Ngarrindjeri Regional Authority (2016),¹⁹² that Aboriginal heritage management is best conducted at local or regional levels, rather than centralised in capital cities away from important stakeholders.

An enhanced strategy of Aboriginal heritage management at local levels and in concert with local Aboriginal people has great potential benefit in terms of protection for ACR and the establishment of ACH, and for the non-Aboriginal stewardship of both ACR and ACH on private land that is currently overlooked or undervalued. Resolving cross-cultural issues in Aboriginal heritage management in such a fashion requires more than clear and appropriate legislation, and the identification of stakeholders who are sensitive to an Aboriginal presence and to Aboriginal meanings and values; potential benefactors of ACR and ACH must also be capable of contributing and participating.

8.3.3 Limited capacity to respond to Aboriginal Cultural Resources (ACR) and Aboriginal Cultural Heritage (ACH): enhancing capability

The involvement of members of non-Aboriginal landowners in Aboriginal heritage management requires that they be capable of cooperating and behaving in ways that satisfy their legal responsibilities and obligations, and, as evidenced by participants in the current study, their ethical inclination. However, most these farmers also confirm a limited competence and capacity for involvement.

The current study was unable to investigate Organ's (1994) suggestion of the

¹⁹² Ngarrindjeri Regional Authority (NRA), Official website of the NRA, Available online: <http://www.ngarrindjeri.org.au/>, Accessed 30 August 2016.

deliberate destruction and damage of extant Aboriginal sites and objects by landowners, although participant farmers' claim they do not wish to see ACR destroyed and will *salvage* Aboriginal objects they find. The evidence is that participant farmers, including those farmers whose properties have recorded Aboriginal sites, either do not see or appreciate the things they see as ACR or they do not understand their potential value for contemporary local Aboriginal people. What is clear is that most farm decision-making occurs without consideration for Aboriginal cultures or cultural heritage unless the farmer is specifically interested or made aware of the need for their involvement. An explicit finding was that participants were not cognisant of Aboriginal heritage law and their legal responsibilities to Aboriginal heritage management.

For most participants in the current study, a lack of education, information, training, guidance and assistance not only limits their perceptions of a contemporary Aboriginal presence, but also their ability to observe or identify ACR. Perceiving themselves ignorant, incompetent and uninformed about Aboriginal heritage, and the *AHA (SA) 1988* and their legal responsibilities toward ACR and ACH, most demand the relevant education and information necessary to enable them to make informed decisions. Therefore, it is necessary to have clear and logical communication strategies and systems in place that enable education, training, and guidance. To that end, current South Australian Government departments, and other organisations, produce information intended to inform and guide landowners towards conforming to their explicit responsibilities and obligations under the *AHA (SA) 1988*.

Communicating information

The four readily identifiable ways that information about Aboriginal cultures, and ACR and ACH can reach South Australian landowners are: (1) sourced directly from AHB; (2) circulated by print media and internet websites; (3) passed on to landowners through representative bodies; and (4) sourced through local government offices.

Information sourced directly from the Aboriginal Heritage Branch (AHB)

Direct contact with the office of the AHB has a definite advantage as a source of information for landowners as it also provides an opportunity to receive relevant

and up-to-date details, with immediate response to specific questions. Directly visiting the AHB offices in the capital city of Adelaide is inconvenient for those members of the public living in rural areas of the state because the travel involved. Moreover, telephone and email contact details are difficult to find because they are not openly advertised, and appointments to visit in person are required. However, most crucially, because farmers participating in the current study were ignorant of Aboriginal heritage management issues, they were unaware of the existence of the AHB office. The current *en bloc* management approach in use by the AHB is advantageous in terms of regional differences and AHB time and effort.¹⁹³ Nevertheless, the approach is specific to certain points in time and place, neglecting potentially immediate needs in other regions around the state. The AHB attempts to counter this problem by publishing information in pamphlets and on the internet stipulating landowners' legal obligations under the Act.

Information sourced via print media and internet websites

The dilemma is that to seek information about Aboriginal heritage through print media and internet sources, a landowner requires a perception of the situation or some stimulus to engage with the topic. The results of the current study indicate farmers do not have sufficient awareness of ACR and ACH issues to recognise the need to seek information on Aboriginal heritage in these ways.

Information sourced via a farmers' representative body

Various organisations and representative bodies provide information aimed at answering questions specific to the context of their industry. The Primary Producers Association of South Australia (PPASA), the main body representing South Australian farmers, does not provide information about Aboriginal heritage to its members (Kerin, R., 2016, PPASA, pers. comm., 2 February). Moreover, transferring information via such a method is of little assistance to landowners who are not members of the PPASA. Only one participant in the current study was a member of PPASA. Although vaguely aware of the review of the Aboriginal Heritage legislation, this farmer had not received any specific

¹⁹³ Chapter 3: *Aboriginal Heritage Management in South Australia- Legislation and Administration.*

information about ACH issues from the PPASA.

Information sourced through local government offices

Local district council offices and libraries are accessible by all community members and are a good source of information. The Tatiara District Council library in Bordertown, for example, holds numerous books about Aboriginal cultures, although, yet to be written, none are specific to the Tatiara District. Crucially, the Tatiara District Council does not provide or distribute information about local Aboriginal cultural heritage that can be available for local people and businesses, including farmers. While it is my intention to lodge this thesis in the Bordertown library following its completion, specific and knowledgeable local Aboriginal voice(s) expressing Aboriginal narratives is desirable. The local Tatiara Council, as a body with local knowledge, understanding and responsibilities, is in a good position to cooperate with local Aboriginal representatives and instigate specific research into local Aboriginal cultures, histories and heritage and assist in disseminating the appropriate information to the wider community.

Undoubtedly, a functional government responsibility to disseminate such information to farmers is currently unsuccessful, correlating with the reluctance of many farmers, who believe they have neither the competence nor the capacity to engage with Aboriginal issues. As communication is an integral aspect associated with joint activities (Panzarasa, Jennings & Norman, 2002, pp. 59-60), dialogue and understanding between individuals and groups within the broader community is an essential factor for effective management of ACR and ACH in situations divorced from Aboriginal cultural custodianship. The results of the current study suggest that initial contact with landowners must be through direct consultation and negotiation delivering the appropriate information.

Cooperative communication

Despite a demonstrated interest in Aboriginal cultures, participant farmers lack experience with local Aboriginal people, and knowledge and information about local Aboriginal cultural values, suggesting that a lack of direct personal experience may be a factor in the development of ambivalent attitudes toward

contemporary Aboriginal people.¹⁹⁴ The inference is that a starting position for knowledge transfer to members of the broader community, including farmers, should be undertaken at a local level and, in this respect, the Recognised Aboriginal Representative Bodies (RARB) mentioned earlier in this chapter may provide part of the solution.

The results of the current study support previous research showing many non-Indigenous community members hold very little information about the Aboriginal heritage in their local area (Lennon, 2006). Although the current study is based on a small sample of participants, and despite their protestations about their ignorance, it seems unlikely farming landowners will purposely seek out knowledge of Aboriginal cultures and history. The conclusion is that existing possibilities for information about Aboriginal cultures or heritage issues are not effective unless there is motivation to seek it out, implying that information and education must be distributed in ways and by means that are direct and relevant.

Child, Faulkner and Tallman (2005) argue that cross-cultural communication techniques and strategies introduced at local and regional levels encourage people to work cooperatively in ways that reduce tensions, negate conflicts and reinforce positive relationships. Cooperative strategies that reduce uncertainty and apprehension, therefore, assist in building trusting relationships between individuals and community groups (Neuliep, 2014). As identified during the recruitment phase of the current study, many farmers prefer to remain quiet and uninvolved in Aboriginal matters they perceive as potentially problematic; possibly not trusting Aboriginal motives or worried about interruptions to their farming enterprises. Therefore, reassurance is identified as a factor for encouraging farmers' engagement and involvement with Aboriginal heritage management. Confidence-building measures offering reassurance requires an early, deliberate effort and an interactive process, achievable through appropriate on-going consultation and negotiation (Kelman & Fisher, 2003).

Moves toward developing trusting relationships addresses personality conflicts, such as those identified in the current study (Chapter 6.5), and understanding the significance of alternative values as discussed previously. Trust is also a prominent aspect of the willingness of Aboriginal people to share aspects of their

¹⁹⁴ Chapter 6: *Results and Discussion – Part 1: Understandings and Sensibilities.*

cultural knowledge (Roberts, 2003, pp. 186-187). Therefore, engendering and ensuring trust and confidence between stakeholders is a critical policy issue for Aboriginal heritage management. Deep and stable trust is built up over a long time, but gaining initial trust has been shown to be an important factor when sharing perspectives and collaboration is required (Bouwen & Taillieu, 2004; Gray, 1989, 2006).

Although people may possess the skills and abilities, behavioural attributes and personal confidence to engage with Aboriginal heritage, it is individuals, not the authorising government organisations, who decide when how and where they will contribute it (Armstrong, 2006, p. 33). Therefore, a central factor in efficacious Aboriginal heritage management are systems and processes that structure, encourage and inspire participation and involvement.

8.3.4 Circumspect engagement with Aboriginal issues: facilitating involvement

A major finding of the current study is that farmers' behavioural motivations will be dependent on farming contexts and perceived risks to farming and that until farmers feel comfortable with the risks, they will be reluctant to be involved with Aboriginal heritage management. In the case of Aboriginal heritage management, therefore, awareness of risk factors, including conflicts of interest and the risk of non-participation of stakeholders and their noncompliance with the *AHA (SA) 1988*, is crucial to policy development.

A logical practical 'first step' in mitigating risk would seem to be locating extant ACR, allowing management planning, public education and awareness, and physical protection (Pearson & Sullivan, 1995), although there are failures in this practice. In the example of the current study (where there are recorded Aboriginal sites on participants' farms), apart from entering ACR on the Central Archive and significant sites (ACH) on the Register of Aboriginal Sites and Objects (RASO), no management plans or other specific protection measures are in place, at least to the knowledge of the landowner.

Factors of Aboriginal heritage management perceived by farmers as risks to a farm's function (identified previously as loss of control; increased costs; disruption to business; and legal ramifications) contribute to a landowners'

reluctance to be involved. Understanding that knowledge is an essential component of how people assess risk (Vanclay et al., 1998) along with the identification in this thesis that risk perception is a prominent factor in farmers' decision-making, highlights the necessity for the provision of information and training about ACR and ACH and clear direct guidelines for plans of action, as previously noted.

In addition, issues affecting stakeholder involvement in Aboriginal heritage management develop at a theoretical level. Current administrative interpretations of the *AHA (SA) 1988*, match the perceptions of participants in the current study that the *blanket protection* measure currently in place means it is unlawful to disturb or damage any physical evidence of the past attributable to Aboriginal people (notably, the element identified by archaeologists as lithic debitage), raising the question, how can there be protection of ACR that is scattered in many forms throughout the Australian landscape?¹⁹⁵ The term used by government of 'blanket protection' may lead members of the wider South Australian community to believe that Aboriginal heritage is protected, whereas, as indicated by the results of the current study, on farms ACR receives little protection at all.

In present Australian circumstances, ACR viewed holistically cannot be totally protected from destruction or even disturbance. Locating and documenting all ACR is not achievable because ACR may simultaneously be the landscape itself and places and objects within the landscape that are *undiscovered and unknown*, or *undisclosed* by contemporary Aboriginal people because they are highly significant culturally (ACH) and must be kept secret. Therefore, there will always be, almost certainly, ACR that is unknown to landowners such as farmers. The results of the current study suggest that a 'proactive' legislative and administrative approach should not emphasise punishment for disturbance of sites and objects, but support farmers' inclinations to protect ACR. Therefore, reform in this area would better facilitate farmers' involvement in Aboriginal heritage management. The consequence of the coexistence of known and unknown ACR and ACH, and multiple interested parties intensifies the need to involve all stakeholders in management practice. Therefore, management strategies should bring together all stakeholders, placing them within a framework of participation and cooperation

¹⁹⁵ Lithic debitage refers to the waste material produced in the making of stone implements.

that empowers collaboration and negotiation.

It is necessary to offer a cautionary note at this point. As noted previously in this chapter, although cooperative action gives legitimacy to the voice of all stakeholders (Hall, 1999), it does not negate overriding authoritative power forces that work against effective management (Healey, 1997, 1998). Accordingly, in addition to progressive change in heritage concepts and law previously advocated, the results of the current study suggest that an integration of government structures and systems is a necessary preliminary step in gaining extensive community support and involvement in Aboriginal heritage management.

Integrating Governance Systems

The results of the current study indicate that synthesis between government sectors and agencies will provide practical opportunities for collaborative messages of guidance and advice to all stakeholders in Aboriginal heritage management. Thereby, contributing positively to the protection and preservation outcomes for ACR and Aboriginal establishment of ACH on farms.

As shown in Figure 8.1 (below), an integrated approach to government means the whole of government coordinating policies between various government agencies and sectors, and across different levels of government.

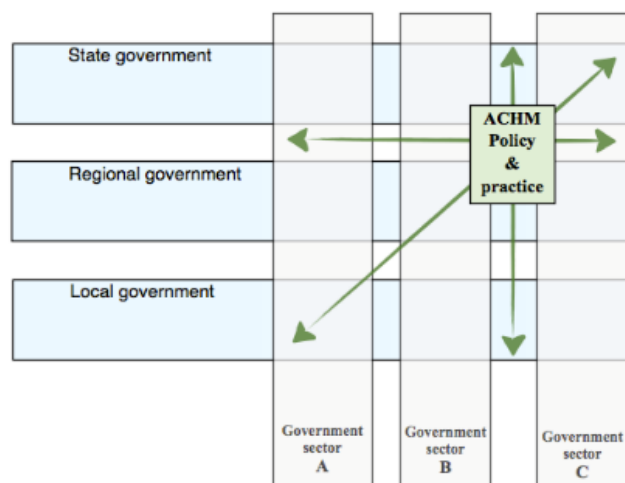


Figure 8.1: The integration of vertical and horizontal levels of government. Recommended for efficacious Aboriginal cultural heritage management (ACHM).

Using such a strategy, service agencies work “across portfolio boundaries to achieve a shared goal and an integrated government response to particular issues.” (Commonwealth of Australia 2004). The lack of synthesis in current South Australian government policy in the sectors of heritage, agriculture, planning and development currently impedes stakeholder involvement in Aboriginal heritage. Consequently, ACR unknown to Aboriginal people is left vulnerable and the establishment of ACH is jeopardised.

Introducing appropriate policies and regulations that support the development and establishment of cross-sector guidelines for identifying *best practice* models may pre-empt many issues in managing ACR in situations lacking Aboriginal cultural controls. Concerned with the management of socio-economic expansion and development, land-use and natural resources, the Department of Environment, Water and Natural Resources (DEWNR)¹⁹⁶ and Department of Planning, Transport and Industry (DPTI),¹⁹⁷ have optimal potential for integrating their respective systems and processes in ways benefitting ACR and ACH on private properties. For instance, the prominent example of departmental non-synthesis identified in the current study leading to the potential destruction of Aboriginal material culture through the farming ‘best practice’ of clay spreading and delving that is currently promulgated throughout many agricultural districts.¹⁹⁸

The few participants in the current study with the experience of Aboriginal heritage management, or engaging in a planning process concerning ACR or ACH, report that they have experienced no difficulties, suggesting that farmers will likely participate in Aboriginal heritage management with appropriate information, guidance and support. The results of the current study suggest that Aboriginal heritage management issues on farms are not related to farmers’

¹⁹⁶ Natural resource management is determined by the requirements of the Natural Resources Management Act (SA) 2004, the Natural Resources Management (General) Regulations 2005, and other regulations for specific purposes, Available online, <http://www.legislation.sa.gov.au/listRegulations.aspx?key=N>, Accessed 20 August 2014.

¹⁹⁷ The planning and development strategy for South Australia is determined by the requirements of the Development Act (SA) 1993; further details are contained in Development Regulations (SA) 2008, Available online, <http://www.legislation.sa.gov.au/LZ/C/A/Development%20Act%201993.aspx>, Accessed 20 August 2014.

¹⁹⁸ The farm practice of clay spreading and delving is introduced and discussed in Chapter 4, *The Tatiara: Foundations for heritage* and Chapter 7: *Results & Discussion-Part 2: Capacity and Engagement*.

ethical shortcomings, as much as farmers' ignorance and perceptions of fairness and justice. The implication is that farmers' perceived risks in involving themselves in the Aboriginal heritage management process will be mitigated through collaborative approaches.¹⁹⁹

Collaborative participation

For ethical reasons, the current study avoided assessing farmers' knowledge about specific ACR on their properties, although the evidence suggests that farmer contributions to Aboriginal heritages are potentially possible through their involvement in documenting ACR.²⁰⁰ Further advantages may also arise through stakeholder acceptance and recognition of farmers' potential formal role as *on-site* stewards in safeguarding ACR and ACH on farms. State government - Aboriginal - farmer collaboration, therefore, holds potential advantages and opportunities for stakeholders, including Aboriginal people whose interests on farmlands are currently not enveloped within the present Aboriginal heritage management regime.

The implication is that facilitating trust and confidence among stakeholders should counter fears of unexpected consequences from involvement that is evident in the current and other studies.²⁰¹ Engendering familiarity and trusting relationships between local stakeholders and learning about local Aboriginal cultures from local Aboriginal people is considered a positive move. With existing social and economic structural networks in place, local councils are well positioned to provide information, and consultation and negotiation opportunities for stakeholders that are relevant to local and regional situations, and to incorporate local Aboriginal narratives and values into local planning and development, and community events, history and heritage.

An agricultural extension framework (discussed previously in this thesis in Chapter 2) is currently available in most rural communities through the structures

¹⁹⁹ For a discussion of the risk factors associated with farming, refer to Chapter 2.3: *Heritage conservation in rural contexts*.

²⁰⁰ For ethical reasons, participants in the current study were not interrogated about their knowledge of specific Aboriginal sites and objects unless these had been recorded on the Central Archive. For further discussion, refer to Chapter 5: *Research Methodology*.

²⁰¹ For example, Thackway and Olsson, 1999.

of Natural Resources Management (NRM).²⁰² NRM is an avenue for communication and information exchange between industry, agency and community stakeholders, and Aboriginal heritage management principles fit neatly with NRM principles. For instance, the Natural Resources Management Act (SA) 2004 has as one of its principles for achieving sustainable development, that, ‘consideration should be given to Aboriginal heritage, and to the interests of the traditional owners of any land or other natural resources’ (Department of the Environment, Water and Natural resources [DEWNR], 2012, p. 31). As existing structures utilised by farmers to engage with farming issues, local council and NRM structures seem situated as a safe environment and ethical space in which to build farmer and Aboriginal capacities to mutually engage in the management of ACR and ACH on farms. It is suggested, therefore, that creating opportunities for integrating Aboriginal heritage management closely into local council and NRM structures and operations merits serious consideration.

There is every indication that approaches to managing ACR and ACH on private agricultural properties will work best by integrating principles and practice at all levels of government, employing a consistent, open, and consultative policy that emphasises the delivery of relevant education and information directly to stakeholders. Most importantly, the current study concludes that worthwhile Aboriginal heritage management in such contexts will likely emanate from mutual respectful, trusting relationships, developed in local ethical spaces supporting stakeholder cross-cultural communication, negotiation and collaboration.

8.4 Reflections on the research

In all aspects, undertaking this research has proved an invaluable learning experience, particularly in respect to the nature of research and the cyclical writing process. The study has also provided me with some key ideas which will assist me in developing and guiding future research. Although understandings developed during the current study were derived through personal involvement in a reciprocal interpretive process, the analysis and arguments in this thesis are my own interpretations of farmers’ perceptions of ACR and ACH and cannot be interpreted as the direct assertions of the participants.

²⁰² Chapter 2: *Cultural Heritage and Aboriginal Identity in Farming Landscapes*.

8.4.1 Transferability

The arguments presented in this thesis are based on data gathered from participants in certain local socio-cultural contexts and do not capture the rationales and perceptions of all people operating farming businesses. For this reason, and because of the extended variations in Australian cultures, histories, geography, environment and agricultural production in the Tatiara and elsewhere, transferring findings of the current study to other regions should be approached cautiously. I have attempted to counter the above problem and strengthen transferability through sample variance that enables broad identification and discussion of general aspects relating to farmers' engagement with ACR and ACH. I have also described the study population through thorough explanations of regional history, demographics and geographic boundaries to enable others to assess the degree of transferability of the findings (Chapter 4, *Tatiara: foundations for cultural heritage*).

8.4.2 Limitations

The difficulties non-Aboriginal people have in perceiving an Aboriginal perspective often stem from their conflicting meanings and values in history, place and objects, and modern local community social and economic needs. This is an issue that was evident at the recruitment stage of the current study where several potential participants, despite the initial interest of some, declined to take part because they perceived that acknowledging Aboriginal connections to their property will threaten disruption and trouble in their settled lives.

The rationalisation and negative expression of attitude about Aboriginal cultures (and Aboriginal individuals) from some non-participants possibly stems from their pre-existing prejudices and stereotypes built upon experiences and hearsay, possibly in local contexts. The participation of these farmers would have provided invaluable data about farmers' attitudes to Aboriginal cultures and ACR and ACH that the current study has been unable to capture. Therefore, in the interests of a more complete analysis, it would be beneficial to conduct further research into alternative methodological approaches to data collection that would enable the inclusion of the perceptions of these and other farmers.

I have deliberately approached issues of ACR and ACH on private property from a farming landowner perspective, with research questions directly related to farmers' perceptions and how these may or may not affect the management of Aboriginal heritage. In addressing these questions, I have attempted to move the discourse around managing Aboriginal heritage toward addressing issues and problems related to farming contexts. Because the aim of the research has been to explore farmers' perceptions, the thesis has not sought the Indigenous perspective of ACR in the TDC, which is a clear avenue for future research.

8.4.3 Future research

Although my focus has been on farmers' perceptions due to the deficiency of research in this area, this is not because I consider an Aboriginal perspective irrelevant. Research into the perceptions of Aboriginal people connected with the Tatiara region would add valuable data to my conclusions about Aboriginal cultural heritage and its management. Although an Aboriginal perspective of ACR and ACH on farms is a topic for future research, I hope that the findings of the current study will contribute positively to such an undertaking.

Moving forward the debate on Aboriginal heritage management in Australia requires further contextual research into Aboriginal values and meanings; particularly in respect to tangible and intangible ACR in urban and intensively settled landscapes. Disconnections in Aboriginal heritage in rural contexts have important cognitive elements, raising important questions. What, for example, are the dynamics behind Aboriginal peoples' interest and understanding of 'unknown' ACR, and how is ACR (re)cognised in terms of present-day ACH constructs? These are interesting and necessary questions with direct relevance to Aboriginal heritage management in settled urban and rural areas of Australia.

The current study has also thrown up many further questions in need of investigation, although there are closely interrelated aspects of ACR and ACH situated cross-culturally that stand out as particularly deserving. Future studies might more closely examine the use and ramifications of *silence* in Aboriginal heritage. In the preceding sections of this chapter, presence and absence are observed as powerful political tools. This thesis has highlighted that ideas of space and narrative are prejudiced by *presence*, and an entitlement to engage and

participate is challenged by *absence*. In effect, absence and presence function as social control, conveying messages of what belongs and what does not (Jones, Robinson & Turner, 2012). As the results of the current study has indicated, in cross-cultural situations, silence can either be a friend or an adversary. The dual aspect of this topic is intriguing and could be usefully explored in two areas: first, the broad effects and outcomes in the use of confidentiality and obfuscation as policy measures in formal Aboriginal heritage management and; second, the use of confidentiality about ACR and ACH as an empowerment strategy by Aboriginal cultural groups.

8.5 Conclusion

In addition to offering some directions for future research (above), my study has made unique contributions to the literature on Aboriginal heritage management on private farm properties, since research in this area is relatively new and associated literature is limited.

Any scholarship about cultural heritage invariably states its complexity and the multiple explanations of its meaning. I have employed a present-day socio-processual model of cultural heritage to scaffold an analysis of the strengths and weaknesses of the current South Australian Aboriginal heritage management regime in farming situations. A primary advantage in comprehending cultural heritage as a socio-cultural process is a clearer and more nuanced understanding of the relationships necessary in the establishment of heritage and how these emerge as issues in cross-cultural situations, revealing potential contributions to resolving some of the key dilemmas in cultural heritage management today.

As a product of culture, cultural heritages are established through complex socio-cultural processes of meaning creation, further complicated through the multicultural reality of Australia. The surface of an Australian rural landscape is culturally multilayered, consisting of intersecting worlds and realities. Within this geographical landscape, history, and the meanings and values of ordinary Australian people intersect and intertwine in establishing cultural heritages. Due to this complexity, the conclusions stated in the preceding sections should not be construed as the singular interpretations possible from the results of the current study. Considering the fluidity in cultural constructs and meanings, heritage will

always be accompanied by a degree of uncertainty, most prominent in cross-cultural and changing situations. Aboriginal heritage in farming landscapes exemplifies this circumstance.

Although many cultural resources in Australian landscapes are shared among diverse cultural groups, there is special consideration for the cultural meanings and values of Aboriginal groups afforded through human rights and the aims of Aboriginal heritage protection legislation. If heritage laws are to be ethically implemented in situations where ACR and ACH is divorced from Aboriginal control, they must not only reflect Aboriginal meanings and values, but also enable Aboriginal involvement. Despite what is often reported in political and policy debates about the management of Aboriginal heritage, the implementation of Aboriginal heritage legislation in practice has only offered minimal solutions to the protection of ACR and the establishment of ACH on farms. The benefits of current Aboriginal heritage management on farmlands in South Australia for Aboriginal people has been shown to be neither comprehensive nor do they seem to be sustainable in the long-term.

Reform in Aboriginal heritage management means new structures and processes that encourage understanding and counter power differences that work against Aboriginal people determining what constitutes ACR and the establishment of ACH. The key to efficacious Aboriginal heritage management in cross-cultural situations, particularly in circumstances in which ACR is divorced from Aboriginal cultural knowledge and control, seems to rest in an investment in the capacity for non-Aboriginal stakeholders to collaborate with Aboriginal cultures and heritage, and for Aboriginal people to engage with known and ‘unknown’ ACR. An Aboriginal heritage management system, therefore, should encourage and facilitate non-Aboriginal landowners (and others) to be receptive to an Aboriginal presence and of contemporary Aboriginal issues through a focus on suasion, implementing measures emphasising education, information and assistance, rather than punishment.

Accordingly, it is imperative that government policy, legislation, and administrative cultural heritage practice adjust to consider the complex and varied histories and *lived experiences* of relevant stakeholders involved. For that reason, a key policy priority should be to facilitate the establishment of relationships

between appropriate stakeholders, providing the platform for each to become increasingly sensitive, capable and involved. If the current South Australian heritage regime is left to continue as it is, Aboriginal and non-Aboriginal cultures in settled landscapes will continue to run parallel to each other, doing little in the way of benefit for Aboriginal cultural heritage, or furthering reconciliation through cross-cultural understanding of an Australian colonial history.

8.6 Afterword

At the close of writing this thesis, the South Australian government introduced and passed a Bill of amendment to the *Aboriginal Heritage Act (SA) 1988* through both Houses of Parliament: The *Aboriginal Heritage (Miscellaneous) Amendment Bill (SA) 2016*.²⁰³ Numerous small amendments made in respect to several sections of the AHA seem, on the face of it, to facilitate negotiation with Aboriginal Traditional Owners in development and planning processes. Two major amendments to the *AHA (SA) 1988* are the insertion of sections regarding Aboriginal Heritage Guidelines (Part 2A) and Recognised Aboriginal Representative Bodies (Part 2B).

Aboriginal Heritage Guidelines

The *Aboriginal Heritage Act (SA) 1988*, as amended by the *Aboriginal Heritage (Miscellaneous) Amendment Bill (SA) 2016*, now states that the Minister must cause a copy of guidelines in relation to the operation of the Act to be published on a website determined by the Minister (19A-4(a) and kept available at an office or offices for public inspection (19A-4(b)). This amendment seems to do little to alter or address the arguments put in this thesis concerning issues in the distribution of information and guidelines.

Recognised Aboriginal Representative Bodies (RARB)

RARB may be determined for a specified area (19B-1(a); a specified site or sites (19B-1(b)); a specified object or objects (19B-1(c)); or specified Aboriginal

²⁰³ Available online: <http://www.austlii.edu.au/au/legis/sa/bill/ahab2016389/>. Governor's assent reported in notice to the House of assembly, Tuesday 12 April 2016, Votes and Proceedings of the House of assembly, No. 61, *Hansard*, p. 442, Available online: <http://www.parliament.sa.gov.au/HouseofAssembly/BusinessoftheAssembly/RecordsandPapers/VotesandProceedings/Votes%20and%20Proceedings/061%20Tuesday%2012%20April%202016.pdf>, Accessed 20 May 2016.

remains (19B-1(d)). RARB will be appointed in respect to the registered native title body corporate (within the meaning of the *Native Title Act (Cmth)* 1993) of an area that is the subject of the relevant native title determination under that Act; including, to avoid doubt, areas within that area in which native title has been extinguished or suppressed (19B-4). However, the Aboriginal Heritage Committee (AHC) will have the power to refuse an appointment.

ACH, as the product of a socio-cultural process observed in this thesis, may embrace an Aboriginal group's native title rights and interests, and traditional ownership, but the concept extends much further. Moves toward the management of Aboriginal heritage through RARB based on native title frameworks are potentially problematic because the present Aboriginal heritage management framework in South Australia links heritage to traditional ownership, leading to the questions of who may speak for, or be involved in, Aboriginal heritage.

It is too early to comment in-depth about these amendments to the AHA, although the RARB structure might offer some advantage in terms of intracultural communication for dispersed Aboriginal people, as discussed previously in this chapter. In the main though, the legislative amendment seems to reinforce the South Australian government aspirations to enable Aboriginal people and land-use proponents to negotiate agreements about Aboriginal heritage in ways that involve Aboriginal people in decisions about Aboriginal heritage before projects commence; ostensibly for creating certainty for all parties (Department of State development, 2016). While cultural heritage negotiations with native title bodies can potentially achieve positive results (in the form of ILUAs for example), it does not fully respond to Aboriginal rights to meanings and values in respect to places or objects present within the social and cultural complexities of modern Australia. Such approaches, therefore, threaten to further inform a perception of absence and potential disenfranchisement for members of Aboriginal populations living for generations in an area, but having no recognised native title responsibilities or traditional ownership.

According to the ABC News service (Gage, 2016), the chief executive officer of South Australian Native Title Services, Keith Thomas, believes that the amendments will assist people to access lands and destroy Aboriginal heritage rather than improve its protection. In response to these claims, the State

Government Aboriginal Affairs Minister, Kyam Maher denies that the protection of Aboriginal heritage will be compromised, stating, “The level of protection that's been provided by nearly 30 years of the Aboriginal Heritage Act will remain.” (Gage, 2016). If the latter claim by the Minister proves correct, then the findings of the current study remain endorsed, showing little promise for progress in the management of ACR and the establishment of ACH on farms.

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APPENDICES

APPENDIX A

AUSTRALIAN NATIONAL UNIVERSITY PLAIN LANGUAGE INFORMATION SHEET



TO: Participant

Full Project Title: The Perceptions and Perspectives of Farmers Concerning
Aboriginal Cultural Heritage Located on Their Properties.

Principal Researcher: Gary Toone

The majority of Aboriginal cultural heritage sites and objects are located in the country, the greater part of which is controlled and managed by people engaged in the business of farming. Farmers therefore play an important role in the management and protection of Aboriginal heritage. Farmers' ideas and views must be considered important in developing legislation and management protocols involving Aboriginal heritage, including sites and objects, located on farms.

This is a research project looks at intensively farmed regions where landowners generally hold freehold title to their land and seeks to explore the views of farmers', Aboriginal people, heritage professionals, and local & state government officers about Aboriginal cultural heritage on farms.

Please read this Plain Language Information sheet carefully. Feel free to ask questions about any Information in the document. You may also wish to discuss the project with a relative or trusted advisor; feel free to do this. Once you understand what the project is about and if you agree to take part in it, you will be asked to sign the Consent Form. By signing the Consent Form, you indicate that you understand the information and that you give your consent to participate in the research project.

You will be given a copy of the Plain Language Information Sheet and Consent Form to keep as a record.

1 Purpose of the research

The purpose of this project is to explore various perspectives and perceptions of Aboriginal cultural heritage on farm properties and the roles farmers currently play in its management. Knowing and understanding this will greatly assist in managing Aboriginal cultural heritage found on farms.

This is a Doctoral research project being undertaken at Australian National University, Canberra. A total of one person (Gary Toone) will participate as a researcher in this project. This research is funded by in total by Gary Toone, who has no financial interest in the research.

2 Research procedures

If you agree to participate in this research project, you will be asked to take part in an interview with the researcher, which is envisaged to last no more than two hours.

The interview can be at a mutually convenient time. It may be necessary to follow-up the interview with contact (personal or by phone) to clarify certain points of the interview. There are no set questions for this interview, however questions will relate to how you feel, what you think of, and what you might do about the presence and management of Aboriginal cultural heritage (including sites and objects) that may be found on farming properties.

If you agree, we may record the interview. The interview audio will be securely locked in a cabinet at the National Centre of Indigenous Studies (NCIS), College of Law Building (ANU): Canberra. The text of interviews will be kept for a minimum of 5 years following final publication of the results of the research. These will not be identifiable to you. You will be offered the audio and text for your own records.

Any information obtained from you in connection with this project, including that which can identify you, will remain private and, subject to extent the law allows, that information will only be disclosed with your permission. Any publication that may result from this research, will be written in such a way that you or your property will not be identified. I plan to share the final results of the research, in the form of a written thesis or any other publication that may result from this

research, with you as a participant, the Australian National University, the South Australian Aboriginal Heritage Branch, and local Aboriginal community representatives.

3 Possible benefits of the research

There are no immediate direct benefits to you as a farmer, however, the results of this study may result in changes in heritage management that better recognise and take into account farmers' perspectives in this area. This will allow farmers more certainty and confidence in managing and protecting Aboriginal sites on their land. For legislators and heritage practitioners, there are possible benefits of a better understanding of how Aboriginal sites and objects affect the business of farming. Aboriginal people will also benefit through the possibility of improvements in the future access, detection, recording, protection and management of their cultural heritage.

If you choose to accept the audio and text of the interview (and a copy of the ensuing thesis) you will also gain an interesting family history record.

4 Possible risks of the research

Possible side effects and discomforts associated with this research are minimal. There will be some inconvenience regarding time for interviews and follow-up contact.

Under the Aboriginal Heritage Act (AHA) 1988, landowners have certain responsibilities in regards Aboriginal cultural heritage. There are penalties of up to a \$10 000 fine or imprisonment for 6 months for not meeting these (non-compliance with particular sections of the S.A. Aboriginal Heritage Act [1988], e.g. sections 20, 23, and 35).

A copy of the South Australian Aboriginal Heritage Act 1988 (AHA (SA) 1988) and a series of guides produced by the South Australian Aboriginal Heritage Branch (AHB) to assist people to understand and comply with the Act, have been provided for you. Please read these carefully. The researcher will discuss the Aboriginal Heritage Act and AHB information guides with you before you make a decision to participate in the research or not.

It is not the aim of this research to damage, disturb or interfere with any

Aboriginal site or object or to expose any illegal activity. The researcher has no legal obligation to report any breaches of the Aboriginal Heritage Act (1988) should any be inadvertently revealed.

If at any time you feel pressured or distressed, you can suspend, or choose to end, participation in this project. In this case, information provided by you will not be used.

5 Participation in the research is Voluntary

Participation in this research project is voluntary. If you do not wish to take part you are not obliged to. If you decide to take part and later change your mind, you are free to withdraw from the project at any stage. Should you withdraw from the project, information supplied by you will be deleted and not used. Your decision, whether not to take part, or to take part and then withdraw, will not affect your relationship with the Australian National University or the named researcher.

You will not be paid for your participation in this project. However, you will be given a twenty dollar (\$20) gift voucher in appreciation of your time.

Before you make your decision, the researcher will be available to answer any questions you have about the research project. You can ask for any information you want. Sign the Consent Form only after you have had a chance to ask your questions and have received satisfactory answers. If you decide to withdraw from this project, you are free to do so. Please notify a member of the research team of your decision to withdraw.

6 Ethical Guidelines

This project will be carried out according to the Australian Code for the Responsible Conduct of Research (2007). This Plain Language Information Sheet has been developed to protect the interests of people who agree to participate in human research studies.

The ethics aspects of this research project have been approved by the Human Research Ethics Committee of Australian National University, Canberra, ACT.

7 Complaints

If you have any complaints about any aspect of the project, the way it is being conducted or any questions about your rights as a research participant, then you may contact:

Human Ethics Officer

Human Research Ethics Committee

The Australian National University

Tel. 02 6125 3427

Email. Human.Ethics.Officer@anu.edu.au

Please quote project number: 2011/182/Toone

8 Further Information, Queries or any Problems

If you require further information, wish to withdraw your participation or if you have any problems concerning this project, you can contact the principal researcher, Gary Toone.

The researchers responsible for this project are:

Supervisor: Professor Joan Beaumont - Ph: +61 2 6125 4583

School of History, CASS Research School of Social Sciences, Australian National University.

Panel Chair: Professor Mick Dodson – Ph: +61 2 6125 6708

National Centre for Indigenous Studies, College of Law Building, Australian National University.

Supervisor: Dr Philip Clarke – Ph: +61 8 8207 7384

Anthropology, South Australian Museum.

Principal Researcher: Gary Toone – Ph: +61 8 8562 2716

National Centre of Indigenous Studies, Faculty of Law, Australian National University.

APPENDIX B

AUSTRALIAN NATIONAL UNIVERSITY

CONSENT FORM

TO: Participant

Full Project Title: The Perceptions and Perspectives of Farmers Concerning Aboriginal Cultural Heritage Located on Their Properties.

1. I (Please print) consent to take part in the Perceptions and Perspectives of Farmers study. I have read and I understand the attached Plain Language Information Sheet. I have discussed any concerns with the researcher and freely agree to participate in this project according to the conditions in the Plain Language Information Sheet. I have been given a copy to keep.

2. I understand that agreement to take part in this study will mean I will take part in an interview discussing aspects of Aboriginal cultural heritage.

3. The researcher has agreed not to reveal my identity and personal details, including where information about this project is published or presented in any public form.

4. I understand that the researcher will keep my personal information confidential as far as the law allows. My information will only be accessible by the researcher and will be kept in a locked filing cabinet at ANU.

5. I understand that I am free to withdraw from the study at any stage, without giving reason and that this will have no negative consequences for me, and information provided by me will not be used.

Signature Date
.....

Audio taping

I consent to have my interview (if any) audio-taped by the interviewer. I understand that the tapes will be stored securely at the Australian National University and will be erased at the conclusion of the study.

Signature Date
.....

APPENDIX C

ANU Human ethics approval for research

Subject: Human Ethics Protocol 2011/182
To: u4956393@anu.edu.au
Cc: joan.beaumont@anu.edu.au, human.ethics.officer@anu.edu.au

Date: 09/01/11 08:06 AM
From: aries@anu.edu.au

THIS IS A SYSTEM-GENERATED E-MAIL. PLEASE DO NOT REPLY. SEE BELOW FOR E-MAIL CONTACT DETAILS.

Dear Mr Gary Toone,

Protocol: 2011/182
The perceptions and perspectives of farmers concerning Aboriginal cultural heritage located on their properties

I am pleased to advise you that your Human Ethics protocol received approval by the Chair of the HREC on 1 September 2011.

For your information:

1. Under the NHMRC/AVCC National Statement on Ethical Conduct in Human Research we are required to follow up research that we have approved. Once a year (or sooner for short projects) we shall request a brief report on any ethical issues which may have arisen during your research or whether it proceeded according to the plan outlined in the above protocol.
2. Please notify the committee of any changes to your protocol in the course of your research, and when you complete or cease working on the project.
3. Please notify the Committee immediately if any unforeseen events occur that might affect continued ethical acceptability of the research work.
4. Please advise the HREC if you receive any complaints about the research work.
5. The validity of the current approval is five years' maximum from the date shown approved. For longer projects you are required to seek renewed approval from the Committee.

All the best with your research,

Kim

Ms Kim Tiffen
Ethics Manager/rDNA Secretary
Office of Research Integrity,
Research Office,
Ground Floor, Chancellery 10B
Ellery Road
The Australian National University
ACTON ACT 0200
T: +61 6125 3427
F: +61 2 6125 4807
Kim.Tiffen@anu.edu.au or
human.ethics.officer@anu.edu.au

http://www.anu.edu.au/ro/ORI/Human/human_index.php

APPENDIX D

Murrapeena Heritage Association confirmation of support

Murrapeena Heritage Association
PO Box 156
Algate 5154
South Australia

28 February 2011

To whom it may concern,

The Murrapeena Heritage Association confirms and acknowledges its support for the proposed research to be undertaken in the Tatiara District Council area by Gary Toone.

The research, by examining and identifying issues and processes in the disclosing and reporting of Aboriginal cultural heritage existing within the farming landscape of the Tatiara region, has the possibility of producing real and positive outcomes for Aboriginal people.

The research will pave the way for evidence of past Aboriginal life-ways, tangible and intangible, being made accessible to Aboriginal people; such an outcome will be of benefit to any Aboriginal person, especially those who identify with the Tatiara landscape itself.

Exposing trends and real or potential barriers to the documentation of Aboriginal cultural heritage, provides a basis for further investigations and an opportunity for the establishment of more effective heritage management protocols.

On behalf of the
Murrapeena Heritage Association

Signed: *A. Raven Chairperson*

APPENDIX E

K. Hunt (Aboriginal representative) confirmation of research support

Kerry Hunt
25 Darlot Street
Horsham
Victoria

28 February 2011

To whom it may concern,

I, Kerry Hunt, the undersigned, confirm and acknowledge support for the proposed research to be undertaken in the Tatiara District Council area by Gary Toone.

The research, by examining and identifying issues and processes in the disclosing and reporting of Aboriginal cultural heritage existing within the farming landscape of the Tatiara region, has the possibility of producing real and positive outcomes for Aboriginal people.

The research will pave the way for evidence of past Aboriginal life-ways, tangible and intangible, being made accessible to Aboriginal people; such an outcome will be of benefit to any Aboriginal person, especially those of us who identify with the Tatiara landscape itself.

Exposing trends and real or potential barriers to the documentation of Aboriginal cultural heritage, provides a basis for further investigations and an opportunity for the establishment of more effective heritage management protocols.

In agreement,

Signed

A handwritten signature in black ink, appearing to be 'Kerry Hunt', with a stylized flourish extending to the right.

APPENDIX F

Authorisation to access records in the Central Archive (Aboriginal Heritage Branch, S.A.) associated with the Tatiara District of South Australia.

Aboriginal Heritage Branch - Access Form 2

Manager
Aboriginal Heritage Branch
Department of the Premier and Cabinet, Aboriginal Affairs and Reconciliation Division
GPO Box 2343
ADELAIDE SA 5001

Dear Manager

The MURRAPPEENIA HERITAGE ASSOCIATION
(insert name of authorising Aboriginal person/ organisation)

hereby give authorisation to
(insert name of person or organisation requiring access) GARY TOONE
To access the Aboriginal Heritage Branch Central Archive, which includes the Register of
Aboriginal Sites and Objects

This authorisation allows access to the following records (tick one or more of the following);

- ☒ Site cards
- ☒ Consultants reports
- ☒ Confidential/Restricted site cards
- ☒ Confidential/Restricted Reports

For the duration of the described project.

Special conditions, which I/we wish to issue, with regards to the access;

- ☒ Site cards to be read but not copied
- ☐ Site cards can be copied
- ☒ Reports to be read but not copied
- ☐ Copying of relevant sections of consultant's reports.
Material can be published or used in a report or quoted
- ☒ Material cannot be published or used in a report or quoted

I am aware that if taken for native title research, this material may be made available to other parties.

Yours sincerely

Robertson Blairperson
Signature Block of the authorising person/organisation.

Date 24 February 2011

APPENDIX: G

Interview guide

Interview Guide:			Farmer:	Comments
Introduction				
Thank for the interview Re-enforce previous explanations of project – confidential/ notes/ audio record 'Please speak up for the audio recorder' Is not about finding Aboriginal sites and objects, so I won't be asking anyone (farmers) those sorts of questions. 1 The aim is to get the farm manager's perceptions (that is from the farmer's perspective) of Aboriginal cultural heritage in relation to the decisions of farming operations.				
Body	Research question	Foci	Interviewer questions	
	Interviewee	background	Time on farm.	
<15 questions	Identify current standpoints of farmers	Understanding of heritage.	What is your general understanding of cultural heritage?	
	Examine current efficacy of authority and methods of management	Regard for heritage.	Importance?	
Facts before opinion	Ascertain farmers' involvement in the discovery, recording and management of ACH	Knowledge of ACH.	What is your understanding of ACH?	
Present before past or future	Investigate the potential of farmers to add to the record of past life-- ways of Aboriginal people	Understanding of ACH legislation.	What do you know of the requirements for change in land use?	
Use probes as needed	Wrap-up	Knowledge of ACH sites & objects/ intangibles.	Have you thought about ACH in relation to the farm?	
	Add'l comments	Opinion of ACH on farm.	What view do you have of ACH legislation and your property – Understanding?, view?, affect?	
	Next steps	Knowledge of stories about Aborigines.	Whose responsibility is ACH on the farm?	
	Thank you		What recommendations can you suggest that might help farmers in the management of sites and assist farmers in reporting and protecting ACH on farms?	
Probes	Mmmm – Yes		What is your opinion on finding Aboriginal sites/ objects?	
Detail oriented	What/ where/ when/ what/ who/ how? [avoid 'why']		What recommendations can you suggest that might help farmers in the management of sites and assist farmers in reporting and protecting ACH on farms?	
Elaboration	Can you explain/ elaborate on that?		What stories do you know of Aboriginal connections with your land?	
Clarification	What affect do you feel that has/had?		Is there anything else you want to add?	
	I'm sorry, I didn't quite get that?			

APPENDIX: H

Emergent themes for all interview transcripts – all participants - coded

Participants															
	P-1	P-2	P-3	P-4	P-5	P-6	P-7	P-8	P-9	P-10	P-11	P-12	P-13	P-14	P-15
	Heritage as behaviour	Universal heritage	Heritage as past	Treasured history	Respectful	Interest & concern	Obscured traces	Identity & belonging	Heritage for living people	Landscape change	Unfair consequences	Appreciating past	Identity formation	Identifying ACR	Heritage as personal
	Concerns of legitimacy	Heritage in place	Obscured presence	Aboriginal people fewer	Active conservation	Changing behaviour	Interest in the historical	Aboriginal rights	Realising impacts	Protecting ACR	Multiple heritages	Limited interaction	Expressing significance	Trust issues	Changing landscapes
	Others responsibility	No expectations	Values landscape	Early recollections	Hesitant involvement	Lacking direction	Keeping quiet	Impacts on Aboriginal p.	Saving evidence	Evidence of connection	Sense of heritage	Lacking confidence	No discovery expectations	Influencing decisions	Assigning significance
	Interest and familiarity	Empathic values	Proud of connections	Sharing access	No anecdotes	Disturbed land	Seeking information	Making assumptions	Assuming things	Cost of protection	Need trusting relationships	Limited responsibility	Added value	Unavoidable disturbance	Discriminates on race
	Applies race concepts	Knows planning	Limited knowledge	Positive management	Values traditional	Coincidental protection	Participation discouraged	Desire for knowledge	Limited relations	Fading Abl. culture	Accepts responsibility	Communicating history	Experience not so fearful	Considering heritage	Little chance of discovery
	Familiar with planning	Ill-defined responsibility	Disturbance of ACR	Regard for Aboriginal c.	Recognises connections	Little ACR consideration	Bureaucratic process	Empathetic understanding	Knowing significance	Empathetic understanding	Likelihood of discovery	Destruction & disturbance	Farmers fears	Valuing farm connections	Reducing numbers
Limited law information															
Pride in historical															
Concerns for ACR & ACH															
Supporting ACH															
Unaware of legal duties															
Unconscious actions															
Family history															
Need for information															
Local knowledge															
Dearth of knowledge															
Positive regard															
Information needed															
Trusted contact point															
Reflective thinking															
Effect of law															

Continued over page:

Participants (cont.)							
		Undisturbed places	Untrained	Disturbed landscapes	Limited expectations	Settler stories	P-1
No legal specifics	Trustee of land	Discontinued culture	Uninformed	Ownership issues	Attached to land	Legal non-compliance	P-2
Limited information	Significance focus	Site care	Stable landscape	Preservation issues	Adding to history	Management concerns	P-3
	Active interest	Trust issues	Legal issues	Focus of pride	Positioning artefacts	Perceived threats	P-4
			A legacy	Not looking for ACR	Connections to land	Difficulties seeing ACR	P-5
		Concern to protect	Chance discovery	Intact sand dunes	ACR management	Ignorance of law	P-6
				Economic consideration	Defying the law	Lack of trust	P-7
			Belonging to place	Decision-making	Unusual objects	Unknown legal duties	P-8
				Farming around ACR	Hard to find evidence	Lack of expertise	P-9
Limited knowledge	Clay-spreading	Need for trust	Source of pride	Disincentives	Elements of risk	Heritage as valued past	P-10
Unexpected	Salvage impulse	Bond with land	Local stories	Little legal awareness	Management concerns	Informing authorities	P-11
	Farm disruptions	Influencing decisions	Diminished importance	Potential legal issues	Dealing with others	Changing landscapes	P-12
					Not informed	Legal worries	P-13
	Limited resources	Limited knowledge	Changing behaviour	Local anecdotes	Fluctuating values	Problematic legal system	P-14
			Prohibitive costs	Current disturbance	Disputed explanations	Fear and inconvenience	P-15

APPENDIX: I

All transcripts: Overview showing integration of emergent themes into sub-themes and master themes by participant

Master theme: Cultural heritage concept

Contributing participants	Emergent themes	Sub-themes	Master theme
P-1 P-2 P-3 P-3 P-7 P-8 P-14	Heritage as behaviour Universal heritage Heritage as past Adding to history Historical interest Making assumptions Fluctuating values	Heritage and history	Cultural heritage concept
P-4 P-10 P-11 P-9 P-15	Treasured history Heritage as valued past Sense of heritage Heritage for living people Heritage as personal perspectives	Heritage as treasured history	
P-8 P-13 P-14 P-12	Identity & belonging Identity formation Considering heritage Appreciating past	Heritage as identity	

Master theme: Local Aboriginal people and culture

Contributing participants	Emergent themes	Sub-themes	Master theme
P-10 P-12 P-15 P-5 P-4 P-2 P-9	Fading Aboriginal culture Limited interaction Reducing numbers Valuing the traditional Fewer Aboriginal people Discontinued culture Limited relations	Miscegenation and culture loss	Local Aboriginal people and culture

Master theme: Respect and empathy

Contributing participants	Emergent themes	Sub-themes	Master theme
P-14 P-9 P-3 P-13 P-5 P-2 P-2 P-4	Reflective thinking Realising impacts Values landscape Added value Recognising Aboriginal connections Heritage in place Attached to land Positioning artefacts	Appreciating Aboriginal connections	Respect and empathy
P-8 P-8 P-8 P-5 P-4 P-2 P-10 P-3 P-4 P-6 P-1	Empathetic understanding Recognises Aboriginal rights Impacts on Aboriginal people Respectfulness Regard for Aboriginal culture Empathetic values Empathy and understanding Concerns about ACR(H) Supporting ACH Interest and concern Interest and familiarity	Empathy with Aboriginal loss	
P-3 P-10 P-4 P-2	Proud of connections A source of pride Focus of pride Pride in historical connections	A source of pride	

Master theme: Connections to land

Contributing participants	Emergent themes	Sub-themes	Master theme
P-14 P-5 P-8 P-11 P-2 P-11	Valuing farm connections Connections to land Belonging to place Multiple heritages Attached to land Bond to land	Importance of land for farmers	Connections to land
P-5 P-2 P-9 P-6 P-11 P-4 P-4 P-3	A legacy Trustee of land Saving evidence Concern to protect Positive regard Positive management Sharing access Site care	Stewards and caretakers	

Master theme: Issues of trust

Contributing participants	Emergent themes	Sub-themes	Master theme
P-1 P-1 P-15	Concerns of legitimacy Applies race concepts Racial discrimination	Authenticity	Issues of trust
P-14 P-13 P-4 P-10 P-12	Trust issues Trusted contact point Trust issues Need for trust Dealing with others	Trusting advice and assistance	
P-15 P-7 P-11	Disputed explanations Lack of trust Need for trusting relationships	Personal distrust	

Master theme: Discovery of ACR

Contributing participants	Emergent themes	Sub-themes	Master theme
P-6 P-1 P-12 P-10 P-15 P-14 P-10 P-3 P-6 P-11 P-2 P-5 P-1 P-3 P-6 P-1 P-1 P-15 P-10	Disturbed land Disturbed landscapes Changing landscapes Landscape change Changing landscapes Unavoidable disturbance No evidence of connections Obscured presence Little consideration of ACR Unexpected No expectation Not looking for ACR Limited expectations Stable landscapes Intact sand dunes Undisturbed places Familiar with planning Current disturbance Clay-spreading	Out of mind	Discovery of ACR
P-14 P-11 P-7 P-9 P-6 P-8 P-13 P-5 P-15	Identifying ACR Likelihood of discovery Obscured traces Hard to find evidence Chance discovery Unusual objects Little expectation of discovery Difficulties in recognising ACR Little chance of discovering ACR	Out of sight	
P-5 P-4 P-11 P-14 P-9 P-12 P-7 P-1	No Aboriginal anecdotes Early recollections Local stories Local anecdotes Local knowledge Communicating history Family history Settler stories	Anecdotal evidence	

Master theme: Information and guidance

Contributing participants	Emergent themes	Sub-themes	Master theme
P-8 P-2 P-13 P-11 P-4 P-5 P-6 P-3 P-1 P-10 P-14	Desire for knowledge No legal specifics Not informed Little legal awareness Legal issues Unaware of legal responsibilities Ignorant of the law Limited knowledge of <i>AHA (SA) 1988</i> Limited information on law Dearth of knowledge Limited knowledge	Knowledge of Aboriginal heritage law	Information and guidance
P-6 P-1 P-9 P-10 P-3 P-9 P-2	Unskilled Untrained Assuming things Limited ACR knowledge Limited knowledge Lack of expertise Uninformed	Knowledge of ACR(H)	
P-7 P-8 P-6 P-12 P-3 P-2 P-13	Seeking information Need for informed decisions Lacking direction Information needed Limited information Ill-defined responsibilities Experience not so fearful	Administrative function & practice	

Master theme: Farming around ACR and ACH

Contributing participants	Emergent themes	Sub-themes	Master theme
P-12 P-3 P-11 P-7 P-2 P-8 P-6	Influencing decisions Preservation issues Management concerns A bureaucratic process Knows planning process Decision making Coincidental protection	Farming decisions	Farming around ACR and ACH
P-5 P-9 P-12 P-1 P-11 P-3	Active conservation Farming around ACR Limited responsibilities Other's responsibility Accepts management responsibility Management concerns	Responsibility	
P-15 P-11 P-12 P-3 P-13 P-9	Assigning significance Informing authorities Diminished importance Significance focus Expressing significance Knowing significance	Significance	
P-11 P-10 P-6 P-6 P-12 P-14 P-7 P-3 P-4	Salvage impulse Protecting ACR A changing behaviour ACR management Destruction & disturbance of ACR Changing behaviour Defying the law Disturbance of ACR(H) Active interest	Behaviour	

Master theme: Perceived threats

Contributing participants	Emergent themes	Sub-themes	Master theme
P-4 P-12 P-10 P-2	Perceived threats Lacking confidence Elements of risk Ownership issues	Loss of control	Perceived threats
P-7 P-12 P-13 P-14 P-15	Keeping quiet Farm disruptions Farmer's fears Influences to decisions Fear & inconvenience	Farm disruption	
P-15 P-14 P-10 P-7	Prohibitive costs Limited resources Considering cost of protection Economic considerations	Cost	
P-5 P-6 P-10 P-7 P-12 P-13 P-2 P-8 P-14 P-11 P-15	Hesitant involvement Consequences of unconscious actions Disincentive Discouraged from participation Potential legal issues Legal worries Legal non-compliance Unknown legal obligations Problematic legal system Unfair consequences Effect of law	Legal ramifications	

APPENDIX: J

Participant P-10: Example of emergent interview analysis showing integration of potential to emergent themes

Participant: P-10		
Potential themes	Emergent themes	Sample quotes
Heritage concept not normally considered Confusion about heritage Out of mind Limited view of heritage concept Recognising heritage as important parts of the past Need for acknowledgment and understanding of people Heritage as identity Levels of significance	Heritage as valued past	“It’s [heritage] how things have happened with a certain group of people over 50, 100, 200 years.” “I suppose heritage is more important parts of their past, or parts of their past that needs to be preserved, I suppose, something like that.” “Need to be acknowledged and, not necessarily continued but understanding of, continued.”
View of Aboriginal heritage values in the landscape limited to water/ food sources Heritage values attached to burial sites Few memories of Aboriginal people No oral history of Aboriginal people Diminishing stories through generations Early settler history Limited view of heritage concept	Evidence of connection	“I would say, without knowing for sure, that there wouldn’t be any specific area on my farm that would have ever been of any importance to anybody that lived here five hundred years ago.” “I can’t think of anywhere that would have been important.” “I would have assumed that there would have had to be a lot of [Aboriginal] people around because why would you not live here?” “I can’t think of anything that you would call a ‘site’... like a burial site or where a normal person would live to try and live off the land.” “What’s the point of knowing ... I mean, it’s just a tool, wasn’t it? So what’s the point of knowing?”

Disappearing Aboriginal culture Aboriginal population diminishing.	Fading Aboriginal culture	“When we say Aboriginal you, sort of, automatically think what has disappeared that shouldn’t be. I mean in our situation in this district, it would be mostly non-continuing culture, because there’s no ..., not too many Aboriginals around still.” “You know, that’s still very important to them, even though they seem to be a diminishing number of people.”
Circumstances ‘trigger’ considerations Morality linked to profitability Economic considerations	Considering cost of protection	“At the moment, you are breaking your neck to get out of as much debt as you can. So, you know, if it was profitable to do it [heritage protection], then the more likely the more moral you’ll be.” “If there is a cost to it [duty of care], I suppose you can’t avoid that. He [the farmer] might just decide to do it [farm development] anyway, especially if there is a cost involved.
Protection of sites/ objects happenstance Non-interference as protection Protection of site/ objects Considering solutions Expertise required Lack of expertise	Protecting ACR	“I think it might depend on what it was. Like, it’s a stone axe and it’s just a tool, well I’ll just put it somewhere safe; I’ll keep it.” “Do you fence it off so that you can’t, or you don’t, or your stock don’t, or your cropping equipment doesn’t access it. But there’s no other way you can look after it, is there?” “Well, if it’s a hundred acres of ...I don’t know what...I don’t think there’d ever be a site of a hundred acres, would it? But I mean, if it was an acre or so, you’d probably fence it off, but if it was a hundred acres?” “Somebody who knows a bit about Aboriginal sites ...somebody like that might be able to help.”

Realisation of affect European settlement Empathy	Empathetic understanding	“The Aboriginal culture has developed because of the introduction of us. So, it’s changed a lot in the past two hundred years. Their own culture’s changed because of our turning up.” “It’s still important to an Aboriginal person, that might be living in Adelaide, that had Grandfather brought up in the Tatiara and lived along the Tatiara Creek.” “I think it certainly is important. It’s important for history, the same as me knowing ... If I was one [Aboriginal person], it’d be important for me; the same as me knowing I came from the middle of (place name) somewhere.”
Pride in ACR ACR valuable asset	A source of pride	“I’d feel quite honoured to have a place on the property. You know, a bit of an attraction.” “Really, not that you’d make it a tourist destination or anything, but it’s a valuable asset.”
No knowledge of farm owner legal obligations Not aware of <i>AHA (SA) 1988</i> review	Dearth of knowledge	“...maybe that place like [name of place], where there is shelter under rocks, you might say this could’ve been somewhere where people might have lived because it’s sensible to get in out of the rain here.” “You wouldn’t be looking for them, you’d just happen to find stone axes or ...” “I wouldn’t have had any specific knowledge of [AHA (SA) 1988] by-laws, or clauses, or whatever. At all.” “We see bones all the time. Cow bones and sheep bones and whatever, so ... Unless you just happened to see a skull, you’d probably not going to take a lot of notice.”

Lack of knowledge of sites/ objects Lack of knowledge of where Aboriginal material is likely Lacking Aboriginal perspective	Limited knowledge of ACR	"I suppose the obvious things are the things that people have found in the past, stone axes. So, that's the only thing really that you'd be looking for." "As far as other sites, I wouldn't even know what to look for." "If it was a burial site, like that, or somewhere where people had obviously camped and cooked ...I don't know how you'd know where that was though, I wouldn't know."
Changing landscape	Landscape change	"Most of that [original] vegetation has gone. So I wouldn't really know if there was any areas like that"
Claying as land-use change Claying common	Clay-spreading	"...if you were claying a sandy paddock, you know, that you've never cropped before, then you really might get stuck into that paddock. Whereas before you might have drilled a bit pasture into it but that was all." "But some of those sandier type areas, well, then you start really getting into them when you're claying them, digging holes ... virtually all the sandy hills around here have been done."
Risk Desire for control Lack of control Consultation necessary Farmer's duty of care Economic considerations	Elements of risk	"If you found something you thought might be significant, well, anything ... you'd still want to have some sort of control over what might happen, or at least be consulted all the way." "After consultation with the owner of the land." "How it could be protected or the affect it might have on your ownership or use of said site." "If you think that somebody's just going to barge in and do what they want because the legislation says, you [the farmer] are less likely to be looking for or want to be involved in anything."

Trust Practical sense Involvement linked to consultation	Need for trust	“You’d want that [Aboriginal input] to be an authorised body with some common sense.” “If it’s not a body you can trust or feel comfortable with, then you are just not going to report it.”
Laws lacking in encouragement Ambiguous legislation Laws lacking in encouragement Risk in reporting	Disincentive	“Which is not going to encourage the landowner to let people look. I mean, if you don’t know you’ve got something there, well you don’t know.” “If the act was like that [mandatory reporting for all] and anybody could report anything, then you are more likely to put no trespass signs on your whole place.” “I’m going to say to you, as a farmer, I don’t want you walking across my country.” “It [AHA (SA) 1988] doesn’t look terribly workable really...not user [farmer] friendly, but artefact finding people friendly.” “For people, say farmers, you are looking on farms generally, so, not that farmer friendly in that I’m going to read that and say, no worries, I’ll go and report that.” “You are more likely to say, oh, I don’t want to get tangled up in that, I think I’ll keep quiet.” “Knowing now that you could get arrested and charged ten thousand dollars because you had it, if I found it now, since 1988, and you’d have to give it up ... probably not.”

