

Unfinished Business:
The *Lower Murray Lakes Archaeological Study* within a historical and
political context

By

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Dedicated to Reconciliation

&

My dear Aunt Alice

who passed away during this thesis research

xoxoxo

ABSTRACT

This thesis explores the political and historical context of Indigenous heritage administration and archaeological research in South Australia and builds onto previous research conducted by Hemming (1995, 1996, 2006, in press; also see Hemming and Trevorrow 2005; Hemming et al. 2000). Set within a South Australian context, the administration of the *Aboriginal and Historic Relics Preservation Act 1965*, the *Aboriginal Heritage Act 1979* and the *Aboriginal Heritage Act 1988* are explored as part of this thesis.

This thesis is set in the context of a case study, the *Lower Murray Lakes Archaeological Study* (LMLAS) conducted by archaeologist Roger Luebbers during the mid-1980s along the shores of Lake Alexandrina, South Australia. This case study is used as a specific example to illustrate the outcomes of the political and historical context of Indigenous heritage administration and archaeological research in South Australia. Additionally, this study explores the outcomes this research has had for the Ngarrindjeri Nation.

This research contributes an in-depth written account exploring the history of Indigenous heritage administration in SA. Simultaneously, through an engagement with the theoretical and political context of archaeology, and a collaborative research methodology this thesis maintains a decolonised approach to research. Thus, this study contributes to already existing literature about the socio-political context of archaeology.

DECLARATION

I certify that this thesis does not incorporate without acknowledgement any material previously submitted for a degree or diploma in any university; and to the best of my knowledge and belief it does not contain any material previously published or written by another person where due reference is not made in the text.

Signed

Dated

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LIST OF ABBREVIATIONS

| | |
|---------------|---|
| AACAI | Australia Association of Consulting Archaeologists Inc |
| AARD | Aboriginal Affairs and Reconciliation Division |
| AHB..... | Aboriginal Heritage Branch |
| AHC..... | Aboriginal Heritage Commission |
| AHS..... | Aboriginal Heritage Section |
| AIAS..... | Australian Institute of Aboriginal Studies |
| AIATSIS | Australian Institute of Aboriginal and Torres Strait Islander Studies |
| ALRM | Aboriginal Legal Rights Movement |
| DAARe | Department of Aboriginal Affairs and Reconciliation |
| DEP | Department of Environment and Planning |
| DoSAA | Department of State Aboriginal Affairs |
| LMLAS | <i>Lower Murray Lakes Archaeological Study</i> |
| NHC..... | Ngarrindjeri Heritage Committee |
| NLPA..... | Ngarrindjeri Land and Progress Association |
| NNTMC | Ngarrindjeri Native Title Management Committee |
| NPWS..... | National Parks and Wildlife Service |
| NT..... | Ngarrindjeri Tendi |
| SACOME..... | South Australian Chamber of Mines and Energy |
| SAFF | South Australian Farmers Federation |
| SAPD | South Australian Parliamentary Debates |
| SBREC..... | Social and Behavioural Research Ethics Committee |

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SONG – Bad Midden Rising¹

I see a bad midden rising

I see some bad sieving too

Looks like we're in for nasty sorting

One mil is not much fun to do

Chorus

Don't go to sleep tonight

You've got reports to write

There's a bad grade on the rise

Don't go to sleep tonight

You've got reports to write

There's a bad grade on the rise

Hope you have got yourself together

Hope you are quite prepared to die

Looks like we're in for nasty weather

Some work's enough to make us cry

Repeat Chorus

¹ Sang to the tune of Credence Clearwater Revival's *Bad Moon Rising*.

PROLOGUE - My Speaking Position

So our land was invaded and was stolen from us. My old ancestors were driven off the land and put onto missions and forced to live in fringe dwelling camps. Squatting on Crown Land that was let, and deprived of our traditional living areas. Deprived of our burial grounds that protected our old people so that they wouldn't be dug up and removed. That right which has been ours for thousands of years was forcefully taken away in a matter a hundred years – not even that – in the first twenty or thirty years. So that's how it has been for us, the Ngarrindjeri people, and its an ongoing struggle and battle to get our rightful place upon our lands and waters recognised (Uncle Tom Trevorrow as cited in Trevorrow and Hemming 2006:296)

MY SELF

Whilst conducting this research for my Honour thesis it has been important I acknowledge my position within society. Who I am - my identity - and where I come from - my history - will ultimately influence the way I perceive and communicate with those around me. I am a white, female Anglo-Australian and I am situated in a position of privilege to those of other cultural backgrounds. I have always had access to education, health services, social and political rights.

For this thesis I maintain that the research process - a self-reflexive methodology - is as important as the research project. Adopting a reflexive approach allows me to study the ideological frameworks and sociopolitical issues that surround the archaeological discipline and my position within it. For a long time there was little examination of the political consequences of archaeological practice, as this issue was considered outside the paradigm of archaeology (Ellis 1994:12-3). According to Burke et al. (1994:13) sociopolitical research in Australian archaeology, which examines text instead of artefacts as data, has arisen due to an increased emphasis on reflexive techniques. By stating my individual experiences and opinions I identify the sociopolitical and methodological biases I may have as a researcher (cf. Burke et al. 1994:19). By employing this approach I hope to achieve a better understanding of the research process and my position within it.

MY JOURNEY

During the last four years I have been at university I have gained knowledge which has enabled me to construct informed opinions about the archaeological discipline. During the process of my honours research I have been particularly influenced by feminist writers such as the edited works of Du Cros and Smith (1993), Gero and Conkey (1991) and Spector (1991), who have made me more aware of power struggles that exist in our society between women and men, Indigenous and non-Indigenous peoples, and young and old. Subsequently, L.T. Smith (1999:163) has argued that critiques of research by feminists, as well as critical theorists, have created a paradigm in which culturally sensitive approaches to research have developed.

Through my own experiences I have become even more aware of the power struggles that exist within the archaeological discipline. In one personal experience I witnessed a research presentation by an ex-student of Flinders University regarding Old People (ancestral remains) excavated from Roonka Flat by Graeme Pretty during the late 1960s. These Old People are the ancestors of the Ngarrindjeri, the community in which I had just started to work with as part of my thesis research. When the researcher giving the presentation was questioned about the consultation she had conducted with the community regarding these Old People, the researcher noted she had a letter from a Ngarrindjeri individual granting permission to conduct her research, but had not conducted any face-to-face consultation with the Ngarrindjeri as a community. This situation caused considerable debate at the end of the presentation between some of the senior academics in the room.

During the afore mentioned presentation it was argued that Ngarrindjeri people had at the time given consent for these Old People to be removed from their Ruwe (country), but as another

individual pointed out power relations between Indigenous people and non-Indigenous researchers were significantly different during the 1970s. Now Ngarrindjeri have elected bodies to deal with such situations, and the archaeological discipline has been through numerous intellectual and theoretical shifts realising the power relations that exist in society, and research is now conducted in such a way to elevate these colonial relationships.

WORKING WITH THE NGARRINDJERI COMMUNITY

An important aspect of conducting this research and working with the Ngarrindjeri community is to acknowledge that it is not possible for me to be unbiased in my position as a researcher. The way I view and construct ideas about the world will always be done within a Western framework, and it has been this Western world view that has led to negative and racist stereotypes about Indigenous peoples and the suppression of Indigenous knowledges and voices. This is why working collaboratively – and not merely consulting - with the Ngarrindjeri community is crucial; as it is only through such a process that I was made aware of issues that I had not previously needed to address. Additionally, I recognise Ngarrindjeri people as the owners of their history and heritage and thus feel it is my responsibility to ensure that my work is carried out in a collaborative and respectful way with the Ngarrindjeri community and their wishes.

Previously, knowledge produced by past anthropological and archaeological research conducted on Ngarrindjeri Ruwe has been used to deny a contemporary Ngarrindjeri existence, particularly during the Kumarangk (Hindmarsh Island) Royal Commission (see Bell 1998; Hemming 1996; Simons 2002). In this instance, it is understandable that archaeologists do not have the best relationship with Ngarrindjeri people, but we are working on it. Thanks to the collaborative efforts of Steve Hemming and Lynley Wallis (Wallis et al. 2005) research based archaeology is again being discussed with the Ngarrindjeri in a positive and respectful

manner. This work builds onto already existing constructive relationships between Ngarrindjeri people and archaeologists (Draper 1996, Hemming et al. 2000; Luebbers 1978, 1981, 1982). Furthermore, recent collaborative research conducted by Ngarrindjeri archaeologist Chris Wilson (2005) has also helped pave the way for others to develop a positive working relationship with Ngarrindjeri people.

More recently, undergraduate archaeology students from Flinders University were given the opportunity to attend a two-week field school, in which the research and work undertaken was done so at the request of, and in collaboration with, Ngarrindjeri Elders. This allowed students to be co-taught by Ngarrindjeri people within a culturally appropriate space. Students thanked their Ngarrindjeri teachers by entertaining them at a talent night, in which Flinders University lecturers and supervisors performed the songs included at the introduction and conclusion of this thesis. Following this performance Auntie Ellen Trevorrow suggested that I include the song words in my thesis. In this respect, these songs are representative of the emergence of a positive working relationship and friendship that extends beyond the mere process of research. Despite this, the Ngarrindjeri community are still dealing with the outcomes of past archaeological research conducted on their Ruwe, and this research has been specifically structured in collaboration with Ngarrindjeri Elders and individuals to address some of this 'unfinished business'.

THIS THESIS

Throughout the process of this research I maintain that whilst I can speak about Indigenous peoples and the outcomes they have experienced from archaeological research, I cannot speak for them. Acknowledging this allows for an exchange of knowledge by creating a common ground for speaking as well as listening (Attwood 1992:xiv). Thus, where Ngarrindjeri Elders have not been directly quoted, the Ngarrindjeri view discussed in this thesis is my own

interpretation and no adequate substitution for what Ngarrindjeri people have to say for themselves.

Finally, the contents of this thesis may be understood by dominant society to be 'truthful' or 'factual' and hence I recognise the position of power I hold and my ability to interpret, construct, reconstruct, present and represent the past, even if it is the recent past (cf. L.T. Smith 1999:58). Therefore, I acknowledge that the way I present and construct this thesis is influenced by my social, cultural and political values. In conclusion, I maintain there are many 'truths' and 'facts' in archaeology, and this thesis reflects one of those truths: my truth and the truth of those who contributed to it.

CHAPTER 1 - Politics, Archaeology and the Ngarrindjeri Nation: Examining the *Lower Murray Lakes Archaeological Study* (LMLAS)

Elders, Family, Brothers, Sisters and Friends.

I want to share with you [a story] about a proud race of people who once fully and traditionally occupied a large section of country along the River Murray, the two big lakes, the Coorong, and the ocean. (Tom Trevorrow as cited in Hemming and Trevorrow 2005:243)

1.1 INTRODUCTION

Once the site of Australia's first systematic excavation at Devon Downs (Hale and Tindale 1930), South Australia (SA) has seen a dynamic shift in the conduct of archaeological work in the past 20 years, from a concentration on archaeological research to a preoccupation with heritage management. Subsequently, this thesis explores the relationship between archaeological research and heritage legislation by considering the political contexts of Indigenous heritage administration² and how this has influenced the practice of archaeology in SA. As this thesis is set within a SA context the administration of the *Aboriginal and Historic Relics Preservation Act 1965*, the *Aboriginal Heritage Act 1979* and the *Aboriginal Heritage Act 1988* are examined.

The premise of this thesis is presented within the context of a case study, the *Lower Murray Lakes Archaeological Study* (LMLAS), as a specific example to illustrate the outcomes of SA archaeological research within its political context. Additionally, this case study is considered within an historical context to examine how the issues and debates being conducted more broadly within Australian archaeology influenced its research agenda. Finally, this thesis explores the contemporary issues faced by the Ngarrindjeri Nation as a result of the political context in which heritage administration and archaeological work is conducted on their Ruwe.

² When considering the administration of legislation, this thesis refers to the financial and administrative support, and work and research conducted to facilitate the protection and preservation of Indigenous heritage.

1.2 RESEARCH OBJECTIVES AND AIMS

Previous research by Hemming (1995, 2006, in press), Hemming and Trevorrow (2005) and Hemming et al. (2000) has discussed the relationship between archaeology and heritage administration and the outcomes this interaction has for Indigenous communities residing within the southern SA, specifically the Ngarrindjeri community. The research conducted as part of this thesis builds on the above mentioned work by exploring the political context in which the administration of heritage operates. This research, therefore, presents a history of Indigenous heritage administration within SA to better understand how archaeological research has been affected by this political context. Additionally, by documenting the administration of Indigenous heritage this thesis will provide an overview of this subject for which there is, to date, not one available in written form.

For the purposes of this thesis the term 'political context' may be defined as the frameworks and ideology underpinning the drafting, enactment and administration of legislation for the protection of Indigenous heritage. Additionally, this thesis defines the term 'ideology' as a set of common beliefs and ideas that underpin the practice of administrations of Indigenous heritage. To explore these ideological underpinnings of heritage administration this thesis uses the key theoretical concepts of Attwood (1992), L.T. Smith (1999), L. Smith (1999, 2000a, 2000b, 2001, 2004) and Hemming (1995, 2006, in press).

In collaboration with Ngarrindjeri organisations and relevant individuals, this thesis aims to demonstrate the benefits of community initiated collaborative research and decolonised research methodologies with Indigenous communities. Subsequently, the results produced in this thesis are not intended to discredit individuals or institutions associated with the archaeological research in SA, the administration of heritage legislation or the LMLAS, but

rather to examine the politics, theories and ideologies that have informed these processes.

The broad objectives of this thesis will be achieved through the following specific aims:

1. To explore the history of Indigenous heritage administration within SA.
2. To examine the political context of Indigenous heritage administration within SA.
3. To examine the LMLAS and identify the outcomes of this case study within a historical and political context.
4. To explore some of the social, cultural, political, spiritual and economic outcomes of legislation administration and archaeological research for the Ngarrindjeri Nation.

Within the context of the above aims, this thesis explores the wider socio-political outcomes of archaeological research for the Ngarrindjeri community, and therefore contributes to a growing body of literature of this type (e.g. Attwood and Arnold 1992; Byrne 1996; Fourmile 1989a, 1989b; Hemming 1995, 2006; Hemming and Trevorrow 2005; Hemming et al.2000; Langford 1983; Layton 1989a, 1989b; McBryde 1985; McNiven and Russell 2006; Roberts 2003; L.T. Smith 1999; Smith and Wobst 2005; Wilson 2005).

1.3 THESIS OUTLINE

The starting point for this thesis has been to adopt a self-reflexive approach in an effort to recognise personal biases that may influence this research agenda. The Prologue of this thesis has introduced myself, my speaking position, the Indigenous community this research has been conducted with and this thesis. Following this section a discussion concerning the terminology used in this thesis to further privilege Ngarrindjeri voices has been included.

Chapter 2 introduces the methodology employed in this thesis and attempts to make explicit to the reader the importance of the research approach and process. In particular this chapter

highlights the importance of Ngarrindjeri collaboration and intellectual input into the research subject and methodology.

Chapter 3 provides the necessary theoretical context for this research and presents key ideas by Attwood (1992), L.T. Smith (1999), L. Smith (1999, 2000a, 2000b, 2001, 2004) and Hemming (1995, 2006, in press) used to illustrate the outcomes of the relationship between archaeology and heritage administration for the Ngarrindjeri Nation.

Chapter 4 provides the historical context needed to frame the discussion of the case study. The chapter is constructed around the main issues, debates and research questions that informed the discipline of Australian archaeology from the 1960s to the 1980s.

Chapter 5 is the most important section of this thesis. This chapter provides a political and legislative context for the exploration of archaeological research within SA, and presents results from discussions with archival research to illustrate a complex historical account of heritage administration.

Chapter 6 provides an historical account of the case study, the LMLAS, and illustrates specific outcomes of South Australia's heritage administration. Furthermore, this chapter also presents the results from discussions with archival and documentary research to illustrate a complex historical account of the LMLAS.

Chapter 7 presents a discussion of the LMLAS archaeological study within its historical and political context, and highlights specific outcomes this case study has had for the Ngarrindjeri Nation. Additionally, this chapter presents a discussion of heritage administration,

archaeological research and the outcomes for the Ngarrindjeri Nation within a theoretical context.

In its conclusion, this thesis provides a summary of the research results and the implications of these findings. Additionally, this chapter explores further outcomes of this research and future research potential associated with the research topic.

1.4 TERMINOLOGY

Many terms used within the archaeological discipline carry with them underlying values that are offensive to Indigenous peoples, thus the text of this thesis attempts to maintain a homogeneous approach to language, although this is not always possible. As Shanks and Tilley (1992:67) argued, archaeological values are built into the very terminology and language used by archaeologists and cannot be easily eradicated. As a consequence, while this thesis tries to use terminology that will privilege Ngarrindjeri people and their knowledges, it is recognised this is not always possible, and the research process may still be informed by underlying assumptions about Indigenous peoples.

L.T. Smith (1999:20) has argued the language of research is problematic as it draws "(attention) to the thousands of ways in which indigenous languages, knowledges and cultures have been silenced or misrepresented, ridiculed or condemned in academic or popular discourses." More specifically, racist ideologies and terms used to describe Indigenous peoples have contributed to their creation as objects of study and further dehumanised them (Cowlshaw 1992:21; Hemming and Trevorrow 2005:252; McNiven and Russell 2006:182; Muecke 2004:5; Rigney 2001:10; L.T. Smith 1999:2; Wilson 2005:xiv).

Much debate about language in archaeology has centred around the term 'prehistory', which Colley and Bickford (1997), Hemming (1995), Langford (1983) and Lightfoot (1995) have argued is Eurocentric and creates a divide between contemporary Indigenous peoples and interests in their heritage. Burney (1999, as cited in Roberts 2003:17) outlined her opinions on this term:

The point that we find this term offensive, most particularly because the related meaning of 'prehistoric', such as primitive and 'subhuman' – two of the most offensive stereotypes imposed on Aboriginal people since colonisation ... This is not so-called 'political correctness'. The point is that these are issues of respect, and that respect is fundamental to Reconciliation.

Whilst acknowledging the inappropriateness of using such a term it is used at some points throughout this thesis within its historical context to denote a particular kind of archaeological study.

In an attempt to privilege Ngarrindjeri knowledges and voice this thesis uses quotes from Ngarrindjeri Elders and terms respectful to the Ngarrindjeri Nation, including the following:

Ke:li = Dog / Dingo

Ko:rni = Man

Kumarangk = Hindmarsh Island

Kungun = Listen

Kurangk = Coorong

Mi:mini = Woman

Nori = Pelican

Po:ri = Child / Infant

Rupelli = Chair of Tendi

Ruwa = Body

Ruwe = Country / Land

Tendi = Ngarrindjeri Governmental Body

Yunnan = Talk

Although, as pointed out by Wilson (2005:xvi), the definitions listed above should not be considered these terms' only meanings. Additionally, throughout this thesis the term Old People is used to refer to what are more commonly known as 'ancestral remains'. As Ngarrindjeri Elder Uncle Tom Trevorrow (per. comm. 2006) explained words such as 'bones' refer to something that is empty, and for Ngarrindjeri the remains of their ancestors are not empty objects, but a living part of their Ruwa and Ruwe. Therefore, throughout this thesis the term Old People is used preferentially in place of other terms such as 'bones', 'skeletons' and 'skeletal remains', which can be seen to dehumanise Ngarrindjeri ancestors into objects of study.

In addition to using the above terms, this thesis also uses terms that are informed by an Indigenous agenda as discussed by L.T. Smith (1999) and Wilson (2005), and throughout this thesis the following words are used to challenge discourse used to describe Indigenous peoples and their heritage:

Creation = Dreaming

Contributor = Participant / Informant

Discussion / Kungun and Yunnan = Semi-Structured Interview

Gain Knowledge = Collect Data

Heritage = Artefacts / Sites

Knowledge = Data / Information

Removed / Stole = Excavated / Collected

Lastly, it is noted that different countries use different words when referring to Indigenous peoples, as do different texts. Although L.T. Smith (1999:6) has pointed out the term 'Indigenous' is problematic for the all-encompassing label it gives to a group of peoples whose experiences of colonialism have all been different, when referring to Indigenous, First Nation, Native and Aboriginal people generally, this thesis uses the term 'Indigenous'. When discussing specific Indigenous peoples, they are referred to by the cultural group they identify with.

CHAPTER 2 – Thinking outside the Scientific Paradigm: Critical, post-colonial and decolonised approaches to the research endeavour

...archaeology in Australia can only be post-colonial to the extent that its practitioners deconstruct its colonial underpinnings. Archaeology in Australia must decolonise itself before it can claim to be post-colonial. (Byrne 1996:82)

Changes in mindset are not easy to bring about, but can be facilitated through dialogue and working together. (Smith and Wobst 2005:7)

2.1 INTRODUCTION

As discussed in the Prologue, this thesis maintains that that the research process, the methodology, is just as important as the research topic. Therefore, this chapter outlines the choice of methods used for conducting collaborative research with the Ngarrindjeri Nation and undertaking a study in which a specific aim is to further privilege Ngarrindjeri knowledges and voices. Additionally, this chapter illustrates the methods used for pursuing the analysis of a case study. Given the theoretical and qualitative context of this thesis, the methodology is not the same as a quantitative study where a hypothesis is stated, and knowledge collected and analysed to deduce conclusions. Despite this, the study still nevertheless follows a methodical process of knowledge production and analysis to reveal something insightful about Indigenous heritage administration and archaeological research in the SA context.

2.2 RESEARCH METHODOLOGY

The relationship between the practice of research and Indigenous peoples is problematic and for many Indigenous people the term 'research' is perhaps the most despised term in the English language (L.T. Smith 1999:1). Research that has involved or studied Indigenous peoples has been generally framed by a scientific paradigm that does not take into account or recognise the value of Indigenous knowledges. For most part, research has been used to

reinforce social constructions that have dehumanised Indigenous peoples to legitimate the injustice imposed on them as a result (see L.T. Smith 1999).

In the past, archaeological research has been imposed on Ngarrindjeri people with little consultation, relevance or benefit to their community. Many archaeological researchers have acknowledged contemporary Indigenous people's rights and interests in their heritage, and these acknowledgements have been formalised – to a degree - through the enactment of policies such as the Australian Association of Consulting Archaeologists Inc. (AACAI) and the Australian Archaeological Association (AAA) professional codes of ethics to help guide research. Additionally, post-colonial critiques and approaches to archaeological research have forced methodological shifts upon the discipline within Australia and internationally (see Attwood and Arnold 1992; Byrne 1996; Hemming 1995, 2006; Hemming and Trevorrow 2006; Hemming et al. 2000; Lilley 2000; McNiven and Russell 2005; Muecke 2004; Rigney 2001; Roberts 2003; L.T. Smith 1999; Smith and Wobst 2005; Wilson 2005).

Accordingly, the approach taken in this research has been framed by a collaborative methodology. At the same time this research started from a Ngarrindjeri initiative, with the critical ideas of Ngarrindjeri people and Indigenous writers influential in the approaches taken (see Fourmile 1989a, 1989b; Rigney 2001; L.T. Smith 1999; Wilson 2005). Furthermore, this research has been framed within a culturally appropriate paradigm where Ngarrindjeri Elders and individuals have been consulted and negotiation through every stage of the research was necessary.

2.2.1 Collaborative Approach

The Ngarrindjeri Nation have had a sometimes complex and overfamiliar engagement with archaeology and archaeologists (see Hemming and Trevorrow 2005). Thus, the importance of

Steve Hemming in the initiation of this research project in collaboration with the Ngarrindjeri community at Camp Coorong, Race Relations and Cultural Education Centre should be mentioned. Hemming has worked with the Ngarrindjeri community over the past 20 years and continues to actively publish findings from this collaborative research (see Hemming 1993, 1994, 1995, 1996, 2006, in press; Hemming and Trevorrow 2005, 2006; Hemming et al. 1989, 2000, 2002).

Initial contact was made with the Ngarrindjeri community through Camp Coorong and introductions were made to several members of the Ngarrindjeri Tendi (NT), Ngarrindjeri Heritage Committee (NHC) and Ngarrindjeri Native Title Management Committee (NNTMC), as well as other Ngarrindjeri Elders and senior leaders. Several discussion meetings were held with these key people to discuss potential research projects that could be developed in negotiation and collaboration with the Ngarrindjeri Nation. At one such meeting the idea was expressed that future research endeavours should examine what outcomes archaeological research has had for the Ngarrindjeri community. An agreement to conduct research with the Ngarrindjeri community was established and a Letter of Permission from the NHC was drafted (see Appendix 1).

2.2.2 Ethics

When carrying out research within an academic institution some aspects of the research must be conducted within certain frameworks. As this research intended to undertake research involving 'human subjects' approval was required from the Flinders University Social and Behavioural Research Ethics Committee (SBREC). As a part of the academic institutional ethics approval process, all research proposals impacting upon Indigenous Australians are submitted to the Yunggoendi First Nations Centre for Higher Education and Research for

review. It was therefore necessary that the NHC, NT and NNTC were aware and supported this project prior to ethics application.

The initial ethics application submitted to the SBREC had planned to conduct a recorded discussion with Hemming, but given he was a co-supervising this thesis research ethics was given conditional approval subject to a “reconsideration of Steve Hemming as either supervisor or interview participant for the research to be ethical” (Huxtable, 26th June 2006). After re-submitting an amended ethics application that did not include Hemming as a contributor, SBREC approval for this research was granted on the 3rd of August 2006 (see Appendix 4).

2.3 RESEARCH PROCESS

The argument developed in this thesis is based on a qualitative analysis where results from collaborative conversation with Roger Luebbers, Ngarrindjeri Elders Uncle Tom Trevorrow and Uncle George Trevorrow and written responses from Bob Ellis have been combined with library, documentary and archival research to present a complex historical account of the LMLAS and Indigenous heritage administration in SA.

2.3.1 Case Study

Using the LMLAS as a case study was a developmental process during the research of this thesis. The Ngarrindjeri community, whilst negotiating to have the LMLAS materials returned to their Ruwe also wished to know what had happened to the materials over the 20 year period that they had been held in storage. Incorporating this with the request to investigate what outcomes archaeological research has for the Ngarrindjeri Nation, a thesis question was devised to look at how archaeological research in SA is connected with administration of Indigenous heritage protection. Additionally, by placing the LMLAS within its historical context

and comparing it with other archaeological research conducted on Ngarrindjeri Ruwe sets the scene to investigate the above research question.

Additionally, the main reason this case study was chosen is because archaeological material removed during the LMLAS was never analysed and the final report has remained to date (Oct. 2006) unfinished. Therefore, the examination of the LMLAS is more of a historical account than a case study and the political context of the LMLAS spans a 20 year period. Within the context of this research, however, the LMLAS is used as a specific example to illustrate the outcomes of the political context in which Indigenous heritage administration operates.

2.3.2 Application of Theory

According to Russell (2006:463) case studies achieve explanations by the identifying beliefs, ideas, concepts and ideologies within texts and their relationship with each other - in this case the political context underlying Indigenous heritage legislation and its administration. To fully examine this political context the application of theory was required. The application of theory in this instance was conducted with the aim of attempting to understanding the administration of Indigenous heritage in SA and its relationship to archaeological research. This is conducted through an exploration of theory by Attwood (1992,) Hemming (1995, 2006, in press), L.T. Smith (1999) and L. Smith (1999, 2000a, 2000b, 2004).

2.3.3 Collaborative Conversation and Discussion

As already stated, this study uses collaborative conversation and discussion as the primary tool for investigation. Collaborative conversation as a research tool provides valuable insights into a case study, and when combined documentary and archival evidence, illuminates a more complex understanding and history (De Vaus 2001:23, 221). As this research is interested in

contributor's perspectives and what Roberts (2003; as see Roberts et al.2005) referred to as 'lived experiences', this process of collaborative conversation involves questions that are predetermined but allows contributors to address issues that they feel are important and expand beyond the answers supplied (Berg 1998:61-2; Russell 2006:210).

In this conversational process power relations have attempted to be countered by recognising Ngarrindjeri people as active researchers in their community and these kungun and yunnan are part of their own on-going research agenda. In this respect, the tape recordings and transcripts from all kungun and yunnan are the property of and are held by the NHC on behalf of Ngarrindjeri contributors. This approach means that this property was on loan from Ngarrindjeri individuals for the purpose of this research, thus ensuring that Ngarrindjeri people have outright ownership of knowledge produced and shared in the production of this thesis. This approach to the research was written into the Ethics Application (see Appendix 2) and separate Consent Forms were produced for Ngarrindjeri contributors stating these conditions (see Appendix 3).

Despite this, this study recognises that there is no one coherent Ngarrindjeri view and there are differences of opinions between young and old, ko:rni and mi:mini. Additionally, the time of day, the location of the kungun and yunnan, and the position held by the researcher within the Ngarrindjeri community ultimately influenced and determined the kind of kungun and yunnan that was produced. Furthermore, an important part of this process has involved carrying out kungun and yunnan with Ngarrindjeri individuals on their ruwe and in an environment that contributors felt comfortable in. Kungun and yunnan in this context was carried out at two different locations – Camp Coorong Race Relations and Cultural Education Centre and the Coorong Wilderness Lodge – discussed briefly below.

2.3.4 Locations of Ngarrindjeri Kungun and Yunnan

Camp Coorong, Race Relations and Cultural Education Centre

Camp Coorong, located 10 km outside of the town of Meningie, is a space where Ngarrindjeri Elders and community members teach Ngarrindjeri culture and history to visitors groups (see Hemming 1993). Camp Coorong is an active tourist and education destination, where Ngarrindjeri teaching facilities include a museum displaying different aspects of Ngarrindjeri history, basket weaving workshops with Ngarrindjeri mi:minis and guided bushwalks around Ngarrindjeri Ruwe. Camp Coorong is run by NHC, NNTMC and Ngarrindjeri Land and Progress Association (NLPA). Kungun and yunnan with Uncle Tom Trevorrow, head of the present NHC, was carried out within this space.

Coorong Wilderness Lodge

The Coorong Wilderness Lodge located at Warnung (Hack's Point), 25 km outside of Meningie, is a new ecotourism venture that caters for daily guided tour buses. Ngarrindjeri teaching facilities include natural resource guided walks, guided bush walks around ruwe and discussions about the creation ancestor Ngurunderi. The Coorong Wilderness Lodge is owned and run by Uncle George Trevorrow and Auntie Shirley Trevorrow. Kungun and yunnan with Uncle George Trevorrow, Rupelli of Tendi, was carried out within this space whilst watching noris fly over the Kurangk.

2.3.6 Collaborative Conversation and Discussion Process

An important aspect of this research acknowledges that Ngarrindjeri Elders and individuals have several political agendas to deal with, and various existing commitments including, community, work and family. Thus, discussion schedules were organised to be incorporated within and around this busy schedule. Part of this process involved being in the community for several days at a time so as to be around when contributors were free to kungun and yunnan,

which made it possible to build up rapport with Ngarrindjeri community members and participate in Ngarrindjeri activities and events. Such activities included helping Ngarrindjeri mi:minis prepare ceremonial boxes for the communities first reburial of Ngarrindjeri Old People, and basket weaving sessions with Auntie Ellen Trevorrow. In this respect, time spent waiting to have kungun and yunnan was not 'wasted' and simply being in the community was seen as proactive and positive.

Prior to discussions with Roger Luebbers and Bob Ellis, a list of questions was emailed to each of these contributors for the purpose of allowing more time for them to recall past events that had occurred over 20 years ago. Owing to time constraints, Ellis decided to answer his questions in a written format.

2.4 LIMITATIONS TO STUDY

During the process of this research three additional contributors – Uncle Victor Wilson, Neale Draper and a representative from the Aboriginal Affairs and Reconciliation Division (AARD) - were approached and asked to contribute to this thesis in the form of a recorded discussion. Wilson, a Ngarrindjeri Elder, supervised some of the work carried out by Luebbers on the sites containing Ngarrindjeri Old People, whilst Draper was employed as a state archaeologist by the Aboriginal Heritage Branch in the late 1980s. Unfortunately, owing to prior commitments and time constraints both were unable to contribute to this research.

AARD are currently responsible for the administration of Indigenous heritage within the SA, and also currently holding the materials removed during the LMLAS within their storage facility. Despite initially agreeing to help in the process of this research during a meeting held with AARD staff members - as discussed further in Chapter 6 - several requests asking for their contribution in the form of a recorded discussion went unanswered, although casual

discussions were held with AARD staff regarding different aspects of the departments operation.

CHAPTER 3 – ‘Through Imperial Eyes’³: Archaeological knowledge and the administration of heritage legislation

...was this right that another culture comes along and does their utmost to destroy a people's culture, simply because they didn't understand it or was it a threat to the way this other culture wished to develop? Or is it ignorance, is it greed, is it power, is it politics, or is it racism? (Trevorrow in Hemming and Trevorrow 2005:244)

3.1 INTRODUCTION

The Western discourses of anthropology and archaeology have produced, constructed and presented knowledge about Indigenous people, which in turn has influenced how Indigenous people are represented and researched, and how their histories are reconstructed back to the Western world (Attwood 1992; Cowlshaw 1992; L.T. Smith 1999). Following the work of Hemming (1995, 1996, 2006) in SA this research examines in what ways the administration of Indigenous heritage and its relationship to archaeology is informed by what Attwood (1992) referred to as an ‘Aboriginalist’ discourse or ‘Aboriginalism’.

Using the key concepts of Attwood (1992) and L.T. Smith (1999) this chapter explores how knowledge about Indigenous people is constructed and how this knowledge has been used to govern the lives of Indigenous Australians. Additionally, this thesis examines how archaeological knowledge has been institutionalised into heritage administration through the theory of L. Smith (1999, 2000a, 2000b, 2001, 2004). Furthermore, this chapter builds on the work of Hemming (1995, 2006, in press; also see Hemming and Trevorrow 2005; Hemming et al. 2000) and explores how archaeology sets the agenda in negotiations between heritage administrators and Ngarrindjeri people. By discussing these key concepts this chapter provides a theoretical context to analyse the administration of Indigenous heritage in SA.

³ Smith (1999:56) discusses the idea of research by the West, ‘through imperial eyes’, as definitive in its idea about what was true and rational.

3.2 ABORIGINALISM

In 1978 Said identified the concept of 'Orientalism', a set of knowledges that construct the East and discusses how it is different from the West. Using Said's (1978) ideas of *Orientalism*, Attwood and Arnold (1992) applied this research to an Australian context to examine the ways representations of Australian Indigenous cultural identity have been constructed. According to Attwood (1992) Aboriginalism is a form discourse which, like Said's (1978) *Orientalism*, produces authoritative and essentialist 'truths' about Indigenous peoples. Drawing on the work of Foucault (1970, 1972, 1979) in regards to the nature of knowledge and power, Attwood (1992:i) argued that knowledge is neither natural nor 'already there' and that "things or objects exist in the world, but knowledge establishes all the meanings they have...[and] creates their 'truth' and reality." For Attwood (1992:i) knowledge is not a universal entity but relative to circumstances, sought and acquired by individuals for some purpose. In examining this production of knowledge Attwood (1992:iii) and L.T. Smith (1999:37) have asked: Who produces this knowledge? For whom is this knowledge produced? And in what circumstances is knowledge produced? According to L.T. Smith (1999:37) by asking such questions enables the examination of the political context in which the interpretation and representation of Indigenous peoples exist.

Both Attwood (1992:xiv) and Murray (1992:6) have argued that discourses such as archaeology do not reflect or record knowledge, but rather construct and produce knowledge. Thus, archaeologists essentially create the archaeological record and the identity of Indigenous Australians (Murray 1992). Attwood (1992:ii) also claimed that knowledge is constructed by relationships of power that revolve around domination and subordination, thus all knowledge has a political agenda. In this sense, Indigenous Australians are represented as

the 'outsider' or the 'Other' in order to legitimise the imposition of colonial rule (L.T. Smith 1999:63). As Attwood (1992:xi) argues:

It is clear the Aboriginalism in all its forms has been complicit with the European invasion and dispossession of Aborigines. Aboriginalism has depended on colonial power and colonialism has relied on Aboriginalism in its imaginative and corporate forms. (Attwood 1992:xi)

This constructed knowledge has not only seen Anglo-Australians become 'dispensers of truth', but has also constructed a cultural identity for Indigenous Australians, which has influenced the way their lives are dictated by government policies and practice.

3.3 POWER, KNOWLEDGE AND LEGISLATION

Using Foucault's (1991) later work on *Governmentality*, L. Smith (1999; 2000a, 2000b, 2001, 2004) argued archaeological knowledge became a 'technology of government' utilised by bureaucracies and government to understand and govern a range of cultural and social groups. As L. Smith (1999:27) claims:

Archaeological expertise determined the value and meaning of Aboriginal cultural heritage, and archaeological knowledge thus helped to govern the legitimacy of Aboriginal claims made on the basis of links to the past and cultural identity.

As a consequence, archaeological knowledge was used to authenticate Indigenous knowledge and cultural claims over their heritage, whilst simultaneously dealing with issues of cultural identity. According to Hemming (1996), Bell (1998) and L. Smith (2000a) this was particularly the case in the south-eastern states of Australia where Indigenous populations were perceived to have 'died out' due to the effects of colonialism. Thus, archaeological knowledge held an authoritative and privileged position in contests over the control of Indigenous cultural heritage, and became a resource of power in the politics of identity used to dictate the authentic nature of contemporary Indigenous populations and their cultural identity.

3.4 SOUTH AUSTRALIAN CONTEXT

Formerly, drawing on the concepts of discourse developed by Foucault (1970, 1972, 1978, 1980) and Attwood and Arnold (1992), Hemming and Trevorrow (2005) and Hemming (2006) have discussed the relationship between the discourses of archaeology and heritage administration as a form of governmentality. Hemming (1995, 1996, 2006, in press; also see Hemming and Trevorrow 2005; Hemming et al. 2000) has argued that archaeology has remained the dominant discipline in Indigenous heritage administration and management in southern SA. Hemming (2006:308) argues Ngarrindjeri social, political, economic, and cultural interests in land and waters are translated and restricted to the language of archaeology, and are transformed into manageable commodities. Underlying this privilege of archaeological knowledge is the construction of southern Indigenous people as unauthentic – no longer ‘traditional’ – and therefore no longer possessing a contemporary living culture and connection with their lands and waters (Hemming 1995, 2005, in press; Hemming and Trevorrow 2005; Hemming et al. 2000). As Ngarrindjeri man Richard Hunter explains:

The stereotype that Europeans expect...is to have an Aboriginal person standing with his left foot resting on his right knee with a spear and woomera and waddies in his hand...This is an important issue with Aboriginal people of southern parts of Australia. Because to be regarded as a traditional Aboriginal person one had to be ‘full-blood’ as seen by early invaders. Even today Aboriginal people are still carrying out traditional methods of hunting and gathering food, methods of our ancestors, but are not recognised as real Aboriginal. Our skin colour has changed from black to pale, we don't speak our language, particularly in the southern parts of Australia, only speak English. We have settled in large towns along the river, also in cities, [but] we still use a lot of traditional methods. We still also pass on all our information to our children. (Wood et al. 1994)

According to Hemming (2006:306) this Aboriginalist construction of the Ngarrindjeri Nation, which underpins the relationship between archaeological knowledge and heritage administration, is a space where Ngarrindjeri history and culture continues to be colonised. As Hemming (2006:309) argues:

The displacement of Indigenous peoples' political and economic interests in their own country is an ongoing colonial project. Aboriginalist constructions of authenticity

occupy a continuing, powerful space and the discipline of archaeology has become the new colonialism's handmaiden.

Therefore, the privileged position archaeological knowledge holds in the relationship between heritage administration and the Ngarrindjeri nation has helped create a continuing colonial space.

3,5 CONCLUSION

Within the context of this thesis uses the concepts discussed above are used to analyse historical, political, social and cultural contexts and provide the basis from which to analyse the relationship between constructions of knowledge and the exercise of power in order to perpetuate an Aboriginalist discourse (Attwood and Arnold 1992). In this sense, these theories are used to explore how Aboriginalism has underpinned the administration of Indigenous heritage within SA and how this has contributed to archaeology as a normalising discourse.

CHAPTER 4 - Australian Archaeology: Debates, issues and research questions from the 1960s to 1980s

Why...do archaeologists accept some ideas about the past and reject others? How is it that some approaches to explanations and the kinds of things archaeologists want to know endure for a long time, while other approaches change or are abandoned to be replaced by new ones? These questions are central to link the between archaeological explanations and the broader social and political context within which archaeology is practised. (Colley 2002:7-8)

4.1 INTRODUCTION

Australian archaeology, once considered a pointless endeavour done in vain by the likes of Pulleine (1928), has witnessed some dynamic changes during the last 50 years. Since the professionalisation of the discipline during the 1960s, changes and advances have occurred as a result of the work of influential individuals, the investigations of key sites, and the development and application of new theories, methodologies, research questions and techniques. Informed by these new approaches, Australian archaeology has witnessed different models and hypotheses applied to explain changes observed within the archaeological record. By looking at the development of these different approaches and the debates and issues that they were informed by this chapter effectively sets the scene to subsequently examine the historical context of the LMLAS and consider the context in which Luebbers trained and worked as an archaeologist, and how this influenced his research agenda.

4.2 STONES, BONES AND RADIOCARBON DATING

Professional archaeology in the Australian context is argued to have not began until the late 1950s when an influx of Cambridge trained archaeologists arrived from overseas, were appointed to positions in Australian universities and began to engage in public debates that were underwritten by the New or Processual archaeological methodologies adopted from

emerging American literature (see Golson 1986; McBryde 1986; Moser 1995; Mulvaney 1971; Murray and White 1981). At this time specific aims were developed to distance the new professional era from previous antiquarian Australian research, including a call for more systematic research agendas, the enactment of legislation to protect archaeological heritage from the destruction of amateurs and the promotion of public education programmes regarding the need to preserve the Indigenous past (Megaw 1966; Mulvaney 1964).

During the nineteenth century research into Australian prehistory had been underpinned by concepts of progression and evolution and the perception that Indigenous peoples were 'primitive' and their culture was 'static' (Griffiths 1996:10). Pilleine (1928) contributed further to this perception of Indigenous Australians following his study of stone artefacts in Tasmania, in which he concluded that Indigenous peoples in Australia were an 'unchanging people in an unchanging land'. Mulvaney (1993:112; also see Mulvaney 1964:42 and Megaw 1966:308) described this research as dominated by a cultural bias that influenced proceeding anthropological and amateur archaeological research. Mulvaney (1964:44) argued that Australia's Indigenous population was:

...neither nasty and brutish, nor noble savages. But they were individuals who explored and colonised the continent and who adapted themselves to diverse environments and changing climatic conditions.

Challenging previously held ideas, Mulvaney (1979:218) argued for the importance of illuminating the dynamic nature of Australian Indigenous cultures to assert the value and significance of Australian archaeology.

In SA, systematic excavations at Devon Downs by Hale and Tindale (1930) were the first to show ecological and cultural change within the archaeological record, though at the time these results were either ignored or dismissed by their peers. Later research at Fromm's Landing (Mulvaney 1960) also recovered distinct assemblages of stone tool types that too were

interpreted as reflecting cultural change through time (see Appendix 5 for an in-depth discussion on other archaeological research conducted on Ngarrindjeri Ruwe). By attributing the differences in assemblages to human behaviour, these discoveries began to call into question the perception of Indigenous peoples as unchanging that had been fostered by the anthropological discipline in Australia. Despite this, owing to an absence of comparative sequences at the time there was no way to determine the age of these sites as the usual methods of seriation and relative dating using stone artefact sequences could not be applied in the Australian context.

Simultaneously, questions emerged about the occupation of Australia prior to European contact, including the origin of the continent's first occupants, the modes of transport used reach the Australia, the dispersion rates following arrival, the antiquity of occupation, the occupational sequence of the continent, the conditions of the natural environment, and the reasons behind cultural change reflected in material evidence such as stratified stone tool assemblages and successive burial practices (Colley 2002:4; Mulvaney and Kamminga 1999:15-6; Ucko 1983:13). With the introduction of radiocarbon dating researchers had a means to assess questions of chronology underpinned by the assumption that archaeological research was a scientific endeavour closely related to the natural sciences and physical anthropology, addressing questions of the human past (Colley 2002:5).

The first site in Australia dated using the radiocarbon technique was Kenniff Cave rock shelter in Queensland, where Mulvaney (1964) obtained a date of 16,000 years, placing the occupation of Australia firmly in the Pleistocene. Similarly, radiocarbon dates at Koonalda Cave, Burrill Lake and several rock shelters in Kakadu National Park obtained during the late 1960s produced dates older than 20,000 years. Research at Lake Mungo during the 1970s pushed back human occupation in Australia to 40,000 years (Mulvaney and Kamminga

1999:135). Overall, radiocarbon dates allowed researchers to firmly place their archaeological discoveries within the context of Australian prehistory, whilst the dates obtained from Lake Mungo placed Australian prehistory on the world map (Colley 2002:6).

4.3 HOLOCENE SITES AND THE INTENSIFICATION DEBATE

Prior to the 1970s archaeological interpretations of Australia's pre-contact period generally tended to be large-scale, long-term, impersonal and unsocialised, with a general concentration on a 'stone and bones' approach to the archaeological record (Colley 2002:15). Whilst Moser (1995:163) has criticised some researchers for concentrating on excavating Pleistocene rock shelters yet failing to conduct regional surveys which "meant that sites were not really understood in terms of the wider context of the landscape in which they were situated", Colley (2002:5) has argued that the painting of Australian pre-contact past with a broad brush was entirely appropriate due to the very limited amount of archaeological data against which theories could be tested. Therefore, during this period there was a tendency to use archaeological data from a single or handful of sites and apply it to large-scale and long-term patterns for the whole continent (Colley 2002:5). At the same time, the concentration on Pleistocene sites during the 1960s and 1970s meant that any researcher who failed to find Pleistocene levels in their excavations found it difficult to contribute to mainstream debates (Lourandos and Ross 1994:59).

In the late 1970s and early 1980s research by Lourandos (1977, 1983, 1985) used ethnohistorical evidence to help explain developments during the late Holocene in south-west Victoria. He proposed that internal social pressures resulting in an intensification of resource production explained the observed changes, which were characterised by a growth in the number and density of archaeological sites, the beginning of the small tool tradition, the adoption of new food management techniques, and expansion into areas thought to have

been previously unoccupied (Flood 1995:237). This idea of internal change contrasted with previously posited explanations for change based around the importance of external factors, such as environmental change and population growth in influencing human behaviour (see Birdsell 1953, 1957, 1968, 1971, 1977; Horton 1981). Lourandos' research concentrated on Holocene sites and challenged the view that Indigenous people's behaviour had been dictated by the environment and encouraged all researchers to scrutinize archaeological data for evidence of intensification (Du Cros 2002:31). The 'Intensification Debate', as it was later referred to, influenced other researchers to adopt and incorporate Lourandos' ideas into their own studies during the 1980s and 1990s (see Beaton 1982, 1985; Clark 1983; Cosgrove et al. 1990; Hiscock 1986; Hughes and Lampert 1982; Morwood 1987; Ross 1981, 1984, 1985; Smith 1982; Williams 1985, 1987, 1988). According to Lourandos and Ross (1994:59) the Intensification Debate took Australian archaeological research beyond the 'cowboy archaeology' (Jones 1979) of data collection where theory played little role, challenging the preoccupation with reconstructing long-term occupational and environmental histories of Australia.

4.4 COASTAL ARCHAEOLOGY AND ETHNOGRAPHY

Following on from the intensification debate quantitative midden studies during the 1970s and 1980s by Jones (1966), Lampert (1966, 1971), Lourandos (1970), Bailey (1975), Bowdler (1970, 1976, 1979) and Meehan (1982) explored behavioural change through systematic investigations of coastal shell middens, mounds and camping areas. This research was distinctly different to the previous 'stones and bones' approach of earlier researchers. In particular, Bowdler's (1970, 1976) research at Bass Point explained changes in a midden site in terms of gender relations, rather than arguing that environmental change dictated people's behaviour. Bowdler (1976:248-9) argued that by incorporating ethnohistorical accounts with the archaeological investigation of shell middens it was possible to see and separate women

in the archaeological record, as a shell midden could be interpreted in division of labour following introduction of the fishhook. Likewise, Meehan's (1982) research into Anbarra shell fishing and other food-collecting activities in Arnham Land emphasised women both economically and socially in the archaeological record. By using anthropological research, Meehan's study demonstrated women's role in food collection and the role of choice in determining diet and campsite location.

Researchers who preferred to investigate Pleistocene sites avoided explanations based on ethnography as most agreed only 'recent prehistory is yesterday's ethnography' and that the ethnographic present could tell archaeologists little about the 'deep past' (see Murray and White 1981:258). This argument, paired with Australian archaeology's preoccupation with the investigation of Pleistocene sites, meant research conducted by the likes of Megaw (1969), Macknight (1972, 1976), Bowdler (1970, 1976) and Meehan (1982) from sites of the recent past at the time generated little interest amongst their academic peers, who continued to pursue questions about Australian prehistory and favour explanations grounded in cultural ecology and related fields (Colley 2002:7). Additionally Bowdler (1970, 1976) and Meehan's (1982) research into gender created little interest in Australian archaeology at the time and was not taken up by other researchers until the 1990s (see Du Cros and Smith 1993).

CHAPTER 5 - The Development of Heritage Legislation and Archaeological Research in South Australia

This proud race of people over the years have suffered greatly at the hands of this other culture. Maybe the old time system of genocide is not being carried out in this country today. Maybe it's being replaced by a modern type of genocide, like giving people heritage acts where the person with the power has the final say to destroy these people's sites and beliefs. (Trevorrow in Hemming and Trevorrow 2005:244)

5.1 INTRODUCTION

The development of heritage legislation in SA to date has attracted very little attention in the academic literature, despite being one of the most dynamic situations in Australian legislative history. S.A. was one of the first states to enact legislation to protect Indigenous cultural heritage, but political changes in the late 1970s saw SA have no Indigenous heritage protective legislation between 1979 and 1988. Furthermore, whilst the *Aboriginal Heritage Act 1988* was seen as 'pioneering' it has failed to deliver the control, self-determination and protection it promised during its drafting process. Overall, this chapter draws on the work of Edwards (1970), Ellis (1974) and Fitzpatrick (1997) to explore early legislation and its administration, whilst looking to the work of Bell (1998), Hemming (2006), Hemming and Trevorrow (2005) and Trevorrow and Hemming (2006) for the exploration of the administration of *Aboriginal Heritage Act 1988* Act through the Kumarangk (Hindmarsh Island) Royal Commission.

Overall, this thesis is ultimately concerned with previous SA archaeological research and its outcomes for Ngarrindjeri people, but to fully examine the outcomes of archaeological research one needs to understand legislation and its political climate (see Smith 2004). Thus, this chapter explores legislation and the political and ideological underpinning of its

administration for the protection and preservation of Indigenous cultural heritage, whilst providing a political context that informed the LMLAS.

5.2 SOUTH AUSTRALIAN POLITICS AND HERITAGE LEGISLATION

During a conference convened by the Department of Lands in mid-1963 concerns were raised regarding the lack of protection for Indigenous places, particularly rock art sites located at Cave Hill and petroglyphs at Panara-mitte. In October 1963 a meeting consisting of representatives from the Lands Department, the Aboriginal Affairs Department, the Flora and Fauna Advisory Committee, the SA Museum and the University of Adelaide was held to discuss the issue of Indigenous heritage protection. The committee concluded that the SA Museum, with its knowledge and experience in the area of Indigenous heritage should be responsible for the administration of any heritage legislation (Edwards 1970:60). Recommendations from this meeting were submitted to Cabinet by the Minister of Lands, which authorised the Aborigines Protection Board, in consultation with the SA Aborigines Department to draft a Bill (Edwards 1970:160; Fitzpatrick 1997). Hemming (2006, in press) has argued that making non-Indigenous 'experts' responsible for the Indigenous past was underpinned by the idea that Indigenous people were unable to look after themselves or any of their affairs, and that there was no obvious interest in this heritage due the fact Indigenous culture around settled areas of SA had 'died out'.

The *Aboriginal and Historical Objects Preservation Bill*, which was introduced into the Lower House by Liberal member H.K. Kemp in August 1964, allowed for the protection of objects of European significance as well as Indigenous objects. According to Kemp (South Australian Parliamentary Debates (SAPD), September 2nd 1964:733-34) the reason for the incorporation of non-Indigenous objects was to prevent the need for further legislation. The Bill passed all stages but lapsed after debate in the Legislative Council with particular concern raised

regarding the rights of private landowners. Government members were convinced that clauses affecting the rights of private landowners were unacceptable and could not easily be rectified with simple amendments (Edwards 1970:106).

Fitzpatrick (1997) has claimed that during further debates over the newly proposed heritage Bill there were rumours that a member of parliament had a relative who liked to collect stone artefacts. Furthermore, Ellis has claimed that Robert Edwards, the then Curator of Anthropology at the SA Museum "(managed) to locate a couple of people in the Legislative Council who were artefact collectors. He induced them to support the idea of legislation to protect such 'relics'" (Ellis, Written Response, 2006:2). In light of this, debate initiated by Liberal member De Garies raised concerns about the fate of 'fossickers' as the proposed Act would have deemed anyone picking up artefacts to be breaking the law (SAPD September 22nd 1964:921). Elsewhere in Australia, Moser (1995:89) has claimed that previous arguments by McCarthy (1938) for the instigation of heritage legislation had then also been opposed by stone artefacts collectors for restricting their 'scientific activities', whilst Mulvaney (1970:115) pointed out that his comments condemning fossickers were "considered as prudish and 'spoil-sport' by those people who [regarded] their collecting activities as good, clean, scientific fun." Consequently, the Bill did not make collecting artefacts an offence, providing that the collector did not lose or damage the artefacts and did not sell them without the Minister's permission⁴.

Overall, during the drafting process of the Bill there is no evidence to suggest that any consultation was conducted with local Indigenous peoples regarding the content of the proposed legislation. According to Kijas (1986:ii) this was because it was generally thought that SA Indigenous peoples had 'lost' their culture through assimilation and thus had no interest in their heritage or any proposed legislation:

⁴ Section 27 (1) and (2)

...there is not much politics in it because, after all, all the people we are referring have been dead for some time. (C.R. Story, SAPD, August 11th 1965:1022)

This attitude is further reflected in the use of the term 'relic' in the title of the proposed Act. According to Fourmile (1989a:50), Kijas (1986:3) and Ritchie (1996:29) the use of this term and past tense when describing the Indigenous occupation of SA implies that 'authentic' Indigenous heritage is part of a 'dead past' and no longer connected to contemporary Indigenous people - an idea underpinned by an Aboriginalist construction of Indigenous cultural extinction (see Hemming 1995, 2006; Hemming and Trevorrow 2006).

Finally, a revised attempt of the Bill was rapidly rewritten by a group of private Council members without advice from the Parliamentary Draftsperson, who treated the enactment of the legislation with a matter of urgency and passed it without argument (Australian Bureau of Statistics, South Australian Office 1969:202; Ingis 18th June 1970). With few amendments the new draft was successful and became the *Aboriginal and Historic Relics Preservation Act 1965*, which was proclaimed on the 3rd August 1967.

5.3 ABORIGINAL AND HISTORIC RELICS PRESERVATION ACT 1965

The *Aboriginal and Historic Relics Preservation Act 1965* was the first legislation aimed at protecting the heritage of Indigenous people in SA, and was one of the first acts of its kind in Australia. Prior to the establishment of this legislation several earlier unsuccessful attempts had been made by the State Government to include the protection of Indigenous heritage in the drafting of several Acts. According to Fitzpatrick (1997) it wasn't until Don Dunstan became Labour Minister of Aboriginal Affairs, under the new Walsh Government in 1965, that Indigenous heritage protection became of more prominent on the political agenda.

As the title suggests the Act was concerned with relics associated Indigenous people, as well as post-contact European exploration and settlement. The definition of an Indigenous 'relic' under this Act is:

...any trace or handiwork of an Aboriginal but does not include any handiwork made by an Aboriginal for the purpose of sale. (Section 3 (1)(a))

Under this definition the Act provided blanket protection for stone and wooden artefacts, Old People, carved trees, rock paintings and engravings, stone structures and arranged stones, for which it was an offence to "(knowingly) conceal, destroy, deface or damage⁵". This definition excluded natural features of cultural significance, 'sacred sites' and post-contact sites with no obvious evidence of prior Indigenous occupation (Ellis 1975:7). As Kijas (1986) has pointed out the SA legislation emphasised protection of tangible artefacts and sites based on their scientific and aesthetic value. Furthermore, L. Smith (2000:113) has argued:

The development of the legislation [within south-eastern Australian] had very little to do with the preservation of Aboriginal heritage as such, and more to do with the preservation of archaeological access to data.

Thus, the underlying priorities of the 1965 Act were to protect sites of archaeological significance and those deemed worthy of protection by other interest groups, rather than heritage considered important by Indigenous peoples (Kijas 1986:iii).

The legislation aimed to achieve protection by reserving land on which Indigenous heritage occurred⁶, by controlling access to that land, controlling illicit trade⁷ and removing items of Indigenous heritage that were found to be under threat for 'safe storage'⁸. Although the Act does not specify where such heritage should be stored, Edwards (1970:164) and Kijas

⁵ Section 23. Anyone who finds or knows about these items are obliged to report them to the Protector of Relics (Section 28 (2))

⁶ Under the Act the Minister can either proclaimed a Historic Reserve or a Prohibited Area to protect cultural heritage located in these areas (Section 16). Consequently, Ward (1983:24) has pointed out that any sites outside an area protected by a Ministerial declaration received very little protection.

⁷ It is an offence for anyone in South Australia, including Indigenous peoples, to sell an artefact without permission from the Minister (Section 27 (2))

⁸ Section 12 and 24.

(1986:13) have suggested that these items would be sent to the SA Museum State collection, which provided for the storage and in some cases display of such items.

Initially, the Act was administered through the Director of the SA Museum and the Minister of Education⁹, who were assisted in their duties by an honorary advisory board made up of one Minister nominated representative from the Council of the University of Adelaide, the SA Museum, the Department of Aboriginal Affairs and the Pastoral Board¹⁰. Under the Act the Director of the Museum was declared the Protector of Relics¹¹ and was not only required to keep a register of all Historic Reserves, Prohibited Areas, and known occurrences of relics, but was also required to report annually on their preservation, seek information regarding any new discoveries of Indigenous heritage and arrange for their protection¹². Additionally Wardens and Inspectors could be appointed to assist with the administration and enforcement of the Act with the power to search for, examine and seize any artefacts¹³.

Subsequently, Edwards (1970:165) claimed that the implementation of this legislation would help with the preservation of "(the) remaining relics of the Aboriginal Cultures of South Australia [that] will survive for generations to come." Although the Act recognised Indigenous interests in heritage¹⁴, it excluded Indigenous aspirations and perceptions of their heritage, and Indigenous people had no specific rights in protection, control or consultation of their heritage (Kijas 1986:13). So what generations did Edwards speak of when he made this comment, and who really benefited from this Act? Examining the Act a little closer it becomes evident that landowners were the real beneficiaries, with consent needed to make declarations

⁹ The Museum Act 1939 was also administered by the Minister of Education at this time.

¹⁰ Section 6 (1) and (2).

¹¹ Section 7 (1).

¹² Section 10 (1) and (2)

¹³ Section 9 (1), 12(1) and (2)

¹⁴ Section 4 (1) states that Indigenous people shall not be denied free access to and enjoyment of artefacts of their ancestors, as is sanctioned by their customary law.

of an area within landowner property¹⁵ and the provision of compensation to landowners for any disturbance or damage done to their property that may arise from actions taken under the Act¹⁶. Additionally, Hemming (2006:316) has argued this lack of control afforded to Indigenous peoples in the administration of their heritage was a situation similar to the operation of the SA Aborigines Board and previous policies of assimilation.

The new Act allowed archaeological researchers the freedom to collect artefacts and greater access to areas. Although consent was required from the Minister and the Protector of Relics to carry out archaeological excavations and remove objects within a Historic Reserve¹⁷ or to enter a Prohibited Area¹⁸, anyone could survey, make surface collections and excavate anywhere outside Historic Reserves and Prohibited Areas without offending under the Act as long as they reported the discovery of any artefacts to the Minister¹⁹. Additionally, there were no requirements to consult with Indigenous communities about research intentions. Thus, the Act itself provided for lawful sanction of professional archaeological research while preventing destruction by amateurs.

5.4 ADMINISTRATION OF HERITAGE POLICIES

Under the *Aboriginal and Historic Relics Preservation Act 1965* the Aboriginal and Historic Relics Advisory Board began operation in 1967 under the supervision of Curator of Anthropology at the SA Museum and Secretary of the Board, Robert Edwards. Edwards' role was to advise the Minister of Education and the Protector of Relics on the implementation of the legislation. During the Advisory Board's first meeting suggestions were made to amend 18

¹⁵ Section 18 (b)

¹⁶ Section 25 (1)

¹⁷ Section 24 (1)

¹⁸ Section 22 (1)

¹⁹ Section 28 (2)

clauses of the 1965 Act, including increasing the fines by double²⁰ and delegating the Protector of Relics the power to grant permission to enter a Prohibited Area²¹ (Aboriginal and Historic Relics Advisory Board (AHRAB), 13th July 1967). Edwards, the Advisory Board and the Protector of Relics, Grant Ingis, continued to raise concerns regarding the Act, which Ingis frequently referring to as 'vague', 'bad' or 'badly drafted' and claimed reflected the way in which it was rushed through Parliament (AHRAB), 12th Sep. 1968:1; Ingis, 3rd June 1970:2; Ingis, 18th June 1970:1; Ingis, 26th June 1970). Ingis intended to repeal the existing Act and produce a new one, which included the following alterations:

...To authorise the disposal of material surrendered or impounded if the original owner (discoverer) does not come to pick them up. This is administratively essential as we have much junk delivered to us which we have no way of getting rid of.
...To make S.A. Museum the official repository for material collected under the provisions of the Act.
...Rewrite the definitions of Relics which at present could not be expected to stand in any court. (Ingis 18th June 1970:1-2)

Other proposed amendments included provision for the Governor to appoint the Chair of the Advisory Board, for additional representatives to be nominated by the Council of Flinders University and the Minister of Mines, provision to allow emergency declaration without landowners consent and following the destruction of a canoe tree near Mannum, provisions were recommended to enable a total ban on removing such trees and other artefacts, which could only be modified under special circumstances (AHRAB, 11th July 1969; AHRAB, 2nd October 1970; AHRAB, 3rd Sept. 1971). Despite holding continued discussions with Parliamentary Drafts-people to have the Act amended, these were never followed through owing to either their weak or unsatisfactory nature, or the fact that Parliament would not be able to 'deal' with amendments during their current session (AHRAB, 6th Dec. 1968:1; AHRAB, 7th Aug. 1970:4).

²⁰ Under Sections 14 (1) (2), 15, 20 (3), 22 (1), 29 (1), and 34.

²¹ Under Section 22 (2).

During the Advisory Board's first year of operation it had been financed through the Anthropology Section at the SA Museum, and Edwards reported that the work was suffering in this section as a result (AHRAB, 28th June 1968:1). Despite this the Advisory Board and Protector of Relics had been active in the administration of the Act and had achieved a considerable amount of work within its first year. In line with Section 10 of the Act, Ingis and the Advisory Board produced annual progress and field reports for sites and areas, and maintained a listed of sites for inspection and protection, whilst incorporating recommendations made by the Minister (AHRAB 1967 – 1971a). Ingis and the Advisory Board also organised the protection of sites through the erection fencing, public signage, and public education through press, television, radio coverage, and pamphlets distributed through the University of Adelaide, the Teachers College, adult education centres, metropolitan schools, information offices and tourist outlets.

For the financial year from 1968 to 1969 Ingis reported there had been 4 Prohibited Areas and 12 Historic Reserves had been declared, and 120 honorary Inspectors and Wardens appointed (Ingis, 14th March 1969:1). Within 12 months the number of Historic Reserves had increased to 23, with 141 Wardens and Inspectors appointed within the State (Ingis, 3rd June 1970:1). Accordingly, Ingis claimed that:

Because of the large number of Aboriginal sites known to occur in South Australia it is impractical to declare them all as special sites but it is essential that the best of the selected for protection. Such selection can best be made after all major sites have been surveyed so that they can be compared. It is, therefore intended to carry out surveys and research studies on known Aboriginal sites of potential importance, area by area, to give a basis on which to select the sites, which should be declared as Prohibited Areas or Historic Reserves. (Ingis, 14th March 1969:1)

Earlier discussions had suggested that if there were areas of sufficient importance that required excavation, grants could be available from other foundations such as Australian Institute of Aboriginal Studies (AIAS) to conduct such work (AHRAB, 28th June 1968:1).

In 1969 the South Australian Treasury allocated funds to the SA Museum to employ Bob Ellis, under the newly created position of Curator of Relics, and a secretary to support the Advisory Board and administer the 1965 Act. Ellis later commented that his position was 'unique' due to the fact he was hired with the view of being a field conservation, an occupational area for which no experience could at that time be recognised (Ellis, 8th Feb. 1974). Under the supervision of Edwards, Ellis commenced employment on the 21st September 1970, and once employed he took advantage of various grants to build up staff in the newly formed Aboriginal and Historic Relics Unit (Ellis, Written Response, 2006:2; Fitzpatrick 1997; Aboriginal Heritage Section (AHS) Sept. 1981:1), with the aim to:

establish a heritage agency which would promote heritage related activities and in particular, would sponsor Aboriginal run and managed regional/local centres that would support a range of cultural activities – language recording and teaching etc and sponsor locally run Aboriginal cultural tourism throughout SA. (Bob Ellis, Written Response, 2006:4)

During his time at the Relics Unit Ellis was “responsible for implementation of programmes laid down in policy under the *Aboriginal and Historic Relics Preservation Act 1965*” (Aboriginal and Historic Relics Unit, 29th July 1975:1-2), which included the survey, inspection and reporting of sites throughout the State, research into the significance of sites, methods for protecting sites before and after declaration, the preparations of submissions to Commonwealth Government for funds to support field programmes, the assessment, appointment, training and supervision of field officers for Site Recording, and the inspection and classification of heritage.

The research Ellis conducted during his time managing Indigenous heritage in SA was mostly focused on cultural geography, for which his interests included:

the murda (stories) about the landscape and how that intersected with the social ideology. That was focused on the Simpson desert, Eyre Peninsular and in particular, the Adnyamathanha of the North Flinders Ranges. (Bob Ellis, Written Response, 2006:4)

When this research is taken in the context with Ellis' aspiration to protect “natural features...evident in areas of South Australia where the Aboriginal occupants have retained

much of their culture and traditions" (Ellis 1975:9), it seems Indigenous people in southern SA were perceived to be 'de-tribalised' and their post-contact cultural landscapes were not considered to represent authentic Indigenous culture, and thus did not require preservation (Hemming 2006:316).

Despite this, whilst administrating the 1965 Act Ellis had trouble trying to incorporate what he considered to be significant Indigenous heritage, which he tried to rectify with involvement of local Indigenous people in cultural heritage assessments:

In the early stages of impact assessment the reports were semi-academic descriptions of the archaeology of the impact areas. I felt that Aboriginal people should be more directly involved and that archaeologists were preoccupied with their own concerns – which were not about 'culture' but about 'things'. Anthropologists didn't understand heritage concerns and didn't want to get their hands dirty. I tried to ensure that teams of Aboriginal custodians made the decisions about impact amelioration and that they considered things like food plants etc as well as artefacts. (Bob Ellis, Written Response, 2006:5-6)

Additionally, Ellis (1994:15) and Kijas (1986:13) argued that the Register of Aboriginal Sites and Objects, which provided no confidentiality and allowed easy access to information regarding the location of Indigenous heritage, became more like an archaeological research tool than their initial purpose as aids to the protection or management of sites. As Ellis explained:

I was concerned that the register we established could be misused in the future – as it is now - to exclude Aboriginal custodians from decision-making about those places. I planned for it to be repatriated to the various Aboriginal groups away from government/bureaucratic control. (Bob Ellis, Written Response, 2006:5)

In short, under the guidance of Ellis the Relics Unit aspired to become a 'sponsor for regional Indigenous initiative' (Bob Ellis, Written Response, 2006:5). As Ellis explained, he wished:

...to put Aboriginal custodians squarely in control of their own heritage... extend protection to all places/items regardless of whether they were formally listed/identified [and] to provide for prosecution to be initiated by Aboriginal people, not the Minister. (Bob Ellis, Written Response, 2006:6)

In addition to obtaining funds to employ Harold Thomas, the first Indigenous Curator in the SA Museum who designed the Aboriginal Flag in the Museum basement (Bob Ellis, Written Response, 2006:3), Ellis recalls the degree of freedom he was given to administer the 1965 Act:

I had a fair degree of freedom in determining policies etc partly because I could access funding from AIAS independent of Treasury and the Department. Furthermore, nobody in the Department had much idea about what we should do – particularly as our projects and policies included the full range of heritage activities- shipwrecks, engineering, Aboriginal, vernacular architecture etc. (Bob Ellis, Written Response, 2006:4)

At the same time, Edwards continued to play an active role in the Relics Unit by lobbying:

...to get funding from the Federal...Government for a programme of site recording throughout Australia. That funding was made available through the Australian Institute of Aboriginal Studies, as it then was, and a Sites of Significance Committee was established to distribute the funding. (Bob Ellis, Written Response, 2006:2)

Additionally, Edwards was a key component in negotiations between the SA Museum and the Australian National University to have research conducted on sites between Salt Creek and Lake Bonney by then PhD. candidate and student Roger Luebbers. Edwards maintained that this research would ultimately be a continuation of work being carried out by the SA Museum and all heritage recovered from his research would be placed in the State Collection (Edwards, 9th of June 1972). According to Ellis (Written Response, 2006:4) most the specialised research conducted by the Unit was through the sponsorship of Roger Luebbers and other researchers.

By February 1971 the administration of the Act had been transferred to the Minister for Environment and Conservation, but as no amendments or regulations had been changed and confidential policy was drawn up underlying the implementation of the legislation and revised several times. This included a list of 'constraints' that was seen to restrict the implementation of the Act, and advised administrators to consider the following:

- (a) large area and restricted resources

- (b) perpetual confusion with S.A. Museum's function
- (c) clash with extractive and exploitive activities
- (d) clash with tourism and tourist potential
- (e) cost of maintaining old buildings
- (f) Act was badly drawn (AHRAB, 1971b:1)

Other recommendations from this policy included the declaration of specific sites rather than large general areas unless they were National Parks, and to sign-post and fence areas if necessary.

In early 1971, during work by the Highways Department to remove limestone rubble from the cliff tops of the Devon Downs rock shelter, concern was raised about features in the Act regarding Prohibited Areas. Despite having an Inspector on site to ensure no damage occurred to the rock shelter, which has been declared a Prohibited Area, the Act did not define what kind of work could be carried out within Prohibited Areas once permission was granted and thus provided no legislative protection for Indigenous heritage within those areas (AHRAB, 26th February 1971a:6). According to earlier personal correspondence addressed to Communication Film Production Pty. Ltd. regarding a request to film in a Prohibited Area, Ingis (23rd Nov. 1970) claimed that permission to enter a Prohibited Area was "only given to professional archaeologists and even then under exceptional conditions".

In January 1973 the Relics Unit produced a single edition of the *Aboriginal and Historic Relics Preservation Act 1965 Newsletter* claiming that a Bill had been produced with the intention of expanding the responsibility and strengthening the power of the Act, but due to the fact Parliament was exceptionally busy the draft had not yet been introduced into the Lower House. It was reported that:

Perhaps the most important feature of the new draft Act is that it will enable the Protection of certain natural features which are of importance to the tribal communities of Aboriginal people. This includes such things as naturally occurring out-crops of rock which represent mythological beings. (Aboriginal and Historic Relics Unit, 1973:1)

The newsletter also mentioned that Ingis had now been appointed Director of the Department of Environment and Conservation, and was replaced by Dr John Ling as Director of SA Museum and Protector of Relics. Additionally, by this time six Prohibited Areas and 49 Historic Reserves had now been declared within SA.

During its time within the SA Museum the Unit became actively involved with monitoring development and mining activities, much to the displeasure of the State Government (Fitzpatrick 1997). As Ellis recalled:

Some mining companies (Esso in particular) complained about constraints that protective legislation put on them. Department people I think were suspicious of us employing Aboriginal people and when I got money for an Aboriginal cultural centre at Hawker National Parks officers moved to limit our role and blocked the centre project. (Bob Ellis, Written Response, 2006:3)

Consequently, by 1977 a representative from the Mines Department was allowed to observe all Relics Advisory Board meetings, but the representative quickly took over the running of the Board, which was contrary to the specifications of the 1965 Act²² (Fitzpatrick 1997). By April 1977 the Relics Unit had 'outgrown' the SA Museum and were transferred to premises in the newly formed Department of Environment (AHS, Sept. 1981:1; Bob Ellis, Written Response, 2006:3)

5.5 HERITAGE LEGISLATION AND POLITICAL CAT FIGHTING

The later half of the 1970s saw the first Indigenous staff employed in the Relics Unit and the enactment of the new *Heritage Act 1978*, legislation designed to protect only European heritage, which was supported by a large and well-funded Heritage Unit for its administration. At this time the Relics Unit was still relying heavily on external support funding from bodies such as AIAS, the Australian Heritage Commission, the Department of Aboriginal Affairs and

²² Section 6 (2). The Act specifies where the members of its board should come from and this did not include a representative from the Department of Mines.

the state Unemployment Relief Scheme with no support from the SA Museum for staffing priorities (Ellis, 29th March 1977). Additionally, Ellis (Written Response, 2006:4) claimed:

It wasn't until the department started employing architects that the department saw a way to separate Aboriginal heritage from non-Aboriginal built heritage and to promote the latter.

The new *Heritage Act 1978* overlapped in some areas with the existing *Aboriginal and Historic Relics Preservation Act 1965*, and on the 13th of February 1979 Cabinet repealed the 1965 Act with a new *Aboriginal Heritage Bill 1979*, drafted by the Department of Environment (Kijas 1986:38). Although the Advisory Board had previously lobbied for amendments to the 1965 Act, Fitzpatrick (1997) argued the decision to draft the new legislation was an afterthought that was drafted in just days, borrowed heavily from interstate legislation, and those in charge of its drafting had not bothered to consult with the Relics Unit or any Indigenous South Australians about its contents.

On the day Des Corcoran became State Labour Premier after Don Dunstan's resignation, he proclaimed that a new heritage Bill was necessary to give "greater recognition to the unquestionable right of Aboriginal people to have a say in what happens to their heritage" (SAPD, February 15th 1979:2695). Furthermore, Corcoran announced that the new Bill would recognise:

...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 benefits of their future generations. (SAPD, February 15th 1979:2695)

Corcoran pointed out that there was a lack of Indigenous representation on the Advisory Board and proposed an Aboriginal Heritage Council be set up consisting of nine members, in which at least three members should be Indigenous. Corcoran also recognised the lack of protection for sacred sites under the 1965 Act and made reference to the fact that a landowner's consent was required before the declaration of a Historic Reserve or Prohibited

Area under the old 1965 Act, but was not required under the newly enacted *Heritage Act 1978*:

Indeed it would be derogatory to the Aboriginal people if such consents were required in relation to their heritage and not in relation to our European heritage. (SAPD, Feb. 15th 1979:2696)

During the Bill's second reading, members of the Liberal opposition claimed the idea Indigenous people had "unquestionable rights to have a say in their heritage was an illogical and westernised concept" (SAPD, Feb. 21st 1979, as cited in Kijas 1986:31). According to Liberal member Allison (as cited in Kijas 1986:31) 'experts' had made it clear that Indigenous people in SA were more concerned with land, than with the preservation of artefacts. Furthermore, Allison also argued that that any Aboriginal Heritage Committee should not be comprised of all Indigenous people as there would need to be people with certain skills in anthropology and archaeology (as cited in Kijas 1986:32).

During parliamentary debates Liberal member De Garis felt that a new Bill was unnecessary and that the 1965 Act should be amended rather than repealed:

De Garis: As I have said, if I had to choose between the 1965 Act and the new Bill I would prefer the provisions of the 1965 Act.

Cornwall: Of course you would.

De Garis: Why does the honourable member say that?

Cornwall: I adopt a completely paternalistic attitude as did the member who drew it up. (SAPD 28th February 1979:3071)

The Bill itself was aimed at the protection of sites and items which were of 'sacred, ceremonial, mythological or historical significance' to Indigenous people. Nevertheless, despite its all encompassing definitions the 1979 Bill was not substantially different to the 1965 Act. Legislative provisions still protected to the interests of landowners and artefact

collectors²³, whilst the control of Indigenous cultural heritage was now vested solely with the Minister for Environment and Conservation whose duties included conducting searches that were likely to result in the discovery of or information relating to Indigenous heritage, keeping a register of Indigenous heritage and taking measures for the protection and preservation of Indigenous heritage.

Although the Act allowed for at least three members of the Aboriginal Heritage Committee to be Indigenous, the committee's role was only advisory and there were still no provisions to conduct consultation with Indigenous peoples in regards to their heritage. Additionally, archaeologists wishing to conduct research within the state were required to obtain permission from the Minister to excavate²⁴ within any areas and to report any discoveries 'forthwith' to the Minister²⁵.

The Bill for the new legislation was enacted by 15th of March 1979, with the date of operation to be fixed by proclamation. The Advisory Board held its last meeting on 23rd of March 1979 and was suspended pending the proclamation of the new Act. According to Ellis (Written Response, 2006:3), however "the Board members were not reappointed – as a means of slowing down the number of Historic Reserves and Prohibited Areas we were declaring". Accordingly, as the new Act made no reference to the SA Museum and delegated the previous responsibilities of the Protector of Relics to the Minister, it effectively drafted the Museum out of the process of Indigenous heritage protection within the State and placed it firmly within a bureaucratic space.

²³ Anyone may collect items from outside a 'registered Aboriginal site' or 'protected area' (Section 25(2 and 3)) if they take reasonable care of them (Section 25(4)) and do not sell them without Minister's consent (Section 25(2)).

²⁴ Section 25 (1)

²⁵ Section 28

Before the Act could be proclaimed Corcoran's Labour lost power and the new Liberal government, under the leadership of David Tonkin, quickly announced that it would not proclaim the new Act but would draft an entirely new one following appropriate consultation with Indigenous communities (Fitzpatrick 1997). According to Kijas (1986:39) the delay in proclamation of the new Act may have been due to its weak nature, thus lacking the priority to make it law. Additionally, State elections were called only six months after the legislation was enacted and it was thought trying to push through new legislation would have made the Labour Party too unpopular (Kijas 1986:39).

Despite a promising start, Tonkin's Liberal reign was characterised by incompetent and under-qualified ministers acting in the interest of their departments or vested interest groups (Fitzpatrick 1997). Staff in the Relics Unit became strongly opposed to many of the activities the Government was allowing, which created considerable internal tensions with government departments and developers. The previous Labour Government had developed proposals to pass land rights legislation, which was later enacted as the *Pitjantjatjara Land Rights Act* in 1981 under the Tonkin Government (Tickner 2001:21). During the campaign for this Act staff from the Relics Unit camped outside its own offices over one weekend to prevent the Mines Minister gaining access to the Site Register. The Relics Unit of this period did not shy away from political issues whilst advocating for the protection of Indigenous heritage, even though the Tonkin Government wished to maintain a neutral position on Indigenous heritage (Fitzpatrick 1997).

5.6 ADMINISTRATIVE CHANGES

On 28th of February 1980 a frustrated Ellis resigned as Head of the Relics Unit, which he recalls had "over time become stultified and self preoccupied and stopped engaging with Aboriginal people" (Bob Ellis, Written Response, 2006:7). For the next 6 months the Unit had

no effective head until Rosemary Buchan was appointed in September 1980. In anticipation of the new Act the section was re-organised into various programmes, each supervised by an individual staff member, including a programme for the protection of sacred sites and the training of heritage rangers (AHS, Sept. 1981:2). In 1981, the Department for Environment was combined with the Department of Planning to become the Department of Environment and Planning (DEP). At this time the Relics Unit was combined with the Heritage Unit becoming the Aboriginal Heritage Section, part of the Heritage Conservation Branch, within the Conservation Programmes Division of the new DEP. The Aboriginal Heritage Section was reorganised into more general programmes such as development assessment and anthropology. At this time standardised site recording procedures were introduced, major site surveys using external funding had begun, and regular liaison with Indigenous communities was initiated, including the production and wide distribution of the *Aboriginal Heritage Newsletter* (Fitzpatrick 1997).

Following the engagement with other heritage departments elsewhere the country Cliff Coulthard of the Aboriginal Heritage Section represented SA at a meeting of Site Recorders held on Moreton Island, Brisbane in July 1981. Several recommendations were made at the meeting for SA, recognising:

the lack of site recorders in South Australia and the poor management of site areas which are endangered by tourists and mining concerns. The conference urges the S.A. Department of Environment to consult with Aboriginal people in expanding the number of Aboriginal site recorders in that State and in arriving at appropriate policies for protection of sites of significance. (AHS, Dec. 1981:2)

Meanwhile, proposed amendments to the 1979 Act (which had still not been technically proclaimed) were published as a new Bill entitled the *Aboriginal Heritage Act Amendment Act 1981*, and between February and March 1982 discussion about amendments continued in Parliament (AHS, March 1982:1). Additional amendments were subsequently proposed

including the establishment of an Aboriginal Heritage Fund for use in administration of Act. Nevertheless, the new Bill did not pass through the last session of Parliament with the then Government stalling in order to reconsider the legislation. In particular, the Government stated it wished to carry out further consultation with Indigenous peoples before a new Bill was drafted (AHS, Dec. 1982:3). The Aboriginal Heritage Section began to consult with Indigenous communities in 1981 over the impending redrafting of the *Aboriginal Heritage Act 1979*, but the Government eventually decided that there should be a new approach to preparing Indigenous heritage legislation and new legislation would be introduced to repeal both the 1965 and 1979 Acts (AHS, March 1983:1).

Most meetings held with Indigenous communities, families and individuals throughout the state noted a general displeasure over Ministerial control of heritage administration, whilst recommending that any new Act should incorporate broader definitions of Indigenous heritage, provisions for site protection funding and associated traditional practises, frameworks for community prosecutions against perpetrators, compensation for damage or destruction of Indigenous heritage and the recognition of Indigenous rights to country (Fitzpatrick 1997). More specifically, meetings held in Maree, Oodnadatta, Coober Pedy and Port Augusta expressed concern about Minister's power to appoint members to the Aboriginal Heritage Committee (Fitzpatrick and Coulthard 1983:6), whilst meetings with Ngarrindjeri peoples at Meningie and Point McLeay recommended that research programs should be approved and controlled by the Ngarrindjeri community under a new Act (Bramley and Potezney 1983:4). Additionally, Indigenous communities in Wamikata (Ernabella), Coober Pedy, Maree and Oodnadatta felt that government departments were biased against Indigenous peoples, and feared that despite consultation any new Act would reflect this (Fitzpatrick and Coulthard 1983:5). A summary and recommendations from these meetings was sent to Minister of Environment and Planning for approval, and once approved a draft bill was to be prepared

(AHS, June 1983:1). Furthermore, staff members from the SA Museum were involved with some of the community meetings and also prepared a submission for the new Act (Steve Hemming pers. comm. 2006).

During the first half of 1984 the Aboriginal Heritage Section underwent an internal branch review of its role, organisation and operation. Recommendations arising from this review included the creation of a new Aboriginal Heritage Branch independent from a State Heritage Branch, thereby replacing the Branch of the Conservation Programmes Division. Recommendations for the new Aboriginal Heritage Branch included the employment of more staff, increased funding, the involvement of Indigenous peoples and more consultation with regional Indigenous communities (AHS, June 1984:1). As a result of the review the Branch employed an Indigenous Manager, Bob Ware, whose first priority was to guide the Bill for the new legislation through Parliament (Aboriginal Heritage Branch (AHB), Sept. 1985:1-2; Fitzpatrick 1997). As a result of increased funding levels the Branch was able to employ heritage professionals, including an archaeologist and an anthropologist.

Unfortunately, despite the efforts of the new Branch manger, arguments erupted over the drafting of the new Act and the Branch was eventually excluded from any further discussions.

According to Fitzpatrick (1997:6):

The person subsequently allocated the job of writing the new Act was famously quoted as saying he was highly qualified to write such an Act because he "knew absolutely nothing about Aboriginal heritage and was, therefore, completely neutral". This gentleman was responsible for most of the complex clauses...written into what had begun as a simple and straightforward piece of legislation.

5.7 A 'PIONEERING' NEW ACT

In 1987 Cabinet approved a draft Bill for the new legislation that they intended to discuss with Indigenous communities before the Bill went to Parliament (AHB, March 1987:1). This may

have made little difference as according to Fitzpatrick (1997) the government was firmly sided with the interests of developers, pastoral and mining companies. Subsequently, the Aboriginal Heritage Branch (Sept. 1987:1) reported that the diversity of comments received regarding the Act made it impossible to amend the Bill to satisfy all interests. Despite this, the Branch believed that the balance achieved for the new Act represented a 'very workable piece of legislation', that not only provided for the protection for Indigenous heritage, but also to took into account the needs of most land owners (AHB, Sept. 1987:1). Additionally, the Branch added that:

...the main objective of this legislation is to provide traditional owners of Aboriginal heritage with a mechanism to enable them to protect their heritage from the actions of a modern European based society. (AHB, Dec. 1987:24)

The *Aboriginal Heritage Act 1988* was enacted on the 17th of March 1988 and the Minister for Environment and Planning declared it to be 'pioneering', and the Labour government planned to review it after it had been in operation for 12 months and possibly make some amendments (AHB, March 1987:1; Fitzpatrick 1997). The Aboriginal Heritage Branch was reorganised to service new Act, which included the formulation of a community liaison team, an assessment and project team, and a survey and site conservation team (AHB, June 1989:1). It soon became apparent, however, that some provisions in the new legislation didn't work and the Branch began to draft regulations to be used in its administration²⁶ (AHB, June 1988:1). Regardless of the Branch's effort, the Labour government never reviewed the Act and these regulations were never enforced.

Subsequently, prior to the enactment of the new legislation SA was not covered by any Indigenous heritage legislation in the period between 1979 and 1988. Fitzpatrick (1997) claimed the *Aboriginal and Historic Relics Preservation Act 1965* was technically still law but

²⁶ These Regulations covered the types of 'classes' of sites and objects that could be declared (Section 3), research procedures and consultation with Indigenous peoples, applications for determinations under Act, the role of inspectors and conditions under which Indigenous cultural material could be sold (AHB, June 1988:1).

was inoperable because its Advisory Board had been suspended and never reinstated. During this period the lack of legislation led to a number of usual events and at one stage the Relics Unit staff were told not to consult with Indigenous peoples (Fitzpatrick 1997). Whilst Fitzpatrick (1997) and Kijas (1986) argued the 1965 Act to be law, the fact that the 1979 Act repealed it but was never proclaimed led to a lot of confusion about which legislation should be followed. With regards to archaeological work conducted in SA Ward (1983:23) suggested that both Acts should be taken into account.

As with the previous legislation the 1988 Act provides blanket protection for Indigenous heritage, which means that sites do not need to be registered for legal protection, although the Register of Objects and Sites is still maintained. The Act also recognises the role of Indigenous people and Traditional Owners in the identification and protection of heritage²⁷, although Boer and Wiffen (2006:293) have pointed out that the term 'Traditional Owner' does not equate to an identifiable, legal and registration title that equates to the idea of ownership in a Western sense. Nevertheless, perhaps the most significant provision in the Act is its definition of Indigenous 'tradition', which recognises that Indigenous traditions may have changed over time²⁸.

The Act provides some provisions for confidentiality towards information entered in the central or local archives about Indigenous sites, objects, remains or about Indigenous culture²⁹, but is contradicted by the authority given to the Minister to divulge such information³⁰. The Act also establishes an Aboriginal Heritage Committee, comprised entirely of Indigenous peoples from

²⁷ Section 13(2)

²⁸ Indigenous tradition is defined in the Act as "traditions, observations, 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" (Section 3).

²⁹ Section 35 (1)

³⁰ Section 35 (2)

throughout the state to advise the Minister³¹. Despite this, the Minister is not bound to follow the recommendation of the Committee³², and members of the Aboriginal Heritage Committee are appointed by the Minister, for which there is no statutory criteria for nomination or selection and thus no provision for gender balance.

The *Aboriginal Heritage Act 1988* is administered solely by the Minister of Environment and Planning who has power to determine whether a site or object should or should not be protected or included in the Register of Aboriginal Sites and Objects. Traditional Owners can request certain powers of the Minister³³, which the Minister is required to comply with but can attach any conditions to this as he/her deems appropriate³⁴. The Act also establishes an Aboriginal Heritage Fund³⁵ administered by the Minister in which he/she may apply³⁶:

- (a) in acquiring land or Aboriginal objects or records under this Act;
- (b) in making grants or loans to persons or bodies undertaking research into, or in relation to, the Aboriginal heritage;
- (c) in making payments under an Aboriginal heritage agreement entered into by the Minister under this Act;
- (d) in the administration of this Act;
- (e) for any other purpose related to the protection or preservation of the Aboriginal heritage.

For archaeologists and cultural heritage managers working in SA consultation with Indigenous communities prior to survey and research is required³⁷, and permission must be gained from the Minister to excavate, damage or interfere with an Indigenous site or object³⁸. In contrast to the previous South Australian Acts, under the current legislation is an offence for an owner or occupier of land to fail to report discovery of Indigenous site, objects, or remains to the

³¹ Section 7

³² The Minister does not have to explain why they did not follow recommendations of committee or any expert opinion, but these actions may be challenged in court.

³³ Section 21, 23 and 35

³⁴ Section 6 (2) and (3)

³⁵ Section 19

³⁶ Section 19 (7)

³⁷ Section 42

³⁸ Section 21 and 23

Minister, but there are no obligations on any other persons, such as an archaeologists to do so³⁹.

Under provisions in the Act a developer may apply to the Minister for a determination as to whether an area of proposed development contains any Indigenous heritage⁴⁰, but the Act does not require a developer to submit an application prior to development. If an application is submitted, however, the Minister is required to take all reasonable steps to consult with the Aboriginal Heritage Committee, and any Indigenous organisations, Traditional Owners and Indigenous individuals that in the opinion of the Minister have particular interests in the matter⁴¹. From this process the Minister determines whether an area contains any Indigenous heritage. There is no statutory obligation on a developer, however, to consult with any Indigenous heritage groups operating in the area of development, and if the developer wishes to proceed with developments that will more than likely disturb, interfere or damage any Indigenous heritage, they can apply for permission from the Minister to proceed under Section 23⁴². Therefore despite the legislation's initial purpose, Section 23 of the Act is a development loophole and has become a mechanism to actually authorise and facilitate the destruction of Indigenous heritage (Fitzpatrick 1997).

In June 1990 a meeting between the Aboriginal Heritage Branch and staff from the SA Museum's Anthropology Section was held to discuss the Museum's role in the protection of Indigenous heritage within the state. It was concluded that as the Museum is not mentioned in Act it therefore cannot comment on, advise or make decisions regarding Indigenous heritage within SA. Despite this Traditional Owners who have been delegated authority under the Act,

³⁹ Section 20 (1)

⁴⁰ Section 12

⁴¹ Section 13

⁴² Under Section 23 it is against the law to disturb, interfere or damage any Indigenous heritage without the Minister's authorisation to do so.

can request the Minister to give the Museum authority for work in a specific area. In light of this, recommendations were put forward at this meeting to amend the Act to include the Museum in the decision process for the protection and preservation of SA Indigenous heritage (Aboriginal Heritage Branch and SA Museum, 7th June 1990), although these amendments were never followed through.

In October 1992 the Department of State Aboriginal Affairs (DoSAA) was established by amalgamating the Office of State Aboriginal Affairs with the Aboriginal Works Division (State Aboriginal Affairs as cited in Roberts 2003:334). During the early 1990s the Aboriginal Heritage Branch moved into this new Department and many of the staff were forced to take separation packages (Fitzpatrick 1997). After a year out of print owing to a lack of funding, the *Aboriginal Heritage Newsletter* printed one final edition in 1991 before it was discontinued (AHB, 1991:1). The Department withdrew into a protective shell by installing elaborate security systems, only dealing with issues once they reached crisis level, and wishing to do nothing at a great expense to the State (Fitzpatrick 1997). Resources for the administration of the Act become more limited, which meant Indigenous heritage administration effectively discontinued archaeological research within the State. In light of this, Roberts (2003:291) claimed that a number of archaeologists in SA felt that the lack of funding provided to and from DoSAA was seriously affecting Indigenous heritage protection within the State.

5.8 KUMARANGK (HINDMARSH ISLAND) AND RECENT YEARS

In 1990 the State Government and Alexandrina Council proposed to build a bridge from the mainland at Goolwa to Kumarangk (Hindmarsh Island) to accommodate increased water traffic (Bell 1998). In October 1993 the Lower Murray Aboriginal Heritage Committee requested protection of the proposed bridge area under the 1988 Act, but on the 3rd of May 1994 State Minister for Aboriginal Affairs, Michael Armitage, granted authorisation under

Section 23 for the destruction of Indigenous heritage in order for the bridge to be built. Ngarrindjeri Elder Tom Trevorrow claimed Ngarrindjeri people were not properly consulted about this proposal (as cited in Trevorrow and Hemming 2006:298). An emergency declaration was made by the then Federal Aboriginal Affairs Minister, Robert Tickner, under Section 9 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* whilst claims by Ngarrindjeri mi:minis about Kumarangk were investigated. An inquiry held under Section 10(4) of the 1984 Federal Act included work conducted by anthropologist Dr Dean Fergie and Professor Cheryl Saunders with Ngarrindjeri mi:mini, in addition to an archaeological report produced about Kumarangk by Dr Neale Draper (Draper 1996; Saunders 1994). Prior to this inquiry no anthropologists had been used under the provisions of the 1988 Act to determine the contemporary significance of Kumarangk to Ngarrindjeri mi:minis.

Tickner accepted the recommendations made by Fergie and Saunders without reading the report they produced with the understanding that the information could only be read by mi:minis, which led the Minister to make a declaration to stop the development of the bridge for 25 years. According to Trevorrow (as cited in Trevorrow and Hemming 2006:298), Tickner “understood the Ngarrindjeri women’s beliefs that they could not tell their knowledge to men, not even Ngarrindjeri men”. As a result, Tickner was taken to court by the developers of the bridge and the court found that he had made the declaration to stop the development of the bridge without considering ‘in any sense at all’ the details of the Ngarrindjeri women’s claim (*Chapman v Tickner* 1995). Meanwhile, a new Liberal government was elected in SA under the leadership of Dean Brown who called a Royal Commission into Ngarrindjeri heritage, cultural and spiritual beliefs. This Royal Commission concluded that Ngarrindjeri mi:mini had fabricated their traditions to stop the construction of the bridge, an outcome that was characterised by the belief that Indigenous culture in southern SA was no longer ‘traditional’,

with the only 'real' Ngarrindjeri culture existing in museum collections and archaeological sites (Hemming and Trevorrow 2005).

Later in 1996, the Federal election saw a new Minister for Aboriginal Affairs appointed and the new Liberal government introduce a Bill⁴³ to exempt the Kumarangk area from the purview of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*. According to Trevorrow, following the Kumarangk (Hindmarsh Island) Royal Commission developers were given an 'open ticket' do what they wanted (as cited in Trevorrow and Hemming 2006:301). When redevelopments uncovered the burial of a Ngarrindjeri mi:mini and po:ri in September 2002, the developments ceased under the *Aboriginal Heritage Act 1988*. Ngarrindjeri people used this as an opportunity to development a landmark agreement with the Alexandrina Council - *Kungun Ngarrindjeri Yunnan* - and have since tried to be recognised and make further agreements under the 1988 Act (Hemming and Trevorrow 2005:247-8; Trevorrow and Hemming 2006:303).

In 2002 Aboriginal Legal Rights Movement (ALRM) in negotiation with the SA Chamber of Mines and Energy (SACOME), SA Farmers Federation (SAFF) and the SA Government's Indigenous Land Use Agreement Negotiation Team, developed a joint proposal for a 'South Australian Aboriginal Heritage Scheme' (see ALRM, SAFF, SACOME and SA Government 2002). A key feature of this proposal was to ensure that decisions about Indigenous heritage matters are controlled by Indigenous custodians of sites, objects and remains which are of significance to their culture and traditions. Despite this intention the key bodies of this proposal were comprised of non-Indigenous organisations and still had vested interests for landowners, which perceived the current legislation as complex and unworkable (Hemming 2006:318).

⁴³ *Hindmarsh Island Act 1996*

During last five years numerous Departmental changes have occurred within the Indigenous Affairs section in SA, but owing to a lack of documentation it is not possible to construct a comprehensive history of these changes. In 2002 the Department of State Aboriginal Affairs (DoSAA) became the Department of Aboriginal Affairs and Reconciliation (DAARe) (Heidi Crow pers. comm. 2006). According to the DAARe Charter their function was "to ensure effort and resources are directed to areas identified by Aboriginal communities as priorities for action" (DAARe 2003). Furthermore, with regards to the protection of SA Indigenous heritage DAARe claimed by:

Recognising that lore, culture and language are fundamental to identity and esteem, the Aboriginal heritage functions of the former DoSAA are to be maintained and enhanced within DAARe. In identifying and anticipating any potential risks to the protection of Aboriginal heritage DAARe will be vigilant and vigorous in driving concerted action to safeguard sites as cultural icons. (DAARe 2003)

Despite this mission statement, another recent government reshuffle during 2006 has meant DAARe has now become the Aboriginal Affairs and Reconciliation Division (AARD). Indigenous Affairs in SA is no longer located in their own department, but are now a division within the Department of the Premier and Cabinet. According to their website, the responsibilities and functions of Indigenous Affairs in SA include:

providing strategic leadership in Aboriginal policy and program development; developing, coordinating and implementing policies for Aboriginal affairs; monitoring the impact of government services on the wellbeing of Aboriginal families and communities in South Australia; protecting and preserving Aboriginal heritage and culture; providing and maintaining essential services and infrastructure on Aboriginal Land Holding communities; supporting the State's Aboriginal Landholding Authorities; leading and contributing to government special projects such as Dry Zones, Refugees, Native Title and Commonwealth Lands at Maralinga. (Department of Premier and Cabinet 2006)

Despite a seemingly proactive statement, the AARD offices are located within the State Administration Centre, a building with elaborate security systems, and anyone wishing to meet with AARD staff must make an appointment well in advance. Within this space the staff working in AARD are effectively 'cut-off' from any public interaction, and other interactions are limited due to the busy nature of their work.

Since the Aboriginal Heritage Branch was dissolved in the early 1990s the operation of Indigenous affairs has not always run smoothly, and its relationship with some Indigenous communities has created great resentment towards the Department:

...here we have our Aboriginal Department in Adelaide been shifting around and changing the rules all the time, and we haven't been able to keep up, build a proper relationship with anybody in that area, in that department to be able to fully complete something. One minute you've got 'this is the officer in charge of heritage', the next minute you find out that that person's gone and then there's another person in charge and that person comes in and 'what were you talking about? Can you tell us?' and we end up sounding like cracked records, repeating ourselves to all the new people that come along, but the history is with us all the time because it's our history, our lands, our waters, our sites. Other people come and go, so that's what makes it very difficult. (Uncle Tom Trevorrow, Discussion, 2006:3)

AARD also has a 'holding facility' for Indigenous items that have been handed in by the public, as well as materials from past archaeological research conducted in SA. AARD hold these items on behalf of Indigenous communities until the communities advise what to do with them (Heidi Crow pers. comm. 2006). After talking to staff members in AARD, it has become clear that they do not wish to hold these items, and want to return them to their Indigenous communities, but there seem to be very little effort involved in initiating contact with Indigenous communities to have these materials repatriated. During a visit to this holding facility it was noticed that AARD had just recently received a box containing a Ngarrindjeri Old Person, but staff had not yet notified the Ngarrindjeri community of this. Additionally, it is perhaps interesting to note that there seems to be an increasingly recent phenomenon of people handing in 'things found in their back shed', which are more likely than not to be items collected during the early amateur archaeology years that occurred in SA (see Appendix 6). In most cases these items have been handed in by members of the public who have found them in possession of recently deceased relatives. This poses significant problems for AARD staff and Indigenous communities alike as most of these items could not have their provenance

determined, which opens up an avenue for complex social, cultural and political issues surrounding identification and reburial (see Pardoe 1992; Wilson 2005).

CHAPTER 6 – Unfinished Business: The *Lower Murray Lakes Archaeological Study* (LMLAS)

...there are always issues and cultural heritage is a very sensitive topic to investigate because it involves a range of sensitivities and sense of ownership. (Roger Luebbers, Discussion, 2006:3)

As I said, it's part of the unfinished business, [an] unfinished report... (Uncle Tom Trevorrow, Discussion, 2006:3)

6.1 INTRODUCTION

This chapter introduces and discusses the case study used in this thesis, the *Lower Murray Lakes Archaeological Study* (LMLAS), which is used as a specific example to illustrate the outcomes of the political context in which archaeological research and heritage administration operates. Owing to the fact that the LMLAS remains unfinished, this chapter is a historical account that follows the study from its initial stages of grant approval through to its current status. Therefore, the first half of this chapter discusses the 12 month field work period of the LMLAS and incorporates information from discussions held with Roger Luebbers, Uncle Tom Trevorrow and Uncle George Trevorrow. The second half of this chapter explores the outcomes of this study, which includes negotiations between the Ngarrindjeri community and AARD to have these materials repatriated back to their community.

6.2 LMLAS BACKGROUND

During the 1983/84 National Estate Grants Programme, the DEP was granted funding for a project entitled the *Lower Murray Lakes Archaeological Study* (LMLAS) for the continuation of the Kurangk and Murray Lakes archaeological survey. The DEP approved the project in 1986 and Roger Luebbers was contracted to undertake the research with the key objectives being “to identify, assess and study archaeological sites on Lake Alexandrina” (DEP 1986:1), to

propose conservation strategies to protect significant archaeological deposits from existing impacts and investigate their desirability for nomination to the Register of the National Estate.

In a series of Progress Reports (June 1986 – June 1987), Luebbers clearly documents a structured work plan for the Lower Murray Lakes region. What was perhaps most unique about Luebbers' work for the LMLAS was his premise in using archaeological investigations of Ngarrindjeri occupation sites to determine management strategies for the area:

Research is not commonly associated with cultural resource management and I was given quite a bit of freedom as so far as we had a budget to incorporate a research design, so I could not only say where the material was but give some indication of its antiquity and likely significance to reconstructions of land use and prehistoric life in that area...But in a philosophical sense of course the Department was very much supportive of research. (Roger Luebbers, Discussion, 2006:1-2)

For Luebbers, archaeological research was an important component to achieve the aims of the study:

...once we know what the patterns are and the principal characteristics of the area, its possible then to set out priorities and techniques for heritage management so they can be protected and we can identify which should be protected first and the significance of the materials that are being protected... (Roger Luebbers, Discussion, 2006:6)

6.3 WORKING RELATIONSHIP WITH NGARRINDJERI

Through his previous work in the area prior to commencing the LMLAS Luebbers (see 1981, 1982, 1984) had developed a good working relationship with Ngarrindjeri peoples. Input from contemporary Ngarrindjeri people were central to Luebbers' research design, a process which provided valuable insights into the cultural links Ngarrindjeri maintained with their heritage (Bell 1998:450; Hemming 1999:2). During the LMLAS Luebbers worked with organisations such as the Lower Murray Aboriginal Heritage Committee, the NHC and Raukkan (Point Mcleay) Community Council through various stages of the study:

...as I have been doing throughout the Coorong study and the Lakes study, [was] to maintain a consultation process with Ngarrindjeri people, and that would involve people at Point McLeay, Meningie and Murray Bridge. (Roger Luebbers 2006:3)

Within the Ngarrindjeri community Luebbers is well regarded for his ethical practices towards Ngarrindjeri people and their heritage:

...Roger knew his job, he was thorough, he had a respectful way of doing archaeology and he knew how to work with Ngarrindjeri People and he kept us informed fairly well at all times on what he was doing. (Uncle Tom Trevor, Discussion, 2006:1)

Thank god we have gotten to know people as people and people like Roger, and several others that we have done work with where they've got to know us personally and understand that we have feelings in regards to those sort of things. (Uncle George Trevor, Discussion, 2006:5-6)

In the initial months of the LMLAS Luebbers (June/July 1986:2) documented having discussions with families at Raukkan to arrange a formal meeting with the Raukkan Community Council. Luebbers (July/Aug. 1986:2) later commented about concern expressed by community members during these discussions for site conservation, in which he was "(endeavouring) to establish a policy for skeleton conservation that will respect both community wishes and the integrity of the site" and noted guidance from the Aboriginal Heritage Branch in the development of this policy. Despite this, there is no further documentation in Luebbers' Progress Reports to suggest that such a policy was developed. Additionally, Luebbers made reference to a 'Re-burial Program' to re-inter exposed Old People to be organised and budgeted as part of the LMLAS project in consultation with the Raukkan Community Council.

Despite commenting on the encouragement he was receiving from local Ngarrindjeri people and property owners about the project, Luebbers (Oct. 1986) documented his continued attempts to arrange formal meetings with the Raukkan Community Council to discuss his intention to excavate, for which he wished to obtain advice about preservation of Old People that might be encountered:

...there was a 100 percent certainty that if we did excavations in some of the sites we were most interested in that we were going to, almost, in some way, disturb human remains and that is a great concern to myself and those custodians' responsibilities,

because disturbance like that does open up the possibility that there are people who have been buried will return in spirit form and will be adverse for feelings of people living there. The first task was to acquaint Ngarrindjeri people with that likelihood and I asked for permission to continue if disturbance would occur. (Roger Luebbers, Discussion, 2006:3)

Repeated postponements, for one reason or another, hindered Luebbers' attempts to have any formal meetings with the council and the administrators in the Aboriginal Heritage Branch advised him that the informal discussions Luebbers had already carried out with the Council were adequate and any important information was being passed onto council, and Luebbers would be advised if any concerns were raised. Luebbers felt that this form of communication was 'not satisfactory', and still endeavoured to address the Council directly (Luebbers December 1986:2). Of particular concern to Luebbers (December 1986:2) was "the problem of re-burial...and the various issues that are involved with such a programme", an issue he wished to discuss it with the Council but had only had only had chance to discuss with trainee rangers at Camp Noonameena, which at the time included Uncle Tom Trevorrow (Steve Hemming pers. comm. 2006).

6.4 SURVEYS AND RECOMMENDATIONS

A significant part of the LMLAS involved extensive surveys of the Lower Murray Lakes region to record and register any sites of significance. Surveys conducted during the study documented 14 shell mounds on a property at Poltalloch Bluff (June - July, Sep.1986), four large shell mounds on Lake Alexandrina Station (July - Aug. 1986), an unspecified number of small shell mounds in the upper margins of Sapphire Swamp (February 1987), several shell middens at Pelican Point (July - Aug 1986), one shell deposit containing fine organic residue and the remains of black bream, various crabs and small water bird at Marks Point (Oct. 1986), and 11 deposits containing concentrations of cooking stones, shell middens, shell

mounds, a microlith assemblage and a significant number of exposed burials on the Narrung Peninsula (May 1987).

During the initial stages of the study Luebbers (July/August 1986:2) documented that six shell mounds surveyed in Lake Alexandrina Station and Pelican Point were found to have Old People present, disturbed through rabbit activity. Additionally, during a site survey of the Narrung Peninsula conducted in May 1987, *in situ* burials containing two to eight Old People were located in sand dunes, plus a minimum of 21 Old People were eroding in a 500 m exposure. Furthermore, 14 burials were also recorded as being present at Teringi. As Luebbers explained further, there was every chance that the LMLAS would disturb Ngarrindjeri Old People:

While trying to minimise the disturbance in its generality we could see in the surface indications that there were human remains in the sites, in some cases anyway, and I was quite prepared with those expertise and techniques to deal with that and be able to treat those remains with perfect respect and appropriate research objectives. (Roger Luebbers, Discussion, 2006:4)

In regards to his impact assessment, Luebbers (September 1986:2) claimed the “(only) significant impacts on sites result from rabbit and plant infestation, and the methods used by property owners for eradication.” In particular, with reference to Pottaloch Station, Luebbers (September 1986:3) noted this had resulted in several “human bones from at least seven graves, most of them broken, crushed, and dispersed from the point of burial.” In his recommendations to help eradicate these impacts, Luebbers (September 1986:3) suggested that discussions between DEP, the Aboriginal Heritage Branch and land owners should be initiated to devise program to protect Ngarrindjeri sites.

As a direct result of Luebbers’ extensive surveys conducted during the first few months of LMLAS several sites at Pelican Point, Pottaloch Bluff, Pottaloch Station and Lake Alexandrina

were added to the Aboriginal Heritage Branch's Register of Aboriginal Sites and Objects, although sites from Marks Point and Samphire Shore were not included in this register.

6.5 RESEARCH QUESTIONS

After conducting surveys in July and August 1986, Luebbers deduced research questions for the project. These questions were particularly swayed by the large amount of fish bones and otoliths observed from Pelican Point to Lake Alexandrina Station (Luebbers July/August 1986:1-2). According to Luebbers these materials, which also included cockles and crustacean remains, suggested complex socio-economic networks. Luebbers documented how the ethnographic history of the Kurangk region detailed the importance of the fishing economy, and that research in the area might add light to fishing techniques and fish species consumed. Distinct clusters of shell mound types located in close proximity to each other also drew Luebbers' attention, which led him to ask the question:

Do these attributes reveal different aspects of a complex land use strategy, a succession of evolving settlement patterns, or are they instead distortions caused by inadequate sampling methods? (Luebbers July-Aug. 1986:2)

During terrestrial surveys conducted in September Luebbers (1986:2) made reference to the occurrence of shell mounds as being the most obvious examples of Ngarrindjeri occupation on the lakes and later proposed that a representative sample of the sites would be excavated to obtain matrix samples and dates for site occupation to place the shell mounds within an overall resource framework for that area of the coast (Luebbers Oct. 1986:2). Following the discovery of Ngarrindjeri burials in January Luebbers (1987:5) revised his research questions to answer aspects of "(land) use practices and burial customs in the Ngarrindjeri culture area."

6.6 ARCHAEOLOGICAL INVESTGATIONS OF SITES

According to Luebbers (Sep.1986) archaeological excavations in the area were planned for November 1986, and in October 1986 Luebbers had planned to only excavate a small mound on Lake Alexandrina Station, with an objective "(to) determine mound composition, internal organisation and the antiquity of deposition" (Luebbers Oct. 1986:2). In his January progress report Luebbers (1987:1) documented his intention to continue field excavations starting in late January through to early February. During February Luebbers documented the excavation of three more sites and clearly stated that these sites, along with the previous site at Lake Alexandrina Station, would be the only excavations conducted for the LMLAS project (Luebbers Feb. 1987:1). Preliminary observations made by Luebbers during these excavations also confirmed two site types, in which he elaborated on:

The major difference between the two site types ... is the high percentage of a diverse range of fauna in the swampsite sites. These reflect intensive exploitation of floodplain habitat, eg. Swamp resources, as well as minor focus on the open woodland that is associated with the sandhills. The site economies on the lake shore on the other hand, evolved as a more socialised use of the mudflats and reed fields in the larger permanent lake... An analysis of food refuse from both site types will be performed to define this strategy more clearly. (Luebbers Jan. 1987:6)

These archaeological investigations carried out by Luebbers at Lake Alexandrina and Samphire Shore are briefly discussed below.

6.6.1 Excavations of Site 2, Lake Alexandrina Station

During November 1986, Luebbers focused entirely on excavation of Site 2, a small shell mound on Lake Alexandrina Station. Luebbers noted the stratigraphy of the mound with the possibility that depositional events and environmental history could be described through analysis. During the excavation of Site 2 a ke:li burial was excavated, which Luebbers suggested demonstrated firm evidence of a relationship between Ngarrindjeri people and ke:li in the past (Nov. 1986:2). Additionally, during this excavation three charcoal samples weighing

10 g each were collected, plus 250 kg (or 60 large bags) of archaeological material was removed from this site in two separate units for further analysis.

6.6.2 Excavations of Site 3, Lake Alexandrina Station

This site was excavated specifically to expose and document the internal stratigraphy and collect matrix samples from each major depositional layer. These matrix samples consisted of mussel shell, cooking stone and black lacustrine sediments and Luebbers (February 1987:3) noted that information from this site, together with information from Site 2 on Lake Alexandrina Station, would be used to characterise mound composition and structure. During these excavations the burials of two Old People and a second ke:li was discovered. One of the Old People discovered was wrapped in a seagrass mat or cloak:

...it was a really interesting area and although it was right on the edge of the lake, I remember clearly the old man was buried in one of the seaweed shawls and there was a lot of that still intact, you know... (Uncle George Trevorrow, Discussion, 2006:2)

6.6.3 Excavations of Site 5, Samphire Shore

During the excavation of Site 5 on Samphire Shore Luebbers (Feb.1987:2) noted that 10% of the matrix samples collected were from cultural activity, and a preliminary sorting revealed "(mussel) shells..., several species of crustacean, fish, small marsupial, turtle, and at least one kangaroo...". Non-molluscan fauna including yabbies, cooking stones and stone artefacts were also observed. Additionally, *in situ* charcoal samples were also collected from Site 5.

6.6.4 Excavations of Site 6, Samphire Shore

During the excavation at Site 6 on Samphire Shore Luebbers (February 1987:2) noted that 40% of the deposit derived from cultural activity, and that the assemblage resembles that collected from Site 5, with aquatic resources such as yabbies, fish, turtle, small birds, shell lenses, cooking stones and other refuse. Additionally, during this excavation a single burial

containing two of Ngarrindjeri Old People including a mi:mini, her unborn po:rli, and another po:rli were discovered. Dating samples were also collected from a concentration of charcoal, ash and charred midden matrix that occurred in the floor of the burial.

6.7 NGARRINDJERI OLD PEOPLE

Following the removal of these Old People Luebbers was given laboratory space at the SA Museum so they could be studied:

I was able to borrow some space in the South Australian Museum with the late Graeme Pretty's help and that's a secure area where we could work on the remains, examine, document and keep them away from public access and they were completely secure in a good working environment. (Roger Luebbers, Discussion, 2006:2-3)

According to Luebbers final Progress Report (June 87:1) Dr Steve Webb, of Canberra and Denise Donlon, a PhD student from the University of New England (UNE) conducted the analysis of the Ngarrindjeri Old People removed during the LMLAS.

Although Luebbers maintained a good working relationship with Ngarrindjeri people, the then current NHC, in which Uncle George Trevorrow was a member, was unaware that these Old People had been removed from Ruwe:

At the time it was unbeknown to us, as a Ngarrindjeri Heritage Committee, so we were quite alarmed that that it had happened. So knowing Roger I got in contact with him and asked what the heck was going on and what had happened. He had talked to a Ngarrindjeri Elder and told him he could do it. And I said well it's not the right way because he's one individual that you asked and he should be going through the right channels, the right protocol, in regards to Ngarrindjeri, we are the elected body and you should have seen us, so can you please put them back immediately...

He probably thought he was asking the appropriate person from the Lakes area, but it just didn't work out that way at the time.

I have always had a good working relationship with Roger as with most Ngarrindjeri people, it was just one of those things that, you know. (Uncle George Trevorrow, Discussion, 2006:1-2)

Uncle Tom Trevorrow also recalled a similar occurrence, but also maintained that Luebbers still had a good relationship with Ngarrindjeri people:

It was a significant dig because he uncovered a Ngarrindjeri person with the seaweed cloak and that person's dog, and Roger keep us fairly well-formed on that one. The only problem was that the material ended up back in Adelaide, for some reason or another, and we didn't totally agree with that...So that's sort of my time with Roger and he was an archaeologist that knew his job and you could work with. (Uncle Tom Trevorow Discussion, 2006:1)

Despite what seems to have been a simple misunderstanding all the Old People and ke:li that had been removed during the LMLAS, along with the accompanying seagrass cloak, were all subsequently returned to their original Ruwe:

...a few of us went out on it one day and he actually brought the remains of the Old People back from Adelaide and re-instated them into the burial ground and the farmer was very good about it and had it fenced off in a square around the burial ground. (Uncle George Trevorow, Discussion, 2006:

6.8 DEPARTMENTAL SUPPORT

During the LMLAS Luebbbers recalls how the support supplied by the government throughout his research:

So, the freedoms that were given to me were limited by budget. It was really quite a small budget, but the Department gave me assistance by way of, of course, vehicles and storage area, and I was even able to use staff to assist in field work for very early parts of the work of the research program. But I didn't actually have some of that assistance in the Lower Murray Lakes area, that had changed, and so I had much more limited capacity to do any research there. (Roger Luebbbers, Discussion, 2006:1-2)

It amounted to, in the Lower Murray Lakes area, giving me theoretically some storage space and laboratory space. I was relying entirely, in that time, on volunteer labour. I didn't really have any support team to assist me except as volunteers, who were limited. With respect to the analysis that would be required for examining field samples the Department was under contract to provide a laboratory to do the work and that they were unable to do in the end. (Roger Luebbbers, Discussion, 2006:2)

...we had to cover a large area for the actual survey and site search on quite an area as the Lake Shores, and I then I had to find people to assist in conducting that work and to some extent assist in the excavations, and that was a more protractive effort because it meant bringing people down with almost no budget and keeping the objectivities of sampling, which are actually quite tedious and take quite some time to excavate sites which have human remains in them and then move that excavated material into the lab where it could not be processed. (Roger Luebbbers, Discussion, 2006:4)

Luebbers also mentioned that the way funds were organised and spent towards research objectives had changed since his earlier work (i.e. Luebbers 1981, 1981, 1984):

[The grant] had to cover people's salaries and those people weren't there under salary and I have forgotten the full extent but it had changed significantly the way in which I could either organise or spend money towards those objectives. (Roger Luebbers, Discussion, 2006:4-5)

Luebbers had estimated 150 kg of the collection excavated from Site 2 would be dried, weighed, sieved and sorted by the laboratory, but due to a lack of appropriate equipment and limited space, the Netley laboratory where the collection was sent was unable to carry out these procedures. According to his November Progress Report Luebbers submitted a report stating requirements and recommendations to meet the project and laboratory needs. In his January progress report Luebbers (1987:7) reported that the project was two months behind due to a lack of facilities at the Netley laboratory and the collection of more material than was envisaged, which included the five Ngarrindjeri Old People, two ke:li, samples from these burials and the seaweed cloak. Finally, Luebbers (January 1987:7) estimated an additional four months was needed to complete analysis of the materials excavated during the LMLAS and to write the final report, but support for this additional work was not forthcoming:

...without having adequate storage to organise the collection into appropriate classes of material and workspace and processing lab to sieve both wet and dry. I couldn't make any progress with it and without that it just sat on the floor and I virtually had to ignore it...I went on to other projects in lieu of that, in the view that the lab would materialise in the shape that it needed to be and that didn't happen. Other projects generated some field samples which also ended up in the lab in a chaotic or impossible to process without either the personnel or the mechanisms in the lab to adequately process it. So it ended up really just impossible for anyone to manage. (Roger Luebbers, Discussion, 2006:5)

As a result, the analysis of the LMLAS matrix materials and the final report has to date (Oct. 2006) remained unfinished.

6.9 LMLAS COLLECTION 1988 – 2006

During 1998 Hemming produced a written report outlining the work carried out by Luebbers during the LMLAS and made recommendations for future research to complete the original aims of the study. In regards to the unfinished analysis of archaeological materials removed during the LMLAS, Hemming (1999:3) states:

Due to the primary importance of treating human remains discovered during excavations with the appropriate respect, it became necessary for Dr Luebbers to focus his research on this aspect of the LMLAS – a direction that could not have been predicted during the planning and early stages of research. This has meant that the detailed analysis to excavated materials and project site has not yet been completed as part of the original aims.

During the production of this report Hemming received a letter from National Estates Grants Programme Grants Officer, Sue Smalldon, outlining various communications between the DoSAA, Luebbers and the NHC in an effort to complete the original aims of the LMLAS. Between 1988 and 1998 Smalldon (1998) documents ongoing negotiations between Luebbers and NHC in regards to the completion on the LMLAS, and several instances of Luebbers requesting funds to complete the study. According to Hemming (1998:10) members of the Ngarrindjeri community who had worked with Luebbers during the LMLAS were supportive for his ongoing involvement in archaeological research within the region. In November 1996 NHC supported Luebbers request to have the LMLAS materials transferred to Victoria for sorting and analysis, although the request was never pursued and the materials remained in SA (see Smalldon 1998).

Today Ngarrindjeri individuals are in negotiation with AARD to have the materials from the LMLAS analysed and the final report produced, so these materials may be repatriated back to Ruwe. The excavated materials from the LMLAS are presently held at the AARD store located at Netley. A lack of detailed documentation or adequate cataloguing of the LMLAS collection held by the AARD has negated the possibility of constructing a comprehensive history since

its original removal. The collection has been re-located three times, from Netley to Port Adelaide and back to Netley, but as there is no documentation regarding these relocations it is not possible to shed any light on what has happened to this material during the intervening period. A preliminary analysis of materials excavated from four squares at Site 5, Sapphire Shore, however, has documented two spits missing from three of the four squares (see Appendix 6).

On going negotiations between AARD, NHC and representatives from Flinders University Archaeology and Australian Studies Departments has revealed there are currently 50 boxes of materials from the LMLAS held at the storage facility. An additional part of this research has been participation in the negotiation process between the Ngarrindjeri Nation and AARD to repatriate the materials excavated during the LMLAS. After several phone conversations and email correspondences with AARD staff, a meeting time was negotiated for AARD, NHC and representatives from Flinders University Archaeology and Australian Studies Departments six weeks in advanced, to be held on 5th June 2006 at Camp Coorong. An important aspect of this negotiation process has been to conduct such meetings on Ngarrindjeri Ruwe.

During this meeting a brief discussion regarding LMLAS collection included research and repatriation priorities of the materials, potential storage of materials at Camp Coorong, and funding available from AARD for the repatriation and analysis of the materials under the provisions of the Aboriginal Heritage Fund, set up under the *Aboriginal Heritage Act 1988*⁴⁴. AARD staff informed the individuals present at the meeting that there is no money left in the Fund and suggested funding be obtained through other institutions or agencies.

⁴⁴ Section 19 (7b) states the Minister may apply the Aboriginal Heritage Fund "in making grants or loans to persons or bodies undertaking research into, or in relation to, the Aboriginal heritage"

One immediate concern for the Ngarrindjeri Nation was to return materials that were associated with burials (George Trevorrow pers. comm. 2006). As Uncle George Trevorrow explained:

...the materials and stuff have still never been re-instated back to those sites and I think their still in the hands of AARD as we know them now. So Ngarrindjeri people are looking forward to the release of that material to a group like this from Flinders, to look through them, sort through all of them and finish sorting and get them back out to the sites again and put it back.

There is no need for people to hang onto that sort of material. Just give it back and let people who are prepared to help us, deal with it and get it back to where it is supposed to be. (Uncle George Trevorrow, Discussion, 2006:3-4)

Additionally, this thesis research was brought up at the meeting and AARD staff members present agreed to help contribute to the thesis research if needed. The process of being personally involved in this negotiation provided a practical experience to gain deeper insight into the issues and outcomes for the Ngarrindjeri Nation as a result of the political context in which Indigenous heritage administration operates.

Following this meeting representatives from AARD were contacted to arrange a visit to their store facilities at Netley. Prior to the visit, direction from Ngarrindjeri Elders granted permission to retrieve part of this collection and conduct a preliminary analysis, so that the research potential of the LMLAS collection could be reported back to the Ngarrindjeri community. Consequently, because some of the LMLAS collection was associated with Ngarrindjeri Old People it was important to clearly identify these materials, as working on such materials could come into conflict with Ngarrindjeri protocols. Once it was established which materials were not associated with Ngarrindjeri Old People, eight tubs of materials were collected and transported to the Flinders University Archaeology laboratory for further analysis. From this analysis a report was produced recommending further research was required that included sieving, sorting and analysis of the materials with a view of completing the LMLAS (see

Appendix 6). Luebbers has also stated that further research would be required to write the final report:

...it had virtually been completed from a documentation point of view...but I don't know what's in the mounds because I haven't been able to study the samples that were taken to say what food resources were utilised in those mounds. I could have a good guess, but I am not actually able to quantify it and to make comparisons between sites to better understand why people are living on these mounds and that was the essentially objective of the project that we couldn't realise. (Roger Luebbers, Discussion, 2006:7)

If those can be processed in the way they were designed it would be possible to complete those objectives and say something more about land use along Lake Alexandrina about the sites that are really quite unique...the fact that they are all cemeteries and the fact that they are stratified, we can date them and relate them to the exploration of the macro-environment around them and that would prove to be very useful in the understanding of some of the evolutionary phases that are taking place in the prehistoric past, in particular the intensification of the use of the Lakes system itself and I am sure if we were to complete that analysis it would have been positioned as a pretty important contribution to understanding just how the changes have occurred there in the last 4 - .5,000 years (Roger Luebbers, Discussion, 2006:8)

CHAPTER 7 - Yunnan about Archaeology and Legislation in South Australia: main themes of thesis research

The Ngarrindjeri nation, part of 'settled' south-eastern Australia, have clearly experienced a long history of misrepresentation, and epistemological violence through the Aboriginalist language of archaeology, positivist anthropology and history and, more recently, through the operation of the law as it applies to Aboriginal heritage... (Hemming and Trevorrow 2005:253-4)

7.1 INTRODUCTION

The previous chapters of this thesis have outlined the LMLAS and the historical and legislative context in which the study was carried out. This has effectively set the scene to allow for an exploration of individual themes that have emerged during this research by placing them within their theoretical context to further highlight Ngarrindjeri interactions with heritage administration and archaeological research. This discussion is based on issues raised during collaborative conversations with Roger Luebbers, Uncle Tom Trevorrow and Uncle George Trevorrow, and issues expressed by Bob Ellis in his written responses. Therefore, the first section of this chapter discusses specific outcomes from the LMLAS for the Ngarrindjeri Nation, whilst the second section discusses the main themes that are directly linked to the historical and political context in which the LMLAS occurred.

7.2 LMLAS

7.2.1 Academic Context and Archaeological Debates

When considering Luebbers' (1978, 1981, 1982) earlier work within an historical context it becomes obvious that his research agenda was influenced by the research of Lourandos (1977, 1983, 1985) and the Intensification Debate. For example, Luebbers' (1978) Doctoral research considered the relationship between society and environment to be more complex, and incorporated this approach into his analysis of sites from the Holocene period. According

to Luebbers (1978:209-211) changes in the archaeological record indicated intensive occupation in the area, and although these changes could be attributed to environmental changes, Luebbers (1978:302-303) concluded they were not determining factors in influencing behavioural change. Luebbers (1978:307) considered intensification as a contributory factor to site patterning, which may have included fish traps as a technique to increase resources. Later research by Luebbers' (1981, 1982) along the Youngusband Peninsula and southern and northern Kurangk areas also incorporated intensification to explain differences within coastal midden sites. When Luebbers' research questions for the LMLAS are reviewed and compared to his earlier research, this clearly demonstrates that his research agenda was informed by an interest to explore Ngarrindjeri people's dynamic relationship with their environment and occurrences of intensification.

When compared to other work being conducted during the late 1970s to mid 1980s within Australia, Luebbers was one of a handful of researchers concentrating on coastal sites such as middens and shell mounds to determine daily living habits of Australia's Indigenous populations (see also Bailey 1975, 1977; Bowdler 1970, 1976, 1979; Cribb 1986; Dortch et al. 1984; Meehan 1982). Additionally compared to previous archaeological research conducted on Ngarrindjeri Ruwe by the likes of Hale and Tindale (1930), Mulvaney (1960) and Pretty (1977), Luebbers' concentration on coastal archaeological sites in addressing his research questions moved away from a 'stone and bones' approach that previous researchers had been preoccupied with (see Appendix 6).

7.2.2 Political Context

When Luebbers first started to conduct research in SA in 1973, his work was under the guise of the SA Museum and the Relics Unit, who had sponsored him to conduct his research (Bob Ellis, Written Response, 2006:4; Edwards, 9th June 1972). During this time Ellis (Written

Response, 2006:4) recalled the Unit had a fair amount of financial freedom in determining policies to administer the *Aboriginal and Historic Preservation Act 1965*, although a majority of their funding was being sourced through other institutions such as AIAS.

By the time Luebbers had come to conduct work for his Coorong Reports (1981, 1982) the Relics Unit had been re-organised and combined with the Heritage Unit to become the newly formed Aboriginal Heritage Section and was still receiving most of its research funding through external agencies. When Luebbers came to begin his work on the LMLAS the Aboriginal Heritage Section had recently undergone an internal review of their role and operation, and had become the Aboriginal Heritage Branch independent from the State Heritage Branch. Although the Branch was able to employ heritage professionals from increased funding levels, Luebbers (Discussion, 2006:2) recalled the lack of financial and administrative support he was given by the department compared to his previous work. Financial and administrative support would have been key components in the completion of the LMLAS and lack of these components sets the scene for the events that followed. Presently, one considerable issue raised in negotiation processes between AARD and the Ngarrindjeri Nation is the lack of funding provided to the Ngarrindjeri to have these items repatriated to them, which would not cover the obvious financial costs involved in locating and returning these materials back to Ruwe.

Although there seems to have always been limited financial resources for the administration of Indigenous heritage within SA, it should be noted that the Aboriginal Heritage Branch was responsible for applying for the funding to conduct the LMLAS and the engagement of Luebbers to conduct the study. Today, there's seem to be a clear shift and those wishing to conduct research within the State must apply for funding themselves with no financial or administrative support allocated by those responsible for the administration of Indigenous

heritage. Therefore, there seems to be little interest in SA for archaeological research as a tool for heritage protection and a clear disengagement in SA with those wishing to conduct archaeological research

7.2.3 Unfinished Business

Perhaps the most important aspect for Ngarrindjeri people to have the LMLAS completed is to use the archaeological data contained in the final report as tool to protect their heritage:

...with Roger and his approach is that he wanted to do a fairly big study into our sites and which he did, he covered a lot of area and he marked down, identified a lot of our sites, and out of it produced a fairly big report. We wanted to build on that... (Uncle Tom Trevorrow, Discussion, 2006:1)

...we would have liked a fairly comprehensive report finalised to come out of it, that we could use and our information that we would have there as a record to show the bigger picture, the full picture of our occupation of the Coorong, Lakes and Murray area...that information would have been used to help us to document and record more thoroughly and accurately all our sites around our lands and waters and it would register them under the *Aboriginal Heritage Act* and it would be a document that we could be able to produce to government departments or developers in making them aware of our rich heritage and where it exists. (Uncle Tom Trevorrow, Discussion, 2006:2)

Luebbers has also stated that information derived from further research and the production of the finalised report would be beneficial to ensure the protection of Ngarrindjeri cultural heritage with the Lower Murray Lakes Region:

...the aim was to provide Ngarrindjeri people with technical data about the cultural heritage in a prime area of their country so they can identify and participate in a discussion about what is significant. (Roger Luebbers, Discussion, 2006:6)

...[to] make use of the samples and realise the objectives which I think would be very useful to Ngarrindjeri people and to land managers in South Australia. (Roger Luebbers, Discussion, 2006:8)

In addition to protecting Ngarrindjeri heritage in the Lower Murray Lakes region, the analysis of Ngarrindjeri Old People disturbed during the LMLAS is another element of study that Ngarrindjeri people are interested to learn more about:

I suppose in particular a study of those Old People would have been really important because I think a lot of those burial grounds around that are associated with the, what

do you call it? Small pox or something? ...So it would have been interested to see that how those people died. (Uncle George Trevorrow, Discussion, 2006:3)

The information regarding these Old People and their burial practices is an important element in understanding the complex relationship Ngarrindjeri people maintain with their land and waters:

There have been osteological studies and we know the personal histories of five individuals, who we found in graves, and we know their antiquities and we know something of the treatment of the time of burial of these individuals, how they were put in the ground. This is an important dimension because these sites are principal habitation sites but they are also cemeteries, which is something quite distinctive about the Murray drainage system and I think having an idea of actual burial practices will help better understand the whole process of mortuary treatment of body to ground. (Roger Luebbers, Discussion, 2006:7)

Consequently, the fact these materials have been removed, have not yet been analysed and that the Ngarrindjeri are still waiting for the final LMLAS report to be produced is frustrating for Ngarrindjeri Elders:

...it's not finished, it's like unfinished business that we would like somehow for it to be finished, followed up on and completed so there's a true and accurate record. (Uncle Tom Trevorrow, Discussion, 2006:2)

...to this day I still have a chip at him because it's an unfinished job...Unfinished business, because it's ok to go and do things but you must complete them you know. To me as long as that material is sitting in AARD he's never completed his job and the law will stand that way with Ngarrindjeri people in regards to him until he sorts that out or work with people to sort it out and complete it. Then we know it's over. (Uncle George Trevorrow, Discussion, 2006:6)

Whilst the LMLAS remains unfinished, this leaves the heritage within the Lower Murray Lakes region open to destruction. Further research is required to complete the original aims of the study, together with adequate financial support for researchers and the Ngarrindjeri community to see this study completed. The fact the LMLAS has not yet been completed is felt at a community and personal level within the Ngarrindjeri Nation. Therefore, the completion of the LMLAS would not only be beneficial to the Ngarrindjeri community so there may use it to protect their Ruwe and their heritage.

7.3 HERITAGE AND ARCHAEOLOGY IN SA

7.3.1 Administration of Heritage

By examining Indigenous heritage administration retrospectively within the State it becomes clear that those individuals who were initially working within this space were able to stand opposed to the hegemonic power of the State Government when the actions of various Departments threaten Indigenous heritage. Today, those in charge of the *Aboriginal Heritage Act 1988* have effectively been absorbed into the bureaucratic system:

I think that those responsible for the *Aboriginal Heritage Act* [1988] did not have a vision and became ultra bureaucratic in their behaviour. Once 'heritage' became accepted, people forgot what we had been fighting for. I find that most Aboriginal people are disillusioned with the current legislation and its application. (Bob Ellis, Written Response, 2006:7)

Despite the *Aboriginal Heritage Act 1988* Act being holistic in its intent, the Act itself has failed to deliver the promise of self-determination for Indigenous people in SA to protect their heritage:

...when the 1988 Act came into being I suppose it's given us some form of argument and through that argument and consultation had given us some form of protection along the way I suppose, but it's not a strong one...has anyone ever been charged under the 1988 *Aboriginal Heritage Act* for desecration of disturbance of a site?...I don't know of anyone and I think if you have an Act that has been in place since 1988 to present and we know how much development goes on in our country. If no-one's ever been fined or charged or anything like that I think it tells you a little bit about the Act without having to talk about it a lot. (Uncle George Trevorrow, Discussion, 2006:4)

Just after it was developed people abided by it so long for or abided by it for so long, but then I think they saw the weakness of it and have exploited it a hell of lot of the years since then because they felt that nothing is going to happen. That's a worry to us because if we go out there and get into a cemetery its desecration, if someone comes into ours it's just those old bones. There's a difference and it shouldn't be no difference and respect as human beings, you know, I don't want to dig your mother up and you don't want to dig my mother up, you know, and that's how it should be. Respect for each other as humans. (Uncle George Trevorrow, Discussion, 2006:5)

Parrot (1990:81) has argued that the failure of legislation to protect Indigenous cultural heritage can be reduced to a:

...lack of political will or even worse, political whim, inadequate public support, poor policy analysis and inadequate policy implementation. The inadequacy in legislative

protection...may well reflect these issues far more than they reflect a problem with the mechanism of legislation itself.

Therefore, an important aspect to the success of Indigenous heritage protection and preservation comes down to the actual administration processes that are carried out in regards to legislation. This is a sentiment is expressed by Ellis:

It is my strong view that bad legislation can be overcome if the people responsible for its implementation are prepared to work hard, but good legislation in the hands of lazy bureaucrats is nearly useless. (Ellis, Written Response, 2006:5-6)

Thus, the administration of heritage legislation is an integral part to its effectiveness and legislation can easily be made ineffective through inadequate resources to implement it at both a government and community level (Hemming 2006:318; Parrot 1990:76).

7.3.1 Political Context of Heritage and Archaeology

Parrott (1990:78), Cleere (1989:12) and Kristiansen (1989:27) have argued the administration of heritage legislation cannot be separated from its political context. For example, Ellis has recalled that prior to his employment in the Relics Unit he was involved with many protests for political and social rights:

I was active against the [Vietnam] war and spent much of my time on that activity. I also worked with Fay Gale on a consultancy with the SA Public Service Commissioner to assess Aboriginal opinion on the then SA (State) Department of Aboriginal Affairs. The Department had by that time blacklisted me and would not permit me to enter any Aboriginal reserves. I worked therefore mostly with Aboriginal people who had left reserves. I was politically active at that time organising Aboriginal protests over housing, police harassment etc. mostly at Port Augusta and Port Lincoln. These demonstrations were opportunistic – for example we had a housing protest at the opening of the Port Augusta bridge by Don Dunstan –much to his anguish (although he did lift the ban on me entering Aboriginal land). As an undergraduate at Adelaide I was the Abschol Officer (Abschol was a national uni student scheme to provide scholarships and tutoring for Aboriginal students). I was also Aboriginal Affairs officer for the then National Union of University Students (NUAUS). I was also active in various Aboriginal ‘Advancement’ organisations re Referenda etc. In short, my interests in Aboriginal people were not just academic, they were very much social and political –they still are. (Bob Ellis, Written Response, 2006:1)

In line with Parrot’s (1990), Cleere’s (1989) and Kristiansen’s (1989) argument this kind of political context would be influential in the administration of heritage legislation. In this respect

in can be concluded that Ellis' social and political motivations greatly influenced his work in the Relics Unit during the 1970s. Thus, social values have influenced the way that Indigenous heritage regimes operate within the state.

Despite this, for individuals working within the realms of heritage administration who are not politically engaged in this manner may fail to understand the wider political context that archaeology operates. As Roberts et al. (2005:47) has pointed out the position in which Indigenous people sit at the heritage table are often unequal in power relationships with developers, researchers and the State. This situation of colonial power relations needs to be clearly understood by administrators and archaeologists, along with the political agendas of their work. In this sense when archaeologists are placed in an expert position, the work they produce and the way they interpret Indigenous heritage will be taken as fact by dominant society. In this sense, archaeology has become a useful tool for governments wishing to limit Indigenous interest in land and water, as Indigenous people are expected to relate to their country in what can be described as an archaeologically (Roberts et al. 2005:49). Archaeologists need to be aware of how their knowledge can be used and the political consequences this knowledge may have for Indigenous people (Hemming and Trevorrow 2005; Hemming 2006; Smith 2001). Simultaneously, those who use archaeology in the administration of Indigenous heritage also need to understand the political context that archaeology operates.

7.3.3 Disengagement with Theoretical Shifts

An awareness of the political context in which archaeology operates is directly linked to an engagement with theoretical shifts within the archaeological discipline (see for example Burke et al. 1994). As discussed with reference to the approach taken by National Parks and Wildlife

Service (NPWS) to significance assessment in NSW, Byrne, Brayshaw and Ireland (2001:44)

argued:

This situation has been exacerbated by the fact that often the archaeologists and conservation architects who have made up the majority of the cultural heritage workforce have not kept abreast of new thinking even in their own fields. This is understandable given that, working as they do in private practice (as consultants) or in government agencies, background reading tends not to be considered 'core business' in the way it would be if they were working in universities. It also reflects a tendency for heritage work to become tailored to particular bureaucratic systems where the incentive is to produce work that fits a particular approach or paradigm. There is little incentive to be inventive outside of this paradigm.

L. Smith (1999:31,2004:125) has argued that the power and authority archaeological knowledge provides in interpreting and controlling Indigenous heritage, has seen this discourse 'institutionalised' with legislative and heritage policies. In its institutionalised form archaeological knowledge has maintained an authoritative position in society and is used by heritage administrators to govern the Indigenous past, despite challenges from other theories and individual archaeologists (L. Smith: 1999:30, 2004:154). L. Smith (2001:102) has also pointed out that whilst Australian archaeologists may acknowledge the rights of Indigenous people in their heritage, they act to deny this right by setting intellectual boundaries on their negotiations. Therefore, without a theoretical and political engagement with the context in which archaeology and heritage operates, archaeological theories can have ongoing impacts on Indigenous people despite the fact they may be no longer used within academic settings.

7.3.4 Colonial Spaces

The model of 'cultural loss' that underpins the relationship between heritage and archaeological discourses severely limits an understanding of changes that have occurred in Indigenous cultures since invasion and does not allow for the recognition of adaptability and survival (Hemming 1995; Hemming and Trevorrow 2005; Hemming et al. 2000). The authoritative position that archaeology occupies between heritage administrators and Indigenous interests has meant that Indigenous knowledge has been devalued into an

archaeological interest in the natural landscape (Hemming 1996:29; Roberts et al. 2005:46). By denying a contemporary Indigenous cultural identity and using archaeology instead of Indigenous knowledge to determine the significance of Indigenous heritage, those responsible for the administration of Indigenous heritage effectively disengage with Indigenous communities in SA. Disengagement with Indigenous peoples in this manner perpetuates an attitude that assumes a certain degree of ownership of the archaeological record, which establishes a system that becomes embedded into institutional practice (L.T. Smith 1999:56).

When examining the emergence of Indigenous heritage legislation retrospectively, an Aboriginalist attitude was more evident through a clear lack of engagement with Indigenous peoples in the drafting of the first two Acts, and successive Parliamentary debates in 1965 and 1979 that claimed Indigenous South Australian's had either 'died out' or to be disinterested in their heritage. Additionally, the protection, preservation and management of Indigenous material remains of Indigenous people were left in charge of non-Indigenous experts from the SA Museum. Only since the 1980s have the interests and opinions of Indigenous people in the drafting of legislation and in the planning and management in such places as National Parks been considered (Hemming 2006). Despite this, with decisions regarding Indigenous heritage currently left in the hands of non-Indigenous Ministers, experts and the courts, and the lack of control afforded to Indigenous peoples in the administration of legislation mirrors assimilate policies that originally denied Indigenous identity. The discourses of heritage and archaeology have worked together to normalise, govern and deny a contemporary Indigenous cultural identity, which has effectively created a 'double dispossession' for Indigenous peoples (Ellis 1994; Hemming 2006). Therefore, the naturalisation of archaeology as an Aboriginalist discourse within heritage assessment has become less visible to those who utilise it and more powerful in the colonisation process (Hemming 2006; Hemming and Trevorrow 2005).

7.5.2 Working Together for Self-Determination

In its current form Indigenous heritage administration within SA, through a disengagement of its political and theoretical context, has creating a space that allows little room for self-determination. According to Fourmile (1989a) all current Indigenous heritage legislation from an Indigenous view point is defective in serious ways up against rights of Indigenous people to self-determination. Roberts (2003:251) has illustrated, however, that Indigenous people are not passive consumers of archaeology. Furthermore, Hemming (2006; also see Hemming and Trevorrow 2005) has argued that the Ngarrindjeri Nation have developed complex forms of engagement and resistance to meet the state-declared cultural extinction through continued engagement in heritage protection. This resistance has included the continued operation of Camp Coorong, Race Relations and Cultural Education Centre, together with the new ecotourism venture of the Coorong Wilderness Lodge, as a space to educate the non-Indigenous public by teaching Ngarrindjeri culture and history (Hemming 2006:316). Other forms of resistance have included the *Kungan Ngarrindjeri Yunnan* agreement between Ngarrindjeri and Alexandrina Council, which recognises and respects Ngarrindjeri rights to Ruwe, sets provisions to work together with the Alexandrina Council to protect Ngarrindjeri heritage, and recognises the continuation of Ngarrindjeri culture (Hemming and Trevorrow 2005; Roberts et al 2005).

Simultaneously, forming positive and collaborative relationships with archaeologists has been an important entity to ensure Ngarrindjeri self-determination and survival, whilst resisting the authoritative position that archaeology holds in negotiations with heritage administrators:

...it's important for us to let a certain amount of work and things to happen so we can start drawing out a picture of our history. We know it all in our minds and our memories you know, but that's not good enough for white people. It has to be something written on paper or that's the only way they understand us, because we can talk to them til we are black in the face, blue in the face... (Uncle George Trevorrow, Discussion, 2006:6)

Collaborative archaeological approaches designed with Indigenous people can be used to better understand the relationship Ngarrindjeri have with their pasts and Ruwe, and in this sense archaeological research can be used in self-determination (Hemming 1995; Hemming and Trevorrow 2005; Hemming et al. 2000; Wallis et al. 2005). This collaborative research goes beyond the frameworks imposed by heritage administration to achieve a desired outcome, and is a continuation of previous archaeological work carried out with this same approach (see Draper 1996; Luebbers 1981, 1982, 1996). In addition to these collaborative relationships, the Ngarrindjeri Nation has also initiated their own heritage regimes to protect and preserve their cultural heritage, although these are often hindered through a lack of governmental support (Hemming 2006).

CHAPTER 8 - Ngarrindjeri Archaeology on Ngarrindjeri Ruwe: Indigenous values, Western knowledge and the *Lower Murray Lakes Archaeological Study*

The land and the waters is a living body. We Ngarrindjeri people are part of its existence. The land and waters must be healthy for the Ngarrindjeri people to be healthy. We are hurting for our country. The land is dying, the River is dying, the Kurrangk is dying and the Murray Mouth is closing. What does the future hold for us? (Tom Trevorrow in Hemming, Trevorrow and Rigney 2002:13)

8.1 INTRODUCTION

Heritage administration in SA that aims to merely manage Indigenous heritage underestimates the complex relationship that Ngarrindjeri peoples maintain with their land and waters. Only through a multidisciplinary approach to researching Ngarrindjeri heritage under the guidance of Ngarrindjeri peoples can archaeology be used to understand this complex relationship and how Ngarrindjeri peoples relate to their ruwe and past. By developing collaborative working relationships with Ngarrindjeri people and continuing to decolonise archaeology in this manner, archaeological research can be used as a form of resistance and self-determination for the Ngarrindjeri Nation to challenge the Aboriginalist discourse of heritage administration.

8.2 SUMMARY OF THESIS

As stated in the introduction of this thesis, there were three main aims that this study set out to achieve. These aims were:

1. To explore the history of Indigenous heritage administration within SA.
2. To examine the political context of Indigenous heritage administration within SA.
3. To examine the LMLAS and identify the outcomes of this case study within a historical and political context.

4. To explore some of the social, cultural, political, spiritual and economic outcomes of legislation administration and archaeological research for the Ngarrindjeri Nation.

This research has fulfilled each of these aims through a variety of approaches, each of which is summarised briefly below.

In relation to the first aim, Chapter 6 has explicitly explored Indigenous heritage administration in SA from the early 1960s to present through a combination of discussion analysis and archival research to illustrate a more complex history of this discourse.

In relation to the second aim, Chapter 6 also presented the political context of Indigenous heritage administration in SA by exploring the operation of the successive Acts. This approach was further complimented in Chapter 3 through a discussion of the theoretical context in which heritage administration operates. Through a discussion of the research findings main themes, the second aim was also addressed in Chapter 7.

In relation to the third aim Chapter 6 devoted specific attention to the exploration of the LMLAS, whilst Chapters 4 and 5 outlined the historical and political context of this case study. The third aim was also addressed in Chapter 7 through a discussion of how the historical and political context affected the outcomes of the LMLAS.

Lastly, the fourth aim was addressed in Chapters 6 and 7 through considering the LMLAS as a specific example of the outcomes of heritage administration and archaeological research has for the Ngarrindjeri community. Additionally, this aim was also addressed in Chapter 7 through a general discussion with reference to they theory of L.T Smith (1999), L. Smith (1999, 2000a, 2000b, 2001, 2004), Hemming (1995, 2006, in press), Hemming and Trevorrow (2005) and Hemming et al. (2000).

8.3 IMPLICATIONS OF RESEARCH

This research has contributed an in-depth written account exploring the history of Indigenous heritage administration in SA and examined the political context in which Indigenous heritage administration operates. Set in the context of a case study, the LMLAS, this research has also identified specific outcomes of this political context for the Ngarrindjeri Nation. Additionally, this thesis has discussed how heritage administration in SA continues to colonise the Ngarrindjeri Nation, but through an engagement with the political and theoretical context in which this discourse operates, and the establishment of collaborative working relationships, archaeological knowledge can be used as a tool for self-determination, survival and resistance (see Hemming 1995, 2006, in press; Hemming and Trevorrow 2005; Hemming et al 2000; Roberts et al. 2005). In this sense, this thesis along with other collaborative projects is contributing to a process of decolonisation within the archaeological discipline.

Whilst exploring, discussing and acknowledging the colonial nature of heritage administration in its privileging of archaeological knowledge, this thesis also recognises that the findings discussed in this research are something of which the Ngarrindjeri Nation has been aware of and experienced over the past 40 years. As L.T. Smith (1999:3) elaborated:

Taking apart the story, revealing underlying texts, and giving voice to things that are often known intuitively does not help people to improve their current conditions. It provides words, perhaps, an insight that explains certain experiences – but it does not prevent someone from dying.

So in this respect, it is hoped by examining the relationship between heritage administration and archaeological knowledge this thesis illuminates the current situation to the non-Indigenous community, particularly those working on an administrative level within the Indigenous heritage industry in the State Government. Additionally, it is hoped that this discussion may be useful to other Indigenous communities in their continued resistance for

self-determination and survival, for which a continued process of decolonisation within heritage administration and the archaeological discipline is vital (Hemming and Trevorrow 2005).

8.4 FURTHER OUTCOMES OF RESEARCH

In addition to the production of this thesis, other outcomes of this research include an historical account of the LMLAS collection, and a preliminary analysis of materials from one of the sites excavated during the LMLAS for the Ngarrindjeri Nation (see Appendix 6). These items fulfil the request by the Ngarrindjeri community to know what happened to these materials following their removal from Ngarrindjeri Ruwe, whilst providing the Ngarrindjeri community with the necessary information to move forward in the negotiation process over repatriation of materials. Additionally, this thesis provides a tangible outcome the Ngarrindjeri community can use and keep as a record of their contribution to this research. Additionally, a production of a poster outlining the research outcomes of this thesis research will provide the Ngarrindjeri community with another tangible outcome to be used for education purposes⁴⁵.

Furthermore, community presentations delivered to NHC are planned that will outline the findings and outcomes of this honours research, which will provide the purpose of feedback about the research from members of the Ngarrindjeri community. Additionally, findings from this research will be used in the production articles and conference papers in collaboration with Ngarrindjeri Elders and individuals. Research findings from this thesis are currently being used to co-convene and present a paper with Ngarrindjeri Elder Uncle George Trevorrow in a session entitled "Strategies for Reinventing Archaeology in Ngarrindjeri Ruwe, Australia" for the Chacmool Conference *Decolonising Archaeology: Archaeology and the Post-Colonial Critique*, scheduled for 11th - 14th November 2006.

⁴⁵ Owing to time constraints this outcome has yet to be finalised.

8.5 FUTURE RESEARCH POTENTIAL

From this research it is hoped that further steps may be taken towards completing the analysis of the LMLAS materials in view of producing the final report. For this to be realised financial assistance would be required and an AIATSIS grant application is currently being drafted in collaboration with NHC, Luebbers, Wallis and Hemming, so this researcher may complete the analysis of the LMLAS materials on site at Flinders University.

8.5 CONCLUSION

Since the enactment of the *Aboriginal and Historic Preservation Act 1965* the administration of heritage legislation in SA has been framed by an Aboriginalist discourses, which have continued to colonise the past and identity of Ngarrindjeri peoples by limiting interests in cultural heritage to archaeology. This thesis has demonstrated the colonial underpinnings that still exist in the administration of Indigenous heritage protection within this state, a situation which has largely arisen from the privilege position that archaeological knowledge occupies in negotiations between government and Indigenous communities, and the disengagement of theoretical shifts occurring in the fields of archaeology. Despite this, researchers that are aware of the political context in which this discourse operates have challenged this discourse and by building collaborative relationships with Ngarrindjeri people, further decolonising the discipline of archaeology so it may be used as a form of resistance and self-determination.

SONG – Coorong Blues⁴⁶

I went down to the Coorong
I went down to the Coorong
Yeah I tried to find a midden
Yeah I tried to find a midden
I ask Betty Meehan to have mercy, free poor Micky if you can

I went down to 42 Mile
I went down to 42 Mile
Yeah I tried to find a midden
Yeah I tried to find a midden
I ask Roger Luebbers to have mercy, free poor Micky if you can

I went down to the Crabby midden
I went down to the Crabby midden
Yeah I tried to find a midden
Yeah I tried to find a midden
I ask Sandy Bowdler to have mercy, free poor Micky if you can

I went across to the Parnka
I went down to the Parnka
Yeah I tried to find a midden
A bloody big midden
I ask Steve Hemming to have mercy, free poor Micky if you can

⁴⁶ Sang to the tune of Robert Johnson's *At the Crossroads*.

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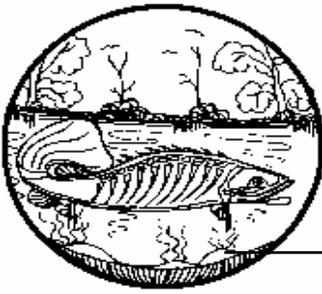
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APPENDICES

Appendix 1

Letter of Permission from Ngarrindjeri Native Title Committee (NHC)



Ngarrindjeri
Heritage Committee Inc.

C/O NLP A PO Box 126 Meningie SA, 5264
Ph (08) 85751557 Fax (08) 85751448
e-mail nlp a@bigpond.com

5 May 2006

Social and Behavioural Research Ethics Committee
Rm 105, Registry Building
Flinders University
Adelaide SA 5001

To whom it may concern

Re: Letter of Ngarrindjeri Community Support

This letter is to confirm that Kelly Wiltshire has consulted with members of the Ngarrindjeri nation, who are the traditional owners and Native Title claimants of the Lower Murray, Lakes and Coorong areas of South Australia, about the honours project that she wishes to conduct with Ngarrindjeri people in 2006.

This project has been developed in collaboration and discussion with Tom Trevorrow (Chair, Ngarrindjeri Heritage Committee), George Trevorrow (Rupelli, Ngarrindjeri Nation), Matt Rigney (Chair, Ngarrindjeri Native Title Management Committee), and Steve Hemming and Lynley Wallis (Flinders University, supervisors of the honours thesis).

We understand this project will revisit the Lower Murray Lakes Archaeology Study (LMLAS) that was conducted in the 1980s, and aims to demonstrate the benefits of community initiated research and decolonised research methodologies for Indigenous communities. Outcomes from this project will include community reports and posters, and a copy of the finished thesis; these will be presented to the community upon completion of the project. The Ngarrindjeri Nation will also control research materials (i.e. interview tapes and manuscripts) generated in the project that can be used at their own discretion. We understand that individuals contributing to the project will have the opportunity to review and edit his/her interview transcript. Individuals will be sent a summary of the results of the interview(s) as it/they will appear in Kelly's thesis.

Permission to use materials and information generated as part of this project will be obtained from the Ngarrindjeri leadership (and where relevant individuals) prior to its use in the thesis. We are aware that culturally sensitivity information will be protected according to Ngarrindjeri protocols and respected at all times during the thesis project

In closing, we confirm that on behalf of the Ngarrindjeri Nation that there is community support for this project.



Mr Tom Trevorrow

Chairperson, Ngarrindjeri Heritage Committee (Inc)



Mr Matt Rigney

Chairperson, Ngarrindjeri Native Title Management Committee



Mr George Trevorrow

Rupelli, Ngarrindjeri Tendi

Appendix 2

Ethics Application

| | |
|--|------------------------------------|
| FLINDERS UNIVERSITY ADELAIDE • AUSTRALIA Social and Behavioural Research Ethics Committee | Office Use Only Project Number: |
|--|------------------------------------|

APPLICATION FOR APPROVAL OF SOCIAL OR BEHAVIOURAL RESEARCH INVOLVING HUMAN SUBJECTS

RESEARCHER INFORMATION

| | | |
|--|---|---|
| A1. Name(s): <i>List principal researcher first, (title, first name, last name)</i> | Status : <i>eg (Staff, Student, Associate)</i> | School / Department / Organisation |
| Miss Kelly Wiltshire | Honours Student | Department of Archaeology |
| | | EHLT / School of Humanities |

A2. Students Only:

| | | |
|------------------------------------|----------------------|--|
| Student Record Number (SRN) | Supervisor(s) | Supervisor's School / Department / Organisation |
| 2023367 | Dr Lynley Wallis | Department of Archaeology |
| Degree enrolled for | Mr Steve Hemming | Department of English & Cultural Studies. |
| Honours in Archaeology | | School of Humanities |

A3. Contact Details: Researchers, Associates, Supervisors

| Name | Daytime phone number | Fax | Email |
|------------------|------------------------|--|-------------------------------|
| Kelly Wiltshire | 0419 839 647 | | Wilt0013@flinders.edu.au |
| | Postal Address: | 37 Oldborough Drive, Onkaparinga Hills, South Australia, 5163. | |
| Name | Daytime phone number | Fax | Email |
| Dr Lynley Wallis | (08) 8201 3520 | 08 8201 2784 | Lynley.Wallis@flinders.edu.au |
| | Postal Address: | Department of Archaeology, Flinders University, GPO Box 2100, Adelaide, South Australia, 5001. | |
| Name | Daytime phone number | Fax | Email |
| Mr Steve Hemming | (08) 8201 5593 | 08 8201 2784 | Steve.Hemming@flinders.edu.au |
| | Postal Address: | Department of Australian Studies, Flinders University, GPO Box 2100, Adelaide, South Australia, 5001 | |

PROJECT TITLE & TIMEFRAME

| |
|---|
| B1. Project Title: The Practice of Archaeology and the Ngarrindjeri Nation: A consideration of the <i>Lower Murray Lakes Archaeological Study</i> within a historical and legislative context. |
| B2. Plain language, or lay, title: as above. |
| B3. Period for which approval is sought. Note that approval is valid for a maximum of 3 years. Date data collection is to commence: May 2006 Date data collection is expected to be completed: September 2006 Date project is expected to be completed: 20 October 2006 |

NB: All questions should be answered in the spaces provided (extended as necessary); attachments in lieu of response, with notations to 'see attached', are not acceptable.

C. PROJECT DETAILS

C1. Brief Outline of **(a) project; (b) significance; (c) your research objectives.**

a) The proposed thesis, entitled "The Practice of Archaeology and the Ngarrindjeri Nation: A consideration of the *Lower Murray Lakes Archaeological Study* within a historical and legislative context", aims to explore aspects of the practice of Indigenous archaeology by non-Indigenous researchers, and what outcomes archaeological research has for Indigenous people. This will be achieved through the analysis of a specific case study, the *Lower Murray Lakes Archaeological Study* (LMLAS). The thesis will examine research conducted with the Ngarrindjeri Nation as part of the LMLAS during the 1980s and the outcomes of this research for Ngarrindjeri people. This will include a consideration and discussion of the issues surrounding the repatriation of archaeological materials collected as part of the LMLAS research.

b) The thesis, in collaboration with Ngarrindjeri organisations and relevant individuals, aims to demonstrate the benefits of community initiated research and decolonised research methodologies for Indigenous communities. It is hoped that the research from the thesis can be used to help the Ngarrindjeri Heritage Committee in future negotiations with government and others to protect and manage their lands.

c) The proposed thesis aims to:

- Examine the relationship between archaeological practice, the emergence of cultural heritage management, government legislation and the politics of cultural identity.
- Examine the emergence of South Australian heritage legislation, how this has affected archaeological research methodologies, including those between Indigenous people and non-Indigenous researchers, and compare this with the research conducted with the Ngarrindjeri Nation as part of the LMLAS.
- Identify the outcomes that the LMLAS has had for the Ngarrindjeri Nation.
- Identify how decolonised research methodologies and their application to the practice of archaeology would benefit both Indigenous peoples as well as archaeologists.
- Make recommendations for future archaeological research conducted with the Ngarrindjeri Nation.

This project will produce the following outcomes:

- 1) A thesis containing the information as listed above.
- 2) A report for the Ngarrindjeri community on the collection and repatriation of archaeological materials from the LMLAS, including further or potential research associated with the LMLAS collection that will benefit both the Ngarrindjeri and archaeological community.
- 3) A display poster for the Ngarrindjeri community containing information and results gathered as part of the research process.

C2. Medical or health research involving the **Privacy Act 1988 (s95 and s95A Guidelines)**

Is your research related to medical or health matters? No

If you answered 'No', please go to item C4.

If 'Yes',

(a) Will personal information be sought from the records of a **Commonwealth Agency**?

No

If Yes, please also complete Part A of the Appendix 'Privacy legislation matters' that relates to compliance with the Guidelines under Section 95 of the Privacy Act 1988.

(b) Will health information be sought from a **Private Sector Organisation or a health service provider funded by the State Department of Health**?

No

If Yes, please also complete Part B of the Appendix 'Privacy legislation matters' that relates to compliance with the Guidelines approved under Section 95A of the Privacy Act 1988.

The Appendix 'Privacy legislation matters' is available from the SBREC web page, www.flinders.edu.au/research/office/ethics/socialbehavioural.html

If you answered 'No' to both (a) and (b) please continue to C4.

C3. Does your project comprise **health research involving Aboriginal or Torres Strait Islander peoples**? If so, please read the NHMRC *Values and Ethics: Guidelines for Ethical Conduct in Aboriginal and Torres Strait Islander Health Research*, available from the NHMRC web site www.nhmrc.gov.au

N/A

C4. **Data** *Please tick more than one box if appropriate*

Are data to be obtained primarily

quantitative
(please tick)

qualitative

Is information to be sought by

questionnaire

interview



experiment

computer



focus group

other (please state)

.....

Will participants be video- or tape-recorded? Yes video



tape



C5. Outline of the **research method**, including what participants will be asked to do.

The proposed thesis will achieve its aims through the following methods:

- Critique literature about cultural heritage management, archaeological practice, and legislation, whilst examining its relationship to the politics of cultural identity.
- Review literature of the LMLAS and associated research within a historical and legislative context.
- Review South Australian legislation within a historical context.
- Conduct discussion style interviews with individuals involved in the LMLAS and associated research.

For the thesis, the interview style will be semi-structured discussions, in order to allow people to raise issues that they feel are important, as well as allowing issues that I feel are important to also be raised.

As these interviews will comprise part of ongoing research conducted by the Ngarrindjeri for their own research, it is proposed that interviews with Ngarrindjeri people will be auspicated by the Ngarrindjeri, with the end product of the interviews (i.e. tapes and manuscripts) becoming Ngarrindjeri property to use as they wish. Ngarrindjeri permission will be sought for the use and publication of any of this data before it is included in the thesis.

The following people will be approached to conduct interviews:

- Key Ngarrindjeri people, who have been involved with Ngarrindjeri heritage, archaeology or the LMLAS, will be approached personally, through close consultation with the Ngarrindjeri Heritage Committee and Steve Hemming, a supervisor of the thesis who has been working with the Ngarrindjeri for more than 20 years. Ngarrindjeri people who indicate a willingness to conduct interviews will be contacted through Ngarrindjeri Tendi (NT), the Ngarrindjeri Heritage Committee (NHC) and the Ngarrindjeri Native Title Management Committee (NNHMC) to arrange times and places to conduct interview(s).
- Steve Hemming will be approached personally to arrange a time and place to conduct interview(s).
- Roger Luebbers, who was contracted to undertake the LMLAS research, will be contacted either by phone or email and a letter of introduction. As Dr Luebbers is currently residing interstate interview(s) may be conducted via phone conversation or through email correspondence.
- Representative(s) from the Department for Aboriginal Affairs and Reconciliation (DAARE) will be contacted either by phone or email and a letter of introduction to arrange a time and place to conduct interview(s).

Other possible interviewees associated with the research area include:

- Bob Ellis: formerly involved in developing South Australian heritage legislation and government heritage agencies.
- Amy Roberts: researcher whose Ph.D. thesis explored issues surrounding the relationship between archaeologists and Indigenous South Australians.

The types of questions to be asked will cover such issues as:

- The consultation conducted between the State Government, Dr Luebbers and the Ngarrindjeri community prior to, during and after the LMLAS.
- The methodology employed during the LMLAS and those in practice today.
- Personal views of the efficiency of past and current legislation for protection of Indigenous archaeological material.
- The outcomes of research conducted with Indigenous archaeological material.
- The potential benefits of archaeology for Indigenous communities.

C6. Briefly describe how the information requested from participants **addresses research objectives**.

Interviews are aimed to investigate how the LMLAS has affected the Ngarrindjeri community. The interviews will highlight opinions about the efficiency of legislation, issues with past archaeological practice, how archaeological research should be conducted on Ngarrindjeri country and how archaeology could be improved and used to benefit Ngarrindjeri agendas.

Interviews conducted with Ngarrindjeri people and Steve Hemming will also discuss effectiveness of the LMLAS and the repatriation of archaeological materials from this study. Legislation and archaeological practice within a historical context will also be discussed. Any other issues that are considered to be important will also be discussed.

Interviews conducted with Dr Roger Luebbers will discuss his role in the LMLAS, and any other issues he feels are relevant, including the efficiency past and current legislation and the practice of archaeology within a historical context.

Interviews conducted with a DAARE representative will discuss their role in the LMLAS and their issues with the repatriation of archaeological materials back to the Ngarrindjeri nation. Legislation and its application to archaeological practice will also be discussed.

D. PARTICIPANT INFORMATION

If the research involves or impacts upon Indigenous Australians, a copy of this application must be forwarded to the Executive Officer, Yunggoendi First Nations Centre at the same time that it is lodged with the SBREC.

D1. (a) **Who** are the participants? What is the **basis for their recruitment** to the study?

Participants are:

1. Ngarrindjeri people who have had experience with past archaeological research conducted on their country, who have knowledge about the archaeological discipline and who wish to conduct interviews.
2. Mr Steve Hemming, who is a supervisor on the thesis, has worked closely with the Ngarrindjeri nation for the past 20 years.
3. Dr Roger Luebbers, who was the archaeologist contracted to undertake research as part of the LMLAS.
4. Representative(s) from DAARE, who are currently holding excavated archaeological materials from the LMLAS and are in the process of repatriating these materials back to the Ngarrindjeri nation.

(b) **How many** people will be approached? Please specify number (or an approximation if exact number is unknown) and the size of the population pool from which participants will be drawn.

It is unknown how many people will want to be involved, but probably less than six from the Ngarrindjeri nation. Overall, it is not possible to be precise, as some key people may wish not to be interviewed, whilst others may come forward.

(c) From what **source**?

Ngarrindjeri people will be approached through NT, the NHC and the NNTMC. Dr Roger Luebbers is a former colleague of Mr Steve Hemming and is contactable through him. Representative(s) from DAARE will be contacted and arranged through DAARE.

(d) What (if any) is the **researcher's role** with, or relation to, the source organisation? Comment on potential for conflict of interest.

The researcher is an Honours student at Flinders University of South Australia. No potential conflict of interest can be foreseen.

(e) If **under 18** years, what is the age range? Has the information been presented in a manner and format appropriate to the age group of participants?

There are no participants under 18 years of age. All information has been presented in an easy to read and understand format.

(f) Do participants have the **ability to give informed consent**?

Yes. Everyone will be advised that the information will be used in my honours thesis and have the opportunity to advise me of how they want the information to be used. Participants can also refuse to answer any questions that they wish.

D2. Indicate whether the participant group comprises a specific **cultural / religious background**, for example Aboriginal or Torres Strait Islander, Indonesian, Catholic, Muslim etc..., or, if any such categories are likely to form a significant proportion of the population to be sampled. If the answer is yes and the group/sub-group is of Aboriginal or Torres Strait Islander background, **a copy of this application must be submitted to the Director of Yunggoorendi for advice and comment.**

The participant group comprises Ngarrindjeri people, who are the traditional owners and Native Title claimants of the Lower Murray, Lakes and Coorong areas of South Australia.

D3. Are there particular issues with **language**? Do the forms or information need to be presented in a language other than English? If so, how will this be managed? If people other than the researcher will be involved in translating participants' responses, how will anonymity / confidentiality matters be managed?

There are no language issues as all those to be contacted are known to speak English. However, they may be need for assistance with interpretation. Steve Hemming will clarify any issues that occur during the interview process.

D4. How are participants to be **contacted and recruited**? *If by advertisement, please provide a copy of the ad. If contact is made through an organisation, the Committee expects that the organisation will not provide researchers with contact details of potential participants. The organisation may make the initial approach and invite potential participants to contact the researcher.*

Ngarrindjeri people will be approached through consultation with NT, the NHC, the NNTMC and Steve Hemming. Others will be initially contacted via email or mail, and then via telephone.

D5. What **information** will be given to **participants**? *Refer to statement of Guidelines and suggested templates for introduction letter, consent forms etc included in the application kit. Copies of relevant documents, questionnaires or list of interview questions, if applicable, must be attached. The objectives of the research and information about any relevant procedures, expected time commitment etc should be clearly stated for participants in language suitable for the lay person.*

They will be provided with an introductory letter from my supervisors, an introductory letter from myself, and a consent form (all attached). The letters clearly explain the research objective and what the person's role in the research will be.

D6. Indicate **confidentiality and anonymity assurances** to be given and procedures for obtaining the free and informed consent of participants. *Refer to Guidelines and suggested templates for introduction letter, consent forms etc included in the application kit. Copies of relevant documents must be attached. If anonymity is not able to be guaranteed due to the nature of the participant group, or because a participant may be identifiable in relation to their professional capacity or association with an organisation, there should be a clear statement to this effect for the participant.*

Participants are informed via the Letter of Introduction that no information that identifies an individual will be published in my thesis without consent and that any confidentiality of any information provided by them will be respected. At any stage participants can request that information be used in select ways. Similarly, participants can ask for information to be omitted at any stage.

Consent will be achieved by clearly stating that participation is voluntary. Consent will be informed, because the Letter of Introduction and Consent Form state the purpose of the research, the requirements of participation and the rights to refrain from answering questions and to discontinue participation if they wish. Consent for interview will be gained in the form of a consent form (attached). The completed forms collected at the time of interview.

D7. Indicate any **permissions** required from or involvement of other people (employers, school principals, teachers, parents, guardians, carers, etc) and attach letters or other relevant documentation as applicable.

N/A

D8. Indicate any involvement of **incidental people** (eg in certain professional observation studies you might need to consider how you will inform such people about the research and gain their consent for their incidental involvement. An oral statement to the group incidental to the observation immediately prior to the commencement of the observation may be sufficient).

N/A

D9. Indicate the expected **time commitment** by participants, and proposed location, if being interviewed or required to complete a survey (include this information in the Letter of Introduction to participants)

The duration of interviews is estimated to be approximately one hour and at a mutually agreed location.

E. SPECIFIC ETHICAL MATTERS

E1. Outline the **value and benefits** of the project (eg to the participants, your discipline, the community etc...)

The development of this project has resulted from collaboration and discussion with Tom Trevorrow, Chair of the Ngarrindjeri Heritage Committee, George Trevorrow, Rupelli of Ngarrindjeri Tendi, Steve Hemming and Lynley Wallis, supervisors of the thesis.

Firstly, this research will demonstrate the advantages of adopting community initiated research and decolonized research methodologies. Conclusions and recommendations resulting from the thesis research will become a useful resource illustrating the benefits of applying more community oriented initiatives to the archaeological practice throughout Australia.

Secondly, a full report on the repatriated archaeological material from the LMLAS will be produced for the Ngarrindjeri, including details of further or potential research that will benefit both the Ngarrindjeri and archaeological community.

And lastly, the Ngarrindjeri community will be provided with a summary of the results of the study in a report and poster format, and a copy of the finished thesis. The Ngarrindjeri will also gain research materials (i.e. interview tapes and manuscripts) that can be used at their own discretion.

E2. Notwithstanding the value and benefits of the project, outline any **burdens and/or risks** of the project to your research participants and/or other people (eg issues of legal or moral responsibility; conflicts of interest; cultural sensitivities; power differentials; invasion of privacy; physical/mental stress; possible embarrassment).

Cultural sensitivity may mean that people might not want to reveal particular information.

If the conclusion of the thesis is critical towards State and National Legislation, the actions of the State Government and DAARE this could cause possible embarrassment to both these institutions.

E3. If any issues are raised in item E2, detail how the researcher will respond to such risks. If deemed necessary, researchers should be prepared to offer encouragement, advice and information about appropriate professional counselling that is available and/or to encourage participants to report negative experiences to appropriate authorities. *If it is envisaged that professional counselling may be recommended, please nominate specific services.*

Cultural sensitivity will be respected at all times during the thesis research. Despite this, there are always power differentials between Indigenous people and non-Indigenous researchers.

Critiques of academic practice and government policy will be made in a constructive and useful form.

E4. Describe any **feedback or debriefing** to be provided to participants that may be relevant to the research.

Culturally sensitive information will not be sought and will be protected according to Ngarrindjeri protocols. The project methodology has been designed to help alleviate power differentials.

Transcripts of interviews will be discussed and checked with interviewees. After an interview is concluded a letter will be sent to the participant thanking them for their participation and informing them that they will be sent a summary of the results when the study is finalised. Information about this is included in the letter of introduction. Similarly, they will be personally thanked and provided with the same information after their interview.

A copy of the finished thesis will also be given to the NHC, Roger Luebbers and DAARE. In addition to this, the Ngarrindjeri community will receive a poster illustrating a summary of the results from the thesis. Joint papers will be developed for presentations at conferences and publications with Ngarrindjeri consent.

E5. If participants are required to complete a **questionnaire**, indicate the arrangements for ensuring the secure and confidential return of the questionnaire to the researcher (eg sealable, addressed envelope; personal collection by the researcher; other). Also indicate how participants will be informed of the arrangement (eg verbal instruction; written instruction in Letter of Introduction or at the end of the questionnaire; other). If information is to be provided via electronic or web-based technology, participants should be reminded in the written documentation and in on-line material that this is not a secure medium.

N/A

E6. Indicate any relevant **data transcription** issues. *If interview tapes are to be transcribed by persons other than the researcher, an assurance that such persons will be subject to the same requirements to respect and maintain confidentiality and anonymity of the participant should be included in the Letter of Introduction to the participant.*

No data transcription issues are foreseen as tapes will be transcribed by the researcher. Ngarrindjeri tapes will be transcribed by researcher in a close working relationship with the Ngarrindjeri community.

E7. Indicate any issues of **participant control of data use** (a) in the immediate reporting, and (b) in future use of the data; eg will participants have an opportunity to view transcripts of their interview and/or the final report for comment/amendment?

Each participant will have the opportunity to review and edit his/her interview transcript. The process for this is outlined in the letter of introduction. Participants will be sent a summary of the results of the interview(s) as it/they will appear in my thesis. If anyone has questions about the use of the information, these will be addressed before submission of the thesis.

Ngarrindjeri will auspice the interviews and will have ownership and control of all related data to use at their own discretion. Permission to use data will be obtained from the Ngarrindjeri prior to use in the thesis.

E8. DATA STORAGE AND RETENTION

Note that data should be retained in accordance with the Joint NHMRC/AVCC Statement and Guidelines on Research Practice (available at the website <http://www.health.gov.au/nhmrc/research/general/nhmrcavc.htm>) which indicates storage of data in the department or research unit where it originated for at least 5 years after publication (15 years may be appropriate for clinical research).

Please tick all boxes that apply to your research.

On completion of the project, data will be stored:

In writing On computer disk
On audio tape On video tape
Other (please indicate).....

Data will be stored in a de-identified form No

If No, explain (a) why and (b) how anonymity and confidentiality of participants will be ensured

(a) Intellectual property rights.

(b) NHC will control access to materials and access will be through agreement with them.

Note: Ngarrindjeri interviews and associated data will be held by the NHC on behalf of the Ngarrindjeri Nation.

Data will be stored in the Department/School of Flinders University Yes – if permission is granted by the NHC

Data will be stored for a minimum of 5 years. Yes - if permission is granted by the NHC

If you have not answered **Yes** to both the above two questions, please clarify ...

It is envisioned that data will be shared digitally and made accessible by agreement with the NHC.

F. REMAINING MATTERS

F1. Indicate any other centres involved in the research and **other Ethics Committee(s)** being approached for approval of this project (if applicable), including the approval status at each. You must forward details of any amendments required by other Ethics Committees and copies of final approval letters received.

Camp Coorong Race Relations and Cultural Education Centre, who works with NT, the NHC and the NNTMC and makes decisions about research projects.

F2. Indicate amounts and sources/potential sources of **funding** for the research. You must also declare any affiliation or financial interest.

N/A

F3. Identification Card Requirements for Research Assistants.
 Indicate how many accredited interviewer cards will be required for this project (additional to current student or staff identification cards):
Number = not required
 Note that enrolled students of the University should use their student identity cards supported by a Letter of Introduction from the responsible staff member/supervisor.

F4. Document Checklist.
 Copies of the following supporting documents, if applicable, must be attached to this application. Some sample template documents are included in the application kit. *Please mark the relevant circle.*

| | Attached | Not applicable |
|---|-----------------------|-----------------------|
| Letter of Introduction on University letterhead from the staff member (from the Supervisor in the case of undergraduate and postgraduate research projects) | <input type="radio"/> | |
| Questionnaire or survey instruments | | <input type="radio"/> |
| List of interview questions or description of topics/issues to be discussed, as appropriate | <input type="radio"/> | |
| Information sheets for participants at any stage of the project | <input type="radio"/> | |
| Consent Form(s) for Participation in Research – by Interview | <input type="radio"/> | |
| – by Focus Group | | <input type="radio"/> |
| – by Experiment | | <input type="radio"/> |
| – other (please specify) | | <input type="radio"/> |
| Consent Form for Observation of Professional Activity | | <input type="radio"/> |
| Advertisement for recruitment of participants | | <input type="radio"/> |
| Debriefing material | | <input type="radio"/> |
| Appendix: Privacy legislation matters | | <input type="radio"/> |

| F5. Research involving or impacting on Indigenous Australians: | | |
|---|-----------------------|----|
| | Yes | No |
| Has a copy of this application been forwarded to the Director of Yunggorendi? | <input type="radio"/> | |

G. CERTIFICATION & SIGNATURES

The Researcher and Supervisor whose signatures appear below certify that they have read *the Ethical Guidelines for Social and Behavioural Research*, and guidelines of any other relevant authority referred to therein, and accept responsibility for the conduct of this research in respect of those guidelines and any other conditions specified by the University's Ethics Committees.

As a condition of subsequent approval of this protocol, I/we, whose signature(s) appear(s) below, undertake to

- (i) inform the Social and Behavioural Research Ethics Committee, giving reasons, if the research project is discontinued before the expected date of completion.
- (ii) report anything which might warrant review of ethical approval of the protocol, including:
 - serious or unexpected adverse effects on participants;
 - proposed changes in the protocol; and
 - unforeseen events that might affect continued ethical acceptability of the project.
- (iii) provide progress reports, annually, and/or a final report on completion of the study outlining
 - progress to date, or outcome in the case of completed research;
 - maintenance and security of data;
 - compliance with approved protocol; and
 - compliance with any conditions of approval.

*Pro-forma report template may be downloaded from the website
<http://www..flinders.edu.au/research/office/ethics/index.html/>*

| | | |
|--|--|--------------|
| Principal Researcher's Signature: | | Date: |
| Supervisor's Signature: <i>(for undergraduate and postgraduate student projects)</i> | | Date: |

Appendix 3

Ngarrindjeri Contributor Consent Form (Example)

**CONSENT FORM FOR PARTICIPATION IN NGARRINDJERI RESEARCH
(by interview)**

I

being over the age of 18 years hereby consent to participate as requested in the Letter of Introduction and Information Sheet for the research project on 'The Practice of Archaeology and the Ngarrindjeri Nation: A consideration the *Lower Murray Lakes Archaeological Study* within a historical and legislative context.'

1. I have read the information provided.
2. Details of procedures and any risks have been explained to my satisfaction.
3. I agree to my information and participation being recorded on tape.
4. I am aware that I should retain a copy of the Information Sheet and Consent Form for future reference.
5. I understand that:
 - I may not directly benefit from taking part in this research.
 - I am free to withdraw from the project at any time and am free to decline to answer particular questions.
 - While the information gained in this study may be published as explained, I will not be identified without prior consent, and individual information will remain confidential.
 - I may ask that the recording be stopped at any time, and that I may withdraw at any time from the session or the research without disadvantage.
7. I have had the opportunity to discuss taking part in this research with a family member or friend.
8. I am aware that the Ngarrindjeri Heritage Committee and Ngarrindjeri individuals will own tapes and transcripts that result from this research.

Participant's signature.....Date.....

I certify that I have explained the study to the volunteer and consider that she/he understands what is involved and freely consents to participation.

Researcher's name.....

Researcher's signature.....Date.....

NB. Two signed copies should be obtained. The copy retained by the researcher may then be used for authorisation of Items 8 and 9, as appropriate.

8. I, the participant whose signature appears below, have read a transcript of my participation and agree to its use and publication in the report by the researcher as explained.

Participant's signature.....Date.....

9. I, the participant whose signature appears below, have read the researcher's report and agree to the publication of my information as reported.

Participant's signature.....Date.....

Appendix 4

Ethics Approval

Appendix 5

Archaeology on Ngarrindjeri Ruwe

Ngarrindjeri peoples have had a long standing relationship with archaeologists and archaeological research. The earliest excavations carried out on Ngarrindjeri Ruwe were conducted on a burial ground located near Swanport by Stirling and Zietz from the South Australian Museum in 1911 (Stirling 1911). Stirling himself was Dean of the Adelaide Medical School and Director of the South Australian Museum had a keen interest in studying the racial origins of what was thought an 'homogenous' Australian Indigenous culture (Stirling 1911:4; see also Anderson 2002:196). His prior research in the area had included the investigation of a Ngarrindjeri burial platform (Stirling 1893). Prior to this work, the South Australian State Coroner and head of the South Australian Health Department Ramsey-Smith stole Ngarrindjeri Old Peoples, either straight from the morgue at the Royal Adelaide Hospital or from family cemetery plots and burial grounds, between 1898 and 1906 to study racial theories of evolution (Anderson 2002:196).

After forming the Anthropological Society of South Australia in 1926, active research conducted on Ngarrindjeri rock paintings and petroglyphs (Sheard 1927, 1927, 1928), and later stone tool research (Stapleton 1945), created considerable interest in archaeological investigation of sites located on Ngarrindjeri Ruwe. Other research in the area had also included the recording of canoe trees along the River Murray by Basedow (1914), and later by the likes of Berndt (1941) and Lindsay (1957), the documentation of Ngarrindjeri creation sites by Tindale (1935) and the investigation of Ngarrindjeri fish traps by Mountford (1939). Simultaneous research conducted by staff from the South Australian Museum included Australia's first systematic excavation in 1929 along the River Murray at Devon Downs rock shelter, and the small island of Tartanga located upstream within the River Murray Valley (Hale and Tindale 1930). Analysis of materials collected from this work identified stone and bone tool cultural sequences and fragments of animals and fish bones, shells and other food remains, which hinted at environmental changes through time (Hale and Tindale 1930:218).

Additionally, several Ngarrindjeri Old People were excavated from both the Devon Downs and Tartanga sites. Later reanalysis conducted on materials from Devon Downs by Smith (1977, 1982) used the frequency of stone tools throughout the site to determine the intensity of occupational use. Further excavations a few kilometres downstream from Devon Downs at Fromm's Landing, were conducted from 1956 to 1963 by Mulvaney and the University of Adelaide's Geography Department (Mulvaney 1960; Mulvaney et al. 1964). This research obtained comparable results to Hale and Tindale's (1930) earlier work regarding the cultural sequence and age of stone artefacts, with both sites were later dated to the same period. Yet during Mulvaney's research at Fromm's Landing several young people conducted their own unsupervised excavation in the deepest part of an untouched deposit, destroying potential archaeological 'data' and leading Mulvaney (1970:117; also see Edwards 1970:162) to advocate for legislation to protect such sites that in his opinion 'simply couldn't be kept secret anymore'.

Kangaroo Island, located off the coast from the Fleurieu Peninsula, is for Ngarrindjeri People part of their Ngurunderi creation story and is the place where Ngarrindjeri ancestors descend to when they pass over into the spirit world. Archaeological evidence on Kangaroo Island has been recorded since the early 1900s, when Howchin (1903) first reported the presence hammerstones on the island. Later, in 1930 large quartzite pebble tools and hammerstones were collected on Kangaroo Island by Tindale and Maegraith (1931; also see Tindale 1982:97). Similar stone tools that were later found in nearby sites characterised this industry, which Tindale (1937; also see Tindale 1957) referred to as *Kartan*. Additionally, Tindale (1937) suggested similarities between the *Kartan* type and pebble stone cultures in Pleistocene Asia, which he concluded as evidence that early inhabitants of Kangaroo Island had travelled from south east Asia to Australia. Simultaneous research on Kangaroo Island by Cooper (1960) also noted the absence of a small tool industry that is characteristic of Holocene sites on the

mainland. Later research during the 1970s by Lampert (1975, 1977, 1981) uncovered mostly small flakes and cores of quartz and quartzite, which he termed the 'Kangaroo Island Small Tool Industry'. Additionally, excavations by Draper (1987, 1988, 1991) researched Kangaroo Island stone assemblages in terms of function and technology, rather than in terms of distribution, to investigate land use patterns on the island. Previous archaeological research on Kangaroo Island also included the study of occupational site distribution in 1934 by H.M. Cooper, a volunteer in the Anthropology Section of the South Australian Museum who had a holiday home on the Island, and demonstrated the presence of as many as a hundred sites (Tindale 1982:98).

Further south microlith assemblages were discovered at Policeman Point along the mainland side of the Kurangk in 1951 by A.N. Sturt and H.A. Lindsay, which according to Tindale (1982:102) continued to furnish important 'data' in later years. Other research in the area has included excavations of Wylie Swamp near Kingston, where more than 25 wooden implements, including Australia's oldest boomerang dated at 8000 BP, and several chert tools were discovered (Luebbbers 1975).

Meanwhile, unprecedented rains in November 1961 exposed Ngarrindjeri Old People at Roonka Flat, north of Blanchetown. A month later Pretty was employed at the South Australian Museum as Curator of Archaeology and realising the 'research potential' of the area began to study the riverbed rock shelter and conducted open air studies on the Old People (Tindale 1982:106). This research removed approximately 150 Ngarrindjeri Old People and concentrated on the occurrence of burial practices, which were later compared with site stratigraphy to determine prior occupation sequences in the area (Pretty 1977:297).

Altogether, a majority of the archaeological research described above was preoccupied with a 'stones and bones' approach to the archaeological record to investigate cultural development through time and believed that human behaviour in the past was dictated by environmental factors. PhD. research conducted by Luebbers (1978) on coastal sites between Robe and Cape Banks under the supervision of Tindale⁴⁷, considered the relationship between society and environment to be more complex, and incorporated this approach into the analysis of the archaeological record for materials dated from throughout the Holocene period.

Luebbers (1981, 1982) later archaeological work along the Youngusband Peninsula and Southern and Northern Kurangk areas also incorporated a socio-cultural approach to explain differences within coastal midden sites. Following extensive surveys of the area excavations were carried out and Luebbers (1981:32-33, 40-43; 1982:3-4, 91-93) distinguished three cultural sequences for the Kurangk region. During this process Luebbers had developed a good working relationship with Ngarrindjeri people and recognised Ngarrindjeri interests in archaeological research and management:

...heritage also is particularly significant to Aborigines, for despite the break in their traditional nexus with the land, the descendants of the Ngarrindjeri today relate strongly with their past in several ways ...Aborigines themselves have recognised the value of self-involvement in the conservation of their own heritage... While this consciousness is by no means universal in the community, it is nevertheless on the increase. Therefore, the Aboriginal viewpoint must be sought in future management of the Coorong National Park. (Luebbers 1981:77)

Most importantly, this work was essentially aimed at the management of Ngarrindjeri cultural heritage and incorporated archaeological research to determine conservation strategies for the area. Despite this, subsequent archaeological research conducted with the Ngarrindjeri Nation since the early 1980s has been more limited and concerned with the 'management' of

⁴⁷ Tindale's interests in the south-east of S.A., which included his archaeological investigations mentioned above, also extended to ethnographic research with Ngarrindjeri peoples (1935, 1941, 1965). Within this context Luebbers work can be seen as continuation of Tindale's research interests.

cultural heritage (e.g. Draper 1996; Gara 1985, 1988; Luebbers 1984, 1990; Wood 1993) than with 'research'.

Overall, a majority of the archaeological research conducted in S.A. since the 1920s was initiated by the South Australian Museum, which Tindale promoted within an anthropological context (McBryde 1986:15). In fact, much of the archaeological work carried out in Australia from the 1920s to the mid-1950s was either conducted by through the South Australian Museum by Tindale, or through the Australian Museum in Sydney by McCarthy (Mulvaney 1962:135). Results from research work of staff members were published in the *Records of the South Australian Museum* (1918-1995) journal and Tindale (1982:100) made reference to at least one exhibition being held at the South Australian Museum during the 1940s showing the progress of archaeological discovery in S.A. Although despite the Museum's active research agenda, incidents have been recalled by Edwards (1970) and Mulvaney (1970) regarding the 'amateur' antiquarian collecting which occurred by the public:

South Australia [use to] provide a special service through one of its enterprising outback tour promoters who advertisers in his circulars, "...points of interest include searching for Aboriginal artefacts of which large discoveries have been made on previous trips..." This sort of attitude was amply demonstrated to me some ten years ago when an extensive burial ground in the Murray Valley, containing some 50 complete skeletons, was uncovered during a wind storm. The discovery was made on Thursday – the press featured it on Friday. An eager charter bus owner arranged weekend tours to the site and the collectors converged. The Museum with characteristic 48-hour delay, arrived on the scene to find not a single bone. So the nation is deprived of the information which might have resulted from a systematic study of the site. (Edawrds 1970:164)

Additionally, Mulvaney (1970:115) has recalled how petroglyphs had been chiselled from the soft limestone at Devon Downs, whilst recalling:

...one collector how promised to provide me with the location of a likely site for excavation, but only after he had finished collecting there; another threw his surplus and less attractive finds down a hole...

These wide-spread activities were condemned by 'professional' archaeologists and as briefly mentioned above it was this activity that led the likes of Megaw (1966) and Mulvaney (1964) to

advocate for Australian legislation to protect such sites and public education programmes. Edwards (1970:164) later claims that public education, along with State legislation, had led to members of the public becoming more concerned with Indigenous heritage in S.A., which included public support for the preservation of canoe trees along the Murray River – including one which was destined to be cut down but ended up in an exhibit at the South Australian Museum following public support – and public donations of Indigenous artefacts to the South Australian Museum.

Despite the Museum's active role in archaeological research in S.A., archaeology at an academic level did not start being taught in South Australia until early 1980s at Flinders University, although this subject was contained to a minor component within the Discipline of Visual Arts. Eventually, when a Foundation Lecturer in Archaeology was appointed in 1990, Flinders University started to engage in archaeological research at an academic level within South Australia (Flinders University 2006). Archaeological research conducted within this institution has included a re-analysis of faunal remains and stone lithic assemblages from Fromm's Landing, which presented new data regarding past climate change and regional occupation of the area (Roberts 1998). Additionally, further laboratory work has also been conducted on Ngarrindjeri Old Peoples removed from Roonka Flat. This research has included the examination of chronological groupings through craniometric analysis to determine human stature over time (Candy 2004; also see Pretty et al. 1998), and numerous studies to determine the diet and age for the Roonka burials (Pate 2000; Pate et al. 1998, 2003).

Other archaeological research carried out on Ngarrindjeri Ruwe included the site of a former mission at Swan Reach on the Murray River, which incorporated the use of contemporary

Ngarrindjeri knowledge's or what are more commonly referred to as 'oral histories' (Harris 1996; Hemming 1995; Hemming *et al.* 2000).

Appendix 6

Report on Materials from Site 5, Samphire Shore, Lake Alexandrina

Site No. 5

Samphire Shore, Lake Alexandrina

Excavated Collection

Progress Report No. 1

July 2006

The following is a progress report for materials from Site No. 5, Samphire Shore, located between the shores of Lake Alexandrina and the Princess Highway, excavated during the *Lower Murray Lakes Archaeological Study* (LMLAS).

Meeting with AARD

During a meeting held on 5 June 2006 between representatives of the NHC¹, AARD² and members from the Department of Archaeology, Flinders University³ a discussion regarding the status of materials held in an AARD secure storage facility at Netley was initiated. Of particular interest were materials from the *Lower Murray Lakes Archaeological Study* (LMLAS), a research project conducted by Roger Luebbers from June 1986 to July 1987, funded through the National Estate Grants Program and administered through the SA Aboriginal Heritage Branch. These materials were from Sites 2, 3, 5 and 6 and represented an accumulation of 50 tubs in varying states of sorting. It was agreed by NHC that a sub-sample of the collection could be relocated to Flinders University where it could be examined by the author in order to ascertain what was present, what (if anything) was missing and what the nature of the collection was; this information could then be used to help NHC make an informed decision about what to do with this and the remaining materials.

Review of LMLAS Literature

To ensure that any material collected from the Netley store was not associated with ancestral remains, a review of Luebbers (June 1986 – July 1987) progress reports was conducted. Of the four sites excavated by Luebbers, Sites 3 and 6 were associated with ancestral remains, while Site 2 was associated with a dog burial. It was decided that Site 5 would be the most

¹ Tom Trevorrow, George Trevorrow, Luke Trevorrow and Grant Rigney.

² David Baker, Royce Richards and Heidi Crow.

³ Steve Hemming, Lynley Wallis, Christopher Wilson and Kelly Wiltshire.

appropriate for investigation, as Luebbers (January 1987:2) clearly stated that no ancestral remains were unearthed within this site.

Visit to Store

The AARD storage facility at Netley was visited on 20 July 2006 and materials from Site 5 collected⁴ and transported to the Archaeology Laboratory (Rm 143) in the Social Sciences South Building of Flinders University, Bedford Park⁵. The materials comprising the Site 5 collection were recorded and some of the collection was re-bagged due to the disintegration of sample bags. Heidi Crow (pers. comm. 2006) has advised that this also occurred on a number of occasions whilst the materials were being held at Netley and previous storage facilities.

Summary of Site 5, Samphire Shore, Lake Alexandrina Materials

Luebbers (January 1987) stated that four rectangular pits measuring 1 x 0.5m were excavated from Site 5, Samphire Shore, Lake Alexandrina. Bags of excavated materials from Squares 1, 3, 5 and 10 are present, confirming the original excavation information. Despite this, materials from some of the levels are unaccounted for. These include materials from Levels 1 and 4 in Square 1, materials from Levels 5 and 6 in Square 5, and materials from Levels 4 and 5 in Square 10.

Of the materials that are present levels 1, 5 and 6 of Square 1 have been sieved and sorted into 31 separate bags. These bags contain the following materials: crab, small molluscs, flaked and knapped stone, gastroliths, shell, clay, rock, fish, cooking stones, charcoal, Donax, terrestrial bone and 'other' bone. The remaining 27 bags of material matrix have been sieved, with the exception 1 un-sieved bag of material matrix from Square 3, Level 3 and 1 un-

⁴ Lynley Wallis, Christopher Wilson, Kelly Wiltshire, Heidi Crow and Royce Richards were present when the Netley store was visited.

⁵ L. Wallis, C. Wilson and K. Wiltshire transported collection to Flinders University in one vehicle.

specified bag of from Square 3, Level 4. Overall, there are 60 bags of materials in various stages of sorting and size from Site 5, Lake Alexandrina.

A full itinerary of the Site 5 collection is located in the Appendix.

Preliminary Observations of Site 5 Samphire Shore, Lake Alexandrina Materials

Although Luebbers makes no reference to Site 5 being associated with any ancestral remains, there are two bags of un-identified (i.e. labelled 'Other Bone') bone in the site from Square 1, Level 6. A preliminary examination of the sieved matrix also revealed some unsorted bone in the bag from Square 3, Level 4. At this stage it is not known whether these bones are human or not; however, as Luebbers himself did not note the presence of any human bone material during the excavations of the Site 5, it is assumed this bone is not human.

Remaining Work Required

It is clear that samples labelled as 'sieved' require re-sieving as they still contain a lot of loose sediment. In total 29 bags of matrix will need to be sieved to enable any further analysis of this material. Furthermore, the sediment within some of the matrix samples is of a dense quality and would require a process of wet sieving to loosen sediments from the materials. Once the materials have been sorted they will need to be bagged, weighed and analysed.

Future Research Objectives

The analysis of these materials will contribute to the ecological history of the Lower Murray Lakes region and fulfil the initial aims of the *Lower Murray Lakes Archaeological Study* (LMLAS). Together with previous research conducted by Luebbers (1981, 1982), the results from this study can help to establish an occupational history of the Ngarrindjeri peoples within their country.

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Appendix

Itinerary of Collection from the *Lower Murray Lakes Archaeological Study* (LMLAS), Site No. 5, Sapphire Shore, Lake Alexandrina.

Appendix 7

Interview Manuscripts

Bob Ellis, Written Transcript, Received the 15th August 2006.

Firstly, tell me a little bit about yourself (this can be anything including education / work history, how your interest in archaeology began, etc.)?

I am not an archaeologist nor am I an anthropologist. I trained at Adelaide University as a cultural geographer. At that time the only anthropologist at Adelaide was Professor Theo Strehlow. I sought to study under him but the university would not allow it – he was considered too ‘intense’ to allow him to teach undergraduates. My honours degree (geography) was on the Kurna and their use of the Adelaide Plains. My supervisor was Professor Graham Lawton. No archaeology was taught in either university. I enrolled at Flinders for a Masters on Adnyamathanha cosmology in the geography department. The supervisor that Flinders employed for me was a Yank conman with no formal academic qualifications. I got out before they realised what he was. I then enrolled at Adelaide Anthropology Department when it first formed. I tutored for a while doing a Masters qualification. Again, I lost interest since they taught only small scale British sociology (structural functionalists). This was all during the war in Vietnam. I was active against the war and spent much of my time on that activity. I also worked with Fay Gale on a consultancy with the SA Public Service Commissioner to assess Aboriginal opinion on the then SA (State) Department of Aboriginal Affairs. The Department had by that time blacklisted me and would not permit me to enter any Aboriginal reserves. I worked therefore mostly with Aboriginal people who had left reserves. I was politically active at that time organising Aboriginal protests over housing, police harassment etc. mostly at Port Augusta and Port Lincoln. These demonstrations were opportunistic – for example we had a housing protest at the opening of the Port Augusta bridge by Don Dunstan – much to his anguish (although he did lift the ban on me entering Aboriginal land). As an undergraduate at Adelaide I was the Abschol Officer (Abschol was a national university student scheme to provide scholarships and tutoring for Aboriginal students). I was also Aboriginal Affairs officer

for the then National Union of University Students (NUAUS). I was also active in various Aboriginal 'Advancement' organisations re: Referenda etc. In short, my interests in Aboriginal people were not just academic, they were very much social and political – they still are.

As I understand you were responsible for the design and administration of the *Aboriginal and Historic Relics Act 1965*. Can you tell me how much input you had in the drafting of this Act?

I did not have any involvement in the design of the *SA Aboriginal and Historic Relics Preservation Act 1965*. That was a result of the efforts of Robert Edwards, then Curator of Anthropology at the SA Museum. He managed to locate a couple of people in the Legislative Council who were artefact collectors. He induced them to support the idea of legislation to protect such 'relics'. The Act was not proclaimed immediately. Finally, in 1969, Treasury made funds available to the SA Museum to employ a Curator of Relics and a secretary and to support an Advisory Board chaired by Professor Graham Lawton. I got the job of Curator of Relics and started in the Museum in 1970. Bob Edwards continued to play an active role in the work of the new section. He also lobbied to get funding from the Federal (Coalition) Government for a programme of site recording throughout Australia. That funding was made available through the Australian Institute of Aboriginal Studies (as it then was) and a Sites of Significance Committee was established to distribute the funding. At that time I obtained funds to employ Phil Fitzpatrick to record sites on the N-W Reserve, Tom Power to record sites along the Murray and others, including Craig Hoskyns in the Flinders and elsewhere. I also established a Marine Archaeology section and an Engineering Heritage Program within the section. Funds were also obtained to start an Aboriginal Ranger Training Program which was based in the Flinders. The first trainees were Cliff Coulthard, Christine Wilton and Des Coulthard. I also managed to get Dan Coulthard employed permanently as a Heritage Ranger at Hawker on state money. At this time also funding was obtained for an Aboriginal Curator in

the Museum. That was taken up by Harold Thomas – he designed the Aboriginal Flag in the Museum basement at that time. We outgrew the Museum and at this time the new Department of Environment and Heritage was formed so we were transferred to that Department and to new premises.

What kind of support were you given from the state government to help you implement the Act?

We had funding from the SA government for two permanent positions initially and later Dan Coulthard was employed and then Phil and Tom (and later Vlad Potezny). Support funding also provided for the Advisory Board meetings. Eventually the Board members were not reappointed – as a means of slowing down the number of Historic Reserves and Prohibited Areas we were declaring. Some mining companies (Esso in particular) complained about constraints that protective legislation put on them. Department people I think were suspicious of us employing Aboriginal people and when I got money for an Aboriginal cultural centre at Hawker, National Parks officers moved to limit our role and blocked the centre project.

I understand that the Aboriginal and Historic Relics Unit was part of the South Australian Department of Environment and Conservation. How much freedom was the Unit given by the state government to determine the best means to implement the 1965 Act?

I had a fair degree of freedom in determining policies etc. partly because I could access funding from AIAS independent of Treasury and the Department. Furthermore, nobody in the Department had much idea about what we should do – particularly as our projects and policies included the full range of heritage activities - shipwrecks, engineering, Aboriginal, vernacular architecture etc. It wasn't until the department started employing architects that the department saw a way to separate Aboriginal heritage from non-Aboriginal Built heritage and

to promote the latter. The formation of the Australian Heritage Commission saw David Yenken retained by the SA government to advise on heritage policy and legislation. He actively promoted planning as the means to implement heritage programs (in the city) and strongly supported European built environment programs over the comprehensive regional projects we promoted. He also torpedoed a draft Bill I had prepared which would have continued to have one piece of legislation to cover all forms of heritage.

During your time at the Unit what kind of research were you conducting under the 1965 Act?

I wasn't concerned particularly with my own research – my aim was to establish a heritage agency which would promote heritage related activities and in particular, would sponsor Aboriginal run and managed regional/local centres that would support a range of cultural activities – language recording and teaching etc. and sponsor locally run Aboriginal cultural tourism throughout South Australia. The research conducted by the unit was directed towards that in large part. We did sponsor Roger Luebbers and others to conduct more specialised research. My personal research was mostly focused on cultural geography – the murda (stories) about the landscape and how that intersected with the social ideology. That was focused on the Simpson desert, Eyre Peninsular and in particular, the Adnyamathanha of the North Flinders Ranges. I was also interested in early technological change in the pastoral and mining industries.

In your opinion, did you view the Unit as a centre that was research oriented with its own goals or a bureaucratic division of the state government?

As I have tried to explain, I did not see the Unit as a research agency – except in documenting places of special significance to Aboriginal people and promoting an awareness of Aboriginal culture. I was concerned that the register we established could be misused in the future – as it

is now – to exclude Aboriginal custodians from decision-making about those places. I planned for it to be repatriated to the various Aboriginal groups away from government/bureaucratic control. The Unit had its own goals (as explained above) and government gave little direction. My main aim was to transform the Unit into a sponsor for regional Aboriginal initiative.

What were the major issues you had to face in regards to the implementation of the 1965 Act while you were working at the Unit?

Major issues? That's hard. Probably the involvement of Aboriginal custodians in impact assessment and amelioration. In the early stages of impact assessment the reports were semi-academic descriptions of the archaeology of the impact areas. I felt that Aboriginal people should be more directly involved and that archaeologists were preoccupied with their own concerns – which were not about 'culture' but about 'things'. Anthropologists didn't understand heritage concerns and didn't want to get their hands dirty. I tried to ensure that teams of Aboriginal custodians made the decisions about impact amelioration and that they considered things like food plants etc. as well as artefacts. I tried to change the way miners in particular looked at Aboriginal heritage and to promote it as an important issue for resolution. Another issue I suppose was looming marginalisation of Aboriginal and remote (vernacular) heritage issues as a result of the rise and predominance of the built environment concerns of the architects who were strongly focussed on the city. I also felt strongly about our engineering heritage and about early maritime history so they became issues for me.

How did these issues affect the work you were doing at the Unit?

The quick answer is that I gained a reputation for being prickly and the Department tended to leave me alone – but unfortunately that didn't gain me much assistance.

What aspirations did you have to change the 1965 Act to improve its implementation?

My aspirations re: legislative reform were (1) to put Aboriginal custodians squarely in control of their own heritage (2) to extend protection to all places/items regardless of whether they were formally listed/identified (3) to provide for prosecution to be initiated by Aboriginal people (not the Minister). It is my strong view that bad legislation can be overcome if the people responsible for its implementation are prepared to work hard, but good legislation in the hands of lazy bureaucrats is nearly useless.

In your opinion, what were the outcomes of the 1965 Act for Indigenous peoples (positive and/or negative)?

The most significant outcome, I believe was the establishment of training schemes for Aboriginal Heritage Rangers, many of whom still play an important role in the area in their communities and the development of impact assessment procedures – particularly work area clearance methodologies for major projects. The negative is that over time the Unit/agency became stultified and self preoccupied and stopped engaging with Aboriginal people.

Additionally, how do the outcomes of the 1965 Act compare with the outcomes for Indigenous peoples within the framework of the *Aboriginal Heritage Act 1988*?

This is a huge area. In short however, I think that those responsible for the *Aboriginal Heritage Act* did not have a vision and became ultra bureaucratic in their behaviour. Once 'heritage' became accepted, people forgot what we had been fighting for. I find that most Aboriginal people are disillusioned with the current legislation and its application.

END

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Roger Luebbers, Discussion Transcript, 29th August 2006.

Following technical difficulties with the original interview on the 24th of August, this is a follow up interview with Dr Roger Luebbers on the 29th of August 2006. Ok Roger, firstly would you like to tell me a little bit about yourself or the Lower Murray Lakes Archaeological Study?

Sure ... well maybe the best way to answer that is talk a little bit about the history of the Lower Murray Lakes project from my involvement, which actually started about four years earlier, in my capacity as an archaeologist working for the Department of Environment and Planning to study Ngarrindjeri cultural materials in their country. I started in the Coorong National Park in an effort to identify the main characteristics of the material culture we could see and in geographic terms we moved south to north along the Coorong to document what's there for the purposes of future management. So my input for those first few years was directly into a new plan of management for the National Park and as we moved further north and then moved into the Lower Murray Lakes area – which is of course not a park land but private land – I proceeded then to examine a portion of the Lakes, including Lake Albert and Lake Alexandrina for again the same purposes of identifying management requirements. So that stands at about four years to do that work.

How much research freedom were you given by the State Government to identify, assess and study the archaeological sites in the Lower Murray Lakes Region?

That's an important point. Research is not commonly associated with cultural resource management and I was given quite a bit of freedom so far as we had a budget to incorporate a research design, so I could not only say where the material was but give some indication of its antiquity and likely significance to reconstructions of land use and prehistoric life in that area. So, the freedoms that were given to me were limited by budget. It was really quite a small

budget, but the Department gave me assistance by way of, of course, vehicles and a storage area, and I was even able to use staff to assist in field work for very early parts of the work of the research program. But I didn't actually have some of that assistance in the Lower Murray Lakes area, that had changed, and so I had much more limited capacity to do any research there. But in a philosophical sense of course the Department was very much supportive of research.

I think we may have covered the third question but I'll just repeat it anyway, what kind of support and resources were you given by the Department of Environment and Planning to help you conduct your research?

It amounted to, in the Lower Murray Lakes area, giving me theoretically some storage space and laboratory space. I was relying entirely, in that time, on volunteer labour. I didn't really have any support team to assist me except as volunteers, who were limited. With respect to the analysis that would be required for examining field samples the Department was under contract to provide a laboratory to do the work and that they were unable to do in the end. So the field analysis was only confined to some of the human remains we found, but the remaining samples were going to help reconstruct land use. In that sense it was not successful.

And with the actually ancestral remains you were given space at the South Australian Museum to work on them?

That's right. For the human remains I was able to borrow some space in the South Australian Museum with the late Graeme Pretty's help – a secure area where we could work on the remains: examine, document and keep them away from public access. They were completely secure in a good working environment. So they were not in danger there and once that work

was completed, and several others were involved in that, that material has all now been returned to the ground and that particular research has been completed.

So is there anything that you can remember was an issue at the time of the Lower Murray Lakes?

Well, of course, there are always issues and cultural heritage is a very sensitive topic to investigate because it involves a range of sensitivities and a sense of ownership. So, as I have been doing throughout the Coorong study and the Lakes study, is to maintain a consultation process with Ngarrindjeri people – that would involve people at Point McLeay, Meningie and Murray Bridge. So the issues I put forward when I started the Lower Murray Lakes was that there was a 100 percent certainty that if we did excavations, in some of the sites we were most interested in, we were going to almost, in some way, disturb human remains – that was a great concern to myself and those custodians responsibilities, because disturbance like that does open up the possibility that the people who have been buried will return in spirit form and will have adverse feelings for the people living there. The first task was to acquaint Ngarrindjeri people with that likelihood and I asked for permission to continue if disturbance would occur and after several deliberations and meetings attended by large numbers of people, mainly at Camp, um ...

Coorong?

No, Camp Noonameena.

The ranger station?

Yeah. At that stage they had had a good facility for people meeting. We discussed and those meetings eventually approved that work and therefore we proceeded with the study of test excavations to sample types of sites there that we knew almost certainly were going to be cemeteries. While trying to minimise the disturbance in its generality we could see in the surface indications that there were human remains in the sites, in some cases anyway, and I

was quite prepared with those expertise and techniques to deal with that and be able to treat those remains with perfect respect and appropriate research objectives. So, that has really worked out, although it has been very much a challenging effort. It otherwise has occurred and been quite successful. But it was also a case of having to cover a large area for the actual survey and site search on quite an area such as the Lake Shores, and I then had to find people to assist in conducting that work and to some extent assist in the excavations, and that was a more protractive effort because it meant bringing people down with almost no budget and keeping the objectivities of sampling, which are actually quite tedious and take quite some time to excavate sites which have human remains in them and then move that excavated material into the lab where it could not be processed. So the issues that have been increasing are the ones proceeding to our objectives and that proved to be, in the end, impossible to achieve. So the main objectives of that work could not be realised at all.

So just to clarify, the \$45,000 grant for the project was to pay for the whole project, your wage and the resources that you needed?

Yes, I don't remember the actual figure, and I don't think it was ever all spent, but I don't know what was in the budget. It had to cover people's salaries and those people weren't there under salary and I have forgotten the full extent but it had changed significantly the way in which I could either organise or spend money towards those objectives. It's actually quite expensive to run a field program and we were pretty good at doing it cheaply, but in the end money, I think, was devoted to paying volunteers a small amount, an almost token amount, to actually process the field material which can be quite an expensive, long, protractive six to eight months to process it and we never got there because it couldn't process material.

In your opinion, what were the contributing factors that prevented the analysis of the excavated materials and the production of the final report?

Well, lack of access to a laboratory or the appropriate storage. The collection has to be put out so you can see it and make comparisons visually and process material in an organised sense. So it is all treated in the same way without having adequate storage to organise the collection into appropriate classes of material and a workspace and processing lab to sieve both wet and dry. I couldn't make any progress with it and without that it just sat on the floor and I virtually had to ignore it.

And you went on to other employment as well?

Yes, I went on to other projects in lieu of that, in the view that the lab would materialise in the shape that it needed to be and that didn't happen. Other projects generated some field samples which also ended up in the lab in a chaotic or impossible to process without either the personnel or the mechanisms in the lab to adequately process it. So it ended up really just impossible for anyone to manage.

What outcomes did you expect as a result from the Lower Murray Lakes Archaeological Study?

Well, there were some research objectives which were consistent with the work I had done in the Coorong that were basically to set out some general chronological patterns in the cultural material that allows some identification of the antiquity of the habitation and principal changes that could be identified to clarify evolutionary adaptive changes in land use. So the research objectives to some extent have been achieved in that I do have a chronology but I have no idea of the chronology of what because we weren't able to process the samples – that's the framework to understand why certain patterns of distribution of cultural materials occurs around the lakes and once we know what the patterns are and the principal characteristics of the area, it's possible then to set out priorities and techniques for heritage management so they can be protected and we can identify which should be protected first and the significance

of the materials that are being protected. So basically it was to set out a management regime for the materials we looked at, even though these materials are on private land and they're not necessarily subject to heritage prescription unless the owners agree to it, which was of course a very significant hurdle. But basically, the aim was to provide Ngarrindjeri people with technical data about the cultural heritage in a prime area of their country so that they could identify and participate in a discussion about what is significant.

What outcomes did you think the Ngarrindjeri were expecting as a result of the study?

I was hoping that it would give them the technical information so they could make decisions for themselves. What was significant and what techniques might be used to protect the materials but to also have a better understanding of the antiquities and the likely history of land use in that area, which is not something people can know about, it has to be actually learned and I was hoping that that would be the outcome for Ngarrindjeri people.

What progress has been made towards completing the original aims of the study?

Actually, a fair amount; the mortuary practices that we have identified in the grave studies have been completed. There have been osteological studies and we know the personal histories of five individuals, who we found in graves, and we know their antiquities and we know something of the treatment of the time of burial of these individuals, how they were put into the ground. This is an important dimension because their sites are principal habitation sites but they are also cemeteries, which is something quite distinctive about the Murray drainage system and I think having an idea of actual burial practices will help better understand the whole process of mortuary interment of body to ground. So that has actually been completed but that was in text form, but it still has some bits and pieces that have to be added to it including one or two dates, but it had virtually been completed from a documentation point of view, and I do have some indication of antiquity of these habitation

mounds in which these graves occur as it were, but I don't know what's in the mounds because I haven't been able to study the samples that were taken to say what food resources were utilised in those mounds. I could have a good guess, but I am not actually able to quantify it and to make comparisons between sites to better understand why people are living on these mounds and that was the essential objective of the project that we couldn't realise.

What issues are there spanning from the Lower Murray Lakes Archaeological Study that need to be resolved?

Well, completion of those objectives and those samples. I believe they are still being curated in South Australia, there were some doubts about that in the past but I understand some of it has been retained. If those can be processed in the way they were designed it would be possible to complete those objectives and say something more about land use along Lake Alexandrina about the sites that are really quite unique. The mounds themselves are huge and the deposits of remains which are in some way similar to the rest of the Murray but are very distinctive in size and the fact that they are all cemeteries and the fact that they are stratified, we can date them and relate them to the exploration of the macro-environment around them and that would prove to be very useful in the understanding of some of the evolutionary phases that are taking place in the prehistoric past, in particular the intensification of the use of the Lakes system itself and I am sure if we were to complete that analysis it would have been positioned as a pretty important contribution to understanding just how the changes have occurred there in the last 4 - 5,000 years.

So, why is it important to resolve these issues?

Well I think we made a good start and there has been a fair amount of effort gone into it and the designing seems to be correct but I'm afraid organisation and the administration didn't work and I feel that with another burst of commitment to it we could make use of the samples

and realise the objectives which I think would be very useful to Ngarrindjeri people and to land managers in South Australia.

Absolutely. Well, that's it. Have you got anything that you would like to add?

No, not really I think that's about it.

END

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Uncle Tom Trevorrow, Discussion Transcript, 21st September 2006.

This is an interview with Uncle Tom Trevorrow on the 21st of September 2006, starting at 2:30pm. Uncle Tom, would you like to tell me a little bit about your experiences with Roger Luebbbers?

My experience there, I never had a long time with Roger but my time with him and his studies of our sites throughout the Coorong and around the lakes and the river area – it was good – because with Roger and his approach is that he wanted to do a fairly big study into our sites and which he did, he covered a lot of area and he marked down, identified a lot of our sites, and out of it produced a fairly big report. We wanted to build on that, but I don't know what happened, I think the problem was in the State of South Australia, I think he found it difficult to complete what he had started, but as far as a person to me, Roger knew his job, he was thorough, he had a respectful way of doing archaeology and he knew how to work with Ngarrindjeri People and he kept us informed fairly well at all times on what he was doing. I remember down from Poltalloch Station, there's one area down there that he conducted an excavation of a site, the material that he uncovered in there was fairly significant. It was a significant dig because he uncovered a Ngarrindjeri person with the seaweed cloak and that persons dog, and Roger keep us fairly well-formed on that one. The only problem was that the material ended up back in Adelaide, for some reason or another, and we didn't totally agree with that, but then in the end it got brought back and reburied again. So that's sort of my time with Roger and he was an archaeologist that knew his job and you could work with.

So what kind of outcomes were you expecting from that study for Ngarrindjeri people?

Well, we were expecting that the recordings that Roger was doing, we would have liked a fairly comprehensive report finalised to come out of it, that we could use and our information that we would have there as a record to show the bigger picture, the full picture of our

occupation of the Coorong, Lakes and Murray area. So we would have liked to have seen a finished product in the way of a big report.

How would you have used the information in that report?

Well, that information would have been used to help us to document and record more thoroughly and accurately all our sites around our lands and waters and it would register them under the *Aboriginal Heritage Act* and it would be a document that we could be able to produce to government departments or developers in making them aware of our rich heritage and where it exists. I suppose out of the report it would have produced a big picture of our occupation of Coorong, Lakes and Murray and where that occupation existed. And as everybody knows it was mostly around the waterways.

Because that report has been finished what issues are you dealing with at the moment in the Ngarrindjeri community from that?

Yeah, it's not finished, it's like unfinished business that we would like somehow for it to be finished, followed up on and completed so there's a true and accurate record.

What about the materials themselves that AARD have got at the moment? The return of the materials?

Yeah, that material we would like to be returned to the sites from where it was taken but that's been a very long, drawn out process. And then you have the Department for Environment and Heritage, then you had DoSAA - Department of State Aboriginal Affairs - then it went to DAARe - Department of Aboriginal Affairs and Reconciliation - now we have AARD - Aboriginal Affairs and Reconciliation Division part of the Premier's Office. So all the time they are talking about shifting the goal post all the time on Aboriginal people in politics, but here we have our Aboriginal Department in Adelaide been shifting around and changing the rules all

the time, and we haven't been able to keep up, build a proper relationship with anybody in that area, in that department to be able to fully complete something. One minute you've got 'this is the officer in charge of heritage', the next minute you find out that that person's gone and then there's another person in charge and that person comes in and 'what were you talking about? Can you tell us?' and we end up sounding like cracked records, repeating ourselves to all the new people that come along, but the history is with us all the time because it's our history, our lands, our waters, our sites. Other people come and go, so that's what makes it very difficult. The material that AARD have got now we would like it to be returned. We have started negotiations with them but very slow, very slow process when it comes to Aboriginal Heritage issues with our sites. So that's all got to be returned and the material that Roger had for studies. As I said, it's part of the unfinished business, unfinished report, but like I said Roger hasn't had the chance to fully complete it. I'm not fully aware of the reasons, but I think it's funding, all those kind of things, why he could complete everything that he started.

It's a combination of a little bit of everything. There were issues of funding, there weren't the facilities there in the lab, he went on to do something else with the understanding that it was going to get done but it never got done.

Yeah, that's right.

Well, that's pretty much all I wanted to know. Is there anything you wanted to add Uncle Tom?

No, that's about it. If I think of anymore I'll let you know.

END

Uncle George Trevorrow, Discussion Transcript, 27th September 2006.

This is a discussion with Uncle George Trevorrow on the 27th of September 2006, commencing at 3:00pm. Uncle George, would you like to tell me a little bit about the work you did with Roger Luebbers?

I can't think where it was exactly I first met Roger. I'd seem to be working with him a fair bit, so I can't remember the exact first time.

Was it when he was doing the surveys down here at the Coorong?

I imagine it was when he was doing the open cut midden across the water there.

At Parnka?

Yeah, I think that was probably the first time that I worked with him then. So that was quite a while ago now. And since then we have come in contact quite a few times on different excavations and different jobs.

And what about the work you did with him during the Lower Murray Lakes when he was looking at the shell mounds on Lake Alexandrina?

Well, we sort of been out of contact for a little while, I guess, when the shell mounds or the burial mounds on Lake Alexandrina, across from Lake Alexandrina Station, when they came up. I was actually part of the Ngarrindjeri Heritage Committee, so we had a call to say that Roger had excavated one of the mounds and had taken several bodies and other stuff out of mounds and taken to Adelaide, you know, to inspect it. At the time it was unbeknown to us, as a Ngarrindjeri Heritage Committee, so we were quite alarmed that it had happened. So knowing Roger I got in contact with him and asked what the heck was going on and what had happened - he had talked to a Ngarrindjeri Elder and told him he could do it. And I said: 'well it's not the right way because he's one individual that you asked and he should be going

through the right channels, the right protocols – in regards to Ngarrindjeri, we are the elected body and you should have seen us, so can you please put them back immediately'. So that was another chance of working with Roger. So a few of us went out on it one day and he actually brought the remains of the Old People back from Adelaide and re-instated them into the burial ground. The farmer was very good about it and had it fenced off in a square around the burial ground. So it was really interesting area and although it was right on the edge of the Lake, I remember clearly the Old Man was buried in one of the seaweed shawls and there was a lot of that still intact, you know, but we put it all back into the ground.

So he didn't have any meetings with you before hand?

Not on that one, no. It was surprising that it had actually happened. I think it was sort of just a rush job or something. He probably thought he was asking the appropriate person from the Lakes area, but it just didn't work out that way at the time.

So did you know he was doing an archaeological study further up in the Lower Lakes?

No, we didn't actually, so that was surprising that this had happened, but once he knew about it he was apologetic and I have always had a good working relationship with Roger as with most Ngarrindjeri people, it was just one of those things that, you know.

It's unfortunate.

Yeah.

So, after speaking to him about it, the work he was doing, did he try to explain what he was trying to do in the area, what he was trying to do?

Yeah, briefly he told us what he was trying to do, much like the Coorong survey, but I think he left it alone, the Lakes area from then on. There wasn't much time there then. Just after that he went back over to Melbourne or somewhere then, but I have spoken to him and seen him a

number of times since then. He is really good at his work and I think he learnt that there's a process that he needs to go through with the Ngarrindjeri people.

What kind of outcomes were you expecting from that report if it had been finalised?

Well, I suppose there was a lot of information that Ngarrindjeri people would have liked to have learned from that report. I suppose in particular a study of those Old People would have been really important because I think a lot of those burial grounds around there are associated with the, what do you call it? Smallpox or something?

Yeah, I think so.

So it would have been interested to see how those people died.

Yeah, 'cause they said it travelled down the River from further up in New South Wales.

Yeah right, on top of the river system it came down and that's why we had... because it's unusual in real terms to have massive burial mounds like that and it could only have come about in a time when a whole lot of people are dying and you just have to do something with them. And that's how that came about I think. But the materials and stuff have still never been re-instated back to those sites and I think they're still in the hands of AARD (as we know them now). So Ngarrindjeri people are looking forward to the release of that material to a group like this from Flinders, to look through them, sort through all of them and finish sorting and get them back out to the sites again and put it back.

So how does the community feel about having that material stored in Adelaide with Aboriginal Affairs?

Well, we not very happy about it. For one it's a stupidity that it's been there for so long - it has to be realised. There is no need for people to hang onto that sort of material. Just give it back and let people who are prepared to help us, deal with it and get it back to where it is suppose to be.

So how do you feel about the relationship between the administration of heritage for the protection of your sites, how do you feel it has changed over the years to how it is now and the relationship between yourself and the department?

I don't think there's anything there, to be totally honest. You know, when the 1988 Act came into being I suppose it's given us some form of argument and through that argument and consultation had given us some form of protection along the way I suppose, but it's not a strong one, I don't know whether you know but has anyone ever been charged under the 1988 *Aboriginal Heritage Act* for desecration or disturbance of a site?

No.

I don't know of anyone and I think if you have an Act that has been in place since 1988 to present and we know how much development goes on in our country. If no-one's ever been fined or charged or anything like that I think it tells you a little bit about the Act without having to talk about it a lot.

Do you think it used to be a bit more proactive during the 1970s and early 1980s when there were actually people down here doing research?

Well, there was a lot more activity going on then and I think people took a bit more care in some sense then because that Act was not yet in but it was being developed. Just after it was developed people abided by it for so long, but then I think they saw the weakness of it and have exploited it a hell of a lot of the years since then because they felt that nothing is going to happen. That's a worry to us because if we go out there and get into a cemetery it's desecration, if someone comes into ours it's just 'those old bones'. There's a difference and there shouldn't be a difference and respect as human beings, you know, I don't want to dig your mother up and you don't want to dig my mother up, you know, and that's how it should be. Respect for each other as humans.

Well, that's pretty much from me. Was there anything you want to add? Anything that you think is important.

I think Ngarrindjeri attitudes towards archaeologists and anthropology, and that sort of thing, over the years has changed a bit.

More positive or more negative?

More positive. There's a lot of negativity associated with archaeologists and anthropologists going way back because of the unscrupulous people that were around in those days and the unscrupulous things that they did.

Sort of doing their own thing.

Yeah, they didn't think it was necessary to talk to a black person to go and dig up black people from out of the ground. Thank god we have gotten to know people as people and people like Roger, and several others that we have done work with where they've gotten to know us personally and understand that we have feelings in regards to those sort of things. So now there is a more positive view from us in regards to looking at history and it's important for us to let a certain amount of work and things to happen so we can start drawing out a picture of our history. We know it all in our minds and our memories – you know – but that's not good enough for white people. It has to be something written on paper and that's the only way they understand us, because we can talk to them 'til we are black in the face, blue in the face, or whatever and you get stopped.

So, do you think Roger considered the implications of his work for Ngarrindjeri?

I think after that time it really did make a stand and he understood. Mind you, to this day I still have a chip at him because it's an unfinished job.

Yeah, that's what Uncle Tom said – unfinished business.

Unfinished business, because it's ok to go and do things but you must complete them – you know. To me as long as that material is sitting in AARD he has never completed his job and the law will stand that way with Ngarrindjeri people with regards to him until he sorts that out or works with people to sort it out and complete it. Then we know it's over.

Ok, well that's it. Thank you so much.

Ok.

END

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