

CULTURAL HERITAGE VALUES IN THE GREAT BARRIER REEF MARINE PARK & WORLD HERITAGE AREA:

RECOMMENDATIONS FOR RESEARCH AND MANAGEMENT

REPORT TO THE GREAT BARRIER REEF MARINE
PARK AUTHORITY

December 2000

DRAFT

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EXECUTIVE SUMMARY

Philosophical changes in the approach to cultural heritage management have affected the way in which heritage values are identified, interpreted and assessed. There is a growing shift from solely 'expert-based' assessments to one in which the community has an expanded role in the identification of heritage places and the explanation of their meanings. One of the most dramatic outcomes of this has been a new interest in 'social value'. This should not be confused with socioeconomic issues that may represent part, but not all of the social values for a heritage place.

Social value in cultural heritage assessments is relevant to *all* cultural groups. In the past, GBRMPA appears to have identified social value in relation to indigenous interests, but has not had a full understanding of this phenomenon in relation to those of non-indigenous groups. This is important, particularly in relation to the successful resolution of conflict amongst stakeholder groups. The challenge for heritage managers in the future will be to successfully identify and manage the cultural heritage values of a broad range of groups that include indigenous Australians, settlers, migrants and others.

A second philosophical shift, the adoption of cultural landscapes approaches, is aimed at delineating the way in which the landscape is culturally constructed and is increasingly engaged as an important analytic tool. Such approaches, that are primarily engaged in defining the connections between people and places, have broad application and can be employed as an aid to understanding all of the cultural heritage values.

An evaluation of GBRMPA's current operating procedures suggests that in some instances they may fall short of the obligations imposed under regulation 18(4)(b) of the *Great Barrier Reef Marine Park Act 1975*. This is possibly due to the fact that current understandings of cultural heritage are limited. Research in some instances has been 'issue-based'. This needs to be redressed with long-term programs of research which serves management planning needs. Day-to-day management arrangements, which were established in relation to natural heritage assessments, do not allow for the adequate assessment of impacts on cultural heritage. Current processes used to assess impacts are similarly hampered by a lack of understanding of and research into cultural heritage.

In addition to the development of appropriate frameworks within which to manage cultural heritage, there is a need to base assessments on a reasonable body of information. Current levels of knowledge of cultural heritage places, landscapes and values are not sufficient for adequate management. It should be noted that current knowledge of natural heritage and its values has been acquired through detailed and long-term programs of research and it is anticipated that an understanding of cultural heritage will require a similar expenditure of effort. It must be emphasised, however, that it is not feasible to undertake a program of cultural heritage assessment using a natural heritage template.

The information that has been collected to date is fragmentary at best and, in relation to most cultural heritage values, non-existent. Where a body of information does exist (for example in relation to the scientific value of indigenous places) new analytical tools suggest that a re-analysis of this information is necessary.

In order to proceed, GBRMPA needs to dedicate resources to the following:

- the development of appropriate methodologies to identify and understand cultural heritage values
- the initiation of management-oriented research to identify, record, analyse and assess the full range of cultural heritage places and values
- the identification of stakeholders in relation to the full range of cultural heritage issues.

To emphasise this point, the task is analogous to asking GBRMPA to adequately manage natural heritage values without the benefit of the last 30 or so years of research into these.

Once such baseline information is collected, it can then be used within a management context to:

- develop and improve processes in relation to the involvement of stakeholders in management, specifically in relation to zoning, permitting, the Representative Areas Program and day-to-day management;
- develop formal processes with State heritage agencies in relation to managing cultural heritage values within the GBRMP;
- expand opportunities for the interpretation of the GBRMP and WHA in relation to cultural heritage values.

Some of this information will be collected in relation to a new CRC Reef Task 'A1.3.1 Cultural Heritage of the GBRWHA'. This report provides the foundation for this task which has been broadly defined as follows:

- to review current identification and involvement of all stakeholder groups within the GBRMP and WHA
- to undertake a program which will identify and assess places of historic value within the GBRMP and WHA
- to undertake a synthesis of current information in relation to indigenous archaeological places and identification of both conceptual and geographic areas where more work is required
- to fund projects investigating social value within the GBRMP and WHA
- to explore methodologies, particularly GIS, for mapping cultural heritage places, landscapes and values.

A second major consideration for GBRMPA is to work towards developing a management process and agency structure which inter-digitates the concepts of 'nature' and 'culture'. This will become increasingly important in the near future and is an issue that heritage agencies (at all levels) are currently attempting to come to terms with. Within cultural heritage management, this is not a new problem and developments in cultural landscapes approaches allow for this. Within natural heritage management, however, it may be necessary for a reconceptualisation of the concept of 'nature' which could be assisted by social science research.

There may be a number of positive outcomes for GBRMPA in taking the considerable steps outlined in this report. In the immediate sense, the agency may have cost/benefit advantages in relation to huge expenses that are incurred when decisions relating to permitting (for example) are subject to appeal. In addition, by developing adequate processes in relation to the involvement of all stakeholders, greater levels of satisfaction with management strategies may be achieved.

There is a potential for GBRMPA to 'export' the expertise gained in programs outlined in this report. As cultural heritage management is currently at the 'cutting edge' in terms of the definition and identification of social value, the agency will be in an excellent position to provide expertise in this area. Similarly, the application of cultural landscapes approaches (particularly the mapping of these) is in its infancy and so will attract interest from other agencies who are currently attempting to come to terms with practical issues associated with their implementation.

There is enormous potential to develop interpretive materials for the GBRMP and WHA in relation to cultural heritage values. In particular, local heritage values have the ability to provide tourists (whether domestic or international) with experiences that will not usually be found elsewhere. It is these local cultural heritage values that particularly distinguish the cultural experience gained at one World Heritage property from another. It is the only way in which visitors can understand for instance how extraordinary places (whether 'natural' or 'cultural') are incorporated into the daily lives of the people who live in, around and with them.

This report makes the following recommendations:

1. GBRMPA should adopt a cultural landscape approach to the identification, assessment and management of cultural heritage values, places and areas within the GBRMP and WHA.
2. Any future identification of cultural heritage issues and values will require the identification of key cultural heritage stakeholders.
3. That GBRMPA recognise that the Representative Areas Program is not an appropriate framework within which to define the cultural heritage of the GBRMP and WHA.

4. That the Commonwealth government clarify GBRMPA's role as the Commonwealth agency responsible for managing cultural heritage within the GBRMPA and WHA.
5. That existing agreements between GBRMPA and the Queensland EPA should be strengthened to include arrangements for the day-to-day management of cultural heritage within the GBRMP and WHA.
6. That a formal agreement be made between GBRMPA and the Queensland Museum to establish clear responsibilities for the management of shipwrecks and associated marine archaeological heritage within the GBRMP and WHA where not otherwise covered by the EPA. In particular, as part of the inter-agency agreements previously recommended, protocols be established for inter-agency permit approvals for activities related to shipwrecks and associated marine archaeological heritage within the GBRMP area and WHA.
7. That GBRMPA take immediate steps to review their permit assessment process to ensure that cultural heritage values are identified and assessed appropriately by qualified professionals applying ICOMOS or other appropriate definitions and protocols.
8. That a long-term program of research is implemented in order to identify the cultural heritage values of places and landscapes within the GBRMP and WHA. This will be addressed in part in the CRC Task A1.3.1.

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ABBREVIATIONS

AAT	Administrative Appeals Tribunal
ACTUCN	Australian Committee for IUCN
AHC	Australian Heritage Commission
CRM	Cultural Resource Management
DDM	Day-to-Day Management Program
DNRE	Department of Natural Resources and Environment (Vic)
EA	Environment Australia
EIA	Environmental Impact Assessment
EPA	Environmental Protection Agency
GBRMP	Great Barrier Reef Marine Park
GBRMPA	Great Barrier Reef Marine Park Authority
GBRWHA	Great Barrier Reef World Heritage Area
GIS	Geographic Information System
ICOMOS	International Council on Monuments and Sites
IUCN	World Conservation Union (Union for the Conservation of Nature)
MoU	Memorandum of Understanding
NPS	National Parks Service (US)
QM	Queensland Museum
QPWS	Queensland Parks and Wildlife Service
RFA	Regional Forestry Agreement
RNE	Register of the National Estate
UNESCO	United Nations Educational, Scientific and Cultural Organisation
WHA	World Heritage Area
WHB	World Heritage Branch (Commonwealth)
WHC	World Heritage Committee

REVIEWERS AND THEIR ROLE

An ongoing process of review has been integral to the production of this report. In addition to the review process undertaken by the authors, three external reviewers were asked to comment on the document. These reviewers were:

- Ms Sharon Sullivan who is the former Executive Director of the Australian Heritage Commission
- Ms Chris Johnston who is a Victorian cultural heritage consultant involved in key developments in the identification of social value (Johnston 1992)
- Ms Celmara Pocock who at the time was the Assistant Director of the Indigenous Heritage Section of the Australian Heritage Commission.

They were chosen because of their considerable expertise in cultural heritage management and/or because they have been involved in particular developments. Their task was to read a draft of the report and to present their comments at a workshop held at James Cook University in October 1999. Their comments were then evaluated in the process of preparing the final report. While their contribution has been useful and significant, the final report is the responsibility of the authors.

1.0 INTRODUCTION

1.1 Brief

The Great Barrier Reef Marine Park Authority (GBRMPA) commissioned this project to provide an expert based report on the cultural values of the Great Barrier Reef World Heritage Area (GBRWhA). Objective Two of the GBRMPA Conservation, Biodiversity and World Heritage Critical Issue Group Business Plan identified the need to report on the cultural, social and aesthetic values of the Reef. In some ways, the report is complementary to Lucas et al. (1997) which comments on the natural values of the GBRWhA. However, while the Lucas report emerged from a long period of concentrated research into natural values, the present study can provide only preliminary statements based on very limited research. The terms of reference for this report, listed below, reflect this:

- Evaluate current frameworks within which cultural heritage is managed (including a review of relevant Commonwealth and State legislation and policy as well as international agreements that relate to how the Authority should consider the cultural heritage values of the GBRWhA).
- Consider and report on the applicability of relevant theoretical frameworks (in particular the concept of 'cultural landscapes' for identifying, describing and reporting on cultural heritage values that may exist for a marine area).
- Through the use of secondary data sources report on the likely cultural heritage values (both indigenous and non-indigenous) of the GBRWhA and in particular the nature of research that will be required to identify and define these.
- Provide some guidelines for the development of policy for cultural heritage management within the GBRWhA.

It was recognised that the GBRWhA and the Great Barrier Reef Marine Park (GBRMP), although only slightly divergent in geographical boundaries, are statutorily different entities. As this affected certain areas of discussion, such as stakeholder identity, it was decided to expand the discussion where appropriate to address this difference.

1.2 Background

Over the last three decades, conceptual understandings of the Great Barrier Reef have been transformed from its description as a great natural 'wonder' into 'scientific laboratory', confirming its scientific importance. The breadth and depth of scientific reporting on the Reef is illustrated in Lucas et al. (1997) which drew upon an extensive body of data to describe the 'outstanding universal value' of natural attributes of the Great Barrier Reef World Heritage Area. The appendices to the 'Lucas report', which are collectively as long as the report itself, were commissioned by the authors to draw this great body of research together under the rubric of particular 'natural' attributes. Lucas et al. (1997)

firmly establishes the Reef as an important scientific entity and, as such, an important element of Australian and World heritage.

However, as the authors of this report point out, the Reef is more than its scientific and 'natural heritage' attributes. Prior to European colonisation the Reef, its islands, seas and associated coast constituted the homelands of various indigenous peoples. These homelands provided a rich resource base for those who occupied them and material evidence of this is manifest in the middens and campsites found throughout the Great Barrier Reef region. However, these homelands provided much more than a resource base. Primarily, this complex of land, sea and reef provided the frame upon which the cosmologies of these peoples were woven. These cosmologies relate to the way in which people understand the nature and order of the world in which they live. They shape institutions and social organisation, including marriage rules, moral order, land-ownership and tenure, resource use, religious and spiritual beliefs, trade and exchange. The indigenous cultural heritage of the Great Barrier Reef must, therefore, be viewed within a more complex frame than simple resource use and exploitation of the environment.

There are suggestions that the Reef was explored by the Portuguese in the 16th century. Certainly, it was through the waters of the Great Barrier Reef that Captain James Cook made his historic journey of 'discovery' north along the east coast of the continent. His journal is filled with references to places along its length and his ship *Endeavour* ran aground on the Reef at Cooktown. The Reef is also connected with the *Bounty* story through the wreck of HMS *Pandora*, the ship sent to find the mutineers. In these instances, the Reef is the setting for important chapters in the development of the modern nation of Australia. However, the cultural heritage of such chapters is yet to be fully investigated.

In the early days of European settlement of the continent, the sheltered waters of the coastal zone were the communication lifeline through which people, goods, letters and ideas were transported from colony to colony and from overseas. The litany of shipwrecks illustrates, however, that the sheltered waters within the Reef could also be treacherous. Thus, the lighthouses, shipwrecks and quarantine stations that are focal points of our historic heritage are redolent with symbolic meanings that echo isolation and loss, creative genius and extraordinary survival.

During the second half of the 19th century, the coastal zone was the backdrop to a period marked by entrepreneurial 'vision' and development. A number of industries were established in this period, including cattle, sugar cane, mining, trochus and beche de mer. These ventures were dependent on the establishment of ports and towns to support them. The Reef was probably the first landmark observed by Pacific Islanders when they were blackbirded into the country, and the last for those who made it home. It is possible that the reef is imbued with symbolic meaning in relation to the personal and cultural odysseys of these people; however, this aspect of the cultural heritage of the Reef has not been explored. The Reef is also associated with guano mining, which again relates to the development of the embryonic state of Queensland. There has been little

research on places that illustrate such activities and thus our knowledge of the cultural heritage of this period is largely speculative (but see Palmqvist 2000).

From the beginning of the 20th century to the present day, the islands and associated coasts of the Great Barrier Reef have provided tourists – from honeymooners to holidaymakers – with exotic destinations. Again, the cultural heritage of this aspect of the Reef has received little or scant attention (but see Pocock in prep.). The islands of the Reef were also the setting for some of the great tales of seclusion and isolation (such as Banfield on Dunk Island); however, yet again, the cultural heritage associated with such stories has not been investigated. In addition, the Reef has been the setting in which local people have lived their lives, including the transmission of knowledge of places (indigenous and non-indigenous), of fishing, boating, and exploring reef flats. It is, therefore, a collection of places that are inextricably bound into the everyday lives of individuals and communities along its great length.

The exploration of the scientific importance of the Reef over the last three to four decades has also been an important stage in the ancient and ongoing relationship between people and this particular entity. As with other aspects of cultural heritage, there has been little or no work undertaken on people and places associated with research stations and institutes that have been inextricably bound into this particular ‘Reef Story’.

Cultural heritage management is concerned with looking after places that can remind us of who we are, where we come from and why we are here. It can be seen from the outline above that the identification and protection of cultural heritage values associated with the Reef is of importance at a range of levels – from the local to the global. This project is concerned with examining issues related to the cultural heritage values of the Great Barrier Reef, specifically within the almost mutual geographical boundaries of the Great Barrier Reef Marine Park (GBRMP) and the World Heritage Area (WHA) – see Figure 1.

1.3 The Marine Park and the World Heritage Area

There are some differences between the GBRMP and the GBRWHA. Primarily there is a geographical difference (see Figure 1) although it is anticipated that in the future the two will have common geographical boundaries (James Innes 2000 pers. comm.).¹ Even if this is the case, there will always be conceptual differences between the two. These revolve around the fact that the Marine Park is essentially a management unit expressly created to protect the Reef as a natural environment. The *Great Barrier Reef Marine Park Act of 1975* clearly states that GBRMPA is the agency that is responsible for its management. On the other hand, the World Heritage Convention provides the international community with the opportunity to ‘list’ places but not to manage them. Listing enhances the status of particular places of outstanding universal value, thereby promoting

¹ In June 2000 the Authority incorporated 12 previously excluded areas into the GBRMP. Timeframes for the inclusion of the remaining 16 excluded areas are unknown at this stage.

protection. However, management and day-to-day protection remains the responsibility of the government in question.

In terms of cultural heritage, a major difference between the GBRWHA and the GBRMP lies in the delineation of 'stakeholders'. For the former, stakeholders are drawn from the international community and their concern with natural and aesthetic values. For the GBRMP, stakeholders exist at a number of levels from the local to the state to the national. The challenge for the managing authority is to develop a robust management regime that can protect the diverse values and interests of stakeholders in the GBRMP, and at the same time ensure the protection of the identified world heritage values.

1.4 Previous investigation

In their report on the heritage values of the Great Barrier Reef World Heritage Area, Lucas et al. (1997: 4) were asked to address issues in relation to both natural and cultural heritage. As the expertise of the consultants did not extend to cultural heritage, their discussion was constrained (Lucas et al. 1997: 5):

Accordingly we have limited our discussion of cultural heritage to a review of the cultural heritage attributes discussed within the nomination document, a brief overview of the obligations to cultural heritage under the Convention, and a discussion of management considerations within the Great Barrier Reef World Heritage Area and some other areas.

The nomination document for the Great Barrier Reef World Heritage Area was written in 1981. At this time, both nationally and globally, cultural heritage management was a relatively new and undeveloped enterprise. The discussion of cultural heritage within the nomination document appears extremely impoverished by contemporary standards. By focusing their discussion of cultural heritage in terms of '...attributes discussed within the nomination document...' Lucas et al. (1977) have compounded the problem of approaching cultural heritage in this rather limited fashion.

The report by Lucas et al. provides an excellent foundation from which to launch a discussion of the cultural heritage of the GBRMP and WHA. However, the nomination document itself emphasises 'resource-based' or economic relationships between people (both indigenous and non-indigenous) and the Reef. Hence, in the discussion of cultural history, we learn about 'Aboriginal fishermen' and the system they used for exploiting the resources of the Reef. We are told that Aboriginal camps were moved according to '...the need for a clean campsite or the occurrence of a particularly known seasonal abundance of food...' (GBRMPA 1981: 16). Although the document acknowledges other more socially-based aspects of Aboriginal life, such as ceremonial activities, the overall impression is one of a people whose lives and relationships are dominated by the need to provision their groups. This emphasis on 'food' denies the social complexity of these activities and the importance of social practice (that is, the act itself) in affirming identity and group dynamics. Similarly, the cultural history of non-indigenous people is reduced to 'exploration' (economic or

scientific) or 'economics' (for example, beche de mer and trochus fisheries). Again this denies the complexity of relationships that have built up over the 200 or so years in which non-indigenous peoples have been sailing, fishing, enjoying and living with the Reef. This limited perspective translates into a view of cultural heritage that is site-based or place-based as opposed to one which socially contextualises such places.

In addition, the Report of the House of Representatives Standing Committee (1996: 83) has recognised that Australian World Heritage listings have emphasised natural values and indigenous rather than non-indigenous cultural values. In some instances, the removal of evidence of colonial or modern technological society has been recommended in order to reinforce qualities such as 'wilderness'. This approach, which could involve the destruction of historical and other cultural places has been the subject of some critique, including commentary from indigenous perspectives (Langton 1996).

Lucas et al. (1997) has also drawn upon the GBRMPA 25 Year Strategic Plan (1994) in developing some of their ideas in relation to cultural heritage. While acknowledging the positive aspects of this document, they rightly critique it, stating that:

While the Strategic Plan takes significant cognisance of the Great Barrier Reef World Heritage Area's Aboriginal and Torres Strait Islander cultural values, it is relatively silent in relation to the Area's European history. (Lucas et al. 1997: 80)

However, in their own report Lucas et al. (1977) make only one recommendation in relation to cultural heritage. This is Recommendation 12 that states:

That the Great Barrier Reef Marine Park Authority initiate negotiations with Aboriginal and Torres Strait Islander peoples concerning a project to investigate the cultural heritage attributes of the Great Barrier Reef World Heritage Area and its possible renomination as a cultural landscape. (Lucas et al. 1997: xii, 77)

This statement implies that the only cultural heritage issues in relation to the Reef revolve around indigenous people. This focus on indigenous cultural heritage represents a second constraint of the Lucas et al. report. Aboriginal and Torres Strait Island people have historical relationships with the Reef that extend over thousands of years. They also have contemporary relationships and it is possible that there is at least some overlap between indigenous and non-indigenous heritage values in relation to this. This recommendation rightly acknowledges indigenous heritage values; however, cultural heritage management requires that the values of all groups be represented and managed.

Recommendation 12 also suggests that the GBRWHA should be investigated for renomination as a cultural landscape. While *renomination* as a cultural landscape may well prove to be appropriate once research has been undertaken, it is currently premature. However, the concept of cultural landscapes is an appropriate framework in which to assess and manage cultural heritage at all levels.

1.5 Aims and structure of this report

Although this report follows on from Lucas et al. (1997) it is significantly different in at least one important way. Lucas et al. (1997) is based on several decades of academic and scientific research that has informed the significance assessment of particular natural attributes. There is no comparable existing 'data set' for cultural heritage. Therefore, the present report is restricted to the following:

- An outline of current approaches and future directions in cultural heritage management in Australia (Chapter 2).
- Identification of key issues of interest to management agencies, such as GBRMPA, and suggests methodologies for addressing these (Chapters 3 and 4).
- An overview of legislative and other obligations and requirements in relation to cultural heritage within the GBRMP and WHA (Chapter 5).
- A review of existing GBRMPA mechanisms for management, and their suitability to address the assessment, management and protection of cultural heritage values (Chapter 6).
- A discussion of stakeholders and the implications for the identification and management of cultural heritage values (Chapter 7).
- A desk-top analysis of the current state of knowledge of cultural heritage values within the GBRMP and WHA (Chapter 8).
- A summary of findings, and recommendations concerning the future management of cultural heritage values within the GBRMP and WHA. (Chapters 9 and 10).

1.6 Potential outcomes

The report provides GBRMPA with a general framework for the management of cultural heritage within the GBRWHA and GBRMP that is based on current practice. However, it also alerts GBRMPA to new directions, particularly in relation to the identification of stakeholder interests, that have the potential to significantly change current practice. If GBRMPA establishes a management regime that incorporates these new directions, one of the potential outcomes could be greater levels of stakeholder satisfaction. In addition, they would have positioned themselves and set the standard for world's best practice in terms of these issues. Further, they would be well placed to 'export' advice to other agencies in relation to this. Finally, these new directions offer enormous potential in terms of:

- improved heritage interpretation resulting in better tourist experiences
- improved understanding of and relationships with stakeholders
- improved management practice including the provision of an informed basis for co-management.

These must be seen as a positive outcomes for GBRMPA.

2.0 CURRENT AND FUTURE DIRECTIONS IN CULTURAL HERITAGE MANAGEMENT

2.1 ICOMOS and the Burra Charter

Until recently, the concept of 'cultural heritage' was intimately linked with ancient civilisations and their remains and monuments. For example, the Athens Charter, which was drafted in the 1930s, was principally aimed at the protection and restoration of 'historic monuments' that were seen as high points of culture and 'civilisation'. This was a limited view of cultural heritage, which began to change in the 1960s. During this decade, the International Council on Monuments and Sites (ICOMOS) was formed, holding its founding meeting in Warsaw in 1965. One of the statutory aims of ICOMOS was to encourage the adoption and implementation of international recommendations concerning monuments, groups of buildings and sites. ICOMOS is the primary advisory body to UNESCO for cultural properties subject to World Heritage evaluation.

In Australia, the philosophical shifts of the 1960s were reflected in the introduction of State and Commonwealth legislation for cultural heritage and the establishment of heritage agencies to administer these. The mid-1970s was also marked by the drafting of an Australian cultural heritage charter by the Australian chapter of ICOMOS. A meeting was held in the town of Burra in South Australia with the intent of drafting an Australian version of the Venice Charter, the document ratified by ICOMOS International. The problem with applying the Venice Charter in the Australian context was that, while it had a broader platform of concerns than its predecessors (such as the Athens Charter), it was still largely European in perspective. While the Venice charter was still primarily aimed at historic monuments, the Australian version needed to encompass places that evidenced the many thousands of years of indigenous settlement, as well as the comparatively short, post-1788 historical span.

While heritage agencies at both the Commonwealth and State levels have produced guidelines for the assessment of cultural heritage, these are based on the principles contained in the Burra Charter. The Burra Charter has been subject to review and revision since 1977, including an update in the last 12 months, and it continues to provide an overall framework in which the assessment of cultural significance is undertaken. As Pearson and Sullivan (1995: 44) note, the Burra Charter

...is an obligatory standard for conservation agencies receiving federal funding in Australia...The heritage authorities of the Australian and many state governments have adopted its standards, and make adherence to them a prerequisite for many of the conservation and management works they control, either directly or through grants.

2.2 Current principles & processes of cultural heritage management

Heritage management has been defined as:

...identifying the range of options available for each heritage place in accordance with its assessed significance, balancing these options with other considerations, such as the availability of funding and human resources and the potential conflict with other management aims for the same or adjacent land, and then pursuing it as a management policy. (Pearson and Sullivan 1995: 187)

Four steps in heritage management are defined as follows (Pearson & Sullivan 1995):

1. identifying the location and undertaking documentation of the heritage place
2. assessing the cultural significance of the place
3. planning and decision making
4. implementing decisions.

The Burra Charter provides guidance for the assessment of 'cultural significance', which is defined in the revised charter as the '...aesthetic, historic, scientific, social or spiritual value for past, present or future generations'. The recent revision to the Charter was expanded to include 'spiritual' as an additional value. For the purposes of the discussion at hand, however, spiritual value is addressed under the more inclusive mantle of social value.

The concepts of aesthetic, historic, scientific and social value are further defined in the following way:

1. Aesthetic value includes aspects of sensory perception for which criteria can and should be stated. Such criteria may include consideration of the form, scale, colour, texture and materials of the fabric; the smells and sounds associated with the place and its use.
2. A place may have historic value because it has influenced, or has been influenced by, an historic figure, event, phase or activity. It may also have historic value as the site of an important event. For any given place the significance will be greater where evidence of the association or event survives *in situ*, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment.
3. The scientific or research value of a place will depend upon the importance of the data involved, on its rarity, quality or representativeness and on the degree to which the place may contribute further substantial information.
4. Social value embraces the qualities for which a place has become a focus of spiritual, political, national or other cultural sentiment to a majority or minority group. (Marquis-Kyle & Walker 1992: 21-23)

The guidelines to the Burra Charter further state that 'the cultural significance of a place is embodied in its fabric, its setting and its contents; in the associated

documents; in its use; and in people's memory and association with the place' (Marquis-Kyle & Walker 1992: 15). The Charter also states that 'the aim of conservation is to retain the cultural significance of a place and must include provision for its security, its maintenance and its future' (Marquis-Kyle & Walker 1992: 25).

Ideally, the day-to-day management of cultural heritage is based on Burra Charter principles. The reality, however, is that cultural heritage management has often been driven by the environmental and (more recently) social impact assessment process (EIA and SIA). Where this has occurred, the planning process has been thwarted by a piecemeal approach in which heritage planning is undertaken as a reaction to the needs or potential impacts of development.

One of the most critical of the steps in the management process revolves around the assessment of significance (Step 2). This involves the assessment of a place in relation to its aesthetic, historic, scientific, social or spiritual values. The purpose of this assessment is to determine the ways in which a heritage place has value for the community. This is then encapsulated within a statement of significance, which is the central document from which further management issues are identified. This assessment cannot take place unless there is an adequate body of information (Step 1) on which to base the statement.

Aesthetic, historic and scientific assessments are largely tied to notions of value within academic disciplines. Aesthetic value relates to places such as landscapes, and certain kinds of indigenous places and historic places. It has specific meaning within the disciplines of architecture, architectural history, landscape architecture and increasingly – in the case of 'natural' landscapes – geography and environmental psychology. Historic value can be assessed by reference to frameworks within the disciplines of history, architecture and historical archaeology. The difference between architecturally derived concerns and those of the historian have been described by Pearson and Sullivan (1995: 140). They state that:

...architects have traditionally been concerned with designed buildings as static objects frozen in time – concrete statements relying only on their physical fabric for their meaning – while historians have traditionally been concerned with the dynamics of change, reasons for events, and the broad contexts within which things happen.

Thus, historians are more concerned with establishing the historical and social context of the place, which usually involves placing it within a framework of historic themes that have been identified at the local, state, national and in some cases, international levels (Pearson & Sullivan 1995: 142-143).

The scientific value of a heritage place generally relates to the value it has for archaeologists and archaeological research (Pearson & Sullivan 1995: 147). Assessments of scientific significance revolve around the nature of the place in terms of its 'rarity, quality or representativeness' and, given these, its ability to address current research issues (Bowdler 1981, 1984; Bickford & Sullivan 1984). Aesthetic, historic and scientific values are expressions of community value, but relate more directly to the academic disciplines from which the appreciation of

these values has been derived. In contrast, social value, perhaps the most controversial of the heritage values – and the one that has been most neglected in the management process – is an expression of the contemporary value of a heritage place to particular cultural or social groups (see also Chapter 3).

2.3 Divergent paths in heritage management

The development of heritage management, both natural and cultural, occurred at a time of increasing concern and debate about a range of social issues, particularly indigenous rights, our society's multicultural origins and environmental conservation (see Ellis 1994; Moser 1995). These themes and the social movements associated with them influenced its development in several ways. One of these was the emergence of parallel but separate niches in 'natural' and 'cultural' heritage and this can clearly be seen in the development of separate heritage charters. The national framework for cultural heritage is provided by the Burra Charter while the Natural Heritage Charter² has an analogous role in the assessment of the natural significance of places. While cultural significance is defined in terms of aesthetic, historic, scientific and social values, natural significance is defined as '...the importance of ecosystems, biological diversity and geodiversity for their existence value, or for present or future generations in terms of their scientific, social, aesthetic and life-support value' (Cairnes 1999: 6). This parallelism is still firmly entrenched in contemporary heritage management and natural and cultural heritage still occupy distinctly separate domains. While this does not appear to present problems within natural heritage assessments, new approaches in cultural heritage management (particularly cultural landscape concepts) suggest that this artificial separation is extremely problematic (see Chapter 4).

Although natural and cultural heritage management have developed separately, it is obvious that they had similar origins and some common influences. The push for conservation of natural heritage had two main sources: groups who had an appreciation of nature (for example, bushwalkers and wildlife preservation societies) and scientists. Similarly, cultural heritage had its roots in non-professional organisations such as the Anthropology Society of NSW and the National Trust, and in the influence of experts from disciplines such as archaeology, history and architecture.

In the early days of heritage management in Australia, both areas operated within a framework in which cultures and the environment were 'resources', which resulted in the reduction of these broad and complex concepts to the more simplistic and functional notion of usable commodities. Cultural heritage management was articulated within a new paradigm, Cultural Resource Management (CRM) that had emerged in the United States. In terms of its philosophical basis and methodology, CRM borrowed heavily from the

² Although the Natural Heritage Charter was drafted much later, in the late 1990s.

biological sciences and had the overarching aim of preserving representative samples of sites or places of heritage significance.³

Within cultural heritage itself, indigenous and non-indigenous heritage were developed as separate concerns. This was and still is reflected in different legislation and, in many cases, different administering bodies and by the academic training of the staff of the various agencies. For the most part, indigenous heritage was dominated by archaeologists trained in prehistoric archaeology while the period after European settlement in 1788 was largely controlled by a trinity of architects, historians and, more recently, historical archaeologists. While there has been some unity in terms of approach within indigenous heritage, it is fair to say that heritage management of the later period can be characterised by disciplinary struggles. In addition, the neat division of the time frame between indigenous (pre-1788) and non-indigenous (post-1788) has long been seen as problematic. It does not reflect the continuing presence and influence of indigenous peoples in this country and the reality of a multicultural Australia which is the result of more than 200 years of migration.

2.4 Problems with Scientific Paradigms

There are at least two major problems with the CRM paradigm, which is increasingly seen as inadequate within cultural heritage management: first, it only offers a framework for assessing scientific value; second, it is theoretically constrained.

The privileging of scientific value

The first of these – the concentration on scientific value – was not particularly perceived as a concern, as in practice there was a ‘privileging’ of particular cultural values. For example, indigenous places were often assessed only in terms of their scientific value (see also Greer 1995). Assessment of post-1788 heritage places has largely been undertaken in relation to their historic value – that is, the concerns of history and architecture. If an assessment of aesthetic value was undertaken at all (usually only for elements of the ‘built environment’) then it again reflected architectural concerns with principles of design. All of these represent expert-driven appraisals based on the paradigmatic concerns and parameters of particular disciplines.

The problem with this is two-fold. First, the assessment of the cultural significance of a place should take into account *all* of the cultural heritage values that exist for that place, without privileging one over another. For example, the scientific value of an indigenous place primarily represents its value for archaeologists, while the interests of indigenous owners are better represented in terms of the associated social values. These categories are not, however, mutually exclusive. For some indigenous people, scientific value may be an

³ The GBRMPA Representative Areas Program epitomises the application of this management device to the protection of biological values. See Chapter 6 for a discussion of potential dilemmas in applying this to cultural heritage values.

important component of the cultural heritage value they hold for a place, while for others it may have little or no meaning. In the same vein, indigenous heritage places may have historic value and historic places may have either historic or social value for particular indigenous groups. Similarly, historic places may have different social value for different cultural groups based on differing cultural, social and historical experiences. The most important point to make here is that the assessment of cultural values is extremely complex and, except in rare cases, cannot be reduced to one or another cultural value.

In spite of its inclusion in the original Burra Charter in the 1970s, social value, which charts the significance of places to contemporary groups, received little or no attention in the assessment of cultural significance until the 1990s. Until this time the social value of a place was, implicitly, deemed in terms of these expert appraisals. That is, if a place had value in terms of its historic, scientific or aesthetic attributes, it was therefore of social value to the community. One of the results of this has been the dissatisfaction of stakeholders with the assessment process. At times, this has translated into protest (see Greer & Henry 1996). This protest is often channelled through scientific or other 'expert' vernacular, however the continued dissatisfaction of some groups (once scientific problems are resolved) suggests that these stem from different concerns. This phenomenon has resonance for those undertaking social value assessments in relation to the assessment of places of natural significance (see Harrington in prep.).

Heritage and identity

Cultural heritage values are integral to concepts of 'identity'. Conceptually, identity can be defined at the national, state, regional and local levels. In Australia, the link between cultural heritage and national identity is part of our collective national psyche. For example, many Australians take some pride in the fact that we have a number of properties on the World Heritage List. Similarly, Uluru, which is a place of local cultural significance and identity to Anangu people, is also intimately linked with national identity for all Australians. This example provides an expression of the different heritage values (including natural heritage values) that heritage places hold for different groups. There has been some analysis of this phenomenon and Byrne (1991, 1993) has suggested that Australia, as a nation, appropriated the scientific values of indigenous sites in the service of national identity. This is exemplified in the pride that some non-indigenous Australians take in the scientific fact that this continent has been occupied for more than 50,000 years. It is as if this long-term residency provides contemporary Australia with a respectable past that outdoes, by tens of millennia, the longevity of the 'ancient civilisations'. The scientific appropriation of indigenous heritage has however been challenged by some Australian Aboriginal people such as Langford (1983) who entitled her paper 'Our heritage – your playground'.

Cultural identity is primarily defined at the local level, and this has been a focus of attention in the social sciences, particularly within anthropology. In fact, cultural identity has received increasing attention over the last decade within a number of academic fields in the social sciences, including archaeology and

sociology. While cultural identity is a complex concept, it can be fundamentally described as the self-defining elements of a group, culture or society. These elements include aspects of the past that are carried through to the present, as well as new elements that are constantly being incorporated.

As concepts, 'society' and 'culture' are not bounded but are manifested in core territories and elements. For indigenous Australians, Native Title (including rights to land and entitlement to the use of resources) gives legal expression to cultural identity. Cultural heritage management attempts to identify, define and manage those elements of cultural identity that have expression in *particular places*. Heritage may be found, and identity expressed, in places where there are physical manifestations of the past (such as archaeological sites), or in places where there are no physical manifestations but which are associated with the beliefs, stories, practices, memories or events that are important to a particular group of people. While the construction of identity can potentially be considered through all the heritage values of heritage places, it is most evident within the concept of social value. Within indigenous heritage management, challenges to the scientific or archaeological view of heritage can be explained in terms of the privileging of this value over social value. Greer (1995, 1996, 1999) has discussed this and suggested that heritage places (in this case 'archaeological' sites) can be woven into the contemporary cosmology of Aboriginal people in northern Cape York. This work suggests that heritage places play an important part in the development of cultural identity. Such places cannot be seen just in terms of their scientific value, as it is the social value of these places that has most relevance for the traditional owners.

Cultural heritage management agencies in Australia have been at the forefront in the development of management practices that do not conflict with continuing elements of Aboriginal identity (see Greer 1995; Ucko 1994). This is evident in, for example, the moratorium on the excavation of skeletal remains in the light of contemporary Aboriginal approaches to death and burial. Similarly, the concept of 'consultation' was developed to provide a means by which indigenous interests could be incorporated in the management of their heritage places. However, while there has been considerable development in consultation processes, they remain largely *reactive* in the sense that indigenous people are only provided with the opportunity to *respond* to management issues and initiatives. In this respect, 'consultation' alone cannot provide indigenous people with the opportunity to protect definitive elements of their contemporary identity. Rather, if this is to be achieved, there must be more emphasis on defining and explicating the social value of these places. Although this discussion highlights problems for indigenous peoples, Greer (1995) has suggested that the centrality of cultural identity is also relevant for cultural groups – that is, for *all* peoples. Recent developments in the definition and identification of social values confirms that this is the case (e.g. see Johnston 1992, Walker 1999).

Theoretical Constraints

The second major problem with the current CRM paradigm revolves around the fact that it is theoretically constrained. This constraint is particularly evident in terms of attempts to construct the relationship between heritage and identity.

In archaeology, for example, the European emphasis on 'civilisations' and their remains was replaced by the more egalitarian concern with human behaviour. Philosophically, the pendulum of theoretical change had shifted from a concern with particular cultures to a situation in which 'culture' had all but been removed from the equation. Human behaviour was thought to be predictable, based on long-term and short-term environmental changes and the implication of these in terms of the availability of resources. However, while environmental change undoubtedly influences decisions made by societies, this does not in itself provide explanations for the specific choices made by a group in response to specific problems (e.g. Lourandos 1983). Therefore while CRM offers a means by which cultural 'resources' can be identified and assessed, it cannot explain more complex relationships that underpin concepts of society and culture. The placing of humans in their 'environment' (a concept which was largely borrowed and defined by the natural sciences on the basis of biophysical elements) denied the complex role of culture in the construction of such concepts. The concepts of 'nature' and 'culture' were artificially sundered at this stage, a division which can still be seen in contemporary heritage management.

Prior to the introduction of CRM, 'relics' or 'sites' or 'monuments' were considered in isolation, as singularly important entities. In contrast, in CRM sites were analysed in relation to the environments they occupied. These archaeological or cultural 'resources' were seen as core areas that could demonstrate the interaction between humans and the biophysical world. However, the use of this term allowed for a range of other meanings. For example, the emphasis on the 'resources' used by Aboriginal people in the past implied that the procurement of these was *the* primary consideration of these societies. While the provision of food is undoubtedly an important concern of any individual or society, ethnographic evidence suggests that this cannot be separated from a range of other cosmological and ontological concerns.

Within non-indigenous heritage management, the theoretical constraints operate in a number of ways. First, some key concepts in cultural heritage management have been derived, uncritically, from natural and indigenous heritage management. As previously noted, current paradigms are built upon a notion that heritage exists along a continuum from the global (i.e. World Heritage), to the national, the state and the local. There is an implied ranking within this that can privilege the global, national and state aspects of heritage. This is perhaps based on the assumption that if a place is significant to *all* people, as in World Heritage, then it is of more importance. Similarly, in some states legislation to protect historic places is usually invoked only if these places are assessed to be of national or state significance. This is at odds with concepts of cultural identity which, as has been stated, are primarily experienced at the local level (see also Greer 1995). The significance of a place, culturally, should be strongest at the local level. While this does not preclude other levels of significance, the

experiences that people have at levels other than the local are necessarily different.

This can be seen at Uluru, which is also a World Heritage Property. The Rock is an important component of the cosmology of the traditional owners, the Anangu people, and forms an integral part of their beliefs and cultural practices. As such, Anangu people do not climb the Rock and would prefer that others did not. However, for other Australians, the Rock may symbolise the uniqueness and challenge of the Australian natural environment and thus the desire to climb it could be construed as the triumph of human effort in relation to this. For others, Uluru may represent the symbolic heart of the continent or a place of unique biophysical or aesthetic characteristics. The point is that while the significance held by Anangu people undoubtedly influences other experiences, it is only the Anangu who can have that particular experience.

In natural and indigenous heritage management, the hegemony of science has been married to political expedience. Thus, a strong case can be made for the protection of archaeological sites that have evidence of a long antiquity of occupation. Similarly, the concept of biodiversity is popularly couched in terms of the survival of the planet. Scientific authority underpins these links and while they are not usually well-understood, few would deny their validity. Particular places that illustrate these qualities are considered to have broad value to society as a whole and therefore are more likely to be protected. These scientific facts have broad resonance for many groups of people: they support concepts that the whole nation can rally around. This is important – the point being that the nation (and the planet) are provided with *unifying* concepts that define what is important and why it should be protected. By contrast, the identification and definition of cultural identities is about difference and as such are less likely to excite such a globally reinforced response.

The challenge then is to develop an effective paradigm that allows the delineation of cultural identities through association with particular places. This can be found in the cultural landscapes approach, which inherently recognises the cultural connections between people and between people and places. This approach differs from others in that it does not derive significance from a scientifically-based sample of particular places based on, for example, site type. Rather, significance is derived from the broad and entangled concerns that more accurately represents the interplay between humanity and the physical world (see Chapter 4).

The World Heritage Committee has formalised the application of cultural landscapes concepts for use in world heritage. The Committee defines cultural landscapes as:

Cultural Landscapes represent the ‘combined works of nature and man’ designated in Article 1 of the Convention. They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal. They should be selected on the basis of their outstanding universal value and of their representativity [sic] in terms of a clearly defined geo-cultural region and also for

their capacity to illustrate the essential and distinct cultural elements of such regions.

The Operational Guidelines for the Implementation of the World Heritage Convention (WHC 1995, Section 36), propose three main categories of cultural landscape:

- (i) The most easily identifiable is the clearly defined landscape designed and created intentionally by man. This embraces garden and parkland landscapes constructed for aesthetic reasons which are often (but not always) associated with religious or other monumental buildings or ensembles.
- (ii) The second category is the organically evolved landscape. This results from an initial social, economic, administrative and/or religious imperative and has developed its present day form by association with and in response to its natural environment. Such landscapes reflect that process of evolution in their form and component features. They fall into two sub-categories:
 - a relict (fossil) landscape is one in which an evolutionary process came to an end at some time in the past, either abruptly or over a period. Its significant distinguishing features are, however, still visible in material form.
 - A continuing landscape is one which retains an active social role in contemporary society closely associated with the traditional way of life, and in which the evolutionary process is still in progress. At the same time it exhibits significant material evidence of its evolution over time.
- (iii) The final category is the associative cultural landscape. The inclusion of such landscapes on the World Heritage List is justifiable by virtue of the powerful religious, artistic or cultural associations of the natural element, rather than the material cultural evidence, which may be insignificant or even absent.

The various guidelines stress the tangible and intangible natures of cultural landscapes, which can be both indigenous and non-indigenous. Although the WHC definitions and guidelines have been developed primarily for the identification of cultural landscapes of 'outstanding universal value', the concept and definitions have been adopted by major heritage managers including the US National Parks Service and Parks Canada (Droste et al. 1995). In some instances, the intention has been to determine which landscapes might be of World Heritage potential, although far more commonly it is being used as a framework for the management and interpretation of sites and areas.

2.5 Cultural heritage management in the 21st century

In the 1960s, 'experts' feared the demise of particular monuments which they felt epitomised important historic moments in the development of Western culture and societies. This was replaced in the 1970s and 1980s with the central concept of the universality of human behaviour. The universalist project of this paradigm

was in line with emerging notions such as 'World Heritage' – places of 'outstanding universal value' to all people. The CRM paradigm has most applicability within indigenous heritage management, however it is evident that this area has influenced developments within other areas of cultural heritage management.

In Australia, more energy has been put into the development of indigenous heritage management than in other areas. Although this has not necessarily served the needs of indigenous people in relation to their cultural heritage values, this has perhaps been due to the scientific orientation of this area and the concomitant status inherent in this in contemporary Australian society. The influence of indigenous heritage management practices can be seen in the emerging importance of social value. Over the last decade or more, the challenges issued by indigenous people in the management of their cultural heritage, particularly in relation to connections with cultural identity, has prompted similar responses in the arena of non-indigenous heritage management.

The remaining problem, however, is that current paradigms for cultural heritage management are self-referential and therefore incapable of addressing issues that originate outside the disciplinary frames that currently inform them. Within indigenous heritage management, the CRM model is unable to cater to issues relating to the maintenance and development of cultural identity. Similarly, historical or architectural frames are only able to address cultural identity at the state or national levels. What is required is a fundamental change in the culture of heritage management itself from the 'expert-based' approach to one in which the community has an expanded role in the identification of heritage places, the explanation of their meanings, and the design of regimes that allow appropriate management.

3.0 DEVELOPMENTS IN SOCIAL VALUE

3.1 Background

In contrast to the disciplinary base of other heritage values, 'social' value is more directly linked with communities. As Pearson and Sullivan (1995: 156) state:

We have already discussed...the growing moves within communities to themselves recognize and assess the social values inherent in their environment. We increasingly recognize, therefore, that the views of practitioners and the community about heritage value often differ in significant ways.

Social value may relate to a broad range of heritage places including indigenous places, historic places and landscapes. Johnston (1992) has defined social value as being the collective attachment to places that embody meanings that are important to a community. According to Walker (1998) social value can be correlated with the Australian Heritage Commission (AHC) Heritage Criterion G which states that places are '...significant because of strong or special associations with a community for social, cultural or spiritual reasons'. Social value may be experiential rather than physical. In Australia, for example, this is what we are talking about when we describe the way in which indigenous people are attached to places or, more generally, to land.

Social value has direct relevance in terms of the paradigm change referred to in Chapter 2. While in many ways this has been prompted by the recognition of indigenous Australians' attachment to places (for example, spiritual connections), social value is not confined to indigenous heritage and places. Indeed, it seems that when non-indigenous Australians protest about developments, they are not acting from a deeply scientific (whether 'natural' or 'cultural') viewpoint. Rather, it would seem that attachments to places are channelled through concerns about the survivability of particular species or biodiversity or archaeological sites (see also Greer & Henry 1996; Harrington in prep.). This may also have resonance for the assessment of natural heritage values.

In recent years, a number of heritage agencies and organisations (for example: the AHC, Australia ICOMOS, the National Trust of Australia) have put some effort into more closely defining what is 'social value' (e.g. Armstrong 1996; Johnston 1992, 1996; Prosser 1996; Walker 1996, 1998). There has, however, been less emphasis on the development of appropriate methodologies for determining how social values are best documented. One of the difficulties is that social value has little relevance to the disciplines from which heritage practitioners have thus far been drawn. These disciplines have traditionally been concerned with material evidence or 'fabric' and not with analysing contemporary culture and society. Initial attempts to define social value reflected this and were limited or problematic. For example, for some time it was thought adequate to assess the attitudes and values of the broader community by reference to organisations such as the National Trust. Given that such organisations have been an integral part of the heritage profession, this approach resulted in a predictable correlation between 'community' heritage values and

those of heritage professionals. The use of specific representative bodies to define community values has subsequently been tested and recent research has highlighted the discrepancy between broader community attitudes and those of specific interest groups (Snelling & Schapper 1993: 146). This is not to say that specific interest groups do not provide valuable insights into social value, rather that an understanding of social value can only come after the full set of stakeholders has been identified.

Because social values are held by communities, some emphasis has been placed on defining ways in which communities can be accessed for their views and social value defined in specific contexts (Johnston 1992; Walker 1998). One of the problems with social value to this point, however, is that while we are currently able to define *places* of social value, the nature of the attachment between groups and communities remains vague. It would seem that the investigation of this important heritage value has been undertaken, to some extent, in the absence of a methodology that is capable of producing reliable results. However, Armstrong (1996: 24) offers an approach which she states is based on 'phenomenological research':

Phenomenological research is distinguished by its focus on subjective experience, namely using people's unstructured descriptions of their lived experiences... Phenomenological research seeks to explicate the essence of human experience revealed through the use of natural language and conversation where phenomena 'speak for themselves'.

Armstrong uses the analytic framework of phenomenology in the analysis of her study of the social value of migrant heritage places. However, what she is essentially describing in the quotations above is the use of a particular methodology used in anthropological analysis – that is, the use of ethnographic technique.

The move to embrace social value can be seen as a consequence of a philosophical shift – the acceptance that the identification, assessment and management of heritage places is not only an 'expert' process, but one that needs to rely to a greater extent on community attitudes and approaches. As Johnston (1992: 3) states: '...we, as heritage professionals, may have lost touch with the sentiments that inspire community love of a place and therefore action for its protection'.

A further problem in the development of social value assessments has been that social value is often (erroneously) conflated with socio-economic value. While the former represents all of the ways in which a group or community are attached to places, the latter is the economic value of a place or activities carried out at a place. This confusion may have entered cultural heritage assessments from the natural heritage arena in which the social value of natural heritage places is often determined within economic parameters. It represents, however, a fundamental misunderstanding of the nature of heritage value and of culture: the complexity of beliefs, practices and ways of being in the world cannot be reduced to simple economics. While in some instances socio-economic value may be a component of social value, it will rarely (if ever) comprise the whole. The assessment of

social value in natural heritage assessments is equally as complex and may require a similar revision of methodologies and approaches.

Two recent case studies from southeastern Australia illustrate approaches that have incorporated the assessment of social value in cultural heritage assessments. The first demonstrates the important role that social value plays in gaining an understanding of cultural heritage values. The second takes this one step further and highlights the value of the ethnographic technique in understanding the social values which communities attach to places. A brief examination of these outlines some of the problems and challenges in the process.

3.2 The Regional Forestry Agreement Process, Victoria

The Regional Forestry Agreement Process in Victoria is a recent project that illustrates the challenges to be found in the assessment of social value. As one of the platforms of the project involved investigation of the cultural heritage values of an area with well-identified natural values, there is an obvious correlation with the current GBRMP/WHA project. It is a particularly valuable example in two ways: it highlights the blurred line between natural and cultural values, and it clearly shows the problems in attempting to apply processes that assess natural values to the assessment of cultural values. In addition, the findings of the project reinforce the validity of cultural landscape approaches, and reflect a number of the conceptual and analytic characteristics outlined in Chapter 4.

The Regional Forestry Agreement (RFA) Process is a major Australian Heritage Commission project, which has been ongoing since the early 1990s. The process 'is designed to comply with a range of Commonwealth and State statutory obligations in relation to the management of forests, including the identification of and provision of advice on the protection of national estate values required under the *Australian Heritage Commission Act 1975*' (Commonwealth & Victorian RFA Steering Committee 1999: 4). A number of consultancies to facilitate the RFA Process have been undertaken in Victoria, including several projects to assess social values associated with forests.

Forest assessments in Australia have historically involved the recognition of the *natural* values of forests. This has meant that issues to do with biophysical aspects of the natural environment have been usually addressed in greater detail than cultural heritage. Although the social value of forests has been neglected in the past, the assessment of national estate significance today includes 'social value' as a fundamental criteria. As an integral part of the Forestry Agreement Process, the AHC recognised that:

Historic places and historic landscapes were known to occur in forests but their importance for understanding environmental history was far from realised. Little information existed on the importance of forests for their aesthetic qualities, or for their social value to Aboriginal and local communities, although these are two of the key criteria used in assessing national estate significance. (AHC & DNRE 1994a: 2)

At the commencement of the project, it was found that most land managers involved with forestry issues acknowledged that social and aesthetic values were relevant to planning processes. In most cases, however, these values were loosely identified as being restricted to 'recreational potential' or 'scenic quality', reflecting the common interpretation of social value as a measure of use/economics, and the conception that aesthetic value related to fabulous views. This obviously showed a limited understanding of both social and aesthetic value.

As part of the process, the project consultants sought input from local communities (Aboriginal and other groups) who could provide information about a range of cultural values. Traditional patterns of forest use and local community heritage values were identified as primary foci for consideration (AHC & DNRE 1994b: 3).

An issue that arose early in the process was that the methodologies previously employed to assess natural values could not as easily be applied to the cultural environment (AHC & DNRE 1994a: 5). In particular it was noted that:

- The project boundaries were essentially administrative, and did not reflect any cultural variables, such as Aboriginal clan areas or the geographical extent of major historic themes.
- Human history could not be split simply into 'forest' and 'non-forest' categories – any attempt to do so would create an untenable and artificial distinction in the understanding of human processes.
- Many natural national estate values occur over extensive tracts of land – in contrast, cultural values are often related to small discrete entities or sites, which may reflect wider Aboriginal or historical landscapes. These discrete places can be linked at a conceptual level through models of human behaviour, history and land use.
- Significance assessment of the natural environment is usually undertaken by 'technical experts' – the identification and assessment of Aboriginal and other social values need to be carried out with extensive community participation.
- Cultural values are generally more vulnerable to damage than are natural values due to the lack of field staff with expertise to recognise and assess heritage places.

The identification of forest-related National Estate values was seen as only one of several components in a 'Comprehensive Regional Assessment'. The project involved a clear differentiation between the identification of cultural heritage value and studies relating to socio-economic issues. In the Victorian North-East Forestry Region, for example, the assessment of National Estate cultural values (Commonwealth & Victorian RFA Steering Committee 1999) was complemented by a separate social assessment study undertaken by a social planning research scientist (Commonwealth & Victorian RFA Steering Committee 1998). Both of these projects addressed 'social issues' and used common techniques, such as community workshops, in the collection of information.

It is obvious that the umbrella label, 'social assessment', covers a number of different types of investigation. It must be understood that these serve different purposes and employ different approaches: there is a clear differentiation between the two in terms of the types of social issues that are being engaged, the expertise employed, the intent of the research, the data obtained, the methodologies applied, and the potential application of the results. This distinction is important to maintain, within a framework that recognises that the various approaches are complementary, rather than competitive, methods of investigation. Socio-psychological and socio-economic investigations, for example, have a role to play in projects that require a specific set of data. This data, however, should not be confused with the type of information that informs social value in terms of cultural heritage matters.

Finally, there is a similarity between the GBRMP/WHA and the forestry process in terms of the existing knowledge of the biology of each entity. Both the Reef and the Victorian forests have an established and long history of biophysical research. This has resulted in a natural data-set and management regime that far exceeds an understanding of cultural heritage in either landscape. It is obvious, in both instances, that the knowledge of biophysical aspects has been acquired through numerous research projects over an extended period of time. It is unrealistic to expect that an understanding of cultural heritage in either landscape will be achieved without a similar expenditure of effort and resources.

In summary, the Australian Heritage Commission's forestry process has highlighted a number of issues that are relevant to the current study:

- The methodologies used to assess natural values cannot readily be applied to the assessment of cultural values.
- Social value is often poorly defined and misunderstood in the management context.
- It is imperative to identify and engage with all relevant community groups.
- The investigation of social value, as a component of cultural heritage value, requires different approaches and methodologies than a sociological or socio-economic study.

Although there is a considerable body of knowledge relating to natural values, much more work needs to be done to establish an equivalent understanding of cultural heritage values and attributes.

3.3 Ethnographic research techniques: the assessment of Traditional Practices in the World Heritage Area, Tasmania

Engaging with social value requires that we have some understanding of the way in which communities have attachment to places through the broad medium of culture. From this, attitudes and values in relation to these places can be extracted. Within the social sciences, it is the discipline of anthropology that

provides us with a methodology for defining such attachments. The usefulness of anthropological and ethnographic approaches in cultural heritage management is illustrated in a recent study in the Tasmanian World Heritage Area. This research was undertaken by an anthropologist and used in the formulation of the World Heritage Area Management Plan. As with the AHC Regional Forestry example, the Tasmanian work sought to identify the cultural values of an area with identified natural values. As the Tasmanian study addressed a world heritage area, there are obvious correlations with the challenges for cultural heritage management in the GBRWHA.

The aims of the Tasmanian project were as follows:

- To identify white Australian traditional practices in the World Heritage Area.
 - To assess the cultural significance of these practices.
 - To identify conservation priorities in the World Heritage Area.
 - To assess the main management issues affecting traditional use of the World Heritage Area.
 - To provide advice to achieve management objectives in the context of the World Heritage Area management plan review.
- (Knowles 1997: 11)

The Tasmanian work by Knowles ('Traditional Practices in the Tasmanian World Heritage Area: A case study of five communities and their attachment to the area') is analogous to the present study in several ways. The shared listing as world heritage areas implies that there are similar tiers of management concerns: international, national, state and local. Both areas have complex dimensions in relation to stakeholders: there is an involvement of both indigenous and non-indigenous people, and the use and practices associated with the area are inseparable from socio-economic parameters.

Land, and people's relationship to land, has been a central focus of anthropological work for several decades. Ethnographic investigation elicits information that allows a comprehensive understanding of the way people associate with an area or place. The 1990s, in particular, have seen the re-working and development of anthropological theory that addresses the land-people-culture relationship.

This has had particular relevance in approaches to the notion of 'landscape', with the fundamental understanding that landscape cannot be divorced from either culture or experience. Landscapes are comprised of place and space, and the relationship between place, self and identity is central to human existence. Landscapes are created by people through their actions, and are experientially conceived and known. A particular place, therefore, can signify multiple meanings and values (see Chapter 4).

The investigation of the Tasmanian World Heritage Area addressed this multiplicity of values and meanings by identifying separate 'communities of interest' and examining 'the use of tradition as a symbolic expression of the boundaries between different groups'. By taking tradition out of a purely historical perspective, it can be seen that people 'selectively use the past as a

resource for interpreting and planning actions in the present, and that the past is rewritten in terms of the actions in the present. It is through this process that traditions are created...not simply "invented" (Knowles 1997: 14).

In exploring tradition, the ritual elements of social life can also be addressed. The analysis of rituals has formed – and continues to form – an important component of anthropological research. In the understanding of ritual, emphasis is placed on the principle that ritual does not need to be associated with religion, it can be of a secular (non-religious) nature. Not only does ritual provide individuals and communities with social mechanisms for defining and reproducing a community, it also has the power to form traditions. As Knowles (1997: 16) explains:

The repetition in a ritual context of normal social practices takes them outside the realm of the mundane and provides fresh perceptions of the activities. This gives them new value and meaning which develops traditional significance through time...

Tourism, for example, has been interpreted as a 'ritual expression of deeply held values about health, freedom, nature and self improvement' (Graburn 1977, cited in Knowles 1997: 17). The ritualisation of the tourist experience can be seen to move the individual from an involvement in ordinary life, into a non-ordinary realm where a 'sacred-high' is experienced before 'coming down' (or back) and re-entering a normal, profane work-day world (Nash 1996).

Ethnographic research techniques employed in the Tasmanian study were directed at obtaining detailed qualitative information about the symbols and rituals that create an attachment to the World Heritage Area. There were strong imperatives to provide qualitative as well as quantitative results. These are discussed by Knowles in the report:

The emphasis on qualitative information derives from a recognition amongst anthropologists that questionnaires rarely provide information that is socially illuminating without a prior qualitative understanding of the social processes...Qualitative information can also provide the basis for understanding why questionnaire surveys may not be particularly useful. For example, my own field experience indicates that everyone I interviewed would agree with the statement that the environment should be conserved. But, an individuals understanding of the terms 'environment' and 'conserve' is socially based, and many of the people I interviewed would disagree with one another about what 'conserving the environment' means. They would all, however, agree that conserving the environment is important. (1997: 34)

and

Anthropologists do not seek to interview or survey large numbers of people in order to show that what they find is representative. This is not a suitable route by which to come to an understanding of culture. Anthropologists do seek out the pervasive mode of thought – through the actions and utterances, both verbal and written – of a group of people. This pathway leads to a deeper understanding of culture... (1997: 41).

Knowles' research allowed her to define the way in which various communities of interest – including local communities, bushwalkers, environmentalists and anglers – symbolise the land through their secular rituals. As a result, the bush is re-conceived as a symbolic assemblage, created by the various user communities. However, the conception of the bush extends beyond the symbolic:

...the bush contained in the World Heritage Area...is also an area where the meaning of the landscape is actively contested: it is the locus of tournaments of value that are played out in everyday practices. These tournaments of value are also part of the more public process of commenting on the management plan for the World Heritage Area. (Knowles 1997: 82)

The 'tournaments of values' identified in the Tasmanian study epitomise the conflict inherent in the management of a World Heritage Area. The ethnographic approach promotes greater understanding of these values and allows the development of management tools that can work towards the resolution of conflicts. For example:

- By defining tradition through the ritual, symbol and practice of a community, a focus is given to mechanisms rather than issues: an understanding of mechanisms can aid in the development of management plans that seek to be inclusive, consultative and proactive (Knowles 1997: 12).
- Managers and planners can recognise that traditions are dynamic and changing – this removes the necessity to seek the origin and history of a tradition (Knowles 1997: 14). As a result, relevance can be placed on current perspectives. From a management point of view, the implications are two-fold: by recognising that people construct their past in the present, tradition and culture are given a contemporary voice as 'heritage', which can be accessed using a range of social/cultural investigations. In addition, it must be acknowledged that any management system must itself be dynamic – over time, people change the way they think and, in this context, cultural landscapes will also change.
- The focus on communities and the symbolism of places may allow the identification of 1) spatially specific practices, and 2) practices that can be undertaken anywhere (Knowles 1997: 15). This has implications in terms of identifying 'traditional practice zones' and formulating policy for future use of specific areas.
- A crucial element of cultural heritage management is its 'cultural appropriateness' or 'fit' with social values and practices. This includes public involvement procedures and processes, interpretation, and the actions of agency officers. This can be best achieved through an understanding of community goals and value systems, religious practices and other lifeways (Crespi 1987).

The use of ethnography as a tool in cultural heritage management has an established history in the United States, where it has been used for over a decade in park management. The National Park Service (NPS), for example, has noted that:

...ethnography provides descriptive and analytic windows on the natural and cultural resources under NPS management, yielding information for culturally-appropriate public involvement, interpretation, management and planning programs...natural and cultural features are viewed categorically as ethnographic resources; that is, park resources with traditional subsistence, sacred ceremonial or religious, residential or other cultural meaning for members of *contemporary* park-associated ethnic groups...Understanding the cultural meaning and uses of resources, natural and cultural, will facilitate assessment of NPS effects on traditional use patterns...Ethnography, as a component of Social Impact Assessments – the major assessment method and process – yields data on otherwise undetectable community perceptions and dynamics that can block, rather than support the best intentioned plans. By also revealing the rational basis for community responses, ethnography produces data needed for correcting plans so they are more culturally appropriate and locally acceptable. (Crespi 1987)

The NPS approaches, similar to those taken by Knowles in the Tasmanian context, can enhance an understanding of community goals, value systems, religious practices and other lifeways. In particular, there is an understanding that landscapes and other cultural and natural resources not only encode but also reflect local values and perspectives – and that appropriate identification, evaluation and interpretation is predicated on gaining an insight into these values and perceptions.

In addition, ethnographic approaches can be used to provide valuable information that is not normally obtained in the course of a social impact assessment. The distinction between the two is discussed by Liebow (1987) in a comparison of social impact assessments and ethnographic research. The former is seen to concentrate on predictions of likely project-related changes in community and regional material resources, subsistence base, social organisation and the well-being of members of the community. Ethnographic research, on the other hand, can provide a systematic account of the contemporary and historical forces that shape specific communities (their natural and material resources in particular), social organisation and the pattern of beliefs, practices, attitudes and values. One advantage of using ethnographic research is the capacity to evaluate the significance of potential community changes within a much broader context. A second is the increase in credibility attributed by the community to management decisions based on the ethnographic research; that is, the process is seen to be more inclusive and comprehensive.

It is becoming increasingly evident that cultural heritage management is greatly enhanced by the inclusion of anthropological approaches. The discipline of anthropology is based on investigations that seek to understand social/cultural values and meanings. The value of incorporating such approaches in cultural heritage research, and the contribution of ethnographic data to the development of management programs is clearly evident in the Tasmanian Wilderness Area study. More particularly, anthropological investigation within the GBRMP and WHA has been valuably applied in research undertaken to resolve specific permit issues (see Chapter 6). As an anthropologist undertaking research relating to issues arising from a particular permit application notes: ‘...the ethnographic method offers the best chance of identifying the values of others or

assessing the impacts upon them' (Heijm 1998: 27). In addition, there is a strong argument that the identification of cultural and heritage values in the Victorian Regional Forestry Agreement would have been more comprehensive if the research methodology had incorporated ethnographic approaches.

There are obvious precedents for including ethnographic approaches to inform social and other cultural values and such methods would be advantageously employed in future investigations of cultural heritage values in the GBRMP and WHA. As with other disciplines, anthropological research embraces a specific set of theory and practice and consequently should only be undertaken by those with the appropriate qualifications and experience.

4.0 CULTURAL LANDSCAPES AND CULTURAL HERITAGE VALUES

4.1 Background and Definition

The notion of cultural landscapes was initially coined within the discipline of geography (Sauer 1925); however, its utilisation as a conceptual and analytical tool found ready acceptance in other disciplines explicitly or implicitly concerned with the nature of human activity and its relationship to place and space. However, while the substantial discipline-specific literature is eloquent on the conceptualisation and description of cultural landscapes, it is less vocal on the research methods and strategies by which cultural landscapes might be identified, documented and described. Within cultural heritage management, the literature is even smaller and often conflates cultural landscapes approaches with the regional mapping of heritage places.

Although the term itself has been widely adopted, cultural landscapes have been so variously defined and employed that the term itself has become as difficult to characterise as the landscapes with which it is concerned. However, its lack of definition may be one of its greatest strengths, for if landscape is a 'usefully ambiguous concept' (Gosden & Pavlides 1994) it is so because it is multi-disciplinary and encompasses a broad range of interests, foci and concerns. It is beyond the scope of this report to summarise adequately the extensive literature relating to cultural landscapes, although a comprehensive review would be both timely and desirable in future research objectives. Rather, this report seeks to highlight some of the conceptual frameworks and research approaches that not only offer a justification for the continued development of a landscape approach in heritage research, but which demonstrate its considerable utility as a framework for the development of management strategies.

Early considerations of cultural landscapes were predicated upon an apparent distinction between 'natural' and 'cultural' landscapes. For many geographers, landscapes are constructed of elements that can be categorised as either 'distinctly natural', forests and streams for example, or 'man-made', for example structures or disturbances such as buildings or areas of soil erosion arising from farming activities (David & Browne 1993). A cultural landscape, in this view, is comprised of a measurable ratio of natural and cultural things or fabrics. Further to this basic distinction is an underlying premise that cultural parts of the landscape are those parts of the natural landscape that have been altered, impacted upon, damaged or destroyed by people. The management of cultural landscapes so defined is therefore based on a need to reduce, mitigate or prohibit the perceived adverse impacts of people on the natural landscape consistent with the health and sustainability of the natural landscape and the requirements of its human populations. To some extent the natural and cultural parts of these kinds of landscapes act in opposition to each other, so that the cultural/natural divide is in some measure characterised by wild/tamed, pristine/polluted, organic/inorganic, beneficial/detrimental oppositions.

This binary view of cultural landscapes informed the ecological paradigm within archaeology from which CRM developed. This paradigm placed fragmentary archaeological evidence into an environmental framework and explained process and change in terms of the opportunities and constraints imposed on human actions by environmental variables. Recently, anthropological evidence in particular has challenged the binary view which treats natural and cultural landscapes as separate entities. Indeed, there is significant support for a view that sees 'cultural landscape' as a tautology, this stance claiming instead that all landscapes are culturally constructed.

The simplistic binary view of landscape is becoming increasingly untenable, both as a conceptual tool and as a concept underpinning management regimes. In supporting Meinig's claim that 'the idea of landscape runs counter to recognition of any simple binary relationship between man and nature', Ingold (1993: 154) makes clear that the landscape is neither identical to nature nor is landscape 'on the side of humanity *against* nature'. Indeed as 'the familiar domain of our dwelling, it is *with* us, not *against* us... And through living in it, the landscape becomes a part of us, just as we are a part of it'.

Ingold's work is representative of a trend, particularly in the 1980s and 1990s, by anthropologists and archaeologists (the latter often informed by the work of the former) to problematise the notion of landscape by theorising it in new ways. Land, and people's relationship to land and its resources, has always constituted a central focus of anthropological and archaeological research. But land and landscape are not necessarily synonyms, for as Ingold (1993) has observed:

You can ask of land, as of weight, how much there is, but not what it is like. But where land is thus quantitative and homogenous, the landscape is qualitative and heterogeneous... Thus at any particular moment, you can ask of a landscape what it is like, but not how much of it there is. For the landscape is a plenum, there are no holes in it that remain to be filled in, so that every infill is in reality a reworking.

The essential difference between 'land' and 'landscape' is that the latter is a result of human action, feelings, values and perceptions. As such, an understanding of landscapes requires methods and techniques that facilitate analyses that go beyond the most obvious ways (e.g. economic) in which people associate with these tracts of land.

4.2 Cultural Landscape as an analytical tool

'Cultural landscape', or simply 'landscape', has found increasing favour within a number of social science disciplines as an analytical and conceptual tool. In archaeology, dissatisfaction with the notion of 'site' as a unit of identification and measurement stemmed from an acknowledgment that the use of 'sites' as analytical categories merely reflected a necessity of archaeological excavation methodology (e.g. Dunnell & Dancey 1981). 'Sites', although indicating greater or lesser degrees of spatially intensive human activity, were places defined by the excavation strategies of archaeology. They did not, however, reflect the

complexity of human actions away from 'sites' nor did they provide an analytical framework that could adequately investigate the dynamic relationships between 'sites'. Site distribution maps had an inherent tendency to present human activity as being largely restricted to identifiable nodes of activities, indicated by physical remains, surrounded by large expanses of empty space. As the 'empty space' often showed obvious topographical features such as rivers, lakes, mountains and valleys, these mapping exercises served to implicitly accede to natural/cultural divisions of landscapes. More importantly, they also implied that the 'empty spaces' were either devoid of *significant* human activity or were areas where archaeological materials were absent and about which the interpretive tools of archaeology could tell us little.

A focus on 'sites' as units of investigation and analysis is therefore only useful in the investigation of the internal dynamics of *archaeologically* defined places. However, it is extremely limited when defining the dynamics of *culturally* defined *groups* and the ways in which they construct, experience and use places and spaces. Similarly, other social science disciplines that use cultural landscapes are essentially mapping their own disciplinary concerns. Historians and historical archaeologists use documents and physical remains to represent the landscapes of a particular point in time. None of these disciplines can, however, provide insights into the ways in which groups are attached to places in the contemporary context. However, as is discussed in Chapter 3, the discipline of anthropology has established methodologies for investigating this attachment.

Although earlier approaches have been under-equipped to investigate the 'empty spaces', such areas were likely to have been of importance and significance in the past and require interpretations that account for them. The oft-quoted adage that 'the absence of evidence is not necessarily evidence of absence' is nowhere more appropriate than in the investigation of landscapes; indeed apparent absence is important evidence in its own right and requires explanation.

4.3 Seascapes

The concept of 'cultural landscape' is most commonly applied to terrestrial environments. However, there has been only limited development of the notion of 'cultural seascape': that is, the way in which people conceive of and interact with marine areas.

A number of studies of island-based cultural groups, both in the Pacific and Torres Strait (see for example Fitzpatrick-Nietschmann 1980, Fuary 1991) suggests that these peoples do not perceive a discontinuity between the land and sea. Areas of water, which can sometimes be associated with underlying reef complexes, are 'owned' and named, as are the rights to use those areas for fishing, shell collecting and so on. Further, a seascape is not tied to submarine topography or resources as it may also include knowledge of currents, tides, hazards, seasonal conditions or the routes travelled by humans or supernatural beings, as well as places of historic, social or religious significance.

The seascape concept is usually understood in the context of indigenous groups, both past and present. Customary rights ('sea rights') have been increasingly recognised and accommodated in the management of protected sea areas. However, the concept of seascape is also relevant to non-indigenous peoples, and unfortunately this has been neglected to date. Maritime archaeology, for example, has usually approached shipwrecks as individual sites of technological, archaeological and historical interest. Even when regional surveys have been conducted, these have generally been evaluations of the wreck resource within an area. Studies that have attempted more than this, have tended to revolve around spatial patterning as a means of determining former uses of areas of water (e.g. Kenderdine 1994).

Most shipwrecks involved vessels that were en-route and usually engaged in some form of commercial or recreational activity. In these instances, those in charge of the vessels were operating according to an understanding of the seascape. This engagement with aspects of the seascape would include factors such as:

- favourable winds and currents
- hazard avoidance (whether rocks, currents, proximity to shore)
- essential navigation points, such as passages through reefs
- use of designated or recognised routes or 'sealanes' (which are analogous with terrestrial 'routes'), including re-supply points etc.
- threats from other seascape users, owners, etc. (e.g. pirates, territorial boundaries)
- statutory regulations
- personal preferences
- belief systems.

Ships and boats can be conceived as a primary mode of using or moving through a seascape (along with modes such as swimming and wading). They are generally directed with a purpose, based on an understanding of the nature and meaning of the seascape. Shipwrecks are the product of either inadequate understanding of potential hazards within the seascape, and/or the vagaries of environmental conditions, such as storms. At one level of interpretation, shipwrecks can indicate past use of and interaction with a seascape, as well as the evolution of an understanding of seascape.

Additional factors that may alter or affect the pattern of a wreck site include the following:

- Increased understanding of a seascape, such as the marking of sealanes or channels, will certainly diminish the likelihood of a vessel falling foul of hazards. Navigation devices, such as lighthouses, beacons and channel markers, provide further definition to the seascape and a reduction in hazards. It is likely that this altered understanding of the seascape will be reflected in the pattern of wrecking.

- There will also be variation over time due to changes in technology and the enhancement of navigational ability and speed. For instance, a powered vessel may have certain advantages over a wind-driven ship when it comes to positioning itself for entry through a channel in the reef. A related factor is the size/tonnage/displacement/keel-depth of vessels.
- Recreational small-boat users tend to exhibit patterns of use and levels of understanding (e.g. favourite 'fishing spots' on the reef). However, the patterns of small boat wrecking, because of the differences in size and capability, is likely to differ markedly from that of larger sail or engine driven vessels.

There are a variety of activities, both commercial and recreational, which might draw people and vessels to particular areas: for example, fishing, shell collecting, beche de mer and pearling industries. These contribute to the creation and understanding of the seascape. In addition, there is likely to be individual and collective lore about the nature of the seascape and some of the factors noted above, including knowledge of historical incidents and religious or superstitious considerations. There will also be a range of other understandings of the cultural and natural environment that will impact upon the conceptual construction of a seascape.

However, as with cultural landscapes, the seascape is by no means static over time. The appearance and disappearance of nodal points – such as ports, harbours, fishing grounds, or areas with spiritual attachment – will invariably alter the way people use and understand an area. This may be largely based on the nature of terrestrial settlement and activities. Similarly, the understanding of the seascape will change over time, based on continued practice and use.

4.4 Cultural landscapes and heritage management

The conceptual and analytical advances that have been made in landscape studies have a number of important implications for cultural heritage management. Irrespective of disciplinary research biases, landscape studies acknowledge many commonalities. These include the fundamental premises that:

- The division of landscapes into natural and cultural categories oversimplifies the complex relationships of people with their environment.
- Cultural landscapes encompass both terrestrial and marine environments.
- Cultural landscapes are constructed by values and other cultural factors that are difficult to categorise, measure or bound.
- Cultural landscapes are dynamic entities, differently and simultaneously created and experienced by different stakeholders.
- Cultural landscapes may be differently constructed by stakeholders for different purposes, and constructions are likely to change through time.

- Conflicts in the construction of cultural landscapes are to be expected and the resolution of these conflicts is dependent upon a detailed understanding of the manner in which landscapes have been constructed.
- Cultural landscape construction often acknowledges the 'shared' nature of the landscape.
- Landscape values can be independent of group ownership, direct usage or even visitation of the landscape itself.
- The relationship between people and landscapes cannot be established by extrapolating from the specifics of relationships between particular people and places as these relationships are inherently unique.
- A cultural landscape is comprised not of collections of bounded places (or sites) but is a complex system of places, spaces, values, emotions etc.
- Cultural landscapes do not operate as closed systems.
- The investigation and management of cultural landscapes requires a multi-disciplinary approach and must include the further development and refinement of conceptual, methodological and analytical approaches.

The overarching appeal of a cultural landscape vision of cultural heritage is that it is a framework that acknowledges the complexity of the fabrics and values that require integration into planning and management processes and protocols. This approach, therefore, favours a holistic approach to heritage over a 'piecemeal' approach that privileges the importance of landscape components over its totality.

By focussing on landscapes rather than individual sites or places (especially as 'representative' sites or places) the extremely powerful, and currently under-utilised potential of geographic information systems (GIS) can be harnessed. This technique should not be seen merely as a means of displaying and mapping places for management purposes. Rather, there are also considerable potential benefits for stakeholders. For example:

- GIS systems have the capacity to map data that is spatially referenced.
- The continuing development of GIS software has seen an increased ability of this technology to deal with the problems of mapping entities with poorly defined boundaries.
- As this is the case, GIS systems are becoming increasingly able to 'map' and analyse abstractions (such as heritage values) as well as physical entities.
- Through their 'layering' technology the mapping of overlapping or congruent landscapes can be effectively achieved and perhaps best represents the palimpsest concept of different attachments to places.
- GIS systems, as analytical tools, are designed to effect the manipulation of regional rather than nodal datasets (i.e. groups of places and/or spaces as systems).
- Datasets based on value types can be mapped, analysed and manipulated as abstractions. This reduces the necessity to compromise

the ownership of or access to specific information by which the values are defined and maintained. This is of critical importance to communities where the divulgence of restricted information compromises or threatens the identities or values that information supports or demonstrates.

- GIS systems can integrate, or do not need to distinguish between, 'cultural' and 'natural' components of the landscape.

The use of GIS in mapping cultural and social values is the subject of a new task being undertaken by the authors within the CRC Reef. It is anticipated that the cultural landscapes approach, combined with the mapping and interpretive abilities of GIS, will have significant outcomes for the management of cultural heritage within the GBRWHA and MP.

5.0 HERITAGE CONVENTIONS, CHARTERS AND LEGISLATION

5.1 Overview

The intent of this chapter is to collate and briefly comment on the current documents and legislation that may have relevance to cultural heritage issues in the GBRWHA and GBRMP. It must be noted that a number of these are under review and that subsequent changes may have relevance to the future management of cultural heritage in the WHA/MP. Consequently, it would be expected that future cultural heritage management protocols be formulated in line with reference to legislation as it stands at that time. The following, therefore, should not be considered as a definitive work on legislative matters. Neither should it be treated as a representation of formal legal opinion.

Lucas et al. (1997) has already recognised the complexity of agency jurisdiction and responsibility in the GBRMP and GBRWHA. At the national level, 20 Commonwealth and State bodies have an interest under more than 60 pieces of legislation. Obviously not all of these have relevance to cultural heritage; however, the complexity involved in the overlapping of Commonwealth and State interests applies across the full panoply of management situations. It is, therefore, equally embedded in jurisdictions and responsibilities relating to cultural heritage. For example:

In the case of the Great Barrier Reef Marine Park, the Commonwealth has jurisdiction. In the case of the Queensland owned islands, the Queensland Government has jurisdiction. In addition, the Commonwealth has international obligations under the World Heritage Convention and may therefore assert some jurisdiction over Queensland territories that are included within the Great Barrier Reef World Heritage Area. (Lucas et al. 1997: 38)

In some instances, these roles have been incorporated within the legislation establishing the functions of GBRMPA (*Great Barrier Reef Marine Park Act 1975*), ceding to it what were formerly the roles of other State and Commonwealth bodies. In addition, a number of agreements for day-to-day management and several formal Memoranda of Understanding (MoU) are in place between State and Commonwealth agencies. The implications of these to cultural heritage issues are discussed in the following sections of this chapter.

There are certain expectations and obligations implicit in the following conventions, charters and pieces of legislation which have implications for GBRMPA as a Commonwealth agency and as the managing authority for the GBRWHA and MP. While legislation provides the legal framework for management, it is only one of several tools in the suite of cultural heritage management practices. In relation to this, the philosophical basis for protecting cultural heritage values is more usually found within a range of conventions and charters.

5.2 International Agreements

The UNESCO World Heritage Convention

The *Convention Concerning the Protection of the World Cultural and Natural Heritage* (the World Heritage Convention) was adopted by UNESCO in 1972. Its aim is to promote co-operation among nations to identify and protect natural and cultural heritage that is of outstanding universal value, the conservation of which is of concern to all people. The Convention has been signed by more than 150 States Parties. In signing the Convention, each country pledges to conserve those sites situated in its territory, some of which may be recognised as World Heritage. Australia was one of the first countries to ratify the Convention, becoming a State Party to the Convention in 1974.

The Convention is administered by the World Heritage Committee, based in Paris, which consists of representatives from 21 States Parties, elected by the General Assembly of the States Parties to the Convention. The Committee is assisted in the selection of new cultural sites by the International Council on Monuments and Sites (ICOMOS) and of new natural sites by the World Conservation Union (IUCN). These bodies are responsible for the expert evaluation of each nomination proposal.

The inscription of the Great Barrier Reef on the World Heritage List was approved on 30 October 1981 at the Fifth Session meeting of the World Heritage Committee in Sydney (Valentine et al. 1996).

The nomination document included both natural and cultural heritage criteria, although the primary argument was on the grounds of satisfying natural heritage criteria. The nomination document (GBRMPA 1981) is brief by today's standards, but was not anomalous for its time. The following statement was provided under Point 5 'Justification for inclusion on the World Heritage List':

The Great Barrier Reef is by far the largest single collection of coral reefs in the world. Biologically the Great Barrier Reef supports the most diverse ecosystem known to man. Its enormous diversity is thought to reflect the maturity of an ecosystem which has evolved over millions of years on the north east Continental Shelf of Australia. The Great Barrier Reef provides some of the most spectacular scenery on earth and is of exceptional natural beauty. The Great Barrier Reef provides major feeding grounds for large populations of the endangered species *Dugong dugon* and contains nesting grounds of world significance for the endangered turtle species green turtle (*Chelonia mydas*) and loggerhead turtle (*Caretta caretta*). The Great Barrier Reef thus meets all four criteria set out in Article 2 of the World Heritage convention:

Being an outstanding example representing a major stage of the earth's evolutionary history;

Being an outstanding example representing significant ongoing geological processes, biological evolution and man's interaction with his natural environment;

Containing unique, rare and superlative natural phenomena, formations and features and

areas of exceptional natural beauty; and

Providing habitats where populations of rare and endangered species and plants and animals still survive.

The area nominated is of outstanding universal value on the basis of its natural heritage and in recognition of this governments have acted, and will continue to act, to preserve these features. The area nominated also meets the condition of integrity in that it includes the areas of the sea adjacent to the Reef. The area of this nomination contains many middens and other archaeological sites of Aboriginal or Torres Strait Islander origin. There are over 30 historic shipwrecks in the area, and on the islands there are ruins and operating lighthouses which are of cultural and historical significance. (GBRMPA 1981: 5-6)

While the nomination itself included only a limited discussion of cultural heritage, additional information was provided in Appendix 1. This states that:

The Great Barrier Reef, and in particular, the northern sector, is important in the history and culture of the Aboriginal groups of the coastal areas of north-east Australia. The Great Barrier Reef has received little systematic archaeological study but it is known that there are large, important Aboriginal or Torres Strait Islander sites on a number of the islands. Some notable examples occur on Lizard and Hinchinbrook Islands, and on Stanley, Cliff and Clack Islands in the vicinity of Cape Melville, where there are spectacular galleries of rock paintings.

About 30 wrecks of historic importance are known to exist in the Great Barrier Reef Area. One of the earliest, the wreck of HMS 'Pandora' dates from 1791 and lies near the reef in the northern sector to which it gave its name. In the central sector is the well-preserved wreck of the coastal vessel SS 'Yongala' which sank with the loss of 122 passengers and crew members during a cyclone in April 1911.

The hazards of navigation in the Great Barrier Reef resulted in the construction of a large number of lighthouses, some of which have particular historical importance. The Raine Island lighthouse, constructed by convict labour in 1844 under the direction of Captain Blackwood of HMS 'Fly', is now derelict but has been listed by the National Trust of Queensland. The lighthouses at Lady Elliott Island (built in 1866) and North Reef Island (1878) still operate and are fine examples of nineteenth century riveted steel plate construction. (GBRMPA 1981: 16)

Lucas et al. (1997: 77) has noted that commitments to the UNESCO World Heritage Convention oblige the Australian Government to protect places of 'outstanding universal value' within world heritage areas. However the Convention also acknowledges a more general 'duty of care' in relation to all aspects of natural and cultural heritage. For example, Article 4 of the Convention states that:

Each State Party to this convention recognises that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State.

Lucas et al. (1997: 20) argues that the Convention applies to a World Heritage Area in its entirety and not just to those features that have been identified as having universal value. Although these features may have been 'singled out' to justify the inclusion of a property on the World Heritage list, the World Heritage

duty extends across the whole property. They state that there are numerous examples of World Heritage Areas inscribed solely for natural criteria, but which also have significant cultural values either specifically identified in their nominations or acknowledged in management documents. Therefore, while the GBRWHA inscription was primarily based on natural values, it can be argued that the Commonwealth also has an obligation to manage cultural heritage values. As GBRMPA is the agency responsible for the management of the WHA, it is logical to assume that such 'duty of care' obligations must be considered as part of its managerial ambit.

In addition, Article 5 of the Convention outlines the nature of these obligations on State parties:

To adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programs;

To set within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;

To develop scientific and technical studies and research to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage;

To take the appropriate legal, scientific, technical administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage.

The implication of Article 5 is that State parties must adopt a range of policies and managerial options based on significant programs of research for both natural and cultural heritage values. Article 29(1) stipulates the reporting requirements of State parties in relation to '...information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field'. While Lucas et. al (1997) demonstrates that significant research has been undertaken in relation to natural heritage values, one of the purposes of this report is to review the current state of research into cultural heritage values (see Chapter 8).

The Convention also contains a 'wildcard' caveat in the form of Article 12:

The fact that a property belonging to the cultural or natural heritage has not been included in either of the two lists mentioned in paragraphs 2 and 4 of Article 11 [the 'World Heritage List' and the 'list of World Heritage in danger'] shall in no way be construed to mean that it does not have an outstanding universal value for purposes other than those resulting from inclusion in these lists.

This has been interpreted in Lucas et al. (1997: 19) to mean that 'a State Party is bound by a duty to identify, protect, conserve, present and transmit to future generations all of their properties that are of outstanding universal value, regardless of their inscription on the World Heritage List'. This caveat applies to those elements of natural and cultural heritage that may exist but which have not yet been identified. Although it is argued above (Chapter 1) that the Lucas et al.

recommendation for renomination as a cultural landscape is premature – as our knowledge of the cultural heritage values of the GBRWHA is inadequate to support this recommendation – it may well be that the cultural heritage values of the GBRWHA *do* contribute to the outstanding universal value of the GBR. This, surely, presupposes an obligation on behalf of GBRMPA to determine what those values are, through the implementation of ongoing programs of research that are focused on the identification and assessment of *all* heritage values within the WHA.

Finally, the inscription of the GBRWHA occurred nearly two decades ago. Heritage values are dynamic in nature and during this period, there have been a number of changes in the way in which they are perceived and, while still limited, our knowledge of such places within the WHA has increased. Chapter 2 of this report describes the fundamental changes in the way in which cultural heritage has been conceived of and constructed in this period. Many of these are reflected in changes in the operation and focus of the World Heritage Convention (see Lucas et al. 1997). In relation to this report the following are of note:

1. Public involvement in the management of World Heritage has increased, particularly in relation to World Heritage Areas associated with indigenous peoples.
2. Nomination assessment has become more rigorous and criteria for nomination were reviewed and amended in 1992. In terms of cultural heritage, this review extended the concept of ‘landscapes’ to recognise the role of hunter-gatherer societies in creating and maintaining landscapes and to acknowledge the ongoing relationship between indigenous peoples and landscapes.
3. The World Heritage Committee is now placing greater emphasis on *active* management of world heritage values. This has been given particular emphasis in the region with the development of UNESCO’s LEAP Programs (Integrated Community Development and Cultural Heritage Site Preservation in Asia and the Pacific Through Local Effort).

Although the obligations on States Parties under the articles cited above appear to have been variously interpreted, it is clear that the intent of the World Heritage Convention is to support best practice and the responsible management of all heritage values. This can only be achieved within the GBRMP and WHA through a program of comprehensive research that includes the assessment of cultural heritage values and that acknowledges the close relationship between natural and cultural heritage. Given this, it is reasonable to suggest that a reappraisal of the range and scope of cultural heritage values represented in the nomination document is timely and that a review of the managerial obligations and practices in relation to cultural heritage in the GBRWHA is necessary.

United Nations Draft Declaration on the Rights of Indigenous People

Representatives of Australian indigenous organisations have participated in the Working Group on Indigenous Populations that prepared the draft declaration for submission to the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities. The draft was adopted by the sub-commission in 1994 and has been submitted to the United Nations Commission on Human Rights. The declaration is indicative of emerging international norms in the field of the rights of indigenous people, and there are several clauses in Part III of the document that have application for the protection of cultural and heritage values:

Article 12:

Indigenous peoples have the right to practise and revitalise their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literatures, as well as the right to the restitution of cultural, intellectual, religious and spiritual property taken without their free and informed consent or in violation of their laws, traditions and customs.

Article 13:

Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of ceremonial objects; and the right to the repatriation of human remains. (Office of the UN High Commissioner for Human Rights 1997)

This declaration is currently in draft form however it has United Nations recognition and it presents indigenous Australian perspectives. The draft declaration underscores the need to address 'social' values in the management of indigenous cultural heritage.

The ICOMOS Burra Charter

Although the Burra Charter is an Australian document, it is an adaptation by Australia ICOMOS of the earlier, international ICOMOS Venice Charter. The Burra Charter provides the framework that defines heritage in Australia and details Australian heritage management standards. The Burra Charter has been discussed in some detail in Chapter 2.

5.3 Commonwealth legislation (see Table 1)

World Heritage Properties Conservation Act 1983

This Act was superseded in July 2000 by the *Environment Protection and Biodiversity Conservation Act 1999*.

Environment Protection and Biodiversity Conservation Act 1999

This act came into force on 16 July 2000 and replaced a number of pieces of Commonwealth legislation, including the *World Heritage Properties Conservation Act of 1983* which was, internationally, the first piece of legislation specifically intended to protect properties of World Heritage value. The only other country to have enacted such legislation is South Africa.

The objects of the Act are as follows (Environment Australia 1999b):

- To provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;
- To promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;
- To promote the conservation of biodiversity;
- To promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples;
- To assist in the co-operative implementation of Australia's international environmental responsibilities;
- To recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity;
- To promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in co-operation with, the owners of the knowledge.

The new Act is seen to improve the level of protection and management offered to World Heritage Properties. The World Heritage Properties Conservation Act was found to be deficient in that it operated only as a 'last resort' mechanism, and applied only when a special proclamation was made. It did not provide for environmental impact assessment of actions within World Heritage areas, it did not allow conditions to be imposed on activities, and it was not an offence to damage a World Heritage property. On the other hand, the Environment Protection and Biodiversity Conservation (EPBC) Act introduces up-front protection for World Heritage properties. Under the EPBC Act:

- all actions which are likely to have a significant impact on World Heritage properties will be subject to an environmental assessment and approval regime (either under the process established by the EPBC Act or an accredited State process);
- damaging a world heritage property may attract a significant fine or, in extreme cases, a jail term;
- the Commonwealth Environment Minister can impose conditions on activities which are likely to adversely affect World Heritage properties;
- the Commonwealth must seek to prepare management plans in co-operation with State governments. (Environment Australia 1999c)

Although it is clear that the Act will protect the natural or cultural World Heritage values of a World Heritage Property (that is, those values that are of outstanding universal importance), it is not immediately clear what protection this Act will provide to cultural heritage values if they are not considered to contribute to the World Heritage values of that Property. In fact, the Act has

been criticised for an obvious bias towards the protection of natural values, which is clearly evident in the objectives of the Act (listed above). Concern has been expressed by ICOMOS and other heritage groups, who opposed the legislation on the grounds that it relegated cultural values in heritage sites to minor significance, implying that cultural heritage was no more than a sub-set of natural heritage (Logan 2000).

In terms of the issues relevant to the current discussion, however, Schedule 5 of the EPBC Act 1999 Regulations (Australian World Heritage management principles) does provide some relevant guidelines, notably 1.02–1.04, which indicate the need to identify and include stakeholders in the ongoing management of a World Heritage property, and 2.02(f) which reinforces the need to integrate all levels of government responsibility:

- 1.02 The management should provide for public consultation on decisions and actions that may have a significant impact on the property.
- 1.03 The management should make special provision, if appropriate, for the involvement in managing the property of people who:
 - (a) have a particular interest in the property; and
 - (b) may be affected by the management of the property.
- 1.04 The management should provide for continuing community and technical input in managing the property.

and

- 2.02 A management plan for a declared World Heritage property should:
 - (f) promote the integration of Commonwealth, State or Territory and local government responsibilities for the property.

(See also discussion of *Australian Heritage Commission Act 1975* below)

Australian Heritage Commission Act (1975)

Proposed Commonwealth Government changes will affect both this Act and the status of the Australian Heritage Commission. However, as these changes are yet to be introduced, an overview is provided of the legislation in its current form, followed by a brief discussion of the proposed changes.

The Commonwealth Australian Heritage Commission Act established the Australian Heritage Commission and provides for protection of cultural and natural sites of significance to Australians. The Australian Heritage Commission maintains the Register of the National Estate (RNE), which lists significant sites of the natural and cultural environments.

Assessment of nominations is undertaken using formal criteria that were included in the Act in 1990. The general purpose of the register is to 'alert and educate all Australians to the existence of places of National Estate significance, and to provide an essential reference and a working tool for balancing conservation and development decisions' (Pearson & Sullivan 1995: 48–9). Protection under the Australian Heritage Commission Act is only enforceable, however, where the

place in question is on Commonwealth property or is affected by actions of the Australian government. This obliges GBRMPA to protect the values of heritage places within the GBRMP and WHA that are listed on the RNE and that could be impacted by activities managed by the Authority. Listing on the RNE has no direct legal constraint on owners of private property, or on State or local governments.

Under planned Commonwealth changes the Australian Heritage Commission Act will be superseded by amendments to the EPBC Act. Under a major reform of Commonwealth Government heritage protection, a Bill will be introduced into the Spring Session of Parliament to amend the EPBC Act to include measures to identify, conserve and protect places of national heritage significance. One aim of the changes is to shift the emphasis from 'places of significance' to places of 'truly national' heritage significance. In addition, legislative changes are proposed that will establish the Australian Heritage Council, as a successor to the current Australian Heritage Commission (Environment Australia 2000).

Under the new arrangements, a national heritage list will be established. It is proposed that listed places will be protected by the Commonwealth, within its constitutional power, and that additional protection regimes will be established through agreements with the States.

In addition, the Bill to amend the EPBC Act will provide for the implementation of a list of heritage places managed or owned by the Commonwealth. This will require Commonwealth agencies that control heritage places to identify and manage the heritage values of these places. In line with this, each agency will be required to develop a heritage property inventory (Environment Australia 2000). It would appear, therefore, that there will be potential implications for GBRMPA in terms of the identification and protection of both natural and cultural values under the Commonwealth Heritage List as well as the National List.

Aboriginal and Torres Strait Islander Heritage Protection Act (1984)

The Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act deals with Aboriginal cultural property in a wide sense. Cultural property includes any places, objects and folklore that 'are of particular significance to Aboriginals in accordance with Aboriginal tradition'. There is no cut-off date and the Act may apply to contemporary Aboriginal cultural property as well as ancient sites. The Act takes precedence over State cultural heritage legislation where there is conflict or if it can be established that the State is incapable of protecting a particular heritage place. In most cases, indigenous heritage places registered under State legislation will also be subject to the provisions of the Commonwealth act. At the time of writing, this legislation is under review, with possible implications for the operation of Queensland State legislation that protects Aboriginal and Torres Strait Islander heritage. For example, it is proposed that the new Commonwealth Act will devolve most of the power currently vested in the Commonwealth to the States. This will require the States to draft new cultural heritage legislation that meets accreditation standards set

out in the Commonwealth Act – see discussion below of the Queensland *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987*.

Native Title Act 1993

The Native Title Act 1993 provided for the establishment of the National Native Title Tribunal and sets out processes for the determination of native title rights and dealings in native title land.

Section 29 of the Native Title Act requires that the Commonwealth, prior to granting permission for certain ‘acts’ to take place, must notify the relevant bodies. This has direct relevance to a number of aspects of the management of heritage values within the GBRMP and WHA. It has implications for the processing of permits, in terms of the recognition of stakeholder groups and for the implementation of management instruments (see also Chapter 6). Under this act, GBRMPA is required to notify the following native title parties:

Persons to be given notice

- (2) The Government party must give notice to:
 - (a) any registered native title body corporate (a *native title party*) in relation to any of the land or waters that will be affected by the act; and
 - (b) unless there are one or more registered native title bodies corporate in relation to all of the land or waters that will be affected by the act:
 - (i) any registered native title claimant (also a *native title party*); and
 - (ii) any representative Aboriginal/Torres Strait Islander body; in relation to any land or waters that will be affected by the act; and
 - (c) if the doing of the act has been requested or applied for by a person (for example, where it is the issue of a licence or the grant of a lease for which the person has applied)—that person (a *grantee party*); and
 - (d) the registrar or other proper officer of the arbitral body in relation to the act.

At present, the Commonwealth position is that native title does not exist on water, however, this is currently being challenged in the High Court.

Historic Shipwrecks Act (1976)

The *Historic Shipwrecks Act (1976)* provides protection for all wrecks that are over the age of 75 years in Australian waters, or have otherwise been declared to be of historic significance. The Act also provides for the protection of objects originating from wrecks and can include associated terrestrial sites such as shipwreck survivor camps. Under this Act, a protected zone of no more than 200 hectares, which may incorporate an area partly of sea, land and airspace, may be declared around a site(s). Wrecks and/or associated objects and sites which fall within or between Australian and State waters may be assigned to one or the other by agreement between the responsible Ministers.

For Australian waters adjacent to Queensland, the Director of the Queensland Museum (QM) has been nominated as the Commonwealth Minister's delegate for the *Historic Shipwrecks Act (1976)*. As a consequence, the QM has management responsibility for declared Historic Shipwrecks and maintains a Register of Historic Shipwrecks as required under the Act, as well as a more comprehensive listing of all known wrecks. There is currently no formal or informal arrangement between GBRMPA and the QM for the management of wrecks within the GBRMP, although permit applications must be made to both authorities in order to conduct research on or otherwise disturb a wreck.

Submerged aircraft crash sites in Australian Waters are not covered by the *Historic Shipwrecks Act (1976)*, although there is a general obligation under the *Australian Heritage Commission Act (1975)* to protect such places of cultural heritage significance.

Great Barrier Reef Marine Park Act 1975 and the Great Barrier Reef Marine Park Regulations 1983(amendment 2000 No. 5)

Under the provisions of the *Great Barrier Reef Marine Park Act 1975*, GBRMPA does not have a general responsibility in relation to cultural heritage, but there are specific circumstances where this responsibility is implied. There is a requirement to address the cultural heritage values, particularly in relation to 'traditional inhabitants' and others, when assessing the impact of proposals within the GBRMP. Section 39Y, for example, outlines the objectives of plans of management in relation to this. It states that:

The objectives of plans of management are as follows:

- (a) to ensure, for particular areas of the Marine Park in which the Authority considers that nature conservation values, cultural or heritage values, or scientific values, are, or may be, threatened, that appropriate proposals are developed to reduce or eliminate the threats...
- (e) to provide for the management of areas of the Marine Park in conjunction with community groups in circumstances where those groups have special interest in the areas concerned.

In addition, Section 39Z (1) states that:

The authority in preparing management plans must have regard to: (a) the protection of world heritage values of the Marine Park.

Therefore, while the act does not specifically address GBRMPA's obligations in relation to cultural heritage, this must be viewed in relation to the fact that:

1. at the time it was enacted, there was only limited recognition of the range and scope of cultural values within the GBRMP and WHA
2. the sections outlined above imply an obligation, at least in relation to indigenous concerns, to address cultural heritage values within the planning process.

Under regulation 18(4) of the *Great Barrier Reef Marine Park Regulations 1993*, GBRMPA is required to take certain matters into consideration when assessing an application for a relevant permission. Of particular relevance are the following clauses:

18 (4) In considering an application for a relevant permission, the Authority shall have regard to:

- (a) the objective of the zone;
- (b) the need to protect the cultural and heritage values held in relation to the marine park by traditional inhabitants and other people

The protection of cultural heritage values is self-evident in Clause (b). Clause (a) becomes relevant when the objectives of a zone include specific reference to the protection of cultural and heritage values. For example, in the Green Island Reef permit assessment (see discussion Chapter 6) the objectives of the relevant zone included:

9.1(c) to provide for traditional fishing, hunting and gathering to continue to be undertaken by traditional inhabitants. (GBRMPA n.d.(a): 14)

The definition of 'traditional inhabitants' derives from a broader Commonwealth definition and has been adopted in the GBRMP zoning program as:

A person of Aboriginal or Torres Strait Islander descent, who is recognised in the community as Aboriginal or Torres Strait Islander and who identifies as an Aboriginal or Torres Strait Islander. (GBRMPA n.d.(a): 8).

In addition, GBRMPA is aware that the consideration of cultural heritage values under regulation 18(4)(b) could have consequences in terms of Native Title interests. In many instances, however, the regulation can apply to a broader set of people than native title claimants.

There are some limitations in relation to GBRMPA's ability to meet its obligations under this regulation and these are discussed in Chapter 6.

5.4 Queensland legislation

Cultural Record (Landscapes Queensland and Queensland Estate) Act (1987)

Indigenous sites, places, areas and objects in Queensland are commonly protected under the *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987*. Although historical sites can also be included under the Cultural Record Act, generally such places, objects and areas are protected under the *Queensland Heritage Act 1975* (see below).

Management of the Cultural Record Act is the responsibility of the Cultural Heritage Unit within the Environmental Protection Agency (EPA). The Cultural Record Act provides for the maintenance of a register, however, at this time this has not been formally established. The Cultural Heritage Unit maintains a

database of Indigenous heritage places that is a separate listing of places; however, for a range of reasons, this is generally not available for access by the public.

In terms of the subject matter of this report, the *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987* has application on the Great Barrier Reef islands under Queensland control that are included within the WHA. This application would appear to extend to places that are partially above and partially below the low tide mark.

Section 17 of the Cultural Record Act allows for the declaration of designated landscape areas. 'Landscapes Queensland' means:

- areas or features within Queensland that -
 - (a) have been or are being used, altered or affected in some way by humans; and
 - (b) are of significance to humans for any anthropological, cultural, historic, prehistoric or societal reasons;
- and includes any item of the Queensland Estate found therein.

'Queensland Estate' is described as:

- evidence of human occupation of the areas comprising Queensland at any time that is at least 30 years in the past but does not include anything--
- (a) made or constructed as a facsimile; or
- (b) made or constructed at or after the commencement of this Act for the purpose of sale; or
- (c) that is not of prehistoric or historic significance.

A formal agreement exists between GBRMPA and the Queensland EPA for the day-to-day management of the marine park. This mechanism was developed specifically in relation to natural heritage values and management is undertaken by Queensland Parks and Wildlife Service field officers. Within the EPA however it is the Cultural Heritage Unit which contains the expertise to identify and assess cultural heritage values. Therefore there is a need to develop a process whereby matters concerning cultural heritage values are referred to this body. Many of the issues of day-to-day management require such expertise and problems can arise in its absence. Further discussion on this point in relation to GBRMP Regulation 18(4)(b) can be found in Chapter 6.

At the time of writing, the Cultural Record Act is under review. Once finalised, any implications for the management of cultural heritage in relevant sections of the GBRMP and WHA should be considered.

Queensland Heritage Act (1992)

Generally historical places, objects and areas are protected under the Heritage Act, although in some circumstances (such as historical archaeological sites) they can also be included under the Cultural Record Act. Although the Act is most commonly applied to historical sites, it can have application to both non-

indigenous and indigenous places as it defines cultural heritage significance of a place or object to include:

...its aesthetic, architectural, historical, scientific, social or technological significance to the present generation or past or future generations.

Management of the Heritage Act is the responsibility of the Cultural Heritage Unit within the Environmental Protection Agency (EPA). The EPA maintains the Queensland Heritage Register, a list of places (buildings, archaeological sites, shipwrecks and so on) deemed to be of State cultural heritage significance, which is established under the Heritage Act.

Section 45 of the Heritage Act provides for the declaration of an object on or under the surface of land as a protected relic, if it is of cultural heritage significance. In addition, under Section 50, an area can be declared an 'Area of Archaeological Interest' if it is deemed to contain objects of cultural heritage significance. Depending on the outcome of amendments of the Cultural Record Act, these sections of the Heritage Act may find increased application, particularly in the protection of historical archaeological places.

As with the *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987*, the *Queensland Heritage Act 1992* has the most application on the Great Barrier Reef islands under Queensland control that are included within the WHA. This application would appear to extend to places that are partially above and partially below the low tide mark.

The Queensland Heritage Act, however, also extends to sites completely below the low tide mark. Shipwrecks in waters adjacent to the Queensland coast, including rivers and inland waters, and which are not otherwise covered by the Commonwealth *Historic Shipwrecks Act (1976)*, are eligible for protection under the Queensland Heritage Act. The management of such shipwrecks is the responsibility of the EPA Cultural Heritage Unit; however, in practice it seems that shipwreck-related matters (whether State or Commonwealth) are almost entirely managed through the Queensland Museum, as part of their delegation under the Commonwealth Historic Shipwrecks Act.

The discussion under the Cultural Records Act (above) of the need for GBRMPA/EPA co-operation has equal application to the operation of the Heritage Act.

The Integrated Planning Act 1997

The Integrated Planning Act has only limited application in the GBRMP and WHA, with implications for areas that are administered by local governments (for example, Magnetic Island).

Schedule 1, Part 1 of the Integrated Planning Act identifies that a 'core matter' that can be addressed under a local government planning scheme is:

Areas or places of cultural heritage significance (such as areas or places of indigenous cultural significance, or aesthetic, architectural, historical, scientific, social or technological significance, to the present generation or past or future generations).

This means that areas and places of cultural heritage significance can be afforded a limited level of protection at the local government level. It seems, however, that the protection of heritage places is more reliant on public education and persuasion than it is on statutory weight, as a refusal by a local council to grant a planning permit on the grounds of protecting heritage values is unlikely to be upheld if challenged under law.

6.0 GBRMPA: EXISTING MECHANISMS FOR MANAGEMENT

6.1 Overview

Recent management proposals released by GBRMPA (e.g. GBRMPA 1997b) clearly state the need to protect terrestrial and marine indigenous and non-indigenous ethnographic, historical and archaeological places. These places include 'discrete sites and extensive areas of cultural value', as well as shipwrecks (GBRMPA 1997b: 16). Most significantly, it is recognised that 'the number and location of such sites are not fully known' (GBRMPA 1997b: 16). In addition, GBRMPA's '25 Year Strategic Plan' (GBRMPA 1994) provides strategic guidance and goals for the future management and development of both the GBRMP and WHA. This document acknowledges the need to address cultural heritage issues in the day-to-day management of the area. In addition, GBRMPA has established a number of processes for involving stakeholders in management. Given the importance, scope and nature of these, an examination of stakeholder identification and interests is treated separately (see Chapter 7).

GBRMPA's principle instruments of management revolve around zoning plans, management plans and permitting processes. In addition, the Representative Areas Program which is currently being developed will provide guidance in relation to zoning. In terms of day-to-day management of the GBRMP and WHA, a number of formal inter-agency agreements that affect management are in place. The impetus for the development of these 'tools' was unequivocally the protection of natural heritage values. In this chapter, these instruments of management are examined in terms of their applicability to cultural heritage values.

6.2 Keeping it Great: A 25 Year Strategic Plan for the Great Barrier Reef World Heritage Area (GBRMPA 1994)

The 25 year strategic plan (GBRMPA 1994) provides the philosophy and guidelines for the management of the WHA. It was produced with considerable input from stakeholders. As the facilitator states in the Foreword, the plan is 'a significant achievement in its own right. However, it means little without implementation'. Although not a statutory document, it provides a 'statement of what the participating organisations want the future of the Area to be (a vision) and how this can be achieved (objectives and strategies). It was endorsed by the (then) Prime Minister, Premier of Queensland and Director Generals (the incumbent and his successor) of the IUCN. The latter included the following statement in their preface:

The Strategic Plan for the Great Barrier Reef World Heritage Area is in itself a model and a demonstration of the importance of the process. It sets out clear objectives, in both the short and long term. It deals with what is needed now to safeguard the Area from immediate threats, addresses how resources should be

managed, research undertaken, the interests of indigenous peoples safeguarded, and the public informed about the Area, its importance, and ways in which they can safeguard its future.

The Strategic plan reinforces the importance of certain aspects of cultural heritage within the WHA with the statement: 'The inscription also recognises the Area's cultural and historical significance: the long-term presence of Aboriginals and Torres Strait Islanders and the presence of many archaeological sites and shipwrecks' (GBRMPA 1994: 1). In addition, one of the 'principles of common agreement' is: 'recognition and maintenance of a wide range of values (including social, cultural, economic, aesthetic, and ecological values) in making balanced resource allocation decisions' (GBRMPA 1994: 7). This principle is reinforced in the 25-year objective which states:

Maintenance and enhancement of values: the continuation and enhancement of diverse aesthetic, ecological, economic, cultural and social values, providing for the aspirations of residents, users, Aboriginals and Torres Strait Islanders and the global community. (GBRMPA 1994: 13)

The Strategic Plan supports the 25-year objectives with a series of 5-year objectives and matching strategies. A number of these have direct or indirect implications for the management of cultural heritage, including issues that relate to effective management and education programs, for example:

- To protect the cultural heritage of the Area as represented by archaeological and historical sites and other places of importance and/or, in accordance with the Burra Charter, sites of religious or cultural importance to Aboriginals and Torres Strait Islanders. (Objective 1.10)
- To inform the community, through coordinated programs, of the natural, cultural and heritage values of the Area and how to use it responsibly. (Objective 3.1)
- To ensure that projects related to the social, cultural and economic interests of Aboriginals and Torres Strait Islanders are included in research and monitoring programs. (Objective 6.5)

The strategic plan clearly states that GBRMPA has responsibilities in relation to cultural heritage values within the WHA. Importantly, it also acknowledges a responsibility to follow the guidelines provided in the ICOMOS Burra Charter. However, the plan provides only a limited understanding of cultural heritage values. While indigenous cultural heritage is identified within the document, other aspects of cultural heritage are referred to very generally. This should not be seen as a major flaw, but rather as an expression of a 'developmental stage' in the understanding of cultural heritage: an understanding that was certainly less advanced at the time the document was written.

6.3 Corporate responsibilities in relation to cultural heritage

GBRMPA has clearly outlined its own goals and responsibilities in relation to cultural heritage in the 25 Year Strategic Plan. The Strategic Plan, to all extents and purposes, is a useful and valuable document. It clearly identifies a series of long term objectives and strategies and it has received support and endorsement from a significant group of stakeholders (see Chapter 7). The effort put into its compilation, the extent of public participation, its endorsement by senior government and conservation leaders, and the value of its recommendations places pressure on GBRMPA to utilise the plan in formulating future management decisions. This is highlighted in Recommendation 2 of Lucas et al. (1997):

We recommend that, to enable Australia to meet its international obligations under the World Heritage Convention, the Great Barrier Reef Marine Park Authority take a more pro-active approach to its agreed role as lead agency for implementation of the *25 Year Strategic Plan for the Great Barrier Reef World Heritage Area*, particularly the objectives and strategies relating to education, conservation, legislation and monitoring.

The Strategic Plan identifies an obligation towards the management and protection of cultural heritage values and places.

6.4 Commonwealth Memoranda of Understanding

Several Memoranda of Understanding (MoU) have been signed that relate to management issues in the GBRMP and WHA. The most relevant of these in relation to cultural heritage is one signed in 1996 by the Commonwealth Portfolio agencies responsible for the management of the WHA. These agencies are: GBRMPA, WHB (World Heritage Branch, Environment Australia), Environmental Protection Agency (Commonwealth) and the Australian Heritage Commission. This MoU designates GBRMPA as the lead agency for responding to GBRWH Property issues (including planning and policy issues) in and adjacent to the world heritage property. In addition, it delegates GBRMPA as the representative of MoU parties in relevant Queensland State and local government planning and policy development. The agreement acknowledges that co-operation between the MoU parties is essential for efficient and effective use of resources and the presentation of a co-ordinated Commonwealth position.

The 1996 Commonwealth MoU also includes a clause that obliges GBRMPA, on behalf of the MoU parties, to co-ordinate the development of an MoU with the State of Queensland that includes co-operative arrangements and methodologies to deal with WHA management. This is in addition to the 1979 Commonwealth/State Emerald Agreement (see below). The State/Commonwealth MoU appears not have been established to date, nor has there been a review of the Portfolio MoU, as was recommended in 1997.

The MoU effectively does, however, give GBRMPA the authority to undertake day-to-day management of the WHA and to establish agreements necessary for this.

6.5 GBRMP Day-to-Day Management Program

The 1979 Emerald Agreement was a Commonwealth/State Agreement signed by the then Prime Minister (Malcolm Fraser) and then Premier of Queensland (Joh Bjelke-Petersen) which formalised certain responsibilities of the State in the day-to-day management of the reef. This agreement resulted in the implementation of a Day-to-Day Management (DDM) Program in the early 1980s.

The aim of the DDM Program is to manage field operations and routine activities necessary for the management of the GBRMP and island national parks within the GBRWHA. The activities defined in the agreements include education, interpretation, surveillance, enforcement, monitoring and resource management (GBRMPA 1999b: i).

The 1999/2000 DDM Annual Program confirms that GBRMPA is increasingly facing constraints with respect to managing cultural heritage issues – and is aware that something has to be done to alleviate shortcomings in this area. This awareness is compounded when read in conjunction with concerns associated with obligations under regulation 18(4).

The DDM report also highlights an ongoing constraint to a holistic approach to cultural heritage management in the GBRMP and WHA: this is the recurrent GBRMPA philosophy that cultural heritage issues are synonymous with indigenous interests – no mention is made of non-indigenous cultural heritage matters within the report.

6.6 Management Mechanisms

The discussion so far has reinforced that GBRMPA has a series of management needs and obligations that relate to the identification and protection of cultural heritage values. This section addresses the principal management mechanisms currently applied in management of the reef, and discusses the potential application of such mechanisms to cultural heritage issues.

The main management mechanisms are identified as follows, although it is obvious that they are interrelated programs and that they remain part of the broader, long-term context of the 25-year Strategic Plan:

- Zoning
- Management plans
- Permits
- Advisory committees

In addition, the Representative Areas Program currently being developed will provide a further mechanism for management.

The Day-to-Day Management program that supports the 1979 Emerald Agreement is seen as integral to the reinforcement of these mechanisms, and has been discussed above.

Zoning

GBRMPA (2000a) describes the application of zoning plans as one of the primary tools for protecting and conserving the Great Barrier Reef. It is a process that separates activities that may conflict with each other (such as commercial fishing and tourism) and, at the extreme, places 'off limits' those areas that need permanent conservation. Each zone category has provisions for activities that range from 'as-of-right', 'with permission' or 'prohibited'.

The statutory provisions for zoning are set out in Section 32 of the *Great Barrier Reef Marine Park Act 1975*. The objects of zoning plans are detailed in Section 32 (7) as:

1. the conservation of the Great Barrier Reef;
2. the regulation of the use of the Marine Park so as to protect the Great Barrier Reef while allowing the reasonable use of the Great Barrier Reef region;
3. the regulation of activities that exploit the resources of the Great Barrier Reef Region so as to minimise the effect of those activities on the Great Barrier Reef;
4. the reservation of some areas of the Great Barrier Reef in its natural state undisturbed by man except for the purposes of scientific research.

In addition, GBRMPA (Day 1998) lists the principal objectives of zoning in the GBRMP as being:

- to protect the natural and/or cultural values of the area while allowing a spectrum of reasonable human uses;
- to separate conflicting uses;
- to provide protection for critical and representative habitats and ecological processes;
- to preserve some areas in their natural state undisturbed by humans (except for the purposes of scientific research that can not be done elsewhere).

The operation of a particular zoning plan is predicated on provisions for 'use and entry'; these are described for activities in each zone of a particular GBRMP section, as one of the following (Day 1998):

- (a) **Without a permit:** 'as of right' activities that may occur within that zone.
- (b) **Only with a permit:** written permission is required, therefore conducting that activity in that zone without a valid and appropriate permit is an offence.
- (c) **Any other purpose:** the last 'use' in the list of activities that can only occur with a permit. This is provided that it is not listed in (a) and it is consistent with the objectives of the zone.

In addition, under zoning plans, GBRMPA can declare areas for other management reasons (Day 1998): these include Special Management Areas, Shipping Areas, Seasonal Closure Areas, Fisheries Experimental Areas and Defence Areas.

On the basis of existing plans, there are 14 different zone categories that are applied variously across the four sections of the GBRMP that have current zoning plans (see Table 2). Due to revision of zones as new zoning plans have developed (for example, the zoning plan for the Northern Section is currently under revision), some of these original zones have subsequently been renamed. Where this has happened, the amended name has been indicated on the table. For example, the 'General Use A' and 'General Use B' zones appearing in the existing Far Northern, Central and Mackay/Capricorn Sections, have correlation with the 'General Use' and 'Habitat Protection' zones in the Cairns and the (Proposed) Far Northern Sections. Although ongoing zoning amendments are attempting to simplify the current situation, it is understood that a general review of zones will be initiated as part of the rezoning proposals arising from the Representative Areas Program (see below). This will include a reassessment of the number of zones and of the 'use and entry' provision, particularly in light of the inability of the current program to effectively regulate tourism or recreation (GBRMPA 2000b).

The first two dot-points outlined in the principal objectives of zoning in the GBRMP clearly identify that the zoning system has a role to play in the protection of cultural values:

- to protect the natural and/or cultural values of the area while allowing a spectrum of reasonable human uses; and
- to separate conflicting uses.

GBRMPA (2000) has sought to explain the operation of Marine Park zoning plans by comparing them to planning schemes for local government areas. This comparison also has resonance in the case of protecting cultural values. Local government planning schemes have the capacity to incorporate special provisions and/or overlays for the protection of places with cultural heritage significance, and this could be similarly applied in the Marine Park context.

The 'use and entry' guiding philosophy on which the current zoning program is based can be seen to have application in terms of protecting cultural heritage values, although potentially limited. For example, it has already been identified that it does not allow for additional areas that have been recognised as traditional use zones for indigenous people (Day 2000). However, in light of a major review of the zoning system, the specific requirements of protecting cultural heritage places and values can be more closely addressed and should be incorporated as appropriate. In the absence of comprehensive information relating to cultural heritage values in the GBRMP/WHA these requirements can only at this stage be addressed at the guiding principal and macro-scale. New zoning guidelines could, for example, address controls on places where the protection of cultural heritage values could be achieved through either the limitation or restriction of access or activities, or imposing a requirement that permission be obtained from the traditional owners. Once the appropriate zoning

mechanism is in place, the longer-term process of identifying and applying zoning provisions should be undertaken as the follow-up to programs initiated to identify cultural heritage values.

Management Plans

According to GBRMPA (Day 1998), statutory plans of management can be prepared for any of the following:

- one or more areas of the Marine Park
- a species within the Marine Park or within an area or areas within the Marine Park
- an ecological community within the Marine Park or within an area or areas within the Marine Park.

The first of these has the most obvious relevance to the protection of cultural heritage values.

Plans of management are intended to complement zoning by addressing issues specific to an area, species, or community, in greater detail than can be accomplished in the broader, reef-wide zoning plans. They are generally prepared for intensively used, or particularly vulnerable groups of islands and reefs, and for protection of vulnerable species or ecological communities (GBRMPA 2000a).

The objectives of plans of management are listed in Section 39Y of the *Great Barrier Reef Marine Park Act 1975*:

- a) To ensure, for particular areas of the Marine Park in which the Authority considers that nature conservation values, cultural and heritage values, or scientific values, are, or may be threatened, that appropriate proposals are developed to reduce or eliminate the threats
- b) To ensure that species and ecological communities that are, or may become, vulnerable or endangered, are managed to enable their recovery and continued protection and conservation
- c) To ensure that activities within areas of the Marine Park are managed on the basis of ecologically sustainable use
- d) To provide a basis for managing the uses of a particular area of the Marine Park that may conflict with other uses of the area or with the values of the area
- e) To provide for the management of areas of the Marine Park in conjunction with community groups in circumstances where those groups have a special interest in the areas concerned
- f) To enable people using the Marine Park to participate in a range of recreational opportunities.

In addition, Section 39Z requires that GBRMPA must take into consideration the precautionary principle and the natural and cultural World Heritage values of the Marine Park and World Heritage Area in the preparation of plans of management.

As with zoning plans, the Marine Park plans of management are modelled upon conventional urban and regional planning techniques used by local authorities, in particular Development Control Plans, which may limit the extent, number, height, colour, style and type of structure or development that may be permitted within a local government area. This mechanism is applied in plans of management for the Marine Park; the limits are determined through consideration of the values of an area, including the natural, conservation, social, and cultural values (GBRMPA 2000a).

In addition, GBRMPA has engaged in a process of 'Specific Area Planning' and the preparation of individual site plans. In the first instance, specific plans have been prepared for small areas (such as the part of a reef) where there is a need for particular controls on activities. Provisions for these Special Management Areas are laid down in the zoning plans so this is a complementary management tool to zoning. Site plans have been prepared for detailed works, such as moorings or camping ground layout plans; they are not designed for public use but are valuable working documents for field managers (Day 1998).

Given all the above, it is obvious that plans of management can have valuable application to the protection of cultural heritage places and values. Once again these will need to be part of an ongoing identification and management process, however, it can be seen that protection can be provided through any or all of:

- inclusion in a more general area management plan (see, for example, Division 3: Cultural and heritage values, issues and strategies, *Cairns Area Plan of Management*, 1999);
- typological management plans (for example, guidelines on shipwrecks or other archaeological site types) - these could tie in with specific issue policies, such as those already developed for wreck diving;
- Special Management Areas (for example, specific cultural landscapes);
- site plans (conservation management plans) for individual places.

Finally, the provisions of Section 39ZA allows GBRMPA to enter into an agreement or arrangement with a group of people 'who are representative of a community group that has a special interest in an area of the Marine Park'. This could involve the development or implementation of a management plan to protect areas of particular cultural heritage value to a community. This provision would have valuable application to places, for example, that may have significant social value for either indigenous or non-indigenous community groups.

Permits

The permit system is an important management tool used in conjunction with both zoning and management plans. The objectives of permitting are to:

- reduce impacts on high-use and sensitive areas
- separate potentially conflicting activities
- encourage responsible behaviour in all Marine Parks users

- collect data for planning of Marine Parks
- monitor activities which may become damaging to the Marine Parks. (GBRMPA 2000)

GBRMPA is required to assess all valid permit applications, and must consider criteria that are outlined in the Great Barrier Reef Marine Park Regulations 1993. Regulation 18(4) states that the Authority must have regard to:

- The objective of the zone
- The need to protect the cultural and heritage values held in relation to the Marine Park by traditional inhabitants and other people
- The likely effect of granting permission on future options for the Marine Park
- The conservation of the natural resources of the Marine Park
- The nature and scale of the proposed use in relation to the existing use and amenity, and the future or desirable use and amenity of the relevant area and of nearby areas
- The likely effects of the proposed use on adjoining and adjacent areas, and any possible effects of the proposed use on the environment and the adequacy of safeguards for the environment
- The means of transport for entry into, use within or departure from the zone or designated area and the adequacy of provisions for aircraft or vessel mooring, landing, taking off, parking, loading and unloading
- In relation to any structure, landing area, farming facility, vessel or work to which the proposed relates:
 - i. the health and safety aspects involved, including the adequacy of construction
 - ii. the arrangements for removal upon the expiration of the permission of the structure, landing area, farming facility or vessel or any other thing that is to be built, assembled, constructed or fixed in position as a result of that use
- The arrangements for making good any damage caused to the Marine Park by the proposed activity
- Any other requirements for ensuring the orderly and proper management of the Marine Park
- Any charge payable by the applicant in relation to a chargeable permission (whether or not in force) that is overdue for payment
- If the application relates to an undeveloped project—the cost of which will be large—the capacity of the applicant to satisfactorily develop the project.

There are two closely related but distinguishable issues in terms of permits and cultural heritage values. The first is the ability of the Authority to identify permit requirements for specific activities that relate to cultural heritage places and values, such as diving on shipwrecks, accessing significant areas, or undertaking relevant research activities. It is anticipated that this type of permit requirement would be detailed in specific zoning or management plans. As indicated above, this would be part of a long-term program involving the identification, management and protection of cultural heritage places and values.

The second is the more general obligation, detailed in Regulation 18(4)(b), that in assessing any permit application the Authority must have regard to the need to protect the cultural and heritage values held in relation to the Marine Park by traditional inhabitants and other people. This regulation has substantial

implications for GBRMPA and presents challenges that need a consistent and co-ordinated approach. The relevant section of the GBRMPA permit assessment criteria checklist is detailed in Table 3.

GBRMPA recognises that current operating procedures run the risk of falling short of the obligations imposed under regulation 18(4)(b). Several problem areas have been noted, and include:

- No guidance has been given on the assessment process to be followed.
- No weighting has been given as the impact 'values' might have on the decision process.
- A set of draft assessment guidelines was prepared but these were never widely promulgated or adopted.
- Queensland Parks and Wildlife Service Permit staff conduct assessment of routine permits – although they may have environmental management qualifications and/or experience, in most cases the qualifications/experience in a relevant social science field are not adequate to give authority to assessment of cultural and heritage values.
- Given the above, the attention given and outcomes can be widely variable in quality and reliability, and based on subjective observations.
- It is arguably 'wrong' for a person not of a particular culture to be evaluating the protection needs for the cultural and heritage values of another cultural group.
- GBRMPA is faced with the potential of challenges and appeals from indigenous people to permit decisions. (GBRMPA n.d.(b))

In addition to the above, the following are deemed a high priority for consideration:

1. The limited knowledge of cultural heritage values of the GBRMP and WHA means that for the majority of assessments there will not be enough information available to answer the questions asked.
2. It cannot be assumed that the relevant data collection and consultation can be undertaken by field-officers. There appears to be a lack of understanding of the depth/quality of research and consultation that is required to address the questions that are being presented as criteria.
3. In addition, it is noted that the checklist is biased towards the association of 'cultural and heritage values' and 'sites/features of importance' with indigenous people and does not encourage an engagement with non-indigenous communities.

The permitting processes under the GBRMPA/State DDM Program have recently been reviewed and it is understood that a trial period is being implemented, during which time relevant permits will be assessed by GBRMPA staff, and not QPWS officers. Although this may alleviate certain concerns relating to the management of natural values, it will not improve the existing problems relating to the protection of cultural heritage values, and will hence do little to alleviate GBRMPA concerns about meeting obligations under regulation 18(4)(b).

There are however some challenges in relation to the current permitting system for cultural heritage. Heijm (1998) has provided an anthropological perspective on the process involved in the assessment of two pearl farming applications. This particular case involves an indigenous cultural heritage scenario; however, in many instances the problems he observes with the process are relevant to the broader community. In essence, Heijm's analysis surrounds the adequate identification and assessment of social value and highlights the need for adequate and consistent processes to be applied in relation to this.

In this case two reports dealing with the impact of the proposals were undertaken. The first report was commissioned by the proponents and found that the indigenous community supported the proposal while the second report was commissioned by GBRMPA and presented opposed findings. GBRMPA did grant limited permits to the proponents however this has resulted in a complicated round of legal proceedings. Details of this case are not provided in this report as at the time of writing it is a current matter. However Heijm's account provides a useful basis for an understanding of some of the issues involved. In particular, his assessment incorporated a definition of culture, in the context of regulation 18(4)(b)⁴, that is based on an understanding that culture includes the intellectual, political, economic, legal, religious and social tradition of a people. That is, that 'cultural and heritage values' in relation to a place refer to the whole of a people's lived relationship with that place (Heijm 1998:4). This definition is important as it underscores points made previously in this report in relation to social value.

A second case also offers insight into issues of cultural heritage in relation to the permitting process. This case involved an application to install a tourist pontoon at Green Island Reef. An examination of this case follows.

In April 1993, Reef Management Pty Ltd applied to GBRMPA for a permit to install a tourist pontoon at Green Island Reef, off Green Island. The site is in the Cairns Section of the Marine Park, but located in a Buffer Zone. GBRMPA refused the permit in February 1995, primarily on the grounds that the project would adversely impact on the cultural and heritage values of the traditional inhabitants of the area, with particular reference to (revised) regulations 18(4)(a) and (b). The appeal documentation makes it clear that the decision to refuse the permit was not based on environmental concerns. The applicants lodged an appeal with the AAT, but later made the decision to discontinue the pontoon project. Consequently the appeal lapsed. However, GBRMPA recognised that they could be faced with similar challenges in the future and sought a barrister's opinion on the operation of regulation 18(4)(b).

Early in the permit assessment process GBRMPA officers noted that there were concerns about the impact on the cultural and heritage values of the traditional owners; also, that there were implications as far as native title claims were concerned. It was recognised that Green Island was used as an initiation site, for hunting turtle and dugong, and for fishing and gathering. In addition, it was

⁴ At the time of Heijm's report, the relevant regulation was 13 AC (4)(b). The regulations have been renumbered in line with the most recent update.

acknowledged that these uses were not, in themselves, an accurate reflection of traditional values, but rather that the value arose from a spiritual connection to all of the elements within the site. That is, that physical, cultural and spiritual values were linked – and that an effect on one would also affect the others (Tribunal Document T 010 24/2/1993).

Two reports were commissioned by GBRMPA in the permit assessment process to specifically address the cultural and heritage values of the traditional owners (1994 & 1995). The first was a critical appraisal of the Reef Management Pty Ltd permit application, undertaken by Dermot Smyth, a cultural ecologist. It noted that:

- adequate consultation had been undertaken with Aboriginal people identified as traditionally and currently associated with Green Island;
- granting the permit would restrict traditional, hunting, fishing and gathering activities, and adversely impact on Aboriginal cultural and heritage values;
- granting the permit in the circumstance where the applicants (Reef Management Pty Ltd) had refused to discuss the proposal with Aboriginal people would set an undesirable precedent. (Smyth 1994: 1)

The second report was a collation and summary of historical ethnographic material that supported Gungandji claims to tenure over and use of the Cape Grafton and Associated Marine Areas (Co-ordata Research 1995).

The Statement of Reasons document (Tribunal Document T 001A 27/6/1995), which supported the decision to refuse the permit application, not only noted the potential impact on traditional values and native title issues, but also gave consideration to the cultural and heritage values of 'other people'. It was recorded there were a number of post-contact sites listed in the GBRMPA Cultural Heritage Database, including two historic shipwrecks on Green Island Reef and the crash site of a Catalina aircraft in the vicinity of the island. The conclusion stated that the pontoon proposal was not expected to affect the cultural and heritage values of non-indigenous inhabitants, providing disturbance during installation did not compromise the integrity of possible historic material.

The observation that can most readily be made from these cases is that there is a need for a process that allows for the consistent identification and assessment of relevant social values. This lack of consistency is evident in the case investigated by Heijm, which has further appeals pending (from both parties) and remains as an ongoing management problem for GBRMPA.

The Green Island situation is no longer an issue, not because it was resolved, but because a decision was made to discontinue the pontoon project. GBRMPA refused the permit in February 1995, primarily on the grounds that the project would adversely impact on the cultural and heritage values of the traditional inhabitants of the area, with particular reference to regulations 18(4)(a) and (b). The applicants lodged an appeal with the AAT, but later made the decision to discontinue the pontoon project. In the meantime, GBRMPA's decision had created a considerable amount of conflict, and inflicted a high cost on the Authority in terms of both finance and resources.

Although the Green Island application was withdrawn, and although the appeal was not lodged by the indigenous community, it can be argued that the consultation process for the Green Island application was limited. Not only did the applicants fail to negotiate with the traditional owners and other relevant community groups, but the cultural research undertaken by GBRMPA did not address community interests and values. This is particularly evident in light of the permit case that remains under appeal, and the level of information that was consequently made available in this circumstance through ethnographic research. In addition, the Green Island case displayed a limited approach to and understanding of the potential cultural and heritage values of 'non-traditional' people.

The conflicts evident in the assessment of both permit applications could have been substantially alleviated in the context of an informed policy and management environment that anticipated potential cultural heritage and social value issues. This can only be achieved as part of a comprehensive program to identify and evaluate cultural heritage values in the GBRMP and WHA. Even in the short term, in implementing an improved decision making process GBRMPA could accrue major benefits through the amelioration of the expense (in terms of both finance and human resources) that is incurred due to permit application challenges.

Advisory Committees

Another management mechanism employed by GBRMPA is the use of advisory committees. These are primarily the Consultative Committee, the Reef Advisory Committees and the Local Management Advisory Committees (LMACs). The Consultative Committee is an overarching body. The Reef Advisory Committees are established on the basis of particular thematic interests such as 'Conservation, Biodiversity and World Heritage', 'Fisheries', 'Tourism and Recreation' and so on. These committees provide advice on these themes for the entire MP. In contrast, the LMACs are based on particular industries and/or interest groups and are geographically based, for example, the Port Douglas LMAC, the Cairns LMAC and so on.

At present, representation on these committees specifically in relation to cultural heritage concerns is extremely limited and not explicit. While many of the 'interests' of the representatives may be linked with cultural heritage matters, representation is currently unlikely to be inclusive of all such interests. In addition, it is unlikely that community representatives are explicitly aware of the links between 'interests' and cultural heritage and it is the role of the agency responsible to make this, and the basis of their representation, as explicit as possible.

GBRMPA Representative Areas Program

The GBRMPA Representative Areas Program is an initiative to enhance protection of the biodiversity of the GBRWHA. It is intended that the program will complement existing management and protection processes.

By definition, 'a representative area is an area that is typical of the surrounding habitats or ecosystem at a chosen scale. The physical features, oceanographic processes and ecological patterns within a representative area reflect those of the surrounding habitat' (GBRMPA 1999b: 3). Once established, the program will consist of a network of protected areas that are representative of all the defined habitats. These will include 'no-take', highly protected areas. The program is predicated on the philosophy that the protection of adequate examples of habitats will insure against current uncertainties; these uncertainties exist as we do not possess a perfect knowledge about the marine environment (GBRMPA 1999b: 12).

The Program is a response to universal developments in marine park management. The aim is to remove the conservation and management focus from species or specific habitats and redirect it to the protection of representative examples of habitats and processes on which species depend. This is seen as a 'broad-scale' habitat protection approach that will complement other GBRMPA management tools, such as zoning, education, permits and management plans. It is perceived that a Representative Areas Program will assist with:

- maintaining biological diversity at the ecosystem, habitat, species, population and genetic levels
- allowing species to evolve and function undisturbed
- providing an ecological safety margin against human-induced and natural disasters
- providing a solid ecological base from which threatened species or habitats can recover or repair themselves
- maintaining ecological processes and systems. (GBRMPA 1999b: 3)

Both the 25 Year Strategic Plan (GBRMPA 1994) and Lucas et al. (1997) include recommendations that a review be undertaken of the 'representativeness' of protected areas. These recommendations are in line with Commonwealth government initiatives that provide for a national Representative Areas Program. Ultimately, the preparation of a Representative Areas network will allow GBRMPA to conform with guidelines and meet commitments to a number of international and national environmental charters and bioregional frameworks. For example, the Program is in line with the following Objective and Action, contained in the National Strategy for the Conservation of Australia's Biological Diversity:

Objective 1.1

Identify important biological diversity components and threatening processes.

Actions

1.1.1 Components of biological diversity

Identify the terrestrial, marine and other aquatic components of biological diversity that are important for its conservation and ecologically sustainable use, including:

- (a) ecosystems and habitats that contain high diversity, large numbers of endemic or threatened species, or wilderness, that are required by migratory species, that are of social, economic, cultural or scientific importance, or that are representative, unique or associated with key evolutionary or other biological processes;
- (b) species and communities that are rare or threatened, that are wild relatives of domesticated or cultivated species, that are of medicinal, agricultural or other economic value, that are of social, scientific or cultural importance, or that are of importance for research into the conservation and sustainable use of biological diversity (such as indicator species);
- (c) described genomes and genes of social, scientific or economic importance.

In particular, identify those components requiring urgent protective measures. (Environment Australia 1998)

A recent GBRMPA publication 'Protecting Biodiversity' provides an overview of the Representative Areas Program (GBRMPA 1999b). It includes a set of guiding principles for the establishment of a Representative Areas network, which are derived from the ANZECC 1998 'Guidelines for establishing the National Representative System of Marine Protected Areas'. Of these principles, the following have immediate relevance to cultural values (GBRMPA 1999b: 5):

Consultation: The selection of sites for inclusion in representative areas network will include effective and high-quality public consultation to address current and future cultural, economic, social and other issues.

Indigenous involvement: The interests of Australia's indigenous peoples will be recognised and incorporated in decision making.

Decision Making: Decision making processes will integrate long- and short-term cultural, economic, environmental, social and equity considerations in a transparent, comprehensive and consistent manner.

It is clear that the Representative Areas Program is based on the identification and protection of natural values. However, GBRMPA recognises that cultural values can contribute to the selection of areas and therefore have a role to play in the implementation of the final program. The published overview (GBRMPA 1999b) reflects this as follows:

Cultural, ecological, economic, social, legal and practical criteria will be used to select candidate areas needing greater protection in the representative areas

network. These criteria will be developed in conjunction with stakeholders (1999b: 8).

And

There will be an emphasis on negotiation with interested parties and all available information on use patterns, economic and social values as well as Indigenous and non-Indigenous cultural values will be taken on board. (1999b: 8)

And

Cultural, economic, ecological and social values, and legal and institutional feasibility are considered filters in the decision-making process for the Representative Areas Program. (1999b: 9)

There are a number of cultural heritage issues that arise out of GBRMPA's Representative Areas Program. The first concerns the identification of stakeholders. As with the 25 Year Strategic Plan, it is intended that the Representative Areas Program will be developed with the input of stakeholders. GBRMPA to date, and certainly during the completion of the 25 Year Plan, has shown a willingness to engage with stakeholders and has developed an effective process for soliciting and compiling stakeholder responses. It would be fair to say, however, that efforts have concentrated on stakeholders with an interest in natural values. The main stakeholders who have been recognised to have an interest arising out of cultural values have been indigenous people, but arguably even this interest has been closely associated with impacts on natural values and associated activities – dugong hunting and fishing rights are obvious examples.

This is not to say that the approach taken so far has been inadequate, rather that any attempt to engage with the cultural values of the Marine Park must reach out to a wider stakeholder audience. It is therefore important that the stakeholder group be expanded to include those stakeholders who have a specific interest in cultural heritage and social values. Although a more inclusive identification process will be facilitated by future cultural heritage research (see Chapter 7), this should not preclude GBRMPA from making immediate attempts to identify and include new stakeholders in the development of the Representative Areas Program.

One of the tasks of our research is to comment on how GBRMPA can incorporate the management of cultural heritage within the Representative Areas Program. The fundamental question that arises with respect to Representative Areas is to what extent is the Program intended to be – and capable of being – inclusive of cultural heritage values.

As discussed above, the Representative Areas Program is clearly intended to protect biophysical values. That this is its 'reason for being' is reflected in the title given to the publication explaining the program: *Protecting Biodiversity*. There is no suggestion in this publication that the Representative Areas Program is intended to identify and protect cultural heritage or cultural heritage values. What the publication does say, however, is that cultural and social values will be taken into account in the selection of areas to be protected under the program

(see quotes above). This implies that the selection process will heed cultural values in the consultation and decision making process, but that the areas that will be protected are areas of natural/biophysical value.

This approach is reinforced in an internal GBRMPA document (Phillips 1996), which suggests that the intent of the Representative Areas Program is to use cultural and social values as assessment and selection criteria. That is, once potential biophysical Representative Areas have been identified, cultural and social values would form part of the suit of criteria applied to determine if a specific natural area should be included in the program. It is not clear, however, what type of 'social value' is to be considered (for example, socio-economic or cultural heritage values). In addition, it appears to be equally likely that the finding of a significant cultural value may actually exclude a particular area from the Program – not lead to its inclusion. For example, if there is a significant cultural value arising from a traditional use (such as fishing), it is possible that the area would not be included in the Program, as to do otherwise could compromise the cultural value by placing restrictions on the traditional activity.

This selection process is beneficial in that it acknowledges cultural value as an important criterion. However, it must be made clear that applying cultural value criteria in this way does not engender the protection of the identified cultural values. Clearly, for example, if an area is excluded from the program to avoid conflict with cultural values, those values are not automatically protected from other threats. It does follow, however, that if an area has associated cultural values and that area is included in the Representative Areas Program then the cultural values may well be protected under the umbrella of zoning restrictions and protections afforded to the area for its biophysical value. However valid this end result may be, the means (the Representative Areas Program) is limited in its intent. In addition, it is noted that the current limitations of the Representative Areas Program mean that the engagement with cultural and social values for candidate sites will not be comprehensive. It is therefore important that any future program to address cultural heritage values in the GBRMP/WHA does not treat the Representative Areas Program research as complete and exhaustive.

This is not to say that cultural values should not be included as a selection criterion in the Representative Areas Program. We support the proposed process, and recommend that ongoing and constructive identification of and consultation with stakeholders be undertaken as an important component of the Program; although, as discussed above, there is a need to expand the stakeholder group before cultural and social values can be validly addressed. However, the Representative Areas Program as it exists will neither adequately nor comprehensively protect cultural heritage values in the GBRMP/WHA.

One alternative is to expand the program to identify and include areas for their significant cultural and social associations and values: that is, to create 'representative areas' that are identified and assessed on the basis of cultural heritage values. It is our belief that the nature of cultural heritage identification, assessment and protection is not compatible with this approach. There is an inherent incompatibility in attempting to superimpose a program of cultural heritage assessment onto a natural heritage 'template'. This incompatibility was

one of the fundamental findings in the Victorian Regional Forestry Agreement process (see Chapter 3). The RFA project clearly identified that the methodologies employed to assess natural values could not as easily be applied to the cultural environment (AHC & DCNR 1994a). Those that have direct correlation for GBRMPA can be summarised as follows:

- Administrative boundaries do not reflect cultural variables such as Aboriginal clan areas or the geographical extent of major historic themes.
- Human history cannot be split simply into sea and land (or forest and non-forest) categories.
- Many natural national estate values occur over extensive tracts of land – in contrast, cultural values are often related to small discrete entities or sites, which may reflect wider Aboriginal or historical landscapes. These discrete places can be linked at a conceptual level through models of human behaviour, history and land use.
- Significance assessment of the natural environment is usually undertaken by ‘technical experts’ – the identification and assessment of social values need to be carried out with extensive community participation.
- Cultural values are generally more vulnerable to damage than are natural values due to the lack of field staff with expertise to recognise and assess heritage sites.

In addition, the unpredictable and variable nature of human behaviour means that the past, and contemporary perceptions of the past, cannot be classified and exemplified by neat representative samples in the same way as the natural environment. Although the distinction between cultural and natural values is becoming increasingly blurred, this does not imply that a single suit of management devices will meet the needs of both. Coral protection and fish stock management require different approaches, as do the protection and management of heritage places as diverse as landscapes or single structures. It is unrealistic to expect that a program designed to protect biodiversity can be applied to the protection of cultural heritage.

In order for GBRMPA to meet its various management and statutory obligations to cultural heritage, those places/areas that are associated with cultural and social values require identification, conservation and protection – and a framework is needed within which to incorporate these goals. Given the differing requirements of natural and cultural heritage issues, it is unlikely that the Representative Areas Program can provide the appropriate framework within which to address the whole range of cultural heritage values and places within the GBRMP and WHA.

One initiative of the Representative Areas Program has been the convening of a new advisory committee: the Social, Economic and Cultural Steering Committee. Membership of this committee includes a number of individuals who have expertise in cultural heritage management issues. The inclusion of this expertise is a positive step. However, this initiative would be greatly enhanced by the appointment of specialist social scientists to positions in permanent standing committees, to complement the inclusion in these committees of professionals and academics from the natural sciences.

7.0 STAKEHOLDERS AND CULTURAL HERITAGE VALUES

7.1 Stakeholder 'levels'

As Lucas et al. (1997: 69) note, there are a number of levels of interest (and therefore stakeholders) in relation to a World Heritage Site. In Australia these appear to be International, National, State and Local. This multiplicity of stakeholder levels compounds the challenge of managing the GBRMP and WHA. At the international level, there is a 'world community' whose interest is vested in the inclusion of a place on the World Heritage List. In addition, there are international organisations that have a mandate to encourage the identification and protection of heritage, including UNESCO, IUCN and ICOMOS. However, not all stakeholders engage with the GBRMP and WHA at a level that is concerned with the area's status as a World Heritage Property. For example, the concerns and interests of local communities may be (justifiably) possessive, and reflect a degree of disinterest in, and even rejection of, the international significance of the reef. Yet, local attitudes cannot be considered in isolation from concerns and interests of the international community, although the former may feel that their interests should take precedence.

This highlights the importance of effective consultation with appropriate stakeholder groups, and particularly local communities – an approach that is encouraged by the World Heritage Committee. Lucas et al. (1997: 23) comment that:

In the case of World Heritage Nominations and their subsequent management, public participation of local peoples can help engender a sense of World Heritage: a pride and ownership of the universally important site located nearby.

The World Heritage Committee considers the involvement of local people an essential component in the management of a Property, and reinforced this philosophy in 1995 by deleting a section of the Operational Guidelines that could have been seen as conflicting with public involvement (Lucas et al. 1997: 24).

As noted above, there has been a growing international involvement of indigenous communities with World Heritage listing and the management of World Heritage Properties. Although this has relevance to the GBRWHA in a number of ways, there are two distinct issues that impact on the identification and management of cultural heritage. The first is the growing understanding of the difficulty of creating a sharp dichotomy between natural and cultural heritage. The second is an increased awareness of the valuable role of indigenous people in World Heritage nomination and management – particularly with issues relating to cultural landscapes. Within Australia, for example, this has been recognised in the ACIUCN (Australian Committee for IUCN) 1995 guidelines for the management of Australia's World Heritage areas, which were developed in consultation with indigenous groups:

Because of the long and special relationship of indigenous people with the land and seas in Australia, we recognise the inseparability of natural and cultural values, and the special role of indigenous Australians in the identification, protection, conservation and presentation of world heritage properties in Australia. (ACIUCN 1995: 2; in Lucas et al. 1997: 24)

The guidelines also call for a revision of the Operational Guidelines for the World Convention to reflect indigenous rights and interests and 'to base nominations upon the assumption that an indigenous cultural landscape exists at any proposed World Heritage property' (Lucas et al. 1997: 24).

7.2 Stakeholder consultation: the 25 Year Strategic Plan

Probably the most systematic approach to stakeholder identification and engagement taken by GBRMPA with regard to the GBRMP and WHA has been the preparation of the 25 Year Strategic Plan (GBRMPA 1994). This project involved the identification and involvement of a wide range of Stakeholder groups, particularly at the National, State and Local levels. The Strategic Plan (1994: 61) defines a stakeholder as:

Any person, institution, organisation, agency, department, authority, club, association or the like which has any interest in, or association with an area. This does not only mean a financial interest. Includes the public.

The Strategic plan is intended to provide 'direction and guidance for those many organisations, agencies and individuals whose actions will determine whether the vision is reached. This includes the users, the general community, the educators, the researchers, people traditionally affiliated with the area and the decision makers' (GBRMPA 1994: 2).

The organisations/stakeholders involved in developing the Plan included:

- User groups: for example – tourist operators, commercial and recreational fishing groups and scientists
- Interest groups: for example – conservationists and cane growers
- Aboriginal and Torres Strait Islander groups
- Commonwealth, State and Local government agencies.

The identification of stakeholders for the purpose of preparing the 25 year Strategic Plan involved an intense marketing and education campaign (David Lloyd, pers. comm.). Groups and individuals were given an opportunity to identify an interest in the process. In addition, steps were taken to recognise and approach separate groups, who may have had differing interests and concerns that otherwise existed within an umbrella body. For example, within the major grouping of commercial fishers there are smaller groups defined by type of fishing operation, such as trawlers or line fishers. Stakeholders were also identified as geographic/regional communities based on residential location.

At the time of preparing the Strategic Plan, the management issues were primarily concerned with natural heritage. As a result, with the exclusion of

Aboriginal and Torres Strait Islander groups, no stakeholders were identified or targeted for the purpose of seeking specific comment on cultural heritage matters. Although both the major government agencies with responsibility for cultural heritage (the Australian Heritage Commission and the Queensland Department of Environment and Heritage) were involved, this involvement related to natural, rather than cultural heritage issues.

With regard to the current project, several comments can be made:

1. The stakeholders involved with the preparation of the Strategic Plan identified critical cultural heritage issues, although their initial involvement was primarily based on natural heritage issues.
2. It is likely that any future identification of cultural heritage issues and values will involve those stakeholders previously involved in the preparation of the Strategic Plan.
3. In addition, any future identification of cultural heritage issues and values will require the identification of key cultural heritage stakeholders.

Although indigenous groups are recognised to have 'traditional' connections, usages, understandings and therefore connections to areas and places within the GBRMPA/GBRWHA, no comparable concept is extended to non-indigenous groups.

7.3 Management Initiatives for Indigenous Stakeholders

In addition to the 25 Year Strategic Plan, GBRMPA have engaged in specific projects that have involved stakeholders and their interests within the GBRMP (e.g. Gray and Zann 1988; Smyth 1990; Smith 1987; Cordell 1991; Bergin 1993; Benzaken et al 1997; Cook 1994; Heijm 1998). In addition, specific processes have been established for the assessment of impacts on indigenous cultural heritage values. These may provide a framework to assist with one aspect of the management of cultural heritage places and values and are therefore discussed in some detail below.

The Mackay 'Council of Elders' is an often-cited example of a community-based management initiative (Cook 1994; Webb 1996; Benzaken et al.1997; Innes 1997 and Gibbs 1999). GBRMPA and traditional hunters in the Mackay region initiated a pilot project in 1993 involving a Council of Elders in the allocation of permits and in the assessment of impacts on cultural heritage values under 18(4)(b). Although this was a forward-thinking approach, it failed due to a range of factors, including inadequate funding and lack of commitment from the indigenous community. In addition, internal conflicts arose between Torres Strait Islander and Aboriginal people as the concept of traditional owners came to dominate all matters relating to indigenous access to resources and management rights (Cook 1994; Webb 1996; Benzaken et al. 1997; Innes 1997; Gibbs 1999).

The Wongamali Model is another example where attempts have been made to incorporate indigenous cultural heritage values into management processes. This model was developed for the Whitsundays region by the Gira Dala and QPWS Whitsundays District Office to provide a structured method by which indigenous cultural sites are represented on a GIS. QPWS permit assessment officers and planners, with the approval of the Gira Dala, access this dataset for management purposes. Although this is useful in terms of adopting a site clearance approach to heritage management, it is lacking a social value context.

Recently, the Hope Vale Aboriginal community launched its community based Dugong and Turtle Management Plan. This plan was developed by the Hope Vale community, with the assistance of GBRMPA and QPWS. The aim is to provide an equitable distribution to individuals of the limited number of hunting authorities (authorised by GBRMPA) to take turtle and dugong. The plan is viewed by the Hope Vale community and management agencies as an exciting initiative that can take into account individual people's needs and aspirations for involvement in managing their sea country (Hope Vale Community 1999; Marsh, Gibson & Roberts 1999). A similar management program is also in place with the Kuku Yalanji of Mossman (Smith 1999).

While the Mackay Council of Elders and Wongamali model are positive attempts to incorporate indigenous cultural heritage values into the management framework, they fail for the most part because they are external structures and processes that have been laid over the existing and dynamic social fabric of the respective indigenous communities. Lawrence (1996, 2000) assessed the effectiveness of co-operative management in Kakadu and noted that a major failing of the Kakadu process is that, although the board of management for the park is dominated by traditional owners, the structure and process of the management regime is that of the white administrators. Put simply, indigenous people are required to operate within an alien environment.

Both the Mossman and Hope Vale community-based management programs provide a ready framework for including cultural heritage issues in management. Unlike the previous and unsuccessful Mackay Council of Elders, the Hopevale and Mossman community-based management programs have been very much developed within and by the community. Both communities have developed community-based management structures and processes that are in keeping with the framework set by the legislative structure of the GBRMP. However they also reflect their own internal social and political dynamics (Nurse-Bray in prep.).

These community-based initiatives could be used as a model for the establishment of an appropriate process to assess the impact on or to manage indigenous cultural heritage values. These initiatives could also include provision to take into account Section 29 Native Title notifications that are a component of all GBRMPA permit assessments. Individual communities could incorporate appropriate processes to identify indigenous cultural heritage values for the Marine Park into their respective community-based management programs. Each community has differing needs, aspirations and interests – as reflected in their individual community-based management programs – and this needs to be

echoed in the accommodation of community cultural heritage values within GBRMPAs management responsibilities.

Although this appears to be one way of engaging closely with a group of stakeholders, there are a number of cautions – particularly in light of comments in the Report on the State of the Great Barrier Reef. For example:

Recent achievements are unlikely to meet indigenous aspirations for self determination and a meaningful management role as consistently expressed. For the Great Barrier Reef Marine Park Authority, the issue of governance, which is fundamental to the recognition of indigenous rights and interests in management, is complex. It involves different cultural and legal perspectives of ownership and responsibility for management, consideration of public versus private interest and the need to accommodate indigenous rights with conservation and a multiple use context. (Wachenfeld, Oliver and Morrissey 1997: 107)

In addition, cultural heritage issues values can be and often are politicised. The Hindmarsh Island Bridge affair (Tonkinson 1997) and mining at Coronation Hill (Merlan 1991) are significant examples. Indigenous people's aspirations to achieve political objectives need to be formally acknowledged by all parties when developing a process to incorporate cultural heritage values into a community-based management process. If the potential political nature of cultural heritage and social value issues is recognised by both the agency and indigenous peoples then appropriate conflict-resolution processes can be developed. As Ross (1992) has noted in a Kimberley context, the administrative requirements of an agency and political aspirations of a community can collide in the context of resource management issues.

Both government agencies and indigenous people must determine at what point in decision making hierarchy they are able to enter into community-based management processes (see Borrini-Feyerabrand 1996; Innes 1997). This also follows Arnstein's (1969) ladder of social involvement in resource management, which lists the different forms of participation citizens can have in public/government processes:

- full citizen control
- delegated citizen control
- partnership
- placation
- consultation
- informing
- therapy
- manipulation.

In effect there are six broad options that government agencies can choose to take:

1. ignore the interests and capacities of indigenous peoples and develop policies to minimise their relationship with the GBRWHA
2. inform indigenous peoples about relevant issues and decisions
3. actively consult indigenous peoples about relevant issues and decisions
4. negotiate with indigenous peoples in an open manner and include them in the decision making process

5. share with them the authority and responsibilities in a formal manner
 6. transfer some or all authority and responsibility to indigenous peoples.
- (Innes 1997)

These options describe the level of decision making that is accorded by the controlling agency, usually the government, if at all. In the case of the Hope Vale and Mossman Gorge Communities, it is suggested that the management arrangements lie between options 4 and 5, whereas the Mackay Council of Elders and Wongamali model lie between options 3 and 4. On a national scale, however, indigenous people appear to be seeking involvement in cultural heritage issues at the level of option 4 and above (Dale et al. 1999). These options should also be considered in relation to the cultural heritage of non-indigenous communities and groups.

In essence, there is the potential to make use of existing community-based management processes to give due consideration to indigenous cultural heritage values in the GBRMP and WHA. By taking this approach, GBRMPA can avoid the problems it encountered with the Council of Elders and the limited capacity of the Wongamali model. It will be taking a position with regard to indigenous cultural heritage issues that is cognisant of community needs and aspirations while being mindful of its own goals and legislative responsibilities.

7.4 Non-Indigenous Stakeholders and Management Issues

GBRMPA has a long history of successful consultation with non-indigenous stakeholder groups associated with the GBRMP. However, these contacts have generally been couched in terms of tourism and other 'recreational user' studies, or socio-economic impact assessments for commercial operators. The deeper associations or attachments of the non-indigenous communities and their cultural heritage values generally have not been explored.

Whereas identification of indigenous heritage stakeholders generally has a relatively narrow geographical focus, non-indigenous stakeholders may be local, national or even international and include an extremely broad range of community, professional and agency interests (see also Harrington in prep.). It is important that the concept of heritage stakeholder is not simply limited to those individuals and groups most easily identified, such as those with a local or regional presence. Similarly, there may be only limited overlap between cultural heritage stakeholders and those previously identified as socio-economic stakeholders. Determining the extent and nature of wider interests will need to be explored if cultural heritage values are to be managed within the GBRMP and WHA.

Local or regional communities will almost certainly form the core heritage stakeholder groups. These communities of interest may have associations through 'historical' connections of visitation and use of the reef and islands, sometimes extending through several generations. In this regard, Knowles' (1997) study is particularly relevant for its demonstration that the concept of

'traditional' use extends to non-indigenous stakeholders. As outlined previously, for the Tasmanian WHA it was established that many of the hunting, fishing, camping, hut-building and other land and resource use activities were part of a wider and long-term community understanding and association with the area. Such associations were extremely important to the community's sense of identity and continuing social and economic function. When management agencies began to institute the various controls perceived necessary to achieve the natural conservation goals, they inadvertently compromised a wide range of significant cultural practices. In many respects, the redefinition of the Tasmanian area as 'wilderness' denied the lengthy relationship with the community who had been actively using and managing aspects for over 150 years.⁵

Other associations with the Reef may involve people who were formerly residents of the area. Some of these may continue to have active connections with the area; whereas for others, their association may be within the realm of memories – particularly in relation to connections with relatives.

The Great Barrier Reef and its islands have been the focus of tourist activities for over a century (see Pocock in prep.). Even when visitors engage with the reef and region, it is a cultural activity. Such 'tourist experiences' may be associated with specific events, such as honeymoons. They may revolve around the particular places that were visited, including resorts or islands, and although the impetus for the visit may have been the lure of the natural environment, these visits will have cultural values for the visitors.

ICOMOS have recently released a Cultural Tourism Charter, and in the process of drafting the document came to the realisation that 'the commonly held perception that the "cultural tourist" was somehow different from the normal or "recreational tourist" and that the Charter might concentrate on the behaviour of this more aware and sensitive category of visitor' was erroneous: 'It quickly became apparent that there could be no such differentiation...and that the Charter needed to look more closely at the overall relationship between the visitor and the host' (Brooks 2000). In addition, the drafting committee was forced to review and revise previous definitions of 'cultural tourist' and came to the conclusion that:

All visitors to another place, whether it be within their own nation or another part of the world, experience the broadest aspects of contemporary life at that place. On the assumption that 'culture' and 'cultural heritage' are not dead or simply archaeological concepts, but living, developing experiences within every community, then all forms of tourism have a cultural component. (Brooks 2000)

With regard to the international community, the connections are most likely to be with the natural 'World Heritage' values that have been promoted. However, with the national community, NGO heritage groups, such as the National Trust, are perhaps the most obvious heritage stakeholders.

⁵ This denial of human interaction in the construct of wilderness is even more strongly challenged by indigenous communities.

The professional scientific community also has legitimate 'heritage' claims, given that GBRMP and GBRWHA has been the venue of sustained research interests for many decades and for several generations of students and scientists (see Pocock in prep.).

The complex mosaic of past and present non-indigenous use of and association with the reef has only begun to be explored (e.g. Palmqvist 2000). In part this is because of the limited historical, anthropological and heritage research so far available. In many respects it will not be possible to define stakeholders and the nature of stakeholder interests until such research is carried out and appropriate themes are developed.

8.0 CURRENT STATE OF KNOWLEDGE IN THE GBRMP AND WHA

The aim of this section is to review and assess the information currently available relating to cultural heritage values in and along the GBRMP and WHA, and to highlight how limited this knowledge is at this point in time. It is not the intent of this report to provide an exhaustive list of known places and cultural heritage research that has been undertaken to date. For various reasons, including the confidentiality constraints of indigenous information, this is neither possible nor practical.

8.1 Types of places

A range of places are either known or anticipated within the GBRMP and the WHA. These may be related to the pre-contact or post-contact eras. The line between these two periods shifts in different areas, however the latter will primarily be post-1788. Sites prior to contact have specific significance to Aboriginal and/or Torres Strait Island people. After contact, many places have shared and sometimes contested significance: for example, the historic site of Somerset near the tip of Cape York (see Greer 1995, but more specifically McIntyre in prep.). The assessment of the significance of such places is therefore quite complex as they often have many layers and levels of heritage significance.

Pre-contact archaeological landscapes and places include shellmiddens, rockshelter sites (either with art and/or cultural deposits), campsites, fishtraps and butchering sites. Known landscapes and sites of this nature are generally located on islands (therefore within the WHA) and there has been some work undertaken on such places. However, given that Pleistocene sea levels were higher than today's sea levels, it is possible that pre-contact archaeological sites are also located on the now-drowned continental shelf. Such drowned sites could be found within the areas of both the GBRMP and the WHA. In addition, there may be places of cosmological significance that have continuing value to contemporary Aboriginal people (although the nature of this significance may have changed over time).

Many post-contact places within the study area are similarly located on islands that are included within the WHA boundary. There has been limited work undertaken on such places; however, it is anticipated that site types would include:

- places where Aboriginal people retreated during the contact period (these may be significantly different to pre-contact camps)
- places where Aboriginal and non-Aboriginal people co-existed (e.g. Dunk Island)
- places where non-Aboriginal people established themselves in the absence of Aboriginal people.

8.2 Registers and databases

There are four registers or databases in which sites such as those described above may be found. These are:

- the Register of the National Estate (RNE) that is kept by the Australian Heritage Commission (AHC)
- the database of Aboriginal sites maintained by the Cultural Heritage Unit within the Environmental Protection Agency
- the Queensland Heritage Register, created under the *Queensland Heritage Act 1992* (also maintained by the Cultural Heritage Unit)
- the Register of Historic Shipwrecks, which is maintained by the Queensland Museum.

Specific research across all registers has not been undertaken within the scope of this project. In most cases there are established procedures in relation to access that require lengthy consultation, at least for sites that have significance for Aboriginal people (both pre- and post-contact sites). Information in relation to pre-contact archaeological sites is, however, discussed generally in relation to published sources.

It would appear that there is very little recorded on either the RNE or the Queensland Heritage Register for terrestrial places that are significant to non-Aboriginal people (noting that the entire GBRMP is included on the RNE, but for natural not cultural values). The Register of Historic Shipwrecks records a number of shipwrecks along the length of the GBR.

8.3 Known information on Cultural Heritage values

An examination of known publications, reports and other documents relevant to cultural values within the GBRMP and WHA indicates that they represent a wide range of expertise and interest. Generally speaking, there has been some work undertaken on pre-contact archaeological sites. In contrast, there has been very little detailed anthropological work undertaken, although limited research has been directed at specific management issues. The latter has usually been undertaken by experts in associated fields rather than anthropologists (cf. Heijm 1998). There has been no specific work related to places of historical (post-contact) significance (but see Palmqvist 2000), however some general historical research has been undertaken. In the following sections, these sources are assessed in terms of their capacity to address cultural heritage values within the GBRMP and WHA.

Aesthetic value

There is only one relevant report that addresses aesthetic value. This is EDAW (1996), which deals with scenic resources of the Queensland coast – the study region does, however, incorporate areas (some islands for example) that fall

within the GBRWHA. The primary focus of this study is the visual landscape, that is, the landscape that is seen and experienced. 'Landscape' in this context refers primarily to the visual appearance of the land, including its shape, form and colour. In addition to the scenic or visual dimension of the landscape, there are a wide range of factors including geology, soils, ecology, archaeology and cultural associations. Whilst these factors influence the appearance of the landscape, this study should not be construed as an assessment or report on them.

The field investigations for this project were undertaken from the air, which suggests its broad-brush nature and scope. However as part of the assessment of landscape features, the report does record certain historical features in relation to the development of landscapes. Their criteria for assessment of historical landscape elements appears in EDAW (1996: B-3) with the accompanying note: 'Records observations on any particular cultural landscape elements in terms of historical modification of the landscape'. This refers only to modification of the landscape in terms of farming and settlement and does not include the significance of Regional Landscape *for non-Aboriginal people* [our italics]. An observation that can be made from a review of the assessment procedures is that the researchers perceive that landscapes can have cultural/social significance to Aboriginal people, but, by implication, non-Aboriginal people do not have the same relationship to landscapes: the latter's interests are relegated to the presence or absence of human landscape modification.

Historic value

The non-indigenous historical values within the GBRMP and WHA, inclusive of marine and terrestrial environments, have been the subject of only minimal research or identification. Even within the current site-based management model, there have been limited attempts to identify specific historical places or areas of significance, or to develop thematic frameworks that might indicate the likely values.

For the marine environment there is a database of shipwreck and aircraft wrecks within the GBRMP, derived from the Register of Historic Shipwrecks maintained by the Queensland Museum (Dennis n.d.). However, this listing is not exhaustive, with limited investigation of the historic background or significance of either individual wrecks or the regional pattern of sites. In addition, few of these sites have been inspected, recorded or even had their precise location confirmed. A large number of the wreck events are also known to have involved loss of human life, raising the possibility of human skeletal material being present on the sites. Given the 'graveyard' status of these vessels, the possible social significance of the shipwrecks within the GBRMP, particularly for descendants of those killed aboard, will need to be explored.

There have been no terrestrial historical site surveys for the GBRMP and WHA, with very few historic places currently assessed and listed on the registers of the EPA or AHC. However, there are various professional and amateur historical studies available that are indicative of the range of themes and values that might be encountered. For instance, Barr's (1990) *No Swank Here*, provides not only

the chronological development of tourism in the Whitsundays, but also explores the social significance of the tourist industry in the region.

Historic values and themes in the GBRMP and WHA are inclusive of, but not limited to those associated with:

- commercial Activities such as fishing, pearling, mining and the practices associated with these
- recreation: particularly tourism, but including non-commercial fishing and hunting, camping, other activities and the cultural practices associated with these
- early maritime exploration
- shipping and navigation including ports and harbours, as well as shipwrecks and associated sites and survivor camps
- WWII and other military activities.

Scientific value

There are a number of archaeological reports, theses and other documents that have been undertaken within what Rowland (1996) calls the Great Barrier Reef Province. Rowland's paper provides a comprehensive and timely synthesis of archaeological research that has focused on a number of islands included within the GBRWHA. He comments on the ecological diversity (particularly at the micro-environmental level) of the Province and the implications of this in terms of archaeological understandings of the way in which Aboriginal people have utilised the environment in the past. Of chief interest to archaeologists has been the way in which Holocene sea-level changes have impacted Aboriginal groups (Rowland 1996), particularly in relation to several key issues such as:

- whether occupation of these areas extended from the Pleistocene to the time of contact: i.e. that long-term occupation is a reflection of the use of what were 'hills' and which became 'islands';
- based on the former, how were these areas first colonised and when?
- the environmental effects of tropical climates on the preservation of sites and integrity of the database;
- population dynamics within island environments;
- the economic basis on which colonising populations were based;
- models for explaining these factors.

Rowland provides specific information on archaeological work that has been undertaken within the Reef Province, generalised locational information on relevant islands, radiocarbon dates for excavated sites within the Province and a range of other information detailing island use and population density figures for offshore islands. What is notable from this excellent synthesis is Rowland's (1996: 193, 205) comment that:

Archaeological site surveys and excavations have been undertaken on a limited number of islands over the full latitudinal extent of the Reef Province from Torres Strait to Facing Island...

and

It is possible to suggest that a number of island based marine economies were operating within the Reef Province. When and how these economies developed is still in doubt.

These comments confirm our own assessment that, although there has been some archaeological work undertaken, it is widely distributed (along the length of the GBR) and only in small-scale areas has extensive and long-term work undertaken. Such areas include the Keppel Islands (see Rowland 1996 for historical background to this research which has been ongoing since 1980); the Whitsunday Islands (e.g. Barker 1991) and the Flinders Group in the north (Beaton 1985). Other archaeological work represents much smaller-scale projects and limited field investigations that, to some extent, defers more detailed synthesis.

This is supported by Mortimer (1996) who undertook an analysis of the management and protection of indigenous archaeological sites within the GBRMP. Mortimer's work provides (among other things) some detailed information on site numbers on islands within the central section of the GBRMP based on the Aboriginal archaeology database held and maintained by the EPA (see Tables 3.1 and 3.2 in Mortimer 1996). Mortimer concludes her assessment by stating:

Current archaeological data show that a complete range of site types exist in the GBRMP. It appears that economic factors play an important part in determining both the distribution and characteristics of sites. A review of the archaeological data suggests that there are many significant archaeological sites in the GBRMP. Further research, however, is required to assess the extent more fully.

Most of the work undertaken within the GBR has stemmed from purely academic research interests. This explains the apparent concentration on particular areas, which represents either well-funded or long-term research interests on the one hand and one-off investigations on the other. There have been very few investigations that have specifically attempted to address management issues (cf. McNiven 1999). For those areas that are well-known archaeologically, it is tempting to extrapolate results across a broader area. However, the limitations of current research and the very fact that the islands are ecologically diverse precludes generalised statements about the nature and kinds of adaptations at this stage.

In relation to the scientific value of historic (post-contact) sites, there has been no archaeological research work undertaken in this area within the GBRMP or WHA.

Social value

As indicated in previous sections, there appears to have been some confusion (nationally) as to what is constituted by social value. In relation to the GBRMP and WHA, there appears to be only two reports that detail this for Aboriginal people (Baer 1997 and Heijm 1998). For other sections of the GBR, full

ethnographic accounts may be used to extract 'social value' (e.g. Chase 1980 in north-eastern Cape York; Anderson 1984 for southern Cape York). Other work such as that of Smith (1985) and Smyth (1990) provide excellent but limited ethnographic accounts, which are perhaps constrained by the disciplinary backgrounds of their authors. Given the sheer extent of the GBR, this information cannot be seen as even approaching a full understanding of the many ways in which pre-1788 and contemporary Aboriginal peoples have been and are attached to places within the GBRMP and WHA. This is one area that is in need of further investigation, however Innes (in prep.) will address issues in relation to this.

Although there has been some work undertaken (whether specifically for GBRMPA or as part of academic undertakings) in relation to the social values of Aboriginal people along the GBR, there has been no work undertaken on the social values of non-Indigenous people (but see Harrington in prep.). An examination of a broad sample of publications and reports illustrates that the only work that bears a relation to this addresses socio-economic values (e.g. Driml 1987; Driml et al 1982; Hundloe et al 1980; Centre for Studies in Travel and Tourism 1988; Cummings 1991; Coopers and Lybrand 1990; Gibbins 1982; Economic Associates Australia 1983; Williams and Wallace 1991; Clarinbourg et al. 1984; Dragun et al. 1979; Roughley and Scherl 1992; Hundloe & Parslow 1988; Driml 1994; Driml 1999; KPMG 1999; etc.). Some of these and other 'social' reports relate to, amongst other things, recreational fishing use (Hundloe et al. 1980; Fernandez 1991; Blamey 1991; Craik & Fallow 1980; Australian Bureau of Statistics 1986; Fallows & Craik 1980 etc.). In terms of assessment of cultural heritage values, there are a number of problems with work undertaken in this area. These include:

- with the exception of those that deal with recreational fishing, most deal exclusively with socio-economic aspects of the GBR (e.g. commercial fishing, tourism etc.)
- where recreational fishing has been examined, this is not within the context of 'social value' as identified herein for cultural heritage purposes: i.e. they do not define the ways in which this group of 'users' relate socio-culturally to the GBR (or sections of it)
- most of these reports were undertaken nearly a decade ago and address issues – and values – that are dynamic, therefore the available data very probably requires extensive review and revision.

Conceptually, one of the problems that may compound the investigation of social value is its conflation by non-cultural heritage practitioners with 'socio-economic value'. This slippage of terms (social value to socio-economic value) may have occurred because, in most instances, the projects undertaken in this area have been issue-based and therefore the evaluations are more in line with Social Impact Assessment processes (SIA). Although the assessment of socio-economic factors may be relevant within the SIA process, this does not, in any way, substitute for an assessment of social value as defined in the cultural heritage context.

As has been established in previous sections, complete and thorough understanding of the ways in which people (indigenous and non-indigenous) are attached to places is best understood using ethnographic techniques. Although a number of disciplines have recently embraced ethnographic technique, their full potential and analytic power is best understood and practised by anthropologists.

It would appear that while we have a limited idea of the ways in which people are attached to places within the GBRMP and WHA, this is one area in which significant research could and should be undertaken. At least two doctoral projects are currently addressing this (Harrington in prep.; Pocock in prep.) however much more research is required. One of the constraints of using the ethnographic technique is it requires lengthy periods of time for field investigations and analysis. Given this, it is unlikely that it would be practical for use in crisis-driven or issue-based situations. However, for long-term planning, which is surely the broad aim of GBRMPA in relation to the GBRMP and WHA, the use of anthropological techniques and expertise could provide a wealth of data that could be used not just in planning but for interpretation. For example, an ethnographic study of the ways in which long-term residents in Townsville (or any other centre for that matter) have historically and do currently relate to the Reef, would have enormous potential for interpretation within Reef HQ. This approach to the understanding of contemporary cultural landscapes has been taken-up by the US National Parks Service (e.g. Crespi 1997).

As noted above, while all of these efforts have been useful and have provided specific answers to specific problems in specific places, the absence of baseline data on all forms of social value means that the current identification of stakeholders is likely to provide only minimal information on this. Moreover, most work to date has been directed to indigenous stakeholders and those with commercial or very specific recreational interests. In other words (and for very good reasons) the approach adopted thus far has suffered from the effect of putting the 'cart before the horse'. An understanding of the broader ways in which people are attached or relate to the GBR will undoubtedly result in the identification of further stakeholders whose interests have not yet been envisaged.

8.4 Current knowledge of cultural heritage values within the GBRMP & WHA

In summary, it would seem that the current state of knowledge in relation to cultural heritage values within the GBRMP and WHA is extremely limited. This should be compared with the knowledge base for natural heritage values (see Appendix 4 in Lucas et al. 1997). Undertaking an evaluation of cultural heritage values in the absence of further research would, to continue the comparison, be like assessing the current status and value of the dugong in the absence of hard data on its biology, habitat and ecology.

Some specific problems that emerge from the present survey are as follows:

- There are potential problems in relation to the use of cultural landscapes approaches if management policies are restricted to the specific boundaries of the MP and the WHA. However, precedents in relation to sea birds and turtles would suggest that these problems are not specific to cultural heritage and that solutions to such problems can be found.
- Although there is a general knowledge of the range and types of indigenous heritage places that potentially exist within the GBRMP and WHA, there has only been limited work undertaken in specific locations. There has been little or no work on the ways in which these places might be distributed across the entire length of the GBR. Moreover, current knowledge of non-indigenous places is virtually non-existent.
- There are only limited amounts of information contained in relevant heritage databases. This information is best recorded for pre-contact (indigenous) archaeological sites but even these are well known for only a few parts of this vast area.
- Current knowledge of the heritage values of the GBRMP and WHA is restricted by the fact that baseline information on almost all of these values (aesthetic, historic, scientific and social) is extremely limited. At this point in time, we have barely begun the process of assessing aesthetic value, yet the area lends itself to vastly increased amounts of work in this area. Current background information on post-contact sites within the area, simply, does not exist and therefore this aspect of value cannot be assessed at any level. A recent synthesis of archaeological work undertaken within the 'Reef Province' suggests that, in some areas where there has been concentrated and long-term work, preliminary assessments might be possible for scientific value. This is qualified by the need for further research in this area. The completely untapped aspect of heritage within the GBRMP and WHA is that of social value. An understanding, however, of the social values of indigenous and non-indigenous peoples in relation to the Reef would facilitate the identification of a broad range of stakeholders. It would also provide the basis for good-quality management and increased opportunities for interpretation.

In conclusion, it would seem that if cultural heritage values of the GBRMP and WHA are to be effectively managed, a program of research in these areas will need to be undertaken. This is discussed in the remaining part of the report.

9.0 SUMMARY OF ISSUES & CONCLUSIONS

9.1 Developments in cultural heritage management

A fundamental change in approaches to cultural heritage management is required. There is a growing shift from the 'expert-based' assessments to one in which the community has an expanded role in the identification of heritage places and the explanation of their meanings. This means that the role of 'social value' assessments should be more fully investigated than previously. The issue of community involvement and control is not new in heritage management. The Burra Charter states that the 'social value' of places is one of the heritage values used to assess the cultural significance of places. Developments in social value may be, in the future, of interest in the assessment of natural values.

Philosophical changes in the approach to cultural heritage management have also affected the way in which other heritage values are interpreted. In the past, for example, scientific value was firmly tied to interpretations that focused on specific sites and what evidence these provided for our understanding of human behaviour in relation to changes in the environment. Recent theoretical developments in the discipline of archaeology have, however, resulted in a reassessment of this. Contemporary archaeological theory is more interested in the way in which people in the past engaged their social world and ways in which evidence for this can be seen in the landscape. This has resonance for other disciplines engaged in examining the past, and historical studies have also embraced approaches that go beyond specific places, events, figures and so on. Cultural landscapes approaches, which are only in the developmental stages in such disciplines, provide analytic techniques that are primarily engaged in defining the connections between people and places and are therefore applicable in relation to this.

There is a need to base the assessment of cultural heritage significance on a reasonable body of information. Just as the data base of knowledge of biophysical aspects has been acquired through numerous research projects over considerable periods of time, it should be expected that an understanding of cultural heritage will require a similar expenditure of effort.

The challenge for heritage managers in the future will be to successfully identify and manage the cultural heritage values of a broad range of groups that include indigenous Australians, settlers, migrants and other groups.

9.2 Social value and cultural landscapes approaches

Social value in cultural heritage assessments is relevant to *all* cultural groups. The delineation of social value is dependent upon the inclusion of anthropological approaches that provide the best means of understanding cultural meanings and values. The ethnographic approach provides a firm basis for the development of management tools that are particularly important in relation to conflict resolution amongst different stakeholder groups. Such approaches should

not be confused with specific investigations, for specific purposes, into socio-economic issues. The umbrella label, 'social assessment', covers a number of different types of investigation and it should be understood that these serve different purposes and employ different approaches.

There are precedents for including ethnographic approaches to inform cultural heritage values and such methods would be valuably employed in future research into these in relation to the GBRMP and WHA. Anthropological research should, however, only be undertaken by those with the appropriate qualifications and experience.

The inclusion of social value, however, requires different analytical techniques. The cultural landscapes approach which is aimed at delineating the way in which the landscape is culturally constructed is appropriate to this task. Cultural landscapes, however, have broader application than just social value and can be employed in relation to all cultural heritage values.

9.3 Legal and corporate obligations

The Australian government has an obligation under the World Heritage Convention to protect cultural heritage values, in spite of the fact the WHA was primarily inscribed for natural values. A number of objectives in the 25 Year Strategic Plan have direct or indirect implications for the management of cultural heritage, including issues that relate to effective management and education programs. Further, as many of the cultural heritage values are currently unknown, it has an obligation to identify these values. This can only be achieved through a program of ongoing management-based research.

GBRMPA recognises that current operating procedures run the risk of falling short of the obligations imposed under regulation 18(4)(b). These procedures should be developed on the basis of solid management-based research into cultural heritage values rather than being issue-specific. In terms of day-to-day management, there is no formal agreement between GBRMPA and the Queensland EPA *specifically* for the management of cultural heritage within the GBRMP or GBRWHA. Although it is apparent that cultural heritage matters may be directed to QPWS field officers, this is almost entirely in their capacity as managers of natural heritage values, and there is no system to refer such matters to those who have relevant expertise within cultural heritage management. In relation to this, the 1996 Commonwealth MoU includes a clause that obliges GBRMPA, on behalf of the MoU parties, to co-ordinate the development of an MoU with the State of Queensland that includes co-operative arrangements and methodologies to deal with WHA management. The State/Commonwealth MoU appears not have been established to date, nor has the review of the Portfolio MoU that was recommended in 1997.

The 1999/2000 DDM Annual Program confirms that GBRMPA is increasingly facing constraints with respect to managing cultural heritage issues – and is aware that something has to be done to alleviate shortcomings in this area. This

awareness is compounded when read in conjunction with concerns associated with obligations under regulation 18(4).

The conflicts evident in the permit application scenarios would have been substantially alleviated in the context of an informed policy and management environment that anticipated potential issues in relation to cultural heritage values. A framework on which to base more inclusive management decisions could be established if GBRMPA undertakes a program to identify and evaluate cultural heritage values in the Marine Park and WHA.

The intent of the Representative Areas Program, as far as cultural heritage values are concerned, is to use these values as assessment and selection criteria. However, it is not clear what type of 'social value' is to be considered (for example, socio-economic or cultural heritage value). In addition, the use of the social value criteria may turn out to be a 'double-edged sword'. The social value determination may increase the likelihood of an area being included in the program; however, it may equally decrease this likelihood if, for example, the social value arises from a traditional use (such as fishing) that might be excluded if the area were to be subject to restrictions.

It is not feasible to superimpose a program of cultural heritage assessment onto a natural heritage 'template'. This incompatibility was one of the fundamental findings in the Victorian RFA process. The RFA project clearly identified that the methodologies employed to assess natural values could not as easily be applied to the cultural environment. Given the differing requirements of natural and cultural heritage issues, it is unlikely that the Representative Areas Program can provide the appropriate framework within which to address the whole range of cultural heritage values and places within the GBRMP and WHA.

9.4 Stakeholders

There is increasing emphasis being placed on the involvement of stakeholders in the identification and management of cultural heritage values. The World Heritage Committee considers the involvement of local people an essential component in the management of a Property.

Although this has relevance to the GBRWHA in a number of ways, there are two distinct issues that impact on the identification and management of cultural heritage. The first is the growing understanding of the conceptual difficulties of separating natural and cultural heritage. The second is an increased awareness of the valuable role of indigenous people in World Heritage nomination and management – particularly with issues relating to cultural landscapes. While much emphasis has been placed on indigenous heritage, there is an increasing understanding that the cultural heritage values of non-indigenous peoples and groups must also be understood and assessed beyond the scope of just 'expert' evaluations.

The most systematic approach to stakeholder identification and engagement taken by GBRMPA with regard to the GBRMP and WHA, has been the

preparation of the 25 Year Strategic Plan. At the time of preparing the Strategic Plan, the management issues were primarily concerned with natural heritage. As a result, with the exclusion of Aboriginal and Torres Strait Islander groups, no stakeholders were identified or targeted for the purpose of seeking specific comment on cultural heritage matters. Although indigenous groups are recognised to have 'traditional' connections, usages, understandings and therefore connections to areas and places within the GBRMP and WHA, no comparable concept is extended to non-indigenous groups. Any future identification of cultural heritage issues and values will require the identification of *all* key cultural heritage stakeholders.

The establishment of appropriate processes to assess the impact on or to manage cultural heritage values is an important element of cultural heritage management. For indigenous communities, initiatives such as those developed at Hope Vale and Mossman Gorge could be generally used as a model, however it should be understood that such programs may necessarily differ. Such processes should however include provision to take into account Section 29 Native Title notifications that are a component of all permit assessments. Individual indigenous communities could incorporate appropriate processes to identify cultural heritage values for the Marine Park into their respective community-based management programs. In the case of indigenous people living in urban settings, or for non-indigenous people, initiatives such as these will require further research to determine the appropriate nature and form of involvement.

9.5 Current state of knowledge

Current knowledge of the cultural heritage values of the GBRMP and WHA is restricted by the fact that baseline information on almost all values that constitute cultural heritage (aesthetic, historic, scientific and social) is extremely limited. Only a limited amount of information is contained in relevant heritage databases. This information is best recorded for pre-contact (indigenous) archaeological sites but even these are only well known in relation to a small portion of this vast area. Although there is a general knowledge of the range and types of indigenous heritage places that potentially exist within the GBRMP and WHA, a critical mass of work has only been undertaken in a handful of specific locations. In addition, the vast bulk of this work relates only to the scientific value of these places. Current knowledge of other aspects of cultural heritage values for both indigenous and non-indigenous places is virtually non-existent. Any assessment of cultural heritage values is compromised by the absence of a significant body of baseline information.

9.6 Conclusion

It is currently impossible for GBRMPA to adequately manage cultural heritage values within the GBRMP and WHA. As noted in Chapter 2, adequate management must be based on a critical mass of information. The information that has been collected to date is fragmentary at best and in relation to most cultural heritage values, non-existent. Where a body of information does exist

(for example in relation to the scientific value of indigenous places) new analytic tools suggest that a reanalysis of this information is necessary.

In order to proceed, GBRMPA needs to dedicate resources to the following:

- The development of appropriate methodologies to identify and explain cultural heritage values
- The initiation of management-oriented research to identify, record, analyse and assess the full range of cultural heritage values
- The identification of stakeholders in relation to the full range of cultural heritage values.

To emphasise this point, the task is analogous to asking GBRMPA to adequately manage natural heritage values without the benefit of the last 30 or so years of research into these.

Once such baseline information is collected, it can then be used within a management context to:

- develop and improve processes in relation to the involvement of stakeholders in management, specifically in relation to zoning, permitting, the Representative Areas Program and day-to-day management
- develop formal processes in relation to State heritage agencies in relation to managing cultural heritage values within the GBRMP
- Expand opportunities for the interpretation of the GBRMP and WHA in relation to cultural heritage values.

Some of this information will be collected in relation to a new CRC Reef Task A1.3.1 Cultural Heritage of the GBRWHA. This report provides the foundation for this task which has been broadly defined as follows:

- To review current identification and involvement of all stakeholder groups within the GBRMP and WHA
- To undertake a program which will identify and assess places of historic value within the GBRMP and WHA
- To undertake a synthesis of current information in relation to indigenous archaeological places and identification of both conceptual and geographic areas where more work is required
- To fund projects investigating social value within the GBRMP and WHA both in terms of the funding of a doctoral scholarship and in terms of current projects of this nature (e.g. Pocock in prep., Harrington in prep.)
- To explore methodologies for mapping cultural heritage values, specifically in relation to GIS.

A second major consideration for GBRMPA is to work towards developing a management process and agency structure which inter-digitates the concepts of 'nature' and 'culture'. This will become increasingly important in the near future

and is an issue that heritage agencies (at all levels) are currently attempting to come to terms with. Within cultural heritage management, this is not a new problem and developments in cultural landscapes approaches allow for this (see also Titchen 1996). Within natural heritage management, however, it may be necessary for a reconceptualisation of the concept of 'nature' which could be assisted by social science research.

There may be a number of positive outcomes for GBRMPA in taking the considerable steps outlined in this report. In the immediate sense, the agency may have cost/benefit advantages in relation to huge expenses that are incurred when decisions relating to permitting (for example) are subject to appeal. These consume considerable staff resources and well as a range of consultancy fees and the costs of legal proceedings. In addition, by developing adequate processes in relation to the involvement of all stakeholders, greater levels of satisfaction with management strategies may be achieved. In an organisational sense, this has benefits in relation to the perception by both staff and the public that the agency is adequately dealing with cultural heritage issues.

There is a potential for GBRMPA to 'export' the expertise gained in programs outlined in this report. As cultural heritage management is currently at the 'cutting edge' in terms of the definition and identification of social value, the agency will be in an excellent position to provide expertise in this area. Similarly, the application of cultural landscapes approaches (particularly the mapping of these) is an area that, internationally, is in its infancy and will also attract interest from other agencies who are currently attempting to come to terms with this.

There is enormous potential to develop interpretive materials for the GBRMP and WHA in relation to cultural heritage values. In particular, local heritage values have the ability to provide tourists (whether domestic or international) with experiences that will not usually be found elsewhere. It is these local cultural heritage values that particularly distinguish the cultural experience gained at one World Heritage Property from another. It is the only way in which visitors can understand for instance how extraordinary places (whether 'natural' or 'cultural') are incorporated into the daily lives of the people who live in and around and with them.

10.0 RECOMMENDATIONS

On the basis of this report, it is recommended that:

- 1 9. **GBRMPA should adopt a cultural landscape approach to the identification, assessment and management of cultural heritage values, places and areas within the GBRMP and WHA.**

The application of this approach is, however, dependent upon the program of research outlined in Recommendation 8 being undertaken. It should be recognised that cultural landscapes (culturally defined areas of significance) do not necessarily conform to administrative boundaries and can extend beyond the geographical borders of GBRMPA responsibility.

- 2 10. **Any future identification of cultural heritage issues and values will require the identification of key cultural heritage stakeholders.**

This must include indigenous and non-indigenous interests. The identification of appropriate stakeholders will be informed by the research program outlined in Recommendations 1, 2 and 8. More immediately, the terms of reference for the Marine Resource Advisory Committee should be expanded to include stakeholders who have explicit interests in both indigenous and non-indigenous cultural heritage.

- 3 11. **That GBRMPA recognise that the Representative Areas Program is not an appropriate framework within which to define the cultural heritage of the GBRMP and WHA.**

The program was developed to protect bio-physical values and is not a suitable methodology for cultural heritage values and places. A more appropriate approach is outlined in Recommendation 2. In line with current proposals, cultural heritage values could be used to exclude particular areas during the selection process. In relation to social value, it is reiterated that these cultural values should be differentiated from socio-economic values.

- 4 12. **That the Commonwealth government clarify GBRMPA's role as the Commonwealth agency responsible for managing cultural heritage within the GBRMPA and WHA.**

Responsibility for heritage values generally was established with the 1996 MoU signed by the Commonwealth Portfolio Group. The review of the MoU proposed in 1997 should be undertaken at a meeting between the current signatories.

- 5 13. That existing agreements between GBRMPA and the Queensland EPA should be strengthened to include arrangements for the day-to-day management of cultural heritage within the GBRMP and WHA.
- 6 14. That a formal agreement be made between GBRMPA and the Queensland Museum to establish clear responsibilities for the management of shipwrecks and associated marine archaeological heritage within the GBRMP and WHA where not otherwise covered by the EPA. In particular, as part of the inter-agency agreements previously recommended, protocols be established for inter-agency permit approvals for activities related to shipwrecks and associated marine archaeological heritage within the GBRMP area and WHA.
- 7 15. That GBRMPA take immediate steps to review their permit assessment process to ensure that cultural heritage values are identified and assessed appropriately by qualified professionals applying ICOMOS or other appropriate definitions and protocols.
- 8 16. That a long-term program of research is implemented in order to identify the cultural heritage values of places and landscapes within the GBRMP and WHA. This will be addressed in part in the CRC Task A1.3.1.

This program could be undertaken by a combination of consultancies, grant-funded research, applied research by university staff and students (e.g. CRC Reef) and co-operative ventures between agencies and institutions. It should incorporate regular review and initially could be based on discrete regional studies that illustrate the nature of values and places, relevant stakeholders and their relationship to management policy and strategy. Such studies should address the full range of heritage values (as outlined in the ICOMOS Burra Charter) in relation to both indigenous and non-indigenous cultural.

Particular attention should be given to the identification of 'social values' as a criterion in identifying and assessing cultural heritage and that future research recognizes the distinction between cultural 'social values' and 'socio-economic values'. Appropriately qualified practitioners should be consulted to advise on matters related to cultural heritage.

TABLE 1: Australian Commonwealth and State Legislation and Agencies

Name of Legislation	Date	Agency Responsible	Relevant Registers and Lists	Type of Heritage Places Protected
COMMONWEALTH				
<i>Aboriginal and Torres Strait Islander Heritage Protection Act</i>	1984	Environment Australia		Indigenous heritage places
<i>Native Title Act</i>	1993	Native Title Tribunal		
<i>Australian Heritage Commission Act</i>	1976	Environment Australia – Australian Heritage Commission	Register of the National Estate	Significant sites of the natural and cultural environments
<i>Historic Shipwrecks Act</i>	1976	Environment Australia – Australian Heritage Commission, and Queensland Museum	Register of Historic Shipwrecks (held by the Queensland Museum)	Shipwrecks older than 75 years in Commonwealth waters; wrecks of exceptional significance; objects originating from wrecks; terrestrial sites associated with wrecks
<i>Great Barrier Reef Marine Park Act</i>	1975	Great Barrier Reef Marine Park Authority		
<i>World Heritage Properties Conservation Act</i> (superseded)	1983	Environment Australia – World Heritage Branch		
<i>Environment Protection and Biodiversity Conservation Act</i>	1999	Environment Australia		Aspects of the environment that are matters of national environmental significance; World Heritage Properties

Name of Legislation	Date	Agency Responsible	Relevant Registers and Lists	Type of Heritage Places Protected
STATE				
<i>Cultural Record (Landscapes Queensland and Queensland Estate) Act</i>	1987	Environmental Protection Agency (Cultural Heritage Unit)	The Register of Queensland Estate	Aboriginal and post-contact sites and landscapes of anthropological, cultural, historic, prehistoric or social significance
<i>Queensland Heritage Act</i>	1992	Environmental Protection Agency (Cultural Heritage Unit)	The Heritage Register	Land-based relics Shipwrecks in waters adjacent to the Queensland coast
<i>Integrated Planning Act</i>	1997	Relevant Local Government Authority		Areas or places of cultural heritage significance

TABLE 2: Zoning descriptions

* FN(e)= existing Far Northern, FN(p)= proposed Far Northern, C=Cairns, CE=Central, M=Mackay/Capricorn

ZONE & DESCRIPTION (ref: GBRMPA 2000)	GBRMP SECTION*
General Use 'A' Zone (amended to General Use Zone) The least restrictive of the zones, this provides for all reasonable uses including shipping and trawling. Prohibited activities are mining, oil drilling, commercial spearfishing and spearfishing with underwater breathing apparatus.	FN(e) CE M
General Use 'B' Zone (amended to Habitat Protection Zone) Provides for reasonable use, including most commercial and recreational activities. Trawling and general shipping are prohibited as well as those activities not allowed in General Use 'A' Zone.	FN(e) CE M
General Use Zone Provides areas of Marine Parks for a diverse range of recreational and commercial activities, consistent with the Region's long term conservation.	C FN(p)
Conservation and Mineral Resource Zone	M
Marine National Park 'A' Zone (amended to Conservation Park Zone) Provides for appreciation and recreational use, including limited line fishing. Fishing is restricted to one line with one hook per person. (When trolling for pelagic species more than one line may be used.) Spearfishing and collecting are prohibited, as well as those activities not allowed in	FN(e) CE M
Habitat Protection Zone Provides areas of Marine Parks free from the effects of trawling, while allowing for a diverse range of recreational and commercial activities.	C FN(p)
Estuarine Conservation Zone Provides for estuarine areas free from loss of vegetation and disturbance and from changes to the natural tidal flushing regime, while maintaining opportunities for commercial and recreational activities.	C FN(p)
Conservation Park Zone Provides areas of Marine Parks which allow opportunities for their Appreciation and enjoyment including limited recreational fishing.	C FN(p)
Marine National Park 'B' Zone (amended to National Park Zone) Provides for appreciation and enjoyment of areas in their relatively undisturbed state. It is a 'look but don't take' zone. Fishing and all other activities which remove natural resources are prohibited.	FN CE M
Marine National Park Buffer Zone (amended to Buffer Zone) Normally 500 metres wide, this zone provides for trolling for pelagic species around reefs which have been given a level of protection which prohibits all fishing. Trolling for pelagic species is unlikely to significantly affect the 'resident' marine life for which protection is needed.	FN
Buffer Zone Provides protected areas of Marine Parks and allows opportunities for their appreciation and enjoyment. Buffer Zones allow mackerel trolling in areas adjacent to reefs zoned as National Park.	C FN(p)
National Park Zone Provides protected areas of Marine Parks of high conservation - a 'look but don't take' area.	C FN(p)
Scientific Research Zone (amended to Preservation Zone) Set aside exclusively for scientific research. Entry and use for other reasons is prohibited.	FN(e) CE M
Preservation Zone Provides for the preservation of the area in an undisturbed state. All entry is prohibited, except in an emergency, with the exception of permitted scientific research which cannot be conducted elsewhere.	FN(e) FN(p) C CE M

TABLE 3: Permit assessment criteria

Excerpt from: PERMIT ASSESSMENT CHECK LIST n.d. p. 2.

b) **The need to protect the cultural and heritage values held in relation to the Marine Park by traditional inhabitants and other people**

(this criteria recognises the importance of cultural and heritage sites both for Aboriginal and Torres Strait Islander people, archaeological sites and post-European [sic] sites such as shipwrecks or other sites of significance)

- Are there any historic, cultural, anthropological or archaeological sites or features of significance in the areas affected by the proposal?
(There may be problems with disclosing information that may be of a culturally sensitive nature - assessments may therefore require sensitivity and tact so that the cultural integrity of the site will not be compromised - the implications of 'Freedom of Information' must be considered as this information may be made public)

- How are sites/features of importance to indigenous people identified?
(One basic problem is finding the 'right' people to consult with - a factor which may be further complicated by age, gender, birthplace, kinship, experience, language, personality, the site where discussions occur, time spent and the reason for the discussions/assessment - aboriginal liaison officers should be involved in all assessments that identify cultural or heritage values to strengthen and maintain contact points in all communities)
 - Internal consultation, Q.DEH or GBRMPA?
(Aboriginal Liaison Officer [GBRMPA or Q.DEH]? - other officers?)
 - Liaison with indigenous people?
(e.g. Council of Elders? ATSIC branches? Community Councils or Community Rangers? Aboriginal Liaison Officer [GBRMPA or Q.DEH]?)
 - Other reports, documents, databases?
(e.g. Australian Littoral Society (ALS) Inventory - this inventory is useful for initial assessment but is not directly available to Q.DEH assessment officers so advice should be sought from Authority staff; other records or reports?)

- What is the significance of these sites/features?

- How were sites/features of historic or archaeological importance identified?
(e.g. ALS inventory? Qld museum register of shipwrecks and historically significant sites [copy held by GBRMPA]? Other reports, documents or records?)

- Where are features or sites of significance located with respect to the proposal?
 - Are impacts anticipated? - Why and how?
 - Can impacts be acceptably reduced or safeguards applied?

- What are the known cultural values of the area(s) affected by the proposal?
- What are the likely impacts of the proposal on these values?
- What are the known heritage values of the areas affected by the proposal?
- What are the likely impacts of the proposal on these values?
- Are safeguards feasible, proposed or required?

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