



Procedures for managing Aboriginal cultural heritage when preparing Forest Practices Plans



Forest Practices Authority

Tasmania

Abbreviations and acronyms

AHO	Aboriginal Heritage Officer
AHR	Aboriginal Heritage Register
AHT	Aboriginal Heritage Tasmania
FT	Forestry Tasmania (now Sustainable Timber Tasmania)
FPA	Forest Practices Authority
FPO	Forest Practices Officer
FPP	Forest Practices Plan
MEZ	Machinery exclusion zone; harvest is permitted but machines may not enter
MRT	Mineral Resources Tasmania
SMZ	Special Management Zone
SSR	Streamside reserve
TASI	Tasmania Aboriginal Site Index (now incorporated into the AHR)

Acknowledgements

This guide has been prepared by Peter McIntosh (Manager, Earth Sciences and Cultural Heritage, FPA) in consultation with staff of Aboriginal Heritage Tasmania (AHT), the Forestry Working Group coordinated by AHT, and a number of FPOs. The content is partly based on the *Resource Guide for Managing Cultural Heritage in Wood Production Forests* prepared by Denise Gaughwin in 2012 in collaboration with a number of FPOs, external experts, Aboriginal Heritage Officers and FPA staff.

Glossary

Special Management Zone (SMZ)	A Special Management Zone is an area designed to protect Aboriginal heritage sites from impact by forestry activities. It may be either a zone where tree harvest is not allowed, or where harvest or machine use is limited. How SMZs are to be managed will be prescribed in FPPs.
Coupe	An operational area for forestry activities.
Cultural heritage specialist	A qualified professional (i.e. an archaeologist with a Tertiary educational qualification or an Aboriginal Heritage Officer with special training or skills who has been endorsed by the Aboriginal community and Aboriginal Heritage Tasmania).
FPA-endorsed Aboriginal heritage FPO	An FPO who has undertaken an AHT-recognised Aboriginal heritage training course or refresher course in the last five years.
Site	In this report "site" refers to the location of a relic as defined in the <i>Aboriginal Heritage Act 1975</i> .

Recommended Citation

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The Forest Practices Authority and Aboriginal Cultural Heritage in forests

The Forest Practices Authority (FPA) is an independent statutory body that administers the Tasmanian forest practices system on both public and private land. Its primary responsibility is regulating forest practices in forests and threatened non-forest vegetation.

The *Forest Practices Act 1985* provides that the *Forest Practices Code* shall prescribe the manner in which forest practices are to be conducted so as to provide reasonable protection to the environment. The “environment” includes Aboriginal heritage values. The *Aboriginal Heritage Act 1975* requires that all Aboriginal relics¹ are protected.

Within this legal framework, the *Forest Practices Code* recognises the importance of protecting culture and heritage in wood production forests. The FPA acknowledges that Aboriginal heritage places are significant for the community and that they form an important part of the Tasmanian identity.

Forest Practices Officers (FPOs) and the FPA Cultural Heritage Manager, in consultation with Aboriginal Heritage Tasmania (AHT), play a central role in all aspects of managing heritage in forests, including collecting data, describing sites, providing advice, regulating activities and checking for compliance. The prescriptions for managing Aboriginal heritage in this guide have been devised by the FPA in consultation with Aboriginal Heritage Tasmania, taking into account legal requirements as well as the results of many studies and the experience of staff and Aboriginal Heritage Officers over a period of thirty years. Significant sites and places are protected by identifying, recording and assessing Aboriginal heritage when planning forest operations, by prescribing appropriate site management and protection in forest practices plans, and by conducting post-harvest surveys where the landscape context indicates that Aboriginal cultural heritage sites are likely to be found.

This guide is written primarily for FPOs, to provide for the protection of Aboriginal heritage in production forests and wherever FPPs are required, to ensure that Aboriginal cultural heritage values are maintained. The guide provides practical advice on managing Aboriginal cultural heritage during all forest operations from planning to harvest and post-harvest activities. It is designed to enrich the understanding of Aboriginal cultural heritage among both foresters and the general community by clarifying how Aboriginal cultural heritage is managed within the forest practices system.



Chief Forest Practices Officer

Forest Practices Authority

¹In this Guide “relics” are referred to by the types of Aboriginal sites and artefacts listed in Section 1.2.

Foreword

The Aboriginal Heritage Council (Council) would like to take this opportunity to thank members of the Forestry Working Group for their efforts over two years in developing the *Procedures for managing Aboriginal cultural heritage when preparing Forest Practices Plans*. We are encouraged by the recent positive steps that have been taken by the forest industry to develop a collaborative relationship with Council. It is hoped that this collaborative effort will deliver optimal Aboriginal heritage protection and management outcomes and provide transparency of process.

We encourage the forest industry to continue working with the Aboriginal Community to increase greater understanding of the cultural values and connection Aboriginal people have with Country. Working collaboratively also provides a mechanism for the consideration of Aboriginal cultural values in the development of forest management practices. We believe the *Procedures for managing Aboriginal cultural heritage when preparing Forest Practices Plans* reflects the forest industry's genuine intent to ensure protection and management of Aboriginal heritage sites and places within Tasmania.

The *Procedures for managing Aboriginal cultural heritage when preparing Forest Practices Plans* will prove beneficial for developing Aboriginal forest management goals and building working relationships between the forest industry and the Aboriginal community.

A handwritten signature in black ink, appearing to read 'Rocky Sain', followed by a stylized flourish or crossbar.

Chairman

Aboriginal Heritage Council

Function of this guide

This guide is written mainly for foresters and planners working on Aboriginal cultural heritage within production forests and other land subject to forest practices plans (FPPs). It describes the types of Aboriginal cultural heritage sites found in forests and on other land and provides practical guidelines on how FPOs certified by the FPA should manage them. It highlights the need to assess heritage values within areas covered by operations during planning and informs FPOs how to:

- record the sites located
- assess potential impacts
- apply planning tools to achieve management options
- incorporate Aboriginal cultural heritage management into FPPs
- ensure forest operators understand their responsibility in individual coupes
- monitor, evaluate and assess compliance with stated management prescriptions.

It also emphasises the importance of training of FPOs, summarises the relevant legislation regarding Aboriginal cultural heritage, and lists relevant publications.

This guide replaces the *Forest Archaeology Manual* (2000) and the Aboriginal cultural heritage sections of the *Resource Guide for Managing Cultural Heritage in Wood Production Forests* (2012). It updates the first edition of this guide (version 1.09) published in 2015.

The guide should be reviewed:

- whenever significant legislative changes are enacted, or alternatively
- at five year intervals.

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1. Introduction

1.1 What is Aboriginal cultural heritage in Tasmanian forests?

Cultural heritage is the term used to describe the tangible and intangible legacy of a group or society. It refers to those places, objects and traditions that have been passed down to us from past generations. Some of this rich cultural heritage (e.g. oral traditions such as songs, stories and ceremonies) has not left a physical footprint; other physical heritage such as organic materials consumed or used in clothing and utensils has only been preserved in unique circumstances; but all heritage is significant to the Tasmanian Aboriginal community. Within Tasmanian wood production forests, a large amount of tangible cultural heritage can be found; there are over 6600 recorded Aboriginal sites in forests, and new sites are continually being recorded. Predominately these sites (relics as defined in the *Aboriginal Heritage Act 1975*; Appendix 1) are stone artefacts, quarries and shelters. Below is a brief description of these common site types, along with others that may be encountered from time to time. With a few exceptions the *Aboriginal Heritage Act 1975* requires Aboriginal heritage in Tasmania to be protected, and in practice protection is provided by means of "agreed procedures" between DPIPWE and other government agencies.

1.2 Types of sites

1.2.1 Stone artefacts

A stone artefact is any stone or rock which has been modified by Aboriginal people, frequently by fracturing or 'flaking' fine grained rocks to produce sharp cutting or scraping implements. The most common stone types used are silcrete and chert, on account of their availability and excellent tool making properties. However hornfels, chalcedony, spongolite, quartz and quartzite and other stone types are also found where these rock types and minerals are locally available.



Stone artefacts located after site preparation.
Left: hornfels (metamorphosed sandstone) artefact; *Right:* chert artefact.

In Tasmania, stone artefacts are typically recorded as being “isolated” (i.e. only one) or in a “scatter” (i.e. two or more within a 50 m radius). However, they can be further categorised by type, such as flake, core, scraper, hammerstone, grinding stone and debitage. Stone artefacts are found all over Tasmania, in all landscapes and situations, and are the most basic indicator of Aboriginal occupation.



A spongolite scraper. (Spongolite is a silica rock formed almost entirely from cemented sponge spicules.) The side-by-side concave fractures on one face have been produced by knapping, and distinguish the artefact from naturally occurring sharp stones. Scale in centimetres. *Photograph by AHT.*

1.2.2 Quarries

A quarry is a natural outcrop from which material has been extracted by Aboriginal people. Two types of quarries are recorded in the Aboriginal Heritage Register (AHR): stone and ochre; each typically being located wherever suitable stone for tool-making outcrops or ochre for painting and decoration has developed by rock weathering. Quarries are recognised by evidence of human manipulation and by the debris left behind from rock processing. Quarries can be extensive or small, depending on the size and quality of the outcrop and how often it was utilised and visited.



A quarried silcrete outcrop at Electrona. Note the smooth concave scars indicative of core removal.
Photograph by AHT.



Quarried silcrete at Electrona showing a well-developed percussion cone with associated ridges where a corestone has been created by deliberately striking off a projecting rock.
Photograph by AHT.

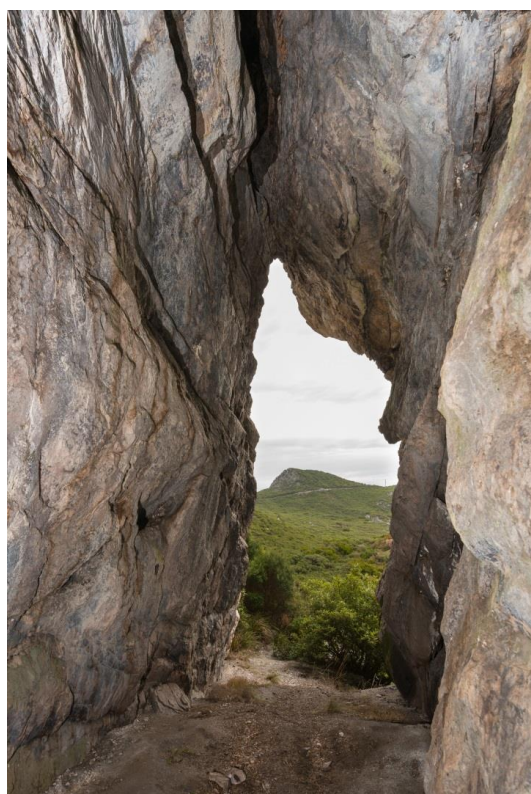
1.2.3 Caves and rock shelters

Caves and rock overhangs bearing signs of human activity are, for the purpose of the AHR, collectively called occupied rock shelters. Rock shelters usually occur in sandstone, granite or limestone rocks as these rock types readily weather to form caves and rock overhangs. Aboriginal people used these for shelter, ceremonies and other cultural practices, leaving behind occupational deposits such as middens and hearths, tools, or in some cases, rock markings.

Occupational deposits in rock shelters are often very well preserved and have the potential to tell us much about the past. Some of the earliest radiocarbon-dated Aboriginal sites in Tasmania are found in rock shelters.

Unoccupied rock shelters are those which show no obvious signs of Aboriginal occupation. These are also recorded in the AHR as there is a possibility that there may be Aboriginal heritage sub-surface. The criteria for identifying an unoccupied (potential) shelter are as follows:

- Does it contain archaeological material?
- Could an individual or group of people actually use the floor area?
- Is the entrance and shelter sheltered from rain, wind and sun or is it poorly lit?
- Is the shelter high enough for people to stand up and/or move around?
- Is the entrance accessible? What is the gradient of the outside slope (talus)?
- Is the shelter close to resources such as water, flora, fauna, and stone materials?
- Is the shelter close to other Aboriginal heritage sites and potential travelling routes?
- Does the shelter have a favourable aspect?



A rock shelter at Rocky Cape.
Photograph by AHT.



A shelter below a granite outcrop in Freycinet National Park. There are stencils on the rock surface. Deposits in the floor of the shelter, which includes a midden, were dated 28 000 years before present. *Photograph by AHT.*

1.2.4 Stone Arrangements

Stone arrangements are rocks or stones that have been configured by Aboriginal people to serve a function – either spiritual or physical. Heaps or cairns, circles, lines, fish traps, pits and paths are all types of stone arrangements. Sometimes these features can be difficult to detect within the landscape, often appearing to be natural to the untrained eye.

1.2.5 Rock Markings

Rock marking is the term used in Tasmania to define markings on rocks resulting from Aboriginal practices. Rock markings come in two forms; engravings and paintings. Engravings are made by removing the surface of a rock through pecking, abrading or grinding. Paintings are made by adding pigment or ochre to the surface of a rock.

Rock markings can be found in any area that has rocks with surfaces conducive for engraving or painting, ranging from sandstone to granite, and are commonly located on vertical or overhanging rock faces. In Tasmania, rock markings range from geometric designs and striations to hand stencils, hand prints and engravings of feet.



Rock markings, Sundown Point, on the west coast. Note the pitted texture produced by the sharp rock used to create the geometric patterns. *Photograph by AHT.*

1.2.6 Modified Trees

A modified or scarred tree is created when a section of bark or wood is removed from the trunk of a living tree by Aboriginal people; as the tree heals, it forms a distinctive round-edged scar. Scarring can occur as a result of environmental as well as human factors, so identifying Aboriginal modified trees requires care. Modified trees of cultural origin are rare in Tasmania because of bushfires and land clearing.

1.2.7 Shell Middens

Middens are occupational deposits created through an accumulation of debris from human activity. They are typically in sheltered, well drained positions near coasts where shellfish are plentiful, and hence largely contain shellfish remains. But middens may also be found inland, near lakes, swamps or lagoons and in caves, and may contain other debris such as animal bone, charcoal from campfires and discarded tools made from stone, shell or bone. The most common shellfish species found in middens in Tasmania are abalone, oyster, mussel, warrener and limpet.

Middens come in many shapes and sizes depending on the midden's age, how often or heavily it was used, and its current condition. Much can be learned about Aboriginal life from these deposits including seasonal resource availability, hunting and gathering techniques, the existence of trade routes, and changes to the local environment over time.



A west coast midden. Deflation (wind erosion) of sands has left shells exposed on the sand surface. *Photograph by AHT.*

1.2.8 Burials

Burial sites are highly sensitive places. They can occur anywhere, and have previously been recorded in sand dunes, shell middens and rock shelters.

1.2.9 Cultural Landscapes

Cultural landscapes reflect human interaction with the environment. Aboriginal cultural landscapes have been shaped by the people who have lived and moved through Country, and are associated with all aspects of cultural expression. Aboriginal cultural landscapes can only be identified by the Aboriginal community and are generally managed by agreement in catchment or management plans rather than in Forest Practices Plans.

2. Managing Aboriginal cultural heritage

Use of forests by Aboriginal people in the past, present and future will be considered during all stages of forest management. When planning a forest operation the FPO will ensure that cultural heritage values are identified and managed appropriately.

2.1 Planning

1. Identification of previously known sites is undertaken by interrogating either the Conserve database curated by FT or the AHR administered by AHT¹. The information in both databases may be sensitive or confidential and can only be accessed by FPA-endorsed Aboriginal heritage FPOs and database managers.
2. The likelihood of Aboriginal sites occurring on a coupe will be assessed by the process detailed in Table 2. The location of many sites recorded in old surveys is approximate. Recently found sites are more accurately located. Absence of a site listing for an area, particularly for coupes unharvested since 1990, or undisturbed since this date, should not be interpreted as indicating that no sites are present.
3. Consultation with local Aboriginal communities is advised, particularly for areas known to have a rich Aboriginal heritage or not previously subject to forest operations. A list of primary contacts may be obtained from the Cultural Heritage Manager at FPA or from AHT.
4. If Aboriginal cultural heritage sites are present within the operational area the FPP will clearly state this and provide clear management prescriptions (see section 2.6) including delineation of relevant reserves or SMZs on the FPP map, and whether a pre- or post-operational survey is required.

¹ Site locations on these databases should be identical on public land, and the FPA, FT and AHT are working on eliminating discrepancies between the databases. FPOs should be aware that Conserve may not record sites on public land outside production forests or on private land, whether forested or farmed. The AHR lists all known Aboriginal sites in the state and is the more complete database. AHT is working towards making the AHR directly accessible to FPOs. Once the AHR is directly accessible to FPOs the Conserve Aboriginal heritage database will become redundant.

2.2 Pre-operation field inspections

1. Field inspection will be undertaken at this stage to assess whether the operational area is likely to contain unknown sites and to attempt to relocate any known sites identified by Conserve or the AHR. Any known sites located in the operational area will have their recorded details assessed to determine appropriate management.
2. An AHR Site Recording Form² will be completed for any new site and forwarded to the FPA where it will be checked before being forwarded to AHT and the Conserve curator. (Note that sites or artefacts should not be disturbed. New sites of a complex nature, e.g. large scatters, rock shelters showing signs of habitation, or other sites requiring special archaeological or cultural expertise, may require a survey by a cultural heritage specialist.) Any required reserves or SMZs will be marked in the field and discussed with the forest contractor before operations begin to ensure that the contractor is aware of any known or potential sites within the operational area.

2.3 During operations

1. If Aboriginal cultural heritage is located during an operation it will be reported to the supervising FPO. Before work continues at that location the FPO will inspect and monitor the operation to ensure the heritage values are not impacted upon. (Planning FPOs will include this process as a standard cultural heritage prescription in an FPP.)
2. Any new sites found will be recorded and photographed and an AHR Site Recording Form will be completed for any new site and forwarded to the FPA where it will be checked before being forwarded to AHT for inclusion in the AHR.
3. Sites will be protected following the guidelines in section 2.4.

² Available from <<http://www.aboriginalheritage.tas.gov.au/Pages/Forms-and-Documents.aspx>> or the FPA website.

2.4 Site-specific prescriptions

Prescriptions will be applied according to Table 1.

Table 1. Minimum management prescriptions for different site types.

Site type	Minimum management prescription
Isolated artefacts	Manage each site within a 1–5 m MEZ ^{1, 2}
Large artefact scatters	Manage the site within a 1–5 m MEZ (from the outermost artefacts) ¹
Quarries and ochre mines	Manage the site within a reserve ³
Rock shelters and caves showing signs of occupation	A 20 m reserve should be provided in front of the shelter and a 10 m MEZ should apply on the top of the feature ³
Modified or scarred trees e.g. bark removal scars	Manage site within a 40 m radius no-harvest SMZ ³
Valued places or modified landscapes (e.g. Preminghana)	Consider site or landscape management at the appropriate scale, e.g. in a forest practices plan, catchment plan or landscape plan
Other sites	Contact the Cultural Heritage Manager at the FPA in the first instance

¹In rare cases where operations are likely to destroy, damage, deface, conceal or otherwise interfere with a relic and there is no reasonable alternative to the operation proceeding, only the Minister can, on the recommendation of the Director, National Parks and Wildlife, grant a permit under the *Aboriginal Heritage Act 1975* for operations to proceed. All permits will be applied for through AHT.

²A minimum MEZ of 5 m should be applied in most situations; where artefacts are found alongside roads or tracks a 5 m MEZ may be impossible to apply and in such cases a 1 m MEZ is appropriate if the artefact is visible. If the previously recorded artefact cannot be found an MEZ is not required as the accuracy of many early records is insufficient to justify an MEZ using only coordinate information, but when operations are completed another check should be made to re-locate the artefact.

³In forestry operations these features should be protected using at least the minimum management prescriptions specified, without exceptions.

2.5 Post operations

1. If an Aboriginal cultural heritage assessment has been prescribed in the FPP (see Table 2) it will be completed at this stage. The survey should cover all disturbed land within the specified area and be conducted systematically, e.g. by walking on parallel tracks at approximately 10 m spacing, and photographing artefacts or features and recording their location with a GPS.
2. In the interest of continual improvement of the forest practices system the outcomes of any site management should be assessed and the results noted.
3. Any non-compliance with prescriptions will be reported in accordance with FPA procedures.

Table 2. Criteria for conducting Aboriginal cultural heritage assessments (site surveys).**Is there a known site within the FPP area?**

- An FPA-endorsed Aboriginal heritage FPO accesses the Conserve Database or the AHR (as appropriate – see section 2.1) to identify known sites.
- Known sites within or adjacent to the coupe will require protection as specified in Table 1.

Are there likely to be new sites within the FPP area?

- The potential for new sites in a coupe is assessed by the FPO preparing the FPP by reference to the “trigger” statements below which define high sensitivity zones:

The coupe contains land . . .

- within 100 m of a known site listed in Conserve or the AHR
- within 200 m of a coastline, wetland or seasonal lagoon (reclaimed land excepted)
- that is flat, undulating or rolling (most slopes 0–11°) and well-drained within 100 m of a class 1, 2 or 3 watercourse, as defined in the Forest Practices Code
- on or within 100 m of any aeolian sand body or sand sheet, especially lunettes or dunes
- within a karst area (dolomite or limestone) containing caves; or other area (e.g. sandstone) containing caves, overhangs or rock shelters
- with significant natural outcrops (e.g. >25 m²) of quartz, fine grained quartzites, cherts, spongolite or chalcedony identified in Conserve or the AHR, or within 100 m of these outcrops
- with significant (e.g. >25 m²) natural outcrops of metamorphosed siltstone or sandstone (hornfels) adjacent to igneous intrusions (e.g. dolerite, granite or granodiorite), or within 100 m of these outcrops
- on major continuous ridgelines on basalt soils in the northwest
- supporting mature stands of *Eucalyptus gunnii*
- immediately adjacent to or within an Aboriginal Landscape for which a forestry company has a management plan.

Is there enough ground visibility to detect new sites?

- The answer to the above question is YES if:
 - cultivation or soil disturbance has occurred (or is planned) over about 30% of the land area, or more, *and/or*
 - cultivation or soil disturbance has resulted (or is likely to result) in *either* the mixing of soil horizons to 60 cm in depth *or* a fine tilth.

(Note that mechanised spot cultivation will normally satisfy the criteria above).

Is a site survey required?

- **Formal grid or line survey.** If any of the above ten triggers apply, **and** one or both of the two visibility criteria are met, **and** the area concerned covers 5 ha or more, a formal Aboriginal cultural heritage assessment (site survey) will be conducted by an FPA-endorsed Aboriginal heritage FPO.

(table continues on next page)

(table 2 continued)

- **Informal survey of disturbed ground.** In coupes that satisfy one of the above ten triggers, and in which machines have exposed mineral soil (e.g. around landings, or turning areas, or cultivated topsoil), but which do not meet the criteria for a formal survey, an FPO will check areas in which significant amounts of mineral soil are exposed for unusual rock flakes or other possible signs of Aboriginal heritage.
- **Field surveys in mature forests.** Particular care should be taken to identify any Aboriginal heritage (Section 1.2) in native forest that has not been accessed for 100 years or more.
- **Recording field surveys.** The date of field surveys will be recorded on the coupe file. Results will be available for FPA compliance checks.

Is a roadline survey required?

- When planning road lines a post-operational Aboriginal heritage assessment will be carried out if:
 - the roadline and an area of 100 m around it contains a known site shown in Conserve or the AHR, *or*
 - the operational area contains a high sensitivity zone >250 m in length, *or*
 - the operational area is close to the known quarries at Parrawe or Rebecca Creek, *or*
 - rock shelters (not recorded in Conserve or the AHR) are located within 50 m of the operation.
- An FPA-endorsed Aboriginal heritage FPO will ensure that any known sites or potentially important features such as rock overhangs are protected by management prescriptions in the FPP (see Table 1).

Has a site survey been previously completed?

- In plantations, if a site survey was completed during 1st rotation plantation development and no sites were located, no further assessment is required for 2nd and subsequent rotations. *Note: documentation is required to demonstrate that a site survey was completed in the 1st rotation plantation.*
- Similarly, in selectively harvested native forest, if a site survey was completed for a previous harvest, no further assessment is required for subsequent harvest, provided the earlier survey was documented.

“New” sites

- If “new” sites are found during surveys an AHR Site Recording Form will be completed and forwarded to the FPA for checking. The FPA Cultural Heritage Manager will ensure that “new” sites are recorded in Conserve and sent to the AHT for inclusion in the AHR.

2.6 Compliance

Compliance checks to ensure that operations are meeting high standards and follow prescriptions in the FPP, including prescriptions for managing Aboriginal heritage, occur at three levels:

- Many companies check operations weekly, fortnightly or monthly and will order corrective action if an FPP is not being followed.

- FPOs supervising operations are required to undertake compliance checks (on behalf of the FPP applicant) once “discrete operational phases” (e.g. roading, harvesting, or cultivation) have been completed; during these compliance checks the management of Aboriginal cultural heritage is assessed against the provisions of the FPP.
- The FPA’s compliance officers also undertake annual independent assessments (audits) of a sample of operational areas and rigorously examine the outcomes of planning and operations; the results of these assessments are reported in the FPA’s annual report.

3. Training

As part of the FPO training course, the responsibilities of FPOs with regard to heritage management are presented and assessed. Course participants are trained to:

- understand Aboriginal cultural heritage values
- manage cultural heritage within the regulated forest practices system
- understand the legislation that protects heritage in Tasmania
- determine the significance of cultural heritage values, and
- complete site reports for Aboriginal heritage sites.

The FPA, in association with appropriate trainers, organises training in Aboriginal heritage for a subset of FPOs, so that they develop practical skills and greater awareness of Aboriginal cultural values. Graduates of the training course become “FPA-endorsed Aboriginal heritage FPOs”. They can access the Conserve Aboriginal database, and have the skills necessary to:

- understand the significance of Aboriginal cultural heritage sites
- be capable of undertaking planning for the protection of Aboriginal cultural heritage and advise work colleagues on using the planning tools
- undertake and report on field surveys for Aboriginal cultural heritage, and
- complete site reports for new Aboriginal cultural heritage sites to a high level of competence.



Training helps Forest Practices Officers identify Aboriginal sites, and understand the way in which Aboriginal people used and modified the landscape.
Photograph by AHT

4. Selected research publications

Author	Year	Title	Series	Publisher	Location	Funding
Annear, R	1989	We find a way or make it; a cultural heritage survey of the Lower King River Valley	Unpublished report	Department Parks, Wildlife and Heritage and Forestry Commission, Tasmania	FPA	FC
Austral Archaeology	2001	Van Diemens Land Company Historic Sites (2 Vols.)	Unpublished report	Gunns Forest Products	FPA	Gunns
Austral Archaeology	2002	Van Diemens Land Company site conservation management plan Vol.1.	Unpublished report	Gunns Ltd	FPA	Gunns
Bannear, D	1989	King River Valley to Kelly Basin Archaeological Survey: A survey of the history and prehistory of Macquarie Harbour's northern shore	Unpublished report	Department Parks, Wildlife and Heritage and Forestry Commission	FPA/LINC	FC/PWH
Beasley, C, C Green, CJ Hughes & C Pocock	1993	An archaeological managements plan for the Mt Victoria rock shelter complex	Unpublished report	Forestry Commission Tasmania/ FPU	FPA	NEGP
Becker, J	2002	Historic heritage at Armitstead	Unpublished report	Gunns Ltd	FPA	Gunns
Becker, J	2003	Armistead cultural heritage survey	Unpublished report	Gunns Forest Products	FPA	Gunns
Brown, S	1985	A survey for Aboriginal sites in the APM Concession Area within the south-west Conservation area	Unpublished report	Forestry Commission/ National Parks and Wildlife Service Tasmania	FPA	

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Byrne, D	1993	Aboriginal heritage management plan: Tiata Mara Kominya (Beginners Luck Cave), Florentine Valley	Unpublished report	Forestry Commission / FPU	FPA	NEGP
Clarke, J & A McConnell	1992	The archaeology of Tasmania's forests	Pamphlet	Forestry Commission	FPA	FC
Cosgrove, R	1982	The impact of logging practices on the archaeology of east coast forests: a pilot study	Unpublished report	National Parks and Wildlife Service, Tasmania	FPA/LINC	PWS
Cosgrove, R	1989	An archaeological survey of four forestry roads in the Guilford area, NW Tasmania January 1989	Unpublished report	AFH, Burnie	FPA	AFH
Cosgrove, R	1990	The archaeological resources of Tasmanian forests: past Aboriginal use of forested environments	Occasional Report 27 Tasmanian Department Lands, Parks and Wildlife	Department Lands, Parks and Wildlife and Forestry Commission	FPA/LINC	NEGP
Cosgrove, R	1992	The management of archaeological resources in forested areas: Preliminary report of Phase 2 fieldwork, Forth River Valley	Unpublished report The management of archaeological resources in forested areas	La Trobe University, Forestry Commission, AFH	FPA	TFRC
Cosgrove, R	1993	Preliminary report of Phase 3 fieldwork	Unpublished report The management of archaeological resources in forested areas	La Trobe University, Forestry Commission, AFH	FPA	TFRC
Cosgrove, R	2004	Armitstead archaeological report	Unpublished report	FPA/Gunns/Latrobe University	FPA	FPA/Gunns/LaTrobe
Craib, JL	1990	An archaeological survey of selected forest roads in north-western Tasmania	Unpublished report	AFH, Burnie	FPA	AFH
Du Cros and Assoc.	1994	An experimental investigation of logging disturbance in Tasmanian forests	Unpublished report	Australian Heritage Commission	FPA	NEGP

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Duhig, N	1999	A report on the geology of the Parrawe area	Unpublished report	FPB	FPA	FPB
Dunnett, G	1992	An archaeological survey of the Togari Forest Block, Smithton District	Unpublished report	Forestry Commission	FPA	FC
Dunnett, G	1993	An archaeological survey and assessment of Aboriginal sites in the northern region of Tasmania	Unpublished report	Forestry Commission	FPA	NEGP
Ferguson, WC	1986	Results of an archaeological survey of the Douglas-Apsley, Bicheno, Tasmania	Unpublished report	Forestry Commission	FPA	FC
Forghani, A	1998	Van Diemens Land Company road location and management	Unpublished report	Forestry Commission /FPU	FPA	FT
Forghani, A & D Gaughwin	2000	Identification of a road network in an archaeological site using an integrated GIS and RS technique	Published	<i>Proceedings of the second International conference on Geospatial Information, Agriculture and Forestry.</i> Lake Buena Vista, FL, USA	FPA	FT
Gaughwin, D. & B. Brown	1991	Archaeological survey of recently burnt forested areas	Unpublished report	Forestry commission	FPA	FT
Gaughwin, D	1993	Aboriginal heritage management plan: Toolumbunner – an Aboriginal ochre mine	Unpublished report	Forestry Commission / FPU	FPA/LINC	NEGP
Gaughwin, D	2006	Natural vs. Cultural the D'Entrecasteaux expedition, Tasmania 1792	published	http://www.ncl.ac.uk/unescolandscapes/abstracts/	FPA/web	FPA
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Sim, R	1996	Archaeological potential zoning project	Unpublished report	Forestry Tasmania/FPB	FPA	NEGP
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Appendix 1. Legislation

State legislation

Aboriginal Heritage Act 1975

The protection of Aboriginal cultural heritage in Tasmania is principally governed by the *Aboriginal Heritage Act 1975* (www.thelaw.tas.gov.au). The Department of Primary Industries, Parks, Water and the Environment (DPIPWE), through Aboriginal Heritage Tasmania is the state government body that is responsible for administering the act.

Relics are defined in Section 2 (3):

(3) For the purposes of this Act, but subject to the following provisions of this section, a relic is –

(a) any artefact, painting, carving, engraving, arrangement of stones, midden, or other object made or created by any of the original inhabitants of Australia or the descendants of any such inhabitants, which is of significance to the Aboriginal people of Tasmania; or;

(b) any object, site, or place that bears signs of the activities of any such original inhabitants or their descendants, which is of significance to the Aboriginal people of Tasmania; or

(c) the remains of the body of such an original inhabitant or of a descendant of such an inhabitant that are not interred in –

(i) any land that is or has been held, set aside, reserved, or used for the purposes of a burial-ground or cemetery pursuant to any Act, deed, or other instrument; or

(ii) a marked grave in any other land.

Section 14 governs protection of relics:

14. Protection of relics

(1) Except as otherwise provided in this Act, no person shall, otherwise than in accordance with the terms of a permit granted by the Minister on the recommendation of the Director –

(a) destroy, damage, deface, conceal, or otherwise interfere with a relic;

(b) make a copy or replica of a carving or engraving that is a relic by rubbing, tracing, casting, or other means that involve direct contact with the carving or engraving;

- (c) remove a relic from the place where it is found or abandoned;
 - (d) sell or offer or expose for sale, exchange, or otherwise dispose of a relic or any other object that so nearly resembles a relic as to be likely to deceive or be capable of being mistaken for a relic;
 - (e) take a relic, or cause or permit a relic to be taken, out of this State; or
 - (f) cause an excavation to be made or any other work to be carried out on Crown land for the purpose of searching for a relic.
- (2) A permit under [subsection \(1\)](#) is of no effect if, to the knowledge of the holder thereof, the relic to which it relates has been acquired or dealt with in contravention of this Act.
- (3) This section does not apply to any dealing in land.
- (4) Where an authorized officer has reasonable grounds for believing that an offence under –
- (a) this section has been, or is about to be, committed in relation to a relic; or
 - (b) [subsection \(1\) \(d\)](#) , has been, or is about to be, committed in relation to an object other than a relic referred to therein –
- he may seize the relic or other object.
- (5) Where a person is convicted of an offence under this section in relation to a relic owned by him, the court by which he is convicted may, in addition to or in lieu of imposing any penalty on that conviction, order the relic to be forfeited to the Crown and, on the making of such an order, the relic vests in and becomes the property of the Crown.
- (6) If, in any proceedings for an offence against a provision of this section, the court is not satisfied that the defendant is guilty of the offence as charged but is satisfied that the defendant is guilty of an offence under another provision of this section in relation to which a lesser maximum fine is prescribed, the court may find the defendant guilty of the other offence.

In summary, with a few exceptions, the *Aboriginal Heritage Act 1975* requires Aboriginal heritage in Tasmania to be protected. The *Forest Practices Code* is linked to this act by section D5 'General Principles' (see below).

The Forest Practices Code

Section D5 of the Forest Practices Code (page 70) covers cultural heritage.

General principles

The cultural heritage of all ethnic groups (e.g. Aboriginal and other Australians) will be considered in all stages of forest management. The need for consultation with special interest groups is acknowledged.

Protection of cultural heritage should be achieved through identification, recording and assessment, and subsequent management by prescription or reservation.

Assessment of cultural significance and development of management prescriptions should involve cultural heritage expertise.

Relevant legislation and processes, including those required under the Aboriginal Relics Act 1975³ and the Historic Cultural Heritage Act 1995, will be delivered through forest practices plans in accordance with procedures agreed by the Forest Practices Board and other relevant agencies.

Commonwealth legislation

Federal legislation pertaining to Aboriginal cultural heritage includes the following acts:

Australian Heritage Council Act 2003

The Aboriginal and Torres Strait Islander Heritage Protection Act 1987

Environment Protection and Biodiversity Conservation Act 1999

The Aboriginal and Torres Strait Islander Heritage Protection Act 1987

This federal act is administered by the Department Of Environment, Water, Heritage and the Arts (DEWHA) with the Commonwealth having jurisdiction. The act was passed to provide protection for the Aboriginal heritage, in circumstances where it could be demonstrated that such protection was not available at a state level. In certain instances the act overrides relevant state and territory provisions.

The major stated purpose of the act is 'to preserve and protect from injury and desecration, areas and objects of significance to aborigines and islanders'. The act enables immediate and direct action for protection of threatened areas and objects by a declaration from the Commonwealth Minister or authorised officers. The act must be invoked by, or on behalf of an Aboriginal or Torres Strait Islander or organisation.

Any Aboriginal or Torres Strait Islander person or organisation may apply to the Commonwealth Minister for a temporary or permanent 'stop order' for protection of threatened areas or objects of significant indigenous cultural heritage.

³ Note that Forest Practices Code 2015 as quoted above refers to the Aboriginal Relics Act 1975 which has since been updated as the Aboriginal Heritage Act 1975, and the planning, assessment and site management procedures listed in sections D5.1 and D5.2 of the Code have now been replaced by the current publication Procedures for Managing Aboriginal Heritage when Preparing Forest Practices Plans (version 1.10).

The commonwealth act 'overrides' state legislation if the Commonwealth Minister is of the opinion that the state legislation (or undertaken process) is insufficient to protect the threatened areas or objects. Thus, in the event that an application is made to the Commonwealth Minister for a stop order, the Commonwealth Minister will, as a matter of course, contact the relevant state agency (in this instance AHT) to ascertain what protection is being imposed by the state and/or what mitigation procedures have been proposed by the land user/developer.

Environment Protection and Biodiversity Conservation Act 1999

This act was amended, through the *Environment and Heritage Legislation Amendment Act (No1) 2003*, to extend the existing aim of protecting environmental areas and sites of national significance to provide protection for indigenous and non-indigenous heritage sites and areas. Sections 324A to 324B in the 2003 act relate to cultural heritage sites.

Environment and Heritage Legislation Amendment Act (No1) 2003

The above act establishes the *National Heritage List* for listing of all significant natural, indigenous, and non-indigenous heritage, and the *Commonwealth Heritage List*, for listing of sites that are significant nationally and internationally, and governed by Australian legislation.

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1987* and amendments made to the *Environment Protection and Biodiversity Conservation Act 1999 (Comm.)* enable the identification and subsequent listing of indigenous heritage values on the commonwealth and/or national heritage lists (sections 341d & 324d respectively).

Document control log table**Document summary information**

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1.7	24 August 2015	Peter McIntosh	Changes suggested by FPAC incorporated
1.8	1 September 2015	Peter McIntosh	Added new photographs supplied by AHT
1.9	2 September 2015	Peter McIntosh	Track changes accepted; new TRIM number D15/19519
1.10	23 November 2017	Peter McIntosh	References to "Aboriginal Relics Act 1975" changed to "Aboriginal Heritage Act 1975"; Appendix 1 updated to reflect wording in the updated Act; new file number D17/454269.
1.11	22 August 2018	Peter McIntosh	Criteria for identifying unoccupied (potential) shelters added on page 10; change made at bottom of page 10 – one or both triggers for visibility need to be satisfied for survey to be required; new file number D18/181419.
1.12	10 September 2018	Peter McIntosh	Table 2 clarified to make clear when formal and informal surveys are required; new file number D18/198563

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