

Extinct No More: Discourses on Tasmanian Aboriginal Heritage

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Abstract

A belief has persisted that the Tasmanian Aboriginals became extinct in 1876, in the aftermath of colonization. Heritage has assumed a central role in the contemporary efforts of Tasmanian Aboriginals to reassert their identity and regain self-determination. As a consequence, Aboriginal heritage is a contentious political issue in Tasmania, with dispute focused particularly on efforts to replace the existing state Aboriginal heritage protection legislation, the *Aboriginal Relics Act 1975*. Additionally, the completion of a highway bypass at Brighton in 2012, despite the discovery of a significant Tasmanian Aboriginal heritage site, caused unprecedented Aboriginal protests in the state. In this dissertation, I analyze the discourses that surround Tasmanian Aboriginal heritage in: 1) the currently enforced and proposed Tasmanian Aboriginal heritage protection legislation; 2) public opinion on the Tasmanian Aboriginal heritage protection legislation and Brighton Bypass controversy; and 3) tourism material produced by the Tasmanian government. I demonstrate the continuing influence of the "myth of extinction" on Tasmanian heritage legislation and public perceptions, the discrepancy in enforcement of measures designed to protect European and Aboriginal heritage in Tasmania, the discursive positioning of Tasmanian Aboriginals in the past and spatial periphery in tourism interpretive and promotional material, and the need for increased collaboration between the Tasmanian Aboriginal community and the Tasmanian government.

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Chapter 1

Introduction

Similar to other British colonial settler-states such as the United States of America, Canada, and New Zealand, contemporary Australia is faced with the simultaneous challenges of coming to terms with a history of broken promises and violence directed towards Indigenous peoples and finding the best way to move forward. The path to reconciliation in Australia is necessarily multifaceted. Although the land claims process and the National Apology have received more scholarly and public attention (e.g., Head 2000; Gooder and Jacobs 2001; Foley and Anderson 2006; Barta 2008), heritage recognition and control, over both land and cultural productions, are also a crucial part of the process.

The word “unique” is much over and misused, but it can be applied accurately to the Tasmanian Aboriginals. After the last ice age ended about 10,000 years ago, Tasmania became separated from mainland Australia by the Bass Strait, which is about 150 miles wide at its narrowest point and generally more than 150 feet deep, with notoriously rough waters. Although there are about 50 islands in the Bass Strait, they are well separated. Thus, for nearly ten millennia the Tasmanian Aboriginals lived in total isolation, without any contact whatsoever with other human groups, on an island with an area of about 26,000 mi²—about the same size as Ireland, Sri Lanka, or West Virginia, for perspective. In the known history of the world, a comparable degree of isolation never happened elsewhere. Despite European colonial contentions, there is no evidence that the Tasmanian Aboriginals degenerated intellectually, culturally, or physically. Rather, the Tasmanian Aboriginals developed a complex culture, with

many elements distinctive from mainland Aboriginals, and intimate ties with the land. Every indication is that they were well nourished and lived to relatively old ages, not suffering greatly from infectious diseases. The Tasmanian Aboriginal population is believed to have been stable at 6,000-8,000 people at the time of European arrival in the early nineteenth century and they lived as nine different nations with recognized territories across the island, following established migratory routes.

The Tasmanian Aboriginals are often held up as the recipients of the worst treatment of any Indigenous peoples in the long history of the British Empire. Like the rest of Australia, Tasmania was considered to be *terra nullius* and the Tasmanian Aboriginals were displaced from their land without negotiations or any form of recompense. Tasmanian Aboriginals were in several notable instances the victims of large scale massacres inflicted by settlers and were subject to frequent occurrences of cruelty and depredation before their eventual relocation to Flinders Island in the Bass Strait—a series of events that is often referred to as a genocide. As McFarlane (2008) highlights, though the specific details of events may be debatable, there is little doubt that numerous atrocities were committed against the Tasmanian Aboriginals by government agents, soldiers, bushrangers, employees of the Van Diemen’s Land Company, and other colonists. The Tasmanian Aboriginals fought against British colonization for over a decade, quickly adapting to British military strategies and technologies, but their numbers were ultimately too few to hold out against colonists and soldiers. Elder (2000, 31) states that “the British, with a malicious and arrogant sense of their own superiority, proceeded on a path which would culminate seventy-five years later in the virtual extinction of the Tasmanian Aboriginal people.”

While this discourse pertaining to genocide is of great significance to ongoing societal and political debates in Australia (and other former settler-state colonies), as the aforementioned sentence by Elder (2000) indicates, it frequently implies that Tasmanian Aboriginals are extinct. The 1876 death of the Bruny Islander Truganani is often identified as the end of the “full-blood” Tasmanian Aboriginal race and the Tasmanian Aboriginals were long used as evidence of the inevitability and righteousness of European colonization, and in support of policies designed to expedite the demise of Aboriginal peoples throughout Australia (Ryan 1996; Ellinghaus 2009).

Yet Truganani’s death did not mark the end of the Tasmanian Aboriginals. Despite over a century of conflict, forced exile, neglect, assimilation tactics, and even official denial of their very existence, the Tasmanian Aboriginal community has persevered, and recently begun to demand both recognition and redress. There are approximately 19,000 people in Tasmania today who self-identify as Tasmanian Aboriginals (Australian Bureau of Statistics 2013c). They are primarily the descendants of European men and Aboriginal woman whom they abducted to accompany them to the abundant sealing and whaling grounds of the Bass Strait Islands. In the last few decades of the twentieth century the Tasmanian Aboriginal community became politically active, gaining recognition of their survival, claiming and obtaining the right of control over some artifacts, and eventually regaining some land. However, as Reynolds (1995, 194) points out, “when the modern land rights movement emerged in Tasmania in the 1970s the common reaction was that it was an exotic growth, an undesirable political weed with little indigenous strength, imported from mainland Australia.” The notion that Tasmanian Aboriginals are extinct remains common in Tasmania, mainland Australia, and internationally.

As Ryan (1996, 257) points out, “the Tasmanian Aboriginals have survived. But ... this has not been achieved without the enormous cost of near-extinction as a people and a continuing

denial of their identity in the present.” As a result of their colonial mistreatment, much of the traditional Tasmanian Aboriginal culture has been lost. The last fluent speaker of a Tasmanian Aboriginal language died in 1905 and practically no knowledge remains of the male ceremonies and traditions. For the contemporary Tasmanian Aboriginal community, a primary emphasis is necessarily placed on reviving and protecting their cultural traditions.

As a consequence, cultural heritage has emerged as an important component, and a primary “battleground,” of the Tasmanian Aboriginal rights movement. Heritage is a common area of focus in the efforts of Indigenous peoples and other marginalized groups, in Australia and internationally, for increased recognition and self-determination. Not only is heritage a fundamental component of identity, control over the identification and protection of heritage can lead to other important rights (Smith 2007). For this reason, all aspects of heritage are frequently contested within societies and are associated with discourses that can provide insight into important wider political and social issues.

Heritage is currently at the forefront of political debates surrounding Tasmanian Aboriginals, resulting in an ongoing push for new heritage legislation. In particular, conflict over Aboriginal heritage in Tasmania has three primary discursive arenas—heritage protection legislation, the public, and tourism. As a result, in this dissertation I am seeking the answers to the following research questions:

- 1) What discourses are found concerning Tasmanian Aboriginal Heritage in Tasmanian Government heritage legislation?
- 2) What are the public discourses surrounding Tasmanian Aboriginal Heritage?
- 3) What discourses are associated with Tasmanian Aboriginal Heritage in the Tasmanian tourism industry?

To answer these research questions, I employed a diverse methodology consisting primarily of interviews and discourse analysis of: 1) current and proposed Tasmanian Aboriginal heritage legislation; 2) stakeholder commentary on the proposed legislation; 3) documents produced by the Tasmanian Aboriginal Centre; and 4) material included in Tasmanian government tourism promotional and interpretive material.

My project is designed to address a significant gap in the existing human geography, heritage, and tourism literatures, as there have been very few studies published that focus on Tasmania Aboriginals. It also represents an attempt to exert a stronger geographic component into heritage studies, which are generally dominated by anthropology, archaeology, and museum studies. Furthermore, a case study of Tasmania may provide comparative insight into heritage struggles taking place for Indigenous peoples elsewhere in Australia and around the world. On a personal level, this research represents the confluence of several of my long-standing interests. Throughout my graduate studies, I have focused on issues associated with contemporary settler-state government recognition and framing of colonial-era actions and policies. Specifically, I have done so in the context of postcolonial geographies and histories, national apologies to Indigenous peoples, efforts at reconciliation, and discourses in the tourism industry. While I was partially motivated to undertake this research out of academic interest, of greater significance was the opportunity to make a contribution to what I consider to be an important debate. I believe that to begin addressing the injustices of colonialism, state governments must first have a comprehensive and honest reckoning of their historical and geographical pasts. Given its crucial role in shaping the attitudes and perspectives of citizens towards the past and present, heritage has a vital role to play in this. In Tasmania, this issue is currently unfolding in the political arena and decisions made by the Tasmanian government on

Tasmanian Aboriginal heritage in the near future could have ramifications for the next several decades. More than anything else, I hope my project will be engaged with by stakeholders in this debate and will help lead to a more productive dialogue.

Indigenous Geography

Indigenous peoples have been a common theme of research in the field of geography for hundreds of years. However, for much of this time period geography was playing an essential role in the European colonial process. Geographers lent their skills to the European powers in the exploration of lands and oceans, the production of maps, the cataloguing of resources, and the subjugation of Indigenous Peoples. If one is to believe popular Western history books, the colonial era came to an end nearly seventy years ago with the creation of the United Nations and the dissolution of the British Empire. While the last European colony may have “officially” been granted independence, the ramifications of the colonial era continue to exert profound influence in what Gregory (2004) calls the “Colonial Present.” In geography, the legacy of colonialism continues to shape the type of research problems that are addressed and the manner in which they are studied. A new form of Indigenous geography, drawing upon and contributing to postcolonial theory, has come to prominence in the past several decades, motivated, in part, by the necessity of identifying and critically addressing the manifestations of this colonial influence (Nash 2002; Gregory 2004; Panelli 2008).

Among the cornerstones of contemporary Indigenous geography is the push for changes in the methodological approaches taken by geographers researching issues associated with Indigenous peoples. As famously articulated by Smith (1999) in her book *Decolonizing Methodologies: Research and Indigenous Peoples*, many social scientists, including geographers, have taken advantage of Indigenous peoples and communities; gathering whatever data is

necessary to further their research agendas while not offering any benefits, tangible or otherwise, to the communities. As she notes, there must be a transition away from “research on” to “research with” Indigenous peoples. Many scholars (e.g., Hodge and Lester 2006; Louis 2007; Johnson 2008; Larsen and Johnson 2012) have provided important insight into the essential components of this research transformation, including emphasizing community-driven projects, culturally appropriate methodologies, long-term collaborative relationships, and the widespread dissemination of results to communities.

Another particularly important component of Indigenous geography is an emphasis on research topics that have the potential for real-world positive impacts on Indigenous communities (Howitt and Jackson 1998; Johnson et al. 2007; Coombes et al. 2012b). As a consequence, there have been a number of recent geographic studies published on important issues such as land rights (Mercer 1997; Agius et al. 2007; Bolaños 2011), land management (Hill 2011; Coombes et al. 2012a), health (DeVerteuil and Wilson 2010; de Leeuw 2012), and building collaborative cross-cultural relationships (Pickerill 2009; Barker and Pickerill 2012; Coombes et al 2012b). My research is intended to be consistent with this vital purpose and will hopefully encourage more engagement by geographers with issues of cultural heritage protection and rights.

In regards to this project, a particularly significant Indigenous geography research outcome has been the problematization of the geographic concept of “place.” As Castree (2004) describes, the conceptions of place popularized by, for example, Massey (1999), as unbounded and translocal, do not adequately apply to Indigenous communities. Indigenous peoples have a powerful and exclusive connection with traditional places at the local scale and simultaneously harness transnational relationship to further their causes. As Castree (2004, 152) notes, “many

artefacts and knowledges are, like land and water, considered by indigenous peoples to be inalienable (in both a proprietary and geographical sense) or only alienable under certain strict conditions.” This special connection with place is often ignored and dismissed, especially in response to claims for land and other rights, including heritage protection.

Study Area

Tasmania is the smallest and least populated of the Australian states (Figure 1.1), with a population of 512,900 people in 2013 (Australian Bureau of Statistics 2013a). It is also the slowest growing, economically and demographically, of all Australian states and territories. Tasmania has the weakest economy of any Australian state or territory, and is dominated economically by mining, agriculture, forestry, and tourism. Tasmania experienced the largest increase of median age in Australia between 1990 and 2012, up to 39.8 years, due to a high level of outmigration of young adults to the Australian mainland seeking education and work (Australian Bureau of Statistics 2013b). Of the population of Tasmania, 211,656 live in Hobart, 74,085 in Launceston, 22,770 in Devenport, and 19,329 in Burnie (Australia Bureau of Statistics 2013c).

Tourism is currently the second largest industry in Tasmania, with visitors spending \$A1.508 billion in Tasmania between June 2012 and June 2013 (Tourism Tasmania 2013a). Of the 961,000 tourists who visited Tasmania during that time, 839,000 were from other Australian states and territories. For both domestic and international tourists, the primary reasons for visiting Tasmania were “holidays” and to visit friends and relatives. The primary generating regions for international tourists to Tasmania are the United States, United Kingdom, China, New Zealand, and Hong Kong. Mining, forestry, and agriculture have likely peaked as revenue sources for Tasmania, but potential exists for tourism to further prosper if Tasmanian Aboriginal

heritage is understood and incorporated into the tourism supply network. A tourism product based on the unique history and culture of the Tasmanian Aboriginals would stand out from other Indigenous tourism products offered on mainland Australia.



Figure 1.1: Map of Tasmania showing primary settlements and islands (Source: wwp.greenwichmeantime.com)

Dissertation Outline

The remainder of the dissertation is organized thematically. Chapters 2, 3 and 4 provide an historical background to the contemporary issues associated with Tasmanian Aboriginal heritage. Chapter 2 presents an overview of pre-colonial Tasmanian Aboriginal culture and history. It highlights the difficulties in reconstructing the past in Tasmania and identifies several of the common colonial European misconceptions about Tasmanian Aboriginal culture that continue to impact current academic research and society perceptions. Chapter 3 addresses the British colonization of Tasmania, describing the initial settlement process, Tasmanian Aboriginal

resistance and relocation, the creation of the “extinction myth,” and the emergence of the “Islander” community. Chapter 4 presents a summary of the mainland Aboriginal rights movement and how it has impacted Tasmania. Included in this chapter are the emergence of the Tasmanian Aboriginal Centre, the *Aboriginal Lands Act 1995*, and a discussion of Tasmania’s role in the Australian “history wars.”

Chapters 5 and 6 address the components that form the theoretical foundations of my dissertation. Chapter 5 provides an in-depth discussion of the Authorized Heritage Discourse (Smith 2006) and the ways in which Aboriginal communities have been impacted by and resisted it. Chapter 6 describes how European perspectives on heritage have come to dominate international and Australian heritage law, and identifies the primary threats to Aboriginal heritage.

Chapters 7, 8 and 9 are the primary research components of my study. Chapter 7 outlines the methodology that I utilized to answer the research questions and provides a discussion of how my positionality might have influenced the research outcomes. In Chapter 8, I address each of the research questions in turn and discuss their implications to both the situation in Tasmania and the academic literature. In Chapter 9, I provide a summary of my primary findings and make suggestions for future research.

Chapter 2

The Pre-Colonial History and Culture of the Tasmanian Aboriginals

Before one can analyze a debate regarding cultural heritage, it is necessary to provide some background into the culture that produced the heritage in question. In the case of the Tasmanian Aboriginals, however, this is not a straightforward matter. Due to the events that happened during colonization, which are discussed in Chapter 3, knowledge about the pre-colonial history of the island now known as Tasmania and of Tasmanian Aboriginal culture is unfortunately limited. In regards to the Tasmanian Aboriginals, as Chalk and Jonassohn (1990, 204) put it, “we know practically nothing about their origin and little about their culture. On the other hand, we know a great deal about what happened to them after the arrival of the Europeans.”

The information that is known about the Tasmanian Aboriginals is derived primarily from archaeological sites and material that have been found on the main and neighboring islands, ethnographic accounts, and oral knowledge that has been passed down within the community. There are a number of older historical accounts which contain descriptions of Tasmanian Aboriginal culture (such as Bonwick 1884; Travers 1968; Davies 1974) but in these it is often difficult to ascertain pertinent facts from among the colonially-inspired discourse. To provide some perspective, Bonwick’s (1884, 2) description of the Tasmanian Aboriginals is among the more balanced and sympathetic accounts:

Left alone those thousands of years, never advancing beyond the rudest state, they had sense and feeling. An expansive, and often lofty, forehead betrayed no gorilla look. A language with no ordinary grammatical niceties and complexities proved their human kind. The merry laugh at the evening fire, the ready joke, the

boisterous fun, the play of mother and child, made the camp a lively scene. Their wants were few and easily supplied. With no regrets for past good, and no desire for any future but a fair day's sport, the present only gave them care or brought them joy.

Hence, due to the perceptual shift that has occurred in scholarship concerning Tasmanian Aboriginals, and Indigenous peoples in general, over the last several decades, whenever possible I am going to draw from more recent sources. In this chapter, I discuss the history and culture of Tasmanian Aboriginals and the issues associated with understanding both.

Pre-Colonial Tasmanian Aboriginal History

During the most recent ice age, the period which geologists have termed the Pleistocene, the land masses that today comprise Papua New Guinea, much of Western Melanesia, Australia, and Tasmania were part of a large supercontinent commonly known as Sahul. As Clarke (2003, 9) notes, “for 80 per cent of the time that humans are thought to have occupied the Australian continent it has been joined to New Guinea.” As extensive plain systems formed land bridges across what are now the Bass and Torres Straits, the migration of the ancestors of Aboriginals, and the Tasmanian Aboriginals more specifically, was done primarily on foot. According to Cosgrove (1989, 1708), geological and archaeological evidence suggests that Bass Strait was connected three times to mainland Australia by the land bridge termed the Bassian Rise “between 55,000 and 10,000 years ago,” with “the longest extending from 37,000 to 29,000 years ago,” forming a larger landmass that is often called “Greater Australia” (Head 2000; Clarke 2003).

Carbon dating from an archaeological find of stone fragments, animal bones, and charcoal from several caves in the central Florentine valley suggests that people arrived in Tasmania more than 30,000 years ago, with some estimates exceeding 40,000 years ago

(Cosgrove 1989; Robson and Roe 1997; McFarlane 2008). This arrival coincided with the aforementioned prolonged exposure of the Bassian Rise, the result of a drop of 55 meters in sea level, when Tasmania was just another part of mainland Australia (Cosgrove 1989). With significant contact between groups across the Bassian Rise, as evidenced by similarity in tools utilized and the migration of animals, there was not a distinct Tasmanian Aboriginal culture at this time (Pardoe 1991). Unfortunately there is little information available about the nature of the interactions across the Bassian Plain and this period has not been extensively studied (Robson and Roe 1997).

It is noteworthy that archaeological sites have been found across the entire landmass of Tasmania, encompassing a wide variety of environmental conditions from coastal lowlands to mountains to dense rainforests (Porch and Allen 1995). This pattern of archaeological sites suggests that the Tasmanian Aboriginals were highly adaptive peoples. It appears that early in their history Tasmanian Aboriginals clustered around caves, but with the development of the midlands grasslands following a warming trend about 18,000 years ago, they moved primarily to the plains and coast (Ryan 2012). Cosgrove (1999) notes that the number of sites, and the abundance of artifacts found, increases dramatically 16,000 years before present, suggesting a substantial rise in population. At approximately the same time, archaeological evidence indicates that the Aboriginals began to move out of the southwest part of the island (which remains very sparsely populated), perhaps due to an increase in forestation and the resultant movement of plain animals such as kangaroos and emus.

At the end of the Pleistocene ice age, worldwide sea levels rose dramatically, resulting in the flooding of the Bassian Rise connecting Tasmania and mainland Australia approximately 10,000 years ago (Cosgrove 1999). Although the exact timing of this flood is not known, the

absence of the dingo in Tasmania provides evidence of this date alongside the geological and archaeological suppositions (Robson and Roe 1997). As neither the Tasmanian Aboriginals nor the Aboriginals of southern Australia possessed watercraft capable of crossing the 150 mile Bass Strait, the separation effectively resulted in the complete isolation of the Tasmanian Aboriginals from mainland Australian Aboriginals and all other peoples from the beginning of the Holocene period (Pardoe 1991; Reynolds 2012). As a result, the “Tasmanians have experienced the longest period of isolation of any human group, perhaps in our whole history” (Pardoe 1991, 1).

Reynolds (2012, 5) contends that

some memory of migration from the distant mainland may have survived as legend but for over 300 generations Tasmania was their all embracing world, fellow islanders the only known inhabitants of the universe, their ways the time honoured pattern for the whole of humankind.

Not surprisingly, this long isolation from other humans produced changes to Tasmanian Aboriginal physical appearance (Robson 1983, 13), including “the emergence of woolly hair and reddish-brown skin colour” (Ryan 1996, 10) that varied considerably among the population (Ryan 2012), and changes to cultural practices as they adapted to an environment considerably different than mainland Australia—with a notably colder winter due to the southerly latitude and the presence of water year round in streams and abundant lakes. While much has been lost about the many ways in which Tasmanian Aboriginal culture undoubtedly changed, archaeological evidence has led to several debates concerning the impact of this isolation, which will be discussed later in the chapter.

Pre-Colonial Tasmanian Aboriginal Culture

Tasmanian Aboriginal culture recently has been the subject of much research, but many of the studies in the literature (e.g., Thomas 1993; Jones 1995, Porch and Allen 1995; Cosgrove

1999; Henrich 2004; Cosgrove and Tay 2004; Fletcher and Thomas 2004; Read 2006) have focused on the late Pleistocene and early Holocene periods, exploring how Tasmanian Aboriginals adapted to, or were impacted by, the climatic change and their imposed isolation. Though their findings are important, and will be discussed in this section, it is questionable how applicable they are to reconstructing Tasmanian Aboriginal culture in the period before and during colonialism. As Ryan (1996, 10) states,

changes in the social, territorial, and religious organization of Aboriginal Tasmanian society over the last ten thousand years are unknown, for the absence of social anthropological research and the poverty of valid ethnographical observations have obscured the cultural base of Aboriginal Tasmanian society.

Consequently, while Tasmanian Aboriginal culture unquestionably changed tremendously over such a long period of time, it is often impossible to determine either the manner of change or the cause.

Despite the discoveries made in recent decades from fields such as anthropology and linguistics, in the absence of a continuity of oral traditions and knowledge, which were disrupted by the colonization process that is described in Chapter 3, much of the information known about Tasmanian Aboriginal culture has been derived from colonial era ethnographies and pseudosciences such as phrenology (Ryan 1996). While some traditions remain in practice by the contemporary Tasmanian Aboriginal community, these are both limited and gender-specific—the women ancestors of the contemporary community did not represent all of the Tasmanian Aboriginal tribes, and there were no Tasmanian Aboriginal men in the settlement to pass down their traditions. Furthermore, as might be expected, many of the colonial accounts were produced by individuals with decidedly prejudicial views towards Tasmanian Aboriginals, seeking to illustrate some “savage” practice or justify British actions.

Therefore, in researching Tasmanian Aboriginal culture it is sometimes difficult to separate fact from fiction. While the overtly racist and pro-imperialist overtones are no longer found in more contemporary accounts of Tasmanian Aboriginal culture, the colonial era stereotype of it is as “primitive,” which will be discussed in more detail later in this chapter, can still be found in both academic and popular accounts (Gott 2002). As Jones (1995, 441) argues, “the intellectual construction of the Tasmanians as having been a changeless relic from an ancient stratum of human society had the sapping effect of inhibiting any real analysis of their history.” Notions of the Tasmanian Aboriginals as “Noble Savages” also remain alive in considerations of their culture, as this quote illustrates: “to nearly everything about the Tasmanians there was a haunting naiveté. They lived all by themselves, like children in the woods, and they seem to have thought of life as essentially provisional” (Chalk and Jonassohn 1990, 208). Not surprisingly, the long standing negative and dismissive connotations associated with Tasmanian Aboriginal culture are reflected in conceptions of their heritage—if a people did not have a valuable culture, how could they produce valuable heritage?

Further complicating matters have been the tendency of researchers to create an unrealistically monolithic Tasmanian Aboriginal culture, ignoring the differences that existed among and within tribes—a phenomenon all too common in accounts of Indigenous peoples. It should be mentioned here, as McFarlane (2008, 3) rightly points out, that “the idea of a Tasmanian Aborigine is, of course, a European construct, blind to the rich cultural diversity to be found in the patchwork of mini-states that made up pre-contact society.” Similarly, Clarke (2003, 188) states that “before the British settlers arrived, the Indigenous people of Australia had no concept that they were collectively ‘Aborigines’, but rather saw themselves as part of smaller local cultural identities.” Thus, prior to European settlement, the communities and tribes of

Tasmania would not have considered themselves as a collectivity, other than as being the sole members of what we would consider the human race.

However, because the Europeans viewed and treated them as such during the colonial era and the information about specific clans and nations is sparse, regrettably it is easiest to describe cultural traits and recount historical events and processes referring to them at the larger scale.

While there are studies that focus on particular regions (such as McFarlane's 2008 account of the Northwest region), there are no detailed accounts of specific nations and thus it is impractical to avoid using generalizations when discussing Tasmanian Aboriginal culture. McFarlane (2008, 2) suggests that

cultural traits that were specific to tribes included hair styles, differing use of body ochre and charcoal for adornment and protection against the weather (with the addition of grease), cicatrice body patterns, dances, language, songs, sacred trees, myths, astronomy, different 'dieties', charms and amulets, food prohibitions and butchering methods.

Robson (1983, 18) posits similar differences in his comments on the variability of cultural practices within Tasmanian Aboriginal society. While each of these cultural characteristics will be touched upon in this section, it will predominantly be in general terms.

Cultural Practices and Beliefs

At the time of initial European settlement in 1803, the estimated 6,000 to 8,000 Tasmanian Aboriginals were organized primarily among small immediate family groups of 2 to 11 people which comprised larger "bands" or "clans" of approximately 50 to 75 people. Each clan was led by a single chief, chosen by merit rather than ancestry (McFarlane 2008; Ryan 2012). Ryan (2012, 10) notes that

along the coasts, the clans were regularly spaced, each occupying some 25 to 30 kilometers of coastline, with shorter distances in the rich north-western corner of the island and longer ones along the extreme southwest where smaller supplies of food were available. Where coast and inland areas were combined, each clan's

territory occupied about 500 to 750 square kilometers, and their number and size appear to have been determined by the nature of the food supply.

The clans were in turn associated with nine larger tribal groupings or “nations,” as the contemporary community prefer them to be called (Robson 1983; Ryan 1996; Robson and Roe 1997; McFarlane 2008; for a list of the clans believed to have comprised each nation see Ryan 2012, 15-17). Generally, “each distinctive tribal region was essentially a loose knit social and political unit made up of tribes living in adjoining areas and sharing a common language, as well as cultural and economic migration patterns” (McFarlane 2008, 7). The nations lived within defined territories (Figure 2.1), which consisted of the combined land of the member clans. The Tasmanian Aboriginal nations are now termed North West, North, North East, North Midlands, Ben Lomond, Oyster Bay, Big River, South East, and South West after their geographical location.



Figure 2.1: Map of Tasmanian Aboriginal pre-colonial nation boundaries (Source: www.discovertasmania.com)

Within their territories the Tasmanian Aboriginals used customary seasonal migration patterns following their food sources, functioning as a hunter and gatherer society (Robson 1983; Ryan 1996; McFarlane 2008; Ryan 2012). Neighboring clans and nations would sometimes cross through each other's territories, and would request permission before doing so. As in much of mainland Australia, within the family groups, labor was largely divided along gender lines, with men tasked to hunt larger prey and women to dive for shellfish, climb trees for possums, and gather roots and vegetables (Ellis 1981; Ryan 1996; Clark 2003; Ryan 2012).

Tasmanian Aboriginals had a varied and balance diet, and consumed shellfish, kangaroo, wallabies, emu, wombats, echidna, possums, seals, birds and their eggs (particularly muttonbird, swan and duck), fish, roots, fungi, and a variety of vegetables and fruits (Robson 1983; Chalk and Jonassohn 1990; Ryan 1996; Clark 2003; McFarlane 2008; Ryan 2012). It is unknown specifically what plants they used for medicine (McFarlane 2008), although some knowledge remains with the contemporary Tasmanian Aboriginal community. According to McFarlane (2008, 21) "the only known drink that Aborigines consumed was water with the exception of the sap from the Cider trees (*Eucalyptus gunii*), which was tapped and the resultant sap allowed to collect in a hole dug at the base of the tree." With such an abundance of food, "no clan had(s) a food surplus, for the environment itself was a storehouse and each knew where food sources were in abundance at any time of year" (Ryan 2012, 13). The Tasmanian Aboriginals had no means of boiling water, but food was cooked through a variety of roasting methods (Gott 2002; McFarlane 2008).

Unlike many mainland Aboriginal groups, where polygamy is common, Tasmanian Aboriginal men and women had monogamous lifelong relationships (Clarke 2003; Ryan 2012). Because Tasmanian Aboriginals lived in small family groups, partners were often found from

other family units or clans when Tasmanian Aboriginal communities gathered together for ceremonial purposes (McFarlane 2008). In Tasmanian Aboriginal society,

there were parental prohibitions and punishments for “wrong” marriages and adultery, and although “divorce” took place, infidelity, jealousy, and raids for women were the chief cause of fights, often resulting in the deaths of some of the principal parties (Ryan 1996, 13).

If a spouse died, the survivor would remarry and the new partner would assume responsibility for any children (Ryan 1996).

The paucity of information about Tasmanian Aboriginal culture is perhaps most strikingly demonstrated by the lack of consensus concerning language. Estimates for the number of languages spoken during the pre-colonial era vary from two to three (Read 2006) to eight to twelve (Clarke 2003), with other scholars (such as Robson 1983; Ryan 1996; Robson and Roe 1997) providing numbers somewhere in between. The last speaker of a Tasmanian Aboriginal language died in 1905 and, as elsewhere in Australia, the British made little if any effort to learn the local language, with the onus usually placed on the Tasmanian Aboriginals to learn English (Clark 2003). Although some Tasmanian Aboriginal words are known, this lack of knowledge necessarily limits understanding of Tasmanian Aboriginal culture.

There is also only sparse information about Tasmanian Aboriginals’ religious and spiritual beliefs, and McFarlane (2008, 28) laments that “much of the relevant early contact data comes from catechists more intent on supplanting indigenous religion than recording it.” Some colonial accounts contended that they had no god or sense of spirituality (see for example Bonwick 1884). It is apparent, however, that Tasmanian Aboriginal spirituality differed from that found among mainland Aboriginals to the extent that comparisons, including the incorporation of familiar concepts such as the Dreaming, are problematic (Ryan 1996; Clarke 2003; McFarlane 2008). As McFarlane (2008, 39) puts it,

although Aborigines in Tasmania possessed none of the religious connections to the land associated with the mainland Aborigines – links formalized by rites, ceremonies and dreaming lore – they had nevertheless a deep and unswerving attachment and loyalty to their lands.

Providing some insight, in her discussion of Tasmanian Aboriginal spirituality, Ryan (1996, 10) states that

their spiritual practices were apparently based upon the idea of the good spirit (Noiheener or Parledee), who governed the day, and the bad spirit (Wrageowrapper), who governed the night. These and other spirits were associated with the creation, fire, rivers, trees, and the dead.

Both Ryan (1996) and McFarlane (2008) describe a story concerning the creation of the first Tasmanian Aboriginal, who possessed a kangaroo tail, in the aftermath of a star god named Moihernee, who fell and became a stone at Toogee Low (near Port Davey in southwest Tasmania). However, this story is only associated with certain groups and others likely had different stories. According to Ryan (2012, 7) the Tasmanian Aboriginals'

cosmologies involved the intertwining of landscape, ritual, music, art and law so that none formed a truly separate domain. Thus the men were associated with the sun spirit and the women with the moon, and their customs were based upon totems (each of the 100 or so clans that may have inhabited Tasmania in 1803 taking a designated species of bird or animal as a totem) and taboos, especially concerning whether an individual ate the male or female kangaroo and wallaby.

Thus, while there were considerable differences, like mainland Aborigines the Tasmanian Aborigines did not create the immutable binaries so often found in Western culture between the physical and spiritual worlds, religion and law, or, importantly, people and the landscape.

Although there are descriptions of Tasmanian Aboriginal ceremonies and dances associated with the emu, kangaroo, and other “natural phenomenon” (McFarlane 2008, 31), the most documented aspect of their worldview is associated with their death rites and perspectives. Ryan (2012, 7) describes it as such:

when a person died, their relations usually decorated the body with ochre and clay, wrapped it in leaves with items from their totem such as bird feathers or animal skins and then cremated it, in a sitting position either in a specially prepared wooden platform or in the hollowed-out base of a tree, amid intense ceremonies to farewell them on their journey to join their relatives in the spirit world. A guardian spirit or “soul” that lived within their left breast went to live elsewhere—such as the islands in the Bass Strait.

A lengthy period of mourning followed a death, and those close to the deceased would sing “dirges every morning” (McFarlane 2008, 32). The names of the deceased were not mentioned again, sometimes resulting in a notable change to language when the deceased shared a name with a common object or place, and doing so could cause great offense—“this was not just out of respect for the deceased, but because of the need to leave the spirit behind in peace” (Clarke 2003, 49). Individuals would sometimes wear the bones of a deceased relative or friend in a kangaroo skin pouch or on a sinew cord around their necks (Ryan 1996; Ryan 2012). Such actions may not entirely have been done as part of the grief process, however, as “it was also believed that amulets containing the ashes or bone relics of the dead were capable of effecting healing in certain cases” (McFarlane 2008, 27).

Spiritual rites of initiation associated with entering adulthood common on the Australian mainland, such as tooth removal and circumcision, were not practiced in Tasmania (Clarke 2003; McFarlane 2008). In Tasmanian Aboriginal culture

both sexes incised their bodies and rubbed into their wounds powdered charcoal and red ochre mixed with grease, in order to raise high weals on the skin. These cicatrices took the form of lines, dashes, and circles and were to be found principally on the upper arm, chest, shoulder, back, and buttock (Ryan 1996, 12).

While these may have been utilized as part of an initiation ceremony, there is speculation that they were employed for the purposes of keeping dangerous spirits at bay (McFarlane 2008) or as a means of tribal identification (Ryan 1996; McFarlane 2008). Ryan (1996, 11) notes that

the significance of their linear, circular, and dot formations is unclear, although they could possibly represent the sun-male and moon-female deities associated with tribal bands, formations, and numbers or movements in a similar context to their myths and legends (Ryan 1996, 11).

It is certain that the mining and use of ochre was of great importance to Tasmanian Aboriginal culture, as it was in many other parts of the world (for a discussion of ochre's significance see Sagona 1994a). Ochre was used widely among Tasmanian Aboriginals as a means of body decoration and assuredly held some spiritual significance (Ellis 1981; Robson 1983; McKay 1994; Sagona 1994b; Ryan 1996; McFarlane 2008). When mixed with grease, it also served as a protective layer against cold temperatures (Sagona 1994b). Tasmanian Aboriginal men applied a mixture of ochre and grease to their scalp and facial hair, and also sometimes wore sinew necklaces covered with it (Ryan 1996, 11). Tasmanian Aboriginals varied the patterns they created with ochre on their bodies (Sagona 1994b, 20). The differing application of ochre may have served as a means of asserting and distinguishing group identity or as a sign of status within the group. Tasmanian Aboriginals would also sometimes cover their face with ochre during times of mourning (Sagona 1994b). As mentioned previously, ochre was also mixed with charcoal and grease and rubbed into the wounds that created the cicatrices (Ellis 1981; Robson 1983; McFarlane 2008).

Ochre was highly valued as a trade item, and "the occurrence of ochre deposits within a tribe's boundaries bestowed significant economic and social advantages on the owners" (McFarlane 2008, 9). Robson (1983) and Sagona and Webb (1994) suggest that responsibility for mining ochre was assigned to women. The most important ochre mines were all found in the territory of the North tribe at what today are known as Mt. Vandyke, Mt. Housetop, and St. Valentines Peak (Ryan 1996). Neighboring tribes were given access to ochre mines and they in turn would trade ochre with those located in other parts of the island (Sagona and Webb 1994;

Ryan 1996). Ochre has been found at many of the important Tasmanian Aboriginal sites, including Mt. Cameron West and Kutikina cave.

Debates over Technological Abilities

Much of the research that has been done on pre-colonial Tasmanian Aboriginal culture has centered on three debates concerning their technological capabilities: 1) did the long period of isolation result in a technological decline? 2) were they able to create fire? and 3) did they lose the ability to catch bony fish? While on the surface none of these questions may seem particularly relevant to issues of cultural heritage or land rights, these debates are, in fact, central to them. In the past the consensus answer to all of these questions was a resounding “yes”, but more recent studies suggest that the Tasmanian Aboriginals were far more technologically “advanced” than they have generally been given credit for and successfully adapted to their environment. These debates both reflect and confront the European colonial perspectives on Tasmanian Aboriginals that are described later in this chapter. Ryan’s (1996, 9) discussion of this circumstance is worth quoting at length:

Archeologists have reached different conclusions about the fortunes of the Tasmanian Aborigines before European contact, based on their interpretations of the material culture. One conclusion is that in the ten thousand years of isolation from the Australian mainland the material culture of the Tasmanian Aborigines, which was originally like that of the Australian Aborigines, became simpler, and that the progressive simplicity and impoverishment of culture and lifestyle led to “a slow strangulation of the mind” (the dropping of scale fish from the diet about four thousand years ago is evidenced to support this view), so at the point of European invasion the Tasmanian Aborigines were at a crucial stage of cultural decline. The other view is that from the moment of isolation from mainland Australia, the Tasmanian Aborigines adapted successfully to their environment, making significant adjustments to their material culture, so that at the point of European contact they were improving their exploitation of the environment.

These debates reflect how attitudes towards Tasmanian Aboriginal culture, and the resultant heritage, are changing.

One of the primary causes of the conception of Tasmanian Aboriginal technological inferiority is that they possessed fewer tools than the majority of mainland Aboriginal groups. Notably absent, for example, were the boomerangs, shields, spearthrowers, and didgeridoos found elsewhere in Australia. Henrich (2004, 198) proclaims that the Europeans

found a small group of societies that possessed the simplest technology of any known contemporary human group. Not only was the Tasmanians' technology simple compared to the wider world, it was remarkably simple compared to both their contemporaries 200 km to the north in Australia, and to their own ancestors from the late Pleistocene and early Holocene.

McGrew (1987, 252) echoes this sentiment, stating that Tasmanian Aboriginals' technology was "the simplest known of all human cultures" and therefore the perfect culture to compare to Tanzanian chimpanzees, as he did in this particular study. Several scholars (e.g., Oswalt 1973; 1976; Jones 1977; McGrew 1987; Henrich 2004) have claimed that the prolonged period of isolation had a profoundly negative impact on the technological development of Tasmanian Aboriginals. Henrich (2004, 208), for example, argues that isolation commonly produces technological loss, with Tasmania being an "extreme example"—with the Tasmanians only having about 24 total tools at their disposal, the fewest of the groups he analyzed. He notes that the Tasmanian Aboriginals appear to have lost the ability to make bone tools and cold weather clothing. However, this argument is most famously made by Jones (1977, 202-203), who wondered if the isolation made the Tasmanian Aboriginals "doomed to a slow strangulation of the mind."

Others (such as Vanderwal 1978; Porch and Allen 1995; Read 2006) dispute these interpretations, arguing that the necessary tools were possessed to harvest resources in Tasmania. In a direct response to Henrich (2004), Read (2006) claims that Tasmanian Aboriginals did not

need many of the tools required by groups in other climates, and those that were superfluous were discarded over time. Porch and Allen (1995, 729) provide a similar argument:

The available archaeological record reflects behavioural shifts in landscape use and subsistence procurement which correlate well with large-scale climatic changes. There is no suggestion in these behavioral shifts that people were merely at the whim of nature; rather, the patterns indicate flexible and adaptable socioeconomic systems amongst people quick to adjust to a changing environment.

According to McFarlane (2008, 40) the Tasmanian Aboriginals

made good use of their land, accessing the wide variety of resources necessary for the maintenance of a viable and stable society. They mined and process the minerals they required, quarried and fashioned their tools, and farmed both land and sea using technologies appropriate to their needs. Tasmanian indigenous people displayed an intimate knowledge of their land as they moved from summer to winter stations at fixed periods regulated by the seasons along well defined paths.

In the more critical assessments of Tasmanian Aboriginal technology, it is noteworthy that the role of trade networks in overcoming local shortages is often overlooked (Clarke 2003).

Despite what such portrayals such as Henrich (2004) imply, the Tasmanian Aboriginals utilized a variety of tools. In addition to producing wooden spears and waddies (clubs) to hunt and fight with, they also utilized wood to create chisels to pry mollusks off of rocks and digging sticks to obtain roots (Ryan 1996; Clarke 2003). Grass and kelp were woven to create rope, which aided women in the pursuit of possums, and baskets, which were sealed with clay, used to carry shellfish, water, and various other items (Ellis 1981; Robson 1983; Ryan 1996; McFarlane 2008; Ryan 2012). In discussing how this matter pertains to the wider Australian context, Clark (2003) argues that European language obscured the use and diversity of tools and weapons used by Aboriginals. For example, the label “club” was applied to different tools of varying sizes used for many different purposes.

In addition to being skilled with the spear and waddie, Tasmanian Aboriginals utilized a variety of other techniques to capture food. McFarlane (2008, 17) notes that

various methods of trapping were also used, the simplest consisting of sharpened stakes projecting 2 feet (61cm) out of the ground, the part in the ground being burnt to prevent decaying. Apart from being used to wound kangaroos, this form of trap also had a military function against bare footed enemies. Another trap entailed the construction of small grass huts in which natives concealed themselves.

Tasmanian Aboriginals also created stone fish traps along beaches which would catch fish in small pools when the tide ebbed. The development of such trapping techniques required intimate knowledge of animal behavior and the landscape (Clarke 2003).

Although the Tasmanian Aboriginals did not have large ocean going watercraft, in some areas, particularly in the southeast part of the island, they

made what have been described as a ‘canoe-raft’, for use on inland streams and also some limited ocean travel. These were made of a few large bundles of bark or rushes tied together, and were propelled with punting poles. The Tasmanian watercraft were about 4 or 5 meters long and could carry up to six people (Clarke 2003, 78)

Henrich (2004, 206) describes these watercraft as “crude, canoe-rafts that were capable of serving only limited transportation functions” that required someone, a woman he claims, in the water to propel them, but other scholars (Ryan 1996; Clarke 2003; Ryan 2012) suggest they were more functional. Colonial accounts suggest that they were capable of crossing moderate distances in calm seas (Robson 1983). Lending credence to this idea, for example, the South East tribe regularly traveled on canoes between Bruny Island and the main island across the D’Entrecasteaux Channel (Ryan 1996)

The Tasmanian Aboriginals established no permanent settlements but in some areas had semi-permanent huts that they returned to during their seasonal migrations (McFarlane 2008; Ryan 2012). Across the island, Tasmanian Aboriginals created a wide variety of shelters that

were adapted to the regional climatic differences in the island. The North West tribe was exposed to the most difficult climatic conditions and thus had the most elaborate shelters. In protected areas they created semi-permanent villages of closely packed “beehive shaped huts” made from tree branches softened by fire and steam that could fit up to 14 people at once (Ryan 1996; McFarlane 2008; Ryan 2012). In central and eastern Tasmania, family units took shelter in caves and hollow tree trunks, sometimes making temporary bark huts near creeks or the coast (Ryan 2012, 10). Tasmanian Aboriginals in the northeast and central highlands sometimes created large temporary huts made of bark and tree branches that could hold up to 40 individuals, though likely only when needed for ceremonial gatherings.

The most prominent source of debate surrounding Tasmanian Aboriginals centers on whether or not they could produce fire. The aforementioned nomadic propensity of Tasmanian Aboriginals and the fact that men often carried firesticks with them, led early European settlers to conclude that they were incapable of producing fire. It was the Dutch “discoverer” Abel Tasman who began this controversy. During his very brief sojourn there in 1642, which is described in more detail later in the chapter, Tasman did not actually see any Tasmanian Aboriginals but did make note of the fires he saw moving along the shore—commemorated in place names such as the Bay of Fires on the northeast coast. As Gott (2002, 651) documents,

Tasmanian Aboriginals

were widely observed to carry fire sticks with them from place to place, but there are arguably no direct observations of the making of fire; all reports are second- or third-hand. Although not universally accepted, the idea that the Tasmanians were unable to generate fire has persisted since the 1830s among historians, geographers, and anthropologists.

In this perspective, Tasmanian Aboriginals relied on lightning strikes to provide the source of fire, and carried firesticks to ensure access between storms. This belief continues to be perpetuated by present day authors such as Cosgrove (1999) and Windschuttle (2002).

There is abundant evidence that Tasmanian Aboriginals modified and controlled the landscape with fire at least since the beginning of the Holocene period (Thomas and Kirkpatrick 1996; Gammage 2008; Fletcher and Thomas 2010). As elsewhere in Australia, fire was likely used to prevent underbrush from becoming too pervasive and as a tool for hunting, serving to drive prey into traps where they could be easily caught (McFarlane 2008). Tasmanian Aboriginals “deliberately burned the vegetation to convert closed rainforest vegetation into open sclerophyll forest. They considered sclerophyll forest a better food-producing environment for them” (Clarke 2003, 66). Gammage (2008, 244) points out that “many animals and birds prefer to feed in grassland, shelter in open forest, and stay close to an edge between both, so people made edges plentiful by alternating belts of forest and plain.” Fire was also used to keep the well established paths followed on seasonal migrations and ochre mines cleared of brush (Ryan 1996). Kiernan (2007, 253) states that Tasmanian Aboriginals used fire to “stimulate the growth of food plants, like daisy yams. Ashes fertilized them and even improved their taste.”

Fire was also utilized by Tasmanian Aboriginals for many purposes beyond landscape modification. McFarlane (2008, 21) points out that fire “was used extensively for warmth, ceremonies, cremating the dead, communication, pest control and to bend wood for building the bee-hive huts found in the North West region.” When taken together,

considering the wide and varied use of fire and its obvious importance in terms of survival it is strange that the notion that Aborigines were unable to make fire remains so firmly entrenched. Part of the reason may be found in the ethnocentric attitudes of early investigators ever keen to demonstrate the very ‘primitiveness’ of this newly discovered ‘stone age people’ (McFarlane 2008, 21-22).

Recently, several scholars (notably Gott 2002; McFarlane 2008; Ryan 2012) have rejected the view that Tasmanian Aboriginals were unable to make fire. In fact, Ryan (2012) and Gott (2002) argue that they could make fire by several means, including percussion and friction. Gott (2002) suggests that the tendency of Tasmanian Aboriginals to carry firesticks was an intelligent adaptation to the local environment. Given the frequent rainy conditions found in parts of the island, it would indeed be very sensible to have a mobile fire source for circumstances when conditions made starting a fire difficult.

Another point of contention in regards to Tasmanian Aboriginal culture and technology concerns whether or not they consumed bony fish. It is commonly argued that the Tasmanian Aboriginals stopped eating bony fish approximately 3,000 years ago (e.g., Oswalt 1976; Robson 1983; McGrew 1987; Ryan 1996; Clarke 2003; Henrich 2004; Taylor 2007). Henrich (2004, 199) goes so far as to state that “perhaps the most striking losses suffered by the Tasmanians during their long isolation involved their ability to catch bony or cartilaginous fish and their taste for such fish.” Evidence cited for this supposition comes from both European ethnographic accounts and the absence of fish bones in the archaeological record (Taylor 2007; McFarlane 2008). Scholars from both sides of the technology debate have made this claim, with explanations offered ranging from loss of technology (e.g., Henrich 2004), specifically the absence of bone fish hooks, to a pragmatic choice to pursue more easily acquirable, abundant prey (e.g., Clarke 2003) .

Other scholars (Taylor 2007; McFarlane 2008) have argued that bony fish did not disappear from the Tasmanian Aboriginal diet—notably, the prominent Tasmanian Aboriginal historian Lyndall Ryan changed perspectives on this issue between her 1996 and 2012 books. These scholars suggest that evidence used is anecdotal and selective and pointing out that

Tasmanian Aboriginals were known to have eaten bony fish while on Flinders Island (McFarlane 2008). McFarlane (2008) and Taylor (2007) both also argue that the archaeological record could be misleading, with Tasmanian Aboriginals perhaps adopting a different method of disposing of bones around 3,000 years ago.

However, McFarlane's (2008) speculation that some Tasmanian Aboriginal groups treated bony fish as taboo makes more sense and is consistent with other Aboriginal groups across Australia that avoid eating totem animals. It is also possible that a taboo emerged in response to a past red tide, or similar event, that made eating fish dangerous for an extended period of time. Given the number of Tasmanian Aboriginal fish traps found across Tasmania, it is unlikely that bony fish were never caught or consumed. Furthermore, colonial accounts often commented that the Tasmanian Aboriginals were in good health prior to European arrival (Reynolds 1995; Ryan 1996; 2012), so even if they did not catch or consume bony fish it apparently did not have an obvious negative impact on them. As such, it is difficult to miss the paternalistic, modernist undertones in the arguments made by scholars such as Henrich (2004) and Oswalt (1976).

The European “Discovery” of Van Diemen’s Land

The island that is now called Tasmania was first seen by the Dutch explorer Abel Tasman on December 24, 1642, who gave it the name Van Diemen’s Land in honor of the then-governor of Batavia, Anthony Van Diemen (Robson 1983). Tasman was in search of both the fabled *terra australis* (a mythical southern continent believed to contain civilized and valuable trading partners) and new trade routes to the Americas, and as Van Diemen’s Land offered neither desired outcome, he did little there except plant a flag claiming it for the Netherlands (Ryan

1996). Because the name Van Diemen's Land remained in use by Europeans until 1856, that label will be used for the rest of this chapter and most of Chapter 3.

Tasman did not actually physically encounter any Tasmanian Aboriginals, seeing only their fires in the distance and hearing them from afar (Robson 1983). The next European expedition to arrive in Van Diemen's Land on March 7, 1772, led by French captain Nicholas Marion du Fresne, however, resulted in a brief skirmish that caused the death of several Tasmanian Aboriginals—a situation brought about by cultural misunderstandings, similar to those that would ultimately lead to du Fresne's death at the hands of angry Māori in the Bay of Islands later on his voyage (Robson 1983; Ryan 1996; Reynolds 2012). On January 26, 1777, British Captain James Cook, in the midst of his third and final voyage to the Pacific, landed on Bruny Island off the southeast coast of Van Diemen's Land (Robson 1983; Ryan 1996). He spent four days there and on the third encountered a small group of Tasmanian Aboriginals without incident. French Captain Bruni d'Entrecasteaux was the next European to officially explore Van Diemen's Land, landing in the region of the channel in southeast Tasmania that now bears his name in 1792 and 1793. These expeditions confirmed Tasman's nautical charts and brought Van Diemen's Land to the attention of other sailors in need of safe harbor and provisioning (Boyce 2009; Reynolds 2012).

This finding was taken advantage of by European and American whalers and sealers who began arriving amidst the Bass Strait Islands as early as 1775 (Boyce 2009). By 1798 an extensive commercial sealing operation operated throughout the Bass Strait; eventually encompassing the breadth of Van Diemen's Lands' northern islands from the Furneaux Group in the east to King Island in the west (Ryan 1996; Boyce 2009; Ryan 2012). Although technically under the control of the British government, these individuals for all intents and purposes acted

independently of any authority. By the early 1800s Van Diemen's Land became firmly part of a vast trading network including the other Australian colonies, New Zealand, and many Pacific islands (Boyce 2009).

Of all of the early Europeans to arrive in Van Diemen's Land, it was the sealers and whalers who had the most intensive interactions with Tasmanian Aboriginals (Ryan 1996; 2012). Although there is little record of the specifics of these encounters, it is known that some sealers and whalers lived harmoniously with Tasmanian Aboriginals while others acted aggressively. Trade networks were often developed (centering on animal skins, tobacco, flour, tea, dogs, etc.) and in some instances tribes provided sealers with women to assist their efforts (Ryan 2012). This trade, and its ramifications, are discussed in more detail in Chapter 3.

On January 26, 1788 the "First Fleet" of convict ships arrived in Botany Bay under the command of Governor Arthur Phillip, establishing what would become the city of Sydney and the colony of New South Wales shortly thereafter. These convicts were sent by the British government to ease the overcrowding of British prisons, caused both by the draconian penal code and the recent loss of the American colonies. As the history of this settlement has been widely covered elsewhere (e.g., Hughes 1986; Flannery 2000; Keneally 2007), it will not be discussed here except where it directly pertains to Tasmanian history.

The first of these events occurred in 1798, when George Bass and Matthew Flinders were sent by New South Wales Governor John Hunter to determine whether Van Diemen's Land was attached to mainland Australia (Robson 1983; Reynolds 2012). Bass and Flinders confirmed that Van Diemen's Land was an island, and became the first Europeans to circumnavigate it. Their discovery simultaneously shortened the sailing distance from Britain (ships had previously been passing south of the island) and opened it up to settlement.

The visits of the French Captain Nicholas Baudin in 1801 to southeast Van Diemen's Land marked the last and most significant of the non-British explorations (for detailed accounts see Plomley 1983; Ryan 1996; McFarlane 2008). While the observations (including ethnographic accounts of Tasmanian Aboriginals) made by his crew are significant in their own right, the most important aspect of this voyage was that it spurred British settlement of Van Diemen's Land. With Van Diemen's Land now identified as an island, the British Colonial Office became concerned that their recognized control by other Europeans of New Holland (as Australia was still called) would not apply there (Robson 1983; Boyce 2009; Reynolds 2012; Ryan 2012). To that end, plans were formed to establish a settlement on Van Diemen's Land to forestall any possible French claims. Ryan (2012, 41) speculates that "had Britain not been at war with France, it is unlikely that it would have occupied Van Diemen's Land at this time."

European Colonial Perceptions of Tasmanian Aboriginals

As elsewhere in Australia, Tasmania was considered to be *terra nullius* upon the foundation of the first European settlement at Risdon Cove in 1803, which is discussed in Chapter 3, and land was taken from the Tasmanians without compensation (Reynolds 1995; McFarlane 2008). As Morgan (1992, 151) points out, "because the arrival of the British was in fact called 'settlement' instead of invasion, the Aborigines lost any rights which a conquered people would have retained." Therefore, "the British decided they would take the land without a treaty, without negotiation, and without any attempt to purchase it" (Reynolds 1999, 120). There was, of course

a contradiction at the heart of British policy. The Aborigines were to be regarded as subjects of the king whose rights were protected by the introduced legal system. But their property rights were omitted from the bargain. And this under

this aegis of a legal system that put protection of property before everything, before even life itself (Reynolds 2012, 27).

To the British, not negotiating with Aboriginals was the logical choice, as the Aboriginal perception of land was so alien to them (Carter 1987).

This approach was unique among the British settler states, as everywhere else at least nominal negotiations and treaties were made—even if readily broken. The British operated under the pretense that Aboriginals had not sufficiently modified, or put labor into, the land and therefore it was not their property (Robson and Roe 1997; Head 2000; Moses 2000; Whatmore 2002; Anderson and Perrin 2007; Reynolds 2012)—what Kiernen (2007, 26) calls the “fetish of cultivation.” Morgan (1992, 154) reminds us that:

The Europeans viewed land in terms of wealth: the more land they acquired, the greater the prestige. They came to the colony armed with biblical injunctions to tame and till the land. Although government officers constantly complained that settlers did not make sufficient improvement on their grants and left them largely in a state of wilderness, these same men justified their confiscation of Aboriginal land by pointing to the untamed state of the country of their arrival. To the Aborigines, the land was the centre of life. They knew it intimately, and without it they were set adrift. They belonged to the land as much as it belonged to them.

As Kiernan (2007, 252) asserts, “the Aborigines’ perceived inability to value the land and mix their labor with the soil purportedly put them beyond civilization.” Although this approach was underscored by the ideas of seventeenth century English philosopher John Locke (1982), it was shaped more directly by the accounts of the early European explorers.

While few of the early encounters between Tasmanian Aboriginals and Europeans were as momentous as du Fresne’s, the impressions of those on the early expeditions shaped public opinion in Australia and back in Europe. Few of the people on these expeditions recorded their observations, but “even the unimaginative realized what an extraordinary impact their presence had on the coastal clans and understood how utterly exotic ordinary objects and everyday

behavior must have seemed to the Tasmanians” (Reynolds 2012). The most common reaction in the early encounters to the sight of Europeans from Tasmanian Aboriginals was a rapid departure.

As with his other encounters with Aboriginals in Australia, Cook was impressed with the self reliance and “simplicity” of Tasmanian Aboriginal society, but did not consider them to be sufficiently advanced to warrant ultimate control over their land (Robson 1983; Ryan 1996). Given the importance of Cook’s account of Botany Bay to its selection for the penal colony and the widespread popularity of his journal, it is probable that this impression shaped conceptions of Van Diemen’s Land as *terra nullius* like it did with mainland Australia. However, the largest ethnographic account from this early period came from Jacques-Julien Houton de Labillarière, a naturalist accompanying d’Entrecasteaux (Ryan 1996). In his encounters with the Tasmanian Aboriginals, Labillarière, influenced by his readings of famed French philosopher Jean-Jacques Rousseau, “believed that the Aborigines of Van Diemen’s Land had come closest to the republican ideal of the noble savage, for their life was Spartan and their children cheerful” and needed just the presence of Europeans to lead them to civilization (57).

The opinions of Francois Pèron, a zoologist on Baudin’s voyage, however, ultimately proved more typical (see Plomley 1983), concluding that Tasmanian Aboriginals “were the most removed from European civilization” (Ryan 1996, 63). Although formed more than 50 years ahead of the emergence of Social Darwinism, the British conceptions of Aboriginals were similar in many regards. The British had an anthropological view that created a hierarchy of human races (Moses 2000; Reynolds 2012). The British were, predictably, ranked at the top, followed by other Western Europeans, while Aboriginals were placed at the bottom, with the Tasmanian Aboriginals in particular being regarded as the lowest form of humanity, or in some instances the

highest form of ape (Ryan 1996; Reynolds 2012). Along with their differing land usage, the perception that they were unable to make fire was the most significant contributor to the conception that Tasmanian Aboriginals were the lowest form of humans, having not mastered this most essential and “primitive” tool of mankind (Boyce 2009, 102). The Tasmanian Aboriginals “were seen as a separate, distinctive race and as the most primitive people in the world” (McFarlane 2008, vii); or as Reynolds (1999, 13) puts it, they were viewed as “living fossils, representative of the ‘old Stone Age’.” So common was this perspective across Australia that Head (2000) refers to it as the “fossilization” process. As Anderson and Perrin (2007) point out, further compounding this was the belief that such inferiority was unchangeable; Aboriginals were seen as incapable of learning and evolving.

Reynolds (2012, 29) notes that “the most prominent characteristic of settler ethnography was the common conviction of visitors and sojourners that they knew in advance all that it was necessary to know about those that they chose to call savages.” These sentiments even survive into recent times, with, for example, Davies (1974, 9-10) writing of the Tasmanian Aboriginals:

Isolated those thousands of years, they had no need to advance beyond the rudest state; all they needed was around them. Yet they had sense and feeling. An expansive, and often lofty, forehead betrayed their gorilla look. A language, albeit with no ordinary grammatical niceties, proved their human kind: though, as with all primitive people, it was complicated and difficult to understand, for they had so much time to compose it while squatting around their camp fires.

Conclusion

Over tens of thousands of years, Tasmanian Aboriginals developed a deep connection with their land. They had vast knowledge of seasonal changes, where to find food, and the island’s natural resources. They developed a nuanced culture that was well adapted to their

surroundings and that further connected them to the land. Gammage's (2008, 252) description of this connection speaks volumes:

Since the whole land was managed, it follows that the whole was encompassed by the Tasmanian mind. There was no wilderness, no terra nullius, in that sense no nature, because all was as people made it or allowed it to be. There was possession in the most fundamental sense. Conversely, the land made the people truly Tasmanian, committed to all the intricate detail of their world.

The Europeans had a very different conception of the worth of the island, and were unable to recognize or respect the depth of the Aboriginals' connection with the land. The impacts of their arrival were catastrophic for the Tasmanian Aboriginals and are the subject of Chapter 3.

Chapter 3

The Dispossession, “Extinction,” and Survival of the Tasmanian Aboriginals

The debates over heritage that form the basis of this dissertation are contemporary manifestations of discourses formed during the British colonization of Tasmania. There are many accounts of the colonial period in Tasmania dating from the 1830s (for example, Bischoff 1832; West 1852; Bonwick 1870; 1884; Turnbull 1948; Travers 1968). Many of the older histories, although informative, take for granted that the Tasmanian Aboriginals were led to extinction, such as Bonwick’s (1884) *The Lost Tasmanian Race*, Turnbull’s (1948) *Black War: The Extermination of the Tasmanian Aborigines*, Traver’s (1968) *The Tasmanians: History of a Doomed Race*, and Davies’ (1974) *The Last of the Tasmanians*. Therefore, in this chapter I primarily utilize more recent scholarship that offers a more balanced perspective of the colonization of Tasmania and recognizes the ongoing existence of the Tasmanian Aboriginal community.

The Founding of Van Diemen’s Land

The British colony of Van Diemen’s Land was founded on the shores of the Derwent River at Risdon Cove on September 8, 1803 under the leadership of Lieutenant John Bowen with a total party of 49, including soldiers, convicts, and a small contingent of bureaucrats (Boyce 2009; Reynolds 2012). They found a much easier environment than had faced the settlers at Sydney 15 years before, with an extensive grassland and, initially at least, abundant kangaroos, emu, and other game which proved easy targets for their hunting dogs, which had not been present on the island previously (Boyce 2009). The next year a larger group of 262 settlers

arrived under the command of Lieutenant Governor William Collins and established a settlement across the Derwent River at Sullivan's cove, which would become known as Hobart Town, after the then Secretary of State for the Colonies Lord Robert Hobart (Robson 1983; Boyce 2009; Reynolds 2012). Reynolds (2012, 15) notes that "by then, the European population at the two camps had already reached 500 souls, almost certainly outnumbering the Aboriginals in the immediate vicinity." Following an order from then New South Wales Governor Phillip King, and in the immediate aftermath of the Risdon Massacre of Tasmanian Aboriginals (described in the next section of this chapter), on May 8, 1804, Collins assumed command of Risdon Cove and scuttled the settlement in August 1804.

On November 5, 1804, another British settlement was established on the northern coast of Van Diemen's Land near the mouth of what is now called the Tamar River (at the site of the modern-day George Town), with 143 convicts under the command of New South Wales Corps officer William Patterson (Robson 1983; Boyce 2009). This settlement, called Port Dalrymple, was soon abandoned however due to a lack of readily available food supplies; moving first to York Town in 1805 and then finally to Launceston in 1806 (Robson 1983; Boyce 2009).

Van Diemen's Land became the most important of the Australian penal colonies, ultimately receiving over 72,000 convicts, 42% of all those transported to the continent (Boyce 2009). Convict ships started to arrive directly from Britain in 1812, and by 1818 Van Diemen's Land was the primary focal point of the transportation system. Convicts formed the backbone of the early Van Diemonian economy. They were utilized to construct much of the initial infrastructure, including the main road between Hobart and Launceston and many bridges (including those at Ross and Richmond, which are now prominent heritage tourist attractions), and were often assigned as servants to landowners (Robson 1983; Morgan 1992; Reynolds

2012), essentially as “slave labour” (Robson and Roe 1997, 14). The Van Diemen’s Land penal colony was largely utilized as a destination for those prisoners who were perceived to be the worst offenders and those that had committed additional crimes after being transported. As Hughes (1986) compellingly argues, some members of the lower class in nineteenth century Britain committed crimes with the hope of being transported to Australia, believing (often rightfully) that they could find a better life there. Van Diemen’s Land would essentially serve as the “stick” to discourage this perception, with stories of harsh punishment far-reaching. As Madley (2008, 78) phrases it,

in the early nineteenth century British Empire, Tasmania was probably the most terrifying place a white person could live. It ranks among the most violent of all penal colonies in history. Isolation, official neglect, forced labor, incarceration, torture, and executions traumatized convicts and free colonists and hardened both to violence.

This violent treatment of the settlers is often held to be a contributor to the treatment of Tasmanian Aboriginals (Boyce 2009; Reynolds 2012).

In early Van Diemen’s Land the horrors of the penal system were embodied in the Macquarie Harbour Penal Station (Figure 3.1), which opened in 1822 (Robson 1983). Located on Sarah Island in the middle of a large harbor, accessible to the ocean through a very rough channel widely known as “Hell’s Gate,” and surrounded by what remains largely impassible forest, at the time Macquarie Harbour was one of the most isolated and foreboding of British outposts. Chalk and Jonassohn (1990, 209) note that “the hinterland there was so terrible that of the one hundred-odd prisoners who ever escaped from Macquarie Harbour, sixty-two died in the bush, many of starvation, and nine were eaten by their comrades.” Prisoners were subjected to forced labor (often related to Huon timber extraction), rampant floggings, prolonged solitary confinement, and numerous other depredations, including malnutrition and exposure to the

elements (Robson 1983; Robson and Roe 1997). At Macquarie Harbour “the conditions of labour were as severe as the human frame would stand” (Robson and Roe 1997, 15).



Figure 3.1: Macquarie Harbour Penal Station as it is today (photo taken by author)

For most of the early years of settlement in Van Diemen’s Land, Britain was engaged in a prolonged and costly war with France, meaning that it had little interest in, or supplies for, the new island colony. Also receiving little from authorities in the New South Wales colony, the government and settlers in Van Diemen’s Land relied heavily on local game to provide the bulk of their food, with shortages becoming rampant in 1807 and 1808 as nearby game disappeared due to overhunting (Robson 1983; Morgan 1992; Robson and Roe 1997; Boyce 2009; Reynolds 2012). Making the decision in September 1804 to begin government purchases of kangaroo meat, Lieutenant Governor Collins began what has been termed the “Kangaroo Economy” (Boyce 2009). Many military officers made great profit in these enterprises and convicts became

a staple of hunting expeditions, given guns and allowed to venture far from settlements on the condition they returned with meat. Not surprisingly many convicts, especially after hunting dogs became more easily acquirable, utilized this development as an opportunity to escape (Robson 1983; Boyce 2009; Reynolds 2012). As Boyce (2009, 48-49) describes it,

with no man-made walls to keep the few hundred prisoners contained (there was not a secure gaol on Van Diemen's Land until the 1820s), many convicts simply wandered off to live a life of quiet freedom in the well-watered, game-rich bush, well away from the supervised labour, dependency and potential for harsh punishment integral to a convict's life in a penal colony. With what seems extraordinary speed, a motley collection of British criminals made the bush home.

Those convicts who survived became Van Diemen's Land's first "bushrangers," outlaws who lived apart from society, engaging with other settlers in an informal economy and, in some instances, committing theft and killings (Robson 1983; Boyce 2009; Reynolds 2012). Although none of the Van Diemonian bushrangers attained the widespread and lasting fame of Ned Kelly on the mainland, some particularly daring or violent ones, such as Michael Howe and Matthew Brady, remain locally famous. The Van Diemonian government ultimately conducted a violent reprisal against these bushrangers, including the declaration of martial law, foreshadowing their later response to Tasmanian Aboriginal resistance, with the offer of pardons and a return to Britain for information leading to a successful capture proving highly effective (Reynolds 1995; Reynolds 2012).

So prolific was the kangaroo economy, that by 1810 the nearly 125 miles of grassland separating Hobart and Launceston were settled (Morgan 1992; Boyce 2009). As the British government did not provide money for the return journey, former convicts soon turned to agriculture (primarily wheat) or pastoralism (particularly sheep and cattle) as a means of improving their fortune (Hughes 1986; Morgan 1992; Reynolds 1995; Boyce 2009). The inexpensive land that they could afford was usually found on the boundaries of the colony, so as

more and more convicts were emancipated, the boundaries of the colony expanded outwards into areas still controlled by Tasmanian Aboriginals (Morgan 1992). Boyce (2009) speculates that the success of this settlement process was aided considerably by settlers trading dogs with the Tasmanian Aboriginals, who quickly recognized their usefulness for hunting and defense. Access to this vast stretch of land did not require military conquest and the early settlers and Tasmanian Aboriginals co-existed for the most part without serious systemic conflict until the 1820s.

The 1820s were a period of great migration to the interior plains of Van Diemen's Land, as more free settlers began to arrive from Britain with grants of land title (Robson 1983; Morgan 1992; Boyce 2009). As Ryan (1996, 81) puts it, the settlers at this time “consisted of retired army and naval officers from the Napoleonic wars, sons of the English, Irish and Scottish landed gentry, as well as the sons of colonial officials” (see Morgan 1992 for a more detailed account). Settlement was concentrated in the grasslands, with the forested areas remaining largely undisturbed by the British (Morgan 1992). Settlers more commonly began to build substantial houses, and demarcate their holdings with fences and posts. As Morgan (1992, 51) suggests,

central to the process of civilisation—which effectively meant Europeanisation—was the building of towns and villages and, in the case of rural dwellers, farm buildings. Like the British names bestowed upon them, villages and even individual houses placed the stamp of Europe on an alien landscape.

These free settlers often conflicted with the earlier generation of ex-convict settlers (and bushrangers) who had been occupying/grazing the land they had purchased (Morgan 1992). Although convict labor provided the foundation of the economy and continued transportation was seen as mutually beneficial for Van Diemen's Land and Britain (Robson and Roe 1997), many free settlers did not like the convict associations or presence: “the beauty of the land was widely contrasted with the ugliness of its humanity” (Boyce 2009, 157).

This decade represented the most prosperous for Van Diemen's Land as it, by any measure, began to rival New South Wales for the most prominent of the British holdings in Australia (Boyce 2009; Ryan 2012). Having a mild climate, abundant grasslands, and no dingos, Van Diemen's Land thrived as a site of sheep pastoralism (Morgan 1992). By the 1820s, Van Diemen's Land was also a significant producer and exporter of wheat (Morgan 1992). As Boyce (2009, 145) states,

by 1830, of the 71,000 non-Aboriginal people in Australia, over 24,000 were in Van Diemen's Land. Moreover, the southern colony had 60,000 of the 126,000 acres in cultivation, more than half the sheep, more than half the customs revenue and more than half the exports.

For perspective, "over two million acres were placed in private hands in the first twenty-eight years of British settlement" (Morgan 1992, 22), representing about 12% of the entire island. Van Diemen's Land was proving itself to be more than just a prison.

After his arrival in 1824, Lieutenant Governor George Arthur had a profound impact on Van Diemen's Land, initiating widespread reforms to the penal system and the government approach to Tasmanian Aboriginals (Robson 1983; Boyce 2009; Reynolds 2012; Ryan 2012). Ryan (2012, 78) states that, despite his previous experience as a colonial official in British Honduras, "he simply expected that the Aborigines would voluntarily abandon their country to the settlers and joyfully accept the compensation of Christianity." Especially with Van Diemen's Land becoming its own colony in 1825, Boyce (2009, 164) stresses that "Arthur was the most powerful political leader the island has ever known, and enjoyed a level of personal authority arguably unmatched by any leader in Australian history."

Arthur more widely imposed a variety of punishments such as hangings (with bodies left on public display), public floggings, and chain gangs than had previous Lieutenant-Governors (Robson 1983; Boyce 2009; Reynolds 2012). Perhaps most significantly, Arthur also constructed

a new prison to replace Macquarie Harbour, which was closed in 1833. This prison, known as Port Arthur (Figure 3.2), operated between 1833 and 1853 and become infamous for the severity of punishment inflicted upon convicts who were forced to work at coal mining and timber (Robson 1983; Robson and Roe 1997). With these measures, Arthur ensured that “convicts were presented with a daily choice – to conform and maintain their rights and freedoms as unfree servants on assignment, or be treated as criminals within a brutal punishment regime” (Boyce 2009, 175).



Figure 3.2: Port Arthur as it looks today (photo taken by author)

Tasmanian Aboriginal Resistance and Removal

Although there is no consensus over the nature of initial encounters between British settlers at Risdon and Sullivan Coves and Tasmanian Aboriginals, the first large scale massacre, known as the Risdon Massacre, has been well documented (Robson 1983; Ryan 1996; Boyce

2009; Ryan 2012). On May 3, 1804 a group of soldiers under the command of Lieutenant William Moore opened fire on a large crowd of Tasmanian Aboriginals, many of whom were women and children. The only two British accounts of the encounter are quite different in terms of cause, outcome, and timeline (Reynolds 2012). At the time, Collins believed and reported Moore's account of the incident, identifying the Tasmanian Aboriginals as the instigators, but evidence presented at the formal inquiry, held 27 years later, found that the soldiers bore responsibility (Ryan 2012). Building upon the argument made by Boyce (2009), Reynolds (2012) speculates that the encounter may have had two components, with a retaliation assault from the male Tasmanian Aboriginals occurring several hours after the British fired on the larger group. While the extent and cause of the massacre continues to be debated, it was a significant contributor to the abandonment of Risdon Cove for Sullivan Cove, which was on the territory of a different group of Tasmanian Aboriginals, and remains a prominent symbol of the nature of British colonization (Reynolds 2012; Ryan 2012). Reynolds (2012, 22) suggests that "it became popular wisdom among the settlers that the attack at Risdon permanently damaged all future prospects for peaceful relations with the Aborigines."

In the years that followed the Risdon Cove Massacre, settlers frequently came into conflict with Tasmanian Aboriginals as the boundaries of British occupation expanded. Robson and Roe (1997, 12) argue that "the source of conflict was very clear—both Aborigines and Europeans sought to control the same areas of land." Along the same lines, Morgan (1992, 154) states that "both Aborigines and Europeans wanted the island's best land: the fertile, open plains and river valleys. The hills and mountains required too much work for too little return." Conflict was especially intense over food resources as prime hunting grounds surrounding settlements became quickly depleted (Robson 1983; Morgan 1992; Reynolds 1995; Ryan 1996; Boyce

2009). With rapid diffusion of settlers throughout the central plains, “the loss of their food supply and land threatened both Aboriginal society and their physical survival” (Madley 2004, 171). Conflicts escalated after the introduction of sheep and other pastoral animals as “Aborigines considered their seasonal migrations through the agricultural areas as the time for payment, in provisions, for European occupations” (Ryan 1996, 79). While the Aborigines sometimes killed the animals for food, they would often also do so as a form of resistance, viewing sheep as symbolic of the invasion taking place (Morgan 1992; McFarlane 2008). Ryan (1996, 85) states that “while the Aborigines were prepared to accept the “outsiders” into their system of mutual reciprocity, the stock-keepers and settlers had no system for accepting Aborigines as previous or rightful occupants of the land.” The settlers thus often acted in ways which led them into disputes with the Tasmanian Aborigines—taking what they wanted while offering nothing in return.

That is not to say that beneficial trading did not occur. Providing what can be taken as yet another argument against their supposed intellectual stagnation, the Tasmanian Aborigines quickly recognized and incorporated beneficial European goods into their culture (Ryan 1996; Taylor 2007; McFarlane 2008; Ryan 2012). In addition to the desirability of dogs, which were used for both hunting and defense, Tasmanian Aborigines also acquired and utilized muskets, pans to boil water, various items of food (including bread, potatoes, salt meat, tea) and tobacco (Ryan 1996). They also modified their existing technology, for example replacing some stone and wood cutting tools with sharpened glass (Clarke 2003).

Another prime source of conflict centered on the abduction of Tasmanian Aboriginal women and children. As mentioned in Chapter 2, from the earliest encounters it is often noted that Tasmanian Aborigines would offer or sell women to Europeans in exchange for items or

promised assistance in conflicts, as the tribes had long done among themselves (Ryan 1996). McFarlane (2008) disputes that such selling occurred, citing evidence that this interpretation was used by Europeans to provide further evidence of Tasmanian Aboriginal barbarism, whereas Ryan (2012, 59-61) states that women were lent to sealers temporarily as part of trade negotiations. Regardless, with their skills at procuring food and knowledge of the land, Tasmanian Aboriginal women were highly valued by British settlers, especially sealers and whalers. Some British settlers soon began to forcibly kidnap Tasmanian Aboriginal women, sometimes slaughtering numerous men in the process (Ellis 1981; Robson 1983; Ryan 1996; Robson and Roe 1997; McFarlane 2008; Boyce 2009). As Boyce (2009, 90) describes it, “sealers were often brutal men, capable of extreme, wide-ranging violence against the women and their communities.” As discussed later in the chapter, the diverse relationships (from abject slavery to wedlock) that existed between these men and Tasmanian Aboriginal women had significant and long lasting impacts.

Tasmanian Aboriginal children served a variety of purposes for settlers and were therefore also frequently abducted (Madley 2004; Ryan 2012). The most common reason was simply that they provided a cheap source of labor, which was a valuable resource in the expanding agricultural economy. Boyce (2009, 87) describes how “the move into remote grassland regions exacerbated the demand for labour, while increasing access to Aboriginal children.” The children’s familiarity with the land and ability to aid in negotiations with Tasmanian Aboriginals were also highly prized, as was their ability to move without restriction throughout the penal colony (Boyce 2009). While most settlers took children to serve some practical purpose, others simply took them to be pets or curiosities. Ryan (1996, 78) argues,

though, that “most settlers believed they were saving the children from starvation and barbarism”—which conveniently provided a blanket justification for their actions.

As the settler presence expanded, conflict became much more frequent in the 1820s (Ellis 1981; Morgan 1992), as

in contrast to the first wave of British settlement, the free settlers built permanent homes, planted crops and gardens, and imported valuable stock. Aboriginal land management and hunting practices, which involved both dogs, and above all, fire, posed a direct threat to this investment (Boyce 2009, 188).

Reynolds (1995, 31) argues that “there is no doubt that fierce competition over the use of, and access to, land underlaid the escalating conflict.” Morgan (1992, 155) highlights how “the buildings and fences considered by many colonists as signs of European civilisation impeded the path of Aborigines and caused resentment. Fences and hedges, slow though they were to be built, hindered the Natives’ progress over traditional hunting grounds.” With Tasmanian Aboriginals facing mounting land losses and the rapid depletion of native food sources, the number of raids on farms and houses increased dramatically, with many structures being burned down, and settlers viewed as especially antagonistic or harmful specifically targeted for spearing attacks (Morgan 1992; Ryan 1996; Ryan 2012). Settler responses were violent and wide ranging, and by November 1823 the so-called “Black War” had begun, with both sides engaged in a cycle of raids and destruction.

As has been documented by several scholars (most recently and notably by Reynolds 1995; Ryan 1996; 2012), the Tasmanian Aboriginals overall held their own against the British settlers and the soldiers sent to combat them during the Black War. The Tasmanian Aboriginals often utilized a guerilla warfare approach, striking at the settlers quickly and then disappearing into the bush before reprisals could be made (Reynolds 1995). Reynolds (1995, 33) notes that “many things contributed to their successes: their bushcraft, knowledge of the terrain, and their

great mobility”—and their keen observations and ability to learn from the Europeans, including utilizing dogs and, in some cases, guns to aide in their resistance (Reynolds 1995; Reynolds 2012). The Tasmanian Aboriginals’ tactics confronted the “European-style armies with challenges for which they were ill-prepared and against which they could not swiftly concentrate superior firepower” (Madley 2004, 173). Among other things, there were no villages or material things for the soldiers and settlers to destroy or raid (Reynolds 2012).

The Tasmanian Aboriginals’ weapons (primarily the spear, waddie, and firestick) proved more than a match for the slow firing and inaccurate guns used by the British at the time (Reynolds 1995; Boyce 2009). By the 1820s “most Aboriginal groups had learnt how guns worked and were keenly aware of both their power and their limitations” (Reynolds 1995, 41).

The Tasmanian Aboriginals knew that:

Once a gun was fired the European was totally vulnerable. All the Aborigines needed to do was to wait until the shot was dispatched and then rush in an attack before reloading could be effected. Without a loaded gun Europeans were at a distinct disadvantage. Armed with spears and waddies the Aborigines were far more effective in hand to hand combat than white men, and intertribal conflict, or the threat of it, meant that members of raiding parties were well practiced in the art. The balance of forces often ended in prolonged stalemate (Reynolds 1995, 43).

Various strategies used by the British to gain operational advantage, such as staging ambush huts (filling huts with soldiers waiting to attack raiding parties) were unsuccessful as the Tasmanian Aboriginals anticipated and adapted to them (Reynolds 1995). After the British started to attack them when they gathered together in groups at night, the Tasmanian Aboriginals began to hide their fires, employ decoy fires, or do without them (Reynolds 2012, 56). Despite the relative parity in casualties in the conflict, the Tasmanian Aboriginals faced a distinct disadvantage in numbers—while their population continued to drop precipitously, more British kept arriving in Van Diemen’s Land to replace those that had fallen (Reynolds 1995; Ryan 1996; 2012). What is

especially remarkable about the resistance of the Tasmanian Aboriginals, is that by the later part of the 1820s “probably no more than 100 young, fit men were actively involved in attacks on the Europeans” (Reynolds 2012, 53).

One of the more tragic episodes of this period was the February 1828 Cape Grim Massacre perpetrated by members of the Van Diemen’s Land Company. The Van Diemen’s Land Company had arrived in 1826 with a Royal Charter from the British government to 250,000 acres to rear sheep in the northwest part of the colony (Robson 1983; McFarlane 2008; Boyce 2009). The Van Diemen’s Land Company’s venture was not initially successful, with their chosen site near Woolnorth not proving conducive to raising sheep (McFarlane 2008). The company also met with resistance from the local Tasmanian Aboriginals in the form largely of sheep killing and the occasional spearing of company employees, which received a “ruthless” response instigated by company leader Edward Curr (Boyce 2009, 203) that involved “systematic killings” of Tasmanian Aboriginals (McFarlane 2008, 116). The events turned especially tragic following a Tasmanian Aboriginal raid in which 118 ewes were killed in retaliation for the deaths of several Aboriginals during an attempt to rescue abducted women (McFarlane 2008; Ryan 2012). The retaliation from the company employees was swift and brutal; they encountered a large group of Tasmanian Aboriginals and killed an estimated 30, with those not shot outright driven over a cliff to their deaths.

With no end to the conflict in sight, Lieutenant Governor Arthur declared Martial Law against the Tasmanian Aboriginals on November 1, 1828. This proclamation “clearly established that the settlers were in a state of war with the Aborigines” (Reynolds 1995, 111) and led to an even greater surge in violence, as “settlers were given not only legal immunity but active encouragement for their campaign against the Aboriginals, and official roving parties were

formed to pursue, capture or kill them” (Boyce 2009, 266). Ryan (2012, 105) states that this amounted to a declaration of “total war.” During this period, “murderous raids by surviving Aboriginal bands alternated with massacres and summary killing by armed settler posses and military units” (Kiernan 2007, 277). From February 5, 1830 a bounty was placed on Tasmanian Aboriginals where a £5 reward was given for each Tasmanian Aboriginal adult and £2 for every child turned in to the government (Ellis 1981; Reynolds 1995; McFarlane 2008; Boyce 2009; Reynolds 2012; Ryan 2012). The bounty represented a direct attempt to enlist convict and ex-convict support in the effort to quell Tasmanian Aboriginal resistance, as the reward offered represented a significant sum to all but the landed elite. As Boyce (2009, 270) states, “it was a vicious and cruel policy designed to intensify the war on the cheap, with just enough of a veneer of humanity to satisfy the Colonial Office: while the captives would be visible and “protected,” those Aborigines inevitably killed or wounded in private raids would be forever forgotten.”

Faced with a prolonged and costly conflict, and an angry, fearful settler community that considered themselves aggrieved victims (Reynolds 1995) and tangible impacts on the economy as some settlers began to abandon the areas of greatest resistance (Reynolds 2012), Arthur faced mounting pressure to find a solution. In colonial society,

the gentlemen in their country houses, the rich merchants in their mansions above the Hobart waterfront, the local administrators preoccupied with penal affairs and orderly government—all were reaching the now-familiar conclusion that life in Tasmania would be much happier if there were no Tasmanians (Chalk and Jonassohn 1990, 211).

In December 1829 Arthur established an Aborigines Committee to investigate the cause of the conflict between settlers and Tasmanian Aboriginals and to identify the best course of action (Reynolds 1995; Ryan 1996; Boyce 2009). Of course, “some settlers did indeed feel intense guilt

over having slaughterer Aborigines, although racism bolstered by arrogant Christianity was a perfect weapon for such feelings” (Morgan 1992, 150).

After interviewing a series of land owners, the Committee released a report on March 19, 1830, which both endorsed Arthur’s decisions and placed the blame for conflict entirely with the Tasmanian Aborigines. The report made no mention of land dispossession as a contributing factor, finding that any legitimate transgressions against the Tasmanian Aborigines had occurred long ago in the past and had only been committed by convicts (Morgan 1992; Boyce 2009; Ryan 2012). The Committee concluded that the definitive cause of the conflict lay in the Tasmanian Aborigines’ savage character (Reynolds 2012; Ryan 2012). Ironically, “the supposed inherent savagery of the Natives was constantly referred to by men who needed to justify their own brutality” (Morgan 1992, 152-153). The government

could not, of course, sanction the extermination of the natives. Humanitarianism was a powerful motive of Empire, and public opinion in England would never stomach genocide. Sir George Murray, the Secretary of State for the Colonies, observed in a dispatch to the governor that “the adoption of any line of conduct having for its avowed or its secret object the extinction of the native race could not fail to leave an indelible stain on the character of the British Government (Chalk and Jonassohn 1990, 214).

Aside from this dispatch from Murray providing one of the most oft used phrases to describe Tasmanian history—*an indelible stain*—it also highlights the problem facing Arthur. While Murray, and thus the British government, sympathized with the colonial authorities, they could not sanction the extermination of the Tasmanian Aborigines.

Enacting a policy in 1830 (without consent from the British Colonial Office) that he had been considering in various forms since 1828, Arthur initiated what has been termed the “Black Line” (Robson 1983; Reynolds 1995; Ryan 1996; Boyce 2009; Reynolds 2012; Ryan 2012). To end the conflict, it was decided that the Tasmanian Aborigines

must be flushed from their nests, like game upon some vast estate, and beaten before an inescapable cordon mile by mile down the length of the island in to the Tasman Peninsula at the bottom. There they would be rounded up and taken away to convenient reservations (Chalk and Jonassohn 1990, 214).

At the cost of an estimated £30,000—which was half the annual budget for the Van Diemen’s Land colony (Reynolds 1995; Boyce 2009; Reynolds 2012)—every available free male settler was recruited to aid in this endeavor. The roughly 2,200-strong party (consisting of free men, soldiers, and convicts) would line up no more than 60 yards apart, forming a human chain 120 miles across, and walk in a diagonal pattern across the island, closing ranks as they reached the Tasman Peninsula to trap all remaining Tasmanian Aboriginals from the Oyster Bay and Big River tribes inside (Chalk and Jonassohn 1990; Ryan 1996; 2012).

The terrain and inclement weather prevented any semblance of the intended organization and Tasmanian Aboriginals easily evaded the “net” of the Black Line. The resistance had been so effective that the government had greatly overestimated the number of Tasmanian Aboriginals remaining in the settled districts; they were focusing on capturing a large group of several hundred, rather than a few scattered bands (Reynolds 2012; Ryan 2012). The expedition would thus prove to be, on the surface, a complete failure as after a seven-week campaign from October 7 to November 24 only two Tasmanian Aboriginals were captured, a teenage boy and man found while asleep, who regardless soon escaped (Robson 1983; Reynolds 1995; Boyce 2009; Ryan 2012).

Although widely recognized as a debacle at the time, Arthur was not punished by the British Colonial Office as new elections came in Britain following the death of King George IV, and the new Secretary of State for the Colonies proved disinterested and incompetent (Boyce 2009). Impacted by the experience, Arthur formed the opinion, however, that much of the conflict could have been averted if a treaty had been signed at the time of original settlement, and

advised the Colonial Office to pursue treaties with Indigenous peoples throughout the Empire in several subsequent letters and following his return to Britain in 1836—possibly contributing to the British decision to sign the Treaty of Waitangi with the Māori in 1840 (Reynolds 1995; 2012). The Black Line though would ultimately have its intended effect in the long term (Robson 1983; Reynolds 1995), as

facing this level of sustained threat and harassment, any sort of normal community life would have been impossible, regardless of how many Aborigines were directly killed. The cumulative effect on health and spirit of the forced abandonment of traditional food sources, meeting places and cultural practices would have been very large (Boyce 2009, 201-202).

Reynolds (2012) points out that the Tasmanian Aboriginals would also not have known that the Black Line was a one-off tactic.

The removal of the Tasmanian Aboriginals from the settled districts of Van Diemen's Land ultimately occurred not through military force but through diplomatic negotiation. In December 1829 Arthur commissioned George Augustus Robinson, a professional bricklayer, to serve as Conciliator following his time operating a mission on Bruny Island off the southeast coast of Tasmania (Ellis 1981; Robson 1983; Ryan 1996; Boyce 2009, Reynolds 2012; Ryan 2012). Ryan (2012, 153) notes that Arthur

was the first colonial governor to grapple with what became the great moral dilemma of settler colonies in the Anglophone world. Should the British government permit the extermination of indigenous peoples like Tasmanian Aboriginals by white settlers or should they be removed to a safe haven and 'civilized' into British ways?

Robinson was to convince, if possible, the remaining Tasmanian Aboriginals to voluntarily relocate to a reservation apart from the settled districts. Beginning on January 27, 1830, over the next five years Robinson traveled around Van Diemen's Land on six expeditions contacting one

group after another in what became known as the “Friendly Mission” (for detailed accounts see Plomley 1966; Robson 1983; Ryan 1996; 2012).

Robinson was accompanied on his journeys by a small group of Tasmanian Aboriginals (a total of 27 were involved through the course of the process) primarily from Bruny Island, who made initial contact with each group and facilitated, and often wholly conducted, negotiations (Ellis 1981; Reynolds 1995; 2012), and also, crucially, allowed the inexperienced Robinson to survive in the Tasmanian bush (Reynolds 2012). To the Tasmanian Aboriginals “Robinson gave an unequivocal commitment that if hostilities ceased, Aborigines would be protected and have their essential needs met by the government while being able to live and hunt within their own districts” (Boyce 2009, 286). Combined with a pledge to return the Tasmanian Aboriginal women who had been abducted by sealers, these promises proved effective at convincing Tasmanian Aboriginals to leave their lands; Robinson even secured the assistance of the Tasmanian Aboriginal chief Mannarlagenna of the Oyster Bay tribe in 1830 (Ellis 1981; Boyce 2009; Ryan 1996; 2012). Robinson certainly did not indicate to the Tasmanian Aboriginals that the relocation from mainland Van Diemen’s Land would be permanent (Reynolds 1995; 2012).

On December 31, 1831, Robinson negotiated the end of the Black War with the 26 remaining members of the Big River and Oyster Bay tribes near Echo Lake (Robson 1983; Ryan 1996; Boyce 2009)—with Arthur revoking martial law soon after in January 1832 (Ryan 2012). There are many different estimates as to how many Tasmanian Aboriginals died during and before the Black War (Reynolds 2012) with, for example, Ryan (2012) estimating 878 and Reynolds (1995) no more than 400; for a detailed discussion of these figures see Ryan (2012). Regardless of how many were killed, the effect of the prolonged war was devastating on the Tasmanian Aboriginal community, both in terms of society and population, with only 100-200

remaining on mainland Tasmania. As Ryan (2012, 141) points out, “in defending their country against the pastoral invaders, the Aboriginal nations in the Settled Districts had indeed paid the supreme sacrifice.” It is worth noting here, as Reynolds (2012, 63-65) suggests, that the members of the Big River and Oyster Bay tribes who surrendered were treated as “prisoners of war” not as rebellious subjects, marching into Hobart to meet with Lieutenant Governor Arthur with weapons in hand rather than in shackles.

The Tasmanian Aboriginals who surrendered to Robinson were sent to a series of reserves established in the eastern Bass Strait. Following brief periods in which Swan Island (November 1830 to March 1831), Preservation Island (March 1831), Gun Carriage Island (March to November 1831), and the Lagoons on Flinders Island (November 1831 to February 1833) were used as holding areas, from February 1833 all surviving Tasmanian Aboriginals were sent to a settlement called Wybalenna on Flinders Island (Ryan 2012). Reynolds (1995, 131) states that “there was a clear understanding among prominent settlers that Flinders Island was to compensate the Tasmanians for the loss of their ancestral homelands.” The government had debated establishing permanent reservations on the mainland since 1828, especially in the still relatively unsettled northeast (Reynolds 1995; Boyce 2009), with a passport system proposed to regulate their movement through settled districts (McFarlane 2008, 138). Robinson

may seriously have considered other alternatives to Bass Strait when he promised the mission Aborigines some kind of asylum in Van Diemen’s Land, but he also recognized that while they remained in their own country, they would fight for it and would not accept the consolation of Christianity (Ryan 1996, 158-159).

Between 1832 and 1835 Robinson and his associates rounded up the remaining Aboriginals in the west, with them being detained in often terrible conditions on Hunter Island and Macquarie Harbour penal station before being sent to Flinders Island (Ellis 1981; McFarlane 2008; Boyce 2009). With 63 Tasmanian Aboriginals surrendering in 1832, 42 in 1833, and 28 in

1834 (Madley 2004; Boyce 2009), by February 3, 1835 “Robinson’s project was successful in expatriating the last 300 Aborigines from a home their ancestors had inhabited for perhaps 35,000 years” (Madley 2004, 175). Whatever Robinson’s original intentions were in deciding to take on the role of Conciliator, by the early 1830s it is clear that he was interested in primarily in collecting bounties and the fame he thought would accompany his actions (Ryan 1996; Boyce 2009). As McFarlane (2008, 162) states, Robinson “completed his metamorphosis from evangelical conciliator to commercial opportunist.” While in the early part of his efforts many Tasmanian Aborigines voluntarily agreed to leave their lands, by 1834 and 1835 the remaining Tasmanian Aborigines on the west coast were being forcibly removed (McFarlane 2008; Boyce 2009; Ryan 2012).

Robinson and the Van Diemonian government, failed to fulfill the promises they had made to the Tasmanian Aborigines and at Wybalenna the remaining Tasmanian Aborigines began to decline precipitously in both health and spirit. At Wybalenna,

slowly, far away and out of sight, forgotten by the settlers, guarded by second-rate officials and homesick soldiers, the race wasted away in tedium. At first the aborigines seemed happy enough—they were pleased with the warm clothing the government gave them, and the hot food—but gradually they sank into apathy. They needed to wander and they pined for the limitless forests and beaches of their larger island. They died by the dozen, of chest complaints, stomach troubles, and plain homesickness: there was nothing for them to do but brood, forlornly dance and sing, listlessly look for opossums and kangaroos, or dig for potatoes in their garden patch (Chalk and Jonassohn 1990, 218).

In assessing these conditions Hughes (1986, 423) describes Wybalenna as a “benign concentration camp,” and he is not the only scholar to make that comparison (see for example Robson and Roe 1997). Although a few children were born at Wybalenna the infant mortality rate was high, which suited the interests of the government, “since the establishment already cost over two thousand pounds a year to maintain, a high death rate and low birth rate were to

European advantage” (Ryan 1996, 180). Robinson was assigned to run the settlement starting on October 16, 1835 and the remaining 123 Tasmanian Aboriginals greeted his arrival with optimism (Ellis 1981; Ryan 2012). Robinson was aware of the conditions on Wybalenna and tried his best to get out of the assignment, possibly because he did not want to face the community following the many broken promises (Reynolds 1995).

Robinson’s tenure at Wybalenna would not prove successful for either the Tasmanian Aboriginals or himself. At Wybalenna Robinson intended

to prove that his captives wished to advance towards civilization, which consisted of an appreciation of the main tenets of Christianity and a disposition to adopt European standards of personal cleanliness, dress, and housing, develop a desire to accumulate money and material possessions, and pursue agriculture (Ryan 1996, 183).

Robinson also began to rename resident Tasmanian Aboriginals after famous historical figures, particularly British ones, in the hope that it would further engage them with his system (Ellis 1981; McFarlane 2008; Ryan 2012). Robinson introduced a weekly market to familiarize the Tasmanian Aboriginals with European-style trade which proved somewhat successful (Ryan 1996; McFarlane 2008), in addition to trading with Europeans for desired resources, “from time to time the Aborigines sent articles like shell necklaces and salted muttonbirds to Launceston for sale, and the money earned went into an Aboriginal fund with which tobacco and other European luxury items were bought” (Ryan 1996, 189). However, most of Robinson’s ambitions were largely met with indifference and “a perpetual sense of gloom” pervaded the settlement (McFarlane 2008, 188). Robinson was eventually transferred to be the Chief Protector of the Aborigines in the then new colony of Port Phillip (later Victoria) in February 1839. With his request to take all the remaining Tasmanian Aboriginals with him denied, he was accompanied by some of the Aboriginals who had gone with him on the Friendly Mission, several of whom

would join with a group of Aboriginal resisters in Victoria and be hung for their “crimes,” the first executions held in the settlement of Melbourne (McFarlane 2008, 210). I find the sentiment expressed by Pevay, one of the executed men, to *The Port Phillip Herald* while in jail to be especially moving; he “expressed his unconcern at his approaching fate, saying, that after his death he would join his father in Van Diemen’s Land and hunt kangaroos; he also said that he had three heads, one for the scaffold, one for the grave, and one for V.D. Land” (quoted in McFarlane 2008, 208).

Despite the efforts of Robinson and successive administrators to convert them to Christianity and a “civilized” lifestyle, traditional cultural and social practices continued to be of great importance to the Tasmanian Aboriginals at Wybalenna. As Ryan (1996, 193) notes, Robinson “failed to perceive that the Aborigines saw their own culture as more important than his. They had lost their land and wanted to cling to every vestige of their traditional life that remained.” Tribal identity remained important, and the conflict would sometimes emerge between the three largest represented nations (the Big River, Ben Lomond, and North West) over access to resources and favor with the administrator (Ryan 1996; McFarlane 2008). Ochre, dogs, and game became the most sought-after resources on the island and Tasmanian Aboriginals circumvented the official channels to acquire them. Many learned a creole language, combining English, bits from different Tasmanian languages, other Aboriginal languages from the Australian mainland, and maybe even some Māori, from sealers, shepherds, and stock-keepers (Ryan 2012).

The Tasmanian Aboriginals continued to perform ceremonies at Wybalenna, frequently going into the bush to hide them from British authorities (McFarlane 2008; Ryan 1996; 2012). Interestingly, Ryan (1996, 189) describes the development of the horse dance “which originated

from the Big River people, concerned the outrunning of a European on a horse by an Aboriginal.” Despite it being expressly forbidden, they also continued to incise their bodies with broken glass (Ryan 2012). A common approach from administrators to combat the practice of traditional culture was to attempt to force Tasmanian Aboriginals to live in single family houses with their own garden but the Tasmanian Aboriginals always retained a communal lifestyle (Ryan 1996). A rigid schedule was imposed on Tasmanian Aboriginal women—involving, among other things, bible study, sewing lessons, and cleaning—but men received less supervision. As Ryan (2012, 227) puts it, “for the senior men, maintaining their culture in song and dance, preparing the younger men for initiation, hunting game for fresh meat and keeping their women under control were the most important aspects of their daily lives.”

With the departure of Robinson, Wybalenna fell increasingly into neglect. Ryan (2012, 24) notes that “they were no longer considered the survivors of the unjust dispossession of their country, but as the expensive and ungrateful inmates of an asylum.” In 1846 eight Tasmanian Aboriginal men from the settlement sent a petition (a full copy of which can be found in Reynolds 2005) to Queen Victoria asking for relief from the conditions at Wybalenna, more specifically from then-superintendent Henry Jeanneret. The petition pointed out that the government had not lived up to the promises they had made in exchange for Tasmanian Aboriginal relocation in the aftermath of a war of self-defense (Reynolds 1995; McFarlane 2008; Ryan 2012). The British Colonial Secretary, Earl Henry Grey, responded later that year instructing the Van Diemonian government to begin preparations to close the settlement and move the Tasmanian Aboriginals to a reserve on the mainland, a recommendation met with anger by many settlers (Ryan 2012).

In 1847 the Van Diemonian government closed the Wybalenna settlement and transferred the 49 survivors (17 men, 22 women, and 10 children) to Oyster Cove (Figure 3.3), an unused penal settlement 25 miles south of Hobart (Ellis 1981; Robson 1983; Ryan 1996; Reynolds 1996; Ryan 2012). At Oyster Cove, “comforted by their dogs, they eschewed the outside world, clinging to the few remaining threads of traditional society” (Ryan 1996, 218), including making tools and performing ceremonies in the Huon Valley (Ryan 2012). The settlement at Oyster Cove was built on mud flats and the wooden buildings offered minimal shelter from the cold winds common in the area, it was also a “repository for the waste water from farms upstream” (Ryan 2012, 257). The Tasmanian Aboriginals died one after another due to the unsanitary conditions and neglect with the population declining to 17 by 1854 (Ryan 1996; 2012). As Ellis (1981, 122) describes it, “death came with monotonous regularity, emptying the huts and filling the graveyard.” Poignantly, “each time one of them died, they would leave the station for a period of time so that Wrageowrapper did not take them too” (Ryan 2012, 259).



Figure 3.3: The entrance to the Oyster Cove settlement today (photo taken by author)

As this tragedy occurred, the scientific community, and many in the general public, took interest in watching the “extinction” of the race and several of the Tasmanian Aboriginals were welcomed into Hobart society as curiosities (Ellis 1981; Cove 1995; Ryan 1996; 2012). When William Lanney, the last male Tasmanian Aboriginal from the Oyster Cove settlement, died in 1869 at the Hobart hotel named The Dog and Partridge of chronic diarrhea,

he was carried to his grave by four comrades from his old ship, with the ship’s flag, an ancient opossum rug, and a clutter of native weapons placed upon the coffin. During the night, the grave was reopened and the head snatched—probably at the instigation of the Royal Society of Tasmania, whose savants wanted the skull for their collection (Chalk and Jonassohn 1990, 221).

The death of the Bruny Islander Truganani (also often spelled Trugernanner, Trugannini, Trugernanna, and Trucanini) on May 8, 1876 is often identified as the end of the “full-blood” Tasmanian Aboriginal race (Ellis 1981; Robson 1990; Robson and Roe 1997; Reynolds 2012; Ryan 1996; 2012). Truganani had accompanied Robinson as part of the “Friendly Mission” and to Victoria, and she was well known in the Hobart social scene late in her life, in part as an object of curiosity. Her death was broadcast throughout the British Empire, her skeleton becoming an object of curiosity (despite her expressed wishes to be cremated) for scientists and the public, and the Tasmanian Aboriginals were held up as an example in support of Western European evolutionary superiority (Cove 1995). As Reynolds (2012, 30) laments, “the bones and hair of dead Aborigines elicited more interest than the customs and beliefs of the living.” Summarizing the prevailing attitude of the time, Cove (1995, 53) notes that “Tasmanian Aboriginal bones represented a crucial source of information about humanness and its origins. To deny access to such evidence was to restrict the growth of scientific knowledge which was a self-evident good.”

The “extinction” of the Tasmanians found its way into nineteenth century popular culture, earning comments by influential writers and scholars such as Mark Twain, H.G. Wells, and Charles Darwin, and continues to be propagated by some contemporary scholars (e.g., Davies 1974; McGrew 1987; Maybury-Lewis 2002). H.G. Wells’s passage in the introduction of his 1898 book *War of the Worlds* is representative of the prevailing sentiment:

We must remember what ruthless and utter destruction our own species has wrought, not only upon animals such as the vanished bison and dodo, but also upon its own inferior races. The Tasmanians, in spite of their human likeness, were entirely swept out of existence in a war of extermination waged by European immigrants, in the space of fifty years.

Becoming Tasmania

For a variety of reasons, including the foundation of additional colonies in Australia, from the 1830s Van Diemen’s Land began to decline in prominence and prosperity (Robson 1983; Reynolds 2012). This process only accelerated with the gold rush in Victoria that began in 1851, with thousands of immigrants from Britain, the United States, and China arriving in search of fortune and the rapid growth of Melbourne into a prosperous city. With the arrival of few new settlers, the division between free settlers and convicts within Van Diemonian society intensified. In Van Diemen’s Land,

in parallel with the common class divisions was a system of status differentiation based on being either bond or free that often ran along the same lines as the class structure but at other times didn’t. So there were well to do emancipists who had made their money as shopkeepers, publicans, builders, farmers and even as professionals, but while their income and lifestyle suggested a secure place in the hierarchy of class, their convict past kept them in social inferiority where many of the institutions of polite society were closed to them. They also had to harden themselves to the social condescension, and sometimes the outright contempt, of free immigrants and native born with less to their name and little else to distinguish them (Reynolds 2012, 145).

Boyce (2009, 158) identifies this separation as being embodied in the names Van Diemen's Land and Tasmania. "Tasmania" represented a free, pastoral society embodied in the institutions and respectability of government, while "Van Diemen's Land" was a stark reminder of the penal foundations of the colony and the irredeemable "taint" of convict ancestry.

Especially with the departure of Lieutenant Governor Arthur in 1836, there emerged a push for more autonomy from Britain, with an emphasis on moving away from the essentially dictatorial governor system to a semblance of democracy (Robson 1983; Reynolds 2012). Necessarily, this included calls for an end to convict transportation as the removal of a controlling government would be difficult, if not impossible, in a colony whose primary function was to be a penal establishment (Robson 1983; Reynolds 2012). Anti-transportation movements gained momentum in the 1840s as many free settlers resented the harsh reputation of the colony and others the economic cost (Robson 1983; Reynolds 2012); as Reynolds (2012, 123) notes, it even became a common contention that "the physical beauty of the island made the continuation of transportation not merely anomalous but also sacrilegious." Those advocating an end of transportation would prevail, with the last convict ship arriving in December 1852. After being granted rights to a legislature, through the *Australian Colonies Government Act of 1850*, the first elections took place in Van Diemen's Land in 1851 (Robson 1983; Reynolds 2012).

With the end of transportation came calls for self-governance. As Robson (1983, 513) notes,

intertwined with the matters of transportation or prisoners to Van Diemen's Land and their use, and the arguments concerning the rationale of the convict system, was agitation for the establishment of some form of government in which the respectable colonists would have complete political power.

As such, priority for the new legislature was the drafting of a constitution, which was implemented when the colony was given self-government in 1856 (Robson 1983; 1990; Boyce

2009). The new government was modeled after the British parliament and thus organized into two houses—an upper house called the Legislative Council, which was dominated by the wealthier free settler landowners, and a lower House of Assembly. Boyce (2009, 243) points out that “on 1 January 1856, the first day of self-government, Van Diemen’s Land officially became known as Tasmania. Externally the name change caused confusion for decades, but on the island “Van Diemen’s Land” seemed to be rapidly forgotten.”

While Tasmanians were eager to shed their penal past, the end of transportation had a disastrous effect on the economy. In addition to ending a source of cheap labor, it also meant a sharp reduction in funding from Britain. Tasmania had few available jobs to attract new migrants and low wages, and those that came to Australia generally went to one of the other colonies (Robson 1990; Reynolds 2012). This was further accentuated by laws that favored the wealthy landowners enacted and enforced through the 1880s, intended to minimize the changes to social conditions despite workers no longer being convicts (Robson 1990; Robson and Roe 1997; Reynolds 2012). There was also a significant decline in trade, with the collapse of the whaling and sealing industries and the pastoral industries experiencing diminishing returns. Furthermore, Tasmania continued to be hurt by its reputation. Reynolds (2012, 171) notes that “the successful propaganda of the opponents of convictism in Australia and Britain had convinced many people that the island was both site and source of moral contagion, a society deeply stained with vice and crime.” The resulting economic depression began a continuing trend of net out-migration from the island.

During the 1870s a mining boom began in earnest, spurred by the discovery of gold at several places in the island (Robson 1990; Robson and Roe 1997; Reynolds 2012). By the late 1870s a mining industry dominated by tin, silver, copper, and gold had surpassed wool as the

primary economic driver. Reynolds (2012, 198) notes that “the mines offered well-paid work to unskilled and semi-skilled workers and provided an expanding domestic market for food, timber, and services.” One of the most significant geographic impacts of the mining boom was a rise of settlement in the western part of the island, with the founding and rapid growth of towns such as Queenstown and Zeehan. For the first time since the end of convict transportation, the 1880s saw more people coming to than leaving Tasmania. However, this prosperity was to be short lived, as by 1891 depression had once more engulfed the island, embodied in far reaching impacts of the collapse of the Bank of Van Diemen’s Land, with rising unemployment and lowered wages (Robson 1990; Robson and Roe 1997; Reynolds 2012).

In the 1890s agricultural and timber extraction began to take on greater importance. In addition to the increases in apple production and export centered on the Huon Valley in southeast Tasmania (where it remains culturally and economic important) there was growth in the dairy and cheese industries (Robson and Roe 1997). This development was facilitated by advances in technology that allowed these products to be shipped to Britain, and elsewhere internationally, without spoiling. A related industry also emerged in jam and fruit preserves. The timber industry was also concentrated primarily in the Huon Valley, where the Huon pine and other native hardwoods were harvested for construction materials, furniture, and other purposes (Robson 1990; Robson and Roe 1997).

In 1901, Tasmania joined the other Australian colonies in federation. As Reynolds (2012, 201) points out, “being the smallest and poorest of the Australian colonies Tasmania had nowhere else to go and could not seriously consider independence and isolation.” With federation came the establishment of a two house Commonwealth (federal) government which passed laws for Australia as a whole; with Tasmania, and the other states, retaining their

legislative systems. Perhaps the most immediate impact of federation was the extension of suffrage to all males of age in 1902 and to women in 1903. Australia retained its ties with Britain despite federation, keeping the monarch as head of state and, perhaps more tangibly, remaining a staunch military ally (Robson and Roe 1997; Winter 2011; Reynolds 2012).

Economically, federation did not have the benefits that the Tasmanian government and people anticipated (Robson and Roe 1997; Reynolds 2012). In part, it facilitated easier out-migration of many Tasmanians to the other states for better job prospects. The Great Depression of the 1930s hit Tasmania hard and many thousands of people became unemployed (Robson 1990). Despite years of lowered demand and decreased output, mining, timber, and other forms of natural resource extraction (such as hydroelectric power) remained the dominant sectors of the Tasmanian economy.

The Islander Community and the Survival of the Tasmanian Aboriginals

Although the colonial settlers and government, and many around the world, believed the Tasmanian Aboriginals to be extinct from 1876, this was not the reality. While the events of the Black War, the Friendly Mission, Wybalenna, and Oyster Cove were unfolding, a community of European men and Tasmanian Aboriginal women, and their children, had been established in the eastern Bass Strait Islands—primarily on Cape Barren, Badger, Clarke, Chappell, and Green Islands. Ryan (1996, 222) notes that by 1847 this community, known as the “Straitsmen” or later the “Islanders,” consisted of 13 families with a total of around 50 people. Reynolds (2012, 188) argues that “few other Tasmanians knew of their unique way of life and even when they did it did not shake the conviction that Trugannini’s passing had signaled the death of the race.” As Chalk and Jonassohn (1990, 204) highlight,

the existence of the reserve system was not widely known, while the history of the Tasmanians was very well known. This situation was encouraged by the government; it seems self-evident that one does not need an aboriginal policy, need not deal with the problems of the aborigines, nor provide for a budget if the last Tasmanian died in 1876!

Truganani was not actually even the last of the “full-blooded” Tasmanian Aboriginals, as Fanny Cochrane Smith, a Tasmanian Aboriginal married to a British settler and living near Oyster Cove, did not die until 1905. Most, if not all, members of the present Tasmanian Aboriginal community are the descendants of Tasmanian Aboriginal women and their European husbands.

Over time the Islanders developed their own culture and perspectives. Ryan (1996, 239) briefly summarizes some of these changes in the community:

they generally intermarried; they were not homogeneous in physical appearance; they had no wish to look white as possible; the older people liked to return to their place of birth to die; those of lighter colour liked to retain their identity as Aboriginal; they spoke English but retained remnant elements of former Aboriginal languages; and they had “covert” “ideational differences” that set them apart culturally from white society. Above all they knew they had origins different from whites, and although their culture was more like European culture than the former Aboriginal culture, much that was significant was based on Aboriginal tradition.

Some elements of traditional Tasmanian Aboriginal culture continued to be practiced uninterrupted, including muttonbirding and the making of baskets and shell necklaces, and the Islander community would repeatedly resist attempts to impose European culture upon them (Ryan 1996; 2012).

During the middle part of the nineteenth century, the Islanders were primarily focused on gaining title to the islands which would prevent other Europeans from using them for muttonbirding or pastoralism (Cove 1995; Ryan 1996; 2012). The Islanders were granted the right to lease parcels of land, and some entire islands, beginning in 1849 and increasing in frequency and size after the *Waste Lands Amendment Act 1861*. Although the government was

reluctant to recognize them, let alone provide them with special rights, the testimonies of several ministers and teachers that spent time in among the islands convinced them to make some concessions. However, any government land policies perceived as favoring the Islanders were often objected to strongly by other European settlers in the islands, sometimes leading to conflicts.

After years of petitions, on February 14, 1881, the Tasmanian government established a 6,000 acre reserve for the community at the western end of Cape Barren Island (Ryan 1996; Boyce 2009). This reserve did not officially recognize the community as being Tasmanian Aboriginals however, and as a result the Islanders “had right of occupation but had no control over the land and no security of tenure” (Ryan 2012, 284). Despite this, the community considered Cape Barren as a necessary part of compensation for their dispossession, and strongly resisted any outsider encroachment (291). The government, meanwhile, pursued policies that it believed would assimilate the Islanders into wider Tasmanian society. The Islanders were viewed as an “uncomfortable reminder of as history that was seen by some parties as better ended and forgotten” (Cove 1995, 78).

With the passage of the 1912 *Cape Barren Island Reserve Act* the Tasmanian Parliament hoped to aid the transition of the Islanders to becoming “useful” citizens (Ryan 1996, 242). As Cove (1995, 81) points out,

the act was intended to resolve once and for all the outstanding issues of Islander title and rights. It was not accidental that no mention was made of Aboriginal status or interests. The term Aborigine occurs nowhere in the document, instead reference is made to “half castes and their descendents.”

As a result of this bill, the reserve was resurveyed by government representatives and divided into three acre homesteads. These homesteads were leased from the government but after three years they could become rent free for 99 years if the lessee built a house and lived in it for at

least six months out of the year, and made what was deemed sufficient improvement to the land (Cove 1995; Ryan 1996; 2012). The bill also called for an overseer representing the Department of Lands to make these assessments, but one was never appointed—the resident teacher and police constable were deemed sufficient. Although the government initially considered the operations of the bill a success, “by 1922 only a few Islanders had qualified for a ninety-nine year lease, few had repaid housing loans, and most had failed to fence their agricultural blocks” (Ryan 1996, 243). In December 1922 the community petitioned to end the lease system and be granted outright ownership, but were rejected on the grounds that they had not made significant advances under the provisions of the bill.

With a special unemployment grant given by the Commonwealth Government in 1931 and bountiful muttonbirding seasons in the late 1930s, the community attained its highest level of prosperity, and some members decided to move to Launceston (Ryan 1996; 2012). This decision was noted by the Tasmanian government who soon undertook steps to eliminate the reserve and complete the assimilation of the Islanders into mainstream Tasmanian society once and for all (Cove 1995; Ryan 1996; 2012). Following assimilation policies utilized by the Commonwealth government and other Australian states, the Tasmanian government questioned whether the Islanders were indeed Aboriginal, with one-eighth blood quantum being considered the minimum, and thus entitled to any special provisions. A select committee of Parliament was created to decide the matter, and after an investigative trip to the islands in 1947, they decided to end Cape Barren’s reserve status effective in 1951 and that the Islanders claims of Aboriginal status should be ignored—the best outcome would be quick assimilation (Ryan 1996; 2012).

Although the Islanders acted to lease an additional 35 allotments, when the Act expired land in the islands was quickly leased by outside interests (Ryan 1996; 2012). In the next ten

years almost half of the Islanders relocated to Launceston and the remainder were reluctant to leave their land for any reason, lest it be leased to someone else in their absence (Ryan 1996).

Ultimately,

the legal extinction of Islanders as a special status group was as unsuccessful as the death of Truganini had been to putting an end to the Aboriginal problem in Tasmania. The Islanders did not disappear with the expiration of the act. They neither became fully absorbed into Tasmanian society nor gave up their claims to being Aborigines (Cove 1995, 87).

Conclusion

The colonization of Tasmania represents a dark chapter in the history of Australia, and the British Empire more generally. Convicts sent to Van Diemen's Land were exposed to the worst excesses of human cruelty, and the Tasmanian Aboriginals were systematically, and often unremorsefully, dispossessed of the lands they had inhabited for tens of thousands of years. While the island of Tasmania itself slid into depression and became less of a player on the imperial and Australian scene, its reputation remained.

At first, Tasmanians tried everything they could to distance themselves from this past, including taking the relatively unusual step of renaming the island. However, as time passed and mining booms came and went, Tasmania began to view this history differently. By the 1940s Port Arthur has become a sizable tourist attraction, and now is the biggest and most promoted draw in the state. Convict era buildings across the island, including the still remote Macquarie Harbour, top visitors to-do lists—a trend which has only increased since their designation on the UNESCO World Heritage List in 2010 (UNESCO 2013b).

While eager to embrace the “dark tourism” (Lennon and Foley 2000; Stone 2006) possibilities in their convict past with the change of economic and political tides, the Tasmanian government was not so inclined to embrace the historical treatment of those they dispossessed, as

will be addressed in Chapter 8. In returning from their island settlements to the main island, the Tasmanian Aboriginal community has faced an uphill battle for recognition, rights, and land return. It is their struggle which is the focus of Chapter 4.

Chapter 4

The Tasmanian Aboriginal Rights Movement

To comprehend what has transpired in regards to Tasmanian Aboriginal heritage since the late 1960s it is necessary to have some familiarity with aspects of the British colonization of mainland Australia and the long fight undertaken by Aboriginals and Torres Strait Islanders for legal recognition and equal rights. The struggle for rights has many fronts that deserve consideration (see Atwood 2003 for a more comprehensive account) but, in line with the theme of this dissertation, I will focus principally on land rights and heritage. In this chapter I provide a brief summary of the rights movement and historical debates that have occurred in Australia and how these events have shaped the contemporary Tasmanian Aboriginal community.

The Road to Native Title Recognition in Australia

Land rights have formed a central component of Aboriginal and Torres Strait Islander rights protests from the beginning due to their political centrality in the pursuit of self-determination and equal rights, and to the more practical necessity of land for obtaining a living (Merlan 1997). As discussed in Chapter 2, the British considered Australia to be *terra nullius*, meaning that they took land without offering negotiations, treaties, or compensation to Aboriginals. This perception was codified in law by the court in the case 1889 *Cooper v. Stuart* that ruled that, for legal purposes, Australia was unoccupied prior to European arrival (Mason 1997; Tehan 1998). As Agius et al (2007, 200) remind us,

colonization constructed a powerful imaginary of place in which pre-settlement Australia was an empty place, devoid of meaning until it was created by the

actions of the colonizers. This imaginary ignored Indigenous Australians' occupation of its landscapes and places. Indigenous peoples' rights and interests were long excluded from the spatial politics of nation building and development. From the margins of this imaginary, Indigenous peoples have at times influenced the decisions being made over their country, but for the main, Australian landscapes, institutions, governing processes remained colonial products.

Subsequent Aboriginal and Torres Strait Islander efforts at both land and heritage rights recognition have been, and are, as much about challenging persistent colonial geographical imaginations as they are about tangible political gains. The implications of this imagination on heritage discourses will be considered in Chapter 5.

Coinciding in time with this legal recognition of the fiction of *terra nullius* were efforts to make it a reality. Inspired by the impending "extinction" of the Tasmanian Aboriginals, and the newfound popularity of Darwinist and Lamarkian ideas of evolution, the other Australian colonies began enforcing policies designed to facilitate the end of the Aboriginal race by using a radical form of forced assimilation (Head 2000; Atwood 2003; Ellinhaus 2009). Under this approach, "the demise of the Aboriginal population ... is the result not of the colonial engagement but the inevitable outcome of a progressivist evolutionary process and of Australia's progress towards a higher type of civilization" (Head 2000, 53). Originating with Queensland's *Industrial and Reformatory Schools Act of 1865*, the Australian colonies successively passed legislation that allowed for the forced removal of Aboriginal children of mixed racial ancestry from their families to government run boarding schools. These children were taken away with three purposes in mind: 1) to spatially isolate them from "full-blood" whites and Aboriginals; 2) to encourage breeding between mixed race children on the principle that every subsequent generation becomes diluted of Aboriginal blood, until phenotypically they are indistinguishable from whites; and 3) to teach them "useful" trades that would make them of benefit to white society (Broome 1994; Bartrop 2001).

Although the first widespread Aboriginal and Torres Strait Islander rights movements began in the 1930s (Stokes 1997; Atwood 2003; Foley and Anderson 2006) and gained support in the 1950s from churches, unions, and radical political groups, including the Communists (Atwood 2003; Merlan 2007), it was not until the 1960s that real progress was made in terms of challenging the status quo. This era of land rights protests is arguably best symbolized by the Bark Petitions sent by the Yolngu people of the Northern Territory to Parliament in protest of mining development on the Gove Peninsula (Atwood 2003). Another major milestone during this period was the 1967 Referendum which, with over 90% of the popular vote, altered the Australian Constitution, finally recognized Aboriginals as Australian citizens and placed them under the jurisdiction of the Commonwealth Government (Stokes 1997; Atwood 2003; Altman and Pollack 2001; Mellor et al. 2007). Tellingly, while the Referendum also won the majority in Tasmania, voters opposed it at a rate twice as high as the national average (Cove 1995). In the aftermath of the 1967 Referendum, the state forced child removal policies stopped being enforced in the early 1970s, by which time more than 100,000 children had been removed from their families—a group who have collectively been termed the “Stolen Generations.”

In the 1970s the focus turned primarily to land return. In 1971 the Yolngu people filed the first legal challenge for Native Title, once again in opposition to mining on the Gove Peninsula, but were ruled against by the High Court in the case *Milirrpum v Nabalco Pty Ltd.* on the grounds that *terra nullius* was the legal precedent for Australian Aboriginal rights cases (Cove 1995; Tehan 1998; Head 2000; Atwood 2003). Due to this ruling and the Liberal Party government coalition, led by Prime Minister William McMahon, to forestall Aboriginal land rights efforts, in 1972 Aboriginal land rights protesters formed the first “tent embassy” on the Parliament lawn in Canberra, drawing widespread attention to their cause (Cove 1995; Atwood

2003; Foley and Anderson 2006), and establishing what is now a common protest tactic for Aboriginals and Torres Strait Islanders including, as will be highlighted later in the chapter, Tasmanian Aboriginals.

In response to the growing pressure, in 1972 the opposition Labour Party established the Department of Aboriginal Affairs and, as it turned out, more importantly also instigated the Woodward Royal Commission (also known as the Aboriginal Land Rights Commission) to inquire into Aboriginal land rights in the Northern Territory (Cove 1995; Atwood 2003). Upon completion of its inquiry, the Woodward Commission argued, among other things, that reserves and unused Crown land should be returned to Aboriginal control and that Aboriginal Land Councils should be established to administer the returned lands, suggesting that mining, tourism, and other companies be required to obtain permission for land use.

The *Aboriginal Land Rights (Northern Territory) Act 1976* that followed became the first piece of Australian legislation to allow Aboriginals to obtain legal ownership of their ancestral lands (O’Faircheallaigh 2008). Tehan (1998, 272) states that “the crucial aspect of this report and the legislation was that it provided for land ownership in the form of an inalienable fee simple grant, held by a group having some traditional connection with the land.” It also established an important legal precedent that has been followed by most Australian states subsequently (Agius et al. 2007).

Although the *Aboriginal Land Rights Act* only applied in the Northern Territory, the Woodward Commission also led to the establishment of the Aboriginal Land Fund Commission (ALFC), which between 1975 and 1980 purchased 59 parcels of land across Australia and returned them to Aboriginal control (Altman and Pollock 2001). These lands, however, tended to be marginal and no mechanisms existed within the ALFC for post-purchase improvements. The

latter fault was rectified when the ALFC was replaced in 1980 with the Aboriginal Development Commission (ADC). This responsibility proved untenable, as the ADC did not have sufficient funds available to pay for the necessary improvements and the acquisition of new lands.

Ultimately it largely failed in both objectives and was replaced in 1990 with the Aboriginal and Torres Strait Islander Commission, which also took over the responsibilities of the Department of Aboriginal Affairs.

The most important event in the push for Aboriginal land rights came in the 1992 court case *Mabo v. The State of Queensland (II)* in which the Australian High Court ruled that Native Title had not been extinguished across Australia after all (Tehan 1998; Merlan 2007). The case represented the culmination of a decade-long quest led by Eddie Mabo of the Meriam people of the Torres Strait Islands, who challenged the legal basis of Queensland's annexation of Murray Island in 1879. The High Court ruled that Native Title could have survived British colonization in areas owned by the Crown (i.e., Federal land) where Aboriginals and Torres Strait Islanders maintained an "uninterrupted connection" with the land, demonstrated by traditional laws and customs, and the connection had not been legally severed by Commonwealth, territory, or state legislation (Mercer 1997). As such, it "complicated the spaces of dis/possession by countenancing the co-existence of native and other forms of title to the same areas of land" (Whatmore 2002, 88). Importantly, it also placed a "burden" on the Australian government to take action.

Despite its tremendous significance, the *Mabo* decision has been widely, and justifiably, criticized (Mercer 1997; Tehan 1998; Head 2000; Ellemor 2003; Foley and Anderson 2006). First, there was no Aboriginal and Torres Strait Islander input in the determination of what circumstances Native Title is legally determined to have been retained. Second, though the *Mabo*

decision recognized continued existence of Native Title in some areas, it exterminated any possibility of Native Title in the vast majority of Australian land. Third, and most importantly to the Tasmanian case, only Aboriginal and Torres Strait Islander people who, through historical chance and fortune, have been able to retain uninterrupted ties with their land have any claims to Native Title. Putting it in stronger terms, Foley and Anderson (2006, 97) argue that

in many ways, this stunted 'native title' concept has become an effective substitute in dispossession for the 'terra nullius' concept it is supposed to have replaced. Yet not only is native title irrelevant to over 80 per cent of the Aboriginal population, it legitimizes dispossession for the vast majority of Aboriginal people. For those few to whom it applies, it is a subordinate and weak title, presenting the false image of having met the aspirations of the land rights movement.

It is especially ironic that in the land rights process, for the government the "Aborigines' 'antiquity' and 'tradition', so long the grounds on which they had been denied rights to land, were now regarded as the very basis of their rights to it" (Atwood 2003, 224).

The Paul Keating-led Labour government passed the *Native Title Act 1993* (Commonwealth of Australia 1993) as a means of implementing the *Mabo* ruling. The *Native Title Act* acknowledged the basic provisions of the *Mabo* decision and delegated the responsibility of resolving Native Title claims to the individual states. It created the Native Title Tribunal aide with negotiations and mandated that the Commonwealth Government was only to intervene when negotiations between state governments and Aboriginal tribes stalled or became untenable. The *Native Title Act* was strengthened with the 1996 High Court decision in the *Wik Peoples v. Queensland* case in which they extended the application of Native Title claims to pastoral lands leased from the Crown (Tehan 1998; Verran 1998). To many, the *Native Title Act* was a disappointment as "it pertained to less than a quarter of the land area and 7 percent of

indigenous people” but, in some ways more significantly, it also “reiterated the settler-state parameters of the nation” (Whatmore 2002, 77).

The *Native Title Act 1993* (Commonwealth of Australia 1993) also established the National Aboriginal and Torres Strait Islander Land Fund. The Land Fund was designed as a public trust managed by the Commonwealth Minister for Finance and Administration to provide funds for an independent statutory authority Indigenous Land Corporations (ILC) to purchase land in areas not eligible for Native Title claims (Altman and Pollack 2001; Merlan 2007). The Land Fund stopped receiving government funding in 2004, with money for the ILC provided by interest earned by the Land Fund. The ILC has a seven member board, of which five must be Aboriginals or Torres Strait Islanders. Since it began operating in 1995, the ILC has purchased and returned land in all Australian states and the Northern Territory.

In the years before and after the *Wik* decision, the Commonwealth Government, facing considerable lobbying pressure from mining, pastoral, and other groups and now under the leadership of the Liberal Party Prime Minister John Howard, systematically watered down the Native Title legislation, beginning with the passage of the *Native Title Amendment Act 1998* (Altman and Pollack 2001; Lavelle 2001; Whatmore 2002; Glaskin 2003; Merlan 2007). This amendment (Commonwealth of Australia 1998) made several sweeping changes limiting the applicability of Native Title, including: 1) removing the possibility of claims in urban areas; 2) exempting areas of public amenities to claims, such as National Parks; 3) giving states the authority to extinguish Native Title; 4) allowing mining and pastoral leases to coexist with Native Title; and 5) imposing strict time limits on claims.

The weaknesses of the existing Native Title process are pointedly highlighted in the Yorta Yorta Native Title claim against Victoria, the first such case to be heard under the *Native*

Title Act 1993 (Commonwealth of Australia 1993). Over the course of 114 days in court, in which over 200 witnesses testified, the Yorta Yorta asserted their claim to an area in the Barmah-Millewa Forest against fierce opposition from mining and timber interests, non-Aboriginal residents, the Victoria government, and numerous other stakeholders (Ellemor 2003). Ellemor (2003, 240) states that

in asserting their claim, the Yorta Yorta community presented genealogies and traditional knowledge and identified sites, customs and traditions of particular importance to their people. In response, the Respondents, in particular the influential local timber and grazing interest groups, asserted their own claims of belonging to the area—their own knowledge and stewardship role with the forest.

The Commonwealth court ruled against the Yorta Yorta, “stating that the ‘tide of history’ had washed away any real acknowledgments of traditional law and any real observance of traditional customs” (240). As such, the court established two precedents that have greatly impacted subsequent Native Title claims: 1) the prioritization of written over oral evidence; and 2) the establishment of pre-contact culture as a baseline for tradition and hence authenticity (Glaskin 2003; Ellemor 2004). Weiner (1999, 195) highlights that

by virtue of the practices that have arisen regarding the legal protection and adjudication of Aboriginal land rights and culture in Australia, what in fact is tested judicially is not strictly speaking ‘Aboriginal culture’ but some relational product of indigenous Aboriginal exegesis and Western notions of tradition.

In essence, then, a situation has arisen where anthropologists and other Aboriginal land use and heritage “experts” have more authority to talk about Aboriginal culture and connections to the land in Native Title claims than do Aboriginal communities themselves (Glaskin 2002; Mercer 2007). This perceived supremacy of the “expert” is deeply rooted in Western heritage discourses, as discussed in Chapter 5.

In the years following the *Mabo* ruling, the Aboriginal and Torres Strait Islander rights movement began to place emphasis on receiving an apology for past and present mistreatment

from the government. This push began to gather public support first with the 1991 release of the *Royal Commission into Aboriginal Deaths in Custody*, which outlined the levels of discrimination against Aboriginals within the criminal system (Gooder and Jacobs 2001). The public response to the report led to the establishment later that year of a Council for Aboriginal Reconciliation (CAR) with the purpose of increasing recognition of historical accounts that ran counter to the official narratives. The single biggest catalyst for the apology movement, however, came in the 1997 *Bringing them Home* report produced by the Human Rights and Equal Opportunity Commission following two years of research and interviews conducted in the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families* (Mellor et al. 2007; Byrnes and Ritter 2008). This report documented and publicized the extent and continuing ramifications of the Stolen Generations policies between the 1910s and 1970s (Corntassel and Holder 2008). The report built upon the efforts of the CAR by further publicizing past treatment of Aboriginals. Significantly, the report also called for a National Day of Apology, representing the first nationally prominent call for such an occasion.

There was widespread political and public fallout from this report, especially its contention that Stolen Generation policies constituted genocide within the terms of the 1948 United Nations convention (Ellinghaus 2009). Many conservatives were fervently opposed to the report's conclusions, and the government refused to implement many of the recommendations. As a result, a grassroots movement emerged that called for, in no uncertain terms, a national and public apology to the Aboriginal community (Byrnes and Ritter 2008).

This movement began to bring pressure upon the Australian government, led by Prime Minister John Howard. However, Howard steadfastly refused to support the issuing of an official apology. Eventually bowing to the growing public sentiment, Howard issued a personal apology

in 1998 at the first Convention of Reconciliation (Gooder and Jacobs 2001; Mellor et al. 2007). Howard acknowledged that wrongs had been committed against Aboriginals in the past, but many of those in attendance—who turned their back on him during his speech—and around the country did not believe that Howard’s apology was sincere or sufficient. As Gooder and Jacobs (2001, 237) state, “The Prime Minister’s unfit apology was symptomatic of the Federal Government’s fear that an apology is an admission of guilt and, once delivered, would open the way for unwanted claims for compensation and recompense.” The Federal Government created a Minister for Reconciliation, but this did not salve the growing public outrage.

With the Federal government under Howard’s leadership failing to provide the desired apology, the public movement gathered strength. The government’s lack of response resulted in the first National Sorry Day being held on May 26, 1998. The Aboriginal flag was flown by Australian state and city governments and public events were held in cities, many sponsored by local churches (Gooder and Jacobs 2001). Following the first National Sorry Day, “Sorry Books” began to appear throughout the country, and even in the United Kingdom, created by community groups, churches, trade unions, and private organizations. These books were designed to allow private citizens to express their sentiments concerning Australia’s relationship with Aboriginals, with many offering their own personal apologies. It is estimated that within four months, over 1,000 “Sorry Books” had been circulated, with a cumulative total of over 1,000,000 signatures.

The apology movement continued to gather momentum and became a major factor in the 2008 Parliamentary elections, with Labour Party leader Kevin Rudd promising a national apology if elected to the majority. Rudd kept his word, and opened the first session of Parliament on February 13, 2008 with a four minute apology followed by a 20 minute speech. Importantly, the apology focused specifically on the Stolen Generations policies, and made no reference to

massacres, land dispossessions, and other wrongs committed by the government. The content of the apology was then officially recorded within a Parliamentary motion on February 20, which was passed unanimously, following several days of debate, by all Members of Parliament (MP) present (Commonwealth of Australia 2008). The national apology was widely covered by the media and watched by millions of people around Australia.

While some non-Aboriginal Australians view Aboriginal and Torres Strait Islander land rights as just and necessary, others see it as an economic hindrance or even a direct threat to the continued sovereignty of Australia (Merlan 2007). For Aboriginals and Torres Strait Islanders themselves, land rights “have made possible great practical gains in some ways, brought about by real changes in national awareness and recognition of indigenous people” (142). Yet the Native Title process has imposed external standards of “authenticity” and “timelessness” on those who are eligible for it, and left the majority of Aboriginals and Torres Strait Islanders at the mercy of Land Corporations and state governments.

The Tasmanian Aboriginal Rights Movement

As on the mainland, momentum behind the Tasmanian Aboriginal rights movement began in the late 1960s and 1970s. Arguably the most important factor was the 1972 founding of the Tasmanian Information Centre in Hobart (Cove 1995; Ryan 1996; 2012). Beginning in 1973 the Tasmanian Information Centre received Commonwealth funding as a legal service for Aboriginals, though it has subsequently grown into a community organization offering health, education, and a variety of other services. In 1977 the Tasmanian Information Centre changed its name to the Tasmanian Aboriginal Centre (hereafter referred to as the TAC).

The TAC quickly became the primary legal, protest, and lobbying front for the Tasmanian Aboriginal rights movement. As Ryan (1996, 263) notes, “since the TAC’s purpose was to claim that Tasmanian Aboriginals had not become extinct, and as a consequence were entitled to land rights, it had to devise campaigns that would attract maximum media attention.” The government’s continued use of Truganani’s death in 1876 as the final word in disputes only exacerbated protest efforts (Cove 1995). Over the next several decades the TAC utilized a variety of protests techniques in an attempt to bring about changes on three primary fronts: heritage, land rights, and sovereignty.

The first major campaign of the TAC was a submission to the Woodward Royal Commission for “recognition of prior Aboriginal ownership in Tasmania and to claim historical continuity between the past and present Aboriginal communities” (Ryan 1996, 264). Although recognized, the powers granted to the Woodward Commission did not allow it to take any action or make recommendations on the Tasmanian Aboriginals behalf. When this failed, the TAC turned to more dramatic measures, including leader Michael Mansell crashing a gala to present a petition to Queen Elizabeth II when she was visiting Hobart in 1977 and the establishment of an “Aboriginal Parliament,” along the lines of the Aboriginal Tent Embassy, on the Tasmanian Parliament lawn the same year (Ellis 1981; Ryan 1996; 2012).

The focus of the first heritage related Tasmanian Aboriginal campaign was the return of ancestral remains from museums and private collections. To that end, in 1975 the TAC petitioned the Tasmanian government to transfer the remains for Truganani from the vault of Tasmanian Museum and Art Gallery to their possession (Ellis 1981; Cove 1995; Ryan 1996; 2012). Despite the objections of the Museum trustees, the following year the state government agreed and the TAC took possession of her remains in April 1976. In accordance with

Truganani's last wish, community members then cremated her and scattered the ashes over the D'Entrecasteaux Channel to commemorate the centenary of her death the next month. In 1981 the TAC began to lobby the Tasmanian government to return remains from the Tasmanian Museum and Art Gallery's Crowther collection (Cove 1995; Ryan 1996)—which was comprised of 34 Tasmanian Aboriginal skeletons exhumed from the Oyster Cove cemetery by William Crowther in the early twentieth century (Ryan 2012).

The TAC heritage campaign escalated during the Franklin River Dam controversy in the early 1980s (Robson 1990; Cove 1995; Head 2000; Ryan 1996; 2012), which is discussed in more detail in Chapter 6. This push was spurred in particular by the discovery of the heritage rich Kutikina and Deena Reena caves by archaeologists in the threatened area in 1981 and 1982 (Ryan 1996); prior to this the Tasmanian Aboriginal community had not been particularly involved in the protests (Ryan 2012). The TAC organized a series of sit-in protests and road blockades to forestall construction (Cove 1995). In a pivotal turn of events, TAC member Rosalind Langford delivered a speech at the Australian Archaeological Association's (AAA) 1982 conference entitled "Our Heritage – Your Playground" that helped convince the AAA to pass "a resolution stating that permission should be obtained from Aboriginal owners before any research or excavation of Aboriginal sites took place" (Ryan 1996, 269). This endorsement, and the Tasmanian state government's intransigence on the issue, led the TAC to petition the Commonwealth High Court, which served as one of the factors that reinforced the court's decision to uphold the *World Heritage Properties Conservation Act 1983* (Head 1993; Ryan 1996), which is discussed in Chapter 6.

The TAC in 1984 decided to begin a protest occupation of Oyster Cove (Cove 1995; Ryan 1996). The TAC "argued that the National Parks and Wildlife Service had not managed the

area, which had become overgrown and strewn with rubbish, and that NPWS staff had driven vehicles over midden sites and had refused to declare the area for protection under the Aboriginal Relics Act” (Ryan 1996, 271). This occupation received considerable attention at both the state and national level, and the state government finally agreed to return the remains from the Crowther collection in April 1984. As with Truganani, the Tasmanian Aboriginal community held a cremation ceremony for the remains at Oyster Cove in 1985. The TAC then changed its focus to obtaining the return of Tasmanian Aboriginal remains from international institutions in the United Kingdom, the United States, and other places in Europe (Ryan 1996; 2012).

In 1983 the Tasmanian Aboriginal community established the Tasmanian Aboriginal Land Council (TALC) to negotiate with government on land rights (Ryan 1996), which would later be renamed the Tasmanian Aboriginal Land and Sea Council (TALSC). In 1985 the TALC, at the behest of the Commonwealth Minister, put together a list of 19 significant sites to request the transfer of ownership and management rites from the Tasmanian government (Ryan 1996; 2012). The list was divided into Historic, Economic, and Sacred sites and included sites primarily associated, in particular, with caves and artwork, colonial era massacres and dispossession, and muttonbirding. In general, this list was received favorably by the Tasmanian media but was not acted upon by the government for almost a decade.

The nature of colonization in Tasmania means that under the provisions of the *Native Title Act 1993* (Commonwealth of Australia 1993), the Tasmanian Aboriginal community has no recourse to apply to the Commonwealth Government for land return. This ruling was met with outrage and disappointment by the community, who in their quest for self-determination now found themselves looking to the Tasmanian state government for meaningful action. Facing great

pressure from the TAC and other Tasmanian Aboriginal organizations, in a move unprecedented in Tasmanian history, the government responded several years later when the Tasmanian Parliament passed the *Aboriginal Lands Act 1995* (Tasmania 1995a), which returned 3,900 hectares of land to the Tasmanian Aboriginal community and created the Aboriginal Land Council of Tasmania, an independent statutory authority similar in purpose and design to the Indigenous Land Corporation (Tasmania 1995a; Ryan 1996). The land returned in 1995 was Mt. Cameron West and Steep Island in the northwest; Mt. Chappell Island, Badger Island, Wombat Point on Cape Barren Island, Great Dog Island, and Babel Island in the Furneaux Group; Kutikina, Ballawinne, and Wargata Mina Caves in the southwest; and Risdon and Oyster Coves in the southeast. Following additional campaigning by the community, in the *Aboriginal Lands Amendment Act 2004* (Tasmania 2004) the state also returned Wybalenna, the remainder of Cape Barren Island, Goose Island, and Clarke Island in the Furneaux Group.

As I discuss in more depth in Chapters 8 and 9, it is of the utmost significance, and by no means coincidental, that the lands that have been returned are all of high heritage value. Mt. Cameron West has a large number of Tasmanian Aboriginal carvings. Kutikina, Ballawinne, and Wargata Mina are among the best preserved late Pleistocene Tasmanian Aboriginal caves. Steep Island, Mt. Chappell Island, Badger Island, Great Dog Island, Babel Island, Goose Island, Cape Barren Island, and Clarke Island are important traditional and contemporary sites for muttonbirding. Risdon Cove, Oyster Cove, and Wybalenna are all locations associated with the dispossession of the Tasmanian Aboriginal community during the colonial era. The returned lands in the Furneaux Group facilitated the survival of the Islander community, and thus the Tasmanian Aboriginals.

Returned lands in Tasmania are placed under the control of the Aboriginal Land Council of Tasmania (ALCT). Adding to these lands, the Indigenous Land Corporation subsequently divested its holdings to the ALCT. The ALCT has eight Aboriginal committee members—with two representing the south, north, and northwest regions and one each representing Flinders Island and Cape Barren Island—who are elected for three-year terms (Tasmania 1995a). The ALCT was designed “to use and sustainably manage Aboriginal land and its natural resources for the benefit of all Aboriginal persons” (Tasmania 1995a). The *Aboriginal Lands Act* also created a Land Fund to provide for the ALCT. Importantly, the ALCT was also empowered to transfer control and management to any Aboriginal person or group; as a result, management of returned land has been given to the TAC and the TALSC.

While they have had some success in their quest for land rights, the Tasmanian Aboriginal communities’ push for Aboriginal sovereignty has not been as well received. In fact, the TAC’s actions in this regard have been especially controversial, particularly Michael Mansell’s 1987 visit to Libya to attend the World Conference Against Zionism, Racism, and Imperialism (Cove 1995; Ryan 2012). A similar response greeted the TAC’s founding of a secession inclined Aboriginal Provisional Government in 1990 (Ryan 1996). While these actions greatly raised the TAC’s and especially Mansell’s profile at the state, national, and international levels, it also made it a much more politically polarizing organization, a perception that continues to play out in Tasmanian Aboriginal politics, as seen in Chapter 8.

The TAC’s actions also led to division within the Tasmanian Aboriginal community, and beginning in the early 1990s a number of other Aboriginal community organizations began to form (Cove 1995; Ryan 1996) such as the Six Rivers Aboriginal Corporation and the Circular Head Aboriginal Corporation. Some of these organizations hold opposing views to the TAC and

TALSC and there has emerged a debate over identity and belonging in the Tasmanian Aboriginal community.

The Tasmania Genocide Debate

During the early 2000s the colonization of Tasmania emerged as a central focus of what has been termed the “History Wars” in Australia (Curthoys 2006; Moses 2008). In the aftermath of significant Aboriginal rights milestones in the 1990s, this was a period of national discussion over the past and present treatment of Aboriginals in Australia. This debate was triggered in no small part by the aforementioned use of the word “genocide” in the 1997 *Bringing them Home Report*. Politicians, historians, Aboriginals, and many others in the Australian public debated extensively, and frequently heatedly, over the extent of mistreatment inflicted on Aboriginals. The HREOC report has by no means been the only application of the term genocide to Australia. It has been used by others to describe, for example, the Stolen Generations (Bartrop 2001; Barta 2008), conflict with settlers on the Bathurst Plains (Kiernan 2007), and the actions of the Native Police in Queensland (Moses 2000; Reynolds 2001).

While there are many reasons for Tasmania’s prominence in this debate, arguably the single most important cause was Keith Windschuttle’s 2002 book *The Fabrication of Aboriginal History: Volume One: Van Diemen’s Land 1803-1847* (Curthoys 2006; Madley 2008; Ryan 2012). In this book, and several related publications, Windschuttle (2002) argued that much of what was being reported about the treatment of Aboriginals across Australia were misinterpretations, exaggerations, or inventions of contemporary activist historians. That Windschuttle began his crusade with Tasmania is significant as it reflects the widespread conception that it was the site of some of the worst colonial offenses in Australia, and thus forms

a crucial pillar for any debate on these issues. Effectively summarizing Windschuttle's stance, Curthoys (2006, 9) states that he "cast the settlers as good civilized Europeans and the indigenous peoples as primitive people with no sense that the land was theirs, and at worst, idle savages and murderers." For those who share the opinion of Windschuttle, the responsibility for most of what happened to Aboriginals in Tasmania and elsewhere in Australia lies with the Aboriginals themselves; while a few isolated people were guilty of crimes against Aboriginals, the majority of settlers and the colonial governments were beneficent and innocent of any wrongdoing. To them, identifying Australia as a site of genocide dishonors the legacy of the settlers and the national character of Australia itself (Barta 2008).

Many scholars (e.g., Curthoys 2005; Kiernan 2007; Madley 2004; 2008; Moses 2003; 2008; McFarlane 2008) have identified what transpired in Tasmania as genocide. The case for genocide is perhaps most famously documented by Hughes (1986) in his enormously popular book *The Fatal Shore*, who decries that "it took less than seventy-five years of white settlement to wipe out most of the people who had occupied Tasmania for some thirty thousand years; it was the only true genocide in English colonial history." Raphael Lemkin, the inventor of the term genocide and the man arguably most responsible for securing passage of the United Nations Genocide Convention, planned to include a chapter on Tasmania in his never-published book of genocide case studies (Curthoys 2005).

Madley (2004) identifies Tasmania as an example of "frontier genocide," drawing comparisons to the treatment of the Yuki in California and the Herero in Namibia. He states that each of these genocides occurred in three phases that can be summarized as: 1) invasion and dispossession; 2) violent resistance and military retaliation; and 3) confinement and neglect. Importantly, Madley points out that in each of these cases, "the idea of "empty" or unclaimed

land provided the legal and intellectual framework for genocide by rationalizing dispossession and by suggesting that native people were less worthy of land ownership and thus essentially less human than white settlers” (168). Provided with the justification and engaged in violent and prolonged conflicts with Indigenous peoples, settlers and governments in each of these circumstances pursued genocidal policies to secure the land and resources they desired.

Several scholars (Chalk and Jonassohn 1990; Moses 2000; Madley 2004; Kiernan 2007) have described what happened in Tasmania as in essence a conflict between economic systems—two groups with vastly different approaches competing over the same land and resources. The settled agricultural, private property-based system of the British settlers was incompatible with the nomadic lifestyle of the Tasmanian Aboriginals. As described in Chapter 2, British settlers did not recognize the connection between Tasmanian Aboriginals and the land, believing that their own form of agriculturally-driven usage was the only legitimate usage. While this attitude was brought by the British everywhere in Australia, it was only in places of strong Aboriginal resistance such as Tasmania that violence escalated to the point of genocide (Moses 2000).

It is noteworthy that Henry Reynolds, perhaps the historian most targeted by Windschuttle (2002), actually disputes the assertion that the British actions constituted genocide. Reynolds (1995) argues that the Tasmanian Aboriginals launched a highly effective resistance to colonization, inflicting nearly equivalent damage to the colonists and evading efforts to capture and defeat them. As he points out, the Aboriginals made a conscious choice to depart the mainland for Flinders Island in the early 1830s and were well aware of the legal and cultural implications. He makes a compelling argument that assigning the label of genocide is problematic, as it serves to portray the Aboriginals as hapless innocents, incapable of defending themselves against the onslaught of British colonists—thereby rewriting history. For Reynolds

the ramifications of this revision are at least twofold. First, by overlooking the success of the Aboriginal resistance, the perceived superiority of the British and their knowledge system is reinforced. As he points out, government and newspaper commentary written contemporaneously with the Black War illustrates a growing respect for the Tasmanian Aboriginals' intelligence and their status as enemy combatants rather than British subjects, a serious challenge to the prevailing notion of *terra nullius* at the time. Hence, acknowledgement of the Tasmanian Aboriginals' rights to the land, and that they agreed to relocation as part of a negotiation between nations, may have repercussions in ongoing land claims. Second, the discourse pertaining to genocide frequently implies and perpetuates the aforementioned myth that the Tasmanian Aboriginals are extinct.

The broader lack of agreement about what events actually constitute genocide has certainly contributed to this controversy. The most widely utilized definition of genocide comes from the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide which defines genocide as

any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

However, as Chalk and Jonassohn (1990) point out, this definition is of very limited use. For example, the UN definition: 1) does not distinguish between lethal and non-lethal means of group eradication (Chalk and Jonassohn 1990; Harff 2003); 2) excludes political and numerous other forms of group identity; 3) limits applicable motives (Kuper 1981); 4) provides no means to override state sovereignty and had thus never been enforced; 5) excludes the possibility of

non-state actors committing genocide; (Chalk and Jonassohn 1990; Harff 2003) and 6) leaves the qualifier of intent ambiguous (Kuper 1981; Fein 1993; Lewy 2007). Perhaps not surprisingly many scholars have proposed their own definitions (Chalk and Jonassohn 1990; Fein 1993; Harff 2003; Campbell 2009;) or typologies (Kuper 1981; Dadrian 1985; Fein 1993) of genocide and related concepts such as ethnic cleansing, politicide, ethnocide, and gendercide (Kiernan 2007) have been proposed to fill the holes.

Debates over “intent” serve as one of the primary contentions across genocide studies (Lewy 2007; Kiernan 2007), and Tasmania is no exception. As Kiernan (2007, 17) puts it, “under the 1948 convention, genocidal intent does not extend to a simple disregard of the risk of likely harm from an act or to criminal negligence or accident. The perpetrator must commit the act deliberately.” However, the International Law Commission has subsequently recognized that genocide may occur in instances where it is not the primary motive of an action or policy, but an accepted or considered possible outcome—“genocide (and especially genocidal massacres) may be a means, rather than an end in itself” (Kiernan 2007, 18).

The question of whether the settlers and government purposefully sought to exterminate the Tasmanian Aboriginals has been debated by numerous scholars (Reynolds 2001; Moses 2008). Some argue that genocide does not apply in Tasmania because there are no explicit statements of genocidal intent from government officials. In fact, many officials, such as the aforementioned Sir George Murray, actually express concern over the fate of the Tasmanian Aboriginals in their correspondence (Reynolds 1995; Moses 2000). However, as other genocide scholars (e.g., Kuper 1981; Fein 1993; Lewy 2007) have noted, intentionality, even for contemporary genocides, can be difficult if not impossible to prove. Moses (2000, 92) suggests that

the place to look for genocidal intentions... is not in explicit, prior statements of settlers or governments, but in the gradual evolution of European attitudes and policies as they were pushed in an exterminatory direction by the confluence of their underlying assumptions, the demands of the colonial and international economy, their plans for the land, and the resistance to these plans by the indigenous Australians.

Speaking more broadly on the issue in the Australian context, Curthoys' (2006, 14) take on this issue also merits consideration

if we consider the question of intent indirectly, that is, that the intent was to take the land no matter what the consequences for indigenous people, then we can see a general pattern within colonization of a degree of carelessness about the future of entire peoples that was so extreme it amounts to genocide. If we also consider that the consequences of land were not at all unpredictable or surprising – in the Australian case they were either known or predictable from experience in North America and the Caribbean – then the continued land seizure can be seen as a genocidal project. Perhaps *some* colonizing decisions were made without this knowledge, but as time went on colonizers knew the likely consequences of their actions.

Similar assessments have been made by others (Moses 2000; Madley 2004; Kiernan 2007; Boyce 2009) in regards to Tasmania. As Moses (2000, 103) states, “the colonization process was objectively lethal for Aborigines, irrespective of initial intentions of the state and settlers.”

Whatever the intention of the Tasmanian government and settlers was in regards to the fate of the Tasmanian Aborigines, most wanted them removed from the land entirely and no measures were taken to provide basic care to the community at either Wybalenna or Oyster Bay when it was obvious to everyone they were dying.

In my opinion, the debate over whether genocide occurred in Tasmania is largely unproductive. The term has become politicized and polarizing, with people on both sides of the political spectrum unable to see past it; conservatives view it as equating Australians with Nazis, and many Tasmanian Aborigines see it a synonym for extermination. Though it has brought important attention to what transpired in Tasmania, for rhetoric to be replaced with dialogue I

think there needs to be a movement away from genocide debates. While not offering any excuse or apology for British colonial actions, I propose that Egbert et al.'s (in progress) concept of “territorial cleansing” is a more appropriate conceptual tool for understanding what transpired in Tasmania.

Territorial cleansing is based on the observation that there is a widespread compulsion for groups with power over a territory to create an idealized version of it (Egbert et al. in progress). The cleanser seeks to develop what they believe to be the correct “spatial enclosure” (Carter 1987, 168) for the desired population (Egbert et al. in progress). In some instances, for this idealized territory to become a reality requires the removal of an unwanted “other” from within its imagined borders. The group in power follows a series of steps to realize the territorial cleansing, often including passage of necessary laws, consolidation of authority, and utilizing various forms of violence (including assimilation, targeted killings, forced removal, genocide, etc.). Territorial cleansing can and does occur at all scales, from neighborhoods to supranational blocs.

The advantage of applying territorial cleansing over genocide in the Tasmanian case is that it moves away from the question of whether or not the British and Tasmanian governments *intended* to exterminate the Tasmanian Aboriginals—the issue that is generally the lynchpin of stalemated debates. Rather, it highlights how the government, and many Van Diemonian citizens, sought primarily to remove the Tasmanian Aboriginals from the island itself; in their geographical imagination, the Tasmanian Aboriginals *needed* to be cleansed. As Carter (1987, 335) puts it in reference to Australia in general, “the same authorities which could not comprehend aboriginal behavior also wanted to de-territorialize the Aborigines. It was the Aborigines’ spatial command of the country which presented the greatest threat to white

interests.” Once the Tasmanian Aboriginals were removed from the Tasmanian main island, the government’s objective was completed and, with tragic consequences, they seemingly lost interest in them.

Although effectively cleansed from the main island, the Tasmanian Aboriginal community never lost their connection with the territory. Although the Islander community thrived despite everything, a primary objective was always a return to Tasmania. In this light, the land and heritage rights movement can be interpreted, in part, as avenues for discursively reasserting their presence in the territory—a kind of “un-cleansing.”

Conclusion

The broader Aboriginal and Torres Strait Islander rights movement has exerted great impact and influence in Tasmania, but the contemporary Tasmanian Aboriginal community faces many challenges that are singular to their circumstance. First and foremost among these, is the ongoing perception that they are “extinct.” On every front Tasmanian Aboriginals must contend with the ongoing legacies of colonial discourses and a large segment of the Tasmanian community that would like Tasmanian Aboriginals to remain a closed, if unfortunate, chapter of the past.

Since the birth of the Tasmanian Aboriginal rights movement in the late 1960s, recognition and control of their heritage has formed a central focus. This has continued from the initial emphasis on securing ancestral remains in the 1970s through the Franklin River Dam and Oyster Cove Protests in the 1980s and the return of heritage land in the 1990s, to the present time with the controversy surrounding the Brighton Bypass, which is discussed in Chapters 7 and 8.

The next chapter provides an overview of the heritage discourses that underlie the past and present heritage debates in Tasmania.

Chapter 5

The Aboriginal Challenge to the European Heritage Discourse

The concept of “heritage discourse” lies at the heart of this dissertation research and, as I will demonstrate in Chapter 8, the contemporary conflict over heritage laws and sites in Tasmania. As such, it is vital that the reader have a comprehension of what is meant by “heritage” and “heritage discourse.” To that end, in this chapter I provide an overview of recent scholarship concerning heritage studies and discuss the discursive conflict that is taking place in Australia between “Western” and “Aboriginal” perceptions of what can be considered heritage and who has the authority to identify and manage it.

What is Heritage?

The term “heritage” is notably difficult to define (Lowenthal 1998; Graham et al. 2000; Harvey 2001), though that has not stopped many scholars and politicians from attempting to do so (Ahmad 2006; Vecco 2010). Smith (2006, 11) goes so far as to say that “there is, really, no such thing as heritage.” For starters, the term is often used interchangeably with differing concepts such as “patrimony,” “inheritance,” and “cultural property” (Lowenthal 1998; Johnson 1999; Blake 2000; Vecco 2010), which all carry their own connotations. Furthermore, one of the difficulties in defining the term is that it is applied in both popular and academic usage to a tremendously wide swath of concepts, including, for example, personal possessions (Lowenthal 1998), ancestry (Ward 2003), human remains (Fine-Dare 2002), festivals (Chhabra et al. 2003), songs (Peckham 2003), museums (Boniface and Fowler 1993; Perez 2007), neighborhoods or districts (Waite 2000), national parks, and world heritage sites. Put differently, Weaver (2011,

250) notes that “in the postmodern imagination, heritage therefore is essentially whatever the visitor perceives as heritage” (Weaver 2011, 250). However, a common sentiment is that heritage is something that should be passed on or preserved for the enjoyment or edification of future generations (Hall and McArthur 1998; Blake 2000; Smith 2006; Logan 2007). While this perspective applies at the individual and family levels, with heirlooms or keepsakes preserved and passed down between generations, I focus primarily on communal heritage (Lowenthal 1998; Johnson 1999; Smith 2006; Boer and Wiffen 2006).

An important, if artificial, divide exists in heritage conceptualizations between the tangible and intangible (Blake 2000; Smith 2006; Ahmad 2006; Boer and Wiffen 2006; Vecco 2010; Park 2012). Tangible heritage refers to things such as artifacts, monuments, buildings, and topographic forms (conceivably anything that is touchable), while intangible heritage encompasses a variety of artistic forms, knowledge and skills, oral traditions, attachment to place, and other nonmaterial cultural expressions. Although historically tangible heritage has received more recognition and greater protection, in recent years intangible heritage is garnering more attention. For a more in-depth depiction of this change see Vecco (2010, 323), who notes that now the identification of heritage “can no longer be founded on the intrinsic quality of the object but on our ability to recognise their aesthetic, historic, scientific, social values, etc.”

A division is also frequently created between “cultural” and “natural” heritage. Natural heritage refers to areas associated with wildlife, vegetation, geological environments, etc., characterized by an (perceived or created) absence of human presence or interference, while cultural heritage presupposes some human involvement. As Boer and Wiffen (2006, 3) highlight, however:

natural heritage can be regarded as a subset of cultural heritage to the extent that identifying a particular element of the natural environment as heritage is the result

of the development of human cultural values and gains that importance because of a process of acculturation.

While the same can be said for the idea of “nature” itself (Eder and Ritter 1996; Demeritt 2002), this division does have some significance in terms of management and politics, as I will talk about in Chapter 6.

As not everything has or will become heritage, necessarily then what is considered heritage has always depended largely on individual and collective value judgments (Lowenthal 1998; Franquesa and Morell 2007). Hence, as Smith (2006) alluded to in the earlier quote, a case can be made for everything and nothing to be considered heritage—some even argue that the concept of heritage has been over applied (Glasson et al 1995, 20). Heritage “is reevaluated by each generation anew; some aspects are added to it and others may be fading away” (Schouten 2007, 34). Similarly, Foote and Azaryahu (2007, 130) note that “new commemorative features are added while others, abruptly or gradually, disappear. Monuments are reinterpreted and their social and political relevance is reformulated according to contemporary priorities and sensitivities.” As such, Lowenthal (1998, 95) argues that “untrammled by definition, heritage agencies feel free to back whatever they favor at any given moment—an archive, a tithe barn, a snuffbox, an ancient woodland. Since what is valued is always in flux, it is best to let heritage go on redefining itself.” This focus on the esoteric or “populist,” however, represents a relatively recent trend, with heritage traditionally being the province of the grand and monumental (Lowenthal 1998; Smith 2006; Schouten 2007). Interestingly, Barthel (1996), Smith (2006) and Schouten (2007) all note that sufficient time, sometimes a generation, must pass before less desirable cultural aspects (industrial landscapes, in this case) become appreciated for their heritage value. Foote (2003) describes how this process unfolds for places associated with violence, and explains why certain sites are obliterated and others sanctified.

Many aspects addressed within the broader rubric of heritage studies are fascinating in their own right and, as discussed in Chapter 4 in regards to Aboriginal remains, in some instances specifically relevant to the Tasmanian Aboriginal rights movement. However, in line with the theme of this dissertation, I focus primarily on issues associated with larger scale tangible heritage (buildings, midden sites, landscapes, etc.) and intangible heritage rather than artifacts, human remains, and museums.

Conceptually, it is important to recognize the distinction between heritage and history. In discussing this difference, Lowenthal (1998, xv) states that “history explores and explains pasts grown ever more opaque over time; heritage clarifies pasts so as to infuse them with present purpose.” Both history and heritage revolve around contemporary retellings and repackaging of past events and can be suffused with bias, utilized to highlight or hide particular events or people. Crouch and Parker (2003, 398) state that “heritage may be conceptualised as the crystallization of recurrent, dominant and ‘new’ representations of past time, practice and place.” However, whereas good history practice involves minimizing errors of misrepresentations, it is not a primary concern in heritage. As Lowenthal (1998, 121) puts it, “history seeks to convince by truth and succumbs to falsehood. Heritage exaggerates and omits, candidly invents and frankly forgets, and thrives on ignorance and error.” A crucial component of this distinction, therefore, is that heritage exists explicitly to serve an agenda, specifically involving using aspects of culture, the landscape, or the past for present purposes (Lowenthal 1985; 1998; Graham et al. 2000; Smith 2006; Park 2012), which can be everything from remembering a past relation to bolstering personal or group pride to helping to indoctrinate the national “imagined community” (Anderson 1991). As Anderson (1991, 184) notes, heritage is part of the “totalizing classificatory grid, which could be applied with endless flexibility to anything under the state’s real or

contemplated control: peoples, regions, religions, languages, products, monuments, and so forth.”

Heritage is often criticized for this twisting or falsifying of history (Johnson 1999; Goulding and Domic 2000), but as Lowenthal (1998, 102) argues, this is almost beside the point:

to be sure, heritage today peddles a wider range of goods to more buyers than ever before. But it has long been vulgarized, faked, and sold: the medieval relic trade outdid any modern scam. What *is* novel is the mistaken notion that such abuses are new and hence intolerable. Critics seem unaware that heritage has always twisted the past for some present purpose. In damning its distortions, they counterpose a mirage: a past that does not pander to elite and other interests, an unadulterated history that once was should be ours, a “true” past of archives and artifacts that heritage perverts. From this fallacious contrast flows charges of triviality, vulgarity, bias, mendacity—and above all, of heritage as bad history, history as too precious and fragile to be left to heritage.

That is not to say that the past as represented in heritage should not be challenged and altered to reflect changes in societal perceptions, but as Johnson (1999, 294) argues, “the more interesting questions for geographers relate to examining the manner in which the spaces of heritage translate complex cultural, political and symbolic processes to popular audiences.” Heritage is “inherently a spatial phenomenon” and analysis should extend beyond the degree to which representations vary from historical “truth” (Graham et al. 2000, 4). Along those lines, in this dissertation I address the discursive associations of Aboriginal heritage spaces in Tasmanian policy and media rather than focusing specifically on whether there are departures from more widely accepted contemporary historical narratives.

Heritage is an important component of identity formation (McIntosh and Prentice 1999; Graham et al. 2000; Smith 2006; Goulding and Domic 2009). In fact, Park (2012, 117) suggests that “heritage can be better understood as both a material and socio-psychological testimony of identity.” Along with education, religion, media, and other cultural forms, heritage serves as a focal point around which memories and perspectives are created, and thus serve as a primary

vehicle of nationalism (Anderson 1991; Lowenthal 1998; Graham et al. 2000; Pitchford 2008; Wheeler et al. 2011; Park 2012). Foote and Azaryahu (2007; 2008) point out how heritage can serve as a source of geographic public memory, helping to provide a “spatial narrative” of the past. For example, monuments, especially war memorials or those dedicated to significant historical figures, provide a rallying point for collective national or ethnic identity, “preserved” sites and artifacts lead contemporary people to view and ponder aspects of the past, and national parks such as Yellowstone, Masai Mara in Kenya, or Kakadu in the Northern Territory permit interaction with, and reflection about, “wilderness” spaces. McIntosh and Prentice (1999, 590) suggest that

it is not just what is recalled, but through visitation of places with associations of pastness, the creations and reaffirmation of identity is enabled. Identities are thereby created through amassing insights into what is associated with the emergence of a culture, and appropriating these insights is pertinent to the consumer’s own understanding of his or her place in time and space.

According to Blake (2000, 84), heritage “has great potential for creating cohesion within a group, be it a self-identified ethnic minority within a State, a nation-state or even a supranational body.” In regards to Indigenous people, this has often taken the form of forced assimilation or even efforts to teach them “correct” versions of their own history (Smith 2003).

One of the reasons heritage often has such an impact on identity is that it is presented and received as “natural,” or taken for granted, and the reasons or circumstances of its construction are obscured and unquestioned (Smith 2007). Heritage, in this context, presents the past as a teleological path to the present (Ashcroft 2001). When this perception is challenged, conflict can occur over issue of identity and collective memory (Franquesa and Morell 2007).

Accordingly, Blake (2000, 84) states that heritage:

can lead to an aggressive assertion of identity, whether national or ethnic, which may cause and certainly foster armed conflict in which the destruction of cultural

monuments-the symbols of the cultural identity of one of the parties to the conflict-often becomes a weapon of war.

One need no look no further than the famous 2003 toppling of the statue of Saddam Hussein in Baghdad's Firdos Square during the recent Iraq War to find such an instance.

Because heritage is "ultimately a cultural practice involved in the construction and regulation of a range of values and understandings" (Smith 2006, 11), it is inherently a political project suffused with power relations. Smith (2006, 51) highlights that "the ability to possess, control and give meaning to the past and/or heritage sites is a re-occurring and reinforcing statement of disciplinary authority and identity." She goes on further to argue that:

the ability to control heritage plays at least three interlinked and important roles. The first is to define community identity; the second is to create and recreate new political identities from which to assert and negotiate with governments the legitimacy of a range of cultural and civil rights; and the third is to demonstrate control over a political resource (Smith 2006, 288).

As a consequence, as Goulding and Domic (2009, 87) point out, "it is not uncommon for the dominant group to use its power to push its own history to the front, minimizing in the process the significance of subordinate groups as it crafts a national identity in its own image." On a similar note, Poria and Ashworth (2009, 522) state that

the heritage site is a political resource and, as such, it aims to legitimate a specific social reality which divides people into "we" and "they." Heritage attractions often aim to highlight and entrench differences and social boundaries, as contrast between groups is inherently created when something becomes heritage.

In the pragmatic sense, heritage sites are manipulated to create a particular tourist gaze for those contemplating them (Urry 2002).

The project of nationalism demands an ongoing search for symbols of collective identity (Winter 2007). Logan (2007, 42) argues that "governments commonly use cultural heritage to try to weld disparate ethnic groups into a more cohesive and harmonious national entity." The

frequent absence of representations of minority groups, such as Indigenous peoples, in national monuments and architecture that challenge hegemonic narratives is just one example of the politics surrounding heritage (Graham et al. 2000). The struggle for control over heritage can have important ramifications, as Smith (2007, 159) highlights, “the conflicts that occur around the rights to control the expression of cultural identity have important material consequences for struggles over economic resources and struggles for equity and human rights.” This contention is central to the rationale behind my dissertation, and I discuss how it applies to the Aboriginal context later in this chapter.

Poria and Ashworth (2009, 522) identify the political struggles over heritage as the “heritagization process,” which they define as “a social process whose final outcome is the presentation and interpretation (rather than archiving or sustaining) of heritage or even demolishing.” They go on further to state that it

is process in which heritage is used as a resource to achieve certain social goals. One of its main goals is establishing solidarity among members of a group (national, religious, social, etc.), by highlighting the difference between them and others so that this differentiation will legitimize a certain social order (523).

In this “heritagization process,” history is selectively chosen, deleted, and *invented* to lend credence to the desired social and political order (523). As evidence, they point out how many sites of national importance are free to visit, despite the sometimes high cost of their upkeep—the opportunity to transmit of ideology is valued more than the economic revenue.

Identifying Dominant Heritage Discourses

Discourses are an important theoretical component of the contemporary social sciences, driving not only poststructuralist thought, but also postcolonial (see Smith 2006, 14-16 for a good discussion of the concept of discourse). As Ashcroft (2001, 97) highlights, “the control of

discourse is the control of representation itself and the representation of the colonized subject underpins some quite explicit material effects in the colonized world.” Hajer (1996, 44) provides an effective description of the idea of a “discourse”: “a specific ensemble of ideas, concepts, and categorizations that are produced, reproduced, and transformed in a particular set of practices and through which meaning is given to physical and social realities” (as quoted in Smith 2006, 14). In regards to heritage discourses, Smith (2006, 42-43) argues that:

Understanding the discursive element of heritage – the way ideas about ‘heritage’ are constructed and legitimated – also facilitates the identification of the philosophical and conceptual barriers that may exist in either recognizing or in engaging with competing or excluded forms of ‘heritage’.

As such, this section discusses the origins of the modern perception of “heritage” and traces the emergence of the Authorized Heritage Discourse (Smith 2006).

Though the concept of heritage has been around for hundreds, if not thousands, of years (Harvey 2001), its current connotations are often dated to nineteenth century Europe and the rise of modernity and current forms of nationalism (Walsh 1992; Barthel 1996b; Lowenthal 1998; Graham et al. 2000; Smith 2006). Underscoring this approach, “the sense of the new Modern Europe was to be expressed in the monuments that were to be protected and managed for the edification of the public, and as a physical representation of national identity and European taste and achievement” (Smith 2006, 18). Johnson (1999, 190) reminds us that

while the origins of the nation-state may be relatively recent, ideas of nationhood are often based on the assumption that group identity derives from a collective inheritance that spans centuries and at times millennia. National states attempt to maintain this identity by highlighting the historical trajectory of the cultural group through preservation of elements of the built environment, through spectacle and parade, through art and craft, through museum and monument.

Along with developing notions of nationalism, Lowenthal (1998) attributes this change in heritage perception to an increase in secularism and a decline in value assigned to personal

heritage inheritance corresponding to the increased availability of goods resulting from the Industrial Revolution.

With this confluence of changes, out of Europe emerged a perception of heritage that valued the material, the unchanging, and the “authentic” (Munjeri 2004). This perspective on heritage arose from the “authorial voices of the upper middle and ruling classes of European educated professionals and elites. It is as much a discourse of nationalism and patriotism as it is of certain class experiences and social and aesthetic value” (Smith 2006, 27). It was firmly ensconced in elite European sensibilities, valuing “high” art, monuments, stately homes, and other related forms (Graham et al. 2000; Smith 2006). This European conception determined not only what constituted heritage, but also gave Europeans the right to acts as custodians for the world’s heritage, taking whatever treasures they fancied from other places and placing them in museums or private collections for “safe keeping” (Lowenthal 1998, 240-241). There are many accounts of how museums also contributed to and were built upon this process (e.g., MacCannell 1975; Barringer and Flynn 1998).

In her 2006 book *The Uses of Heritage*, Laurajane Smith identifies and critiques this Eurocentric perspective as the Western Authorize Heritage Discourse (or AHD). Waterton and Smith (2010, 11) argue that “the AHD works to marginalize and/or fails to recognize the legitimacy of subaltern communities or other competing concepts of heritage.” Smith (2006, 4) suggests that “embedded in this discourse are a range of assumptions about the innate and immutable cultural values of heritage that are linked to and defined by the concepts of monumentality and aesthetics.” In other words, the AHD prioritizes tangible over intangible heritage, with the buildings and monuments typical to Western Europe and similar cultures taking priority over other types of cultural production. As the AHD provides an important

theoretical component in my discussion of Tasmanian heritage in Chapters 8 and 9, it is worth describing here in some detail.

The AHD wields influence through the perception of its irreproachability, operating essentially as a form of hegemon. In this perspective, heritage items are viewed as “innately valuable,” with the social construction behind their designation obscured (Smith 2006; 2007). As identified by both Smith (2006) and Lowenthal (1998), perhaps the best example of this aspect of the AHD is the transfer of aristocratic estates in the United Kingdom to the control of the National Trust in the 1930s and 1940s, the elite finding a way to maintain their privilege despite their falling fortunes by having them declared and preserved as heritage sites at public expense.

Significantly, within the AHD, heritage is confined to that which was produced in the past and is unchangeable—ongoing and adapting cultural forms such as oral traditions, dances, and art do not qualify as heritage (Smith 2006; Waterton and Smith 2010). This emphasis on the past, and the concept that heritage should be preserved unchanged for the future serves the function of “disempowering the present from actively rewriting the meaning of the past, the use of the past to challenge and rewrite cultural and social meaning in the present becomes more difficult” (Smith 2006, 29). As described later in the chapter, this artificial, politically charged link between heritage and the past has been a source of heritage conflict involving Aboriginals and other Indigenous peoples.

Another important component of the AHD is the “boundedness” of heritage, with it conceived of “as a discrete ‘site’, ‘object’, building or other structure with identifiable boundaries that can be mapped, surveyed, recorded, and placed on national or international site registers” (Smith 2006, 31), thus prioritizing what can be quantified and “known” in the scientific sense. In part because of this emphasis, AHD also places the authority to determine

what constitutes heritage solely in the hands of recognized “experts,” specifically archaeologists and heritage professionals who have received training within the academy, operating under the belief that “the application of ‘rational’ expert knowledge renders any social problems or debates over the legitimacy of certain identities it may govern as ‘non-political’” (51). The “expert” privilege is codified in many heritage acts and policies around the world (Glasson 1995; Winter 2007), as addressed in Chapter 6 concerning Australia. Smith (2006, 19) states that “both architecture and archaeology, due to their ability to claim professional expertise over material culture, took on a pastoral role in identifying the appropriate monuments to be protected under these acts, and in caring for and protecting these places.” It is crucial to acknowledge, though, that these “experts often have a vested interest in maintaining the privileged position of their knowledge claims within both state apparatuses and wider social debates about the meaning of the past” (51). In the AHD, such individuals are given greater authority to determine not only what qualifies as heritage but also what should be done with any entities in question, than the community that produced the cultural forms. This belief justified the removal of countless items from communities around the world to European and American museums and, as discussed in Chapter 4, continues to manifest in Native Title claims. In summarizing the AHD, Smith argues that

the discourse of heritage not only establishes who has the power or ‘responsibilities’ to define and ‘speak for’ the past, but is also a process that continually creates and recreates a range of social relations, values and meanings about both the past and present. The authorized discourse is itself a form of ‘heritage’ in that it legitimizes and defines the identities of a range of social actors and mediates the social relations between them, while also defining and legitimizing values that underpin those relations (42-43).

Other forms or conceptions of heritage are de-legitimized, as are the creators.

Those in power, especially if they have the authority of the state behind them, can shape what is considered to be “legitimate” heritage (Crouch and Parker 2003). Smith (2006, 50) states that

heritage can give temporal and material authority to the construction of identities, especially if the heritage in question has been recognized as ‘legitimate’ through state-sanctioned heritage management and conservation practices, and/or through the research attentions of experts such as archaeologists, historians, historical architects and so on. The interplay between authorized and subversive identities is quite revealing about the work that the AHD does in helping to de-legitimize and legitimize certain forms of identity.

Legitimate heritage thus should be preserved and protected, and those responsible for its creation—or generally within the rubric of the AHD, those *descended* from those who created it—can and do take pride in it. “Non-legitimate” heritage on the other hand can be, and *should* be, destroyed in the name of progress or more legitimate use. Failure to have produced “legitimate” heritage is taken as a sure sign of cultural backwardness. Or as Smith (2007, 162) puts it, “conflicts over the dispositions of objects the management of sites and places are part of a wider process in which government and their agencies confer, withhold or otherwise regulate claims to political and cultural legitimacy.” Goulding and Domic (2009, 87) point out that “people can be substantially affected because of the alignment of heritage with particular dominant value positions which marginalize or dismiss the significance of subordinate and minority groups in society.” Commonly,

traditional and authorized definitions of heritage tell nationalizing stories that simply do not reflect the cultural or social experiences of subaltern groups. This is problematic as it discounts the historical legitimacy of the experiences of these communities and thus the social, cultural and/or political roles they play in the present are ignored or trivialized. It also helps to obfuscate continuing social inequities and perpetuates social and political marginalization (Smith 2006, 36).

Waterton and Smith (2010, 11) lament that “few heritage professionals ask what people’s views of heritage *are* beyond the white middle-class cultural symbols.” In this manner, the colonizer

mindset remains at the forefront and the creations of other ethnic groups, Indigenous peoples, and women (Lowenthal 1998; Graham et al. 2000) are ignored, neglected, and often erased.

Needless to say, the AHD involves the selective preservation and promotion of heritage. Objects, sites, or ideas that construct or reinforce the hegemonic discourse are safeguarded and celebrated, and those that do not are neglected or removed. Smith (2006, 23) highlights that traditionally in heritage preservation,

almost inevitably it is the grand and great and ‘good’ that were chosen, to ‘remind’ the public about the values and sensibilities that should be saved or preserved as representative of patriotic American and European national identities. Even when it is the ‘bad’ that is being preserved, it is often very often the exceptionally ‘tragic’ event that is commemorated, rather than unpleasantness that is more mundane or reflective of the general inequalities of human experience.

Related to this power struggle is the concept of “heritage primacy” (Lowenthal 1998, 176).

Those in power often tend to ignore or usurp the prior connections of opposing groups to their territories. McIntosh and Prentice (1999, 590) suggest that “in Western societies divorced from their origins through urbanization and population migration, such sense of pride and place have to be created.” The removal or ignoring of groups which counter or challenge the dominant narrative is thus a common trend in settler state colonies—a process which in the Australian context has been referred to as the “founding forgetting” (Garbutt 2006, 3). Lowenthal (1998, 183) observes that

Indigenous antiquity, once a stigma of backwardness, now redeems European recency in New Worlds. Dreamtime legacies deepen white Australian roots. Traces of extinct Arawaks become heritage emblems for West Indian states. Americans who grope for a usable past today locate it less in Old World reminders than in Indian relict landscapes.

Those aspects of Indigenous heritage which can be incorporated into the AHD are included, and those which challenge the discourse or inconvenience the hegemon are often ignored or eliminated. In the United States, for example, note the popularity of sites such as Mesa Verde,

the United States' only culture-based National Park, created by tribes that are no longer in existence and thus cannot object to their cultural usurpation. The manner in which this occurred in Tasmania will be discussed at length in Chapter 8.

Although this Western Authorized Heritage Discourse holds considerable influence, there are other perspectives on heritage that are gaining influence at all geographic scales. As Weaver (2011, 249) notes, contemporary perspectives on heritage “are painting a more complex picture, emphasizing the subjectivities, vested interests and contestations inherent in the identification, presentation and interpretation of ‘heritage’ by multiple stakeholders.” Fundamental to this process is the increasing recognition that each heritage site is the focal point of many different perspectives (Graham et al. 2000; Smith 2006). While it is commonly stated in heritage literature that geographical proximity is related to cultural associations with heritage sites or that people value connection more if they have a personal connection to it (Poria et al. 2003; McCain and Ray 2003), Smith (2006, 74) argues that

the emotional and cultural links to heritage that people may hold are not *necessarily* or only determined by geographical proximity, and can be expressed in many and varied ways. There are many layers or complexities of performance that will be influenced by the links people understand themselves to have with the heritage sites or spaces they encounter. In short, any heritage site or place will have a range of different meanings for different groups or interests, and any one group or individual may see a site as having many layers of meaning for them (Smith 2006, 74).

This layering of meanings has on many instances contributed to conflict, as has been the case in Tasmania.

There are some important “subaltern” approaches to heritage, including a challenge from Aboriginal and other Indigenous peoples, which are discussed later in the chapter. In some instances, “heritage has been used as a political tool by groups seeking to frame opposition to powerful interests at national and local levels” (Thorley 2002, 112). Importantly, “heritage, like

space, is contingent and subject to constant renegotiation and reinterpretation” if the subaltern gains enough social or political capital to elicit change (Crouch and Parker 2003, 397).

Tunbridge and Ashworth (1996) introduced the concept of “dissonant heritage” to describe this contested nature of heritage. According to Logan (2007, 42):

Interpretations of the past can be opened out so as to recognize the roles played by minority groups in the national story, to engage them more fully in celebration of the nation’s achievements, and to recognize injustices done to them in the past. Efforts to rediscover “unpleasant” episodes in our national histories can result in the empowering of indigenous minorities.

In their discussion of the “diggers” in the United Kingdom, Crouch and Parker (2003, 396) describe how “in seeking to represent alternative futures, groups explicitly draw on history as heritage in order to undermine current structures and practices and promote alternatives.” These challenges also include redefining what constitutes heritage, as the long struggle for wider recognition of intangible heritage highlights. Vecco (2010, 324) argues that:

The affirmation of new types of heritage highlights how heritage is a concept that cannot be defined beforehand. It is the result of a cultural process that must be thought through and carried out not just on a European but world basis. It must be enriched with approaches and concepts of heritage that differ from those conventionally recognised in Europe.

Heritage can serve as an important mechanism of reasserting alternative narratives and histories (Samuel 1994). As Smith (2006, 82) argues:

Heritage *is* dissonant – it is a constitutive social process that on the one hand is about regulating and legitimizing, and on the other hand is about working out, contesting and challenging a range of cultural and social identities, sense of place, collective memories, values and meanings that prevail in the present and can be passed to the future.

The AHD remains resistant and slow to change. In part, this is because it can “actively obscure the power relations that gave rise to it and to make opaque the cultural and social work that ‘heritage’ does” (Smith 2006, 17). This discourse is “self-referential,” constructed such that

only those “experts” immersed in the system, who benefit tangibly from it, are empowered to critique it (30). Furthermore, in regards to the aforementioned tendency to create “bounded” heritage sites,

this ability to reduce the concept of heritage to ‘manageable’ and discrete locales helps to reduce the social, cultural or historical conflicts about the meaning, value or nature of heritage, or more broadly the past, into discrete and specific conflicts over individual sites and/or technical issues of site management (Smith 2006, 30).

In other words, the AHD limits the avenues within which critique of the heritage system can occur, often creating isolated complaints moderated by frequently bias parties, though geographers have begun to challenge this perception (Smith 2006, 31). With this dissertation I hope to contribute to the deconstructing of the AHD.

Cultural Authenticity

The concept of cultural authenticity is among the most commonly addressed aspects of both heritage and tourism studies. Apostolakis (2003, 801) argues that “the concept of authenticity is of pivotal significance in heritage tourism settings. This is so because authenticity is the attribute that brings the two component parts (tourist and attraction) together, under a unified model.” Hence, within the tourism literature, authenticity is of great interest due to its impact on both the supply and demand sides, while in heritage studies the emphasis has been directed more towards departures from historical accuracy (Johnson 1999).

Cultural authenticity is particularly relevant to Tasmanian Aboriginal heritage and tourism. Andriotis (2011, 1615) points out that “the authenticity of the heritage landscape which includes buildings, material objects for exhibition or sale, natural environments, history and indigenous people, has not been widely examined.” In an analysis of Australian government-endorsed tourism materials, Ryan (1990) found that images of Aboriginals were most often

essentialized, frequently displaying Aboriginals with long beards playing didgeridoos in an “outback” setting. Those interacting with Tasmanian Aboriginal heritage and tourism will not find many of the elements they may have been led to expect to find in Aboriginal heritage or tourism; as discussed in Chapters 2 and 3, there are great cultural differences between Tasmanian and mainland Aboriginals, and Tasmanian Aboriginals may not meet expectations of Aboriginal appearance. Notions of cultural authenticity have been hotly debated in the social sciences and hence there are numerous articles that have been published on the topic.

In a study concerning Indigenous tourism in the Yunnan Province of China, Yang and Wall (2009) found that

unequal power relationships exist among government, tourism entrepreneurs, and ethnic groups. The government and tourism entrepreneurs are the main powers in developing tourism, but most of these groups are not members of minorities. Their administrative and commercial involvement in tourism strongly shape the ways of staging, packaging and representing culture in tourist sites, and further influence tourism practices of minorities. Authenticity of ethnic culture is not determined by the cultural resource, the ethnic minorities themselves, but by the government and entrepreneurs. The commodification of ethnic culture and the production of cultural events and tourist products are manipulated to fit the interests of business and political mandates. Minority people are usually marginalized or disadvantaged economically and politically because they have limited control over their resources and tourism activities.

This statement highlights the important connotations that surround cultural authenticity, and indicates the active role that governments, and other groups in power, may take in creating and maintaining a desired image. Authenticity “is a matter of power, of who has the right to authenticate” (Bruner 1994, 408).

The concept of cultural authenticity emerged in the 1960s and 1970s. Publications such as Trilling (1972) advocated the notion that industrial process has produced a modern society that has become homogenous and thus inauthentic. In what was essentially a modern take on the 18th century notion of the noble savage, they asserted that non-industrial societies, such as those

of Indigenous peoples, alone escaped this corrupting process and retained elements of authenticity. Building upon the work of Trilling and other advocates of the authentic/inauthentic dichotomy, MacCannell (1976) introduced the notion of staged authenticity to the study of tourism. Echoing the notion that modern society was bereft of authenticity, he proposed that tourists seek to interact with “natives” in the hope of rediscovering some truth that has been lost in their own society. He asserts that “touristic consciousness is motivated by its desire for authentic experiences, and the tourist may believe he is moving in this direction, but often it is very difficult to know for sure if the experience is in fact authentic” (101). He introduces the framework of “front” and “back” regions to the tourism lexicon, proposing that tourists are denied glimpses of authenticity in their interactions with the “natives,” as the interactions between them are staged performances (the “front region”), with the tourist not being allowed glimpses of how the natives really live (the “back region”).

MacCannell’s (1976) conception implied that authenticity is finite and limited. This notion that cultures possess innate authenticity that can be lost was challenged by numerous scholars, most notably Cohen (2004). In the late 1980s, Cohen introduced the concept of emergent authenticity. Cohen (1988, 379) argued that “a cultural product, or a trait thereof, which was at one point generally judged as contrived or inauthentic may in the course of time, become generally recognized as authentic, even by experts.” This led to an increasingly diversified view of authenticity, moving away from a focus only on communities.

A common criticism levied at MacCannell’s (1976) work is that he oversimplifies the behavior of tourists by asserting that they all share the same motivations. Subsequently, there were numerous scholarly attempts to develop typologies of tourists based on the importance they placed on authenticity (e.g., Redfoot 1984; Smith 1989; Bruner 1994; Moscardo and Pearce

1999; Cohen 2004) and to gain insight into their motivations and behavior (e.g., Moscardo and Pearce 1996; Ryan and Huyton 2000; 2002; Chang et al. 2006; Stoeckl et al. 2006). It is noteworthy that a common theme in these studies is that the number of tourists keenly interested in Indigenous tourism is relatively small. For example, in a survey of tourists in the Katherine Region of the Northern Territory, Ryan and Huyton (2000) found that many tourists expressed no interest in Aboriginal culture, and for those who did, it was often viewed as a component of the overall experience rather than the main focus.

Postcolonial theory has also contributed much to the recent discourse on authenticity, focusing on the relationship between notions of authenticity and colonial discourse. As Waitt (2000, 836) points out, “representations of the “authentic” past cannot be divorced from particular belief and knowledge systems.” Ideas of authenticity, especially in regards to Indigenous peoples, are often modern reinventions (or simply reproductions) of colonial narratives, characterized by nostalgia for the “traditional” cultures that were destroyed in the colonizing process (Gregory 2004, 10). Created artificial binaries such as that between the “authentic” and “inauthentic,” “modern” and “traditional,” and “rational” and “irrational” were at the heart of Said’s (1978) famous critique of European geographical imaginations. As Duval (2004, 58) argues, there is no culture that is innately authentic and “what is often presented as authentic (even if intentionally staged) is inherently steeped and rationalized on the basis of tradition(s) that are, themselves, directly linked to specific (and often multiple) social and cultural histories.”

Hall and Tucker (2004, 17) highlight the colonial assumptions that underlie much of the academic discourse on authenticity in tourism, pointing out that “tourism discourses which promote the preservation of the ‘traditional’ for tourist experience is itself based on a colonial

desire to fix the identity of the other in order that it remains (or perhaps in actuality becomes) distinct from tourist identity.” In this sense, Winter (2007, 98) argues that “over recent decades tourism has emerged as medium through which nostalgia for a bygone era of European exploration and imperial conquest has been channeled.” Martin (2012, 538) notes that critical poststructuralist approaches have revealed that “authenticity is primarily a question of origins and temporality.” Amoamo (2011, 1258) points out that

many indigenous cultures are still strongly linked to the traditions of the past despite the differences and changes that have occurred since colonialism, but the claim for ‘authenticity’ is often a hollow one; for to be ‘authentic’, one must be true to one’s culture, in its traditional and contemporary form. To deny ‘change’ by seeing the only ‘authentic’ indigenous person as one from the remote past simplifies indigenous cultures to a point where they can only ever lose their culture. Nothing can ever be added without ‘purity’ being seen to be lost.

This link between authenticity and time, and the emphasis on unchanging cultures, is strikingly apparent in both the Authorized Heritage Discourse (Smith 2006) and Australia’s land return process. Significantly, Homi Bhabha’s (1994) concept of “third space” has been incorporated into discussions of authenticity (see for example Amoamo 2011; Hollinshead 1998). From this perspective, “history becomes *changeable perspective* instead of *solid fact*: heritage becomes fundamentally a matter of *admixed intersubjective context* in lieu of *universal and enduring truth*” (Hollinshead 1998, 147). In this conception, the idea of a bounded “authentic” culture is replaced with a hybridized culture based on intermixture and adaptation.

A common argument in the tourism and heritage literatures is that the notion of cultural authenticity is inherently damaging to host cultures. As Altman (1993, 9) notes, “it is certainly the case that Aboriginal cultural tours that seek to provide tourists with a degree of ‘authenticity’ face major trade-offs between commercial, cultural, social and environmental variables.” Telfer and Sharpley (2008, 108) state that “whether cultures are associated with a state, a region or a

specific ethnic group it is important to consider how those cultures are portrayed, who has ownership over the culture that is presented, and whether or not the locals are being exploited as culture is incorporated into tourism.”

It is often asserted that host cultures alter their culture to meet the expectations of the tourists. For example, in an analysis of the Native American tourism industry, Hollinshead (1991) argues that the tourism industries emphasis on authenticity leads to essentialized portrayals of Indigenous peoples focused more on Western expectations than lived realities. Cohen (2004) espouses another concern, that cultures may become commoditized, nurturing characteristics solely because they have economic value. However, it is recognized that not all cultures are equally impacted by tourism. Dogan (1989) developed an influential typology to guide the prediction of how cultures will respond to the impacts of tourism—resistance, retreatism, boundary maintenance, revitalization, and adaptation—based on the viability of the host culture and the degree cultural of similarity between the host and the visitors.

In an important consideration, Taylor (2001) draws a distinction between authenticity and sincerity. He argues that the most important factor is the underlying purpose of the representation. In other words, there is little harm in presenting something inauthentic to tourists if they are informed about its status—maintaining high sincerity. Problems arise when inauthentic heritage is presented as being authentic. As Ryan and Huyton (2002, 644) state, “perhaps the danger exists in promoting cultural attractions with promises of authenticity, so that some tourists actually believe that they gain insights into a complex culture through these parks, and come to conclusions based upon them.” Rather, they suggest that “promoters should more honestly and simply say that there is no way in a short time to deliver authenticity, but “we can offer an entertainment based upon some aspects of another culture.”

While early studies took the notion of objective cultural authenticity for granted, more recent ones “reflect the growing consensus that genuineness or authenticity of a tourism setting is not a real property or tangible asset, but instead is a judgment or value placed on the setting by the observer” (Moscardo and Pearce 1999, 418). Central to the current theoretical discourse on cultural authenticity in tourism is the work of Wang (1999; 2000). Alongside the long debated forms of authenticity (which she termed “objective” and “constructive”) that advocated some form of measurable authenticity, she proposed the category of “existential” authenticity.

Existential authenticity is based on the notion that authenticity can exist internally in peoples’ thoughts with no external component: if a person perceives something to be authentic, then it is authentic. In this perspective, “authenticity is in the eye of the beholder” (Richards 2007, 5). Wang (1999, 365) argues that

even if toured objects are totally inauthentic, seeking otherwise is still possible, because tourists can quest for an alternative, namely, existential authenticity to be activated by tourist experience. In addition to conventional objective and constructive authenticity, an existential version is a justifiable alternative source for authentic experiences in tourism.

As DeLyser (1996) demonstrates effectively in her discussion of “arrested decay” at the Bodie, California heritage site, creating the *perception* of authenticity remains important. Poria and Ashworth (2009, 523) point out that “the general public (and not experts or semi-experts) must perceive the visit experience itself as authentic, and for that reasons even fake objects can be used.” On a similar note, Chhabra et al. (2003, 705) suggest that

satisfaction with a heritage event depends not on its authenticity in the literal sense of whether or not it is an accurate re-creation of some past condition, but rather on its perceived authenticity (consistency with nostalgia for some real or imagined past). Heritage is thus created and re-created from surviving memories, artifacts, and sites of the past to serve contemporary demand.

Furthermore, as Waitt (2000, 848) points out,

heritage is not simply the reproduction of the dominant ideology. Interpretations by each actor give a place's past a pluriform nature. Negotiation enables compromise among various interpretations. Each interpretation competes for the goal of being designated as heritage. The binary structure of staged authenticity/back region thus collapses. In post-structuralist readings of authenticity, favor is given to the illusion of authenticity rather than a definitive reality.

More recently, several scholars (notably Reisinger and Steiner 2006; Brown 2013) have discussed the implications of this existential authenticity, drawing upon the work of Martin Heidegger and John-Paul Sartre. In part, this view has called for an end to emphasizing the “object” authenticity of previous models such as McCannell (1976) or Cohen (1988)—that items themselves have some form of innate authenticity—with a focus on personal experiences of authenticity. Reisinger and Steiner (2006, 81) argue that “scholars should just let toured objects be as they are for tourists and abandon trying to define and control the concept and meaning of object authenticity.” From this perspective, all that matters is “how people see themselves in relation to the object” (Reisinger 2006, 74). Brown (2013, 179) posits that “the unique and central function of tourism in offering not an occasional chance to be truly oneself, but a reflective space that is conducive to self-insight and to the examination of life priorities, and that could be a stimulus for the choice of a life of good faith.” Zhu (2012, 1498) identifies this active “integration of personal memory, meanings and physical settings” as “performative authenticity.” However, other scholars continue to discuss “object authenticity,” with Lau’s (2013) “social realist” approach being a recent example.

Defining and Debating Aboriginal Heritage

Many of the most significant challenges over the past several decades to both the Western Authorized Heritage Discourse (Smith 2006) and predominant notions of authenticity have come from Indigenous peoples. This debate has resulted, in large part, because for many Indigenous

peoples, control over heritage is one of the primary arenas in their struggle for self-determination. Smith 2006 (289) highlights that:

Not only is control over heritage vital in the re/creation and maintenance of community identity, it also becomes a vital component in challenging received colonial notions of Indigenous culture. This may be achieved in a range of ways, through the development and expression of pride in cultural identity, and the self assurance that comes with the ability to control, and to demonstrate that control, over symbolically important aspects of both tangible and intangible heritage.

In the Australian context, Taubman (2002, 140) argues that:

There are few issues of greater importance to Australia's indigenous people than the protection and preservation of their cultural heritage. Significant heritage sites and objects form an irreplaceable cultural physical link between the past and present for the majority of indigenous people. In particular, Aboriginal society is dependent on identification with particular tracts of land and its focal sacred sites. Consequently, the effective protection and conservation of indigenous heritage is necessary for maintaining the identity, health and welfare of indigenous communities.

Yet, as Tonkinson (1997, 19) points out, "the power of Aboriginal people to represent themselves and their culture is constrained by terms of discourse that emanate from the dominant society and set the parameters within which counter-discourses are constructed and then struggle to be heard." The ways in which this challenge is manifested, and its consequences, are the focus of this section.

Like the broader concept of heritage, it is not feasible to give a meaningful definition of "Aboriginal heritage"—even though there are over 100,000 such sites recognized across Australia (Boer and Wiffen 2006, 27). Aside from the reality that the idea of "heritage" itself is a European social construction, this difficulty is in no small part caused by the fact that Aboriginal notions of what constitutes heritage are different from popular Western conceptions (Thorley 2002, 110). In their discussion of issues associated with heritage management in Australia and

New Zealand, Hall and McArthur (1993) provide a useful summary of the differing opinions surrounding Indigenous and non-Indigenous conceptions of heritage, noting that

two overlapping understandings of heritage can be perceived: first, a Western (European or Pākehā) concept of heritage which identifies specific elements of the landscape or built environment as constituting heritage, i.e. humankind as separate from the landscape; second, an indigenous (Aboriginal or Māori) notion of heritage which emphasizes that humankind is not separate from the landscape but is part of an indivisible whole, i.e. heritage is an everyday lived experience (4)

Further helping to conceptualize this distinction, Carter's (1987, 336) contrast between Aboriginals and Europeans is insightful:

the Aborigine did not travel for the sake of seeing new countries, but in order to continue to inhabit his own. If the white historian feels the need to validate his present by reliving the past, the Aborigine travelled in order to stay where he was. If one society saw self-loss and cultural amnesia as a function of mobility, the other saw it as a function of immobility.

In the European context, thus, heritage is something from the past to be discursively utilized in the present; for Aboriginals heritage exists temporally and spatially in the here and now.

Despite these differences, Indigenous heritage is generally conceptualized and categorized within the rubric of the AHD. Taubman (2002, 142) notes that for Aboriginals:

Tangible Indigenous heritage can be described as those sites that are particularly important to indigenous people as part of their customary law, developing traditions, history and current practices. Intangible cultural heritage includes each community's oral history, the details of certain rituals and ceremonies, and knowledge of the natural environment inhabited by the community.

While this description serves as a useful starting point, it renders the division between tangible and intangible heritage too rigid. O'Faircheallaigh (2008, 27) highlights that:

For the Aboriginal traditional owners of land or sea in Australia the distinction between these two categories of 'cultural heritage' is artificial. They see the land and the sea, all of the sites they contain and the knowledge and laws associated with those sites as a single entity that must be protected as a whole, and also see themselves as intimately linked with earlier generations who have used the land and later generations who will use it in the future.

The answer to this dilemma, lies in part by recognizing the differences in European and Aboriginal conceptions of place, where “place is traditionally not a visual construct at all in the perspective tradition, nor a measurable space nor even a topographical system but a tangible location of one’s own Dreaming, an extension of one’s own being” (Ashcroft 2001, 139).

In the Aboriginal heritage context, as with many other Indigenous groups, one of the more complicated issues surrounds the notion of the “sacred site.” O’Faircheallaigh (2008, 27) describes that for Aboriginals these are:

Sites or areas that are of special significance are often association with the actions of mythological beings during the creative period of the Dreaming, the time long ago when these beings moved across the landscape and created not only the forms the land now takes, but also the law that governs people’s interactions with the land and each other and the languages and ceremonies that constitute key elements of their culture. Certain sites are the resting places of powerful creation spirits. Sites or areas may also be important because they are breeding grounds for key food species, are associated with initiation, mortuary or other ceremonies, or because they were the location of important historical events.

More generally, Taubman (2002, 142) notes that the idea of a sacred site is “a fundamentally religious notion and relies on Aboriginal cosmology and its doctrines for identification.” Sacred sites thus can be associated with a variety of different land features, and are sometimes associated exclusively with particular genders, ages, and other social criterion (Boer and Wiffen 2006). Though they take many forms, an Aboriginal sacred site, in essence, is a place of great cultural and spiritual significance, and both a source of identity and an integral link between the physical and spiritual worlds (Digance 2003).

In particular, underscoring some of the conflict over heritage is the perception among many non-Aboriginal Australians that Aboriginals invent sacred sites to suit their own purposes, with, for example, a sacred site “conveniently appearing” to stop a development project (Lowenthal 1998; van Krieken 2011). This perception represents an unfortunate degree of

ignorance concerning Aboriginal belief systems. Sacred sites are often perceived by Aboriginals as places of great power, whose location may only be known by a select few community members; they are not, as a general rule, revealed to outsiders (Lowenthal 1998; Weiner 1999; Taubman 2002; O’Faircheallaigh 2008). Furthermore, even “forgotten” or recently (re)discovered sites can be of great significance (Smith 2006). Weiner (1999, 200) points out that Aboriginals’ “dilemma is that in order to secure site protection they must divulge knowledge to those who should not, in Aboriginal terms, receive it.” For Aboriginals, the consequences can be serious, as O’Faircheallaigh (2008, 28) highlights:

A number of general points should be made about sites and areas of contemporary significance in the context of Aboriginal Australia, and about knowledge associated with these. First, sacred or significant sites may have substantial and even dramatic effects on people and these effects can be positive or negative depending on the nature of the site, the people concerned and their behaviour. Sites may be gendered, and safe for one sex but dangerous to the other. Some may be safely visited by any male, others only by initiated men of a particular group. Second, knowledge regarding the existence, location and significance of sites is often not public. Knowledge may be secret and sacred and if transferred inappropriately may be dangerous to both giver and receiver.

In the Aboriginal worldview, damage to or trespass on a sacred site may have significant ramifications that can only be remedied with appropriate ceremonies, if at all.

There are many examples of conflict over sacred sites in Australia, but the so-called “Hindmarsh Island Affair” is especially instructive and warrants a brief discussion. Tonkinson (1999, 3) notes that in the opinion of many, “the affair constituted a political assault on Aboriginal people and their identity and heritage, and undermined the credibility of heritage protection at every level of government in Australia.” The controversy emerged in the 1990s with a plan for the South Australian government and Binalong Pty Ltd to co-fund a bridge connecting Hindmarsh Island with mainland. An Environmental Impact Statement was conducted and while it recognized the presence of several Aboriginal sites, it did not find that the

area was of special significance and therefore endorsed construction (Weiner 1999; Taubman 2002; Edmond 2004). During this exploration period, there were no significant objections raised by Aboriginal communities (Brunton 1996; Tonkinson 1997). However, when construction began in 1994, a group of Ngarrindjeri women came forward, claiming that the bridge would irreparably damage various sacred sites in the area, particularly at the mouth of the Murray River, whose location they would not reveal (Tonkinson 1997; Taubman 2002; Peace 2003; Boer and Wiffen 2006; Higgins-Desbiolles 2007; van Krieken 2011): “they asserted that the construction of a permanent connection between the mainland and the island would be both obscene and sacrilegious to Ngarrindjeri culture” (Taubman 2002, 148).

In response, the South Australian government established the Hindmarsh Island Royal Commission to investigate the claims of the “proponent” Ngarrindjeri. On the recommendation of other white anthropologists and a different group of Ngarrindjeri women, who came to be called the “dissidents,” the Royal Commission determined that the claims were fabricated to prevent bridge construction (Tonkinson 1997; Taubman 2002; Simons 2003; Edmond 2006; van Krieken 2011), a finding that was well publicized and debated by many in the local and national media (Taubman 2002; Peace 2003). There was a widespread contention that the Ngarrindjeri women only became involved after the prodding of landowners, ferry owners, and others who objected to the bridge’s construction (Taubman 2002), and accusations of professional incompetence against the investigative anthropologist who created the report (for example Brunton 1996; Maddock 1998). The argument for fabrication was based in part on the absence of accounts of gendered sacred sites in the pre-colonial documentation (Weiner 1999).

Furthermore, in criticizing the perceived recentness of the sacred designation, there was a connotation that the Ngarrindjeri could not produce new sacred sites, a finding in contrast to

anthropological consensus (Tonkinson 1997) but in keeping with the tenets of the AHD (Smith 2006). These sentiments were seized upon by right wing politicians, such as Pauline Hanson of the reactionary One Nation Party, to further their political quest against Aboriginal rights (Peace 2003), making it another component of the Australian “culture wars” (van Krieken 2011). As Tonkinson (1997, 12) points out, that the Ngarrindjeri women asserting the presence of sacred sites in the area were of mixed ancestry was also a significant contributor to the reaction:

This wish to deny the legitimacy of what are essentially universal social processes to an encapsulated minority is linked to a deep-seated belief among non-indigenous Australians that the Aboriginal people of southern Australia, being predominantly of mixed descent, and seeming to be culturally similar to other Australians, are themselves inauthentic, not 'real' Aborigines, and have long since 'lost their culture.

The Aboriginal Legal Rights Movement subsequently appealed to, in succession, the South Australian State Department of Aboriginal Affairs, and then the Commonwealth Minister for Aboriginal and Torres Strait Islander Affairs, who granted a temporary ban on construction for an investigation to be conducted by an anthropologist from the University of South Australia (Tonkinson 1997; Taubman 2002). After reading the subsequent report, the Minister enforced a 25-year moratorium on bridge construction under the provisions of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Commonwealth of Australia 1984), discussed in Chapter 6, but this was subsequently overturned by the Federal Court in *Chapman vs Tickner* and again on appeal, on the grounds that public notice was insufficient during compiling of report information and that Minister did not give adequate consideration to all “representations” (Weiner 1999; Taubman 2002; Higgins-Desbiolles 2007; van Krieken 2011). In 1996, the newly elected John Howard government passed the *Hindmarsh Island Bridge Act 1997* (Commonwealth of Australia 1997) which expressly removed the area from coverage by the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Commonwealth of

Australia 1984) and the *Racial Discrimination Act 1975* (Commonwealth of Australia 1975b), and construction resumed with the bridge being completed in 2001 with the South Australian government taking over funding.

In 2001, the developers originally behind the bridge construction, the Chapman's of Binalong Pty Ltd, filed a civil lawsuit for damages against the Ngarrindjeri, but the presiding judge ruled against them, stating that evidence that the claims were fabricated was insufficient and providing some vindication to the Ngarrindjeri (for a detailed analysis of this case see Edmond 2004). Subsequently, several scholars (e.g., Taubman 2002; Simons 2003) have argued that the Ngarrindjeri women were telling the truth, and the *Hindmarsh Island Bridge Act 1997* (Commonwealth of Australia 1997) and the different court rulings have subsequently been widely critiqued (Taubman 2002; Edmond 2004; van Krieken 2011), and has inspired introspection among Australian anthropologists (Tonkinson 1997; Peace 2003). As Taubman (2002, 150) suggests, this unfortunate chain of events highlights how

to the eurocentric mind accustomed to the open exchange of information, the late emergence of an important claim or explanation which supports the interests of the discloser will be viewed with suspicion, as it was by the Royal Commission. However, from the Aboriginal perspective late disclosure of tradition would not be indicative of fabrication, but is actually to be expected in the case of genuine sacred information of importance.

Unfortunately, the Hindmarsh Island Affair came down to a dispute between anthropologists over the recency of the Aboriginal associations with the area, with Aboriginal interests and perspectives almost becoming irrelevant (Tonkinson 1997; Taubman 2002). As Peace (2003, 2) notes, "the credibility of Aboriginal belief and the validity of anthropological argument became fully intertwined." Interestingly though, the Ngarrindjeri have subsequently, through a combination of cultural assertiveness and agreements with the local council, made strides towards increased heritage recognition and protection (Higgins-Desbiolles 2007).

The question of what constitutes “legitimate” heritage is at the heart of this Indigenous challenge to the dominant heritage discourse. With cultures that did not produce the buildings and monuments that have traditionally been perceived as valuable heritage, the cultural products of Aboriginals and many other Indigenous peoples have been neglected, stolen, and destroyed. Frequently, after taking what cultural artifacts they desired for display in public museums or private collections, colonizers destroyed much of what remained in the name of progress. As such, the Indigenous heritage challenge has had three related but distinct fronts over the past few decades focused on: 1) reclaiming stolen cultural artifacts and remains; 2) protecting remaining cultural artifacts and traditions; and 3) gaining recognition of their rights to heritage landscapes. Underscoring all of these is the push towards self-determination, predicated on recognition and some degree of autonomy. However, because “the state tends to listen to only those interests and interest groups that they believe have enough political legitimacy to warrant their attention” heritage recognition takes on real significance (Smith 2007, 160). Smith (2006, 35) points out that:

Although often focusing on issues surrounding the reclamation and reburial of Indigenous human remains, the claims by Indigenous communities to control their past is more profound than simple conflicts over the possession or ‘ownership’ of particular relics, remains or artefacts. The issues revolve around the cultural politics of identity – who has the legitimacy and power to define who a particular group or community *are* and who they are not.

Confronting the dominant heritage discourse is therefore an important avenue for Indigenous peoples to gain cultural recognition and ultimately the political capital to effect the desired changes.

An instructive example of such a conflict has emerged over the Oligocene and Miocene fossil field at Riversleigh in northern Queensland, which has been included by the Australian government in Boodjamulla National Park and placed on the World Heritage List (Smith 2006;

2007). The Waanyi people have been engaged in a prolonged dispute and negotiation with the government, heritage professionals, local non-Aboriginal community members, and other stakeholders for rights over the area (Smith 2007). Smith (2006, 174) notes that “the existence of cultural sites in the landscape is not only evidence of Waanyi occupation and physical interaction with the landscape, but also material evidence of their prior sovereignty as Indigenous peoples of Australia.” The Waanyi have been very active in negotiating their rights as active agents in the management of both the World Heritage Area and the surrounding Boodjamulla National Park (Smith 2006; 2007)

With Waanyi requests for repatriation of animal fossils, there has emerged a division centered on the Aboriginal cultural perspective of the Riversleigh landscape and the approaches of other stakeholders. In summarizing the perspectives of the various stakeholders, Smith (2006, 187-188) states that:

For palaeontologists the resource the landscape represents centres on the fossils; for local government and tourist operators it is the economic resource the fossils and wider landscape represent as a tourist destination; for Waanyi it is linked to claims to land and sovereignty; for local pastoralists it is linked to claims to land and livelihood; and for other locals and for tourists and visitors to the region it is about access to a leisure resource which has both recreational and cultural meaning. Each of these groups constructs a sense of place from the landscape that sustains their sense of identity, which in turn legitimizes the understanding of the landscape as a particular resource that can be used in particular ways.

To the Waanyi, the significance of the animal fossils lies in their connection and placement within the landscape, for they “conceive of the Riversleigh fossil fields as part of a landscape defined by personal histories, individual and collective memories, kinship relations and cultural knowledge” (Smith 2007, 167). This perspective contrasts with the “scientific” worth that has formed the basis of its wider recognition. This case study highlights the reality that heritage landscapes are frequently valued by a variety of stakeholders for quite different reasons. In

Australia, and other settler state colonies, the Aboriginal perspective is perceived as problematic to the other stakeholders, existing outside of their worldview and challenging the legitimacy of their claims. In the case of Riversleigh, heritage has become a pivot around which other rights are negotiated as Aboriginals seek to gain more political recognition and clout (Smith 2007).

Another important component of the Indigenous challenge to the predominant heritage discourse has focused on the frequent binary between “cultural” and “natural” heritage. There exists a widespread perception within Western thought that there still exist “natural” areas which are free from human influence, those areas that are perceived as the last bastions of true “wilderness” (Gill 1999). “Civilization” and “nature” are seen as opposing entities, almost by definition unable to occupy the same space simultaneously. In Australia, this binary often takes the form of the contrast between the “bush” (or the “outback” on mainland Australia) and the civilized, or tamed, areas associated with urbanization (Carter 1987).

In this binary between the natural and the cultural, there is often no discursive space for Indigenous peoples in natural areas. Carter (2010, 400) describes how the

the dominant naturalistic gaze particularly acts to remove or ignore the Indigenous imprint and impact on such landscapes. There is a tendency to exclude or downplay Indigenous perspectives when these separationist paradigms are maintained in and by settler societies because the complex connections between nature and culture are often ignored or misunderstood by the dominant institutional perspectives. Any exception requires that Indigenous knowledges and impacts enhance the resource values of an area or offer utilitarian benefits, at which point they become ‘cultural’ values largely based on a material-centred valuation.

This perception can be witnessed in the designation of national parks and wildlife sanctuaries created to restrict or eliminate human interference, which all too frequently ignore the long standing connections of Indigenous peoples with these areas (Boniface and Fowler 1993; Head 2000). In Australia this “invisibility” is further complicated by the historical processes

surrounding the imposition of British perceptions of landscape and space onto the Australian continent, which had no place for Aboriginal names or peoples (Carter 1987).

This attitude is in many ways a modern incarnation of the logic at the heart of *terra nullius*, in which other forms of land use beyond the Western model are rendered invisible (Head 2000). Head (1993, 482) describes how “the relative invisibility of hunter-gatherers and their use of land, particularly in geography, has conditioned the way we perceive and manage what we call 'natural' environments.” The separation of human and natural landscapes has been codified in many pieces of heritage legislation and policy, including the World Heritage Convention, which Carter (2010) demonstrates has had very negative consequences for Aboriginal interests on Fraser Island off the coast of Queensland. If Aboriginals are welcomed in natural areas, it is only as the “Noble Savage” (Gill 1999, 63).

The controversy caused by the dichotomy between “nature” and “culture” is arguably most famously demonstrated in an Australian context at Kakadu National Park in the Northern Territory. Since the 1960s, there has been a long-standing controversy surrounding the area that is now Kakadu National Park (Aplin 2004; Boer and Wiffen 2006; Palmer 2007; Logan 2007). A large expanse of wetlands, floodplains, and hills and home to thousands of different species, Kakadu was made a national park in 1975 and the area that now comprises the park was acquired between 1978 and 1991. Kakadu was placed on the World Heritage List in 1994, and is one of the few sites listed under “Mixed” designation, being recognized for both cultural and natural merits. Since 1998, Kakadu has been under a co-management plan between the Bininj/Mungguy and the federal government. Palmer (2007, 255-256) states that:

For *Bininj/Mungguy* the notion of ‘Kakadu as an Aboriginal Place’ reflects shared ontic and epistemic understandings which inform social relations and quotidian practice, and where relationships with non-human nature are central to the constitution of local customary ‘polities’, governance frameworks and the

functioning of Aboriginal laws. However, for settler Australians, the task of engaging with Kakadu as an Aboriginal place remains deeply problematic.

Palmer (2007, 255) also notes that “settler interest groups and park users have, in general, preferred to foreground their own relationship to Kakadu National Park, characterizing it as a place of nature, a public space, a place for all Australians to share in equally” and despite the prominent role given to the Bininj/Mungguy, often seek to erase the Aboriginal presence. The Bininj/Mungguy do not separate their culture and society from nature, viewing them as a single domain (267). Insightfully, Palmer (2007, 261) points out that:

Under the rubric of the World Heritage Convention, the cultural heritage of Kakadu National Park is recognized as the evidence of archaeology and rock art of outstanding universal value. The natural heritage of the Park refers to flora and fauna considered being of conservation and scientific significance, as well as the existence of spectacular scenery and a wide range of ecosystems considered to be of outstanding universal value. Perhaps the most obvious irony of this particular separation between natural and cultural values is the fact that the range of habitats and abundance and variety of plants and animals found in the Park are, to a great extent, products of *Bininj/Mungguy* habitation and land management practices, such as burning.

In their quest to have Kakadu preserved as a “natural” landscape, conservationists and other likeminded stakeholders overlook that the site was created as an Aboriginal cultural landscape.

Related to this perspective, is the conceptual connection between Aboriginal heritage and “nature” that many Australians have. In the imagined geography (Said 1978; Gregory 1994) of many Australians, Aboriginals are perceived as belonging exclusively in liminal and remote spaces far away from where white Australians live (Howitt 2001; Merlan 2007), a conceptualization that has even influenced, sometimes unintentionally, academic treatments of Aboriginal history and culture (Carter 1987). Imagined geographies are, in the words of Derek Gregory (2004, 18), “not only accumulations of time, sedimentations of successive histories; they are also *performances of space.*” The Australian geographical imagination towards

Aboriginals is, therefore, continually reinforced. While this perspective has many broader connotations, including indifference to low living standards, in the heritage context it is manifested primarily in a disregard of Aboriginal heritage in urban spaces (Hinkson 2003) and a belief that “real” Aboriginals are found primarily in the northern part of the continent, specifically the Northern Territory and remote Queensland and Western Australia (Schmiechen and Boyle 2007). Their many cultural connections inside urban areas are often rendered invisible because they discursively do not belong there. While Hinkson (2003) focuses on Melbourne, Waitt (2000, 843) found that in Sydney’s very popular The Rocks heritage district the

official nationalistic and commercially sanctioned version of the past, is the sanitized, patriarchal, and Eurocentric perspective that accompanies each “first”. For example, Eurocentric myths of national origins are evoked by markers, brochures, and statues as the place of first settlement in Australia at the expense of prior Aboriginal presence, thus reinforcing the idea of Terra Nullius. Clearly, this ideological stance negates and erases any prior Aboriginal claims or indigenous peoples’ histories as well as conflicts arising from competing cultures.

Conceptually combining these two lines of thought creates an untenable paradox where on the one hand Aboriginal heritage can only exist in remote, wilderness areas, and on the other their presence in “natural” heritage areas is unwelcome. Such a geographical imagination leaves no discursive space for Aboriginals.

The gains in political, land, and heritage rights outlined in Chapter 4, however, have empowered Aboriginals to challenge this colonially constructed geographical imagination. For example, Tonkinson (1997, 6) points out that there was “a marked increase in Aboriginal objections to a variety of development activities perceived by them as impinging on or threatening aspects of their cultural heritage” in the aftermath of the *Mabo* ruling. As discussed in Chapter 6, heritage and land rights are deeply imbricated. As Smith (2006, 295) suggests:

The possibility of challenging authorized discourses and other accounts of Indigenous culture, history and experiences is fundamentally important in

attempting to get governments to listen to the legitimacy of Indigenous claims. The capacity to control symbolically important heritage is a performative and political act in the negotiation of political legitimacy.

An especially interesting theme that emerges out of the literature is the contention that Aboriginal heritage and history are being usurped by other Australians. Though not a phenomenon unique to Australia (Lowenthal 1998), it does raise some important questions concerning the use and perceptions of Aboriginal heritage. For example, Lowenthal (1998, 176-177) argues that “geological and Aboriginal legacies dating from the dawn of time console Australians for the felt brevity, vis-à-vis Europe, of their national saga.” Smith (2006, 172) suggests that “in locating Aboriginal people as part of the natural landscape, which Australians themselves have a unique affinity and ability to ‘tame’, a sense of antiquity is added to Australian identity.”

Resistance to Changing Heritage Perceptions

Efforts to recognize and protect Indigenous heritage have often been strongly resisted at both the governmental and private capacity. As Smith (2006, 294) highlights,

one of the significant oppositional strategies and discourses that is brought to bear by those opposing Indigenous political aspirations and movements is the reconstruction of Indigenous identity as ‘static’ – and thus more controllable and subject to regulation and authentication via the pronouncements about what constitutes ‘real’ Indigenous identity by experts such as anthropologists, historians and archaeologists.

This relegation of Indigenous culture as unchanging has at least two important connotations.

Firstly, this reinforces an essentialized definition of Indigeneity. It confines “real” Indigenous peoples to the pre-colonial past, with any adoption of “non-traditional” technology or material rendering them “inauthentic.” As Tonkinson (1997, 18) points out,

A problem for Aboriginal people about 'tradition' is the tendency of non-indigenous Australians to limit it to the past and to things 'cultural', and to exclude the possibility that its authenticity is retained when it includes components that clearly post-date the European invasion and/or have economic significance.

It also denies that contemporary community members are capable of practicing or producing a meaningful culture. Contemporary Aboriginals face a situation where they need to fit outsider conceptions of "Aboriginality" to be considered "authentic" and therefore be legally entitled to land and heritage rights. As Lattas (1993, 247-248) indicates, this creates an impossible paradox:

The demand that Aborigines produce their popular consciousness along the lines of a social theory of identity is a request that they become conscious of themselves. They are to situate themselves in opposition to Whites without fetishising themselves. They are to become a pure system of difference, an oppositional form that does not stabilise itself except through being a subversion of the other. There is no positivity and content in this form of Aboriginality, it is a relationship of opposition responding to the terms and agenda set yet again by white society. In effect, a white moral gaze refuses Aborigines an identity politics that is grounded in them taking up their bodies as an imaginary space.

For groups such as the Tasmanian Aboriginals who have been displaced from their traditional culture, such an approach precludes them from producing heritage and increases their marginalization. Weiner (1999, 207) raises the interesting point that:

In the case of Hindmarsh Island, we witnessed the resurrection of an allegedly pre-colonial description of Ngarrindjeri gender claimed to be immune from exogenous influences, without considering whether such influences themselves were and continue to be an integral part of "Ngarrindjeri culture.

Aboriginal culture is not and has never been static, and continues to evolve and change.

Secondly, within the AHD, as discussed previously in the chapter, heritage is framed as something that cannot be produced in the present (Smith 2006; Waterton and Smith 2010). One of the primary purposes of the heritage industry is to protect things of value that were created in the past in as unmodified a state as possible. This results in what Meskell (2002, 567) describes as "an essentialized vision of the past as akin to a natural resource." Within the AHD, age is a

crucial factor in determining whether or not something has heritage value: the older something is, oftentimes the more valuable it is perceived to be. An old building may be esteemed as heritage for the importance of events that occurred there long ago or as being representative of a particular historical era (for example a Victorian style house), but that which makes it valuable is also often confined to the past. The Tower of London, for example, now gains additional heritage prestige only through the passage of time, not for the current events that transpire there.

However, not all cultures share the linear, binary view of time that underscores this perspective. Meskell (567) reminds us that

among many Native American or Australian Aboriginal groups "the past" is not to be bought or sold, studied or scientifically tested, displayed or objectified in ways that Western participants might see fit or unproblematic. The past is a teleological category in our case, whereas other groups do not perceive our version of the past as past at all.

Or as Ashcroft (2001, 91) puts it, for Aboriginals "the past is not so much an unknowable chaos as a constantly and wholly experienced present." The Western perception of time and historical narrative "potentially confines and limits a non-Western cosmology in the name of the 'superior' discourse of modernity." In Australia, the "Aboriginal past endures, unchanged, to represent them in the present. All of this is seen as the not-at-all subtle intention of a racist ideology at work to freeze every Aboriginal person into a category, a species, a racial type, an image acceptable to the West" (Whittaker 1999, 38).

In Australia this conceptual divide has resulted in conflict over heritage sites associated with rock art. In both the Northern Territory and Western Australia, controversy emerged beginning in the 1980s over Aboriginal intentions to repaint traditional rock art sites (Thorley 2002; Meskell 2002; Smith 2006). Thorley (2002, 118) notes that for Aboriginals,

objects infused with a power which is beyond time and beyond human agency are nonetheless able to be manipulated for the purpose of achieving desired outcomes

in the present. They draw this significance from their active role, not from a role which sees them consigned in perpetuity as relics.

For Aboriginals, “the act of re-painting was vital in keeping alive certain values and meaning in a way that the simple existence of the sites could not” (Smith 2006, 54). Many heritage professionals, however, were outraged at the notion of what they perceived as irrevocably damaging sites that were tens of thousands of years old. In essence, these heritage professionals perceived the worth of the sites to be the *age* of the materials used in their creation while for Aboriginals the sites’ age is of far less importance than their contemporary meanings (Smith 206, 54).

Conclusions

There exists a significant conceptual difference between Aboriginal and non-Aboriginal Australians over what constitutes “heritage.” For Aboriginals, heritage is firmly rooted in the intangible, the deep connections between communities and their land; for non-Aboriginals, heritage is the tangible, that which is manifested in select buildings and artifacts. To many Aboriginals, knowledge of heritage sites is sacred and confidential; to non-Aboriginals, heritage, almost by definition, exists to inform and shape public perceptions.

As this chapter highlights, many of the issues that are currently taking place in Tasmania have their origins in nineteenth century perceptions of “legitimate” heritage and the Authorized Heritage Discourse’s privileging of tangible heritage and “experts.” Although Aboriginal challenges to the AHD have made some headway, there is still a long way to go, and many challenges to overcome, before this gulf will be eliminated. Though the Hindmarsh Island Affair raised public awareness of the injustice of privileging “expert” opinions over community knowledge, the tenets of the Authorized Heritage Discourse (Smith 2006) remain firmly

ensconced in international and national heritage laws. It is to these laws that I turn my attention in Chapter 6.

Chapter 6

Protection of and Threats to Aboriginal Heritage

Heritage protection is of great importance in the political struggles surrounding identity, political legitimacy, and access to resources (Blake 2000; Smith 2006; 2007). Smith (2007, 162) argues that “the management of sites and places are part of a wider process in which government and their agencies confer, withhold or otherwise regulate claims to political and cultural legitimacy.” Though the primary means of protecting heritage occur in the form of on-site management (Hall and McArthur 1993; Wall 1999) and one cannot ignore the role of private heritage trusts, in this chapter I discuss government heritage laws, in line with the objective of my study. A key component of Smith’s (2006) argument in support of the Western Authorized Heritage Discourse is that the notions that emerged out of nineteenth century Europe concerning what constitutes “legitimate” heritage have been promoted within heritage legislation and policy. She argues that

the export of the Western European model of heritage management around the world has been identified as part of the processes of Western colonization, and an expression of Western cultural imperialism, that has tended to result in the alienation of local communities from their cultural heritage (279).

Thorley (2002, 112) similarly argues that “the protection of heritage through various legal and institutional structures and significance assessment mechanisms as they originated in the West embodies set of core values and assumptions.” Put simply, approaches to heritage protection have focused on the preservation of tangible heritage such buildings, monuments, and “natural” landscapes. As Blake (2000, 68) notes, the “decision as to what is deemed worthy of protection and preservation is generally made by State authorities on national level and by

intergovernmental organisations--comprising member States-- on international level.” As such, to “understand the power/knowledge relationships inherent to the field it is necessary to examine the institutional contexts from which interpretations and pronouncements are made” (Winter 2007, 14). A comprehensive survey of past and existing heritage protection legislation and policy would be impractical given the large number of international, national, state, and territory laws covering issues such as natural heritage, movable heritage, human remains, maritime heritage, and museums (for example Blake 2000; Boer and Wiffen 2006). Therefore, in this chapter I only discuss the aspects of international and Australian “cultural” heritage law that are pertinent to what has transpired in Tasmania.

International Heritage Law and Policy

A consideration of international heritage policy is important both as a gauge for trends in broader heritage discourses and for its impacts on heritage practice. Although international heritage laws inevitably lack means of overriding sovereignty in their enforcement, the organizations that drive them can bring about considerable political pressure on member states that are in violation of their tenets (Boer and Wiffen 2006). Furthermore, recognition of a site or sites within the bounds of international heritage often brings additional attention and tourist revenues.

Although legislation pertaining to heritage was first created as early as the late eighteenth century, it did not become a common practice until the later part of the nineteenth century, when there was “a surge in the development of legislation to protect ancient monuments of religious or other architecturally and historically significant buildings” particularly in European countries and those within their sphere of influence (Smith 2006, 18-19). The first piece of international law

designed to protect cultural heritage was the 1907 Hague *Convention Respecting the Laws and Customs of War on Land* (Blake 2000, 61), in which article 23 necessitates the protection, if at all feasible, of “historic monuments” and buildings associated with art and religion (as well as hospitals, charity buildings, etc.) during bombardments and sieges (Hague 1907). The 1931 *Athens Charter for the Restoration of Historic Monuments* (ICOMOS 2013a) enacted by the First International Congress of Architects and Technicians of Historic Monuments was also designed to protect, as the name implies, monuments (Smith 2006; Boer and Wiffen 2006).

International attention to the preservation of heritage grew in the aftermath of the wide scale destruction of World War II and was spearheaded by the United Nations Educational, Scientific and Cultural Organization (UNESCO). The 1954 UNESCO *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, otherwise known as the Hague Convention, was the first legislation to emerge. Blake (2000, 61) notes that “it grew out of a feeling that action to prevent their deterioration or destruction was one responsibility of the emerging international world order and an element in reconciliation and the prevention of future conflicts.” Like the earlier Hague Conventions, this one was designed to prevent damage to heritage during times of war caused by bombing, plundering, and other means (UNESCO 2013d). In the Hague Convention, “cultural property” is defined in Article 1 as being

movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above (UNESCO 2013d).

It obliges that states party to the convention take preventative and proactive measures to protect cultural property during both times of peace and war (for a summary of the provisions see Boer

and Wiffen 2006). The Hague Convention had two subsequent protocols, the first requiring that cultural heritage items that have been looted and exported be returned and the second “providing enhanced protection for cultural property” (Boer and Wiffen 2006, 39). The Hague Convention remains in force and now has more than 115 state members, including Australia (UNESCO 2013d), though considerably fewer have assented to the protocols.

The 1964 *International Charter for the Conservation and Restoration of Monuments and Sites* (ICOMOS 2013b), more commonly known as the Venice Charter, continues to exert great influence. This charter established a non-government organization known as ICOMOS (International Council on Monuments and Sites), which is based in Paris and is comprised of members drawn from a variety of professions related to heritage management and protection (Smith 2006). It also “establishes and defines the nature of historic monuments and provides guiding principles on how they should be cared for and managed” (Smith 2006, 89). However, the Venice Charter importantly also “signified a shift in focus for international heritage conservation from monuments and buildings towards a concept of ‘places’, which can include archaeological sites, ruins, buildings, engineering structures, and whole urban areas” (Taubman 2002, 145). ICOMOS operates as a powerful lobby group at both the international and national levels. Smith (2006, 88) states that:

One of the primary avenues of this influence is through the adoption of national and international charters, which act to guide and inform the conduct of its members – many of whom are employed within a range of governmental and non-governmental heritage organizations, or who work as heritage consultants or academics. The charters themselves may be viewed partly as lobby documents, and are used by national and local governments to inform policy and practice.

The Venice Charter, in some ways, is the most significant manifestation of the enforcement of the AHD at the international level, comprised of “expert” members and with a track record of favoring European-style heritage. Smith (2006, 90) states within the rubric of ICOMOS that

those monuments or sites from grand Western contexts are perceived to be inherently valuable, while those things from more modest contexts, presumably non-Western cultural contexts or less grand Western social contexts can, in certain circumstances, acquire or be acknowledged as valuable. Here, the narrative of Western *nationalism* that underpins the AHD is given expression. Moreover, colonial and imperial perspectives are also given voice and credence in this document.

Along with the Venice Charter, the most influential international heritage legislation is the 1972 UNESCO *Convention Concerning the Protection of the World Cultural and Natural Heritage*, which was initially crafted with the assistance of ICOMOS (Blake 2000; Smith 2006; Boer and Wiffen 2006). The World Heritage Convention, as it is more commonly known, was designed to recognize and protect heritage locations considered to be of “outstanding universal value,” and is based on the principle that there is a “common heritage of mankind” (UNESCO 2013a). Today, 190 states have become signatories to the convention, and there are 981 properties inscribed on the World Heritage List located across 160 countries. Signatory states nominate a site to be considered for designation on the list, outlining the site’s significance and demonstrating a sufficient management plan. If accepted by the World Heritage Committee (which is comprised of representatives of member states), the site is placed on the list under one of three categories: Cultural, Natural, and Mixed. Currently, there are 759 Cultural sites, 193 Natural sites, and 29 Mixed sites on the list. In applying to both cultural and natural heritage the World Heritage Convention is unusual among international heritage laws (Boer and Wiffen 2006, 63). Placement on the World Heritage List brings both international recognition (and hence an increased tourism profile) and access to the World Heritage Fund for maintenance assistance (Di Giovine 2009).

Australia joined the UNESCO World Heritage Convention in 1974, the fourth country to do so, and now has 19 sites inscribed on the list—including two located, at least in part, in

Tasmania (UNESCO 2013b). The Tasmanian Wilderness site was placed on the list in 1982 and comprises 3.46 million acres in Western Tasmania encompassing the large Gondwanaland forest and the Cradle Mountain area. The Australian Convict Sites was added in 2010 and includes Port Arthur Historic Site, Brickendon and Woolmers Estates near Longford, Cascades Female Factory in Hobart, Darlington Probation Station on Maria Island, and Coal Mines Historic Site on the Tasman Peninsula as well as six sites spread between New South Wales, Western Australia, and Norfolk Island.

For Australia the World Heritage Convention has resulted in “expanding the capacity of the Australian Government to protect and manage sites within the boundaries of the Australian States” and has been a significant factor in environmental conservation debates (Boer and Wiffen 2006, 64). In particular, both of these impacts most famously and significantly coalesced in Tasmania during the early 1980s, as referenced already in Chapter 4, when a well publicized controversy emerged concerning plans by the Tasmanian Hydro-Electric Commission to build a dam on the Franklin River in the southwest part of the state, which is part of what is now called the Tasmanian Wilderness World Heritage Area (Robson 1990; Head 2000; Boer and Wiffen 2006). In response, the Australian Parliament passed the *World Heritage Properties Conservation Act 1983* (Commonwealth of Australia 1983), “the effect of which was to impose new restrictions on the States and on companies whose activities affected natural areas listed as World Heritage” (Boer and Wiffen 2006, 71); it granted the Commonwealth Government the right to intervene in a World Heritage area if the actions of a state were preventing Australia from fulfilling its World Heritage obligations (89). This legislation was subsequently challenged and upheld by the Australian High Court. Van Krieken (2011, 135) notes that

the Constitution’s “race power” was constructed in a particular way in relation to its application to Aborigines. In this case, it was understood as one of the possible

heads of power for the Commonwealth government to override state governments on various issues, including protection of Aboriginal interests in land.

As a result, “Australia remains one of the few countries to have enacted specific legislation for the implementation of the Convention” (Boer and Wiffen 2006, 64).

The UNSECO World Heritage Convention has been widely critiqued on a variety of fronts. For starters, the World Heritage Convention has no means of enforcing its requirements other than bringing international attention and political pressure by placing a site on the World Heritage in Danger List or, in extreme circumstances, removing the site from the List altogether (Boer and Wiffen 2006). Another criticism has been the very concept of global or “common” heritage itself, with the charge that this recognition is underpinned by European values (Cleere 2001; Smith 2006; Boer and Wiffen 2006; Di Giovine 2009). Providing a good summary of this perspective, Meskell (2002, 68) argues that

global world heritage could be perceived by some as an extension of the colonial project, traveling to, knowing and mapping territories outside one's own national boundaries. The language of the UNESCO conventions reinforces Western notions of value and rights, while the ownership and maintenance of the past is suffused with the concepts surrounding property.

Lending credence to this supposition is that historically sites in Europe have received greater levels of recognition on the World Heritage List. Tellingly, Italy (49 sites), Spain (44), France (38), and Germany (38) all rank among the top five countries with the most sites on the list, while no country in Africa has more than nine (Ethiopia and Morocco) (UNESCO 2013a). It is also worth noting that many of the sites that have been recognized in Africa are associated with European activities (Cleere 2001), and that outside of Europe buildings are more often identified and preserved under auspices of the World Heritage Commission than are other forms of cultural heritage (Winter 2006). This discrepancy also reflects an innate preference, as in the Venice Charter, for tangible cultural heritage as “the sites listed themselves tend to speak to grand

narratives and European notions of aesthetic and national identity, with elitist architecture, including cathedrals, castles and palaces, being over-represented on the List” (Smith 2006, 98).

In support of her concept of the AHD, Smith argues that:

This imbalance is not simply caused by disproportionate nominations by European countries, but by the AHD that frames and legitimizes the assumptions made in the listing criteria. The World Heritage List itself is a process of meaning making – it is a list that not only identifies, but also *defines*, which heritage places are globally important. The listing process creates or recreates sites as universally important and meaningful. Once again, the process of listing is an act of heritage management that is itself an act of heritage in which, on this occasion, a sense of universal ‘human identity’ is created. That the human identity that is performed through the List tends to be European is expressive of the degree to which the listing process is informed by, and reinforces, the European AHD (99).

As discussed in Chapter 5, the separation between Natural and Cultural heritage itself is a reflection of European ideals that are not shared by many other cultures (Carter 2010).

In response to many years of criticism from a variety of sources, in 2006 UNESCO adopted the *Convention for the Safeguarding of the Intangible Cultural Heritage* (Smith 2006, 28; Boer and Wiffen 2006, 46-47). The convention defines intangible heritage as including “oral traditions and expressions, including language as a vehicle of the intangible cultural heritage; performing arts; social practices, rituals and festive events; knowledge and practices concerning nature and the universe; traditional craftsmanship” and emphasizes that it is transmitted between generations and, significantly, that it can be “recreated” over time (UNESCO 2013c). Although this convention received widespread support from the member states, there were notable and telling exceptions. Particularly striking is that none of the large British colonial settler states (Australia, The United States of America, Canada, and New Zealand) have ratified or accepted the convention (UNESCO 2013c). Smith (2006, 55) suggests that

in post-colonial contexts ratification of this convention would have significant consequences for the political legitimacy granted to Indigenous concepts of heritage, and in Western contexts where tensions occur over the legitimacy of

multiculturalism any challenges to concepts of identity validated by the AHD and sanctioned through state heritage programmes would certainly be problematic.

It is not a coincidence that these four states were also notably reluctant to endorse the United Nations Declaration on the Rights of Indigenous Peoples (United Nations 2008). On the one hand, this is a reflection of the continued conception that Indigenous peoples' cultures are incapable of producing anything worthy of protection (Lowenthal 1998; Smith 2006), but on the other it represents an effort to maintain the political status quo of marginalization. Recognizing Indigenous peoples' intangible culture could mean recognizing their connections with the land—which in many parts of Australia, for instance, has implications for Native Title claims (Smith 2007).

There are several in-depth discussions of the background and challenges associated with the creation and passage of the Intangible Cultural Heritage Convention (e.g., Kurin 2004; 2007; Munjeri 2004) and therefore I will not go into great depth on these topics. Rather, I briefly discuss the political connotations of this significant international recognition of intangible heritage. For example, Blake (2000, 62) suggests that with the passage of the Intangible Cultural Heritage Convention that UNESCO is in some senses challenging the very foundation of the World Heritage List as many aspects of intangible heritage are only of significance or understanding to a relatively small number of people and not of the “common heritage of mankind.” However, Smith (2006, 110) makes the valid point that “the issue is not whether intangible heritage is universal, but whether tangible heritage is. The assumption of universality denies the possibility of dissonance.” Importantly, the recognition of intangible heritage does place more onus for community involvement both in terms of identifying and protection cultural aspects (Kurin 2007). This view is especially significant, as traditionally within the World Heritage Rubric the state has had ultimate control and can act largely without the consent of

minorities. Interestingly, Logan (2007, 37) suggests that the recognition of intangible heritage may facilitate more challenges to state, and other power group, heritage narratives, as, unlike tangible heritage, it is not as easy to destroy.

Australian Commonwealth Heritage Law and Policy

Australia was comparatively late to take an interest in the protection of cultural heritage, aside from museums, with the first pieces of specific policy not created until the 1970s (Boer and Wiffen 2006). In Australia, early heritage legislation placed emphasis on “the older, mainly sandstone government buildings, salubrious housing in the ‘better’ suburbs, bridges, and other public infrastructure” (18). This push coincided with a rise in nationalistic sentiment in Australia, and a corresponding emphasis on aspects of heritage that were distinctly Australian, rather than British (91). In drafting heritage policy, Australia has drawn heavily from international heritage law, particularly ICOMOS and the World Heritage Convention.

The first legislation passed by the Commonwealth Government was the *Australian Heritage Commission Act 1975* (Commonwealth of Australia 1975a), which created the Australian Heritage Commission. The Act defined heritage as: “places, being components of the natural or cultural environments in Australia, that have aesthetic, historic, scientific, or social significance or other special value for future generations as well as for the present community.” Boer and Wiffen (2006) highlight that this Act was greatly shaped by the World Heritage Convention that was created only a few years before. Importantly, the Act created the Register of the National Estate, which would ultimately have over 13,000 properties across Australia listed on it. The *Australian Heritage Commission Act 1975* (Commonwealth of Australia 1975a), however, gave little authority to the Commonwealth Government to directly influence heritage

sites. The aforementioned Tasmanian Dams Case and the passage of the *World Heritage Properties Conservation Act 1983* gave the Australian Government considerably more authority.

The *Australian Heritage Commission Act 1975* (Commonwealth of Australia 1975a) was repealed with the passage of the *Environmental Protection and Biodiversity Act 1999* (Commonwealth of Australia 1999) (hereafter referred to as EPBA), which remains the most important Commonwealth heritage law (Boer and Wiffen 2006). The EPBA reinforces the Commonwealth Government's authority to intervene in heritage matters, particularly in regards to World Heritage sites, and creates stronger penalties for damaging heritage sites. Especially with passage of the subsequent *Australian Heritage Council Act 2003* (Commonwealth of Australia 2003), the EPBA also lessened the importance of the Register of the National Estate (which was eventually made defunct in 2012) and replaced it with the National Heritage List of National Heritage and the Commonwealth Heritage List of Commonwealth Heritage, which were designed to be smaller and more exclusive than the Register of the National Estate (Boer and Wiffen 2006). While only sites found in Australia can be placed on the National Heritage List, the Commonwealth Heritage List focuses on sites owned by the Australian government and found in both states and Commonwealth territories such as Norfolk Island and Macquarie Island. For designation on the National Heritage List a site must have "outstanding" value, while Commonwealth Heritage List sites must only be of "significant" value; other than that phrasing, they have very similar requirements and management guidelines (Boer and Wiffen 2006). Significantly, however, the authority to place a site on the lists is given to a Minister rather than an independent authority, with the Australian Heritage Council serving as an advisory committee and performing assessments.

It should be acknowledged that the most widely known and influential of Australian heritage policies is not actually a part of Commonwealth legislation, but rather the Australia ICOMOS charter passed in 1979. The *Charter for the Conservation of Places of Cultural Significance* (Australia ICOMOS 1979), more commonly referred to as the *Burra Charter*, “was an attempt to rework the Venice Charter for an Australian context, which by the late 1970s included self-conscious public debate about multiculturalism and Indigenous heritage” (Smith 2006, 23). It was intended “to retain or recover the cultural significance of places and provide for their security, maintenance, and future” (Taubman 2002). The *Burra Charter* was amended in 1999 (Australia ICOMOS 1999) but “the basic on fabric, and the underlying ethic and assumptions of innate value has not changed” (Smith 2006, 23). The *Burra Charter* has had great influence on all subsequent Australian government heritage policies in terms of defining and identifying cultural heritage (Boer and Wiffen 2006).

Smith (2006) uses the 1979 *Burra Charter* as an example of the Western Authorized Heritage Discourse. She points out that all of the characteristic elements are included and argues that the 1979 *Burra Charter* “focused attention entirely on the fabric of a place or building, a focus derived from the basic premises underlying the Charter that significance is deemed to be inherent in the fabric of a building” (23). The *Burra Charter* contends that heritage buildings be unaltered to the extent possible, placing an emphasis on material attributes. Furthermore, the *Burra Charter* also delegitimizes the opinions of non-experts:

Although the existence of community values and meaning are acknowledged throughout the Charter, they are never actually linked or associated with the all-important term ‘cultural significance’ – the assessment of which drives the whole management and conservation process (105).

In addition to the Commonwealth Government’s heritage laws, there are a myriad of heritage laws enforced at the state, territory, and local levels across Australia which also began to

emerge in the 1970s, the first of which was Victoria's *Historic Buildings Preservation Act 1973* (Boer and Wiffen 2006). Each Australian state and the two major territories have their own overarching heritage protection acts. As Boer and Wiffen (2006, 29) highlight, "there are many inconsistencies of approach in the legislation between and within the nine Australian jurisdictions." These sub-national laws for the most part also rely on the formulation of heritage lists, though they have more emphasis on issues of local scale importance such as planning than do Commonwealth laws (Boer and Wiffen 2006). Local councils are also increasingly becoming involved in heritage identification and protection. Interestingly, Boer and Wiffen (2006) point out that state laws tend to focus primarily on cultural rather than natural heritage. As the focus of my dissertation is specifically Tasmania, I will not address the other state heritage approaches except as they are relevant to my discussion (for a brief summary of the laws see Boer and Wiffen 2006). I will discuss the operation of the Tasmanian heritage laws and management in depth in Chapter 8.

As the summary in this section suggests, placement of sites on heritage lists is a central part of the Australian heritage policy. Today there are thousands of locations placed on the national, state, and territory heritage lists, which "do not only record the products of the grand visions of the colonial governors ... or the mansions and churches of colonial entrepreneurs in metropolitan areas, but also include the humble cottages, shops, and streetscapes of suburban and small-town Australia" (Boer and Wiffen 2006, 18). This transition reflects both the broadening conceptions of what constitutes heritage over the past several decades (Lowenthal 1998), but also the changes in Australian society towards increased recognition of multiculturalism. How this process has impacted the protection of Aboriginal and Torres Strait Islander heritage is the subject of the next section.

Government Protection of Aboriginal and Torres Strait Islander Heritage

The protection of the heritage of Indigenous peoples has only recently become a priority of the Australian Commonwealth and state governments (Boer and Wiffen 2006). Although the protection of Aboriginal and Torres Strait Islander heritage is addressed in general Australian heritage laws such as the EPBA, both the Commonwealth Government and states have laws in place that are specifically designed to protect it. The first heritage laws were passed by states in the 1960s and following in their footsteps the Tasmanian state government passed the *Aboriginal Relics Act 1975* (Tasmania 1975). The specifics of this legislation and how it compares with the protection afforded in other Tasmanian heritage legislation is a primary focus of Chapter 8. In this section I outline the Commonwealth laws and policies that impact the protection of Tasmanian Aboriginal heritage.

It should be acknowledged at the start of this section that government protection of Aboriginal and Torres Strait Islander heritage operates in conjunction with community approaches to heritage protection. Boer and Wiffen (2006, 264) remind us that “Aboriginal and Torres Strait Islander peoples’ cultural heritage can said to be governed by two sets of laws: Indigenous customary laws and the Anglo-Australian system of legislation and case law introduced by the British colonist.” However, Aboriginal customary laws, including those pertaining to heritage, are “generally unrecognized by the non-Aboriginal Australian dominant culture, except to the extent that the Aboriginal laws happen to fit into the framework of the Australian legal system” (264).

In Australia “early heritage legislation reveals a concern to preserve cultural artifacts as an aspect of Australia's pre-history and as objects suitable for study, rather than as protection of the living and contemporary cultural heritage of Indigenous people” (Tehan 1998, 780). It also

often focused on relics and artifacts, rather than sites of contemporary significance to communities (O’Faircheallaigh 2008). As Boer and Wiffen (2006, 257) highlight:

there has been an interest in Australia’s Indigenous cultures from the earliest times of European settlement, as recorded by explorers, artists, successive colonial governors, and others. However until the past few decades, the approach to Indigenous cultural heritage, from a non-Indigenous viewpoint, was generally seen as focusing on physical places and material objects, in particular on what is historically, artistically, and archaeologically significant. The items that might be important according to traditional European concepts of cultural heritage are not necessarily consistent with the cultural and spiritual values associated with objects and places that are significant to Aboriginal and Torres Strait Island people.

Building on this precedent, unfortunately in Australia “legislative initiatives designed to protect indigenous heritage have generally proved ineffective” (O’Faircheallaigh 2008, 25). In part, this failure has been caused by a historical tendency by the government not to engage meaningfully with Aboriginal and Torres Strait Islander communities and to utilize one size fits all approaches towards diverse communities with varied concerns and needs (Tonkinson 1997), leaving decisions on heritage to bureaucrats and politicians rather than community members (O’Faircheallaigh 2008). In this regard, Weiner (1999, 193) argues that Aboriginal and Torres Strait Islander heritage protection law has been particularly ineffective “for Aboriginal communities in ‘settled’ Australia” such as the Tasmanian Aboriginals,” as “in such cases, it is difficult or impossible to demonstrate ownership of land, mythological and religious validation of the sacred status of certain sites or objects, and continuity of tradition” (194). Put another way, the heritage laws

reflect an underlying notion that sacred sites are of primary concern for traditional Aboriginal groups, while contemporary groups are concerned more with archaeological heritage. Aboriginal Tasmanians, for whom the attachment of religious values to archaeological materials has become a means for asserting their interests, would almost certainly lay challenge to this view. Furthermore, such a view ignores the complex legislative realities in which Aboriginal people now find themselves, where they have come to live with a multiplicity of laws

which define their rights and interests in relation to land and heritage (Thorley 2002, 121-122)

Compounding this flaw, reliance on public Lists in Australian heritage protection schemes often places Aboriginals and Torres Strait Islanders in a dilemma over whether or not to seek government assistance in protecting sites.

The Commonwealth Government “has ultimate responsibility for the protection of indigenous heritage, both according to the Australian Constitution and as a result of its status as signatory to various relevant international covenants” (Taubman 2002, 145). Taubman raises an interesting issue about the role of the Commonwealth Government:

Problematically, the very idea of “national” heritage may distort the original significance of the site. Thus, many Aboriginal groups feel that the creation of a national heritage weakens their control over their own heritage. However, others argue that the only way to ensure the conservation of Aboriginal heritage is to help non-Aboriginals form their own relationship with it so that they may come to value it in terms meaningful to them (142).

In the mid-1980s the Commonwealth Government passed the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Commonwealth of Australia 1984) (hereafter referred to as the HPA) that “was enacted specifically for the purpose of protecting Aboriginal heritage” (Taubman 2002, 146). It was initially intended as a temporary measure in advance of expected land rights decisions but was made permanent in 1986 (Boer and Wiffen 1996). The main provision of the HPA was the inclusion of Aboriginal and Torres Strait Islander heritage sites on the Register of the National Estate. As Taubman (2002, 146) argues,

the HPA represents an important development for heritage protection legislation as it recognises that Aboriginal areas and sites should be protected because of their significance to Aboriginal people rather than simply their scientific or archaeological significance.

In the HPA, a “significant Aboriginal area” is, among other things, defined as “an area of land in Australia ... of particular significance to Aboriginals in accordance with Aboriginal tradition” (Tehan 1998, 783).

The HPA (Commonwealth of Australia 1984) has proven to be largely ineffective, however, as though intended to give the Commonwealth Government meaningful authority over Aboriginal and Torres Strait Islander heritage, in practice, protection and management were left to the states, with the Commonwealth Government only intervening as a “last resort” when the state’s actions were ineffectual or conspicuously against Commonwealth interests (Tehan 1998; Taubman 2002; Boer and Wiffen 2006). In addition, as with the *Australian Heritage Commission Act 1975* (Commonwealth of Australia 1975a), ultimately decision for heritage protection under the HPA fell to the Minister of Environment and Heritage, and “therefore political decision making has taken a narrow view of what might be considered heritage and how it might best be protected” (Tehan 1998, 784). The Minister has the authority to declare protected areas and 30 or 60 day emergency protections but full protection has rarely been given (Boer and Wiffen 2006, 271).

Although the EPBA does not repeal the HPA (Commonwealth of Australia 1984), and expressly does not interfere with the operations of the *Native Title Act 1993* (Commonwealth of Australia 1993), it does have some important impacts on Aboriginal and Torres Strait Islander protection. For example, it recognizes the value of Aboriginal and Torres Strait Islander knowledge concerning biodiversity and promotes cooperation in regards to natural heritage designations and management (Boer and Wiffen 2006). The EPBA also recognizes the rights of Aboriginals and Torres Strait Islanders to acquire food and practice ceremonies in accordance with their traditions. Furthermore, the EPBA, in conjunction with the *Australian Heritage*

Council Act 2003 (Commonwealth of Australia 2003), requires that the Australian Heritage Council must have Aboriginal and Torres Strait Islander members “with substantial experience or expertise concerning Indigenous heritage and at least one of whom represents the interest of Indigenous people” (Boer and Wiffen 2006, 278). Furthermore, the Australian Heritage Council is required to contact relevant Aboriginal and Torres Strait Islander community members whenever a site is being considered for recognition on a heritage list.

A crucial component of protecting Aboriginal and Torres Strait Islander heritage is the incorporation of community perspectives into the heritage assessment and management process (Thorley 2002; O’Faircheallaigh 2008). Australian heritage laws mandate that sites must be assessed before they are placed on heritage list—a process generally conducted at the behest of the Minister or Australian Heritage Council at the Commonwealth level, for example. As Thorley (2002, 122) summarizes it,

significance assessment as part of heritage conservation appraisal is a process of valuing. Ideally, this is meant to involve the translation of values - cultural, scientific, spiritual, aesthetic - about what should and shouldn't be preserved. In practice, significance assessment is a social process of decision-making, politicking and negotiating outcomes where different sets of values are often counter-posed. Heritage assessments, whilst aiming to preserve the past, cannot be separated from the social relations of the present.

As both common sense and the case study of Hindmarsh Island described in the last chapter, for example, suggest, Aboriginals and Torres Strait Islanders must be an integral part of assessing what aspects of their culture should be protected as heritage sites, and among those sites which should be kept secret to the community and which are allowable for public consumption.

Taubman (2002, 142) notes that

there is a danger that the process of selecting sites for protection will be dominated by Eurocentric values and notions of what makes a place important. Moreover, protection is often afforded only to places that have “outstanding” or

“significant” heritage values, and it may not be obvious to non-Aborigines that a particular site is sacred to Aborigines.

Fortunately, this fact is being recognized within Australian heritage law. For example, the EPBA places more emphasis on Aboriginal and Torres Strait Islander heritage and participation than previous legislation has done, recognizing the prominent role that they must play in identifying and protecting heritage (Boer and Wiffen 2006).

As Boer and Wiffen (2006, 262) highlight, “Aboriginal cultural heritage issues cannot be easily separated from the debate over land rights and the social, political, and economic consequences of dispossession of land and removal from their lands from 1788 to the present day.” It is not coincidental that Aborigines and Torres Strait Islanders, including the Tasmanian Aborigines, often campaigned for land and heritage rights simultaneously. Importantly, recognition of Native Title has “provided a legal basis for the renegotiation of land interests between the settler society and Indigenous people” (Tehan 1998, 768). Native Title and other land return agreements have generally included some provision for heritage protection, with varying approaches depending on community interests and aspirations (801). However, the association between the Native Title process and its definition of “traditional” Aboriginal and Torres Strait Islander culture threatens and delegitimizes heritage located in land not subject to Native Title claims. Furthermore,

paradoxically, with new models for recognition of Indigenous land interests and the consequent Indigenous involvement in land and resource use and management, there has been a diminution in the moral and legal imperative for effective heritage protection. The pre-existing heritage schemes continue to provide the only protection of Indigenous heritage on lands on which native title has been extinguished. Legislative heritage protection is inadequate and the combination of judicial and legislative approaches is currently producing a diminishing protective regime (Tehan 1998, 802)

As a consequence of gains in land rights, Aboriginal and Torres Strait Islander control and management of their own heritage sites is a growing component of heritage law (Boer and Wiffen 2006; Carter 2010). Taubman (2002, 157) makes the argument that

conferring on Aboriginal people the right to protect their heritage will allow them to enjoy their basic human rights, and to retain their indigenous identity and traditional lifestyles...the legislation should empower indigenous people with the management and control of indigenous cultural heritage and promote local autonomy over cultural matters.

A common approach to heritage management on returned lands has been some form of co-management where responsibility is split between government agencies and community members or individuals (Tonkinson 1997; Wall 1999; Power 2002); in some cases, the Commonwealth and state governments have even proposed co-management to preempt Native Title claims. For example, both Kakadu and Uluru-Kata Tjuta National Parks in the Northern Territory are co-managed. At its best, co-management “may be a means of reducing the likelihood of conflict by legitimizing and formalizing the input of different groups and different ways of knowing” (Wall 1999, 270).

However, Aboriginal and Torres Strait Islander management and co-management schemes have not always proven to be successful (Power 2002; Carter 2010). Tonkinson (1997, 19) notes that Aboriginals are

on the one hand, encouraged to assert their cultural pride and distinctiveness and maintain their traditions; yet, on the other hand, public sentiment insists that these traditions should not include visible evidence of the impact of massive social and historical forces on Aboriginal societies since the European invasion. These forces are, of course, inevitably and intrinsically implicated in Aboriginal readings and re-readings of their past, so what is being demanded of Aboriginal people is an impossibility.

In other words, Aboriginals are expected to manage heritage lands in ways that are consistent with Western, rather than Aboriginal, perspectives. A common example of this has been conflict

over the use of Aboriginal managed land in National Parks. In these lands, Aboriginals wish to continue using resources (such as animals) as they have traditionally done, while conservationists argue that the land should have minimal human impact of any kind (Boer and Wiffen 2006).

With the return of land and heritage rights, accusations of inauthenticity have become a politically charged component of Aboriginal and Torres Strait Islander heritage protection. As Thorley (2002, 110) points out, “Indigenous people have in recent times come to use archaeology and heritage legislation to represent their own interests at the political level in a range of arenas.” Those Aboriginal and Torres Strait Islander communities that have done so, however, are often accused of being inauthentic and politically hypocritical. However, “it could be argued that rather than the internalisation of Western values, adoption of contemporary heritage practices by Indigenous groups reflects a conscious manipulation of those values in terms of their own priorities and interests” (110). Such a criticism also creates an artificial binary between management systems and denies Aboriginal and Torres Strait Islander initiative. The adoption of some aspects of Western heritage management and protection represents a pragmatic choice, and serves as a good example of hybridization.

Threats to Aboriginal and Torres Strait Islander Heritage

There are many threats to Aboriginal and Torres Strait Islander heritage. Some of these are forestalled, and occasionally prevented, by existing heritage or land rights legislation but many are not. Whether accidentally, maliciously, or pragmatically, tangible Aboriginal heritage sites are often damaged and destroyed. In many cases, Aboriginals themselves must make decisions regarding the protection of heritage, balancing other political, social, and economic

concerns. This section addresses some of the threats to Aboriginal heritage, highlighting particularly the benefits and negatives of tourism.

Before discussing these threats, however, I briefly outline the types of Aboriginal tangible heritage found in Tasmania. As described in an effective summary on the Aboriginal Heritage Tasmania (2013) website, the primary types of Aboriginal Heritage in the state are: 1) Artifact Scatters; 2) Shell Middens; 3) Rock Markings; 4) Rock Shelters; 5) Stone Arrangements; 6) Quarries; 7) Fish Traps; and 8) Scarred Trees. Artifact Scatters, as the name implies, are sites where there is a collection of artifacts scattered within a small area. The sites were locations in which Tasmanian Aboriginals carved and used tools, and are the most commonly found heritage sites across Tasmania. Shell Middens are sites that represent the accumulation of discarded shells from mollusks consumed by generations of Tasmanian Aboriginals who gathered together as a band to feast. These sites necessarily tend to be concentrated along waterways. Rock Markings, which are commonly called “rock art” elsewhere in Australia, are fairly rare in Tasmania, with just over 50 across the entire state.

Rock Shelters are areas that Tasmanian Aboriginals used for protection against the elements, sometimes for prolonged periods of time, and represent an important source of insight into Tasmanian Aboriginal society, often being associated with accumulations of tools, carvings, and other material elements. Stone Arrangements are sites in which rocks were arranged by Tasmanian Aboriginals for ceremonial purposes. Quarries are locations where there is evidence that Tasmanian Aboriginals extracted stone for the construction of tools and for ceremonial purposes; as referenced in Chapter 2, there are prominent sites associated with ochre mining in the north central part of the state. Fish Traps are walls of rock that were created by Tasmanian Aboriginals to trap fish when the tide went down. Scarred Trees are the most uncommon of all

Tasmanian heritage sites, being locations where there is evidence of trees being carved into canoes.

Almost certainly, the single largest danger to Aboriginal and Torres Strait Islander heritage is ignorance. In many instances, areas of cultural significance to Aboriginals do not have signs of human modification that are easily recognizable to outsiders (Boer and Wiffen 1996); this is certainly the case in Tasmania, as discussed in Chapter 8. As such, potential Aboriginal heritage sites are undoubtedly frequently destroyed by individuals oblivious to their presence while undertaking a wide variety of activities.

Another potent threat to Aboriginal and Torres Strait Islander heritage comes in the form of development, ranging from home construction to the building of roads to large scale mining projects. This is among the more serious threats to Aboriginal heritage in Tasmania and, not surprisingly has been the focus of the two largest Tasmanian Aboriginal heritage protests—the Franklin River Dam discussed in Chapters 3 and 5 and the Brighton Bypass that is addressed in Chapters 7 and 8. Rolfe and Windle (2003, S85) point out that:

Development activities within the landscape often involve losses to Aboriginal cultural heritage sites and items. Some ‘spectacular’ sites, such as art sites and burial caves that are normally associated with Aboriginal cultural heritage are well protected. However, the bulk of cultural heritage places and items relate to living patterns, such as camp sites, stone tools, stone working sites, marked trees, rock wells and middens along waterholes. Many of these items are not often recognized as Aboriginal sites by landholders and commercial developers, and hence, are susceptible to loss.

In many instances, it is through construction projects that secret or forgotten Aboriginal sites are discovered by outsiders, sometimes after they have been significantly damaged in the process.

The impact of the mining industry on heritage has especially received attention, both for the large scale impacts of projects and their vocal role in the opposition of any attempts to increase

Aboriginal and Torres Strait Islander land and heritage rights (Tonkinson 1997; Merlan 2007; O’Faircheallaigh 2008).

Visiting heritage sites is one of the primary motivations driving contemporary tourism worldwide (Waitt 2000), to the extent that “heritage tourism” is considered a distinct branch of tourism (Urry 2000; Garrod and Fyall 2000). Graham et al. (2000, 20) go so far as to say that “heritage is the most important single resource for international tourism.” Thus, it is in the capacity of a tourist that often people engage with heritage sites and it is frequently in this context that the many issues associated with identity, nationalism, and power relations that were discussed in Chapter 5 play out. These encounters with heritage sites are mediated through provided interpretive material (Nuryanti 1996; Azaryahu and Foote 2008) and the various forms of information (websites, tour books, word of mouth, etc.) that the tourists have previously encountered. Although this is not a primary focus of my dissertation, I feel it is important to briefly note, as several scholars point out (Urry 2002; Bagnell 2003; Park 2012), that tourists are not just passive recipients of indoctrination but rather often come to their conclusions based on their own experiences. I am also not going to address the literature on heritage tourist motivations beyond what I have already discussed in regards to authenticity (see for example Goulding 2000; Shaw and Williams 2002; Poria et al. 2003; McCain and Ray 2003; Hollinshead 2007 for discussions of motivation not related to authenticity). Rather, I discuss the literature associated with impacts of heritage tourism on Aboriginal communities.

It is apparent that the study of Tasmanian Aboriginal tourism is grossly underrepresented in the academic literature, and thus unfortunately my discussion of impacts focuses primarily on the broader Australian situation. Tremblay and Werner’s (2009) summary of government-funded research conducted on Aboriginal tourism between 2000 and 2008 found that “most government,

academic and popular travel material focuses on Aboriginal tourism in northern and central Australia. In this published material, Aboriginal tourism is largely associated with the Northern Territory, the Kimberley region of Western Australia and with North Queensland” (14). For example, in their report on the impact of tourists on Aboriginal communities, Jacobs and Gale (1994) do not draw upon any examples from Tasmania. Similarly, in their meta-analysis of significant studies on the social impacts of tourism on Aboriginals, Altman and Finlayson (2003) did not cite a single study conducted in Tasmania.

In studies (e.g., Calais and Kirkpatrick 1986; McArthur 1993) on the impact of tramping in the Tasmanian Wilderness World Heritage area, the most common Tasmanian tourism theme found in the literature, there is no mention of Aboriginal interests. In a study of resident perceptions of tourism impacts in northwest Tasmania following expansion of the ferry service between Melbourne and Devonport, Tovar and Lockwood (2008) also do not reference the Aboriginal community. Strikingly, while discussing the abundance of heritage in Tasmania, Kirkpatrick (1988) does not include any reference to Aboriginal heritage, focusing rather on colonial era and natural heritage.

While Tasmanian Aboriginal interests and perspectives are absent from much of the Tasmania tourism literature, they are addressed in several recent publications. While primarily focusing on conflicts in the Tasmanian Wilderness World Heritage area that exist between advocates of natural resource extraction and those favoring conservation and conflicts between local residents and tourists, Kirkpatrick (2001) does briefly mention conflicts associated with Aboriginal versus non-Aboriginal conceptions of landscape and appropriate usage. He notes that the world heritage management commission has engaged with the Tasmanian Aboriginal community, proposing co-management of certain areas of the park, something which has

produced significant opposition from non-Aboriginal residents. In their analysis of community participation in the construction of a new visitor center in Strahan, on the west coast of Tasmania, Fallon and Kriwoken (2003) interviewed, and quoted at length, a representative of the Tasmanian Aboriginal Land Council concerning issues of interpretation and the importance of stories to the Tasmanian Aboriginal culture.

There are many academic sources that summarize the positive and negative impacts of tourism (e.g., Mathieson and Wall 1982; Dogan 1989; Craig-Smith and French 1994; Tosun and Timothy 2003; Higgins-Desbiolles 2006; Telfer and Sharpley 2008). In these sources a number of commonly identified positive (employment, community cohesion, cross-cultural understanding, etc.) and negative (environmental damage, traffic congestion, crime, etc.) impacts and also a strong emphasis on the importance of context. As Telfer and Sharpley (2008, 117) phrase it, “the geographic setting and the strength of the local culture have roles to play. The arrival of a bus load of tourists in a remote village will have a potentially greater impact than the arrival of those same tourists in an urban area that is used to seeing tourists on a regular basis.”

The following subsections discuss the impacts of tourism on Aboriginal communities. Although they are divided thematically between economic and social impacts, it is important to acknowledge that these separations are artificial and that as Altman and Finlayson (2003, 86) phrase it, “all domains of Aboriginal life and the diverse impacts of tourism are neither discrete nor easily separated from one another, even for analytical purposes.”

The Economic Impact of Tourism on Aboriginals

With the encouragement of the national and state governments, many Aboriginal community groups have embraced tourism and the past few decades have seen tremendous growth in Aboriginal tourism ventures (Hollinshead 2007; Schmiechen and Boyle 2007).

Economic benefit has always served as the primary rationale behind governments' promotion of Aboriginal involvement in tourism. In an analysis of 25 years of national and Queensland government Aboriginal tourism policy, Whitford et al (2001, 156) found that

the history of federal government involvement in ATSI (Aboriginal and Torres Strait Islander) tourism development suggests three recurring themes. These are: (1) the use of tourism as an economic and social tool for improving the well-being of ATSI people; (2) the development of tourism policy as a reactive response to broader political and social agendas; and (3) the use of ATSI tourism as an international marketing tool for the broader Australian tourism industry.

An emphasis on the economic benefits of tourism is to be expected, as Higgins-Desbiolles (2006) points out. Since the 1960s, which saw the first government interest in the possibilities of Aboriginal tourism, the discourse surrounding overall tourism has focused primarily on its economic benefits, echoed in the emergence of the term "tourism industry." Altman (1992, 457) states that in government policies "there is an underlying assumption that the 'Aboriginal product' is either an important, or a potentially important, cultural attraction for both international and domestic tourists. However, there has been very little effort to empirically validate such demand-side assertions."

Being highly overrepresented in poverty statistics, many Aboriginals view tourism as a means of improving their well-being, while recognizing that tourism carries both positive and negative connotations. As Altman (1989, 457) notes, "many Aboriginal people wish to gain financial benefit from tourism; and like indigenous minorities in other parts of the world, they would like to minimize associated social and cultural costs." Tourism is sometimes presented as a necessary means of protecting heritage (Richards 2007). Yet, the decision to encourage heritage tourism is a serious one for Aboriginals, as they risk damage to their significant cultural sites. Boyd and Ward (1993, 111) note this dilemma produces

antithetical views of heritage management. The view commonly held by Aboriginal people is that current practice is part of the exploitive social processes which have been predominant in Australian society over the last 200 years. Aboriginal responses to this view are wide-ranging. Some argue that all Aboriginal places of cultural significance ought to be closed to the public and returned entirely to the guardianship of relevant traditional custodians, to the exclusion of the tourism industry. Others argue that heritage sites, while functioning as places of significance to contemporary Aboriginal culture, can also be educational and economic resources.

Craig-Smith and French (1994, 132) argue “there tends to be an overoptimistic expectation of the financial rewards” in the government projections. Higgins-Desbiolles (2006, 1203) points out that the “contemporary, ‘western’ understanding of tourism comes from a rather narrow set of experiences and philosophies, which results in its emphasis on a highly individualistic and marketised tourism.” Governments’ perception of tourism is based on the prevailing industry standard of owners and employees, with a top-down system of economic returns resulting in high profits for owners and modest wages for low level employees. Non-Aboriginal owned Aboriginal tourism ventures often reflect this reality, as the Aboriginals are often excluded from management positions and thus earn lower salaries. As Altman (1993, 7) notes, in such circumstances the “financial returns from tourism to the Aboriginal community might be so low, or inequitably bestowed, that they might undermine any incentive to participate in tourism.”

However, even Aboriginal owned enterprises frequently produce little economic benefit. Aboriginal owned tourism ventures often utilize a community, rather than private, ownership system, in which “the extended family system means that profits have to be distributed widely, often resulting in little individual financial gain” (Craig-Smith and French 1994, 132). As Altman and Finlayson (2003) point out, the economic benefits of tourism are often not as attractive as other industries, such as mining, where contracts often stipulate guaranteed

payments regardless of performance. Furthermore, the costs associated with developing infrastructure, managing visitors, and marketing may offset any financial gains for the community (Craig-Smith and French 1994).

Despite these negative economic statistics, Aboriginal owned tourism ventures can be of tremendous economic benefit (Butler and Hinch 2007). As Dwyer et al. (2004) write, there have been numerous studies conducted on the economic impacts of tourism and many benefits are common to non-Aboriginal communities, such as increased employment and lessened outmigration from rural areas. Altman (1989, 1992) points out that some Aboriginal tourism ventures have succeeded through the sale of arts and crafts specifically designed for the tourism market. He also notes that Aboriginals have achieved economic success through ownership of tourism infrastructure, highlighting a number of hotels owned, or partially owned, by Aboriginals near Uluru-Kata Tjuta National Park. There are also case studies in the literature that illustrate that Aboriginal owned tourism enterprises can be successful. For example, Fuller et al. (2005) and Wright et al. (2009) both illustrate how small scale, community owned tourism enterprises in the Northern Territory have led to increased income for cultural preservation and community projects. It appears that small scale enterprises tend to be more proportionally profitable than large scale ones, as Dyer et al.'s (2003) study of Tjapukai Aboriginal Cultural Park reflects.

The Social Impact of Tourism on Aboriginals

Many authors (e.g., Boyd and Ward 1993; Scheyvens 1999; Smith 2003; Hollinshead 2004) assert that tourism may serve as means of community empowerment. Ryan (2005, 4) argues

tourism is increasingly viewed not simply as a force for the creation of a stereotypical image of marginalized people, but as a means by which these people

aspire to economic and political power for self-advancement, and as a place of dialogue between and within worldviews.

Timothy (2007) distinguishes between four types of empowerment (political, social, economic, and psychological) and outlines a hierarchical typology based on the level and influence of community participation in tourism ventures—imposed development, tokenistic involvement, meaningful participation, and empowerment. Goodwin (2007, 89) suggests that:

The non-economic benefits of tourism for the economically poor include capacity building, training and empowerment in the management of tourism in their communities. However, the realisation of these potential benefits will depend to a large degree on the policy and regulatory framework in which they operate, the support of national and local government, the nature of the engagement with the private sector and critically the social capital of the community.

It is often only in Aboriginal-owned and managed enterprises that the higher levels are practiced or even attainable and thus “the majority of indigenous peoples are likely to be seeking the kind of empowerment that enables them to move towards sole ownership and management of tourism ventures and initiatives” (Smith 2003, 124). Hollinshead’s (1997) twelve precepts might go a long way towards fostering an empowering form of tourism.

One of the byproducts of this movement is that Indigenous peoples are increasingly advocating tourism ventures that are consistent with their own worldviews, rather than the predominant Western approach found in Australian society. At the core of this movement has been the recognition that Aboriginals and non-Aboriginals have different conceptions of the function of tourism. In contrast to the Western conception of tourism, Aboriginals are using it as a rallying point for community revitalization. Dogan (1989, 223) states that tourism

may be a factor in the preservation of the traditional culture rather than in its dissolution. In many instances, traditions, customs, and institutions in the process of vanishing under the impact of industrialization and urbanization have been revived and have gained a new spirit and meaning when they have become touristic attractions themselves.

Tourism enterprises may provide an avenue for increased interaction between community members of different generations.

While tourism offers the potential for positive social impacts, there are also possible negative consequences. Damage to Aboriginal sacred sites is often identified as the most potent negative impact of tourism (Altman 1989; Jacobs and Gale 1994; Howard et al. 2001; Scherrer et al. 2008). Jacobs and Gale (1994) provide the most comprehensive summary of potential sources of damage to sacred sites (often overuse or vandalism), the methods utilized to prevent damage (interpretative material, fences, etc.), and the possibility of restoration. Damage to sacred sites can lead to increased conflict between Aboriginals and tourists and cause lasting ramifications for Aboriginal communities. As Altman (1992, 83) notes, visitors may “impinge on the value and belief systems” of Aboriginals. As discussed in the last chapter, for Aboriginals sacred sites hold great power and non-Indigenous visitors may irreparably damage these sites, causing the knowledge within them to be forever lost. Furthermore, visitors may impact Aboriginal social structure by accessing sites usually only allowed to elders or those of special standing in the community.

The literature also includes much discussion of various means to mitigate visitor impact on Aboriginal sacred sites. Moscardo and Pearce (1996) advocate the use of interpretative material rather than the use of fences or fines, noting that it may actually address the underlying problem. While interpretative material is often presented in the form of signage, Brown (1993) and Howard et al. (2001) both argue that direct contact with an Aboriginal or government official is the most effective means of mitigating damage to sacred sites. Howard et al. (2001, 37) state that Aboriginal tour guides create “long-term understanding, attitudes and behaviors towards

Aboriginal culture by challenging stereotypes or misconceptions through talking to participants and emphasizing the contemporary nature of their society.”

Yet, as Altman and Finlayson (2003) highlight, many Aboriginals prefer not to have direct contact with tourists, focusing instead on indirect tourism efforts such as the sale of crafts, and thus this proposed solution may not be desirable, or feasible, for all. However as James and Schmiechan (2010) point out, there may be viable alternatives. They discuss efforts to record Aboriginal stories in order to facilitate their incorporation into tourism interpretative materials, thereby providing indirect transmission of the desired message in a potentially more effective form.

Minimizing Impacts on Aboriginal Heritage Sites

Though effective and comprehensive heritage laws are crucial, alone they are not sufficient. As mentioned previously, many people damage or destroy Aboriginal heritage sites out of ignorance. Others do so out of fear of bureaucratic hassle. In instances where heritage laws are not sufficient, additional measures must be taken. As Carter (2010, 405) describes in regards to Fraser Island, “recognition of Aboriginal cultural heritage is empty without the capacity to detect and control threats and damage to the physical sites that carry that heritage, with the same resourcing and attention being given to ‘cultural’ values as is given to the natural domain.” There are a number of assessments of how to mitigate the impacts of tourism on heritage in the literature (e.g., Mathieson and Wall 1982; Hall and McArthur 1993; Glasson et al. 1995), so I will not summarize them there. Rather, I focus on the ongoing conflicts surrounding Uluru-Kata Tjuta and Kakadu National Parks, which are perhaps the most well researched Aboriginal locations in Australia, to illustrate tangible examples of the issues concerned.

For the Anangu, the traditional owners of the site, Uluru is an important part of their cultural and religious traditions (Digance 2003). Uluru is also a prominent national icon for non-Aboriginal Australians and is recognized as an international tourism draw for Australia, having gained World Heritage status in 1987 for its physical heritage value and in 1994 for its cultural heritage. Despite its remote location, Uluru-Kata Tjuta National Park receives in excess of 400,000 visitors each year. Digance (2003) notes that efforts are made to protect Anangu sacred sites, with some areas being enclosed by fencing. As she puts it, “sacred sites are clearly marked, with a sign recording the name of the site, its importance as a sacred place, and the penalties for disobeying the wishes of the traditional owners by taking photographs and/or entering the enclosed area” (151). While these methods are effective to deter most visitors, they are not effective against all. For example, there are many new-age spiritual enthusiasts who violate Anangu requests and park regulations by visiting sacred sites (153). These visitors must be convinced why their behavior is inappropriate as the motivations behind it are often strong, a task in which existing interpretative material is clearly failing.

The act of climbing Uluru has emerged as the one of the most famous disputes over cultural heritage in the world. For many visitors it is the primary motivation for making the journey (Digance 2003). However, for the Anangu, climbing Uluru is an affront to the ongoing Dreaming, and is “sanctioned only on very special occasions when initiated Anangu men can make it” (151). The park management (Anangu are co-managers) heavily promote the “do not climb” message in their interpretive material (Huenke and Baker 2009). There are signs located at the base of the climb informing visitors of the Anangu perspective and asking them not to climb (Digance 2003). Park management and Anangu advocate a walk around the base of Uluru instead, but signs for the walk are not prominent from the main car park and “such interpretive

signs as did exist on that route had deteriorated to the stage that many were unreadable” (Huenke and Baker 2009, 485). In contrast, the main climb path is clearly visible from the main car park, as is a sign announcing “climb open.” Hence it is not surprising that so many visitors choose climbing over the base walk.

Brown (1999) suggests that a significant factor in convincing visitors not to climb Uluru is the “credibility” of those making the request. Even those most keen to climb could be discouraged from doing so if specifically asked not to do so by an Anangu or park ranger providing a meaningful explanation. He advocates an increase in direct contact between visitors and park staff. While the visitor center provides one such avenue, he notes that many visitors either do not ever go there or only do so after already having visited Uluru. The visitor management approaches taken by the Anangu in recent years resemble these suggestions. Du Cros and Johnston (2002) note that they have become much more active in tours of Uluru, including complete or partial ownership of several local tour companies. In many of these ventures, the Anangu directly interact with the tourists, holding organized talks or guided tours. They also provide guided walks along the base trail, providing meaningful supplements to existing interpretive material.

Unlike Uluru-Kata Tjuta, the primary source of conflict for Aboriginals at Kakadu over heritage has not been tourists, but the mining industry. As Aplin (2004, 156) points out, “it is important to note that three major mineral leases—Ranger, Jabiluka and Koongarra—were always enclaves, legally excluded from KNP, although surrounded by it” and the most well known of these, Ranger, is the world’s leading producer of uranium. The debate over mining reached its zenith in the late 1990s, when in response to expanded exploration and mining a petition was given at the behest of local Aboriginal communities to the World Heritage

Commission to place the site on the World Heritage in Danger List (Aplin 2004). The Australian government vehemently opposed this movement, arguing that no sites should ever be placed on that list without being requested by the state government (Aplin 2004; Boer and Wiffen 2006). Ultimately, the World Heritage Commission recommended a comprehensive survey be conducted of the impacts on mining on Aboriginal communities and the environment, but they did not place the site on the danger list (Aplin 2004; Boer and Wiffen 2006). Aplin (2004, 172) suggests that the Kakadu controversy

is perhaps unique in that a nuclear power issue and an indigenous rights issue coincided in a developed nation, and that the WHC could therefore be seen to be exercising its muscle without discriminating against a developing nation. At the same time, Australia responded in a particularly narrow-minded, nationalistic fashion which almost inevitably set it at odds with the World Heritage community.

The events that unfolded at Kakadu highlight the potential value of utilizing international heritage mechanisms to shame a state into change.

It is clear from these case studies that protection of Aboriginal sacred sites is an ongoing and difficult cause. While complete protection is impossible, it is apparent that much can be done to improve upon existing mechanisms. Resources must be made available for improved visitor monitoring and interaction. Interpretative material holds great potential for changing visitor behavior but it must be done used in an intelligent manner — simply putting up a sign is not sufficient. Effective protection requires active Aboriginal involvement and government support.

Conclusions

The existing heritage international and national heritage legislation that is currently enforced in Australia is clearly influenced by the Authorized Heritage Discourse (Smith 2006). From the UNESCO World Heritage List to the Commonwealth's *Australian Heritage Council*

Act 2003 priority is placed on protecting tangible “European” style heritage. Given the many threats to Aboriginal and Torres Strait Islander heritage, this situation is problematic.

Making this even more so, the legislation specifically designed to protect Aboriginal and Torres Strait Islander heritage at the Commonwealth level, the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, is largely ineffective, leaving most of the authority in the hands of the individual states. In other words, the fate of Tasmanian Aboriginal heritage lies primarily with the Tasmanian government. Guided by the literature covered in this Chapter, as well as Chapter 5, I analyze the manner in which the Tasmanian government has undertaken this important responsibility in Chapter 8.

Chapter 7

Research Questions and Methodology

To answer the research questions that drove this project, I utilized a mixed methodology consisting of archival research, field observations of heritage sites throughout Tasmania, interviews with key informants, and discourse analysis of: 1) current and proposed Tasmanian government Aboriginal heritage legislation; 2) public comments on the proposed Aboriginal heritage legislation; 3) promotional material produced by Tourism Tasmania; and 4) material produced by the Tasmanian Aboriginal Centre. As a reminder, the research questions are:

- 1) What discourses are found concerning Tasmanian Aboriginal Heritage in Tasmanian Government heritage legislation?
- 2) What are the public discourses surrounding Tasmanian Aboriginal Heritage?
- 3) What discourses are associated with Tasmanian Aboriginal Heritage in the Tasmanian tourism industry?

To collect the necessary data, I made two research trips to Tasmania, first in July-August 2011 and then in May-June 2012, the latter funded by a University of Kansas Graduate Summer Research Fellowship. Prior to beginning this research project I had previously made a one-week long trip to Tasmania in April 2010, when I visited many sites on the east coast of Tasmania, including Port Arthur and Freycinet National Park—in fact, it was that trip that first stimulated my interest in Tasmania. This chapter describes the research methodology that I utilized and discusses the impact that my positionality had on the project.

Methodology

During my first fieldwork session in July-August 2011, I focused primarily on archival research, which is a well-established methodology in human geography (Hannam 2002; Roche

2005), and thus spent numerous hours in the branches of the State Library of Tasmania in Hobart and Launceston. As the State Library system allows for photographs to be taken of most documents I was able to do much of the analysis after my return to the United States, taking more than 1,500 photographs with my digital camera. My father accompanied me on several trips to the State Library in Hobart and was of immense help, taking photographs and assisting in the requisition and organization of documents.

Unfortunately many of the more recent files focusing on Tasmanian Aboriginal/government relations and government policies were inaccessible (under the provisions of a 25 year embargo), but I was able to access a number of documents that provided historical context and informed my research. Although during this trip I focused primarily on Tasmanian Aboriginal tourism rather than heritage protection, the Tasmanian archival collection is small enough that I accessed every identifiable document in their archive pertaining to both.

In the first fieldwork excursion I also visited several prominent heritage sites in the northern and western part of the state, including Rocky Cape National Park, Macquarie Harbour, the Gordon River, Cradle Mountain-Lake St Clair National Park, and the area around Queenstown and Zeehan. While in these locations, I photographed all interpretive signs that mentioned past or present Tasmanian Aboriginal presence and/or culture and collected relevant brochures, pamphlets, and informational sources that I encountered.

In my second fieldwork session, during May-June 2012, I conducted interviews with key informants and visited several additional heritage sites in the southeast and northern part of the state, including the Truganani monument on Bruny Island, the Tiagarra Aboriginal and Cultural Centre in Devenport, and the Living Museum of Aboriginal Cultural Heritage in Cygnet (which turned out to be closed). As in my previous fieldwork session, I documented interpretive and

promotional material at all of the sites I visited. The process and outcome of my interviews is described in the next subsection.

Interviews

In February 2012, three months before my second fieldwork trip, I began to reach out to potential informants. As my intended dissertation research topic at the time was to focus on the Tasmanian government's Aboriginal Tourism Development Plan (Tasmania Office of Aboriginal Affairs 2007), I contacted relevant government agencies and Tasmanian Aboriginal organizations via email. In this manner, I secured meetings with representatives from the government departments Tourism Tasmania, Aboriginal Heritage Tasmania, and the Tasmania Office of Aboriginal Affairs, and an interview with the head of the Tasmanian Aboriginal Land and Sea Council, all of which, fortunately, are also key stakeholders in Tasmanian Aboriginal heritage protection issues. Prior to leaving for Tasmania, I also contacted the Tasmanian Parks and Wildlife Service and the Tasmanian Museum and Art Gallery (both of which declined to participate) and the three Tasmanian Aboriginal-owned tourism ventures that I believed, at the time, to be operating in the state. I received no reply from any of the tourism operators, though upon arrival in Tasmania I was to find that two of them were closed. I received approval from the Human Subjects Committee at the University of Kansas, allowing for the use of oral consent, in May 2012 prior to my departure for Tasmania.

During my first interview session, with one of the creators of the Aboriginal Tourism Development Plan for Tasmania (TOAA 2007) in the Tourism Tasmania government department, I realized, much to my disappointment, that my intended dissertation topic was not feasible—the plan had never actually been implemented in the five years since its creation and the current level of Aboriginal tourism in Tasmania had become minimal. As a result, many of

the interview questions I had prepared before going to Tasmania were not useful and I was forced to adjust my project to “Plan B” in the midst of my research process.

As it turned out, this abrupt change in the project direction meant that I was able to let the informants guide the conversation more than I had originally intended. Especially with several of the Tasmanian Aboriginal participants, this format allowed for lengthy interviews covering a wide variety of pertinent topics and interesting stories, which is not an atypical experience for interviews with Aboriginal people (Ross 1990). Non-Indigenous academic research into Indigenous peoples is a hotly contested aspect of postcolonial methodology (Smith 1999; Louis 2007) and although this research was not expressly sought or endorsed by the Tasmanian Aboriginal community, this project largely reflects my response to the issues and concerns that were raised in my interviews with Tasmanian Aboriginals and Tasmanian government employees. As such, I hope that my findings will be of interest to members of the Tasmanian Aboriginal community and help inform the ongoing debate.

I engaged in semi-structured interviews with all informants, entering into each interview session with a prepared series of open-ended questions intended to both ensure that the interview stayed somewhat on topic and that I addressed all of the issues I intended to with each person (Bennett 2002; Dunn 2005). In total I held seven different interview sessions with a total of 12 informants participating. The informants ranged in age from approximately 25 to 75 years old, and consisted of five men and seven women, with six being members of the Tasmanian Aboriginal community. Each interview lasted between one and two hours and with the exception of Aboriginal Heritage Tasmania (where I ended up in a group interview with five employees) all were done on a one-on-one basis. Although I developed each interview around the informant’s position and interests, I asked questions concerning certain themes with each of

them, specifically: 1) the current state of Aboriginal tourism in Tasmania; 2) differences in protection of Tasmanian Aboriginal and European heritage in Tasmania; and 3) the Brighton Bypass controversy (discussed later in the chapter and in Chapter 8). As a result, these interviews informed my approach and discussion of all three research questions.

Interviews took place in Hobart, St. Helens, and Launceston. One interview was held in a private residence in Launceston and another in a coffee shop in St. Helens, but the remainder took place in the workplaces of the informants. I had hoped to record the interviews, and even purchased an Olympus VN-8100PC digital recorder for that purpose, to ensure maximum reliability but the interview participants requested that I not use the recorder. As a result, I took notes for each interview by hand. Although this limited the number of direct quotes that I could obtain, I believe that it encouraged my informants to speak more candidly than they may have done otherwise (Bennett 2002; Dunn 2005).

In addition to the prearranged meetings, I was able to identify several additional informants through the use of snowball techniques (Dredge 2006), though not nearly as many as I had hoped for. While a few informants, when asked, identified one additional person I should talk to, many declined to suggest any individuals or groups who might be of assistance to my project. However, the few additional informants that were provided did prove to be especially helpful, with one being a Tasmanian Aboriginal woman with extensive experience working in the Tasmanian heritage tourism industry (at a town historical museum), another an Aboriginal Heritage Officer, and the last a member of the Tasmanian Aboriginal Centre working on tourism issues.

Several informants expressed concern to me during the interviews about their identities being revealed in any publications associated with this project. For this reason, and the current

heated political situation surrounding Tasmanian Aboriginal heritage and the ongoing dialogue on the proposed *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a), I am making every effort to protect the identities of my interview participants. Given the small population of Tasmania, and the even smaller segments associated with the Tasmanian government and Tasmanian Aboriginal organizations, even with their names withheld there is a possibility that my informants' identities might be inferred if even the slightest amount of personal information is provided. As a consequence, in the results section I only provide minimal identifiers to accompany quotes and expressed opinions.

Discourse Analysis

In addition to insights derived from interviews, answering my research questions required extensive use of discourse analysis. Building upon the work of philosophers such as Michel Foucault (1972), discourse analysis is a commonly used and important methodology in the social sciences, including geography (Shurmer-Smith 2002; Waitt 2005), tourism studies (e.g., Cheong and Miller 2000; Pforr 2000; Ivars Baidal 2004; Hannam and Knox 2005; Pforr 2006; Santos et al. 2008), and heritage studies (e.g., Peace 2003; Smith 2006; Porter 2006; Smith 2007; Waterton et al. 2010). As Waitt (2005, 164-165) describes it, discourse analysis is

(i) to explore the outcomes of discourse in terms of actions, perceptions, or attitudes rather than simply the analysis of statements/texts; (ii) to identify the regulatory frameworks within which group statements are produced, circulated, and communicated within which people construct their utterances and thoughts; and (iii) to uncover the support or internal mechanisms that maintain certain structures and rules over statements about people, animals, plants, events, and places in existence as unchallengeable, 'normal', or 'common-sense' rather than to discover the 'truth' or the 'origin' of a statement.

Similarly, Smith (2006, 15) describes how "Critical Discourse Analysis (CDA) offers a theoretical platform and methodological approach that aims to illuminate the links between discourse and practice, and the light this can shed on human relationships and social actions and

issues.” Discourse analysis can be performed on expressions of language and on symbols (Waitt 2005), and I applied it to government legislation, letters written by heritage stakeholders, government tourism produced interpretive and promotional material, material produced by the Tasmanian Aboriginal Centre, and media accounts. In reading these items I looked for recurring themes and sought out the meanings, history, and power relations (Foucault 1980) inherent in them, particularly instances of intertextuality among the different mediums.

To address my first research question I analyzed the *Aboriginal Relics Act 1975* (Tasmania 1975), the first and presently acting piece of Tasmanian state legislation concerning Aborigine heritage, and the currently in revision *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a). The *Draft Aboriginal Heritage Protection Act 2012*, which is discussed in detail in Chapter 8, represents the Tasmanian governments most recent attempt to address issues manifest in the *Aboriginal Relics Act 1975*, and will likely be proposed to the Tasmanian Parliament later this year or in 2014. The *Draft Aboriginal Heritage Protection Act 2012* is available on the Aboriginal Heritage Tasmania website and the *Aboriginal Relics Act 1975* can be found on the main Tasmanian state government website (both links can be found in the References section). In assessing the Acts, I compared and contrasted various elements including: 1) their format; 2) the penalties they impose for assorted violations; 3) the definitions of “heritage” and related concepts they provide; and 4) the roles they proscribe for the government and the Tasmanian Aboriginal community.

As part of the review process for the *Draft Aboriginal Heritage Act 2012*, the Tasmanian Department of Primary Industries, Parks, Water and Environment (DPIPWE 2013a) made the proposed bill available for public comment on their website for a six-week period ending on December 14, 2012. DPIPWE received written submissions on the draft Act from 41 different

stakeholders, all of which they uploaded onto their website. In addition to seeking written submissions, DPIPWE held a series of seven community forums across Tasmania (in Launceston, Ross, Hobart, Ulverstone, Smithton, St. Helens, and Huonville) between November 19 and December 3, 2012. Though a complete transcript of the forums is not available, DPIPWE has a summary report of the forums on their website (Inspiring Place 2012). Taken together, these sources provide important insight into stakeholder perceptions concerning the current and proposed legislation and broader issues concerning Tasmanian Aboriginal heritage and politics.

To provide further perspective into the public discourses on Tasmanian Aboriginal heritage I focused on a case study of the Brighton Bypass controversy. Case studies are a commonly practiced methodology in geography (Bennett et al. 2002), tourism studies (e.g., Stevenson et al. 2008; Pforr 2002, 2006; Hall and Jenkins 1995), and, especially, heritage studies (e.g., DeLyser 1996; Aplin 2004; Smith 2006; Smith 2007; Carter 2010). As discussed in more detail in Chapter 8, the Brighton Bypass controversy took place between 2008 and 2012 and centered on the construction of a highway overpass near Brighton, in southeastern Tasmania. During excavation for the overpass, workers uncovered one of the oldest archaeological sites in Tasmania. Despite the potential archaeological significance of the site (Paton 2010), the Tasmanian government rejected proposed alternatives and completed the bypass in 2012, constructing a bridge over the primary site.

This decision sparked widespread protest in the Tasmanian Aboriginal community and among many non-Aboriginals. The Tasmanian Aboriginal Centre (TAC) led the protest campaign and utilized an extensive media campaign. In addition to discussing this topic with all informants, I undertook a discourse analysis into the material produced by the TAC and comments made by TAC members in media. The TAC has devoted an extensive section of their

website to the Brighton Bypass Controversy (to which it continues to added) that incorporates pamphlets, reports, and a number of newspaper articles (Tasmanian Aboriginal Centre 2013).

To supplement the information I garnered in my interviews concerning the discourses surrounding Tasmanian Aboriginal tourism, I performed a discourse analysis of interpretive and promotional material produced by Tourism Tasmania. Analysis of promotional material has long been a prominent topic of study in tourism (e.g., Albers and James 1988; Zeppel 1998; Markwick 2001; Urry 2002; Jenkins 2003; Stepchenkova and Morrison 2006; Hashim et al. 2007; Law et al. 2010) as has analysis of interpretative material within heritage studies (e.g., Uzzell 1989; Moscardo 1996; Goulding 1999; Howard 2003). I focused especially on interpretive signs and material found at parks and heritage sites around Tasmania, the regional brochures produced by Tourism Tasmania (2011a, 2011b, 2011c, 2011d, 2011e), and the official *Discover Tasmania* website operated by Tourism Tasmania (2013).

Statement of Positionality

Though my goal in this project as a social scientist, and human geographer more specifically, was to be a “neutral observer,” this status, as is inevitably the case, was not the reality. Like all researchers I brought biases and preconceived notions, however unintentional, to my research. Though I tried my best to see outside the ontological “hall of mirrors” (Howitt and Suchet Pearson 2003, 557) and thus be open to different worldviews and knowledges, I am a product of an American educational system still deeply entangled with colonial perspectives. Discourse analysis, however well performed, is subjective and therefore especially sensitive to biases. Hence, another scholar, with a different background, analyzing the same material may identify different themes and have contrasting interpretations.

On reflection, I believe that my status as a middle class, white American male served as both an asset and hindrance to my research. On the positive side, a couple of interview participants mentioned that normally they would have declined my request but the fact that I was an American geography doctoral student interested in Tasmania piqued their curiosity. Furthermore, I think that my position as an “outsider” without a vested interest in the situation surrounding Tasmanian Aboriginal heritage protection and promotion, the land return process, and the overall rights movements provided me with a degree of “objectivity” that someone in Tasmania, frequently confronted by these issues and subject to tangible impacts from changed legislation approaches, may not have.

On the other hand, I believe that my research, in some senses, also suffered because of this “outsider” status. As has been discussed with great conviction by Indigenous scholars such as Smith (1999) and Louis (2007), and already mentioned in Chapter 1, there has been a long and, in my opinion, disgraceful history of academics abusing the trust and rights of Indigenous peoples for their own selfish research gains. Ross (1990, 186) notes that Indigenous peoples are “calling for forms of research that are under their control, follow their priorities rather than those of the government or academics, and use methods they can identify with.” As described in Chapters 2 and 3, the Tasmanian Aboriginal community has suffered greatly at the hands of academics (Cove 1995; Ryan 2012; Reynolds 2012) and there understandably remains a strong distrust for academics outside the community. What Cove (1995, 135) describes for anthropologists is equally true for other social scientists doing research in Tasmania: “Modern specialists must now consciously confront not only the historical effects of research on Tasmanian Aborigines but their increased voice in determining who they are and were.”

I did not enter into the research project with any established ties to the Tasmanian Aboriginal community, or anywhere in Tasmania actually, and I therefore had no foundation of trust to build from. I strongly suspect that this is why, in no small part, I had such difficulty in finding people to participate in interviews and why very few Tasmanian Aboriginals were willing to provide suggestions as to other contacts.

The current tension within the Tasmanian Aboriginal community also manifested during the course of my interviews. I was expressly instructed by several informants not to speak with any members of the Circular Head Aboriginal Corporation. It was implied that if I did, I would immediately be “blackballed” by all other segments of the Tasmanian Aboriginal community. The Circular Head Aboriginal Corporation, which is based out of Smithton, has often taken stances on issues in opposition to the broader Tasmanian Aboriginal community. Furthermore, many members of the wider Tasmanian Aboriginal community question the legitimacy of Circular Head claims to Aboriginal ancestry. As I am interested in the possibility of conducting more research in Tasmania, I took their advice.

All told, my experiences suggest that the current environment in Tasmania is not conducive to research projects concerning “political” issues that necessitate extensive interaction with Tasmanian Aboriginals by non-community members. There is simply too much animosity between the Tasmanian Aboriginal community and other segments of the Tasmanian population, including the government, and within the Tasmanian Aboriginal community itself. Although I was fortunate enough to have interviews with most of the major stakeholders, the research process was by no means a straightforward one. If I was to conduct further research on Tasmanian Aboriginal heritage, it would only be at the behest of the Tasmanian Aboriginal community itself.

Chapter 8

Discourses Surrounding Tasmanian Aboriginal Heritage

In this chapter I discuss the answers that I found to the research questions described in Chapters 1 and 7. As such, this chapter is organized thematically, with a section devoted to each research question.

Discourses in Tasmanian Aboriginal Heritage Legislation

In the heritage protection system that is currently enforced, the Tasmanian government is ultimately responsible for the identification, protection, and management of Tasmanian Aboriginal heritage. Though sectors of the Tasmanian Aboriginal community do control heritage items and locations, such as those on land returned in the *Aboriginal Lands Act 1995* (Tasmania 1995a), they only do so at the behest of government consent. Given this authority, the discourses in Tasmanian heritage legislation are arguably the most significant as they reflect both what is legally defined as “Aboriginal heritage” in the state and establish the parameters in which the various stakeholders interact with Tasmanian Aboriginal heritage.

Discourses in the Tasmanian *Aboriginal Relics Act 1975*

The *Aboriginal Relics Act 1975* (Tasmania 1975) was the first piece of legislation enacted by the Tasmanian government specifically focusing on Tasmanian Aboriginal heritage. It was designed to be comprehensive legislation for the identification, management, and protection of Tasmanian Aboriginal heritage sites. It emerged as a response to the push for rights for the Tasmanian Aboriginal community in the late 1960s and early 1970s and the outcomes of

several archaeological digs in which artifacts were removed from the state without any consultation with the Tasmanian Aboriginal community. Although there have been several attempts to replace the Act since the 1980s, it remains the current Aboriginal heritage legislation enforced in Tasmania. This section provides an overview of the main components of this legislation and identifies the discourses that are present in it.

As with most pieces of heritage legislation, the *Aboriginal Relics Act 1975* (Tasmania 1975) provides a definition of the types of heritage it is designed to protect early in the document. In this case, the unit of heritage under protection is the Aboriginal “relic,” which is defined as

- (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;
- (b) any object, site, or place that bears signs of the activities of any such original inhabitants or their descendants; or
- (c) the remains of the body of such an original inhabitant or of a descendant of such an inhabitant who died before the year 1876 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 (Part I, Sec. 2).

By contemporary standards, the absence of any reference to intangible heritage or cultural landscapes is problematic (Vecco 2010). However, this omission reflects both the time of its creation (even UNESCO did not recognize intangible heritage for almost another 30 years after its passage) and its purpose (Blake 2000; Ahmad 2006). The legislation was intended to protect tangible heritage (specifically artifacts, sites, and human remains) primarily from archaeological and recreational damage, and therefore provides a broad, inclusive definition as concerns those forms of heritage. It is a definition firmly in line with the premise of the Authorized Heritage Discourse (Smith 2006; Waterton and Smith 2010). That the definition is now criticized is also further indication of how conceptions of heritage have changed in the past several decades.

The most discursively provocative provision of the *Aboriginal Relics Act 1975* (Tasmania 1975) is the qualifier that immediately follows this definition of Aboriginal relics: “No object made or created after the year 1876 shall for the purposes of this Act be treated as a relic, and no activity taking place after that year shall for those purposes be regarded as being capable of giving rise to such a relic” (Part I, Sec. 2). In other words, in the context of this legislation, nothing that can be considered Tasmanian Aboriginal heritage has been created since 1876—which, as discussed in Chapter 3, is the year in which Truganani died and the “full-blood” Tasmanian Aboriginal race became “extinct.” Tasmania is the only Australian state with a restrictive date embedded into Aboriginal heritage legislation. That this qualifier was inserted into such an important piece of legislation in the 1970s speaks volumes, and that in 2013 it remains in the active legislation serves as a potent reminder of the continuing discursive influence of the colonial era in Tasmania. With this provision, the Tasmanian government is endorsing, and legally codifying, the myth of Tasmanian Aboriginal extinction, and arguably delegitimizing the lives and culture of the contemporary Tasmanian Aboriginal community. It is another example of Head’s (2000) fossilization process, with the Tasmanian Aboriginals cultural discursively frozen in the past. Furthermore, it is also conceivably placing at risk anything produced by Tasmanian Aboriginals in the past 130 plus years; because it cannot be considered “heritage” it is not under the protection of the current heritage legislation.

In addition to providing a definition of Aboriginal heritage to be protected, the *Aboriginal Relics Act 1975* (Tasmania 1975) established the Aboriginal Relics Advisory Council to make recommendations to the government Minister (Part II, Secs. 3-6), which today is the Minister for Environment, Parks, and Heritage. In the original legislation, the Aboriginal Relics Advisory Council was intended to be comprised of the Government Department Secretary, the Director of

the Queen Victoria Museum and Art Gallery (a museum in Launceston, Tasmania's second biggest city), and three additional members appointed by the Governor, at least one being of Tasmanian Aboriginal descent nominated by the Minister and one nominated by the Council of the University of Tasmania. Though the legislation does require that the Aboriginal Relics Advisory Council have someone of Tasmanian Aboriginal descent on it, it is significant that the selection was left to the Minister not the community. In reality, the Aboriginal Relics Advisory Council never came into being: like other aspects of Tasmanian legislation, such as the Aboriginal Tourism Development Plan for Tasmania (TOAA 2007) discussed later in the chapter, it looked good on paper but proved difficult to implement. However, its intended membership is still indicative of the influence of the Authorized Heritage Discourse, being comprised almost exclusively of heritage professionals (Smith 2006).

In the *Aboriginal Relics Act 1975* (Tasmania 1975) the Minister is empowered to declare a protected site if he or she determines that there is a relic present (Part III, Sec. 7). The Aboriginal Relics Advisory Council was intended to make recommendations to the Minister in regards to declaring protected sites, but, in both the intended legislation and reality, all of the power under the *Aboriginal Relics Act 1975* is placed with the Minister. That the Minister is given such unchecked authority within the *Aboriginal Relics Act 1975* is especially problematic. The Tasmanian Aboriginal community is essentially excised from the process, having only a token member on the fictitious Aboriginal Relics Advisory Council. They are not given the authority to identify or protect heritage sites, and no special provisions are made for them to access heritage sites.

Protected sites within the *Aboriginal Relics Act 1975* (Tasmania 1975) are entrusted to the control of the Director of the Tasmania Parks and Wildlife Service, who is empowered to

perform any measures associated with protection, maintenance, and restoration that they deem appropriate, including removal of the relic to “suitable” care (Part III, Sec. 8), subject, of course, to Minister veto. For human remains, however, the Director of the Parks & Wildlife Service is required to have them scientifically assessed, and heed the mandate of the Minister in regards to appropriate action, though with passage of the *Coroners Act 1995* (Tasmania 1995b), the current protocol for Aboriginal remains no longer are found in the *Aboriginal Relics Act 1975*. Section 8 of the *Aboriginal Relics Act 1975* also establishes provisions for compensating anyone who owns land where a relic is found.

The *Aboriginal Relics Act 1975* (Tasmania 1975) mandates that individuals in possession of Aboriginal relics, or having knowledge of their location, report within six months the location of the relic to the Director of the Parks and Wildlife Service or another government official (Part IV, Sec. 10). A person failing to do so is to face a penalty not to exceed two units (a unit is equal to \$A130) if they only had knowledge of a relic site, and not to exceed 10 units (\$A1,300) in other circumstances. In Part IV, Sec. 11 the Act grants ownership of any relic found or abandoned by a person on Crown land to the Crown, and in Sec. 12 states that the Minister has the authority to request the return of a relic from a person, with appropriate compensation to be paid. A person may appeal the request within one month of receiving notice, only on the grounds that they are of Aboriginal descent or have possessed the relic for more than 50 years. Once a relic is in the possession of the Crown, the Minister is empowered to do whatever they see fit (Part IV, Sec. 13). In this legislation, Tasmanian Aboriginal heritage, by default, belongs to the government—which of course would be problematic for any Aboriginal community (O’Faircheallaigh 2008).

The *Aboriginal Relics Act 1975* (Tasmania 1975) also establishes provisions for protecting Aboriginal relics. In Part III, Sec. 9 the Act states that

- (1) Except in accordance with the terms of a permit granted by the Director, no person –
- (a) shall destroy, damage, disfigure, conceal, uncover, expose, excavate, or otherwise interfere with a protected object;
 - (b) shall carry out an act likely to endanger a protected object; or
 - (c) shall destroy, damage, or deface, or otherwise interfere with any fencing or notice erected, or any other work carried out, in or in respect of a protected site in pursuance of this Act.

Furthermore, in Part IV, Sec. 14, the Act conditions that

- (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.

To enforce these provisions, the *Aboriginal Relics Act 1975* also allows for the creation of Wardens, and empowers them to request warrants for the search and seizure of relics with cause, and in some circumstances arrest offending persons (Part V, Secs. 15-19). Any person who knowingly violates these provision of the Act is subject to a penalty not in excess of 10 units (\$A 1,300).

Though on the surface these measures may seem sufficient, their potency is undercut in several ways. The first occurs in Part V, Sec. 21 with what is often described as the “Ignorance Clause.” In subsection 3, the *Aboriginal Relics Act 1975* (Tasmania 1975) states that “It is a defence in any proceedings for an offence against this Act in relation to a relic that the defendant

did not know, or could not reasonably be expected to have known, that it was a relic.” The burden of proving that a person knew the object or site in question is an Aboriginal relic lies with the government. Needless to say, this is a difficult, if not impossible, task in some circumstances, and it renders the protective measures largely useless. Furthermore, even on the off chance that a conviction is made, the penalties for violating the provisions of the Act are far from excessive. A fine of 10 units equates to \$A1,300, which pales in comparison to the maximum fine of \$A1.3 million for violating the Tasmanian *Historic Cultural Heritage Act 1995* (Tasmania 1995c) that is currently in place to protect European heritage. Put another way, the penalty for damaging European built heritage is 1,000 times that for damaging Tasmanian Aboriginal heritage. The Tasmanian government is therefore making a strong discursive statement concerning the relative importance of European and Tasmanian Aboriginal heritage, and arguably perpetuating the associational link between buildings and “civilization” that has characterized Tasmania since the beginning of British settlement (Morgan 1992)

Over time the workings of the *Aboriginal Relics Act 1975* (Tasmania 1975) have been modified somewhat. Today, the actual operations of the legislation are administered by Aboriginal Heritage Tasmania, a government office within the Department of Primary Industries, Parks, Water, and Environment (hereafter referred to as DPIPWE). Aboriginal Heritage Tasmania is responsible for maintaining the Tasmanian Aboriginal Site Index, which now includes almost 12,000 sites across the state, and coordinates between the government, members of the Tasmanian Aboriginal community, and other stakeholders. Site assessments are performed by employees of Aboriginal Heritage Tasmania in conjunction with Aboriginal Heritage Officers, who are members of the Tasmanian Aboriginal community endorsed by the Tasmanian Aboriginal Land and Sea Council. Aboriginal Heritage Officers have been involved in heritage

assessments since 1991, though according to the person I interviewed at the Tasmanian Aboriginal Land and Sea Council there has only been a total of 15 Aboriginal Heritage Officers since that time. In this way, the Tasmanian Aboriginal community does have more input in the heritage process than was originally provided for in the *Aboriginal Relics Act 1975*. Aboriginal Heritage Tasmania handles permit requests, but all decision making power still remains with the Minister. In a recent development

the interim Aboriginal Heritage Council (AHC) was established by the Minister for Environment, Parks and Heritage, Hon. Brian Wightman, in late 2012 to provide a consolidated view of the Aboriginal community to the Minister on new permit applications, development proposals and policies, as well as provide advice and recommendations on the protection and management of Aboriginal heritage in Tasmania (Aboriginal Heritage Tasmania 2013).

This interim Aboriginal Heritage Council is comprised of seven Tasmanian Aboriginals and its functioning is consistent with the permanent Aboriginal Heritage Council that is envisioned in the *Draft Aboriginal Heritage Protection Act 2012* outlined in the next section.

Discourses in the *Draft Aboriginal Heritage Protection Act 2012*

In 2012 the Tasmanian Minister for Environment, Parks, and Heritage, Brian Wightman, introduced a *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a) for consideration by the Tasmanian Aboriginal community, the wider Tasmanian public, and other interested parties. Although this represents a comprehensive effort to create new Aboriginal heritage legislation, it is not the first attempt to do so. The government has long been aware of the problems of the *Aboriginal Relics Act 1975* (Tasmania 1975). For example, during a round of consultations in 2006, the *Tasmanian Aboriginal Heritage Legislation Newsletter* (Aboriginal Heritage Tasmania and Tasmania Office of Aboriginal Affairs 2006, 2), which was written by Aboriginal Heritage Tasmania and the Office of Aboriginal Affairs, noted that:

Currently, the major source of protection for Aboriginal Heritage in Tasmania is the Aboriginal Relics Act. This legislation was enacted back in 1975. For some time now, it has been considered to be ineffective and difficult to apply, creating problems for both government and land users.

The government has held consultations with the Tasmanian Aboriginal community and other stakeholders at various points since 1986 but no complete draft legislation has previously been proposed for wide public consideration.

The *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a) will repeal the *Aboriginal Relics Act 1975* (Tasmania 1975) and amend other existing legislation, such as the *Coroners Act 1995* (Tasmania 1995). Following six weeks of open commentary that ended on December 14, 2012, a bill is currently being prepared for submission to the Tasmanian Parliament—supposedly for later in 2013, but most likely in 2014. This section provides an analysis of the proposed legislation, while the public comments will be addressed in the following section.

In the opening section of the *Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a) it states that its objective is

- (a) to recognise, provide for and promote the protection of Aboriginal heritage;
- (b) to provide for the involvement of the Aboriginal community in the management and protection of Aboriginal heritage;
- (c) to promote the management of Aboriginal heritage as an integral part of the State's resource management and planning system;
- (d) to establish workable and effective procedures for the assessment, conduct and oversight of land activities and other activities with regard to Aboriginal heritage impacts;
- (e) to provide appropriate sanctions and penalties to prevent harm to Aboriginal heritage;
- (f) to promote public awareness and understanding of Aboriginal heritage (Part 1, Sec. 3)

Thus, the Act is clearly articulating from the beginning its intention to distance itself from several of the problems of the *Aboriginal Relics Act 1975* (Tasmania 1975). The early emphasis

on increasing Tasmanian Aboriginal involvement in the heritage process is crucial, as is the stated intention of increasing penalties. The objective of increasing public awareness of Aboriginal heritage also addresses a large problem. While penalties are indeed increased in this proposed legislation, the extent to which the other objectives are met is debatable.

As can be inferred from its title, the *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a) differs from the *Aboriginal Relics Act 1975* (Tasmania 1975) in terminology, replacing the term “relic” with “heritage.” In the proposed Act, Aboriginal heritage is defined as: “(a) Aboriginal human remains; (b) Aboriginal objects; and (c) Aboriginal places” (Part 1, Sec. 4). Thus, the departure from the *Aboriginal Relics Act 1975* definition is significant. This definition is broader in scope and removes the connotations that “relic” carries in terms of being artifact driven and relating exclusively to the past. The Act goes on to specify that “Aboriginal Remains” are

the whole or any part of the bodily remains of an Aboriginal person, other than –

- (a) a body or bodily remains buried in a public cemetery; or
- (b) an object made from human hair; or
- (c) an object made from bodily material, other than human hair, that is not readily recognisable as being bodily material; or (d) any human tissue dealt with in accordance with the *Human Tissue Act 1985* or any other law of a State or a Territory or the Commonwealth relating to the medical treatment of human tissue; or (e) any human tissue lawfully removed from an Aboriginal person (Part 1, Sec. 5)

That “Aboriginal Objects” are

- (a) any object in Tasmania that –
 - (i) relates to the Aboriginal occupation of any part of Australia, whether or not the object existed before that part of Australia was occupied by persons of non-Aboriginal descent; and
 - (ii) is of significance to Aboriginal persons; or
- (b) any object, material or thing in Tasmania that –
 - (i) is removed or excavated from an Aboriginal place; And
 - (ii) is of significance to Aboriginal persons (Part 1, Sec. 6).

The Act specifies that objects that were clearly made for sale or exchange are excluded from coverage. Lastly, the Act describes “Aboriginal Places” as

- (a) an area of Tasmania that is of significance to Aboriginal persons; or
- (b) unless the contrary intention appears, a part of an Aboriginal place (Part 1, Sec 7)

In reading these definitions, it is clear that what constitutes both “Aboriginal Objects” and “Aboriginal Places” can be interpreted in a number of ways, with the latter leaving room for the inclusion of cultural landscapes. The definition also states that a primary factor is whether something “is of significance to Aboriginal persons” that, at least in theory, suggests more sensitivity to Tasmanian Aboriginal perspectives. The *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a) also makes references to “intangible” and “modern” heritage at several points in the text, but provides no definitions of either concept—something that will need to be addressed to avoid confusion.

Importantly, the definition has no mention of 1876 and provides no other qualifying date on the production of Tasmanian Aboriginal heritage, thereby removing reference to the “myth of extinction” discourse that is problematic in the existing legislation. As such, the *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a) makes a clear statement that the production of Tasmanian Aboriginal heritage continued after British colonization and the death of Truganani. Therefore, it represents a measure of the Tasmanian government’s efforts at distancing itself from the colonially driven mindset.

The *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a) would create an Aboriginal Heritage Council (hereafter referred to as the AHC) consisting of seven Aboriginal members, who must be residents of Tasmania and deemed to have valuable knowledge or expertise, matching the requirements of the recently created interim Aboriginal Heritage

Council. This measure reflects the increasing emphasis found on Aboriginal participation in the Commonwealth heritage legislation (Thorley 2002; Boer and Wiffen 2006). In this manner, the draft Act, at least on the surface, moves away somewhat from the provisions of the Authorized Heritage Discourses (Smith 2006) as Indigenous peoples rather than “experts” are given more of a role in the identification and management of their own heritage.

Though this is a prominent departure from previous legislation, in the end, the government still maintains control over Tasmanian Aboriginal heritage (DPIPWEa). As with the intended Aboriginal Relics Advisory Council from the *Aboriginal Relics Act 1975* (Tasmania 1975), members of the AHC would be appointed by the Governor at the Minister’s behest for three year terms (Part 2, Sec. 14). The AHC would serve as trustees for Aboriginal remains, review applications for Aboriginal heritage permits, and advise the Minister on matters relevant to Aboriginal heritage including significance, impacts on heritage, educational outreach, and management issues (Sec. 15). The AHC is also expressly forbidden from acquiring or holding any property (Sec. 16).

As in the *Aboriginal Relics Act 1975* (Tasmania 1975), the Minister for Environment, Parks and Heritage would retain the sole right to declare protected sites and incorporate AHC recommendations at their discretion (DPIPWEa, Sec. 19). The AHC is given the authority to demand the return of Aboriginal remains from individuals, with penalties of up to 100 units (\$A13,000) in force (Part 3, Sec. 21). The AHC would also be entitled to enter into agreements with outside parties for the use of Aboriginal heritage by Tasmanian Aboriginal individuals and communities and to transfer responsibility for the protection and maintenance of Aboriginal heritage to other parties for heritage located on Crown land or land owned by the party, provided that nothing involved in the agreement would normally require a permit (Part 7, Sec. 77).

Under the *Draft Aboriginal Heritage Protection Act 2012* (DPIPWEa), individuals who find Aboriginal heritage objects and places would be required to report them, unless they have reason to believe they have already been disclosed by another (Part 3, Sec. 22-23). Fines of 50 units (\$A6,500) and 100 units (\$A13,000), for individuals and corporations respectively, are to be imposed on those that fail to report objects, and 20 units (\$A2,600) for those that do not report places. The Minister would be given the authority to acquire any Aboriginal place if they believe: “a) the place is of exceptional significance to Aboriginal persons; and b) the acquisition is the only way of protecting or managing the Aboriginal place” (Part 3, Sec. 27). As with the *Aboriginal Relics Act 1975* (Tasmania 1975), anyone whose land is taken or altered by the Crown would be entitled to compensation.

The penalties for damaging Aboriginal heritage would be raised within the *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a) to be commensurate with the *Historic Cultural Heritage Act 1995* (Tasmania 1995c), thereby discursively placing Tasmanian Aboriginal and European heritage at the same level. Thus, in the proposed Act fines for individuals are not to exceed 2,000 units (\$A260,000) and 10,000 units (\$A1.3 million) corporations that willingly damage Aboriginal heritage. They are also comparatively high for those unaware they are damaging Aboriginal heritage, at 1,300 units (\$A169,000) and 6,000 units (\$A780,000) for individuals and corporations, respectively (Part 3, Sec. 28). The proposed Act also specifies that those who perform actions that were likely to harm Aboriginal heritage, even without doing so, are subject to penalties (Part 3, Sec. 29), as are those who excavate or remove Aboriginal heritage without causing damage (Secs. 30 and 31). The draft Act would allow for the designation of authorized officials who can obtain warrants for necessary seizure

and search, remove individuals from protected areas, and make arrests (Part 12)—similar to the *Aboriginal Relics Act 1975* but with presumably more intent of enforcement.

The scientific research on, removal, sale, excavation, or any action likely to impact an Aboriginal heritage would require a permit from the Minister, or in some cases the AHC (DPIPWEa, Part 4, Sec. 32). In most instances, those requesting a permit would need to have an impact assessment performed, and upon receiving it, the Minister would decide whether or not to allow grant the permit (Part 4, Sec. 34). Under the *Draft Aboriginal Heritage Protection Act 2012*, any issued permit could be suspended or cancelled if the conditions are not met (Part 4, Sec. 38). In accordance with the granting of a permit, an “Aboriginal Heritage Management Plan” would need to be created, approved by the AHC, and followed for the duration of the activity if the proposed activity is likely to have a high level of impact (Part 5). The Minister would also be given authority to require an audit to determine if conditions are being met or if further steps need to be taken (Part 8) and to issue a “Stop Order,” either interim or permanent, if they decide it is necessary (Part 9).

The Minister could issue an “Aboriginal Heritage Protection Order” either on an interim (three months) or permanent basis (unless revoked by the Minister) that are legally binding, and specify what can and cannot be done with a particular aspect of Aboriginal heritage (DPIPWEa, Part 10). The Aboriginal Heritage Protection Order represents the highest level of protection afforded under the *Draft Aboriginal Heritage Protection Act 2012*, and overrides any other government acts, management plans, and agreements (Part 10, Sec. 109). Penalties for willfully violating a Protection Order are the most severe in the draft legislation, with 5,000 unit (\$A650,000) and 10,000 unit (\$A1.3 million) maximums for individuals and companies.

The *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a) would also mandate the maintenance of an Aboriginal Heritage Register by the Secretary which is to include:

- (a) Aboriginal human remains;
- (b) Aboriginal objects;
- (c) Aboriginal places;
- (d) Aboriginal heritage permits;
- (e) Aboriginal heritage management plans;
- (f) Aboriginal heritage agreements;
- (g) Aboriginal heritage stop orders (including Aboriginal heritage interim stop orders);
- (h) Aboriginal heritage protection orders;
- (i) Aboriginal heritage audit orders and audit reports under Part 8;
- (j) external regulatory approvals that are subject to Aboriginal heritage conditions;
- (k) matters or things proscribed by the regulations, if any (Part 11, Sec. 112).

For each item on the register there would be a description of the heritage significance and its location. The draft Act specifies that different sections of register be maintained for intangible heritage and “modern Aboriginal heritage” (Part 11, Sec. 113). The list is not to be made available to the public, and would only be accessible to the AHC, AHC employees, authorized officers, those applying for permits or working on management plans and those working on their behalf, and necessary state employees (Part 11, Sec.114). The Secretary (of the Department of Environment, Parks and Heritage) would have the right to grant temporary and limited access to land owners, prospective land buyers, and other interested parties at their discretion.

Overall, the *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a) has many changes from and improvements over the *Aboriginal Relics Act 1975* (Tasmania 1975) that it is designed to replace. As mentioned previously, the expansion of the definition of heritage to include places, intangible heritage, and the products of contemporary Tasmanian Aboriginals is of great discursive significance. Having the AHC be comprised exclusively of Aboriginals is also

an important change. Furthermore, creating equivalent penalties for damaging Tasmanian Aboriginal heritage and European heritage places them on more of a discursively equal footing. Despite these improvements, however, the proposed Act does have several critical flaws.

Especially noteworthy among these is the continued authority of the Minister of Environment, Parks and Heritage (DPIPWEa). Though the AHC has more power and responsibility than its nonfunctional predecessor, in the most important of matters it has only an advising role. For all intents and purposes, the proposed Act is still operating under the rubric of the Western Authorized Heritage Discourse (Smith 2006). The Tasmanian Aboriginal community is given more of a visible presence and an active role but they are not empowered to control their heritage in a meaningful way. Hence, the same problems that resulted in the Hindmarsh Island Bridge controversy over a decade ago are still manifested in this legislation (Tonkinson 1997; Simmons 2003; van Krieken 2011). The Tasmanian Aboriginal community, through its representative the AHC, has to reveal the location of all sites to the government and provide justification as to why they should be protected. Even presuming they have done so, the government, via the Minister, has the final say. As the Brighton Bypass controversy, discussed later in this chapter, indicates, the government inevitably has a variety of perspectives and goals to balance, and it is questionable what level of priority they will place on protecting Tasmanian Aboriginal heritage if it conflicts with other interests.

Furthermore, the *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a) still includes the “Ignorance Clause,” with Part 3, Sec. 30, SS. 4 offering only a slight variation on the *Aboriginal Relics Act 1975* (Tasmania 1975):

It is a defense in proceedings for an offence under subsection (1) in respect of unregistered Aboriginal heritage if the defendant establishes that he or she did not know, or could not reasonably be expected to have known, that the Aboriginal heritage excavated was Aboriginal heritage.

With the inclusion of this phrase, much of the improvements of the proposed Act are undercut. While the increased penalties provide much a more onerous burden on violators than the existing legislation, it is difficult to see how the Act would be any more enforceable. Though a “blanket” approach would be inappropriate and violations are best judged on a case by case basis, the continued presence of an “Ignorance Clause” allows for an easy way to escape punishment and creates tremendous challenges to enforcement.

Public Discourses on Aboriginal Heritage Protection

Though the Tasmanian government has control over the heritage protection process, the role of the public, both Aboriginal and non-Aboriginal, is an important barometer of the discourses surrounding Tasmanian Aboriginal heritage. The public comprises many of the relevant stakeholders in regards to Tasmanian Aboriginal heritage, including those that are most directly impacted by heritage legislation. To gauge public discourses, this section discusses public comments made concerning the *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a) in both written submissions and community forums and the discourses surrounding the Brighton Bypass controversy, which is the most widely debated conflict specifically focusing on Aboriginal heritage in Tasmanian history.

Discourses in the Public Response to the *Draft Aboriginal Heritage Protection Act 2012*

In the collection of public comments on the *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a), the DPIPWE received 41 written public submissions (for a list of the stakeholders see DPIPWE 2013b). Unfortunately, the community forums were sparsely attended, with participation ranging from 1 to 10 individuals (Inspiring Place 2012), which when combined with absence of detailed transcripts somewhat limits their analytical usefulness.

However, although I conducted the interviews before the release of the *Draft Aboriginal Heritage Protection Act 2012* for public consideration, many of the issues highlighted in the written submissions and community forums were also addressed by interview participants.

It can be assumed that any person, organization, corporation, or other party submitting a letter or attending a community forum has an interest in the issues surrounding Tasmanian Aboriginal heritage protection, and can therefore be considered a stakeholder. The identity of these stakeholders is, in itself, worthy of consideration. Letters were submitted by private individuals (both Aboriginal and non-Aboriginal), Tasmanian Aboriginal community organizations, heritage interest groups, government organizations, representatives of major economic interests (farmers, forestry, and mining), and service providers (communications, electricity, etc.). The reasons provided for letter submission ranged from academic to moral to business concerns. Given this variety of stakeholders, it is significant that while none of the stakeholders approved of the *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a) in its current form (all had at least some suggested improvements or criticisms), 31 of the 41 written submissions, and evidently most people at the community forums (Inspiring Place 2012), indicated that the current legislation is inadequate in its conception of Tasmanian Aboriginal heritage and that protection mechanisms need to be changed, a development that reflects the well established principle that notions of “what is heritage” evolve over time (Lowenthal 1998; Schouten 2007).

This was also a recurrent theme in the interviews. In various ways, every person with whom I talked expressed dissatisfaction with the existing legislation and the need for change. Of particular emphasis was the urgent need to remove the 1876 qualifier from legislation; it seems to be viewed as a symbol of the colonial mindset that shapes the *Aboriginal Relics Act 1975*

(Tasmania 1975) and is all too common still in Tasmania. As DPIPWE (Inspiring Place 2012, 3) describes for the community forum, “there appeared to be general acceptance by participants that the *Aboriginal Relics Act 1975* is inadequate in protection and managing Aboriginal heritage, and most participants considered the draft Bill marked a significant advance.” This suggests that among the most interested parties, there has been a shift in perceptions of Tasmanian Aboriginal heritage, and the manner in which it should be protected, over the last several decades. Interestingly, many stakeholders did not limit their comments to the provisions of the proposed Act, offering commentary on wider issues associated with Tasmanian Aboriginal heritage and Tasmanian politics and culture.

As DPIPWE (2012b) has already provided a summary of the suggestions made by each stakeholder, I will not go into specific details except where it is relevant to my argument. Many stakeholders, especially those in the government or industry sectors, questioned aspects of the legislation concerning the operation and timing of permits, audits, and Aboriginal Heritage Management Plans. Not surprisingly, the overriding concerns of these stakeholders centered on transparency, time frames, liability, and expense—aspects that could potentially have a tangible impact on their operations and profitability. The prevailing sentiment among these particular stakeholders was support, provided the *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a) caused them minimal inconvenience or expense.

Of the 41 stakeholders to make written submissions, five were either Tasmanian Aboriginal individuals (as self-identified in their submission) or community organizations. A theme that emerges from their submissions is the importance of heritage to the Tasmanian Aboriginals:

Everything goes back to heritage – when that is safe, it means culture can be practiced, everything can get back into balance – as best as is possible given 200

years of dislocation, exile, death, and lack of recognition and rights. HERITAGE is an anagram for HEALTH (Gough 2012).

The critical relationship between Aborigines and their heritage, and its preservation, both ignored for too long, should be the overwhelming focus of any Tasmanian Aboriginal heritage law (Tasmanian Aboriginal Centre 2012)

Particularly in reading Gough's (2012) statement, it becomes clear why heritage has been at the forefront of the Tasmanian Aboriginal rights movement over the past several decades. Heritage is not simply artifacts, objects, and remains and a source for learning about the past—it is an integral component of culture, identity, and well-being. Providing further evidence, every interview participant indicated the importance of heritage to the Tasmanian Aboriginal community. To them, heritage was perceived as: 1) an essential component of contemporary culture; 2) a tangible link to the past; and 3) a potential resource for improving the social and economic circumstances of the contemporary Tasmanian Aboriginal community.

Two non-Aboriginal stakeholders commented in their written submissions on how a lack of education in Tasmania concerning Aboriginal heritage was a primary cause for conflict:

Recent events such as the Arthur Pieman Rallies and the Brighton Bypass challenges show that people are interested in our heritage. A road bridge footprint may cover just a tiny fraction of a registered site, this was known before any ground breaking occurred. Four wheel drivers claim that they were unaware of tracks being the cause of irreparable damage to aged midden sites, not just in the Arthur Pieman area. This is the continuation of an uneducated society, the same as those that burned the abalone, scallop and oyster shells of the East Coast as European Settlement encroached upon the East Coast in the early 1800's to better the farmland for crops. That same ignorance also decimated and made extinct the Tasmanian Thylacine, the Tasmanian Emu and threatened many others, needlessly as recent research has confirmed (Wilson 2012).

There is an ongoing lack of respect for Aboriginal heritage in many parts of Tasmania, as has occurred very recently with hooning by off-road-vehicle users in the Arthur-Pieman Conservation Area. It was reported by the ABC radio only a few days ago, but not in the newspapers or local TV. This anarchical hooning caused considerable damage to the Sandy Cape area, part of the Tarkine Coast, rich in Aboriginal heritage, and such incidents are common and illustrate the

complete disregard to permit regulations where such activities continue unchallenged (Sims 2012).

The links that Wilson (2012) draws between the contemporary attitudes towards Aboriginal heritage and the colonial treatment of Aboriginals and two of the many animal species in Tasmania that British settlers hunted to extinction are telling. Several interview participants also pointed to the desperate need for increased education concerning Tasmanian Aboriginal culture and heritage. As a government employee (participant 1) put it, “older generations grew up with the notion that all Tasmanians had been wiped out.” Several of the older Tasmanian Aboriginals whom I interviewed mentioned how they once felt compelled to hide their ancestry, especially when they were children, for fear of how others might treat them. In the experience of these interviewees, many Tasmanians seem to view Aboriginal heritage as a negative or a nuisance, something to be hidden or destroyed. Taken together, this provides another discursive indication of the lingering effects that the colonial mindset continues to exert in Tasmania. A common belief among those I interviewed is that although the current approach taken in Tasmanian schools represents an improvement over previous decades, it will take a “generational change” before this particular problem can be meaningfully addressed. As one Tasmanian Aboriginal (participant 2) noted, it is “hard to change generations of thinking in an instant.” This view corresponds with Smith’s (2006) and Schouten’s (2007) assessment that generational changes are often needed for difficult aspects of the past to be widely incorporated in heritage.

Four stakeholders, including some in favor of new legislation and some against, stated that there should not be separate Acts covering Aboriginal and European heritage, a concern that was also raised at several of the community forums:

The current wording is predicated on a separatist view of Aboriginal heritage. While a number of Aboriginal organisations have historically promoted this ideology in order to confront and seek to redress issues of justice and empowerment for Aboriginal people, the current and future relationship of the Tasmanian population with its past must be

improved by moving on from the current reliance on confrontation, antagonism and racially based approaches (Lehman 2012).

To not do this is nothing less than cultural apartheid, and will serve to strengthen, not break down the differences in our community (Heritage Protection Society 2012).

This legislation will send a clear message that aboriginal heritage is superior to non-aboriginal heritage, which, therefore becomes inferior. It also is a massive transfer of power to one group, purely on the basis of their alleged race (Chugg 2012).

The first two quotations allude to the potentially negative impact that using race as a criterion for creating separate legislation may have on Tasmanian society, with an underlying discourse that arguably suggests the need for a reconciliatory unification of European and Aboriginal culture into a single Tasmanian culture. Though this sentiment is arguably justified, all of the Tasmanian Aboriginals whom I interviewed indicated that “reconciliation” remains a long way off. Chugg’s (2012) quote, on the other hand, is representative of the segment of the Tasmanian population that considers the Tasmanian Aboriginals to be extinct, with the contemporary community viewed as opportunistic, power hungry imposters. To these individuals, reassertion of Tasmanian Aboriginal heritage might pose a direct challenge to their established “Tasmanian” identity (Blake 2000; Smith 2006; Franquesa and Morell 2007).

Five stakeholders expressed concern that that the *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a) is primarily designed with the interests of industry and developers in mind, rather than placing a priority on engagement with the Tasmanian Aboriginal community:

The Bill is overly concerned with land developers and management prescriptions. Rather than viewing Aboriginal heritage as a constraint to development, the Bill should be expanded to promote a broader understanding and celebration of Tasmanian Aboriginal heritage (Australian Archaeological Association 2012).

This Bill provides a definite advantage to the developer and in many cases little to no protection of Aboriginal heritage. The Bill is very prescriptive when it comes to planning and exempt activities and the language and process around heritage protection measures are under-prescribed or of a poor standard. Whilst the current Aboriginal Relics Act provides ‘blanket protection’, the proposed Bill is heavily

weighted in favour of ‘exemptions’ and protection of ‘registered objects and places’ (Interim Aboriginal Heritage Council 2012).

The dominant (entire?) focus of the proposed legislation in development control and a consequent failure to address Aboriginal heritage recognition, ownership, and management more generally (Cultural Heritage Practitioners Tasmania 2012).

The Tasmanian government has often been criticized in the past for being too compliant to the demands of industry, as the previously addressed 1980s controversy surrounding dam construction highlights. Given the current and historical dominance of the forestry and mining sectors within the Tasmanian economy (discussed in Chapter 3), and that the Tasmanian government department drafting the *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a) is the Department of Primary Industries, Parks, Environment, and Water, this will likely continue to be an ongoing theme. Being responsible for heritage and industry, the employees of DPIPWE, and Aboriginal Heritage Tasmania more specifically, must continually balance the needs of conflicting interests.

In terms of the actual content of the *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a), the three most discursively controversial aspects as indicated in the written submissions, are: 1) the composition and authority of the Aboriginal Heritage Council; 2) the extent of exemptions from the Act; and 3) access to and content of the Aboriginal heritage register. There were also many comments asking for increased clarifications of definitions of Aboriginal objects and places, particularly in regards to what constitutes “intangible” and “modern” heritage. Given the previously mentioned overall difficulty in defining “heritage” this reaction is not surprising (Lowenthal 1998; Graham et al. 2000; Harvey 2001; Weaver 2011). Interestingly though, none of the stakeholders suggested that they should be omitted, which lends credence to the notion that intangible heritage is becoming more widely valued (as discussed in Chapter 5). Similarly, that several stakeholders (four) specifically endorsed the increased fines,

and only one declared them too high, tacitly suggests consensus that penalties should be equivalent for damaging European and Aboriginal heritage.

Four stakeholders also expressed concern at the remaining “Ignorance Clause” in the *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a). As the Interim Aboriginal Heritage Council (2012) states:

This clause under the current Relics Act 1975 has allowed criminal behavior to escape from prosecution for the past 37 years. Ignorance is not defence under other Acts, and therefore should not be under the proposed new Aboriginal Heritage Protection Act. The underlying message of this Bill is that ‘ignorance’ is a valid argument for a person to use when prosecuted in the destruction of Aboriginal heritage in Tasmania.

Many of the interview participants specifically highlighted the Ignorance Clause as a great weakness of the existing legislation. As one Tasmanian Aboriginal interviewee (participant 2) phrased it, the Ignorance Clause is “a way out” that largely renders the legislation’s penalty provisions meaningless. In my opinion, this needs to be removed from the draft legislation before it is proposed to Parliament.

The role and powers of the proposed Aboriginal Heritage Council appear to be the most polarizing of the *Draft Aboriginal Heritage Protection Act 2012*’s (DPIPWE 2012a) provisions. Thirteen stakeholders expressed concern in one way or another about the limited authority of the AHC and eleven raised concern about the continued authority of the Minister. Just a single stakeholder suggested that the Minister had too little authority. Of particular concern to many stakeholders was that the AHC has a purely advisory role, with all power remaining with the Minister. Suggestions tended to stress more autonomy for the AHC, including the authority to grant permits and instigate audits and stop orders. The AHC seems to be perceived by many stakeholders as only a surface concession to the Tasmanian Aboriginal community, with the power over heritage remaining with the government—which is an assessment with which I, as

previously indicated, agree. As a member of a Tasmanian Aboriginal organization (participant 2) told me during an interview, the “government are reluctant to put the final say on heritage in the hands of the community” but for any heritage legislation to be accepted by the Tasmanian Aboriginal community at large, “we should have the final say on all heritage issues.”

On the other hand, nine stakeholders questioned the racially exclusive nature of the proposed AHC, suggesting that it be expanded to include heritage experts:

Why deny the inclusion of Non-Aboriginal expert advice by placing a racial restriction on the council membership? Surely we are trying to mend bridges between the Aboriginal and non-Aboriginal communities here in Tasmania, not to put up walls between them (Sonntag 2012).

The Aboriginal Heritage Council should be made up of people with the relevant qualifications or expertise and not necessarily just Aboriginal People. The Council suggests that a combination of 5 Aboriginal people and 2 suitably qualified persons would be an appropriate balance (Central Highlands Council 2012).

We believe it is important to ensure that the Council has a level of expertise conducive with the level of technical responsibility required to fulfill their duties under the Act in an informed and judicial manner. On that basis, it is reasonable to suggest that there should be a requirement for certain specific skills/qualifications to ensure that the Council has a balanced membership (Tasmanian Farmers and Graziers Association 2012).

Perhaps the Aboriginal Heritage Council could be made up of people with the relevant qualifications or expertise and not necessarily just Aboriginal People. It is acknowledged that this is probably not welcomed by representatives of the Aboriginal community, but it would seem to be more inclusive and reconciliatory to at least have the option for this to occur (Brighton Council 2012).

This is the Achilles' Heel of AHL. The guidelines MUST ensure assessments are done by qualified and impartial professionals, and are not merely on the basis of unsubstantiated claims by those with a vested interest in attaining more land, funding etc at the expense of the wider Tasmanian Community (Coulson 2012).

Of course, a properly-based and constituted Aboriginal reference group or expert panel should be assembled and encouraged to advise the Tasmanian Heritage Council, and positions should be reserved on that Council from accredited Aboriginal community members (Heritage Protection Society 2012).

Sontagg (2012) even suggests a minimum requirement for membership on the Council, including peer-reviewed publications. These statements are excellent examples of Smith's (2006) description of the Authorized Heritage Discourse. The range of stakeholders who share this opinion is indicative of the prevalence of reliance on the "expert" within the common heritage framework (Glasson 1995; Smith 2006; Boer and Wiffen 2006; Winter 2007). For these stakeholders, essentially the Tasmanian Aboriginal community cannot be trusted to have final say over their own heritage, once again echoing the issues at the heart of the Hindmarsh Island Bridge affair and many other controversies surrounding Indigenous heritage around the world. The belief seems to be that if Tasmanian Aboriginals are allowed to identify heritage then they will claim everything as heritage—another instance of paranoia over the "invented sacred site" (Lowenthal 1998; van Krieken 2011). As a Tasmanian Aboriginal (participant 3) explained it to me, people "are scared that we will take over their land."

Significantly, six stakeholders expressed concern in their letters that, as written, the AHC (DPIPWE 2012a) will become dominated by small segments of the Tasmanian Aboriginal community—the Tasmanian Aboriginal Centre, in particular—and thus not be representative of the wider Tasmanian Aboriginal community. These comments further highlight the strong divisions that exist within the Tasmanian community:

In the past any Aboriginal artifact would be seen as something of value and treated with care because, contrary to impressions being conveyed, most people have valued aboriginal heritage. However, since the public has become aware of the power and influence of the Tasmanian Aboriginal Centre, new legislation designed to give them almost dictatorial powers over Aboriginal heritage items will mean that in future the wise course of action will be seen to conceal and destroy any Aboriginal artifacts that may be found (Chugg 2012).

It is true that there are varying views on the proposed approaches to the fundamental approaches to Aboriginal Heritage legislation, and much importance seems to have been placed on the radical Aboriginal groups that have been publicising radical and outrageous schemes tantamount to a 'land grab' and control of public reserves (Heritage Protection Society 2012).

This was also a common theme at the community forums (Inspiring Place 2012), especially at the Ulverstone forum attended by several members of the Six Rivers Aboriginal Corporation, indicating the diversity of opinions among the wider Tasmanian Aboriginal community and a concern that the more politically activate segments are exerting disproportionate influence.

Another commonly addressed aspect of the *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a) revolved around exemptions. It was suggested in ten of the written submissions and by some individuals at community forums (Inspiring Place 2012) that more exemptions should be added. Many of these stakeholders specifically highlighted areas that had already experienced heavy ground disturbance, such as urban, industrial, and residential areas. Perhaps not surprisingly, these requests for increased exemptions came primarily from local government councils, industries, and service providers seeking protection for their specific interests. Only three of the written submissions expressly mentioned that the proposed Act contained too many exemptions, though it can be inferred that several other stakeholders also likely felt that way, especially those who expressed concern about the Act being overly pro-development in nature. The debate about exemptions gives insight into the relative priority placed on Tasmanian Aboriginal heritage. What emerges is a sense that many of the stakeholders value Aboriginal heritage up to the point that it causes them any inconvenience. Several stakeholders implied that without exemptions there would be a strong incentive for people to “not notice” Aboriginal heritage rather than go through the procedural hassles or face punitive measures.

Access to the Register of Tasmanian Aboriginal sites (DPIPWE 2012a) was a significant concern for a number of stakeholders in their written submissions. Nine stakeholders requested that access to the Register be given to specific groups, such as members of the Tasmanian

Aboriginal community, heritage consultants, utility providers, developers, government councils, and landowners in regards to their property. A number of stakeholders suggested that more widespread access to the Register will be conducive to protecting Tasmanian Aboriginal heritage—if individuals and companies know where heritage is found then they can take any necessary steps to protect it. Furthermore, several stakeholders suggested that the Register should include a description of all sites surveyed for Tasmanian Aboriginal heritage, regardless of whether anything was found, thereby allowing developers to target sites known to have no Aboriginal heritage present. What is overlooked in these perspectives, of course, is the aforementioned problematic assumption that Aboriginal peoples should divulge their heritage to the government and public (Weiner 1999; Taubman 2002; O’Faircheallaigh 2008).

Public awareness of Aboriginal heritage sites was also an issue of concern for the interview participants. The consensus of those I interviewed associated with the government largely parallels that expressed in the *Draft Aboriginal Heritage Protection Act 2012* (DPIPWE 2012a): there needs to be a detailed, closely guarded Register of sites across the state, with information given sparingly on a need-to-know basis. The purpose behind this approach is clearly a belief that if the locations of Tasmanian Aboriginal heritage are made available to the public, there will be increased incidences of vandalism, theft, and other forms of destruction. As the Tasmanian Heritage Council’s register of European heritage is open to the public, this view indicates a rather pessimistic appraisal of how the Tasmanian public’s conceptions the two forms of heritage differ. The feelings of the Tasmanian Aboriginals whom I interviewed seemed to be more mixed on this subject. As one of them (participant 4) put it, “do we want sites destroyed unintentionally or by vandalism?”

Brighton Bypass Controversy Discourses

The controversy surrounding the construction of the Brighton Bypass served as a primary driver behind the current push for new Tasmanian Aboriginal Heritage legislation. As mentioned in Chapter 7, the controversy received extensive media coverage in Tasmania and elsewhere in Australia and served as a rallying point for many in the Tasmanian Aboriginal community looking to bring about changes to government policies. So extensive was the protest movement surrounding the site that it became recognized on the National Heritage List, not for the artifacts found at the site but for being the location of the largest Aboriginal protest in Tasmanian history. The inclusion announcement from Tony Burke, the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities describes the reason for listing:

After a century of being denied their identity, Tasmanian Aboriginal people reassert their Aboriginality through their cultural places that have indigenous heritage value. The Jordan River [*Kutalayna*] Levee site is important to Tasmanian Aboriginal people as the place and its stone artefacts provide a connection to their collective ancestors, to their way of living and to their traditional cultural practices that can be handed on to succeeding generations. The place is of outstanding heritage value to the nation because of its special cultural association with Tasmanian Aboriginal people and its exceptional symbolic importance arising from their collective defence of their identity in the face of the threats to their heritage (Commonwealth of Australia 2011).

That such a large protest movement centered on a heritage site is yet another strong testament to its importance for the Tasmanian Aboriginal community.

While in the preconstruction phase for a road bypass on the Midland Highway (which connects Hobart and Launceston and is therefore the busiest in Tasmania) around the town of Brighton in 2008, an Aboriginal Heritage Officer doing an archaeological site survey in conjunction with the Tasmania Department of Energy, Infrastructure and Resources (DEIR), the government department responsible for constructing the bypass, and Aboriginal Heritage Tasmania found a Tasmanian Aboriginal heritage site. The Aboriginal Heritage Officer called in

to investigate the site found several artifacts and, against established protocol, contacted the Tasmanian Aboriginal Centre prior to Aboriginal Heritage Tasmania.

An investigation into the site was subsequently conducted under the direction of Dr. Robert Paton, a Tasmania-based archaeologist. In the resultant report, Paton (2010) describes how what was originally believed to be a small camp site turned out to be a major archaeological discovery, being a levy area containing as many as 2.5 million artifacts and dated at approximately 41,000 years old—which would make it among the oldest archaeological sites found in Australia, and overall across the Southern Hemisphere. The report goes on to suggest a more comprehensive archaeological survey of the site and that steps be taken to protect it, including ceasing development projects that would directly impact the site (4), such as the proposed bypass. The accuracy of the archaeological report was immediately questioned by many. As a government employee (participant 5) told me, there was no evidence to support the estimate of 41,000 years as it was based on the idea that the soil layers surrounding the artifacts remained intact, which according to this source was extremely unlikely given its location on a river floodplain.

In the aftermath of the archaeological report, two polarized positions emerged. Many members of the Tasmanian Aboriginal community, led by the TAC, advocated that the age of the site was in excess of 40,000 years old, and therefore of incalculable heritage value, and that the bypass should be moved to an alternative site. Politically, this position was supported by many in the Tasmanian Green Party. There were also a number of people in the Brighton community who supported this position, though this stance may reflect more of a “not in my backyard” attitude towards the construction of the bypass than a genuine concern for Aboriginal heritage. On the other hand, the Tasmanian Government under the leadership of the Labour Party questioned the

accuracy of the archaeological dating and did not feel that the significance of the site warranted a relocation of the bypass, which according to the Infrastructure Minister at the time, David O’Byrne, would cost in excess of \$A100 million, which is a massive amount of money for a poor state such as Tasmania. Ultimately, the Tasmanian government decided to proceed with the construction of the Bypass, building a bridge over the core of the levy site at the additional cost of \$A12 million.

Many members of the Tasmanian Aboriginal community, under the vocal leadership of the TAC, strongly objected to the construction of the bridge and launched an extensive protest campaign to protect Kutalayna, as the levee site came to be identified by the community. There were several elements to this protest movement, including peaceful sit-ins, protest rallies in several Tasmanian towns, a protest rally in front of the Parliament building in Hobart, public tours of Kutalayna, an unsuccessful appeal to the Tasmanian Supreme Court, and an extensive media campaign. Although the protest campaign did not accomplish its goal, with the Bypass Bridge being completed in November 2012 (Figures 8.1 and 8.2), the discourses that surround this controversy provide insight into public perceptions of Tasmanian Aboriginal heritage.



Figure 8.1: The Brighton Bypass Bridge under construction (photo taken by author)



Figure 8.2: Fences erected at the Brighton Bypass Bridge site (photo taken by author)

One of the main discourses that emerge from the Brighton Bypass controversy is that a “Heritage War” is taking place in Tasmania. This discourse is highlighted by a number of references to “fight,” “battle,” “siege,” and “war” found in the media. Across a number of the newspapers examined during this period there were references to these terms both in the text and as headlines, such as the *Mercury*’s “It’s War” from 4/12/11 (Naidoo 2011) or “Battle lines in Bypass War” from 4/11/11 (Neales 2011). The usage of these terms from the media was during the height of the protest clashes with police and, as such, by themselves they could be interpreted as hyperbole designed to drive up sales. However, these same terms were also often used by members of the Tasmanian Aboriginal community when quoted in the media. For example, in referring to the protests being held at the site, TAC leader Michael Mansell is quoted in *ABC News* from 2/10/2011 as saying “We will fight them on the beaches, we will fight them on the roads and we will fight them on our heritage sites” (*ABC News Tasmania* 2011). Such powerful rhetoric is a strong indication of the importance placed by members of the Tasmanian Aboriginal community not only on Katalayna, but other heritage sites across the state.

Reading between the lines of that rhetoric, however, a sense emerges from the discourses surrounding the Brighton Bypass controversy that although the Tasmanian Aboriginal community hoped that the site could be protected, the bigger objective was increased recognition and protection of Tasmanian Aboriginal heritage across the state. This is consistent with Smith's (2007) description of the tangible benefits that Aboriginals recognize in gaining control over their heritage: heritage control leads to political recognition, which in turn leads towards self-determination. This was a sentiment expressed by several Tasmanian Aboriginal interview participants. For example, a Tasmanian Aboriginal (participant 3) noted to me that because of Brighton "people have realized we are still here and won't go away."

Interestingly, several interview participants questioned the manner in which the TAC utilized the Kutalayna site, in particular, the decision to keep the site open rather than protecting it from the elements. Due to this decision, the site received subsequent flooding and damage. From the perspective of these individuals, the artifacts and sites were deemed less important to the TAC than the political leverage they provided. As a government employee (participant 5) explained, Kutalayna was used as a "platform for other matters." Another Tasmanian Aboriginal (participant 6), who also works in a government department, noted that Brighton highlighted that the "community needs to look at how we fight our battles," referencing that the manner in which the Kutalayna site was used reflects a mindset born out of 1960s and 1970s protests, which in her opinion, at least, is no longer the best way to accomplish change. There are certainly many similarities in tactics used by the Tasmanian Aboriginal Centre in protesting Kutalayna and at the Franklin River Dam and Oyster Cove protests in the 1980s (Cove 1995; Ryan 1996).

Another discourse that emerges from the Brighton controversy is that the Tasmanian government and wider community have a lack of respect for Tasmanian Aboriginal heritage. As

Michael Mansell put it, “what we fear is that if they can knock off 40,000 years of history, there’s no Aboriginal site in the state that’s safe from them” (*ABC News Tasmania* 2010). This was a common point of contention raised in the interviews I conducted, with one Tasmanian Aboriginal (participant 3) describing how Brighton “goes to show that the Tasmanian government has no respect for Aboriginal heritage in the State or for scientific research.” He went on to echo Mansell’s statement, decrying that the “Tasmanian government didn’t think 40,000 years were important.” Similarly a different Tasmanian Aboriginal individual (participant 2) stated that “rather than treat it as a significant find in the southern hemisphere, they just covered it up.” As another Tasmanian Aboriginal (participant 4) said to me in an interview in reference to the government, “they don’t see our past as heritage.” Reflecting an aforementioned discourse found in the submissions related to the draft Act, the Tasmanian Aboriginal Centre (2011a) argues that

the fact that the State Government is attempting to push ahead with destruction of the kotalayna heritage area demonstrates the abuse of processes designed to protect places and things of significance to society. In the case of kotalayna (among many others), the planning and assessment process has been used to enable road works in the face of public opposition, and disempower the community, particularly the Aboriginal community, from deciding the fate of an area of tremendous cultural significance.

There seems to be a common belief among Tasmanian Aboriginals that the Tasmanian government values European heritage over Tasmanian Aboriginal heritage. Michael Mansell is quoted in *ABC News* from 12/1/2009 saying that “At the moment they hand out destruction of aboriginal sites permits like they hand out raffle tickets.” A Tasmanian Aboriginal individual (participant 2) described the situation as one in which “the government treat Tasmanian history as being 200 years old.” Or as another (participant 4) put it, “our culture is in the landscape, not in buildings” and “all they care about is white man’s heritage.” I think that the quote of a

member of a Tasmanian Aboriginal community organization (participant 3) puts it best, however: “we don’t get funding to protect our heritage but Port Arthur got \$A1 million for a bunch of old buildings.”

Similarly, there also seems to be a perception that many in the wider Tasmanian community have a contemptuous view of sites associated with Tasmanian Aboriginal heritage. Several Tasmanian Aboriginals mentioned to me that they frequently heard middens as described as “rubbish heaps.” In the Kutalayna newsletter for March 14, 2011, the Tasmanian Aboriginal Centre (2011b) states that:

Spurred on by the Tasmanian Government’s disregard for the importance of kutalayna, ignorant and racist hoons have taken it upon themselves to vandalise the kutalayna sign on site and to intimidate people camping at the area. The Government should be promoting the importance of the place and condemning the racist actions of a few drunken louts.

While clearly demonstrating the aforementioned ignorance of Tasmanian Aboriginal history and culture in the Tasmanian community at large, it also suggests that there exists a narrow, if typically European, view of what constitutes “legitimate” heritage (Crouch and Parker 2003), once again consistent with Smith’s (2006) description of the Authorized Heritage Discourse. If Tasmanian society prioritizes built heritage then continued conflict over heritage is inevitable. Though this sentiment can certainly be perceived in the current disparity in heritage protection for European and Tasmanian Aboriginal sites, it is also seemingly supported in the Tasmanian tourism industry.

Discourses in the Tasmanian Tourism Industry

Tasmanian convict heritage sites are widely promoted across the state. Port Arthur, the once-feared prison, is now Tasmania’s most popular tourist attraction. A convict heritage that

was once a source of shame, and certainly not to be discussed or promoted, is now a point of pride for many Tasmanians, highlighted by the successful campaign to have several convict sites from Tasmania inscribed in the UNESCO World Heritage List in 2010 (UNESCO 2013b). Even the once-maligned Tasmanian tiger, hunted to extinction by 1936 as a nuisance, is now a prominent tourism presence (Owen 2003), to the extent that it is now the ubiquitous symbol for the Tasmanian Tourism Ministry! (Figure 8.3) Tasmania has constructed its cultural tourism sector around these less-than-pleasant aspects of their past, embracing dark tourism (Lennon and Foley 2000; Stone 2006), and yet there is little presence or mention of Tasmanian Aboriginal heritage or culture in the Tasmanian tourism industry. A government official (participant 1) noted that “Aboriginal heritage is little known” as a tourism product either in or outside of Tasmania and hence “the tourism market doesn’t associate Tasmania with an Aboriginal experience.” Yet, as another government employee (participant 6) noted, “there is a definite need for an Aboriginal experience by tourists.”



Figure 8.3: The symbol and slogan of Tourism Tasmania (Source: www.tas.gov.au)

Recent years have seen the Tasmanian government express some interest in fostering Tasmanian Aboriginal tourism in the state, though nothing has come to fruition yet. For example, following several years of community consultation, in 2007 the Tasmanian Office of Aboriginal Affairs (TOAA 2007), in conjunction with Tourism Tasmania, released an Aboriginal Tourism Development Plan for Tasmania (hereafter referred to as ATDP). The ATDP disputes the “strongly held myth that there are no Aboriginal people in Tasmania” (6) and discusses the steps that will be necessary for the creation of a viable Aboriginal tourism presence in the state, citing the demand for Aboriginal tourism found elsewhere in Australia (9). The ATDP recognizes the importance of cultural heritage objects and places to the Tasmanian Aboriginal community and presents them as important resources for Aboriginal tourism in the state.

Although the ATDP was released in 2007, it has not been acted upon subsequently. I spoke with two of the government architects of the ATDP and received essentially the same story. The plan was instigated at the behest of the then-Tasmanian Premier Jim Bacon, but upon his death in 2004 interest in financing the plan disappeared. The ATDP would have cost \$A400,000 to implement and no government department was willing to make the investment. This inaction certainly speaks to a lack of perceived economic viability of Aboriginal tourism in Tasmania among the collective Tasmanian government. Interestingly, however, several of the Tasmanian Aboriginals whom I interviewed suggested that if the Tasmanian government had ownership of the Kutalayna site it would have utilized it for a tourism project rather than finish the bridge. Though I consider this scenario unlikely, this does suggest that some Tasmanian Aboriginals consider the government’s lack of interest in developing Aboriginal tourism to at least partially be caused by the relevant cultural resources being outside of their economic and discursive control.

Although the ATDP (TOAA 2007) identifies 17 tourism products related to Tasmanian Aboriginals in the state, the supply side aspect is actually very small. Many of the products that the ATDP (12) refers to are National Parks (such as Rocky Cape and Cradle Mountain-Lake St Clair) or museums in which there are references to Tasmanian Aboriginals in interpretive material or walks. As the ATDP (13) itself states, “of those activities that included a Tasmanian Aboriginal component, the majority were either guided or self-guided walks aimed at providing insights into the Aboriginal relationships to the land in pre-European times.” The ATDP identifies one Tasmanian Aboriginal tourism product that does not focus on heritage, Jahadi Indigenous Experiences in Deloraine—but that closed in 2012, several months before I conducted my interviews. As both this outcome and the tourism marketing suggest, the current Tasmanian Aboriginal tourism presence is focused almost exclusively on heritage—encompassed in interpretive material, several self-guided walks located in parks, displays in broad thematic museums, several monuments, and two Tasmanian Aboriginal owned museums.

Much of the interpretive material, as the ATDP (TOAA 2007, 13) indicates, addresses the pre-colonial relationship between Tasmanian Aboriginals and the land. This material commonly references the Tasmanian Aboriginal nation that lived there (emphasis on the past tense) and describes several elements of their culture, generally the migratory patterns and food sources (Figures 8.4 and 8.5). More recently designed signs also tend to include at least a brief mention that the area in question remains of value to the contemporary Tasmanian Aboriginal community (Figure 8.7). An example of interpretive material created in the past few years is the brochure on Aboriginal Values in the Arthur-Pieman Conservation Area produced by the Tasmanian Aboriginal Land Council and the Tasmania Parks and Wildlife Service which highlights the heritage value of middens, stating that:

These special places and their associated cultural landscapes show that Aboriginal people in the past had a special relationship with the land. They also indicate why Tasmanian Aborigines today feel so strongly about the land – these heritage places connect them with ancestral use and allow people to reconnect with the land.

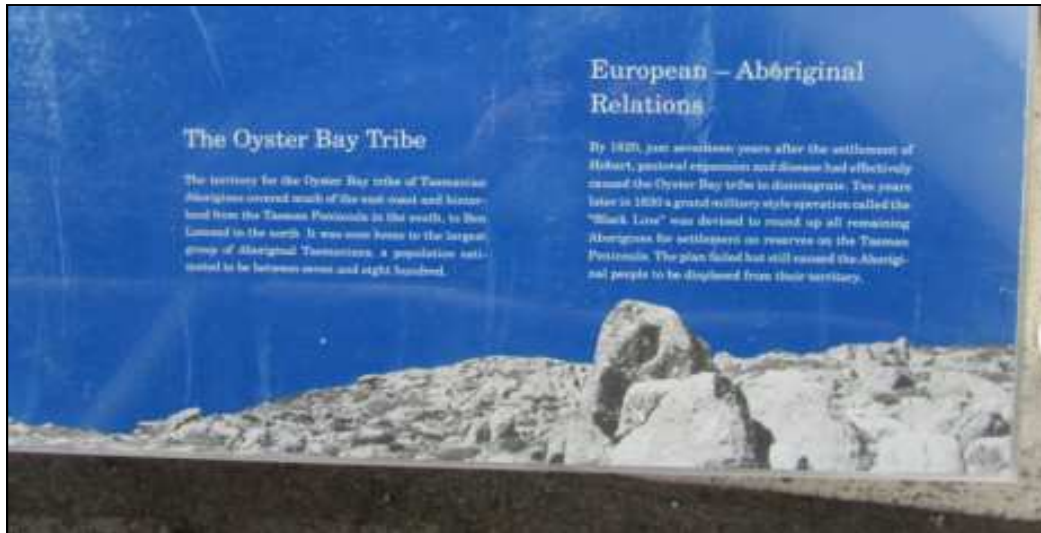


Figure 8.4: Interpretive sign on Mt. Wellington which focuses entirely on pre-colonial and colonial Tasmanian Aboriginal culture and history (photo taken by author)



Figure 8.5: An interpretive sign at Rocky Cape National Park in the northwest which references the contemporary Tasmanian Aboriginal community's connection to the landscape (photo taken by author)

There are also several self-guided walking tours located around the state. As these tend to be of more recent construction, they have more references to the contemporary Tasmanian Aboriginal community. For example, the Larmairremener tabelti walk at Cradle Mountain-Lake St Clair National Park (Figures 8.6 and 8.7) “recognizes the Larmairremener; the indigenous people of the region, and affirms the continuation of Aboriginal culture” (Tasmania Parks and Wildlife Service 2008). On the trail itself, the interpretive signs tell that “you are now walking in their traditional lands. A band of the Big River Nation of people, the Larmairremener made seasonal trips to the east coast and traded well-travelled routes with other bands across the island.” Other interpretive signs on the walk discuss how the Larmairremener modified the landscape with fire, refer to the Big River nations’ march through Hobart following their surrender in 1832 , and, in a departure from earlier interpretive signs, describe how “today, the Aboriginal community maintains custom and tradition in this area.”



Figure 8.6: Sign for the Larmairremener tabelti walk at Cradle Mountain-Lake St. Clair National Park (photo taken by author)



Figure 8.7: Interpretive sign on the Larmairremener tabelti walk at Cradle Mountain-Lake St. Clair National Park that highlights the contemporary community and the Tasmanian Aboriginal artists that helped in its creation (photo taken by author)

The Needwonnee Walk in Malaleuca, which opened in 2011, may represent an important milestone for future Tasmanian Aboriginal tourism. It grew out of collaboration between the Tasmanian Aboriginal Land and Sea Council, Tasmanian Aboriginal community members in the southwest part of the state, and the Tasmania Parks and Wildlife Service. As the June 2012 Tasmania Parks and Wildlife Newsletter describes it, “the Aboriginal heritage walk shares the stories of the Needwonnee people of the Southwest with innovative interpretive installations along a new 1.2 kilometre boardwalk that weaves its way through the forest and buttongrass plains beside Melaleuca lagoon.” The interpretive booklet (Tasmanian Parks and Wildlife Service 2011) associated with the Needwonnee Walk offers a brief description of the history and culture of the Needwonnee, emphasizing the dispossession and continued survival of the

Tasmanian Aboriginal community. Tasmania Parks and Wildlife employee Fiona Rice (Tasmania Parks and Wildlife Service 2012, 1) is quoted in the Newsletter:

Unlike most interpretive installations, the installations on the Needwonnee Walk are largely ephemeral – made of natural materials that will, over time, return to the landscape. Visitors can expect to see a traditional campsite, including huts, tools, hearth fire and paperbark canoe – all created from materials found in the surrounding forest.

The same newsletter goes on to state that a similar project is planned for the Arthur Pieman conservation area.

There are references to and displays on Tasmanian Aboriginal culture and heritage in several museums across Tasmania devoted to other general or specific aspects of Tasmania's history or culture (Figure 8.8). However, the only two museums in the state owned and operated by Tasmanian Aboriginals are Tiagarra Aboriginal and Cultural Centre in Devenport (Figure 8.9) and the Living Museum of Aboriginal Cultural Heritage in Cygnet (Figure 8.10). As of my visit in 2012, Tiagarra had filed for bankruptcy, and is currently only open to tour groups that book in advance, and the Living Museum gave every indication of being permanently closed; it was shut on each of my two attempts to visit during normal business hours and no one responded to any of my repeated telephone calls and email requests. Furthermore, it is not referenced on any of the recently updated website promoting Tasmania. Operated by the Six Rivers Aboriginal Corporation, Tiagarra was founded in the 1970s and is centered on a collection of rock art located on coastal bluffs overlook the mouth of the Mersey River. It offers an interesting museum with displays on Tasmanian Aboriginal pre-colonial history and culture and a self-guided walk along a path to see the rock art.



Figure 8.8: The display on Tasmanian Aboriginal culture inside the West Coast Pioneer's Museum in Zeehan (photo taken by author)



Figure 8.9: Exterior of the Tiagarra Aboriginal and Cultural Centre in Devenport (photo taken by author)



Figure 8.10: Exterior of the Living Museum of Aboriginal Cultural Heritage in Cygnet (photo taken by author)

There are also three monuments to Tasmanian Aboriginals across the state, all of which are remembrances of the colonial dispossession. Two of the monuments are dedicated to Truganani, one on her home, Bruny Island, which was erected in 1967 and the other in the Truganini Conservation Area located on the slopes of Mt. Wellington in Hobart (see Figures 8.11 and 8.12). The other monument is found at Wybalenna, and was dedicated in 1966 by the Flinders Island Young Farmers Association to the Tasmanian Aboriginals who lived and died there. That these are the sole monuments to Tasmanian Aboriginals in Tasmania is significant. Several authors (for example Reynolds 2012) have remarked on the absence of monuments to Tasmanian Aboriginals and other Aboriginals across Australia who died resisting colonization. In a nation that takes great pride in its war heroes, it represents yet another discursive silence on Aboriginal heritage.



Figure 8.11: Monument to Truganani on Bruny Island (photo taken by author)



Figure 8.12: Monument to Truganani in the Truganini Conservation Area, Hobart (photo taken by author)

Though it is partially accounted for by the dearth of Tasmanian Aboriginal tourism products in the state, the lack of promotion that Tasmanian Aboriginal heritage and culture receives in the promotional materials produced by the government is conspicuous. In the *Hobart and Surrounds* tourism brochure produced by Tourism Tasmania (2011a, 9), the only mention of Tasmanian Aboriginal tourism is in reference to the Tasmanian Museum and Art Gallery. The brochure for *Launceston, Tamar and the North* (2011b, 43) also has just one reference to Tasmanian Aboriginals, providing the Aboriginal name for the Western Tiers, “Kooparooka Niara”, and identifying it as “an area which was the meeting place of three Aboriginal nations more than 10,000 years ago.” The two references in the *East Coast* brochure (Tourism Tasmania 2011c, 7) are that “it is believed that Indigenous people inhabited Maria Island 30,000 years before European settlement” and “Tasmanian Aboriginal people claim rights to this land as an important homeland for them and their ancestors – its Aboriginal cultural significance, scenic beauty and the maritime heritage of the lighthouse make Eddystone Point an outstanding destination” (27). Yet, the *East Coast* brochure makes no allusions to the dispossession of the Tasmanian Aboriginals, even when discussing Flinders Island.

The *North West Coast* brochure (Tourism Tasmania 2011d, 10) offers the solitary mention of a Tasmanian Aboriginal operated tourism product in Tourism Tasmania brochure, the Tiagarra Aboriginal and Cultural Centre in Devenport, describing it as

a museum on a traditional Aboriginal sacred site with over 2,000 artifacts on display. This unmissable interpretation centre for the Tasmanian Aboriginal people is one of the few Tasmanian sites where ancient Aboriginal rock carvings are still well preserved.

It also refers to the “Aboriginal archaeological sites” in Rocky Cape National Park in passing, in sections on “Local Nature & Wildlife” (28) and “Coastal Drives & Walks” but, interestingly, does not address them in the section actually devoted to Rocky Cape.

The *Western Wilderness* brochure (Tourism Tasmania 2011e, 5) mentions Tasmanian Aboriginal heritage more frequently than the other brochures, noting, for example, that

the area is judged so precious that no less than 1.38 million hectares have been given World Heritage listing, meeting seven of ten possible criteria for inclusion including Aboriginal sites that date back 36,000 years, even before the glaciers of the last Ice Age shaped the deep valleys and buttongrass moorlands.

It also discusses the presence of Aboriginal middens in the Tarkine, “including Australia’s biggest, accumulated by the Tarkiner people over thirty millennia” (14) and that near Strahan “Aboriginals lived in small “bands” in the region and were among the last to resist the eventual loss of their homelands” (30). The fourth and final mention in the brochure argues that “Lake St Clair is a special place. The Aboriginals attuned to its mysteries, called the lake “Leewuleena” or “Sleeping Water” (38). It is worth mentioning, however, that each of these references refers to heritage or past connections to the landscape.

An analysis of the official *Discover Tasmania* website (<http://www.discover.tasmania.com.au/>) operated by Tourism Tasmania (2013b) tells a similar story to the brochures. In the entirety of the website there are only a handful of references to Tasmanian Aboriginals scattered throughout the many attractions and destinations listed. For example, in the section on “Heritage and Culture,” the only incorporation of Tasmanian Aboriginals is a reference to “ancient Aboriginal narratives” with no explanation and a one sentence promotion of Tiagarra Aboriginal Cultural Centre in the “Museums and Art Galleries” subsection. The single mention in the “Attractions” section is in regards to Flinders Island, and how “at Wybalenna, 160 Aboriginal people, relocated from mainland Tasmania in 1833, longed for their homeland. By 1847 the settlement was abandoned and the 45 remaining people were returned to a settlement at Oyster Cove, south of Hobart.” This sentence provides historical context to Wybalenna, perhaps to generate interest, but offers no real indication of what transpired there or why it is significant.

The discussion of Wybalenna, however brief, does represent an improvement over the material in the brochures though.

In the areas of the website devoted to the specific regions of Tasmania, which are divided thematically identically to the brochures, there are only a few mentions of Tasmanian Aboriginals (Tourism Tasmania 2013b). There are five references in the *Hobart and Surrounds* subsection, with one being simply that “the Aboriginal name for Mt Wellington is Unghbanyahletta or Poorawetter.” The other three mentions in *Hobart and Surrounds* are all associated with history, with brief statements about Oyster Cove when discussing the small towns of Kettering and Woodbridge. At Kettering, for instance, it is noted that, “just north of Kettering at Oyster Cove, the last Tasmanian Aboriginal settlement dwelled, established in 1847. Numbers gradually dwindled from 44 in 1847 down to 16 in the mid-1850s. The sole survivor, Truganini, died in 1876.” From reading this statement, with its references to a “last settlement” and a “sole survivor,” an uninformed tourist could infer that the Tasmanian Aboriginals were extinct. Along a similar discursive direction, when discussing Bruny Island, a place pivotal to the history of dispossession, the sole allusion to Tasmanian Aboriginals is in the context of Captain James Cook’s visit to the island in 1777 and how “his contact with Aborigines who lived on the island was amicable.” Similarly for the town of Dunalley, it is stated that

on November 29, 1642 Abel Janszoon Tasman landed at Blackman Bay near present day Dunalley. It is believed the Dutch were the first Europeans to set foot on Tasmanian soil. Although they saw smoke and heard noises they did not see any Aboriginal people.

Though highlighting connections with famous explorers is understandable, these statements, in my opinion, are a disservice both to colonial history and, more importantly, the contemporary Tasmanian Aboriginal community.

There are also five references in the *East Coast* subsection of the *Discover Tasmania* website (Tourism Tasmania 2013b), with one of them likewise being a Tasmanian Aboriginal place name: “Triabunna is an Aboriginal word meaning native hen – a fast-running, flightless bird found only in Tasmania.” There is a reference to the settlement at Wybalenna on the page devoted to Flinders Island, identical to the aforementioned sentence from the Attractions page. In the small history description of Freycinet and Coles Bay, it is noted that “prior to European settlement the Great Oyster Bay and Big River Aboriginal tribes made an annual trek in the cooler months, out to the coast for seafood and swan eggs” while for St. Helens it stated that “the Bay of Fires (named by British Captain Tobias Furneaux, who only saw the smoke from the fires of the local Kunnara Kuna tribe) is a coast of white sandy beaches dotted with giant granite boulders.” The *East Coast* subsection also suggests that at Flinders Island, “head to the Furneaux Museum where you can find out more about the island’s history. There are artefacts dating back to Aboriginal inhabitants, sealing and whaling displays as well as information on the mutton bird industry.” The references to pre-colonial and colonial history and culture in this brochure are, once again, prominent.

The other three regions of Tasmania have just one reference to Tasmanian Aboriginals each (Tourism Tasmania 2013b). At Longford in the Launceston, Tamar and the North it is noted that “prior to European settlement the area was used by the Panninher Aboriginal band of the northern midlands.” Tiagarra receives the sole mention in the *North West Coast* subsection, while the *Western Wilderness* subsection just points out that the town of Corinna is named after the Aboriginal term “for a young Tasmanian tiger.” Such little mention of Tasmanian Aboriginal culture, past or present, is disappointing and surprising, especially for the *Western Wilderness* region, where it featured most prominently among the brochures.

Unlike the brochures, the *Discover Tasmania* website (Tourism Tasmania 2013b) includes a subsection specifically devoted to Tasmanian Aboriginal Culture, located within an “About Tasmania” section which also addresses history, climate, wildlife, and facts and figures. This subsection discusses how Tasmanian Aboriginals were isolated for 10,000 years prior to European arrival, mentions two important ancestors to the contemporary Tasmanian Aboriginal community (Fanny Cochrane Smith and Dolly Dalrymple, who both survived Truganani), and a short excerpt on the Land Claim process—the website then suggests that visitors go to the Tasmanian Museum and Art Gallery in Hobart to learn more. Significantly, this section also includes a brief discussion of the importance of heritage to contemporary Tasmanian Aboriginals, stating how

today's Tasmanian Aboriginal community retains strong links to the land. In Tasmania's river valleys, forests, coastlines and offshore islands, important cultural sites are a physical and spiritual connection linking Aboriginal people of the past, the present and the future,

and that “on many Tasmanian coasts there are Aboriginal midden sites, where generations of people cooked shellfish meals - please respect these special places and leave them undisturbed.”

Though this information is succinct it does at least provide some reference to the types of Tasmanian Aboriginal heritage and the importance of protecting it.

Significantly, in the promotional material produced by Tourism Tasmania there is a relative absence of discourse on Tasmanian Aboriginal heritage, with Tasmanian Aboriginal heritage being a minor component of each brochure and receiving only a few references across the entirety of the *Discover Tasmania* website. While the lack of inclusion in the brochures can perhaps be partially explained by the finite amount of space—with only room for the main attractions—there is no such excuse on the website. While there may not currently be an

association between Tasmania and Aboriginal tourism, the Tasmanian government is doing little to change this situation in their marketing strategy.

Much can be inferred from the little that is included in government tourism promotional materials, however. For starters, what references there are to Tasmanian Aboriginal attractions in the brochures and on the *Discover Tasmania* website are all to tangible Tasmanian Aboriginal heritage, middens, archaeological sites, and artifacts found in museums. None of the promotional material in the brochures refers to any attractions associated with contemporary Tasmanian Aboriginal culture. There are several references to include that have Tasmanian Aboriginal art on display or before sale on the *Discover Tasmania* website but these are only easily found through a search.

There is also a readily identifiable discourse in the tourism promotional material that situates the Tasmanian Aboriginals in the past rather than the present, simultaneously reinforcing the dominance of the majority European population in the tourist gaze (Urry 2002; Goulding and Domic 2009; Poria and Ashworth 2009) and their “heritage primacy” (Lowenthal 1998, 176). Just one of the brochures refers to Tasmanian Aboriginals in the present tense—this “*was* the meeting place of three Aboriginal nations,” “Indigenous people *inhabited*,” “Aboriginals *lived*,” and they “*called* the lake” (emphasis added). The *East Coast*, *Launceston*, *Tamar and the North*, and *Western Wilderness* brochures all make reference to Tasmanian Aboriginals in regards to the distant past, establishing the ancient nature of the landscape being described, thus echoing the common trend of Australian usurpation of the Aboriginal connection to the land identified by Lattas (1993) and Lowenthal (1998). Similarly, almost all of the references on the website are to pre-colonial history or initial encounters with European explorers. Furthermore, while all of the brochures make repeated emphasis to Tasmanian convict history, mining history, and pastoral

history, the historical treatment of Tasmanian Aboriginals receives only passing reference in one of the brochures, with the *Western Wilderness* brochure mentioning Tasmanian Aboriginal resistance, though without providing any details or context. There are more references to the colonization and dispossession of Tasmanian Aboriginals on the website, but in regards to attractions these consist of two allusions to Oyster Cove and two to Wybalenna. While there is more information within the Aboriginal Culture subsection, that is only going to be seen by potential tourists that are expressly interested in it.

There is also a geographic discourse evident in the promotion of Tasmanian Aboriginal tourism. The *Western Wilderness* brochure (Tourism Tasmania 2011e), which covers the most sparsely populated area of Tasmania, has the most references to Tasmanian Aboriginals, and even that is only four brief mentions in 48 pages. The brochures for the two most populated regions of Tasmania, *Hobart and Surrounds* and *Launceston, Tamar Valley and the North*, only have one mention each of Tasmanian Aboriginal tourism or heritage. On the website, the *East Coast* region, the second most sparsely populated in Tasmania, has the most mentions. While there are also five mentions in the *Hobart and Surrounds* section of the website, two of them are references to Oyster Cove and two are arguably brought up primarily for their connection to famous European explorers. There is no discussion of Tasmanian Aboriginal presence or culture in Tasmanian cities in either the brochures or the website (except in regard to museum displays) despite the reality that most Tasmanian Aboriginals now live in cities (Australian Bureau of Statistics 2013c). This absence is perhaps further evidence of the tendency of Australians to discursively locate Aboriginals in the periphery or frontier (Howitt 2001; Hinkson 2003; Merlan 2007) and a perpetuation of colonial “spatial narratives” (Azaryahu and Foote 2008).

Judging from the responses I received in interviews, there seems to be a common sentiment among members of the Tasmanian Aboriginal community to develop tourism projects. However, any future efforts at tourism must be driven by the community itself. According to the two government officials that were involved in developing it, an outcome of the consultation period for the development of the Aboriginal Tourism Development Plan for Tasmania (TOAA 2007) was the discovery that: 1) many members of the Tasmanian Aboriginal community desire the creation of an Aboriginal Tourism Officer to represent their interests with the Tourism Ministry; 2) there need to be interpretation manuals created concerning Tasmanian Aboriginal heritage and culture available to both Aboriginal and non-Aboriginal tourism operators; and 3) a clear protocol agreement should be established for approaching the Tasmanian Aboriginal community about tourism issues. The ATDP (TOAA 2007) also articulates concerns that the Tasmanian Aboriginal community has over maintaining cultural authenticity and developing the necessary capacity to create and manage tourism businesses.

Underscoring Tasmanian Aboriginal interest in tourism is the belief that tourism may play an important part in educating the Tasmanian public about both their contemporary community and their heritage. A government employee (participant 1) stressed that if a Tasmanian Aboriginal tourism presence can be established, it will “blow the myth out of the water” concerning extinction. There is currently a proposal to create a tourism venture on the recently returned lands at Eddystone point in the northeast part of the state. I spoke with an individual (participant 2) associated with this project, who informed me of what is envisioned. The tourism project will be a small scale, community-run enterprise centering on an interactive walk through the landscape. Tourists will be shown midden and other heritage sites and plants important to Tasmanian Aboriginal culture. Emphasis will be placed on discussing the

importance of the landscape to Tasmanian Aboriginals and the emphasis on sustainability they place in their interactions with it. Tourists will “hopefully get an understanding of why we think the way we do and why we act the way we do.”

Chapter 9

Conclusion

Across the mediums of government legislation, public commentary, and tourism, several discursive themes surrounding Tasmanian Aboriginal heritage are apparent. The first theme to emerge is the great emphasis that Tasmanian Aboriginals are currently placing on heritage rights. A second theme is the prioritization of European-style heritage over Tasmanian Aboriginal heritage, highlighted both in the unequal protective measures included in their respective legislation and the attitudes (perceived and expressed) of many in the wider Tasmanian public concerning the Brighton Bypass controversy and other Tasmanian Aboriginal heritage sites. A third theme is a privileging of “expert” opinions over those of Tasmanian Aboriginals in all aspects of the heritage process, as demonstrated by the authoritative role of the government Minister in heritage legislation and the debate concerning the authority granted in the proposed legislation to Tasmanian Aboriginals to identify and protect their heritage. The fourth major theme is a discursive positioning of Tasmanian Aboriginals in the historical past and, possibly, the spatial periphery. In this concluding chapter I discuss these four themes and their wider implications, and highlight possible directions for future research.

Discursive Themes Surrounding Tasmanian Aboriginal Heritage

The ongoing emphasis and discursive conflicts surrounding heritage in Tasmania speaks to its great importance, not only to the Tasmanian Aboriginals but also to other Indigenous communities around the world. Heritage is an essential component of culture and identity. The right to identify and manage heritage therefore becomes a fundamental component of the wider

Tasmanian Aboriginal quest for both cultural revitalization and self-determination. Due to the particularly devastating form of colonialism they experienced, the contemporary Tasmanian Aboriginal community relies primarily on heritage in their attempts to recover their traditional culture and reestablish connections with their lands. In a very real sense, heritage is central to their continued viability as a group and loss of heritage often means the disappearance of knowledge that may never be otherwise recoverable.

The importance of heritage to Tasmanian Aboriginals is only extenuated by the existing mechanism for land return in the state, the *Aboriginal Lands Act 1995* (Tasmania 1995). With the Native Title not applicable in Tasmania, the Tasmanian Aboriginal community is dependent on legislation passed by the state government. As the only land returned to the Tasmania Aboriginals to date has been of great heritage significance, having discursive and legislative control over heritage takes on tremendous importance for the community and carries both tangible and intangible rewards, supporting the contention of Smith (2007) that heritage control can be parlayed into other political, social, and economic gains. Based on past history, wider recognition of heritage rights will most likely lead to the return of more land to community control. The land that has been returned thus far is not sufficient for the community to establish a sound basis for tourism or any other means of economic prosperity. Only with more land can the Tasmanian Aboriginal community have any chance for self-determination.

The current legislation protecting Tasmanian Aboriginal heritage is outdated and urgently needs to be replaced. Tasmanian Aboriginal heritage does not receive equal protection to European heritage and, as a consequence, is greatly imperiled. The inclusion of the 1876 qualifying date in the *Aboriginal Relics Act 1975* (Tasmania 1975) is tantamount to a government endorsing of the “myth of extinction” and devalues the culture of the contemporary

Tasmanian Aboriginal community, placing present-day cultural products and traditions at risk and firmly positioning the Tasmanian Aboriginals in the discursive past. It also discursively reinforces conceptions of cultural authenticity similar to those espoused by MacCannell (1976), implying that the contemporary community has lost its authenticity and the capabilities of producing genuine Indigenous heritage. While authenticity may now be recognized by academics as an existential concept (Wang 1999), existing in minds rather than objects, it is still an important consideration for tourists, and clearly the Tasmanian community at large.

As demonstrated in the written responses to the *Draft Aboriginal Heritage Act 2012* (DPIPWE 2012), the public discourses associated with the Brighton Bypass controversy, and the interviews I conducted, there is a sizable segment of the Tasmanian population who view the contemporary Tasmanian Aboriginal community, embodied by the Tasmanian Aboriginal Centre, as charlatans and power-hungry opportunists, with “true” Tasmanian Aboriginals extinct since the 1870s. Though the government has taken steps to distance itself from its colonial attitudes—the *Aboriginal Lands Act 1995* (Tasmania 1995) and even the mothballed Aboriginal Tourism Development Plan for Tasmania (TOAA 2007) are momentous departures from previous policies—it needs to go further. Derogatory attitudes towards the contemporary Tasmanian Aboriginal community will not change while there are any references to “extinction” in government legislation. With antagonistic perspectives so pervasive, any attempt by the community to regain rights or self-determination will face strong opposition. A necessary step in changing these attitudes is giving Tasmanian Aboriginal heritage the same respect and protection as European heritage.

In addition to the discrepancy in protection for Tasmanian Aboriginal and European heritage, which the *Draft Aboriginal Heritage Act 2012* does remedy, there seems to exist a

common conviction in the Tasmanian Aboriginal community that European heritage is prioritized over their own. This issue was, in many ways, at the heart of the Brighton Bypass controversy. If the \$A100 million dollar figure for rerouting the bypass is accurate, it is easy to comprehend that the government was in a difficult position. Regardless, the government handled the situation poorly. The construction of the bridge over the main levee site at the cost of an additional \$A12 million was a step in the right direction but it was not nearly sufficient. Every feasible effort should have been taken to protect the site; at a bare minimum, extensive additional archaeological testing should have been performed to determine exactly what was at the site and what steps should be taken to protect the artifacts there. While the government was clearly at fault, so too were the leaders of the Tasmanian Aboriginal protest. Although perhaps understandable, the firm, uncompromising line taken by the Tasmanian Aboriginal Centre, and many other protestors, was unlikely to save Kutalayna, as indeed it did not. The Brighton Bypass controversy stands as a testament to the negative outcomes that accompany antagonistic, uncooperative relationships between governments and Indigenous peoples.

The Brighton Bypass situation required negotiation and compromise, two things that are not possible with the winner/loser binary that surrounds this controversy and many other interactions between the Tasmanian Aboriginal community and the government. Negotiation requires trust and respect among all parties and the onus lies with the Tasmanian government to alter the status quo. Creating the needed heritage legislation in consultation with the Tasmanian Aboriginal community and thereby avowing the significance of past and contemporary Tasmanian Aboriginal culture would be an excellent start.

As one of my informants pointed out, however, the leaders of the Tasmanian Aboriginal community must also change their approach to conflict resolution. During several of my

interviews, I raised the issue of “reconciliation.” Each time, I was informed that neither the Tasmanian Aboriginal community nor the government uses that word. To me, the avoidance of the phrase “reconciliation,” combined with the ongoing disputes surrounding heritage, is an indication of the current intransigence surrounding stakeholders and a call for them to start working towards better outcomes in the future.

The situation surrounding Tasmanian Aboriginal heritage is a compelling example in support of Smith’s (2006) Authorized Heritage Discourse and suggests the concept’s continued viability as a basis for future research. The *Aboriginal Relics Act 1975* (Tasmania 1975) only applies to tangible heritage and although the *Draft Aboriginal Heritage Act 2012* (DPIPWE 2012) recognizes “intangible” heritage, it is unclear how it will be protected within the legislation. Providing further evidence of the AHD (Smith 2006), both the existing and proposed Aboriginal heritage legislation prioritize the role of the “expert” in the identification, protection, and management of heritage. Even though there is considerably more emphasis on Tasmanian Aboriginal input in the *Draft Aboriginal Heritage Act 2012* (DPIPWE 2012), in the form of the Aboriginal Heritage Council, all final decisions still reside with a government Minister. The degree to which this aspect of the AHD has become polarizing is reflected in the stakeholder letters, with some objecting to the government’s continued oversight and others calling for more of a role for “experts.”

This particular aspect is a difficult one to reconcile. As the Hindmarsh Island Bridge controversy and the Australian Native Title process so effectively highlight, Indigenous people should have ultimate say over all aspects of their heritage. To do otherwise is to continue to forcibly impose European values on communities who do not want them, which is a contradiction of the principles of the United Nations Declaration on the Rights of Indigenous

Peoples (United Nations 2008) and a recipe for community stress, conflict, and continued marginalization. However, I do not think that this transition can happen instantly. As the Tasmanian case indicates, there are many non-Indigenous people who view Indigenous peoples' perspectives on heritage dubiously and will suspect malfeasance and opportunism at any heritage protection measure that inconveniences them. As a result, such individuals will insist on continued "expert" and government oversight. Pragmatically then, placing the control of all aspects of Tasmanian Aboriginal heritage into community hands at this juncture would be politically disastrous for Tasmanian politicians and is therefore something that they are not likely to do. On the other hand, the proposed heritage legislation in its current form is clearly unacceptable to many in the Tasmanian Aboriginal community and will inevitably mean a continuation of the status quo into the foreseeable future, with another situation similar to Brighton likely to occur.

To change this situation requires substantive shifts at the societal level, focusing especially on education, perhaps even a generational change as several informants indicated. In the meantime, however, I think that an emphasis needs to be placed on compromise. As my project indicates, heritage protection is of great importance and any new legislation must "get it right," especially as it will in all probability be the acting legislation for the next several decades. For starters, this process will require considerably more consultation than has already taken place. Tasmanian Aboriginal concerns about heritage protection and management must be recognized and incorporated into the legislation.

Decisions concerning heritage should be placed with the equivalent of an Aboriginal Heritage Committee and removed from ministerial control. While archaeologists, heritage professionals, and other "experts" should not be prioritized they should still have a role for the

time being, whether it is a place on an Aboriginal Heritage Committee or a separate advisory committee. Although I do not believe this will be possible in the short term, a goal should be for these positions to be filled by Tasmanian Aboriginals in the future, once there are members of the community appropriately trained. The membership of this Aboriginal Heritage Council, or any future representative heritage body for Tasmanian Aboriginals, should reflect the diversity of opinions within the Tasmanian Aboriginal community, not just those sympathetic with the Tasmanian Aboriginal Centre, and be comprised of individuals conversant with community interests and aware of broader issues associated with heritage.

At present, there is a minimal presence of Tasmanian Aboriginal tourism in the state. There is a healthy market for an Aboriginal tourism experience in Australia, reflected in the more than \$A3.8 billion spent by the “Indigenous tourism segment” in Australia in 2010 (Tourism Research Australia 2011) and the success of diverse Aboriginal tourism products such as Tjapukai Aboriginal Cultural Park in Cairns, Guurrbi Tours in Townsville, and the Tribal Warrior Cruise in Sydney. According to Tourism Research Australia, tourists interested in Aboriginal products stay more nights in a location and spend more money than the average visitor—and, significantly for Tasmania, are also more likely to visit rural areas. Acknowledging tourism’s potential limitations for Aboriginal communities (Craig-Smith and French 1994; Altman and Finlayson 2003), all parties in Tasmania, including the government and the Tasmanian Aboriginal community, could benefit from an increase in Tasmanian Aboriginal tourism. Though timber and mining continue to dominate the Tasmanian economy, the natural resource sector will inevitably decline. Tourism is increasing in prominence in the state and a Tasmanian Aboriginal tourism product holds potential, and will serve as a great complement to

existing cultural heritage resources. The Tasmanian Aboriginals have a fascinating history and culture, distinctive from everywhere else in Australia, both of which will appeal to many tourists.

For a Tasmanian Aboriginal community looking to establish a resource base for a wide variety of community improvement objectives, tourism, if done appropriately, offers one of the viable options. As discussed in Chapter 4, the lands returned to the community subsequent to the *Aboriginal Lands Act 1995* (Tasmania 1995) are all heritage lands, many of which are isolated and offer no other economic benefit. Heritage tourism will, as a result, inevitably form the basis for any Tasmanian Aboriginal tourist endeavors—as it has for all past and present ones. While the priority for the community must, of course, be to protect and learn from these sites, there exists potential for developing some of them into tourist attractions. As indicated by my informants, any future Tasmanian Aboriginal tourism ventures must be initiated and operated by community members. These would most likely be similar to the small-scale Aboriginal owned tourism ventures on mainland Australia described by Fuller et al. (2005) and Wright et al. (2009). The current Tasmanian Aboriginal Centre plans to develop a tourist presence at Eddystone Point are a positive step, and likely an indication of similar projects to follow, but there needs to be a more concerted effort. Such small-scale tourism ventures will allow for community control and the dissemination of important community perspectives, while simultaneously increasing the likelihood of continued economic and environmental sustainability for the business.

For this vision to become a reality, however, the government must play an important role. In addition to providing the much needed heritage protection legislation, the government needs to actively promote the Tasmanian Aboriginal tourism presence in the state and to work with the Tasmanian Aboriginal community to build the necessary capacity. Simply put, although the

Tasmanian government is not wealthy in comparison to other Australian states, it does possess far greater resources than those available to the Tasmanian Aboriginal community. For the government, a positive step would be enacting measures outlined in the Aboriginal Tourism Development Plan for Tasmania (TOAA 2007). Because collaboration is a prerequisite for creating a viable Aboriginal tourism product in the state, perhaps tourism can serve as a foundation for wider cooperation and understanding.

Currently there are few mentions of Tasmanian Aboriginal heritage in government promotional material, and those that are present tend to emphasize pre-colonial and colonial history and culture. Although this situation is slowly changing, the interpretive material in the state also tells a similar story. I would not be at all surprised if many visitors are ignorant of the presence of any Tasmanian Aboriginal tourism sites in the state and leave Tasmanian unaware that there is an active Tasmanian Aboriginal community. The lack of promotion of Tasmanian Aboriginal presence in urban areas is also noteworthy, and arguably reflective of a common trend in Australian conceptions of Aboriginals. The primary avenues of government tourism promotion, both brochures and the Discover Tasmania website, should be enlisted to promote future Tasmanian Aboriginal tourism businesses and must highlight the rich Tasmanian Aboriginal cultural heritage in the state, both historical and ongoing, and the importance of protecting it.

Directions for Future Research

There are many interesting directions for future research concerning Tasmanian Aboriginal heritage and tourism. However, as mentioned in Chapter 7, I believe that the current situation in Tasmania is not conducive to research by academics without existing community

ties. As such, many projects may need to wait for the foreseeable future or, preferably, be conducted by members of the Tasmanian Aboriginal community.

My experiences in conducting this research project lend further impetus to the calls from, among others, Smith (1999), Louis (2007), and Johnson (2008) for more collaboration with Indigenous peoples in academic research projects. The research outcomes of my project would undoubtedly have been improved by more direct engagement with the Tasmanian Aboriginal community. While the conditions in Tasmania are challenging for outside research, they are by no means singular. Substantive, meaningful research into the issues facing contemporary Indigenous communities requires that relationships exist between the researcher and the community, something which can only develop with time, transparency, and a willingness to listen and respond to community concerns.

I plan to continue following the ongoing process of creating new Tasmanian Aboriginal heritage legislation. Although an Act is supposedly going to be proposed before Parliament later this year, I am doubtful that this timeline will be followed. Considering the deep divides that still exist over many aspects of the proposed legislation, I expect that it will, or at least should, take many months before a more acceptable piece of legislation is drafted. It will be of great interest to see to what extent new legislation differs from the *Draft Aboriginal Heritage Act 2012*. If any new Act is largely unchanged from the draft, it will likely provoke a strong response from many members of the Tasmanian Aboriginal community. I would certainly like to incorporate a discussion of any new legislation into my analysis—in either the same publication or an additional piece, depending on the timeline in which events unfold.

Given the relative dearth of academic research on Tasmanian tourism, there is the potential for many projects focusing on different aspects of the role of Tasmanian Aboriginals

within the Tasmanian tourism system. One potential intriguing project would be to analyze the historical, contemporary, and future situation of Tasmanian Aboriginal tourism, incorporating interviews with, for example, tourism operators, the Tasmanian Aboriginal Centre, and employees of Tourism Tasmania and the Office of Aboriginal Affairs. Another, less ambitious, project could be to survey Australian and international tourists in Tasmania concerning their perceptions of Tasmanian Aboriginal heritage in the state, including the role it played in their choosing to visit Tasmania and the impressions they formed during their stay.

In broader terms, my research suggests the necessity of further engagement with Indigenous heritage by geographers. Like the Tasmanian Aboriginals, many other Indigenous communities around the world are seeking return of heritage items and land, increased protection of heritage, and greater levels of control. Given the importance of cultural heritage to Indigenous peoples, both on its own and as a stepping stone to other rights, increased understanding of how colonially derived attitudes continue to shape government heritage perceptions and legislation will be of great benefit to communities. Heritage deserves a level of consideration commensurate with other vital avenues of Indigenous research such as land return and resource management.

My research project also provides encouragement for other applications of Smith's (2006) Authorized Heritage Discourse. Given the extent of laws pertaining to Indigenous heritage around the world, across different scales, there are numerous possibilities for case studies and comparative analyses. In particular, I am curious to see how these issues are playing out in other areas where Indigenous peoples were subject to extreme forms of colonialism (including territorial cleansing and genocide) and communities suffered extended periods when their existence was denied.

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