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# Heritage Management and Aboriginal Australians: Relations in a Global, Neoliberal Economy—A Contemporary Case Study from Victoria

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## ABSTRACT

Cultural Heritage Management in Victoria has bonded archaeologists and Aboriginal people to the logic of profitability. In this article, I argue that this approach to heritage neutralises and/or discourages any political or social interpretations relevant to aboriginal peoples, and undermines subsequent protest movements. I advocate that archaeology, as it is framed in Victoria, is participating in making the heritage 'industry' a profitable activity for Aboriginal communities, giving them an illusion of empowerment, ironically achieved through the destruction of their own non-renewable heritage. This process of commodification is consented to in exchange for financial compensation, presented as the key to emancipation. I intend here to demonstrate that this belief might in reality be detrimental to Aboriginal Australians.

Résumé: Dans l'état du Victoria, la gestion du patrimoine culturel a été organisée de manière à ce que les archéologues et les communautés aborigènes soient aujourd'hui liés à la logique du profit. Dans cet article, je défends l'idée que cette approche du patrimoine détourne les archéologues des dimensions sociale et politique de la profession - pourtant des plus pertinentes pour les populations aborigènes - et mine ainsi l'émergence de mouvements de contestations. Je suggère que l'archéologie du Victoria tend à réduire la gestion du patrimoine à une industrie technicisée, perçue comme potentiellement rentable pour et par les communautés aborigènes. Cette image de l'archéologie a donné l'illusion aux communautés aborigènes d'une possible réaffirmation de leur autorité et d'une réelle responsabilisation, ironiquement obtenues par la destruction de leur propre patrimoine. Ce processus de marchandisation de la relation au patrimoine a été consenti en échange d'une compensation financière, présentée comme la clef de l'émancipation. J'ai l'intention de démontrer ici que cette conception d'inspiration néolibérale est en réalité néfaste aux Aborigènes d'Australie.

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Resumen: En el estado de Victoria, la gestión del patrimonio cultural ha sido diseñada para que los arqueólogos y las comunidades aborígenes estén sujetos a la lógica del beneficio. En este artículo, se argumenta que esta orientación económica desvía los arqueólogos de las dimensiones sociales y políticas de su trabajo; dimensiones que, sin embargo, son más relevante para las poblaciones indígenas. Así, esta lógica mina la posible aparición de movimientos de protesta. Sugiero que la arqueología de Victoria tiende a reducir la gestión del patrimonio a una industria, vista como rentable por y para las comunidades aborígenes, dándoles la ilusión de tener la autoridad y una responsabilidad real, obtenida irónicamente por la destrucción de su propio patrimonio. Este proceso de mercantilización en respecto a la relación del patrimonio se hizo a cambio de una compensación económica, presentada como la clave para la emancipación. Aquí intento demostrar que esta idea de inspiración neoliberal es, en realidad, perjudicial para los aborígenes australianos.

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**KEY WORDS**

Aboriginal Australians, Archaeology, Cultural heritage management, Corporatisation

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### **An Outsider's Look at an Australian Case-Study**

This research is based on an investigation in Victoria (Figure 1) involving a sample study of thirty-five interviewed professionals in cultural heritage management (CHM). It is embedded in a larger comparative project I initiated in Canada and continued in Japan, investigating the various relationships between heritage, power and economics.

The general goal of this article was to challenge institutional regimes—in this case, the State of Victoria and Aboriginal Affairs Victoria—in their production of truth and to reveal the links between knowledge, power and economy, which affect the management of Aboriginal heritage and the life of Aboriginal communities today. This approach echoes the notion of ‘archaeologists’ responsibilities’, as described by Hamilakis (1999, pp. 60). As a result, this is an investigation into the process and outcomes of CHM as it relates to archaeological sites, modes of professional practice and Aboriginal involvement, i.e. their position in the power nexus and the socio-economic repercussions of this position. My aim is to demonstrate that the implementation of archaeology in Victoria, and the changes in CHM practices and regulations it brought after the 1970s, might be more problematic than anticipated.

Initially, I should underline that the vast majority of people involved in the processes described in this paper had fundamentally ‘good’ intentions.

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**Figure 1.** Victoria and Melbourne in Australia. Source: Wikimedia Commons, modified by the author, free of copyright

Most archaeologists and Cultural Heritage Advisors (CHAs) aimed for an improvement in the outcomes of archaeology and hoped for a fruitful relation with Aboriginal communities. However, the definition by my interviewees of a ‘good archaeological outcome’ varied widely, covering a large spectrum of objectives that included: doing an ethical and fulfilling job, doing research as a source of pride, protecting Aboriginal heritage for future generations, collaborating with modern Aboriginal communities, understanding landscape dynamics, recording human occupation history, producing solid scientific data, clearing land for development and simply making a decent living. All these goals were singularly defined as good or good enough by each individual. Furthermore, a few actors in the CHM sector whom I spoke to were Aboriginal and presented an agenda not that far removed from the archaeologists’ preoccupations that were focused on improving socio-economic conditions for Aboriginal people, defining new sources of income, and gaining knowledge, empowerment, rebuilding pride and obtaining a higher status for their own specific Aboriginal community.

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Consequently, the reflexive and critical perspectives presented here do not focus on specific individuals' accountabilities, especially because in a complex field involving hundreds of actors, it is particularly difficult to grasp all the political-economic stakes through time. My approach rather challenges the organisational structures and the mechanisms involved in the neoliberal economic model seen as the model of development per se. This model has been implemented since the 1970s by Thatcher (UK), Reagan (USA) and Pinochet (Chile) to impose the 'free' market and privatisation as the solution to generating growth and contributing to rising socio-economic conditions for all. As suggested recently by the economist Piketty (2013, pp. 942–946), this belief has repeatedly proven fallacious, a reality that has become more evident since the financial crises of 2008. However, the neoliberal model continues to be championed as the obvious and only viable economic choice.

As such, an integration of Aboriginal populations into the neoliberal framework, seen as the only alternative leading towards freedom, emancipation and prosperity, is in fact highly questionable, as is the role played by archaeology in this corporatisation of Aboriginal groups and commodification of heritage. Finally, through the analysis of discourses and of the relationships between various actors, I will attempt to deconstruct how the relations are articulated in CHM in Victoria, and what the concrete consequences are for the Aboriginal people.

### **Deconstructing the Political-Economy of Archaeology: Behind the Scenes of Victorian State Policies**

Using Marx's theory of alienation (Marx 1844/1959), the focus of my work has been directed towards the relationships between the actors involved in heritage in Victoria and the outcomes and tensions generated by these relationships. To assist me in this deconstruction, I used the three analytical concepts of 'property-relations', 'capitalist objectification and freedom' and 'political emancipation' as defined by the philosopher István Mészáros (2005, pp. 151–161). István Mészáros, a Hungarian Marxist philosopher and professor emeritus at the University of Sussex, focused on the nature of Capital. Throughout his career, his key theoretical principle was that Capital establishes a relationship of subordination of Labour forces and separates workers from effective control over the condition and purpose of their work, a phenomenon also called alienation.

The term 'property-relations' (Mészáros 2005, p. 151) refers here to the attempt to understand relations of ownership between people and things; so, in our concern, relations between Aboriginal people and the(ir) lands, but also how these relationships intersect with governmental institutions, heritage laws, land management policies, and relations with other Austra-

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lians as well. Since the beginning of land appropriation by European settlers in the 18th century, the social order established by these settlers remained almost untouched until the rise of political struggle by the Aboriginal community in the 1960s and 1970s: for example, the 'Freedom Rides' in the mid-1960s (Maynard 2007, pp. 2–3; pp. 120–121); the establishment of the Aboriginal tent embassy in front of the national parliament in Canberra in 1972 (Goodall 2008, pp. p. xxvi, p. 375, pp. 401–402; Maynard 2007, p. 3; Robinson 1994); the creation of the Australian Aboriginal Flag in 1971 (Maynard 2007, pp. 2–3; Stokes 1997, p. 166); the *Mabo v. Queensland* high court of Australia decision rejecting the doctrine of *Terra Nullius* in 1992 (High Court of Australia 1992; Strelein 2009, pp. 9–21; Fieldes 2005); and more recently the 'pay the rent campaign' to the High Court in 1997.

For a long time, colonial order was indeed dissymmetric and discriminating against Aboriginal populations. In the 1970s, it became necessary for the Australian government, in order not to be accused of apartheid and become an international pariah like the Republic of South Africa (Macintyre 2009, p. 214), to create institutions and regulative principles to establish and safeguard continuity with the previous established order. To do this, the Australian government had to create an intelligible process of compensation for the disempowered Aboriginal people suffering from persistent injustice and citizenship denial (Mercer 2003, pp. 422–445). This was called the 'process of reconciliation'.

To avoid conflicts and the waste of precious resources associated with occupied lands, rules of compensation were defined for Aboriginal people who were to be allowed to re-appropriate for themselves some 'surplus-product' associated with their 'ancestral' or 'historical' lands (e.g., The Native Title Act 1993). However, the land itself and the resources extracted from those lands remain, in Australia, almost entirely the sole property of private non-Aboriginal landowners (Colley 2002, p. 29), which means that the 'surplus-products' accessible for Aboriginal people are still marginal (Pilger 2013). Nowadays, in Victoria, not only Native Titles generate incomes for Aboriginal people, but also a new legislation has been implemented (*Aboriginal Heritage Act*—AHA 2006) and new structures (Aboriginal Corporations and Registered Aboriginal Parties—RAPs) have been set up by the State of Victoria to generate increasing earnings for Aboriginal communities through CHM activities (e.g. Cultural Heritage Management Plans—CHMPs 2006). Now, the question that I ask in the case of Victoria is how much can the 'surplus-products' provided by CHM contribute to rendering Aboriginal people more free, "(1) from natural necessity; (2) from the interfering power of other men; and 3) in order to promote a fuller exercising of their own essential powers" (Mészáros 2005, p. 154)? Furthermore, do these new property-relations—which in the case of CHM in

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Victoria include the corporatisation of Aboriginal people and commodification of ethnicity and territories—further or hinder the advancement of the empowerment of Aboriginal people through labour appropriation? The term ‘capitalist objectification’ used by Mészáros refers here to the idea that “Labour is a man’s active property” and, as such, it is supposed to be an internal property that should manifest itself in a “spontaneous activity” (Mészáros 2005, p. 157). This Marxist idea leads us to perceive the objectification of mankind through labour as a fundamental power.

Finally, ‘political emancipation’ according to Mészáros (2005, p. 159) would be achieved mostly through democratic debates, social struggles and negotiations resulting in the drawing up of legal regulations for the recognition of rights and equality. In contrast, within neoliberalism, emancipation is largely defined in commodified terms and assumes that economic development will lead to greater social and political development. As a key neoliberal strategy, and especially in post-colonial contexts (Bargh 2007, p. 36), emancipation is diluted into the idea of self-determination and self-management. The concept then entails a withdrawal of the state—financially—from its responsibilities, passing the burden to unprepared but now supposedly ‘empowered’ communities. The latter are thus invited to attempt to make profits in a now deregulated market within the new economic niche so created. As such, the program built by the Victorian government for Aboriginal people claims precisely to achieve emancipation through economic prosperity (Government of Victoria 2012, p. 15) (Figure 2). The question that now concerns CHM in Victoria is can a program of corporatisation be positively transcendent for Aboriginal people?

### Building Prosperity through Economic Participation

Aboriginal economic participation and development is central to the Victorian Government’s approach because every Victorian should have the opportunity to fulfil their aspirations and reach their full potential. Having a job and a place in the economy builds self esteem, economic independence, positive role models and contributes to Victoria’s overall competitive advantage.

Central to VAAF 2013-2018 is building aspirations and growing economic participation.

Building on existing strengths, a Victorian Aboriginal Economic Strategy will be developed that will focus on:

- Building stronger foundations through education and aspirations for success in jobs and business throughout life
- Fostering a climate that builds job opportunities for Victorian Aboriginal people across the economy
- Supporting existing employees to move into higher level jobs
- Growing the number and scale of sustainable Aboriginal businesses

**Figure 2.** ‘Building prosperity through Economic Participation’. Source: Victorian Aboriginal Affairs-Framework 2013-2018: Building for the future: a plan for ‘Closing the Gap’ in Victoria by 2031, Department of Planning and Community Development, Melbourne: p. 15

## **Methods**

During a 6-month research project based in Melbourne (Victoria), I recorded stories of individuals active in CHM who freely and both diachronically and synchronically presented their vision and interpretation of Victorian CHM in its socio-political setting. The focus of this qualitative data collection was aimed at producing a general understanding of interactions between government, developers, corporations and Aboriginal people within Victorian archaeology. This research is based on thirty-five semi-directed interviews, from a sample constituted of company managers, archaeologists, casual employees, Aboriginal people involved in heritage activities, representatives and employees of Registered Aboriginal Parties, and public servants, out of a population estimated to be around 300 CHM specialists/workers (i.e. a sample of a little over 10% of this population). The interviews were not based on a defined questionnaire, but on a list of potential relevant topics. From this list, some subjects were selected before the encounter according to the profile of the interviewee, and some would be added or subtracted in consultation with the interviewee and according to the interviewee's interests. Three axes were defined for the topics: (1) individual patterns (e.g., what was the initial reason you chose archaeology as a profession?); (2) general socio-economic patterns in Victorian contract archaeology (e.g., how do you see the relations archaeological companies have with clients/the State/the Aboriginal peoples today?); (3) specific topics (e.g., what is the history of CHM in Victoria? How does the Registered Aboriginal Parties system works? What are the problems you have with this practice?).

Qualitative analysis via coding of the recorded interviews (anonymised here with aliases) generated a large range of segment-topics which were then ordered and classified to create a narrative on their own, revealing the relationships between actors, their contradictions, and the tensions between them. In the end, it allowed me to articulate an interpretation of the present configuration of Victorian archaeology.

## **Relations Between Aboriginal Communities and Victorian Archaeology**

### **Contextualisation at a National Level**

Since the early 1970s, Australia has been involved in a slow process of recognition of Aboriginal existence and rights (Macintyre 2009, p. 289). This process culminated in February 2008 with the official 'Apology to Australia's Indigenous Peoples' (House of Representatives 2008, pp. 167–171)

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offering apologies to Aboriginal Australians, but doing so uniquely for the 'Stolen Generations'. The 'Stolen Generations' are defined as a government policy applied between 1930 and the early 1970s, which consisted of the removal of Aboriginal children from their family (House of Representatives 2008, pp. 168–169) to facilitate their assimilation. Nevertheless, no apologies were formulated for the colonisation process itself, the massacres, the displacement of people, or for the forced breeding and enculturation that occurred systematically from the end of the 18th century (Macintyre 2009, p. 147). Consequently, all Australian states are now engaged within this official 'process of reconciliation' and they have had to adjust their policies to these newly created obligations to Aboriginal populations. However, it should be noted that, in archaeology, changes happened long before this, i.e. since the 1990s and probably even slightly earlier in some respects while intense debates went on in the community (Muray 1992). The internal change within the discipline seems to be unknown by some Aboriginal peoples who suffered from the anthropological activities associated with the colonial agenda and/or who have had negative experiences with people working in Humanities nowadays. One participant in this project, Peter, a Scholar and an Aboriginal activist in his 60 s, framed it thusly:

My opinion of archaeology in Australia is probably affected a bit by the fact that archaeologists and anthropologists played a significant role in the opposition to repatriations of human remains in urban museums in particular [in 2002]. [...] That was an act that I expected from certain sections of the so-called scientific community, and in particular anthropologists and archaeologists who, to my way of thinking, established themselves as gate keepers and as experts on us and on who we are and what we are...and seek to maintain their control and dominance over us [...]. In the process, anthropology as a profession became complicit in the enormous crimes against Aboriginal people, in particular the taking of Aboriginal children and the Nazi style experiments in breeding.... From my perspective, as an Aboriginal person, I treat both anthropologists and archaeologists with an enormous degree of suspicion and I think I am still very reluctant to talk to an Australian archaeologist. [...] They do not seem to me to be of any significant voice in any of the serious debates that go on. They are too timid, too overwhelmed by the majority opinion within their profession.

This context, described by Peter, played and still plays a key role in shaping the archaeological profession in Australia, not that archaeology and anthropology in Australia have been practiced the same way since the 19th century, but in the sense that it created a general mistrust (to say the least) in some Aboriginal people, and facilitated the understandable evolution of Australian archaeology towards the processual school, based on hard science and largely detached from political debates. However, in Aus-

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tralian archaeology, numerous and substantive efforts were made to 'decolonise' Aboriginal archaeology (Byrne 1996; David et al. 2006; Murray 1992; Smith and Wobst 2005), and this process positively influenced many archaeologists to rethink the very foundations and legitimacy of archaeological practices in Australia:

Gladia [in her 30 s—Archaeologist Consultant/Cultural Heritage Advisor]: "Because we have such a terrible racial history in this country, there is a lot of anger...and archaeologists copped a lot of flak [*received criticism*] from Aboriginal people for cultural imperialism, essentially. [...] Because we are archaeologists, we have this obsession with the past but new pasts are completely valuable. As soon as you start saying to communities, even if the knowledge you have is as simple as: 'my granny went here and sat under this tree'. Those are the kind of things that once you go through those processes, we will start rebuilding a history step by tiny step and it's ok. You have the right to connect with your past in that way, and you have the right to do it without a bunch of scientists pointing over your shoulder: 'that's not significant!'"

In Victoria, the latest major development in CHM was the implementation of a new law in 2006 within the governmental branch responsible for Aboriginal CHM, namely: the *Aboriginal Heritage Act* (AHA 2006) and its legislative amendments in 2012. Aboriginal Affairs Victoria and its regulations are keys to the relations between cultural heritage management professionals and Aboriginal people in that state. To understand the past, present and future of Victorian CHM, particular attention needs to be paid to the ways in which the legal and organisational framework has been developed.

### **Development of the Legal and Organizational Framework for Aboriginal CHM in Victoria Since the 1970s**

This section aims to summarise the history of heritage institutions in Victoria based on the interviews with professionals closely involved with CHM in that state. The aim of this process was to give a diachronic context for the present organisation of CHM in Victoria, helping to understand the present transformations and identify the future challenges to be faced.

In 1972, Victoria introduced legislation for the protection of Aboriginal heritage: the *Archaeological and Aboriginal Relics Preservation Act*. The state wanted to have some control over the selling of Aboriginal artefacts, so the main principle behind the 1972 Act was to control the buying and selling of Aboriginal portable objects. Almost as an aside, the legislation stated that heritage sites could not be destroyed without a permit.

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Nevertheless, in that period, the penalty for destruction of archaeological remains was fixed at A\$1000, which was a significant sum for the time [ $\approx$ A\$10,000, or  $\approx$ €7000 eq. 2014]. As a result of this regulation, the register of discoveries, as it was then called, was started in 1972–1973 by the Ministry of Culture but was soon moved into the Victoria Archaeological Survey (VAS), which was a separate governmental agency, charged with protecting Aboriginal, historical and maritime archaeology, that also undertook excavations and research projects. The VAS was abolished in the early 1980s and approximately half of its staff moved to Aboriginal Affairs Victoria (AAV) and the other half went to Heritage Victoria (HV), a separate state government department that administers historical/non-Aboriginal heritage, under the *Heritage Act* 1995.

In 1984, federal legislation—the *Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act* (Australian Government—Commonwealth Law 1984)—stated that Aboriginal community groups in particular areas had the power to grant consent for the management of Aboriginal cultural heritage. This was the first time that Aboriginal peoples had been given this power.

It was a unique position for Victoria to be in because the State had its own law: the 1972 Act, but also the 1984 Commonwealth Act, which took precedence. After 1984, these were both effective. The convention was that, where these two laws conflicted, the Commonwealth Act prevailed (Colley 2002:29). For example, the penalties for harming heritage from the Commonwealth Act overran the penalties under the State Act. Between the Federal and State acts, the penalties increased dramatically from A\$1000 to A\$50,000 for a corporation and A\$10,000 for individuals. Fifty thousand Australian dollars was a reasonably substantial amount in the early 1980s, even for a corporation [ $\approx$ A\$450,000, or  $\approx$ €300,000 eq. 2014].

According to my interviewees, the incentive for corporations to deal with heritage came from these punitive laws, rather than from any sense of wanting to plan ahead or become truly involved with the ‘process of reconciliation’. Developers simply wanted to obtain clearance and dealt with Aboriginal people not as owners or caretakers of heritage, but as obstacles to be overcome. That is the context, according to my interviewees, in which the heritage industry really began to develop in Victoria and that is when private CHM consulting firms started to develop, especially in the 1980s.

Under the new 1984 federal legal framework, developers were not allowed to destroy heritage unless they had permission from the local Aboriginal community to do so. Because this was a Commonwealth law, there was nothing under State law that developers could do. The only mechanism to appeal against a decision by the Aboriginal community was

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to take it to the Supreme Court, which was very expensive. As a result, no one ever disputed it for that reason.

Hugh [in his 30 s—Heritage Officer/Civil Servant]: “There were a couple things good and bad about the situation in the 1980s: the good about it is that it gave Aboriginal people the power to protect their Cultural Heritage. The bad thing was that it created a pressure point in that you had a million-dollar company knocking on the door of a very poorly resourced Aboriginal group...putting a lot of pressure on that community to give the corporations the necessary tick [in the box], and let them destroy the heritage. That gave a lot of space for corruption and it is what happened. You ended up with a lot of ‘under the table’ deals and a lot of trashing going on, which was not much good for heritage. So, if you are looking at heritage from an intrinsic value perspective, regardless of its value to Indigenous people or anyone else, heritage itself was not really being well served by this particular law. But, it took a little while for the situation to go sour. The first 10 years of that actually was probably ok and then it started to get a little bit out of control, and people started pushing for a change. In 1999, Aboriginal Affairs Victoria tried to put another piece of legislation through, updating the 1972 Act again, but failed because of a parliamentary decision.”

In Victoria, it was only in 2004 that reform successfully started and resulted in the production of the AHA in 2006. This Act is at the core of the actual political-economy logic implemented by the State of Victoria, reshaping the relations between cultural heritage management professionals and Aboriginal peoples, and redefining the objectives and outcomes of CHM. At the core of the 2006, reform is the RAPs system defined as “incorporated Aboriginal groups recognised by the Council as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage” (PwC 2012, pp. 13). This reshaping was mainly centred on redefining the Aboriginal role to be at the core of the management of Aboriginal heritage and, in doing so, attempt to establish the framework for a commercial, non-contentious relationship between State, developers and Aboriginal corporations (PwC 2012, pp. 11–12). My objective is thus now to deconstruct the role of AAV and the AHA (2006) through analysis of the interviews conducted in 2012.

## **The Specificity of the Registered Aboriginal Parties (RAPs)**

Hugh [in his 30 s—Heritage Officer/Civil Servant]: “When we were consulted about the 2006 legislation [...] the traditional [Aboriginal] owners wanted to have a say. They wanted to be in control of the decisions concerning their cul-

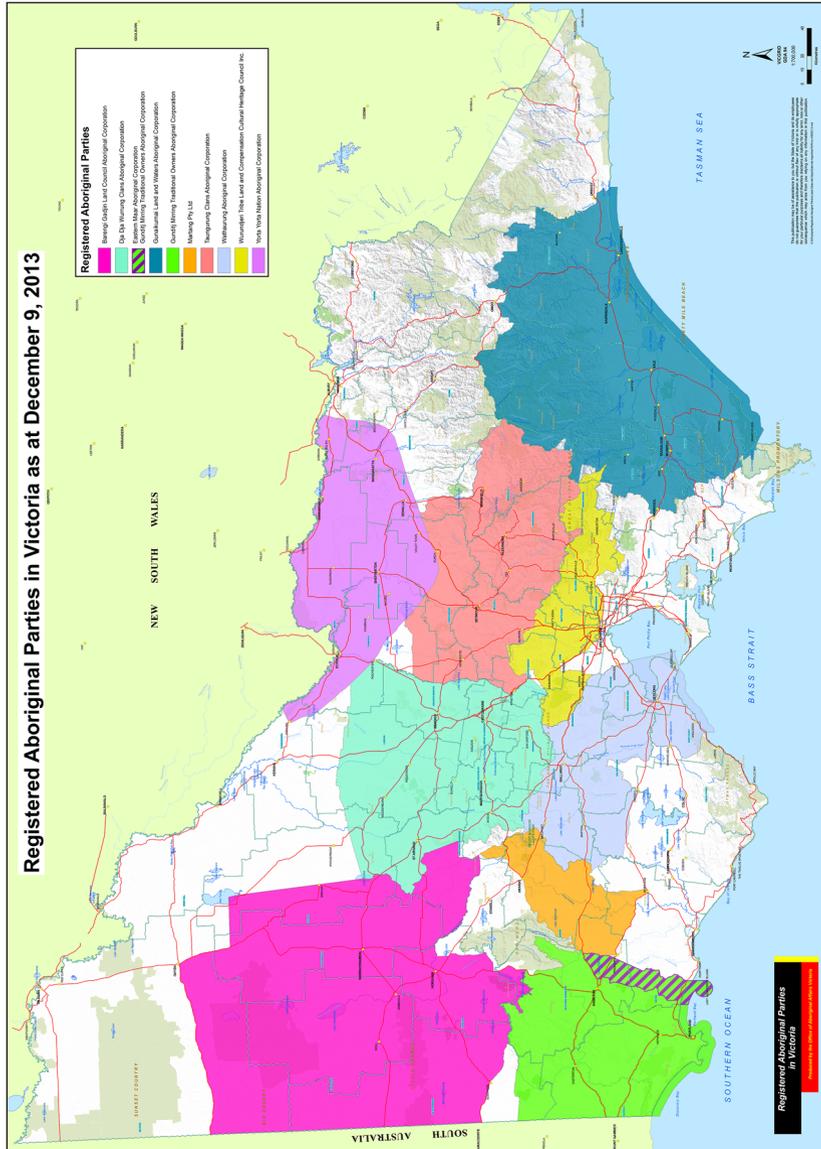
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tural heritage. So, what we come up with in the 2006 legislation was: “we will create a council of Victorian traditional owners, who would then decide which traditional owners speak for which part of the State”. So, white government: hands off! We are giving this to the Aboriginal to sort it out. Now, in one respect, it was very empowering and very forwards looking and very progressive, and probably morally the right thing to do...on the bad side, of course, was that all of the conflicts were now having to be dealt with by Aboriginal people. The council was established primarily to decide who speaks for which area and the mechanism for that is to become a RAP. Basically, what the 2006 legislation did, was to take away those lines on the map and said: “Ok, now, if you are a 1/traditional owner group, then you can apply to be a RAP; if you are a group that has an 2/historical or a contemporary connection with Cultural Heritage for a particular area you can apply to be a RAP.” The RAP has to be a corporation, in the business sense, and that is because we want the RAPs to be a functional interface between industry and the broader regional community. We needed some sort of structure.”

Since 2007, there are only ten RAPs that have been registered, which cover 54% of Victoria (Figure 3), although estimated 20–21 RAPs are needed to cover all of the state. The ones defined are the ones located in largely uncontested areas. In areas where there are contested claims, and where there is an overlap of boundaries, RAPs have not been defined at all. According to my interviewees, the RAP process has become very important for Indigenous Victorians because it is the primary way for them officially to get their traditional ownership recognised by the State. Once an Aboriginal group becomes a RAP, [...] it is able to decide on whether or not a place can be harmed through the permit process and through the CHMP process (in other words, from the design of the research to the writing of the report, to the recommendations—and the recommendations are very critical). Their job as an incorporated business, which is a new economic niche, is to evaluate those plans, approve them, assign jobs to the community members along the way, and thus generate profits out of all the peripheral activities related to heritage. As such, Aboriginal people can benefit from the ownership of the land during the process of development, but not before, and more importantly not after.

As suggested by Karl, a senior archaeologist in one of the CHM firms of Melbourne, the role of the AHA is ‘to parcel up portions of heritage so that they can be consumed by the development industry’. However, this archaeologist omitted the fact that this compulsory consumption by developers of this created product was aimed initially at somehow injecting income into Aboriginal communities through the RAPs and the CHMPs. Thus, the initial and true target of AAV was to create an extractable resource (comparable to a mining resource) for Aboriginal communities, and not for archaeologists. The idea is to allow the Aboriginal creation of

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**Figure 3.** 'Registered Aboriginal Parties in Victoria as at December 9, 2013'. Source Office of Aboriginal Affairs Victoria, Melbourne

businesses out of their own heritage, territorially defined by the RAP, essentially consisting of the permits to destroy that same heritage. Therefore, the RAP definition allows Aboriginal people to divide up among

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themselves the artificial 'surplus-products' created intentionally by governmental institutions.

## **The Victorian Organisation of CHM—Some Results of the Investigation**

### **Aboriginal Affairs Victoria (AAV)**

Since the early 1980s, Aboriginal heritage has been placed in the political sphere of management, while CHM fieldwork was transferred by governmental prerogative to private companies. Over the last three decades, what has AAV accomplished exactly? What did the reform of 2006 do for Aboriginal populations and how did it affect archaeological practices?

#### *Aims and Nature of the AAV*

On the official webpage of AAV, it is stated that “Our work focuses on reducing inequalities experienced by Aboriginal Victorians—especially those relating to early childhood, education, employment, economic development, family violence, justice, and health” (Department of Planning and Community Development 2013). Approximately one-third to half of this department is dedicated to Aboriginal cultural heritage, the rest of the department being dedicated to a large panel of socio-economic issues cited above and focused on strengthening Aboriginal communities. CHM is thus only a component of a larger institution having indeed a wider agenda than the study and the enhancement of the Aboriginal past.

During an interview, and in order to present the aims of the AAV, one of its high-ranked executives asked the following questions:

Alfred [in his 50 s—Civil Servant/Aboriginal]: “What does it mean to be Aboriginal in 2012 in Victoria? Is it about being disadvantaged? Is it about being dispossessed? Is it about fighting for your rights? Predominantly, No! [...] Our identity for the past 120 years has been built around us consciously being at the bottom of the social pot. That is closing. That is disappearing. So, what do we consciously form around? What makes us, us?”

This first assessment might be problematic in itself. In 2011, in Victoria, the rate of unemployment was still 18.9% for Aborigines against 5% for non-Aboriginal people (Victorian Government Aboriginal Affairs Report 2012, p. 39), and the ratio of indigenous income/non-indigenous income in Victoria was still 0.76 in disfavour of Aboriginal people (Biddle 2013, p. 6). These results are far better than the majority of other states in Aus-

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tralia, but do not take into account conditions concerning, for example, alcohol, drug consumption, suicide rates or domestic violence (Victorian Government Aboriginal Affairs Report 2012) to affirm that the gap is really disappearing. The situation can be seen to be getting better, as attested by these same statistics, but the recurrent issues affecting Aboriginal peoples remain the same and the socio-economic gap is still important.

Alfred [in his 50 s—Civil Servant/Aboriginal]: “It is the first part of the 21st century, and we are in an economy that works in a certain way. We want to be part of that. The way you get business done is going to be the laws of the land. You need a corporate expression of yourself to get the business done, so you do that and there is no problem.

Me: [silence] ...but this way, it neutralises any potential political claims. There is no more space for dialogue and protests, but only business.

Alfred: Yes, I suppose, but my response to that is that the world has moved on.

Me: [long silence]...you think so...?

Alfred: There is plenty of room for politics, and political discourse and that kind of stuff...but the world has moved on. One of the things about us as Aboriginal people is: why have we survived in a continent like this for 50,000 years? It is because we adapted to the environment around us. The environment changed, so you adapt to it. Some people like to keep it in the space of fighting the fight for their rights because that is where they are comfortable, but we don't have to fight for exactly the same rights that we did twenty to 40 years ago. We are in a different space. [...] When some people say: “We don't fight the politics anymore and we have given in...”, the truth is that the world has moved on from them but they don't want to let go or adapt to it. That's a shame! [...] If you ask me what is the big question for Aboriginal Victorians at the moment, it's not fighting for our rights, it's not employment and it's not health, education and all those things...the big question for Aboriginals of Victoria is: Who are we and where are we going? That's the big question!”

According to AAV's policies and its managers' discourse, the main mission of the institution consists in improving the Aboriginal community's socio-economic situation by binding Aboriginal people to the neoliberal economic model of growth, presented here as a natural 'adaptation'. Furthermore, and according to Alfred, politicisation should be avoided to prevent conflicts and tensions between mutual economic interests, suggesting that political struggle, philosophical and ethical debate should eventually be replaced by a neutral economic solution, supposedly beneficial for all. Alfred's discourse works around the main issue, by redirecting our attention from the initial colonial invasion, the never-compensated-for land-dispossession and continuing social injustice, towards the supposedly successful conversion of Aboriginal peoples to the neoliberal way of life.

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The neoliberal injunction ‘get real and move on’ implies a conversion to the globalised gospel of economic *laissez-faire* (Jackson 2007, p. 142) as a promise for the future, desirable for all. In that respect, Alfred’s discourse seems to contain an important contradiction: creating a corporate identity, an identifiable label for a group of Aboriginal people based essentially on an economic activity within a defined territory, is not defining a cultural identity and answering the big question of ‘who are we?’. It is, on the contrary, a way to dilute identity completely into the mainstream globalised capitalist economy, commodifying the scarce remains of Aboriginal identity in Victoria; commodification which is clearly advocated here as a progressive and favourable future for Aboriginal people. This assertion is, in itself, highly questionable and its implications for archaeological practices should be examined further.

*The Victorian Aboriginal Heritage Act (AHA) (2006)*

The Aboriginal Heritage Act is a concrete materialisation of the agenda of AAV defined earlier, applied to the specifics of Aboriginal CHM. Its principal function is to articulate and harmonise relations between the multiple actors involved in development projects, and define clearly what should be done, how, and by whom, to ultimately protect the traces of Aboriginal heritage (Kiriamia 2012, p.68). Yet, AAV no longer produces archaeological research as such, in the way that the VAS did—its role of practicing archaeology no longer exists. In these procedures, archaeology might be a central element, but what exactly is AAV’s role in the legislation dynamic?

Alfred [in his 50 s—Civil Servant/Aboriginal]: “The legislation was primarily framed because it was around how we would give balance between land use, archaeology, and Aboriginal heritage imperatives. So, really, what it was set up to do was [to be] part of the land planning and land use system in Victoria. It was not set up for archaeology [...]. Archaeologists cannot do archaeology because it is interesting, and because they want to know. Not that I don’t see the value in archaeology for archaeology’s sake, but that is not why people want them to do archaeology on a paid basis. If you want to do archaeology for archaeology’s sake...fine, go off on your own, and do it. Good luck to you, but nobody is going to pay to do it as a work.”

This testimony is crucial to appreciating the fundamental misunderstandings in Victoria about what CHM is supposed to accomplish and how it should be done. From this very influential managerial point of view, CHM seems to have a strict utilitarian goal: record the destruction of the Aboriginal past and find a way to divert developers’ assets towards Aboriginal communities, which constitutes a fair way to ‘pay the rent’. The result

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of the implementation of the AHA (2006) was in fact to drastically increase funding for CHM, artificially boosting the industry, notably by complexifying the CHMPs process and, as a result, multiplying greatly the costs, and the probability of doing salvage excavations (PwC 2012, pp. 32–33). This unexpected effect, according to my interviewees, should be corrected in the next version of the Act in 2012 (implemented supposedly in early 2014) to further transfer part of the ‘surplus-products’ into Aboriginal communities. So far, only 20 to 30% of the costs of the heritage industry are transferred to the Aboriginal communities through the RAPs and their involvement in the CHMPs preparation and validation (PwC 2012, pp. 31), and through participation in CHM fieldwork activities. Overall, Traditional Owners Corporations in Victoria had an average net Revenue of AU\$765,998, including RAP activities and Native Title settlements (PwC 2012, pp. 24). An intention of the Act is thus to create a financial boost for Aboriginal people and, in this process, CHM only acts as an intermediary between developers and Aboriginal people, as a rationalisation device.

*How does it Work?—The Sequence of Relations Between Victorian Actors Through the New Heritage Act 2006*

The sequence of events related to Aboriginal CHM takes place in six stages and could be deconstructed in the following way: the onset for the involvement of a CHM process can be related to any sort of development activity, whether governmental, corporate or private:

1/ If the area concerned for the development is located in a zone of ‘cultural heritage sensitivity’, it needs a CHM Plan (CHMP) (Kiriama 2012, p.68). To do so, the developer contacts the Registered Aboriginal Party in charge of a defined territory and starts negotiations right from the beginning of the development process. If there is no RAP defined in the zone, it is AAV that is in charge of the process.

2/ The CHMP is prepared by a hired Cultural Heritage Advisor (CHA) before being sent to the AAV or the RAP. There are three main parts to a CHMP:

- (a) The ‘Desktop’, which is almost the most important part and which presents the background research and gives an idea of what will be required in terms of methodology, standards of survey, material needed, competences required, etc.
- (b) The results of the ‘standard’ and ‘complex’ assessment—usually separated into surface survey and test excavations,
- (c) The recommendations (Kiriama 2012, pp. 68–69).

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If the recommendations of the CHMP involve an archaeological excavation, developers can be supplied with a list of qualified archaeologists from AAV to contact.

Ron [in his 40 s—Heritage Officer/Civil Servant at AAV]: “The AAV provides a list of people who are suitably qualified, but we don’t provide any kind of recommendations. We are not allowed to.”

Alfred [in his 50 s—Civil Servant at AAV/Aboriginal]: “Some people say that the government should regulate the industry, but as soon as you do that, it comes out against the competition, so we are definitively not going to regulate the market as such.”

Ron and Alfred’s testimonies are important here in illustrating the deregulation of archaeological activities (i.e. the prioritisation of the ‘free market—without regulations’ between economic actors). Paradoxically, the AHA 2006 had as an objective the implementation of very specific regulations for CHM practices. As such, AAV carefully regulated the CHM in May 2007, and the effects of the Act have been presented by the multinational consulting company, *PricewaterhouseCoopers* (providing Assurance, Tax and financial advisories) (2012, pp. 3–7), as ‘efficient’ in improving the standards of the practice. As such, the threat of the punitive legislative structure in place in Victoria succeeded in redirecting the priorities to achieve higher standards (PwC 2012, pp. 36).

However, these ‘standards’, according to most fieldwork archaeologists I interviewed, are characterised by the narrow ‘box ticking’ approach (see Billy’s testimony below). ‘Ticking all the boxes’ does not necessarily ensure better ‘quality’ (PwC 2012, pp. 36–37), even if results are better recorded, quantified, and standardised. Who is this supposed improvement in ‘quality’ really serving—archaeologists, developers, the State or Aboriginal people?

In fact, the predominant logic of the competitive-market/deregulation will divert the selection of an archaeological company from its social and scientific relevance (a choice which should be regulated by AAV) to minimal financial impact on the developer by selecting the lower bid—but not necessarily the lowest—to obtain the authorisation to proceed. Thus, by following the rule of the market economy, the choice of a CHM company will then be disconnected from archaeological/ethnological work continuity and relevant outcomes for archaeologists and Aboriginal people; so, following this logic, the choices might be increasingly disconnected from simple common-sense.

In the initial stage, the CHA plays a key role in elaborating the CHMP and its further recommendations, but the over-rationalisation of the actual process comes with certain major issues:

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Billy [in his 40s—Senior Archaeologist in a Private Archaeological Company]: “For archaeologists, being a CHA often means turning their job into a ‘ticking box’ exercise, which kills innovations in method thinking, philosophy and approach to archaeology. The irony of it is that this [...] approach is being applied to the oldest living culture known in the world, [...] with stone tool traditions, seasonal occupations, in a gigantic landscape...and that is one of most ephemeral archaeological remains in the world. Anybody would even think that the CHA strategy is going to be a successful bureaucratic strategy.”

This is an important consequence of the application of the new regulation. As the main device that shapes the CHM process, it seems that the CHA’s position and, mostly, the CHMP structure prevent archaeologists from innovating in archaeological practices and producing new and valuable outcomes other than financial ones. What [Billy] describes here is an attempt at neutralising archaeology and archaeologists to make them collaborate fully with the development industry and comply with the AAV agenda identified earlier.

3/ After the recommendations have been produced by the CHA, a tendering process is engaged, i.e. open competition between different private CHM companies to gain contracts to fulfil the recommendations defined by the CHMP. As such, the ‘quality’ of outcomes will greatly depend on the goodwill, resources and intent of the developers, and on the informed choice (the competitive-market logic sometimes limiting the understanding of this choice) they will make by picking a well-established and renowned CHM company for the high standards and the ethics of its practice, or picking a more complacent one:

Diana [in her 50 s—Heritage Officer/Civil Servant]: “If we are talking about small developers, then they don’t know [about CHM] and they will systematically go for the cheapest archaeological company. For the bigger developers, they know who are the ‘good’ ones and the ‘bad’ ones. The major multibillion dollar corporations building new suburbs have a commercial relationship with particular archaeological companies, and over time, some of them have very good ones...because they prefer to pay more but be sure that they will be granted permission to proceed to the development without any problems”

4/ Following the selection of the CHM company to do the job, the company then prepares a brief for ‘the consent’, including methodology, qualifications and background.

5/ The consent is sent to AAV and the RAP (where there is a RAP) and can take two forms:

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- Consent to proceed to the development/infrastructure work without necessity of archaeological excavation): approval if the development does not harm Heritage.If denied, it might ask for:
- ‘Consent to excavate’ (Consent to proceed to a complex CHMP with an archaeological excavation and management recommendations about the disturbance).

6/ Finally, after the task is completed, a report is sent to AAV, to the RAP (if there is one) and to the client/developer.

In the end, it should be noted that the new legislation that was developed successfully structures the CHM industry, which until recently had no clear objectives or standards. In doing so, the legislation and its regulations gave both great protection for Aboriginal heritage and a greater certainty to developers (Kiriama 2012, p.71):

Wendy [in her 30 s—Consultant Archaeologist in a government owned statutory authority]: “The AHA 2006 was a good thing. Before that, the system was dysfunctional. There was no really clear requirement about what the developer had to do. People often would give recommendations but they wouldn’t be followed because there wasn’t anything particularly that was reinforcing it. [...] The Act has been very beneficial to catch the big fish and get all the developers having to do it, and now they understand that is part of the process. They are not arguing anymore.”

Obviously, the need for regulatory measures to organise CHM activities was collectively seen as important. To some extent, the AHA 2006 seems to have played a positive and successful role (Kiriama 2012, p.71). However, the unexpected consequences for CHM were that, on the positive side, it exponentially boosted the CHM industry. In the meantime, the legislation, through the creation of new compulsory bureaucratic devices (CHMPs, CHA, RAPs), redirected the goals of the profession towards two main goals: (1) a reinforcement of the protection of heritage, presented as successful compared to the absence of clear objectives and standards before the 2006 Act (Kiriama 2012, p. 72; PwC 2012, p. 3), and (2) a simplification of development processes by providing greater certainty to the industry and greater consistency in CHMPs (PwC 2012, p. 4). As such, the AHA artificially increased the activities and incomes of the CHM industry, and through the RAP system, the CHAs were expected to spread the wealth coming from developers to Aboriginal communities through ‘employment and enhanced funding opportunities’ (Kiriama 2012, p.71, PwC 2012, p. 5). As underscored by Kiriama (2012, p. 73), this was, to an extent, successful (PwC 2012, pp. 21–22), but we will now see that these benefits are limited and should be scrutinised and criticised closely.

## **AAV CHM Policies and Their Effects on Aboriginal People**

In economic terms and from a neoliberal perspective, the assumptions behind the AAV agenda for Aboriginal CHM could be summarised as follows:

- 1/ Aboriginal people in Victoria need to be fully integrated into the market economy to join 'multicultural' and successful Australian society.
- 2/ For Aboriginal people, having no proper exploitable resources to sell (having been initially dispossessed), the legislated protection of Aboriginal archaeological sites became a way to create a supply, exploited like a mineral resource. Through legislation, archaeological sites and other cultural heritage places acquire an economic value whatever their significance to Aboriginal people, archaeologists or Australian society.
- 3/ Ownership of this new 'surplus-product' is linked to a territorial system reconstructed among different Aboriginal 'groups' (the RAP system) with demonstrable links to the lands based on historical documents (yet, ironically, after two centuries of systematic destruction of these links).
- 4/ The expected result of this legislation and managerial device is to build up financial capacity for Aboriginal people through the creation of an artificial economic flow (also called 'economic bubble') based on the deflection of part of a development budget towards the communities (based on the putative Aboriginal territories reconstruction).

As asserted by Alfred and by the general objectives of AAV, the agenda to favour emancipation of Aboriginal people and their integration into a 'multicultural Australia' is to promote as a priority 'economic efficiency' as transnational identity. This approach assumes that integration of Aboriginal people into the workforce, and more importantly into the corporate framework, will be both beneficial for Aboriginal people and for the efficiency and competitiveness of the Australian economy. During the 1990s, economic efficiency became a reference concept and even a potential globalised model to deal positively with the management of diversity-sensitive groups; as such, management policies could avoid dealing with the philosophical, moral and historical aspects of diversity issues. The neoliberal remedy to that management problem was thus to incorporate marginalised groups, which is in fact a utilitarian version of 'multiculturalism'. This process makes Aboriginal identity anecdotal and secondary (yet presented as central), certainly contributing to the minorities' economic improvement but equally to the minorities' social, cultural and political disintegration and disempowerment (Joppke 2004, p. 247).

The AHA (2006) serves to accomplish this full integration of Aboriginal CHM within the capitalist system, allowing the full commodification of Aboriginal archaeological sites and political neutralisation. AAV is a good

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example of an institution that espouses progressive ideas and causes, but remains, in fact, actively neoliberal, “fostering institutional reforms to facilitate market integration of marginalised populations” (Harvey 2010, p. 253). New state policy-fixation and regulations placed the notions of ‘competitiveness’ at the core of these managerial devices (Bell and Ravenhill 2003, p. 378).

In this sense, CHM has been reconfigured as an economic device, designed to manufacture consent through financial contentment within Aboriginal communities. This has been achieved by making Aboriginal communities trust the fact that CHM is just a technical operation consisting uniquely of clearing an area of artefacts before its destruction for development (which is ironically called ‘protection’) and turning this heritage industry into a profitable activity for Aboriginal communities. It can be easily understood why this transformation could have been received positively among Aboriginal people considering the perceptions they had of archaeology and anthropology as ideological tools serving colonisation during the previous century. This trade-off, involving the loss of information about the past that archaeologists might have obtained from salvage excavation of Aboriginal archaeological sites before their destruction vs short-term financial gain by Aboriginal communities, is well recognised:

Gary [in his 50 s—Registered Aboriginal Party/Aboriginal elder]: “It [being incorporated] allows everyone to sit down at the same table basically, so we can get these guys [developers] to sit down, and it’s about building a partnership with them. They are actually taking the [Aboriginal Group] seriously as land managers. [...] It’s great at the moment for the [Aboriginal] community. We are actually making money. The problem is, in 20 years’ time, there won’t be much land left to develop. We won’t have an income anymore. After 40 years, the organisation would have made money but at the end of that, what do we get? What have we learned?... Not much information.”

Through the AHA 2006, the state of Victoria has successfully bonded archaeologists and Aboriginal communities to the logic of profitability and integrated them into the logic of development and growth. Now, with the 2012 upgrade of the Act (PwC 2012), the next step seems to consist of transferring both the responsibilities towards Aboriginal heritage and the incomes related to them to RAPs and to Aboriginal corporations (PwC 2012, pp. 22–27). As such, I argue that this transfer will discourage any political claims and constructive social use of heritage remains, relevant for Australian society and most particularly relevant for Aboriginal people. On the contrary, what will be achieved is political neutralisation of Aboriginal claims by making a minority of members of Aboriginal groups wealthier. Aboriginal heritage, used as an economic resource, will annihilate any pos-

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sibility of political resistance against the commodification process. Present corporatisation does not allow alternatives because it is already demonstrating that a minority of Aboriginal families or individuals can succeed (PwC 2012, pp. 22–27). This is enough to keep the system operational based on the hopes of social ascension of the rest of the Aboriginal community. As my interviewees warned, this economic and ideological choice for CHM will result in nepotism and discrimination within Aboriginal communities and lead to internal divisions occurring around the individuals who try to monopolise the economic benefits of a commodified past:

Karl [in his 30 s—Consultant Archaeologist]: “...I know sites that have been often damaged. The RAPs don’t want to complain because they are part of the system. I am critical of them because they are just enmeshed in the relationship and the money that goes with all of this. [...] The thing is, [the RAP concept] cements those people as the official custodians, and this is a highly controversial area [...]. But, what I see is that a lot of Aboriginal people are actually locked out of the Heritage process, because one family will get all the power and then, rival families, who are many more than the ones who gets the power and the money, are totally locked out of the process, and are not allowed to practice. That means that you get a situation where people get this official ethnic stamp of approval.”

Furthermore, Gary, an Aboriginal elder in his 50 s and a member of a Registered Aboriginal Party, noted “After the job is done [the CHM process], we don’t have the right to go and police those sites. We can’t go back there when it is all done. I can walk there as an individual but as soon as development projects are over, local council can just level it out.”

In terms of empowerment, this example clearly underlines the symbolic repossession process and attribution of territories to Aboriginal people, who are considered custodians of the land during the process of development, with momentary financial advantages related to this title, but later dispossessed of the usufruct when construction is completed. However, it should be noticed that the recommendations for CHMPs now often include a clause mentioning that the place will be accessible to Aboriginal people in the future.

To challenge these current problematic situations and integrate our role as cultural heritage managers with our role as citizens (who are critically aware of both past and present relations with Aboriginal people) is the only way for archaeological activities to have some positive impact in the present. Putting in practice this integration of roles could then reveal plainly the “*farce that capitalism and its cultural institutions perpetrate in their commitment to value things alienated from those who give them meaning*” (Matthews 2010, p. 226).

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## **Ethnicity Privatised or the Corporatisation of Identity**

The 'strategy of privatisation' for resolving cultural conflicts is part of the neoliberal agenda. From this ideological perspective: "privatization creates identical 'choice sets' or rules of the game to people, within which they can follow their particular inclinations as they see fit" (Joppke 2004, pp. 237–238).

Karl [in his 30 s—Consultant Archaeologist]: "The RAP groups [...] play the [capitalist] game...everyone plays the game.... and the people the most successful in this game are the blandest, who have no political or intellectual ideas at all, and who just play by the rules."

We have seen how Aboriginal people in Victoria are encouraged (through the RAPs) to create corporations, i.e. to create a business structure for each specific group. This mixes ethnic identity with corporate identity; the latter made uniquely to sustain business objectives and generation of profits. It forces Aboriginal people into a structure in which their actions will be politically inoffensive and predictable and, by definition, harmless for business in general. This is what it should be called a capitalist objectification of self-induced socio-political incapacitation.

Craig [in his 30 s—Archaeologist Consultant for an Aboriginal Group]: "To become a Registered Aboriginal Party [i.e. to practice as a legal entity dealing with CHM], you have to incorporate. Being incorporated means becoming more professional and becoming a company, rather than just a bunch of individuals. [...] It allows us to gain consideration and credibility. Developers are not talking us down, like: "this is a couple of 'blackfellas'...but this is a business we are dealing with"! We have done our homework."

As Craig says "we have done our homework". This means that they have integrated well enough with the rules of the capitalist game, presented as the only alternative for emancipation and status improvement. This acceptance of the incorporation of Aboriginal people presumes that the free market favours the incorporation of marginalised groups through economic assimilation, excluding any forms of discrimination based on racial origins. This discourse is symptomatic of late capitalism (Joppke 2004, p. 244), trusting the virtue of the neoliberal economic model based on individual and corporate economic activities and initiatives as a better redistributive system (through consumption of goods and services) than government structures, operating through taxes, regulations and redistribution. Neoliberalism, from a Foucauldian perspective, wants individuals or groups of interests to become a business of the self, the 'neoliberal self

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being defined by the capacity of an individual to sell him/herself in all different levels of social interactions (Gershon and Alexy 2011, p. 800), which, when successful, will supposedly bring self-determination, emancipation and freedom. Nevertheless, this discourse permeates into every capitalist society and slowly creates the illusion of self-determination, while creating the conditions to destroy all forms of collectives and all sorts of expressions of solidarity in exchange for some form of security, economic or otherwise.

In the following documents (Figure 4), the 'Aboriginal Corporation' cited is thus not producing anything per se, but it is simply using heritage as a 'surplus-product' to generate outcomes for a specific Aboriginal group living in a territory defined by the ethically questionable RAP process.

It is not without a certain degree of cynicism and of assumed deformation of the purpose of the activities described in Figure 4 that a list of prices has been defined with which to charge developers. Most activities are supposedly conducted for the symbolic meaning attached to them: 'reburial of artefacts', 'smoking ceremony', etc. but these ceremonies are presented in this document (Figure 4) uniquely from a financial perspective. The ones who are observing this direct objectification are indeed the archaeologists, who often react strongly against the commodification of Aboriginal culture and archaeological activities, including Aboriginal people themselves. This could explain the reactions of the AAV executive who considered archaeologists to be people who refuse to change their ways of using archaeology in the field or its framework of practice (see Alfred in above section). I argue here that most archaeologists are just attesting to the numerous negative effects of the implementation of the neoliberal agenda by the integration of Aboriginal heritage within the so-called program of 'economic efficiency':

Tiffany [in her 40 s—Director of an Archaeological Private Company]: "I found the practice of archaeology very difficult in Victoria because of the new legislation. It is especially difficult when the Aboriginal people you are working with are in Melbourne. Aboriginal people are very urban and have little connection to 'their' lands. In one of the main Aboriginal groups in Melbourne, one of the elders, as he likes to call himself, said to me: "Oh, I was a truck driver for 40 years and I always knew I was Aboriginal but I can tell you right now, no one in this Aboriginal group has any bloody knowledge...they are full of it, and are literally making it up". It just makes you extremely cynical to hear that [...]. Yet I get on well with these fellows obviously because some of them say: "We have no connection, it was broken when the white guys came in and we got bitten and put on to those reserves and all sort of things...we were broken, so how can we know anything?" This Aboriginal fellow is one of the very few that will stand up and say this. Most groups, because of AAV's RAP regulations, have been advocating this 'recon-

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**STANDARD PROCEDURE FOR PUBLIC OPEN SPACE SIGNAGE  
ACKNOWLEDGING [REDACTED] PEOPLE**

Dear CHAs,

In an effort to achieve greater consistency in the manner by which given procedures are written in Cultural Heritage Management Plans the [REDACTED] Aboriginal Corporation [REDACTED] will be releasing a number of 'standard procedures' to be included, where relevant, in CHMPs.

This standard procedure concerns Public Open Space signage acknowledging [REDACTED] Traditional Owners.

For every Cultural Heritage Management Plan that has an Aboriginal Place retained within Public Open Space the following recommendation must be included:

"The sponsor must erect or install a natural local stone plinth (stone to be sourced from [REDACTED] country) with an interpretive sign permanently attached displaying suitable wording acknowledging the [REDACTED] People and their connection to this place" (see sample wording below). The wording of the plaque is to be determined by [REDACTED].

Having recently reburied cultural material in accordance with the standard procedure [REDACTED] is able to advise that the costs associated with the reburial of cultural material are *estimated* at:

- materials for reburial containers – \$13.65 per container
- manufacture and engraving of reburial containers – \$100 per container
- photocopying of reports, artefact identification and bagging of artefacts – \$100 per hour
- attendance at reburial by [REDACTED] Elder and field representative – \$1600 per day
- smoking ceremony - \$100 per day

(All figures quoted are plus GST).

An example of the wording is provided below:

[REDACTED] Logo here

This Public Open Space has been provided courtesy of the [REDACTED] and ... Developers name.....

The .... (insert appropriate clan name here)..... clan of the [REDACTED] people have been coming to this place for thousands of years to live, hunt, fish and enjoy the amenity of the area.

Evidence of the occupation of this place by [REDACTED] people has been found here and it is considered a significant place in [REDACTED] history

The [REDACTED] people hope you enjoy this area as much as we have

Developers Logo here

**Figure 4.** '[Aboriginal Corporation] Standard Procedure for Public Space Signage Acknowledging [Aboriginal] people & [Abstract of] Standard Procedure for the Reburial of Cultural material. Source: [Aboriginal Corporation]

necting Aboriginal people with their lands'. To me, some Aboriginal people eventually make things up because they are feeling pressurised... because they are supposed to have some connections. To me, the best approach will be to say: "my great-grandmother was put on this reserve here, traced back as far as..." and just do the contemporary of what they know. Aboriginal people could then say: "we have no connection to this area but we would like to reconnect via archaeology by coming out, participating and seeing what turns up and learn something. To me, that is an honest approach to reconnecting, and not standing there and actually lying."

Gladia [in her 30 s—Archaeologist Consultant/Cultural Heritage Advisor]: "With the new legislation, AAV tried to recreate all the traditional owner groups.... I mean, this State and its history have been 200 years of on-going and extensive policy attempts to disperse that population. So literally, at least for a 100 years, and still right up until 20 years ago, you break apart that history completely; you break those connections completely as a policy, as a legislature, and then you create a new piece of legislation that says: "What happened to the traditional owners? We need to find out who the traditional owners where for this bit of country!" The reality is that people have connected to that country over the last 150 years. They haven't maintained the connection (not all of them, some of them have), but a large portion of them has not maintained a connection to the country that was there in 1835 [Year of Melbourne foundation]. So, we need to find that...find information relat-

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ing to that...from people who have basically no documented history between 1854 and 1950...you need to find that history, you need to prove that you own that piece of country and demonstrate that you are traditional owners who are descendants of people who owned that country in 1835...and create borders. The evidence seems to suggest that the very question is fallacious and erroneous. You could never in this piece of country define those things. It is not the way it worked!"

In the future, even if archaeology as practiced in Victorian archaeological companies is slowly excluded from its present economic niche (CHMPs enforced by AAV policies), based on the idea that what has been produced so far is not significant enough for Aboriginal people, it does not mean that the archaeology and the 'CHM' produced by Aboriginal people will offer a 'better' significance or 'better' quality. Aboriginality is not a guarantee of that, especially because Aboriginal people are presently caught in a process of corporatisation of their identity, and so excluding any potential future ideological resistance.

### **Internal Micro-Scale Resistance**

In Victoria, despite the difficult position in which archaeology is now embedded, many archaeologists, CHAs and various actors in CHM are aware of, and reactive to the issues developed earlier in this paper. Accordingly to their means, some will be willing to resist the political-economy logic presented earlier, which modifies the very nature, aims and the ethics of their profession. As a result, they will take the initiative to redefine the objectives of their profession, not necessarily conforming to the tasks defined by the overall organisation of archaeology in Victoria and to the State target objectives:

Amelia [in her 40 s—Consultant Manager]: "Archaeology is not a job, it's a vocation. It is not something that you do 9:00 a.m. to 5:00 p.m., it is something that you live, as far as I am concerned [...]. On a local level, you need to understand what the conditions are, what the issues are, you need to be able to speak to people and be able to write. Anybody can put numbers down on a piece of paper, and put pretty pictures on a computer [...]. [Our work] is about educating others, and let's face it: we have a lot of rednecks here [laughing]; so it's about educating people about Aboriginal culture and how it is important, and how it is not ok to say nasty things, and it's not ok to denigrate, and not ok to harm cultural heritage. [...]  
[Once], I was asked to change a report, and I said: "No, because this is not what I found". [...] So I asked my name to be removed from the report...—then I realised:" I don't want to work here, I am not prepared to compro-

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mise my ethics”. [...] So, a colleague and I resigned and started a new company on our own.”

Charlotte [40's—Consultant—Heritage Manager—Senior Archaeologist]: “I think we are quite different from other companies. We do the CHMPs, but we are doing a lot of other stuff as well. We are happy talking with some universities, with some students coming through. They can get placements and possibly do things with us and do some fieldwork with [Name of Indigenous archaeologist]. That's a really good thing for young indigenous kids to be working with someone like [Name], to see what you can achieve! You can go to the university, and you don't always have to be the RAP, but you can also be the person supervising, the person in control as well.”

These archaeologists working for private companies, despite the obligation to generate profit from their activities and AAV standards and regulations, still became engaged in processes which are characterised by their own ethical agenda, i.e. an agenda that they consider relevant if not essential in the practice of a significant profession. It can be identified in their testimonies, some examples of their preoccupations lie outside of the archaeological standardised framework, such as raising public awareness about the Aboriginal past and present (even if it is an official objective of AHA—Sect. 3(e)) (Kiriamia 2012, p.72), education of Aboriginal people aiming at self-empowerment and the development of a sense of pride, and even sometimes direct ethical opposition by archaeologists to malpractice in fieldwork.

However, resistance is not always possible or not always obvious to all:

Gladia [in her 30 s—Archaeologist Consultant/Cultural Heritage Advisor]: “[...] I would prefer to be in situations where I felt like I was actually achieving something...something political, not necessarily intellectual I guess...doing something to help something change. Beyond that, I will personally feel morally bankrupted working as a CHA. Some of my best friends are Cultural Heritage Advisors, and they are lovely people, deeply committed, and they do good work, but they are really not troubled by all those things. For me, I can't distance myself for that enough, so every time I take a contract, I say: “It's gonna be the last! I am not doing it again!”...because I come out upset, angry and frustrated. The realities of life catch up and there are bills to pay and there is stuff to do...and you have skills [that are] sellable so you use them...”

In the end, as emphasised by Gladia, despite her desire to see archaeology as a means of political action, any personal implication of archaeologists with modern socio-political matters will have to cease the instant their capacity to function as individuals financially integrated in their society are compromised. That limitation is, in itself, a strong argument

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against the systematisation of the use of private companies and of the application of competitive-market rules, flexibility, fragmentation of tasks, and the use of precarious contracts in archaeology. In fact, it puts archaeologists in a position that forbids the formulation of critical thoughts, forbids getting involved in the long term with specific actors and eventually does not allow any unification with others to constitute pockets of resistance against the established order.

## **Conclusion**

Let us attempt to summarise the answers to the questions asked in the introduction of this contribution:

1/ Does the integration of Aboriginal people into capitalist 'property-relations' (or corporatisation), of which CHM is one of the main neoliberal organisational devices, render them more free in modern Victoria?

According to the AAV program, based on the new Aboriginal Heritage Act objectives (Kiriama 2012, p. 73) and even according to certain Aboriginal people I interviewed, at first glance, the answer could be yes. However, as demonstrated in this paper, based on the multiple testimonies by Victorian archaeologists and Aboriginal peoples, the answer might in fact be a categorical no.

To a certain degree, and as seen in the testimonies, 'freedom from natural necessity' can be achieved by the increase of income among Aboriginal people as a result of CHM activities. However, because of the competition imposed between groups, individuals and, to a certain extent, because of nepotism, instead of benefiting the entire Aboriginal community (as initially intended) social inequalities will increase within specific Aboriginal sectors of groups, echoing the globalised capitalist model and tending to widen socio-economic disparities.

In other words, to 'free' Aboriginal people in Victoria, the program implemented by the Victorian government consisted of imposing the neoliberal agenda as an integrative force. This process is and will be further developed by giving Aboriginal people the legal and structural tools to 'incorporate' themselves and integrate themselves fully into the market economy. In this logic, the main issue is now the product that Aboriginal people are supposed to sell. Is it Aboriginal ethnicity that defines their expertise in heritage matters? Why should they know or want to know about the last millennia of history while nothing is asked about what they really know and about the most important part: their modern story of displacement, separations and forced assimilation?

Defining Aboriginal archaeology as 'natural work' for Aboriginal people in the terms I developed in this contribution is ethically unacceptable. It

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means asking them to be 'naturally' experts in a 'temporally distant self', for which knowledge will ironically aim to endorse the progressive annihilation of the archaeological remains of this distant self. Giving Aboriginal people the opportunity to become the first actors in the archaeological process seems to be a cynical decision which defines ethnic identity as an inherent talent of Aboriginal groups, consequently giving them priority access to CHM, but, in the meantime, using this presupposed talent for (very limited) financial profits, while still endorsing the continuation of the land-dispossession process. Ultimately, giving responsibility to Aboriginal people in fact creates a situation where, if anything goes wrong, Aboriginal people would be seen as responsible and blamed personally as irresponsible, corrupt and untrustworthy within a Western European (supposedly moral and upright) set of values.

As underlined by Morris (2013), despite an intense period of political debate, struggle and conflicts during the 1960s, when Aboriginal voices were finally unleashed in a post-colonial state facing its past, since the 1990s neoliberal policy has subsequently undermined all these efforts. In terms of archaeology, a still privileged territory for political action and social struggle (McGuire 2008), its corporatisation both through privatisation and regulation by the Victorian state, concurred to neutralise its political significance and to frame archaeology as an economic outcome, expected to be primarily beneficial to the entire Aboriginal community (but not to archaeologists, despite the fact that this is what really happens).

The 'property-relations' switched then from a relation between peoples (legitimately conflictive between Aboriginal and other Australians) to a relation between corporations (compulsorily non-conflictive because of the risk of damaging the generation of profits). Corporatisation of Aboriginal people can then be compared to socio-political and identity deprivation, forcing them to enter into 'contractual relations', excluding by definition critical and reflective attitudes.

2/ In terms of 'Capitalist Objectification', does corporatisation further or hinder the advancement of sociality as the basis of all human powers? Again, the definitions of RAPs and the reestablishment of a connection to the traditional or historical owners seem to answer positively to this question, because they seem to empower Aboriginal people. However, and for two reasons, the answer for Aboriginal people seems to be a clear no.

First, both territorialisation and corporatisation, based on reconstructed identities, isolate Aboriginal people and groups from each other. The switch towards contractual relations for Aboriginal people with the rest of Australian society aimed to de-paradoxalise the impossibility of both possessing something as a group (a defined territory: RAP) and at the same time sharing it with another group (the majority of other Australians: the

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real legally recognised landowners). The new legislative system of AAV, following neoliberal precepts of making free market and competition the new regulators of contractual relations between actors, then started legislating in order to codify inequalities and present them as beneficial and fair to the group previously dispossessed. In reality, the groups concerned remained dispossessed of the use of these lands. With the AHA (2006), Aboriginal people succeeded in benefiting financially (and supposedly culturally) through the use of 'their' land during CHM operations (Kiriamia 2012, p. 73). However, for what has been defined as their territories, the Aboriginal people (RAPs) have no control, no power and no benefits from these lands before and after CHM activities.

Second, the labour involved in CHM activities (mostly archaeology) has been pushed into being an internal property of Aboriginal people, like 'natural work abilities' (their heritage as their essential being?). This logic is highly questionable because it seems to imply that Aboriginal people are intrinsically interested and competent in their past because it is 'their' past:

Mark [in his 30 s—Anthropologist]: "It's like asking any Greek in the street to interpret for me the Elgin Marbles!"

In other words, the Aboriginal people are simply alienated from other Aboriginal people by the corporatisation process, and alienated from their lands by an artificially reconstructed and temporary (then illusive) ownership. In this respect, Native Title legislation sets people at each other. Thus, the powers and ownership that are supposed to have been given back to them through the legislation cannot be truly exercised. The only true power that will be recognised by every group will be an impersonal one, in the form of money and material demonstrations of wealth (Mészáros 2005, p. 159). Ironically, the profits generated by these activities defined territorially are marginal compared to the profits made by developers on housing developments, or mining companies on resource extractions from these territories. The incorporated Aboriginal people are thus asked to gratefully accept the crumbs of the exploitation of 'their' lands (Pilger 2013).

3/ Finally, we saw that the AAV agenda consists of promoting emancipation by financial capacitation, through privatisation. The incorporation of Aboriginal people creates an exaggeration of differences (RAPs), leading to a potential disunion and to the impossibility of forming a potentially threatening Aboriginal united political force. This point, I believe, is crucial in the process of neutralisation of Aboriginal forces. As paradoxical as it might sound, what has been implemented through Victorian state heritage policies is indeed a process of financial emancipation for Aboriginal groups (and this is the goal in which most people believe), when in reality, the effect of the legislation is to disempower Aboriginal people through fragmentation.

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What has really been implemented through policies so far is first, an unexpected and drastic growth in private archaeological units, and second, a fragmentation of Aboriginal groups due to competition, thus forbidding solidarity. I believe that the exact opposite attitude could be encouraged. In this period of global economic turmoil and uncertainty, it could be the time to return to a radical, united, continental re-affirmation of the self, which would be the basis for real re-empowerment. For example, in New Zealand, resistance to neoliberalism has arisen from Maori academics, activists and political leaders who have started to challenge these globalisation practices and promote other ways of living (Bargh 2007). I believe that, reflecting on the situation in Victoria, it is still possible to make changes, and archaeology potentially has an important role to play in this process.

Finally, the practice of CHM in Victoria should be re-thought and remodelled through collaboration between the different actors in CHM, when fully aware of the current dynamics at play in Victoria, the deconstruction of which awareness I hope to have modestly contributed to in this article. Unfortunately, I am not involved in fieldwork in Victoria and so lack the opportunity to experiment with practical solutions, solutions which, I think, should emerge from the combination of both a theoretical approach and the local experience of the practice. I aim, however, to present in future publications examples of successful alternatives of organisational systems for archaeology, as well as new concepts for viable alternatives outside the market.

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