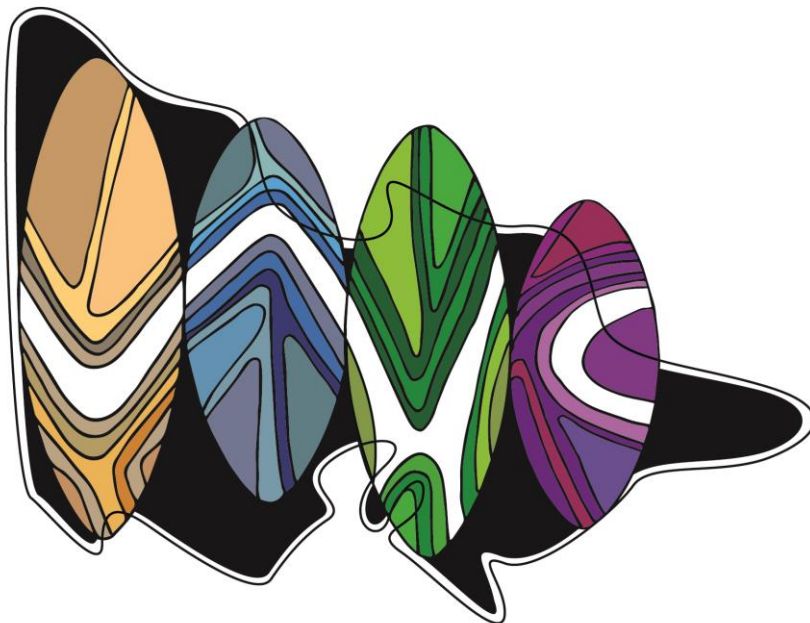


# Heritage Advisors

## Professional Conduct Guidelines

February 2021

These Professional Conduct Guidelines are published by the Victorian Aboriginal Heritage Council pursuant to sections 132(2)(ck) of the Aboriginal Heritage Act 2006



**VICTORIAN ABORIGINAL  
HERITAGE COUNCIL**



## 1 Introduction

As has been stated in our introduction to the *Registered Aboriginal Parties Code of Conduct Guidelines*, we have come a long way down the path from being removed from our lands and waters and hidden from history. That journey for the First Peoples of Victoria continues every day. It continues to be a significant challenge.

The primary mechanism for protecting and managing our Cultural Heritage is the *Aboriginal Heritage Act 2006* (Vic). We know it isn't all that it could be. But that could be said of almost any legislation.

We are currently engaged in a process of considering improvements and reforms to the Act, one of them is the conduct of Heritage Advisors. Started earlier in 2020 with the Discussion Paper 'Taking Control of Our Heritage' ([www.aboriginalheritagecouncil.vic.gov.au/taking-control-our-heritage](http://www.aboriginalheritagecouncil.vic.gov.au/taking-control-our-heritage)), Council is reviewing submissions and will make recommendations for legislative reform in 2021.

The Aboriginal Victoria (**AV**) administered list of approved Heritage Advisors, whilst assuming technical competency or experience, lacks a meaningful sense of what Heritage Advisors' obligations to various people or organisations are.

Like the RAP Code of Conduct Guidelines, these Professional Conduct Guidelines are also made pursuant to our powers under 132(2)(ck) of the Act, with the aim to both clarify and codify the role of Heritage Advisors, and the standards of work and conduct that meet the expectations of Victorian Traditional Owners. Again, these Professional Conduct Guidelines focus less on the technical aspects of archaeological practice in the Act, and outlined in AV Practice Notes, but seek to illuminate the types of behaviours and values that should underpin Aboriginal Cultural Heritage work in Victoria.

The Professional Conduct Guidelines are as much for Sponsors, RAPs, government agencies, and other stakeholders, as they are for Heritage Advisors themselves. Our aim is that Heritage Advisors maintain high standards of conduct and operate in good faith - with these values and expectations articulated in practice by Sponsors over the duration of a particular project.

The best and most effective Cultural Heritage Management Plans (**CHMPs**) are the result of thorough Cultural Heritage assessments and proper engagement with Traditional Owners/RAPs, Sponsors and stakeholders. Our expectation is Heritage Advisors must be professional in their practice and should conduct their work in an open, upright, tolerant, independent, impartial and accountable manner. The primary driver of this standard must come from Heritage Advisors themselves.



The Professional Conduct Guidelines represent the first stage in ensuring that we get the best possible outcomes for Aboriginal Cultural Heritage and work of the highest possible standard. These guidelines have been generated within a Victorian context, but also draw upon the ethical guidelines of various professional bodies including the Australian Archaeological Association (**AAA**), International Council on Monuments and Sites (**ICOMOS**) and the Australian Association of Consulting Archaeologists Inc (**AACAI**).

In conclusion, implementing an improved system where Heritage Advisors will be held accountable for their actions will help to create an industry standard that lifts quality of work and builds stronger relationships for all parties involved in the CHMP process. An improved system will also protect and exemplify the good work already being undertaken, whilst calling out standards that are detrimental to our shared good behaviours. In reading these guidelines, the definition of Heritage Advisor can mean either an individual, or a firm or practice conducting Aboriginal Cultural Heritage work.



Rodney Carter  
Chairperson



Sissy Pettit  
Deputy Chairperson

Victorian Aboriginal Heritage Council  
February 2021



## 2 A Paramount Duty to Traditional Owners and the Protection of Aboriginal Cultural Heritage

Heritage Advisors know from their extensive training that Aboriginal Cultural Heritage forms an integral part of contemporary Aboriginal identity and values. Therefore, it is the duty of Heritage Advisors to promote the protection and adequate assessment of these Cultural Heritage places and their associated values. This must include incorporating Aboriginal Cultural Values and perspectives into the assessment of Cultural Heritage significance and how People and places are managed throughout the CHMP process.

Traditional Owners expect that Heritage Advisors recognise the Cultural and Intellectual Property rights of First Peoples. Traditional Owners expect Heritage Advisors understand that Aboriginal Cultural Heritage assessments may or will contain culturally sensitive material and would need to seek permission to reproduce or distribute.

## 3 Duties to their Profession, their Employers and to Obey the Law

Heritage Advisors are reminded of their critical role within the heritage process and the associated responsibilities. These responsibilities include broad behavioural obligations combined with specific duties to their profession, their employer, the Sponsor and to obey the relevant laws.

Heritage Advisors have a paramount responsibility to upholding the Act. For instance, if a Heritage Advisor discovers a breach or breaches of the Act, they are ethically obligated to inform both the RAP and AV. If a Heritage Advisor has breached the Act, they may be liable for damages or legal claims against them.

Heritage Advisors have an obligation to provide correct advice to their employer in relation to the Act and to adequately assess the activity area for Aboriginal Cultural Heritage. Heritage Advisors must be able to adequately assess the archaeological potential of a given activity area in order to protect Aboriginal Cultural Heritage from unnecessary destruction.

Field based assessments should exceed the minimum requirements for the archaeological profession and be replicable and accurate with appropriate records kept. If a task is beyond the current skill of the Heritage Advisor, they are encouraged to seek assistance, or further formal training, to ensure that it is performed correctly. Any guidance from AV in this respect should be followed. However individual RAPs may have their own specific guidance about how work should be approached and designed.

Useful resource for fieldwork technique is contained in:

Smith, C., Burke, H. and Morrison, M., 2020. *The Archaeologist's Field Handbook: The essential guide for beginners and professionals in Australia*. Routledge.



Fieldwork needs to be conducted in a fashion that adheres to the agreed (with the RAP or AV) methodology that, where possible can be replicated, recorded and excavated in a professional, scientific and consistent manner.

Essentially, both fieldwork and reports need to be of a professional standard that does not require unnecessary revision or correction by a legislated decision maker or RAP.

Written assessments and reports must meet at least the minimum requirements for peer review within the broader heritage profession (i.e. be logical and be free of minor errors). Written assessments must include an accurate representation of what happened in the fieldwork, ensure the content is true and correct and not be fraudulent in any way.

RAPs expect all reports to be thoroughly proofread before submitted for approval, must not contain simple (grammatical and spelling) errors and should be drafted with reference to the prescribed formats and guidance. These should include the:

- [Cultural Heritage Management Plan - Evaluation Checklist](#)
- [Format in which a cultural heritage management plan must be prepared](#)
- [Guide to preparing a Cultural Heritage Management Plan](#)

Heritage Advisors have an obligation to maintain safe and clean workplaces. This should include environmental and health obligations to both employees and other stakeholders. These obligations may take the form of adhering to the *Occupational Health and Safety Act 2004*, any guidelines or directives outlined by Worksafe Victoria, the Environment Protection Agency and RAP policies. To enact these obligations, Heritage Advisors may also consider relevant, basic training in First Aid, a construction White Card if required, an awareness of one's surroundings and an awareness of any physical limitations of colleagues whilst on site.

#### 4 Obligations to Engage in Culturally Safe and Sensitive Practice

Traditional Owners expect culturally safe and sensitive practices are adhered to when dealing with sensitive Aboriginal Cultural Heritage. Heritage Advisors will treat each other and Traditional Owners in a professional manner and with respect. At its most basic level this must include that Heritage Advisors comply with the *Racial Discrimination Act 1975* and the *Equal Opportunity Act 2010 (Vic)* and any other relevant workplace legislation. Racism or bullying has absolutely no place in this field or any work environment.

Heritage Advisors must not make assumptions about Traditional Owners, or place unreasonable or unfair impositions onto Traditional Owners. This includes not asking invasive questions regarding genealogy or the quantification of Aboriginality. There is no reason for Traditional Owners to prove their identity, experience or knowledge of genealogy. Similarly, Traditional Owners do not need to provide detailed information on the Cultural Heritage values of the local area. This information should be sought directly from the RAP.



Heritage Advisors are expected to undertake their own education and knowledge of Traditional Owners groups and possess an awareness of the basic history of each Traditional Owner group. This awareness includes, but is not limited to, knowledge of historical injustices, massacres and the Stolen Generations. Works being undertaken by Heritage Advisors should promote a compassionate and culturally sensitive workplace, this includes appropriate behaviour and the use of respectful language.

## Confidentiality and Intellectual Property

Heritage Advisors are required to respect the confidential nature of any Aboriginal Cultural Heritage data, including documents, meetings, discussions and emails where sensitive information has been provided to a Sponsor or by a RAP.

Documents should be provided in a Microsoft Word document format, and identified whether the assessment has been;

1. Conducted via a Desktop assessment and
2. That the assessment has been sent and approved by a senior Heritage Advisor.

For instance, if a Heritage Advisor 1 only completed a Desktop Assessment and Heritage Advisor 2 will complete the standard and complex assessments, if requested this report must be sent to Heritage Advisor 2.

With the permission of the RAP and the Sponsor, if any data is required by an external Heritage Advisor to complete a project, where reasonable this should be produced in an appropriate format and in a timely fashion.

## 5 Obligations to Engage in Professional Behaviour and Maintain Professional Boundaries

Heritage Advisors are required to be professional within their heritage practice and undertake their legislated obligations in an open, upright, tolerant, independent, impartial and accountable manner.

Heritage Advisors must respect and recognise the intellectual work of others. They must quote, reference and publish in an accurate and faithful way the intellectual, material and practical contributions of others including Traditional Owners.

Heritage Advisors must clarify whether the professional views and opinions they express (particularly in written reports) are their personal views or those of the institution they represent. These views need to be based on fact and methods appropriate to the assessment. If a Heritage Advisor is asked for a second opinion regarding any work, they will advise the first Heritage Advisor that this is the case.

Heritage Advisors must oppose any misrepresentations and false information during the conduct of Cultural Heritage assessments. Heritage Advisors have an obligation to oppose any concealment or manipulation of data and findings.



## 6 Obligations to Avoid Conflicts of Interest

Heritage Advisors have an ethical obligation to avoid placing themselves in a position where their professional integrity or impartiality could be called into question. If a Heritage Advisor has a conflict of interest this must be made known to all stakeholders as soon as possible.

## 7 Obligations to be Honest and Transparent in Financial Arrangements

Heritage Advisors have an obligation to be transparent with Sponsors about their costs.

Heritage Advisors also have obligations to ensure fair dealings with RAPs and other suppliers. This includes the payment of invoices by their due dates.

Whilst the Act states that it is the Sponsor that engages the RAP in the course of developing the CHMP, this is usually done via the Heritage Advisor. It is common practice however for the Sponsor to be responsible for the payment of a RAP's invoices. Heritage Advisors should not book work with RAPs with whom the Sponsor, or the Heritage Advisor themselves, have unpaid debts. Heritage Advisors must respect the rights of RAPs to manage any potential or actual financial risks as they see fit.

## 8 Obligations to Teach, Supervise and Assess other Heritage Advisors

Heritage Advisors must recognise that the industry is always progressing. Professional learning and training for themselves, their peers, less experienced members of the profession, Sponsors and RAPS should be incorporated where requested. This includes an obligation to supervise, teach and assess other Heritage Advisors or less experienced members of the profession.

Training, skills development and workforce development is an obligation that is ongoing. This obligation should be undertaken in a professional manner and must include not taking financial advantage of other Heritage Advisors and volunteers (i.e. paying them adequately).

This obligation includes not using volunteers or students for commercial advantage. The Australian National Committee for Archaeology Teaching and Learning (**ANCATL**) Skills Passport, produced by the Australian Archaeological Association, is a practical way of meeting these obligations (<https://australianarchaeologicalassociation.com.au/skillspassport/>).





## 9 Continuing Professional Development

Heritage Advisors should maintain their skills and knowledge in the archaeological and Aboriginal Cultural Heritage profession. This type of commitment to or mandate for professional development is increasingly common in many areas of employment. Heritage Advisors have an obligation to continue to develop their knowledge, skills and professional behaviour throughout their working life, including:

- (a) Regularly participating in activities that maintain and further develop their knowledge, skills and performance.

The ANCATL Skills Passport is an appropriate way to demonstrate the active and continuing development of these competencies. The passport and reviewing guidelines are available here:

<https://australianarchaeologicalassociation.com.au/skillspassport/>

- (b) Maintaining at least one professional membership of a relevant professional association.

Examples of a relevant associations include AAA, ICOMOS, AACAI. The association should have a Code of Ethics for its members and at a minimum be national in its scope.

- (c) Engaging in supervised training and education programs associated with the position.

A Heritage Advisor's training should include a minimum of 24 hours (3 days) of training per year:

- at a Registered Training Organisation, or
- training supervised by an appropriate person with Australian Qualifications Framework Level 10 that does not work as a commercial Heritage Advisor,

Heritage Advisors must accept reasonable obligations to undertake a Cultural Induction as approved by any relevant RAP. If a RAP requires a Heritage Advisor to undergo a Cultural Induction in order to increase the cultural sensitivity of the Heritage Advisor's practice, this should be undertaken willingly.





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