Aboriginal Heritage Act 2006 Practice Note: Salvage Excavation

This Practice Note is prepared under section 143 of the *Aboriginal Heritage Act 2006* (the Act). It provides guidance about **salvage excavation** as it relates to Cultural Heritage Management Plans required under the Act. The Practice Note covers:

- what is a Cultural Heritage Management Plan
- when is a salvage excavation required
- what is the purpose of a salvage excavation
- who must supervise a salvage excavation
- what is the role of a Registered Aboriginal Party
- what needs to be considered in developing a salvage excavation strategy
- how do you conduct a salvage excavation
- what happens after a salvage excavation.

What is a Cultural Heritage Management Plan?

A Cultural Heritage Management Plan (a plan) is required for an activity (i.e. the use or development of land) if the activity is a high impact activity and falls in whole or in part within an area of cultural heritage sensitivity. The terms 'high impact activity' and 'cultural heritage sensitivity' are defined in the *Aboriginal Heritage Regulations 2007* (the Regulations). A plan must also be prepared when an activity requires an Environmental Effects Statement, or when required by the Minister for Aboriginal Affairs. Plans may be prepared voluntarily even if not required under the Act.

An approved plan must be submitted by the sponsor of an activity to a responsible authority before the necessary statutory approval can be granted and/or before works can start.

A plan involves an assessment of an area to determine the nature and extent of any Aboriginal cultural heritage present. A plan determines how the proposed activity can be carried out and avoid harm to any Aboriginal cultural heritage present. If this is not possible, it considers how to conduct the activity in a way that minimises any harm. A plan outlines specific measures to be taken for the management of Aboriginal cultural heritage affected by the activity. In some circumstances this involves **salvage excavation** of the cultural material (see flow chart). For more information about Cultural Heritage Management Plans see Aboriginal Affairs Victoria's (AAV) website at www.aboriginalaffairs.vic.gov.au

When is a salvage excavation required?

A salvage excavation may be required when it is not possible to avoid harm to Aboriginal cultural heritage present in the activity area and where this is identified in the approved plan as a measure, in accordance with section 61(c) of the Act, for managing the cultural heritage. A salvage strategy must be included in the plan (see approved forms). A salvage excavation should be used as a last resort for dealing with Aboriginal cultural heritage.

Salvage works may include a controlled surface collection and/or salvage excavation. It may also, although in limited circumstances, be appropriate to move Aboriginal cultural heritage, such as a fallen scarred tree, to a safe location.

If a salvage excavation is identified as a measure in an approved plan, then it must be carried out as outlined in the recommendations of the plan. Failure to conduct and/or complete the salvage excavation could lead to a cultural heritage audit being ordered by the Minister for Aboriginal Affairs (section 81 of the Act). The Minister may order an audit when the impact of an activity on cultural heritage is greater than at the time the plan was approved (section 81(1)(c)).

What is the purpose of a salvage excavation?

The purpose of a salvage excavation is to recover Aboriginal cultural heritage before it is destroyed. The value of this is that the contextual information and analysis of the material obtained through this recovery adds to our knowledge about Aboriginal cultural heritage and understanding about the past. It also is valuable because it provides an opportunity for relevant Aboriginal people to gather carefully-collected cultural material for safe-keeping. Details about why and how this should occur must be clearly spelled out through an appropriate salvage excavation strategy outlined in the recommendations of the plan.

Who must supervise a salvage excavation?

A person appropriately qualified in archaeology must conduct or supervise a salvage excavation in accordance with proper archaeological practice (in the same way as required for a complex assessment under regulation 61(3) of the Regulations) as well as develop the salvage excavation strategy and methodology, any analysis and writing up of the results.

What is the role of a Registered Aboriginal Party?

Sponsors must make reasonable efforts to consult with the relevant Registered Aboriginal Party (RAP) about the preparation of a plan if the RAP has elected to evaluate the plan under section 59(2) of the Act.[1] This may include any considerations to carry out salvage works as well as developing a salvage excavation strategy. A RAP may wish to participate in the salvage excavation.

What needs to be considered when developing a salvage excavation strategy?

The nature, extent and significance of the Aboriginal cultural heritage will already be established as part of preparing the plan. This should provide reasonable grounds to believe that a salvage excavation is the best way of approaching cultural heritage management in the circumstances.

Since the activity will destroy the context of the cultural heritage it is critical that careful consideration be given to *what* type of information may be retrieved and *how* this can contribute to our knowledge about the past. It is therefore useful to formulate some objectives when developing a strategy for a salvage excavation.

The objectives of the salvage excavation will

1 If there is no appointed RAP or the RAP chooses not to evaluate a plan, the plan will be evaluated by the Secretary of the Department of Planning and Community Development. Under section 65(3) of the Act the Secretary, in considering the application, must consult with and consider the views of any Aboriginal person or Aboriginal body that he or she considers relevant to the application.

vary depending on the nature of the cultural heritage, environmental context, current knowledge of the region and input from the relevant RAP. These may include answering questions that revolve around obtaining a basic understanding of the place, to addressing broader themes about culture and changes through time. A salvage excavation will also contribute to cumulative data that helps build our knowledge of regional histories.

Salvage excavation needs to be conducted according to proper archaeological practice. The nature, extent and significance of the Aboriginal cultural heritage along with the objectives and goals of the salvage excavation should guide preparation of the salvage excavation strategy. The salvage excavation strategy should include the excavation methodology, recording requirements, analytical approach, identify the samples to be collected, and whether other experts need to be involved.

The results of any previous subsurface testing and/or analysis of the surface material are useful in deciding where, how large, how deep and how many areas will be opened for excavation. A cultural heritage place with intact *in situ* deposits, multiple occupation layers, intra-site variability, discrete activity areas and/or features would normally warrant more salvage than a small place with a high degree of disturbance.

Opening up large horizontal areas helps in discovering activity areas or features, while a focus on vertical excavation assists with chronology and information about landscape and/or site formation through analysing section profiles. Open area excavations are useful on large and complex heritage places rather than excavating separate squares. Any salvage excavation needs both approaches but may favour one over the other. All salvage excavation strategies need to have a level of flexibility, particularly to cater for any unexpected, crucial or important discoveries.

The salvage excavation strategy and methodology outlined in the recommendations of the plan should meet the objectives of the salvage excavation. The salvage excavation strategy must also set out procedures to follow after the salvage excavation. This should include analysis, documenting and reporting on the results, as well as lodgement of report(s) (discussed in more detail below).

Questions for Salvage Excavation:

The sample questions below provide some ideas about what could be investigated through a salvage excavation:

- What kind of activities occurred here?
- When did the activity(ies) take place?
- What was the environment like at the time? Was it different from that of today? Were there environmental changes during the period that the area was used? How might this have affected Aboriginal use of the area?
- Was the site part of a broader cultural landscape? What was that?
- Are there changes through time in the nature and use of the area?
- Are the artefacts from locally available material or resources, and/or where are the source areas?
- What can the artefact and faunal assemblages tell about use, function, technology, procurement, trade, environmental context, seasonality, butchering and any changes through time?
- Is there evidence of a single event/activity or multiple activities (and/or what are the site formation processes)?
- Are there spatial and temporal differences within the site, and what do they mean?
- Are there oral histories relating to the use of this area? Will the results of this excavation complement or challenge what these say?

- Are there historical records relating to the Aboriginal use of this area? Will the results of this excavation complement or challenge what the historical records say?
- Will this excavation test and/or challenge current theories, debates and knowledge about the past?

How do you conduct a salvage excavation?

The salvage excavation should follow the strategy spelled out in the approved plan. The strategy must include a suitable excavation methodology that will enable appropriate analyses of the excavated material to occur and address the objectives of the salvage excavation.

All salvage excavations must be carried out using proper archaeological techniques. These should follow the accepted standards for any controlled excavation. Excavation techniques and recording methods need to maximise the contextual information of the cultural heritage material being uncovered. Excavations must be conducted in a safe manner and adhere to relevant safe work practices.

The results of any subsurface testing carried out during the preparation of the plan will be useful when starting the salvage excavation. The following considerations or procedures are considered proper archaeological practice for salvage excavations:

1. Establish or use the existing site datum (see requirements for recording coordinates as outlined in AAV's *Standards for Recording Victorian Aboriginal Heritage Places and Objects*).
2. Any site grid and excavation levels (heights) should be linked to the datum.
3. Prepare a topographic map of the cultural heritage place and surroundings to assist with stratigraphic and vertical control of the excavation as well as assist in documenting landform and site formation processes.
4. Excavation units should be linked to the site datum (including level heights).
5. Use a logical numbering system and identify all coordinates of a test pit, quadrant or trench (for auger holes one coordinate will be sufficient).
6. Establish the subsurface nature and stratigraphy of the area before the use of any machinery.
7. Excavate in stratigraphic layers and/or arbitrary levels (maximum of 5 – 10cm spits) to base sterile layer or to bedrock (unless the salvage methodology in the approved plan specifies otherwise).
8. Any features should be excavated separately and also in stratigraphic layers and/or arbitrary levels.
9. Cultural or occupation deposits must always be excavated in a controlled manner using accepted stratigraphic methods (unless the salvage methodology in the approved plan specifies otherwise).
10. The level of detail in recording cultural material will depend on the cultural heritage place and the objectives of the excavation.
11. Sieve 100% of the excavated material (unless the subsurface testing identified a sterile topsoil/plough zone layer) using sieves with no greater than a 5mm mesh, augmented by a smaller sieve size for charcoal and smaller artefacts.

12. Spoil heap and sieving area should be at a reasonable distance from area to be salvaged to avoid any contamination.
13. Take pH samples, describe soils and document Munsell colours of spits and stratigraphic layers and features.
14. Investigate what if any disturbance has occurred to the cultural heritage place, how extensive it is and how this will affect your analysis.
15. Use photographic boards and include an appropriate scale.
16. All materials recovered should be labelled/ catalogued with reference to their provenance.
17. Document all relevant section profiles, and draw up plans of the excavated area(s).
18. Notify RAPs well in advance about excavation dates if RAP representatives are expected to participate in the fieldwork.
19. Inform the RAP and AAV regional staff about the excavation dates in advance and provide an opportunity for a site visit.

Salvage Excavation Strategy – Other Matters for Consideration:

- If it is not appropriate or possible to salvage the entire extent of the Aboriginal heritage place this should be explained and justified.
- Where, how many, how large and how deep will the minimum amount of excavation be?
- Salvage should occur primarily on the *in situ* deposits and/or the best preserved deposits as opposed to heavily disturbed areas of the heritage place.
- Be aware that older landscapes have the potential of containing older cultural heritage places.
- If sampling, ensure your sampling will be sufficient to address your objectives: opening up 25m^2 for example, obtaining 500 stone artefacts and/or sufficient samples from each occupation layer/ strata or discrete area for comparative analysis.
- Plan to obtain samples for dating: at a minimum for the top and bottom of each occupation layer (radiocarbon, thermoluminescence, optically stimulated luminescence).
- Consider whether you require assistance from other experts such as geomorphologists, palaeontologists, lithic or faunal experts.
- Investigate what data is available from other excavations that may be used for any comparative analyses.
- Plan and allocate sufficient time for the fieldwork, laboratory analysis, and write up.

What happens after a salvage excavation?

Once the salvage excavation has been completed, the material recovered should be analysed, samples that need to be submitted to laboratories sent off and records organised. The analytical approach, already considered in the plan, may need some fine-tuning based on the results of the excavation. Remember, the analysis needs to focus on answering the objectives of the excavation.

Some additional research may be required to assist with the analysis and interpretation. This may include obtaining further information about previous archaeological investigations, searching historical records, interviewing relevant people and/or research into landscape and environmental history of the area.

Archaeological standards for reporting on archaeological excavations must be followed when writing the salvage excavation report and conform to any reporting guidelines prepared by Aboriginal Affairs Victoria.

The salvage excavation report should describe:

- the plan that it relates to
- reasons why the excavation took place
- the objectives of the excavation
- where, how and what was uncovered by the excavation
- the geomorphology and natural stratigraphy of the area (including ages of landforms/strata)
- the stratigraphy, with an emphasis of where the cultural material was found, i.e. what stratigraphic layer(s); definition of the stratigraphic layers, and a diagram linking the stratigraphy/spits in the section profiles across the excavation areas
- any discrete activity areas and/or other spatial variability; include relationship to stratigraphy and location details on site maps
- the location of features, include their relationship to the stratigraphy
- the location of disturbed areas, including relationship to the stratigraphy
- the relationship of the artefacts, faunal remains, charcoal features, dating samples and any other relevant material to each other and to stratigraphic layers and/or spits
- dating methods and results, and the relation of the dates to site stratigraphy and cultural material
- analyses carried out on assemblages (e.g. stone artefacts, faunal remains), including spatial analyses, e.g. relationship to features, discrete activity areas, stratigraphic layers and/or spits
- clearly labelled basic data, maps, and section drawings
- comparative analyses to other investigations in the region (where relevant)
- relevant information obtained during the preparation of the plan in reporting on the results of the salvage excavation
- an interpretation of the results, and how they relate to the excavation objectives; and key sections of the report in language understandable by a non-archaeological audience.

All artefacts and related material retrieved during the salvage excavation should be catalogued, labelled and properly packaged. Decisions about what happens to any salvaged material will have been discussed with the RAP and outlined in the plan.

Depending on the extent and complexity of the salvage excavation, a report for a small salvage excavation should be finalised within 90 days while for a large and complex one this may be up to six months. Lodge the salvage excavation report with the sponsor and RAP. Lodge one electronic copy of the report in Portable Document Format (PDF), and one bound, hard copy with the Heritage Registrar, AAV. Lodge all other relevant documentation including any updated reporting place forms with the Heritage Registrar, AAV.

Flow Chart of Cultural Heritage Management Plans and Salvage Excavation