

Aboriginal Site Management Plans

Literature Review and Legislation DISCUSSION PAPER

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Wheatbelt Development Commission
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Introduction

Avon Catchment Council (ACC) is undertaking an Indigenous Natural Resource Management (INRM) project in Cultural Mapping and Language Collection in the Avon River Basin, as part of its current Investment Plan to June 30, 2008. ACC has publicly declared its commitment to the maintenance and strengthening of *noongar* culture in this area, particularly relating to NRM, by commissioning, publishing and releasing the document "*Ballardong Noongar Budjar: Healthy Country, Healthy People*". The Recording Traditional Knowledge (RTK) Project is an active demonstration of this commitment, and will involve identification and recording of cultural knowledge through mediums such as story, song, art and narrative; relating to some significant cultural sites in the Avon Basin. The area has several *noongar* language dialect groups but is primarily *Ballardong* (dialect group) *noongar budjera* (country).

The main aim of the Project is to collect indigenous cultural knowledge and land management skills, potentially to be incorporated in Natural Resource Management (NRM) activities which are mainly on freehold estate (farms). This will occur through newly designed Aboriginal Site Management Plans prepared with aspirations and knowledge of both *noongar* and *wadjela* (*non-Aboriginal*) participants where possible. The reasons for this joint or 'collaborative' approach are expanded in the text, but primarily it is because the results affect the whole community; therefore the whole community (or relevant representatives) needs to participate in the change process to achieve the desired outcomes.

This document serves several purposes. A literature review was necessary to assess previous activities in Aboriginal cultural heritage sites management, particularly on freehold estate, nationally and internationally. The review has been conducted and results are presented here.

This document is also a resource for regional NRM staff and land managers to promote current recommended practice regarding the management of *noongar* sites of significance in the Avon Basin. It briefly outlines the history of shared engagement in the land over approximately one hundred years, as one economy gave way to another. This change in economies coincided dramatically with changes in the landscape; some changes that NRM is now trying to deal with to restore the health to country.

It also summarises the legislation relevant to the Project, so that NRM staff can be fully aware of their legal responsibilities when working with Aboriginal sites.

Method

Searches were completed on keywords (*primarily aboriginal, indigenous, heritage land management plans,*) around the subject area and through a variety of standard and meta-search engines.

Discussions also took place with Department of Indigenous Affairs (DIA) staff regarding their area management process; and with South West Aboriginal Land & Sea Council (SWALSC) regarding a similar process that was identified for *Yuat* sites in the Northern Agricultural Catchment Council area.

The Aboriginal Heritage Act 1972 (State legislation), regarding Aboriginal Sites Management was also reviewed and the relevant sections are summarised here with more detailed information in Attachment I. Some relevant interstate legislation is also shown due to its impact on heritage management plans.

Results

- A. The literature review showed a range of styles of presenting Aboriginal Cultural Plans, mostly in textual form. The search showed a general paucity of clear, usable and effective Aboriginal Sites Management Plan (ASMP) models. No directly transferable models were found and several key outcomes are
1. There are limited examples of ASMP's available as discrete units, instead they are usually included within a larger statement or plan.
 2. There is limited structure to ASMP's; they are most often text only. No templates were found as physical models to work from.
 3. Site management is included in Environmental Management Plans completed by land management agencies such as Department of Environment and Conservation(DEC).
 4. Specific sites aren't generally catered for unless obvious and in the public domain. Instead general recommendations are usually made and often applied to broad-scale areas. eg Otway Ranges, Victoria

"Sites" or "Areas"

Discussions with senior DIA staff emphasized the importance of considering the whole landscape or 'area' that a specific site exists within. This is consistent with other states and for the purposes of this document, it was agreed to use the term "Aboriginal Area Management Plan(AAMP)" to describe the model being developed and presented. As the literature search and review showed there are no clear, relevant and usable models available elsewhere, an Aboriginal Area Management Plan and associated Guidelines have been prepared and is Attachment I to this document. This will be developed and modified as needed in the next stage of the Project.

There are some guiding points however, from the various written plans that may be considered relevant to this Project. For example, as the brief Data Sheet on the “Aboriginal Site Management Plan for the NSW Quarantine Station, Wharf and Cannae Point” shows, it is important to identify the key focal areas (in this case, a burial site) and concentrate on re-establishment of natural and cultural landscapes. Attachment II has the Data Sheet.

Development and use of AAMP’s are affected by legislation and the relevant Western Australian legislation will be discussed in more detail later. However, legislative requirements in other States have affected the development of relevant plans and processes. Similarly to Western Australia, Aboriginal Heritage Agreements are also used in most States to prescribe management of known Aboriginal sites and provide some guidelines as to what should be considered when dealing with an area. For example, in South Australia, Heritage Agreements may be entered into through Section 37 of the Aboriginal Heritage Act 1988, and may contain any provision for the protection or preservation of Aboriginal sites, objects or remains.

An Aboriginal heritage agreement may, for example:

- Place certain conditions on the use of the land to which it applies;
- Require specified work to be carried out in accordance with established standards to the subject area;
- Provide for the management of the land or any Aboriginal site, object or remains in accordance with a particular management plan or in accordance with management plans to be agreed from time to time between the Minister and the owner;
- Provide for financial, technical or other professional advice or assistance to the owner of the land with respect to the maintenance or conservation of the land or the protection or preservation of any Aboriginal site, object or remains; and
- Provide for remission of rates or taxes in respect of the land. An Aboriginal heritage agreement may not provide for the remission of rates payable to a council unless the council is a party to the agreement.

Where a proposed development is likely to impact on an area containing Aboriginal sites, objects or remains, or where there is a need to protect farming land containing Aboriginal sites, an Aboriginal heritage agreement may be an appropriate option to protect and preserve the area. This will ensure that all parties work together to identify their responsibilities for preservation and protection.

The last paragraph is particularly relevant to this Project, calling for a *cooperative management* process to ensure all parties are satisfied. This is particularly important given the sensitive nature of land issues, ownership and native title; and all effort will be made through this project to generate and operate in this cooperative manner. Senior DIA staff, also stated strongly that this is the only way that effective heritage site management can be achieved (pers comm. J Brinkman DIA 2008)

In New South Wales, while there is no specific indigenous heritage legislation, provisions are still made under various environmental legislation. As stated in the Lennox Head Aboriginal Area Draft Plan Of Management 2005:

- The management of Aboriginal areas in NSW is in the context of a legislative and policy framework, primarily the National Parks and Wildlife Act 1974 (NPW Act), the NPW Regulation, the Threatened Species Conservation Act 1995 (TSC Act) and the policies of the National Parks and Wildlife Service (NPWS). Section 72AA of the NPW Act lists the matters to be considered in the preparation of a plan of management. Other legislation, international agreements and charters may also apply to management of the area. In particular, the Environmental Planning and Assessment Act 1979 (EPA Act) requires the assessment and mitigation of the environmental impacts of any works proposed in this plan.

A plan of management is a statutory document under the NPW Act. Once the Minister has adopted a plan, no operations may be undertaken within Lennox Head Aboriginal Area except in accordance with the plan. The plan will also apply to any future additions to Lennox Head Aboriginal Area. Where management strategies or works are proposed for the Lennox Head Aboriginal Area, or any additions that are not consistent with the plan, an amendment to the plan will be required.

While the legislation is not specific about required contents of an Aboriginal site management plan, it does specify the importance of site identification and appropriate management strategies in environmental management plans. (NPW Act 1974, s83-91)

In Western Australia, the Aboriginal Heritage Act 1972, requires an application under Section 18 to disturb the land in or adjacent to a known Aboriginal site, and may include several components. More detail is given later regarding the Act and application of s18's, however the following points, taken from the official website www.dia.wa.gov.au, are relevant here.

“Conditions set on Section 18 approvals have included:

- *a requirement to make some symbolic recognition of Aboriginal heritage values (via a plaque, artworks etc);*
- *further detailed archaeological investigation of significant sites;*
- *archaeological monitoring;*
- *additional Aboriginal community consultation regarding specific aspects of development proposals; and,*
- *archaeological mitigation.*

Where conditions have been attached to a development the proponent, as holder of the Section 18 approval, is responsible for ensuring compliance and work contracts should contain clauses reflecting them. Contractual clauses should provide:

- *Detail of the conditions that have been imposed on the development and at what stage they will have the greatest impact (e.g. provision of signage or*

interpretative material is more likely to be important at the fit-out rather than the construction stage of a building development);

- *A clear indication of which party is responsible for carrying out/adhering to the various conditions with sufficient guidance to contractors to enable them to satisfy their responsibilities (e.g. which party is responsible for engaging specialist consultants if archaeological monitoring is required and how such a consultant should be selected);*
- *A stand-down clause, (covering rates etc) where the condition relates to sub-surface materials and cessation of works may occur; and,*
- *Any other matters relating to the contract that are affected by the conditions imposed (e.g. timing of construction activities, need for additional consultation regarding specific aspects of the development)”*

As, shown there is considerable emphasis given to the archaeological status of sites, but very little given to the need to re-establish the ‘living components’ in flora and fauna, which is an essential part of the RTK project. This essential difference between the core business of DIA(ethnographically and archaeologically focused) and ACC(natural resources/systems focused) is important. In essence, one is directed at recording and maintaining the past heritage evidence (stone artefacts, camping grounds, ceremonial sites, scar trees, burial mounds etc.), and the other on stimulating health and recovery of the natural systems associated with the site(flora, fauna, hydrology etc.) The document *Ballardong Noongar Budjar* clearly states the importance of these natural systems in the health and vitality of both land and people.(McGuire for Ballardong NRM Working Group, 2006, p.5,6.). In essence, this suggests that a ‘site’ is far more than the archaeological evidence used to identify it, and carries significance and meaning that is not necessarily obvious to archaeologists or site assessors.

B. The legislation review regarding access and use of Aboriginal sites in Western Australia revealed that all such sites, regardless of tenure, are protected by the State Government’s *Aboriginal Heritage Act 1972*, which regulates access to the knowledge of sites, for their protection. The Act is administered by Heritage and Culture Branch of DIA. Decisions regarding registration and management of sites are made by the Aboriginal Cultural Materials Committee, a representative group of indigenous and non-indigenous parties. DIA preferred management process is generally by exclusion; limiting access to accurate written information on site properties and exact location. Field management is often only evident as warning signs or fences restricting physical access.

For more extensive information regarding the legal requirements for registering and recording of Aboriginal sites, see Attachment I attached. A brief summary of those requirements follows here.

Summary of relevant Aboriginal site management legalities in Western Australia

1. The management of Aboriginal heritage in Western Australia is guided by the State's Aboriginal Heritage Act (the Act) 1972. The Aboriginal Site Register is managed by the Sites Registrar, contains information on over 22,000 Aboriginal sites throughout

Western Australia, and is held under Sections 10 & 38 of the Act. The State Government Department of Indigenous Affairs(DIA) is responsible for administering the Act. Attachment IV shows the short description/title of each section.

2. The Aboriginal Cultural Material Committee (ACMC) advises the Minister of Indigenous Affairs on matters relating to Aboriginal Heritage. Its balance of Aboriginal men and women from different parts of the state makes sure that culturally appropriate decisions are made about sensitive material or sites. The Committee also has representatives from the Department of Indigenous Affairs, WA Museum and Department for Planning and Infrastructure as well as an anthropologist. Attachment V has a detailed description of the ACMC.
3. The ACMC's main function is to assess s18 Notices which are applications for approval to access and influence a potential Aboriginal site area. It meets every month and advertises any application it receives from developers so that anyone who believes they have an interest in a development proposal can make a submission about it. Only the Minister of Indigenous Affairs can approve a s18 Notice and does so on the recommendations of courses of action and conditions by the ACMC.

As stated on the official website(at <http://www.dia.wa.gov.au/Heritage--Culture/ACMC/>), a s18 Notice enables the ACMC to:

- form an opinion as to whether there is any Aboriginal site on the land subject to the section 18 Notice;
- evaluate the importance and significance of any such site;
- to make recommendations to the Minister for Indigenous Affairs as to whether the Minister should consent to use the land for the purpose described in the Notice; and
- to recommend any or to what extent conditions should be placed on the consent.

Also, if it is determined that a site exists, then the significance of the site is evaluated under s39 (2), taking Section 39(3) into account. The importance of a site is assessed by taking into account matters such as:

- existing use or significance;
- any former or reputed use or significance, based on tradition, historical association, or Aboriginal sentiment;
- any potential anthropological, archaeological or ethnographical interest; and
- aesthetic values.

4. Not all locations associated with Aboriginal people are covered. Specifically; ‘sites’ and ‘objects’ are as categorised under s5 of the Act:
 - where objects of importance and significance have been left; physical evidence of their presence (s5a);
 - of sacred, ritual or ceremonial importance and special significance to Aboriginal people (s5b);

Although the Act also applies to places where objects have been left, in evaluating the importance and significance of places or objects, emphasis is placed on sacred, ceremonial and ritual significance. This consideration is expressly referenced in s39 (3) of the Act:

- of historical, anthropological, archaeological or ethnographic importance and significance to the cultural heritage of the State, as decided by the Aboriginal Cultural Materials Committee on behalf of the whole community(s5c) and,
 - where traditionally significant cultural material is stored(s5d).
5. All ‘sites’ and ‘objects’ are protected, regardless of their land tenure location. That is, all Government tenure categories such as national park, nature reserve, conservation reserves, and freehold estate.
 6. An Officer of DIA can legally access freehold estate to examine a registered site. Otherwise, permission to enter must be given by the land owner.
 7. Aboriginal people may legitimately choose to withhold their sites information from registration, however this does not affect their protected status under the Act.
 8. When information is received by DIA that may identify a previously unreported Aboriginal site, it is accessioned on the Interim Register. Prior to accessioning each location is checked for duplicate recordings. The information is then initially evaluated by DIA staff.

Aboriginal people, landowners, developers and others in a s18 Application who, disagree with the Ministers decision can’t appeal that decision under the State Act, but can ask for it to be decreed a ‘significant traditional area’ under the Commonwealth heritage legislation *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*. Landowners /applicants can appeal a S18 decision if they are ‘aggrieved’. Section 18.5 of the Heritage Act states an owner can appeal through the State Administrative Tribunal.

Sites are often reported to DIA, and considerable information is collected to establish the sites geographical and cultural properties. Attachment VI is the current DIA Aboriginal Site Recording Form which will continue to form the basis for collecting site information in this Project. Reporting of sites is not compulsory. Currently, most site recording is done on lands designated for development. Any identified sites in these areas are catered for through S18 process and the conditions applied therein.

Discussion

What is different about this Aboriginal Sites Project?

ACC is the body responsible for conducting and facilitating natural resource management projects in the Avon River Basin, primarily on freehold estate. Very little Aboriginal site identification and management has been done on freehold estate, particularly in the agricultural region. This is concerning as up to 98% of some Shires in the Wheatbelt region have been cleared for agriculture or town construction. Therefore, there are likely to be many more sites on private estate than public estate, and most of those are unidentified, unrecorded and unmanaged. For example, it is well known that many Aboriginal sites are associated with water resources in some way. This was both practical and spiritual in expression, as people would often travel river valleys, gullies and courses incorporating physical resource attainment with ceremonial actions in particular places.

The same river valleys were prime places for European settlement and clearing, thereby removing most of the physical attributes in flora and fauna, and dramatically altering the landscape. In addition, landholders increasingly restricted access to significant sites for farm security measures, and economic reasons when equal pay was awarded for stockmen in the 1960's. Compounding this was forced removal of people from traditional lands to reserves and missions under various legislation (ie. Aborigines Act 1905 & Native Administration Act 1936), and subsequent attempts to remove cultural knowledge and "old" ways from children under assimilation policies and practices.

Shared History

Consequently, information about many sites has been lost from the landscape, and is held in some cases, by senior *noongar* and *wadjela* people in the community. This has occurred through a long shared history and association, often over many generations. Anna Haebich describes this in her book "For Their Own Good (1988)" about the removal of *noongar* people from their land and subsequent labour provision for clearing and farming by *wadjelas*. Many *noongar* families chose to stay and work on the land, rather than be separated from their *ngank budjera*, their 'mother country' and associated physical, emotional, mental and spiritual resources.

Research in 1990 by the then Department of Conservation and Land Management confirmed this and showed a cross-generational association where following generations of *noongar* people would continue to work on the land to maintain their 'relationship', their '*noongar way*'. When asked what this statement meant, people would say 'this is what makes us who we are'. (Ellis-Smith, 1990, p 26)

Therefore the history of agricultural development (and associated environmental decline) in the Avon Basin is very much a shared one, and the ACC suggests that solutions to the environmental problems being addressed through NRM, are also shared. In other words, *noongar* and *wadjela* people 'thinking and working together' is most likely to produce sustainable environmental change and improvement.

Aboriginal Sites in Natural Resource Management

ACC has demonstrated this approach through their commissioning and publication of *Ballardong Noongar* Budjera, and is committed to recording and strengthening *noongar* cultural heritage in the Avon River Basin, as a direct contribution to the potential NRM outcomes. Therefore, any activities conducted in landscape should be done with identification, assessment and management of sites as part of the process. As this is a potentially highly sensitive issue, NRM practitioners are encouraged to read this and other recommended sources to gain awareness of the issues around these sensitivities and ensure that projects are conducted in culturally and legally appropriate ways.

This second point is extremely important; that is, the legal requirements regarding Aboriginal sites in Western Australia under the Aboriginal Heritage Act (1972). According to the DIA website (www.dia.wa.gov.au):

“The management of Aboriginal heritage in Western Australia is guided by the Aboriginal Heritage Act (the Act) which was introduced in 1972. The long title and a number of provisions in the Act make it clear that its purpose is to protect and preserve Aboriginal heritage for the benefit of the community - all Western Australians - with a view to the preservation of objects and places regarded as being of significance in the context of the traditional cultural life of the original inhabitants of the State and their living descendants.”

The task of determining whether a place is or is not an Aboriginal site under the terms of the Act is reserved to the Aboriginal Cultural Materials Committee (ACMC). The information required by the ACMC is used to decide the status of a potential site. As stated on the DIA website:

“Since the ACMC can only evaluate the relative importance and/or significance of a reported place or object based on the information submitted by a recorder, recorders should provide as much information as they believe necessary in order to have ACMC conclude that the place or object reported is of sufficient importance and/or significance to ensure that it is entered on the Permanent Register. In assessing the significance of an Aboriginal site, the ACMC must have regard to the factors set out in s39 of the Act, which gives primacy to places of mythological or ceremonial importance.”

Therefore, the onus is on site recording personnel to ensure they have collected the full range of information as required by the DIA Site Recording Form (Attachment VI), and that s18 Notices are raised where necessary.

As mentioned previously, there is considerable importance for *noongar* people in regenerating the natural systems associated with these sites, and this will therefore be reflected in the Aboriginal Site Management Plans that are finally prepared and endorsed. This difference between ‘static’ and ‘active’ management may lead to conflict in beliefs as to how the site should be treated. While the legislation review below is clear regarding potential disturbance to an Aboriginal site of significance, ACC will work closely with DIA to try and facilitate the most appropriate and prompt treatment of such sites through their NRM programs.

There is also potential for conflict regarding landowner activities around sites such as overgrazing, soil movement, and impacts of exotic plants and feral animals. The cooperative approach mentioned before will be essential in preparing Management Plans for each site that reflect the need to protect and enhance the cultural values inherent in the local natural systems, while facilitating appropriate landowner use and farm management practices. This may require landowners and Aboriginal people to 'do things differently' regarding the sites, but, it's suggested this will inevitably achieve greater collective benefits.

Conclusions & Recommendations

Aboriginal Site(Area) Management Plans have been reviewed in literature and the relevant legislation in Western Australia assessed for application to the RTK Project.

The review showed a paucity of clear and effective Aboriginal Site Management Plans or models, but did reveal that conducting activities around and on Aboriginal sites is protected by either direct or indirect heritage legislation. The review also showed evidence in other Australian States of site management processes such as Heritage Management Agreements, which are supported by appropriate environmental or heritage based legislation.

Due to lack of these plan models in succinct and usable forms, it has been necessary to draft a new model form to assist NRM practitioners engaged in the RTK Project, and other ACC projects, where appropriate. Practitioners are encouraged to use the form in a spirit of cooperation, and to ensure that the legislative requirements surrounding Aboriginal site access and use alteration are adhered to; in particular the requirements under s18 of the Aboriginal Heritage Act 1972.

The need for preparation and use of appropriate and effective AAMP's has therefore been made clear in the text, as both assistance to fulfilling legislative requirements and socio-cultural and environmental commitments made by the ACC to Aboriginal people in the Basin.

The final AAMP's will also emphasize the need to:

- conduct farm management activities on and around, and
- enhance the natural systems values(such as flora, fauna, hydrology) of, each site in accordance with the Act, and agreed processes of all parties involved.

Acknowledgements

Senior staff from the Heritage Branch of DIA read and commented on this document, checking for its accuracy and potential application. Their comments are well appreciated and have been included in the editing.

References

Aboriginal Heritage Act 1974(Western Australia) , www.dia.wa.gov.au/Heritage--Culture

Aboriginal Heritage Act 1988(South Australia)

Ellis-Smith, GJ 1990, "Aboriginal Activities and Nature Conservation in the South West of Western Australia" Department of Conservation & Land Management, Crawley, Western Australia.

Haebich, Anna. 1988. "For Their Own Good", UWA Press, Nedlands, Western Australia

NSW National Parks and Wildlife Act 1974, ,© Crown Copyright 2005, ISBN 1 74122 029 7, <http://www.legislation.nsw.gov.au/viewtop/inforce/act+80+1974+FIRST+0+N>

NSW National Parks And Wildlife Service. March 2005, "Lennox Head Aboriginal Area Draft Plan Of Management."

Attachment I Aboriginal Area Management Plan and Guidelines

Some points to consider when completing an AAMP:

1. They are a tool for managing areas of Aboriginal significance, primarily on private property. It is a new process and format, which recognizes Aboriginal and non-Aboriginal, and historical and contemporary interests in areas. It helps therefore in the task of managing the area for the benefit of the main interested parties.
2. Where a proposed land use is likely to impact on an area containing Aboriginal sites, objects or remains, or where there is a need to protect farming land containing Aboriginal sites, an AAMP and may be an appropriate option to protect and preserve the area. This will ensure that all parties work together to identify their responsibilities for preservation and protection.
3. Are an 'honour agreement' between main interested parties, for the benefit of the people and areas concerned, developed by Avon Catchment Council (ACC) as an integral part of the Restoring Traditional Knowledge Project (RTKP).
4. They are a cooperative process involving the main parties; primarily the landowner, Aboriginal people and the NRM agency responsible for the work (ACC) generated from the RTKP.
5. Therefore, input from these parties is required in completing the Plan to ensure the best opportunity of mutually beneficial outcomes.
6. Development and use of AAMP's are affected by State legislation, the Aboriginal Heritage Act 1972, which requires an application under Section 18 to disturb the land in or adjacent to a known Aboriginal site, and may include several components. See Attachment 1 for information summary taken from the Department of Indigenous Affairs (DIA) website regarding Section 18 Applications and the role of the Aboriginal Cultural Materials Committee.
7. Breaches of this plan should be dealt with according to the affect of the breach on the area. If a registered Site is affected, then Aboriginal Heritage Act 1972 applies and DIA must be contacted to proceed with appropriate action according to the Act. If the site is unregistered then cooperative management processes can apply, whereby all parties meet to redress the issue.
8. 'Surprise discoveries'; or areas that show evidence of Sites previously unrecorded require that:
 - All physical siteworks cease
 - Notify all signatories of possible site presence
 - Confirm if it is a Site as defined through the Act by engaging elders and DIA staff in assessment.
 - If not, proceed as planned
 - If so, assemble all plan signatories to discuss site management options

- Cooperatively draft a plan to ensure all parties are in agreement.
9. The last point is particularly relevant to this Project, calling for a *cooperative management* process to ensure all parties are satisfied.

Guidelines detailed for each section

1. **Area Identification.** Identify the area as accurately as possible by name and location. Often Aboriginal and non-Aboriginal people have different names for the same area and it is important to record both where possible. It is also important to assign a recognisable code name and number to assist with later identification and filing purposes. The area may or may not have been registered with DIA. If it has, a Section 18 application is required for any site works intended that may affect the registered site. It is therefore important to include the DIA identification to clearly indicate the potential for a s18 application.
2. **Current Interested/Affiliated Parties.** The clear intent of this document is to encourage and facilitate cooperative natural and cultural resource management between landholders and Noongar people in the Avon River Basin. It is therefore important to ensure the appropriate people are engaged in this agreement. A register of Noongar elders associated with each area may be available from ACC, as well as contacts for each town/area etc. They bring cultural knowledge and spirituality to the Management Plan.

Private property owners are important stakeholders in the ongoing care and management of land and often bring a wide range of knowledge, skills, history and experience into the process. Other bodies such as ACC, Department of Environment and Conservation (DEC), Department of Water (DoW) may also be signatories as key stakeholders. For example ACC is the current lead agency in establishing this process and associated projects; DEC is responsible for administering the Wildlife Conservation Act 1984 and therefore has responsibility for native flora and fauna, regardless of tenure; and DoW is responsible for the State's hydrological needs, principally associated with catchments and drainage. As most Aboriginal areas and sites are associated with hydrological features, there is a strong correlation in interest.

3.

3.1 **General Description of Site:** General topography, shape of land. Is it a gully, hilltop, breakaway, sand plain etc? Has it got vegetation, trees and other features. Is it fenced, cropped, grazed or otherwise used?

3.2 **Site Description and Statements of Meaning.** Provide more detail about what the area means to each of the stakeholders; as each may have a different meaning, but also share common ground. Statements can include, economic, social, cultural, historical or spiritual expressions.

3.3 **Area Enviro-Cultural Status** for indigenous and non-indigenous land associates/managers. Describe the physical biological status of the area, including

any information relevant to natural resource management. Practically this includes such things as salinity, erosion and drainage factors; and in Aboriginal ways, spiritually may mean a depletion in the power associated with a site, due to these factors. It is important to collect this description from stakeholders as this provides the basis for future works.

4. Suggested area management protocols and practices required for indigenous and non-indigenous land managers and associates to deal with current and future threats.

4.1 This is the “to do list” that follows on from the area description but it includes the respectful protocols agreed to by the stakeholders. For instance, access to private property would include necessity for appropriate behaviour regarding gates, stock and property management. For landholders it may include contacting the appropriate Noongar people prior to any works likely to affect the area. Out of respect, movement of earth may be limited around suspected burial sites after consultation with elders. Many other protocol examples exist and will occur during projects.

4.2 The strength of the AAMP works through this section of the plan, so be specific and inclusive where possible around sites and areas. This may include fencing, earthworks and drainage changes, vegetative rehabilitation and fauna habitat establishment. Culturally it may include marking of significant areas for exclusionary use by an affiliated group, or employment in ongoing management of the area.

4.3 Agreed processes for conducting works originate from the talks, negotiations and discussions with other interested stakeholders that are important in establishing a workable agreement. Respect for each others interests, no matter how foreign it may seem, inevitably ‘oils the wheels’.

Practical aspects of area-work processes includes area mapping, preparation and planting, machinery type and access needs, staff and materials requirements; milestones and outcomes: All part of normal Project Management for ACC projects.

Most agreements can be worked out between stakeholders but occasionally a stalemate occurs that requires external assistance through a mediator.

4.4 All projects require built in monitoring processes to ensure they are providing what is agreed from the project. This may vary, and be simply monthly area meetings for each project, or site monitoring by nominated individuals. It also includes the landholder’s observations of the project and its progress. Findings should be circulated to all key stakeholders.

4.5 Ongoing site maintenance for projects: This section should include a schedule of intended activities and events during and after the life of the project that will enable ongoing maintenance to occur. Regular monitoring and reporting should be built in to enable all parties to engage in the process.

Section 18's & The Aboriginal Cultural Material Committee

A primary role of the Heritage and Culture Division is to assess Section 18 Notices under the Western Australian Heritage Act 1972 (AHA) (as amended) and provide advice to the Aboriginal Cultural Material Committee (ACMC) in particular, and in general to the public, developers and governmental agencies. The relevant legislative provisions under AHA are:

1. Under Section 15 any person who locates a site or anything of an Aboriginal nature must report it to the Registrar. This can include:
 - burial grounds, symbols, objects, cave/rock paintings/engravings, stone structures, arranged stones, carved trees or any other place or thing to which the Act might apply.
2. Under Section 17 it is an offence to disturb any site unless permission has been granted under Sections 16 or 18. Penalties have increased recently and for individuals a first offence against the Act is \$20,000 or 9 months imprisonment or both.(s57), for a second or subsequent offence, \$40,000 and imprisonment for 2 years, and” n any case, to a daily penalty of \$400”. For corporate entity \$50,000 first offence and for a second or subsequent offence, \$100,000, and “in any case, to a daily penalty of \$1 000”. Directors can be prosecuted and made to pay reparations.
3. Under Section 16 a person may apply to excavate a site with the authority of the ACMC for the purpose of research.. Applications under this section are usually made by archaeologists who are conducting research projects.
4. Under Section 18 the 'owner' of land containing a site may apply to the ACMC to use the land for a purpose which is likely to have an impact on the site.
The role of the Aboriginal Cultural Material Committee in considering a Section 18 Notice consists of:
 1. Determining whether a site exists under Section 5 of the Act.
 - (a) a place of importance/significance, where persons have left objects for use for any purpose connected with Aboriginal traditional culture.
 - (b) any sacred, ritual or ceremonial site of importance/significance to Aboriginal persons.
 - (c) any place that is or was associated with Aboriginal people that is of historical, anthropological, archaeological or ethnographic interest and which should be preserved because of significance/importance to cultural heritage of the State.
 - (d) any place where traditional objects are stored.
 2. If it is determined that a site exists, then the significance of the site is evaluated under Section 39(2), taking Section 39(3) into account. The importance of a site is assessed by taking into account matters such as:
 - (a) existing use or significance.

- (b) any former or reputed use or significance, based on tradition, historical association, or Aboriginal sentiment;
 - (c) any potential anthropological, archaeological or ethnographical interest;
 - (d) aesthetic values.
3. Recommending to the Minister whether to grant or decline to grant consent to use all or a portion of the land to the applicant, and whether conditions should apply to any consent granted.

NOTE: The final decision on whether consent is granted and if so, whether any conditions should be attached to that consent, lies with the Minister for Indigenous Affairs. The ACMC's role in the Section 18 process is completed upon the making of its recommendation to the Minister.

A 'Heritage Matters' brochure entitled 'Advice for Developers' is available from the Department of Indigenous Affairs. It provides advice on the following:

1. Prior to a development, a developer should seek information and advice about sites in the early planning stages of the project.

Initially, this can be accomplished by contacting DIA Heritage staff who will arrange a register search for data about heritage sites within the area to be developed.

They will usually advise the developer to conduct appropriate anthropological and archaeological surveys of the project area in consultation with the appropriate Aboriginal people.

2. In most cases, arrangements should be made to preserve or avoid sites, but where this is not possible, a Section 18 Notice should be initiated through DIA Heritage staff.
3. DIA Heritage staff will then examine the Notice and request if any further information is necessary and prepare advice for the ACMC.

Aboriginal Area Management Plan Form Version 4 by WDC June 2008

Management Plans can be an extremely useful tool for good management of our natural and cultural resources. They are dependent on many factors, including the cooperation of parties with often different vested interests and values. Good management and care of these resources, with attention to the significant needs of all major parties, inevitably benefits the whole community. This form is designed to reflect this approach, and users are encouraged to operate in this cooperative management way.

1. Area Identification

Common Name of Area and/or Site: _____	If previously recorded, DIA Site ID:
Site Name (Aboriginal name if appropriate): _____	
Field code / number: _____	

2. Current Interested and Affiliated Parties

Name	Role (eg farmer, Elder)	Address	Phone & Fax	Email

3. Site Description, Characteristics and Meanings

3.1 General Description of Site
3.2 Site Description & "Statements of Meaning" for Aboriginal and non-Aboriginal land associates/managers.(include geographical/cultural links to other sites)
Common Ground
Areas of Difference

3.3 Area Enviro-Cultural Status Description for Aboriginal and non-Aboriginal land associates/managers.

Indigenous

Non-Indigenous

Current & potential future threats to site values

4. Suggested site management protocols & practices required for indigenous and non-indigenous land associates/managers to deal with current and future threats.

4.1. Agreed protocols and process for access:

4.2. Agreed works required (eg earth moving, fencing, drainage changes, vegetation works etc.):

4.3. Agreed processes for conducting works

Attachment II Aboriginal Sites in the Context of the Aboriginal Heritage Act 1972 (Western Australia)

The management of Aboriginal heritage in Western Australia is guided by the Aboriginal Heritage Act (the Act) which was introduced in 1972. The long title and a number of provisions in the Act make it clear that its purpose is to protect and preserve Aboriginal heritage for the benefit of the community - all Western Australians - with a view to the preservation of objects and places regarded as being of significance in the context of the traditional cultural life of the original inhabitants of the State and their living descendants.

The provisions of the Act relating to the protection of Aboriginal sites apply to all land in Western Australia. A defence is provided under the Act where disturbance of sites occurs only if the person charged can prove that he or she did not know - and could not reasonably be expected to have known - that the place was a place to which the Act applies.

The Act also makes it clear that all locations connected with Aboriginal people are not considered as places to which the Act applies. The Act only applies to particular categories of places. In summary the Act applies to places (sites) and objects:

- where objects of importance and significance have been left;
- of sacred, ritual or ceremonial importance and special significance to Aboriginal people;
- of historical, anthropological, archaeological or ethnographic importance and significance to the cultural heritage of the State; and
- where cultural material is stored.

Under the current phrasing of the Act the use of the term 'site' is crucial to the definition of place. The word 'site' has a restricted meaning in the sense that it is a bounded place on which something is or has been situated. A site will have an area of land underlying it, but the extent of the area will normally be considered to be restricted to an area that encompasses whatever is on the land so its integrity can be maintained, as distinct from the general area surrounding it. In this sense the term 'site' refers to specific features in the landscape rather than an unbounded area.

Although the Act also applies to places where objects have been left, in evaluating the importance and significance of places or objects, emphasis is placed on sacred, ceremonial and ritual significance. This consideration is expressly referenced in s39 (3) of the Act.

Within this view of the term, sites, variously imbued with mythological meaning, are of cultural, economic and spiritual significance to Aboriginal people. Sites sustain a timeless quality, in keeping with particular features of the land. These features, which may include outcrops (defined culturally as the metamorphosed body of a mythic being,) rock engravings, paintings, stone arrangements, artefacts, sites and ceremonial grounds, hold particular significance for individuals and groups. In a sense, these features, or sites, serve to connect Aboriginal people to landforms which stand as creations of what is generally known as the Dreaming. Many Aboriginal people continue to maintain sites and continue to look after country.

A number of provisions of the Act, (particularly s10 & s38) establish the requirement to maintain a Register of Places and Objects, i.e., a Register of Aboriginal Sites (the Register). These sections provide for the reporting of sites to the Registrar of Aboriginal Sites (the Registrar), or the Police. Under current arrangements the Register is held and maintained at the Department of Indigenous Affairs (DIA). The Register consists of:

- site files: information related to each place or object stored in a hard copy administration file. The site files include site recording forms, relevant pages from heritage survey reports, photographs, maps, drawings, and other miscellaneous materials pertaining to each site;
- heritage survey reports: a catalogue of hard copy reports conducted for various purposes relating to Aboriginal heritage in Western Australia. The authors of most of these reports are professional consultants specialising in the field of Aboriginal heritage, and report upon anthropology or archaeology associated with a survey area; and
- the Aboriginal Heritage Management System (AHMS): the electronic index to the registered sites and their related heritage survey reports. The AHMS has an Aboriginal Heritage Inquiry System available via the Internet which enables members of the public to access information.

Site Recording in the Context of the Aboriginal Heritage Act 1972

The Act does not stipulate the format or the content of information that may be provided to the Registrar in order for a place or object to be entered on to the Register. Rather through s5 of the Act there is an identification of four different categories of importance and/or significance relating to places of Aboriginal heritage. These categories can be summarised as:

- places where Aboriginal people have left physical evidence of their presence - relevant to s5(a);
- places of religious association - relevant to s5(b);
- places and objects which the ACMC chooses to preserve on behalf of the whole community - relevant to s5(c); and
- places where objects of traditional significance are stored - relevant to s5(d).

The inclusion of terms such as 'importance and significance' [s5(a) & (c)], 'special significance' [s5(b)] and 'interest' [s5(c)] in the wording of s5 of the Act mean that the mere existence of artefacts, engravings, camping grounds or spiritual beings does not automatically mean that reports of their locations/areas to the Registrar will result in these locations being evaluated as sites under the Act by ACMC.

The particular wording of the Act means that the process of recording places and objects as 'sites' to be registered is not simply a matter of reporting the existence of physical materials or stories that are spiritually laden. It is important to show through the recording process that these locations are Aboriginal places in the context of the sub-sections of s5 of the Act.

Therefore, it is crucial to show in the recorded information that, as 'places', these locations have an importance and significance distinct from their surroundings. Site recorders must attend to the wording of the Act, particularly s5 and s39(2), so that the places in which

physical materials, objects or sacred activities are located are reported in terms of their importance and significance, special significance or interest.

The wording of s5 & s39(2) is consistent with the intentions of the Act as a whole which, in part, is to record and protect particular places and objects that are of importance and significance rather than every location or area that is or was associated with Aboriginal people.

Assessing Aboriginal Site Recordings

When information is received by the DIA that may identify a previously unreported Aboriginal site, it is accessioned as Lodged on the Register. Prior to accessioning each location is checked for duplicate recordings. The information is then initially evaluated by DIA staff.

The task of determining whether a place is or is not an Aboriginal site under the terms of the Act is reserved to the ACMC. Since the ACMC can only evaluate the relative importance and/or significance of a reported place or object based on the information submitted by a recorder, recorders should provide as much information as they believe necessary in order to have ACMC conclude that the place or object reported is of sufficient importance and/or significance to ensure that it is entered on the Permanent Register.

In assessing the significance of an Aboriginal site, the ACMC must have regard to the factors set out in s39 of the Act, which gives primacy to places of mythological or ceremonial importance.

Registration, either Interim or Permanent, does not change the legal status of places alleged to be Aboriginal sites since all such places, whether known or presently undiscovered are given equivalent protection. The Register operates primarily as a form of notice that places may be of Aboriginal heritage significance, and hence fall under the ambit of the Act. However, entry onto the Permanent Register indicates that a place has been assessed by the ACMC and met the criteria for definition as an Aboriginal site, and hence makes it very clear that the provisions of the Act will apply.

The Purpose of the Aboriginal Site Recording Form

The Act does not define how to make recordings of places or objects so that information can be evaluated by the ACMC. The Act does not define a format for the presentation to ACMC of recorded information. Furthermore, the Act does not provide any direction as to the accuracy of information related to the location of places and objects. Although there is mention of different types of places or objects that are relevant, the Act does not include a definitive list of the types of places or objects that are applicable or inapplicable, to the Act.

The Aboriginal Site Recording Form (the Form) is designed to provide assistance for those who record places (sites) or objects that are within the meaning of the Act. The Form and these associated web pages are designed to provide guidance about the types and quality of information used by ACMC when evaluating Aboriginal sites and for the Registrar to protect and preserve Aboriginal heritage.

The introduction of the Form is aimed at improving the quality and consistency of information submitted to the Registrar about Aboriginal sites. For each site the aims of the Form are to:

- Facilitate informed decisions by the ACMC, DIA and the Registrar;
- Obtain a consistent level of information from Aboriginal people wishing to record sites, developers and consultants working in the field of Aboriginal heritage;
- Protect culturally sensitive information;
- Record both location and extent/boundary information for each site to ensure that they can be effectively located; and
- Ensure that informants and consultants working in varying locations, with diverse site types and with changing technology, can achieve efficient registration of sites and processing of applications.

The Form is aimed at ensuring that the ACMC has sufficient information with which to adequately carry out its functions under the Act. For the particular purposes of assessing s18 Notices, after an initial evaluation of the information submitted, DIA staff may request further information from the Recorder to ensure that sufficient and appropriate information is available to the ACMC. The provision of such information may be necessary prior to a s18 Notice being placed on the agenda of an ACMC meeting.

Site Recording Forms

The DIA and the ACMC encourage the use of the Form to report Aboriginal sites to the Registrar. The lodgement of the Form improves the quality and consistency of information submitted to the ACMC to enable it to carry out its assessment and evaluative functions under the Act. Copies of the Form are available to download (heritage@dia.wa.gov.au) in either a one page A3 double sided format or a four page single sided A4 format. These formats are made available for ease of printing and photocopying.

- Aboriginal Site Recording Form (Double sided (A3/A4) format).
- Aboriginal Site Recording Form (Single sided (A4) format).

Responsibilities of Site Recorders

The Form is designed to provide site recorders guidance about the type and quality of information that the ACMC and DIA use to register and assess places as sites under s5 and, where appropriate, their significance under s39(2) of the Act. The management of heritage changes over time. In recognition of this it is expected that the Form will change from time to time. DIA will review the operation of the Form on a regular basis. However, minor changes may be made to the text of the Form and these web pages on an as needs basis. Therefore, it is expected that researchers, heritage consultants, developers and others who are involved in the recording of Aboriginal sites in Western Australia remain up-to-date regarding changes to the Form.

Attachment III Aboriginal Site Management Plan NSW Quarantine Station, Wharf, including Cannae Point

Conservation Management Plan-Aboriginal Heritage Data Sheet

The burial site is considered to be of the highest significance and other evidence of Aboriginal occupation is of high significance. The landforms that reflect opportunities for use by Aboriginal people are also significant.

The following QSCMP and any associated DACMP subsidiary policies for the management of Aboriginal heritage apply:

- GCP 9 Interpretation of Aboriginal Heritage
- CCP 7 Aboriginal heritage Values and Environmental Assessment
- AEP 1 Archaeological Heritage
- AEP 2 Identification of Sites

The following QSCMP and associated DACMP subsidiary policies for the management of natural heritage also apply:

- GCP 10 Natural Bushland Areas
- GCP 12 Aquatic Reserve
- GCP 13 Cultural Landscapes
- GCP 16 Threatened Species
- CCP 4 Flora and Fauna
- CCP 10 Bushland
- CPP 6 Bush Regeneration
- CARP 3 Adaptive Reuse and Recovery Plans

- Access to Aboriginal sites will be restricted to the Aboriginal community, for essential maintenance and for approved research.
- The isolation of the identified sites to the south of the Precinct should be continued through the maintenance of existing fencing.
- There will be no recreational use of Cannae Point or the land beyond the Hospital/Isolation Precinct fence.
- No access should be provided from the Precinct to Cannae Point and the headland leading to the point.
- The Precinct provides graphic evidence of the occupation of the area.
- There is potential for further sites to be identified but recent surveys have not revealed any additional sites.

The Precinct has been heavily modified and evidence of Aboriginal occupation is restricted to sites identified in the rocky areas which form the boundary of the Precinct, and on Cannae Point.

The Precinct contains a number of identified sites consisting of middens and a rock shelter containing a burial site.

The endemic vegetation contains species that would have been used as sources for food and medicine.

Background on Aboriginal Sites and Use

Requirements for physical isolation of the burial site will be negotiated with the Metropolitan Local Aboriginal Land Council.

The requirements for physical barriers to isolate Cannae Point will be assessed.

Geological features within the remaining natural bush areas are to be conserved, particularly rock shelters that may have had Aboriginal use.

Maintenance procedures for the cultural landscape that respond to Aboriginal heritage conservation policies will be required.

Activities aimed at bushland management in the naturally vegetated areas should take into account the potential for the presence of evidence of Aboriginal use and occupation.

Detailed surveys for Aboriginal sites should precede the implementation of proposals that would have significant impacts on natural landforms, in accordance with the requirements of the AMP.

Attachment IV **Aboriginal Heritage Act 1972 Table Of Provisions**

1. Short title
2. Commencement
4. Interpretation
5. Application to places
6. Application to objects
7. Traditional use
8. Availability for traditional use
9. Traditional custodians
10. Duty of the Minister
11. Minister a body corporate
- A. Administration
13. Powers of delegation
14. Compensation on statutory vesting
15. Report of findings
16. Excavation of Aboriginal sites
17. Offences relating to Aboriginal sites
18. Consent to certain uses
19. Protected areas
20. Temporarily protected areas
21. Objection to declaration
22. Compensation and compulsory acquisition
23. Marking of protected areas
24. Notification of changes, etc.
25. Variation of Orders in Council
26. Regulations as to protected areas
27. Covenants
28. Aboriginal Cultural Material Committee
29. Ex-officio members
30. Resignation, disqualification and co-option
31. Deputies
32. Quorum and meetings
33. Records and validity of proceedings
34. Procedure
35. Public Sector Management Act provisions
36. Remuneration, etc.
37. Registrar of Aboriginal Sites
38. Register of places and objects
39. Functions of the Committee
 - A. *Consultation between Minister and Trustees concerning administration of Part VI*
 - B. *Minister may delegate to Trustees under Part VI*
 - C. *Registrar may act on Minister's behalf*
 - D. *Minister to consult with Committee*
40. Aboriginal cultural material
41. Notification and production of objects
42. Retention by Minister
43. Restrictions on dealing with Aboriginal cultural material
44. Prices to be at local rates
45. Minister may purchase as agent
46. Vesting of objects and inquiries into origin
47. Compulsory acquisition of objects

48. Restriction on exhibition of objects
49. Prohibition on publication
50. Honorary wardens
51. Powers of inspection
52. Power of officers to represent the Minister
53. Proceedings by the Minister
54. Persons obstructing execution of this Act
55. Breach of conditions
56. Secrecy
57. Penalties
59. Forfeiture
60. Evidence
61. Presumption as to notices
62. Special defence of lack of knowledge
67. Indemnity
68. Regulations

Attachment V The Aboriginal Cultural Material Committee

A primary role of the Heritage and Culture Division is to assess Section 18 Notices under the Western Australian Heritage Act 1972 (AHA) (as amended) and provide advice to the Aboriginal Cultural Material Committee (ACMC) in particular, and in general to the public, developers and governmental agencies. The relevant legislative provisions under AHA are:

1. Under Section 15 any person who locates a site or anything of an Aboriginal nature must report it to the Registrar. This can include:
 - burial grounds, symbols, objects, cave/rock paintings/engravings, stone structures, arranged stones, carved trees or any other place or thing to which the Act might apply.
2. Under Section 17 it is an offence to disturb any site unless permission has been granted under Sections 16 or 18. Penalties have increased recently and for individuals a first offence against the Act is \$20,000 or 9 months imprisonment or both.(s57), for a second or subsequent offence, \$40,000 and imprisonment for 2 years, and” in any case, to a daily penalty of \$400”. For corporate entity \$50,000 first offence and for a second or subsequent offence, \$100,000, and “in any case, to a daily penalty of \$1,000”. Directors can be prosecuted and made to pay reparations.
3. Under Section 16 a person may apply to excavate a site with the authority of the ACMC for the purpose of research.. Applications under this section are usually made by archaeologists who are conducting research projects.
4. Under Section 18 the 'owner' of land containing a site may apply to the ACMC to use the land for a purpose which is likely to have an impact on the site.

The role of the Aboriginal Cultural Material Committee in considering a Section 18 Notice consists of:

1. Determining whether a site exists under Section 5 of the Act.
 - a place of importance/significance, where persons have left objects for use for any purpose connected with Aboriginal traditional culture.
 - any sacred, ritual or ceremonial site of importance/significance to Aboriginal persons.
 - any place that is or was associated with Aboriginal people that is of historical, anthropological, archaeological or ethnographic interest and which should be preserved because of significance/importance to cultural heritage of the State.
 - any place where traditional objects are stored.
2. If it is determined that a site exists, then the significance of the site is evaluated under Section 39(2), taking Section 39(3) into account. The importance of a site is assessed by taking into account matters such as:
 - existing use or significance.
 - any former or reputed use or significance, based on tradition, historical association, or Aboriginal sentiment;
 - any potential anthropological, archaeological or ethnographical interest;

- aesthetic values.

3. Recommending to the Minister whether to grant or decline to grant consent to use all or a portion of the land to the applicant, and whether conditions should apply to any consent granted.

NOTE: The final decision on whether consent is granted and if so, whether any conditions should be attached to that consent, lies with the Minister for Indigenous Affairs. The ACMC's role in the Section 18 process is completed upon the making of its recommendation to the Minister.

A 'Heritage Matters' brochure entitled 'Advice for Developers' is available from the Department of Indigenous Affairs. It provides advice on the following:

1. Prior to a development, a developer should seek information and advice about sites in the early planning stages of the project.

Initially, this can be accomplished by contacting DIA Heritage staff who will arrange a register search for data about heritage sites within the area to be developed. They will usually advise the developer to conduct appropriate anthropological and archaeological surveys of the project area in consultation with the appropriate Aboriginal people.

2. In most cases, arrangements should be made to preserve or avoid sites, but where this is not possible, a Section 18 Notice should be initiated through DIA Heritage staff.
3. DIA Heritage staff will then examine the Notice and request if any further information is necessary and prepare advice for the ACMC.

In general, the Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984 is only invoked when someone considers that the operation of or protection offered by the Western Australian legislation is insufficient or ineffective. The ACMC does not have any responsibility for the operation of the Commonwealth Act.

Attachment VI DIA Aboriginal Site Recording Form

11

Site Location Map - Provide a sketch or GIS map or photocopy of a published map and a written description of how to locate the site. Add additional pages and attach photographs as appropriate.

Map Prompts

Mark the locations of:
 Coordinates to locate site (MGA preferred)
 Major location features (eg, roads, fences, rivers, hills, windmills, buildings)
 Survey marks (survey pegs)
 Scale
 Distances (in metres)
 North point
 Nearest named place
 Land Tenure
 Mining tenement
 Lot Number
 Street Number
 Reserve Number
 Survey area
 Legend

12

Site Plan - Provide a detailed layout plan of the site. Add additional pages and attach photographs where appropriate.

Plan Prompts

Mark the locations of:
 Coordinates to locate site (MGA preferred)
 Coordinates indicating extent of site boundary
 Major features (eg, trees, sample squares, transects, concentration zones, rocks, engraving locations)
 Coordinates indicating locations from which photographs were taken.
 Scale
 Distances (in metres)
 Dimensions (NS / EW)
 Radius (in metres)
 North point
 Legend

13 Site Location, Datum and Recording Accuracy

How was the location determined? GPS Map Map Reference: _____

Other Describe: _____

Recording accuracy <input type="checkbox"/> ±250m (eg, 1:250000 map) <input type="checkbox"/> ±100m (eg, 1:100000 map) <input type="checkbox"/> ±10m (eg, handheld GPS) <input type="checkbox"/> ±1m (eg, Differential GPS)	Datum/Grid (* Preferred) <input type="checkbox"/> GDA94/MGA94* <input type="checkbox"/> WGS84/MGA94* <input type="checkbox"/> AGD84/AMG84 <input type="checkbox"/> AGD66/AMG66	Coordinate to Locate Site Zone (please circle) 49 50 51 52: [] [] [] [] [] E [] [] [] [] [] N or Latitude: _____ ° _____ ' _____ '' Longitude: _____ ° _____ ' _____ ''
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14 Access to the Site File Information

All Information	Descriptive Information	Location Information
Open	Open	Open
Closed	Closed	Closed

Access to	Access to	Access to
Males only	Males only	Males only
Females only	Females only	Females only
Only initiated persons	Only initiated persons	Only initiated persons
All persons	All persons	All persons

Details of Other Access Restrictions to be applied to Site File:

Reason(s) for 'Closed' Status (eg, for cultural reasons, gender restrictions, physical danger of site, condition of site).

Person(s) to be consulted regarding authorisation of access to 'Closed' information:

15 **Access to the Site** (Please provide advice about appropriate cultural protocols or actions regarding physical access to the site, eg, ritual activities, gender restrictions.)

16 Reference for Aboriginal Heritage Survey Report in which site is reported (if applicable).	Office Use Only: Report ID:
---	--------------------------------

17 **Additional References and List of Attached Documents** (Please use Harvard format. Add additional pages and photographs as appropriate.)

Send to:
 Registrar of Aboriginal Sites,
 PO Box, 7770 Cloisters Square WA 6850, or Level 1, 197 St Georges Terrace, Perth, WA 6000
 Tel: (08) 9235 8000 Fax: (08) 9235 8088 Email: heritage@dia.wa.gov.au Web: <http://www.dia.wa.gov.au/>