

Annexure D

Aboriginal Heritage Due Diligence Guidelines

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Department of **Aboriginal Affairs**
Department of the Premier and Cabinet

Aboriginal Heritage Due Diligence Guidelines

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About these Guidelines

These Guidelines and the Aboriginal Heritage Matrix are for general assistance only. Land users should always obtain independent advice on the application of the *Aboriginal Heritage Act 1972* (AHA) (WA) to their particular circumstances. When using these Guidelines the 'precautionary principle'* should be applied to any circumstance where doubt exists, particularly about:

- the potential impact to Aboriginal heritage; and/or
- the nature and level of potential impact of the proposed activity(s).

If doubt exists the land user should contact the Department of Aboriginal Affairs in the first instance:

Telephone: 1300 651 077 or 08 6551 8004

Website: www.daa.wa.gov.au/

***The Precautionary Principle**

To apply a precautionary approach to the assessment of risk to Aboriginal heritage ensures all aspects of potential risk are considered and appropriate steps are applied to avoid or minimise damage to Aboriginal sites.

PART 1 - INFORMATION TO ASSIST IN USING THESE GUIDELINES

Aboriginal Heritage Act 1972

- 1.0 The *Aboriginal Heritage Act 1972 (AHA)* (WA) was enacted to ensure that Aboriginal heritage to which the AHA applies could be appropriately protected and preserved.
- 1.1 Under section 10 of the AHA, the Minister's role is to ensure that, as far as reasonably practicable, all places in Western Australia which are traditionally or currently of sacred, ritual or ceremonial significance to Aboriginal people are properly recorded and their importance evaluated. This is to assist in determining priorities for the protection and preservation of Aboriginal heritage.
- 1.2 See **Appendix 1 – Definitions** for a list of terms and their definitions as used in the AHA or these Guidelines.

Definition of an Aboriginal Site

- 1.3 As defined in section 5 of the AHA an Aboriginal site is:
 - (a) any place of importance and significance where persons of Aboriginal descent have, or appear to have, left any object, natural or artificial, used for, or made or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present;
 - (b) any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Aboriginal descent;
 - (c) any place which, in the opinion of the Committee, is or was associated with the Aboriginal people and which is of historical, anthropological, archaeological or ethnographical interest and should be preserved because of its importance and significance to the cultural heritage of the State; and
 - (d) any place where objects to which this Act applies are traditionally stored, or to which, under the provisions of this Act, such objects have been taken or removed.
- 1.4 See **Appendix 2 – Types of Aboriginal Sites and Landscape features which may contain a site** – for a brief description of the various types of Aboriginal sites that can be found in Western Australia.

Offences relating to Aboriginal Sites

- 1.5 Under section 17 of the AHA, a person who excavates, destroys, damages, conceals or in any way alters any Aboriginal site commits an offence, unless he or she acts with the authorisation of the Registrar of Aboriginal Sites (Registrar) under section 16 or the consent of the Minister of Aboriginal Affairs (Minister) under section 18.
- 1.6 All land users who wish to use land for a purpose which might contravene section 17 of the AHA must exercise due diligence in trying to establish whether or not their proposed activity on a specified area may damage or destroy an Aboriginal site.
- 1.7 Section 15 of the AHA provides that any person who has knowledge of any thing or place to which the AHA applies or might reasonably be suspected to apply has an obligation to report it to the Registrar. However, according to section 7(1)(b) Aboriginal people are not compelled to disclose information or otherwise act contrary to any prohibition of the relevant Aboriginal customary law or tradition.

Administration of the AHA

The Minister for Aboriginal Affairs

- 1.8 Responsibility for the administration of the AHA is vested in the Minister for Aboriginal Affairs under section 11A. The Minister is required to have regard to the recommendations of the Registrar for Aboriginal Sites and the Aboriginal Cultural Material Committee but is not bound by these recommendations.

The Register

- 1.9 The Register is established under section 38 of the AHA and must, so far as is practicable, include:
 - (a) protected areas (section 19);
 - (b) Aboriginal cultural material; and
 - (c) Aboriginal sites and objects to which the AHA applies.
- 1.10 The Register lists all **known** Aboriginal sites reported to the Registrar pursuant to section 15 of the AHA and all areas currently protected under section 19.
- 1.11 The Register does not include undiscovered or unregistered sites. Irrespective of a site being either known, or assessed by the DAA, and/or on the Register,

importantly the AHA affords protection to **all Aboriginal sites** which can be determined to meet the section 5 definitions.

- 1.12 The Register is an essential reference tool which can assist land users in identifying locations where Aboriginal heritage is present.

The Registrar

- 1.13 The Registrar of Aboriginal Sites (**Registrar**) is appointed to undertake various obligations under the AHA including the management of the Register of Aboriginal Places and Objects (often referred to as the Register of Aboriginal Sites).

The Department of Aboriginal Affairs

- 1.14 The Department of Aboriginal Affairs (**DAA**) is responsible for administering the AHA. The DAA works with Aboriginal people to preserve and manage Aboriginal sites of importance and significance.

The Aboriginal Cultural Material Committee

- 1.15 The Aboriginal Cultural Material Committee (**Committee**) also referred to as the APMC, evaluates on behalf of the community the importance or significance of Aboriginal places and objects and recommends to the Minister places and objects which are, or have been of special significance to Aboriginal people. The Committee's advice may include recommendations about the preservation or management of Aboriginal sites and objects.
- 1.16 The members of the Committee are drawn from various parts of Western Australia and are people who, in the opinion of the Minister, have special knowledge, experience or responsibility that will assist the Committee in the recognition and evaluation of the cultural significance of matters coming before the Committee.

Distinction between Aboriginal heritage and native title

- 1.17 The *Native Title Act 1993* (Cwlth) (**NTA**) provides for the recognition and protection of native title rights and interests by which Aboriginal people have maintained a traditional connection to their land and waters since sovereignty. The NTA further provides that native title rights have been extinguished over land that has been subject to particular grants of land tenure (e.g. freehold and leasehold). By contrast, regardless of the underlying land tenure, the AHA applies to all land in Western Australia.

- 1.18 Where the Federal Court makes a native title determination that certain Aboriginal people hold native title rights, it will generally include rights to, for example, "visit, maintain and protect from physical harm, areas, places and sites of importance in the Determination Area" which are essentially rights to manage cultural heritage. In that regard, native title holders should be afforded primary authority for Aboriginal heritage within an area where native title rights have been determined.

Further Information

- 1.19 Copies of the Western Australian *Aboriginal Heritage Act 1972* and the Regulations can be accessed online through the State Law Publisher website (www.slp.wa.gov.au) and copies of the Commonwealth *Native Title Act 1993* can be accessed through the ComLaw website (www.comlaw.gov.au).
- 1.20 Any questions regarding the AHA or the Regulations can be referred to the DAA:
Department of Aboriginal Affairs
Telephone: 1300 651 077 or 08 6551 8004
Website: www.daa.wa.gov.au/
- 1.21 Any questions about native title claims or Indigenous land use agreements in Western Australia can be referred to the Native Title Unit:
Department of the Premier and Cabinet – Land, Approvals and Native Title Unit
Telephone: 08 6552 5333
Website: www.dpc.wa.gov.au/LANTU

PART 2—ABORIGINAL HERITAGE— DUE DILIGENCE GUIDELINES

Purpose of the Due Diligence Guidelines (Guidelines)

- 2.0 All Aboriginal sites are protected by the AHA, whether or not they have previously been identified or registered, provided that the site can be determined to meet the section 5 definitions.
- 2.1 A land user is obliged to comply with the provisions of the AHA and failure to do so may result in prosecution. Section 17 of the AHA provides that it is an offence to excavate, destroy, damage, conceal or in any way alter an Aboriginal site. Therefore land users should carefully evaluate how a proposed activity may affect Aboriginal heritage.
- 2.2 In proceedings for an offence under the AHA, section 62 provides a ‘special defence of lack of knowledge’. Section 62 states that "it is a defence for the person charged to prove that he did not know and could not reasonably be expected to have known, that the place or object to which the charge relates was a place or object to which [the AHA] applies".
- 2.3 The purpose of these Guidelines is to assist land users to be more aware of how their activities could adversely impact an Aboriginal site. Compliance with these Guidelines will not of itself guarantee compliance with the AHA. However, where the Guidelines are followed, it is less likely that Aboriginal sites will be harmed.
- 2.4 Due diligence may involve one or all of the following actions:
 - (a) assessing the landscape where an activity is to take place;
 - (b) assessing the proposed activity and the potential impact on the landscape;
 - (c) searching the Register of Aboriginal Sites and the Aboriginal Heritage Inquiry System;
 - (d) consulting with the relevant Aboriginal people;
 - (e) agreeing to an Aboriginal heritage survey; or
 - (f) other heritage management strategies.

Assessing the landscape where an activity is to take place

- 2.5 The possibility of a landscape containing Aboriginal sites will differ between land which has had considerable previous land use, for example intensive land clearing or

development, and land which is largely in its natural state or is remote and undisturbed by previous development.

- 2.6 Similarly, some landforms are more likely than others to serve as an indicator of Aboriginal traditional activity than others. Landscape features which may contain Aboriginal sites and should be approached with some caution include, but are not limited to: rock outcrops, rock shelters, caves, alluvial terraces, foreshores and coastal dunes, ranges and hills, natural wetlands, waterholes, springs, gnamma holes, rivers, creeks, streams, swamps, hills and mound formations, or areas with potential archeological deposits.
- 2.7 An assessment of the area where an activity is proposed may reveal evidence (artefacts or other signs) about previous Aboriginal traditional activity. Please see **Appendix 2 – Types of Aboriginal sites & landscape features which may contain a site.**

Assessing the proposed activity and the potential impact on the landscape

- 2.8 A land use activity can range in effect, from an activity unlikely to impact on Aboriginal sites to an activity highly likely to impact (i.e. damage and destroy) Aboriginal sites. For example, an aerial survey will not physically damage Aboriginal sites whereas blasting or ground excavation can cause extensive damage to an Aboriginal site.
- 2.9 **Schedule 1 – Land Activities by Category** – provides a brief list of land activities categorised by the level of likely disturbance. **Schedule 2 – The Aboriginal Heritage Matrix** – provides an indicative guide to the relationship between previous land use and the category of land activity.

Major Development Projects

- 2.10 A major project which potentially involves multiple ground-disturbing activities over a large area (for example, a port with rail and road access) may require the preparation of an integrated plan to manage Aboriginal heritage, rather than applying a piecemeal approach to different activities within the total project area.
- 2.11 Aboriginal heritage is one compliance requirement a project developer should address as early as possible. Early consultation with Aboriginal people can help to identify how to minimise or avoid any disturbance of Aboriginal sites. Leaving heritage management to the later stages of project planning can risk delays whilst the relevant

information or approvals are obtained.

- 2.12 See the Department of State Development's website for general information about the range of project approvals linked to major projects (www.dsd.wa.gov.au/6734.aspx).

Searching the Register of Aboriginal Sites and the Aboriginal Heritage Inquiry System

- 2.13 Once a land user has identified the proposed activity and considered the level of previous land use, the next step is to establish the possible existence of an Aboriginal site. The key reference tool is the Register of Aboriginal Sites accessible online via the DAA's website. The Register is incorporated into the Aboriginal Heritage Inquiry System (AHIS).
- 2.14 The Register lists all **known Aboriginal sites** reported to the Registrar pursuant to section 15 of the AHA and all areas protected under section 19. See paragraphs 1.9-1.12 of these Guidelines for a fuller description of the Register.
- 2.15 The AHIS enables members of the public to search areas in Western Australia for identified Aboriginal sites and areas previously subject to heritage surveys processed by DAA. The surveys may indicate whether or not Aboriginal sites are present or whether some areas have been marked for avoidance.
- 2.16 The AHIS can be accessed online through DAA's website (www.daa.wa.gov.au/AHIS/default.aspx).
- 2.17 Please note: Land users should exercise caution in areas where no surveys have been completed, or where surveys have only been completed for parts of the area where the proposed activity is intended. Caution is required because heritage surveys over only part of the land may not have identified all possible sites. Sole reliance on information contained in the Register may not be sufficient and consultation in the first instance with the DAA is recommended, depending on the DAA's advice this consultation may extend to include the relevant Aboriginal people.

Consulting with the relevant Aboriginal people

- 2.18 Information about the Aboriginal heritage for a particular area is best obtained through consultation with the relevant Aboriginal people. Whilst there is no definitive list of Aboriginal people who should be consulted for an area, the Committee suggests that the following people at least should be consulted:
- (a) determined native title holders;
 - (b) registered native title claimants;

- (c) persons named as informants on Aboriginal site recording forms held in the Register at DAA; and
 - (d) any other Aboriginal people who can demonstrate relevant cultural knowledge in a particular area.
- 2.19 Consultation in this context means engaging meaningfully with the relevant Aboriginal people. The purpose of such consultation could be:
 - (a) to provide easily understood information about the proposed land use and to seek responses from the relevant Aboriginal people;
 - (b) to identify sites in the area that may not have been registered;
 - (c) to assess whether the proposed land activity might damage Aboriginal sites; and
 - (d) to develop strategies for heritage management for the proposed land use and for any longer term disturbance that might occur as part of the activity (e.g. construction of power poles and later periodic maintenance).
- 2.20 Consultation might not lead to consensus but provide a basis upon which decisions can be made.
- 2.21 It should be noted that Aboriginal people are not obliged to divulge culturally specific or sensitive information and in some cases Aboriginal law and custom may prevent such disclosure. Nonetheless, heritage management strategies can be developed to protect sites even if details are limited.
- 2.22 If a land use activity is likely to impact upon Aboriginal heritage, it is best that heritage management strategies are implemented early in the planning process. **Early engagement and consultation** can help to identify ways to minimise and avoid damage to or disturbance of Aboriginal sites. Leaving heritage management to the later stages of project planning can potentially delay the land user whilst he/she obtains the relevant information or approvals.
- 2.23 Please note. Consultation with the relevant Aboriginal people is a pre-condition to the Committee's consideration of an application for consent or approval under the AHA.

Native Title Future Acts

- 2.24 Where a license or permit application is submitted under a state law which triggers the 'future act' provisions (Division 3 of the NTA), particularly where a license proposes a significant ground disturbing activity, it is likely that an Aboriginal heritage survey of the area will be required.

- 2.25 An Aboriginal heritage agreement cannot dis-allow or modify the operation of the AHA. All parties are bound by the provisions and obligations of the AHA.

Failure to reach agreement about conducting an Aboriginal Heritage Survey

- 2.26 Where agreement cannot be reached with the relevant Aboriginal people for the area to undertake an Aboriginal heritage survey, the land user continues to be bound by the provisions of the AHA. The land user is still obliged to either avoid the site or to apply for consent to impact the site.
- 2.27 If at any time it is likely that the proposed activity will in any way impact on a registered Aboriginal site, or a suspected Aboriginal site is uncovered and consent under section 16 or 18 has not been granted to impact the site, then the activity should cease immediately and the land user should contact the DAA and the relevant Aboriginal people.

Strategies for managing Aboriginal heritage

Site avoidance strategies

- 2.28 If an Aboriginal site is on or close to an area where a land user proposes an activity which may damage, destroy or alter an Aboriginal site the land user should investigate strategies for avoiding the site or limiting disturbance to the site. The land user will consult with the relevant Aboriginal people to:
- (a) seek advice as to how best the activity may be managed to avoid damage;
 - (b) where necessary, conduct an Aboriginal heritage Survey;
- 2.29 The land user may seek authorisation or consent to the activity under either the AHA or the Regulations to proceed with the activity, ideally with the support of the relevant Aboriginal people.

Consent to an activity

- 2.30 Consent or authorisation is usually given in one of three ways:
- (a) **section 18** of the AHA provides that, in order to avoid committing an offence under section 17, a land owner may give notice to the Committee that he or she requires to use the land for a purpose that might impact on a heritage site

unless consent is given by the Minister to the use of the land for that purpose. The Committee considers the notice and makes a recommendation to the Minister for Aboriginal Affairs. The Minister then makes a decision whether or not to consent to the use of the land. If consent is granted, the Minister can also impose conditions;

- (b) **section 16** of the AHA provides that the Registrar, on the advice of the Committee may authorise entry upon and excavation of a site and removal of items from that site; or
- (c) **regulation 10** of the *Aboriginal Heritage Regulations 1974* (WA) (AHR) details particular activities that require written authorisation from either the Registrar or the Minister before any such activities can occur on land and/or property to which these Regulations apply.

Limiting impact to an Aboriginal site

- 2.31 Particular care should be taken where a land user proposes to undertake activities that may potentially cause further disturbance inside the boundaries of a registered Aboriginal site, or where there are sites which are yet to be assessed by the Committee, or in areas which have not previously been surveyed and may include landscape features as set out under **Appendix 2 – Types of Aboriginal sites and landscape features likely to contain a site.**
- 2.32 It is important to be informed about the possibility of an area containing an Aboriginal site. Extra care must be taken prior to proceeding with any land activity that may cause disturbance to an Aboriginal site.

Schedules 1 and 2 of these Guidelines

- 2.33 Schedules 1 and 2 are provided for general guidance only. In case of doubt a land user should contact the DAA for further information and/or assistance on 1300 651 077 or through their website: <http://www.daa.wa.gov.au/contact-us/>.

SCHEDULE 1 – LAND ACTIVITIES BY CATEGORY

The below five lists are examples of typical development activities. Land users should apply the precautionary principle and use their own initiative to assess their intended activity with those described below. In cases where the activity does not correspond with those listed below, a land user should compare it as closely as possible with one or more of the listed activities.

Please note: The following lists of activities are not intended to be exhaustive. Their inclusion is to demonstrate the likely activities within the categories. If in doubt please seek advice from the DAA on 1300 651 077 or through the website: www.daa.wa.gov.au/contact-us/.

These categories are intended to be used in conjunction with the **Aboriginal Heritage Matrix (Matrix)** in **Schedule 2**.

1. Negligible Disturbance

Activities which are non-invasive and cause negligible or no impact to the land may include:

- walking, photography, filming;
- aerial surveying/magnetic surveys;
- use of existing tracks, water courses;
- environmental monitoring;
- water and soils sampling;
- fossicking using hand held instruments;
- spatial measurement; and
- scientific research, using hand held tools.

2. Minimal Disturbance

Activities that cause minimal disturbance to the land may include:

- cultivation/grazing in areas previously cultivated/grazed;
- maintenance of existing paths, walls, roads, tracks, bridges, public infrastructure (e.g. electrical, water, sewage) and community utilities within the existing footprint and adjacent service areas;
- feral animal eradication, weed, vermin and pest control, vegetation control and fire control; and
- light vehicular access and camping.

3. Moderate Disturbance

Activities that cause moderate disturbance to the land may include:

- work program clearance;
- sampling using hand held rig or rig mounted on a light vehicle;
- new fire breaks;

- re-vegetation;
- temporary power lines;
- temporary gravel or soil stockpile; and
- temporary camps.

4. Significant Disturbance

Activities that cause significant disturbance to the land may include:

- creation of new roads or tracks;
- new public access ways, bridges, culverts, flood remediation and erosion levies;
- land clearing over more than a small area;
- intensive soil/core sampling;
- new pipelines;
- significant reclamation works; and
- major landscaping/contouring.

5. Major Disturbance*

Activities that cause major and lasting disturbance to the land may include:

- large-scale land clearing;
- exploration drilling;
- bulk sampling, soil excavation;
- mechanical earthmoving, blasting;
- major construction works;
- open cut mining;
- large scale changes to waterways; and
- industrial development.

*Major developments (for example a new freeway or a port) can create the need for comprehensive heritage management plans i.e. planning which amounts to more than an assessment of individual activities and their possible impact on Aboriginal heritage. For guidance on major development projects see section 2.10 – 2.12 of these Guidelines.

SCHEDULE 2 – THE ABORIGINAL HERITAGE RISK MATRIX

Previous Land Use		LAND ACTIVITIES – CATEGORIES 1-5				
		1. Negligible disturbance	2. Minimal disturbance	3. Moderate disturbance	4. Significant disturbance	5. Major disturbance
	Built Environment - e.g. urban environment, towns, metropolitan region.	Low	Low	Low	Low	Medium
	Significantly Altered Environment - e.g. cultivated and cleared land.	Low	Low	Low	Medium	High
	Moderately Altered Environment - e.g. partially cleared lands, re-vegetated landscape.	Low	Low	Medium	Medium	High
	Minimally Altered Environment - e.g. urban bush land, regrowth areas	Low	Medium	Medium	High	High
	Unaltered Environment - e.g. protected areas or pristine environment.	Low	Medium	High	High	High
Risk Assessment		Actions				
Low Risk (Review)		Review the landscape and proposed activity (see sections 2.4 - 2.8 - assessing the landscape and the activity). Refer to the AHIS.				
Medium Risk (Review /Exercise Caution)		Review the landscape and proposed activity (as above). The precautionary principle (see page 2) applies. Refer to the AHIS and contact the DAA. A range of actions may be recommended, including: no action, consultation with the relevant Aboriginal people, an Aboriginal heritage survey or modification of the proposed activity to avoid or minimise site impact.				
High Risk (Consult / Survey / Approvals)		Refer to the AHIS. Consult with the DAA and the relevant Aboriginal people. Dependent on consultation outcomes you may need to include: an Aboriginal heritage survey, modification of the proposed activity to avoid or minimise (see sections 2.24 - 2.28) impact to the site and/or other heritage management strategies. The land user may also need to apply for approval or consent (see section 2.26) to the activity.				
For major development projects refer to sections 2.10 - 2.12 for further advice.						

Appendix 1 – Definitions

In addition to the definitions used in the AHA the following definitions are used within these guidelines:

Aboriginal heritage means the Aboriginal site or object as defined in sections 5 and 6 of the AHA.

Aboriginal Heritage Risk Matrix means the document attached at Schedule Two of these Guidelines (as amended from time to time).

Aboriginal Heritage Survey means a survey conducted by a suitably qualified archaeologist, ethnographer, anthropologist or other heritage professional who investigates the Aboriginal heritage of an area. For site identification, work area clearance or site avoidance surveys the relevant Aboriginal people will nominate Aboriginal consultants (usually 6 people) from their group who provide first-hand knowledge and guidance about the Aboriginal heritage of the area. There are several types of Aboriginal heritage surveys:

- desk top study, a preliminary investigation of Aboriginal heritage;
- site identification survey;
- work area clearance survey; and
- site avoidance survey.

Aboriginal Heritage Survey Report means a report by a suitably qualified archaeologist, ethnographer, anthropologist or other heritage professional, that communicates the results of the Aboriginal heritage survey. Aboriginal heritage survey reports constitute a significant portion of the Register of Aboriginal Sites. Guidance about the type of information to be included in the various types of Aboriginal Heritage Survey Reports is available from the DAA's website.

Consultation means a process of enquiry and response between a land user and relevant Aboriginal people to provide information or assistance in identifying any need for site identification, heritage survey and/or land use activity proposal modification. Consultation should include details of proposed land use activity.

Disturbance means any activity which will physically alter the surface or ground of the land or waters.

Proposed activity means any planned activity on the land or water that may result in varying degrees of disturbance.

Native Title Claimant means the Aboriginal people who have lodged a native title determination application over a particular area of land and waters.

Native Title Holder means there has been a determination by the Federal Court that a named group of Aboriginal people hold the native title rights and interests over a particular area of land and/or waters.

Appendix 2 -Types of Aboriginal sites and landscape features which may contain a site

The following is an overview of the various types of sites that can be found in Western Australia. This list is not exhaustive.

Artefacts: An artefact site is a place where human activity is identifiable by the presence of a portable object/s (e.g., stone, glass, bone, shell) utilised or modified by Aboriginal people in relation to traditional cultural life past or present.

Fish Trap: A stone, wood, or other similar structure made by Aboriginal people for catching fish. Such structures are generally found on the coast of Western Australia, and in its lakes and rivers.

Man-made structure: The placement or arrangement, by Aboriginal people, of stone, wood or other material made into a structure for ceremonial or utilitarian purposes.

Mythological: A place that is connected to the great spirit ancestors, in their various manifestations, of the 'Dreamtime' which continues to be important and of special significance to persons of Aboriginal descent.

Repository/Cache: A place where cultural or utilitarian objects are/were taken, or stored, by Aboriginal people, either past or present.

Ceremonial: A place used for a formal act or series of acts prescribed by ritual, belief in a mythological manifestation, religious belief or observance, protocol or convention that is connected with the traditional cultural life of Aboriginal people past or present.

Grinding patches/Grooves: A place where grinding patches or grooves can be found. Grinding patches or grooves are smoothed areas or grooves on rock surfaces (non-portable) that have been created by grinding activity associated with food production such as seed milling, preparation of pigments, tool manufacture and/or maintenance and ritual.

Midden: A place where there is an accumulation of shell refuse that is derived from exploitation of a mollusc resource by Aboriginal people. Such sites may also contain artifacts, fireplaces, burnt shell and bones.

Painting: Places where Aboriginal people have painted on surfaces. Paintings (including daubings, drawings, stencils, prints) can be figurative or non-figurative markings or motifs on surfaces such as rocks, rock walls and trees at fixed locations that are produced by adding pigments and or mediums, such as ochre, blood, beeswax, animal fats, vegetable dyes, tree saps.

Skeletal material/Burial: A place where Aboriginal skeletal material is buried and/or where mortuary practices occurred.

Engraving: A motif (either figurative or non-figurative) on a rock surface produced by percussion or abrasion. Engravings are also often referred to as petroglyphs.

Historical: A place that has historical associations with Aboriginal people and may or may not contain physical evidence of those associations.

Modified or Scarred tree: A place with one or more tree(s), living or dead, that has been modified by Aboriginal people by removing the bark or wood resulting in the formation of a scar. This sort of modification was and is frequently done for the making of implements, tools or other materials that were used in traditional cultural practices.

Quarry: Places where there is evidence for the extraction of stone or ochre.

Landscape features, which possibly contain Aboriginal sites and should therefore be approached with care, include but are not limited to:

- (a) rock outcrops;
- (b) caves;
- (c) foreshores and coastal dunes; (d) ranges and hills;
- (d) areas of bio-geographical significance, such as natural wetlands;
- (e) permanent and semi-permanent waterholes, natural springs, gnamma holes, and watercourses;
- (f) some hill and mound formations; and
- (g) areas with potential archaeological deposit, such as rock shelters, caves, alluvial terraces, dune deposits and other relevant geo-morphological features.

The views of the relevant Aboriginal people are a key factor in identifying and assessing sites. Appropriately qualified persons such as anthropologists, archaeologists and historians can also provide valuable assistance.

Appendix 3 – Contact Details for the Relevant Aboriginal People

Information about the Aboriginal heritage for a particular area is best obtained through consultation with the relevant Aboriginal people. Whilst there is no definitive list of Aboriginal people who should be consulted for an area, the Committee suggests that the following people at least should be consulted:

- (a) determined native title holders*;
- (b) registered native title claimants;
- (c) persons named as informants on Aboriginal site recording forms held in the Register at Department of Aboriginal Affairs (DAA); and
- (d) any other Aboriginal people who can demonstrate relevant cultural knowledge in a particular area.

*When a determination of native title is made, the NTA requires the native title holders to establish a prescribed bodies corporate (PBC), also known as a registered native title body corporate. PBC's hold in trust, or manage, the native title rights and interests of the native title holders.

The following contact details are subject to change. To confirm contact details please use the website of the 'Office of the Registrar of Indigenous Organisations' (ORIC).

Organisation Type	Name	Contact Details
Prescribed Body Corporate	Bardi and Jawi Niiimidiman Aboriginal Corporation	Postal Address: 36 Pembroke Street, via, Broome WA 6725 Phone Number: 08 91923483
Prescribed Body Corporate	Buurabalayji Aboriginal Corporation	Postal Address: PO box 55, Onslow WA 6710 Phone Number: 08 91846876
Prescribed Body Corporate	Bunuba Dawangarri Aboriginal Corporation	Postal Address: PO Box 5451 Cable Beach WA 6726 Phone number: 0431 350 620
Prescribed Body Corporate	Jidi Jidi Aboriginal Corporation	Postal Address: PO Box 128, Meekatharra WA 6642 Phone Number: 0899812021
Prescribed Body Corporate	Karajarri Traditional Lands Association Aboriginal Corporation	Postal Address: Kimberley Land Council, 36 Pembroke Road, Broome WA 6725 Phone Number: 08 91940142
Prescribed Body Corporate	Kunin (Native Title) Aboriginal Corporation	Postal Address: PO Box 1375, Broome WA 6725 Phone Number: 0891936651
Prescribed Body Corporate	Miriuwung and Gajerrong #1 and #4	Postal Address: PO Box 2110,

	(NTPBC) Aboriginal Corporation	Kununurra WA 6743 Phone Number: 08 91664800
Prescribed Body Corporate	Mungarlu Ngurrarankatja	Postal Address: C/- Central Desert Native Title Services, 170 Wellington Street, East Perth WA 6004 Phone Number: 0894252000
Prescribed Body Corporate	Ngarluma Aboriginal Corporation	Postal Address: PO Box 263, Roebourne WA 6718 Phone Number: 08 9182 1351
Prescribed Body Corporate	Nyangumarta Karajarri Aboriginal Corporation	Postal Address: C/- Kimberley Land Council, PO Box 2145, Broome WA 6725 Phone Number: 08 91940124
Prescribed Body Corporate	Nyangumarta Warrarn Aboriginal Corporation	Postal Address: C/- Pilbara Native Title Services, 3 Brand Street, South Hedland WA 6722 Phone Number: 0891725433
Prescribed Body Corporate	Parna Ngururra Aboriginal Corporation	Postal Address: C/- Central Desert Native Title Services Ltd, 170 Wellington Street, East Perth WA 6004 Phone Number: 08 94252000
Prescribed Body Corporate	Pila Nguru Aboriginal Corporation	Postal Address: PO Box 1014, Kalgoorlie WA 6430 Phone Number: 08 90371147
Prescribed Body Corporate	Tjamu Tjamu Aboriginal Corporation	Postal Address: Central Desert Native Title Services Ltd, 170 Wellington Street, East Perth WA 6004 Phone Number: 08 94252000
Prescribed Body Corporate	Tjurabalan Native Title Land Aboriginal Corporation	Postal Address: PO Box 280, Halls Creek WA 6770 Phone Number: 0891688988
Prescribed Body Corporate	Wanjina-Wunggurr (Native Title) Aboriginal Corporation	Postal Address: PO Box 821, Kununurra WA 6743 Phone Number: 0891682298
Prescribed Body Corporate	Wanparta Aboriginal Corporation	Contact Officer: Colin McKellar Postal Address: 3 Brand Street,

		South Hedland WA 6722 Phone Number: 0891725433
Prescribed Body Corporate	Western Desert Land Aboriginal Corporation: Jamukurnu-Yapalikunu	Postal Address: The Secretary, WDLAC, 4 Clive St, West Perth WA 6005 Phone Number: 0894869797
Prescribed Body Corporate	Wintawari Gurama Aboriginal Corporation	Postal Address: 8/18 Hedland Avenue, Karratha WA 6714 Phone Number: 08 24757467
Prescribed Body Corporate	Wyamba Aboriginal Corporation	Postal Address: 12 Pincombe Street, Carnarvon WA 6701 Phone Number: 08 99413267
Prescribed Body Corporate	Yanunijarra Aboriginal Corporation	Postal Address: PO Box 2145, Broome WA 6725 Phone number: 08 9194 0100
Prescribed Body Corporate	Yarnangu Ngaanyatjarraku Parna Aboriginal Corporation	Postal Address: PO Box 644, Alice Springs NT 0872 Phone Number: 08 89501711
Prescribed Body Corporate	Yawuru Native Title Holders Aboriginal Corporation	Postal Address: 6A Coghlan Street, Broome WA 6725 Phone Number: 08 91925155
Prescribed Body Corporate	Yindjibarndi Aboriginal Corporation	Postal Address: PO Box 111, Roebourne, WA 6718 Phone Number: 08 9182 1497
Prescribed Body Corporate	Yungngora Aboriginal Corporation	Postal Address: PO Box 601, Applecross WA 6953 Phone Number: 0418912952
Organisation Type	Name	Contact Details
Native Title Representative Bodies	Central Desert Native Title Services	Postal Address: 76 Wittenoom Street, East Perth WA 6004 Phone Number: 08 9425 2000
Native Title Representative Bodies	Goldfields Land and Sea Council Aboriginal Corporation	Postal Address: PO Box 10006 Kalgoorlie, WA 6433 Phone Number: 08 9091 1661
Native Title Representative	Kimberley Land Council	Postal Address: PO Box 2145,

Bodies		Broome WA 6725 Phone Number: 08 9193 6199
Native Title Representative Bodies	South West Aboriginal Land and Sea Council Aboriginal Corporation	Postal Address: PO Box 585 Cannington WA 6987 Phone Number: 08 9358 7400
Native Title Representative Bodies	Yamatji Marlpa Aboriginal Corporation	Postal Address: PO Box 3072 Hay St, East Perth WA 6892 Phone Number: 08 9268 7000

Appendix 4 – Contact Details – Government Agencies with heritage and land management responsibilities

The following contact details are subject to change.	
Agency	Contact Details
Department of Aboriginal Affairs	Postal Address: PO Box 3153, East Perth, Western Australia 6892 Phone number: 1300 651 077
Department of Housing	Postal Address: 99 Plain Street, East Perth, 6004 Phone number: 1800 093 325
Department of Lands	Postal Address: PO Box 1143, West Perth WA 6872 Phone number: 61 8 6552 4400
Department of Regional Development	Postal Address: PO Box 1143, West Perth WA 6872 Phone number: 08 6552 1800
Department of Mines and Petroleum	Postal Address: 100 Plain Street, East Perth, Western Australia 6004 Phone number:08 9222 3333
Department of Parks and Wildlife	Postal Address: 17 Dick Perry Avenue Technology Park, Western Precinct Kensington WA 6151 Phone number: 08 9219 9000
Department of Planning	Postal Address: Locked Bag 2506, Perth, Western Australia 6001 Phone number:08 6551 9000
Department of State Development	Postal Address: Level 7, 1 Adelaide Tce, East Perth, Western Australia 6004 Phone number:08 9222 0555
Department of Water	Postal Address: PO Box K822, Perth, Western Australia 6842 Phone number:08 6364 7600
Land, Approvals and Native Title Unit (Department of the Premier and Cabinet)	Postal Address: Locked Bag 3001, West Perth, Western Australia 6872 Phone number: 08 26552 5333
Main Roads	Postal Address: PO Box 6202,

	<p>East Perth, Western Australia 6892</p> <p>Phone number:138 138</p>
Water Corporation	<p>Postal Address: PO Box 100, Leederville, Western Australia 6902</p> <p>Phone number:08 9423 7777</p>
Western Power	<p>Postal Address: GPO Box L921 Perth, Western Australia 6842</p> <p>Phone number:131087</p>