



South West Native Title Settlement – Heritage Fact Sheet

Noongar Standard Heritage Agreements

Contents of Survey Reports and Provision of Heritage Information to the Department of Planning, Lands and Heritage

On 8 June 2015, after extensive negotiations, and authorisation by the Noongar people, the WA Government signed (executed) six South West Native Title Settlement (Settlement) Agreements with the Ballardong People, Gnaala Karla Booja, South West Boojarah #2, Wagyl Kaip & Southern Noongar, Whadjuk People and Yued Agreement Groups.

The Noongar Standard Heritage Agreement (NSHA), a component of the Settlement, took effect upon the signing of the Settlement Agreements by the parties on 8 June 2015. State Government land users (Proponents) are required to enter into and follow the NSHA if an Aboriginal Heritage Survey is required and a pre-existing heritage agreement was not in place as at 8 June 2015.

The NSHA component provides a uniform and efficient approach to Aboriginal heritage surveys in the South West, in compliance with the *Aboriginal Heritage Act 1972* (AHA). The NSHA provides all parties with a clear, timetabled framework about their various Aboriginal heritage obligations. The NSHA also delivers a process for improving the quality of data on the Aboriginal Heritage Inquiry System (AHIS), which in turn enhances protection of Aboriginal heritage through identification of sites that are important to Noongar people.

Nothing in the NSHA purports to authorise any act or omission that would be in breach of the AHA.

Copies of the six NSHAs can be found at <https://www.dplh.wa.gov.au/information-and-services/aboriginal-heritage/noongar-heritage-and-history/noongar-standard-heritage-agreement/resources-and-templates>

Contents of the Aboriginal Heritage Survey Report

The Party contracting the Aboriginal Heritage Service Provider must ensure that the Aboriginal Heritage Service Provider will, in consultation with the Survey Team, prepare a Survey Report in accordance with the NSHA guidelines:

- Where the Survey being conducted is a Site Avoidance Survey the information set out in Part 1 and Part 2 of NSHA Schedule 6;
- Where the Survey is a Site Identification Survey the information set out in Part 1 and Part 3 of NSHA Schedule 6 (including recommendations on the type of site and how the site should be protected);
- Describe which aspects (if any) of the Activity Program described in an Activity Notice, if carried out, would be likely to result in a breach of the AHA; and
- Records sufficient information to enable the Proponent to plan and, subject to the law and this NSHA to comply with the AHA in the course of undertaking the things that are the subject of the Activity Notice.

Aboriginal Heritage Information to be provided

Under clauses 12.5 and 12.6 of the NSHA it is the responsibility of the parties to ensure the completed Heritage Survey Report and other key information is provided to the Department of Planning, Lands and Heritage (DPLH).

Following the preparation of the Survey Report if SWALSC is the Aboriginal Heritage Service Provider it must provide, or if SWALSC is not the Aboriginal Heritage Service Provider the Party contracting the Aboriginal Heritage Service Provider must ensure that the Aboriginal Heritage Service Provider provides, the following information to the AHA Registrar:

- a copy of the Survey Report; and
- if Aboriginal Sites have been identified during the Survey, a Heritage Information Submission Form (as attached at NSHA Schedule 7) with respect to each site.

Also if the Proponent contracted the Aboriginal Heritage Service Provider, the Proponent must, within 15 Business Days after the preparation of the Survey Report, provide to SWALSC, in writing, the details required by items 24 and 25 of NSHA Schedule 8, which relate to costs and payments of the Survey. SWALSC in turn is required to provide this information to the AHA Registrar.

Why is the Aboriginal heritage information required?

The provision of new information assists DPLH to ensure that the information contained in the Aboriginal Heritage Inquiry System (AHIS) is as current and as accurate as possible. The AHIS is a primary tool for Proponents undertaking due diligence assessments on possible land use activities regarding potential heritage impacts. Without current and accurate information, being provided, and subsequently made available to other Proponents through the AHIS, there is a possibility Aboriginal heritage may be inadvertently impacted by future land use activities.

Contact Information

Further information on NSHAs can be found at <https://www.dplh.wa.gov.au/projects-and-initiatives/south-west-native-title-settlement/noongar-standard-heritage-agreement>

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South West Native Title Settlement Area

