



Aboriginal Consultation and Engagement: Guidelines For Environmental Management Practitioners in the South West

South West Catchments Council

January 2016

Acknowledgement

The South West Catchments Council would like to acknowledge Krish Seewraj (Strategic Operations SW Region, Department of Water) for his foresight and strategic vision in drafting and progressing the original version of this document for the Department of Water and South West Catchments Council. (2007)

Adapted by:

Bill Bennell
Aboriginal NRM Co-ordinator
South West Catchments Council
(2010)

Document History

Date	Revision	Description	Author	Distribution
19-07-07	D-01-a	First draft	K Seewraj	Bill Bennell, Brendan Kelly, David Collard
25-07-07	D-01-b	Review and revise section order	K Seewraj	None
3-Aug-07	D-01-c	Convert to on-ground works	Bill Bennell	None
31 Jan 08	D-01-e	Review	Bill Webb	
9 Feb 10	D-02-a	Updated	Bill Bennell	D. Postma and SWCC Board
11 Jan 16	D-03-a	Review, reformatting, content edits and update	Nerilee Boshammer	SWCC Staff, SWCC Board and key stakeholders
18 Feb 16	D-03-b	Further minor edits and amendments, based upon SWCC Board of Management feedback	Nerilee Boshammer	Public – via SWCC website
Revision numbering protocol XYZz where: X - "D" Draft (internal), "E" Draft (external), "F" Final YY - Numerical increments for major revisions z - Lower case alphabetic increments for minor revisions				

Disclaimer:

SWCC provides this document to staff and external parties to assist them in undertaking appropriate consultation and engagement with Aboriginal people when undertaking on-ground works. Use of this document to guide consultation does not constitute legal requirement, nor fulfil external party legal responsibility. SWCC takes no responsibility for the use of the information herein by external third parties.

Contents

1.0	Introduction	1
2.0	Background.....	1
3.0	Statutory Requirements	2
4.0	Responsibilities.....	3
5.0	Using These Guidelines.....	3
6.0	Assessment and Approvals Procedure	4
7.0	Decision Matrices.....	4
8.0	Implementing Key Aspects of the Procedure	5
8.1	Undertaking Initial Site Assessments	5
8.2	Identifying Who to Contact	5
8.3	Project Planning and Approval	7
9.0	Payments.....	7
10.0	SWCC Support Structure.....	8
11.0	References	9
	Appendix A.....	10
	Appendix B.....	11
	Appendix C.....	15

1.0 Introduction

These guidelines have been developed to assist Natural Resource Management (NRM) and Landcare practitioners in assessing and meeting the requirements under the *Aboriginal Heritage Act 1972* when undertaking on-ground works projects. This includes responsibility to the South West Aboriginal Land & Sea Council (SWALSC), to protect cultural places and to work in partnership with Aboriginal people in NRM for community advancement. It is also designed to uphold the South West Catchments Council (SWCC) standard in consultation and engagement;

- **On-ground works**

Purpose – Real time works or actions to achieve resource condition and community engagement outcomes.

Includes – works and actions on-the-ground, and management of private lands covenants and agreements.

2.0 Background

Aboriginal culture revolves around the environment in which we live. Water is seen not only as an essential resource for people to live but also as a key element that has moulded the landscape and provides life to the flora and fauna that inhabit it and its surrounds. Water therefore plays an important part in the lives of past and present day Aboriginal people and is central to many of their customs and spiritual beliefs.

As such, SWCC regards all rivers, waterways and artesian groundwater as significant sites. Therefore in cases where SWCC is the proponent of works or has funded works that impact upon these significant sites, they are legally required to comply with all statutory requirements related to the *Aboriginal Heritage Act 1972*, or ensure that the contractor is aware of it's obligation under the Act.

The work NRM and Landcare groups undertake has the objective of ensuring long term environmental and/or ecological benefit, and as such there is a commonality with the philosophy of 'caring for Country' that is intrinsic in Aboriginal culture.

This common goal has been taken into account in the development of these guidelines.

3.0 Statutory Requirements

Aboriginal Heritage Act 1972

The *Aboriginal Heritage Act 1972* protects all known and unknown/unrecorded sites of cultural or historic significance to Aboriginal people, regardless of the land tenure where the site is located.

A wide range of places can be identified as significant sites and they fall into two main categories:

- Archaeological sites

These are often easiest to identify, as they contain the remains of objects connected with the traditional cultural life of Aboriginal people, past and present. For example fish traps, ceremonial markers, dwellings, modified trees, quarries, engravings and rock paintings are indicators of significant archaeological sites.

- Anthropological sites

These are more difficult to identify, as they are places of spiritual significance and importance to Aboriginal people and may not be marked by anything manmade. These include ethnographic, ceremonial, mythological and burial sites. Mythological sites, for example, may encompass a natural feature of the landscape, such as a waterway, that has significance to Aboriginal people.

The Act makes it an offence to conceal, knowingly damage or alter a significant site, unless authorisation is received from the Registrar of Aboriginal Sites, or consent is obtained from the Minister for Aboriginal Affairs.

To gain authorisation in cases where disturbance of a significant site is unavoidable, an approval process has been established, called a Section 18 approval. The application for approval is submitted to the Aboriginal Cultural Material Committee (ACMC) for consideration and if approved by the ACMC, a recommendation is made to the Minister for Aboriginal Affairs and approval is given in writing.

In cases where there is little or no recorded information relating to the significant sites that may be impacted upon, the ACMC is highly likely to request a full ethnographic survey be undertaken to allow the case to be appropriately assessed. This process can become both costly and time consuming and as such needs to be considered early on in the planning stage of projects.

Where sites may be at risk and the works are approved, there is likely to be the recommendation from the Minister of Aboriginal Affairs that site monitors are appointed to observe the works. While not named, they are usually local Aboriginal people who have been involved in the process to date.

Native Title Act 1993

This Act recognises the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people. Native title rights may include the right to make decisions about how the land is used, the right to decide who can access land, the right to hunt and gather food, the right to use land for ceremonial purposes and the right to protect sacred sites.

The Act sets out statutory requirements, called the 'future acts regime', that relate to dealing with land and/or water that is subject to a registered native title claim. A future act is any act that affects native title by extinguishing it or by creating interests that are inconsistent with the interest of native title.

4.0 Responsibilities

Ultimate responsibility for meeting requirements under the *Aboriginal Heritage Act 1972* lies with the group/project manager commissioning the on-ground work. What the responsibility is under the Act depends on the type of work being undertaken and the risk to Aboriginal heritage (see Appendix B).

SWCC can assist groups in meeting their responsibility to meet requirements under the Act as part of our Regional advisory and support role. This does not constitute ultimate responsibility however. This will always lie with the lead project manager and/or lead partner agency, as illustrated in the table below.

Type of work (See Section 1.0)	Level of SWCC Involvement	
	Lead Project Manager or Partner Agency	Advisory Role
Management and Monitoring	SWCC must assess and meet its requirements under the Act	SWCC will advise and encourage the group/project manager to meet their requirements, as appropriate
River Care		
Planning	Include local Aboriginal people and/or Native Title Claimants as stakeholders in discussions and the development of plans	

5.0 Using These Guidelines

Depending on the type of work to be undertaken, the sections of this document that are relevant vary. While project managers/proponents are encouraged to become familiar with the whole document, the table below can be used to assess what sections are most relevant.

In addition, section 10 of this document provides a list of useful support structures provided by the SWCC as part of Regional support and advice to groups.

Type of work (See Section 1.0)	Relevant Sections	
	Sections	Brief Overview
Management and Monitoring	6.0, 7.0, 8.0 & 9.0	These sections provide guidance to the complete process, inclusive of flowcharts, decision matrices, payments and specific advice for aspects of the process that have proven problematic or difficult
River Care		
Planning	8.1, 8.2 & 9.0	These sections provide advice on undertaking initial site assessments, identifying who to contact and payments

6.0 Assessment and Approvals Procedure

The objective of the work that SWCC and other NRM and Landcare groups undertake on-ground aims to ensure long term environmental and/or ecological benefit. As such there is a commonality with the philosophy of 'caring for Country' that is intrinsic in Aboriginal culture. This has been incorporated into the procedure outlined herein.

Requirements under the Act are distinctly different, in that one is an assessment of risk and the other is an approval process. This is due primarily to the need to consult with Aboriginal people for each issue.

Usually the process for gaining approval under the *Aboriginal Heritage Act 1972* becomes the dominant process. However there may be cases where this is reversed and staff will need to assess each project's risk to cultural heritage, based on its own merits.

The Aboriginal Heritage Flowchart detailed in Appendix A has been developed to guide officers through a process of approvals required under the *Aboriginal Heritage Act 1972*.

- Aboriginal Heritage Flowchart:

This flowchart attempts to guide project managers/proponents in assessing works and determining the appropriate level of action required to protect heritage. It should however be remembered that the issues surrounding Aboriginal heritage have a strong social context. Therefore not every eventuality can be accounted for and there will be cases for which these processes will not apply. In cases where there are difficulties, project managers/proponents are encouraged to seek support from one or more of the support structures detailed in section 10.

7.0 Decision Matrices

The four matrices detailed in Appendix B support and are referenced in Appendix A. These provide tools and frameworks for; making key decisions with regard to actions required, the initial level of communication, the form of communication and what records need to be kept.

- Aboriginal Heritage Risk Matrix:

This provides a framework for assessing the appropriate level of initial discussion, based on the complex range of issues related to the status of the site and type of proposed works.

It should be remembered that this is a guide to the first stage of discussions only. Based on the outcome from this level of communication, it is possible that the next level of discussion will need to be adopted, which may include a Regulation 10 approval or Section 18 approval.

The process of increasing the level of discussion may, in some situations, escalate to the most involved form of communication, i.e. a full anthropological survey.

It should however be noted that for sites requiring Section 18 approval, SWCC has assessed the different types of on-ground work activities, with a view to providing a reasonable and fair indication of the appropriate approvals required.

For example:

- For revegetation works consultation is not deemed necessary (unless of course the revegetation is taking place at a site, as defined in Section 3), as the works will not cause significant soil substrate disturbance and will enhance the cultural, environmental and ecological values of the site.
- The installation of infrastructure like fencing and stock crossings requires earthworks that will disturb a site, so consultation is deemed necessary as the first level of discussion.

- **Correspondence Matrix:**
This has been set up to provide guidelines as to what information needs to be included in the communication between both parties for each of the types of discussions in relation to Aboriginal Heritage.
- **Record Matrix:**
This provides details of how the correspondence and the information included therein is to be used and disseminated in relation to Aboriginal Heritage.

8.0 Implementing Key Aspects of the Procedure

Some of the actions specified in the flowcharts have been further outlined in the information given below. Additional detail has been provided here as these areas have in the past proven to be where most issues arise.

8.1 Undertaking Initial Site Assessments

Prior to works being planned and implemented, the location of the proposed works needs to be assessed to ascertain whether native title does/could apply and whether there are any registered significant sites that could be impacted upon.

While SWCC regards all rivers, waterways and artesian groundwater as significant sites, a process for determining the level of consultation and approval to be gained has been developed.

Prior to using this process, the type of work and status of the area needs to be determined.

It is recommended that the Department of Aboriginal Affairs Aboriginal Heritage Inquiry System is used to undertake this determination:

<http://www.daa.wa.gov.au/heritage/place-search/>

This on-line system allows the user to undertake a search of the area where works are planned, to identify any registered sites that may be impacted on by the works. It also provides summary information about why the site is significant and some guidance as to access limitations.

If a registered site is shown to be located within the proximity of the works area, or will be impacted upon by the works, the DAA Sites Registrar should then be contacted to advise as to further action.

NOTE: There are a number of significant sites that are not listed on the DAA public register, for a variety of reasons. Given this, it is advised that the DAA be contacted if the user suspects that a site may be in the proximity of the work area but isn't listed.

For any further information in relation to site identification and assessment, the Registrar of Aboriginal Sites should also be contacted.

Registrar contact details:

(08) 6551 7950 or registrar@daa.wa.gov.au

8.2 Identifying Who to Contact

Aboriginal social structures can be complex and there is likely to be a variety of people who can speak for any one site, including Native Title Claimants, Traditional Owners, Elders, Custodians, etc.

The following avenues currently exist to project managers for identifying who to contact in relation to their work activities:

- **Native Title claimants and Traditional Owners:**

The names (but not contact details) of the native title claimants are available from the South West Aboriginal Land and Sea Council (SWALSC).

Alternatively the Native Title Representative Bodies of the Native Title Claimant Groups may be contacted. Details of the relevant body for each region are also available from SWALSC at:

<http://www.noongar.org.au/>

SWALSC is the native title representation body for the Noongar people and works with members to progress resolution of the Noongar native title claims, while also advancing and strengthening Noongar culture, language, heritage and society.

- Aboriginal Heritage:

To identify local Aboriginal people who speak for Country in relation to heritage protection under the Act, the Department of Aboriginal Affairs may be able to assist at heritageenquiries@daa.wa.gov.au.

As part of the heritage assessment process, the ACMC requires that a representative proportion of Native Title Claimants be contacted in addition to any local Aboriginal people who speak for Country. This is also undertaken through the SWALSC.

Therefore, if Regulation 10 or Section 18 approval is required, the avenues provided above for Native Title contacts should be used.

For more information on this process, the Registrar of Aboriginal Sites should be contacted. The Registrar is appointed under the Aboriginal Heritage Act 1972 (Act) to administer the day to day operations of the ACMC and also to perform other functions as allocated to the Registrar under the Act.

NOTE: It is recommended that SWALSC and the DAA be notified in writing of any planned on-ground works that are suspected may impact on sites of heritage significance, irrespective of the heritage risk assigned using the matrix in Appendix B. This is to ensure the precautionary principle is applied and the DAA and Traditional Owners provided the opportunity to work in partnership on these works sites. This most commonly occurs in relation to riparian restoration work and dune rehabilitation work (see notes in Appendix B for more information).

- Local networks and general engagement:

In addition to the above avenues, staff may have access to existing community networks to assist in identifying who to contact, via local Aboriginal Corporations and other networks.

Remember to be careful when making individual contact as there is a risk of becoming involved in internal community issues. By dealing with specific individual community members, there could be detrimental effects on the project and future dealings with the same community members. There are multiple families and/or individuals who claim to have connection to any one area in the South West and at times these politics are hard to decipher. It is important to remember to specifically ask “*who speaks for this site*” and not “*who speaks for heritage in this area*”. This can assist in the management of the politics around who is best qualified to speak for Country and allows all of those people connected to an area to contribute (within the constraints of project budget and time).

Project Managers/proponents who contact or meet with Aboriginal people are recommended to attend Cross-cultural Awareness Training (see section 10 - Support Structure) to gain an appreciation of social structures, protocols and appropriate methods of communications. The following publication is also useful in this regard and available for download on-line: *Consulting Citizens: Engaging with Aboriginal Western Australians* (ATSIC, Sep 2005).

8.3 Project Planning and Approval

It is critical to consider native title and Aboriginal heritage issues early on in the planning stage of any project. This will allow appropriate resources and stages to be integrated into the project program. This includes factoring in the requirements for Regulation 10 or Section 18 approval, site monitors, consultation meetings, etc.

Often, on-ground projects have already been planned, budgeted and have commenced by the time Aboriginal heritage is considered. This can have serious implications for the project progress and for relationships with local Noongar people. It can even lead to the cancellation of project works, if the consultation process breaks down and the works are not endorsed to proceed.

Some things to consider and include in project planning:

- The duration and cost of consultation for heritage protection depends on the level of communication required.
- It is unlikely that any NRM project will require a full Section 18 process. Much more likely to occur on a regular basis is the need for a Regulation 10 approval, particularly in relation to riparian restoration works. This is because riparian works such as fencing and revegetation can impact on waterways as anthropological sites of significance (as per the definition in section 3 of this document. If a Regulation 10 approval is required for the works, the process of submitting an application to the DAA can take anywhere between 2 weeks and 2 months.
- If a full Section 18 survey is required, the timeframe increases significantly (it can take as long as 6 months) and the budget required is considerable. It is important to remember that for a Section 18 application to be successful:
 - The anthropological consultants who are invited to provide a quote for the works must be aware of the reporting format and contents as stipulated by the DAA.
 - Ensure the anthropological consultant has checked for Native Title applicants and locally recognised Aboriginal people with a connection to the project site, as both must be consulted with.
 - Ensure the anthropological consultant includes a provision for completing Aboriginal Site Recording forms for new sites that are identified during the survey.
 - Ensure that a representative from the project is involved in the consultation on site, to be able to clearly explain the purpose and outcomes of the project, and also to be able to respond to questions and concerns raised by those being consulted.

Once all the information and research has been collated and documented, the application can be submitted to the ACMC. If all the relevant information has been provided then the process from this point to when the Minister's decision is formally received is approximately 2 months. More information may be required prior to making a determination however.

9.0 Payments

There are no provisions under the *Aboriginal Heritage Act 1972* for the payment of services in relation to gaining approval for works or for site monitors where required.

However, the SWALSC considers the provision of cultural knowledge and cultural supervision of on ground works as a professional service. As such, SWALSC has developed and provides a fee for service structure and recommended practitioners to project managers.

SWCC also recognises that the provision of cultural knowledge and cultural supervision of on ground works is a professional service.

These services may be provided during the planning, design and/or implementation period of a project and payment is deemed fair and reasonable.

It is also acknowledged that within Aboriginal culture there is a responsibility to 'care for Country' irrespective of compensation for some works, and as such a payment schedule has been developed that takes these two issues into account (Appendix C).

10.0 SWCC Support Structure

SWCC has set up the following overarching support structure for project managers/proponents, to ensure that they have the knowledge, understanding and support to ensure that they meet their obligations under the Aboriginal Heritage Act and maintain positive relationships with Noongar people in working together for environmental outcomes.

1. Consultation Guidelines (this document):

This document provides a procedure for project managers to follow when undertaking engagement and consultation with Aboriginal people for on-ground works; including flowcharts, decision tools, organisation contact details, etc.

2. Cross-Cultural Awareness Training Workshops:

SWCC provides cross-cultural awareness training workshops on a regular basis across the South West. The training is related to the use and application of these guidelines and provides other useful information, such as how to use the DAA Heritage Site Inquiry System, information from SWALSC, local Noongar guest speakers and information, and advice on appropriate communication techniques.

3. Katijin Wongi Cross-Cultural Awareness Training Package:

SWCC has also developed Katijin Wongi (*Thinking, Learning, Yarning*) training package, which is used to provide general training in cultural understanding. It provides a broad overview of Aboriginal people and their culture, which gives the attendee a better understanding and appreciation of relevant methods of dealing and communicating with Aboriginal people. This can be read and used in conjunction with the Training Workshops.

4. General Support and Advice:

In addition to these support tools, the SWCC Community Engagement Team provides general support, advice and assistance to NRM and Landcare practitioners on an ongoing basis. SWCC has a comprehensive contact database for Aboriginal people across the Region who are interested in working with NRM and also has a comprehensive resource library.

SWCC can assist in making contact with appropriate Noongar representatives to speak for Country, through relationships with the SWALSC, DAA and local networks.

The aim of this support is to foster and encourage greater collaboration with Aboriginal people in NRM and Landcare, to build an integrated approach across the South West that encompasses Aboriginal interests.

References

Aboriginal Heritage Act 1972

(http://www.austlii.edu.au/au/legis/wa/consol_act/aha1972164/)

Native Title Act 1993 (http://www.austlii.edu.au/au/legis/cth/consol_act/nta1993147/)

ATSIC (September 2005), *Consulting Citizens: Engaging with Aboriginal Western Australians*

Australian Tax Office website (<http://www.ato.gov.au>)

Bennell, B. (2005), *Technical Report 6: Aboriginal Cultural Values of the Southwest Region*.

Department of Aboriginal Affairs website (<http://www.daa.wa.gov.au>)

Department of Water (2010), *Aboriginal heritage and native title guidelines for on-ground works*.

South West Aboriginal Land and Sea Council website: (<http://www.noongar.org.au/>)

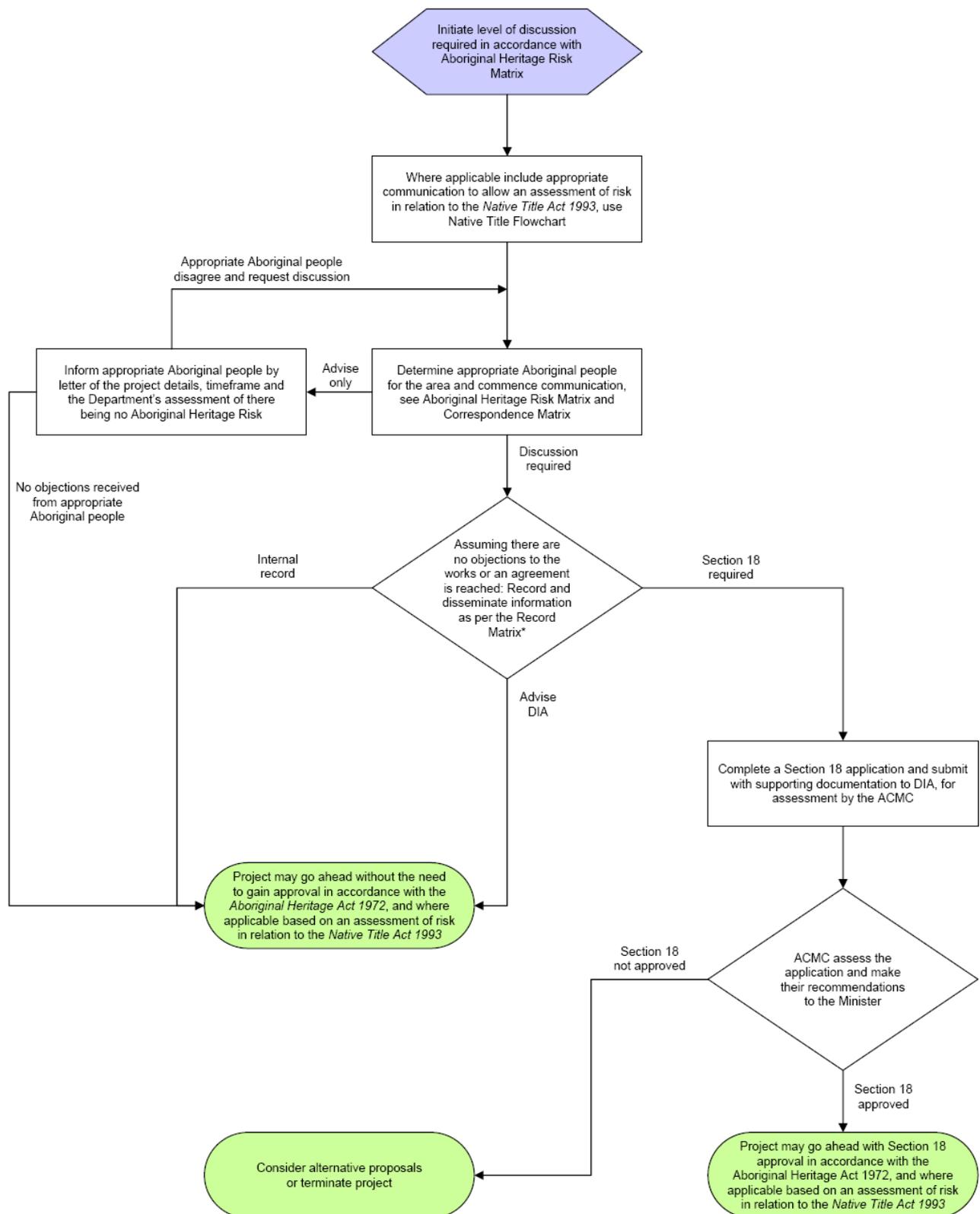
WA Land, Approvals & Native Title Unit website:

(<https://www.dpc.wa.gov.au/lantu/Pages/Default.aspx>)

Water and Rivers Commission (November 2002), *Water Note 30 - Safeguarding Aboriginal Heritage*

Water and Rivers Commission (Undated), *Policy and Guidelines for Consulting with Aboriginal People* [unpublished internal document]

Appendix A: Aboriginal Heritage Flowchart



*: In the event that an objection is raised and no agreement can be reached on the current or possible alternative proposals then the project is to be terminated

Appendix B: Aboriginal Heritage Risk Matrix, Correspondence Matrix, and Record Matrix

B1: Aboriginal Heritage Risk Matrix

Proposed on ground actions		Initial Level of Discussion Required ^a				
		Site Status - Not Listed ^b		Site Status - Listed ^b		
		Low Risk ^c	High Risk ^c	Interim ^d	Permanent ^d	Stored Data ^d
Revegetation, exclusive of fencing	Direct seeding	No Action	Advise	Advise	Support	No Action
	Tubestock planting	No Action	Advise	Advise	Support	No Action
	Assisted regeneration	No Action	Advise	No Action	No Action	No Action
Fencing	All configurations	Advise	Feedback	Advise	Support/ Consultation	No Action
Vegetation control	Chemical	No Action	Advise	Advise	Support	No Action
	Manual	No Action	Advise	Advise	Support	No Action
	Mechanical	Advise	Feedback	Support	Consultation ^f	No Action
Encouraging access	Land	No Action	Advise	Support	Support	No Action
	Water	Advise	Feedback	Support	Support	No Action
In-bed works	Manual	Advise	Feedback	Support	Support	No Action
	Mechanical	Advise	Feedback	Support	Consultation ^f	No Action
Soft engineering (survey and enhancement works)		No Action	Feedback	Support	Support	No Action

Notes:

^a The levels of discussion are provided below in order. Note that there are likely to be situations where through initial level of discussion it is determined that the next level needs to be adopted. In some cases the discussion required may escalate to the most comprehensive level of Survey.

No Action	There are no identified heritage sites and hence no discussions are needed.
Advise	A heritage site may exist however there will be no disturbance of the site during the works, which will enhance the cultural, environmental and ecological values of the site. The appropriate Aboriginal people are to be made aware in writing of the proposed works and no feedback is requested.
Feedback	A heritage site may exist and there may be limited disturbance during the works, which will enhance the cultural, environmental and ecological values of the site. The appropriate Aboriginal people are to be made aware in writing of the proposed works and are invited to comment on the proposed work.
Support	A heritage site is likely to/does exist and there will be limited disturbance during the works, which will enhance the cultural, environmental and ecological values of the site. The appropriate Aboriginal people are to be made aware in writing and their written support is required (see point ^g).
Consultation	A heritage site is likely to/does exist and there will be disturbance during the works, which will enhance the cultural, environmental and ecological values of the site. The appropriate Aboriginal people are to be invited to provide professional input during on and/or off site meetings with an aim of providing input and agreeing to the proposed works. Their written support is required.
Survey	A heritage site does exist and there will be disturbance during the works, which will enhance the cultural, environmental and ecological values of the site. An anthropological consultant is to be contracted to undertake a full heritage survey of the area to gain professional input into the project and method of working.

Aboriginal Heritage Risk Matrix (cont'd)

Notes (cont'd):

- ^b The site status is to be determined by undertaking a search on the DAA Aboriginal Heritage Inquiry System (<http://www.daa.wa.gov.au/heritage/place-search/>).
- ^c The following guidelines are to be used when allocating the level of risk:
- | | |
|-----------|---|
| Low Risk | Drains, dams (off-stream), sumps, etc. |
| High Risk | Major waterways, diversion works, swamps, lakes, estuaries, springs, dams (in-stream), etc. |
- ^d The definitions used above are as per DAA glossary:
- | | |
|--------------------|---|
| Permanent Register | The Permanent Register includes only those places or objects which have been evaluated as sites under Sections 5 and 39 of the Act by the ACMC. |
| Interim Register | The Interim Register comprises information reported to the Registrar about places and objects which have not yet been evaluated by the ACMC. The Interim Register also comprises of information about those sites that ACMC have evaluated as not having sufficient information to make a determination about whether the place is a site under the terms of the Act. These sites are informally referred to as sites with Insufficient Information. |
| Stored Data | Sites deemed by the ACMC not to fulfil any of the criteria under Section 5 of the Act are entered in the Stored data index. This is also the case for those places which the ACMC finds do not have any Aboriginal association. Stored or Archived Data is retained so that these places either need not be referred to the ACMC for assessment if they are reported again later or can be re-assessed if further information is submitted at a later date. |
- ^e Programmed maintenance for works on High Risk, Interim and Permanent sites is to be included and agreed to in the discussion process. This should cover follow up work and maintenance for all project areas, e.g. weed control, second stage planting, data collection, removal of temporary infrastructure, de-silting gauging stations, etc. In situations where unforeseen maintenance is needed at these sites, as a minimum the appropriate Aboriginal people should be advised of the works.
- ^f For these cases Section 18 application must be submitted along with recorded information provided as supporting evidence. Note if the level of discussion escalates for other works and sites not similarly highlighted in this matrix, they too may require a Section 18 application (see the Record Matrix for clarification).
Details regarding the Section 18 application process can be found on the DAA website (<http://www.daa.wa.gov.au/heritage/land-use/section-18/>)

IMPORTANT: If it is suspected that any planned on-ground works may impact on a site/s of heritage significance, it is recommended that SWALSC and the DAA be notified in writing and support requested, irrespective of the heritage risk assigned using the matrix in Appendix B.

This most commonly occurs in relation to riparian restoration work and dune rehabilitation work, as they are likely to be areas where works may impact on heritage (see definition of 'feedback' and 'support' in point ^a in the notes above). Riparian zones coincide with sites of significance, as they are along rivers and creeks, which are all recognised and considered as sites due to their anthropocentric and archaeological values (as per section 2.0 of this document). Coastal fore dune systems are also commonly associated with artefacts and other heritage values and as such, even if a registered site does not exist in the vicinity of the work, support should be requested and site monitors may be required during the duration of any works that will disturb the soil (i.e. berm construction, other earthworks and fencing).

B2: Correspondence Matrix

Site Status ¹	Record Dissemination and Use ² in Relation to Aboriginal Heritage
Advise	<ol style="list-style-type: none"> 1. A letter should be sent to the appropriate Aboriginal people/organisations, providing details of: <ul style="list-style-type: none"> • The project title, details, purpose ³ and timeframe • A location plan and plan identifying the geographical area • A summary of why no approval is sought 2. Note that no return correspondence is requested or expected
Feedback	<ol style="list-style-type: none"> 1. A letter should be sent to the appropriate Aboriginal people/organisations, providing details of: <ul style="list-style-type: none"> • The project title, details, purpose ³ and timeframe • A location plan and plan identifying the geographical area • An invitation to provide comment if required 2. Note that no return correspondence is directly requested; however an opportunity to respond has been made. As such as a minimum a follow up phone call should be made if no response has been received within two weeks. The details of this phone call including the time, date, names and key issues discussed should be made ⁴
Support	<ol style="list-style-type: none"> 1. A letter should be sent to the appropriate Aboriginal people/organisations, providing details of: <ul style="list-style-type: none"> • The project title, details, purpose ³ and timeframe • A location plan and plan identifying the geographical area • A pro-forma response and return envelope that allows them to identify whether they support and/or decline to support the project (this must be signed by all appropriate Aboriginal people identified) 2. A response is required, however: <ul style="list-style-type: none"> • In the event that no response is received within two weeks a follow up phone call and possibly a meeting at a site chosen by the appropriate Aboriginal people made be needed. If this occurs then the people involved, time, date, venue and the key issues and agreements are to be recorded. If an agreement is reached it is important to get a written and signed statement to this effect for record purposes • In the unlikely event that no response is received from the letter and follow up phone calls do not improve the situation a report to this effect is to be drafted and used
Consultation	<ol style="list-style-type: none"> 1. A letter should be sent to the appropriate Aboriginal people/organisations, providing details of: <ul style="list-style-type: none"> • The project title and a brief project overview (including purpose ³, timeframe and location) • A request for input to the method of working and support for the project • A proposal that a meeting be held at a location convenient to the appropriate Aboriginal people to discuss this further • Payment terms for their time 2. This letter will result in phone calls and meetings and for each of these the people involved, time, date, venue and the key issues and agreements reached must be recorded. Note any agreements reached must be in writing and signed by all parties
Survey	All correspondence is to be arranged by the contracted anthropological consultant ⁵
<p>Notes:</p> <p>¹ Descriptions of the definitions used for the level of discussion are expanded upon in the Aboriginal Heritage Risk Matrix.</p> <p>² Note the details here are in relation to the correspondence with appropriate Aboriginal people and organisations, as described in the Record Matrix.</p> <p>³ The purpose should highlight the end use or benefit of the works, such as enhancing the site, minimising the impact of future erosion, providing monitoring data to better manage the site, etc.</p> <p>⁴ Discretion is required as to whether to follow up letters with a phone call, consideration needs to be made of the size, potential impact and financial risk of the works.</p> <p>⁵ The DAA and SWALSC provide details of individuals and organisations that are capable of undertaking these surveys.</p>	

B3: Record Matrix

Site Status ²	Record Dissemination and Use ¹				
	Level of Discussion for Aboriginal Heritage Issues ²				
	Advise	Feedback	Support	Consultation	Survey
Not Listed	Internal	DAA & SWALSC	DAA & SWALSC	Sect 18	Sect 18
Listed as Interim Site	Internal	DAA & SWALSC	DAA & SWALSC	Sect 18	Sect 18
Listed as Permanent Site	Internal	DAA & SWALSC	DAA & SWALSC	Sect 18	Sect 18

Notes:

¹ The meaning of the above terms are expanded upon below:
 Internal: All communication is to be compiled into a summary report and filed in the project files.
 DAA: All communication is to be compiled into a summary report and filed in project files. A copy of the report is to be provided to the DAA and SWALSC, so it can be used for information and to assist with future projects proposed for the area by third parties.
 Sect 18: All communication is to be compiled into a summary report and appended to a completed Section 18 application form. This is to be filed in the project files, as well as being submitted to the DAA for assessment by the ACMC.

² Descriptions of the definitions used for the site status and the level of discussion are expanded upon in the Aboriginal Heritage Risk Matrix.

Appendix C: Payment Schedule

Level of Involvement		Level of Payment
Aboriginal Heritage Discussions	Advise	No payment, as the level of discussion and involvement is deemed such that minimal time will be required and no site visits should be required. Any site visits undertaken are highly likely to be of a short nature and at the request of the Traditional Owner. This is considered as part of caring for Country responsibility.
	Feedback	
	Support	
	Consultation	Payment as per the rates detailed below.
	Survey	
Site Monitors		Payment as per the rates detailed below, for a maximum of two site monitors per day for periods of time during which the work has the potential to disturb (e.g. excavation or drilling) or contaminate (e.g. concrete pours within the stream) a site.
<p>Recommendations:</p> <ul style="list-style-type: none"> • No cash payments are to be made and payment is to be made after the event. However, in special circumstances (e.g. to cover upfront costs) bank transfers can be arranged prior to the event. NB: Many traditional Owners and Elders do not undertake consultation as part of a business venture, and as such do not have an ABN. In these cases, rather than an invoice for services being provided, they need to fill out a Statement By Supplier form with a pre-generated confirmation of payment attached. SBS forms can be accessed from the Australian Taxation office website (https://www.ato.gov.au/forms/statement-by-a-supplier-not-quoting-an-abn/). • The number of community members to be consulted will be dependent upon the site and proposed works and is to be determined through negotiation with the relevant group. While a minimum number of two is recommended, the final agreed number should consider: <ul style="list-style-type: none"> ○ The likelihood and degree of disturbance the work will generate ○ The variety of potential sites impacted upon ○ The geographical extent of the project ○ The level of discussion required ○ The risk involved ○ The overall project budget • The rate of payment is \$50 per hour (or part thereof) for a maximum of up to \$400/day*, which is an 8 hour day (inclusive of out of pocket expenses). However; <ul style="list-style-type: none"> ○ When many community members are requested to be consulted for relatively small projects (i.e. those with small budgets) it is acceptable to inform them of a reasonable lump sum of funding available for the consultation, to allow them to decide who is involved and how much payment each person will receive. ○ When a project requires consultation either on an ongoing basis, or for an extended period of time (i.e. as opposed to one off consultation or site monitoring), the hourly rate can be negotiated to an appropriate lump sum, based on pre-agreed and specified outcomes. • Refreshments and out of pocket expenses (including travel, accommodation and food) may be refunded in cases where long distances need to be covered and long days are required. These costs are to be based on the WA Government schedule rates, and should be assessed and included in the initial cost estimates for raising a requisition. • Aboriginal site monitors are required to keep written records of hours spent (and when applicable kms travelled) during site monitoring duties. • Welcome to Country is a flat fee, ranging from \$200-\$400, depending on the nature of the Welcome. <p>* The above rates are recommended as a baseline by SWCC, based on consultation with relevant authorities as to what is appropriate, however this may vary, depending on the service provider requirements. Some service providers quote based on a flat daily rate, or use a different fee scale.</p> <p>For example, the fee for service rates quoted by SWALSC for different services have been released in 2015, as part of their own detailed Heritage Service Cost Recovery System. This can be obtained from SWALSC upon request.</p> <p>Consultation costs can sometimes be negotiated if project budget is insufficient for what is quoted, but not significantly. For this reason, it is recommended that consultation and engagement with Aboriginal people is incorporated as early as possible into the project planning process, to ensure it is appropriately resourced.</p>		