

FINAL DRAFT OF

OAKAJEE INDUSTRIAL ESTATE

ABORIGINAL HERITAGE MANAGEMENT PLAN

Prepared By R. & E.O'Connor Pty. Ltd.

For The Western Australian Land Authority.

November 2011.

ABSTRACT

In January 2010, LandCorp, the Western Australian Land Authority commissioned R. & E.O'Connor Pty. Ltd. to prepare an Aboriginal Heritage Management Plan for the proposed Oakajee Industrial Estate. This document is the fourth and final draft of the AHMP. It contains eight sections, as follows.

Section One, which details the background to the AHMP and discusses proposed developments at Oakajee.

Section Two, which details the relevant legislation.

Section Three, which details the scope and purpose of the AHMP.

Section Four, which details and analyses previous Aboriginal heritage studies and surveys at Oakajee and their findings.

Section Five, which discusses the potential effects of development on Aboriginal sites at Oakajee and possible mitigative management strategies.

Section Six, which details the methodology and outcomes of the input of indigenous

stakeholders into the AHMP, discusses and incorporates their comments, discusses and incorporates comments received from the Department of Indigenous Affairs and also outlines suggested management commitments.

Section Seven, which deals with logistics for heritage management, including Aboriginal monitoring programmes.

Section Eight, which details contingency plans that can be activated in the event of previously unidentified Aboriginal sites or objects being discovered during ground disturbance.

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1.0 THE PROJECT AREA

1.1 Purpose

In January 2010, LandCorp commissioned R. & E.O'Connor Pty. Ltd. to prepare an Aboriginal Heritage Management Plan (AHMP) for the Oakajee Industrial Estate (OIE), sufficient to ensure management of the existing registered Aboriginal sites and also to make provision for lawful and timely assessment and management of any such sites that may be discovered in the course of development of the Estate. This document is a fourth and final version of the AHMP, prepared after discussion between LandCorp and the relevant Aboriginal groups, whose members have a known or claimed traditional association with OIE and knowledge of Aboriginal heritage sites therein and after comment on the previous draft from the Department of Indigenous Affairs. The AHMP will be an attachment to the Oakajee Industrial Estate Structure Plan described below.

1.2 Background to the Oakajee Industrial Estate

Oakajee was selected by the Western Australian State Government in 1992 as the site for a future processing industry and a deep water port. From 1997 to 2009 the State, through LandCorp, acquired and rezoned approximately 6,400ha of land for this purpose. Existing and proposed iron ore mining projects in the Mid-West are not able to develop

to desired levels unless a rail link and deep water port are developed. The State Government acknowledged this need by appointing Oakajee Port and Rail (OPR) in March 2009 as the infrastructure provider for the project. OPR are currently undertaking a Bankable Feasibility Study into the construction of the port and rail and are forecast to start construction in 2012.

Construction of the port and rail and their future expansion will present a major opportunity for LandCorp and the Department of State Development to develop the Strategic Industry Area for heavy industry, the General Industry Areas for support industry and the Buffer Area for a range of compatible uses. The port and rail will make it possible to attract industry to the estate by providing a gateway to overseas markets and access to resources for value adding. This major investment in infrastructure will also bring water, power and potentially gas to the area which can be upgraded and extended into the industrial estate when required.

Development of the port, rail and industrial estate cannot proceed until a Structure Plan for the area is compiled in accordance with the Shire of Chapman Valley Town Planning Scheme Number 1, Amendment 18. The Structure Plan will guide the future development of the Strategic Industry Area, General Industry Areas and Buffer Area and will ensure the industrial estate integrates, over the long-term, with the port and rail developments.

The Western Australian Land Authority (LandCorp) is the landholder of the OIE,

which is located in the Midwest Region of Western Australia, some twenty-four kilometers to the north of Geraldton Port, with a centroid in the vicinity of 266000E 6834000N (MGA Zone 50). In its totality, the OIE, which is held under freehold title, is comprised of the following components, which are depicted in Figure One:

- A centrally located Strategic Industry Zone (SIZ) between the Indian Ocean and the North-West Coastal Highway;
- Two General Industry Zones (GIZ), one to the east of the SIZ, between it and the North-West Coastal Highway, and one to the south of the SIZ, between it and the Buller River;
- A Coastal Zone (CZ), between the western perimeter of the SIZ and the Indian Ocean beachfront;
- A Special Control Area or Buffer Zone (SCA), surrounding the CZ, the two GIZ and the SIZ on all sides, stretching to Coronation Beach Road in the north, to the east of the North-West Coastal Highway and to the south of Buller River in the south.

1.3 Proposed Developments

Oakajee Port and Rail Pty. Ltd. (OPR) is the manager of a proposed development at Oakajee which will comprise:

- A deep water port, and
- The terminus of a heavy-haul standard gauge railway from mines at Jack Hills

and Weld Range, and

- Associated ancillary infrastructure.

Figure Two shows the current draft plans for that facility. The areas proposed for that development are not addressed in this AHMP, as they are the subject of a separate document. It should be noted that the Port Area will be owned and controlled by the Geraldton Port Authority (GPA), who will lease land to OPR. GPA has prepared an Oakajee Port Master Plan, which describes how the port could potentially develop over the next thirty years.

Currently, there are no proponents for developments within OIE. As the estate develops and proponents take up land, the parcels will be leased to them by LandCorp, with the underlying freehold title remaining unchanged.

2.0 RELEVANT LEGISLATION

2.1 The *Aboriginal Heritage Act 1972*

The Western Australian *Aboriginal Heritage Act* ("AHA"), whose short title is *an Act to make provision for the preservation on behalf of the community of places and objects customarily used by or traditional to the original inhabitants of Australia or their descendants, or associated therewith, and for other purposes incidental thereto*, came into operation on 15 December 1972. The provisions of the AHA extend to all Aboriginal sites in Western Australia, whether these are registered or otherwise known to DIA, or not. This Act has been amended substantially since 1972. Initially, the AHA was administered by the Department of Aboriginal Sites at the Western Australian Museum. Following a series of changes, it is now administered by the Department of Indigenous Affairs. The AHA defines Aboriginal sites as follows:

- (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 for 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;

(d) Any place where objects to this Act applies are traditionally stored, or to which, under the provisions of this Act, such objects have been taken or removed.

Over time there has developed in this State an understanding that collections of refuse from the manufacture of stone implements (referred to as “debitage” by archaeologists) constitute “Aboriginal sites” within the meaning(s) of the above definitions. Section 6 of the AHA defines “Aboriginal objects” as follows.

(1) Subject to subsection (2a), this Act applies to all objects, whether natural or artificial and irrespective of where found or situated in the State, which are or have been of sacred, ritual or ceremonial significance to persons of Aboriginal descent, or which are or were used for, or made or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people past or present.

(2) Subject to subsection (2a), this Act applies to objects so nearly resembling an object of sacred significance to persons of Aboriginal descent as to be likely to deceive or be capable of being mistaken for such an object.

(2a) This Act does not apply to a collection, held by the Museum under section 9 of the Museum Act 1969 , which is under the management and control of the Trustees under that Act.

(3) The provisions of Part VI do not apply to an object made for the purpose of sale and which —

(a) is not an object that is or has been of sacred significance to persons of Aboriginal descent, or an object so nearly resembling such an object as to be likely to deceive or be capable of being mistaken for the same; or

(b) is an object of the kind referred to in paragraph (a) that is disposed of or dealt with by or with the consent of the Minister.

The Committee referred to is the Aboriginal Cultural Material Committee, which was established by Amendment No. 8 of 1980. Its functions are as follows:

(a) To evaluate on behalf of the community the importance of places and objects alleged to be associated with Aboriginal persons;

(b) Where appropriate, to record and preserve the traditional Aboriginal lore related to such places and objects;

(c) To recommend to the Minister places and objects which, in the opinion of the Committee, are, or have been, of special significance to persons of Aboriginal descent and should be preserved, acquired and managed by the Minister;

(d) Deleted by No. 8 of 1980, s. 10.

(e) To advise the Minister on any question referred to the Committee, and generally on any matter related to the objects and purposes of the Act;

(ea) to perform the functions allocated to the Committee by this Act;

(f) To advise the Minister when requested to do so as to the apportionment and application of moneys available for the administration of this Act.

Once again, over time there has developed a situation where the main, and at times sole, role of the Committee at its monthly meetings is to work through a series of applications pursuant to Section 18 of the AHA (see Appendix One) and make recommendations to the Minister in their regard.

The AHA makes it an offence for any person to carry out the following actions within an Aboriginal site:

- (a) Excavate, destroy, damage, conceal or in any way alter any Aboriginal site;*
- or*
- (b) In any way alter, damage, remove, destroy, conceal, or deal with in a manner not sanctioned by relevant custom, or assume the possession, custody or control of, any object on or under an Aboriginal site.*

Again, over time there has developed in this State an understanding that removal, or alteration, etc. of the material referred to above, constitutes an offence against the AHA, unless the requisite Ministerial consent for such actions has been obtained, as detailed in Section 18 (see Appendix One).

2.2 The Aboriginal and Torres Strait Islander Heritage Protection Act 1984

The Commonwealth *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* ("ATSIHPA") takes precedence over the State legislation if successfully invoked. Unlike the State legislation, this Act does not make provision for the orderly

destruction of Aboriginal sites. Also, unlike the State legislation, it can be invoked only by or on behalf of an Aboriginal person or persons. The purposes of this Act are *the preservation and protection from injury or desecration of areas and objects in Australia and in Australian waters being areas and objects that are of particular significance to Aboriginals in accordance with Aboriginal tradition*. The ATSIHPA makes provision for Emergency and Permanent Declarations in respect of significant Aboriginal areas.

Significant Aboriginal areas and objects are defined as follows.

"significant Aboriginal area" means:

- (a) an area of land in Australia or in or beneath Australian waters;*
- (b) an area of water in Australia; or*
- (c) an area of Australian waters;*

being an area of particular significance to Aboriginals in accordance with Aboriginal tradition.

"significant Aboriginal object" means an object (including Aboriginal remains) of particular significance to Aboriginals in accordance with Aboriginal tradition.

(2) For the purposes of this Act, an area or object shall be taken to be injured or desecrated if:

- (a) in the case of an area:*
 - (i) it is used or treated in a manner inconsistent with Aboriginal tradition;*

(ii) by reason of anything done in, on or near the area, the use or significance of the area in accordance with Aboriginal tradition is adversely affected; or

(iii) passage through or over, or entry upon, the area by any person occurs in a manner inconsistent with Aboriginal tradition; or

(b) in the case of an object, it is used or treated in a manner inconsistent with Aboriginal tradition;

and references in this Act to injury or desecration shall be construed accordingly.

(3) For the purposes of this Act, an area or object shall be taken to be under threat of injury or desecration if it is, or is likely to be, injured or desecrated.

In the case of an Emergency Declaration, the Act reads as follows.

(1) Where the Minister:

(a) receives an application made orally or in writing by or on behalf of an Aboriginal or a group of Aborigines seeking the preservation or protection of a specified area from injury or desecration; and

(b) is satisfied:

(i) that the area is a significant Aboriginal area; and

(ii) that it is under serious and immediate threat of injury or desecration;

he or she may, by legislative instrument, make a declaration in relation to the area.

(2) Subject to this Part, a declaration under subsection (1) has effect for such period, not exceeding 30 days, as is specified in the declaration.

(3) The Minister may, if he or she is satisfied that it is necessary to do so, declare by legislative instrument that a declaration made under subsection (1) shall remain in effect for such further period as is specified in the declaration made under this subsection, not being a period extending beyond the expiration of 60 days after the day on which the declaration under subsection (1) came into effect.

The ATSIHPA also makes provision in Section 10 for extended or Permanent Declarations to be made in respect of Aboriginal Places or Objects. Although the Commonwealth Minister has shown himself or herself unwilling to make Declarations pursuant to Sections 9 and 10 of the ATSIHPA in the past, the Act remains on the statute books and should be regarded by developers as a potential constraint. It should also be noted that the majority of listings in the Register of Aboriginal Sites (more than 75%) are for archaeologists' sites rather than sites of spiritual or other significance to Aboriginal people. As noted above, non-Aboriginal people cannot make an application pursuant to the ATSIHPA, unless they do so on behalf of an Aboriginal person or Aboriginal people.

2.3 The Native Title Act 1993

This Commonwealth Act *recognises and protects native title (and) provides that native title cannot be extinguished contrary to the Act*. As noted in 1.1 above, the OIE is freehold land. Native title has therefore been extinguished there. However, the Act has two implications for proposed developments there, both of which are relevant to this AHMP, as follows.

- Native title claimants, whose applications cover lands including the OIE assert the right to protect areas and places of significance to them in accordance with their laws and customs. Although native title may be extinguished within the OIE, that assertion is relevant to both the ATSIHPA (see 2.2 above) and to the AHA.
- In regard to the operation of the AHA, should LandCorp or a leaseholder of land within the OIE make an application pursuant to Section 18 of the Act, the APMC will require that applicant to show that they have consulted, *inter alia*, the relevant native title claimant groups. This matter is addressed in Section 7 of the AHMP below.

3.0 SCOPE AND PURPOSE OF THE AHMP

The scope of this document comprises the formulation of plans, procedures and work methods that together will satisfy the requirements of the AHA (see 2.1 above) and the aspirations vis-à-vis protection of their heritage of the relevant Aboriginal groups.

The purpose of this document is to ensure that works associated with development of the OIE will, wherever possible, protect and preserve existing known Aboriginal heritage sites and possible yet to be identified sites. In cases where such protection and preservation are not feasible, a secondary purpose is to ensure that all actions in respect of those sites are in accordance with the relevant legislation, as outlined in 2.1, 2.2 and 2.3 above.

4.0 PREVIOUS STUDIES AND FINDINGS

4.1 Sources

The electronic Register of Aboriginal Sites was consulted for the polygon described by the following coordinate sets: (MGA Zone 50): 261500E 6841500N; 271500E 6841500N; 271500E 6828000N; 261500E 6828000N. The Register contains 69 listings for this polygon (see Appendix Three). The Register also lists 26 survey reports as relevant to the search polygon. Eleven of these are not in fact relevant to the OIE; the remaining fifteen were researched at the Research Room in the Department of Indigenous Affairs. The LandCorp database also lists four reports as relevant to the OIE, which are not held by the Department of Indigenous Affairs. These were also investigated. It was established that two of these four are in fact held in the Department's collection, but were listed differently because of the authors' names (e.g. *Quartermaine Consultants 1997* in the LandCorp collection is *McGann 1997* in the Department's collection). However, two items listed in the LandCorp database are not held in the Department's collection and were researched in the DoIR Library. It is also notable that neither of the lists included O'Connor 2008a and O'Connor 2008b, although a refined search of the DIA database includes the latter document. Finally, O'Connor 2009 is also highly relevant to the AHMP and was utilised extensively in the course of preparation. The research into the ethnographic database therefore considered the following reports.

- Quartermaine Consultants, 1997, *Report on a Preliminary Archaeological*

Investigation for Aboriginal Sites, Oakajee River, Geraldton. DoIR Library.

- Schwede, 1993, *The Archaeology of the Geraldton Coastal Region* (despite its title, this document contains ethnohistorical and ethnographic material). DoIR Library.
- Machin, 1996, *Aboriginal Heritage Survey: Coastal Zone Oakajee and Buller Rivers.* DIA Library.
- Goode, 2008, *An Aboriginal Heritage Survey for the Proposed Rezoning of Pt. Victoria Location 2510 Chapman Valley Road.* DIA Library.
- Randolph, 1999, *Buller River Burials Site 15858.* DIA Library.
- O'Connor, 1999, *Consultation with Mullewa Wadjari Regarding Archaeological Sites on or near Kingstream Steel Project at Oakajee.* DIA Library.
- Mc Donald Hales and Associates, 2000, *Heritage Management Plans: Oakajee Industrial Estate.* DIA Library.
- Machin, 1993, *Ethnographic Survey of Aboriginal Heritage for Proposed Oakajee Industrial Site.* DIA Library.
- Fisher, 2001, *Ethnographic Survey of the Proposed Land Corridor for a Gas lateral from the DBNGP to the Oakajee Industrial Estate.* DIA Library.
- Corsini, 1999, *Report on the Recovery of Human Remains, AAD Site 15858.* DIA Library.
- McDonald Hales and Associates, 1999, *Supplementary Report on Sand Quarry Areas Oakajee Industrial Estate.* DIA Library.
- Schwede, 1996, *The Aboriginal Cultural Heritage of the Geraldton Coastal Area.* DIA Library.

- O'Connor, 1997, Report on an Ethnographic Survey of the Proposed Narngulu Industrial Estate to Oakajee Industrial Estate Railway Line. DoIR Library and O'Connor Private Collection.
- O'Connor, 2008, *Report on an Ethnographic Analysis of Proposed Sandalwood Plantations at Oakajee*. O'Connor Private Collection and LandCorp Library.
- O'Connor 2008a, *Report on an Ethnographic Survey of Proposed Sandalwood Plantations at Oakajee*. O'Connor Private Collection and LandCorp and DIA Libraries.
- O'Connor 2009, *Report on the Review of the European and Aboriginal Heritage Database for Oakajee Industrial Estate Designated Study Area*. O'Connor Private Collection and LandCorp Library.

4.2 Existing Database and Significant Sites

As noted above, the Register contains 69 listings within the search polygon. Twenty-four of the listings are "Stored Data", that is, they have been assessed by the ACMC as not constituting Aboriginal sites within the meaning of Section 5 of the AHA (see 2.1 above); three of the listings are categorised as "Insufficient Information"; one is categorised as "Lodged"; and forty-one are entered on the Permanent Register. Of that forty-one, close inspection revealed that three were in fact outside the OIE; as also is the sole "Lodged" site and one of the "Insufficient Information" sites. There are therefore forty areas within OIE which are covered by the provisions of the AHA. Nine of these

forty are sites or areas of significance to Aboriginal people; the remainder, being thirty-one or 77.55%, are archaeologists' sites. The significant sites are shown highlighted in orange on Figure Three. Details are as follows.

- Site Number 24415, "Buller River", a mythological site listed on the Permanent Register. This site was entered on the Register in September 2007. The DIA Site File contains a map which shows a 600 metres wide buffer zone surrounding the river channel, but restricts the site to a sixty metres wide corridor centered upon the river. Subsequent discussions with Department officers regarding the Oakajee sandalwood plantations have established that the provisions of the AHA apply only to the sixty metres wide corridor and not to the entirety of the buffer zone. The final approximately one kilometer of this river forms the boundary between the CZ and SCA. All other sections of the river and its tributaries within OIE are within the SCA.
- Site Number 24414, "Oakajee River", a mythological site listed on the Permanent Register. Comments made in respect of Site Number 24415 above apply equally to this Aboriginal site. The final approximately two kilometres of this site before it enters the sea are within the CZ; all other sections and tributaries within OIE flow through the SCA.
- Site Number 4531, "Buller River North", a camp, skeletal material and artefact scatter site listed on the Permanent Register. Corsini (see Corsini 1999 report above) notes that Sites 4531 and 5465 are in the same area. In 1999 he removed the skeletal material components for reburial further north. This reburial site is now listed as Site Number 4532. It was, and is, within the OIE, being within the

CZ.

- Site Number 15857, "Buller River Area", a camp, hunting place and water source site listed on the Permanent Register. As can be seen from Figure Three, Site Number 15857 encloses a number of other sites, including Sites Numbers 5465 (on the assumption that the site footprint shown in the DIA database is inaccurate and the deceased was not buried at sea) and 15858. The sections of 15857 and 5465 to the south of Buller River mouth are within the SCA; the sections north of the river, and Sites 15857 and 15858 are within the CZ.
- Site Number 15859, "Coronation Beach Area", a camp and hunting place site listed on the Permanent Register. This site is partly within the CZ and partly within the SCA.
- One other area of Aboriginal significance was reported in O'Connor 1997. The DIA Library does not hold a copy of that report and the site has therefore not found its way onto the Register. It is described as follows: *At the point where the northernmost of the three possible alignments crosses the NW Coastal Highway and enters the future Industrial Estate, a series of freshwater springs was identified by R.Ronan ...They were nominated by him as an area of Aboriginal significance . They soak from a low rise on the west side of the highway and cover an area of approximately 50mm x 50m.* The springs in question overlap partially with Site Number 4433 (see archaeological sites below). This site is within the SCA and may be marginal to GIZ1.

4.3 Archaeological Sites

As noted in 4.2 above, there are thirty-one archaeological sites listed in the Register of Aboriginal Sites within OIE; two of which are categorised as “Insufficient Information” and twenty-nine of which are included on the Permanent Register. The complete annotated list is included as Appendix Three below. Locations of the thirty-one archaeological sites are as follows:

- SCA – 14
- CZ – 6
- SIZ – 8
- CZ/SCA boundary – 1
- SCA and marginal to GIZ1 – 2
- GIZ2 - 0.

Although a number of these sites have been located in the course of planning for two proposed sandalwood plantation areas within OIE, none of them has been delineated and flagged on the ground.

5.0 POTENTIAL EFFECTS OF DEVELOPMENT AND POSSIBLE MANAGEMENT STRATEGIES

5.1 Effects of Development - SCA

The SCA is intended to be a buffer zone, much of which will remain undisturbed; so many of the archaeological sites within it are unlikely to be impacted. There will, however, be service and infrastructure corridors passing through it in the future. When these are clearly defined, heritage surveys are to be conducted along their alignments to identify any ethnographic or archaeological sites, with formal applications pursuant to Section 18 of the AHD subsequently submitted for any such sites that will be disturbed by the corridor developments. At this stage, therefore, this document includes no specific management strategies for the SCA.

5.2 Effects of Development – CZ, SIZ and GIZs

Six archaeological sites, four burial sites and two camping/hunting sites are registered within the CZ. Sites Numbers 4531 (Buller River North Burial) and 4532 (Buller River North Reburial) are within the OPR Project area and outside the scope of this AHMP. Sites Numbers 15857 (Buller River Camp/Hunting) and 15859 (Coronation Beach Camp/Hunting) are both extensive areas which, realistically, cannot be

permanently protected from disturbance. Management in these cases will entail formal applications pursuant to Section 18 of the AHA at an appropriate time (see below). Burial sites Numbers 5465 and 15858 will require specific management strategies, including identification on the ground and perhaps fencing (see below). Aboriginal people should be involved in these activities. Management of the remaining archaeological sites could be handled selectively as follows, depending on the intensity of proposed development in their vicinity:

- Preservation *in situ*, with or without fencing, including the involvement of local Aboriginal people;
- Disturbance following an application pursuant to Section 18 of the AHA (including monitoring by Aboriginal representatives); or
- Salvage and relocation of the component parts by Aboriginal representatives – again, following a Section 18 (AHA) application.

It is the author's understanding that disturbance within the SIZ, GIZ1 and GIZ2 will be substantial. Accordingly, the majority of the ten archaeological sites wholly or partly within these zones are likely to be within areas of proposed disturbance/construction. In some cases, preservation *in situ*, with or without fencing may be feasible. In other cases, the following strategies could be employed:

- Disturbance following an application pursuant to Section 18 of the AHA (including monitoring by Aboriginal representatives); or
- Salvage and relocation of the component parts by Aboriginal representatives – again, following a Section 18 (AHA) application.

6.0 SUGGESTED MANAGEMENT COMMITMENTS

6.1 Aboriginal Involvement

It is essential for management and developers at OIE to understand that the heritage under consideration is, first and foremost, the heritage of local indigenous people. Bureaucratic procedures for management of that heritage must always take second place to the wishes and aspirations of those indigenous people (see Section 7, AHA). Accordingly, it is important that the relevant Aboriginal people must at all times be informed of the progress of development at OIE, be consulted in regard to all ground disturbance, be involved in heritage management decisions and be involved in any relocation of archaeological material or fencing of heritage sites. The Third Draft of this AHMP included the following recommendation. *The draft of this AHMP must be submitted to the relevant Aboriginal people and their input sought for amendments and additions, as appropriate. That will be best achieved through formal meetings held by LandCorp in Geraldton. The relevant groups, it is suggested, are the three native title claimant groups, as follows (in alphabetical order):*

- *Amangu, whose registered application for determination of native title is WC04/2;*
- *Mullewa Wadjari, whose registered application for determination of native title is WC96/93; and*
- *Naaguja, whose registered application for determination of native title is*

WC97/73.

Following the initial meeting, LandCorp should convene regular meetings with the relevant groups in order to ensure that they are satisfied with the implementation of the AHMP and to discuss any other issues that may arise during development of OIE.

The recommended meetings were held in Geraldton in September 2010. Initially, Mr Ted Hart, Aboriginal Liaison Associate to R. & E.O'Connor Pty Ltd approached the persons who are the Registered Applicants for each of the three native title applicant groups listed above and consulted them regarding their preferred meeting policy. They replied in all cases that they were appointed by the respective native title groups to make the applications and to deal with matters arising from them and that it was their preference that the initial meetings should be held between themselves and relevant officers of LandCorp, in order to be briefed in regard to the AHMP and also to make comment upon it, where appropriate. They would then convey information regarding the AHMP and their comments, if any, to the wider native title claimant groups.

The meeting with the Naaguja group took place in the premises of the Geraldton Club Inc., Marine Terrace in Geraldton on 19 September 2010. Registered Applicants in attendance were Mr Lindsay Councillor, Ms. Yvonne Radcliffe, Mr Ron Councillor, Mr Keith Councillor and Ms. Margaret Ranger; LandCorp was represented by Mr Travis McNaught and Mr John Quilty; R. & E.O'Connor Pty Ltd was represented by Mr Ted Hart and Mr R.O'Connor. The meeting opened at 10:35, with Mr Hart thanking all for attendance, introducing all parties, acknowledging the Traditional Owners of the region

and calling for one minute's silence as a mark of respect for deceased Traditional Owners. Mr Hart was confirmed as Chair by all parties. Mr McNaught and Mr Quilty then introduced the Structure Plan of Oakajee Industrial Estate and gave a detailed description of the proposed developments there. A lively question and answer session then followed. Following morning tea, Mr O'Connor introduced Draft #2 of the AHMP to the participants, explaining that, in accordance with best practice, Draft #1 had gone to LandCorp for comment and that copies of the current draft, which had been given to the participants, could be taken away and discussed with the wider native title claimant group. Comments made at the meeting and later submitted would then be incorporated into a further Draft #3, which would be submitted to DIA for comment. He then worked through the AHMP, explaining each of its sections in detail and answering questions as they arose. Following lunch, this exercise was completed. The meeting agreed the following procedures as the way ahead:

- LandCorp to meet with other groups;
- Group members will have twenty-one days to review the AHMP;
- LandCorp to send request for comments/suggestions/corrections to attendees and enclose a stamped-addressed envelope;
- Draft #3 will be prepared reflecting comments received;
- Draft #3 will be sent to the groups, DIA and Land Council;
- Naaguja reserve the right to decide whether the AHMP goes to DIA and Land Council after reviewing it.

The meeting closed at 15:00. A copy of the Minutes is included below in Appendix Four.

The meeting with the Amangu group took place in the premises of the Geraldton Club Inc., Marine Terrace in Geraldton on 20 September 2010. Registered Applicants in attendance were Ms. Betty Forsyth, Mr Barry Dodd, Ms. Donna Ronan, Mr Raymond Dann, Mr Wayne Warner, Mr Clarrie Cameron and Mr Rob Ronan; LandCorp was represented by Mr Travis McNaught and Mr John Quilty; R. & E.O'Connor Pty Ltd was represented by Mr Ted Hart and Mr R.O'Connor. The meeting opened at 10:30 and the opening ceremony replicated that of the previous day. Meeting format also followed that of the Naaguja meeting of 19 September 2010. Agreed outcomes were as follows:

- If Land Council reviews AHMP their comments will need to be consistent with those of the individual groups;
- LandCorp to write to Registered Applicants seeking comments on the AHMP – template for comments to be attached to letters together with stamped-addressed envelopes;
- Request confirmation from groups on sending AHMP to Land Council;
- Incorporate changes requested by groups into Draft #3 and forward copies to Registered Applicants.

Minutes of the meeting are included in Appendix Four below.

At the time of the above meeting Registered Applicant Mr Rod Little was in Canberra and unable to attend. He advised Mr Hart that his proxy was Ms. Glenys Little, who also, however, was unable to attend. To ensure that the exercise was conducted thoroughly, a separate individual briefing session was held with Ms. Little at Skeeters Restaurant in Cathedral Avenue, Geraldton, at 10:00 on 21 September 2010. In

attendance were: Ms. Glenys Little, as proxy for Mr Rod Little; Mr Travis Mc Naught on behalf of LandCorp; and Mr Ted Hart and Mr R.O'Connor on behalf of R. & E.O'Connor Pty Ltd. The briefing replicated the format of the meetings of 19 and 20 September 2010. Ms. Little agreed to forward a copy of the AHMP and the letter of request for comments to Mr Little in Canberra. Minutes of this special briefing session are also included in Appendix Four below.

The meeting with the Mullewa Wadjari group took place in the premises of the Geraldton Club Inc., Marine Terrace in Geraldton on 22 September 2010. Registered Applicants in attendance were Mr Leedham Papertalk, Mr Doug Comeagain, Mr Malcolm Papertalk, Ms. Glenda Jackamarra, Mr Robert Flanagan, Ms. Charmaine Green, Mr Charlie Collard, Mr Charlie Green, Mr Raymond Merritt and Ms. Tamara Joseph; LandCorp was represented by Mr Travis McNaught and Mr John Quilty; R. & E.O'Connor Pty Ltd was represented by Mr Ted Hart and Mr R.O'Connor. The meeting opened at 10:45 and the opening ceremony again replicated that of the previous two meetings. Meeting format also followed that of the Naaguja and Amangu meetings. The Registered Applicants noted that the Land Council does not represent the Mullewa Wadjari native title applicants and requested that that fact should be noted in this document. Agreed outcomes were as follows:

- LandCorp to write to Registered Applicants seeking comments on the AHMP – template for comments to be attached to letters together with stamped-addressed envelopes;
- Incorporate changes requested by groups into Draft #3 and forward copies to

Registered Applicants.

Minutes of the meeting are also included in Appendix Four below.

6.2 Comments from Indigenous Stakeholders

All comments made in the course of the meetings, as detailed in Appendix Four, have been addressed in this Final Draft of the AHMP. Comments made to R.O'Connor and to T.Hart by telephone following the meetings have also been addressed. Additional written comments are included below as Appendix Five. It will be noted that Mr Rod Little believed that two of his points had not been answered adequately by LandCorp, as follows. A third point was not actioned in Draft #3, but, as noted below, has now been incorporated into this document.

- Logistics for Management. Mr Little sought assurances that there would be *equitable monitoring and maintenance programmes* and also that *the Aboriginal group with legitimate heritage interest must be considered priority contractors where possible*. In his 7 December 2010 comments on LandCorp's replies to his 18 November 2010 letter, he developed the above point, stating that *whilst I acknowledge the legislation and its framework for implementation and compliance etc, I am concerned that it and/or the AHMP appears to disregard the priority rights of traditional owners of the heritage or native title claim area. ... monitoring and maintenance programmes and partnership negotiations must be with the people legitimately connected to the said areas. In other words, in accordance with traditional customs and traditions, other groups from outside our area respectfully have no authority to care for our culture and lands*. The present author sympathises with Mr Little's position. However, it is an unfortunate fact that, until native title is determined, all claimant groups have equal rights before the law. Even after such determination, absolute certainty regarding the holders of Aboriginal heritage rights and interests is not necessarily achieved in areas where there are conflicting claims. Thus, the Draft *Cultural Heritage Due Diligence Guidelines* issued by DIA state, at Paragraph 1.10, that
- Oakajee Industrial Estate Aboriginal Heritage Management Plan. February 2010. PAGE 27.**

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

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

Section 6.4 below deals with this matter

- *Are there any real or perceived impacts on sites due to timing for DNA testing?*

Section 8.1 below endeavours to deal with this point. In the event of discovery of skeletal material all activities must cease at the discovery site. No activities can take place there until the material has been dealt with in accordance with the directions of the authorities and the relevant Aboriginal people. There can therefore be no impacts on the site/material in question whilst tests and discussions are proceeding.

- In the text of the AHMP, the word “should” has been replaced by “must”, in accordance with Mr Little’s suggestion, in all places where grammatically and contextually appropriate.

6.3 Comments from DIA

Comments on the Draft AHMP were also received from DIA. These are included

below as Appendix Six. The comments suggest that Draft #2 was submitted to the Department, rather than Draft #3, as originally intended. Accordingly, most of the substantive comments had already been dealt with in the third revision. Section 1.3 above notes that *currently, there are no proponents for developments within OIE. As the estate develops and proponents take up land, the parcels will be leased to them by LandCorp, with the underlying freehold title remaining unchanged.* This AHMP is a guiding document, designed to control the activities of these future proponents in such a way that the provisions of the relevant legislation are strictly adhered to as development of OIE proceeds. Accordingly, until such time as the entire area has been subjected to Aboriginal heritage surveys as suggested in this document, an adequate assessment of the overall heritage value of the area and a statement of its significance cannot be authoritatively made. Nonetheless, the AHMP notes the following in regard to DIA comments.

- The DIA refers LandCorp to its Guidelines on the preparation of AHMPs. As can be seen from the Minutes of the Aboriginal meetings included in Appendix Four below, these Guidelines were discussed and utilised.
- The comments state that a summary of Aboriginal consultations should be included in the AHMP. These were not included in the earlier draft, as they had not yet occurred. They are detailed in 6.1 above.
- The comments state that *a summary of heritage work so far conducted* should be included in the AHMP. This is included in Sections 4.1 to 4.3 above.
- The comments state that *clear and relevant information about the nature, duration and extent of the proposed activity to assess the scope for potential impact on Aboriginal heritage* should be included. As noted in the extract from

Section 1.3 reproduced above, there are currently no proposed activities.

- The comments state that the AHMP should contain *specific management recommendations for each site to be impacted*. As there are currently no proponents, there are no proposed activities and therefore no way of knowing what sites, if any, will be impacted. This AHMP gives specific and definite directions, based upon the relevant legislation and the aspirations of the relevant indigenous groups, regarding what actions should be taken when proponents identify parcels of land within OIE and activities which they will carry out on those lands. When applications pursuant to Section 18 of the AHA are made in respect of those parcels of land, if such applications are necessary, then appropriate maps and shape files will be appended to the documentation submitted to the DIA to inform the deliberations of the APMC.
- The comments recommend detailing *permits/protocols in use by the company or in agreement between the company and their agents and contractors to trigger reviews of all ground disturbance activities prior to commencement*. See Sections 6.4, 7.1 and 7.2 below.
- The comments recommend a *statement that Aboriginal heritage sites are protected under the provisions of the AHA, whether registered or known to DIA or not*. See Section 2.1 above.
- The comments note that a Memorandum of Understanding dealing with the discovery of skeletal remains was signed by DIA, the WA Police and Yamatji Marlpa Aboriginal Corporation after the Aboriginal meetings were concluded and Draft #3 of the AHMP produced. The Memorandum sets in place protocols for

actions to be taken after such discovery/discoveries. The DIA comments recommend mention of this in the AHMP. See 8.1 and Appendix Seven below.

6.4 Suggested Management Commitments

This AHMP suggests that LandCorp, as manager of OIE, make the following commitments.

- Ongoing Aboriginal consultation, as outlined in 6.1 above;
- Strict adherence at all times to the requirements of the AHA;
- Where feasible, preservation *in situ* of Aboriginal heritage sites;
- Where the above is not feasible, and following consultations with the indigenous people listed above, making timely and appropriate application(s) pursuant to Section 18 of the AHA in respect of any such sites that require disturbance;
- Salvaging of archaeological material, where required by the indigenous representatives and ACMC, in accordance with archaeological best practice, under the supervision of appropriate Aboriginal monitors;
- Where such surveys have not already been executed, carrying out Aboriginal heritage surveys of all areas of proposed infrastructure before ground disturbance takes place;
- Advising development proponents of their obligations under the AHA and requiring them to enter into agreement that any Aboriginal heritage sites discovered in the course of earthmoving will be dealt with appropriately;

- Dealing with discovery of Aboriginal sites not previously recorded in accordance with the suggested logistics below;
- Dealing with the discovery of skeletal material in accordance with the suggested logistics below.

7.0 LOGISTICS FOR HERITAGE MANAGEMENT, INCLUDING ABORIGINAL MONITORING PROGRAMMES

7.1 Background

This AHMP will be the controlling document for all Aboriginal heritage management and for all proposed Aboriginal heritage surveys within OIE. Accordingly, LandCorp must ensure that all officers involved in planning and contractors engaged to execute such plans are made aware of its contents. Officers engaged to oversee development of OIE should also be responsible for the monitoring of those developments to ensure compliance with the AHMP.

7.2 Senior Heritage Officer

It is proposed that LandCorp should appoint an officer who will have overall responsibility for implementation of the AHMP - a "Senior Heritage Officer" (SHO). Pursuant to 7.1 above, officers responsible for the monitoring of developments at OIE should report where appropriate to the SHO. The SHO will also be the primary point of contact for the indigenous groups who will be involved in the development of the OIE. He should be introduced to the representatives of those groups at the meeting suggested in 6.1 above. The SHO will also be the first point of contact in the event that human

skeletal remains, Aboriginal cultural material, or any other object or place to which Sections 5 or 6 of the AHA (see 2.1 above) may apply are discovered in the course of development at OIE.

7.3 Previously Identified Aboriginal Sites

As noted in 4.3 above, there are eight previously identified Aboriginal sites within the SIZ and two marginal to GIZ1. In the case of the two marginal sites, descriptions in the files in the DIA are not sufficient to establish without a field inspection whether they will be disturbed or not. Accordingly, this AHMP recommends that, as a preliminary strategy, all eight sites within the SIZ must be located and their perimeters marked clearly with suitable flagging. If the two marginal sites are outside the proposed zones of disturbance and wholly within the SCA, then they may still need consideration, depending upon whether or not they fall within the alignments of future service/infrastructure corridors entering the estate from the east. If they are partly (or wholly) within GIZ1, then their perimeters should also be flagged, as appropriate.

Following the above site identification, a further thorough heritage survey of all areas of proposed disturbance not considered in the course of previous surveys must be carried out. This survey should include ethnographic and archaeological components. Finally, after all surveys have been completed, an application pursuant to Section 18 of the AHA should be made by the owner of the land, as defined in Section 18 of the Act, in

respect of the SIZ and both GIZs. The input and support of the indigenous groups will be needed to ensure the orderly passage of this application through the statutory system. It is likely that these groups will request that monitors should be on site to oversee ground disturbance. An early commitment from LandCorp to initiate such a monitoring programme will assist in establishing good rapport with the groups. The SHO should oversee the monitoring programme and should ensure that adequate records of attendance are kept. The duties of the monitors will be as follows.

- Between the meetings suggested in 6.1 above, to convey back to their groups details of the progress of development at OIE;
- To notify their groups of any discoveries of Aboriginal cultural material made during works at OIE;
- To notify their groups of any discoveries of Aboriginal skeletal material made during works at OIE;
- To notify their groups of any discoveries of other Aboriginal objects or sites made during works at OIE; and
- To ensure that the provisions of the AHMP, as eventually agreed between their groups and LandCorp following the consultations suggested in 6.1 above, are adhered to.

8.0 CONTINGENCY PLANS

8.1 Skeletal Material

It is important that all parties involved in the development of OIE be made aware that human skeletal material has previously been unearthed in the general vicinity of OIE and that special provisions under law apply when such skeletal material is uncovered in the course of developments in Western Australia. To comply with those provisions, the following management steps are suggested.

- In the event of discovery of verified, **or possible**, human skeletal material, all ground disturbance in the vicinity of the discovery must stop immediately;
- The discoverer should notify immediately the Works Supervisor or other senior person on site as appropriate;
- All contractors or employees of LandCorp, or leaseholders of LandCorp land, carrying out ground disturbing activities in the general vicinity of the discovery should be notified by that senior person and instructed not to carry out any ground disturbance within fifty metres of the skeletal material;
- The Aboriginal monitors, if not already aware of the discovery, should be notified;
- The SHO should be notified of the discovery;
- The SHO should notify the WA Police at the nearest Police Station and should request the attendance of an Officer at the site of the discovery;

- The SHO should notify the Registrar of Aboriginal Sites at the DIA of the discovery;
- If the skeletal material is identified by the Police as Aboriginal and as being sufficiently old to suggest pre-contact interment, then the SHO should confer with the Registrar or Registrar's Delegate and with the Aboriginal groups listed in 6.1 above in regard to management options including, if appropriate, exhumation and reburial away from areas of ground disturbance.

This report notes that the DIA, the WA Police and Yamatji Marlpa Aboriginal Corporation (representing some of the Traditional Owners) have entered into a Memorandum of Understanding which sets in place protocols for actions to be taken following the discovery of ancestral remains in the Murchison-Gascoyne Region. Copies of the draft Memorandum are included in this present document as Appendix Seven. As the Memorandum was not agreed at the time of the meetings with the indigenous representatives, and therefore not then available to participants, it is unclear how Traditional Owners not represented by the Land Council will react to it, or whether they will agree to be bound by it.

8.2 Other Aboriginal Objects or Sites

If, during ground disturbance, identifiable Aboriginal cultural material or other Aboriginal objects (other than skeletal material) are uncovered, or if the monitors identify any object or place which they believe to be an Aboriginal site or object as defined by

Section 5 and 6 of the AHA (see 2.1 above), then the following steps should be taken.

- All ground disturbance in the vicinity of the discovered or identified place or object must stop immediately;
- The discoverer or identifier should notify immediately the Works Supervisor or other senior person on site as appropriate;
- All contractors or employees of LandCorp, or leaseholders of LandCorp land, carrying out ground disturbing activities in the general vicinity of the discovered or identified place or object should be notified by that senior person and instructed not to carry out any ground disturbance within an appropriate distance of the place or object; that distance to be agreed with the monitors on site;
- The SHO should be notified of the discovery;
- The SHO, if appropriate, should notify the Registrar of Aboriginal Sites at the DIA of the discovery or identification;
- Subject to any Ministerial conditions attached to the Section 18 Ministerial consent (see 7.3 above), the SHO should confer with the Registrar and the Aboriginal monitors in regard to steps to be taken to deal with the discovery or notification.

8.3 Complaints

The SHO should institute and maintain a Complaints Register (CR). In the event of a complaint regarding the implementation of this AHMP, or regarding any other issue

relevant to Aboriginal heritage within OIE, the complaint or issue must be entered formally in the CR and signed by the complainant(s) and SHO. The SHO should then liaise with the complainant(s) and raise the matter at the first available general group meeting (see 6.1 above). Upon resolution of the complaint or issue, the manner of resolution should be entered in the CR and again signed by the complainant and SHO.

Figure One:

Oakajee Industrial Estate



OAKAJEE INDUSTRIAL ESTATE W.A.

250m 0 Scale 1:17,500 1000m
 000000

SOURCE DATA	Source	Date	Scale	Author/Doc
Aerial Photography	LANDSAT 5 TM/ETM+	15/05/2001	1:25,000	100
Mapsheet	SA 14/000000000000			1:1, 2m
Topography	SA 14/000000000000			1:1, 2m
Cartographic Data	LANDSAT 5 TM/ETM+	15/05/2001		1:1, 2m
Design: MGA	Zone 50			Cartographic: MGA
Plan: SA 14/000000000000	Plan 1	Date: 15/05/2001	Scale: 1:17,500	Author: MGA

Figure Two:

Proposed Oakajee Port and Rail Pty. Ltd. Development

Figure Three:

Aboriginal Significant Sites in Oakajee Industrial Estate



Appendix One:

Notes on the *Aboriginal Heritage Act, 1972*

APPENDIX 1

OBLIGATIONS RELATING TO SITES UNDER THE ABORIGINAL HERITAGE ACT, 1972

Report of Findings

"15. Any person who has knowledge of the existence of anything in the nature of Aboriginal burial grounds, symbols or objects of sacred, ritual or ceremonial significance, cave or rock paintings or engravings, stone structures or arranged stones, carved trees, or of any other place or thing to which this Act applies or to which this Act might reasonably be suspected to apply shall report its existence to the Registrar, or to a police officer, unless he has reasonable cause to believe the existence of the thing or place in question to be already known to the Registrar."

Excavation of Aboriginal Sites

"16. (1) Subject to Section 18, the right to excavate or to remove any thing from an Aboriginal site is reserved to the Registrar.

(2) The Registrar, on the advice of the Committee, may authorise the entry upon and excavating of an Aboriginal site and the examination or removal of any thing on or under the site in such manner and subject to such conditions as the Committee may advise."

Offences Relating to Aboriginal Sites

"17. A person who-

(a) Excavates, destroys, damages, conceals or in any way alters any Aboriginal site; or

(b) In any way alters, damages, removes, destroys, conceals, or who deals with in a manner not sanctioned by relevant custom, or assumes the possession, custody or control of, any object on or under an Aboriginal site,

commits an offence unless he is acting with the authorisation of the Registrar under Section 16 or the consent of the Minister under Section 18."

Consent to Certain Uses

"18. (1) For the purposes of this section, the expression "the owner of any land" includes a lessee from the Crown, and the holder of any mining tenement or mining privilege, or of any right or privilege under the Petroleum Act, 1967, in relation to the land.

(2) Where the owner of any land gives to the Trustees notice in writing that he requires to use the land for a purpose which, unless the Minister gives his consent in this Section, would be likely to result in a breach of Section 17 in respect of any Aboriginal site that might be on the land, the Committee shall, as soon as they are reasonably able, form an opinion as to whether there is any Aboriginal site on the land, evaluate the importance and significance of any such site, and submit the notice to the Minister together with their recommendations in writing as to whether or not the Minister should consent to the use of the land for that purpose, and, where applicable, the extent to which and the conditions upon which his consent should be given.

(3) When the Committee submit a notice to the Minister under subsection (2) of this section he shall consider their recommendation and having regard to the general interest of the community shall either -

(a) Consent to the use of the land the subject of the notice, or a specified part of the land, for the purpose required, subject to such conditions, if any, as he may specify; or

(b) Wholly decline to consent to the use of the land the subject of the notice for the purpose required,

and shall forthwith inform the owner in writing of his decision.

(4) Where the owner of any land has given to the Committee notice pursuant to the subsection (2) of this section and the Committee have not submitted it with their recommendation to the Minister in accordance with that subsection the Minister may require the Committee to do so within a specified time, or may require the Trustees to take such other action as the Minister considers necessary in order to expedite the matter, and the Committee shall comply with any such requirement.

(5) Where the owner of any land is aggrieved by a decision of the Minister made under subsection (3) of this section he may, within the time and in the manner prescribed by the rules of court, appeal from the decision of the Minister to the Supreme Court which may hear and determine an appeal.

(6) In determining an appeal under subsection (5) of this section the Judge hearing the appeal may confirm or vary the decision of the Minister against which the appeal has been made or quash the decision of the Minister, and may make such order as to the costs of the appeal as he sees fit.

(7) Where the owner of the any land gives notice to the Committee under subsection (2) of this section, the Committee may if they are satisfied that it is practicable to do so, direct the removal of any object to which this Act applies from the land to a place of safe custody.

(8) Where consent has been given under this section to a person to use any land for a particular purpose nothing done by or on behalf of that person pursuant to, and in accordance with any conditions attached to, the consent constitute an offence against the Act."

Appendix Two:

Notes on the Recognition of Aboriginal Sites

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APPENDIX 2

Notes on the Recognition of Aboriginal Sites

There are various types of Aboriginal Sites, and these notes have been prepared as a guide to the recognition of those types likely to be located in the survey area.

An Aboriginal Site is defined in the Aboriginal Heritage Act, 1972, in Section 5 as:

"(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 for 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;

(d) Any place where objects to this Act applies are traditionally stored, or to which, under the provisions of this Act, such objects have been taken or removed."

Habitation Sites

These are commonly found throughout Western Australia and usually contain evidence of tool-making, seed grinding and other food processing, cooking, painting, engraving or numerous other activities. The archaeological evidence for some of these activities is discussed in details under the appropriate heading below.

Habitation sites are usually found near an existing or former water source such as a gnamma hole, rock pool, spring or soak. They are generally in the open, but they sometimes occur in shallow rock shelters or caves. It is particularly important that none of these sites be disturbed as the stratified deposits which may be found at such sites can yield valuable information about the inhabitants when excavated by archaeologists.

Seed Grinding

Polished or smoothed areas are sometimes noticed on/near horizontal rock surfaces. The smooth areas are usually 25cm wide and 40 or 50cm long. They are the result of seed grinding by the Aboriginal women and indicate aspects of past economy.

Habitation Structures

Aboriginal people sheltered in simple ephemeral structures, generally made of branches and sometimes of grass. These sites are rarely preserved for more than one occupation period. Occasionally rocks were pushed aside or used to stabilise other building materials. When these rock patterns are located they provide evidence for former habitation sites.

Middens

When a localised source of shellfish and other foods has been exploited from a favoured camping place, the accumulated ashes, hearth stones, shells, bones and other refuse can form mounds at times several metres high and many metres in diameter. Occasionally these refuse mounds or middens contain stone, shell or bone tools. These are most common near the coast, but examples on inland lake and river banks are not unknown.

Stone Artefact Factory Sites

Pieces of rock from which artefacts could be made were often carried to camp sites or other places for final production. Such sites are usually easily recognisable because the manufacturing process produces quantities of flakes and waste material which are clearly out of context when compared with the surrounding rocks. All rocks found on the sandy coastal plain, for example, must have been transported by human agencies. These sites are widely distributed throughout the State.

Quarries

When outcrops of rock suitable for the manufacture of stone tools were quarried by the Aborigines, evidence of the flaking and chipping of the source material can usually be seen in situ and nearby. Ochre and other mineral pigments used in painting rock surfaces, artefacts and in body decoration are mined from naturally occurring seams, bands and other deposits. This activity can sometimes be recognised by the presence of wooden digging sticks or the marks made by these implements.

Marked Trees

Occasionally trees are located that have designs in the bark which have been incised by Aborigines. Toeholds, to assist the climber, were sometimes cut into the bark and sapwood of trees in the hollow limbs of which possums and other arboreal animals sheltered. Some tree trunks bear scars where section of bark or wood have been removed and which would have been used to make dishes, shield, spearthrowers and other wooden artefacts. In some parts of the state wooden platforms were built in trees to accommodate a corpse during complex rituals following death.

Burials

In the north of the state, it was formerly the custom to place the bones of the dead on a ledge in a cave after certain rituals were completed. The bones were wrapped in sheets of bark and the skull placed beside this. In other parts of Western Australia the dead were buried, the burial position varying according to the customs of the particular area and time. Natural erosion, or mechanical earthmoving equipment occasionally exposes these burial sites.

Stone Structures

If one or more stone are found partly buried or wedged into a position which is not likely to be the result of natural forces, then it is probable that the place is an Aboriginal site and that possibly there are other important sites nearby. There are several different types of stone arrangements ranging simple cairns or piles of stones to more elaborate designs.

Low weirs which detain fish when tides fall are found in coastal areas. Some rivers contain similar structures that trap fish against the current. It seems likely that low stone slab structures in the south west jarrah forests were built to provide suitable environments in which to trap some small animals. Low walls or pits were sometimes made to provide a hide or shelter for a hunter.

Elongated rock fragments are occasionally erected as a sign or warning that a special area is being approached. Heaps or alignments of stones may be naturalistic or symbolic representations of animals, people or mythological figures.

Paintings

These usually occur in rock shelters, caves or other sheltered situations which offer a certain degree of protection from the weather. The best known examples in Western Australia occur in the Kimberley region but paintings are also found through most of the states. One of several coloured ochres as well as other coloured pigments may have been used at a site. Stencilling was a common painting technique used throughout the state. The negative image of an object was created by spraying pigment over the object which was held against the wall.

Engravings

This term describes designs which have been carved, pecked or pounded into a rock surface. They form the predominant art form of the Pilbara region but are known to occur in the Kimberleys in the north to about Toodyay in the south. Most engravings occur in the open, but some are situated in rock shelters.

Caches

It was the custom to hide ceremonial objects in niches and other secluded places. The removal of objects from these places, or photography of the places or objects or any other interference with these places is not permitted.

Ceremonial Grounds

At some sites the ground has been modified in some way by the removal of surface pebbles, or the modelling of the soil, or the digging of pits and trenches. In other places there is not noticeable alteration of the ground surface and Aborigines familiar with the site must be consulted concerning its location.

Mythological Sites

Most sites already described have a place in Aboriginal mythology. In addition there are many Aboriginal sites with no man-made features which enable them to be recognised. They are often natural features in the landscape linked to the Aboriginal Account of the formation of the world during the creative "Dreaming" period in the distant past. Many such sites are located at focal points in the creative journeys of mythological spirit beings of the Dreaming. Such sites can only be identified by the Aboriginal people who are familiar with the associated traditions.

Appendix Three:

Register of Aboriginal Sites Extracts

Search Criteria

26 survey reports with information on the sites in a search polygon. The polygon is formed by these points (in order):

MGA Zone 50			
Northing	Easting		
6841500	281500		
6841500	271500		
6828000	271500		
6828000	281500		

Disclaimer

Reports shown may not be held at DIA. Please consult report holder for more information. Refer to www.dia.wa.gov.au/heritage for information on requesting reports held by DIA.

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Legend

Access

Some reports are restricted. The type of restriction is shown as a code in brackets following the catalogue number. No code indicates an unrestricted report.

[CLOSED]	Closed
[OWE]	Open with exception
[TBD]	To be determined
[RESTRICTED PENDING]	Restricted pending

Aboriginal Heritage Inquiry System

Survey Report Catalogue

Report ID	Catalogue Number	Title	Author	Old Ref No.
102141	HSR GM 1993 BAV [OWE]	Aboriginal Archaeological Heritage Sites at the Proposed Oakajee Industrial Site, April 1993.	Bavin, Louise J	98 032 ✓
102053	HSR GM 1996 MAC	Aboriginal Heritage Survey: Coastal Zone Oakajee and Buller Rivers. 1996.	Machin, Barrie	98 030 ✓
22767	HSR GM 2007 GOO	An Aboriginal Heritage Survey for the Geraldton to Northampton Water Supply Pipeline, Mid-West Region, Western Australia	Goode, Brad	2994/07 ✓
23509	HSR 2008 GOO	An Aboriginal Heritage Survey for the Proposed Rezoning of Pt Victoria Loc 2510 Chapman Valley Road; Chapman Valley Shire Western Australia	Goode, Brad	3445/09 ✓
104080	HSR GM 1982 PEA	Archaeological survey at Oakjee River for Mitchell Plateau Bauxite Co Pty. Ltd.	Pearce, R.	82 075 ✓
104379	HSR MW 1986 HAL	Australian Research Grants Scheme: Final Report on the Project the Swan Coastal Plain, Western Australia.	Hallam, S.	86 069 ✓
104384	HSR GM 1999 RAN	Buller River Burials site 15858 : investigation and management suggestions regarding exposed remains	Randolph, Peter.	0192/99 ✓
17056	HSR GM 1990 WAR [CLOSED]	Buller River North burial : site report and salvage operation	Warren, Louis.	90 024 ✓
104340	HSR GM 1999 OCO	Consultation with Mullewa Wadjari Native Title applicants regarding archaeological sites on or near Kingstream Steel Project at Oakajee	O'Connor, R.	0176 99 ✓
104341	HSR GM 1999 MCD	Draft report on archaeological investigations Oakajee Industrial Estate, port facility and buffer zone	McDonald, Hales and Associates.	0175 99 ✓
17629	HSR GM 2000 MCD	Heritage management plans : Oakajee Industrial Estate, port facility and buffer zone Geraldton, Western Australia	McDonald, Hales and Associates.	0349 00 ✓
105290	HSR GM 2000 BOW	Oakajee gas lateral corridor section 16 (e) : strategic environmental review	Bowman Bishaw Gorham	0584 01 ✓
22402	HSR GM 2005 OCO	Report of an ethnographic survey of Coronation Beach Road	O'Connor, R & E Pty Ltd.	2713 07 ✓
17654	HSR GM 1998 MAR	Report on a survey for archaeological sites in the area between Allanooka Summit WaterTank and the Oakajee offtake, WA, to be impacted by the construction of a water pipeline	Marmion, D	0358/00 ✓
103322	HSR GM 1997 COR	Report on an Archaeological Survey, Proposed Coastal Development, Oakajee River, Geraldton. Jan. 1997.	Corsini, S.	98 033 ✓
103960	HSR GM 1993 MAC [OWE]	Report on an Ethnographic Survey of Aboriginal Heritage for Proposed Oakajee Industrial Site. Jan. 1993.	Machin, Barrie	98 031 ✓
22186	HSR GM 2005 OCO	Report on an ethnographic survey of Coronation Beach Road	R & E O'Connor Pty Ltd	2541 06 ✓



Aboriginal Heritage Inquiry System

Survey Report Catalogue

Report ID	Catalogue Number	Title	Author	Old Ref No.
19414	HSR GM 2001 FIS [OWE]	Report on an ethnographic survey of the proposed land corridor for a gas lateral from the Dampier to Bunbury Natural Gas Pipeline to the Oakajee Industrial Estate north of Geraldton, WA	Fisher, Stuart	0890 02 ✓
101894	HSR GM 1997 QUA	Report on archaeological survey for Aboriginal sites, Geraldton Oakajee rail line	McGann, Sally	0021 99 ✓
105172	HSR GM 1999 COR	Report on the recovery of human skeletal remains AAD site 15858, Buller River, Geraldton, Western Australia	Corsini, Stephen,	0536 01 ✓
22403	HSR GM 2005 ROB	Results of an ethnographic heritage survey Coronation Beach Road realignment and boardwalk construction	Robinson, Kathryn	2714 07 ✓
22196	HSR GM 2005 ROB	Results of an ethnographic heritage survey: Coronation Beach Road realignment and Boardwalk construction.	Robinson, Kathryn	2639/06 ✓
106644	HSR P 2002 PAR	S18 consultation under the Aboriginal Heritage Act (1972) of proposed north-south & east-west infrastructure corridors on the Burrup Peninsula Western Australia	Parker, Ronald T	1209 02 ✓
103515	HSR GM 1999 MCD	Supplementary report on sand quarry areas Oakajee Industrial Estate Geraldton, Western Australia	McDonald, Hales and Associates.	0143 99 ✓
104295	HSR GM 1996 SCH [OWE]	The Aboriginal Cultural Heritage of the Geraldton Coastal Area. June 1996.	Schwede, M.	96 066 ✓
19415	HSR GM 2000 MOR	The Oakajee gas lateral pipeline route : a report of a survey for archaeological sites	Morse, Kate	0889 02 ✓



Search Criteria

69 sites in a search polygon. The polygon is formed by these points (in order):

MGA Zone 50	
Northing	Easting
6841500	261500
6841500	271500
6828000	271500
6828000	261500

Disclaimer

Aboriginal sites exist that are not recorded on the Register of Aboriginal Sites, and some registered sites may no longer exist. Consultation with Aboriginal communities is on-going to identify additional sites. The AHA protects all Aboriginal sites in Western Australia whether or not they are registered.

Copyright

Copyright in the information contained herein is and shall remain the property of the State of Western Australia. All rights reserved. This includes, but is not limited to, information from the Register of Aboriginal Sites established and maintained under the Aboriginal Heritage Act 1972 (AHA).

Legend

Restriction	Access	Coordinate Accuracy
N No restriction	C Closed	Accuracy is shown as a code in brackets following the site coordinates. [Reliable] The spatial information recorded in the site file is deemed to be reliable, due to methods of capture.
M Male access only	O Open	[Unreliable] The spatial information recorded in the site file is deemed to be unreliable due to errors of spatial data capture and/or quality of spatial information reported.
F Female access	V Vulnerable	

Status

L Lodged	IR	Insufficient information (as assessed by Site Assessment Group)	Site Assessment Group (SAG) Sites lodged with the Department are assessed under the direction of the Registrar of Aboriginal Sites. These are not to be considered the final assessment. Final assessment will be determined by the Aboriginal Cultural Material Committee (ACMC).
I Insufficient information	PR	Permanent register (as assessed by Site Assessment Group)	
P Permanent register	SR	Stored data (as assessed by Site Assessment Group)	
S Stored data			

Spatial Accuracy

Index coordinates are indicative locations and may not necessarily represent the centre of sites, especially for sites with an access code "closed" or "vulnerable". Map coordinates (Lat/Long) and (Easting/Northing) are based on the GDA 94 datum. The Easting / Northing map grid can be across one or more zones. The zone is indicated for each Easting on the map. i.e. "9000000:250" means Easting=5000000, Zone=50.

Aboriginal Heritage Inquiry System

Register of Aboriginal Sites

Site ID	Status	Access	Restriction	Site Name	Site Type	Additional Info	Informants	Coordinates	Site No.
436	P	O	N	Woods Farm Paintings	Painting		pat. x	265136mE 6845152mN Zone 50 [Unreliable]	S02941
438	P	O	N	Buller River Mouth-North	Artefacts / Scatter, Midden / Scatter		CA	266030mE 6830656mN Zone 50 [Unreliable]	S02943 ✓
439	P	O	N	Royce Farm Paddock 01	Artefacts / Scatter	SCA	x	265338mE 6839851mN Zone 50 [Unreliable]	S02944
440	P	O	N	Royce Farm Quarry	Quarry, Artefacts / Scatter	SCA	x	265788mE 6839951mN Zone 50 [Unreliable]	S02945
441	P	O	N	Royce Farm Paddock 02	Artefacts / Scatter		x	267538mE 6840751mN Zone 50 [Unreliable]	S02946
443	P	O	N	Forth Farm Complex	Artefacts / Scatter	SCA	*Registered Informant names available from DIA.	267904mE 6830459mN Zone 50 [Reliable]	S02948 ✓
444	P	O	N	Royce Farm Burial	Skeletal material/Burial, Artefacts / Scatter	SCA marginal to SCA x	*Registered Informant names available from DIA.	267590mE 6839621mN Zone 50 [Reliable]	S02949
445	P	O	N	Hemsley Farm	Artefacts / Scatter	out	*Registered Informant names available from DIA.	268565mE 6828430mN Zone 50 [Reliable]	S02950 ✓
4433	P	O	N	Oakajee Springs Scatter	Artefacts / Scatter SCA + marginal to G1K1		*Registered Informant names available from DIA.	268504mE 6833669mN Zone 50 [Reliable]	S02815 ✓
4531	P	O	N	Buller River North.	Skeletal material/Burial, Artefacts / Scatter	Camp CA	*Registered Informant names available from DIA.	264738mE 6834351mN Zone 50 [Unreliable]	S02592 ✓
4532	P	C	N	Buller River North Reburial	Skeletal material/Burial	CA	*Registered Informant names available from DIA.	Not available for closed sites	S02593 ✓



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Register of Aboriginal Sites

Site ID	Status	Access	Restriction	Site Name	Site Type	Additional Info	Informants	Coordinates	Site No.
4893	P	O	N	Oakajee River 01	Artefacts / Scatter	SCA	*Registered Informant names available from DIA.	264738mE 6840651mN Zone 50 [Reliable]	S01721
4894	S	O	N	Oakajee River 02	Artefacts / Scatter	SCA	*Registered Informant names available from DIA.	265238mE 6840351mN Zone 50 [Reliable]	S01722
4895	S	O	N	Oakajee River 03	Artefacts / Scatter	CB	*Registered Informant names available from DIA.	263758mE 6837051mN Zone 50 [Reliable]	S01723 ✓
4896	P	O	N	Oakajee River 04	Artefacts / Scatter	CB	*Registered Informant names available from DIA.	264138mE 6837151mN Zone 50 [Reliable]	S01724 ✓
4897	S	O	N	Oakajee River 05	Artefacts / Scatter	CB	*Registered Informant names available from DIA.	264438mE 6837151mN Zone 50 [Reliable]	S01725 ✓
4898	P	O	N	Oakajee River 06	Artefacts / Scatter	CB	*Registered Informant names available from DIA.	264438mE 6837301mN Zone 50 [Reliable]	S01726 ✓
4899	S	O	N	Oakajee River 07	Artefacts / Scatter	CB	*Registered Informant names available from DIA.	264538mE 6837531mN Zone 50 [Reliable]	S01727 ✓
4900	S	O	N	Oakajee River 08	Artefacts / Scatter	CB/SCA	*Registered Informant names available from DIA.	264938mE 6837251mN Zone 50 [Reliable]	S01728 ✓
4901	P	O	N	Oakajee River 09	Artefacts / Scatter	SCA	*Registered Informant names available from DIA.	265138mE 6837451mN Zone 50 [Reliable]	S01729 ✓
4902	P	O	N	Oakajee River 10	Artefacts / Scatter	SCA	*Registered Informant names available from DIA.	265238mE 6837201mN Zone 50 [Reliable]	S01730 ✓
4903	P	O	N	Oakajee River 11	Artefacts / Scatter	SCA	*Registered Informant names available from DIA.	265638mE 6837251mN Zone 50 [Reliable]	S01731 ✓

Aboriginal Heritage Inquiry System

Register of Aboriginal Sites

Site ID	Status	Access	Restriction	Site Name	Site Type	Additional Info	Informants	Coordinates	Site No.
4904	P	O	N	Oakajee River 12	Artefacts / Scatter	SCA	*Registered Informant names available from DIA.	265638mE 6837351mN Zone 50 [Reliable]	S01732 ✓
4905	P	O	N	Oakajee River 13	Artefacts / Scatter	SCA	*Registered Informant names available from DIA.	265938mE 683751mN Zone 50 [Reliable]	S01733 ✓
4906	I	O	N	Oakajee River 14	Artefacts / Scatter	SCA	*Registered Informant names available from DIA.	265988mE 6837591mN Zone 50 [Reliable]	S01734 ✓
4907	(S)	O	N	Oakajee River 15	Artefacts / Scatter	SCA	*Registered Informant names available from DIA.	266238mE 6837601mN Zone 50 [Reliable]	S01735 ✓
4908	P	O	N	Oakajee River 16	Artefacts / Scatter	* SCA	*Registered Informant names available from DIA.	266288mE 6838451mN Zone 50 [Reliable]	S01736
4909	P	O	N	Oakajee River 17	Artefacts / Scatter	SCA	*Registered Informant names available from DIA.	266638mE 6837051mN Zone 50 [Reliable]	S01737 ✓
5465	P	O	N	Drummonds Cove	Skeletal material/Burial	CA/SCA		265638mE 6829651mN Zone 50 [Unreliable]	S00668 ✓
5562	I	O	N	Geraldton	Engraving	eat		268638mE 6828651mN Zone 50 [Unreliable]	S00007 ✓
15015	P	O	N	South Oakajee 1	Artefacts / Scatter	CA		265908mE 6830386mN Zone 50 [Reliable]	S03037 ✓
15016	P	O	N	South Oakajee 2	Artefacts / Scatter	CA		264523mE 6834321mN Zone 50 [Reliable]	S03038 ✓
15857	P	O	N	Buller River Area	CA/SCA	Camp, Hunting Place, Water Source	*Registered Informant names available from DIA.	265929mE 6830326mN Zone 50 [Reliable]	✓



Aboriginal Heritage Inquiry System

Register of Aboriginal Sites

Site ID	Status	Access	Restriction	Site Name	Site Type	Additional Info	Informants	Coordinates	Site No.
15858	P	O	N	Buller River S	Skeletal material/Burial	CH	*Registered Informant names available from DIA.	265842mE 6831488mN Zone 50 [Reliable]	✓
15859	P	O	N	Coronation Beach Area S	in SCA x in CH	Camp, Hunting Place	*Registered Informant names available from DIA.	262410mE 6839091mN Zone 50 [Reliable]	
15911	(S)	O	N	Buller River Tributary	Artefacts / Scatter	in SCA		269528mE 6831301mN Zone 50 [Reliable]	
16114	(S)	O	N	Oakajee Industrial Estate 01	Artefacts / Scatter	Border of S12 & G122	*Registered Informant names available from DIA.	266897mE 6831880mN Zone 50 [Reliable]	✓
16115	(S)	O	N	Oakajee Industrial Estate 02	Artefacts / Scatter	Border of S12 & G122	*Registered Informant names available from DIA.	266383mE 6831780mN Zone 50 [Reliable]	✓
16117	(S)	O	N	Oakajee Industrial Estate 04	Artefacts / Scatter	Border of S12 & G122	*Registered Informant names available from DIA.	265356mE 6833510mN Zone 50 [Reliable]	✓
16118	(S)	O	N	Oakajee Industrial Estate 05	Artefacts / Scatter	Border of CH & S12	*Registered Informant names available from DIA.	265222mE 6834087mN Zone 50 [Reliable]	✓
16119	(S)	O	N	Oakajee Industrial Estate 06	Artefacts / Scatter	CH	*Registered Informant names available from DIA.	265117mE 6834537mN Zone 50 [Reliable]	✓
16120	(S)	O	N	Oakajee Industrial Estate 07	Artefacts / Scatter	Border of CH & S12	*Registered Informant names available from DIA.	265148mE 6835111mN Zone 50 [Reliable]	✓
16121	P	O	N	Oakajee Industrial Estate 08	Artefacts / Scatter	S12	*Registered Informant names available from DIA.	266115mE 6833990mN Zone 50 [Reliable]	✓
16122	P	O	N	Oakajee Industrial Estate 09	Artefacts / Scatter	S12	*Registered Informant names available from DIA.	266095mE 6834094mN Zone 50 [Reliable]	✓

Aboriginal Heritage Inquiry System

Register of Aboriginal Sites

Site ID	Status	Access	Restriction	Site Name	Site Type	Additional Info	Informants	Coordinates	Site No.
16123	(S)	O	N	Oakajee Industrial Estate 10	Artefacts / Scatter	Border of 51° 4' 41" E	*Registered Informant names available from DIA.	267402mE 6834211mN Zone 50 [Reliable]	✓
16124	P	O	N	Oakajee Industrial Estate 11	Artefacts / Scatter	SIX	*Registered Informant names available from DIA.	266829mE 6834211mN Zone 50 [Reliable]	✓
16125	P	O	N	Oakajee Industrial Estate 12	Artefacts / Scatter	SIX	*Registered Informant names available from DIA.	266467mE 6833694mN Zone 50 [Reliable]	✓
16126	P	O	N	Oakajee Industrial Estate 13	Artefacts / Scatter	SIX	*Registered Informant names available from DIA.	267015mE 6833669mN Zone 50 [Reliable]	✓
16127	(S)	O	N	Oakajee Industrial Estate 14	Artefacts / Scatter	SIX	*Registered Informant names available from DIA.	266276mE 6833093mN Zone 50 [Reliable]	✓
16128	(S)	O	N	Oakajee Industrial Estate 15	Artefacts / Scatter	SIX	*Registered Informant names available from DIA.	266479mE 6832771mN Zone 50 [Reliable]	✓
16129	(S)	O	N	Oakajee Industrial Estate 16	Artefacts / Scatter	Border of 51° 4' 41" E	*Registered Informant names available from DIA.	266760mE 6831887mN Zone 50 [Reliable]	✓
16130	P	O	N	Oakajee Industrial Estate 17	Artefacts / Scatter	SIX	*Registered Informant names available from DIA.	265459mE 6833853mN Zone 50 [Reliable]	✓
16131	P	O	N	Oakajee Industrial Estate 18	Artefacts / Scatter	SIX	*Registered Informant names available from DIA.	265489mE 6833853mN Zone 50 [Reliable]	✓
16132	(S)	O	N	Oakajee Buffer Zone 01	Artefacts / Scatter	Marginal to 51° 4' 41" E - part in SEA	*Registered Informant names available from DIA.	268453mE 6833668mN Zone 50 [Reliable]	✓
16133	P	O	N	Oakajee Buffer Zone 02	Artefacts / Scatter	part in SEA as marginal to 51° 4' 41" E	*Registered Informant names available from DIA.	268383mE 6833936mN Zone 50 [Reliable]	✓



Aboriginal Heritage Inquiry System

Register of Aboriginal Sites

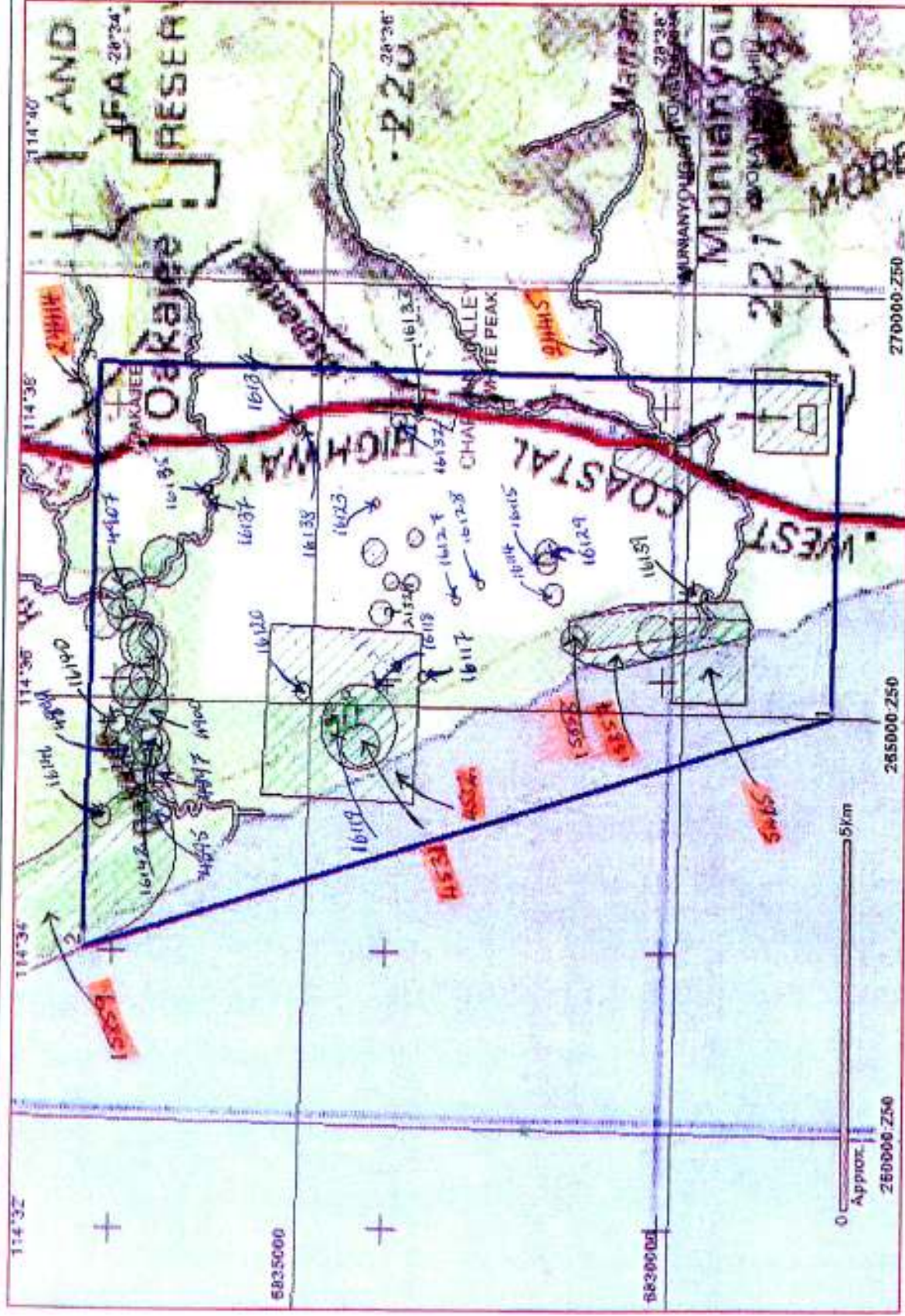
Site ID	Status	Access	Restriction	Site Name	Site Type	Additional Info	Informants	Coordinates	Site No.
16134	(S)	O	N	Oakajee Buffer Zone 03	Artefacts / Scatter	SCA and marginal to G1/21		268292mE 6835256mN Zone 50 [Reliable]	✓
16135	(S)	O	N	Oakajee Buffer Zone 04	Artefacts / Scatter		SCA	267517mE 6836502mN Zone 50 [Reliable]	✓
16136	P	O	N	Oakajee Buffer Zone 05	Artefacts / Scatter		SCA	267498mE 6836491mN Zone 50 [Reliable]	✓
16137	(S)	O	N	Oakajee Buffer Zone 06	Artefacts / Scatter		SCA	267348mE 6836489mN Zone 50 [Reliable]	✓
16138	(S)	O	N	Oakajee Buffer Zone 07	Artefacts / Scatter	SCA + marginal to G1/21		268261mE 6835298mN Zone 50 [Reliable]	✓
16139	P	O	N	Oakajee Buffer Zone 08	Artefacts / Scatter		CM	266423mE 6829861mN Zone 50 [Reliable]	✓
16140	P	O	N	Deep Water Port 01	Artefacts / Scatter		CM/SCA boundary	264714mE 6837616mN Zone 50 [Reliable]	✓
16141	(S)	O	N	Deep Water Port 02	Artefacts / Scatter		CM/SCA boundary	263573mE 6837796mN Zone 50 [Reliable]	✓
16142	(S)	O	N	Deep Water Port 03	Artefacts / Scatter		CM	264228mE 6837161mN Zone 50 [Reliable]	✓
18395	P	O	N	Ogl F88	Artefacts / Scatter		in SCA	271302mE 6834796mN Zone 50 [Reliable]	✓
21329	I	O	N	Oakajee Industrial Estate Isolated Artefacts	Artefacts / Scatter	[Other: Multiple Isolated Artefacts]	SLX	266477mE 6833976mN Zone 50 [Unreliable]	✓



Aboriginal Heritage Inquiry System

Register of Aboriginal Sites

Site ID	Status	Access	Restriction	Site Name	Site Type	Additional Info	Informants	Coordinates	Site No.
24412	L	O	N	Ngurlunga (White Peak Hill)	Ceremonial, Mythological, Historical	Camp, Named Place, Natural Feature, Water Source	*Registered Informant names available from DIA.	269917mE 6828654mN Zone 50 [Reliable]	
24414	P	O	N	Oakajee River	Mythological <i>SCA Get part outside</i>	Natural Feature	*Registered Informant names available from DIA.	267200mE 6838553mN Zone 50 [Reliable]	✓
24415	P	O	N	Buller River	Mythological <i>SCA Get part outside</i>	Natural Feature	*Registered Informant names available from DIA.	269522mE 6831723mN Zone 50 [Reliable]	✓



Appendix Four:

Minutes of Aboriginal Meetings (in date order)

x

MINUTES OF MEETING OF LANDCORP WITH NAAGUJA NATIVE TITLE GROUP RE OAKAJEE STRUCTURE PLAN, 19TH SEPTEMBER, 2010

In Attendance

LandCorp: Travis McNaught (TM), John Quilty (JQ);
R+E O'Connor Pty Ltd: Ted Hart (TH); Rory O'Connor (RO);
Naaguja: Lindsay Councillor (LC); Yvonne Radcliffe (YR); Ron Councillor; Keith
Councillor; Margaret Ranger.

Meeting opened at 10:35 with Ted thanking all for attendance, explaining who each person is and reason for the meeting.

1 minute's silence for deceased Traditional Owners and acknowledged Traditional Owners.

Ted advised that he will be the Chair of the meeting.

TM introduced the Structure Plan of Oakajee Industrial Estate and explained LandCorp is Manager of the estate and separate from OPR which was chosen by the State to build the Oakajee Port and rail into the port. OPR is owned by Crosslands and Mitsubishi. LandCorp will transfer port land to GPA to lease to OPR, but that transfer won't occur until sure the OPR project is going ahead. Another part of project is Narngulu-Oakajee corridor linking Oakajee and Narngulu, which is responsibility of Department of Planning. TM then described the Structure Plan.

RO: Questions – Clarified the transfer of land and also explained that land along Narngulu-Oakajee corridor all freehold.

TM: Structure Plan will go to Chapman Valley Shire Council in November, then to the W.A. Planning Commission. Named the consultants involved in preparing the Structure Plan.

JQ outlined site environment: Site is one of the most environmentally suitable sites for heavy industry. Elevated, groundwater is deep and of low quality and quantity, draining to ocean below the south-west corner of the estate.

LC noted that fresh water can be located on ocean floor off Drummonds Cove.

JQ acknowledged that sheep used to get fresh water from shallows near beach off Oakajee. Continued that of 1300 ha for industry within estate all but 80ha has already been cleared. So no significant flora or fauna habitat within the estate.

Very windy area. Several years' data indicate prevailing winds are SE to SW. So emissions from industry will be carried predominantly northwards. Modelling of air emissions, noise and risk in 1990s were basis for determining distribution of these emissions and thus determining an appropriate buffer to the estate – which is the grey area on Structure Plan. This is more than enough area to contain impacts of any pollutants.

With respect to visual impact, although estate is on high ground it is not particularly visible. Cannot be seen when driving past due to high ridge between estate site and North-West Coastal Highway. In addition, 100 metre wide strip planted to trees and shrubs along this ridge in 1999 will provide an extra 10 metres height to screening effect of ridge. LandCorp has also established sandalwood plantations to north, south and east of estate to provide a continuous envelope of vegetation on all sides.

TM: OPR will have to clear a significant amount of coastal vegetation.

YR asked whether noise from estate would impact Northampton.

JQ: Stringent noise standards will be applied to industry. No industrial noise will reach Northampton.

TM: Northern part of estate buffer is bigger because of prevailing winds.

JQ: In eastern buffer there is much remnant vegetation. LandCorp will likely revegetate portions of this eastern buffer which are not otherwise used, allowing that there will be road and rail corridors through it. The adequacy of the buffer reinforces the environmental suitability of the site.

TM: The fact LandCorp owns the buffer means it is in good position to manage it. Tenants of houses within the buffer (which are owned by LandCorp and rented out) will be asked to vacate if and when they are impacted by industry, and the houses will then be demolished.

Power will be brought to the estate by 132kv line from the south. Also possibility of a private power station on-site supplied by lateral from the Dampier-Perth Natural Gas Pipeline. In long term, 330kv line from Pinjar to Eneabba will be extended to Oakajee.

Water for domestic consumption only will come from Water Corp's Northampton pipeline in short term.

LC: Upgrade this pipeline?

TM: Probably duplicate it. Larger quantities of water for industry may be obtained from deep bores sunk locally, depending on outcome of current investigations, or from the Casuarina aquifer to the south-east which is also presently being investigated. OPR is planning a desalination plant in Coastal Zone to supply its needs for non-potable water.

LC: When we spoke to Water Corp re Northampton pipeline we asked if it would be affected by Oakajee estate. They didn't acknowledge this - it was too far ahead to consider.

TM: People may have been sceptical about likelihood of estate happening because it failed previously (Kingstream plans).

TM indicated that renewable energy sources are also being considered, Possible windfarm site in northern buffer and, when 132 kv line comes through providing link to grid, can seek private windfarm developer. Also possibility of wavepower. Scope also for elevated dam in northern buffer to act as "battery" for renewable energy: wind turbine would provide energy to pump seawater up from ocean to dam and this water then powers turbines when it flows under gravity back to sea level.

YR enquired about possible solar power.

TM: Has been considered, but advised that salt spray and dust would affect efficiency of the panels.

Water Corp considering future Waste Water Treatment Plant in south-eastern buffer as indicated on Structure Plan.

TM invited further questions.

YR: Any land available for Indigenous people?

TM: Relying on OPR getting up before commit to any land allocation. Earliest LandCorp will bring on land for development is 2015. Weld Range Metals is one proponent already considering locating in estate.

YR: Want to have land to use and gain benefits. We talk to OPR also and get positive replies.

LC: What kind of industry will locate in Strategic Industry Zone?

TM: Most likely would be processing of iron ore, Weld Range Metals is considering a stainless steel plant.

LC: How about transport industries?

TM: Yes, but if required in the short-term we would recommend considering Narngulu where LandCorp has approximate 200 ha available now.

LC: General interest of Naaguja is to negotiate an area of land for Walinjari Logistics Pty Ltd and develop this land for transport industry. Four years would be the type of lead time to negotiate for such an area.

JQ: How much would be needed?

LC: 10 - 20 acres. Would like to discuss possible arrangements with positive outcomes for Naaguja. Would like to commence talks with LandCorp immediately with view to negotiating an agreement between Naaguja and LandCorp.

TM: I would be interested in pursuing such discussions, but it would be contingent on OPR going ahead with the port development.

LC spoke of Naaguja and OPR developments. His transport company is interested in growth and could submit a substantial proposal as it is linked with other companies. They have found OPR most cooperative. What Naaguja is seeking to negotiate has no bearing on Native Title claims for Crown Land along the coast for, while they can't forget who they are and their connection with the land, they must get involved in development.

YR: Reiterated Naaguja interest in a plot of land for industrial use.

LC: Land could be base for a group such as Naaguja.

TM: Transport will be an ideal industry for this area.

JQ: Sought further information on Lindsay's Company.

LC explained it is predominantly transport but have engaged an experienced project officer to advise on other opportunities. Need networking and relationships to get ahead. The way forward is to get people to know that we are keen and want to get ahead.

TM: Handed out his business cards.

LC: Is LandCorp selling or leasing land at Narngulu.

TM: Both selling and leasing.

LC: We want to get a base in Geraldton.

TM: Narngulu land is available now for lease to suitable proponents. It's not serviced but services are available in the general area.

MINUTES TAKEN OVER BY TM.

11.30 RO explained Aboriginal Heritage Management Plan.

RO stated that the AHMP is draft No.2 and based on standard DIA template. Draft No.1 sent first to client for comments and corrections. Draft No.2 goes to indigenous stakeholders. Feedback not required immediately - copies distributed for people to take away and consider at their leisure. Comments will be incorporated and then

sent as draft to DIA. Once DIA endorsement is received the AHMP will become the central document (final).

Long history of consultation on Oakajee, including most recent consultation on sandalwood plantation. Significant survey work also previously undertaken, Eddie McDonald undertook some particularly extensive work.

Heritage Register includes both permanent and stored definitions.

LC queried categories of significance on DIA Register. All sites are significant spiritually regardless of status. LandCorp cannot disturb any identified site unless S18 approval is granted.

RO explained second chapter of AHMP covers Legislation. Prosecutions possible under State legislation. Declaration of significant Aboriginal Area under Commonwealth Heritage Act. Native Title Act can also give rights to protect significant sites to Native Title holders. The three Acts are a powerful grouping of legislation.

RO explained "vis-à-vis" means "in relation to".

AHMP incorporates summary of previous work and sites on the DIA Register. 69 Sites, 26 reports with 11 of these not relevant to the estate, 15 remaining reports looked at expanding the database of heritage sites. In identifying sites, RO has given precedence to Indigenous views on what is a site over archaeological definitions.

40 areas covered by provisions of Act, and breakdown of all significant sites provided. SCA or Special Control Area as described in the AHMP is the estate buffer.

12.25pm - Chair agreed to break for lunch.

After lunch RO continued outline of AHMP.

TM advised that LandCorp will continue to have ownership of southern part of Coastal Zone.

RO outlined suggested management commitments. Relevant groups will continue to be informed on developments. Groups listed in AHMP in alphabetical order, not priority of importance.

Logistics of heritage management discussed.

Section 7.2: replace "appoint officer" with "nominate officer".

Section 7.3: flagging of known sites and areas for future surveys. Not all previous surveys are clearly delineated and some overlap by future survey may be necessary to ensure total coverage.

LC: All Indigenous groups are usually happy to undertake monitoring together as long as each other's stories are respected and not disputed. Naaguja are happy to work together with other groups for monitoring.

Section 8.0 Contingency Plan. Indicates "50 metres" instead of "general vicinity" around site of any find.

LandCorp assisting OPR and DIA in locating an appropriate reburial site for skeletons that may be found in course of development.

Section 8.3 Complaints need to be handled formally and managed appropriately.

Appendix 3 missing a cover page.

Discussion on way ahead:

1. LandCorp to meet with other groups
2. Group members will have 21 days to review AHMP
3. LandCorp to send request for comments / suggestions / corrections to attendees and enclose a stamped-addressed envelope.
4. Draft No.3 will be prepared reflecting comments received at 3 above
5. Draft No.3 will be sent to groups, DIA and Land Council.
6. Naaguja reserve right to decline whether AHMP goes to DIA.

YR enquired about relocation / salvage of artefacts.

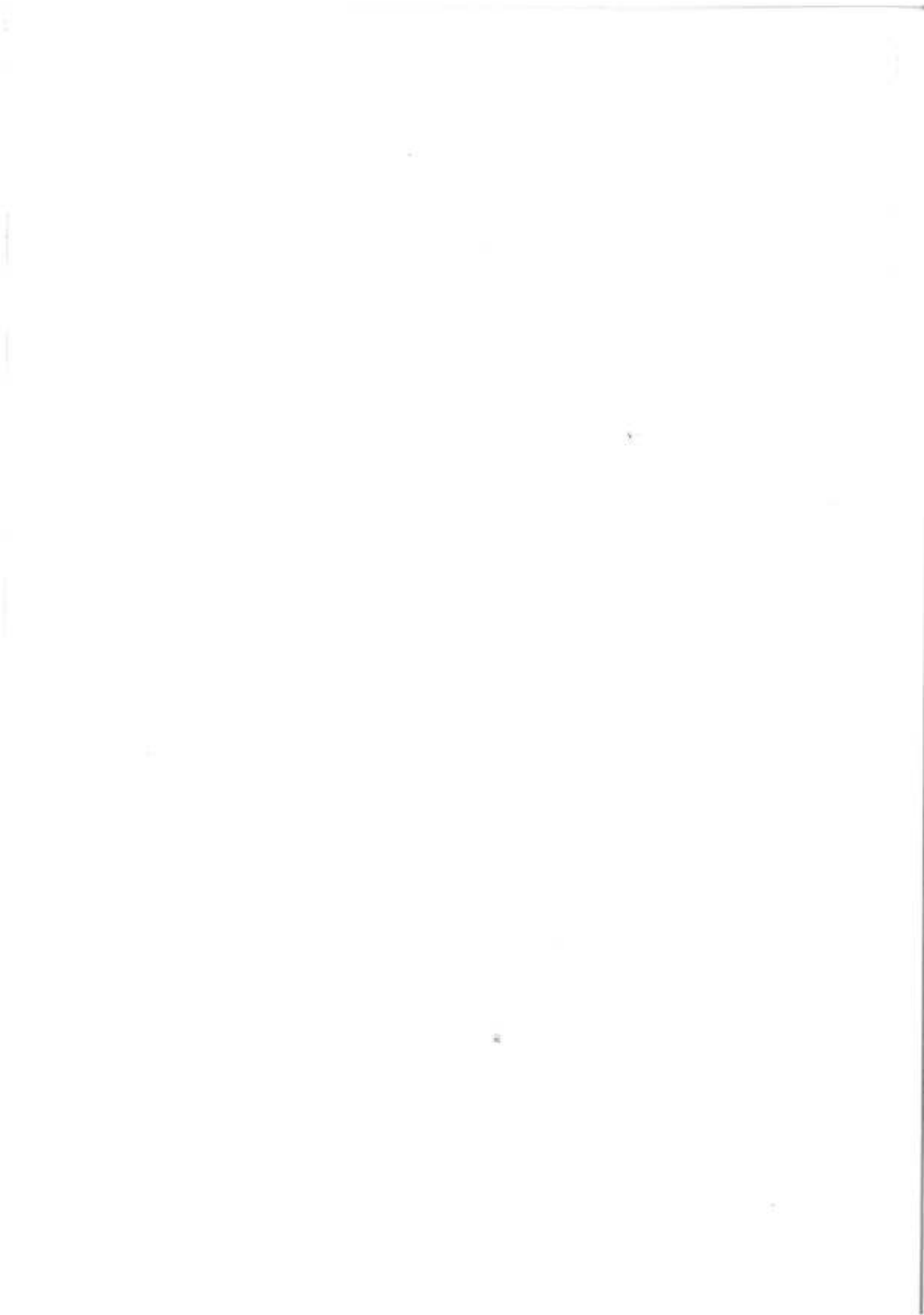
RO: Confirmed there is a management process in AHMP for this to occur.

LC asked if a Heritage Protocol was aligned with a Heritage Management Plan.

RO explained definitions of each.

LC expressed concern OPR Heritage Protocol could be in conflict with LandCorp AHMP.

Chairman closed meeting at 2PM.



**MINUTES OF MEETING OF LANDCORP WITH AMANGU NATIVE TITLE
GROUP
RE OAKAJEE STRUCTURE PLAN, 20TH SEPTEMBER, 2010**

In Attendance

LandCorp: Travis McNaught (TM), John Quilty (JQ);
R+E O'Connor Pty Ltd: Ted Hart (TH); Rory O'Connor (RO);
Amangu: Betty Forsyth; Barry Dodd; Donna Ronan (DR); Raymond Dann (RD);
Wayne Warner (WW); Clarrie Cameron; Rob Ronan.

Meeting opened at 10.30am with Ted acknowledging Traditional Owners and asking for 1 minute's silence for the deceased Traditional Owners. He then introduced the LandCorp representatives.

TM presented the Structure Plan for Oakajee Industrial Estate for which LandCorp is the Manager and emphasises that it is separate from OPR which was chosen by the State to build the Oakajee Port and the rail servicing same. OPR is owned by Crossland and Mitsubishi. LandCorp will transfer land for the port to a third party (Geraldton Port Authority) which will then lease port land to OPR. There will, however, be no land transfer until LandCorp is sure the port development is going ahead.

Another component of the project is the Narngulu-Oakajee service corridor which is the responsibility of the Department of Planning.

TM then described the Structure Plan. Once it is completed, the Structure Plan will be presented to Chapman Valley Shire Council (late November). It will then go to the W.A. Planning Commission. TM then named the consultancies involved in preparation of the Structure Plan.

JQ outlined site environment: Site is one of the most environmentally suitable sites in heavy industry. Elevated, groundwater is deep and of low quality and quantity, draining to ocean below the south-west corner of the estate.

JQ continued that of 1300 ha for industry within estate all but 80ha has already been cleared. So no significant flora or fauna habitat within the estate.

Very windy area. Several years' data indicate prevailing winds are SE to SW. So emissions from industry will be carried predominantly northwards. Modelling of air emissions, noise and risk in 1990s were basis for determining distribution of these emissions and thus determining an appropriate buffer to the estate – which is the grey area on Structure Plan. This is more than enough area to contain impacts of any pollution. JQ acknowledged that sheep used to get fresh water from shallows near beach off Oakajee. Continued that of 1300 ha for industry within estate all but 80ha has already been cleared. So no significant flora or fauna habitat within the estate.

With respect to visual impact, although estate is on high ground it is not particularly visible. Cannot be seen when driving past due to high ridge between estate site and North-West Coastal Highway. In addition, 100 metre wide strip planted to trees and shrubs along this ridge in 1999 will provide an extra 10 metres height to screening effect of ridge. LandCorp has also established sandalwood plantations to north, south and east of estate to provide a continuous envelope of vegetation on all sides.

TM: OPR will have to clear a significant amount of coastal vegetation.

JQ: Stringent noise standards will be applied to industry. No industrial noise will reach Northampton.

TM: Northern part of estate buffer is bigger because of prevailing winds.

JQ: In eastern buffer there is much remnant vegetation. LandCorp will likely revegetate portions of this eastern buffer which are not otherwise used, allowing that there will be road and rail corridors through it. The adequacy of the buffer reinforces the environmental suitability of the site.

TM: The fact LandCorp owns the buffer means it is in good position to manage it. Tenants of houses within the buffer (which are owned by LandCorp and rented out) will be asked to vacate if and when they are impacted by industry, and the houses will then be demolished.

Power will be brought to the estate by 132kv line from the south. Also possibility of a private power station on-site supplied by lateral from the Dampier-Perth Natural Gas Pipeline. In long term, 330kv line from Pinjar to Eneabba will be extended to Oakajee.

Water for domestic consumption only will come from Water Corp's Northampton pipeline in short term. Probably duplicate it. Larger quantities of water for industry may be obtained from deep bores sunk locally, depending on outcome of current investigations, or from the Casuarina aquifer to the south-east which is also presently being investigated. OPR is planning a desalination plant on shoreline to supply its needs for non-potable water.

People may be sceptical because estate fell over previously when Kingstream project failed to materialise.

TM indicated that renewable energy sources are also being considered, Possible windfarm site in northern buffer and, when 132 kv line comes through providing link to grid, can seek private windfarm developer. Also possibility of wavepower. Scope also for elevated dam in northern buffer to act as "battery" for renewable energy: wind turbine would provide energy to pump seawater up from ocean to dam and this water then powers turbines when it flows under gravity back to sea level.

Water Corp considering future Waste Water Treatment Plant in south-eastern buffer as indicated on Structure Plan.

TM explained the history of OIE and indicated that expect to know in March-April next-year if OPR will be going ahead with port and rail development. Will advertise Structure Plan for public comment late this year.

WW: Will farming continue until interrupted?

TM: Yes, in the short to medium term. It will take 50 or so years to fill the estate with industry. No food processing will be, however, allowed in the buffer.

WW: I had in the back of my mind that if the farmers go the buffer could revert to natural bushland.

JQ: LandCorp is interested in protecting remnant bushland and in extending it.

TM: Again mentions the potential for a windfarm within the buffer and of potential for linking a dam with pump-back storage to such windfarm. Any such proposal would be put out to private tender.

RD: Where are the proposed quarries?

TM: Hatched area in north-east corner of the buffer.

WW: What role has GPA got?

TM: They'll own the port land, lease relevant areas to OPR and manage the Port.

DR: Any possibility for Aboriginal land?

TM: There is definitely potential for Aboriginal business such as transport, civil engineering, etc to locate at the estate.

JQ again talked of OIE as particularly suitable site environmentally. Won't impact any significant areas of remnant vegetation, apart from the port development by OPR on the coastal. Spoke of groundwater and explained that Industry will be subject to strict safeguards against pollution. 80% of site drains internally and all is on deep, freely draining sands so rainfall infiltrates, hence no pollution risk to the Buller or Oakajee Rivers.

JQ spoke of noise and dust. Buffer will contain all impacts of industry. To understand how stringent standards are, noise from wind and waves in the coastal environment exceeds EPA night-time noise criteria which must be met at buffer boundary. Will clear the 80ha of remnant vegetation in the core, but offset will be provided for this by revegetation in the buffer.

DR asked about a potential campground.

JQ: A campground similar to that at Coronation Beach is proposed for an area upstream of the mouth of Buller River.

WW: Wont that be inside the buffer?

JQ: Yes, but as it will be low key and informal campground with no permanent occupancy, it should not conflict with land use requirements inside the buffer.

WW: is the campsite the area where there are tamarisks?

JQ: Campsite is on north side of river on flat ground upstream from mouth. There are no tamarisks at the particular location.

TM: Camp is a recommendation of the Shire of Chapman Valley Coastal Management Strategy. Also in the sphere of recreation the Structure Plan identifies a possible walking track around the boundary of the buffer and passing through the Moresby Range.

JQ mentioned the Forest Product sandalwood plantations adjoining the estate in the north, south and east. Associated with these, to the north the Oakajee River valley is already locked up to exclude grazing and permit the remnant vegetation to improve. He also indicated that roads and service corridors leading to and within the estate will be planted to trees and shrubs on both sides.

DR: Will LandCorp lease land to OPR?

TM: Land will be leased during the construction phase by LandCorp and by the GPA during construction and operation.

DR: Possibility of land for us?

TM: If within the port, would need to speak to GPA about land that may become available for lease.

BREAK FOR MORNING TEA

RECOMMENCED MEETING AT 11.20 AM (Minutes taken by TM)

RO: Explained process of receiving comments on AHMP. AHMP based on template. Note that Appendix 1 cover sheet is missing

WW: Page numbers are too small. Need to increase size so they stand out.

Page numbers to be adjusted so they stand out more - ACTION FOR RO

Explanation by RO of AHMP drafts. Firstly, LandCorp gets Draft No.1 to correct any problems. Then Draft No.2 given to the indigenous stakeholders for their comments. No need to make decisions today. Take AHMP away and consider it at leisure. LandCorp will write and ask for comments. Then Draft No.3 to DIA for comment, and also sent to Land Council if groups are agreeable.

WW: Land Council shouldn't recirculate the AHMP. Amangu are happy with present consultation process.

Question asked whether AHMP follows protocols set in legislation.
RO explained legislation which is detailed in Chapter 2 of AHMP.
TM will send an aerial plan and preliminary Structure Plan to all attendees with letter seeking feedback.

Section 2 is on relevant legislation. RO briefed attendees on legislation and declaration to Minister. 2.1 - State, 2.2 - Federal Act, 2.3 - Native Title Act.
Section 3: Scope and Purpose of AHMP - RO briefed group.
Section 4: Previous studies and findings - RO briefed group. Explained 69 listings and 26 survey reports on area within polygon. Explained difference between 'S' and 'P' sites on Register. 9 places of significance and 31 identified by archaeologists. RO identified indicative location of archaeological sites on plan and Figure 3.

RO briefed group further on potential impacts of development, monitoring during ground disturbance and suggested management commitments.

WW: Meetings need to be timely - No retrospective meetings.

Questions asked about recent find by OPR of skeletal remains on coastline.
Highlights the need for monitors while undertaking ground disturbance. Areas need to be identified and shared with people so information can be passed on to future generations.
OPR / DIA have raised potential of fencing off burial area near Coronation Beach Road and erecting memorial. LandCorp as the landowner would support this initiative if agreed / supported by the three Indigenous groups.

RO then outlined process of LandCorp seeking comment.

Comment was made that if Land Council reviews AHMP their comments will need to be consistent with those of the individual groups.

BREAK FOR LUNCH at 12.24PM.

RESUMED MEETING AT 1.07 PM

Discussion on way ahead.

1. LandCorp to write to everyone seeking comments on report. Template for comments to be attached to letters together with stamped, addressed

envelope. Request confirmation from groups on sending AHMP to Land Council.

2. Incorporate changes requested by groups into report Draft No. 3.

Ted to confirm all addresses of group members.

Agreed by all that AHMP should go to Land Council as it must know what groups are doing.

WW: This meeting is evidence that open, quality consultation can happen without Land Council necessarily attending.

SUMMARY:

1. RO briefed on logistics of heritage management.
2. "Appoint Officer" should be replaced by "nominate officer".
3. When doing further survey of estate, overlap survey areas if necessary to ensure nothing is missed.
4. RO briefed on contingency plans.
5. Comment made that if skeletal remains uncovered, police need to be notified as a priority.
6. "General vicinity" within AHMP defined as 50 metres.

Chair closed meeting at 1.47pm

MINUTES OF SECOND (EXTENDED) MEETING OF LANDCORP WITH AMANGU NATIVE TITLE GROUP RE OAKAJEE STRUCTURE PLAN, 21ST SEPTEMBER, 2010

In Attendance

LandCorp: Travis McNaught (TM)); R+E O'Connor Pty Ltd: Ted Hart (TH); Rory O'Connor (RO);

Amangu: Glenys Little as proxy for Rod Little in Canberra.

Apology: John Quilty

TM explained the OIE Project and emphasised that the estate and LandCorp as its Manager are separate from OPR and the port and rail development. He spoke for JQ on environmental issues, the buffer zone, visual impact, etc.

The Structure Plan is a guide to development and, when finalized, will have the AHMP as one of its supporting documents. The Structure Plan and supporting documents will go to Shire of Chapman Valley by Christmas.

Mullewa Shire is to amalgamate with the City of Geraldton- Greenough.

RO provided details on the AHMP.

MINUTES OF MEETING OF LANDCORP WITH MULLEWA WADJARI NATIVE TITLE GROUP RE OAKAJEE STRUCTURE PLAN, 22ND SEPTEMBER, 2010

In Attendance

LandCorp: Travis McNaught (TM), John Quilty (JQ);
R+E O'Connor Pty Ltd: Ted Hart (TH); Rory O'Connor (RO);
Mullewa Wadjari: Leedham Papertalk (LP); Doug Comeagain; Malcolm Papertalk; Glenda Jackamarra (GJ); Robert Flanagan; Charmaine Green (CC); Charlie Collard; Charlie Green; Raymond Merritt Tamara Joseph.

Meeting opened at 10.45am with Ted requesting 1 minute's silence for deceased Traditional Owners, and acknowledged the Traditional Owners. Then introduced TM, JQ & RO.

TM explained ownership of Oakajee Industrial Estate and that LandCorp is separate from OPR which is the State's preferred provider of the port and rail to service it. Expected that OPR will decide by March/April 2011 if port and rail are to go ahead. If they do not proceed it is unlikely that the industrial estate will proceed. TM then explained the zones of the site – Coastal Zone, Strategic Industry Zone and two General Industry Zones with a surrounding buffer (Special Control Area). Housing development can come up to the buffer boundary from the south, but no further. Geraldton Port Authority will have part of the Coastal Zone transferred to them and they will then lease portion to OPR. TM then outlined planned construction of breakwaters.

JQ explained the site environment. Largely cleared of vegetation and used as farmland. No surface water on the site, though two rivers through the buffer. Site is on deep, freely draining sands, so no runoff. Groundwater at 10m to 70m depth, brackish, ok for livestock but otherwise of poor quantity and quality. Groundwater discharges to ocean beneath south-west corner of estate. Industry will be subject to stringent pollution control conditions.

Site is windy with good dispersion characteristics. Boundaries of buffer determined by modelling studies which considered noise, air quality and risk. There will be no unacceptable air quality or noise impacts beyond buffer, and no serious visual impacts. Previous plantings along crest of eastern ridge which is boundary to SIZ, and of sandalwood and acacias on ground adjoining northern, eastern and southern edge of estate provide envelope of vegetation around the estate.

State owns all the estate in freehold title.

Remnant vegetation in eastern buffer will be locked up and there will be further planting in the future to extend this vegetation, including revegetation of foothills of Moresby Range.

TM: Structure Plan is a guide to development and will be submitted to the Shire of Chapman Valley in November. Presently finalising the document.

CC: How big is the one lot which is not owned by State (in south-west)?

JQ: 40 to 50 hectares I think.

TM: The property which has not been acquired has an operating limesand quarry.

MINUTES TAKEN OVER BY TM.

RO explained that we are meeting to discuss Draft No.2 of AHMP. Draft No.1 was sent to LandCorp for corrections which were then incorporated into Draft No.2.

RO explained that group will have approximately 3 weeks to consider AHMP and provide comments. LandCorp will send out a letter following this meeting seeking comment.

CC asked how consensus is reached.

RO explained that the AHMP is to guide LandCorp and its lessees on legislation and local groups' wishes in dealing with management of cultural materials and any skeletal remains encountered during site development.

RO pointed out that Cover Page to Appendix 1 is missing..

Section 1: Background already covered in presentation by LandCorp.

Section 2: Relevant legislation and offences under the Act explained AND declaration of emergency.

Section 3: Scope and purpose of AHMP.

RO explained that "vis a vis" means "in regard to"

Section 4: RO briefed group on previous studies and findings. 69 listings, 26 reports, 11 outside area leaving 15 which are listed on page 12, 13 & 14 of AHMP. Explained difference between stored data, insufficient information, and permanent data in Register. Significant Sites vs archaeological sites. "SCA" refers to Special Control Area otherwise known as the Buffer.

Section 5: RO briefed group of potential effects of development and possible management strategies.

Section 6: RO briefed group on suggested management commitments RO. Will overlap future survey areas where there is uncertainty on coverage of previous surveys.

Section 7: RO briefed group on logistics for implementation of AHMP.

Section 8: "Appoint an Officer" should be changed to "nominate an officer".

LP questioned ownership of land and will Aboriginal groups be consulted.

GJ questioned re UCL on coastline.

TM said he believed UCL had been transferred by State Land Services to Port Area in 2008/9. Several people asked why there had been no negotiation under the Native Title Act.

BREAK FOR LUNCH AT 12.33PM.

RESUMED AFTER LUNCH

RO briefed group on contingency plans and complaints procedure.

Draft No.3 will be sent by TM to Ronald Bower.

MEETING CONCLUDED

Appendix Five:

Written Comments from Aboriginal Participants

Rory O'Connor

From: "Yamwas" <yamwas@inet.net.au>
To: "Kasey Green" <Kasey.Green@landcorp.com.au>
Sent: Thursday, 18 November 2010 7:38 PM
Subject: RE: Aboriginal Heritage Management Plan- Oakajee

Good evening Kasey,

Before I provide the feedback I just wanted to clarify a couple of things.

- You'd be aware I did not attend a meeting regarding this despite the letter being addressed to me. Therefore did not receive any of the documentation or an envelope to return the feedback.
- I received the documentation from you last week.
- I was fortunate to be able to talk with Ted via phone one evening when he visited Glenis Little (my proxy).

I, Rod Little, have read the Draft #2 of the Oakajee Industrial Estate Aboriginal Heritage Management Plan, and wish to make the following comments.

Background

- Will the plan incorporate a 'lawful' process to enable undiscovered sites to be registered?
- Will discussions with groups with known or claimed association with sites be prioritized & resolved within a reasonable timeframe?
- Will I be privy/have opportunity to comment on the 'separate document' re: the proposed areas not addressed in this plan?
- It appears likely 'other proponents' for development may arise, what potential impacts will this have on relocation of remains or sites?

3.0 Scope & Purpose

- The plan must record all potential and identified sites as part of a heritage process and exhaust all means of protection, preservation to establish or contribute Aboriginal historical knowledge of the area for the future.

4.0 Previous studies & findings

- Will all investigations be made available to interested Aboriginal groups?
- Site 24415, and other potential 'buffer or non-development zones – will interested Aboriginal groups be offered management opportunities of zones land & vegetation?
- Site 4531, will it be possible for reburial to the original site and be protected? Is this outside of the OIE development zone?

5.0 Effects of development

- strongly encourage management strategies for the SCA underpin this plan, which must involve interested Aboriginal groups with local connection. These people will have custodial responsibilities to pass on/share heritage knowledge of the area for generations to come.
- Salvage and relocation processes, including recording and training would be support acknowledgement and participation in heritage preservation.

6.0 Management commitments

- Agree with Aboriginal consultation & involvement with the management.
- Strongly advocate for only the Amangu group are involved as the OIE lay within their claim area, if others are suggested being involved then propose a negotiation process be conducted and whole group is notified.
- Protocols and strategies must be developed to record discovery and a record of actions taken to protect and preserve.

7.0 Logistics for management

- Include equitable monitoring and maintenance programs
- Aboriginal group with legitimate heritage interest must be considered priority contractors where possible.
- Consider partnership opportunities for heritage connected Aboriginal people. [Amangu]

- Suggest where applicable 'should' be replaced with 'must' to strengthen relationship between all parties, in particular Aboriginal people and their connection to area and heritage.
- Ensure perimeters, access routes and zones are negotiated minimize disturbance and preservation. What standards are there for the buffer zones or service and infrastructure corridors?
- Monitor training and rostering must be implemented to enable skills & knowledge development, and where applicable or possible certificates of attainment.
- Training in recording and reporting back to Aboriginal group/s families would be a useful process to impart knowledge. Recommend a reporting process [format] be adopted and be a part of the plan.

8.0 Contingency Plans

- Formal notification and recording must be part of the plan. Replace should where applicable.
- Training in the identification of skeletal materials and sites is paramount and negotiations must be had relating to management.
- Are Police able to identify remains as Aboriginal or will this take some other professional in this field? What impact will the identification time impact on registering site?
- Complaints process needs to be authorized and acted upon accordingly & recorded.

Finally, will there be an opportunity for an on-site heritage office to utilized as a base for monitors, SHO, safety and to promote a visible professional partnership/collaborative arrangement.

Regards
Rod Little
Amangu Applicant
(02) 62824458

From: Kasey Green [mailto:Kasey.Green@landcorp.com.au]
Sent: Thursday, 18 November 2010 5:54 PM
To: 'yamwas@ilinet.net.au'; 'rod.little@pa.edu.au'
Subject: Aboriginal Heritage Management Plan- Oakajee

Hi Rod

Sorry to bother you again but I was hoping to chase up any last feedback forms regarding the Aboriginal Heritage Management Plan for Oakajee that people had indicated they would like to include before we continue. If we haven't received anything by Tuesday 23/11 we will proceed with producing Draft 3.

Hope all is well with you

Cheers,

Kasey Green
Project Officer
LandCorp



Level 3 Wesfarmers House 40 The Esplanade Perth Western Australia
T: 08 9482 7583 F: 08 9481 0861
E: Kasey.Green@landcorp.com.au W: www.landcorp.com.au

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Rory O'Connor

From: "Yamwas" <yamwas@inet.net.au>
To: "Kasey Green" <Kasey.Green@landcorp.com.au>
Sent: Tuesday, 7 December 2010 5:54 AM
Subject: RE: Aboriginal Heritage Management Plan- Oakajee

Hi Kasey

Responses below help to clarify most things, however there is one grave concern. Whilst I acknowledge the legislation and it's framework for implementation and compliance etc, I am concerned that the it &/or the AHMP appears to disregard the priority rights of traditional owners of the heritage or native title claim area. I refer to responses at point 7.0 – monitoring and maintenance programs & partnership negotiations must be with the people legitimately connected to the said areas. In other words, in accordance with traditional customs and traditions, other groups from outside our area respectfully have no authority to care for our culture or lands.

Also, 8.0 dot point 3, I don't think the second question has been answered. Are there any real or perceived impact on sites due to timing for dna testing?

I look forward to draft #3.

Rod

From: Kasey Green [mailto:Kasey.Green@landcorp.com.au]
Sent: Monday, 6 December 2010 7:44 PM
To: 'Yamwas'
Subject: RE: Aboriginal Heritage Management Plan- Oakajee

Hello Rod

Thankyou once again for your detailed feedback regarding the Aboriginal Heritage Management Plan draft #2, we found it extremely productive. Please see the below responses to your questions (in red).

We will also be forwarding you a copy of the AHMP Draft #3 in the near future.

Kind regards,

Kasey Green
 Project Officer
 LandCorp



Level 3 Wesfarmers House 40 The Esplanade Perth Western Australia 6000
T: 08 9482 7583 **F:** 08 9481 0861 **M:**
E: Kasey.Green@landcorp.com.au **W:** www.landcorp.com.au

From: Yamwas [mailto:yamwas@inet.net.au]
Sent: Thursday, 18 November 2010 7:38 PM
To: Kasey Green
Subject: RE: Aboriginal Heritage Management Plan- Oakajee

Good evening Kasey,

Before I provide the feedback I just wanted to clarify a couple of things.

- You'd be aware I did not attend a meeting regarding this despite the letter being addressed to me. Therefore did not receive any of the documentation or an envelope to return the feedback.
- I received the documentation from you last week.
- I was fortunate to be able to talk with Ted via phone one evening when he visited Glenis Little

(my proxy).

I, Rod Little, have read the Draft #2 of the Oakajee Industrial Estate Aboriginal Heritage Management Plan, and wish to make the following comments.

Background

- Will the plan incorporate a 'lawful' process to enable undiscovered sites to be registered? **The requirements of the Aboriginal Heritage Act 1972 will be followed at all times. accordingly, all actions in respect of newly discovered sites will be lawful.**
- Will discussions with groups with known or claimed association with sites be prioritized & resolved within a reasonable timeframe? **Yes**
- Will I be privy/have opportunity to comment on the 'separate document' re: the proposed areas not addressed in this plan? **Yes, all relevant parties will have that opportunity.**
- It appears likely 'other proponents' for development may arise, what potential impacts will this have on relocation of remains or sites? **All proponents will be required to follow the AHMP once it has been accepted by the relevant parties.**

3.0 Scope & Purpose

- The plan must record all potential and identified sites as part of a heritage process and exhaust all means of protection, preservation to establish or contribute Aboriginal historical knowledge of the area for the future. **We agree.**

4.0 Previous studies & findings

- Will all investigations be made available to interested Aboriginal groups? **The reports on previous Aboriginal heritage surveys are publicly available at the Department of Indigenous Affairs.**
- Site 24415, and other potential 'buffer or non-development zones – will interested Aboriginal groups be offered management opportunities of zones land & vegetation? **Managed access to heritage sites can be discussed.**
- Site 4531, will it be possible for reburial to the original site and be protected? Is this outside of the OIE development zone? **It is outside of the industrial estate but is within the area that will be controlled by the Geraldton Port Authority.**

5.0 Effects of development

- strongly encourage management strategies for the SCA underpin this plan, which must involve interested Aboriginal groups with local connection. These people will have custodial responsibilities to pass on/share heritage knowledge of the area for generations to come. **We agree. Aboriginal people will be involved at all stages of development.**
- Salvage and relocation processes, including recording and training would be support acknowledgement and participation in heritage preservation. **It is likely that salvage and relocation will be required by the minister as part of a section 18 consent process. aboriginal people will be involved in those activities.**

6.0 Management commitments

- Agree with Aboriginal consultation & involvement with the management. **Noted.**
- Strongly advocate for only the Amangu group are involved as the OIE lay within their claim area, if others are suggested being involved then propose a negotiation process be conducted and whole group is notified. **Whilst noting this comment, Landcorp will be required by Department of Indigenous Affairs to involve all native title claimant groups in the consultative process leading up to a section 18 application.**
- Protocols and strategies must be developed to record discovery and a record of actions taken to protect and preserve. **We agree.**

7.0 Logistics for management

- Include equitable monitoring and maintenance programs. **Monitoring and maintenance programmes will be equitable for all relevant groups.**
- Aboriginal group with legitimate heritage interest must be considered priority contractors

where possible. **This will be considered prior to undertaking surveys.**

- Consider partnership opportunities for heritage connected Aboriginal people. [Amangu] **We are willing to meet and consider proposals from any of the groups.**
- Suggest where applicable 'should' be replaced with 'must' to strengthen relationship between all parties, in particular Aboriginal people and their connection to area and heritage. **We agree**
- Ensure perimeters, access routes and zones are negotiated minimize disturbance and preservation. What standards are there for the buffer zones or service and infrastructure corridors? **Heritage sites will be avoided if possible. the requirements of the Aboriginal Heritage Act 1972 will be followed at all times.**
- Monitor training and rostering must be implemented to enable skills & knowledge development, and where applicable or possible certificates of attainment. **We agree.**
- Training in recording and reporting back to Aboriginal group/s families would be a useful process to impart knowledge. Recommend a reporting process [format] be adopted and be a part of the plan. **The reports on aboriginal heritage surveys will be provided to the department of indigenous affairs where they will be publicly available.**

8.0 Contingency Plans

- Formal notification and recording **must** be part of the plan. Replace **should** where applicable. **We agree .**
- Training in the identification of skeletal materials and sites is paramount and negotiations must be had relating to management. **We agree .**
- Are Police able to identify remains as Aboriginal or will this take some other professional in this field? What impact will the identification time impact on registering site? **Police normally give a small portion of the skeletal material to their forensic people. dna tests establish the ethnic identity of the material.**
- Complaints process needs to be authorized and acted upon accordingly & recorded. **We agree.**

Finally, will there be an opportunity for an on-site heritage office to utilized as a base for monitors, SHO, safety and to promote a visible professional partnership/collaborative arrangement. **Depending on what work is being undertaken and where, it will probably be necessary to establish a base from which the monitors can operate.**

Regards
Rod Little
Amangu Applicant
(02) 62824458

From: Kasey Green [mailto:Kasey.Green@landcorp.com.au]
Sent: Thursday, 18 November 2010 5:54 PM
To: 'yamwas@inet.net.au'; 'rod.little@pa.edu.au'
Subject: Aboriginal Heritage Management Plan- Oakajee

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Hope all is well with you

Cheers,

Kasey Green
Project Officer
LandCorp



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T: 08 9482 7583 F: 08 9481 0861
E: Kasey.Green@landcorp.com.au W: www.landcorp.com.au

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COMMENTS ON OAKAJEE INDUSTRIAL ESTATE AHMP

We, Rob Ronan and Donna Ronan, of the Amangu Native Title Claimant Group have read Draft #2 of the Oakajee Industrial Estate AHMP and

1. Approve it in its present format ✓

or

2. Wish to make the following comments in its regard: ✓

DEAR TRAVIS. THANK YOU FOR THE OPPORTUNITY TO EXPRESS MY THOUGHTS & FEELINGS TO LANDCORP. LANDCORP IS IN A POSITION TO GIVE TRADITIONAL OWNERS WHO HAVE HAD AN ASSOCIATION WITH PARTICULAR AREAS OF LAND IN THE PAST, SOME KIND OF EXCLUSIVE RIGHTS IF NOT FREE HOLD TENURE. IN THE PAST MY GRANDFATHER AND MY FATHER AND MYSELF HUNTED ON PARTICULAR AREAS OF LAND WHICH ONCE BELONGED TO ABORIGINAL PEOPLE (IE: TRADITIONAL OWNERS). AS EVERYONE KNOWS, THE LAND WAS TAKEN FROM US BY GOVERNMENTS WHO ARE IN A POSITION TO AT LEAST PUT SOME OF THE WRONG'S RIGHT. LANDCORP CAN LEAD THE WAY TO SHOW THE WORLD THAT THE GOVERNMENT IS NOT THE HEARTLESS INVADER THAT TOOK OUR COUNTRY AND GAVE US NOTHING IN RETURN. I WOULD LIKE TO THINK THAT YOU IN YOUR POSITION COULD BE AN ADVOCATE BASIC HUMAN RIGHTS THAT HAVE BEEN DESTROYED BY COLONIALISM. THIS HAS ALWAYS BEEN MY FEELINGS

YOURS SINCERELY

Rob Ronan

10.11.10

Rory O'Connor

From: "Leedham Papertalk" <leedham.papertalk@gmail.com>
To: "Kasey Green" <Kasey.Green@landcorp.com.au>
Sent: Tuesday, 23 November 2010 9:37 PM
Attach: att40b51.1
Subject: Re: Landcorp comments. Mullewa Wadjari
 Thanks.

Kasey.

Yes I have acknowledged your information passed onto me.

I have been on field work and will deliver the mail received onto those to comment on the meeting we had in Geraldton.

regards.

Leedham.

*Leedham telephoned Ted Hart on
 26/11/2010 & approved Minutes and
 AHMP on behalf of group.*

----- Forwarded message -----

From: Kasey Green <Kasey.Green@landcorp.com.au>
Date: 18 November 2010 19:30
Subject:
To: "leedham.papertalk@gmail.com" <leedham.papertalk@gmail.com>

Hello Leedham

I have recently joined LandCorp and helping Travis McNaught on the Oakajee and Namgulu projects. With regards to the meeting with the Mullewa Wadjari Native Title Group on the 22nd September and subsequent feedback forms that were sent out (hopefully you received this), I was hoping to chase these feedback forms up or if you would like to make any comment via email on the plan?

As timing is now becoming quite critical we need to receive this/if any as soon as possible. If we haven't received anything by Tuesday 23/11 we will proceed with producing Draft 3 with the understanding that there is no further feedback.

Thanks Leedham and have a great day

Kind regards,

Kasey Green
 Project Officer
 LandCorp

Level 3 Wesfarmers House 40 The Esplanade Perth Western Australia
 T: 08 9482 7583 F: 08 9481 0861
 E: Kasey.Green@landcorp.com.au W: www.landcorp.com.au

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[<www.landcorp.com.au>](http://www.landcorp.com.au)

--
Leedham Papertalk
Mullewa Wadjari
0458 098 977

Click [here](#) to report this email as spam.

Rory O'Connor

From: "Lindsay Councillor ED Walinjari Logistics Pty Ltd" <l.councillor@walinjari.com.au>
To: "Kasey Green" <Kasey.Green@landcorp.com.au>
Sent: Thursday, 18 November 2010 3:25 PM
Subject: RE: Feedback forms
 Hi Casey

I apologise for not getting back to you sooner. For some reason I thought I had responded, but by going through my sent emails, I realise I haven't.

I've taken time to read the draft document, and am satisfied with its content. Margaret Ranger has asked me to pass on that she too has no issue with the draft document.

Kindly
 Lindsay Councillor

From: Kasey Green [mailto:Kasey.Green@landcorp.com.au]
Sent: Thursday, 18 November 2010 2:30 PM
To: 'l.councillor@walinjari.com.au'
Subject: Feedback forms

Hello Lindsay

Sorry to bother you again but I was hoping to chase up any last feedback forms regarding the Aboriginal Heritage Management Plan for Oakajee that people had indicated they would like to include before we continue. If we haven't received anything by Tuesday 23/11 we will proceed with producing Draft 3.

Thanks Lindsay, hope the travels went well last time we spoke.

Cheers

Kasey Green
 Project Officer
 LandCorp



Level 3 Wesfarmers House 40 The Esplanade Perth Western Australia
 T: 08 9482 7583 F: 08 9481 0861
 E: Kasey.Green@landcorp.com.au W: www.landcorp.com.au

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COMMENTS ON OAKAJEE INDUSTRIAL ESTATE AHMP

I, Yvonne Radcliffe, of the Naaguja Native Title Claimant Group have read Draft #2 of the Oakajee Industrial Estate AHMP and

1. Approve it in its present format *Yvonne Radcliffe*

or

2. Wish to make the following comments in its regard:

Appendix Six:

Comments from Department of Indigenous Affairs



ENQUIRIES : Anneka Bunt - Ph. 9235 6126

OUR REF : 02/0667-02

YOUR REF : 204 16 14

Dirk Sellenger
Chief Executive Officer
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532

RECEIVED
28 JUN 2011

BY:

Dear Mr Sellenger

OAKAJEE INDUSTRIAL ESTATE STRUCTURE PLAN

The Department of Indigenous Affairs (DIA) would like to thank the Shire of Chapman Valley for providing DIA the opportunity to comment on the Oakajee Industrial Estate (OIE) Structure Plan. Of specific importance to DIA is the Aboriginal Heritage Management Plan for the OIE.

It is understood the AHMP is a draft and will be refined as the project develops and further heritage surveys conducted. For more comprehensive guidance on the development of AHMPs, please refer to the guidelines on the DIA website: <http://www.dia.wa.gov.au/Documents/HeritageCulture/Heritage%20management/ACHMPguidelines.pdf>

For future drafts of the AHMP, the following recommendations are made:

The AHMP should include:

- A summary of consultation and key stakeholder list - those consulted in the process of developing the AHMP - detail the process used to consult, comments from Aboriginal people, issues/requests from consultation ✓
- A summary of heritage work so far conducted. I.e. the AHMP must identify whether ethnographic and archaeological surveys have been conducted for all of the area subject to the plan and detail the processes and outcomes of such surveys 4.1-4.3
- Assessment and statement of significance of the area and the sites it contains

5.1, 5.2

- Activity description – clear and relevant information about the nature, duration and extent of the proposed activity to assess the scope for potential impact on Aboriginal heritage. ?
- Specific management recommendations for each site to be impacted 7.3
- Permits/ protocols in use by the company or in agreement between company and their agents and contractors to trigger reviews of all ground disturbance activities prior to commencement. 6.4, 7.1, + 7.2
- Maps of sufficient quality to clearly identify the activity area and the Aboriginal cultural heritage of the area.

Also it should be stated that Aboriginal heritage sites are protected under the provisions of the AHA, whether registered or known to DIA or not. ✓

Please be advised that DIA, the WA Police and Yamatji Marlpa Aboriginal Corporation (representing the Traditional Owners) have entered into a Memorandum of Understanding which sets in place protocols for the discovery of Ancestral remains in the Murchison Gascoyne region. This document details an agreed process following any discovery and considers all relevant legislation and policies by all signatories. These processes provide guidance and should be acknowledged in the AHMP. ✓

If you require further advice or clarification of any of the above, please contact Anneka Bunt, Senior Heritage Officer on 9235 8126 or anneka.bunt@dia.wa.gov.au

Yours sincerely



Jeremy Elliott
Manager Heritage North

June 2011

called and discussed
8/11/2011
Explained AHA
is a guiding
document only.
maps, shape files,
etc will accompany
individual SIB
applications in
due course.

Appendix Seven:

Draft Regional Ancestral Remains Management Protocol

MEMORANDUM OF UNDERSTANDING
BETWEEN
DEPARTMENT OF INDIGENOUS AFFAIRS
[DIA]
AND
THE WESTERN AUSTRALIA POLICE
[POLICE]
AND
YAMATJI MARLPA BARNA BABA MAAJA ABORIGINAL CORPORATION
[YMBBMAC]

DEFINITIONS

Recommended that a brief section outlining definitions is included

INTRODUCTION

1. The Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation (YMBBMAC), Department of Indigenous Affairs (DIA) and the Western Australia Police (Police) (The Parties) are entering into this Memorandum of Understanding (MOU) to establish a mutual agreement in relation to the management of Aboriginal ancestral remains in the claim areas represented by YMBBMAC.
2. The Parties believe that it is important to understand, support and respect each other's rights and obligations under legislation and traditional law and custom, and wish to do this by building better relationships through the operation of this MOU.
3. All Parties acknowledge that Aboriginal People are the original inhabitants, custodians and native title claimants of land and water in the Murchison/Gascoyne region of Western Australia and that the management of ancestral remains is a sensitive cultural issue which requires consultation with the appropriate traditional owners.
4. The YMBBMAC, DIA and the traditional owners and custodians acknowledge that the Police have obligations to ensure compliance with various legislative requirements and duties in relation to the investigation of skeletal remains.
5. This MOU forms part of the consultation process between the parties to establish a mutual understanding and process, which should be followed in relation to the management of Aboriginal ancestral remains.
6. The Parties acknowledge that this MOU is not a legally binding contract and all parties reserve their right to withdraw from this MOU at any time in the future.
7. This MOU applies only to those areas for which YMBBMAC is the Native Title Representative Body.

UNDERSTANDINGS

As part of the mutual understanding:

8. The Police commit themselves to support and assist, where possible, the DIA and the traditional owners in ensuring that cultural sensitivities are recognized and considered when investigating the skeletal remains.
9. The DIA, YMBBMAC and traditional owners commit themselves to working co-operatively with the Police to ensure that resources are used effectively and that the process outlined in this MOU are followed.
10. YMBBMAC commit themselves to providing DIA and the Police with notification of the appropriate traditional owners, who can direct the DIA in relation to the management of the ancestral remains.
11. The Parties commit themselves to consider adopting other appropriate processes to allow for the parties continuing to work together into the future.
12. The Parties commit to investigating the development of an interface for sharing of information, which they are not prohibited from sharing under legislation or policy.
13. The Parties commit to following the process outlined in Schedule 1 of this MOU.

REVIEW OF THE MEMORANDUM OF UNDERSTANDING

14. The Parties agree to:

Reviewing this MOU 12 months from the date of commitment.

Meet where required to identify and discuss matters which should be considered at the time of the first formal review.

Meet where required after the initial review, where considered necessary.

SCHEDULES

15. The schedules to this agreement form part of the MOU.

INCLUSIVENESS

16. The Signatories to this MOU acknowledge that there are other parties who may wish to adopt the process outlined in this agreement. If a party wishes to do this they may in consultation with YMBBMAC, DIA and the Police become a signatory to this MOU.

Regional Ancestral Remains Management Protocol

Cultural sensitivities statement

Aboriginal ancestral remains, or skeletal remains, are of great and particular significance to Aboriginal people.

The key principle in ancestral remains management is *respect*. In all stages of the handling of ancestral remains it is important to ensure that respect and sensitivity is shown at all times for the remains and the people who are custodians for them under traditional law and custom.

Communication

It is important to identify the correct and appropriate Aboriginal people to consult with regarding ancestral remains management for the following reasons:

- Aboriginal people have direct ties and relationships with ancestral remains. Aboriginal people also often have cultural obligations in relation to ancestral remains which they are required to fulfil.
- Consultation regarding ancestral remains management needs to be with the right people who speak for that country.
- There may be gender sensitivities in how ancestral remains are handled and reburied, and these should be identified and managed early in the process through consultation.
- The Aboriginal traditional owners or custodians are the primary determinants for decisions about how ancestral remains are managed, and need to be involved and informed throughout the process.

Management

- Disturbance and handling of ancestral remains should be kept to a minimum, and avoided if possible.
- If ancestral remains are removed from their original location, it is important to have them reburied and managed quickly.
- Where ancestral remains are reburied or secured *in situ*, it is best to endeavour that they are secure and safe in the chosen location, and will be preserved in the long term.
- Aboriginal people are likely to want to rebury the remains in the same manner that they were originally buried (such as orientation, position, or depth below the surface) in accordance with traditional burial practice.
- Aboriginal people may have sensitivities regarding photography of ancestral remains, which should be identified through consultation.

SCHEDULE 1

Murchison / Gascoyne Ancestral Remains Procedure

- 1 If any Party to this agreement receives notification they should fill in Ancestral Remains Discovery Notification Checklist and follow the procedure below:
 - a. The notifier should be advised not to touch the remains or disturb the site in any way.
 - b. If the notifier has arrived with skeletal material removed from the site, this should be handled as little as possible, and secured (in a plastic bag, or box with shredded paper) until the material is collected by the Police.
 - c. If in a development or mining context, the notifier should be advised to stop work in that area and the vicinity immediately.
 - d. It is important to obtain as much information about the location of the remains as possible.
 - e. The notifier should be requested not to discuss the discovery with any other person, including the media.
- 2 Contact the Police **immediately** on 13 14 44, and forward a copy of the Ancestral Remains Discovery Notification Checklist to them – the area could become a "Protected Forensic Area" under the Criminal Investigation Act (Section 46).
 - a. The Police will undertake their investigation of the discovery at the direction of the Coroner. The Police will contact DIA for their involvement if required.
 - b. The Police will inform the landowner that an investigation is being undertaken, and advise them of the possible outcomes.
 - c. The Police are responsible for the security of the site and the provision of information to the Coroner.
- 3 Notify the Registrar of Aboriginal Sites at the Department of Indigenous Affairs (DIA) on (08) 9235 8000, and then the Regional Manager of DIA on 1300 651 077.
- 4 The DIA will notify Yamatji Marpa Aboriginal Corporation (YMAC) who will, where possible, assist in identifying the appropriate Traditional Owners to consult regarding the discovery.
 - a. Contact the Senior Community Liaison Officer on 08 9965 6222 or 042 793 9168, or Regional Manager on 042 964 5646, or Anthropologist on 042 708 9255.
 - b. The YMAC will provide the DIA with contact details for the appropriate Traditional Owners after seeking their approval for the release of this information.
- 5 The DIA will check the Register of Aboriginal Sites for relevant information, and undertake background research.
- 6 The Police will advise the DIA that examination of the remains has been completed on behalf of the Coroner.
 - a. The DIA will assume responsibility for the ancestral remains and the site – as per its requirements under the *Aboriginal Heritage Act*.
 - b. The Police will provide a handover to the DIA, including information regarding the site, such as photographic material, site description, site location information and relevant contact details (which may include the landowner, Police contact, discovery notifier).

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SCHEDULE 1

- c. Where ancestral remains have been collected, arrange for transfer to a suitable temporary keeping place.
- 7 The DIA will contact the landowner and commence arrangements for the initial management of the site until consultation is undertaken with the Traditional Owners.
 - a. The DIA will determine whether the site needs to be further secured, and take action where necessary.
 - b. If the landowner wishes to carry out further development activities on the location the Registrar will provide advice on how to lodge an application to use the land (section 18 Notice). The Registrar will advise the landowner of their obligations under the *Aboriginal Heritage Act 1972 (WA)*.
- 8 The DIA, with the YMAC, will consult with the Traditional Owners to determine the appropriate course of action, which may include a site inspection. Resourcing implications also need to be considered.
- 9 Decisions made about site management as determined by the Traditional Owners.
 - a. This may include further examination or technical analysis of the ancestral remains if requested, or archaeological excavation of the site to collect all the material or provide information, or registering the site as a closed site.
 - b. Site management decisions need to consider long term preservation, security of the remains, access to the site and incorporation of appropriate cultural practices.
 - c. Site management and cultural practices are often specific to the instance and need to be determined on a case by case basis.
- 10 The DIA will obtain appropriate approval from the Registrar for the work to go ahead. This may include:
 - a. Temporary arrangements for secure holding or stabilisation of the remains until further decisions are made;
 - b. Stabilisation of the remains *in situ*;
 - c. Return and reburial of the remains in the original location;
 - d. If the remains may not be reburied in the original location, a suitable alternative must be determined. This may require further discussion and consideration of options; and
 - e. Traditional Owners may determine that cultural practices must be observed as part of the site management.
- 11 The agreed site management actions are implemented.
- 12 The DIA will prepare a site management report and provide copies to the YMAC and Traditional Owners. This may include provision of photographs, however cultural sensitivities regarding the report contents need to be identified and observed.
- 13 The YMAC will ensure that the report is provided to the relevant claim group representatives for their information and record. The DIA will forward copies of the report to Traditional Owners not represented by the YMAC.
- 14 The DIA will ensure that reporting and site recording obligations under State and Commonwealth legislation are addressed. The Registrar will report to the Commonwealth Minister for the Environment, Heritage and the Arts, consistent with

SCHEDULE 1

section 20(1) of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHPA).

- 15 Should a dispute situation arise regarding determining appropriate consultation or management action for the ancestral remains, consistent with section 20(2) of the ATSIHPA the Registrar will refer the matter to the Commonwealth Minister for the Environment, Heritage and the Arts for resolution.

DRAFT

ANCESTRAL REMAINS DISCOVERY NOTIFICATION CHECKLIST

NOTIFIER DETAILS

Name

Telephone
numbers

Address

Date notified

Time notified

OFFICE AND OFFICER RECEIVING NOTIFICATION - POLICE ☐ DIA ☐ YMAC ☐

Name

Telephone
number

ANCESTRAL REMAINS DETAILS

Date and time discovery was
made

Photographs?

If yes, provide description

Nature of the discovery
eg in a development context,
accidental find

Location of discovery provide as
much detail as possible

- Description
- GPS reference

Description of site

- What is visible on the surface?
- Are the remains fragmentary or complete?
- What is the context of the find (in a sand dune, found on the beach)?
- Describe the position of burial if visible

POLICE NOTIFICATION

Have the Police already been notified?

Provide details of station and officer
responsible.

IF NOT, NOTIFY THE POLICE IMMEDIATELY ON 13 14 44 AND OBTAIN

- Officer number
- Police reference number
- Fax number or email of the station
and forward information if
requested

Notify your line manager.

Notify the Registrar of Aboriginal Sites.

DRAFT