Purpose
To provide Government agencies with guidance on the engagement of Aboriginal Heritage Monitors.

Background
Government agencies involved in land use or related activities are obliged to comply with the *Aboriginal Heritage Act 1972* (WA) (AHA). Under the AHA, the Minister for Aboriginal Affairs (Minister) or the Registrar for Sites and Objects (Registrar) may provide consent to the proposed activity on the condition the agency employs an Aboriginal Heritage Monitor (Monitor). In particular circumstances, Monitors may be employed to observe ground disturbance as it is occurring in order to prevent possible harm to Aboriginal heritage. Aboriginal heritage means the Aboriginal site or objects as defined in sections 5 and 6 of the AHA.

Risk to Aboriginal heritage
Where a request for monitoring is not a condition imposed by the Minister or the Registrar, it may be considered as part of a broader risk management strategy. However, monitoring is unnecessary if it is not evident how it will reduce the risk of potential harm to Aboriginal heritage.

To better understand the risks posed to heritage, please refer to the ‘Aboriginal Heritage Due Diligence Guidelines’ (Guidelines), and to the ‘Heritage Risk Matrix’ in schedule 2 of the Guidelines, available on the Department of Aboriginal Affairs website (www.daa.wa.gov.au).

If doubt remains about the risk to heritage, or the effectiveness of engaging a Monitor for your particular circumstances then advice should be sought from the Department of Aboriginal Affairs (DAA).

Circumstances where Monitors may reduce risk
Where the Minister or the Registrar have not made monitoring a condition of their consent to an activity, a Monitor may be required if:

- Aboriginal heritage has been identified close to or within the proposed activity area and there is a high risk of harm; and
- there are reasonable grounds to conclude that the presence of a Monitor could prevent harm to Aboriginal heritage.

Circumstances where Monitors are unnecessary
Monitors are not required if:

- unconditional approval to the activity has been provided through the relevant AHA mechanisms – for example a section 16 or 18 approval under the AHA;
- the proposed activity area has been subject to a valid archaeological or ethnographic heritage survey and no risk to Aboriginal heritage has been identified;

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1 *High risk* refers to the potential risk of harm to Aboriginal heritage as described in the ‘Aboriginal Heritage Due Diligence Guidelines’.
monitoring would amount to observing a land use activity during which there is no ability to prevent physical impact to heritage (for example, during mechanised drilling) and;

emergency activities are being undertaken for the protection of human life, the delivery of emergency services, or in response to natural disaster.

**Government engagement of Aboriginal Heritage Monitors**
The Government agency or land user funding the proposed activity should be directly involved in the engagement of Monitors. The terms and conditions for their engagement should be agreed upon before the monitoring component of the survey or proposed activity can commence.

The members of a survey team including Monitors are not employees of the Government and the Government is not required to have insurance in place for the protection of survey team members.

Monitors present at a work site must conform to all workplace health and safety requirements. Where monitoring cannot be safely undertaken then other strategies may be required to review the ground disturbance – for example Monitors might inspect an area after soil sampling has been completed.

**Selection of Monitors**
Monitors must hold cultural heritage knowledge of the location and have the authority to act in this capacity.

Primary authority for Aboriginal heritage within an area where native title rights have been determined is considered to rest with the native title holders. Or if native title rights are yet to be determined, primary authority is considered to rest with the registered native title claimants. If doubt exists about the selection of an appropriate Monitor then advice should be sought from DAA.

In most circumstances the engagement of up to two Monitors is likely to be sufficient. The number of Monitors engaged should be based on:

- the level of potential risk posed to Aboriginal heritage;
- the complexity of the monitoring task; and
- the size of the area where the activity is to be carried out.

**Monitoring responsibilities**
A Monitor will be expected to diligently carry out their responsibilities, including but not limited to:

- observing the land use activity with the intention of identifying physical evidence of Aboriginal heritage;
- adhering to all the relevant compliance requirements of the location (e.g. safety and occupational health procedures); and
- complying with relevant timeframes and schedules.
**Payment rates**
If Monitors are to be engaged the payment should be consistent with the fees paid to Aboriginal consultants when participating with heritage surveys. Refer to the fee schedule contained in the latest version of the GSHA.

**Definitions used in this policy**
- *Aboriginal heritage* means the Aboriginal site or objects as defined in sections 5 and 6 of the *Aboriginal Heritage Act 1972* (WA) (AHA).

- *Aboriginal Heritage Risk Matrix* means the matrix contained in schedule 2 of the ‘Aboriginal Heritage Due Diligence Guidelines’.

- *Activity* means the definition given in the Government Standard Heritage Agreement to mean ‘physical works or operations’, involving entry on an area (‘whether on the surface of the land or waters, or under or over the surface’).

- *High risk* refers to the potential risk of harm to Aboriginal heritage as described in the ‘Aboriginal Heritage Due Diligence Guidelines’.

**Further information**
Contact the Department of Aboriginal Affairs in the first instance:

Telephone: **1300 651 077** or **08 6551 8004**  
Website: [www.daa.wa.gov.au](http://www.daa.wa.gov.au)

If a heritage survey is part of a native title process advice may also be sought from the Land, Approvals and Native Title Unit at the Department of the Premier and Cabinet

Telephone: **08 6552 5333**  

See also:
- [Aboriginal Heritage Due Diligence Guidelines](http://www.dpc.wa.gov.au/lantu)
- [Heritage Survey Reports](http://www.dpc.wa.gov.au/lantu)