

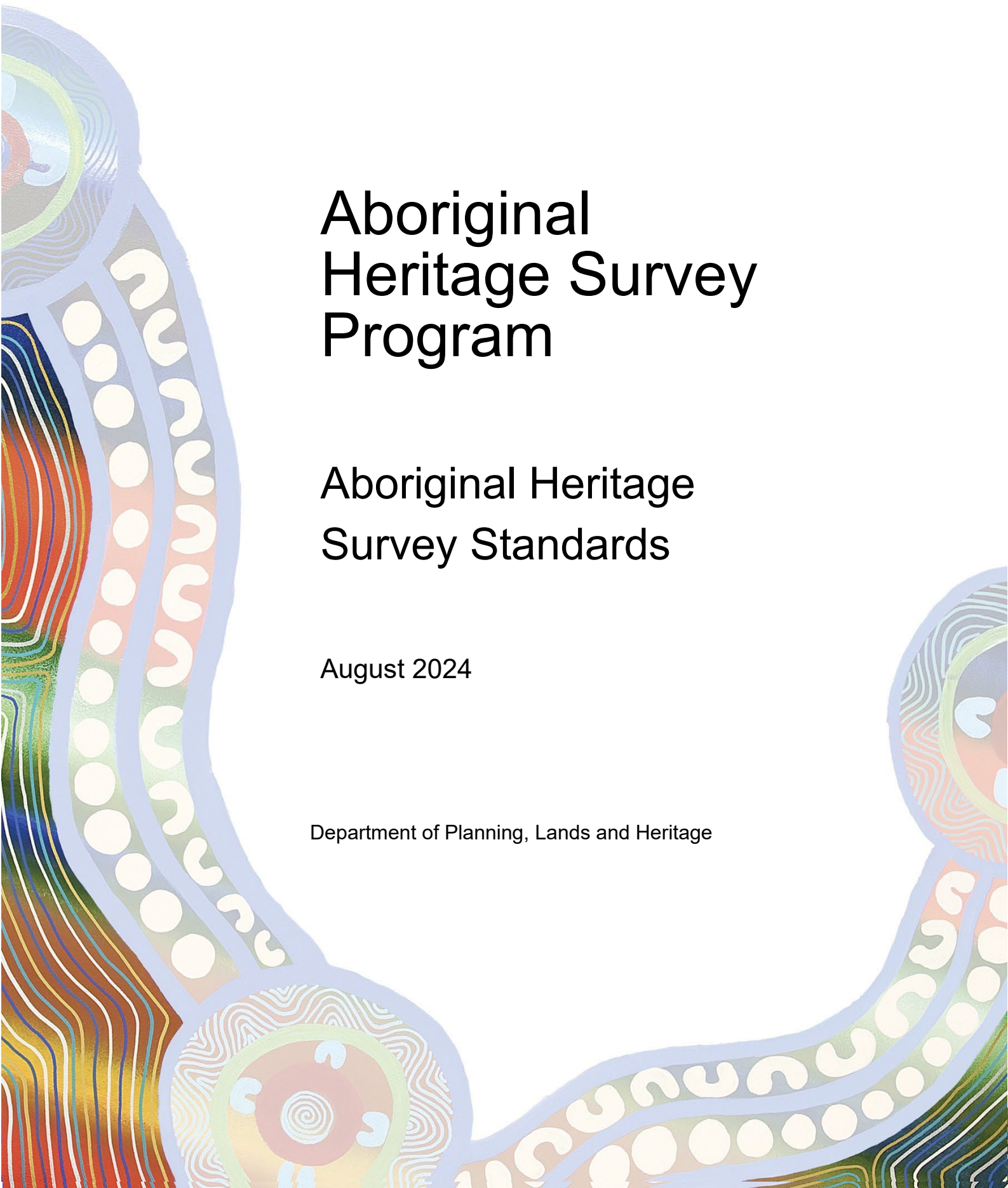


Aboriginal Heritage Survey Program

Aboriginal Heritage Survey Standards

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Department of Planning, Lands and Heritage



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Acronyms and definitions

Aboriginal heritage	Means Aboriginal sites and Aboriginal heritage places
Aboriginal site	Defined in section 5 of the AHA
ACHIS	Aboriginal Cultural Heritage Inquiry System ACHIS (www.wa.gov.au)
ACHknowledge	Department of Planning, Lands and Heritage Aboriginal heritage portal ACHknowledge portal (www.wa.gov.au)
AHA	<i>Aboriginal Heritage Act 1972</i>
AHSP	Aboriginal Heritage Survey Program
Committee	Aboriginal Cultural Heritage Committee
Department	Department of Planning, Lands and Heritage
FOI Act	<i>Freedom of Information Act 1992</i>
Minister	Minister of Aboriginal Affairs
Native title party	As defined in section 18(1AA) of the AHA
Register	Register of Places and Objects as defined in section 38 of the AHA
Report	Aboriginal heritage survey report
Section 16	Section 16 relates to the excavation of, and removal of things from, Aboriginal sites. Authorisations are granted by the Registrar of Aboriginal Sites, on the advice of the Aboriginal Cultural Heritage Committee (Committee), to enter an Aboriginal site and excavate, examine or remove anything on or under the site in a manner and subject to conditions as the Committee may advise. Section 16 authorisations are most commonly used for research purposes including by both universities and the resource sector in conjunction with Aboriginal groups.
Section 18	Where a landowner determines that an Aboriginal site is likely to be harmed by an intended land use, it is the landowner's responsibility to obtain consent from the Minister of Aboriginal Affairs under section 18 of the AHA. The landowner must give notice – known as a section 18 notice – to the Committee which will make a recommendation to the Minister as to whether consent should be granted and any conditions of consent.
Standards	Aboriginal Heritage Survey Program Standards
Survey	Aboriginal heritage survey



Aboriginal Heritage Survey Program Standards

1. Purpose

To assist with the recognition, management, protection, and preservation of Aboriginal sites in Western Australia, the State Government has committed to a 10-year Aboriginal Heritage Survey Program (AHSP) across the State.

An Aboriginal heritage survey (survey) may be required where it is unknown if there is Aboriginal heritage in a survey area. Alternatively, a survey may be required if adequate Aboriginal heritage survey reports (reports) are not available, to confirm the presence or absence of Aboriginal heritage.

The benefits of surveying an area for Aboriginal heritage include:

- better protection of Aboriginal heritage;
- allowing land users to plan their activities to avoid harm to Aboriginal sites;
- provide clarity as to whether future, more detailed, surveys of the area need to be undertaken; and
- improving the accuracy of the Register of Places and Objects (Register).

The Aboriginal Heritage Survey Program Standards (Standards) are for heritage professionals undertaking a survey and preparing a report as part of the AHSP. The reports will be required to meet the Standards.

1.1 Background

The purpose of the AHSP is to:

1. Survey areas to:
 - record Aboriginal heritage for inclusion on the Aboriginal Cultural Heritage Inquiry System (ACHIS) and Register.
 - ensure Aboriginal heritage information can be accessed easily and relied on as part of statutory approvals under the *Aboriginal Heritage Act 1972* (AHA) to use land where Aboriginal sites are located.
2. Accurately remap boundaries of Aboriginal sites and known Aboriginal heritage places where required (such as where former mapping technology did not allow for accuracy).
3. Confirm locations where Aboriginal heritage has not been identified meaning activities can be undertaken without the need for approval under the AHA.

Surveys will be undertaken in consultation with the native title party and require the participation of Aboriginal people and landowner consent.



Consultation on behalf of proponents seeking an approval under the AHA to impact Aboriginal sites does not form part of the AHSP. Rather, the information recorded about the Aboriginal heritage can inform consultation between a proponent, Aboriginal people and the native title party for any subsequent approvals, including section 18 notices. Proponents should refer to the Consultation policy for section 18 applications¹ which outlines the State Government's expectation for consultation prior to submitting a notice under section 18 of the AHA.

1.2 Legislative context

For the purposes of these Standards, Aboriginal heritage means Aboriginal sites and Aboriginal heritage places.

It is important to note that the AHA protects all Aboriginal heritage including Aboriginal heritage about which the Department of Planning, Lands and Heritage (Department) does not hold any information or which has not yet been assessed by the Aboriginal Cultural Heritage Committee (Committee).

The Register lists all **known** places to which the AHA applies. This includes Aboriginal sites, Aboriginal cultural material and protected areas. The Register is incorporated into ACHIS which also includes, but is not limited to, information on Aboriginal heritage places and areas previously subject to surveys that have been submitted to the Department.

1.3 Culturally sensitive information

Aboriginal people who hold cultural knowledge about Aboriginal heritage, or over an area, are not required by the AHA to disclose any culturally sensitive information or otherwise act contrary to Aboriginal customary law or tradition. Culturally sensitive information will not be shared with people without the permission of the person(s) who provided the information for that Aboriginal heritage. It is a requirement to include a justification why the information needs to be restricted and what specific information is to be restricted.

The location of culturally sensitive Aboriginal heritage may be masked by the application of a dithered boundary, if requested by the Aboriginal person(s) who hold cultural knowledge of the Aboriginal heritage. A dithered boundary will protect Aboriginal heritage by providing the general locality of the Aboriginal heritage rather than its specific location.

The *Freedom of Information Act 1992* (FOI Act) recognises certain information, particularly that which qualifies as confidential, is exempt from release. Other exemptions may similarly apply and mechanisms are available under that FOI Act, to permit a third party to object to disclosure or be joined as a party to an application before the Information Commissioner.

1.4 Risk assessment

Surveys ensure better protection of Aboriginal heritage and may inform the planning of activities and reduce the risk of proponents inadvertently harming Aboriginal heritage. However, proponents should note that even after a survey has been conducted, Aboriginal

¹ [Consultation policy for section 18 applications](#)



heritage that was not identified as part of the survey, such as subsurface Aboriginal heritage, may exist in the survey area.

If a report identifies a significant potential for Aboriginal heritage, irrespective of whether the report has documented any other Aboriginal heritage, the proponent should carefully evaluate the need to engage with the native title party before commencing works.

Where a review of ACHIS and the report concludes that no Aboriginal heritage has been identified in the area, no approvals under the AHA are required. However, should a person become aware of Aboriginal heritage, they are required under section 15 of the AHA to report the Aboriginal heritage to the Department and an approval under the AHA may be required. Where section 18 consent has been given by the Minister of Aboriginal Affairs (Minister) in relation to the survey area and new information about Aboriginal heritage is identified, the AHA requires that that new information is provided to the Minister.

2. Survey considerations

A survey undertaken under the AHSP must achieve the purpose as detailed in section 1.1 and should have regard to the following considerations:

- the nomination of the Aboriginal people to participate in the survey e.g. senior and junior, male and female;
- the manner, timing and involvement required for the survey, including the review of the report(s) by the native title party;
- whether any separate cultural restrictions are necessary, including producing separate male and female, or open access reports;
- the type of survey appropriate to meet the purpose; and
- survey method(s).

Discussions regarding the likelihood and/or extent of harm by the proposed land use and/or strategies to mitigate impact to Aboriginal heritage by the activity **do not** form part of AHSP surveys. However, there may be instances where it is appropriate for the AHSP applicant and the native title party to both attend the survey which will contribute to relationship building between the parties, including Aboriginal survey participants. Landowners, as defined in the AHA, who are not able to avoid impact to Aboriginal sites are required to submit a notice under section 18 of the AHA and undertake consultation with the relevant native title party and Aboriginal people as per the Consultation policy for section 18 applications. Positive relationships established through an AHSP survey will assist in this respect.

2.1 Survey types

The type of survey will depend on the views of the native title party, Aboriginal survey participants, previous research and surveys conducted in the area, as well as the information that is sought about Aboriginal heritage to achieve the purpose of the AHSP.



2.1.1 Desktop survey

Desktop surveys are required to identify previous research and surveys conducted in the survey area, and will typically:

- analyse the results of previous surveys and reports;
- consider any limitations;
- provide information on who participated in the surveys; and
- assess the relevance of the information to the current situation.

At the conclusion of the desktop survey, the heritage professional, in consultation with the native title party, should have sufficient contextual information available to:

- identify gaps in known Aboriginal heritage information;
- recommend the content and scope of further surveys required to fill identified gaps;
- collate all available existing Aboriginal heritage information (including cultural, historical and archaeological knowledge);
- determine if there is sufficient information to complete an ACH Submission to update information contained on the Register or ACHIS; and
- evaluate the regional landscape and context of the survey area.

Upon completion of the desktop survey, the native title party and heritage professionals will determine if, and which, on the ground survey is required to achieve the purpose of the AHSP. The two types of on the ground surveys that will be conducted under the AHSP are:

- site avoidance survey; and
- site identification survey.

2.1.2 Site avoidance survey

A site avoidance survey is used to identify any Aboriginal heritage that may be present in the survey area. A site avoidance survey defines the nature and boundary of the location of Aboriginal heritage but does not provide any information on the characteristics nor the importance and significance of the identified Aboriginal heritage.

Site avoidance surveys are typically more appropriate in areas where there is a degree of flexibility to avoid any identified Aboriginal heritage.

Site avoidance surveys will typically:

- evaluate the regional landscape and context of the study area, including:
 - characterising the cultural and archaeological landscape;
 - predicting the nature and distribution of any cultural materials;
- undertake a systematic survey or possibly sample survey of the area; and
- identify the location of Aboriginal heritage, or potential Aboriginal heritage, with a clearly defined boundary.



2.1.3 Site identification surveys

Site identification surveys involve a detailed recording of the characteristics of Aboriginal heritage and include a statement of importance and significance from Aboriginal survey participants by which the Committee can make an assessment whether the Aboriginal heritage meets section 5 of the AHA.

In addition to the information specified for site avoidance surveys, site identification surveys will typically:

- undertake a ground survey of all or part of the area to detect the presence of Aboriginal heritage;
- detail the views of the Aboriginal survey participants about the:
 - values of the identified Aboriginal heritage to Aboriginal people; and
 - include statements of importance and significance of the recorded Aboriginal heritage; and
- provide an analysis for understanding of the recorded Aboriginal heritage.

2.2 Native title party participation and review of report

A survey must provide the required level of detail as to the boundary and location as well as, depending on the survey type, an understanding of the characteristics (including the importance and significance) of any heritage in the survey area. This can only be achieved with the participation of Aboriginal survey participants.

All reports produced as part of the AHSP must be provided to the native title party for a review prior to being finalised.

3. Survey report

At the conclusion of the survey, the heritage professional will be required to produce a report. After the native title party's review of the draft report, the heritage professional will need to submit the finalised report to the Department.

The information in the report must provide enough detail to understand:

- previously recorded information, if available, as relevant to the survey;
- survey coverage/area (see 3.1 below) and any limitations (see 3.3 below);
- survey methods and justification for the methods and survey type selected (see 3.2 below and 2.1.2 and 2.1.3 above);
- the location of Aboriginal heritage located within the survey area (see 3.5 below);
- the views of the Aboriginal people on the recorded Aboriginal heritage; and
- any recommendations and who proposed the recommendations.

Section 4 below provides additional information in relation to recording Aboriginal heritage.



All reports will be held and published by the Department, and available to view by stakeholders, including, but not limited to, heritage professionals and land users, as per Departmental policy and subject to handling of culturally sensitive information.

3.1 Survey coverage/area

Survey areas should be clearly denoted on any spatial data and maps produced, with an individual symbology identifying the desktop and ground survey portions. In addition, any areas of the planned survey area which were not surveyed should be clearly marked as 'not surveyed' and not included in the survey boundary.

3.2 Methods

The methods used for each survey type are the responsibility of the heritage professional. They should be agreed with the native title party and/or Aboriginal survey participants on the basis that the methods are sufficient to reasonably identify all Aboriginal heritage within the survey area. The survey methods must be clearly described in the report.

3.3 Limitations

A report must clearly outline the limitations of the survey and survey methods with regard to being able to identify all Aboriginal heritage within the survey area. Where there exists the possibility for Aboriginal heritage that has not been identified as part of the survey, the limitations must identify the **likelihood** for unidentified Aboriginal heritage to exist within the survey area.

3.4 Results

The results section of the report must include sufficient detail to:

- accurately record the boundary of Aboriginal heritage;
- complete an ACH Submission to submit to the Department; and
- if required, inform consultation between a proponent and the native title party concerning any subsequent section 18 notices.

This should include:

- contextual information;
- how the results have added to the understanding of the Aboriginal heritage;
- if applicable, any other information regarding the significance and importance of the Aboriginal heritage, including direct statements where available from survey participants; and
- any other relevant information or synthesising the results with previous research to further the understanding of the Aboriginal heritage.



3.5 Mapping requirements

All reports must include clear and easily understood spatial data and maps. The minimum requirements include:

- Environmental Systems Research Institute (ESRI) shapefile in GDA 2020 Datum;
- datum of coordinates;
- grid coordinates for georeferencing purposes;
- all areas of Aboriginal heritage listed on ACHIS clearly marked and labelled with the name and ID number; and
- where multiple Aboriginal sites and/or places are included on one map, a corresponding table should clearly specify relevant identifying details including those already recorded on ACHIS and those that are newly recorded.

3.6 Recommended structure

The reports produced at the conclusion of the survey must, at a minimum, include:

- title page:
 - the report title which identifies that the report is part of the AHSP;
 - author and the name of the native title party for the survey area; and
 - the submission date;
- table of contents;
- the date the native title party reviewed the report;
- any cultural restrictions;
- an executive summary that briefly describes the reason for the survey, when and where the survey took place, any key findings, and recommendations²;
- the limitations of the survey, including recording the land surface and vegetation conditions encountered during the survey; how these impacted on the visibility of objects, and how this informs the likelihood of Aboriginal heritage remaining in the survey area;
- a summary of the participation of the native title party and Aboriginal survey participants;
- results of the desktop survey or other research;
- a description of the type of survey undertaken, methods used during the survey and details of the area being surveyed, including:
 - any appropriate sampling strategy, using accurately defined and named survey units:
 - include representative photographs of survey units (and landforms where informative);
 - landform and general soil information, if necessary; and

² Clearly define if the recommendation was made by the Aboriginal survey participant(s) or the heritage professional.

- survey coverage to calculate survey effectiveness;
- detailed description of the information provided by Aboriginal survey participants;
- a results section that accurately identifies the Aboriginal heritage and its boundary including, if applicable, its nature and characteristics, and its importance and significance;
- map(s)³ which must be at an appropriate scale and clearly and accurately detail:
 - Aboriginal heritage boundaries; and
 - areas surveyed (and if required, areas not surveyed); and
- references to all reports, books, articles, and other documents referred to in the report.

4. Recording Aboriginal heritage

All Aboriginal heritage must be separately identified and characteristics detailed as required by the survey purpose. Information about the recorded Aboriginal heritage must be submitted via an ACH Submission through the ACHknowledge portal for inclusion on ACHIS at the conclusion of the survey.

4.1 Boundary

The boundary of the Aboriginal heritage must identify the location where the Aboriginal heritage exists and should not include areas where the Aboriginal heritage does not exist, such as management buffers.

When recording the boundary, a statement of how the boundary was chosen, and the methods used to define the boundary, must be included. Methods may include visual inspection, use of topographic features or linkage to activities that occur or occurred at the place.

The boundary must be linked directly to the area containing the values of the Aboriginal heritage. Cultural landscapes that include multiple areas of Aboriginal heritage and the spaces in-between, within a single boundary, do not meet the definition of an Aboriginal site as set out in section 5 of the AHA.

4.2 Characteristics of Aboriginal heritage

The information recorded on the characteristics of Aboriginal heritage needs to adequately describe the main features, nature and values and provide evidence of its existence, such as scarred trees or standing stones. Noting the management of culturally sensitive information outlined above, it is important to record Aboriginal heritage completely and correctly to assist in preserving knowledge, and management and/or maintenance of the Aboriginal heritage. The characteristics should include:

- a description of the features and nature;

³ Spatial data and shapefile will also need to be submitted that represents each site, place and area surveyed.



- if applicable, the interrelationships between the tangible and intangible aspects; and
- a description of how the Aboriginal heritage is important and significant to Aboriginal people.

4.3 Condition of Aboriginal heritage

A recording of Aboriginal heritage must provide an accurate description of its current condition. This will include a description of any known or observed damage or deterioration from both human and natural causes. It is necessary to provide an accurate description of the current condition of Aboriginal heritage to understand and manage any future impacts.

4.4 Importance and significance

Articulating the importance and significance of the Aboriginal heritage is vital to assist the Committee to determine whether the Aboriginal heritage meets the definition of a site under section 5 of the AHA. Formulaic or boilerplate statements will not be sufficient for establishing importance and significance. Whilst technical analysis can be included in reports, it should not be included in the ACH Submission unless it is used to clearly demonstrate importance and/or significance.

