



Water notes

Water notes for rivers management

Natural Heritage Trust



ADVISORY NOTES FOR LAND MANAGERS ON RIVER AND WETLAND RESTORATION

Safeguarding Aboriginal heritage

This Water Note is intended to provide community members and government staff with an understanding of the importance of rivers and wetlands to Aboriginal people and why there is the need for consultation. The Water Note focuses on legal responsibilities under the *Aboriginal Heritage Act 1972* and the *Native Title Act 1993* and the preferred approach before, and during, river and wetland restoration activities to ensure that sites of heritage or spiritual significance are protected. The note also provides a brief overview of the spiritual significance and history of rivers and wetlands to Aboriginal people.

Aboriginal people have lived on the Australian continent for at least 40,000 years. Over that time they developed a rich, complex and enduring culture, which remains dynamic and alive, and plays an important part in the lives of present-day Aboriginal people. Water, and the landscape features it creates, are important in the customs, folklore and spiritual beliefs of Aboriginal people. Therefore, in seeking to protect and rehabilitate wetlands and rivers, we need to be mindful of Aboriginal heritage values and of the need to consult with Aboriginal people to protect these values.

The long custodianship of Australia by Aboriginal people was interrupted some 220 years ago resulting in a rapid transition to a modern western nation. This has involved considerable suffering from misguided western customs and prejudices, affecting many generations of Aboriginal people, their culture and traditions. Today Aboriginal people are gaining increasing support to ensure that their

culture, traditions and heritage are protected. Aboriginal heritage is very much a part of our Australian heritage. It is essential that all Australians treasure Aboriginal heritage and that local Aboriginal communities are involved in the management of rivers and wetlands.

Consultation between Aboriginal and non-Aboriginal communities is needed in the protection of Aboriginal heritage. It needs to be carried out sensitively as often both parties have a lot at risk, particularly if one party does not wish to compromise to achieve a mutually favourable outcome. With river and wetland restoration we are fortunate, as often both communities wish to achieve the same outcome, which is to restore and protect our stream and wetland landscapes for the benefit of future generations.

Many non-Aboriginal people are not aware of the connection that Aboriginal people have to the land. To understand the importance of the land, and in particular rivers and wetlands, to the Aboriginal people of Western Australia, it is essential to know something of their history and spiritual beliefs. The following background to Aboriginal heritage helps provide a context to Aboriginal people's attitudes to land management today.

Before European settlement

Before European settlement in Western Australia (and still in many parts of the country today), Aboriginal people lived in extended family groups, traditionally occupying and using specific areas of land. Originally there were about 200 distinctly different Aboriginal communities in Western Australia, each with its own unique language, territory and customs (see Figure 1) (Graham 1997).

Aboriginal religious traditions placed the origin of each Aboriginal community in their own land (Australian InFo International 1989). Some of these communities also have a collective name, for example, Aboriginal people from the

south-west are now generally called *Nyungah*¹; people of the Goldfields are called *Wongi* and those from the Murchison or Gascoyne area are collectively called *Yamatji* (Graham 1997)².

From the perspective of Aboriginal people, a river or a wetland is more than a landscape feature or a natural resource, it is part of their 'body and soul', and what is done to the land and water is repeated and reflected in the souls of the people. In the eyes of the Aboriginal people, they are directly related to the land in which they were born (pers. comm. Yamatji elder, Geraldton).

The formation, or story, of this land is in the minds and spirits of the people who belong to it. These stories continue to be reflected in the Aboriginal traditions and laws. They are handed down by generations through dance, art, stories, ceremonies and general Aboriginal culture (Graham 1997). Of special significance in the south-west is the story of the serpent-like creature who created rivers and wetlands, leaving a path of water and giving life as it journeyed across the land in the Dreamtime. In some areas this creature is called Waugal.

This creation belief relates to a profound respect for water in a dry land, which given the spiritual dimension in human life, has become expressed as a creative force, god-like or spirit in animalised form (O'Connor *et al* 1989). Wetlands and rivers were once an important source of food to Aboriginal people, providing an abundance of waterfowl, turtles, fish and frogs. Apart from providing food, rivers were also used as trade routes and provided pleasant camping sites (O'Connor *et al* 1989, 1995).

After European settlement

European settlement began in Western Australia in 1829 on the Swan River³. The land was considered 'unoccupied' by the newcomers, and land was distributed to settlers willing to establish a colony. Aboriginal people were mostly curious and helpful to the settlers, and could hardly have realised the impact that colonisation was about to have on their lives and culture. Soon Aboriginal communities were displaced by settlements and conflict erupted, taking a heavy toll on Aboriginal people (Graham 1997). Exotic diseases brought by the colonists took a heavier toll again on Aboriginal communities throughout the south-west. But the Aboriginal communities and families endured and survived.

In 1905, the legislation generally known as the *Aborigines Act*, was passed and remained in force until 1963. The Act contained powers allowing for the control of Aboriginal people by Government appointed officers. Even though a referendum in 1967 overwhelmingly supported the recognition of Aboriginal people as citizens of the Commonwealth of Australia, the repercussions of the 1905 Act and past colonial treatment had by this time gravely affected the lives of several generations of Aboriginal people (Graham 1997). The repercussions are today reflected in such issues as the 'stolen generations' and 'Aboriginal deaths in custody'.

Only in the last couple of decades have Australians begun to understand the true nature of Aboriginal culture, its system of government and law making, land ownership and use. People are gaining a greater respect for how Aboriginal land custodianship is intertwined with strong religious beliefs, powerful mythologies and ties to the land.

Recent times

In 1972 the *Aboriginal Heritage Act* was introduced in Western Australia to protect Aboriginal heritage, which includes all places and objects that are important to Aboriginal people. The Act identifies what kinds of places and objects might be important to Aboriginal culture and places restrictions on what can be done to them (Aboriginal Affairs Department 1999).

In the 1990s, the High Court of Australia's Mabo and Wik decision established the principle of native title. In response, the Federal Parliament passed the *Native Title Act* in 1993. This allows Aboriginal people who can show they have continuous links with the land an opportunity to claim native title rights to their lands.

Native title rights may range from complete ownership of land (native title), to a limited number of specific rights of access or to carry out certain activities. These rights can vary considerably between different areas and claims. Where native title has been established, the native title holders may have certain additional rights over and above those of ordinary landholders, for instance hunting and fishing rights, or rights to protect sites of significance.

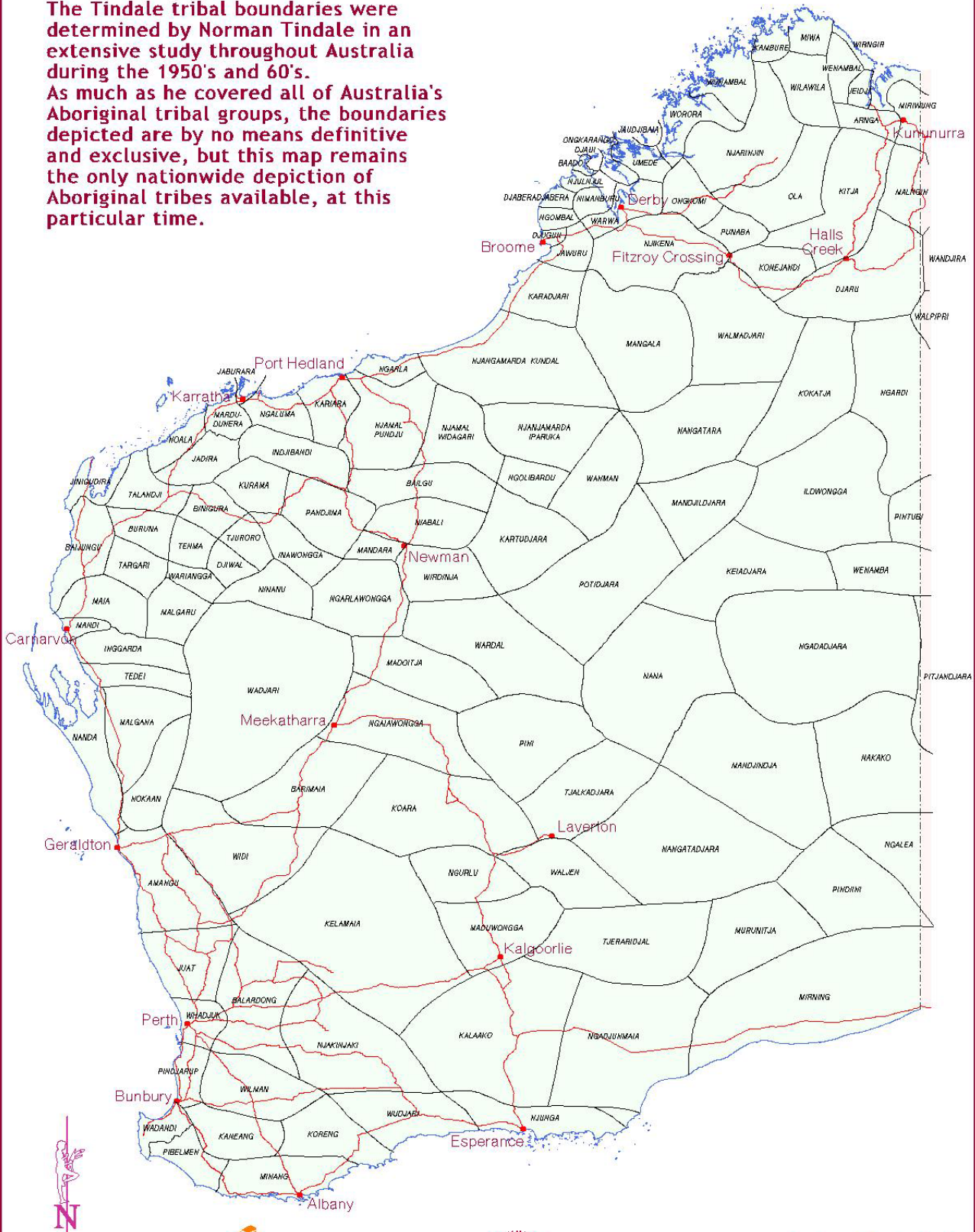
¹ There are several spellings of this name.

² It should be noted that these are examples only and are not intended to be exhaustive or exclusive. For instance, not all Aboriginal people in the Goldfields would identify as Wongi.

³ A garrison (soldiers fort) had been stationed two years before at Albany in 1827 but this was not meant to be a permanent settlement.

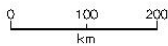
WESTERN AUSTRALIA TINDALE TRIBAL BOUNDARIES

The Tindale tribal boundaries were determined by Norman Tindale in an extensive study throughout Australia during the 1950's and 60's. As much as he covered all of Australia's Aboriginal tribal groups, the boundaries depicted are by no means definitive and exclusive, but this map remains the only nationwide depiction of Aboriginal tribes available, at this particular time.



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Acknowledgement to The Regents of the University of California



Department of
Indigenous Affairs



Figure 1. Tindale Map showing the approximate location of Aboriginal groups in Western Australia (Source: Department of Indigenous Affairs, 2002)

Aboriginal sites

Section 5 of the *Aboriginal Heritage Act 1972* identifies what constitutes an Aboriginal site. A wide range of places can be identified as Aboriginal sites and these fall into two main categories; archaeological and anthropological. Potentially, rivers, estuaries, wetlands and dunes could contain all types of Aboriginal sites and may be considered places of significance (Figure 2).

The following information has been sourced from *Heritage Matters: Aboriginal Heritage and Development in Western Australia – advice for developers* (Aboriginal Affairs Department 1999) and the Department of Indigenous Affairs' *Aboriginal Heritage Procedures Manual* (2002). More information regarding Aboriginal sites should be obtained from the Department of Indigenous Affairs.

Archaeological sites

Archaeological sites are often easiest to identify as they contain the remains of objects connected with the traditional cultural life of Aboriginal people, past and present. Examples include:

- Fishtraps. These can be found in tidal estuaries made from stone, or across inland waterways, built as wooden fences or weirs.
- Structures. For example, stone arrangements may be aligned, partially buried or wedged into position. They vary from cairns of rough stones to more elaborate designs and may have been used for ceremonial purposes, markers to signify special areas, or dwellings.
- Modified trees. These may have designs in the bark, toe-holds to assist climbing, or scars where sections of bark or wood have been removed to make wooden artefacts.
- Quarries. These are places where raw material for stone tools was gathered or mineral pigments were gathered for use in paintings and ceremonies. Quarry activity can sometimes be recognised by the presence of wooden digging sticks or hammer-stones or the marks made by these implements.
- Engravings. These mostly consist of designs carved into rock. Many engraving sites are found in the Pilbara region.
- Rock paintings. Though rare in the south-west, these are usually self-evident.

Anthropological sites

Anthropological sites are more difficult to identify as they are places of spiritual significance and importance to Aboriginal people. These include ethnographic, ceremonial, mythological and burial sites. Mythological

sites, for example, may encompass a natural feature of the landscape, such as a waterway, that has significance to Aboriginal people.

Protection of Aboriginal sites

Part IV of the *Aboriginal Heritage Act 1972* protects all Aboriginal sites whether they have been identified or not. The onus is on the proponent of an activity to take all reasonable efforts to identify sites of significance. Under Section 17 of the *Aboriginal Heritage Act 1972* it is an offence to conceal, or knowingly damage or alter an Aboriginal site, unless authorisation is received from the Registrar of Aboriginal Sites under Section 16, or consent obtained from the Minister for Indigenous Affairs under Section 18.

In the context of river restoration, activities that require approval on Aboriginal sites include:

- any digging into or driving any object into a bank or bed of a river, estuary or wetland; and
- any construction, ie gauging stations, erosion control works, river restoration works (Johnson 1999).



Figure 2. There are many sites of significance along the Swan and Canning Rivers.

Project planning – legal obligations and consultation

When proposing a project on a stream or wetland, or elsewhere, the individual or group undertaking the project is responsible for ensuring that Aboriginal sites of significance are not disturbed and that obligations related to native title ownership of, or claims for the project area are observed. As a general rule it is recommended that in the initial stages of a project, prior to any works being undertaken, all legal and social aspects be identified by contacting the appropriate government agencies.

The key is to undertake any legal obligations and consultation with relevant Aboriginal groups early in the planning process. Proposing construction or works on a river or wetland may be a sensitive issue, and the Aboriginal consultation process may be prolonged, depending on the proposed activities. Therefore, when planning project timeframes groups need to be flexible and allow time for consultation and, where necessary, making application for consent under the *Aboriginal Heritage Act 1972*. Recognising the spiritual significance of an area and liaising with the local Aboriginal community at an early stage may help prevent any misconceptions and avoid potential conflict and unrest later in the project.

Legal obligations

There are many forms of legislation related to water resource management in Western Australia. In the context of this Water Note, however, the particular Acts of relevance are Western Australia's *Aboriginal Heritage Act 1972* and the Commonwealth's *Native Title Act 1993*. When planning a river or wetland rehabilitation project, groups should contact the:

- Department of Indigenous Affairs to identify any registered sites and obtain advice about the risk of the proposed works breaching any section of Part IV (Protection of Aboriginal Sites) of the *Aboriginal Heritage Act 1972*; and
- Department of Land Administration to find out if the project area is subject to a native title claim, as well as details of claimants and the status of the claim. The National Native Title Tribunal and the Office of Native Title of the Department of the Premier and Cabinet can be contacted to seek an opinion about the likely impact of the project on the provisions of the *Native Title Act 1993*.

Note also the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, which preserves and protects from injury or desecration, areas and objects in Australia that are of particular significance to Aboriginal people in accordance with Aboriginal tradition. This Commonwealth Act provides additional protection for places of Aboriginal heritage significance over and above that offered by relevant state legislation. Under this Act, Aboriginal people can apply to the Commonwealth Minister for Aboriginal Affairs for a declaration prohibiting activities that, in their opinion, negatively impact on Aboriginal sites (Department of Indigenous Affairs 2002).

Consultation

Apart from the legal and statutory requirements on a group or individual to ensure that all aspects of a project are

investigated, there is a social and moral obligation to ensure Aboriginal heritage is not detrimentally affected by any proposed works in an area. The Department of Indigenous Affairs can assist in advising which Aboriginal communities and individuals should be consulted or notified in instances where an Aboriginal site may be at risk of being disturbed. Where a project may affect a site of significance, a number of Aboriginal communities may need to be consulted. Where a project is subject to a native title claim, the Department of Land Administration can provide the contact details of claimants to be consulted.

Therefore, it is important to try to involve the relevant Aboriginal groups early in the planning phase and encourage them to take on some ownership of the project. An Aboriginal community may be more likely to accept a project when it involves the protection and enhancement of a river or wetland, especially when the concepts and future ecological benefits behind proposed works are fully understood and the project supports the conservation of Aboriginal heritage. An additional benefit to liaising with the local Aboriginal community could be to include traditional local 'bush tucker' plants into the revegetation program.

Things to consider when consulting with an Aboriginal group:

- Approach. Be courteous, respectful, open and honest. It may not be sufficient to simply send a group a formal letter and expect them to turn up when requested. Different approaches may be necessary to engage relevant groups in consultation, such as personalised or informal invitations and a follow up phone call to confirm the meeting. A number of different consultative strategies can be employed, ranging from one-on-one discussions to community meetings depending on the particular circumstances encountered (e.g. older knowledgeable people may be too frail to be involved in anything more than short, one-on-one conversations). The type of meeting place should also be considered as groups may not want to come to an office to meet (e.g. meeting on site, such as the bank of a river over a BBQ lunch). Thank you letters should also be sent after the meeting.
- Availability. Timing of significant cultural events may mean that groups are unavailable to consult at certain times of the year. Aboriginal community events (such as ATSIC elections), native title case hearing schedules and more family oriented business (e.g. bereavement) may impact upon people's availability, at both a community and personal level. Project timelines should therefore be set with this in mind.

- **Representatives.** It is important to identify the appropriate representatives of the community you are consulting. It is generally better to consult with the largest number of Aboriginal community representatives as practicable, since this reduces the possibility of information on the existence of Aboriginal sites being ‘missed’ during the process.
- **Cost.** Some Aboriginal groups may require payment of a consultation fee. The amount varies widely and may be subject to negotiation on a project by project basis.
- **Planning.** Consultation with Aboriginal groups may become complex and prolonged so start the consultation (and also investigate legal obligations) early in the project planning process to avoid unnecessary delays.
- **Community issues.** It is important to note that each Aboriginal community has an individual and special connection to their ‘home’ area. This should be taken into consideration when approaching a local Aboriginal community, as what may be acceptable to one group, might not necessarily be acceptable to another. Each community needs to be addressed on an individual basis. For example, some communities may require a fee, some work through a Land Council, and some are keen to endorse projects, while others do not want an area to change or works to be undertaken on sites.
- **Conflicting views.** There may be problems with conflicting views of different Aboriginal groups regarding who should be consulted about what and in what manner. There may be numerous competing claims about who are the ‘true’ custodians of sites and who has the right to speak for them. The cause of these conflicts and the various views should be documented.
- **Consent for project.** If a heritage site will be impacted and consent for the project is required under the *Aboriginal Heritage Act 1972*, evidence of the consultation should be presented to the Department of Indigenous Affairs Aboriginal Cultural Material Committee so it can make an appropriate decision (see further - Section 18 and Ministerial approval).

The Department of Indigenous Affairs can provide advice and assistance with these aspects of consultation.

Aboriginal consultation – a case study

The Armadale-Gosnells Landcare Group (formerly the Upper Canning Southern Wungong Catchment Team) is a community group in the Perth metropolitan area undertaking river restoration work along the Upper Canning River and one of its tributaries, the Southern River.

The group has river restoration plans (involving grading back steep banks and replanting with rushes) for two sites along the Upper Canning River, at Corriedale Place in Thornlie and Neerigen Brook in Armadale (Figures 3, 4 and 5). As the whole of the Upper Canning River has heritage significance and many other sites are culturally significant, the group needed to gain approval under the *Aboriginal Heritage Act 1972* (Section 18) before undertaking riverbank erosion control works.



[Photo: D Gibb]

Figure 3. Bank battering site. Located near Corriedale Place in Thornlie only 100m from the Canning River which has spiritual significance to the local Aboriginal community. Erosion was causing the stream banks to slump and the stream is slowly getting wider. Battering to a 1:4 slope and jutemat, to stop erosion of the sandy soils, will be used in the rehabilitation of the stream banks.



[Photo: D Gibb]

Figure 4. Bank erosion. This site is on the Neerigen Brook in Armadale. There is severe erosion on the right bank and rock gabions are planned for this site.

[Photo: D Gibb]



Figure 5. Gabions. This site is also on the Neerigen Brook in Armadale. It is very close to an historical Aboriginal camping ground and needed approval to install the rock gabions. The City of Armadale installed the gabions (to reduce erosion) under the supervision of the local Aboriginal community.

Being a community group that relies on conservation grants to undertake their work, very little funding was available to afford the services of an anthropologist to investigate sites of significance. The group began consultation with local Aboriginal representatives, whom they met on site to discuss each project. More than one group was consulted and each was supportive of the projects, as both sites are already in developed areas and restoring the river would help to maintain Aboriginal heritage. A bus tour enabled one Aboriginal group, the Gnangangarra Maaman, to see the proposed project areas first hand and it also generated a desire to be involved with the proposed restoration work at both sites (Figure 6).

Details of the consultation with local Aboriginal groups, the restoration plans and approvals from the Swan River Trust and the City of Gosnells were submitted to the Department of Indigenous Affairs for approval under Section 18 of the *Aboriginal Heritage Act 1972*. The Department of Indigenous Affairs acknowledged and applauded this approach but suggested that there be consultation with elders with cultural knowledge. The Aboriginal Cultural Material Committee confirmed this view and requested additional consultation.

Following completion of this consultation and re-submission to the Aboriginal Cultural Material Committee, it is anticipated that the application will be approved and the works allowed to proceed. The coordinator of the Armadale-Gosnells Landcare Group believes that if they are successful in their application, it is because they consulted with a large section of the local Aboriginal community.



[Photo: C. Martin]

Figure 6. Representatives from the Gnangangarra Maaman on their tour of the restoration sites proposed by the Armadale-Gosnells Landcare Group.

Undertaking river restoration - the approval process

Native title

Under the *Native Title Act 1993*, the Department of Land Administration should be contacted to determine if the project area is subject to a native title claim. If there is a claim, the Department of Land Administration will also be able to provide contact details of the claimants, as consultation with representatives from the Native Title Claimant groups will be required.

Extend the same courtesies to the Native Title Claimants representatives as you would any other landholder, by letting them know of your project (in writing as well as verbally) and giving them plenty of time to respond and discuss any issues. Approximately 28 days is an acceptable timeframe for response to written notification but always make verbal contact as well. You will need to obtain verbal and written approval from the Native Title Claimants to proceed confidently with the project.

The National Native Title Tribunal website, www.nntt.gov.au and the Australasian Legal Information Institute website, www.austlii.edu.au can be searched to determine the status of native title claims.

The Office of Native Title of the Department of the Premier and Cabinet is responsible for conducting Western Australia's native title negotiations and is a useful contact point for information about State policies and native title initiatives.

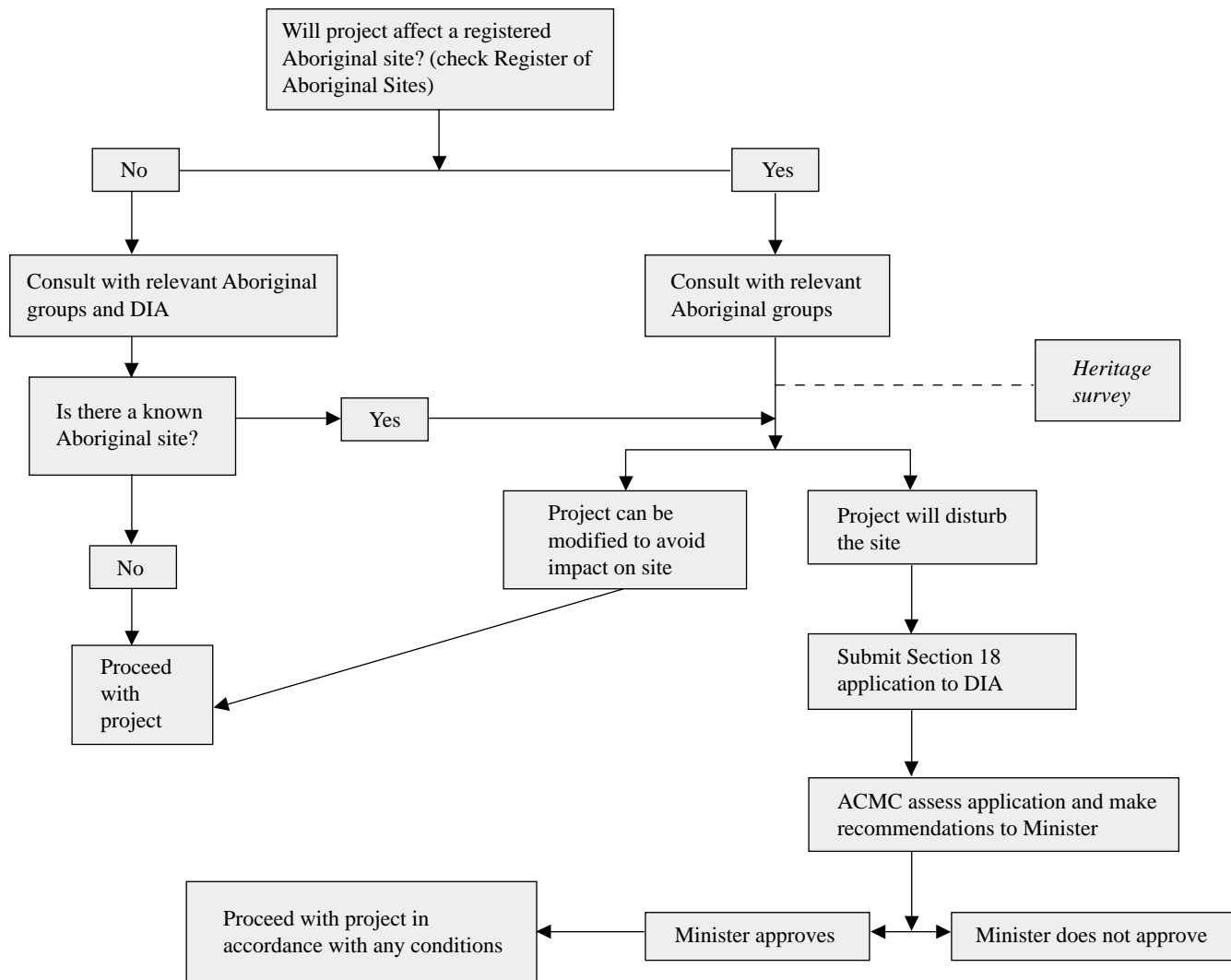


Figure 7. Summary of the approval process under the Aboriginal Heritage Act 1972. (Information sourced from Aboriginal Heritage Procedures Manual, Department of Indigenous Affairs, 2002).

Aboriginal heritage

Under the *Aboriginal Heritage Act 1972*, the Department of Indigenous Affairs should be contacted to:

- advise them of the proposed project,
- identify if your project is going to affect a registered Aboriginal site, and
- request the names and contact details for the relevant Aboriginal people for consultation purposes.

Will the project affect a site?

To help identify if your project contains an Aboriginal site, you can search for significant sites on the ‘Register of Aboriginal Sites’ at the Department of Indigenous Affairs’s web site (www.dia.wa.gov.au). The web site also contains an ‘Aboriginal Site Recording Form’ which may be downloaded, filled out and sent back to the Department for identification and verification. A Global Positioning System (GPS) reading of the project area can be very useful

in locating a site. However, not all sites are registered with the Department of Indigenous Affairs and consultation with relevant Aboriginal groups is still recommended to ensure a site will not be disturbed.

Figure 7 summarises the major steps in the process and obligations under the *Aboriginal Heritage Act 1972* that are relevant to undertaking a river or wetland restoration project. Note that this is a summary only. The Department of Indigenous Affairs should be contacted for more comprehensive information.

Consultation with relevant groups

You will need to consult with the relevant Aboriginal people, regardless of whether a registered Aboriginal site has been identified. The appropriate people to contact can be found through the Department of Indigenous Affairs, as well as the local ATSIC office and the regional native title representative through the relevant Native Title Representative Body. The Department of Indigenous Affairs

has established a Commission of Elders that can assist in obtaining names of appropriate elders or representatives.

Once an elder has been located, arrange an inspection of the project area. There will usually be at least two elders or representatives with whom you will deal. On occasion Aboriginal representatives may need to be reimbursed for their consultation. Where necessary, be sure to make firm arrangements for the number of representatives, payment amounts and payment timeframe at the very beginning. If payment is required, obtain an invoice from the elder on inspection day.

The consultation may reveal three outcomes:

1. The project will not disturb any known Aboriginal site and you can proceed with the project.
2. An Aboriginal site is present, but the project can be modified to the satisfaction of the Aboriginal representatives to avoid impacting on the site. You will then be able to proceed.
3. An Aboriginal site is present and the project cannot be relocated or modified and there is risk the site will be disturbed. You will then need to seek the approval of the Minister for Indigenous Affairs through the Section 18 process in order to proceed with your project (see further).

Verbal advice is usually sufficient for the first two outcomes, but formalising the advice would be ideal, for instance in a letter to a relevant agency (e.g. Department of Indigenous Affairs or the Water and Rivers Commission) confirming the consultation and the outcome. If your project is supported by external funding or grants, it is advisable (for auditing purposes) to prepare a consent form ready to be signed on inspection day. The form should contain:

- a description of the project area and its location,
- a description of the proposed works,
- the Aboriginal community represented by the elder/s, and
- a statement of consent that the works to be carried out will not disturb any known Aboriginal site.

Heritage surveys⁴

Heritage survey reports may already exist for your project area and these can be found by contacting the Department of Indigenous Affairs. Where there is a risk of a 'significant site' being disturbed, and a heritage survey for the area has

not been previously conducted, it is advisable to employ suitably qualified consultants to undertake a full Aboriginal heritage survey (archaeological and anthropological) of the area that may be affected. Lists of organisations whose members undertake anthropological and archaeological consultation are available from the Department of Indigenous Affairs. Be aware that the preferred consultant should be acceptable to the local community.

The consultant may determine from the results of the survey and modifications to the project that the level of disturbance to the site is acceptable. Nevertheless, approval from the Minister for Indigenous Affairs is still required. The resultant reports should be submitted to the Registrar of Aboriginal Sites at the Perth office of the Department of Indigenous Affairs.

It should be noted that these surveys tend to be costly to undertake. The State Government Heritage Grants Scheme provides financial assistance to projects promoting, protecting and recording Aboriginal heritage and culture. More information regarding the grants can be obtained from the Department of Indigenous Affairs.

Section 18 and Ministerial approval

If your project activities could, or will impact on an Aboriginal site, you will need to gain Ministerial approval to proceed with the project. This is done through the Section 18 process under the *Aboriginal Heritage Act 1972*. The process involves submitting a formal application to the Department of Indigenous Affairs' Aboriginal Cultural Material Committee (ACMC). Section 18 application forms can be obtained from the Department of Indigenous Affairs in Perth and through their web site.

Applications should include:

- a detailed description of the project and its location,
- details of any consultation attempted or undertaken with relevant Aboriginal people,
- outcomes of the consultation or negotiations, and
- copies of relevant heritage survey reports (if any).

The ACMC will assess the application and make recommendations to the Minister for Indigenous Affairs as to whether the submission should be approved, along with any conditions of approval. Applications are advertised and comment invited from third parties. The ACMC meets every eight weeks and if there are no delays, a decision can usually be obtained in approximately 16 weeks.

⁴ Because situations and people vary, a heritage survey may not be required. There may be alternative ways to consult and satisfy Section 18, as in the case study. The Department of Indigenous Affairs should be contacted for advice.

Where site works which will disturb an Aboriginal site have been approved by the Minister for Indigenous Affairs, the Minister or relevant Aboriginal groups may request the presence of an Aboriginal site monitor to oversee critical stages of the site works.

Discovery of Aboriginal artefacts during site works

If it was determined that your project would not disturb any known Aboriginal site, but you discover Aboriginal artefacts during restoration works, then:

- work should immediately cease,
- the area should be isolated and the Department of Indigenous Affairs contacted to inform them of the find and seek guidance as to how the area should be treated, and
- no further works should take place until approved.

More information

The *Aboriginal Heritage Procedures Manual* (Department of Indigenous Affairs 2002) should be referred to for more information on assessment of Aboriginal heritage, relevant legislation and consultation. It is available from the Department of Indigenous Affairs at their web site: www.dia.wa.gov.au. As the procedures and guidelines on this site are continuously evolving, users are advised to refer to the web version rather than printed copies, especially if the copies were not printed recently.

References and further reading

Aboriginal Affairs Department (1999) *Heritage Matters:*

Aboriginal Heritage and Development in Western Australia – advice for developers. Department of Indigenous Affairs. Available from the DIA web site www.dia.wa.gov.au.

Aboriginal Affairs Department (1999) *Aboriginal Heritage Act 1972: An Introduction for Aboriginal People.*

Department of Indigenous Affairs.

Aboriginal Affairs Department (undated) *Notes on the Recognition of Aboriginal Sites.* Department of Indigenous Affairs.

Aboriginal Heritage Act 1972

www.austlii.edu.au/au/legis/wa/consol_act/aha1972164/

Aboriginal and Torres Strait Islander Heritage and Protection Act 1984

www.austlii.edu.au/au/legis/cth/consol_act/aatsihpa1984549/

Australian InFo International (1989) *Australian Aboriginal Culture.* Australian Government Publishing Service, Canberra.

Department of Indigenous Affairs (2002) *Aboriginal Heritage Procedures Manual.* Available from www.dia.wa.gov.au.

Graham, D. (1997) *Western Australia's Other History, A short guide, 2nd ed.* Western Australian Advisory Committee on Reconciliation (WAACOR), & Australians for Reconciliation (WA).

Johnson, B (1999) *Unpublished paper: Aboriginal Heritage Act and Native Title Act Considerations.* Water and Rivers Commission.

Native Title Act 1993

www.austlii.edu.au/au/legis/cth/consol_act/nta1993147/

O'Connor, R., Quartermaine, G. & Bodney, C. (1989) *Report on an Investigation into Aboriginal Significance of Wetlands and Rivers in the Perth-Bunbury Region.* Western Australian Water Resources Council.

O'Connor, R., Quartermaine, G. & Yates, A. (1995) *An investigation into the Aboriginal Significance of Wetlands and Rivers in the Busselton-Walpole Region.* Water Authority of Western Australia.

Pen, L. (1999) *Managing our Rivers, A guide to the nature and management of the streams of south-west Western Australia.* Water and Rivers Commission, Western Australia.

Water and Rivers Commission (undated) *Policy and guidelines for consultation with Aboriginal people* [unpublished – internal policy]. Water and Rivers Commission.

Other sources of information

Department of Indigenous Affairs

Heritage and Culture Branch
1st Floor 197 St Georges Terrace
PO Box 7776 Cloisters Square
Perth WA 6850
Telephone: (08) 9235 8000
General enquiries: 1300 651 077
Web site: www.dia.wa.gov.au

Department of Land Administration

1 Midland Square Midland WA 6056
PO Box 2222 Midland WA 6936
Telephone: (08) 9273 7373
Web site: www.dola.wa.gov.au

Office of Native Title, Department of the Premier and Cabinet

Governor Stirling Tower
2nd Floor, 197 St Georges Tce
Perth WA 6000
Telephone: (08) 9222 9888

National Native Title Tribunal (NNTT)
Level 4 / Commonwealth Law Court Building
1 Victoria Avenue
Perth WA 6000
Telephone: (08) 9268 7272
Web site: www.nntt.gov.au

Australasian Legal Information Institute
Web site: www.austlii.edu.au

The Aboriginal & Torres Strait Islander Commission (ATSIC)
State Office
256 Adelaide Terrace
Perth WA 6000
Telephone: (08) 9220 3211
Web site: www.atsic.gov.au (Access to the ATSIC library is available from this address).

ABC
191 Adelaide Terrace
Perth WA 6000
General Enquiries: (08) 9220 2700
Web site: www.abc.net.au/message/ (This site is called "Message Stick" and describes the various programs and policies of the ABC towards Aboriginal people. There are some interesting stories. The site includes a good reference list of books and CDs).

There is a selection of related web sites from the Department of Indigenous Affairs homepage (www.dia.wa.gov.au) including:

- The Aboriginal & Torres Strait Islander Commission (ATSIC)
 - National Native Title Tribunal (NNTT)
 - Australian Institute of Aboriginal and Torres Strait Islanders Studies
 - Aboriginal Studies WWW Virtual Library
 - ATSI WWW Resource Directory
 - Vicnet Aboriginal and Torres Strait Islander Homepage
 - Australians for Reconciliation (WA)
-

For more information and technical assistance please contact



Water and Rivers
Commission

Aboriginal Heritage Act (1972) & Native Title Act (1993) –
Water and Rivers Commission Compliance Committee
Manager, Regional Support Branch

Level 2, Hyatt Centre
3 Plain Street East Perth
Western Australia 6004
Telephone: (08) 9278 0300
Facsimile: (08) 9278 0301
or your regional office
Website: <http://www.wrc.wa.gov.au>

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