

11th June 2010

Mr Pat Walker
Director General
Department of Indigenous Affairs
1st Floor, 197 St Georges Terrace
PERTH WA 6000

Attention: The Registrar
Register.submissions@dia.wa.gov.au

Dear Pat,

Review of the Aboriginal Sites Register

Thank you for the opportunity of commenting on the review of the Aboriginal Sites Register.

We also thank you for the extension of time to submit our comments which were obtained from a recent AMEC convened Industry Forum on aboriginal affairs issues.

We will be writing to relevant Ministers in due course in respect of the several other issues and suggested remedies / outcomes that emanated from the Forum.

In the meantime, the following aggregated member comments are provided in respect of the Aboriginal Sites Register:

- The Register is considered to be unreliable, unhelpful and un-industry-friendly.
- Major problems exist with the Register involving accuracy, the size of some buffer zones and the inclusion of sites that have not been properly assessed.
- There is no transparency or consistency to the application of the assessment criteria of Section 5, especially for ethnographic sites. Section 5 sets out the criteria for recognition of sites. It is open to considerable "interpretation" and covers archaeological sites, sacred ceremonial and mythological sites as well as historical sites.
- The listing of entire river catchments and ranges needs to be re-assessed.
- Clear transparent criteria need to be applied to differentiate between background artefact status and significant artefact concentration.

From a user of data perspective, the following should also be considered:

- Download of DIA sites information specific to an area (rather than whole state, as at present).
- Download in formats other than .mif which make downloads very large (choice of perhaps MapInfo tab file which is a much smaller file size).
- A better explanation of what metadata means perhaps in the form of a standard document accompanying any downloaded data which is a key to the significance of various sites, their content etc.
- Metadata should include some statement of reliability (the location of many of the early sites are unreliable due to the unavailability of GPS navigation and recording mechanisms).
- An indication of how regularly the registered site data is updated with a field containing the update date.
- Internet based searching to have "click on" polygon/sites ability to provide immediate information as a pop up (as available internally to DIA).

AMEC strongly recommends that the Minister issue a binding direction that:

- DIA only lists sites on the Register as specifically required under the Aboriginal Heritage Act (i.e. those sites determined by the ACMC as permanent sites).
- Such a direction should apply immediately to all future sites lodged with the Register.
- In terms of existing sites, industry (or land users generally) should **only** be obliged to consider and take into account (at least for the purposes of POWs) those sites already registered as permanent. (In other words the company should not be obliged in Programme of Work processes (and the like) to address any sites through the DMP/DIA processes other than those assessed as permanent).

In addition AMEC recommends:

- Resources should be directed towards putting in place a proper process to assess existing and future sites.
- That process should remove the seven statuses currently used - either a site should be assessed as permanent (and therefore listed) or not at all.
- Sites under assessment or that do not meet the permanent status should be placed into a separate schedule or data base of non-definitive sites and available for perusal (which industry can use to assess and make their own risk assessments in relation to areas).
- Current closed sites that are deemed unreliable and sites for which there are no reliable geographic data should be removed immediately.
- The assessment process should include a discretion/directive to enable the Registrar to refuse to close the site where there is no basis provided for it being closed.
- Buffer zones in general should be assessed and removed unless a satisfactory basis is provided for their existence.
- The numbering of sites on the current website page is confusing, and should be clarified and systemised immediately.

Furthermore, AMEC considers that the State Government should implement strategies that avoid heritage management in Western Australia being assumed /taken over/ controlled by the Commonwealth Government (given the current consideration to amending the Commonwealth legislation). AMEC, however, considers that there is value in standardising the processes and procedures in the various State and Territory jurisdictions, if possible.

If you have any further queries on this issue please do not hesitate to contact Graham Short or myself.

Yours faithfully



Simon Bennison
Chief Executive Officer