
From: Jeremy Elliott (Heritage) <Jeremy.Elliott@daa.wa.gov.au>
Sent: Friday, 16 December 2016 7:25 PM
To: KENS-373-ForestInfo
Subject: DAA submission - "A report on progress with the implementation of the Regional Forest Agreement for the South-West Forest Region of Western Australia"

WA Regional Forest Agreement
Project Officer, Office of the Director
Forest and Ecosystem Management
Department of Parks and Wildlife

By email to: Forest.Info@dpaw.wa.gov.au

Thank you for the invitation to comment on "A report on progress with the implementation of the Regional Forest Agreement for the South-West Forest Region of Western Australia"

Please accept the following comments from the Department of Aboriginal Affairs (DAA).

- Page 18/19 - Section 4.6 Engaging with traditional owners an additional dot point could be added:

On 8 June 2015, six identical Indigenous Land Use Agreements (ILUAs) were executed across the South West by the Western Australian Government and, respectively, the Yued, Whadjuk People, Gnaala Karla Booja, Ballardong People, South West Boojarah #2 and Wagyl Kaip & Southern Noongar groups, and the South West Aboriginal Land and Sea Council (SWALSC).

The ILUAs bind the parties (including 'the State', which encompasses all State Government Departments and certain State Government agencies) to enter into a Noongar Standard Heritage Agreement (NSHA) when conducting Aboriginal Heritage Surveys in the ILUA areas, unless they have an existing heritage agreement. It is also intended that other State agencies and instrumentalities enter into the NSHA when conducting Aboriginal Heritage Surveys in the ILUA areas. It is recommended a NSHA is entered into, and an 'Activity Notice' issued under the NSHA, if there is a risk that an activity will 'impact' (i.e. by excavating, damaging, destroying or altering in any way) an Aboriginal heritage site. The Aboriginal Heritage Due Diligence Guidelines, which are referenced by the NSHA, provide guidance on how to assess the potential risk to Aboriginal heritage.

If you are a State Government Department, Agency or Instrumentality, you should seek advice as to the requirement to use the NSHA for your proposed activity. The full ILUA documents, maps of the ILUA areas and the NSHA template can be found at:

<https://www.dpc.wa.gov.au/lantu/Claims/Pages/SouthWestSettlement.aspx>.

Further advice can also be sought from the Department of Aboriginal Affairs (DAA) at heritageenquiries@daa.wa.gov.au

- Page 123 - Appendix: 6 Aboriginal heritage and consultation the inclusion of a commitment in relation to Aboriginal heritage consultation with regards to lands within the South West Settlement ILUA areas:

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- Page 124 - With regard to the 'Statement of Commitment' this may require review to ensure they meet the obligations in the South West Settlement ILUAs and the Noongar Standard Heritage Agreement (NSHA).
- Page 125 – The last paragraph may require review to take into account the execution of the six ILUAs on 8 June 2015 and the subsequent implementation of the Noongar Standard Heritage Agreement (NSHA), as well as arrangements the State Government, SWALSC and Noongar people have agreed to formalise arrangements in a number of key areas including joint management of the conservation estate, access to state lands for customary purposes and use of natural resources for customary purposes.

Regards

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The Department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land, and we pay our respects to their Elders past and present.
The Department is committed to facilitating the inclusion of people with disabilities through the improvement of access to its facilities and services.

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