



Yamatji Marlpa
ABORIGINAL CORPORATION



Yamatji Marlpa Aboriginal Corporation Heritage Consultant Standards

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1. Purpose

Yamatji Marlpa Aboriginal Corporation (YMAC) is a strong representative and advocate for the interests of Traditional Owners in the Pilbara and Yamatji regions. This focus on Traditional Owners and their knowledge, beliefs, and values underpins YMAC's heritage management strategy at all times. YMAC believes that Traditional Owners are the owners of their own heritage and good heritage practise should support Traditional Owner agency throughout the process of heritage identification, recording, and ongoing management.

All aspects of YMAC's practice is centred on upholding the following key principles that support the heritage aspirations of the groups we represent.

- Empowering Native Title groups and capacity building to foster group's ability to manage their own heritage;
- Encourage meaningful engagement in the heritage space that gives purpose to YMAC's mission of recognition and acceptance of Yamatji and Pilbara country and culture;
- Operate in the heritage space in a way that gives purpose to YMAC's mission of a strong and vibrant future for Yamatji and Pilbara people;
- Ensure Aboriginal heritage is properly managed as directed by groups we represent/our clients;
- Ensure best practice standards are used by consultants including impartiality and independence, as well as making sure that statutory obligations are met; and
- We advocate that heritage is an interdisciplinary practise best undertaken by both archaeologists and anthropologists, and always in conjunction with relevant Traditional Owner participants.

2. The role of heritage consultants

2.1 Internal heritage consultants

YMAC have an experienced, professional, and dynamic team of internal heritage consultants including archaeologists, anthropologists and global information systems (GIS) specialists. YMAC are the preferred heritage consultant of some of the groups in the Pilbara and Yamatji Regions. We regularly undertake heritage surveys, community consultations, heritage and Native title meetings, and community projects on country. These consultant standards apply to our internal consultant pool as well as our endorsed third party consultants.

2.2 External heritage consultants

YMAC engages external consultants when they are the preferred supplier of the Traditional Owners and / or proponent depending on the agreements in place between the parties. YMAC maintains a register of consultants that they endorse to provide high level heritage services to our clients. YMAC endorses consultants who possess the appropriate level of knowledge and acquired skills through relevant qualifications and experience. This is measured by the quality of previous reports and fieldwork, experience level, and the acceptance by peers and colleagues as an expert in the respective field.

This document is not intended to dictate methods to external consultants. YMAC appreciate that our endorsed consultants are expert professionals in their fields. We appreciate that top quality heritage work is fit for purpose and that proposed methodologies have to meet the needs of the scope of works whilst balancing the rights of the Traditional Owners.

2.3 The role of a consultant

A heritage professional working with Aboriginal people must be respectful, honest and act with integrity. Heritage professionals must also be cognizant of and adhere to the ethics and standards of their respective disciplines which includes impartiality and independence.

The role of the consultant is to ensure the terms and provisions contained in the survey brief are executed. The consultant is contracted on the basis that they have the necessary qualifications and experience to act as an independent and impartial expert should the results of the survey including the expert opinions be challenged.

The roles and obligations of consultants are defined in section 2 and schedule 4 of the YMAC Cultural Heritage Services Consultancy Agreement (CHSCA). Particular attention is drawn to the following clauses of the agreement:

- Clause 2.1 (b): The consultant shall fulfil the requirements and obligations set out in the survey brief and must have the necessary information, experience, skills and professional qualifications to conduct an appropriate type of survey and complete a reliable and independent report.
- Clause 2.1 (d): The consultant's methodology, findings and reports shall not be influenced by any party and shall form a defensible, independent professional opinion as to the matters set out in the survey brief.

The consultant is required to undertake the survey (or other cultural heritage related consultancy services) with the approval and involvement of members of the Native Title group. It is expected that representatives of the group will provide the consultant with information as part of the project. Occasionally, it may be necessary to engage with Aboriginal consultants that are members of other Native Title groups that may hold knowledge in regards to a specific place. Depending on the particular survey brief the consultant may be required to work in collaboration with other professionals.

YMAC will usually provide the consultant with assistance to identify and meet with members of the Native Title group for the purpose of the heritage survey or other cultural heritage related consultancy services. YMAC acts on instructions relating to heritage surveys from Native Title working groups, heritage sub-committees, land committees, local implementation committees, and other groups when nominating Aboriginal consultants for surveys. During the survey it is the consultant's role to address whether the people nominated for a survey can speak with authority, knowledge, and support research for a reliable and independent report that meets the terms of the survey brief and YMAC's CHSCA.

YMAC has established a minimum recording requirement for each of the heritage survey methodologies. These are presented in section 4 of these standards. We expect that the consultant has sufficient experience to develop a survey methodology that is sufficient in order to locate all places with heritage values likely to be present within the survey area(s). In some instances, the consultant will assist YMAC and the proponent, through meetings and/or direct correspondence, in selecting or designing a survey methodology suitable for the proposed scope of works, and compliance with YMAC's position on heritage surveys as listed above. It is the consultant's responsibility to establish whether there may be factors impacting on how places with heritage values are explained and understood by the Native Title Group members participating in the heritage survey or other cultural heritage related consultancy services being conducted. This includes cultural factors relating to speaking for traditional country and places, as well as understanding the development context the work is being conducted in. The consultant's expert opinion should consider all of the above noted factors.

YMAC expects that the consultant will meet the specified timeframes for deliverables, as detailed in the CHSCA. If there is any indication that the agreed timeframes will not be met, the consultant must notify YMAC immediately.

Consultants are reminded that YMAC's CHSCA states that field note books, video, film recordings and still photographs produced for the purpose of the contracted survey or other cultural heritage related consultancy services can be requested by YMAC at the conclusion of the survey.

2.4 Consultant Codes of Ethics

YMAC engages consultants with the understanding that they share and adhere to the code of ethics under which their relevant professional body operates. For the avoidance of doubt, please refer to the Australian Anthropological Society and the Australian Archaeological Association codes of ethics.

In addition, with the exception of any conflict with the terms of the CHSCA, the consultant is expected to undertake the heritage survey or other cultural heritage related consultancy services according to the standard set by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Guidelines for Ethical Research in Australian Indigenous Studies 2012.

2.5 Consultant Code of Conduct

YMAC expects that consultants will adhere to the following YMAC Consultant Code of Conduct, which is outlined in the terms of the CHSCA.

2.6 Consultants' commitments to YMAC

- Act in a manner that upholds YMAC's corporate values of respect, professionalism, integrity, and collaboration;

- Commit to providing timely, professional, independent, high quality services;
- Display cultural awareness, due care and diligence in the course of the consultancy;
- Respect and treat appropriately confidential and / or proprietary information that is provided during the preparation, execution, and reporting of a heritage survey;
- Not make improper use of information acquired in the course of the consultancy;
- Not use or be in the possession of alcohol or illicit drugs while undertaking the heritage survey and associated tasks;
- Not use YMAC property (including computers, mobile phones, photocopiers, vehicles, email and internet facilities) for purposes not specifically authorised by YMAC; and
- Not engage in conduct that is discourteous, offensive, discriminatory, harassing or threatening.

2.7 YMAC's responsibilities to consultants

YMAC has the following responsibilities to the Consultant;

- To meet the terms set out in the CHSCA, including remuneration and reimbursement of costs;
- To provide adequate background advice to the consultant so that informed professional advice and opinion can be provided pursuant to the terms of the CHSCA;
- To inform the consultant of the reason for the heritage survey or other cultural heritage related consultancy services, including the terms of any relevant heritage agreements;
- To inform the consultant of any matters of knowledge to YMAC that may impact on the selection of Aboriginal Consultants who will attend the survey or research, and which may influence their opinion about places with Aboriginal heritage values;
- Provide the consultant with copies of previous heritage survey reports and other research information relevant to the area and people. Native Title connection material will not be provided where matters are still unresolved, however a verbal briefing may be provided with regard to information relevant to the specific heritage survey; and
- Confirm with the consultant via email who will communicate with the proponent at various stages of the heritage survey, and what will be communicated.

3. Heritage surveys

2.1 YMAC's principles of heritage management

In coordinating the delivery of heritage surveys as a means of protecting and managing the cultural heritage of its clients YMAC recognises the following principles:

- ◆ *Aboriginal heritage surveys are undertaken by proponents in order to avoid disturbance of places in the landscape which contain or embody Aboriginal heritage values. These surveys are conducted by qualified and experienced heritage professionals in the company of Aboriginal consultants with a recognised right and interest to speak for country;*
- ◆ *Indigenous people are the primary source of information on the cultural value of their heritage;*
- ◆ *The recording and management of Aboriginal places and sites should be conducted using the best available knowledge, skills and standards;*
- ◆ *Cultural heritage, once destroyed, cannot be recovered;*
- ◆ *The heritage notice and heritage survey process is seen as a way to build a foundation of a strong relationship between the Native Title party and the developer;*
- ◆ *YMAC seeks to identify and record cultural values as much as possible within the heritage survey framework, in order to ensure that proper, holistic, and effective heritage preservation and management can take place;*
- ◆ *YMAC supports the adoption of a cultural landscape perspective which considers the intangible connectivity and relationships between places from the information provided by Traditional Owners; and*
- ◆ *When designing heritage survey methodologies, YMAC strongly supports the site avoidance principle in the first instance.*

3.1 Archaeological heritage surveys

Archaeological heritage surveys are undertaken by representatives of the relevant Native Title body and professional archaeologists to identify archaeological Aboriginal heritage places within a survey area.

Archaeological heritage surveys are undertaken using a pedestrian survey methodology where the combined heritage team walk across country to identify the physical cultural heritage left in the landscape by past Aboriginal people.

3.2 Ethnographic heritage surveys

Ethnographic surveys are undertaken by representatives of the relevant Native Title body and professional anthropologists to identify ethnographic heritage places within a survey area and to provide additional ethnographic comment about places that are already known or have been newly identified on archaeological heritage surveys.

Ethnographic heritage surveys are usually conducted by walking, driving, and / or flying over the country and at vantage points within the survey area identified by the participants.

YMAC supports large scale ethnographic work at the beginning of a project to help proponents identify any known ethnographic sites to assist with early planning to try and avoid these places.

We also believe that archaeology and anthropology are complimentary disciplines and that for the majority of surveys a combined archaeological and ethnographic team provides the best results. For many sites, solely archaeological recording is insufficient to accurately record all of the heritage values associated with the site. **If a proponent intends to apply for section 16 (s16) or section 18 (s18) permit then any impacted sites should also be visited on an ethnographic survey prior to submission of the permit to ensure all the heritage values are recorded prior to any impact.**

3.3 Assessing heritage sites

Under the *Aboriginal Heritage Act 1972* (the Act) a place is defined as an Aboriginal site if it meets the criteria of a site under section 5 of the Act and the threshold of importance and significance under section 39 of the Act.

Section 5 states:

“This Act applies to –

- a. Any place of importance and significance where persons of Aboriginal descent have, or appear to have, left any object, natural or artificial, used for, or made or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present;
- b. Any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Aboriginal descent;
- c. Any place which, in the opinion of the Committee, is or was associated with the Aboriginal people and which is of historical, anthropological, archaeological or ethnographical interest and should be preserved because of its importance and significance to the cultural heritage of the State;
- d. Any place where objects to which this Act applies are traditionally stored, or to which, under the provisions of this Act, such objects have been taken or removed.”

For (The) reference objects to which the Act applies are defined in section 6 of the Act.

Based on a straight reading of section 5 of the Act the vast majority of Aboriginal heritage places identified in Western Australia meet at minimum the criteria of section 5(a).

Within section 39 (1) of the Act, it is delineated that the Aboriginal Cultural Materials Committee (ACMC) is to evaluate the importance of places and objects on behalf of the community. Within section 39 (2) and (3) it is stated what the ACMC is to take into consideration when assessing the importance and significance of places and objects.

Section 39 (2) and (3) states:

“(2) In evaluating the importance of places and objects the Committee shall have regards to -

- a) any existing use or significance attributed under relevant Aboriginal custom;
- b) any former or reputed use or significance attributed upon the basis of tradition, historical association, or Aboriginal sentiment;
- c) any potential, anthropological, archaeological or ethnographical interest; and
- d) aesthetic values.

(3) Associated sacred beliefs, and ritual or ceremonial usage, in so far as such matters can be ascertained, shall be regarded as the primary considerations to be taken into account in the evaluation of any place or object for the purposes of this Act.”

The importance and significance of a place can be assessed by the ACMC in accordance to section 39 of the Act from site descriptions, statements provided by traditional owners about the place, photos and evaluations on the ways the place may have value to the scientific community. The outcomes of the ACMC assessment will determine whether a place will be considered as a Registered Site and granted protection under the Act or classed as ‘not a site’ Other Heritage Place and not meet the criteria of a site under the Act.

Over the last few years there has been a significant shift at the DPLH and the ACMC in the interpretation and application of the Act which has led to a significant decrease in the number of sites being registered.

In 2013 the Department of Aboriginal Affairs (DAA) released a document outlining the criteria by which their site assessment teams and the ACMC were assessing sites under the Act. This document was removed from the website in 2016. A new review of the Act has been announced and this is one of the primary area that YMAC would like to see more clarity. As this document is no longer in circulation we appreciate that the criteria may form part of the site assessment but they should not form the whole assessment.

YMAC welcome the consideration of factors such as the local environment, site formation processes, a discussion of the variety of activities that may have been undertaken at a site, the timing of use, frequency of occupation, the presence of rare or unique materials, objects or values, the cultural landscape and related heritage places, the relationship between the objects and the place, and the potential of the place to contribute to future research.

We would advise against being too proscriptive, we support the idea that Aboriginal sites cannot be examined wholly archaeologically or wholly ethnographically as this divorces the objects for their role as an expression of the people who made and used them. We expect on archaeological surveys that ethnographic information is recorded by the archaeological team if the Traditional Owner representatives offer any. This should also be considered a cue to discuss with the representatives if the place needs further ethnographic consultation.

3.4 Other Heritage Places

YMAC assert that it is the role of the ACMC to determine if a place constitutes a site under the Act. The current criteria by which sites are measured are not outlined in the Act and there is no transparent process by which this assessment can be made by consultants in the field.

Where this contradicts the standards as outlined by proponents please contact YMAC to discuss how this contradiction will be managed.

4. Heritage survey methodologies and minimum standards

4.1 Work Area and Work Program Clearance

Work area clearance (WAC) and work program clearance (WPC) heritage surveys are designed to tell proponents where they can and cannot undertake works within a survey area. These types of survey usually occur in the very early stages of project planning and exploration. WAC surveys are undertaken when the proponent has not identified the precise location of proposed works. When heritage places are identified they are given a boundary and delineated as not clear. The proponent can then plan their work program to avoid heritage places, or, if avoidance is not possible then they can proceed to site identification recording of the effected heritage places. A site identification survey is the minimum standard required by YMAC to submit a site for consideration to the Department of Planning, Lands, and Heritage (DPLH) or to apply for a permit (s16 and s18) under the Act.

WPC surveys occur when the proponent has identified the preferred location of the work program, usually a drill program. When heritage places are identified they are given a boundary and delineated as not clear. The consultant will then endeavour to provide an appropriate deviation around the site to allow the work program to continue.

The proponent may require a preliminary advice, if requested this should be provisioned within seven working days of the completion of the heritage survey, along with accurate spatial data in an appropriate format.

A heritage report is required for every survey, please see section 5 for YMAC's minimum reporting standards. Heritage survey reports are generally required within 30 working days of the completion of the heritage survey, unless otherwise agreed. Due to the requirement for YMAC to review these reports they must be provided to YMAC in a timely manner to ensure the 30 days deadline is met.

The minimum recording standards for YMAC WAC and WPC surveys are:

- Pedestrian transection at a spacing of no greater than 20 m;
- If spacing of greater than 20 m is required for safety reasons, this must be discussed with and agreed to by the Traditional Owner representatives. It is expected that this will be noted in the report where it occurs along with an explanation of why the increased spacing was deemed necessary, accompanying photographs of the terrain and the names of the Traditional Owner representatives that endorsed the change of methodology;
- Recording of outer lines or central lines using tracks on hand held global positioning system (GPS) devices with a minimum accuracy of +/- 5 m;
- Intensive pedestrian transection to determine the extent of heritage values of any identified sites;
- Accurate delineation of a boundary with a suitable buffer to account for GPS accuracy;
- On WPC surveys a deviation may be required by the proponent, these should provide a sufficient buffer around any heritage places;
- Flagging of the boundary using pink and black heritage tape. Please note that some Traditional Owner representatives may request that sites are not flagged to reduce

visibility and potential visitation by non-authorised persons. In this instance, the wishes of the Traditional Owner representatives supersede this standard;

- Recording of survey progress by archaeologist / anthropologist using a field notebook a copy of this may be requested by YMAC;
- An appropriate photographic record of the survey

4.2 Site Avoidance

Site avoidance surveys are designed to identify any archaeological and / or ethnographic heritage sites within the survey area. When a heritage place is identified it is recorded in as much detail as is necessary to define an accurate boundary and make recommendations to ensure the sites are not disturbed.

In general, any ground disturbing activities can proceed in the survey area or portions of the survey area where no Aboriginal sites have been identified.

Please note, site avoidance level recording is not sufficient to prepare a heritage information submission form (HISF) for consideration by the DPLH and the ACMC. A site identification archaeological and ethnographic heritage survey is YMAC's minimum standard before a site is submitted to the DPLH for consideration.

The proponent may require a preliminary advice, if requested this should be provisioned within seven working days of the completion of the heritage survey, along with accurate spatial data in an appropriate format. A heritage report will be required, see section 5 for YMAC's minimum reporting standards. Heritage survey reports are generally required within 30 working days of the completion of the heritage survey, unless otherwise agreed. Due to the requirement for YMAC to review these reports they must be provided to YMAC in a timely manner to ensure the 30 days deadline is met.

The minimum recording standards for YMAC site avoidance surveys are:

- Pedestrian transection at a spacing of no greater than 20 m;
- If spacing of greater than 20 m is required for safety reasons, this must be discussed with and agreed to by the Traditional Owner Representatives. It is expected that this will be noted in the report where it occurs along with an explanation of why the increased spacing was deemed necessary, accompanying photographs of the terrain, and the names of the Traditional Owner representatives that endorsed the change of methodology;
- Intensive pedestrian transection to determine the extent of heritage values of any identified sites;
- Accurate delineation of a boundary with a suitable buffer to account for GPS accuracy;
- Flagging of the boundary using pink and black heritage tape. Please note that some Traditional Owner representatives may request that sites are not flagged to reduce visibility and potential visitation by non-authorised persons. In this instance, the wishes of the Traditional Owner representatives supersede this standard;
- Brief recording of the heritage values of the sites, for example basalt quarry, culturally modified tree, large artefact scatter;
- Brief photographs of the site and any notable heritage values to assist with any future site identification recording;
- Recording of survey progress by archaeologist / anthropologist using a field notebook a copy of this may be requested by YMAC; and
- An appropriate photographic record of the survey.

4.3 Site Identification

This is the highest level of recording undertaken on a heritage survey. In line with YMAC's heritage management principles this type of heritage survey should only occur as a last resort in areas where a proponent knows they will have to apply for s18 permit, or at sites that have been earmarked for further investigation under s16 of the AHA.

Site identification surveys record Aboriginal sites to a level sufficient to complete a HISF form for submission to the DPLH. Based on the HISF the ACMC will then make a judgement of whether or not they believe that the heritage places constitutes an Aboriginal site under s5, and s39 of the AHA.

Please note, due to the detailed level of recording site identification surveys and site recordings take significantly longer than site avoidance, WAC, and WPC surveys. Reporting timeframes are also longer due to the need to write HISFs for each of the recorded sites.

The minimum recording standards for YMAC site identification surveys are:

- Pedestrian transection at a spacing of no greater than 20 m;
- If spacing of greater than 20 m is required for safety reasons, this must be discussed with and agreed to by the Traditional Owner Representatives. It is expected that this will be noted in the report where it occurs along with an explanation of why the increased spacing was deemed necessary, accompanying photographs of the terrain, and the names of the Traditional Owner representatives that endorsed the change of methodology;
- Intensive pedestrian transection to determine the extent of heritage values of any identified sites;
- Accurate delineation of a boundary with a suitable buffer to account for GPS accuracy;
- Flagging of the boundary using pink and black heritage tape. Please note that some Traditional Owner representatives may request that sites are not flagged to reduce visibility and potential visitation by non-authorized persons. In this instance, the wishes of the Traditional Owner representatives supersede this standard;
- Site identification recording of heritage places:
 - Detailed site plan;
 - For rockshelters, in addition to the site plan, elevation and profile drawings;
 - Location of the heritage place within the survey area;
 - Any nearby infrastructure;
 - Environmental context including vegetation, ground surface composition, ground surface visibility and any other relevant environmental information;
 - Landscape context;
 - Proximity to water sources;
 - Detailed description of any disturbance to the place or heritage objects, both natural and anthropogenic in origin;
 - A justification of the selected boundary;
 - A description of the heritage values of the places;
 - A detailed description of the heritage objects within the place:
 - This may include targeted sampling using sample squares.
 - YMAC do not have a minimum sample size and rely on the professional judgement of consultants to determine an appropriate sampling strategy that accurately reflects the heritage values of the site.

- Please provide a description of the sampling strategy within the site description in the HISF or report.
 - Conversely, if an artefact scatter was not systematically sampled, please provide an explanation as to why this did not occur;
 - Detailed photographs, with and without scales of the context, condition, heritage values, and heritage objects associated with the place;
 - Collect ethnographic information concerning the potential uses of the place and the meaning, importance, and significance of the place to the Traditional Owners;
 - Record recommendations concerning any additional ethnographic work that needs to be undertaken, along with any mitigative strategies proposed by the Traditional Owners.
- Recording of survey progress by archaeologist / anthropologist using a field notebook a copy of this may be requested by YMAC; and
 - An appropriate photographic record of the survey.

4.4 Section 16 and section 18 consultation

Section 16 (s16) consultations are undertaken when a proponent or researcher applies for a s16 permit to cause damage to a site as a result of investigating the site. This usually relates to excavations, the dismantling of walled features, or the collection of stone or ochre for analysis. As part of this process the party applying for the s16 will consult with the Native Title Group to get their input and consent for the permit and the proposed research agenda. YMAC supports the agency of Aboriginal people in the management and research of their heritage, research that actively involves or is driven by the Native Title Group's interests is encouraged.

Section 18 (s18) consultations are undertaken when a proponent or research applies for a s18 permit to impact a site. This permit provides the holder with indemnity against 17 of the Act which sets out the penalties for disturbing Aboriginal sites. These usually occur as a result of development and happen during the final stages of the heritage process. These consultations usually occur because they are mandated in the heritage agreement, land access agreement (LAA), or Indigenous Land Use Agreement (ILUA) between the parties. The consultation occurs after the draft notice has been issued and it is the opportunity for the Traditional Owners to ask questions and request conditions before they consent or object to the application.

S16 and s18 consultations are fit for purpose and the precise minimum requirements of each will be identified via consultation between the consultant, YMAC, and the proponent.

5. Reporting Standards

5.1 YMAC survey completion report

Upon completion of the survey the consultant must complete and return a YMAC survey completion report to the relevant heritage officer.

This short report advises the heritage officer who attended to survey, if the survey was completed, and any issues that may have been encountered on the ground.

Consultants are welcome to telephone or email the YMAC team throughout the heritage survey process.

5.2 Reporting Principles

YMAC's principles of heritage management also extend to our reporting principles. YMAC believes that reports should:

- ◆ *Wherever possible be written in plain English;*
- ◆ *Not contain any extraneous or irrelevant information;*
- ◆ *Not contain more information concerning sites than is necessary to address the survey brief;*
- ◆ *Contain only impartial and factually correct information;*
- ◆ *Contain direct Traditional Owners quotations wherever possible; and*
- ◆ *Contain all the recommendations provided by the Traditional Owners even if they are likely to be unpalatable to the proponent.*

5.3 Heritage Report Suggested Content

YMAC do not dictate the format of heritage reports to consultants. However, at a minimum they should contain the following components:

- Executive summary;
- Summary of the heritage survey stakeholders;
- Dates of survey;
- Description of the survey brief/s;
- Completion status of survey brief/s at the end of the survey;
- A description of any limitations and / or issues;
- A summary of desktop research for the survey area/s;
- Maps showing the survey areas and any sites or not clear areas identified during the desktop research and the survey;
- Results of any newly identified heritage places to a level appropriate to the survey methodology;
- Results of any reassessments of any previously identified or DPLH Registered Aboriginal sites or OHPs to a level appropriate to the survey methodology;
- Heritage recommendations;
- HISFs if appropriate, please note that like preliminary advice and reports, it is a requirement that all HISFs are submitted to YMAC for review prior to submission to the DPLH.

5.4 Report Revision Process

YMAC proofs all consultants' reports and checks them against the requirements of the brief. YMAC has a responsibility to deliver to the standard set out in the heritage agreement between the Native Title group and proponents. This quality assurance is also central to YMAC's ability to assess and review the performance of its engaged consultants.

Similarly, as part of the process defined by most heritage agreements, the proponent and Native Title Group will be provided opportunity to comment on a draft of the report before it is finalised. YMAC coordinates and tracks this process of report review and finalisation.

Although generally not specified in agreements, the allowance made for this process is a single iteration of the draft, with any updates or amendments before the report is finalised. As per the YMAC Heritage Survey Estimate, any additional time required by the Heritage Officer or other YMAC staff to track multiple versions of reports, or to coordinate meetings relating to the matter will be recovered pro-rata.

In terms of making amendments to reports, YMAC remains firmly of the position that the consultant is engaged as an expert to provide a specialised report. The results, analyses, methods, and recommendations in a survey report are therefore the consultant's expert findings. While proponents may request that reports or data are presented in certain ways (e.g. for consistency or compatibility with internal systems), no discussion which in any way changes the findings in a report will be entered into.

Where any party finds that they are irreconcilably in disagreement with an aspect of a report or conduct of a survey, most agreements contain a separate dispute resolution process.

5.5 Heritage Information Submission Forms (HISFs)

HISFs are the document which is completed to report an Aboriginal site to the DPLH and the ACMC for consideration. The ACMC make a judgement regarding the site based on

YMAC safety Standards

Summary of our commitment to safe work and a list of our policies and processes that can be made available upon request.

- Job Hazard Analysis (JHA);
- Journey Management Plan (JMP)
- YMAC vehicle prestart checklist
- YMAC drug and alcohol policy
- Process of reporting heritage hazards and incidents
- Heritage incident report register

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Appendix 1 – Acronyms and definitions

Acronym / Abbreviation	Definition
Aboriginal consultants	Aboriginal persons who attend heritage surveys, consultations or other cultural heritage related consultancy services.
Aboriginal site	A place to which meets the criteria of section 5 of the Aboriginal Heritage Act 1972
ACMC	Aboriginal Cultural Materials Committee
AHA	The Aboriginal Heritage Act 1972 (WA)
AHIS	Aboriginal heritage inquiry system
AIATSIS	The Australian Institute of Aboriginal and Torres Strait Islander Studies
Closed report	A report provided to YMAC following a survey or other cultural heritage related consultancy services usually containing detailed and specific anthropological information which is not intended for public release.
Consultant	A cultural heritage consultant as specified in the YMAC Cultural Heritage Services Consultancy agreement and endorsed by YMAC to prepare, conduct, and report upon heritage surveys or other cultural heritage related consultancy services.
DPLH	Department of Planning, Lands, and Heritage
GIS	Geographic information systems
GPS	Global positioning system
Heritage agreements	Agreements for heritage services between YMAC (as an agent for the Native Title Group) and proponents that are typically triggered by the future act processes of the NTA, and which outline how heritage surveys and other cultural heritage related consultancy services will be conducted, and the outcomes of those surveys in relation to the AHA and MTA. YMAC utilises a standard heritage agreement (SHA) and an alternative heritage agreement (AlthA).
Heritage service(s) provider (HSP)	The entity which has been nominated by the Native Title Group to provide administrative and logistical services for the purpose of delivering heritage surveys pursuant to a heritage agreement.
Heritage subcommittee (HSC)	The committee formed with voluntarily or pursuant to a heritage or other agreement, which arbitrates on heritage matters on behalf of the native title group and provides instruction to the NTRB / HSP.
Heritage survey	The archaeological and / or ethnographic survey of a proposed development area (the survey area), and undertaken pursuant to a heritage (or other) agreement. Heritage surveys are fit for purpose and a range of different methodologies apply including work area clearance (WAC),

Acronym / Abbreviation		Definition
		work program clearance (WPC), site avoidance, and site identification (SID).
HISF		Heritage information submission form. HISFs are used for the recording and lodging of sites for the DPLH's site register.
LAA		Land access agreement, similar to a heritage agreement for exploration activity, but instead for the purpose of negotiating more widespread, continued, and intensive land use. LAAs typically contain more detailed heritage protocols.
MGA		Map grid of Australia
Native Title Group (NTG)		<p>A group of persons on whose behalf a native title claim is made or, in the event that a determination has been made, the persons holding the rights comprising the native title rights and interests, as identified in the determination.</p> <p>For the avoidance of doubt, where a determination has been made in favour of the NTG, such that the NTG becomes known as the Common Law Holders of native title, the term "Native Title Group" as used in this guideline will be taken to also mean and include the term "Common Law Holders".</p> <p>These are Australian Aboriginal persons that may or may not be represented by YMAC in heritage and native title matters.</p>
Native representative (NTRB)	title body	Entities as recognised under the <i>Native Title Act 1993</i> (cth).
Other heritage place		<p>Lodged OHPs – these are places that have been submitted to the DPLH via a HISF and are awaiting assessment by the ACMC.</p> <p>OHPs – these are places that have been assessed by the ACMC and have been determined to contain Aboriginal heritage value(s) but not to meet the criteria of an Aboriginal site under s5 of the AHA.</p> <p>Both lodged OHPs and OHPs appear on the DPLH's AHIS.</p>
Prescribed corporate (PBC)	body	Or registered Native Title Body Corporate (RNTBC) as recognised under the NTA
Proponent		An individual or entity undertaking any activity to which a heritage survey relates. That is any individual or entity that proposes an action that may or will affect native title rights and interests (determined and claimed) or any Aboriginal heritage values in the landscape or pertaining to moveable objects. This can include mining companies, NGO's, federal, state and local government, pastoralists, exploration companies, and individual landowners.
Scope of works (SoW)		<p>The term occasionally used in older contracts and heritage agreements to refer to the survey brief.</p> <p>Alternatively it is also used to describe the work program being the development plan set by the proponent.</p>

Acronym / Abbreviation	Definition
Section 18	The process in the AHA by which a proponent can apply for a 'consent to certain uses' of land and effectively lawfully alter or damage an Aboriginal sites.
Site avoidance survey (SA)	A heritage survey methodology usually employed where the proposed works can be repositioned to avoid Aboriginal sites. A site avoidance survey provides an accurate boundary and the type of heritage place. YMAC supports an avoidance based approach wherever possible.
Site identification survey (SID)	The highest level of heritage survey. A site identification recording includes an accurate boundary and the thorough recording of the heritage values of the site. The methodologies to record particular site types are fit for purpose. This level of recording is sufficient to complete a HISF for the DPLH. This level of recording is necessary if the proponent wants to apply for a s18 permit. YMAC endorses this approach as the final stage of the heritage process after all avoidance options have been exhausted.
Survey area	The area the subject of a heritage survey or other cultural heritage related service.
Survey brief	A document issued by YMAC to the consultant detailing the nature and extent of work and reporting required in undertaking a heritage survey or other cultural heritage related consultancy service.
Traditional Owner(s)	Those people who hold a cultural or spiritual connection to a particular country and who may or may not be part of a native title group.
Traditional representative Owner	Those people nominated by the Traditional Owner(s) to participate in a heritage survey or other cultural heritage related service.
Work area clearance survey (WAC)	Work area clearance surveys usually take place in the very early stages of a project. WAC surveys are undertaken over larger areas where no specific work program has been defined. WAC provides accurate site boundaries and no other information is provided or recorded.
Work program clearance survey (WPC)	Work program clearance surveys usually take place in the very early stages of a project. WPC surveys are used where there are specific and tightly defined development actions are proposed such as infrastructure tracks, drill lines, and drill holes.
Working group	The group of representative from a native title claim elected as a liaison between the community and external parties who pass on instructions to the Native Title Representative Body and / or heritage service provider.

Heritage survey process and reporting

Below is the generally applicable process from the lodgement of heritage notice or request form, to the completion of a survey.

