

Aboriginal Cultural Sites & Artefacts

Guidelines for Companies, Developers and the General Public



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Yamatji Marlpa
ABORIGINAL CORPORATION



This booklet has been produced with acknowledgements and thanks to the Board of Directors of Yamatji Marlpa Aboriginal Corporation (YMAC).

This information is intended as a guide only, if you have any questions about Aboriginal sites and artefacts in the Pilbara, Mid West or Murchison-Gascoyne, please phone your nearest YMAC office. See back page for our office contact details.

Many Aboriginal people have a cultural obligation to care for and protect country, which is an integral part of Aboriginal law and belief. This stems from a land-centred view of society, a deep understanding of the environment and the continuity of dream time stories that tells the story of the land. Under Aboriginal law and culture there are consequences for breaking these obligations to care for country.

“Country is our mother, our provider and keeper of our cultural belongings.”

Peter Jeffries, Puutu Kunti Kurrama and Pinikura Traditional Owner

View over Yinhawangka country



Woodstock Abydos Reserve, Kariyarra Country

Care and Protection of Sites and Artefacts

- Legal and cultural obligations often involve stopping any disturbance to sites, cultural material or the environment.
- Disturbance to sites or places doesn't always need to be physical. Noise, activity, or encroachment can disturb sensitive sites.
- Environmental disturbance can also affect sites and places, and can be indirect. For instance, interrupting or altering the flow of water courses can affect cultural places, animal habitats or destroy certain plant species.
- Disturbance to the ground surface, ground water, landscape, hills or rock formations can also have adverse effects, even if no recorded sites or cultural material is present at those locations.



Wildflowers, Badimia Country



Wajarri Yamatji Country

Guidelines for the general public

- Don't touch, pick up or remove cultural materials, such as artefacts or artworks. Often where something was left or made by Aboriginal people thousands of years ago is as important as the artefact or artwork itself.
- Don't disturb sites such as artefact scatters or campsites by walking or driving over them and do leave scarred trees alone. Set up tents or caravans away from these kind of sites.
- Do be respectful of the natural environment. Take your rubbish with you and keep rivers and creeks unpolluted. Try to avoid disturbing the ground by sticking to established tracks.
- Don't remove or damage any flora or fauna and leave rocks and dirt undisturbed. For many people, rocks and earth are part of the country, and moving them is the same as disturbing artefacts or sites.
- Do make an effort to find out about Aboriginal culture and sites. This can help you to avoid accidental damage and helps to preserve important places.

Remember also that it is an offence under s17 of the Aboriginal Heritage Act 1972 to disturb Aboriginal sites or cultural material, and offenders can face prosecution. Inform anybody you suspect to be disturbing cultural material of the legislation, and report this to the DIA, who can investigate the matter. Please see page 11 for more information on the WA Aboriginal Heritage Act 1972.



Bill Shay indicating extent of scatters on Yugunga-Nya country

- Do respect the confidentiality of sites, places, or other information given to you by Aboriginal people.
- If for any reason you are given cultural material, such as artefacts, tools or other objects, or if you discover an Aboriginal site or place on your property, you should inform the appropriate Traditional Owners. YMAC can direct inquiries to the appropriate people; our contact details are found on the back page of this booklet.
- If you are aware of any Aboriginal cultural material being disturbed, inform the appropriate Traditional Owners, or YMAC and the Department of Aboriginal Affairs (DAA) as quickly as possible.

If you discover Aboriginal skeletal remains, or remains that could be human, inform the appropriate Traditional Owners and the West Australian Police immediately.

- Do make yourself familiar with the Aboriginal Heritage Act 1972.
- When in doubt, ask. YMAC can direct you to the appropriate people and answer questions about Aboriginal heritage, sites and places.



Roy Tommy on Yinhawangka Country



Creek bed, Banjima Country

Guidelines for companies and developers

- Do seek expert advice from Aboriginal people, and qualified professionals such as archaeologists and anthropologists to help develop management plans for Aboriginal cultural heritage.
- Make avoiding Aboriginal sites a priority when planning development projects, and develop programs to conserve Aboriginal sites in your project areas.
- Develop plans for comprehensive environmental management which incorporate Aboriginal knowledge and values.
- Ensure that your employees and contractors are trained and aware of their obligations under the Aboriginal Heritage Act 1972.
- Develop cultural awareness training programs with local Aboriginal people. YMAC can assist with this.
- Do make an effort to speak with and involve local Aboriginal communities in your work.



Malgana Country



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Western Australian Law

Under section 17 of the Western Australian Aboriginal Heritage Act 1972;

A person who -

- (a) excavates, destroys, damages, conceals or in any way alters any Aboriginal site;
- or
- (b) in any way alters, damages, removes, destroys, conceals, or who deals with in a manner not sanctioned by relevant custom, or assumes the possession, custody or control of, any object on or under an Aboriginal site,

commits an offence unless he is acting with the authorisation of the Registrar under section 16 or the consent of the Minister under section 18.

And

- (1) A person who commits an offence against this Act for which no penalty is specifically provided is liable, on summary conviction -
 - (a) in the case of an individual, to -
 - (i) for a first offence, \$20 000 and imprisonment for 9 months; and
 - (ii) for a second or subsequent offence, \$40 000 and imprisonment for 2 years, and in any case, to a daily penalty of \$400; and
 - (b) in the case of a body corporate, to -
 - (i) for a first offence, \$50 000; and
 - (ii) for a second or subsequent offence, \$100 000, and in any case, to a daily penalty of \$1 000.

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