



Hon Dr Tony Buti MLA
Minister for Finance; Aboriginal Affairs; Racing and Gaming;
Citizenship and Multicultural Interests

Our Ref: 80-04997

Ms Monique Pasqua
Main Roads Western Australia

Via email: monique.pasqua@mainroads.wa.gov.au

Dear Ms Pasqua

SECTION 18(3) ABORIGINAL HERITAGE ACT 1972 – MAIN ROADS WESTERN AUSTRALIA – CAUSEWAY PEDESTRIAN AND CYCLIST BRIDGE – CONSTRUCTION, MAINTENANCE AND OPERATION

I refer to the Notice submitted under section 18(2) of the *Aboriginal Heritage Act 1972*, dated 6 January 2022 by Main Roads Western Australia (MRWA) (Notice).

The Notice advises that MRWA wishes to use 36 various land parcels within the Perth metropolitan area for the Purpose described as:

Causeway Pedestrian and Cyclist Bridge
Construction, maintenance and operation, including all associated work and infrastructure

I am advised that the intended use will impact upon two Aboriginal sites within the meaning of section 5 of the *Aboriginal Heritage Act 1972*, being:

- ID 3536 (Swan River)
- ID 3589 (Heirisson Island).

Pursuant to section 18(3) of the *Aboriginal Heritage Act 1972*, having considered the recommendation of the Aboriginal Cultural Material Committee and having regard to the general interest of the community, I have decided to grant consent with conditions. The form of consent is enclosed.

I take this opportunity to acknowledge the consultation MRWA has undertaken with the Whadjuk Indigenous Land Use Agreement Group representatives and the Matagarup Elders Group (MEG) and support the agreements that have been reached. I note those consulted request the following:

- An archaeological investigation is conducted prior to commencement of the works via a section 16 permit.
- The newly recorded component of Aboriginal site ID 3589 (Heirisson Island) is avoided.


- The new Causeway Pedestrian and Cyclist Bridge be located as close as possible to the existing Traffic Bridge.
- The 'No Camping Sign' on Heirisson Island be removed.
- A Heritage Interpretation Strategy for the project area that includes signage and information plaques that tell the Whadjuk history to be developed.
- A plaque acknowledging Aboriginal history to be erected on Heirisson Island.
- On-going consultation throughout the duration of the project with Matagarup Elders Group (MEG).
- Monitors for all ground disturbance.
- A salvage strategy for unanticipated finds to be developed.
- Contractors and employees to be made aware of the location and boundaries of the heritage places, with access thereto restricted.
- If skeletal material and/or soft tissue material is uncovered work must stop immediately.
- If the proposed works alters in size or scope, further consultation is to be undertaken.

I also note that MRWA has agreed to the above requests and will follow up with the relevant local government to have the sign removed. I express my appreciation and strongly encourage all parties to act in accordance with the agreements they have entered into to ensure the benefits to both parties, particularly the appropriate protection and management of Aboriginal heritage, are realised.

I also draw your attention to the additional information attached, which is provided for your assistance.

If you have any queries in relation to this matter, please contact Mr James Dobson, Team Leader Aboriginal Heritage Operations, Department of Planning, Lands and Heritage, on 6551 7928 or james.dobson@dplh.wa.gov.au.

Yours sincerely



Dr Tony Buti MLA
MINISTER FOR ABORIGINAL AFFAIRS

Att.

24 MAY 2022

ABORIGINAL HERITAGE ACT 1972

CONSENT PURSUANT TO SECTION 18(3)

CONSENT GRANTED TO:	Main Roads Western Australia on behalf of the City of Perth and the State of Western
IN RESPECT OF THE LAND:	36 various land parcels within the Perth metropolitan area
PURPOSE:	Causeway Pedestrian and Cyclist Bridge Construction, maintenance and operation, including all associated work and infrastructure
REFERENCE:	MIN-2022-0287
SITES TO BE IMPACTED:	ID 3536 (Swan River) and ID 3589 (Heirisson Island).

CONDITIONS OF CONSENT

That the consent holder:

1. Invites, in writing, giving 60 days' notice, for four members nominated by the Whadjuk Indigenous Land Use Agreement Group consisting of two females and two males to be present for ground disturbing works on the Land where the proposed works intersect with Aboriginal sites ID 3536 (Swan River) and ID 3589 (Heirisson Island).
2. Provides a written report to the Registrar of Aboriginal Sites within 60 days of the completion of the Purpose, advising whether and to what extent the Purpose has impacted on all or any sites located on the Land. The final report should include a detailed description of:
 - a. what extent the Purpose has impacted any Aboriginal site on the Land
 - b. where any Aboriginal site has been impacted, whether such site has been partially or wholly impacted by the Purpose, and the level, effect and type of any such impact – preferably by the provision of photographs taken before and after the impact
 - c. where an Aboriginal site has been subject to archaeological or cultural salvage, when and how such salvage took place, who was present at the salvage and where the material was re-located, the results of the salvage and any subsequent analysis conducted
 - d. the results and finding of any monitoring of ground disturbing works associated with the Purpose
 - e. what extent the site has been remediated.
3. Must notify the Minister for Aboriginal Affairs if the consent holder becomes aware of any information about Aboriginal cultural heritage in relation to the land the subject of the consent.

Consent is valid for a period of five (5) years.

The consent takes effect the day after the day on which the owner is informed of the Minister's decision.

Note: New Information' means information not identified to the Minister or Committee, before the consent was given, about Aboriginal cultural heritage located in the area of the Notice or the characteristics of the Aboriginal cultural heritage located in the area

SECTION 18 CONSENTS

ADDITIONAL INFORMATION

The following information is provided for the guidance of the consent holder and does not constitute conditions of consent.

1. Right of Review of Decision

Where a consent holder is aggrieved by a decision of the Minister made under section 18(3) of the *Aboriginal Heritage Act 1972*, including the conditions to which the consent is subject, application may be made to the State Administrative Tribunal for a review. The Tribunal's website is www.sat.justice.wa.gov.au.

2. Consent is Non-Transferable

Consent may be relied upon only by the named consent holder in respect of the named land. Any successor in title must give its own notice under the *Aboriginal Heritage Act 1972*.

3. Traditional Knowledge Holder

Agreements reached with Traditional Owners and knowledge holders entered into on behalf of the consent holders are acknowledged and supported.

4. Conditions of Consent

The Department of Planning, Lands and Heritage (DPLH) carries out routine audits on compliance with the conditions of consent. Failure to comply with the conditions of consent may constitute an offence under section 55 of the *Aboriginal Heritage Act 1972*.

It is recommended that the consent holder informs all employees and others engaged in the development of their obligations under the *Aboriginal Heritage Act 1972*, especially with regard to skeletal material.

Reports to the Registrar of Aboriginal Sites (Registrar) should use the Section 18 Report Back template which can be downloaded from the DPLH website at <https://www.dplh.wa.gov.au/information-and-services/aboriginal-heritage/land-use-under-the-aha/section-18-notices>.

The Registrar welcomes any additional information about Aboriginal sites within the meaning of section 5 of the *Aboriginal Heritage Act 1972*, or objects within the meaning of section 6 of the *Aboriginal Heritage Act 1972*.

5. Legislation

The *Aboriginal Heritage Act 1972*, the *Aboriginal Heritage Regulations 1974* and the *State Administrative Tribunal Act 2004* may be viewed and downloaded from the Parliamentary Counsel's Office website at www.legislation.wa.gov.au.