ABORIGINAL CAMP SITES ON THE WESTERN COAST
OF DAMPIER LAND, WESTERN AUSTRALIA

by

Kim Akerman *

The Dampierland Peninsula lies to the north of Broome on the north-west coast of Western Australia. The peninsula is within 25" - 30" rainfall belt, with temperature varying between 70° F in July and 85° F in November/December.

The low plateau that makes up the peninsula has a basal layer of cretaceous silicified sandstone, overlain with locally occurring Pliocene sand dunes and a thin sandy soil veneer. The area supports tropical woodland vegetation known locally as 'pindan'.

Very little has been recorded about the day-to-day life of the coastal people of Dampierland. W.D. Campbell visited Sunday Island in 1908 and with W.H. Bird provided an account of the Aborigines inhabiting it in 1915. From this account and from discussions held with elderly men of the Bad tribe now resident at One Arm Point, it is clear that although a maritime people the material culture possessed allowed only a very limited exploitation of the marine environment.

Many of the items considered vital to a coastal exploiting group were absent. Harpoons were not used until contact time. Even now the harpoons used differ radically from those used on the northern and eastern coasts of Australia. There appears to be no word in the language for harpoons and they are designated 'English harpoons' and 'Japanese harpoons', depending on their construction (Figure 1, a and b).

The 'English harpoon' is an iron rod of 1.5 cm diameter up to one meter in length with a flattened non-detachable single barbed tip. The other end of the rod is formed into an offset 'eye'. This end is lashed firmly onto a mangrove wood pole about four meters in length. The 'Japanese harpoon' differs in having a detachable barbed head with a hollow base. This is slipped over a one meter iron foreshaft which in turn is lashed securely to the mangrove wood shaft. The harpoon line of the former type is secured through the 'eye' of the iron rod and in the latter is attached directly to the detachable head. The indigenous harpoon type as found by Thomson (1934: 237-62) has a shaft socketed to receive the head and no foreshaft. Among the Bad the 'Japanese harpoon' is preferred for turtle and the 'English harpoon' with its lance-like head, for dugong. Turtles tend to spin when harpooned and the rigid 'English' iron is more likely to pull out.

* Manuscript received March 1974.
Kim Akerman is with the Department of Public Health, Derby, W.A.
Map 1: The Dampierland Peninsula

Map 2: Recent sites near Coulomb Pt.

Map 3: Sketch map showing concentration of camps in area B (i) Coulomb Point

Figure 1: Modern harpoon types used by the Bad

Figure 2: Sketch showing stratigraphical relationship between A1 and A2 sites
Nowadays there is little emphasis on gathering sea foods from the reef or beach environment although 'shelling' and the gathering of clam meat is undertaken for commercial purposes. Fishing with lines and hooks (formerly not made or used) is undertaken on an irregular basis. Fishing was formerly done with long single pointed unbarbed spears or with special fishing boomerangs. After the coming of the pearling fleets, iron 'boomerangs' were used by men and women when fishing in the shallows.

Turtles are taken throughout the year but the main months appear to be October and November when mating or 'married' turtles are common. The hunters usually watch for them from beaches on either side of tidal channels. The copulating turtles are easily approached and harpooned. Dugong on the other hand migrate from areas north of Sunday Island south during March/May and at this time, are taken often.

The heavy emphasis on the large marine animals at present is not reflected in surface sites to be described and there appears to be a radical change in the exploitation methods used by the Dampierlanders.

**Description of sites**

The sites described here lie along a coastal stretch of some ten miles in length immediately north of James Price Point. In 1971 W.H. Butler conducted a fauna survey of the area on behalf of the Department of Fisheries and Fauna. On this survey artifacts similar to those described were collected and forwarded to the Western Australia Museum (W.H. Butler, personal communication). At present the coastal strip running from Coulomb Point to Cape Bertholet is a Fisheries and Fauna Reserve.

The coast here is rugged with beach fronts varying between 100 and 500 meters in width. There beaches abut either on to large fixed sand dunes or on to terra rossa cliffs up to thirty meters in height. The sites which appear to belong to three different phases I have designated A1, A2 and B. Sites designated as A1 and A2 appear to be considerably older than those that fall into the B category.

On all three types of sites concentrations of mollusc shells are evident. In fact, these shell concentrations are the main indications that there has been aboriginal activity in the area. It appears that rock oysters (*Crassostrea*), trochus (*Trochus lineatus*), ark shells (*Arcidae* sp), abalone (two species of *Haliotis*, *H. ovina* and *H. asinina*) and small pearl oysters (*Pinctada* sp and *Pteria* sp) were the main shell fish gathered, although many shells belonging to other genera were found damaged on sites but in much lesser quantities.
Gastropods were usually found to have one or more of their whorls damaged—evidence of the method of extraction of the animal. Trochus shells, however, usually had the dorsal half of their spires removed to facilitate extraction of the animal. As well as the smaller molluscs the large shells of trumpet shells (Syrinx auranus) and bailer shells (Meloamphora), are common although usually damaged. Whole shells of the bailer shell usually have the columella and interior whorls removed to convert the outer body whorls into a large bowl. Occasional specimens were seen with a hole punched in the side of the body whorl opposite the aperture, allowing the columella to be grasped as a handle (Davidson 1937:200).

Both A1 and A2 are associated with the red soil cliffs and fossilized dunes. A1 sites have sparse shell accumulations usually about small hearth zones. Hearths are characterized by a scatter of either burnt sandstone lumps or baked ant bed.

There is a crude lithic industry using silcretes which are exposed at sea level on the western side of Dampierland, (this sandstone/silcrete stratum is well exposed on the eastern coast of the peninsula and appears to dip gently to the west). Boulders of silcrete were obtained from creek washouts. Crude flakes with large plain striking platforms and sharp edges were used as knives and scrapers. Cores were also used as choppers; otherwise there is no evidence of any refined stone or shell industry.

Sites in the A1 category do not appear to have any vertical accumulation and lie directly above the disconformity between the sandstone and the red earth cliffs (Figure 2). A2 sites are found on the tops of the cliffs and appear to be up to 1-1.5 meters in depth. The shell accumulations are interbedded in the terra rossa soils. As hearth accumulations of the same species of shells appear, there seem to be indications that specialized gathering had begun to take place. Small concentrations of individual species are found embedded in the cliff face.

The most striking introduction, however, is the refined lithic technology which has produced long simple blade points with some marginal trimming. These blades are 3 to 12 cm in length.

Dorothy (1972: 65-72) described a similar industry in the Chichester Ranges of Western Australia. At the Chichester Ranges, however, the blades are flaked from black, fine grained cherty siltstone. The techniques described by Dorothy appear to be the same as those used for blade production on Dampierland (Figure 3). As well as these points, rare ground edge axes of both pebble and biface coroid types have been introduced, along with anvils made on silcrete or shelly conglomerate pebbles. All implements are made of either silcrete or conglomerate. No artifacts made of basalt or dolerite have been noted.
A. Blade points with slight marginal trimming
B. 
C. Plain blades with flake points
D. 
E. Chopping implement made on a flake
F. Nosed scraper made on broken flake

Figure 6: Pebble anvil stone of shelly conglomerate associated with opening trochus shells for food.

Figure 4: Heavily battered ground edge axe made of silcrete

Small grinding plague of ferruginous grit. This type of grindstone is associated with bailer shell implements

Figure 7: Ground edge implements of bailer shell
On the A2 sites a shell technology appears to have begun. Extremely brittle Melo shell bowls are weathered out of the cliff and one weathered ground bailer shell knife/chisel was found. This was the only shell knife found associated with the cliff top sites. Although sites in the A1 and A2 category allow some impressions of the prehistoric life of the Dampierlanders, two sites in particular cover the contact and early post-contact era, which allow greater insights into the ecology of the strand dwellers. These I have classed as B sites.

B sites differ radically in their location from A sites lying directly on stabilized sand dunes about one mile apart. The first B (i) is on Point Coulomb, the other B (ii), on the south bank of a creek mouth, one mile to the north (Map 2). The sites lie between the first low seaward dunes and extend east to the tops of the larger stabilized dunes.

On both sites it is possible to observe that some specialization in food collection has taken place. Separate hearths are often associated with one particular mollusc species, usually trochus, abalone or ark shells. Rock oyster shells are by far the commonest being scattered over the entire area. Also at both sites it is possible to see the remains of turtle. These turtles were probably either caught when mating or when nesting. While examining site B (i) green turtles were seen within twenty meters of the reefs. It was interesting to note that no trace of dugong remains were found at either sites (this I feel is an indication that the sites were 'pre-harpoon' in early contact times). W.H. Butler (pers. comm.) saw dugong remains on recent sites in this area in 1971. These may be modern in origin.

**Lithic industry**

Production of blades appears to have been dropped from the lithic technology. Lithic material is limited to simple flake knives and scrapers, no adzes were seen.

Ground edge axes of silcrete appear to be fairly common. All those observed showed much battering and flaking, testimony to the unsuitability of the material for the production of such implements (Figure 4). Axe grinding was probably carried out on coral slabs which are common at the camps, however, only two definite grindstones of coral were seen. Smaller grindstones (Figure 5) are common; they are small tablets of silcrete or ferruginous grit with very narrow shallow grooves. It is almost certain that these were used to sharpen shell knives and chisels.

The only other recognizable stone implements are well made anvil stones with usually one well-defined pit on either side. These are made from water worn pebbles of quartzite or shelly conglomerate (Figure 6).
Shell Industry

On the abovementioned sites there is also a well-defined industry based on bailer (Melo-sp) and pearl shell (Pinctada sp). The products of the former were all utilitarian. Those artifacts produced of pearl shell (and rarely nautilus) appeared to have been used for ornaments for sacred and/or secular purposes.

Bailer shell tablets of oval to sub-triangular shape were usually chipped to shape and one end sharpened by grinding (Figure 7) and rarely is the whole circumference ground. The shell is often very worm-holed and it would appear that for many of these implements thick sections of wave-tossed dead shell were used (broken shell is regularly tossed on to the beach). Perhaps those fragments that survive the waves and reef are tougher and more suitable for edge grinding than fresh shells. Blanks are rare (Figure 8).

Analysis of shell implements

<table>
<thead>
<tr>
<th>Artifact</th>
<th>Length (measurements in cm)</th>
<th>Breadth</th>
<th>Thickness</th>
<th>Shape</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3.5</td>
<td>3.00</td>
<td>0.3</td>
<td>sub-rectangular</td>
</tr>
<tr>
<td>2</td>
<td>3.2</td>
<td>3.1</td>
<td>0.3</td>
<td>sub-triangular</td>
</tr>
<tr>
<td>3</td>
<td>9.5</td>
<td>7.3</td>
<td>0.4</td>
<td>oval</td>
</tr>
<tr>
<td>4</td>
<td>8.2</td>
<td>4.6</td>
<td>0.4</td>
<td>sub-rectangular</td>
</tr>
<tr>
<td>5</td>
<td>12.2</td>
<td>6.0</td>
<td>0.35</td>
<td>oval</td>
</tr>
<tr>
<td>6</td>
<td>10.4</td>
<td>4.7</td>
<td>0.25</td>
<td>sub-rectangular</td>
</tr>
<tr>
<td>7</td>
<td>7.0</td>
<td>5.0</td>
<td>0.3</td>
<td>sub-triangular</td>
</tr>
<tr>
<td>8</td>
<td>8.5</td>
<td>5.0</td>
<td>0.2</td>
<td>sub-rectangular</td>
</tr>
<tr>
<td>9</td>
<td>10.2</td>
<td>4.0</td>
<td>0.3</td>
<td>oval</td>
</tr>
<tr>
<td>10</td>
<td>9.0</td>
<td>4.1</td>
<td>0.3</td>
<td>oval</td>
</tr>
<tr>
<td>11</td>
<td>6.6</td>
<td>4.7</td>
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<td>rectangular</td>
</tr>
<tr>
<td>12*</td>
<td>9.0</td>
<td>4.8</td>
<td>0.35</td>
<td>oval</td>
</tr>
<tr>
<td>13*</td>
<td>8.7</td>
<td>2.9</td>
<td>0.3</td>
<td>oval</td>
</tr>
</tbody>
</table>

Bad and Njulnjul informants stated that such implements were hafted in short handles as chisels (Bad: Tjinabal) and used for wood working. Demonstration models were made for me (Figure 9).

Six years ago Bad informants produced for me smaller and similar, but unhafted, objects which were used for butchering turtle and cleaning fish.** Specimens seen at Coulomb Point varied in length and breadth considerably, and possibly the thinner implements served as knives rather than as chopping or adzing tools. Knut Dahl (1926: 289-90) figured an unhafted chisel from Broome and noted it was "..... very well adapted for the purpose of cutting wood, when used in the native way as a chisel."

* Trimmed but unground blanks
** These specimens are now housed in the Museum of the Department of Anthropology, University of Western Australia
Figure 8: Trimmed bailer shell blanks

Figure 9: Bailershells are typically hafted as chisels/adzes by Bad informants. Bad name - Tjinabal.

Figure 10: Pearl shell ornament known as Pintja Pintja
Bailer and syrinx shells were used as receptacles. Syrinx shells appear to have been carefully chipped to remove the interior whorls producing a ladle-like object. Whole specimens are rare. Bailer shells had either the interior whorls removed leaving the outer body whorls to form a bowl or had a hole punched through one side to allow the columella to be gripped. There was no attempt to smooth grip holes and on only one bailer shell was there any grinding evident on the lip. As well as being used for water carrying, Dahl noted that the Broome aborigines used them to winnow charcoal and 'nalgoa' that had been mixed together when hot (Dahl 1926: 290).

Two pearl shell objects were also found: the first one consisted of two sections of a small pearl shell (known as Pintja Pintja and Tjagolla locally); this object (Figure 10) was pierced at one end by drilling from either side. The holes were not positioned directly over one another with a resultant 'double hole'. The second object is the 'top end' of the common larger pearl shell ornament and bears a perforation for suspension. Neither object has been engraved.

Several small sub-triangular fragments of apparently worked nautilus shell were seen. These were not pierced for suspension.

Analysis of Site B (i)

It is possible at site B (i) to establish the nature of the activities carried on at the various camps that make up the site. The site itself covers an area of approximately 0.8 kilometers in length and is between 200 and 300 meters wide, tapering as the site extends to the north. Towards the northern end there is a small soak surrounded by pandanus. This was the main watering point (Map 3).

Camping areas can be divided into living areas and working areas. The latter was probably the domain of adult males. Living areas are found along the entire interdunal stretch of the site. They are characterized by profuse scatter of shells both large and small. Bailer and syrinx bowls (whole and fragmentary) are common, as are large coral blocks (grind stones?) and anvils. Most hearths are scattered, but one can note concentrations of ark, trochus and abalone shells as well as the remains of rock oysters. There are also remains of turtles, usually associated with hearths of burnt sandstone or ant bed. At these sites, there are very few knives and scrapers, and no ground shell implements.

The working sites are found on the seaward margins and on the crests of the large, fixed dunes lying east of the living areas. These were probably selected on their merits as vantage points to observe the coast, and for reasons of relative isolation which hollows between the dunes afforded.
Here, there are excellent examples of turtle cooking hearths, and hearths that show the specialization in food preparation (if not collection). Small clusters of ark shells, trochus, pearl oysters and abalone, all show little evidence of having been disturbed. Rock oyster remains litter the area (it appears as if huge lumps of reef and oysters were carried up to the dunes to be eaten there at leisure).

There appears to be an association between the anvils and the trochus shell (which are opened by removing the top of the spire) as shells and anvils are often found in close proximity. Bailer and syrinx shell bowls, often very large (up to 40 cm in length), are also found on these areas. There also are rusted tin billys which must have replaced shell receptacles.

The bulk of the lithic material is found on the dunes. Cores, flake tools, and pebble choppers along with shell tools suggest that this was an area where manufacturing of implements took place. Wasted stone material is also concentrated in these areas. If modern comparisons can be followed, in all likelihood these were 'men only' areas. As well as the production of utilitarian artifacts, the presence of worked pearl shell also reinforces the idea of a 'men's ground'.

At Coulomb Point it can be seen that activities are not concentrated around the watering point, as one might expect, but the majority of camps for living and for working are closer to the reef areas south of the soak.

Concentrations of reef dwelling shell fish are found on camp sites here, which as the sites extend north, become less abundant. The main manufacturing site itself lies opposite the reef on Point Coulomb.

Although there is no evidence of fish remains, it is certain that fishing was carried out with plain wooden spears and boomerangs. At one camp a worked piece of flat iron, possibly part of a metal fish boomerang (Campbell and Bird 1915: 57, Figure 6), was found. There was also a noticeable lack of large amounts of marsupial remains, although scattered bones of wallaby were seen. These, like the turtle remains were exceedingly fragile and could not be removed without preparation.

Evidence that these sites were used in contact times is afforded by traces of rusted knives, the section of an iron boomerang, disintegrating iron billy cans and one small iron tomahawk of an early style. Broken glass can be seen, but none has been found that has been worked. Possibly bottles were prized containers which were carried about until they broke. Unworked glass slivers, however, could well have been used for cutting purposes both of ceremonial and secular nature. Butler (pers. comm.) suggests that bottle collectors may have removed whole specimens recently.
Discussion and conclusions

It appears that there are at least three major cultural phases in the prehistory of Dampierland based on the evidence at hand:

<table>
<thead>
<tr>
<th>Phase</th>
<th>Site</th>
<th>Situation</th>
<th>Artifacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase 3</td>
<td>B</td>
<td>Lying on modern sand dunes close to reef areas and fresh water soaks</td>
<td>Shell chisels and knives, ground edge axes, utilized flakes. Shell receptacles, small grindstones for shell tools.</td>
</tr>
<tr>
<td>Phase 2</td>
<td>A2</td>
<td>Lying to a depth of 1.5 m from surface of red soil horizon. Exposed at cliff edges at blow outs.</td>
<td>Pebble choppers, blades and points, flake scrapers, shell receptacles, rare examples of shell tools and ground edge axes</td>
</tr>
<tr>
<td>Phase 1</td>
<td>A1</td>
<td>Lying directly on disconformity between sandstone horizon and red soil horizon exposed at base of cliffs</td>
<td>Pebble choppers and undifferentiated flake tools</td>
</tr>
</tbody>
</table>

At this stage no attempt at dating has been made. There appear to be no changes in the molluscs exploited, the difference being a more specialized exploitation, plus tool assemblages with specialized tools being developed. One can only surmise that bifacially-worked stone spear heads, common throughout the Kimberley region, were never important implements.

To date I have not seen any evidence of any type of point other than simple blade points (occasionally with marginal trimming), in Dampierland. The blade points in Phase 2 were possibly knives that were replaced by shell knives and simple flakes in Phase 3.

Experiments with shell knives and chisels are now being conducted. As adzes and chisels, they appear to fill the niche that on the Kimberley mainland was held by small ground edge stone tools (also often hafted on short handles). They are ideal for the preparation of abalone, being well suited for cutting the muscle which attaches the foot of the gastropod to its shell. Discussions with informants have not revealed any evidence of a regular hafting of shell tools in axe fashion, and it is likely that specimens that do exist (Davidson 1938: 46) were "made for the occasion".
As an area that at present is culturally radically
different from the rest of the Kimberleys, it is interesting
to see that this difference extends well back into prehistory.
Mainland sites are characterized by point assemblages
including pirri, blade points and bifacially worked types in a
variety of fine grained stones. The use of basic rocks for
ground edge tools is evident and worked shell is rare. Today
the Bad and Njulnjul maintain different 'laws' to the 'main-
landers'. At Swan Point is a site commemorating a clash
between Bad culture heroes and cultures from the south with
the Bad triumphant. Similarly, today the Bad maintain their
independence strongly resisting the 'invading' Walmadjeri
influence with its associated 'desert' ritual and speak
contemptuously of those groups who now seek to fill vacant
socio-religious niches with new 'laws'.

Acknowledgements

My thanks are extended to Mr. C.E. Dortch, Curator of
Archaeology, Western Australian Museum and to Mrs. S.J. Hallam,
Lecturer in Archaeology and Prehistory at the University of
Western Australia, for their comments on earlier drafts of
this paper.

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Thank you for taking time to read this working paper.

This paper was prepared from the record of proceedings of a Seminar held in Derby in September.

The comments and proposals it contains do not necessarily represent the final position of the Commission, Study Team or indeed the opinion of any individual.

You should read any proposed actions carefully and submit your comments and indicate whether you agree or disagree or to add to what is there. In this way, we can judge how acceptable the draft proposals are to the broader community.

Early responses would be most helpful but note that we will accept replies until the end of February.

Throughout the Study Programme, we have endeavoured to involve the community and we regard all input as a valuable part of the Study process. Please be assured that your comments will receive full attention.

Please note: Working Papers are available on the following topics:

1. Tourism 5. Fishing
2. Mining/Exploration 6. Agriculture
3. Community Services 7. Pastoral

LAURIE O'MEARA,
STUDY DIRECTOR
KIMBERLEY REGION PLANNING STUDY

CONSERVATION AND RESERVES SEMINAR

Prepared by Alice O'Connor
October 1987
CONTENTS

1.0 INTRODUCTION 1

2.0 SUMMARIES OF PAPERS PRESENTED AT DERBY - SEPTEMBER 4-6, 1987 2

2.1 Kevin Kenneally, 'Geology, Landforms, Climate, Landscape, Flora and Fauna of the Kimberley Region'. 2

2.2 Andrew Burbidge, 'System 7'. 4

2.3 Andrew Burbidge, 'System 7 Update'. 5

2.4 Richard Davies, 'Conservation Priorities in the Kimberley'. 6

2.5 Roger Underwood, 'Aims of Department of Conservation and Land Management'. 8

2.6 Chris Done, 'Management of Reserves in Remote Areas'. 9

2.7 David Dale, 'Conserving the Most Important Sites Outside the Reserves System'. 10

2.8 Peter Kneebone, 'Conserving the Most Important Sites Outside the Reserves System'. 12

2.9 Clive Senior, 'Tourism and Aboriginal Heritage'. 13

2.10 Phillip Toyne, 'The Role of Aboriginal Communities in Park Management'. 15

2.11 Nick Green, 'Aboriginal Lands and Sites'. 16

2.12 Phillip Toyne, 'World Heritage Listing'. 17
PARTICIPANTS TO ENVIRONMENTAL AND ABORIGINAL CONSERVATION ISSUES.

3.0 Funding/Resources

3.1 Global Importance

3.1.1 World Heritage Listing

3.1.2 International Treaty for Wader Bird

3.2 Conservation of the Kimberley Environment

3.2.1 Formal Conservation (Reserve System)

3.2.2 Informal Conservation (Outside Reserves)

3.3 Management of the Environment

3.4 Aboriginal Participation

3.5 Management of the Environment
1.0 INTRODUCTION

A Conservation and Reserves Seminar was held September 4-6, 1987 at the Overland Motel in Derby. The seminar formed part of the public participation programme for the Kimberley Region Planning Study. As such, it attracted representatives of various conservation bodies, people involved in tourism, Aboriginal people, eminent researchers and other interested persons.

The positive step of formulating a regional plan under the auspices of the current Kimberley Region Planning Study was acknowledged and supported.

The weekend was one of information exchange between speakers and community participants.

The speakers provided the public with details of various research projects. Summaries of speakers' presentations are in Section 2.0 of this paper.

Community participants divided into workshop groups to discuss each topic. These discussions resulted in the provision of a wealth of local information relating to each topic. Information from each of the workshop groups has been amalgamated and is presented in Section 3.0 below.

When the workshop groups came together for the final plenary session, some participants stated their strong convictions over the importance of the conservation issues discussed during the Seminar. It was suggested that a Conservation Working Group be formed, or at least that the findings of this Seminar be reported to the mid-September meeting of Kimberley Region Planning Study working groups. The findings were indeed conveyed to the September 19-20 meeting of the other working groups, and the purpose of this draft paper is to allow even wider public participation.
Geology, Landforms, Climate, Landscape, Flora and Fauna of the Kimberley Region - Kevin Kenneally

The Kimberley should not be considered in isolation. It is of state-wide, national and global importance. The environment of north-west Western Australia has evolved as a result of movement of tectonic plates; sea-level changes creating land bridges which assisted movement of biota; climatic changes (wind, precipitation); and removal of biota suitable as food for seafaring people. The environment was named by Aboriginal people, by sea explorers (Dutch, French and English) and by land-based explorers. Present day Kimberley is a mosaic of several distinct biotic communities, named by Aboriginal people and by European settlers (Dutch, French and English) and by land-based explorers.

Biota was named by Aboriginal people, by sea explorers (Dutch, French and English) and by land-based explorers. Present day Kimberley is a mosaic of several distinct biotic communities, namely:

(i) Closed canopy communities of rainforest (vine thickets), mangroves, and riverine communities;
(ii) Savannah /woodland communities of eucalypt, acacia spp., grasslands with

The Kimberley region - Kevin Kenneally

2.1 Geology, Landforms, Climate, Landscape, Flora and Fauna of 1987

2.0 SUMMARIES OF PAPERS PRESENTED AT DERBY - SEPTEMBER 4-6,
Some of these communities are particularly important because they provide biological corridors for the movement of biota across northern Australia.

The pleasing aesthetics of the Kimberley must also be remembered. These include the bright blue skies, blue water lilies and the contrasting colourful sunrises and sunsets.
2.2 System 7 - Andrew Burbidge

With the inception of the Environmental Protection Authority (E.P.A.) in 1971, the Conservation Through Reserves Committee (C.T.R.C.) was convened to report on reserves in Western Australia. C.T.R.C.'s initial report was presented in 1974, but the Metropolitan and Kimberley Regions were both omitted - the Metropolitan because of its complexity and the Kimberley because of lack of knowledge. The C.T.R.C. was reconstituted in 1976 to look at the Kimberley Region. In 1977, following discussions with Councils, biologists, geologists etc., the System 7 Green Book was produced. The stated aims are:

(i) to recommend an adequate system of reserves to secure the conservation of representative biological and geomorphic types occurring in Western Australia, as well as other features of special scientific significance; and

(ii) to recommend adequate areas of National Parks (additional to those in (i) above, where necessary) to meet projected population growth, distribution and mobility.

The System 7 Green Book, as well as recommendations on the State Legislature in Western Australia, as well as other conservation of representative biological and geomorphic types, has been working through the process of recommending reserves to the State Government in 1980, as the System 7 Red Book. A significant number of new conservation reserves in the Kimberley have since been proposed (but not declared) as national parks by Government authorities. In addition, the System 7 Green Book was recommended to report on reserves in Western Australia. The C.T.R.C.'s initial report was presented in 1974, but the Kimberley Region was both omitted - the Metropolitan and Kimberley Regions were both omitted - the Metropolitan because of its complexity and the Kimberley because of lack of knowledge. The C.T.R.C. was reconstituted in 1976 to look at the Kimberley Region. In 1977, following discussions with Councils, biologists, geologists etc., the System 7 Green Book was produced. The stated aims are:

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(ii) to recommend adequate areas of National Parks (additional to those in (i) above, where necessary) to meet projected population growth, distribution and mobility.
2.3 System 7 Update - Andrew Burbidge

Andrew Burbidge explained that the Kimberley Region Study area follows Shire boundaries into the Great Sandy Desert, so is larger in extent than the System 7 area. Desert portions of the Study area are incorporated in System 12.

System 7 update has involved re-examination of public submissions and extraction of knowledge from both lay people and experts. Burbidge expressed the hope that participants of the Conservation and Reserves Seminar would identify areas not yet being considered or those which had been given insufficient weighting. The original System 7 proposed only 16 areas whilst the redraft is considering 30 areas. (Areas purely for tourism purposes are part of a separate study.)

- Ord River Nature Reserve is one existing reserve which may be extended;
- Bungle Bungle National Park has been established, and extensions are proposed;

Additional areas under consideration for inclusion are:
- Lake Gregory;
- Mandora Salt Marsh, Swamps and Radi Hills;
- McLarty Hills and Dragon Tree Soak;
- Napier-Oscar Ranges;
- Roebuck Bay;
- Southesk Tablelands;
- Wolf Creek Crater National Park; and
- Varied rainforest patches which occur on scree slopes under breakaway laterite cliffs, along rivers, and under sandstone cliffs.
Conservation Priorities in the Kimberley

Richard Davies

Richard Davies' paper examined (i) the impact of the pastoral industry; and (ii) the adequacy of current management. The pastoral industry is not a 'sacred cow' and Davies questioned its economic value. It provides only 0.2% of Western Australia's rural income, pays $117,000 rent (1977), and employs 1,400 (1985), but at the same time has caused environmental degradation.

For example, West Kimberley (Fitzroy, Mary, Meda and Lennard Rivers) has 36,000 square kilometres of poor to very poor land and 9,000 square kilometres is severely eroded. As a result, stocking has fallen from 60,000 to 20,000 head which represents an economic loss of $1 million per annum.

During the 1960s in the East Kimberley, 22 million tonnes of soil was washed down the river each year, creating the need for the Ord River Regeneration Reserve (O.R.R.R.). Over a 20 year period, $7 million was expended on Geike Gorge.

The impact of the pastoral industry; and the adequacy of current and proposed reserves were also examined. Management recommendations were also made for an additional reserve.

Davies quoted causes of degradation as listed in the Kimberley Pastoral Industry Inquiry (1985) report. Insufficient investment has meant insufficient cattle control. Too little fencing and too few artificial waters has allowed trampling and overgrazing. Davies maintained that the pastoral industry is still causing degradation. He suggested that only those pastoral leases run in an environmentally sound manner should be allowed to continue operating. He called for management plans for all stations and outlined the form the management plans should take.

Recommendations were made for an additional reserve representative of Phanerozoic South-West Kimberley, and for extensions to existing reserves at Mitchell Plateau, Roebuck Bay, and for representative of Phanerozoic South-West Kimberley, and for representative of Phanerozoic South-West Kimberley.

A portion of the paper focused on the degradation of pastoral lands. A significant loss of environmental values occurred at Flinders Range (Great Artesian Basin), Bunyeroo (coastal) and the beach (marine and terrestrial). Recommendations were made for an additional reserve.
Other than two seasonal managers at Bungle Bungle National Park, there are only 3 other parks with onsite rangers. This policed 'area' amounts to only 0.2% of total area of parks in the Kimberley. Other parks are being degraded by cattle, tourists, fire, illegal tracking and diamond exploration.

Davies recommended that all reserves have management plans which have been formulated with public input. The plans should be implemented.

So the second recommendation was for more funding and staff.

Tourist development should be minimal.

Reserves should be given 'A' class status in line with environmental value. Davies stated this change requires an Act of Parliament.
Aims of the Department of Conservation and Land Management

Roger Underwood

The Department of Conservation and Land Management's (C.L.T.M) aims, in brief, are:

(i) To provide an adequate system of management of reserves.

The present system is inadequate. More management plans, increased funding and staffing, and increased involvement of Aboriginal people are wanted.

(ii) To contribute to the establishment of a representative reserve system. All major ecosystems should be represented.

(iii) To address conservation issues outside reserve systems. People who have information on these issues are invited to tell C.L.T.M.

(iv) To seek alternative and innovative funding to support the Kimberley.

(v) To responsibly take account of and care for cultural and biological heritages. People who have information on these aspects are invited to tell C.L.T.M.

(vi) To maintain good relationships with our neighbours, including pastoralists, tourists and Aboriginal people.

C.L.T.M, is only a two year old infant. Kimberley is one of eleven regions. Local people in all regions ask for a role. Kimberley is one of the Kimberley people can help by lobbying for increased funding and staffing, local people in all regions ask for a role. C.L.T.M, is only a two year old infant. Kimberley is one of eleven regions. Local people in all regions ask for a role. C.L.T.M, is only a two year old infant. Kimberley is one of eleven regions. Local people in all regions ask for a role.
2.6 Management of Reserves in Remote areas - Chris Done

As well as being responsible for the management of specific National Parks, reserves and State Forests in Western Australia, C.A.L.M. is also concerned with the broader issue of protection of all native flora and fauna.

Chris Done spoke of C.A.L.M.'s staffing, which is inadequate but increasing, and its funding. Updating Davies' figures, he explained C.A.L.M. now has a regional office in Kununurra and 6 additional permanent officers involved in park and reserve management. This represents almost a three-fold increase in permanent management officers since C.A.L.M.'s establishment 2 years ago. Officers also have access to specialist staff in Perth. Threats to conservation were then outlined. These include inappropriate fire regimes, feral animals (donkeys, cattle, cats, camels, pigs), weed invasion (Parkinsonia aculeata, Noogoona Burr, Calotropis procera), visitors and mining.

Management practices and options with respect to the threats were covered. Fire buffers and mosaic patch burns are being used. Feral animals could be reduced by mustering or shooting in conjunction with the Rangeland Management Branch of the Department of Agriculture and weed control carried out, on a needs basis, to Agriculture Protection Board standards.

Co-operation with Aboriginal people is being sought. Co-operation with tourists is being encouraged by provision of better facilities, signposting, pamphlets and personal contact.
2.7 Conserving the Most Important Sites Outside the Reserves

David Dale's paper stressed that the Kimberley is special because of its unique geology, flora, fauna, its many magnificent natural areas and extensive wilderness areas, and its Aboriginal, cultural and historical heritage. As a result, in 1975 the Australian Conservation Foundation lobbied the Federal Government for World Heritage Listing for the Kimberley. Benefits accruing from such listing would include finance for research, rangers and tourism, and commercial and other opportunities. World Heritage potential, particularly of the North Kimberley, should be adequately addressed in the Planning Study. Types of protected areas and community involvement, and C.A.L.M. co-ordinate identification of sites. Community projects such as signposting, brochures and litter collection assist with education, as do special projects (Gould League, C.E.P.). Interpretive information, including Aboriginal place names and history, should be available for visitors. Above all, decision-makers, particularly politicians, must be educated as to the value of many natural areas so that funding is greatly increased. Protection of sites could be achieved by listing, education, regulation and community involvement. Types of protective listing are the National Estate, under the Aboriginal Heritage Act, or through amendments to the C.A.L.M. and Land Acts. The establishment of a Kimberley Protected Estate was also proposed.

Conservation of sites outside the reserves system requires identification and then protection. Such conservation sites outside the reserves include the Kimberley protected areas and research areas. The conservation groups could also benefit from community involvement, education and identification of sites, and that community involvement in the process was important. Identification could be by special inter-departmental committees such as R.D.C., R.A.O.U., Naturalist Clubs, and Local Government Committees. Support community projects, such as special projects (Gould League, C.E.P.), should be available for tourists. Community projects such as signposting, brochures and litter collection assist with education, as do special projects (Gould League, C.E.P.). Interpretive information, including Aboriginal place names and history, should be available for visitors. Above all, decision-makers, particularly politicians, must be educated as to the value of many natural areas so that funding is greatly increased. Protection of sites could be achieved by listing, education, regulation and community involvement. Types of protective listing are the National Estate, under the Aboriginal Heritage Act, or through amendments to the C.A.L.M. and Land Acts. The establishment of a Kimberley Protected Estate was also proposed.

Conservation of sites outside the reserves system requires identification and then protection.
Community members should be involved in preparation of management plans, management and also maintenance. Honorary rangers have an important role to play and their numbers should be greatly increased in the Kimberley. The public could help with a communications network used for environmental information, and monitoring and also in the case of emergencies. Overall it is essential that the public be better represented in planning, management and decision-making involving conservation of important sites outside the reserves system. (David Dale subsequently presented a Seminar poster display highlighting wilderness areas and land management problems in the North Kimberley.)
Conserving the Most Important Sites Outside the Reserves - Peter Kneebone

Peter Kneebone was glad to see the mixture of academics and knowledgeable locals, but disturbed by the absence from the Seminar of Council and Main Roads Department representatives.

Funding and co-ordination are inadequate to protect or maintain the area. The Kimberley is being strongly marketed for tourism. To date, no EIS has been undertaken to study the effects of tourism on the environment.

Problems include traffic flow pressures, littering, health threat due to lack of toilet facilities, seepage erosion, damage to flora and fauna (through illegal fishing, shooting, trapping and removal of rare plants, shells and corals), and removal of "secret" places. The Kimberley is at greatest risk of losing its natural attractiveness. Areas not recognised as normal destinations have no protective surveillance and are therefore at greatest risk of losing their original natural attractiveness.

The dramatic increase in wild dog numbers is also having a catastrophic impact on indigenous wildlife. Normal procedure calls for an Environmental Impact Study prior to establishment of any new industry. The Kimberley is being strongly marketed for tourism. To date, no EIS has been undertaken to study the effects of tourism on the environment.

Peter Kneebone pointed out that the enormous amount of 421,451 km² of Kimberley land remains outside reserves, townsites and freehold land. Funding and co-ordination are inadequate to protect or maintain the area. The Kimberley is being strongly marketed for tourism. To date, no EIS has been undertaken to study the effects of tourism on the environment.

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2.9 Tourism and Aboriginal Heritage - Clive Senior

Laurie O'Meara presented a summary of Clive Senior's Progress Report.

Tourism in the Kimberley has grown for several reasons. Firstly, the increasing international attraction of Australia and the Kimberley Region has been boosted by films, and by the devaluation of the Australian dollar. Secondly, sealing of the Great Northern Highway between Fitzroy Crossing and Halls Creek has led to a traffic increase estimated as being in the order of 60%. Thirdly, there has been a growth of the 4WD adventure holiday.

Tourism is growing so rapidly that 1986 figures are 'old'. However, to give some perspective, there were an estimated 87-91,000 overnight visitors, with an average stay of 3.5 nights, making a total of 315,000 visitor nights. Day trippers during 1986 were 70-80,000.

The objective of Clive Senior's study is:

'the development of a strategy for the management of tourism to regularise and minimise the impact on Aboriginal people and their culture and for involvement of Aboriginal people in the management process with emphasis on the Kimberley Region'.

The study brief is:

1. To ascertain the major areas of Aboriginal concern regarding visitation of sites.
2. To assess the impact of tourism on sites and culture.
3. To establish the need for protection and conservation procedures for sites affected by tourism.
4. To record and document current Aboriginal attitudes to tourism.
5. To determine what involvement, if any, Aboriginals want to have in tourism.
6. To report on the operation of the Northern Territory Tourist Commission's Aboriginal Liaison Officer and assess the suitability of the establishment of a similar position in the Kimberley.
7. To suggest ways in which the perception of Aboriginal people and their culture by tourists and tour operators may be improved.
To prepare a management plan for the Kimberley Region in relation to Aboriginal sites and culture.

A Steering Committee has been established under the chairmanship of the Registrar of Aboriginal Sites.

Fieldwork for the study has been extensive, but will be completed by the end of September. It is anticipated that a report on the study will be with the Minister by the end of this year.

It was to be expected that different Aboriginal groups might have different perceptions. The study has shown that this is true, but the study has highlighted the fact that within the communities themselves, there are differences. That is, there are traditional thinkers and new, thinkers. Although tourist contact is increasing, the level of communication between Aboriginal people and the tourists is not great. This may need to distrust.

Cultural experiences (in the form presented by tourist promoters) may not be as important to the tourists as the promoters might think. This may need to distrust.

Concern has been expressed about abuse of sacred areas, but the study identified few specific areas which have been damaged. Concern has been expressed about abuse of sacred areas, but the study identified few specific areas which have been damaged.

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2.10 The Role of Aboriginal Communities in Park Management - Phillip Toyne

Phillip Toyne made the point that Aboriginal people have lived successfully and presumably in harmony with their environment for millennia. Their breadth of experience far exceeds the European experience of only 200 years.

National parks in the Northern Territory, e.g. Uluru, are moving towards the concept of cultural parks. Aboriginal people are involved in preparation of management plans and their implementation. Certain activities have been contained on both sides to accommodate conflicting interests. This form of power-sharing is looked upon as a model by North Americans and should be adopted in the Kimberley Region.

Aboriginal people benefit by maintaining their traditional values and cultural links with their land. They derive income from ranger wages and also 'rental' from the Government. In addition, they have the opportunity to be experts in an area where they have extraordinary knowledge (flora, fauna, layout of the country).

Europeans benefit by obtaining insight into the way Aboriginal people relate to country and therefore enjoy a richer visitor experience in the park. Furthermore, visitor information about Aboriginal customs and sites of significance will be accurate rather than preposterous versions. They also reap benefits from the outstanding valuable management tool available in Aboriginal peoples' knowledge.

Phillip Toyne charged the Western Australian Government and European population with the task of examining the Northern Territory models and the benefits which flow from joint management. Existing deep seated hostility and misapprehensions would be alleviated. It is vital that Western Australian people accept that Aboriginal people can play a positive role in management. Rejection of a joint management board for Bungle Bungle National Park is short sighted and disappointing. Joint management of parks is an extraordinary example of how race relations in Australia can be conducted on a mutually beneficial basis. Time is running out in the Kimberley for such arrangements. The longer dispossession lasts, the harder it is for Aboriginal people to maintain a meaningful link with their country.
2.11 Aboriginal Lands and Sites - Nick Green

Consultation with Aboriginal people prior to the establishment of existing reserves was minimal. Nick Green explained that this has resulted in lack of knowledge on both sides. Traditional custodians of Drysdale River National Park do not know their land is vested as a National Park. Other Aboriginal people are unaware of the purpose behind, or results of, mapping and exploration undertaken by Europeans. The do not know where drill rigs are going or why.

On the other hand, Europeans are incompletely informed about elements of Aboriginal culture, sites of significance and the operation of the environment. This lack of consultation and communication needs to be urgently rectified. Europeans must ensure they consult the right Aboriginal people by first identifying the traditional custodians of any land being discussed. The State Government supports Homeland Returns, but appears to be unaware of aspirations and concerns of Aboriginal people. The people of the Mitchell Plateau left their lands in the 1940's and have only returned for holidays since. For some time they have wanted to return but no assistance or funding has been made available to them. They now wish to take matters into their own hands.

Tourism, mining and national parks all impinge upon use of the land by Aboriginal people. They are not automatically averse to any of these activities. However, if Europeans do not understand the Aboriginal viewpoint, then drilling, sampling and building of roads can destroy Aboriginal sites. Roads built for mining allow uncontrolled access by tourists. National parks may limit the traditional rights of Aboriginal people to hunt. This should be discussed with them.

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2.12 World Heritage Listing - Phillip Toyne

World Heritage Listing is part of a United Nations Treaty signed by Australia under the Whitlam Labor Government. It is one method by which the natural and cultural assets of the world may be preserved. A committee meets once a year to consider proposals from around the world. Assessors from the International Union for Conservation of Nature and Natural Resources (I.U.C.N.) then examine places nominated, basing suitability on a set of criteria which state the place must:

(i) be an outstanding example representing the major stages of the earth's evolutionary history;

(ii) be an outstanding example representing significant ongoing geological processes and biological evolution and man's interaction with his natural environment;

(iii) contain unique, rare or superlative natural phenomena, formations or features or areas of exceptional natural beauty; or

(iv) be a habitat where populations of rare or endangered species of plants or animals still survive.

To qualify, an area needs to comply with only one criteria. So far, 75 natural areas have been entered into the Register. Five are in Australia. Another four Australian sites will be nominated in the next two years, and the Kimberley Region should also be considered.

World Heritage Listing obliges the Commonwealth Government to offer formal protection from degradation. Substantial funding for research and management is normally provided. It is wrong to assume land is locked up. Once an area becomes internationally significant, it becomes more economically valuable because it is sought after as a tourist destination.
3.0 PARTICIPANTS' INPUT TO ENVIRONMENTAL AND ABORIGINAL CONSERVATION ISSUES

Information emanating from workshop group discussions has been incorporated under the topics of global importance, conservation of the Kimberley environment (formal and informal), management of the environment, Aboriginal participation, and funding/resources.

3.1 Global Importance

The uniqueness and importance of the Kimberley Region's environment was highlighted throughout the whole weekend. A most deeply felt concern was that when Kimberley conservation areas are proposed and established, consideration must go beyond the local viewpoint to include statewide, national and international perspectives.

3.1.1 World Heritage Listing

The Swiss office of the I.U.C.N., which investigates World Heritage Nominations, recognises the global importance of the Kimberley Region and regards it as a potential area for World Heritage Listing.

The tentative area suggested for World Heritage Listing encompasses Walcott Inlet, Prince Regent River, Mitchell Plateau and Cape Londonderry.

Participants felt the Government should assess World Heritage Listing potential.

3.1.2 International Treaty for Wader Birds

Community participants felt that the Australian Government should be called upon to fulfil its responsibilities as a signatory to the International Treaty for Wader Birds, by recognising that Roebuck Bay and the Eighty Mile Beach needed protective status.
3.2 Conservation of the Kimberley Environment

Given the uniqueness and importance of the Kimberley environment, there is a need for both formal and informal conservation measures.

3.2.1 Formal Conservation (Reserve System)

The reserve system is the formal method of conservation. The definition of distinctions between nature reserves and national parks should allow clarification and/or planned. What is registered and/or planned, what is registered and/or planned. Must be charted and/or planned. What is registered and/or planned, what is registered and/or planned.

Working groups suggested that priorities to be considered when declaring reserves should include:

(i) Degree of threat, including proximity of urban and rural areas.
(ii) Areas representative of geology, flora, fauna.
(iii) Uniquesness of geology, flora, fauna.
(iv) Establishment of wilderness areas.

Wetlands and rainforests should be given high priority.

Participants suggested several prerequisites for a reserves and parks need to be planned, not simply residual areas of land no-one else wants. Planning should fit into a framework of conservation philosophies and strategies specific to the unique Kimberley Region.

Boundaries of reserves and parks should be planned so that they are based on rational, physical landmarks, such as crestlines, rather than simply ruled on maps to follow cadastral boundaries.

General access to some areas and permit only restricted access to others. General access to some areas and permit only restricted access to others. Zones, national parks should allow general access in others. Zones, national parks should allow general access in others. Rather than simply ruled on maps to follow cadastral boundaries.

The framework for all land ownership, tenure and accessibility needs to be planned, secure and representative. The system needs to be planned, secure and representative. Several prerequisites for a reserves and parks need to be planned, not simply residual areas of land no-one else wants. Planning should fit into a framework of conservation philosophies and strategies specific to the unique Kimberley Region.

What is legislatively appropriate for south west Western Australia is not necessarily appropriate in the Kimberley. The issue of multiple versus single use of land was called.

The framework for all land ownership, tenure and accessibility must be charted and/or planned. What is registered and/or planned, what is registered and/or planned. Given the uniqueness and importance of the Kimberley environment, there is a need for both formal and informal conservation measures.
Secure

Community members pointed out that security of reserves was far from assured. The Conservation and Land Management Act (1984) can be overridden by most other Acts including the Mining Act. There is a need to address legislative imbalance in order to provide secure reserves.

Areas deemed to be under immediate threat should be provided interim protection by a 'rapid action' technique. This would allow time for assessment and the setting of priorities.

Representative

C.A.L.M. guidelines in selecting reserves include:

(i) Selection of representative areas; and

(ii) Protection of unique areas.

Existing reserves are not fully representative of the Kimberley landforms and biota. For example, it is now a well known fact that the spectacular Bungle Bungle massif was omitted from initial reserve recommendations. There is a need to ensure that maximum biological diversity is conserved. Members of the working groups identified deficiencies in coastal, littoral reef and island reserves. In addition, it was noted that some vegetation associations were poorly represented and that some reserves were too small to support viable populations of the fauna for which they had initially been reserved.

Workshop groups on the topic of System 7 update suggested areas for consideration as extensions of, or additions to, reserves and parks. Priorities were difficult to identify, so unanimity was not achieved. However, there was consensus about areas which should be considered.

The entire Kimberley coastline should be considered, with particular regard given to adjacent islands, Rowley Shoals, Scott Reef and King George Falls. Roebuck Bay should be extended to cover Dampier Peninsula and link up with proposed Mandora Reserve by including 80 Mile Beach, Roebuck Plains and Thangoo Plains. These latter are feeding and roosting areas for wader birds. The vine thicket/remnant rainforest behind Cable Beach is of immediate concern. This forest occurs in patches between Gantheaume Point and Coulomb Point, is the most southern occurrence of vine thicket in Western Australia, and contains endemic species.
Mitchell Plateau should include lateritic palm communities joining those areas between Mitchell River and Lawley River. Livistonia woodland areas need to be included too.

King Leopold Range, Oscar-Napier Ranges, and Logue Spring also need to be included too.

For example, the long-earred bandicoot, Packsaddle Gorge, and Cabbage Tree Gorge have importance as bird habitat. Munkayarra Station site and fresh water lake are of humanitarian site of interest.

Mittiyit Range, west of Christmas Creek, is arid desert habitat of scenic interest. East coast of Lake Argyle and mouths of Ord River into the Lake urgently require protection.

Loose Spring, Lenmarle Gorge, St. George Range, and Packsaddle Gorge all require regeneration areas. Bungle Bungle National Park should be extended north to Lake Gregory.

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Phillips Range.
Prince Regent River catchment.
Phanerozoic river flats (Gogo, Cherrabun and Christmas Creek areas).
Edgar Range.
Cone Bay.

3.2.2 Informal Conservation (Outside Reserves)

Land management and conservation ethics/techniques should be extended beyond reservations to all other land uses such as pastoralism, mining and tourism e.g. the 'Kimberley Explorer' venture.

Working group members first looked at the need for informal conservation of land outside reserves, and then at some mechanisms by which this could be achieved.

Need

(i) Reserves cannot exist in isolation. The buffer zones between reserves and adjoining areas need to be managed.

(ii) Areas outside reserves have their own economic value which must be protected e.g. pastoral leases.

(iii) Unreserved areas have attractions for visitors and local people. This can reduce pressures on reserves.

Expansion of towns may cause degradation of the environment. The threat to vine thickets near Broome was given as an example. Other susceptible areas in close proximity to settlements are over-used due to lack of control over access.

The impact of traffic on the environment also needs to be considered.

Mechanisms

Holders of land adjacent to reserves should, as a matter of priority, be encouraged to follow conservation practices in-line with those in the reserves. This would assist with reduction of management costs.
To protect land outside reserves, education of the general public on conservation needs (in the broadest sense) is essential. Education and communication should be through school and community programs which provide for public participation. The idea of a Kimberley Heritage Register was advocated. If such a register were available to councils, developers and others, protection of sites could be considered. Sites should be established.

The question was raised of who should take the initiative to identify areas which require conservation but are outside the reserve system. Some felt that C.A.L.M. should coordinate and others felt that this was not C.A.L.M.'s main role. Perhaps the State Planning Commission (S.P.C.) or Department of Regional State Planning Commission (S.P.C.) or Department of Regional Planning and Development and the North West development board could assist. The idea of a Kimberley Heritage Register, such as a Kimberley Heritage Register, should be considered. Sites should be established.

Other methods of protecting areas outside reserves include: distribution of a pamphlet outlining conservation issues and educating the public regarding the 'Kimberley Code'; a permit system which would limit access to environmentally sensitive areas; guided tours; containment of camping within specifically developed nodes; protection of areas by honorary rangers, volunteer groups and a network of agencies such as the M.W. Co. Royal Flying Doctor Service; protection of areas by honorary rangers, volunteer groups and a network of agencies; provision of facilities such as those provided by the Kimberley Heritage Register; and education of the general public on conservation needs (in the broadest sense) is essential. To protect land outside reserves, education of the general public.
3.3 Management of the Environment

Once a system of conservation reserves is in place, the need for management is always felt.

Management plans must be put in place for all reserves and parks.

Problems

Problems requiring management include:

- feral animals (donkeys, cattle, cats, camels, pigs)
- weed infestation
- fire regimes
- litter
- soil erosion and degradation.

Soil erosion and soil degradation with relation to pastoralism, animal trampling and recreation, was discussed as a consequence of Richard Davies' talk.

Davies' paper was criticised on two counts. First because the factual information was not up to date and secondly because the area of land severely degraded by pastoral activities was made to appear more substantial than it actually is. Furthermore, pastoralists will take advantage of any fencing incentive provided to help fence off river systems. Many of the present degradation problems stem from historical inheritances. Some are being rectified to allow regeneration of pasture, and to improve productivity and returns. The Chairman pointed out that pastoralism is being discussed separately. He requested that discussion depart from that topic and address the Seminar's set topics of conservation and reserves.

Trampling of riverine/wetland habitats and seedlings by domestic, feral and native animals is a recognised problem. The impact needs to be minimised because rivers are the lifeblood of the country, encourage high speciation and permit the existence of endemic species. One conservation priority in the Kimberley should be protection of the rivers.

Damage caused by recreationalists was highlighted as an area of concern e.g., along the lower reaches of Fitzroy River. It should be stemmed.
Apart from physical environmental problems requiring management, lack of co-ordinated action by Government bodies was also raised as a management problem. Some Government institutions may require structural changes. Greater communication between Government Departments is certainly necessary. For example:

(i) National Parks tried to set up its own register of Aboriginal sites when W.A. Museum already has this responsibility; and

(ii) there is an imbalance between the promotion of tourism and the proper management of reserves.

Solutions

The idea of an Environmental Impact Study, or EIS, for tourism was supported. These days it is normal procedure that developers of any new project have an EIS undertaken prior to the establishment of any new enterprise. To undertake an EIS prior to the establishment of any new project would be a more beneficial use of funds than half a ranger. The Kimberley is being strongly marketed by the tourism industry, the Kimberley is being strongly marketed by the tourism industry, the Kimberley is being strongly marketed by the tourism industry, the Kimberley is being strongly marketed by the tourism industry, the Kimberley is being strongly marketed by the tourism industry.

Some participants believed a tourism impact study to ascertain how many people are visiting what sites and why they are going to these particular sites would be a more beneficial use of funds than half a ranger. The Environmental Impact Study, or EIS, for tourism was supported. These days it is normal procedure to undertake an EIS prior to the establishment of any new industry. The Kimberley is being strongly marketed by the tourism industry.

Participants felt the need to undertake research into many aspects not only conservation and management (water resources, biological etc.) but also the social impacts of recreation and restricted wilderness areas.

Once tourists have discovered 'secret' places their determination, combined with the ready availability of 4WD vehicles, make even the remotest site accessible. Some activities pinpointed as causative agents of these environmental problems are pastoralism, mining and exploration, urban expansion with its associated unrestricted growth of recreational activities, and tourism. Once tourists have discovered 'secret' places their determination, combined with the ready availability of 4WD vehicles, make even the remotest site accessible.

Causes

Apart from physical environmental problems requiring management, lack of co-ordinated action by Government bodies was also raised as a management problem. Some Government institutions may require structural changes. Greater communication between Government Departments is certainly necessary. For example:

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Solutions

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It was noted that over-emphasis on people management, to the detriment of biological management, must be guarded against. Management plans and funding must be all-encompassing rather than addressing just those ad hoc areas currently used by tourists. Prior to the establishment of management plans, there is a need for specific biological studies to identify species and thus ensure maximum diversity is conserved. Appropriate fire regimes and methods to control feral animals and weeds must be suggested.

Potential for conflict during management arises when, for example:

(i) Aerial baiting to control feral animals may have an adverse impact upon native fauna; or

(ii) Pastoralists' desire to eliminate dingos conflicts with C.A.L.M. objectives.

Some alternative management suggestions were the use of biological control for feral animals and weeds; round-up of goats by Aboriginal people or contract shooting of feral animals (funds insufficient for this); solar powered electric fencing.

Potential sources of additional management assistance, as distinct from funding, are:

. Establishment of formal structure to identify the role of Aboriginal people in management. Such a role could involve company management; living leases adjacent to remote reserves; use of Aboriginal people's time and their knowledge of traditional conservation techniques.

. Co-operation between Government bodies such as C.A.L.M., Bushfire Board, Agricultural Protection Board, Fisheries and Tourism could prevent duplication of management effort and also reduce tourist impacts on certain areas.

. Pastoralists are willing to be involved in maintenance and perhaps guided tours (to prevent unsupervised damage) but would need to recoup costs.

. Local people and interested tourists could be co-opted to assist. For example, a voluntary 'Friends of the Park' could work on nature trails and aid with clean ups, although Councils would need to co-ordinate the operation.

Aboriginal Participation

Aboriginal people who were traditional custodians of the Mitchell Plateau and the Drysdale River National Park, were present. Despite unfamiliarity with the European style of meeting, many of them were present. They have assisted white men in mining companies and were promised land and houses in return. These promises were not kept. They have not lived in their country for a long time. After years and years of waiting for the Government or anyone to help, they have decided to start moving back by themselves. Their roots are in their traditional lands. They feel for the land, and know about water and food. They want to take their children back and teach them the ways of the land. Instead, emus and kangaroos are locked away. Europeans are digging up the earth, destroying animals and hurting Aboriginal feelings. The land does not look like their land anymore. For example, Argyle Diamond was a beautiful hill and now it is flat land.

Type of consultation

The concept or conservation groups working and consulting with Aboriginal groups is new in Western Australia, but is occurring in South Australia as well as the Northern Territory. The concept of consultation with Aboriginal people is of paramount importance. Consultation should be adapted from the European form of consultation to suit the Aboriginal custodians. Consultation that was taken into account were insufficient. However, discussions about whether or not the Aboriginal people's point of view was presented within the broader style of meeting, many of Aboriginal people who were traditional custodians of the Mitchell Plateau present.
(ii) With the right Aboriginal people. Tribal boundaries need to be identified. To facilitate effective Aboriginal representation, a register of traditional custodians must be established. The need for this was strongly felt.

(iii) Across the board, covering this Kimberley Region Planning Study, E.P.A.'s revision of the System 7 Report, the gazetting and management of reserves and parks and other conservation and mining activities. To permit this, a formalised consultation framework should be established.

The Aboriginal people should have majority or equal say during such consultation.

Consultation at planning/decision-making level

Aboriginal people's input into management strategies has been ad hoc and only by invitation. A formal structure should be established to allow consideration of their aspirations during formulation of management plans. Early consultation with Aboriginal people would utilise their enormous fund of implicit conservation knowledge.

Following Nick Green's presentation, several Aboriginal people made further comments pertinent to land use decision-making. They want to return to their own land for two reasons. First, someone needs to guard their land and its sacred sites. Second, they are trespassing on other people's land. They feel it is a shame to live on other people's land. Their land was given them by their ancestors. From the depths of their hearts they want Europeans to understand how important it is for them to live where they were born.

Excisions of land from pastoral leases are only temporary measures for Aboriginal people. They are too small for a living and Aboriginals are unable to develop independence. Furthermore, excisions normally do not cover a full range of sites. Aboriginal people would like to return to their lands, but the Land Rights 'spectre' needs to be overcome.

Consultation at ongoing management level

There was a response to Toyne's comment that the Conservation Council of Western Australia was itself critical of Aboriginal peoples' ongoing involvement in parks. It was suggested that the Conservation Council would now be likely to be in line with Toyne's ideas if its position were reassessed. Hostility on the part of the general community in the Kimberley did not exist before 1960; it has been perpetuated by misquotations in press reports.
Participants believed that Aboriginals have a role in parks and reserves. They should be involved in ongoing and at ranger level. Return to their traditional lands would assist with people's autonomy as well as assisting Europeans with provision of rangers.

Because National Parks are important to both Aboriginal and European communities, it was suggested that joint vesting and management between either Government bodies or Aboriginal people and C.A.L.M. be considered for some reserves. The European body could be an authority other than C.A.L.M., but there is no point in fragmenting control. Joint management bodies would mean that C.A.L.M. would have knowledge and expertise 'on tap'. Continued consultation with Aboriginal people would balance their interests in traditional versus modern methods of gathering food and resolve the question of who can in fact manage parks.

A query arose regarding the financial management of parks. Aboriginal people have no track-record in the handling of finances, either due to lack of opportunity or difficulties with communication. Toyne explained that although discussion of funding was involved in joint management decision-making, the Northern Territory Parks Service was in fact accountable for expenditure. Another delegate was able to cite numerous successful commercial ventures run by an Aboriginal council. These included an Ampol distributorship and a supply agency and transport service.

Last year some important sites in Drysdale River National Park were destroyed. The Aboriginal people should manage and run the park so that the 2,500 tourists can be controlled. Payment for these services would be useful. However, Aboriginal work cycles are different from those of Europeans, and this should be taken into account when Aboriginal rangers are employed.

Aboriginal sites of significance throughout the Kimberley Region should be identified. Tourists could then be managed so that they do not intrude and also for their own safety. One method of achieving tourist control would be the establishment of a permit system for entry to Aboriginal reserves. Permits should be available in urban centres. Tourist Bureaus and information signs should inform tourists of the need for a permit. The idea of 'paying parks' could be canvassed. Fees could pay for the upkeep of roads and/or assist with fees owed for the upkeep of parks, needs to be canvassed. The lease of, or selling of, reserves should be allowable in urban centres. Permit or a partial vestment of a permit system of a part of a reserve would be the one method of achieving tourist control that would be the most acceptable to Aboriginal people.

Implementation of C.A.L.M.'s program is essential for funding for all the foregoing is a perennial problem. However, funding for all the foregoing is essential and for Aboriginal peoples' tranquility and independence.

A query arose regarding the financial management of parks. Aboriginal people have no track-record in the handling of finances, either due to lack of opportunity or difficulties with communication. Toyne explained that although discussion of funding was involved in joint management decision-making, the Northern Territory Parks Service was in fact accountable for expenditure. Another delegate was able to cite numerous successful commercial ventures run by an Aboriginal council. These included an Ampol distributorship and a supply agency and transport service.
Representatives of C.A.L.M. and other government departments indicated that they are vitally interested in what Aboriginal people have to say. Last year, C.A.L.M. conducted its first Aboriginal Ranger Training Programme, in the Pilbara Region, for four rangers with traditional affiliations with Millstream/Chichester and Hamersley Range National Park. A number of other training programmes are ready to proceed, including in the Kimberley Region. Training personnel are fully committed, but other interested communities are encouraged to approach C.A.L.M. to see if they can be included in subsequent training.
Funding required to create adequately protected reserves is exorbitant. Sufficient funding is of crucial importance in order to get beyond the 'glossy' surface and address areas such as monitoring, fencing, safety and emergency. All four working groups separately came to the same initial conclusion. Namely, the fundamental management problem is lack of resources for both people and biological research and management.

Western Australia is underfunded when compared with other parts of Australia. Compared with ancient, threatened, western Australian ecosystems and biota, the same urgent condition, namely the fundamental management problem is evident. Lack of resources for both people and photographic safety and emergency. All four working groups separately came to the same initial conclusion. Namely, the fundamental management problem is lack of resources for both people and biological research and management.

Feasible avenues for conservation include:

- Federal funds emanating from World Heritage Listing
- Reallocation of State funds once the economic and social values of conservation have been demonstrated to policymakers.
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- Reallocation of State funds once the economic and social values of conservation have been demonstrated to policymakers.

Many felt greater commitment from the WA Government was required.

Funding needs to be broadbased. The willingness of the public to pay should not be discounted. However, collection of finances and rerouting it through local authorities would require an administrative framework. Sources of additional funding could be:

- Federal funds emanating from World Heritage Listing
- Reallocation of State funds once the economic and social values of conservation have been demonstrated to policymakers.
- Federal funds emanating from World Heritage Listing
- Reallocation of State funds once the economic and social values of conservation have been demonstrated to policymakers.

Corporate (direct tax and/or voluntary)

Taxes of 1% extra, on all Australians, for conservation purposes (not an acceptable alternative)!

Provision on taxation forms to donate the tax on income

Road engineering costs need to be quantified. The issue of who should pay for road construction and maintenance needs to be considered.

Many felt greater commitment from the WA Government was required.

Funding required to create adequately protected reserves is

3.5 Funding/Resources
Local airport tax;

Private funding;

Tourist operations on a concessional basis;

Franchising of campsites allowing the charging of fees for camping. This may not be popular, but may help limit numbers;

Reduction of management costs by educating the public.
Supplementary Information NO A7: HON ROBIN CHAPPLE MLC Asked-

In relation to the Aboriginal song cycle at James Price Point at what point did the Department of State Development become aware of the WA Museum’s July 1991 report of the ethnographic survey of exploration applications E04/645 and E04/647, which determined the area was an Aboriginal protected area?

Answer

The Department of State Development first became aware of the existence of the 1991 Department of Aboriginal Sites report in August 2010. This was a result of a "passing" reference made to it in a Kimberley Land Council report to the Browse LNG Precinct Strategic Assessment.
Dear [Name]

JAMES PRICE POINT DEVELOPMENT PRECINT - GROUND CLEARANCE ACTIVITIES

It has come to the attention of the Department of Indigenous Affairs, that contractors purportedly working under your direction in the James Price Point (JPP) development precinct may be undertaking activities in an Aboriginal site without authorisation of the Registrar of Aboriginal Sites (Registrar) or Minister for Indigenous Affairs (Minister) under the Aboriginal Heritage Act 1972 (AHA).

Section 17 AHA makes it an offence for a person to excavate, destroy, damage, conceal or in any way alter any Aboriginal site without authorisation of the Registrar under section 16 or the consent of the Minister under section 18.

Officers of the Department of Indigenous Affairs have been conducting a range of compliance and recording activities in the JPP precinct in recent weeks. Whilst conducting their duties, officers identified a place to which section 5 of the AHA may apply. In accordance with section 15 of the AHA officers are now under a duty to report its existence to the Registrar and if deemed necessary a police officer.

The Department understands its officers alerted Woodside contractors to the existence of the Aboriginal site in the area where Woodside is currently conducting ground clearance work. We understand DIA advised Woodside contractors that DIA identified what has the potential to be a registered site and that by continuing to clear the area there is the potential to commit an offence under section 17 of the AHA.
The Department understands that Woodside contractors held a telephone discussion with Woodside and were instructed to continue work.

In accordance with section 51 AHA we request Woodside and any employee or contractor acting under its direction to immediately cease carrying out any ground disturbance activities in the vicinity of the identified Aboriginal site until Departmental officers can properly examine the Aboriginal site and provide a report to the Registrar. Any further obstruction of officers acting in execution of this Act may constitute an offence under section 54 of the AHA.

We request that Woodside furnish the Department with copies of any authorisations that may have been issued to Woodside or its contractors that authorise activities on the land that would otherwise breach the AHA.

Yours sincerely

[Signature]
James Cook
Snr Compliance Officer
8 July 2011

Cc Jo Franz, Director Heritage & Culture Branch
Cc Dr Kathryn Przywolnik, Registrar of Aboriginal Sites
LEGISLATIVE COUNCIL
Question on notice

Tuesday, 14 August 2012

5800. Hon Robin Chapple to the Minister for Indigenous Affairs.

I refer to administration of the Aboriginal Heritage Act 1972, and ask --

(1) How many staff and executive members are in the Heritage section of the Department of Indigenous Affairs (DIA)?

(2) What are the names, roles and responsibilities of the various staff and executive members in the Heritage section of DIA?

(3) How long have the individuals identified in answer to (2) been employed by DIA?

(4) Have any of these members of staff or executive come from other government agencies?

(5) If yes to (4) --

(a) what are the names of these staff and executive members; and

(b) from which agency or government department did they come?

Answer

(1) There are 41 staff in the Heritage section, one of whom is executive.

(2) - (3) [Tabled Paper No.]

(4) - (5) The filling of positions within the Department of Indigenous Affairs (DIA) is undertaken in accordance with the Public Sector Commission's recruitment process. Previous employment is considered as part of the recruitment process. As copies of resumes are not retained and there is no data collection of previous work history, DIA does not have access to details required to be able to accurately provide specific information relating to each individual staff member's previous work history.

[Signature]

Minister for Indigenous Affairs
<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Date of Joining</th>
</tr>
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<tbody>
<tr>
<td>Aaron Rayner</td>
<td>Chief Heritage Officer</td>
<td>15/11/2010</td>
</tr>
<tr>
<td>Laura Gladstone</td>
<td>Senior Project Officer</td>
<td>26/11/2007</td>
</tr>
<tr>
<td>Christine Bolton</td>
<td>Heritage Project Officer</td>
<td>30/07/2007</td>
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<tr>
<td>Alex Rorrison</td>
<td>Senior Legal Officer</td>
<td>22/08/2011</td>
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<tr>
<td>Julieta Abella</td>
<td>Senior Policy Officer</td>
<td>25/01/1999</td>
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<tr>
<td>Rhys George</td>
<td>Director Heritage Initiatives</td>
<td>25/05/2012</td>
</tr>
<tr>
<td>Elaine Cunnington</td>
<td>Administrative Assistant</td>
<td>20/04/2010</td>
</tr>
<tr>
<td>Tanya Butler</td>
<td>Manager Heritage &amp; Family History</td>
<td>15/03/1999</td>
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<tr>
<td>Christine Lewis</td>
<td>Manager Heritage South</td>
<td>8/10/2007</td>
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<tr>
<td>Jeremy Elliott</td>
<td>Manager Heritage North</td>
<td>22/11/1999</td>
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<tr>
<td>Chris Owen</td>
<td>Aboriginal History Research Officer</td>
<td>31/10/2011</td>
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<td>Nerida Haynes</td>
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<tr>
<td>Sally McGann</td>
<td>Senior Heritage Officer</td>
<td>17/06/2008</td>
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<tr>
<td>Shaye Hayden</td>
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<td>27/04/2005</td>
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<td>Lucy Tarrant</td>
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<td>17/01/2000</td>
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<tr>
<td>Linda Oliver</td>
<td>Heritage Catalogue Officer</td>
<td>2/09/2002</td>
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<tr>
<td>Aidan Ash</td>
<td>Senior Heritage Officer</td>
<td>6/10/2011</td>
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<tr>
<td>Robert Brock</td>
<td>Senior Heritage Officer</td>
<td>16/09/2002</td>
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<tr>
<td>Leann Morrison</td>
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<tr>
<td></td>
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<td>Position</td>
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<td>20</td>
<td>Simon Keenan</td>
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<td>21</td>
<td>Cesar Rodriguez</td>
<td>Senior Project Officer</td>
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<td>22</td>
<td>Rebecca Bairnsfather-Scott</td>
<td>Heritage Assessment Officer</td>
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<tr>
<td>23</td>
<td>Zafrin Ahmed</td>
<td>Heritage Mapping Officer</td>
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<td>24</td>
<td>Robert Reynolds</td>
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<td>Ryan Crawford</td>
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<td>26</td>
<td>Lyndall Ford</td>
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<td>27</td>
<td>Merindah Bairnsfather-Scott</td>
<td>Heritage Mapping Officer</td>
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<td>28</td>
<td>Megan McCorry</td>
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<tr>
<td>29</td>
<td>Jacqueline Bradley</td>
<td>Project Officer Geraldton</td>
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<td>30</td>
<td>Julie Cobb</td>
<td>Project Officer Broome</td>
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<tr>
<td>31</td>
<td>Harley Coyne</td>
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<td>32</td>
<td>James Cook</td>
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<td>33</td>
<td>Anneka Bunt</td>
<td>Compliance Officer</td>
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<tr>
<td>34</td>
<td>George Pitt</td>
<td>Project Officer Port Hedland</td>
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<tr>
<td>35</td>
<td>Ceonie Clinch</td>
<td>Project Officer Kalgoorlie</td>
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<tr>
<td>36</td>
<td>Mark Chambers</td>
<td>Aboriginal History Research Officer</td>
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<tr>
<td>37</td>
<td>Khylar Narrier</td>
<td>School Based Trainee</td>
</tr>
<tr>
<td>38</td>
<td>Warren Mitchell</td>
<td>Senior Heritage Officer</td>
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<tr>
<td>39</td>
<td>Patricia Ryder</td>
<td>Heritage Assessment Officer</td>
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<td></td>
<td>Kathryn Przywolnik</td>
<td>Registrar of Aboriginal Sites</td>
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<tr>
<td>41</td>
<td>Maryie Platt</td>
<td>Director Policy and Reform</td>
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</tbody>
</table>
Hello

This is the brief that was sent some time ago.

Beck
The following information has been prepared in response to a request from the Department of State Development for Aboriginal heritage sites registered with the Department of Indigenous Affairs along a 10km investigation corridor in the vicinity of James Price Point.

**Site Information:**

12424 KULMUGARIGUN K02780 CLAYPAN.
Open Interim
Mythological, Water Source
Insufficient Information

12427 PIDIRAKUNDJUNU CREEK K02783.
Open Interim
Camp
Insufficient Information

12884 INBALLAL KARNBOR K02520
Open Lodged
Ceremonial, Mythological
Camp, Hunting Place, Water Source,
[Other: Part of Failed PA139.]

12899 KULMUKARUKUN JUNO2 K02305
Open Lodged
Artefacts / Scatter, Midden / Scatter

12900 NGARRIMARRAN JUNO QUARRY K02306
Open Lodged
Quarry, Artefacts / Scatter

12901 MURRDUDUN Mythological, K02307
Open Lodged
Artefacts / Scatter, Midden / Scatter
[Other: Part of Failed PA 139.]

12902 KUNDANDU K02308
Closed Permanent
Mythological, Artefacts / Scatter, Midden / Scatter Camp, Water
[Other: Part of failed PA 139.]
S5 a, b & 39.2 a, b, c

12944 KURAKARAMUNJUNO K022981
Open Permanent
Artefacts / Scatter, Midden / Scatter Camp
S5 a, c & 39.2 c

12945 KURAKARAMUNJUNO K02299 2.
Open Permanent
Artefacts / Scatter, Midden / Scatter Camp
S5 a, c & 39.2 c

12946 KURAKARAMUNJUNO K02300 3.
Open Permanent
Artefacts / Scatter, Midden / Scatter
S5 a & 39.2 c

12947 KURAKARAMUNJUNO K02301 4.
Open Permanent
Artefacts / Scatter, Midden / Scatter Camp, Water Source
S5 a, c & 39.2 b, c

12948 FLAT ROCK 1. K02302
Open Permanent
Artefacts / Scatter Midden / Scatter
S5 a & 39.2 c

12949 FLAT ROCK 2. O, K02303
Open Permanent
Artefacts / Scatter Midden / Scatter
S5 a & 39.2 c

12950 KULMUKARAKUN JUNO K02304 1
Open Permanent
Artefacts / Scatter, Midden / Scatter
S5 a, c & 39.2 b, c

13076 WALMADAN (K02164 James Price Point)
Closed Permanent.
Skeletal material/Burial, Fish Trap, Artefacts / Scatter, Midden / Scatter Camp, Hunting Place, Water Source,
[Other: Part of Failed PA 139.]
S5 a & 39.2 a, b, c
Categories of places listed on the Register of Aboriginal Sites.

Places reported to the Registrar of Aboriginal Sites go through an assessment process to determine whether the recorded information meets the terms of the *Aboriginal Heritage Act 1972* (AHA). The site status is the assessment outcome.

The Register has seven types of site status. These are:

- **L** = Lodged
  - Lodged with the Registrar, placed on the Register, not assessed
- **I** = Insufficient Information
  - Lodged with Registrar, placed on Register, assessed as having insufficient information to complete an assessment within the terms of Section 5 of the AHA
- **P** = Permanent
  - Lodged with Registrar, placed on Register, lodged information is assessed as meeting the terms of Section 5 of the AHA
- **S** = Stored Data
  - Lodged with Registrar, placed on Register, lodged information is assessed as not meeting the terms of Section 5 of the AHA
- **IR** = Insufficient Information
  - As assessed by Site Assessment Group*
- **PR** = Permanent Register
  - As assessed by Site Assessment Group*
- **SR** = Stored Data
  - As assessed by Site Assessment Group*

*Site Assessment Group (SAG)*

*Sites lodged with the Department are assessed under the direction of the Registrar of Aboriginal Sites. These are not to be considered the final assessment. Final assessment will be determined by the Aboriginal Cultural Material Committee (ACMC).*
### Site spatial details:

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Heritage Survey Reports:

- **Ethnographic and Archaeological Survey of Telecom Repeater Towers, R2, R3, R4, R5 Dampierland Peninsula.** HSR WK 1984 AKE – 102296

  Author – K. Akerman

  **Methodology:**

  The survey was carried out between the 6 and 8 of November 1984. Sites were inspected by informants at Beagle Bay and Lombadina and an additional check was made in an interview with a knowledgeable Broome resident. In all cases the sites were deemed to be clear of any ethnographic significance.


  Author – Arpad Kalotas

  **Methodology:**

  This report relates to a site disturbance of site 12684 (K02520) Inballal Karnbor by Arpad Kalotas who investigated and interviewed the Aboriginal Traditional Owner along with Shire of Broome employees.


  Author – Rory O’Connor.

  **Methodology:**

  This survey was undertaken as a result of proposed roadworks on the Broome-Minari Road by the Shire of Broome.

  The objectives of the survey were:

  - Assemble data from previous work in the region including information from WA Museum Aboriginal site files and previous reports.
  - A sample survey of the project area.
  - The location and recording of archaeological sites within the designated survey area.
The archaeological survey should identify the effects of the proposed disturbance of the physical environment on any Aboriginal archaeological sites. In recognition of the significance of this area to living Aboriginal people, consultations with Aboriginal identified as having an interest in the area were conducted by Rory O’Connor in conjunction with the archaeological survey.


  Author – Elizabeth Bradshaw.

  **Methodology:**

  This report presents the results of an archaeological investigation for Aboriginal sites conducted from 28 October to 12 November in the area extending along the Broome coastline from Bindingankuny in the north to Roebuck Bay Caravan Park in the south.

  The purpose of the investigation was to develop a plan of management for Aboriginal sites. This included the recording of the location, nature and boundaries of archaeological sites (primarily those of significance to Aboriginal people) along the trail.

  Both the stretches between Bindingankuny and Rurrjaman and Coconut Well and Roebuck Bay Caravan Park were surveyed in their entirety on foot. Where the dunes became wider than 100 metres by ground was zigzagged or transacted at 50 metre intervals.


  Author - Kimberley Land Council Inc.

  **Methodology:**

  The survey was conducted by the author under an arrangement with the KLC. The report remains the property of the KLC.

  During the period 18 March to 27 June (1991), combined or separate meetings were held held between the author, KLC representatives (KLC lawyer Mr M. O’Donnell and KLC Executive Director Mr P. Dodson) and Aboriginal people with an interest in the area of land covered by the three exploration licence applications who are associated with the following corporations:

  - Bardi Aborigines Association (One Arm Point);
  - Lombadina Community;
  - Djarinjin Aboriginal Corporation;
  - Goolarabooloo Aboriginal Corporation;
  - Yawuru Aboriginal Corporation;
  - Nygah Nygah Aboriginal Corporation;
Bidyadanga Aboriginal Corporation; Kimberley Law and Culture Corporation; and, Mamabulanjin Aboriginal Corporation.

Other meetings were held principally with Aboriginal men who have standing in the relevant customary law regarding the Song Cycle. Most of these men are associated with one of the above corporations but acted independently, not as community representatives, in providing evidence to the author.

The author was based in Broome for the entire period and was logistically supported by the Kimberley Law and Culture Corporation and the Mamabulanjin Aboriginal Corporation.

The survey was designed to define the clan estates within the three exploration licence applications. Define who the traditional owners of the clan estates are. Define who the Aboriginal men with standing in customary law regarding the Song Cycle (and any other ceremonies) are and to detail any knowledge as it applies to the areas of land.

E04/646 and E04/647 were surveyed first. After the author established which Aboriginal people had traditional knowledge about the land, preliminary visits were made to define the exploration licence applications and to map the clan estates, detail the genealogies and to visit particular features on the Song Cycle.

E04/645 was surveyed after the appropriate Aboriginal people with traditional knowledge about the land had been located. Visits to the area defined the exploration licence application, mapped the clan estates and detailed the genealogies. As there were only three sites previously known to DAS in this area of the survey, effort was made to locate and record other ethnographic sites.


Author – Moya Smith

**Methodology:**

This survey was the result of fieldwork programme undertaken in 1996 – 1997 for the project Fish-Capture Sites and Maritime Economies of some Kimberley Aboriginal Communities by Moya Smith and carried out with the assistance of funds made available by the Commonwealth of Australia under the National Estates Grant Programme.

The financial assistance enabled Moya Smith to undertake an in-depth look at stone-wall fishtraps between the Eighty Mile Beach and Rumble Bay.

The primary aim of the project and report was to identify, assess and document places of significance in the past and present maritime economies of some coastal Kimberley Aboriginal people. Particular emphasis was given to places where Aboriginal people had constructed fishtraps and other places of significance in local fishing patterns.
Form 59
Rule 29.02(1)

Affidavit

Federal Court of Australia
District Registry: Western Australia
Division: General

RITA AUGUSTINE and Others on behalf of the Goolarabooloo Jabirr Jabirr People

Applicants

STATE OF WESTERN AUSTRALIA and others

Respondents

Affidavit of: Alexander Douglas Rorrison
Address: c/- State Solicitor's Office, Level 16, 141 St Georges Terrace, Perth, Western Australia
Occupation: Solicitor
Date: 12 June 2012

Contents

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<td>1.</td>
<td>Affidavit of Alexander Douglas Rorrison in support of First Respondent's opposition to the application dated 7 June 2012 (filed 5 June 2012) to discontinue the Native Title Determination Application (Form 1) affirmed on 12 June 2012</td>
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<td>Annexure “ADR1” being copy of Allens' report of costs and disbursements incurred by the Department of State Development</td>
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Filed on behalf of (name & role of party) State of Western Australia, First Respondent
Prepared by (name of person/lawyer) Miranda Paterson
Law firm (if applicable) State Solicitor's Office
Tel 9264 1183 Fax 9264 1812
Email m.paterson@sso.wa.gov.au
Address for service 141 St Georges Terrace
Perth, Western Australia, 6000

[Form approved 01/08/2011]
I, Alexander Douglas Rorrison, affirm:

1. I am the solicitor with principal conduct of native title issues related to the Browse Liquefied Natural Gas (LNG) Precinct within the State Solicitor’s Office (SSO). I am authorised to make this affidavit on the First Respondent’s behalf.

2. The facts contained in this affidavit are true and correct and are within my own knowledge unless otherwise stated.

3. I have had conduct of the Browse LNG Precinct matters within SSO from December 2008 to date. During that time, I have been directly involved in the negotiation of the Heads of Agreement dated 21 April 2009 (Heads of Agreement), as well as negotiation and implementation of final agreements contemplated by the Heads of Agreement. I have also been responsible for the engagement of Allens (formerly Allens Arthur Robinson) to represent and advise the State of Western Australia and relevant departments and agencies on instructions from SSO in the negotiation of agreements contemplated by the Heads of Agreement. That negotiation culminated in the execution of the Browse LNG Precinct Project Agreement, the Browse LNG Precinct Regional Benefits Agreement and the Browse (Land) Agreement on 30 June 2011 (Browse Agreements). Allens has an ongoing engagement in relation to the implementation of the Browse Agreements.

4. On 11 June 2012 I requested Allens to produce a report of total costs billed to the Department of State Development (being the lead agency within Government responsible for the establishment of the Browse LNG Precinct) in external legal fees and disbursements related directly to the negotiation and implementation of the Browse Agreements. On 12 June 2012, Allens provided me with a report
which identifies the total costs and disbursements relating to the Browse LNG Precinct raised by Allens to date as $2,949,783.84. A copy of Allens' report is annexed to this affidavit and marked "ADR1". I am advised by Ms Robyn Glindemann, Special Counsel with Allens, that it is not possible within the time available to produce a completely accurate report of total costs billed which relate directly to the negotiation and implementation of the Browse Agreements. That is because Allens is also engaged on other matters relating to the Browse LNG Precinct (for example commercial advice and agreements) and, at least before October 2010, all time was recorded on the one matter file. I am advised by Ms Robyn Glindemann that approximately $623,989 of the $976,340.60 billed up to October 2010 related directly to the negotiation and implementation of the Browse Agreements. It follows that, of the total amount billed by Allens to date ($2,949,783.84), approximately $2,597,432 relates directly to the negotiation and implementation of the Browse Agreements.

5. SSO uses a programme called Time and Matter Costing to record time spent on SSO files. On 12 June 2012 I conducted a review of the Time and Matter Costing records to ascertain the total hours spent by SSO lawyers on files related to the negotiation and implementation of the Browse Agreements. That review reveals that, to date, a total of 2,939 hours and 50 minutes has been recorded on the negotiation file (SSO file number 319-08), and 380 hours and 12 minutes recorded on the implementation file (SSO file number 2696-11).
Sworn by the deponent
at Perth in Western Australia
on 12 June 2012
Before me:

Signature of witness
An Experienced Legal Practitioner

DAMIAN MATTHEWS
Please print name
Federal Court of Australia
District Registry: Western Australia
Division: General

RITA AUGUSTINE and Others on behalf of the Goolarabooloo Jabirr Jabirr People
Applicants

STATE OF WESTERN AUSTRALIA and others
Respondents

ANNEXURE "ADR1"

I certify that this is "ADR1" to the affidavit of Alexander Douglas Rorrison on 12 June 2012

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*Subsequent Payments & Write Offs.*
MINUTES

Northern Development Taskforce:
WEST KIMBERLEY – ENVIRONMENT WORKING GROUP

Environment Working Group Meeting – No. 3

Date: Thursday 19 March 2008
Time: 9:30am-11:30am
Venue: Conference Rm 602, 6th Floor, 1 Adelaide Terrace, East Perth WA 6004

Present: Duncan Ord – Chair (NDT), Miriam Moriarty – Secretary (NDT), Gillian Gallagher (NDT), Gary Simmons (NDT), Jim Vanopoulos (NDT), Gary Whisson (DEC), Paul Gamblin (WWF), Gary Scott (Proxy for Maria Mann, Environ Kimberley), Peter Robertson (The Wilderness Society), Hugh Brown (STK), Mark Jones (STK), Robin Chapple (STK), Jeff Ralston (PSCC), Tim Nicol (Proxy for Chris Tallentire, Conservation Council), Jann Crase (ACF – Teleconference), Annie Phillips (KLC), Nicole Matthews (DEWHA)

Item 1. INTRODUCTION AND CONFIRMATION PREVIOUS MINUTES

The Chair noted that the minutes of all Taskforce meetings record the main statements and action items only, and are not verbatim records. Members of this working group are welcome to have specific statements recorded, provided they clearly state this within the meeting.

(Discussions coming under the scope of ‘Other Business’ at the beginning of the meeting have been included under Agenda Item 6).

2. MATTERS ARISING

2.1 Outcomes of WWF Workshop

(Jann Crase joined the meeting via teleconference)

PG informed the group that the GIS data from the WWF workshop in Broome was not available for today’s meeting. WWF is currently loading up a draft report which includes a transcript of all sessions and an overall description of the workshop. Hoping to email to all participants within the next few days, with a week provided for comments.

PG to send GIS data in accessible format around to this group.
2.2 Potential LNG Hub Location

GW spoke to the draft Strategic Assessment timeline, which will be circulated to the group outside this meeting.

The key drivers of the timeline are the longest parts of the background scientific studies. The draft SA report is expected to be ready for public comment around the middle of 2009.

Concern expressed by some group members that the scheduled shortlisting of the hub site in September this year does not allow time for wet season data to be included in the SA. This could lead to the public only being presented with one option for comment without prior comprehensive environmental assessment of that site.

PG noted that overall the NDT process is a positive one, however it is important the the broad community have the opportunity to engage in discussion over the full list of sites. Once the site has been selected it is no longer truly a strategic assessment.

PR noted that the Wilderness Society would like statutory formal comment.

GW noted that there are complexities around the SA studies regarding access to country. Need to be invited by indigenous groups. The cooperation and assistance of indigenous groups is crucial to this process. Indigenous contribution of knowledge around heritage and environmental matters also essential. There was some disagreement within the group as to how much knowledge various indigenous groups have of their areas.

GW advised the group that discussions around the budget for the SA process are still continuing with the Commonwealth.

Overall the group (with the exception of the KLC), agreed that they were concerned not to have a predetermined outcome around site selection, and that there needs to be opportunity for broad public consultation around the September decision. The KLC representative stated that they were unable to speak for the position of all KLC members, until all TO groups had been consulted and provided instructions to the KLC.

PR stated the important of the EPA retaining integrity and not buckling to pressure by companies in order for them to be involved in the hub concept. NM noted that the Commonwealth sees this as a working blueprint for SA processes nationally, and that it is keen to ensure that the process is robust.

Several group members expressed concern around the potential loss of opportunity to look at sites south of Broome if these are not addressed in the engineering report. The Chair advised that a decision as to whether there will be any additions to the report’s scope after it comes in.
6. **ANY OTHER BUSINESS**

(This Agenda Item was addressed directly prior to Agenda Item 2)

The Chair noted discussion within working group meetings is cabinet confidential and information is not to be released to the public.

The group discussed the Gaffney Cline engineering report, second stage due this week. The report will examine the validity of the technical criteria used by industry to date in their assessment of sites. The study also looks at some areas outside the Kimberley.

Questions raised by several group members around the possibility of additional industries (eg: bauxite mining) joining the hub in the future. The Chair noted that such additional projects are not included in the NDT's current Terms of Reference, and recommended that writing to the Minister would be the best approach for group members who have these concerns. The Chair informed the group that domestic gas issues were also not part of the NDT's Terms of Reference.

7. **DATE OF NEXT MEETING**

TBC

Endorsed as a true and accurate record of the meeting.

Date: .................................
Dear Duncan

BROWSE LNG PRECINCT GEOTECHNICAL PROGRAM

We refer to your letter dated 8 August 2011 in relation to a "possible site" in the vicinity of the Western Australian Government's proposed Browse LNG Precinct at James Price Point (LNG Precinct).

Thank you for withdrawing the 25 July Letter and 25 July Map and for your advice in that regard.

Having reviewed your letter of 8 August (8 August Letter) and the map attached to that letter (8 August Map), we remain of the view that these documents still do not deal with the underlying issue. That is, Woodside has no basis on which to consider that credible new "site information" exists in relation to a "possible site" anywhere, let alone across the extent of the area proposed by the 8 August Map.

Accordingly, for the reasons set out below, Woodside requests that:

- the 8 August Map be withdrawn;
- Woodside be afforded the opportunity to review the "new information" prior to that information being considered by the ACMC; and
- the ACMC have regard to all other relevant material prior to making its decision in relation to this information.

Request 8 August Map be withdrawn

The 8 August Map (albeit a slight refinement in area of the 25 July Map) suffers the same credibility issues as the 25 July Map. That is, by the inset, the "possible site" 30274 being investigated by DIA is of the same general area as provided by the 25 July Map. While we note the main part of the 8 August Map refers to areas in which Woodside is undertaking works, it is apparent from the inset that it is only a subset of the "possible site". For the same reason Woodside raised against the 25 July Map, if DIA is not advising all other land users within that area that a "possible site" exists – then the 8 August Map should also be withdrawn.
Woodside be afforded the opportunity to review the “new information”

Woodside has not been advised to date of any new heritage information. Further, it appears to be withheld on the basis that it is for initiated males only. While Woodside respects cultural heritage restrictions, the extent to which that restriction is being applied in this case denies Woodside procedural fairness in relation to this information.

It does not accord with the manner in which similar restricted information has been shared during the assessment process under Section 9 of the Commonwealth’s Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSIHP Act).

Further, it introduces a potential flaw to the ACMC’s decision making process if the ACMC is similarly restricted.

Accordingly, Woodside would like to review the “new information” and the evidence in support of that new information. We would be happy to observe any reasonable cultural restrictions on that information—however, without being appraised of the information or the nature of evidence in support Woodside is being denied procedural fairness.

ACMC consideration of information

In our view, the ACMC should not make any “decision” in relation to the “possible site” until the following have been satisfied.

Affected parties are heard: Further to our request to review the “new information” Woodside as a potentially affected party should be afforded the opportunity to present its views to the ACMC regarding that information before the ACMC makes a decision in relation to a “possible site”.

Analysis of new information against Section 5: We assume as a matter of course the ACMC would have regard to the test under section 5 of the Aboriginal Heritage Act 1972 (AHA) before making its decision. While Woodside has no site information it appears unlikely that if the “new information” is purporting to support a single site over an area as depicted it is unlikely to satisfy section 5 of the AHA.

Testing the credibility of new information: Aside from a rigorous analysis of the information against the provisions of section 5 of the AHA, the ACMC should not complete its deliberations unless the following are considered and appropriate weight given to the findings:

- Appropriate consideration is given to the credibility of any “new information” and the degree of scientific rigour and status of the supporting evidence.

- The importance and significance of any “new information” regarding heritage is tested against information from other persons with cultural knowledge of the area over which this “new information” has been provided. This advice is appropriately obtained through the KLC.

- The legitimacy afforded Mr Roe as a sole site informant appears to relate to his capacity as a relative of the original site informant. The area being identified is significantly broader than that previously provided by the original site informant. It is incongruous that more cultural knowledge could exist with a descendant of the original informant. Further, the area of the “potential site” is broader than that put forward by Mr Roe for a declaration under section 9 of the ATSIHP Act.

- The timing of the information being provided is apparently vexatious. Mr Roe has failed to participate in other earlier processes where such information could have been provided.

- Woodside has sought specific advice in relation to its studies from both Traditional Owners and DIA prior to undertaking those studies and has planned and continued with those studies on the basis that consent from the Minister under s18 of the AHA would not be required in order to complete those studies in a manner consistent with that advice from TCs and DIA. Those studies are monitored by Traditional Owners.
Offer of DIA assistance

We thank you for your offers of assistance in your 8 August Letter.

We look forward to your response in relation to the matters set out above and once we have considered that response, including the "new information" as requested, we will be able to consider the basis on which we may take up DIA's offer to seek advice about our current studies.

Thank you again for your correspondence and for your consideration of these matters. Should you require further information please do not hesitate to contact me on [redacted]  

Yours sincerely

Indigenous Affairs Manager — Browse LNG Development

cc. Gall McGowan, Deputy Director General, State Initiatives, Department of State Development
Dear [Name]

JAMES PRICE POINT DEVELOPMENT PRECINCT – FURTHER INFORMATION REGARDING POSSIBLE HERITAGE SITES

In accordance with the requirements of the Aboriginal Heritage Act 1972 (AHA) officers of the Department of Indigenous Affairs (DIA); on behalf of the Aboriginal Cultural Material Committee (ACMC) and with the authorisation of the Registrar, have been conducting site surveys of the James Price Point (JPP) precinct in response to reports of disturbance of Aboriginal heritage in the area.

As discussed with [Name] (on site near Inballal Karmoor) and then [Name] and [Name] from Woodside on Friday 8 July 2011 at their Broome office with myself and another officer from the DIA, a further survey of the James Price Point precinct was to be carried out. This on-ground gathering of information was conducted between 12 and 15 July 2011.

Information gathered as a result of the survey within the hatched boundary on the accompanying map (hatched area) may be an Aboriginal site under the AHA. This information will be presented to the Aboriginal Cultural Material Committee (ACMC) for their determination.

We believe we are obligated to notify Woodside of this latest information regarding potential sites within the JPP area.

The defence to an offence under Section 17 of the AHA is provided under Section 62 of the AHA and states:

"In proceedings for an offence against this Act it is a defence for the person charged to prove that he did not know and could not reasonably be expected to have known, that the place or object to which the charge relates was a place or object to which this Act applies."

Indigenous Affairs Manager
Browse LNG Development
Woodside Energy Ltd
Woodside Plaza
240 St Georges Terrace
Perth WA 6000
It is recommend Woodside cease activities within the hatched area of the accompanying map until the site's status has been determined by the ACMC, however, we are happy to assist where we can. If you are able to provide us with GPS points of any areas you wish to continue working in, we will examine our information in order to advise you where activity is unlikely to disturb the area where reported heritage information has been received.

We understand that Woodside will conduct its own risk assessment in relation to work carried out in the JPP precinct and appreciates that this decision is solely Woodside's.

Please contact me on 9235 8108 if you would like clarification of the above advice or to discuss the matter further.

Yours sincerely,

[Signature]

James Cook
Senior Compliance Officer
Dear Peter,

In order to provide you with a response as close as possible to your timeframe our office forwarded a response to you by email this morning.

I would like to provide some further context to our response which I believe is relevant to the matters you raise that we needed more time to seek information.

When DIA was asked for advice from the Warden's court on Aboriginal Heritage significance in the area it related to a proposal to explore for Minerals, my understanding is specifically for Mineral Sands. The sand areas in the area consist of the coastal dunes system and any proposal to ultimately mine these would be seen to have significant impact on a range of heritage values including burials.

The DIA has been aware of the Woodside works program and have provided Heritage site avoidance advice based on Woodside providing a Program of Works to the Department. This advice was provided on the 18 February 2010, 23 July 2010, and 7 October 2010.

The Department has been aware of the Heritage Protection Agreement between Woodside and the KLC and the use of a work clearance methodology with traditional owners to ensure registered and any other areas of significance not registered were not impacted.

Should you need further information please feel free to contact me. My Mobile is 0427 476 907

Regards

Duncan

Duncan Ord
Deputy Director General - Operations
1st Floor, 197 St Georges Terrace Perth WA 6000
Ph: (08) 9235 8194 Fax: (08) 92358088
Duncan.Ord@dia.wa.gov.au www.dia.wa.gov.au
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Regional Minerals Program
Developing the West Kimberley’s Resources
Main Report
August 2005
Developing the West Kimberley's Resources

Figure 1  West Kimberley study area, with extension to part of North Kimberley

Data source: Department of Industry and Resources
4.1.2 Derby stakeholders

Derby stakeholders who were consulted were keen to explore development opportunities, subject to being satisfied about protection of environmental values. They highlighted the development potential of the region, including the potential heavy industrial location of Point Torment, light industrial land in Derby, community facilities, transport infrastructure and the availability of housing land.

4.1.3 Broome stakeholders

Broome stakeholders who were consulted were also amenable to resource development in the West Kimberley. Several stakeholders expressed concerns about possible negative impacts of industrial installations on the environment, community amenity and the tourism industry.

Stakeholders highlighted the existing community, housing, port and transport infrastructure in the Broome area as a facilitator of resource development.

4.1.4 Regional development organisations

State and Australian regional development organisations are very supportive of resource development in the West Kimberley region. They highlighted the need to broaden and deepen the West Kimberley economy. They also pointed out the imbalance in the economy between Indigenous and non-Indigenous people and communities. They felt that if resource development occurs there is a need to take action to fill out the potential ‘hollow economy’ by maximising local participation in development.

Protection of the West Kimberley environment and heritage has a high priority amongst all stakeholders.

4.1.5 Traditional Owners

There is general support amongst Aboriginal groups for economic development, subject to a number of issues identified by the organisations consulted and discussed below. Location-specific issues raised by traditional owner representatives are outlined in Chapter 14.

Consultation, negotiations and participation

There is a need for ‘proper arrangements’ with interest holders. This includes an inclusive process for development of agreements, careful design of the content of agreements, attention to implementation of agreements, and resourcing of the negotiation process.
Developing the West Kimberley's Resources

Realistic lead-times are required for negotiations to enable Traditional Owners to engage with project proponents after thorough preparation. There must also be adequate lead time for enabling people to participate in development.

Co-operative efforts are needed between the community, government and industry to achieve this. Aboriginal groups identified the need for support from government and businesses to enable them to take up the opportunities that are presented by major development. These opportunities include employment and business development.

Aboriginal stakeholders identified a need for a cooperative approach between industry and government to provide infrastructure and services. Project proponents identified a need for a cooperative approach between the community, government and industry to provide infrastructure and services.

Aboriginal groups identified the need for support from government and businesses to enable them to take up the opportunities that are presented by major development. These opportunities include employment and business development.

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In this context, concerns about the environmental and cultural impact of mining at Cape Bougainville were discussed, while assessments of all values of Mitchell Plateau area and the impact of mining are needed to enable informed decision-making. Traditional Owner stakeholders all identified the need for development to have respect for the Traditional Owners' cultural responsibility for land.

Cultural, environmental and planning

Indigenous and government to provide infrastructure and services.

Project proponents identified a need for a cooperative approach between industry and government to provide infrastructure and services.

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Aspirations of West Kimberley communities
Developing the West Kimberley’s Resources

In some areas, the use of islands for development is a sensitive issue. Some islands and parts of islands have high cultural value.

Some Aboriginal stakeholders also had concerns about pressures on land use that might arise from intensive development. They were concerned that sufficient land be available for when they have capacity for initiating development, and for their children.
12.7 Aboriginal culture and heritage

12.7.1 Aboriginal Heritage sites

Heritage sites of significance and importance to Aboriginal people exist throughout the study area in many forms: in physical presence such as rock art paintings, burial places; in natural features (waterfalls, reef structures, soaks, springs, waterholes, landscape formations) and in spiritual and totemic association with creation beliefs and living things in the environment.

Aboriginal cultural heritage and Native Title are often closely connected. For example, the Wanjina and Gwion (“Bradshaw”) rock art images throughout the North-West Kimberley are intrinsic to Wanjina Wunggurr laws and customs and cultural values of the Wanjina Wunggurr native title holders. The evidence that native title claimant can rely on to support their applications for determination of Native Title may include the Aboriginal cultural material and/or sites that may impact or be located in the vicinity of a proposed development or exploration activities.

Protection of Aboriginal heritage sites is currently afforded through Commonwealth and State Acts. These are the State Aboriginal Heritage Act 1972 (WA) and the Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984.

Under both the State and Commonwealth Acts, proponents must take steps to identify and protect Aboriginal cultural heritage sites.

Implications for future developers

Exploration or development activity in the West Kimberley has the potential to impact on Aboriginal sites. Whether an Aboriginal heritage site is registered on the State Register of Aboriginal Sites is not conclusive indication of the presence of an Aboriginal heritage site in any particular location.

*Western Australian Aboriginal Heritage Act (1972)*

To ensure compliance under the *Aboriginal Heritage Act 1972*, proponents of future developments should endeavour to undertake heritage surveys before any ground disturbing activities proceed to ensure all Aboriginal heritage sites are identified and protected. The Act was developed to protect and preserve Indigenous Heritage and it is an offence to knowingly damage an Aboriginal site. There is also a requirement, under Section 15 of the Act, for any person who becomes aware of an unrecorded site to report the existence of that site to the Registrar of Aboriginal Sites at the Department of Indigenous Affairs. Examples of sites and objects protected under the Act can include burial
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ingrounds, symbols, paintings and carvings (in caves or on rock faces), stone structures or arrangements, carved trees and specific tracts of country and/or water.

Disturbance of an Aboriginal heritage site should only take place after consultation with appropriate Traditional Owners and in accordance with the Act. Under Section 18 of the Act, the Minister for Indigenous Affairs can consent to disturbance if development is likely to impact a site. The Minister considers the recommendations of an advisory committee (the Aboriginal Cultural Materials Committee (ACMC)) and the general interest of the community when making a decision on such matters. In practice, the ACMC will only make a recommendation if it is satisfied that sufficient consultations have been undertaken by the proponent.

The Australian Government's Department of Environment and Heritage administers the Act. Its purpose is to preserve and protect areas and objects of particular significance to Aboriginal people. The law complements Western Australian legislation and is intended to be used only as a last resort where the State law and the heritage protection process prove to be ineffective.

In 2004, the State Government introduced a new policy whereby applicants for Exploration Licences and Prospecting Licences are required to enter into an Alternative Heritage Agreement before the applications will be submitted to the NTA (Expedited Procedure). In the absence of such an agreement, the applications will be processed under the more lengthy NTA Right to Negotiate regime.

A standard heritage protection template agreement has been negotiated and is in place with each of the Kimberley Land Council. The standard heritage protection template agreement has been negotiated and is a flexible document that can be adjusted to meet the specific needs of any particular area.

In the Kimberley, the State Government continues to apply the expedited process to all Exploration Licence and Prospecting Licence applications.
without requiring a Standard Heritage Agreement or an Alternative Heritage Agreement to be in place. Introduction of the new policy in the Kimberley will depend on whether a Standard Heritage Agreement is negotiated by the Kimberley Land and Sea Council and Industry or whether the State imposes a Standard Heritage Agreement.

**Heritage assessments in the Kimberley Region**

Traditional Owners in the Kimberley utilise a heritage impact assessment methodology that centres on the proponent seeking clearance from the Traditional Owners of the project area of specific activities identified in the proposed work program. Agreement to adopt this methodology is usually negotiated with the proponent during the native title expedited procedure that applies to the grant of exploration and prospecting licences.

Under the methodology, a proponent provides the resources for a field survey team comprising relevant Traditional Owners and their advisers accompanied by a proponent representative. Advisers may be of anthropology, archaeology or any other technical discipline. Proponents are provided with a clearance report for the work program, detailing what activities can and cannot be undertaken within the area of the proposed work program. The Kimberley Land Council assists the Traditional Owners in the assessment process as requested.

Explorers have expressed concern that the process addresses only activities identified in the proposed work program without Traditional Owners divulging any information regarding the location of Aboriginal heritage sites or any cultural information. Explorers maintain that this approach does not provide the level of certainty, particularly in instances when a project has a real prospect of progressing to mining.

### 12.7.2 European and Asian heritage

The West Kimberley has a rich European and Asian heritage as outlined in Section 3.6. The value of this history is recognised by the Register of the National Estate which lists at least 14 places in the West Kimberley as significant. The Estate is Australia's national inventory of natural and cultural heritage places which are considered worth keeping for the future.

**Implications for future developers**

The way in which private, State Government and Local Government owners manage their National Estate properties is not directly affected by listing as entry on the Register does not place any direct legal constraints on the actions...
Developing the West Kimberley’s Resources

Managing Environmental and Heritage Impacts

12.7.3 Managing environmental and heritage impacts

The Kimberley region contains some of the last wilderness areas of Western Australia. It is a remote and sparsely populated area that is non-tidal estuarine. The Kimberley region contains sites of European heritage and natural significance. Some of these sites have historical and cultural values that are unique to the Kimberley region. In order to protect the region’s heritage and natural values, the Australian Government is the only body responsible for the management of these areas.

The Kimberley region has the potential to result in local impacts such as noise, dust, waste, destruction of flora and fauna, and adverse impacts to Aboriginal, and European and Asian heritage. Many of these impacts can also be classed as regional impacts. For example, impacts to flora and fauna, waters, development within reserves, etc.

The Kimberley region contains some of the last wilderness areas of Western Australia. It is a remote and sparsely populated area that is nonetheless feeling the effects of human impacts through changed land management, grazing, tourism and industry.

In order to help conserve the region’s high environmental and cultural values, careful planning and consideration must be given to the impact assessment and management requirements of all development options currently under consideration for the West Kimberley.

Each individual development carries its own specific impacts, both positive and negative. The environment and the social and cultural needs of all interests in the region must be integrated into the planning, construction and operational phases of every development.

In addition to the impact assessment and management requirements of individual projects, the cumulative environmental and heritage impacts of possible development scenarios in the West Kimberley region need to be properly investigated. This way, better design, management and mitigation strategies can be established by proponents, planning bodies and government agencies.

The development options currently under consideration for the West Kimberley have the potential to result in a combination of locally, regionally and/or internationally significant impacts. The development scenarios discussed in this report will result in local impacts such as noise, dust, waste, destruction of flora and fauna and affect Aboriginal, and European and Asian heritage. Many of these impacts can also be classed as regional impacts. For example, impacts to flora and fauna, waters, development within reserves, etc.

The impacts of petroleum and minerals processing industries will also be of example. Impacts to flora and fauna, waters, development within reserves, etc.

In addition to the impact assessment and management requirements of individual projects, the cumulative environmental and heritage impacts of possible development scenarios in the West Kimberley region need to be properly investigated. This way, better design, management and mitigation strategies can be established by proponents, planning bodies and government agencies.

The Kimberley region contains some of the last wilderness areas of Western Australia. It is a remote and sparsely populated area that is non-tidal estuarine.
Proponents of future developments within the West Kimberley region will need to conduct project and scenario specific environmental, heritage and community planning and impact assessments, for assessment by the relevant government bodies as part of their obligations to comply with State and Australian legislation. Such approaches, which include thorough community consultation, are also necessary to obtain broad community support for proposed developments – the so-called "community licence to operate."