



Noongar Standard Heritage Agreement - Information for Local Government

The South West Native Title Settlement (the Settlement) is the largest and most comprehensive agreement to settle Aboriginal interests over land in Australia. The Settlement, involving six Noongar Native Title Agreement Groups, and covering 200,000 square kilometres of land, represents significant social and economic investment in the Noongar community and the shared future of Western Australia.

The Settlement will resolve all native title claims in the South West of Western Australia in exchange for land and other negotiated benefits. The Settlement will provide a significant opportunity for the Noongar people to achieve sustainable social, economic and cultural outcomes, and for the WA Government and other stakeholders to work in partnership with the Noongar community to realise these goals.

On 8 June 2015, after extensive negotiations, and authorisation by the Noongar people, the WA Government signed (executed) six South West Native Title Settlement Agreements with the Ballardong People, Gnaala Karla Booja, South West Boojarah #2, Wagyl Kaip & Southern Noongar, Whadjuk People and Yued Agreement Groups.

The Noongar Standard Heritage Agreement (NSHA), a component of the Settlement, took effect upon the signing of the Settlement Agreements by the parties on 8 June 2015. State Government land users (Proponents) are required to enter into and follow the NSHA if an Aboriginal Heritage Survey is required and a pre-existing heritage agreement was not in place as at 8 June 2015.

The NSHA component provides a uniform and efficient approach to Aboriginal heritage surveys in the South West, in compliance with the Aboriginal Heritage Act 1972 (AHA). The NSHA provides all parties with a clear, timetabled framework about their various Aboriginal heritage obligations. The NSHA also delivers a process for improving the quality of data on the Aboriginal Heritage Inquiry System (AHIS), which in turn enhances protection of Aboriginal heritage through identification of sites that are important to Noongar people.

Under the SWS all State Government Departments, and certain Government agencies and instrumentalities, are required to enter into a NSHA with SWALSC when conducting Aboriginal Heritage Surveys in the six Agreement areas comprising the SWS unless they have an existing heritage agreement. Government proponents must enter into the NSHA with SWALSC on behalf of the relevant SWS Agreement group, or once established, the relevant Noongar Regional Corporation (potentially in the first half of 2020).

Whilst Local Governments are not parties to the SWS Agreements, and therefore not bound to follow the NSHA, a consistent approach to heritage across the SWS area is encouraged. SWALSC and WALGA are working together to develop a suitable Local Government-specific Noongar Heritage Agreement template (LG NHA) that will tailor the NSHA to align with Local Government Regulations and policies (including in relation to procurement).

In the interim, Local Governments are encouraged to follow the key heritage elements of the NSHA which are as follows:

- Undertaking early engagement with SWALSC (acting on behalf of the SWS Agreement Groups) regarding proposed Activities that may impact Aboriginal sites (NSHA clause 7);
- Assessment of risks of proposed works damaging or altering an Aboriginal heritage site by using the Due Diligence Guidelines (NSHA clause 7.2) <https://www.dplh.wa.gov.au/information-and-services/aboriginal-heritage/land-use-under-the-aha/aboriginal-heritage-surveys>
- Issuing notices for works that may potentially damage or alter Aboriginal heritage sites in a format similar to the 'Activity Notices' within the NSHA (NSHA clause 8, Schedule 4, and using the Template Activity Notice).
- If a heritage survey is to be completed, seeking the names of suitable Aboriginal survey participants from SWALSC (NSHA clause 9)
- Following the NSHA heritage survey processes (NSHA clause 9 and 10)
- Following the NSHA timelines (NSHA clauses 8 to 12)
- Adhering to the NSHA heritage survey costs schedule (Schedule 5)
- Following the NSHA heritage survey reporting requirements (NSHA clause 12 and Schedule 6)
- Providing the heritage survey reports and Heritage Information Submission forms to the Department of Planning, Lands and Heritage (Clause 12.5)
- Providing notice to and consulting with SWALSC (acting on behalf of the particular Agreement Group) prior to the Local Government lodging an Aboriginal Heritage Act (1972) Section 16 or Section 18 Application (NSHA clause 15).

Copies of the NSHA including the Schedules, can be found at <https://www.dplh.wa.gov.au/information-and-services/aboriginal-heritage/noongar-heritage-and-history/noongar-standard-heritage-agreement/resources-and-templates>

Further information about the Settlement, including the six Settlement Agreements (or Indigenous Land Use Agreements – ILUAs) can be found on the website of the Department of Premier and Cabinet <https://www.dpc.wa.gov.au/lantu>

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Map of the South West Native Title Settlement Area showing the six Agreement areas

