



**Discussion Paper 3 Reform options –
Aboriginal cultural heritage management and
the mineral exploration process**

Submission to Stronger Partners, Stronger
Futures

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1. Introduction

The South Australian Chamber of Mines and Energy (SACOME) is the peak industry body representing companies with interests in the South Australian minerals, energy, extractive, oil and gas sectors and associated service providers.

Discussion Paper 3 (the Paper) seeks stakeholder's views on options addressing the cultural heritage management aspects of the mineral exploration process in relation to both early ("low impact") and advanced exploration.

The Paper sets out suggestions for change in relation to the following:

- managing survey and clearance information; and
- standards for surveys and clearances.

SACOME supports the need for practical and effective Aboriginal heritage protection.

The majority of SACOME member companies have well-developed Native Title and Aboriginal heritage engagement policies and processes to ensure that Aboriginal cultural heritage is protected and appropriately managed throughout exploration, mining and petroleum activities.

In this context, SACOME is broadly supportive of reforms that further improve the management of Aboriginal cultural heritage, balancing the needs of resources sector operators and Native Title groups.

SACOME submits that the standardisation of Aboriginal cultural heritage management processes would improve the mineral exploration process in South Australia.

SACOME welcomes the opportunity to provide comment to the Stronger Partners, Stronger Futures (SPSF) process and remains committed to working collaboratively with all stakeholders to improve outcomes for the resources sector, Native Title groups and the South Australian Government.

2. Managing Survey and Clearance Information

SACOME members understand that cultural heritage is fundamental to the identity of many communities that host mineral exploration.

The way cultural heritage is respected and managed is crucial to the quality of the relationships, the facilitation of a smooth project environment and the effectiveness of community development efforts.

Aboriginal heritage is protected under the *Aboriginal Heritage Act 1988* (the AHA). SACOME member companies recognise the importance of the AHA and its requirements to their projects.

SACOME member companies understand the need:

- to report discoveries of sites, objects or remains to the Premier through Aboriginal Affairs and Reconciliation (AAR) as soon as practicable;
- that information from a local archive can only be disclosed with the consent of, and on such conditions, as are stipulated by the traditional owners of the organisation keeping the archives;
- all information in the Central Archive is to be treated as confidential; and
- that registered sites are presumed to be “sites of significance” and are entered onto the land title for future reference.

SACOME broadly supports regulatory reforms that provide certainty to all stakeholders about managing survey and clearance information; and reduces time and cost pressures for resources sector operators.

2.1 Does your organisation have current information about the operation of the AAR Central Archive and the new Taa Wika portal?

SACOME member companies have stated they have current information about the operation of the AAR Central Archive and the Taa Wika portal.

2.2 Do you understand the local archive provisions of the AHA as it applies to collections of Aboriginal heritage information?

SACOME member companies have indicated that they understand the local archive provisions of the AHA as it applies to collections of Aboriginal heritage information.

2.3 Does your organisation need assistance to ensure that your reports and survey data are consolidated and managed in a way that allows for easy review of what work has already been done?

The majority of SACOME members have indicated that they do not need such assistance.

2.4 What are the best ways of ensuring that we can share basic information about whether sites exist or have been recorded in an area in a timely manner?

Some SACOME member companies have indicated that the AAR Central Archive is the appropriate format to share basic information about whether sites exist or have been recorded in an area, with such an approach providing time and resource efficiencies for resources sector operators.

SACOME has raised in previous discussion papers that development of a central repository for shared information is a priority issue for resources sector operators.

SACOME member companies have raised a central repository in the context of access to past clearances and the standardisation of fees for heritage clearances.

A central repository could also host information about the existence of Aboriginal cultural sites and their appropriate recording.

SACOME recognises that the availability of such information online is dependent on the agreement of Native Title groups and the appropriate safeguards being in place to protect sensitive material.

3. A Common Standard for Cultural Heritage Survey and Work Area

SACOME supports cultural surveys and clearances being conducted in a consistent manner and in accordance with leading practice cultural heritage management processes.

SACOME broadly supports reforms in this regard and recommends that any agreed template/standard report could be implemented in a "Guideline of Leading Exploration Practice" document.

The agreed template/standard report would need to include all the information required to mitigate the risk of breaching the AHA.

SACOME understands that the proposed reform options need to balance the regulatory and cost burden placed on the resources sector with the expectation of Aboriginal communities.

3.1 Would your organisation use the standard templates to record the results of field work?

SACOME broadly supports the development of a standard template to record the results of field work.

SACOME suggests that a standard template needs to be designed through consultation between the resources sector and Native Title groups.

SACOME recognises the challenge of developing a "one size fits all" standard template, when each Native Title group engages differently with their anthropologists and archaeologists. However, standard administrative processes create efficiencies for all stakeholders.

3.2 Do you have any further advice or information you would like to contribute to this discussion?

SACOME is broadly supportive of the standardisation of cultural surveys and clearances and is committed to working with Native Title groups on reaching a mutually beneficial outcome.

4. Cultural Sites and the Exploration Application Process

SACOME member companies understand the importance of cultural heritage to Native Title groups.

The large majority of SACOME member companies have a sound understanding of cultural heritage, with policies in place that manage their Native Title and Aboriginal heritage engagement.

Resources sector operators apply for an exploration licence based on their research of the mineral potential of a particular area. Part of this process includes consulting the Central Archive for significant cultural sites in the area.

If the site recordings on the Central Archive are not accurate, resources sector operators may not obtain critical information about their tenement in the early stages of their project. This has the potential to result in significant time and resource implications for resources sector operators and Native Title groups depending on the proposal.

SACOME is broadly supportive of reforms that balance the need for Native Title groups to have confidence in the system and the confidentiality of their cultural information, while providing resources sector operators with the certainty they need in regard to land access consultation at the planning stages of the project.

The Paper asks the following questions:

4.1 Would your Native Title group be interested in undertaking desktop recording to document large cultural sites?

4.2 Does your Native Title group have recorded information you would like to be incorporated into a site card? and

4.3 Would you consider putting this information on the Central Archive? If not, what are your concerns?

These are matters for Native Title groups. SACOME and its member companies have committed to working collaboratively with Native Title groups on reaching a mutually beneficial outcome on these issues.

4.4 For explorers; when planning an exploration project when would access to Aboriginal heritage information be the most useful?

Early access to the location of heritage sites or places is helpful.

Confidential information is not necessarily required but the location, size and significance of the site would enable early decision-making on tenement viability.

5. Code of Practice for Aboriginal Heritage and Exploration

SACOME does not support a formal code of practice for Aboriginal heritage and exploration.

SACOME reiterates its support for the development of a "Guideline of Leading Exploration Practice" document that provides the flexibility and clarity required for all parties on their roles, responsibilities and agreed processes and protocol to support the Native Title mineral process.

5.1 Do you support the development and use of a code of practice that applies to all parties?

SACOME reiterates that it does not support a formal code of practice for Aboriginal heritage and exploration.

5.2 If a code or practice is implemented by agreement; What can we all do to monitor whether it is working? What should be triggers for review?

SACOME again reiterates that it does not support a formal code of practice for Aboriginal heritage and exploration.

Monitoring compliance with a code of practice requires additional time and resources which are not contemplated in the Paper. Further, the Paper does not contemplate how the proposed 'minimum standard for compliance' would be monitored and what the proposed consequences for failure to meet the minimum standards are.

The relationship between resources sector operators and Native Title holders should be built on trust, with negotiations conducted in a respectful manner.

SACOME has previously outlined the need for a long-term conversation between the resources sector and Native Title groups.

The acceptance of a "Guideline of Leading Exploration Practice" document could be monitored through workshops and seminars annually that allow the resources sector, Native Title groups and government to continue on-going dialogue.

6. Conclusion

SACOME welcomes the opportunity to make this submission to the Stronger Partners, Stronger Futures process.

SACOME is supportive of reforms that improve Aboriginal cultural heritage maintenance processes between resources sector operators and Native Title groups.

SACOME has sought to provide comment on reforms with an emphasis on resolving the issues of early engagement, low impact (early) exploration and relationship building, with the importance of realising economic growth outcomes for all stakeholders.

SACOME remains committed to working collaboratively with the South Australian Government and Aboriginal stakeholders through the Stronger Partners, Stronger Futures process.