



Hon Peter Collier MLC
Minister for Education; Aboriginal Affairs; Electoral Affairs
Leader of the Government in the Legislative Council

Our Ref: 34-67837

Mr Silver Kenny
Environmental Specialist
South32 Worsley Alumina Pty Ltd
Level 37, 108 St Georges Terrace
PERTH WA 6000

Dear Mr Kenny

I refer to your notice submitted under section 18(2) of the *Aboriginal Heritage Act 1972* (AHA), dated 17 June 2016, by South32 Worsley Alumina Pty Ltd on behalf of South32 Aluminium (RAA) Pty Ltd, South32 Aluminium (Worsley) Pty Ltd, Sojitz Alumina Pty Ltd, Japan Alumina Associates (Australia) Pty Ltd, Mr Paul Andrew Hames, Ms Kerren Claire Addison, Ms Dawn Margaret Hames and Mr Gavin Alan Victor.

The Notice advised that you wish to use the land described as mining tenements ML258SA, M70/114, M70/115, M70/116 and land parcels Lot 12 on Plan 21128 Certificate of Title Volume 2072 Folio 678, Lot 1 on Plan 14884 Certificate of Title Volume 1693 Folio 128, Lot 1 on Plan 15317 Certificate of Title Volume 1812 Folio 986, Lot 1 on Plan 9255 Certificate of Title Volume 453 Folio 167A, Lot 3797 on Plan 113639 Certificate of Title Volume 2064 Folio 449, Lot 3798 on Plan 113639 Certificate of Title Volume 2064 Folio 448, Lot 3800 on Plan 113639 Certificate of Title Volume 2064 Folio 450, Lot 5820 on Plan 119650 Certificate of Title Volume 1412 Folio 516, Lot 627 on Plan 121419 Certificate of Title Volume 1208 Folio 896, Lot 632 on Plan 121420 Certificate of Title Volume 2162 Folio 578, Lot 635 on Plan 121421 Certificate of Title Volume 1313 Folio 223, Lot 6571 on Plan 128882 Certificate of Title Volume 1313 Folio 217, Lot 7892 on Plan 132547 Certificate of Title Volume 1208 Folio 860, Lot 8789 on Plan 133002 Certificate of Title Volume 2076 Folio 52, Lot 8577 on Plan 133003 Certificate of Title Volume 2076 Folio 52, Lot 904 on Plan 138711 Certificate of Title Volume 2162 Folio 579, Lot 189 on Plan 245742 Certificate of Title Volume 1166 Folio 579, Lot 353 on Plan 250637 Certificate of Title Volume 1412 Folio 515, Lot 249 on Plan 250638 Certificate of Title Volume 1166 Folio 581, Lot 261 on Plan 250639 Certificate of Title Volume 579 Folio 169, Lot 248 on Plan 250641 Certificate of Title Volume 1166 Folio 580, Lot 1347 on Plan 251306 Certificate of Title Volume 1313 Folio 219, Lot 929 on Plan 252144 Certificate of Title Volume 1111 Folio 116, Lot 13769 on Plan 252146 Certificate of Title Volume 1313 Folio 218, Lot 1174 on Plan 252478 Certificate of Title Volume 1111 Folio 115 and Lot 13770 on Plan 252479 Certificate of Title Volume 1313 Folio 220 (the Land) for the purpose described as exploration, mining, rehabilitation and agricultural activities (the Purpose).

I am advised that your intended use will impact upon five Aboriginal sites within the meaning of section 5 of the AHA. These sites are DAA 4165 (Quindanning Forest 22), DAA 5182 (Hull Gully), DAA 5255 (Quindanning Farms 04), DAA 15126 (The Harmony Engravings) and DAA 17214 (Mt Saddleback (Mokine)).

I am pleased to inform you that, pursuant to section 18(3) of the AHA, I have granted consent subject to conditions. The form of consent is enclosed.

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

I take this opportunity to acknowledge and support agreements reached with those consulted as specified in the Notice.

If you have any queries in relation to this matter, please contact Mr Matthew Franklin, Site Assessment Officer, Department of Aboriginal Affairs, on (08) 6551 8000.

Kind regards



Hon Peter Collier MLC
MINISTER FOR ABORIGINAL AFFAIRS
30 SEP 2016
Enc.

ABORIGINAL HERITAGE ACT 1972

CONSENT PURSUANT TO SECTION 18(3)

CONSENT GRANTED TO: South32 Worsley Alumina Pty Ltd

IN RESPECT OF: Mining tenements ML258SA, M70/114, M70/115, M70/116 and land parcels Lot 12 on Plan 21128 Certificate of Title Volume 2072 Folio 678, Lot 1 on Plan 14884 Certificate of Title Volume 1693 Folio 128, Lot 1 on Plan 15317 Certificate of Title Volume 1812 Folio 986, Lot 1 on Plan 9255 Certificate of Title Volume 453 Folio 167A, Lot 3797 on Plan 113639 Certificate of Title Volume 2064 Folio 449, Lot 3798 on Plan 113639 Certificate of Title Volume 2064 Folio 448, Lot 3800 on Plan 113639 Certificate of Title Volume 2064 Folio 450, Lot 5820 on Plan 119650 Certificate of Title Volume 1412 Folio 516, Lot 627 on Plan 121419 Certificate of Title Volume 1208 Folio 896, Lot 632 on Plan 121420 Certificate of Title Volume 2162 Folio 578, Lot 635 on Plan 121421 Certificate of Title Volume 1313 Folio 223, Lot 6571 on Plan 128882 Certificate of Title Volume 1313 Folio 217, Lot 7892 on Plan 132547 Certificate of Title Volume 1208 Folio 860, Lot 8789 on Plan 133002 Certificate of Title Volume 2076 Folio 52, Lot 8577 on Plan 133003 Certificate of Title Volume 2076 Folio 52, Lot 904 on Plan 138711 Certificate of Title Volume 2162 Folio 579, Lot 189 on Plan 245742 Certificate of Title Volume 1166 Folio 579, Lot 353 on Plan 250637 Certificate of Title Volume 1412 Folio 515, Lot 249 on Plan 250638 Certificate of Title Volume 1166 Folio 581, Lot 261 on Plan 250639 Certificate of Title Volume 579 Folio 169, Lot 248 on Plan 250641 Certificate of Title Volume 1166 Folio 580, Lot 1347 on Plan 251306 Certificate of Title Volume 1313 Folio 219, Lot 929 on Plan 252144 Certificate of Title Volume 1111 Folio 116, Lot 13769 on Plan 252146 Certificate of Title Volume 1313 Folio 218, Lot 1174 on Plan 252478 Certificate of Title Volume 1111 Folio 115 and Lot 13770 on Plan 252479 Certificate of Title Volume 1313 Folio 220 - Exploration, mining, rehabilitation and agricultural activities

REFERENCE: 34-67837

ABORIGINAL SITES TO BE IMPACTED: DAA 4165 (Quindanning Forest 22); DAA 5182 (Hull Gully); DAA 5255 (Quindanning Farms 04); DAA 15126 (The Harmony Engravings); and DAA 17214 (Mt Saddleback (Mokine))

CONDITIONS OF CONSENT

That the consent holder:

1. Manages all archaeological heritage sites and places under a heritage management plan.
2. Provides a written report to the Registrar of Aboriginal Sites within 60 days of the completion of the Purpose, advising whether and to what extent the Purpose has impacted on all or any Sites located on the Land. The final report should include a detailed description of:
 - a. what extent the Purpose has impacted any Aboriginal Site on the Land;
 - b. where any Aboriginal Site has been impacted, whether such Site has been partially or wholly impacted by the Purpose, and the level, effect and type of any such impact – preferably by the provision of photographs taken before and after the impact; and
 - c. the results and findings of any monitoring of ground disturbing works associated with the Purpose.

SECTION 18 CONSENTS

ADDITIONAL INFORMATION

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

1. Right of Review of Decision

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

2. Consent is Non-Transferable

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

3. Traditional Knowledge Holder

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

4. Conditions of Consent

- The Department of Aboriginal Affairs carries out routine audits on compliance with the conditions of consent.
- Failure to comply with the conditions of consent may constitute an offence under section 55 of the AHA.
- It is recommended that the consent holder informs all employees and others engaged in the development of their obligations under the AHA, especially with regard to skeletal material.
- Reports to the Registrar of Aboriginal Sites (the Registrar) should use the Section 18 Report Back template which can be downloaded from the Department of Aboriginal Affairs' website at <http://www.daa.wa.gov.au/heritage/land-use/section-18/>.
- The Registrar welcomes any additional information about Aboriginal sites within the meaning of section 5 of the AHA, or objects within the meaning of section 6 of the AHA.

5. Legislation

The AHA, the *Aboriginal Heritage Regulations 1974* and the *State Administrative Tribunal Act 2004* may be viewed and downloaded from the State Law Publisher website at www.slp.wa.gov.au.