Hon Dr Tony Buti MLA
Minister for Education; Aboriginal Affairs;
Citizenship and Multicultural Interests

Our Ref: 80-14716

Ms Sandra Barkla
Principal Heritage Advisor
Worsley Alumina

Via email: sandra.barkla@south32.net

Dear Ms Barkla

SECTION 18 NOTICE – WORSLEY ALUMINA – INFRASTRUCTURE CORRIDOR FOR EXPANSION OF WORSLEY ALUMINA

I refer to the Notice submitted under section 18(2) of the *Aboriginal Heritage Act 1972* (Act), dated 19 April 2023 (Notice) by Worsley Alumina.

The Notice advises that Worsley Alumina wishes to use the land described as:

Tenement L 70/223

for the Purpose described as:

Infrastructure Corridor for Expansion of Worsley Alumina
Activities associated with Worsley's mining operations.

I am advised that the intended use will impact upon one Aboriginal site within the meaning of section 5 of the Act, being: ID 27935 (Hotham River).

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

I take this opportunity to acknowledge the consultation that Worsley Alumina has undertaken with representatives of the Gnaala Karla Booja (GKB) Indigenous Land Use Agreement (ILUA) Group and support the agreements that have been reached. I note that the GKB ILUA Group representatives requested:

(i) heritage monitoring;
(ii) waterways are not blocked during, or as a result of, the works; and
(iii) community development programs.

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Telephone: +61 8 6552 6400 Email: Minister.Buti@dpc.wa.gov.au

I also note that Worsley Alumina has agreed to the above requests and express my appreciation. I strongly encourage all parties to act in accordance with the agreements they have entered into to ensure the benefits to both parties, particularly the appropriate protection and management of Aboriginal heritage, are realised.

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

If you have any queries in relation to this matter, please contact Mr Aidan Ash, A/Director Aboriginal Heritage Conservation, at the Department of Planning, Lands and Heritage on 6551 8040 or aidan.ash@dplh.wa.gov.au.

Yours sincerely

Dr Tony Buti MLA
MINISTER FOR ABORIGINAL AFFAIRS

Att.

20 MAR 2024

ABORIGINAL HERITAGE ACT 1972

CONSENT PURSUANT TO SECTION 18(3)

CONSENT GRANTED TO:	Worsley Alumina on behalf of Worsley Alumina
IN RESPECT OF THE LAND:	Tenement L 70/223
PURPOSE:	Infrastructure Corridor for Expansion of Worsley Alumina Activities associated with Worsley's mining operations.
REFERENCE:	MIN-2023-1062
SITE(S) TO BE IMPACTED:	ID 27935 (Hotham River)

CONDITIONS OF CONSENT

That the consent holder:

1. Offers Gnaala Karla Booja Aboriginal Corporation, in writing giving 60 days' notice, to nominate two members to be present for ground disturbing works on the Land where the works intersect the boundary of ID 27935 (Hotham River).
2. Provides a written report on the anniversary date of the signed consent to the Registrar of Aboriginal Sites for any year in which ground disturbing works have occurred, setting out to what extent the Purpose has impacted the site located within the Land.
3. Provides a final written report to the Registrar of Aboriginal Sites within 60 days of the five-year period or the end of the Purpose whichever is first, 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) to 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, including photographs taken before and after the impact;
   (c) where any Aboriginal site has been subject to archaeological or cultural salvage, when and how such salvage took place, who was present at the salvage and where the material was re-located, the results of the salvage and any subsequent analysis conducted;
   (d) the results and findings of any monitoring of ground disturbing works associated with the Purpose; and
   (e) to what extent the site has been remediated.

SECTION 18 CONSENTS

ADDITIONAL INFORMATION

The following information is provided for the guidance of the owner of the land given consent by the Minister for Aboriginal Affairs under section 18(3) of the *Aboriginal Heritage Act 1972* (Act).

1. Right of review of decision

A consent holder or a native title party in relation to the land the subject of the consent who is aggrieved by a decision of the Minister made under section 18(3), including any condition to which the consent is subject, may apply to the State Administrative Tribunal (SAT) for a review of the decision (see www.sat.justice.wa.gov.au).

The Premier may, within 28 days, direct the SAT to refer the application where the Premier considers that it raises issues of State or regional importance. The Premier may direct SAT to first hear the application and then refer it with recommendations.

2. Consent is transferable

If there is a change in ownership of land the subject of a consent, the new owner of the land must give notice in writing to the Minister within 14 days of the change in ownership. The notice must include:

(a) a copy of the consent;
(b) the name and contact details of each owner of the land; and
(c) the date on which the change in ownership occurred.

The new owner is required to give a copy of the notice, within 28 days after the day of change in ownership occurred, to:

(a) the Aboriginal Cultural Heritage Committee (can be via ACHknowledge); and
(b) any native title party in relation to the land.

The new owner may also make a written application to the Minister to revoke the consent.

The consent holder should notify the new owner of these requirements.

3. New information

The owner of the land the subject of the consent must notify the Minister within 21 days, using ACHknowledge, if the owner becomes aware on or after 23 December 2021 of any new information about an Aboriginal site on the land the subject of the consent.

ACHknowledge can be found at: https://www.wa.gov.au/government/document-collections/achknowledge-portal.

New information about an Aboriginal site means information about an Aboriginal site on the land, other than information that the Minister was made aware of for the purposes of making the decision to give consent.

Where the Minister becomes aware of new information about an Aboriginal site, the Minister can, having regard to the general interest of the community:

(a) amend the consent by amending any conditions, imposing new conditions or changing the specification of the land to which it relates;
(b) revoke the consent;
(c) revoke the consent and give a new consent; or
(d) confirm the consent.

The Minister must make a decision within 28 days or as soon as practicable after that. An application can be made to SAT in relation to the Minister's decision.

4. Compliance

The Department of Planning, Lands and Heritage carries out routine audits to ensure that land owners are compliant with the conditions of consent. Failure to comply with a condition may constitute an offence under section 55 of the Act and be subject to prosecution.

The consent holder should inform all employees, contractors and any others engaged in carrying out the purpose of the consent of the terms of the consent and obligations under the Act.

If any skeletal material is discovered, the police and the Department should be advised as soon as possible.

Reports to the Registrar of Aboriginal Sites should be submitted via the ACHknowledge portal at https://achknowledge.dplh.wa.gov.au/.

5. Mitigation and protection strategies

It is expected that parties act in accordance with any agreements they have entered into to ensure the benefits to both parties, particularly the appropriate protection and management of Aboriginal heritage, are realised.