

REPORT ON THE ABORIGINAL HERITAGE SURVEY

OF THE STATE FOOTBALL CENTRE

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For
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246 Vincent Street,
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October 2020

Aboriginal readers are advised that this report includes the names of deceased Aboriginal persons.

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ABSTRACT

The Department of Local Government, Sport and Cultural Industries proposes the construction of the State Football (Soccer) Centre at Queens Park Open Space, 305-319 (Lot 501) Welshpool Road, Queens Park (the Centre). In September 2020, DLGSC commissioned R & E.O'Connor Pty Ltd to carry out an Aboriginal consultation and a heritage survey of the Centre site. The survey and consultation were carried out in two stages: a preliminary inspection on 19 September and a field survey with the Whadjuk representatives on 22 October 2020.

Searches of the Register of Aboriginal Sites for the Centre and surrounding land were carried out as a component part of the survey. There are no Registered Aboriginal Sites or Other Heritage Places listed within the search area. Six previous Aboriginal heritage surveys are listed in the Register as geographically relevant to the Centre site. All six, however, were regional rather than area-specific surveys and none contains information relevant to the Centre site.

As a result of the Aboriginal consultation and field survey it has been established that the Centre site is not, and does not contain, any known Aboriginal heritage sites. However, the possibility of encountering sub-surface Aboriginal cultural material, or skeletal material, cannot be completely ruled out. The following recommendations, based upon the expressed wishes of the Whadjuk representatives who participated in the survey and upon legal requirements, reflect that possibility.

Recommendation One: Notwithstanding that there are no known Aboriginal heritage issues within the Centre site, the possibility of encountering sub-surface Aboriginal cultural or skeletal material cannot be ruled out. Accordingly, there should be two

Whadjuk monitors on site, drawn on a rotational basis from the SWALSC-appointed survey group, when ground disturbance down to a level of one metre (1m) below the present ground surface is occurring.

Recommendation Two: In the event of Aboriginal cultural material (“artefacts”) being unearthed, work should stop at the site of discovery and an area of not less than three metres (3m) surrounding it. Work can proceed without disruption elsewhere on site. An anthropologist/archaeologist should be requested to attend to verify the material and to work with the monitors of the day and the Department of Planning, Lands and Heritage to arrange for culturally and lawfully appropriate removal of the material discovered. Ideally, the outcome in this case should be for the material to be retained on site for eventual public display.

Recommendation Three: This recommendation details steps that **must** be taken in the event of verified or suspected human skeletal material being unearthed.

- The monitor(s) or worker(s) making the discovery should immediately notify the on-site Manager/Overseer. If the discovery is made by a worker, (s)he should notify the monitors and ensure their involvement.
- The Manager/Overseer should immediately order all earthmoving or other ground disturbing activity in the near vicinity of the discovery to cease. For the purposes of this report, “near vicinity” should be taken as a circle of ten metres (10m) radius centered upon the skeletal material. Outside that designated area, work can proceed.
- The Manager/Overseer should notify the responsible anthropologist and request attendance on site.
- The Manager/Overseer should also notify the WA Police at the nearest Police Station and request them to attend on site. Belmont Police Station is located at

273 Abernethy Road, Belmont. Their direct telephone number is (08)94242700. Cannington Police Station is located at 1325 Albany Highway, Cannington. Their direct telephone number is 94510000.

- The Manager/Overseer should also notify the Registrar of Aboriginal Sites at the Department of Planning, Lands and Heritage. The Registrar should be contacted on (08)65518160.
- The Police will investigate the remains as soon as possible. In the interim, the “stop-work” order should remain in force at the site of discovery, whilst work is proceeding elsewhere on site. The Police will identify whether the remains are of prehistoric Aboriginal origin and, if so, not a matter for their further involvement.
- Upon receiving such notification, the Registrar will consult with and seek the involvement of relevant Aboriginal people. As the relevant persons will be participating in the monitoring programme, this stage of the process is shortened and facilitated.
- Further action will be dependent upon the outcomes of the consultative process noted above, but could include exhumation of the human remains and reburial in a place selected by the Aboriginal people.

The following recommendations are not heritage-related, but are nonetheless included in this report, as they reflect requests made by the Whadjuk representatives during the field survey.

Recommendation Four: The *Macrozamia* plants growing on site should be protected, either by careful removal and re-planting elsewhere in the Centre site or by retention *in situ*. Ideally, Trevor Walley, who raised the matter during the field survey, should be involved if removal and re-planting is the preferred option.

Recommendation Five: The SWALSC-nominated representatives should be involved in future plans for an appropriate Nyungar name for the Centre and also Aboriginal artwork therein.

Recommendation Six: The SWALSC-nominated representatives should be advised of employment and contracting opportunities arising from the proposed construction of the Centre.

TABLE OF CONTENTS

1.0 INTRODUCTION

1.1 Background	1
1.2 Research Brief	2
1.3 The Register of Aboriginal Sites	4

2.0 SOCIAL AND HISTORICAL BACKGROUND

2.1 Anthropological Considerations	6
2.2 Significance	7
2.3 Native Title Matters	9

3.0 THE SURVEY

3.1 Methodology	10
3.2 Existing Database	11
3.3 ffd	
3.4 The Field Survey	13

4.0 CONCLUSIONS AND RECOMMENDATIONS 19

References

Figure One: The State Football Centre Site

Figure Two: Queens Park Open Space Concept Plan

Appendix One: Notes on the *Aboriginal Heritage Act*

Appendix Two: Notes on the Recognition of Aboriginal Sites

Appendix Three: Signed Statements

Appendix Four: Register of Aboriginal Sites Extracts

1.0 BACKGROUND

1.1 Introduction

The Department of Local Government, Sport and Cultural Industries (DLGSC) proposes the construction of the State Football (Soccer) Centre at Queens Park Open Space, 305-319 (Lot 501) Welshpool Road, Queens Park (the Centre). In September 2020, DLGSC commissioned R & E.O'Connor Pty Ltd to carry out an Aboriginal consultation and a heritage survey of the Centre site and produce a report suitable to inform a Notice pursuant to Section 18 of the *Aboriginal Heritage Act 1972* (AHA) to be submitted to the Aboriginal Cultural Material Committee (ACMC) in respect of the proposed works, should such submission be required. The survey and consultation were carried out in two stages: a preliminary inspection on 19 September and a field survey with the Whadjuk representatives on 22 October 2020. This document details the methodology, execution and results of those consultative processes and Aboriginal heritage surveys.

1.2 Research Brief

The Centre heritage survey area, as detailed in the Activity Notice submitted to South West Aboriginal Land and Sea Council (SWALSC) in accordance with the requirements of the Noongar Standard Heritage Agreement (NSHA), is shown in Figure One. It is bounded to the north by Welshpool Road, to the southeast by Gibbs

Street, to the southwest by residential blocks on Whitlock Street and to the northwest by Wharf Street. Maniana Park, a lawned environment, occupies its southern corner.

The development proposal includes:

- A matchday facility suitable of accommodating 700 spectators on a permanent basis, with the ability to expand to 4,000 spectators through the use of temporary infrastructure, capable of high performance and high intensity usage supporting junior and high-performance development and other Football West programmes;
- Infrastructure to support pitches, including change rooms and gymnasium;
- Sports Science component to support player development programmes;
- Building and supporting infrastructure, such as pathways and car parks; and
- Administration accommodation for Football West and, in the future, potentially an A-League franchise.

In addition, DLGSC has also undertaken, in collaboration with the City of Canning, a master plan for the open space area adjacent to the Centre site. The intent of the masterplan is to integrate the built form with the natural environment on the site. Preliminary Concept Plans are included below as Figure Two.

In respect of the Centre site, as thus described, the research brief required R & E O'Connor Pty Ltd to carry out the following duties.

- Assist DLGSC with the implementation of the NSHA as it applies to proposed formal consultations to support a Section 18 application in respect of the above works, should such an application be required.
- Liaison with SWALSC as required.

- Arrange for on-site consultations with the relevant knowledge holders as advised by SWALSC.
- Liaise with attendees to advise meeting times and locations.
- Facilitate and minute consultation sessions.
- Pay all required consultation fees to attendees.
- At the completion of the briefings provide a report which:
 1. Provides the context for the consultations;
 2. Contains detailed minutes of the consultations;
 3. Provides a concise summary of key items raised during the consultations;
 4. Provides recommendations for DLGSC regarding significant matters raised during the consultations;
 5. Provides payment records for any consultation fees paid to attendees; and
 6. Is suitable to support a Section 18 Application under the AHA, should such an application be required.
- Assist with the drafting of a Section 18 Notice, as required.

It is noted that, for a report to be suitable to inform a Notice pursuant to Section 18 of the AHA as required above, it and the consultative process and surveys which it details, should be in such a format that it assists the ACMC to:

- Form an opinion as to whether there is any Aboriginal site on the land in question: and
- Evaluate the importance and significance of any such site.

1.3 The Register of Aboriginal Sites

As this report refers to the Register of Aboriginal Sites and to entries therein, it is useful for its purposes to outline the current format of that database. Section 37(1) of the *Aboriginal Heritage Act 1972* (AHA) provides that *an officer of the Department shall be appointed to be Registrar of Aboriginal Sites by the Chief Executive Officer*. Currently, “the Department” is the Department of Planning, Lands and Heritage (DPLH). Section 38 of the Act provides that *the Registrar shall, so far as practicable, maintain, in such manner and form as the Minister may determine, a register of—*

- *all protected areas;*
- *all cultural material; and*
- *all other places and objects to which this Act applies.*

The manner and form of that Register have varied through time. Currently, the Register of Aboriginal Sites comprises two categories of places: namely Registered Aboriginal Sites and Other Heritage Places, commonly referred to as OHPs. The provisions of the AHA apply fully to Registered Aboriginal Sites. OHPs are further subdivided into two sub-categories: namely “Lodged” and “Stored Data”. Where a member of the public notifies the DPLH of the existence of a place which may constitute an Aboriginal Site within the meaning of Section 5 of the AHA, that information is referred to the Aboriginal Cultural Material Committee (ACMC), members of which are either appointed by the Minister pursuant to Section 28, or attend *ex officio* pursuant to Section 39. Until such time as the ACMC considers the status of a place which has been referred to it, it is listed in the Register of Aboriginal Sites as “Lodged” and the full provisions of the Act apply to it on an interim basis.

Having considered the referral, the ACMC may decide that the place in question is an Aboriginal site within the meaning of Section 5 of the Act; in the which case it is listed in the Register of Aboriginal Sites as a Registered Site. However, if the Committee decides that Section 5 of the Act does not apply to the place in question, it is listed as “Stored Data” and the provisions of the AHA do not apply to it.

2.0 SOCIAL AND HISTORICAL BACKGROUND.

2.1 Anthropological Considerations

The Aboriginal political geography of Southwestern Australia has been described in O'Connor (1984), O'Connor, *et al.*, (1985) and O'Connor and Quartermaine (1986 and 1987). The following summarised points are relevant to the present exercise.

2.1.1 Southwestern Aborigines were a distinct sociocultural group in pre-contact times, although dialectal variation occurred within a single southwestern language family.

2.1.2 A regional system of land tenure, based on either kinship or dialectal units existed.

2.1.3 Territorial separateness disappeared soon after European settlement, due to population movements, deaths and the development of fringe camps (and later settlements and "missions").

2.1.4 The development of a widely-scattered population of people of mixed-ethnic background, who live in the southwest of this State, see themselves as sharing a common identity and refer to themselves as "Nyungars", occurred during the nineteenth century. Contradicting that tendency, families were still seen by other Nyungars as "belonging" to specific areas on the basis of connections with the traditional past.

2.1.5 Continuity with that traditional past, knowledge of regional mythology and knowledge of areas of religious significance were passed to the present senior adult generation of Nyungars by a pivotal generation of culture transmitters. Among these, in the Metropolitan Region, were Maitland Sandy, Chitty Hedland, Daglish Granny, Sam Broomhall, Herbert Dyson, Bulylil, Wandil, Lottie Harris and Ollie Worrell and

George Winjan and Kitty in the Peel Region.

2.1.6 There is now a determination among the present senior adult generation to protect remaining areas of significance from development.

2.2 Significance

Significance is attributed by Aboriginal people to areas in the South West region on the basis of former or current domestic usage, or on the basis of relevance to traditional ritual or mythology. Broadly speaking, this distinction can be viewed as a series of dichotomies between historical and mythological, human and supernatural, or mundane and sacred areas. Thus, one area may be viewed as significant from a historical/human/mundane viewpoint, and another from a mythological/sacred viewpoint.

In addition to the above, a substantial number of Aboriginal sites are mentioned in Hammond (1933), Moore (1885), Bates (numerous dates) and other historical sources. Any sites not known to contemporary Aborigines cannot reasonably be classified as “sites of significance to living Aborigines”. However, rediscovery or realisation of the existence of such sites could lead to an attribution of significance. Thus, the neat compartmentalisation resulting from European academic disciplines may not fit absolutely the Aboriginal models: any archaeological or historical site in the survey region could also be potentially significant to Aboriginal people.

In the course of a previous survey in the Mandurah area, however, a further aspect of significance, which the present author terms “generalised significance” was encountered. This has been touched upon in O’Connor and Quartermaine (1989), but

not considered there in detail. The Aboriginal elders from the Mandurah area referred to the undeniable fact that the region's wetlands and rivers were Aboriginal food and water resources, access tracks and campsites. They also pointed out that those areas were spiritual repositories, not in the sense of the ubiquitous Waugal myth, which has been previously recorded in relation to the Murray and Serpentine Rivers, but in a more general sense which draws on the fundamentals of Aboriginal philosophico-religious belief. In this belief system all living creatures, including humans, share a common spiritual essence and therefore, by extension, every living being represents a part of the wider spiritual universe. The region's wetlands, as breeding grounds for numerous living creatures, are therefore repositories of this spiritual essence realised generationally by individuals.

The above concept is clearly a development from the commonly held notion that significance is only attributable specifically. However, if Section Five of the *Aboriginal Heritage Act 1972* (AHA) is carefully considered, it is clear that it would be difficult to argue that areas to which this generalised significance is attributed are not Aboriginal sites within the meaning of the Act, as they are clearly being described by the Aboriginal people concerned as "sacred" places "of importance and special significance to persons of Aboriginal descent". Nonetheless, the author has been notified by the (then) Department of Indigenous Affairs (now Department of Planning, Lands and Heritage – DPLH) that the ACMC has received legal advice that an attribution of generalised significance by Aboriginal people is insufficient to meet the requirements of Section 5 (b) of the Act. There is therefore a potential dissonance between "Aboriginal sites", as defined by Aboriginal people, and "Aboriginal sites", as defined by the Act.

2.3 Native Title Matters

On 8 June 2015 the Government of Western Australia signed six individual ILUAs with the six native title groups whose Applications for Determination of Native Title covered the South West Region of the State. These groups are the Yued, Gnaala Karla Booja, South West Boojarah, Wagyl Kaip, Ballardong and Whadjuk. The Centre, as considered in this report, is wholly within the area covered by the Whadjuk ILUA. For the avoidance of doubt, this report notes that, notwithstanding the signing of the ILUAs, the AHA still applies and will continue to apply at all times.

Under the ILUAs, the NSHA created a new uniform approach to Aboriginal heritage surveys, providing all involved parties with a clear and timetabled framework about their obligations in respect of Aboriginal heritage matters and how to deal with those obligations. The implementation of the NSHA came into effect from the settlement date of the ILUAs, namely 8 June 2015. All WA Government land users are required to enter into and follow the NSHA if there is a risk that a proposed activity will unlawfully impact upon an Aboriginal site. Accordingly DLGSC, as a Government Department, entered into a NSHA with SWALSC, as representative of the Whadjuk People, and an Activity Notice was duly issued to that Council in respect of the Centre on 21 August 2020.

3.0 THE SURVEY

3.1 Methodology

The survey included six separate stages, as follows:

- (i) examination of existing ethnographic database;
- (ii) preliminary inspection of Centre site;
- (iii) notifying Whadjuk representatives nominated by SWALSC of the proposed survey, both in writing and by telephone conversations;
- (iv) consultation with Whadjuk representatives nominated by SWALSC after consideration of the Activity Notice;
- (v) inspection of areas of proposed works by nominated representatives in the company of R & E.O'Connor Pty Ltd personnel and DLGSC Officers;
- (vi) report preparation.

SWALSC replied to the DLGSC Activity Notice mentioned in 2.3 above, advising the need for an Aboriginal heritage survey of the Centre site and nominating a Site Identification Survey methodology. That field methodology is described in the *Aboriginal Heritage Procedures Manual (2002)* as follows.

Ethnographic research involves the identification and recording of Aboriginal sites, as defined under the Aboriginal Heritage Act, through interviews and field inspections with Aboriginal Consultants. This process has been termed a "site identification survey"

During the ethnographic research process, the Aboriginal Consultants are asked about their associations with the area under consideration and whether they know of the existence of any places that might be considered Aboriginal sites.

If such places are identified, the Aboriginal Consultants are asked to provide details

of their nature and extent. Although the ethnographer may record detailed cultural information about the place(s), this will not necessarily be communicated to the proponent, as it may be deemed highly culturally sensitive by the Aboriginal Consultants.

3.2 Existing Aboriginal Heritage Database

Searches of the Register of Aboriginal Sites for the Centre and surrounding land were carried out as a component part of the survey. Register extracts are included below as Appendix Four. There are no Registered Aboriginal Sites or Other Heritage Places (see 1.3 above) listed within the search area. Six previous Aboriginal heritage surveys are listed in the Register as geographically relevant to the Centre site. All six, however, were regional rather than area-specific surveys and none contains information relevant to the Centre site.

3.3 Preliminary Inspection

The preliminary inspection of the Centre site was carried out on 19 September 2020. The report on that inspection is as follows. *On 19 September 2020, a preliminary pedestrian inspection of the proposed State Football (Soccer) Centre site at Queens Park Open Space, 305-319 (lot 501) Welshpool Road, Queens Park was carried out by Reginald Yarran (Aboriginal Liaison), Wayne Glendenning (Archaeologist) and R. O'Connor (Anthropologist). The purpose of the inspection was to ascertain if any Aboriginal cultural material was present on the ground surface, so that it could be shown to the Whadjuk representatives nominated by South West*

Aboriginal Land and Sea Council in the course of the Aboriginal heritage survey, which will be carried out there in the near future.

The site is bounded to the north by Welshpool Road, to the southeast by Gibbs Street, to the southwest by Whitlock Street and to the northwest by Wharf Street. Maniana Park, a lawned environment, occupies its southern corner. There are two main drainage channels and one compensating basin there. In 2020, Emerge Associates carried out a review of all three water bodies, which concluded that “the development area currently contains drainage channels which flow from the north and northwest of the site to the south, discharging into a compensating basin. A review of historical aerial imagery and available engineering drawings indicates these assets were formally constructed between 1977 and 1979 as part of a wider drainage network. It can therefore be confirmed that the existing waterways and waterbodies on site are man-made”.

Part of the site has been used in the past as an informal rubbish tip and car tracks suggest that it is also used in places for recreational 4x4 vehicle driving. The central sector fronting Welshpool Road contains a large amount of introduced tree and plant species. There are also areas throughout the site where revegetation is occurring.

The inspection included all sectors of the site with the exception of Maniana Park, as no Aboriginal cultural material would be visible in such a lawned environment. Areas where pedestrian tracks, vehicle tracks and drain construction have exposed sub-surface sands were inspected in detail; as also were areas where

erosion or sparse ground cover similarly exposed those sands. Pedestrian transects of those areas were carried out systematically, allowing total surface inspection to take place. As a result of the inspections, it has been established that there is no visible surface Aboriginal cultural material within the proposed State Football (Soccer) Centre site.

*One item of possible historical interest was identified at the extreme edge of the site, adjacent to Welshpool Road. It is a two metres (2m) long bench seat that has been carved from a single trunk of local tree, possibly Marri (*Corymbia calophylla*) or Tuart (*Eucalyptus gomphocephala*). It is located at (MGA Zone 50) 401612E 6459227N.*

3.4 The Field Survey

The field survey of the Centre site was carried out on 22 October 2020. Present were SWALSC Whadjuk nominees Bella Bropho, Ron Gidgup, Elisha Jacobs-Smith (for Karen Jacobs, who was unable to attend), Josh McGuire, Trevor Walley, Noel Morich, Marlene Warrell and Clive Smith. R & E O'Connor Pty Ltd was represented by Reg Yarran and R.O'Connor and DLGSC by Maggie Earl. The group assembled in the car park at Maniana Park where, in accordance with SWALSC requirements, the *COVID-19 Safety Plan and Precautionary Policy for Aboriginal Heritage Surveys, Meetings and Monitoring Programmes* prepared by R & E O'Connor Pty Ltd was distributed to the Whadjuk participants, along with personal bottles of hand sanitiser and high filtration capacity masks. The group then walked to

the fence at its northwestern side, from where the remainder of the Centre site is visible. The following discussions took place there.

R.O'Connor (ROC) welcomed all attending and explained the proposed development, using the maps included below as Figures One and Two to illustrate the Centre site and proposed future components. He noted that he had lived nearby in the nineteen-seventies and that there had been old buildings, including housing, fronting Welshpool Road at that time.

Noel Morich (NM) noted that some of that housing had been provided to Nyungar families as transitional accommodation.

ROC referred to the introduced flora, such as Cape Lilacs (*Melia azedarach*), that have remained after the former dwellings were removed. He pointed to the areas where informal dumping of household and other rubbish had been taking place and advised that the preliminary inspection had not revealed any surface Aboriginal cultural material. He noted that there are no registered Aboriginal sites listed for the Centre site and said that Maamba Reserve was the nearest registered site. [a general discussion followed and it was agreed that there are no known Aboriginal sites on the Centre site].

Trevor Walley (TW): Maamba was a big area. I think this site could also be called Maamba.

Maggie Earl (ME) then joined the assembled group and explained that DLGSC, as State Government Department was committed to the involvement of Nyungar people in the proposed works at the Centre site.

Clive Smith (CS): With contracts, what will happen? Will Nyungars, really Whadjuk people rather than other Nyungars, get first preference there?

NM: Will the Department get an Aboriginal person to coordinate the gathering of

information on Nyungar businesses? He noted the WA Government's commitment to a percentage of contracts and employment on State projects such as this.

ROC: Will the Department go to a Nyungar organisation or similar body to assist in Aboriginal contracting and employment?

ME noted that an Activity Notice about the Centre had been issued to SWALSC.

NM: Can we suggest that, instead of going to SWALSC, you can deal directly with this group [there was general agreement with that comment from all Whadjuk representatives].

ROC: This group has been nominated by SWALSC to represent the Whadjuk over the Centre, so that would seem a reasonable approach to take.

CS: We request that you put conditions into the awarding of the lead contract to make sure that Whadjuk businesses should be locking into any business opportunities. Some Aboriginal businesses from the Northwest are coming here and taking over, but we cannot go to their areas to do the same. We should have first preference in that.

ROC: We will give the names and contact details of all the people here to the Department if you wish.

Again, there was general agreement on this point.

Ron Gidgup (RG): There is a turtle breeding place there (pointing). What will happen with them?

ME: We aim to improve biodiversity through native planting and water management features. Biodiversity will work to get the turtles into the areas set apart for them [a general discussion of the difficulties involved in protection of turtle breeding habitats followed].

ROC: What will be done with the domestic and other rubbish dumped here?

ME: What is there already will be removed. We will stop any further dumping.

ROC: We were told earlier that State Housing Commission homes had been built in the area fronting Welshpool Road [again, a discussion of that matter followed].

TW: Do some Nyungars still eat the turtle eggs?

RG: We ate the turtles, but not the eggs.

Marlene Warrelll (MW): Our old people only ate the turtle meat. But they would leave some behind to breed.

ME: No clearing will happen in the area set aside for turtles. The City of Canning will carry out the community consultations about that and other matters.

Elisha Jacobs-Smith (EJ): Will we get more detailed drawings when the plan is developed more?

MW: It would be nice to have pathways through the area.

ROC referred to the Concept Plans included below as Figure Two and pointed out pathways and cycle paths.

NM: It would be helpful to have an Aboriginal engagement and participation plan for this project and to advertise that for the community. What is the total value of the project?

ME: \$32 million.

TW (pointing to nearby plant): I see a number of Macrozamia growing here. These are an important tree to us, a type of cycad.

ROC: A very ancient plant.

TW: Yes and they were a source of food for us, the nuts...but you had to know how to process them because they are toxic if not processed properly. I would ask you to not destroy these plants – they must be protected. Also, you will probably find artefacts around their base under the surface, because our old people would have been harvesting them.

NM: I think we should have monitors on site when ground disturbance down to one metre is taking place, in case artefacts or burials are found.

ROC: There will also be geotech work taking place that will involve ground disturbance.

TW: We should have monitors for that too. And any artefacts found should not be taken off site. We would like you to keep them here and maybe display them in one of the buildings. The archaeologists take our artefacts away and we don't see them again. They can be used to educate the public.

ME: I am sure that we can use your thoughts during discussions regarding artwork.

TW: Yes, when we found artefacts when the Kwinana Freeway was being built, we didn't know what happened to them. There should be a proper process for what happens to them.

ROC: There is a procedure that we would need to comply with regarding artefacts. We would need the authorisation of the Registrar under Section 16 of the Aboriginal Heritage Act.

NM: We, the people on the survey should do the monitoring and decision making about things like artefacts from the start of the project to the end, when we can do a smoking ceremony for you and a welcome to country at the first opening.

EJ: Most of the Whadjuk families are covered by this group today. These are the decision makers who are involved in this survey.

RG: We are the elders who should do the monitoring and other things needed.

EJ: What is the project time frame?

ME: We aim to start in mid-2021 and ground levelling by the end of 2021. Then the call for tenders will be released and the Stadium will be built by March 2023.

TW: We need a Nyungar for this stadium. We talked earlier about Maamba.

NM: Yes. Please consider a Nyungar name for the Stadium. And we would like to be involved in the artwork too. There must be opportunities for Aboriginal artwork.

ME: The information from the local history at the City of Canning is useful.

TW: We definitely want to monitor ground disturbance when it starts.

ROC: Just to clarify – there are normally two monitors at a time during ground disturbance. They need to be active people who can look through the extracted material.

RG: You need to be careful of some artefacts as they may have been loaded with mabarn by a clever man. I have a loaded stick and used it to cure my grand-daughter. She was very sick in hospital so I gave it to her and she walked out well the next day.

NM: and just to sum up – the group would like to have information about the tendering terms and conditions and be notified of opportunities arising from it.

Reg Yarran: Does anyone have anything more to say about Aboriginal heritage matters here?

As there was no further comment, ROC suggested that the group should return to the car park, where attendance forms and an approval form for the construction of the Centre (subject to certain conditions outlined below) was also signed. These forms are included below as Appendix Three.

4.0 CONCLUSIONS AND RECOMMENDATIONS

The Department of Local Government, Sport and Cultural Industries proposes the construction of the State Football (Soccer) Centre at Queens Park Open Space, 305-319 (Lot 501) Welshpool Road, Queens Park (the Centre). In September 2020, DLGSC commissioned R & E.O'Connor Pty Ltd to carry out an Aboriginal consultation and a heritage survey of the Centre site. The survey and consultation were carried out in two stages: a preliminary inspection on 19 September and a field survey with the Whadjuk representatives on 22 October 2020.

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As a result of the Aboriginal consultation and field survey it has been established that the Centre site is not, and does not contain, any known Aboriginal heritage sites. However, the possibility of encountering sub-surface Aboriginal cultural material, or skeletal material, cannot be completely ruled out. The following recommendations, based upon the expressed wishes of the Whadjuk representatives who participated in the survey and upon legal requirements, reflect that possibility.

Recommendation One: Notwithstanding that there are no known Aboriginal heritage issues within the Centre site, the possibility of encountering sub-surface Aboriginal

cultural or skeletal material cannot be ruled out. Accordingly, there should be two Whadjuk monitors on site, drawn on a rotational basis from the SWALSC-appointed survey group, when ground disturbance down to a level of one metre (1m) below the present ground surface is occurring.

Recommendation Two: In the event of Aboriginal cultural material (“artefacts”) being unearthed, work should stop at the site of discovery and an area of not less than three metres (3m) surrounding it. Work can proceed without disruption elsewhere on site. An anthropologist/archaeologist should be requested to attend to verify the material and to work with the monitors of the day and the Department of Planning, Lands and Heritage to arrange for culturally and lawfully appropriate removal of the material discovered. Ideally, the outcome in this case should be for the material to be retained on site for eventual public display.

Recommendation Three: This recommendation details steps that **must** be taken in the event of verified or suspected human skeletal material being unearthed.

- The monitor(s) or worker(s) making the discovery should immediately notify the on-site Manager/Overseer. If the discovery is made by a worker, (s)he should notify the monitors and ensure their involvement.
- The Manager/Overseer should immediately order all earthmoving or other ground disturbing activity in the near vicinity of the discovery to cease. For the purposes of this report, “near vicinity” should be taken as a circle of ten metres (10m) radius centered upon the skeletal material. Outside that designated area, work can proceed.
- The Manager/Overseer should notify the responsible anthropologist and request attendance on site.

- The Manager/Overseer should also notify the WA Police at the nearest Police Station and request them to attend on site. Belmont Police Station is located at 273 Abernethy Road, Belmont. Their direct telephone number is (08)94242700. Cannington Police Station is located at 1325 Albany Highway, Cannington. Their direct telephone number is 94510000.
- The Manager/Overseer should also notify the Registrar of Aboriginal Sites at the Department of Planning, Lands and Heritage. The Registrar should be contacted on (08)65518160.
- The Police will investigate the remains as soon as possible. In the interim, the “stop-work” order should remain in force at the site of discovery, whilst work is proceeding elsewhere on site. The Police will identify whether the remains are of prehistoric Aboriginal origin and, if so, not a matter for their further involvement.
- Upon receiving such notification, the Registrar will consult with and seek the involvement of relevant Aboriginal people. As the relevant persons will be participating in the monitoring programme, this stage of the process is shortened and facilitated.
- Further action will be dependent upon the outcomes of the consultative process noted above, but could include exhumation of the human remains and reburial in a place selected by the Aboriginal people.

The following recommendations are not heritage-related, but are nonetheless included in this report, as they reflect requests made by the Whadjuk representatives during the field survey.

Recommendation Four: The *Macrozamia* plants growing on site should be protected, either by careful removal and re-planting elsewhere in the Centre site or by retention

in situ. Ideally, Trevor Walley, who raised the matter during the field survey, should be involved if removal and re-planting is the preferred option.

Recommendation Five: The SWALSC-nominated representatives should be involved in future plans for an appropriate Nyungar name for the Centre and also Aboriginal artwork therein.

Recommendation Six: The SWALSC-nominated representatives should be advised of employment and contracting opportunities arising from the proposed construction of the Centre.

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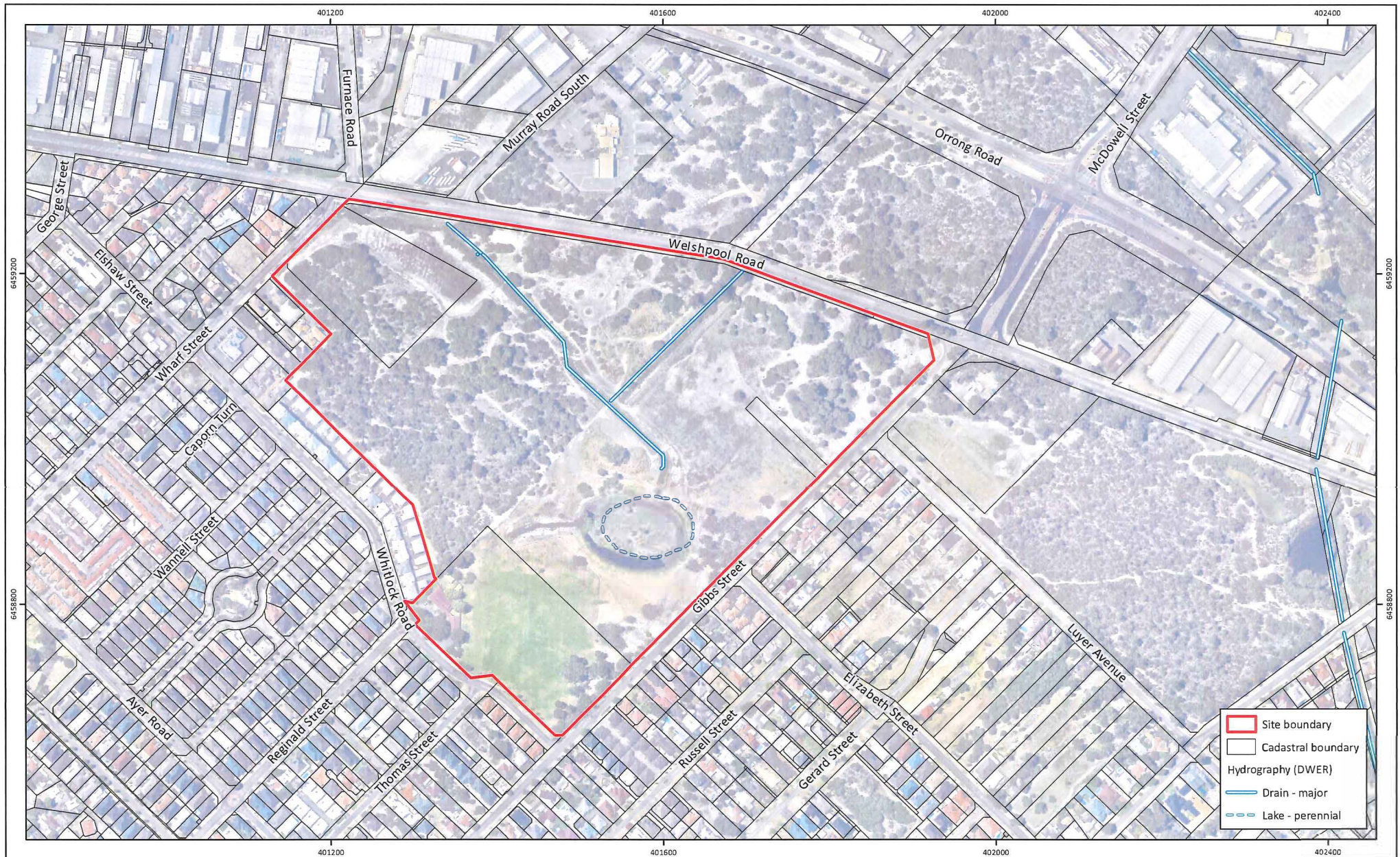
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Figure One:

The State Football Centre Site

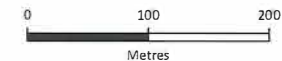


WD: Existing Hydrological Features

Project: WA State Football Facility

Client: Department of Finance - Building, Management and Works

Plan Number:
EP20-012(01)-WD39
Drawn: AFF
Date: 14/09/2020
Checked: TEM
Approved: RLE
Date: 15/09/2020



Scale: 1:6,000@A4
GDA 1994 MGA Zone 50

emerge
ASSOCIATES

Figure Two:

Queens Park Open Space Concept Plan

Queens Park Open Space Draft Masterplan Concept 1 out for public feedback at present



Queens Park Open Space Draft Masterplan Concept 2 out for public feedback at present



Appendix One:

Notes on the *Aboriginal Heritage Act, 1972*

APPENDIX 1

OBLIGATIONS RELATING TO SITES UNDER THE ABORIGINAL HERITAGE ACT, 1972

Report of Findings

"15. Any person who has knowledge of the existence of anything in the nature of Aboriginal burial grounds, symbols or objects of sacred, ritual or ceremonial significance, cave or rock paintings or engravings, stone structures or arranged stones, carved trees, or of any other place or thing to which this Act applies or to which this Act might reasonably be suspected to apply shall report its existence to the Registrar, or to a police officer, unless he has reasonable cause to believe the existence of the thing or place in question to be already known to the Registrar."

Excavation of Aboriginal Sites

"16. (1) Subject to Section 18, the right to excavate or to remove any thing from an Aboriginal site is reserved to the Registrar.

(2) The Registrar, on the advice of the Committee, may authorise the entry upon and excavating of an Aboriginal site and the examination or removal of any thing on or under the site in such manner and subject to such conditions as the Committee may advise."

Offences Relating to Aboriginal Sites

"17. A person who-

(a) Excavates, destroys, damages, conceals or in any way alters any Aboriginal site; or

(b) In any way alters, damages, removes, destroys, conceals, or who deals with in a manner not sanctioned by relevant custom, or assumes the possession, custody or control of, any object on or under an Aboriginal site,

commits an offence unless he is acting with the authorisation of the Registrar under Section 16 or the consent of the Minister under Section 18."

Consent to Certain Uses

"18. (1) For the purposes of this section, the expression "the owner of any land" includes a lessee from the Crown, and the holder of any mining tenement or mining privilege, or of any right or privilege under the Petroleum Act, 1967, in relation to the land.

(2) Where the owner of any land gives to the Trustees notice in writing that he requires to use the land for a purpose which, unless the Minister gives his consent in this Section, would be likely to result in a breach of Section 17 in respect of any Aboriginal site that might be on the land, the Committee shall, as soon as they are reasonably able, form an opinion as to whether there is any Aboriginal site on the land, evaluate the importance and significance of any such site, and submit the notice to the Minister together with their recommendations in writing as to whether or not the Minister should consent to the use of the land for that purpose, and, where applicable, the extent to which and the conditions upon which his consent should be given.

(3) When the Committee submit a notice to the Minister under subsection (2) of this section he shall consider their recommendation and having regard to the general interest of the community shall either -

(a) Consent to the use of the land the subject of the notice, or a specified part of the land, for the purpose required, subject to such conditions, if any, as he may specify; or

(b) Wholly decline to consent to the use of the land the subject of the notice for the purpose required,

and shall forthwith inform the owner in writing of his decision.

(4) Where the owner of any land has given to the Committee notice pursuant to the subsection (2) of this section and the Committee have not submitted it with their recommendation to the Minister in accordance with that subsection the Minister may require the Committee to do so within a specified time, or may require the Trustees to take such other action as the Minister considers necessary in order to expedite the matter, and the Committee shall comply with any such requirement.

(5) Where the owner of any land is aggrieved by a decision of the Minister made under subsection (3) of this section he may, within the time and in the manner prescribed by the rules of court, appeal from the decision of the Minister to the Supreme Court which may hear and determine an appeal.

(6) In determining an appeal under subsection (5) of this section the Judge hearing the appeal may confirm or vary the decision of the Minister against which the appeal has been made or quash the decision of the Minister, and may make such order as to the costs of the appeal as he sees fit.

(7) Where the owner of the any land gives notice to the Committee under subsection (2) of this section, the Committee may if they are satisfied that it is practicable to do so, direct the removal of any object to which this Act applies from the land to a place of safe custody.

(8) Where consent has been given under this section to a person to use any land for a particular purpose nothing done by or on behalf of that person pursuant to, and in accordance with any conditions attached to, the consent constitute an offence against the Act."

Appendix Two:

Notes on the Recognition of Aboriginal Sites

APPENDIX 2

Notes on the Recognition of Aboriginal Sites

There are various types of Aboriginal Sites, and these notes have been prepared as a guide to the recognition of those types likely to be located in the survey area.

An Aboriginal Site is defined in the Aboriginal Heritage Act, 1972, in Section 5 as:

"(a) Any place of importance and significance where persons of Aboriginal descent have, or appear to have, left any object, natural or artificial, used for, or made for or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present;

(b) Any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Aboriginal descent;

(c) Any place which, in the opinion of the Committee is or was associated with the Aboriginal people and which is of historical, anthropological, archaeological or ethnographical interest and should be preserved because of its importance and significance to the cultural heritage of the state;

(d) Any place where objects to this Act applies are traditionally stored, or to which, under the provisions of this Act, such objects have been taken or removed."

Habitation Sites

These are commonly found throughout Western Australia and usually contain evidence of tool-making, seed grinding and other food processing, cooking, painting, engraving or numerous other activities. The archaeological evidence for some of these activities is discussed in details under the appropriate heading below.

Habitation sites are usually found near an existing or former water source such as a gnamma hole, rock pool, spring or soak. They are generally in the open, but they sometimes occur in shallow rock shelters or caves. It is particularly important that none of these sites be disturbed as the stratified deposits which may be found at such sites can yield valuable information about the inhabitants when excavated by archaeologists.

Seed Grinding

Polished or smoothed areas are sometimes noticed on/near horizontal rock surfaces. The smooth areas are usually 25cm wide and 40 or 50cm long. They are the result of seed grinding by the Aboriginal women and indicate aspects of past economy.

Habitation Structures

Aboriginal people sheltered in simple ephemeral structures, generally made of branches and sometimes of grass. These sites are rarely preserved for more than one occupation period. Occasionally rocks were pushed aside or used to stabilise other building materials. When these rock patterns are located they provide evidence for former habitation sites.

Middens

When a localised source of shellfish and other foods has been exploited from a favoured camping place, the accumulated ashes, hearth stones, shells, bones and other refuse can form mounds at times several metres high and many metres in diameter. Occasionally these refuse mounds or middens contain stone, shell or bone tools. These are most common near the coast, but examples on inland lake and river banks are not unknown.

Stone Artefact Factory Sites

Pieces of rock from which artefacts could be made were often carried to camp sites or other places for final production. Such sites are usually easily recognisable because the manufacturing process produces quantities of flakes and waste material which are clearly out of context when compared with the surrounding rocks. All rocks found on the sandy coastal plain, for example, must have been transported by human agencies. These sites are widely distributed throughout the State.

Quarries

When outcrops of rock suitable for the manufacture of stone tools were quarried by the Aborigines, evidence of the flaking and chipping of the source material can usually be seen in situ and nearby. Ochre and other mineral pigments used in painting rock surfaces, artefacts and in body decoration are mined from naturally occurring seams, bands and other deposits. This activity can sometimes be recognised by the presence of wooden digging sticks or the marks made by these implements.

Marked Trees

Occasionally trees are located that have designs in the bark which have been incised by Aborigines. Toeholds, to assist the climber, were sometimes cut into the bark and sapwood of trees in the hollow limbs of which possums and other arboreal animals sheltered. Some tree trunks bear scars where section of bark or wood have been removed and which would have been used to make dishes, shield, spearthrowers and other wooden artefacts. In some parts of the state wooden platforms were built in trees to accommodate a corpse during complex rituals following death.

Burials

In the north of the state, it was formerly the custom to place the bones of the dead on a ledge in a cave after certain rituals were completed. The bones were wrapped in sheets of bark and the skull placed beside this. In other parts of Western Australia the dead were buried, the burial position varying according to the customs of the particular area and time. Natural erosion, or mechanical earthmoving equipment occasionally exposes these burial sites.

Stone Structures

If one or more stone are found partly buried or wedged into a position which is not likely to be the result of natural forces, then it is probable that the place is an Aboriginal site and that possibly there are other important sites nearby. There are several different types of stone arrangements ranging simple cairns or piles of stones to more elaborate designs.

Low weirs which detain fish when tides fall are found in coastal areas. Some rivers contain similar structures that trap fish against the current. It seems likely that low stone slab structures in the south west jarrah forests were built to provide suitable environments in which to trap some small animals. Low walls or pits were sometimes made to provide a hide or shelter for a hunter.

Elongated rock fragments are occasionally erected as a sign or warning that a special area is being approached. Heaps or alignments of stones may be naturalistic or symbolic representations of animals, people or mythological figures.

Paintings

These usually occur in rock shelters, caves or other sheltered situations which offer a certain degree of protection from the weather. The best known examples in Western Australia occur in the Kimberley region but paintings are also found through most of the states. One of several coloured ochres as well as other coloured pigments may have been used at a site. Stencilling was a common painting technique used throughout the state. The negative image of an object was created by spraying pigment over the object which was held against the wall.

Engravings

This term described designs which have been carved, pecked or pounded into a rock surface. They form the predominant art form of the Pilbara region but are known to occur in the Kimberleys in the north to about Toodyay in the south. Most engravings occur in the open, but some are situated in rock shelters.

Caches

It was the custom to hide ceremonial objects in niches and other secluded places. The removal of objects from these places, or photography of the places or objects or any other interference with these places is not permitted.

Ceremonial Grounds

At some sites the ground has been modified in some way by the removal of surface pebbles, or the modelling of the soil, or the digging of pits and trenches. In other places there is not noticeable alteration of the ground surface and Aborigines familiar with the site must be consulted concerning its location.

Mythological Sites

Most sites already described have a place in Aboriginal mythology. In addition there are many Aboriginal sites with no man-made features which enable them to be recognised. They are often natural features in the landscape linked to the Aboriginal Account of the formation of the world during the creative "Dreaming" period in the distant past. Many such sites are located at focal points in the creative journeys of mythological spirit beings of the Dreaming. Such sites can only be identified by the Aboriginal people who are familiar with the associated traditions.

Appendix Three:

Signed Statements

Date... 22-10-20

The following members of the WHADJUK

Group have received the sum of \$520 per person per day as reimbursement of expenses incurred attending an Aboriginal heritage survey of the proposed STATE FOOTBALL CENTRE - QUEENS PARK project.

Name	Signature
Bella BROPHO	Bella Bropho
Vaughan Mcguire	VAUGHAN MCGUIRE
MARLENE WARRELL	M. Warrell
Clive Smith	Clive Smith
Nora Merion	NORA MERION
Ross Girdler	Ross Girdler
TREVOR WATLEY	Trevor Watley
Elisha Jacob, -smith	Elisha Jacob-Smith

Date.....22-10-20.....

The proposedSTATE FOOTBALL CENTRE - QUEENS PARK.....

has been inspected by the following elders of the.....W.H.A.D.T.U.K.....

Group

and has been:

~~Approved~~

Approved subject to the following conditions ✓

~~Not approved for the following reasons~~

as detailed in anthropologist's report

NAME

SIGNATURE

Bella BROPHO

Bella Bropho
M. Wameli

MARLENE WARELLI

Vaughan McGuire

Noel Marican

Elisha Jacobs-Smith

Clive Smith

[Signature]
[Signature]

[Signature]
Clive Smith

Ron Gidcock

NOEL MERICAN

TREVOR WATKIN

[Signature]
[Signature]

Appendix Four:

Register of Aboriginal Sites Extract

Search Criteria

No Registered Aboriginal Sites in Custom search area - Polygon - 115.951848955196°E, 32.0043467821957°S (GDA94) : 115.951848955196°E, 31.9977776914914°S (GDA94) : 115.962255926174°E, 31.9977776914914°S (GDA94) : 115.962255926174°E, 32.0043467821957°S (GDA94) : 115.951848955196°E, 32.0043467821957°S (GDA94)

Disclaimer

The *Aboriginal Heritage Act 1972* preserves all Aboriginal sites in Western Australia whether or not they are registered. Aboriginal sites exist that are not recorded on the Register of Aboriginal Sites, and some registered sites may no longer exist.

The information provided is made available in good faith and is predominately based on the information provided to the Department of Planning, Lands and Heritage by third parties. The information is provided solely on the basis that readers will be responsible for making their own assessment as to the accuracy of the information. If you find any errors or omissions in our records, including our maps, it would be appreciated if you email the details to the Department at AboriginalHeritage@dplh.wa.gov.au and we will make every effort to rectify it as soon as possible.

South West Settlement ILUA Disclaimer

Your heritage enquiry is on land **within or adjacent to** the following Indigenous Land Use Agreement(s): Whadjuk People Indigenous Land Use Agreement.

On 8 June 2015, six identical Indigenous Land Use Agreements (ILUAs) were executed across the South West by the Western Australian Government and, respectively, the Yued, Whadjuk People, Gnaala Karla Booja, Ballardong People, South West Boojarah #2 and Wagyl Kaip & Southern Noongar groups, and the South West Aboriginal Land and Sea Council (SWALSC).

The ILUAs bind the parties (including 'the State', which encompasses all State Government Departments and certain State Government agencies) to enter into a Noongar Standard Heritage Agreement (NSHA) when conducting Aboriginal Heritage Surveys in the ILUA areas, unless they have an existing heritage agreement. It is also intended that other State agencies and instrumentalities enter into the NSHA when conducting Aboriginal Heritage Surveys in the ILUA areas. It is recommended a NSHA is entered into, and an 'Activity Notice' issued under the NSHA, if there is a risk that an activity will 'impact' (i.e. by excavating, damaging, destroying or altering in any way) an Aboriginal heritage site. The Aboriginal Heritage Due Diligence Guidelines, which are referenced by the NSHA, provide guidance on how to assess the potential risk to Aboriginal heritage.

Likewise, from 8 June 2015 the Department of Mines, Industry Regulation and Safety (DMIRS) in granting Mineral, Petroleum and related Access Authority tenures within the South West Settlement ILUA areas, will place a condition on these tenures requiring a heritage agreement or a NSHA before any rights can be exercised.

If you are a State Government Department, Agency or Instrumentality, or have a heritage condition placed on your mineral or petroleum title by DMIRS, you should seek advice as to the requirement to use the NSHA for your proposed activity. The full ILUA documents, maps of the ILUA areas and the NSHA template can be found at <https://www.wa.gov.au/organisation/departments/departments-of-mines-industry-regulation-and-safety/south-west-native-title-settlement>.

Further advice can also be sought from the Department of Planning, Lands and Heritage at AboriginalHeritage@dplh.wa.gov.au.

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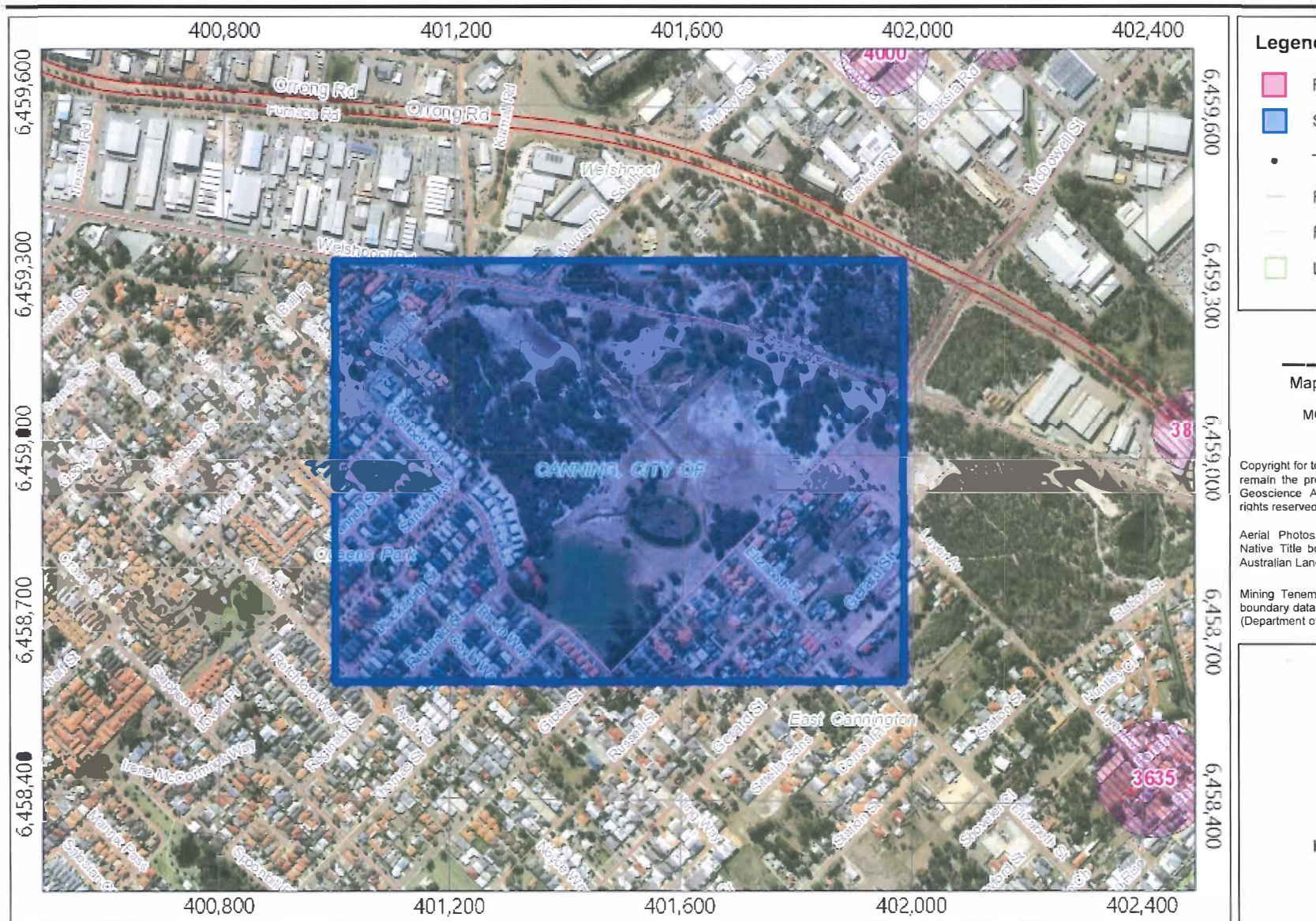
Coordinate Accuracy

Coordinates (Easting/Northing metres) are based on the GDA 94 Datum. Accuracy is shown as a code in brackets following the coordinates.



Map of Registered Aboriginal Sites

For further important information, contact the
Department of Planning, Land Use & Transportation
<http://www.dpt.louisiana.gov>



Registered Aboriginal Site
Search Area
Town
Road
River
Local Government Authority

0.38 kilometres

Scale 1 : 11,400



3A Zone 50 (GDA94)

ographic map information shall at all times
property of the Commonwealth of Australia,
ustralia - National Mapping Division. All

Cadastral, Local Government Authority,
boundary, Roads data copyright © Western
Information Authority (Landgate).

ent, Petroleum Application, Petroleum Title
copyright © the State of Western Australia
(Mines, Industry Regulation and Safety).



Search Criteria

No Other Heritage Places in Custom search area - Polygon - 115.951848955196°E, 32.0043467821957°S (GDA94) : 115.951848955196°E, 31.9977776914914°S (GDA94) : 115.962255926174°E, 31.9977776914914°S (GDA94) : 115.962255926174°E, 32.0043467821957°S (GDA94) : 115.951848955196°E, 32.0043467821957°S (GDA94)

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Coordinate Accuracy

Coordinates (Easting/Northing metres) are based on the GDA 94 Datum. Accuracy is shown as a code in brackets following the coordinates.



Aboriginal Heritage Inquiry System

List of Heritage Surveys

For further important information on using this information please see the
Department of Planning, Lands and Heritage's Disclaimer statement at
<https://www.dplh.wa.gov.au/about-this-website>

Survey Report ID	Report Title	Report Authors	Area Number	Survey Type	Area Description	Spatial Accuracy	Field / Desktop
21088	A Socio-economic Anthropological Survey of People of Aboriginal Descent in the Metropolitan Region of Perth, Western Australia	Makin, C F	1	Ethnographic	Metropolitan Region of Perth as shown in Figs. 1 and 2.	Very Good	Field and Desktop
21817	Ballaruk (traditional owners) Aboriginal site recording project	Machin, Barrie	1	Ethnographic	Whadjuk territorial boundaries the lands of the Ballaruk Peoples as shown in Figure 10.	Unreliable	Field and Desktop
21818	Ballaruk (traditional owners of Whadjuk territorial boundaries the lands of the Ballaruk Peoples) Aboriginal site recording project : additional material	Machin, Barrie	1	Ethnographic	Whadjuk territorial boundaries the lands of the Ballaruk Peoples as shown in Figure 10.	Unreliable	Field and Desktop
102670	Preliminary Report on the Survey of Aboriginal Areas of Significance in the Perth Metropolitan & Murray River Regions July 1985.	O'Connor, R	1	Ethnographic	Perth Metropolitan & Murray River Regions. A roughly triangular region, with Yanchep National Park as the Northern point, Gidgegannup as the Eastern point and Pinjarra as the Southern point.	Indeterminate	Field and Desktop
103564	An Archaeological Survey Project: The Perth Area, Western Australia. Apr 1972.	University of Western Australia.	1	Archaeological	The Perth Area. 103 site locations in 67 site groups were investigated.	Indeterminate	Field and Desktop
104379	Australian Research Grants Scheme: Final Report on the Project the Swan Coastal Plain, Western Australia.	Hallam, S.	1	Archaeological	The survey area comprises 396 DIA sites/heritage locations listed in Appendix, and distributed throughout the Coastal Plain and Darling Ranges and Darling Plateau, from Lancelin south past Mandurah, as shown in Figure 1. The survey area location and extent are as per the AHMS.	Unreliable	Field and Desktop