



Department of Indigenous Affairs
Government of Western Australia



***DEPARTMENT OF INDIGENOUS AFFAIRS
INFORMATION STATEMENT 2006***
As of the 31/10/2006

1. AGENCY PROFILE	4
1.1. ABOUT THE AGENCY	4
<i>DIA Operational base</i>	4
<i>Vision</i>	5
<i>Mission</i>	5
<i>Legislative reporting structure</i>	5
1.2. AGENCY ROLE AND RESPONSIBILITIES	5
<i>Heritage and Culture</i>	5
<i>Land</i>	6
<i>Policy and Coordination</i>	6
<i>DIA's Key clients</i>	7
<i>DIA's Key business partners</i>	7
1.3. LEGISLATION ADMINISTERED	7
<i>The Aboriginal Affairs Planning Authority Act 1972</i>	7
<i>The Aboriginal Communities Act 1979</i>	7
<i>The Aboriginal Heritage Act 1972-80</i>	8
<i>Other Relevant Legislation</i>	8
1.4. RESPONSIBLE MINISTER.....	8
1.5. RELATED COMMITTEES.....	8
<i>Aboriginal Cultural Material Committee (ACMC)</i>	8
<i>Aboriginal Lands Trust (ALT)</i>	9
2. DOCUMENTS HELD BY THE DEPARTMENT.....	10
2.1. PRINCIPLE RECORDS MANAGEMENT SYSTEM.....	10
2.2. DEPARTMENTAL FILE CATEGORIES	11
<i>Functions specific to DIA</i>	11
<i>DIA Administrative functions</i>	11
2.3 HUMAN RESOURCES BRANCH.....	12
2.4 DEPARTMENT OF INDIGENOUS AFFAIRS LIBRARY.....	13
2.5 ARCHIVES RESEARCH SERVICE.....	14
2.6 ABORIGINAL FAMILY HISTORY SERVICE	15
2.7 DEPARTMENT OF INDIGENOUS AFFAIRS NATIVE TITLE ACCESS POLICY AND APPLICATION	15
<i>Purpose of the Policy</i>	15
<i>Scope of the Policy</i>	16
<i>Conditions of Access</i>	16
2.8 THE ABORIGINAL SITES REGISTER.....	18
<i>Access to the Public</i>	18
<i>The Interim Register</i>	19
<i>The Permanent Register</i>	19
<i>Archived Data</i>	19
<i>Current Register Holdings 23,000 Aboriginal sites as of 30/6/2006</i>	19
<i>Site Files & Heritage Survey Reports</i>	19
<i>Access to the Public</i>	19
3. DEPARTMENT OF INDIGENOUS AFFAIRS PUBLICATIONS.....	20
4. FREEDOM OF INFORMATION PROCEDURES.....	20
2.3 RECEIPT OF FREEDOM OF INFORMATION APPLICATIONS	20

<i>Processing of Applications</i>	21
<i>Rights of Review</i>	21
<i>Freedom of Information Charges</i>	21
4.2 ACCESS TO DOCUMENTS	22
4.3 NOTICE OF DECISION	22
4.4 AMENDING PERSONAL RECORDS.....	22
5. APPENDICES	23
<i>Department of Indigenous Affairs Regional Offices are located</i>	23

1. AGENCY PROFILE

1.1. About the Agency

The Aboriginal Affairs Department (AAD) was established in 1994 from the amalgamation of three former State agencies:

- The Aboriginal Affairs Planning Authority (AAPA)
- The Department of Aboriginal Sites (DAS)
- The Office of Traditional Land Use (OTLU) Custodian of corporate files only

The establishment of AAD was a recommendation of the Report of the Aboriginal Social Justice Task force 1994.

The Aboriginal Affairs Department was renamed The Department of Indigenous Affairs (DIA) on 1 July 2001.

The AAD, now DIA, assumed the functions of the AAPA & DAS.

DIA works in partnership with Government agencies and the community to promote social and economic equity for Indigenous people, respect for the land, and an appreciation of the State's unique heritage and culture. Its key objective is to improve the quality of life of the State's estimated 66,000 Indigenous citizens¹.

The agency has three core areas of business:

- The coordination of a whole-of-Government approach to Indigenous issues
- The management and protection of Aboriginal heritage and culture
- The management and transfer of Indigenous land

Regional offices strategically located throughout the State assist these core functions. (See Attachment) The Perth office contact details are:

Director General:	Ms Amanda Cattermole (Acting)
Address:	Level 1 197 St Georges Terrace Perth WA 6000
Telephone:	08 9235 8000
Facsimile:	08 9235 8080
Postal Address:	PO Box 7770 Cloister's Square Perth WA 6850

DIA Operational base

DIA is a relatively small agency with 130 permanent staff covering the vast geographical area of Western Australia. In addition to metropolitan Perth, DIA offices are located to represent seven major regional centres –

- Metropolitan/Wheatbelt region with its office in Midland,
- Southern region with its office in Albany,
- Goldfields region with its office in Kalgoorlie,
- Gascoyne/Murchison region with its office in Geraldton,
- Pilbara region with its office in South Hedland,

¹ Based on Australian Bureau of Statistics 2001 census

- West Kimberley region with its office in Broome,
- East Kimberley region with its office in Kununurra

Vision

To improve outcomes and relationships with Indigenous people based on trust, respect, equity, and inclusiveness. Our vision is the long-term view we hold for the Indigenous Affairs portfolio and reflects our aspirations for influencing change through our business decisions and operations.

Mission

To close the gap between the social, cultural and economic well being of Indigenous and non- Indigenous people through strategic leadership of land, heritage and culture, and whole-of Government coordination of Indigenous issues. In order to fulfil this mission, DIA works in partnership with Commonwealth, State and Local Government agencies and the community to create social and economic equity for Indigenous people, respect for the land and value for the State's unique heritage and culture.

Legislative reporting structure

DIA, through its A/Director General Ms Amanda Cattermole, reports to the Minister for Indigenous Affairs, the Hon. Sheila McHale, MLA.

1.2. Agency role and responsibilities

DIA's strategic objectives are:

- Government, community and industry effectively engaged in doing business
- Legislation, policies and practices that achieve service equity and justice for Indigenous people
- Well-planned and effectively-implemented services to Indigenous people
- Reliable, timely reporting on the adequacy of services and the outcomes for Indigenous people, which is used to continuously improve performance

To achieve these objectives, DIA will:

- Foster relationships that promote the Government's *Statement of Commitment to a New and Just Relationship* with Indigenous people,
- Advise Government on the strategic management of its Indigenous affairs policies,
- Advise Government on its progress in achieving Indigenous affairs goals,
- Work with key agencies to achieve reforms in legislative, policy, planning and budgeting systems,
- Promote awareness and appreciation of Indigenous tradition, history and contemporary issues,
- Deliver services in land, heritage and culture, community patrols and community engagement,
- Develop and promote agreement and partnerships that address service inequities.

Heritage and Culture

Aboriginal culture has existed for over 50,000 years. Aboriginal communities have strong spiritual and mythological ties with places throughout Western Australia.

It is vital to Indigenous people that these important cultural links are acknowledged and preserved so that the emotional and spiritual links to land are maintained. This is achieved by continuing traditional practices and beliefs and preserving and protecting places of cultural significance. It is equally important that Indigenous heritage and culture is properly acknowledged and preserved by the wider community, as well as local, State and Commonwealth Governments.

The key roles of DIA in Heritage and Culture are to:

- Administer the *Aboriginal Heritage Act 1972* through processes such as the maintenance of the Register of Aboriginal Sites, support the Aboriginal Cultural Material Committee (ACMC), advise on heritage matters, and the protection and management of Indigenous heritage sites.
- Provide information and advice to assist Indigenous people obtain family history information from archival records, Native Welfare Files, DIA Personal History Cards, the Tindale Photographic and Genealogical Collection and other records.

Land

DIA Land Branch supports the Aboriginal Lands Trust (ALT) in the care, control, and management of nearly 350 properties across Western Australia. These properties represent more than 27 million hectares, or 12 per cent of the State.

Most of this land is in the form of reserves, with some areas of freehold and leasehold land. Since a major review of the ALT in 1999, DIA has been involved in the transfer of the ALT land estate back to Indigenous people.

In addition, DIA assists Indigenous people by informing them of their rights, obligations and the potential opportunities that ownership and management of the land will bring and by providing a link with specialist training providers and resourcing agencies.

It also assists Indigenous people to develop partnerships that will enable them to maximize the social, economic and cultural benefits that can be derived from the land.

The Land Branch works to:

- Support the ALT in the effective and sustainable management of the land estate it holds in trust for Indigenous Western Australians,
- Facilitate the transfer of ALT land to Indigenous people,
- Provide advice and support to the ALT, Indigenous people, Government and other important stakeholders about the care, control and management of Indigenous land.

Policy and Coordination

DIA plays an important role in leading the Indigenous affairs portfolio. It seeks to ensure that Government agencies are working together and in partnership with the community to achieve the State Government's goals in Indigenous affairs.

The policy and coordination role of DIA involves working at National, State, regional and local levels to encourage participation of Indigenous people in policy and program development and in providing advice about Indigenous needs, priorities and ways of working.

DIA works to achieve:

- A clear vision and strategic directions for Indigenous affairs in Western Australia,
- Legislation, policies and practices that promote improved outcomes for Indigenous people,
- Services that are coordinated and appropriately targeted to areas of need,
- Engagement and participation of Indigenous people in decisions that affect their lives.

DIA works in partnership with key agencies and the community to identify and address service deficiencies. It also works to help Indigenous people negotiate directly with Government and to gain greater control over their own lives.

DIA's Key clients

Western Australia's estimated 66,000 Indigenous people include approximately 25,000 who live in metropolitan Perth, 24,000 in major regional centres, and 17,000 who are scattered among an estimated 300 regional and remote communities.

DIA's Key business partners

- State Government agencies
- Commonwealth Government agencies
- Local Government
- Aboriginal organisations and communities
- Industry, business and industry bodies
- Native Title Representative Bodies
- Tertiary bodies

1.3. Legislation Administered

The Aboriginal Affairs Planning Authority Act 1972

This Act came into effect in July 1972 and provides for the establishment of the Aboriginal Affairs Planning Authority, the Aboriginal Advisory Council, the Aboriginal Co-ordinating Committee, and the Aboriginal Lands Trust.

The Aboriginal Communities Act 1979

The Aboriginal Communities Act 1979 allows communities to control and manage their communities by making by-laws, particularly those relating to keeping law and order in the community. Proposed amendments will allow communities to implement the by-laws. Aboriginal people in regional Western Australia have sought support from DIA and the State Government to introduce bylaws to help them manage behaviours and social issues on community land. Community bylaws are designed to promote self-governance in Aboriginal communities and are enforced with the assistance of the WA Police Service and the Aboriginal Police Liaison Officer program. DIA is continuing to work with communities wanting to adopt bylaws, but is also investigating possible amendments to the existing structure and the *Aboriginal Communities Act 1979* as part of a review of the bylaws program. DIA has met with remote and regional communities as well as relevant Government agencies including the Police, Ministry of Justice, Department of Community Development and Alcohol and Drug Office (Dept of Health) to consult on proposed changes. DIA has held

information sessions on bylaws in a number of communities including Warmun and Bidadanga and visited a number of Kimberley and Pilbara communities after DIA was approached for information about the development and implementation of bylaws.

The Aboriginal Heritage Act 1972-80

The Aboriginal Heritage Act 1972-80 allows for the protection and maintenance of Aboriginal cultural heritage in Western Australia.

Other Relevant Legislation

For purposes of the Financial Administration and Audit Act, DIA is a statutory authority as listed in Schedule 1 of this Act. Other relevant legislation that the agency has complied with is:

- Public Sector Management Act
- Industrial Relations Act
- Equal Opportunity Act
- Occupational Health and Safety Welfare Act
- Freedom of Information Act 1992
- State Records Act 2000

1.4. Responsible Minister

The Hon Sheila McHale MLA is the current Minister for Indigenous Affairs.

1.5. Related Committees

Committees or bodies administered by DIA

Aboriginal Cultural Material Committee (ACMC)

The present membership of the ACMC is composed of eight appointed members, three ex officio. The latter three consist of: the Director General of the Department of Indigenous Affairs, Director of the Western Australia Museum and the Surveyor General in the Department of Lands and Surveys. The appointed members consist of representatives and a specialist each, in the fields of anthropology and archaeology. The present term for the Committee Members ends on the 1st of March 2009.

The appointed members are selected from amongst persons having special knowledge, experience or responsibility which in the opinion of the Minister will assist the Committee in relation to the recognition and evaluation of culturally significant matters which come before the Committee. They are appointed by the Minister from a panel of names submitted by the Registrar. The Minister appoints the Chairman.

Meetings are held monthly. A committee quorum consists of five persons, two of which must be ex officio Members. The Registrar of Aboriginal Sites is an officer of the Department of Indigenous Affairs, appointed by the CEO. The Registrar's

function is to administer the operations of the Committee and other such functions that are allocated to the Registrar by the Act.

Contact: Assistant Director Heritage and Culture
Ph: (08) 9235 8000 Fax: (08) 9235 8044.

Aboriginal Lands Trust (ALT)

The ALT is a corporate body, constituting a board of members all of whom are of Aboriginal descent. Its role is to acquire land, use it for the benefit of Aboriginal people, and ensure that the use and management of the land is in keeping with the wishes of the Aboriginal people in the area.

Contact: ALT Executive Officer, Department of Indigenous Affairs.
Ph: (08) 9235 8111; Fax: (08) 9235 8093

2. DOCUMENTS HELD BY THE DEPARTMENT

2.1. *Principle Records Management System*

The Department's Head Office Records Branch is located on the first floor, 197 St George's Terrace, Perth. At present, the principle computerised records management system used by DIA is the "TRIM" Records Management software. DIA's Record Keeping Plan (RKP) ensures that the records kept by DIA properly and adequately record the performance of the agency's functions and are consistent with any written law to which the agency is subject when performing its functions.

Documents are held currently by DIA in a variety of formats, the majority of these being hard copy file attachments to Head Office and Regional office agency files including documents of the AAPA, DAS, and OTLU. Electronic documents including MS Word, Excel, PowerPoint, and Electronic Mail and Facsimiles are stored in the agency database and accessed through TRIM to their specific functional file.

DIA file Holdings: as of 30/6/2006:

Head Office Perth

16700 Files created since formation of DIA

Each file has a unique identifier using a sequential number system reset at years end

Regional Offices: seven offices

9000 Files created since formation of DIA

Each file has a unique identifier using a sequential number system

Aboriginal Affairs Planning Authority:

4300 files created between January 1974 until November 1994

Files held in State Archives and interim repository storage

Each file has a unique identifier using a sequential number system reset at years end

Office of Traditional Land Use OTLU:

645 files created between 1994 & 1995

Each file has a unique identifier using a sequential number

Department of Aboriginal Sites DAS:

3395 files created between February 1970 and November 1995

Files held in State Archives and interim repository storage

Each file has a unique identifier using a sequential number

Access:

DIA Corporate files open access is restricted to departmental Staff only

Access Policy:

Access to these records may be applied for, either under the Freedom of Information Act 1992 or approval from the DIA Director General.

Contact: Coordinator of Corporate Information
Phone (08) 9235 8132 Fax: (08) 9235 8088.

2.2 Departmental file categories

Listed below are broad categories of information available on general corporate files within the department. The following list does not necessarily mean that all documents are accessible in full or in part under the Act. An application to see information contained on files would be considered on its merit.

Functions specific to DIA

- **Heritage Management**

The function of storing, preserving and disposing of Aboriginal artefacts and protecting Aboriginal sites from natural and human impacts. Includes activities associated with actions seeking to return objects to their original Aboriginal owners and management, evaluation and registration of specific sites and applications/declarations under Section 16, 17, 18 and 19 of the AHA.

- **Land Management**

The function of managing and developing traditional lands owned by Aboriginal peoples and/or the Aboriginal Lands Trust. Also includes application for and issuing of transit and tourist permits to enter Aboriginal reserve lands.

- **Community Planning and Development**

The function of identifying community needs and priorities, acquiring resources and supporting community activities and development. Also includes liaison with Aboriginal community groups/organisations, the management of grant funding and evaluation of community development.

DIA Administrative functions

- **Community Relations**

The function of establishing rapport with the community, raising, and maintaining the organisations broad public profile.

- **Compensation**

The function of providing compensation to personnel and visitors injured while proceeding to or from work, during working hours or on the organisation's premises. Includes the rehabilitation of injured workers.

- **Equipment and Stores**

The function of acquiring, supplying, maintaining, repairing and disposing of equipment and stores stocked and used by the organisation.

- **Establishment**

The function of establishing and changing the organisational structure through establishing and reviewing positions.

-

- **Financial Management**

The function of managing the organisation's financial resources. Includes establishing, operating and maintaining accounting systems, controls and procedures; financial planning; framing budgets and budget submissions; managing funds in the form of allocation from the consolidate fund and revenue form charging, trading and investments.

- **Fleet Management**
The function of leasing, managing, maintaining, repairing, and disposing of vehicles. Vehicles are any means of conveyance leased or used by the organisation to transport people or items.
- **Government Relations**
The function of administering the relationship between the organisation and those processes of Government not covered by other general administrative functions.
- **Human resource Development**
The function of encouraging DIA personnel to develop their skills and abilities (through activities, programs and events) to maximise their potential and increase their productivity. Includes identifying and implementing all aspects of training needs and programs (internal and external) available to staff.
- **Information Management**
The function of managing the organisation's information resources. Includes creating, capturing, registering, classifying, indexing, storing, retrieving and disposing of records and developing strategies to manage records.
- **Legal Services**
The function of providing legal services to the organisation. Includes legal advice received from in-house consultants and external sources including the State Solicitors Office.
- **Occupational Health and Safety**
The function of implementing and coordination health and safety and associated legislation throughout the organisation.
- **Personnel**
The function of managing all employees in the agency. Employees include Ministerial, permanent, temporary, and part-time employees, people working under scholarships, traineeships and similar relationships.
- **Strategic Management**
The function of applying broad systematic management planning, which identifies the corporate mission, objectives, and strategies to provide direction for the future.
- **Technology and Telecommunications**
The function of developing or acquiring, testing and implementing applications and databases to support the business needs of any agency to capture, store, retrieve, transfer, communicate and disseminate information through automated systems. Includes network systems, video conferencing, voice mails, electronic mail, and the technical aspects of the Internet, Intranet and DIA Web site.

2.3 Human Resources Branch

The Human Resources Branch maintains hard copy files for personnel records, establishment documents, and all advertised vacancy papers. Their files are kept in secure locations, as the contents are considered confidential. The policy of DIA

allows officers to access their individual or personnel file. All active files are stored in secure cabinets within the branch, while inactive files are stored at the DIA offsite storage facility. Retention and disposal of their records is managed according to policy guidelines issued by the State Records Office. Various personnel details are stored electronically in a system called Talent2. Appropriate security is required to access this information.

2.4 Department of Indigenous Affairs Library

DIA management decided in 2003 that the comprehensive collection of Indigenous resources held by the DIA Library could be made far more accessible to external clients by moving it to other State, University, or Regional libraries.

Battye Library

Items were forwarded to the Battye Library that related to Indigenous issues in WA, particularly those written by WA Indigenous authors, or material including Department Native Welfare records, old annual reports, Seaman Inquiry public submissions and information from WA Royal Commissions. Mostly historical books and reports this collection will be accessed most by external researchers and Government departments (especially for Native Title).

State Reference Library

Items were forwarded to the State reference Library that related to Indigenous issues, both National and International, which were absent from their collection including some journals and pamphlets.

UWA Indigenous History Unit and Reid library

Items were forwarded to UWA that related specifically to Indigenous History and culture particularly the Noongar history, and which are suitable for tertiary level student studies.

Murdoch University Indigenous Unit and Main Library

Items were forwarded to Murdoch University related to Indigenous history and culture, and contemporary issues including the DIA collection of media clippings covering last 20 years.

Curtin Indigenous Studies Unit and Main Library

Items were forwarded to Curtin University related to Indigenous history and culture, and contemporary issues including the DIA complete Indigenous language collection – to be held in the Linguistics Dept.

ECU Kurongkuri Katitjin and Main Library

Items were forwarded to ECU related to Indigenous history/culture/contemporary issues

Premier's Library (14th floor)

Items were forwarded to the Premier's Library relating to Native Title, Essential Services, Policy, Infrastructure, and Remote Communities. DIA staff can access this information.

2.5 Archives Research Service

DIA's Aboriginal History Research Unit (AHRU) provides an Archives Research Service to assist people to gain access to the archival records for general research purposes.

DIA is responsible for nearly 16,000 administrative records of the various State Aboriginal Affairs agencies dating back to 1886. These files are an important part of the State's history and an integral component of native title. Indexes for the various missions, institutions, pastoral stations, patrol reports, and other administrative records are available from DIA and SRO.

Access: Files classified as "Closed" or "Open with Exception" are restricted and permission to research them must be obtained from the Director General of the Department of Indigenous Affairs. The full title listings and application forms are available at DIA and SRO. The files are currently being assessed and reclassified as part of the Archives Assessment Project, a joint initiative between DIA, Office of Native Title (ONT), and the SRO.

To create easier access to records, files classified as "Open" can be now be accessed direct from SRO.

The collection can also be viewed on line at <http://www.sro.wa.gov.au/collection/aboriginalrecords>.

Archive Holdings: The original documents are stored offsite at the State Records Office for preservation and protection purposes. DIA works with digitised information only and funds the SRO Digitisation Project, which includes an ongoing program to digitise all archival information under DIA jurisdiction.

Access Policy: All files classified as "Open" are now available to researchers on request. However, some files remain closed if they contain highly intrusive personal information, culturally confidential information, or site identification details. Access to site information must be made through the Manager, DIA Heritage Information.

Review: If access is denied for a particular reason, researchers can lodge an appeal in writing to the Director General for the Department of Indigenous Affairs or alternatively make application to access the information under the Freedom of Information Act 1992.

Contact: DIA Aboriginal History Research Unit
Ph: (08) 9235 8075 Fax: (08) 9235 8088

2.6 Aboriginal Family History Service

The Aboriginal History Research Unit provides a Family History service for Aboriginal people who are searching for their family ties and cultural links to the land from which they were removed under past Government policies and practices. This service provides information and assistance to people wishing to research their own family histories using the archival files and other sources of information held by the Department of Indigenous Affairs.

The AAPA compiled an Index for the personal cards in 1992. The Index contains references to the personal card and/or file of approximately 5,000 Aboriginal people who were institutionalised at the Moore River Native Settlement. The cards contain personal details such as family members, births, deaths, health, employment, and police records. The personal cards have a corresponding personal file held at the Department of Community Development (DCD) Family Information Records Bureau (FIRB).

In 1992, the service was further enhanced by an agreement between DIA and the Board of the South Australian Museum, which resulted in the Western Australian portion of the Norman B Tindale collection being transferred to the Aboriginal Affairs Department (AAD). The data was recorded during Tindale's Anthropological Expeditions to WA from 1939 – 1954. The WA collection contains 1500 genealogies and 3000 photographic prints and was complemented by the arrival of the Tindale journals in June 2002.

Access: Access to the personal, genealogical and photographic information is available only to the person who is the subject of the card or their direct-line-descendants. The information is not available to general researchers because of the sensitivity of the personal information.

Archive Holdings: Personal cards created between 1920 and 1948.
Norman Tindale collection of journals, genealogies and photographs.

Access Policy: Access to information is confined to the person on the records or if he or she is deceased then to children or grandchildren in the direct line of descent.

Contact: DIA Aboriginal History Research Unit
Ph: (08) 9235 8075 Fax: (08) 9235 8088

2.7 Department of Indigenous Affairs Native Title Access Policy and Application

Purpose of the Policy

As a rule, persons wishing to access information held by the Department of Indigenous Affairs ("DIA") that is considered culturally sensitive to Aboriginal people ("Restricted Information") can only do so with the express written permission of the persons who provided the information to DIA.

This Native Title Access Policy and Application creates a limited exception to this general rule. The Native Title Access Policy enables the legal representatives of the State of Western Australia and the legal representatives of Native Title Representative Bodies to access the Restricted Information. Access is provided under certain conditions that are designed to protect the integrity of the Restricted Information, while also ensuring that information that is relevant to and can assist the native title claim process is available to each of the Parties.

Scope of the Policy

The Policy only relates to information being sought for preparation for or use in native title litigation. It is for this reason that DIA requires any person seeking to access Restricted Information pursuant to the Policy (“Applicant”) to identify a Native Title Tribunal or Federal Court case number relating to the native title claim for which the information is sought (“the Claim”).

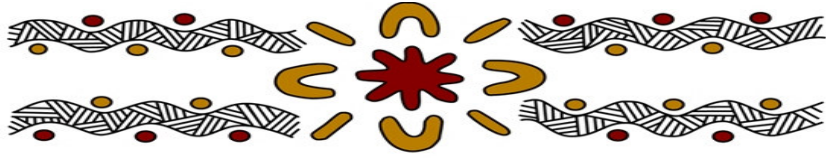
It is also for this reason that information provided about Aboriginal heritage sites is limited to an area coextensive with the boundaries of the Claim. Information provided about persons is limited to persons who are applicants within the meaning of the policy as well as their ancestors and descendants.

Access to closed site files in accordance with this policy has not been subject to endorsement by the Aboriginal Cultural Material Committee

Conditions of Access

The following conditions for access apply to applications received under the DIA Native Title Access Policy.

1. The information accessed will only be used in preparation for or in proceedings related to the Claim;
2. The information accessed will not be passed on to third parties;
3. DIA will seek an order protecting the confidentiality of the information from the presiding judicial officer;
4. Ensure research is at the applicants expense, and is undertaken by those qualified consultants listed on the application form;
5. Ensure any gender restrictions are strictly observed, including restricting viewing of the material to the relevant gender; and
6. Return the information obtained in accordance with these policies and not used in litigation proceedings on completion of the proceedings



DEPARTMENT OF INDIGENOUS AFFAIRS
PO Box 7770 Cloisters Square WA 6850

Important notice: Access to information for native title purposes will only be provided upon the applicant agreeing to comply with the conditions listed in this Access Application. Please ensure that the person who signs the Access Application is capable of binding the applicant.

Federal court case/no _____
Litigant _____
Representative _____

A copy of the affidavit made in the above proceedings under section 62 of the Native Title Act 1993 (Commonwealth) is attached.

We hereby apply for access to *(please tick)*

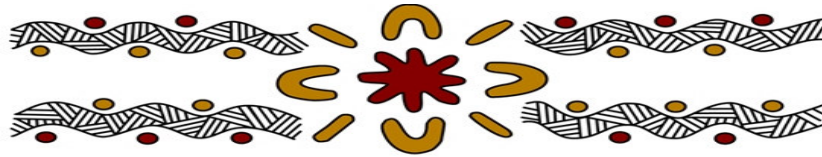
- closed site files, heritage survey reports, field notes and tape recordings
- Family history records
- Aboriginal archive files
- Seaman Tapes
- Tindale genealogies and journals

The following persons are qualified consultants whom we have retained:

_____	_____
_____	_____
_____	_____
_____	_____

Signed: _____ (Senior Officer) Date: _____/_____/____

1. Information obtained may not be passed on to third parties.
2. Research shall be at the litigants' expense, and shall be undertaken by qualified consultants. A list of consultants for the parties shall be supplied to DIA prior to any research taking place.
3. Any gender restrictions shall be strictly observed, including restricting viewing of the material to the relevant gender.
4. A list of both closed and open sites registered within a nominated area can be obtained from the Public Enquiry Facility, located within DIA's library. Viewing of site files and heritage survey reports by litigants or their representatives shall be by appointment only, at a mutually convenient time, and may only be done at DIA's office at 197 St Georges Tce. Any photocopying shall be done by litigants or their agents and will be charged at cost.



DEPARTMENT OF INDIGENOUS AFFAIRS
PO Box 7770 Cloisters Square WA 6850

1. Information obtained in accordance with this policy and not used in litigation proceedings shall be returned to DIA on completion of the proceedings.
2. Application forms submitted must have a Federal Court case no and a complete list of claimants who are parties to the case. The person signing the form must have sufficient authority to bind the applicant organisation to the conditions in the form.
3. Where a researcher is copying information to which they would not normally have access under other DIA guidelines, each page photocopied is to be stamped "Confidential – for use in native title litigation only". The stamp is to be placed over the main body of text.
4. A copy of the affidavit made under section 62 of the Native Title Act 1993 (Commonwealth) and filed in the Federal Court proceedings must be produced (as evidence) by the access applicant that they are authorised to act on behalf of a claimant group.

General access is available to corporate records/files stored at the Records Branch however NO files are to be taken offsite. Copying of any information contained on these files must occur at DIA.

2.8 The Aboriginal Sites Register

The Aboriginal Sites Register was established under the Aboriginal Heritage Act 1972 (as amended under Section 38).

Access to the Public

All requests for information are governed by the "Access Policy to the Register System" held by the Department under section 38 of the Aboriginal Heritage Act 1972. External clients can access the Aboriginal Sites Register through the computerised Public Enquiry Facility that is available at the, 1st Floor, 197 St George's Terrace, Perth, between 9 am and 4 pm Monday to Friday or online at www.dia.wa.gov.au. The electronic portion of the Register contains a brief description of the site, the site type, the site informants (usually the Traditional Owners), and a map showing the site boundaries and location. Where the informants have requested the site information be kept confidential, the location of the site is censored by placing one or more 2 km square boxes over the extent of the site. The online version of the Sites Register is an index to the Aboriginal Site Register. An appointment is required to view all related material held by DIA by contacting the Heritage Information Officer Southern (9235 8080) southernsites@dia.wa.gov.au or Heritage Information Officer Northern (9235 8113) northernsites@dia.wa.gov.au.

Some information held about sites is of a culturally sensitive or secret nature and supplied to the register in confidence. Consultation with the owners of this information may therefore be a prerequisite before access is provided to a third party. All information received about Aboriginal sites is listed in the Permanent Register, Interim Register, or Archived Data index according to its status. This information

includes supporting evidence such as maps, files, graphical representation, notes, and reports.

The Permanent Register

For sites to be entered on the Permanent Register the ACMC must first determine if they are "places to which this Act applies" under Section 5 of the Aboriginal Heritage Act 1972. The ACMC, having determined that it is a site in terms of the Act; will then assess its significance by referring to Section 39 of the Act. The Permanent Register, therefore, includes only those sites, which have been evaluated under Sections 5 and 39 of the Act by the ACMC.

The Interim Register

The Interim Register comprises information reported to DIA on all sites of known and possible Aboriginal heritage, which have not yet been considered by the ACMC. They may be placed on the Permanent Register or kept as archived data depending on the ACMC's determination.

Archived Data

Sites deemed by the ACMC not to fulfil any of the criteria under Section 5 of the Act are entered in the Archived Data index. This is also the case for those places which the ACMC finds do not have any Aboriginal association. Archived Data is retained so that these places need not be referred to the ACMC for assessment if they are reported again later.

Current Register Holdings 23,000 Aboriginal sites as of 30/6/2006

Contact: Manager, Heritage Information Aboriginal Sites. (08) 92358052

Site Files & Heritage Survey Reports

The Register of Aboriginal Sites includes Aboriginal heritage site files, Aboriginal heritage survey reports and the minutes of the Aboriginal Cultural Material Committee (ACMC). DIA receives information reporting on Aboriginal sites in two formats - site recording forms and heritage survey reports.

Access to the Public

Access to information in the Aboriginal Sites Register is available by appointment with the Heritage Information Officers (HIO).

Detailed access categories of site files and heritage survey reports are:

Open (O) – open to external clients. Clients can obtain a list of site files and/or heritage survey reports relevant to their research via DIA's website, or through contact with the HIO. The HIO will then retrieve these for the client to view in DIA's area set aside for this purpose.

Open with exception (OWE) – closed information in a heritage survey report or site file is masked i.e. it is placed in an envelope and sealed with relevant cautions advising clients not to open the envelope. During access, clients are unable to view these parts of the files/reports.

Closed (C) – All information in a site file or heritage survey report is restricted and access to it requires written permission of the Aboriginal informants. The procedure for obtaining this permission is accessible via DIA's website.

Gender Restrictions – restricted to members of the nominated gender.

3. Department of Indigenous Affairs Publications

DIA and its precursor agencies have produced a number of publications available to the public at <http://www.dia.wa.gov.au/Publications/> The following Reports & Publications are for public information:

- Annual Reports of the Department of Indigenous Affairs,
- Annual reports of the Aboriginal Affairs Planning Authority,
- Code of Practice for Housing and Infrastructure Development in Western Australian Indigenous Communities 2006,
- Overcoming Indigenous Disadvantage in Western Australia Report 2005,
- Environmental Health Needs of Indigenous Communities in Western Australia The 2004 Survey and its Findings,
- The Western Australian Government Reconciliation Handbook 2005,
- SERVICES TO INDIGENOUS PEOPLE IN THE SHIRE OF DERBY - Mapping and Gap Analysis Report,
- SERVICES TO INDIGENOUS PEOPLE IN THE SHIRE OF WILUNA - Mapping and Gap Analysis Report,
- SERVICES TO INDIGENOUS PEOPLE IN THE TOWN OF PORT HEDLAND - Mapping and Gap Analysis,
- FRAMEWORK AGREEMENT Between the Mulga Malle Regional Council, The Department of Indigenous Affairs and The City of Kalgoorlie-Boulder,
- Lost Lands Report 2004,
- Consulting Citizens: Engaging with Aboriginal Western Australians,
- LAND FACT SHEETS are frequently asked questions about Land, and their answers, and
- TARWANGIN (Departmental newsletter)

4. FREEDOM OF INFORMATION PROCEDURES

The Freedom of Information Act 1992 (the FOI Act), which came into effect on 1 November 1993, created a general right of access to documents held by State and local Government agencies. The FOI Act gives you the right to apply for access to documents held by State Public Sector agencies which includes: Government Departments; Local Authorities; Statutory Authorities and Ministers. Agencies are required to assist the public obtain access to documents at the lowest reasonable cost, and to ensure that personal information held is accurate, complete, up to date and not misleading. You may also apply for access to personal information about you that is contained in agency documents and you can correct that information if it is incorrect, inaccurate, out of date, or misleading. Personal information is information about you whilst non-personal information is information concerning other people.

DIA has implemented a range of procedures in order to give effect to the FOI Act and the principles underlying it.

2.3 Receipt of Freedom of Information Applications

Lodgement of FOI applications, payment of application fees and any associated charges, if applicable, may be made by contacting the DIA Freedom of Information Coordinator at first floor 197 St George's Terrace Perth, or Telephone (08) 9235

8132, Facsimile (08) 9235 8080. Alternatively, FOI applications, correspondence and general inquires may be directed to the DIA Freedom of Information Coordinator, PO Box 7770 Cloisters Square WA 6850. No charges are payable by applicants requesting information solely containing personal information about themselves.

Processing of Applications

The Director General for DIA has delegated authority for making decisions about, and conducting internal reviews into applications under the Freedom of Information Act to the department's Principle Legal Officer.

DIA's Freedom of Information Coordinator is responsible for administering the process of Freedom of Information applications within the Department and liaises with the designated decision makers/internal reviewers to facilitate the processing of all applications in accordance with the Freedom of Information Act. The Coordinator is the initial contact point for members of the community, applicants, third parties, the Office of the Information Commissioner and other public sector agencies for all Freedom of Information related matters.

Rights of Review

The Freedom of Information Act provides that every applicant has the right to have the Department's decision with respect to their application reviewed. It is the general practice of this Department to invite dissatisfied applicants to make a written application to the Department for an internal review of their case, unless the initial decision has been made by the Department's Director General, in which case the right of review is directly to the Information Commissioner.

Following an internal review, applicants are advised of their right to request the Information Commissioner to conduct an external review of the matter.

Freedom of Information Charges

Where required charges must be made in full before access to non-exempt documents is permitted. Charges have been determined by regulation under the Act as follows:

Request Type	Charges
Application Fee (for non personal information)	\$30.00
Dealing with an application (per hour or pro rata)	\$30.00
Supervised access time (per hour or pro rata)	\$30.00
Time spent photocopying (per hour or pro rata)	\$30.00
Photocopying (per page)	\$0.20
Time spent transcribing a document from tape or other medium, (per hour or pro rata)	\$30.00
Duplicating tape, film or computer information	Actual Cost

Estimate

An estimate of charges will be given for the time spent dealing with the application for non-personal information if it is likely that the charges will exceed \$25.00.

Deposit

A deposit of 25 per cent of the estimated charges may be requested.

4.2 Access To Documents

The documents to which access has been granted will be given in the format requested whenever possible.

Viewing of documents will be arranged at a mutually acceptable time in consultation with the Freedom of Information Coordinator and the appropriate branch manager.

4.3 Notice of Decision

As soon as possible but in any case within 45 days the applicant will be provided with a notice of decision which will include details such as –

- the date on which the decision was made,
- the name and the designation of the officer who made the decision,
- if the document is an exempt document the reasons for classifying the matter exempt; or the fact that access is given to an edited document,
- information on the right to review and the procedures to be followed to exercise those rights

4.4 Amending Personal records

Individuals have the right to apply for amendment to personal information about them, contained in a document of the agency, if they believe the information is inaccurate, incomplete, out of date or misleading. Applications must be made in writing to the Department's Freedom of Information Coordinator giving sufficient details to identify the document and the matter, which the person believes to be inaccurate, incomplete, out of date, or misleading and their reasons for believing this to be the case. The person must give details of the amendment they want and provide an address for contact.

The Freedom of Information Coordinator may amend the information by altering it, striking it out, deleting it, inserting information, or appending a note. The note may give details of how the information is inaccurate, incomplete, out of date, or misleading. Information cannot usually be amended by obliterating or removing the information or by destroying the document.

Written notice of the Coordinator's decision must be provided to the applicants, setting out the reasons for the decision and the applicant's review rights.

5. APPENDICES

Department of Indigenous Affairs Regional Offices are located

ALBANY (Southern)

129 Aberdeen Street
PO Box 5091
ALBANY WA 6330

T (08) 9842 3000
F (08) 9842 3517

Regional Manager Jay Cooke

KUNUNURRA (East Kimberley)

Lot 2250 Coolabah Drive
PO Box 672
KUNUNURRA WA 6743

T (08) 9168 2550
F (08) 9168 2435

Regional Manager Pam Thorley

BROOME (West Kimberley)

Unit 2 Paspaley Plaza Centre
25 – 37 Carnarvon St
PO Box 1538
Broome WA 6725

T (08) 9192 2865

F (08) 9192 2850

Regional Manager Jeremy Elliot

MIDLAND (Metropolitan/Wheatbelt)

Ground Floor, South Node DOLA Building
Old Great Northern Hwy MIDLAND WA 6056
PO Box 1696 MIDLAND 6936

T (08) 9274 4288
F (08) 9274 1865

Regional Manager John Brinkman:

GERALDTON (Murchison/Gascoyne)

45 Cathedral Avenue
PO Box 2105
GERALDTON WA 6530

T (08) 9964 5470
F (08) 9964 5473

Regional Manager Russell Simpson

KALGOORLIE (Goldfields)

Unit 8, Brookman Mews Cnr Brookman & Cassidy Sts
PO Box 10387
KALGOORLIE WA 6430

T (08) 9021 5666
F (08) 9021 5271

Regional Manager Joe Baker

SOUTH HEDLAND (Pilbara)

Lot 2 18 Tonkin Street
PO Box 2634
SOUTH HEDLAND WA 6721

T (08) 9140 2577
F (08) 9140 2588

Regional Manager Helen Shanks