

ATTACHMENT A

Detailed description of Willandra ancestral remains return to country proposal

**Prepared by the Proponent: Heritage
Division**

NSW Office of Environment and Heritage

**on behalf of the Barkandji, Mutthi Mutthi
and Ngiyampaa peoples of the Willandra
Lakes**



Acronyms

3TTG's	Willandra Lakes Three Traditional Tribal Groups (1995 – 2014)
AAG	Aboriginal Advisory Committee (2014 – onwards)
CMC	Willandra Lakes World Heritage Area Community Management Council (1995 – 2014)
EPBC Act	Environment and Biodiversity Protection Act (1999)
EPA Act	Environment Protection and Assessment Act (1979)
NPWS	NSW National Parks and Wildlife Service
NPW Act	National Parks and Wildlife Act (1974)
OEH	NSW Office of Environment & Heritage
TSAC	Willandra Lakes Technical and Scientific Advisory Committee (1995 – 2014)
WLRWHA	Willandra Lakes Region World Heritage Area
WLRWHAAC	WLRWHA Advisory Committee (yet to be appointed)

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About this document

This document is provided as an assessment of impacts of a specific proposed action; the repatriation and movement of the Willandra ancestral remains from storage [in](#) Canberra to storage at Mungo National Park.

The issues addressed in this document are presented as Attachment A to a referral under the Environment and Biodiversity Protection Act (1999).

Some of the information in the referral is considered culturally sensitive and confidential. It is not in the public interest to make this information widely available. Therefore, a confidential submission (Attachment B) is also linked to this referral.

The repatriation of the Willandra ancestral remains to Mungo National Park will not involve any activity (i.e. the construction, removal, modification, or installation of any work or building) as defined under the Wentworth Local Environment Plan (2011), the Willandra Lakes Regional Environmental Plan (2001) or the NSW Environment Protection and Assessment Act (1979). Therefore, an environmental impact assessment (REF or Review of Environmental Factors) of the activity under NSW legislation has not been undertaken.

1 Introduction

1.2 The Proposal

The proposed action is the repatriation of the Willandra ancestral remains (human skeletal) collection from the National Museum of Australia (NMA), Canberra to Mungo National Park. The proposed action comprises a number key activities including:

- Pre-transport preparation
- Return journey of the Willandra ancestral remains from Canberra to Mungo National Park
- Welcome to country ceremonies en route to Mungo National Park
- Welcome to country and repatriation ceremony held at Mungo National Park
- Keeping and protection of Willandra ancestral remains at Mungo National Park.

This collection has been held in Canberra since around 1974. The collection will be moved from existing storage in the NMA and transported to Mungo National Park, within the Willandra Lakes Region World Heritage Area (WLRWHA).

The proposed transport of the ancestral remains from Canberra to Mungo National Park will take place in November, 2017. The Willandra ancestral remains will be transported from the NMA, Mitchell, Canberra via existing main roads - Barton Highway, Hume Highway, Sturt Highway, Ivanhoe Road and Marma Box Creek Road, to Mungo National Park. A detailed timeline of events and transportation is in Attachment B.

There will be a Welcome to Country ceremony held for the ancestral remains as they pass through the township of Hay and Balranald, en route to Mungo National Park. Upon arrival at Mungo National Park a Return to Country and Repatriation Ceremony will be held. Further details on these events are described below.

Following the Return to Country and Repatriation Ceremony at Mungo, the collection will be placed in secure storage. Details of the storage are outlined in Attachment B.

The proposed activity will fulfil a long-term aspiration of the Aboriginal community, first detailed in the initial Willandra Lakes World Heritage Area Consultative Committee meeting in 1984, and later developed into a detailed strategy in the 1996 Plan of Management for the Willandra Lakes WHA to *'locate and manage all human remains and other archaeological material the satisfaction of the three Traditional Tribal Groups'* (Strategy 33.1).

Further information about the recent history of the Willandra ancestral remains is given below in 'Background to the proposal and public consultation'.

Parts of the proposed action are culturally sensitive and are not for public release. These elements are included in Attachment B 'Willandra Repatriation EPBC Referral Attachment B. Confidential information – not for public release'.

1.2.1 Pre-transport preparation

The Willandra ancestral remains was held, with the knowledge and agreement of the Three Traditional Tribal Groups (3TTGs), in the safe keeping and control of Dr. Alan Thorne from the time of collection until the mid-2000s. From the mid-2000s onwards, and with the agreement of the 3TTGs, the collection was placed in the Australian National University (ANU) Archaeology and Natural History Human Bone Repository under the management of Dr. Jack Fenner.

In 2014 Dr Fenner prepared a detailed inventory of the collection and made the following comments,

The Willandra Collection is currently stored in a locked room in the HC Coombs Building on the ANU campus. The boxes easily fit on four shelves, each of which is 120 cm wide, 44 cm deep and 53 cm high. Most of the contents appear to be packed for storage rather than transport; to avoid damage to the bones during a long-distance move it is advisable to add padding to many of the boxes. In some cases, it may be necessary to re-pack bones into new boxes. A few of the boxes do not have lids; their contents will certainly need to be re-packed prior to transport.

In 2015 a decision was taken to move the collection from the ANU to the NMA (see Section 1.3.4.2 for more details). The entire collection was re-boxed in December 2015 prior to being moved to the NMA. They are held there on behalf of the Willandra Aboriginal community, but do not form part of the Museum collection.

The re-boxing was conducted in accordance with Museum best practices (using archive quality boxes, acid-free paper, see further details below) by OEH and ANU staff, and in consultation with the NMA Curator, David Kaus. The re-boxing was done with the intention of ensuring the remains would not be damaged during transport and to allow for multi-year storage. It is now boxed in 10 large cardboard containers; in total, all the containers take up less than 1 cubic metre of space. A detailed inventory of the collection was also created as part of this process (see Attachment B).

Within each of these cardboard containers are smaller cardboard boxes. These cardboard boxes meet National Archive of Australia standards (they are ArchivalSurvival.com BXNAA corrugated blue/grey board boxes, see image below). The remains are wrapped in acid-free tissue paper. Many small remains are fragmentary and are therefore in resealable plastic bags or vials within the boxes, with extra acid free tissue paper being used for padding to eliminate movement within boxes.



Figure 1. Cataloguing and repacking of the Willandra ancestral remains. Original packaging is shown here. Australian National University, November, 2015.



Figure 2. Cataloguing and repacking of the Willandra ancestral remains. Repacking (new archive quality storage) is shown here. Australian National University November, 2015.

No further packaging is required to transport the remains to Mungo. Before movement from Canberra the exterior of the 10 containers that store the ancestral remains will be decorated with bark and gum leaves, and the lids of the boxes secured (sealed) for transport. The remains of Mungo Man will be placed in a small, custom made, river red gum casket, lined with acid free tissue paper, and packed with extra tissue paper for padding.

A small, private, departure ceremony, hosted by the Ngunnawal people of the ACT, will take place at the NMA, Mitchell facility prior to movement from the ACT.

1.2.2 Transport of ancestral remains

The overseeing and monitoring of the return journey from Canberra to Mungo will be the responsibility of a Senior Officer of OEH - Steve Meredith, Regional Manager, Heritage Division. Mr. Meredith, a Ngiyampaa man, and other OEH staff, will accompany the ancestral remains from Canberra to Mungo. Mr. Meredith will be the designated OEH officer responsible for the management of the activity.

There is a strong desire within the local Aboriginal community for the transport of the remains to be culturally appropriate, i.e. that as the ancestral remains travel from Canberra to Mungo National Park they be in the care, control and custody of the traditional custodians. This will comprise the [48-21](#) members (or their representatives) of the Willandra Repatriation Traditional Custodians (WRTC) and/or the Willandra Lakes Aboriginal Advisory Group (AAG), who will travel to Canberra and accompany the remains on their journey back to Mungo National Park. The specific individuals that are present will be determined closer to the date, and will depend on personal circumstances, availability, health, etc.

The remains will be transported from Canberra to Mungo National Park in a locked and secure vehicle. The 10 containers will be restrained in the vehicle with a cargo net and straps, and the driver will be protected by a cargo barrier. This vehicle will be driven by an OEH officer. This first vehicle will be accompanied by a second vehicle (coach) that will transport representatives of the Willandra Aboriginal community. A third vehicle will also accompany the above, and in the event of a breakdown will be used to transport the ancestral remains to Mungo.

The ancestral remains will return to Mungo, following closely the route (road) that they travelled on the way to Canberra, i.e. via existing main roads - Barton Highway, Hume Highway, Sturt Highway, Ivanhoe Road and Marma Box Creek Road, to Mungo National Park (see Figure 4).

All vehicle drivers will be required to abide by the OEH policy for safe vehicle driving (see Appendix I).

In particular, the driver will be required to avoid the following:

- driving before 6.00am and after 10.00pm
- driving at the end of a working day where the total time, (including driving) exceeds 10 hours, without additional fatigue management measures being implemented
- driving when effected by cumulative fatigue from preceding days or nights, e.g. where an individual has had poor sleep or has over-extended themselves on previous days or nights without adequate recovery

1.2.3 Transportation: overnight stops and security

Overnight stops will be required at Wagga Wagga and Balranald. The vehicle will not be left unattended at any time. Security of the ancestral remains at the overnight stops will be ensured via dedicated uniformed security officers who will ensure overnight security of the vehicle on the 15th and 16th November.

1.2.4 Hay and Balranald Return to Country Ceremonies

There will be a Welcome to Country Ceremony held for the ancestral remains as they pass through the townships of Hay and Balranald, en route to Mungo National Park. Details of the time and locations are in the transportation timetable (see Attachment B). At these Welcome to Country ceremonies local schools, local councils, and local Aboriginal organizations, including land councils, will be invited to attend.

At these events the ancestral remains will not be removed from the vehicle. The vehicle will remain locked. The ceremony will take place beside the vehicle, and the vehicle will be attended at all times. Details are in Attachment B.

1.2.5 Mungo Return to Country Ceremony

The Mungo Return to Country Ceremony will be held on the western margin of Lake Mungo on the boundary of the former Mungo and Joulni Stations. This location provides a clear line of sight (4 km distance) to the southern end of the Walls of China, where Mungo Woman and Mungo Man were originally buried. This is an open flat area, with very little surface vegetation and a fire trail along the fenceline provides easy access from the main road.

In the event of wet weather the ceremony will be moved to the Mungo Day Use Area, also on the western margin of Lake Mungo, nearer the Mungo Visitors Centre.

The return to country ceremony will be conducted by the Aboriginal community. This ceremony will involve Aboriginal dance, smoking ceremonies and speeches.

The invitees to the return to country ceremony will include:

- Representatives from the NSW and Commonwealth governments
- Members of the WRTC and the AAG

- Current and previous members of the Willandra Community Management Council (CMC), Technical and Scientific Advisory Committee (TSAC) and 3TTG Aboriginal Elders Council
- WLRWHA landholders
- Universities and museums that have had a role in the Willandra
- Local Aboriginal Land Councils (LALC's) in the region
- Local schools
- Local councils
- Mungo Youth Project organizers

Following the Return to Country ceremony the remains will be transported to and locked in the Mungo Keeping Place. Further details on this facility are included in Attachment B.

1.3 Background to the proposal and public consultation

1.3.1 Willandra Lakes Region World Heritage Area

The Willandra Lakes region was inscribed on the World Heritage List in October 1981 in recognition of its outstanding cultural and natural values. Details on the original World Heritage listing, the subsequent 2007 National Heritage listing, and the 2013 Retrospective Statement of Outstanding Universal Value are presented in detail in Appendices A, B and C.

In order to clarify the various committees that have existed in the WLRWHA since 1981, their inter-relationships and succession, Table 1 (below) is presented.

1.3.2 Project background and consultation 1984 - 1996

Between 1968 and the early 1980s ca. 105 Willandra ancestral remains, including the internationally renowned remains of Mungo Woman and Mungo Man, were removed from the Willandra Lakes Region and taken to the Australian National University (ANU) for study (Bowler et. al 1970, Bowler and Thorne 1976; see also Webb 1989 for a detailed inventory of the collection). The discovery and subsequent recognition of the great age (initially thought to be 28,000 years but now estimated at ca. 41,000 years) of Mungo Woman and Mungo Man were fundamental in establishing the cultural heritage significance of the Willandra Lakes. This recognition formed a part of the justification for the nomination of the Willandra Lakes to the World Heritage List (Australian Heritage Commission, 1980).

ACRONYM	FULL NAME and DURATION OF ROLE	ROLE/TERMS OF REFERENCE (TOR)
WLRWHACC	Willandra Lakes WHA Consultative Committee (1984 – 1994)	This committee functioned from 1984 to 1994. It was composed of Aboriginal people, landholders and government agencies in the initial years of the World Heritage listing. It was superseded by the CMC (see below).
3TTG's	Willandra Lakes Three Traditional Tribal Groups	The term Traditional Tribal Groups (TTGs)

	(1995 – 2014)	can be found throughout the WLRWHA Plan of Management (1996) and refers to this committee. It was composed of, and represented the traditional tribal groups interests in, the WLRHWA. Mutthi Mutthi, Ngiyampaa and Barkandji peoples made up the committee, which functioned from 1995 to 2014, when it was superseded by the AAG (see below).
AAG	{Aboriginal Advisory Group Committee}_(-20154 – onwards)	This committee commenced recently following public elections, and succeeded the 3TTG . See Appendix K for TOR
CMC	Willandra Lakes World Heritage Area Community Management Council (1995 – 20134)	This committee followed on from the WLRWHACC (see above). It was composed of Aboriginal people, landholders and government agencies and oversaw management of the WHA. See WLRWHA Plan of Management for full TOR
TSAC	Willandra Lakes Technical and Scientific Advisory Committee (1995 – 20134)	This committee was composed of scientists, landholders and Aboriginal people and provided advice directly to the CMC. See WLRWHA Plan of Management for full TOR
WLRWHAAC	WLRWHA Advisory Committee (yet to be appointed)	This committee will follow on from the CMC. It is not yet appointed. See Appendix L for draft TOR

Table 1. Summary of Committees involved in the WLRWHA 1984 – present.

At the first meeting of the Willandra Lakes World Heritage Area Consultative Committee in 1984 a request for repatriation of the ancestral remains was raised (Williams 2016). Lobbying for the return and reburial of collected and removed ancestral Aboriginal remains gained intensity across Australia in the late 1980s (cf. (Cribb, 1990, Stannard, 1988). In the Willandra Barkindji/Paakantyi, Mutthi Mutthi and Ngiyampaa community awareness and concern over the unauthorized removal and study of ancestral remains also increased in the 1980s, and led to a ban on research on human skeletal remains in the late 1980s (Williams 2016).

In this context, the Aboriginal custodians, scientists and government staff that attended a 'Mungo Workshop' in 1989 (see Appendix D) prepared a 'Mungo Statement' that agreed:

- Aboriginal people must have the final say on whether research was done and what it might be;
- the Willandra Ancestral remains should be returned to Mungo;
- A Keeping Place should be established at Mungo National Park for the care and protection of Aboriginal skeletal remains, and
As a symbol of reconciliation, keys should be held by both the Aboriginal community and researchers with keys to the safe held by both Traditional Custodians and researchers (Alan Thorne)

Mungo Lady was returned to Mungo National Park in January 1992 (see Figure 3). The rest of the Willandra Ancestral Remains continue to be held in Canberra.

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FEATURES

Michael Stich: life after Wimbledon

SPORT

PM seeks Carran's help

By MICHELLE GRANTHAM, chief political correspondent.

The Prime Minister, Mr Keating, has asked a Victorian left-wing union chief, Mr Wally Carran, to arrange a meeting with Victorian union leaders as part of this week's round of consultations on the mid-budget.

Mr Keating has taken the unusual course of working through Mr Carran, his former superior in last year's leadership push, to negotiate the meeting rather than through the more formal channels of the ACTU or the Trades Hall Council. The TUC sec-

retary, Mr John Halpin, is expected to be consulted about the meeting. The meeting is designed to provide direct links with union leaders involved with the proposed Victorian mid-budget.

As senior ministers prepare for the week's talks in Melbourne with a view to business negotiations, as well as union and community leaders, Mr Carran will be the 'mediator' through which the falling dollar by ensuring that he would not involve any political discretion.

"This government wants the best deal possible in Australia, and we'll be doing what is right for the economy. But we'll be careful and

where we have to be, abstemious," he said.

The next few days will be a testing time for the carriers. After last week's strike, which was partly spurred by uncertainty about how the planned reopening of policy would

Mr Keating said yesterday that there was a "strong sense of purpose and excitement being directed to our additional economic program" and the meetings which will continue for another two days next week in Sydney, will do much to encourage this excitement.

Those involved in the talks are people from some of our most dynamic enterprises, large and small, and

many executives have made special efforts to be available to meet with the Government in short notice.

The speed of the recovery and our ability to create jobs quickly will be greatly influenced by these companies. For that reason it is important that Government has clear picture of what their plans are and what it means for the economy as a whole.

Mr Keating said.

The Government will be represented at the talks by Mr Keating, Treasurer, Mr Dowling, the Finance Minister, Senator Butler, the Labor-Cambrian will be represented by Mr John Elford, on the same day. There are also expected to be talks

with the Premier, Mrs Kirner, and state ministers.

Mr Carran, last Victorian secretary of the Australian Metal Industry Employees Union, declined to comment last night on the union meeting, saying he had done nothing about it. Mr Halpin said to have nothing about it. There will be a meeting with New South Wales union leaders next week.

The Opposition Leader, Dr Howe, said that Mr Keating's economic statement was a "a major prime mover of a significant improvement in this country". He said that Mr Carran's policy "will be particularly attractive to some"

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DIGEST

- THE WORLD**
- Crisis as Algerian leader quits**
The resignation of Algeria's President, Chadli Bendjedid, has caused a crisis in the country. The military is trying to re-establish control. A general election is expected to be held in the next few months. **PAGE 8**
 - Israel backs Palestine autonomy**
Israel's government has agreed to a plan for a Palestinian autonomy in the West Bank and Gaza. The plan is a major step towards peace. **PAGE 10**
- THE STATE**
- VCE wondering over today**
The Victorian Certificate of Education (VCE) is being held today. Students are expected to perform well. **PAGE 12**
- BUSINESS**
- Windfall for companies**
Companies are expected to receive a windfall of profits due to the depreciation of the Australian dollar. **PAGE 14**
- SPORT**
- Widies turnaround**
The West Indies cricket team has turned around their fortunes in Brisbane. They are now leading the series. **PAGE 16**
 - Davis stumbles to win**
The tennis player, Ivan Lendl, has won the Davis Cup. It was a hard-fought victory. **PAGE 18**

US air base a gift for looters

By LINDSAY HURDOCH, South-East Asia correspondent, Chief Air Base, Bangkok.

It cost less than \$10 for admission in last night's looting spree, the largest since the base was handed over to the US. The looting was a gift for looters.

Ordinary looters simply go to the base, take what they want, and go. The looting was a gift for looters.

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Mungo woman returns to her people



Dr Alan Thorne, an archaeologist, carries Mungo woman's remains to the tribal elders at Lake Mungo. Her bones are the earliest evidence of ritual human burial found anywhere.

By GRACIE O'NEILL, archaeology reporter.

The 27,000-year-old bones of a woman, who was buried in a grave, have been returned to her people.

The bones were found at Lake Mungo, in Victoria. They were the remains of a woman who lived in the area at the time of the first European settlement.

The bones were found at Lake Mungo, in Victoria. They were the remains of a woman who lived in the area at the time of the first European settlement.

Other human skeletons, Mungo man, several years after Mungo woman, who was buried in a grave, have been returned to her people.

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There were reports, too, from some of the white people, Mr Alan Thorne, who was the discoverer of the Mungo woman's bones. He said that the bones were found in a grave.

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The oldest human remains at Mungo have been dated at 27,000 years, but this more likely reflects the limitations of carbon dating than any real temporal boundary on human presence in the area.

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Mungo woman was merely the first to be discovered at what is now recognized as Australia's richest site for the study of human evolution and prehistory.

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Open or closed, stars are in strife

By PHILIP CRISP

Australia from the stars of tennis may be in short supply at the Australian Open during the next few weeks, leading to a strike.

The Open is undoubtedly open. Compared with the men, the women are in a similar plight. A new arena for the defending champion, Martina Navratilova, is to be built in the grounds of the Australian Open.

Jim Courier, who plays it hard and mean, has been the most open. He has been the most open. He has been the most open.

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WEATHER

CITY: Expected to 23 (yesterday 20, minimum 14). **TOMORROW:** Early drizzle. Fine day. About 20. **WEDNESDAY:** Fine. Mid-20s. **DETAILS:** PAGE 14

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Head Office: 52 Collins Street, Melbourne, 3000.

Figure 3: Front page of The Age, 13 Jan 1992, illustrating the national interest in the repatriation of Mungo Woman.

The 1996 Plan of Management for the WLRWHA (Department of Environment, 1996) clearly articulated the long term aspiration of the Aboriginal community (see Table 2) that the rest of the Willandra ancestral remains should also be returned. This plan requires the development of strategies and associated actions to *'locate and manage all human remains and other archaeological material to the satisfaction of the three Traditional Tribal Groups'* (Strategy 33.1). Work on this strategy has been ongoing since then.

Between 1984 and 2016 ca. 70 Willandra World Heritage meetings discussed repatriation, a research centre and reburial, however few tangible results have been achieved from these discussions. For full details please see Williams (2016).

Action	What to Do	Why Do It	How to do It	Expected Outcomes
33.1.1	Facilitate identification and location of all human remains, cultural and archaeological material removed from the Willandra	Aboriginal human remains and other archaeological and cultural material were taken away without the permission of the 3TTGs. The 3TTGs 1988 ban on research or collection of any Aboriginal burials will continue until material is returned.	<ul style="list-style-type: none"> • Consultation with parties concerned • Establish an inventory of relevant existing collections from the World Heritage Area • Plan for World Heritage Area storage/curation 	Identification and location of all human remains, archaeological and cultural material which were removed from the Willandra
33.1.2	Facilitate discussion and consultation related to the return of all human remains, archaeological and cultural material removed from sites in the Willandra	Aboriginal human remains and other archaeological and cultural material were taken away without the permission of the 3TTGs. The 3TTGs 1988 ban on research or collection of any Aboriginal burials will continue until material is returned.	<ul style="list-style-type: none"> • Consultation with parties concerned • Discussions and consultation with Australian Museum, National Parks and Wildlife Service and other collecting institutions 	All human remains, archaeological and cultural material located and managed to the satisfaction of the 3TTGs
33.1.3	Establish a keeping place for cultural and archaeological material taken from sites in the Willandra	To provide a secure place for the safe keeping of all cultural and archaeological material on site and recognise that the 3TTGs have custodial obligations for their cultural heritage.	<ul style="list-style-type: none"> • Plan Logistics for collection and return • 3TTGs, as custodians, to determine curation/location and disposition on returned materials 	Establishment of a keeping place

Table 2. Strategy 33.1 Locate and manage all Aboriginal human remains and other archaeological material to the satisfaction of the three Traditional Tribal Groups (3TTGs) Department of Environment (1996)

1.3.3 Repatriation planning and consultation 2004 - 2014

In 2004 the 3TTG developed a detailed vision and feasibility study for a Keeping Place Education and Research Centre (KPERC). This included a Keeping Place located at Joulni (Australian Archaeological Survey Consultants Pty Ltd, 2004). Several architectural variations of design were subsequently developed and assessed in 2005, and detailed applications for financial support (\$4.2 million) were submitted by the 3TTG Elders Council to Federal funding bodies (Office of Indigenous Policy Coordination (2005) and the Darling Matilda Way Sustainable Region Advisory Committee (2006) to build this Centre, however these applications were not successful.

Subsequently, between 2008 and 2011, the 3TTGs and the Willandra Lakes Region World Heritage Community Management Council (CMC) worked on a proposal for a Mungo Centre and Ancestral remains keeping place. A detailed and comprehensive proposal was developed for this Centre (Foundation for National Parks & Wildlife, 2011), to be located near the edge of Lake Mungo, and funds to establish this centre were sought through the NSW National Parks and Wildlife Foundation. This funding was not secured and this proposed centre has not been constructed.

In 2013 the WLRWHA Elders Council, the TSAC and the CMC began a restructure as their composition no longer adequately represented stakeholders. The committees were dissolved pending the formation of a new Advisory Committee for the Willandra. (The initiation of this new committee is imminent: - a new committee structure has been agreed upon, and appointments to the committee are pending, see Appendix L).

In response to ongoing community concern and petitions about slow progress on repatriation, and in the absence of these advisory committees, the Willandra Repatriation Traditional Custodians (WRTC) was formed (2014) by OEH. The purpose of this group is to guide and direct the repatriation of the ancestral remains (see Appendix E for the WRTC Terms of Reference).

Following the formation of the WRTC, a series of three community repatriation Forums were held between February 2015 and April 2017. These forums brought together a wide range of traditional custodian's, local Aboriginal community members including current and previous members of WLRWHA Elders Council, the TSAC and the CMC, Native title holders, traditional owners, land councils and a wide range of scientists. For details please see reports on the outcomes of Forum 1, Forum 2 and Forum 3 (Michael Williams and Associates, 2015, 2016, 2017). These reports include full details on the attendee lists for each forum.

1.3.4 Public consultation 2015 - 2017

1.3.4.1 Repatriation Forum # 1

In February 2015, over 60 people attended a two-day forum at Mildura to discuss the repatriation of the Willandra ancestral remains. The forum was hosted by the WRTC and OEH and mediated by an independent facilitator and brought together a wide range of traditional custodians, scientists and heritage managers. At the forum, the three Traditional Tribal Groups met with representatives of the national scientific community to discuss various of repatriation of the Willandra ancestral remains collection. The outcomes of this meeting were:

We the Willandra Repatriation Traditional Custodians and 3TTG should make all the decisions on the repatriation process

We want the ancestral remains bought home as soon as possible and in a culturally appropriate manner

We want the Australian Government, NSW Government, Universities and Museums to help us and to bring commitment and resources including financial resources to get the repatriation completed

We recognise that learning and education are important opportunities for the future. In partnership with museums and universities, we should be able to tell our story and present our culture to visitors

We haven't decided exactly where and how our ancestral remains should be repatriated. We are still talking together to work out if a reburial or some kind of modest keeping place is the best option. We are still working out if there should be access to the ancestral remains and if we need a temporary but secure place to store our ancestral remains while we come to a final decision

(Michael Williams and Associates, 2015, p. 20).

1.3.4.2 Movement of remains from ANU to NMA

Following Forum # 1, the first activity the WRTC supervised was the movement of the ancestral remains from the ANU to the NMA. This was undertaken in November 2015 at the specific request of the Aboriginal community. Until that time the collection had been stored in various ageing cardboard boxes of poor quality on open shelving in an ANU store room.

The collection was reboxed and catalogued by ANU and OEH staff, with advice from curators at the NMA, including detailed digital recordings of the collection. Under the supervision of the WRTC the collection was then moved to the NMA, Mitchell, ACT.

The transfer from ANU to NMA was accompanied by three Statements of Apology. These statements, from the ANU to the Mutthi Mutthi, Ngiyampaa, and Paakantji/Barkandji people, recognized the grief the removal of the remains had caused, acknowledged the community rights to cultural autonomy and self-determination, and committed the ANU to... *'ensure that the journey started here today is completed; that your ancestors are returned to country'*. (see Appendix F).

1.3.4.3 Repatriation Forum # 2

A second Forum took place in November 2016. This Forum was attended by representatives of the three Traditional Tribal Groups, Aboriginal Elders, Native Title holders, and representatives from OEH, ANU and the NMA. The Forum proposed a series of detailed options for the repatriation of the remains (Michael Williams and Associates, 2016, p. 17). . In summary, the options put forward were:

- *Repatriation of the entire Willandra ancestral remains collection to*

Mungo (approx. 105 individuals);

- *Reburial of 103 individuals in individual (unmarked) graves, OR reburied in 3 cemeteries located near Lakes Mungo, Gogolo and Garnpung;*
- *Safekeeping, in a purpose built Keeping Place, of the Mungo Man and Mungo Woman ancestral remains at either Joulni or Leaghur;*
- *Establishment of a Research Centre to allow on-going study, assessment and conservation of cultural heritage in the Willandra Lakes at either Leaghur or Joulni.*

These options were then widely circulated to all stakeholders and custodians for comment and consideration.

1.3.4.4 Repatriation Forum # 3

A third Forum was held in April 2017. This Forum considered the options proposed from the previous Forum, and following debate arrived at the following final decisions:

- 1. The Willandra ancestral collection will be brought back to Mungo in November, 2017.*
- 2. The Willandra ancestral collection will be stored in the room where Mungo Lady is stored, at Mungo National Park.*
- 3. Once the collection is returned further meetings and discussions are required to decide on a final plan on the permanent resting place. (Michael Williams and Associates, 2017 p. 30-31)*

Discussions have also taken place within the Willandra Lakes Region Aboriginal Advisory Group (AAG). This group passed a motion on the 5th June, 2017 unanimously supporting the repatriation of the Willandra ancestral remains to Mungo National Park (see Appendix G for correspondence from the AAG to the National Museum of Australia).

1.3.5 Scientific community consultation 1989 - 2017

The first formal agreement that the Willandra ancestral remains should be returned to Mungo occurred in June 1989, when the Aboriginal custodians, scientists and government staff that attended a 'Mungo Workshop' (see Appendix D) prepared a 'Mungo Statement' that agreed:

- Aboriginal people must have the final say on whether research was done and what it might be;
- the Willandra Ancestral remains should be returned to Mungo;
- A Keeping Place should be established at Mungo National Park for the care and protection of Aboriginal skeletal remains, and
As a symbol of reconciliation, keys should be held by both the Aboriginal

community and researchers with keys to the safe held by both Traditional Custodians and researchers (Alan Thorne)

From 1995 until 2013 consultation with the scientific community in the WLRWHA took place in the meetings and proceedings of the TSAC. The TSAC members helped to develop the WLRWHA Plan of Management (1996) and regularly discussed and advised on issues around repatriation. In September 2013 the TSAC held its last meeting then went into recess pending a restructure of management committees in the WLRWHA. In 2014, in lieu of the TSAC, the Willandra Temporary Scientific Advisory Group (T-SAG) was established. T-SAG comprised of a group of 16 scientists with an interest or experience in the Willandra. The Terms of Reference for this group are attached (see Appendix H). Their role is to provide advice on the merits or otherwise of any research proposals; and the likelihood of any such proposals potentially threatening World Heritage values, or that need to be referred to the Commonwealth Government under the EPBC Act. This groups' role may cease following the appointment of the new WLRWHA Advisory Committee (see Appendix L).

In 2015 the ANU returned the Willandra ancestral remains to the custody of the Barkandji, Mutthi Mutthi and Ngiyampaa peoples. This return was an open and complete relinquishment of custody, without condition, and recognized the grief the removal of the remains had caused, acknowledged the community rights to cultural autonomy and self-determination, and committed the ANU to... *'work in partnership with you as Traditional Owners, to ensure that the journey started here today is completed; that your ancestors are returned to country'*. (see Appendix F).

As described above, a wide range of scientists, researchers and curators attended Forums 1, 2 and 3, and specific comments from these stakeholders have been included in the minutes of these meetings (Michael Williams and Associates, 2015, 2016, 2017).

The outcome reports from Forums 1, 2 and 3 have been provided to all T-SAG members. Other researchers and museum curators who have worked, or are working in, the Willandra have also been provided with copies of the outcomes reports. A summary of all the individuals that have been consulted and their roles is included below in Table 3. Comments and issues raised by the individuals in the scientific group are presented a separate report: see Attachment B.

The scientific community will continue to have a formal role in the management of the WLRWHA through representatives appointed to the new Advisory Committee (Appendix L). This committee will allow formal scientific community input and comment on the management of the Willandra ancestral remains.

Name and Institution	Member and/or Role
Ann McGrath (ANU)	Historian, ANU, participant Forum 1
Arthur Durband (Texas Technology University)	Physical Anthropologist
Colin McGregor (Australian Museum)	Curator Australian Museum, participant Forum 1
Colin Pardoe (ANU)	Palaeoanthropologist, ANU
David Kaus (NMA)	Curator, participant Forum 1
David Lambert (Griffith University)	Evolutionary Biology, Ancient DNA, Australian Research Centre of Human Evolution, Member Willandra Repatriation Working Group, participant Forum 1, 3
Else Foster (OEH, PhD Student UNE)	T-SAG member, Environmental Science
Harvey Johnston (OEH Archaeologist)	T-SAG member, Former TSAC, Archaeology, Participant in all Forums
Ian Lilley (University of Queensland)	T-SAG member, Archaeology
James Shulmeister (University of Queensland)	T-SAG member, T-SAG member, Geomorphology/Environmental Science
Jeannette Hope	Former NPWS member, Community Consultative Committee, Archaeologist, Palaeontologist, participant Forum 1
Jessica Reeves (Federation University)	T-SAG member, Geomorphology
Jim Bowler (formerly Melbourne University, retired)	Geomorphologist, participant in all Forums
John Leys (OEH Science Division)	T-SAG member, Environmental Science
John Magee (Geoscience Australia, ANU)	T-SAG member, Former TSAC
John Mulvaney (formerly ANU, since deceased)	Archaeologist, Historian, co-nominator of WLR to the World Heritage List, participant Forum 1
Judith Littleton (University of Auckland)	T-SAG member, Physical Anthropology
Kate Domett (University of Auckland)	T-SAG member, Physical Anthropology
Lynda Petherick (Xi'an Jiaotong-Liverpool University)	T-SAG member, Environmental Science
Lee Burgess (NMA)	Curator, participant Forum 1
Mal Ridges (OEH)	OEH Research Scientist, participant Forum 1
Martin Westbrooke (Federation University)	T-SAG member, Former TSAC, participant Forum 1
Michael Ockwell (Former CMC and TSAC Chair)	Former CMC & TSAC Chair
Michael Pickering (NMA)	Curator, National Museum of Australia, participant Forum 1
Michael Westaway* (Griffith University)	T-SAG member*, Physical Anthropology, participant Forum * Ceased to be a T-SAG member, Nov. 2016
Nikki Stern (La Trobe University)	T-SAG member Archaeologist
Peter Thorley (NMA)	Curator, National Museum of Australia, participant in Forums 2 & 3
Phil Gordon (Australian Museum)	Curator Australian Museum, participant Forum 1
Rainer Grun (ANU)	Geochronologist, ANU and Griffith University, participant in Forum 1
Robert Biggs	Mungo Youth Project founder
Ross O'Shea	Former EO, Willandra Lakes WHA, NSW Premiers Dept (retired)
Sandy Booth	OEH Scientist
Simon Haberle (ANU)	Archaeologist, ANU, participant Forum 1
Stephen Webb (Bond University)	Physical Anthropologist, Member Willandra Repatriation Working Group, participant Forum 1
Tim Cohen (University of Wollongong)	T-SAG member, Geomorphology
Tim Denham	Archaeologist, ANU, participant in Forums 1 & 3
Veronica Taylor (ANU)	Academic member, Willandra Repatriation Steering Committee, Professor, Law, ANU, participant in all Forums
Wilfred Shawcross (formerly ANU, retired)	T-SAG member, Former TSAC, participant Forum 1

Table 3: Scientific and Advisory community members consulted

2 Legislative context

This section provides an overview of key legislation and government policy considered in this assessment. Where available, links to further information are provided. This section not describe the legislation and policy in detail and guidance provided here does not constitute legal advice.

The repatriation of the Willandra collection to Mungo National Park will not involve any activity (i.e. the construction, removal, modification, or installation of any work or building) as defined under the Willandra Lakes Regional Environment Plan (2001), Wentworth Local Environment Plan (2011) or the NSW Environment Protection and Assessment Act (1979) and therefore an environmental impact assessment under NSW legislation (Review of Environmental Factors) of the activity has not been undertaken.

2.1 Compliance with National policy on the repatriation of indigenous remains

Traditional Owners should determine when and how repatriation should be undertaken. (Australian Government, 2016, p.10)

The proposed action is consistent with the *Australian Government Policy on Indigenous Repatriation (2016)* , and specifically the policies covering Cultural Protocols (see above quote) and Community Consultation. The policy states:

The Australian Government's support for Indigenous culture underpins Australia's accession to international agreements such as the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions and the United Nation's Declaration on the Rights of Indigenous Peoples.

The Declaration on the Rights of Indigenous Peoples states in Article 12 that "Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains"
http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf.

The proposed repatriation is consistent with four of the six objectives of the policy:

1: The Australian Government is committed to addressing the injustice of Australia's shared past as it relates to the removal of ancestral remains and secret sacred objects to empower Aboriginal and Torres Strait Islander peoples to meet their cultural obligations and contribute to the wider Australian society.

2: The Australian Government recognises the Aboriginal and Torres Strait Islander community as the focal point of Indigenous repatriation.

5. The Australian Government is committed to supporting Aboriginal and Torres Strait Islander peoples to develop the capacity to maintain their cultural rights, knowledge and practices.

6: The Australian Government is committed to achieving a seamless, whole-of-government approach to repatriation.

The proposed action is a direct result of a long period of stakeholder discussions and the decisions made by traditional owners; this application is made on behalf of the traditional owners, who have been lobbying for this action for 33 years.

The proposed action will fulfil a long-term aspiration of the Aboriginal community, first raised by the Aboriginal community in the initial Willandra Lakes World Heritage Area Consultative Committee meeting in 1984, and subsequently reinforced in more than 70 World Heritage meetings, forums, and workshops. The details of this long-term dialog, and more recent discussions and decisions are contained in the attached reports (Michael Williams and Associates, 2015, 2016, 2017, Williams, 2016).

2.2 Compliance with NSW policy on the repatriation of indigenous remains

The proposed action is in accord with NSW policy on the repatriation of ancestral remains. The most recent endorsed NSW government policy in regard to repatriation of ancestral remains is a 2002 document (under NPWS at that time). A new draft version ("Repatriation of Aboriginal Cultural Material (including Ancestral Remains) Policy)" is in the final stages of approval. The new draft repatriation policy (Appendix K) has the following objectives:

To enable Heritage Division staff to undertake the OEH Repatriation Program.

To enable OEH staff members, and other stakeholders such as repositories or other government agencies, to support the repatriation of Aboriginal cultural material including Aboriginal objects to Aboriginal Communities.

To enable Aboriginal Communities to drive repatriation initiatives.

To ensure professional and culturally appropriate management and return of Aboriginal cultural material back to Aboriginal Communities.

To ensure consistent processes are used in the management and return of Aboriginal cultural material back to Aboriginal Communities.

To ensure the location of Aboriginal cultural material (including Aboriginal objects) are recorded, in accordance with NSW statutory requirements, to ensure their ongoing protection.

To reflect the Objectives and Actions outlined in the NSW Repatriation Framework: A Whole-of- Government Initiative under the NSW State Plan.

3 Impact assessment

This section identifies the potential impacts of the proposed action on the World Heritage and National Heritage values of the WLRWHA.

3.1 Potential Impacts

3.2 Avoidance and minimisation

The potential impacts on the World Heritage and National Heritage values (i.e. Ancestral remains) as a result of the proposed action are:

- damage in transit
- deterioration/decay
- loss and/or theft
- fire damage

The measures to mitigate and avoid these impacts are outlined below under the headings Packaging and Boxing, Transport, Transport Security, Climatic Conditions, Bone Preservation, and Security of Mungo Keeping Place.

3.2.1 Avoidance and minimization measures

3.2.1.1 *Packaging and boxing*

In November 2015, the Willandra ancestral remains were re-boxed with the intention of ensuring the remains would not be damaged during transport and to allow for multi-year storage. It is now boxed in 10 large cardboard containers; in total all the containers take up less than 1 cubic metre of space. A detailed inventory of the collection was also created as part of this process (see Attachment B).

Within each of these cardboard containers are smaller cardboard boxes. These cardboard boxes meet National Archive of Australia standards - they are ArchivalSurvival.com BXNAA corrugated blue/grey board boxes. The remains are wrapped in acid-free tissue paper. Many small remains are fragmentary and are therefore in resealable plastic bags or vials within the boxes, with extra acid free tissue paper being used for padding to eliminate movement within boxes.

3.2.1.2 *Transport*

The overseeing and monitoring of the return journey from Canberra to Mungo will be the responsibility of a Senior Officer of OEH - Steve Meredith, Regional Manager, Heritage Division. Mr. Meredith, a Ngiyampaa man, and other OEH staff, will accompany the ancestral remains from Canberra to Mungo. Mr. Meredith is the designated OEH officer responsible for the management of the activity.

The remains will be transported from Canberra to Mungo National Park in a locked and secure vehicle. The 10 containers will be restrained in the vehicle with a cargo net and straps, and the driver will be protected by a cargo barrier. This vehicle will be driven by an OEH officer. This first vehicle will be accompanied by a second vehicle (coach) that will transport representatives of the Willandra Aboriginal community. A third vehicle will also accompany the above, and in the event of a breakdown will be used to transport the ancestral remains to Mungo.

The ancestral remains will return to Mungo, following closely the route (road) that they travelled on the way to Canberra, i.e. via existing main roads - Barton Highway, Hume Highway, Sturt Highway, Ivanhoe Road and Marma Box Creek Road, to Mungo National Park. See attached map (Figure 4, below).

All vehicle drivers will be required to abide by the OEH policy for safe vehicle driving (see Appendix I).

In particular, the driver will be required to avoid the following:

- driving before 6.00am and after 10.00pm
- driving at the end of a working day where the total time, (including driving) exceeds 10 hours, without additional fatigue management measures being implemented
- driving when effected by cumulative fatigue from preceding days or nights, e.g. where an individual has had poor sleep or has over-extended themselves on previous days or nights without adequate recovery

3.2.1.3 Transport Security

Overnight stops will be required en route to Mungo. The vehicle conveying the ancestral remains will be not be left unattended at any time. Security of the ancestral remains at the overnight stops will be ensured via dedicated uniformed security officers who will ensure overnight security of the vehicle on the 15th and 16th November. Further details are included in Appendix B.

There will be a Welcome to Country Ceremony held for the ancestral remains as they pass through the townships of Hay and Balranald, At these Welcome to Country ceremonies the ancestral remains will not be removed from the vehicle, the vehicle will remain locked, the ceremony will take place beside the vehicle, and the vehicle will be attended by OEH staff at all times.

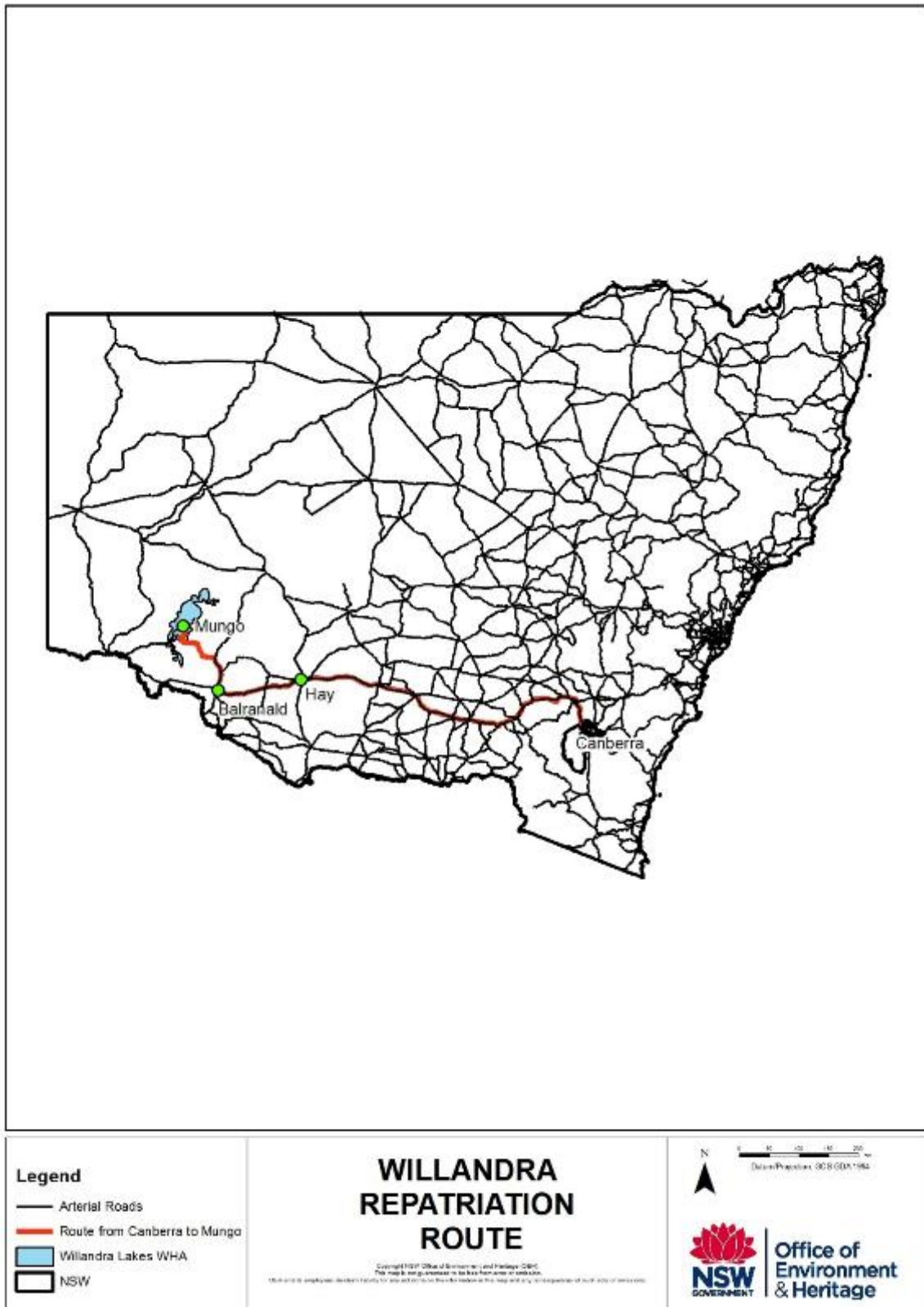


Figure 4. Willandra repatriation proposed road transport route from NMA, Canberra to Mungo National Park, within the Willandra Lakes Region World Heritage Area.

3.2.2 Storage conditions in the Mungo Keeping Place

3.2.2.1 Climatic conditions

Since their original removal between 1974 and the early 1980's, the Willandra ancestral remains have been stored in office conditions without specific climate controls; the collection was held in Dr. Alan Thorne's office and then a store room at ANU from 1974 to 2015. Since November 2015 the remains have been held in the NMA warehouse at Mitchell, ACT. These current and previous storage conditions have not offered specific climate controls, and have instead relied on office or warehouse air conditioning.

The proposed storage at Mungo National Park will provide a similar internal climate for the storage of the remains. The Mungo Keeping Place building is air conditioned and internal building temperature ranges respond to diurnal seasonal variations - these variations are not extreme and will not adversely impact the conservation of the remains (as detailed below) have a very low organic content and consist predominantly of mineralized bone. The removal of almost all organic components through either mineralization or cremation of the remains has preserved and hardened the bone, and therefore they will not be subject to deterioration or decay through processes associated with temperature variations.

3.2.2.2 Bone preservation

The Willandra ancestral remains consists of mineralised ancient human skeletal materials. The mineralization process has hardened the bone and also removed almost all organic component left in the bone. This process is described in detail by Webb (1989)

'The percolation of ground and rainwater over thousands of years through soils containing carbonates and silicates promotes silification throughout the whole bone and carbonate deposition on external surfaces. Organic components of the bone in particular are changed. Apatite, for example, takes up fluorine to produce the inorganic fluor-apatite. The strength of these processes in the Willandra were exemplified when 56 samples of unburnt bone were analysed to determine their nitrogen content, as an indicator of the organic content of the bone and therefore its suitability for radiocarbon dating. Only two of the samples, WLH 15 and 55...had more than the minimum 0.2% nitrogen required so that, as noted in Chapter I, radiocarbon dating could not be pursued. Thus, ironically, the mineralization which had the effect of strengthening the bone and ensuring its preservation, at the same time rendered it unsuitable for dating, (Webb 1989, p. 8).

The remains that have been cremated have also had the organic components of the bone removed (Webb 1989, p. 10-11). The removal of almost all organic components through either mineralization or cremation of the remains has preserved and hardened the bone, and therefore they will not be subject to deterioration or decay. In terms of storage conditions at Mungo, the implications of

this information are that as the remains have an extremely low moisture content, and they will not deteriorate or decay in the proposed storage conditions.

Mechanical damage (breaking, crushing, etc) could still take place. This risk has been minimized through the re- packaging of the remains as described above. The remains are wrapped in acid-free tissue paper. Many small remains are fragmentary and are therefore in resealable plastic bags or vials within the boxes, with extra acid free tissue paper being used for padding. All have been enclosed in archive quality boxes, which have then been placed in larger cardboard containers.

3.2.2.3 Security of Mungo Keeping Place

Following the Return to Country ceremony the ancestral remains will be transported to the Mungo Keeping Place and placed in this facility. This facility will provide a high level of secure storage for the remains, with security doors, windows, and an alarm system. Staff are also present at Mungo National Park every day of the year, including weekends.

Inside the Mungo Keeping Place the Willandra ancestral remains will be placed in custom made, lockable, fire resistant museum curation cabinets. These cabinets will provide a high level of safety from theft or damage (e.g. from insects, vermin, dust, etc).

Further details on the security, storage, and access to the Mungo Keeping Place are in Attachment B.

3.3 Ongoing management and monitoring

3.3.1 Management measures

The Mungo Keeping Place will be a secure storage facility, with appropriate protection to ensure the ancestral remains are safe. This includes locked doors, windows, and an alarmed security system. Staff are also present at Mungo National Park every day of the year, including weekends.

3.3.2 Monitoring measures

The Keeping Place will be inspected on a monthly basis to ensure the integrity of the collection is monitored and reported. Further details are in Attachment B.

3.3.3 Access for research and further study

The Willandra ancestral remains has been subject to various research projects since initial collection (Bowler et al., 1970, Bowler and Thorne, 1976, Durband, 2011, Durband et al., 2009, Grun et al., 2011, Malaspinas, 2016, Thorne et al., 1999, Westaway and Groves, 2009).

Since 1995, when the CMC, TSAC and 3TTG committees were formed, access to the Willandra ancestral remains for research purposes has only been granted via the following process:

- Application to, and approval from the 3TTG Elders Council
- Endorsement of the 3TTG approval in the CMC and TSAC committees

Over the last 20 years' various research projects have been conducted with the authorisation of the 3TTG Elders Council, and through consultation with the CMC and TSAC – recent examples include (2011) a DNA study on the remains took small samples of bones for analysis. This research involved small scale, invasive, and destructive sampling of bone and was approved by the 3TTG Elders, the CMC and the TSAC. This research was not approved under a NSW Aboriginal Heritage Impact Permit (AHIP) issued under Part 6 of the NPW Act (1974) as the activity took place outside NSW. In 2012 non invasive CT scanning of the remains took place at Canberra Hospital.

There is on-going interest in studying the Willandra ancestral remains. Once the Willandra ancestral remains are returned to Mungo National Park, they will be subject to similar restrictions as currently exist,

- access will only be permitted with the approval of the AAG.

There will also be additional legal protection under the NPW Act (1974):

- Any future research proposal that 'harms' the remains (as defined by the NPW Act 1974) such as sampling for DNA would need to be authorized under an AHIP.
- An AHIP will only be issued by OEHL following open public consultation and with the support of the Aboriginal community. This would need to include an application to, and endorsement from, the AAG.

3.4 EPBC Impact Guidelines

The Department of the Environment and Energy has prepared impact guidelines for the assessment of impacts (Department of the Environment, 2013). These guidelines specifically consider the following impact assessment for World Heritage properties with cultural heritage values (ibid, p.17), as follows:

An action is likely to have a significant impact on cultural heritage values of a World Heritage property if there is a real chance or possibility that the action will:

- *permanently remove, destroy, damage or substantially alter the fabric of a World Heritage property*
- *extend, renovate, refurbish or substantially alter a World Heritage property in a manner which is inconsistent with relevant values*
- *permanently remove, destroy, damage or substantially disturb archaeological deposits or artefacts in a World Heritage property*
- *involve activities in a World Heritage property with substantial and/or long-term impacts on its values*
- *involve construction of buildings or other structures within, adjacent to, or within important sight lines of, a World Heritage property which are inconsistent with relevant values, and*

- *make notable changes to the layout, spaces, form or species composition in a garden, landscape or setting of a World Heritage property which are inconsistent with relevant values.*

An assessment of each of these possible impacts from the proposed action is presented below:

Possible Impacts	Impact Assessment of proposed Action
permanently remove, destroy, damage or substantially alter the fabric of a World Heritage property	No fabric will be permanently removed, destroyed, damaged or substantially altered. The proposed activity will not have a significant impact on the fabric of the World Heritage property
extend, renovate, refurbish or substantially alter a World Heritage property in a manner which is inconsistent with relevant values	The proposed activity will not extend, renovate, refurbish or substantially alter the World Heritage property in any manner
permanently remove, destroy, damage or substantially disturb archaeological deposits or artefacts in a World Heritage property	The proposed activity will not permanently remove, destroy, damage or substantially disturb archaeological deposits or artefacts. Previously collected ancestral remains will be moved to, and stored within, a dedicated room that has been used for the storage and protection of Aboriginal objects and ancestral remains for 30 years. This room provides appropriate security, protection, and environmental conditions for the long-term storage of archaeological materials.
involve activities in a World Heritage property with substantial and/or long-term impacts on its values	The proposed activity will not involve activities that have substantial and/or long term impacts on its values. Previously collected ancestral remains will be moved to, and stored within, a dedicated room that has been used for the storage and protection of Aboriginal objects and ancestral remains for 30 years. This activity will not impact on the values of the property.
involve construction of buildings or other structures within, adjacent to, or within important sight lines of, a World Heritage property which are inconsistent with relevant values, and	The proposed activity will not involve any construction of buildings or structures.
make notable changes to the layout, spaces, form or species composition in a garden, landscape or setting of a World Heritage property which are inconsistent with relevant values.	The proposed activity will not make any changes to the layout, spaces, form or species composition in a garden, landscape or setting

Table 4. World heritage values and impact assessment

National Heritage values

The Department of the Environment and Energy has prepared impact guidelines for the assessment of impacts (Department of the Environment, 2013). These guidelines specifically consider the following impact assessment for National Heritage properties with cultural heritage values (ibid, p.17) as follows:

Significant impact criteria

An action is likely to have a significant impact on the National Heritage values of a National Heritage place if there is a real chance or possibility that it will cause:

- *one or more of the National Heritage values to be lost*
- *one or more of the National Heritage values to be degraded or damaged, or*
- *one or more of the National Heritage values to be notably altered, modified, obscured or diminished.*

An assessment of each of these possible impacts from the proposed action is presented below:

Indigenous heritage

An action is likely to have a significant impact on Indigenous heritage values of a National Heritage place if there is a real chance or possibility that the action will:

Possible Impacts	Impact Assessment of proposed Action
restrict or inhibit the continuing use of a National Heritage place as a cultural or ceremonial site causing its values to notably diminish over time	The proposed activity will only involve the movement of ancestral remains from storage in Canberra to storage at Mungo. This will not restrict or inhibit any continuing use of the place. It will enhance and improve the heritage values, through the return and restoration of a key heritage value.
Permanently diminish the cultural value of a National Heritage place for an Indigenous group to which its National Heritage values relate	The proposed activity will enhance the cultural value of the place, through the restoration to country of the ancestral remains
Alter the setting of a National Heritage place in a manner which is inconsistent with relevant values	The proposed activity will not involve any construction of building, and therefore will have no impact on the setting of the place
Remove, destroy, damage or substantially disturb archaeological deposits or cultural artefacts in a National Heritage place	The proposed activity will not remove, destroy, damage or substantially disturb archaeological deposits or cultural artefacts in the place. The activity will only involve the movement of ancestral remains from storage in Canberra to storage at Mungo.
Destroy, damage or permanently obscure rock art or other cultural or ceremonial, artefacts, features, or objects in a National Heritage place	The proposed activity will not destroy, damage or permanently obscure rock art or other cultural or ceremonial, artefacts, features, or objects in a National Heritage place. The activity will only involve the movement of ancestral remains from storage in Canberra to storage at Mungo.
Notably diminish the value of a National Heritage place in demonstrating creative or technical achievement	The proposed activity will have not diminish the value of a National Heritage place in demonstrating creative or technical achievement
Permanently remove, destroy, damage or substantially alter Indigenous built structures in a National Heritage place	The proposed activity will have no impact on any Indigenous built structure. The activity will only involve the movement of ancestral remains from storage in Canberra to storage at Mungo.
Involve activities in a National Heritage place with substantial and/or long-term impacts on the values of the place.	The proposed activity will not involve any activity that has substantial and/or long term impacts on the values of the place. Previously collected ancestral remains will be moved to, and stored within, a dedicated room that has been used for the storage and protection of Aboriginal objects and ancestral remains for 30 years. This activity will not impact on the values of the property.

Table 5. National Heritage values and impact assessment

There will not be a significant impact on:

- World Heritage Properties
- Values associated with geology or landscape
- Historic heritage values
- Cultural heritage values including Indigenous heritage values
- National Heritage
- Values associated with geology or landscapes
- Historic heritage values
- Cultural heritage values
- Indigenous heritage values

4 Conclusion

Between 1968 and the early 1980s ca. 105 Willandra ancestral remains, including the internationally renowned remains of Mungo Woman and Mungo Man, were removed from the Willandra Lakes Region and taken to the ANU for study.

At the first meeting of the Willandra Lakes World Heritage Area Consultative Committee in 1984 a request for repatriation of the ancestral remains was tabled. Between 1984 and 2016 approximately 70 Willandra World Heritage meetings have discussed repatriation, a research Centre and reburial however, apart from Mungo Woman's return in 1992, few tangible results have been achieved from these discussions.

Since February 2015 a series of three repatriation forums have been held to discuss the return of the Willandra ancestral remains. The agreed outcome of these forums is that the remains will be returned to Mungo National Park and placed in secure storage in the Mungo Keeping Place.

There will be no significant impact on the ancestral remains because:

- The ancestral remains will be transported to Mungo via secure methods.
- They will be placed in a secure storage facility.
- Access will be controlled through appropriate security measures.
- Applications for research on the remains may still occur. Such applications will only be permitted with the approval of the Aboriginal community; this is consistent with existing arrangements.

As a result of the proposed action there will not be a significant impact on:

- World Heritage Properties
- Values associated with geology or landscape
- Historic heritage values
- Cultural heritage values including Indigenous heritage values
- National Heritage
- Values associated with geology or landscapes
- Historic heritage values
- Cultural heritage values
- Indigenous heritage values

The proposed repatriation of the Willandra Ancestral remains is will not result in one or more of the values of the National Heritage place or World Heritage area being lost, degraded or damaged, or notably altered, modified, obscured or diminished.

While there has been extensive and detailed consideration of other alternatives e.g. reburial or construction of an underground keep place, none of these alternatives has not been endorsed by the community, and therefore do not form part of this application. In the longer term there may be further community discussions on the ancestral remains, however there are currently no agreed alternatives to the proposal as described in this referral.

5 APPENDICES

5.1 Appendix A: Criteria used to justify the original Willandra Lakes World Heritage listing (1981)

The region was inscribed on the World Heritage List in October 1981 in recognition of its outstanding cultural and natural values. At that time and until the end of 2004, World Heritage sites were selected on the basis of six cultural and four natural criteria. The Willandra was listed under the following 3 criteria:

Natural Criterion i - as an outstanding example representing the major stages in the earth's evolutionary history; and

Natural Criterion ii – as an outstanding example representing significant ongoing geological processes, biological evolution and man's interaction with his natural environment.

Cultural Criterion iii – be unique, extremely rare or of great antiquity;
(AHC, 1980)

5.2 Appendix B: Willandra Lakes WHA Retrospective Statement of Outstanding Universal Value (2013)

At the time of this original listing no specific statement of Outstanding Universal Value was prepared. The criteria for listing of World Heritage sites have changed over time and a Retrospective Statement of Outstanding Universal Value (RSOUV) for the Willandra Lakes was approved by the World Heritage Committee in 2013. This statement recognized the significance of the region under the revised and combined cultural and natural criteria as articulated in 2013:

- *Criterion (iii) to bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared; and*
-
- *Criterion (viii) to be outstanding examples representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features;*

The Retrospective Statement of Outstanding Universal Value adopted in 2013 states:

Brief synthesis

The Willandra Lakes Region, in the semi-arid zone in southwest New South Wales (NSW), contains a relict lake system whose sediments, geomorphology and soils contain an outstanding record of a low-altitude, non-glaciated Pleistocene landscape. It also contains an outstanding record of the glacial-interglacial climatic oscillations of the late Pleistocene, particularly over the last 100,000 years. Ceasing to function as a lake ecosystem some 18,500 years ago, Willandra Lakes provides excellent conditions to document life in the Pleistocene epoch, the period when humans evolved into their present form.

The undisturbed stratigraphic context provides outstanding evidence for the economic life of Homo sapiens sapiens to be reconstructed. Archaeological remains such as hearths, stone tools and shell middens show a remarkable adaptation to local resources and a fascinating interaction between human culture and the changing natural environment. Several well-preserved fossils of giant marsupials have also been found here. Willandra contains some of the earliest evidence of Homo sapiens sapiens outside Africa. The evidence of occupation deposits establishes that humans had dispersed as far as Australia by 42,000 years ago. Sites also illustrate human burials that are of great antiquity, such as a cremation dating to around 40,000 years BP, the oldest ritual cremation site in the world, and traces of complex plant-food gathering systems that date back before 18,000 years BP associated with grindstones to produce flour from wild grass seeds, at much the same time as their use in the Middle East. Pigments were transported to these lakeshores before 42,000 years BP. Evidence from this region has allowed the typology of early Australian stone tools to be defined.

Since inscription, the discovery of the human fossil trackways, aged between 19,000 and 23,000 years BP, have added to the understanding of how early humans interacted with their environment.

Criterion (iii): *The drying up of the Willandra Lakes some 18,500 years BP allowed the survival of remarkable evidence of the way early people interacted with their environment. The undisturbed stratigraphy has revealed evidence of Homo sapiens sapiens in this area from nearly 50,000 years BP, including the earliest known cremation, fossil trackways, early use of grindstone technology and the exploitation of fresh water resources, all of which provide an exceptional testimony to human development during the Pleistocene period.*

Criterion (viii): *The Australian geological environment, with its low topographic relief and low energy systems, is unique in the longevity of the landscapes it preserves, and the Willandra Lakes provides an exceptional window into climatic and related environmental changes over the last 100,000 years. The Willandra Lakes, largely unmodified since they dried out some 18,500 years BP, provide excellent conditions for recording the events of the Pleistocene Epoch, and demonstrate how non-glaciated zones responded to the major glacial-interglacial fluctuations.*

The demonstration at this site of the close interconnection between landforms and pedogenesis, palaeochemistry, climatology, archaeology, archaeomagnetism, radiocarbon dating, palaeoecology and faunal extinction, represents a classic landmark in Pleistocene research in the Australasian area. Willandra Lakes Region is also of exceptional importance for investigating the period when humans became dominant in Australia, and the large species of wildlife became extinct, and research continues to elucidate what role humans played in these events.

Integrity

The property as nominated covered some 3,700 km², following cadastral boundaries and including the entire Pleistocene lake and river systems from Lake Mulurulu in the north to the Prungle Lakes in the south, thereby including all elements contributing to its outstanding universal value. In 1995 boundaries for the property were revised in order to 'better define the area containing the World Heritage values and facilitate

the management of the property'. The revised boundary follows topographic features, with an appropriate buffer within the boundary, to more closely delineate the entire lake and river system but exclude extraneous pastoral areas. The area of the property now covers ~2,400 km². Although pastoral development has resulted in ecological changes, stocking rates are low and dependent on natural unimproved pasture and the area remains predominantly vegetated in its natural condition. For leasehold properties within the property, Individual Property Plans (IPPs) have been developed and implemented, including actions such as excluding grazing from sensitive areas and relocating watering points to minimise the impact of grazing, to protect outstanding universal value while also allowing sustainable land uses. There have also been significant additions to Mungo National Park, including some of the most archaeologically significant areas of the property.

Much of the scientific and cultural significance of the property is related to the values embedded in or associated with the lunettes. Erosion and deflation continues to expose material in already disturbed areas of the lunettes. At time of listing approximately 8% was extensively eroded, while 72% remained vegetated and intact, with the remaining area partly eroded.

Authenticity

The authenticity of the natural and Aboriginal cultural heritage values of the Willandra has been established in the first instance, in a western or European cultural sense, by rigorous scientific investigation and research by leading experts in their fields. Researchers have established the great antiquity and the richness of Aboriginal cultural heritage at Willandra which brought about a reassessment of the prehistory of Australia and its place in the evolution and the dispersal of humans across the world.

For the Traditional Tribal Groups (TTGs) that have an association with the area there has never been any doubt about the authenticity of the Willandra and any particular sites it contains. The TTGs have maintained their links with the land and continue to care for this important place and participate in its management as a World Heritage property. Aboriginal people of the Willandra take great pride in their cultural heritage and maintain their connection through modern day cultural, social and economic practices.

Management and protection requirements

The majority of the area comprises pastoral stations leased from the State and administered by the NSW Land and Property Management Authority. The remaining land contains a large part of the Mungo National Park, which is managed by the NSW National Parks and Wildlife Service (NPWS), and which has grown from 4.2% of the property at time of inscription to 29.9% in 2012. There are also some small areas of freehold land within the property. The NSW Office of Environment and Heritage provides archaeological expertise over all land tenures within the property. The statutory basis for management is established under New South Wales legislation by the Willandra Lakes Region Environmental Plan. This provides for a Community Management Council, Technical and Scientific Advisory Committee, Elders Council of Traditional Tribal Groups affiliated with the Willandra, and Landholders Protection Group to input advice on the management of the World Heritage Area.

Upon listing, the World Heritage Committee requested that a management plan be ‘rapidly established for the whole area.’ This process was begun in 1989 with the first property management plan – Sustaining the Willandra –finalised in 1996 following extensive consultation with all stakeholders. Individual Property Plans have been developed to protect World Heritage values on the pastoral stations. Similarly, Mungo National Park, managed jointly by the NPWS and Traditional Tribal Groups under a Joint Management Agreement, is subject to a management plan which aims to maximise conservation of both natural and cultural heritage values while also conserving biodiversity and facilitating appropriate visitor access. Visitor access to sensitive areas is carefully controlled, and in some areas excluded, to mitigate adverse impacts on World Heritage values.

All World Heritage properties in Australia are ‘matters of national environmental significance’ protected and managed under national legislation, the Environment Protection and Biodiversity Conservation Act 1999. This Act is the statutory instrument for implementing Australia’s obligations under a number of multilateral environmental agreements including the World Heritage Convention. By law, any action that has, will have or is likely to have a significant impact on the World Heritage values of a World Heritage property must be referred to the responsible Minister for consideration. Substantial penalties apply for taking such an action without approval. Once a heritage place is listed, the Act provides for the preparation of management plans which set out the significant heritage aspects of the place and how the values of the site will be managed.

Importantly, this Act also aims to protect matters of national environmental significance, such as World Heritage properties, from impacts even if they originate outside the property or if the values of the property are mobile (as in fauna). It thus forms an additional layer of protection designed to protect values of World Heritage properties from external impacts. In 2007 the Willandra Lakes Region World Heritage Area was added to the National Heritage List in recognition of its national heritage significance.

The property management plan identifies issues for management, outlines strategies for responses and identifies responsible parties. Among the issues and threats to values being addressed through coordinated action are the occurrence of invasive pest species (including European rabbits and feral goats), balancing increased visitation with asset protection, controlling total grazing pressure to provide for perennial vegetation regeneration, and limiting accelerated erosion where practicable.

Source: <http://whc.unesco.org/archive/2013/whc13-37com-8E-en.pdf> , see also <http://whc.unesco.org/en/list/167>

5.3 Appendix C: National Heritage listing

The Willandra Lakes Region was included on the Australian National Heritage List in May 2007. The National Heritage criteria for listing of the area are a), b), c) and g), as follows:

- a. *the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history*
- b. *the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history*
- c. *the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history*
- g. *the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons*

Source <https://www.environment.gov.au/system/files/pages/f82e987c-e5ea-423f-b757-ff0b80727e57/files/10569301.pdf>

5.4 Appendix D: Mungo Statement 1989

The Mungo Statement: Towards a Reconciliation

A record of discussion at the Willandra Research Publication Workshop

Thursday 22nd June '89

During the final session of the Willandra Publication Workshop held on the 22nd June, 1989, those researchers and Aborigines present discussed the future of archaeological research in the Willandra Lakes Region. Two suggestions, crucial to the future of research and Aboriginal Heritage were made.

Firstly, it was decided to embark on a course of reconciliation between archaeologists and Aborigines. It was recognised that Aboriginal people must have the final say whether research was done and what it might be.

One way to do this would be to establish an Aboriginal Research Committee. This committee might oversee and ratify research programmes dealing with the way people lived in the past and the kind of land they lived in. The committee could initiate its own research programmes and seek funding for them.

Secondly, Alan Thorne agreed that the Mungo skeletal remains should be returned to the Willandra, and suggested that the first step could be the addition of a second lock on the safe which presently contains the Mungo skeletal remains. The key to the second lock would be in the hands of the Aboriginal Research Committee.

Also discussed was the possibility of establishing at Mungo National Park a Keeping Place for the care and protection of Aboriginal skeletal remains. This Keeping Place could also have two locks. As a symbolic act of collaboration one key could be held by the Aboriginal Research Committee and one by a representative of the scientific community.

Alan Thorne
Mary Pappin
Lottie Williams
John Magee
Alice Kelly
Isobell McBrat
Jeannette Hope

Phys. Soc.
Ron Hyde
Alan Thorne
Harry Allen
Wilfred Shawson
Regie Hyde
Richard Gillies
Ernie Rod-Wojciechowski

Henry Chaper
Budger Water
Chief Kaper
[Signature]

5.5 Appendix E: Terms of reference for the WRTC committee



THE WILLANDRA REPATRIATION
TRADITIONAL CUSTODIANS

TERMS OF REFERENCE

Endorsed 12 September 2014

Purpose

The purpose of the Willandra Repatriation Traditional Custodians (WRTC) is to provide advice and support to the NSW Office of Environment and Heritage (OEH) specifically the Heritage Division, Southern Region to *'find a pathway to bring our old people home.'*¹

The WRTC brings together representatives of the three Traditional Owner groups comprising of Barkindji (Parinji/Maurara), Mutthi Mutthi and Ngiyampaa, with a specific focus on the repatriation of the 'Willandra Collection' currently held by the Australian National University (ANU), Canberra.

Objectives

The WRTC will:

- Work with and assist agencies by informing the planning, strategy and approach on the repatriation process for the Willandra Collection in a collaborative complimentary partnership (all of us together)
- Provide guidance and advice on Aboriginal cultural issues and protocols
- Undertake all dealings in the process and with each other in a respectful manner

Membership and decision making

The WRTC will comprise of twelve (12) Aboriginal representatives drawn from the three Traditional Owner groups.

Members will be appointed by their respective Traditional owner groups. If due to unforeseen circumstances or sickness, members can elect a proxy from their respective clan group.

WRTC members will draw on their cultural knowledge, community background, professional experience and skills when conducting business.

The WRTC will exist for the extent of time it takes to complete the repatriation process for the Willandra Collection.

A total of twelve (12) votes distributed equally amongst the three traditional custodian group members or proxies, equating to four (4) votes each with a majority constituting a resolution.

Any disagreement or conflict related to a decision made will be formally noted in the meeting minutes.

ROLES AND RESPONSIBILITIES

¹ Quote from Tanya Charles at Joint NPWS/HD meeting at Mungo – 24 July 2014

Members

- Attend meetings, being transparent and consistent
- Provide information and advice in accordance with the purpose and objectives of the WRTC
- Show respect and compassion
- Work with Heritage Division staff to plan and provide operational support for activities related to the repatriation for the Willandra Collection.

Agency and Other Stakeholders

Departmental staff members and other stakeholders will provide input or feedback and access information or requests for members through the appropriate channels of communication, by

- Acknowledging cultural differences, and
- Acting in a respectful manner with integrity, transparency and compassion

Meetings of THE WRTC

Frequency

The WRTC will meet initially on a monthly basis for a period of four (4) months from its formation with additional meetings held on a needs basis.

Attendance and Restrictions

To ensure an inclusive, open and transparent process, other members of the aforementioned traditional custodian groups can attend meetings at their own arrangement and cost. They can engage in consultations and offer advice to their respective members, but have no voting rights unless previous proxy status is granted.

Communications and Media

All media requests/enquiries are to be addressed by the WRTC. At the completion of meetings a media release will be prepared and distributed to outlets as an update for the wider community. More detailed accounts will be forwarded to;

- The Barkindji Native Title Claimant Incorporated Body
- Other traditional peoples as identified by the WRTC
- Relevant Local Aboriginal Land Councils

Resourcing and Support

Secretariat support for the WRTC will be provided by the OEH, which includes:

- Compile necessary and relevant information for members to enable informed decision making
- Prepare agenda and ensure that it is distributed to all members prior to the meeting
- Notify members of meetings
- Provide meeting venues
- Assist with transport and accommodation
- Prepare minutes of the meetings
- Distribute minutes of the meeting and relevant papers

5.6 Appendix F: Australian National University Statements of Apology to the Mutthi Mutthi, Barkandji and Ngiyampaa people



Australian
National
University

*The Australian National University Statement of Apology
to the Mutthi Mutthi Traditional Owners
on the occasion of the repatriation of the Willandra Ancestral Remains*

The Australian National University expresses sincere regret for the indignity suffered by your Ancestors, whose remains were removed from their resting place by academic staff representing the University.

We recognise that the removal of these ancestral remains caused ongoing grief to your communities and we apologise unreservedly for this.

We acknowledge that, while the research undertaken by academic staff from both this University and other institutions has contributed significantly to the understanding of the history of Indigenous Australians, our research in the past has not always been undertaken with your full knowledge and support, as the Traditional Owners.

We reaffirm our respect for your cultural heritage, as the oldest continuing culture in the world, and we acknowledge you as the Traditional Owners of the land from which your Ancestors were removed.

We recognise your rights to cultural autonomy and self-determination. The University reaffirms our commitment to support you, the Traditional Owners, to protect your cultural heritage.

We hope that the return of these Ancestors to you, the Traditional Owners, can in some way redress our past mistakes, and the mistreatment and distress that we have caused you. We sincerely hope that this will be the beginning of a healing process for your communities.

As a University community, we commit to fostering a respectful and ongoing relationship with you and your communities. We undertake to work in partnership with you as Traditional Owners, to ensure that the journey started here today is completed; that your Ancestors are returned to country.

A handwritten signature in black ink, reading "I.R. Young".

Professor Ian Young AO
Vice-Chancellor and President
The Australian National University
Friday 6 November, 2015



Australian
National
University

*The Australian National University Statement of Apology
to the Nglyampaa Traditional Owners
on the occasion of the repatriation of the Willandra Ancestral Remains*

The Australian National University expresses sincere regret for the indignity suffered by your Ancestors, whose remains were removed from their resting place by academic staff representing the University.

We recognise that the removal of these ancestral remains caused ongoing grief to your communities and we apologise unreservedly for this.

We acknowledge that, while the research undertaken by academic staff from both this University and other institutions has contributed significantly to the understanding of the history of Indigenous Australians, our research in the past has not always been undertaken with your full knowledge and support, as the Traditional Owners.

We reaffirm our respect for your cultural heritage, as the oldest continuing culture in the world, and we acknowledge you as the Traditional Owners of the land from which your Ancestors were removed.

We recognise your rights to cultural autonomy and self-determination. The University reaffirms our commitment to support you, the Traditional Owners, to protect your cultural heritage.

We hope that the return of these Ancestors to you, the Traditional Owners, can in some way redress our past mistakes, and the mistreatment and distress that we have caused you. We sincerely hope that this will be the beginning of a healing process for your communities.

As a University community, we commit to fostering a respectful and ongoing relationship with you and your communities. We undertake to work in partnership with you as Traditional Owners, to ensure that the journey started here today is completed; that your Ancestors are returned to country.

Professor Ian Young AO
Vice-Chancellor and President
The Australian National University
Friday 6 November, 2015



Australian
National
University

*The Australian National University Statement of Apology
to the Paakantji / Barkandji Traditional Owners
on the occasion of the repatriation of the Willandra Ancestral Remains*

The Australian National University expresses sincere regret for the indignity suffered by your Ancestors, whose remains were removed from their resting place by academic staff representing the University.

We recognise that the removal of these ancestral remains caused ongoing grief to your communities and we apologise unreservedly for this.

We acknowledge that, while the research undertaken by academic staff from both this University and other institutions has contributed significantly to the understanding of the history of Indigenous Australians, our research in the past has not always been undertaken with your full knowledge and support, as the Traditional Owners.

We reaffirm our respect for your cultural heritage, as the oldest continuing culture in the world, and we acknowledge you as the Traditional Owners of the land from which your Ancestors were removed.

We recognise your rights to cultural autonomy and self-determination. The University reaffirms our commitment to support you, the Traditional Owners, to protect your cultural heritage.

We hope that the return of these Ancestors to you, the Traditional Owners, can in some way redress our past mistakes, and the mistreatment and distress that we have caused you. We sincerely hope that this will be the beginning of a healing process for your communities.

As a University community, we commit to fostering a respectful and ongoing relationship with you and your communities. We undertake to work in partnership with you as Traditional Owners, to ensure that the journey started here today is completed; that your Ancestors are returned to country.

Professor Ian Young AO
Vice-Chancellor and President
The Australian National University
Friday 6 November, 2015

Appendix G: OEH policy for safe vehicle driving

[http://insite.environment.nsw.gov.au/Intranet Library/Policy Documents/DrivingVehicleSafety.doc](http://insite.environment.nsw.gov.au/Intranet%20Library/Policy%20Documents/DrivingVehicleSafety.doc)

Driving and Vehicle Safety

Legislation

1. Under the *Work Health and Safety Legislation* both OEH and workers have obligations to contribute to health and safety in the workplace.

Policy

2. This policy and procedures applies to all OEH vehicles and driving operations, including salary packaged vehicles used for work purposes.
3. OEH will ensure all new vehicles are selected and equipped to enhance safe performance. Vehicles will be chosen to safely meet the particular needs of the intended operation.
4. In the area of vehicle safety, managers of OEH workers required to use OEH vehicles will ensure these workers are correctly licensed, are suitably trained to drive vehicles while at work, are in adequate health and are encouraged to use safe practices.
5. OEH workers have a responsibility to operate OEH vehicles in a safe manner and to assist in maintaining OEH fleets and roads in a safe condition.
6. All OEH vehicles will be well maintained, serviced regularly, be in good operating condition and fitted with adequate safety equipment including:
 - fire extinguisher (where appropriate)
 - first aid kit (minimum: vehicle type)
 - ABS brakes (unless operationally inappropriate)
 - airbags (unless operationally inappropriate)
 - cargo barriers for wagons and four wheel drives
 - high visibility vest (suitable for day and night)
 - Tyre pressure gauge.
7. OEH will ensure vehicles of a suitable operational capacity are provided to ensure an operation can be undertaken safely.
8. OEH will meet requirements imposed by the Roads and Traffic Authority.
9. OEH will implement safe operating procedures as set out below.
10. OEH will provide training and instruction where deemed necessary for specific operating conditions e.g. snow and ice, off-road, long distance.

Procedures

Driver licensing and General Safety

11. All workers operating an OEH vehicle will be properly licensed for that vehicle and will operate the vehicle in accordance with the road rules and license requirements. All drivers of OEH vehicles will advise their supervisors if their relevant licence is suspended, expired or restricted.
12. Supervisors must ensure work schedules do not cause workers to operate vehicles whilst in a fatigued state.
13. Factors that add to the likelihood of fatigue related accidents should be considered when planning a trip and include:
 - driving before 6.00am and after 10.00pm
 - driving at the end of a working day where the total time, (including driving) exceeds 10 hours, without additional fatigue management measures being implemented
 - driving when effected by cumulative fatigue from preceding days or nights, e.g. where an individual has had poor sleep or has over-extended themselves on previous days or nights without adequate recovery
14. Local factors such as wildlife activity, weather conditions and road conditions should be considered when planning the timing and vehicle selection for the trip.
15. All workers are to take precautions to avoid driver fatigue, such as taking breaks every two hours or more frequently when appropriate.
16. Workers will not drive OEH vehicles while adversely affected by medications, alcohol/hangover or other drugs, which cause drowsiness or alter perception or state of consciousness.
17. Workers should advise their supervisor if they feel unable to operate a vehicle safely due to any reason including health and fitness.
18. Workers who require contact lenses or glasses for driving will wear these on all occasions when driving a vehicle.
19. Heavy vehicles operated by OEH will meet the requirements of the RTA (log books, rest breaks, licensing, load weights and load restraint).

Vehicle operations

20. In each vehicle, there will be a record book which includes information on vehicle use, accident and breakdown procedure, preventative maintenance and safe driving procedures, and issues relating to specific vehicle type.
21. A daily prestart check should be carried out of the vehicle

22. All vehicles will be maintained in a safe, clean and roadworthy state to ensure the safety of occupants and other road users.
23. When parking or temporarily leaving the drivers seat, always secure the vehicle by:
 - Correctly applying the parking brake
 - Engaging first gear (manuals) or park (automatics) and turn the engine off.
24. Workers should ensure the vehicle they are operating has correct tyre pressure, and oil and coolant levels by checking them every time they refuel the vehicle.
25. All vehicle faults should be reported immediately to the fleet manager or person responsible for the maintenance of the vehicle.
26. In the Event of a Flat Tyre
 - a. safely move the vehicle off the road away from traffic and park on a level surface
 - b. Firmly set the handbrake and place the vehicle in park (automatic or reverse (manual) and turn off the engine
 - c. Turn on the hazard warning lights and have all passengers get out of the vehicle on the side away from traffic
 - d. Raise the hood to warn other traffic and fit high visibility vest
 - e. Change the flat tyre in accordance with manufacturers instructions located in the glove compartment.
 - f. Many vehicles require wheels to be retensioned by the manufacturer or tyre dealer after a wheel has been fitted.

Warning:

- Never change tyres when the vehicle is on a slope, ice or slippery areas.
- **Never change a tyre if oncoming traffic is close to your vehicle. Wait for professional road assistance.**

27. Driving in Remote Areas

When driving in remote areas the following pre-planning should be considered:

- Estimate the time for travel allowing for rest breaks
- Notify any appropriate officers of the departure and estimated arrival times
- Check road conditions with local authorities (e.g. RTA, Police or local OEH workers)
- Select a vehicle suitable for the intended journey
- Determine additional equipment may be required e.g. food, water, remote first aid kit, blanket, and communications equipment. If unsure of requirements consult local authorities or local OEH officers.

Training and Instruction

General Training and Instruction

28. Before operating a vehicle type for the first time, the driver must familiarise themselves with its operation as per the vehicle handbook.
29. Training on general driving safety will be provided to all OEH workers required to drive as part of their job.

30. Where specific conditions are identified in the workplace risk assessment/JSA process, e.g. ice and snow then appropriate training and instruction is to be provided

Four Wheel Drive Vehicle Operation

31. All workers required to drive four wheel drive vehicles as part of their work in off road conditions must hold a nationally recognised four wheel drive qualification issued by a registered training organisation.
32. Workers driving four wheel drive vehicles on roads able to be traversed by two wheel drive vehicles, need not complete a four wheel drive course, but must be aware of the basic differences between two wheel drive and the four wheel drive vehicles. This includes, but is not limited to: greater mass, higher centre of gravity and the corresponding handling characteristics, as well as any other special features of the vehicle as per the vehicle's handbook. This on the job instruction can be provided by a competent person who has completed a four wheel drive course.

Hazard Reporting.

33. All OEH workers will report any unsafe conditions they see on the roads and in the vehicles for referral to the appropriate person.

Incident/Accident Reporting

34. In addition to the reporting required by the NSW Police, all accidents involving OEH vehicles will be reported via the OEH Accident and Near-Miss Reporting system and to Facilities and Fleet Section. Check with local authorities for reporting requirements if an accident occurs outside NSW.

Mobile Phones and Driving

35. The use of hand-held phones, including voice or SMS, is illegal when in control of a vehicle. This includes stationary vehicles in traffic.
36. A hands-free device can reduce the physical effort to make and receive calls but it does not necessarily make it safe to use a phone while driving. It is illegal to use a hands-free phone while driving if it causes the driver to lose proper control of the vehicle. The penalty is a significant fine and demerit points.
37. **Dangers associated with using a mobile phone while driving**
An extensive body of research shows that driving and talking on a mobile phone (hands free or hand held) while driving can lead to:
- Riskier decision making
 - Slower reactions
 - Slower and less controlled braking
 - Wandering out of the lane
 - Not being alert to surroundings

38. **The use of hands-free mobile phones is to be avoided wherever possible.** If it is *critically necessary* to use a mobile phone whilst driving:

- (a) Ensure hands-free phone is set up and working before the start of the trip
- (b) If you must answer the call, keep the conversation short. Don't engage in complex or emotional conversations
- (c) End the call immediately if it is distracting you from driving and return the call once safely parked
- (d) Unless critical, allow **all** calls to go to voicemail and return the call once safely parked

39. This policy applies to any OEH vehicle or private vehicles used for OEH business purposes.

40. This policy does not include two way radios to date however workers should apply the same mobile phone safety precautions to two way radio usage unless in emergency situations.

41. A mobile phone can be important in an emergency. If you need to use your mobile phone to call for help, stop and park safely where you will not endanger other road users.

42. No mobile phone use by learner and P1 provisional drivers and riders.

Learner and provisional drivers and riders (motorbikes) must not use a mobile phone while driving or riding. This includes phones in the hands-free mode or with loud speaker operating, sending or receiving SMS messages, playing games or any other function on a phone.

43. Jump Starting a Vehicle with a Flat Battery

Wherever possible the jump starting of vehicles that have a flat battery should be avoided. If the correct procedure is not followed injury and damage to the vehicles electrical system may result. Roadside assistance should be called to start the vehicle wherever available.

44. If it is imperative that the vehicle be started via jump starting (using the electrical power from another vehicle or battery using special cables) ensure that the instructions in the vehicles' handbook are followed. The RTA advise the following key elements:

- Check that the batteries of both vehicles are the same voltage.
- Park both vehicles safely, nose to nose, making sure they don't touch.
- Turn off all electrical devices (lights, radio etc.) and check that the vehicles are in park or neutral with the park brake on.
- Wear protective eye wear.
- Connect one end of the jumper cable to the positive terminal (the one with the '+ive sign and red cap) of the dud battery and the other end of the same cable to the positive terminal of the good battery.
- Connect one end of the jumper cable to the negative terminal (the one with the '-ive sign and black cap) of the charged battery and one end – not to the negative terminal of the flat battery, but to a metal part of the vehicle far away from the

battery (clip it to the engine but don't connect it to cables or any part of the engine that will move when it's turned on). This process prevents a spark igniting an explosion. Important - never allow the jumper cable clips to touch one another.

- Start the engine of the vehicle with the good battery. Once it's running, let it idle for a couple of minutes then slightly increase the revs. Now attempt to start the car with the flat battery. If it doesn't start after 30 seconds, it is not likely to work and further assistance will be required.
- If the engine starts, disconnect the cables in reverse order (in other words take the negative/black lead off first). If the engine is running, be careful not to get the cables caught in the moving parts of the engine.

Additional Information

- OEH WHS Section.
- Department of [Roads and Maritime Services](#) Road users handbook

Related Policies and Guidelines

- *Work Health and Safety Act and Regulations*
- *Managing Risks of Plant in the Workplace Code of Practice* – Safe Work Australia
- [AS2550.1-2011 Cranes, hoists and winches – Safe Use – General requirements](#)
- Curtin-Monash Accident Research Centre: [Fact Sheet- Using Mobile Phones Whilst Driving](#)

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OEH Alcohol and Other Drugs policy and procedures

- OEH Plant and Equipment Operation policy and procedures
- OEH ATV policy and procedures
- OEH Safety on or Near Roads and Traffic Control policy and procedures
- OEH Motor Vehicle Best Practice Manual – Facilities and Fleet Section

5.7 Appendix G: Correspondence from the AAG to the National Museum of Australia



DOC17/314640

WLRWHA Aboriginal
Advisory Group
C/O Dan Rosendahl
Executive Officer
Willandra Lakes Region
World Heritage Area
PO Box 318, Buronga NSW
2739

Dr Peter Thorley
Senior Curator
Aboriginal and Torres Strait Islander Program
National Museum of Australia

Dear Dr Thorley,

Repatriation of the Willandra Lakes Region World Heritage Area (WLRWHA) Ancestral Remains

The WLRWHA Aboriginal Advisory Group kindly thanks the National Museum of Australia for its support and for caring for their ancestors during the transition process of returning the Willandra Ancestral Remains back to Country.

The Aboriginal Advisory Group met on the 5th June 2017 to discuss the return and repatriation of the WLRWHA Ancestral Remains. The meeting was Chaired by Mrs Mary Pappin and attended by Elected Members, Keith Hampton, Trish Johnson, Ivan Johnson, Ernest Mitchell, Barry Pearce, Joan Slade, Dawn Smith and Patricia Winch. Also in attendance were the group proxies, Coral Ellis, Junette Mitchell, Maureen Reyland and Michael Young.

The Aboriginal Advisory Group unanimously supported the decision from the Willandra Repatriation Traditional Custodians (WRTC) forum, 5th April 2017 that the Willandra Ancestral Remains be returned to the Mungo keeping place. The Aboriginal Advisory Group requested that the repatriation occur during the week of the 13 November 2017.

For further information and logistics please contact Harvey Johnston, Program Manager, Willandra Repatriations at: Harvey.johnston@environment.nsw.gov.au.

The Aboriginal Advisory Group and the NSW Office of Environment and Heritage look forward to working with you on this significant occasion for custodians of the Willandra Lakes Region World Heritage Area.

Yours sincerely

Dr Dan Rosendahl
Executive Officer
Willandra Lakes Region World Heritage Area (on behalf of the Aboriginal Advisory Group)

8 June 2017



5.8 Appendix H: Terms of Reference for the WLRHWA Temporary Scientific Advisory Committee



Willandra Lakes Region World Heritage Area
Temporary Scientific Advisory Group

TERMS OF REFERENCE

1. Terms of Reference

- 1.1. The Temporary Scientific Advisory Group (T-SAG) is an interim volunteer advisory group that has been established pending formation of the formal WLRWHA advisory committee.
- 1.2. This group will advise the Executive Officer and NPWS Regional Manager on requests to undertake research and related work in the World Heritage Area including within Mungo National Park. It will cease to exist when the Willandra Lakes Region World Heritage Area Advisory Committee has been formed and becomes operational.
- 1.3. This group will provide advice on the merits or otherwise of any research proposals; the likelihood of any such proposals potentially threatening World Heritage values, or that need to be referred to the Commonwealth Government under the EPBC Act.

2. Membership

- 2.1 The T-SAG will have three scientific representatives from four disciplines identified as pertinent to management of the Willandra Lakes. The disciplines are archaeology, physical anthropology, environmental science and geomorphology.
- 2.2 Additionally, the T-SAG will include the four former Technical Scientific Advisory Committee Members to provide continuity in management practices and to assist with handover to T-SAG and the new advisory committee.
- 2.3 A Chairperson can be nominated if necessary, otherwise the Executive Officer of the Willandra Lakes will act as Chair.
- 2.4 Membership to the T-SAG is valid until the Willandra Lakes Region World Heritage Area Advisory Committee has been reconstituted and decides how it will engage with members of the scientific community interested or involved with the Willandra WHA.
- 2.5 In the event of a vacancy on the T-SAG, other members of the Group can elect a replacement.

3. Responsibilities

- 3.1. Conduct of business will be based on mutual respect for each member and their point of view.
- 3.2. Members must seek to understand their role and responsibilities.
- 3.3. Members must act in good faith in the interests of the Willandra Lakes Region World Heritage Area.
- 3.4. Members must avoid conflicts of interest.
- 3.5. Members must at all times act honestly, with care and diligence, and observe confidentiality, as appropriate.

4. Operation

- 4.1. The Executive Officer, on receipt of research and related proposals relating to the Willandra Lakes Region WHA, will refer such proposals to the Group, with guidance, as necessary, as to how the proposals are to be considered and assessed; the time frames for assessment and response, and the form of response required.
- 4.2. T-SAG will conduct all meetings and consultation via email, phone and Skype. Until the WLRWHA-AC is formed there are no provisions for face-to-face meetings, however if the need arises then other sources of funding may be investigated to facilitate face-to-face meetings or to meet other expenditure.
- 4.3. The work load will be kept to a minimum, consistent with demands.
- 4.4. The Executive Officer will provide administrative support and assistance.
- 4.5. A record of all correspondence and deliberations of the Group will be retained by the Executive Officer.

5. Decision Making

- 7.1 This is not a decision making group but an advisory group. Members of the group will normally provide their advice to the Executive Officer and NPWS Regional Manager in writing. Where advice is provided in the course of Group discussions, the Executive Officer or his nominee will record that advice as part of the record of discussion.

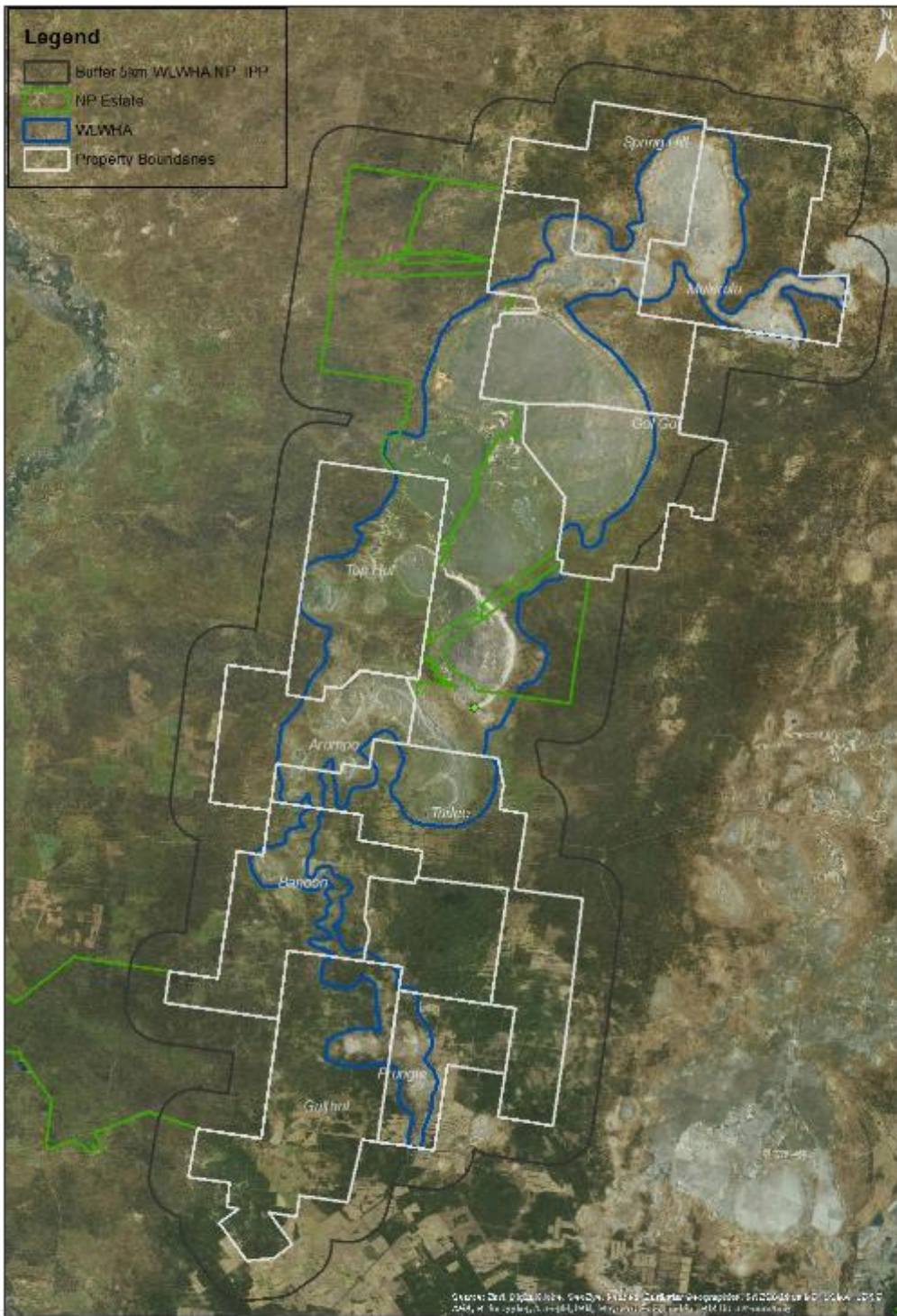
6. Reference Documents

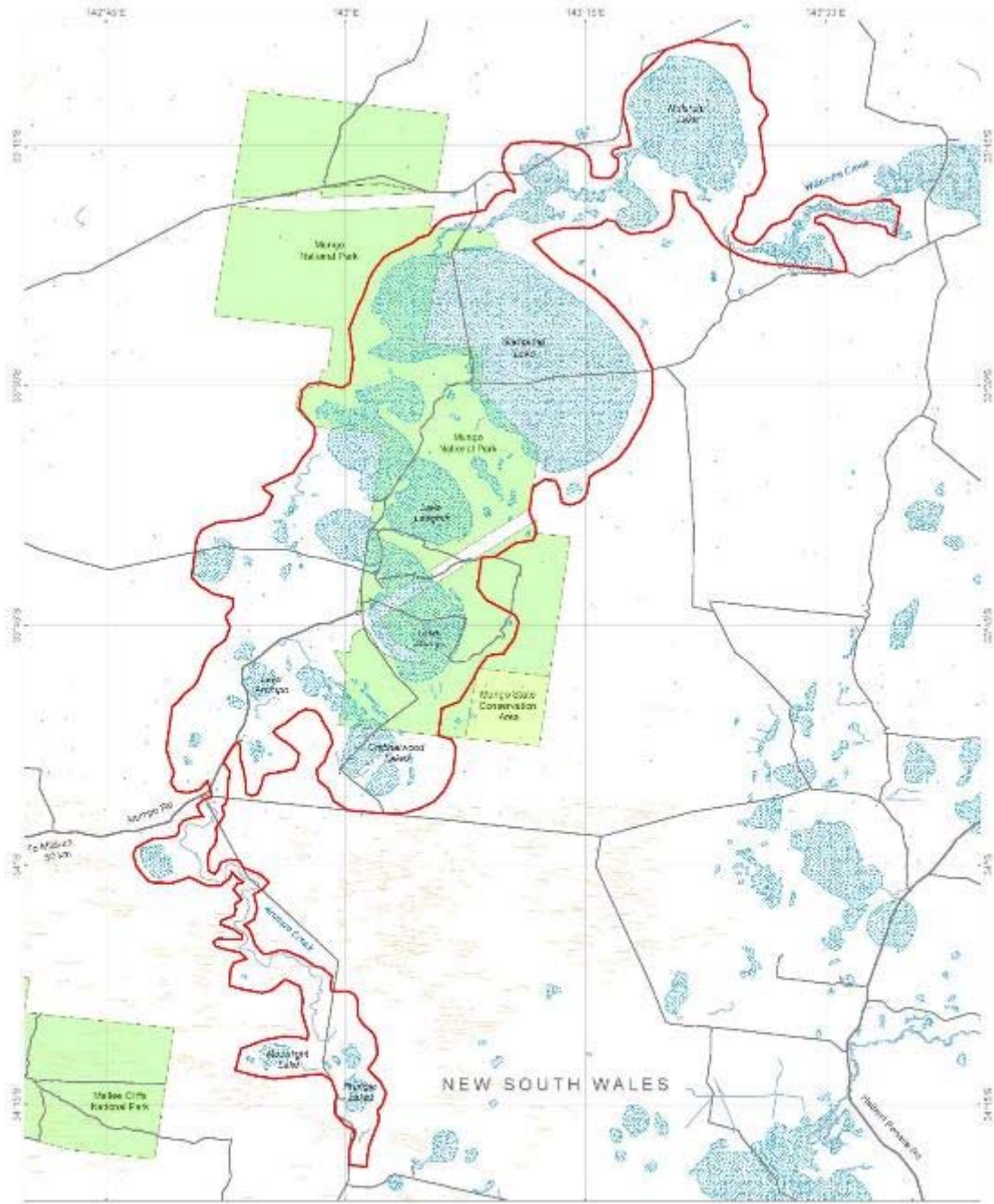
These terms of reference are intended to be used in conjunction with and in support of the following documents:

- Empower: NPWS Good Governance for Co-Management Committees
- Conduct Guidelines for Members of NSW Government Boards and Committees, Dept of Premier & Cabinet
- An Introduction to Board and Committee Membership, Dept of Premier & Cabinet

- Respectful Workplace Policy and procedures for addressing workplace issues and formal grievances, OEH
- Code of Ethical Conduct, OEH
- Sustaining the Willandra, Plan of Management, Willandra Lakes Region World Heritage Area
- Mungo National Park Joint Management Agreement
- Mungo National Park Joint Management Advisory Committee Standing Orders
- Research Needs for Australian World Heritage Properties. Prepared by the Australian World Heritage Advisory Committee March 2014 Updated July 2015

7. Map





Willandra Lakes Region

World Heritage Area (No. 100) (1992)

Legend

- World Heritage Area Boundary
- National Park
- Conservation Area
- Intermittent Dry Lake
- Water course (near dry)
- Sand Ridge

Scale 1:100,000

Data Sources: Commonwealth of Australia, World Heritage Area
 Program (1992-2004)
 Data on: Queensland Data on 13 October 2004
 Date: 2004.3.20.02



5.9 Appendix I: OEH policy for safe vehicle driving

(see <http://insite.environment.nsw.gov.au/Intranet Library/Policy Documents/DrivingVehicleSafety.doc>)

Driving and Vehicle Safety

Legislation

38. Under the *Work Health and Safety Legislation* both OEH and workers have obligations to contribute to health and safety in the workplace.

Policy

39. This policy and procedures applies to all OEH vehicles and driving operations, including salary packaged vehicles used for work purposes.
40. OEH will ensure all new vehicles are selected and equipped to enhance safe performance. Vehicles will be chosen to safely meet the particular needs of the intended operation.
41. In the area of vehicle safety, managers of OEH workers required to use OEH vehicles will ensure these workers are correctly licensed, are suitably trained to drive vehicles while at work, are in adequate health and are encouraged to use safe practices.
42. OEH workers have a responsibility to operate OEH vehicles in a safe manner and to assist in maintaining OEH fleets and roads in a safe condition.
43. All OEH vehicles will be well maintained, serviced regularly, be in good operating condition and fitted with adequate safety equipment including:
 - fire extinguisher (where appropriate)
 - first aid kit (minimum: vehicle type)
 - ABS brakes (unless operationally inappropriate)
 - airbags (unless operationally inappropriate)
 - cargo barriers for wagons and four wheel drives
 - high visibility vest (suitable for day and night)
 - Tyre pressure gauge.
44. OEH will ensure vehicles of a suitable operational capacity are provided to ensure an operation can be undertaken safely.
45. OEH will meet requirements imposed by the Roads and Traffic Authority.
46. OEH will implement safe operating procedures as set out below.
47. OEH will provide training and instruction where deemed necessary for specific operating conditions e.g. snow and ice, off-road, long distance.

Procedures

Driver licensing and General Safety

48. All workers operating an OEH vehicle will be properly licensed for that vehicle and will operate the vehicle in accordance with the road rules and license requirements. All drivers of OEH vehicles will advise their supervisors if their relevant licence is suspended, expired or restricted.
49. Supervisors must ensure work schedules do not cause workers to operate vehicles whilst in a fatigued state.
50. Factors that add to the likelihood of fatigue related accidents should be considered when planning a trip and include:
 - driving before 6.00am and after 10.00pm
 - driving at the end of a working day where the total time, (including driving) exceeds 10 hours, without additional fatigue management measures being implemented
 - driving when effected by cumulative fatigue from preceding days or nights, e.g. where an individual has had poor sleep or has over-extended themselves on previous days or nights without adequate recovery
51. Local factors such as wildlife activity, weather conditions and road conditions should be considered when planning the timing and vehicle selection for the trip.
52. All workers are to take precautions to avoid driver fatigue, such as taking breaks every two hours or more frequently when appropriate.
53. Workers will not drive OEH vehicles while adversely affected by medications, alcohol/hangover or other drugs, which cause drowsiness or alter perception or state of consciousness.
54. Workers should advise their supervisor if they feel unable to operate a vehicle safely due to any reason including health and fitness.
55. Workers who require contact lenses or glasses for driving will wear these on all occasions when driving a vehicle.
56. Heavy vehicles operated by OEH will meet the requirements of the RTA (log books, rest breaks, licensing, load weights and load restraint).

Vehicle operations

57. In each vehicle, there will be a record book which includes information on vehicle use, accident and breakdown procedure, preventative maintenance and safe driving procedures, and issues relating to specific vehicle type.
58. A daily prestart check should be carried out of the vehicle
59. All vehicles will be maintained in a safe, clean and roadworthy state to ensure the safety of occupants and other road users.
60. When parking or temporarily leaving the drivers seat, always secure the vehicle by:

- Correctly applying the parking brake
 - Engaging first gear (manuals) or park (automatics) and turn the engine off.
61. Workers should ensure the vehicle they are operating has correct tyre pressure, and oil and coolant levels by checking them every time they refuel the vehicle.
62. All vehicle faults should be reported immediately to the fleet manager or person responsible for the maintenance of the vehicle.
- 63. In the Event of a Flat Tyre**
- a. safely move the vehicle off the road away from traffic and park on a level surface
 - b. Firmly set the handbrake and place the vehicle in park (automatic or reverse (manual) and turn off the engine
 - c. Turn on the hazard warning lights and have all passengers get out of the vehicle on the side away from traffic
 - d. Raise the hood to warn other traffic and fit high visibility vest
 - e. Change the flat tyre in accordance with manufacturers instructions located in the glove compartment.
 - f. Many vehicles require wheels to be retensioned by the manufacturer or tyre dealer after a wheel has been fitted.

Warning:

- Never change tyres when the vehicle is on a slope, ice or slippery areas.
- Never change a tyre if oncoming traffic is close to your vehicle. Wait for professional road assistance.

64. Driving in Remote Areas

When driving in remote areas the following pre-planning should be considered:

- Estimate the time for travel allowing for rest breaks
- Notify any appropriate officers of the departure and estimated arrival times
- Check road conditions with local authorities (e.g. RTA, Police or local OEH workers)
- Select a vehicle suitable for the intended journey
- Determine additional equipment may be required e.g. food, water, remote first aid kit, blanket, and communications equipment. If unsure of requirements consult local authorities or local OEH officers.

Training and Instruction

General Training and Instruction

65. Before operating a vehicle type for the first time, the driver must familiarise themselves with its operation as per the vehicle handbook.
66. Training on general driving safety will be provided to all OEH workers required to drive as part of their job.
67. Where specific conditions are identified in the workplace risk assessment/JSA process, e.g. ice and snow then appropriate training and instruction is to be provided

Four Wheel Drive Vehicle Operation

68. All workers required to drive four wheel drive vehicles as part of their work in off road conditions must hold a nationally recognised four wheel drive qualification issued by a registered training organisation.
69. Workers driving four wheel drive vehicles on roads able to be traversed by two wheel drive vehicles, need not complete a four wheel drive course, but must be aware of the basic differences between two wheel drive and the four wheel drive vehicles. This includes, but is not limited to: greater mass, higher centre of gravity and the corresponding handling characteristics, as well as any other special features of the vehicle as per the vehicle's handbook. This on the job instruction can be provided by a competent person who has completed a four wheel drive course.

Hazard Reporting.

70. All OEH workers will report any unsafe conditions they see on the roads and in the vehicles for referral to the appropriate person.

Incident/Accident Reporting

71. In addition to the reporting required by the NSW Police, all accidents involving OEH vehicles will be reported via the OEH Accident and Near-Miss Reporting system and to Facilities and Fleet Section. Check with local authorities for reporting requirements if an accident occurs outside NSW.

Mobile Phones and Driving

72. The use of hand-held phones, including voice or SMS, is illegal when in control of a vehicle. This includes stationary vehicles in traffic.
73. A hands-free device can reduce the physical effort to make and receive calls but it does not necessarily make it safe to use a phone while driving. It is illegal to use a hands-free phone while driving if it causes the driver to lose proper control of the vehicle. The penalty is a significant fine and demerit points.
74. **Dangers associated with using a mobile phone while driving**
An extensive body of research shows that driving and talking on a mobile phone (hands free or hand held) while driving can lead to:
 - Riskier decision making
 - Slower reactions
 - Slower and less controlled braking
 - Wandering out of the lane

- Not being alert to surroundings
41. **The use of hands-free mobile phones is to be avoided wherever possible.** If it is *critically necessary* to use a mobile phone whilst driving:
- (a) Ensure hands-free phone is set up and working before the start of the trip
 - (b) If you must answer the call, keep the conversation short. Don't engage in complex or emotional conversations
 - (c) End the call immediately if it is distracting you from driving and return the call once safely parked
 - (d) Unless critical, allow *all* calls to go to voicemail and return the call once safely parked
42. This policy applies to any OEH vehicle or private vehicles used for OEH business purposes.
43. This policy does not include two way radios to date however workers should apply the same mobile phone safety precautions to two way radio usage unless in emergency situations.
41. A mobile phone can be important in an emergency. If you need to use your mobile phone to call for help, stop and park safely where you will not endanger other road users.
42. **No mobile phone use by learner and P1 provisional drivers and riders.**
Learner and provisional drivers and riders (motorbikes) must not use a mobile phone while driving or riding. This includes phones in the hands-free mode or with loud speaker operating, sending or receiving SMS messages, playing games or any other function on a phone.
43. **Jump Starting a Vehicle with a Flat Battery**
Wherever possible the jump starting of vehicles that have a flat battery should be avoided. If the correct procedure is not followed injury and damage to the vehicles electrical system may result. Roadside assistance should be called to start the vehicle wherever available.
44. If it is imperative that the vehicle be started via jump starting (using the electrical power from another vehicle or battery using special cables) ensure that the instructions in the vehicles' handbook are followed. The RTA advise the following key elements:
- Check that the batteries of both vehicles are the same voltage.
 - Park both vehicles safely, nose to nose, making sure they don't touch.
 - Turn off all electrical devices (lights, radio etc.) and check that the vehicles are in park or neutral with the park brake on.
 - Wear protective eye wear.
 - Connect one end of the jumper cable to the positive terminal (the one with the '+ive sign and red cap) of the dud battery and the other end of the same cable to the positive terminal of the good battery.
 - Connect one end of the jumper cable to the negative terminal (the one with the '-ive sign and black cap) of the charged battery and one end – not to the negative terminal of the flat battery, but to a metal part of the vehicle far away from the battery (clip it to the engine but don't connect it to cables or any part of the engine

that will move when it's turned on). This process prevents a spark igniting an explosion. Important - never allow the jumper cable clips to touch one another.

- Start the engine of the vehicle with the good battery. Once it's running, let it idle for a couple of minutes then slightly increase the revs. Now attempt to start the car with the flat battery. If it doesn't start after 30 seconds, it is not likely to work and further assistance will be required.
- If the engine starts, disconnect the cables in reverse order (in other words take the negative/black lead off first). If the engine is running, be careful not to get the cables caught in the moving parts of the engine.

Additional Information

- OEHS WHS Section.
- Department of [Roads and Maritime Services](#) Road users handbook

Related Policies and Guidelines

- *Work Health and Safety Act and Regulations*
- *Managing Risks of Plant in the Workplace Code of Practice* – Safe Work Australia
- [AS2550.1-2011 Cranes, hoists and winches – Safe Use – General requirements](#)
- Curtin-Monash Accident Research Centre: [Fact Sheet- Using Mobile Phones Whilst Driving](#)
- OEHS Alcohol and Other Drugs policy and procedures
- OEHS Plant and Equipment Operation policy and procedures
- OEHS ATV policy and procedures
- OEHS Safety on or Near Roads and Traffic Control policy and procedures
- OEHS Motor Vehicle Best Practice Manual – Facilities and Fleet Section

5.10 Appendix J. Terms of Reference for the WLRWHA Aboriginal Advisory Group

**Willandra Lakes Region World Heritage
Area
Aboriginal Advisory Group**



TERMS OF REFERENCE

Group Vision

*'We respect one another, we're the role models
for the young ones following in our footsteps'*

Aboriginal Advisory Group Vision Statement

Vision Statement

We, the Three Traditional Tribal Groups (3TTG), being the Mutthi Mutthi, Ngiyampaa and Paakantyi people, want to conserve the world of our ancestors and ensure the future of our children.

In relation to the Willandra Lakes region World Heritage Area, our aspirations are

- The preservation of our spiritual, cultural and natural values;
- The enhancement of employment; and
- An improvement in our lifestyle

Vision Statement adopted from:

Our Past, Our Future, The Willandra: Willandra Lakes Region World Heritage Area Three Traditional Tribal Groups; Mutthi Mutthi, Ngiyampaa, Paarkinji. Plan of Management, Employment Strategy, Keeping Place Education and Research Centre Feasibility Study, 2004. Prepared by Australian Archaeological Survey Consultants Pty Ltd.

Glossary

AAG	Aboriginal Advisory Group
3TTG	Three Traditional Tribal Groups (Paakantyi, Mutthi Mutthi and Ngyiampaa)
WLRWHA	Willandra Lakes Region World Heritage Area
WRTC	Willandra Repatriation Traditional Custodians
OEH	Office of Environment and Heritage
PM&C	NSW Government Premier & Cabinet
AWHIN	Australian World Heritage Indigenous Network
NPWS	NSW National Parks and Wildlife Service
WLRWHA-AC	Willandra Lakes Region World Heritage Area Advisory Committee
SAG	Scientific Advisory Group

Version Register

Version	Notes/Description	Date
Version 1	Updating former Elders Council ToR at first AAG meeting, Mungo National Park	2 December 2015
Version 2	Updated at second AAG Meeting, Mungo Lodge, WLRWHA	15 February 2016
Version 3	Updates by Carla Rogers, Tricia Waters, Olwen Beazley and Dan Rosendahl as per actions from second AAG meeting	1 April 2014
Version 4	Version presented to AAG at 3 rd meeting – further revisions required.	28 June 2016
Version 5	to be presented to AAG 30 August 2016 – Edits made according to AAG 3 rd meeting	18 August 2016
Version 6	Current Version – Updated spelling of Paakantyi	11 January 2017

1 Responsibilities

- 1.1 We provide opportunity for young people to connect to Country, learn more about Culture and Country and improve things for our people.
- 1.2 We keep this place as the cultural learning centre of the world, looking after Country for our future generations.
- 1.3 We continue the legacy of the old ladies, keep their stories alive
- 1.4 We are the peak Indigenous consultative and advisory body for the Willandra Lakes Region World Heritage Area (WLRWHA).
- 1.5 We consider the views and wishes of the traditionally affiliated Aboriginal groups about management of private and public lands in the World Heritage Area.
- 1.6 We are a senior advisory committee providing advice and direction to the Traditional Tribal Group representatives on the WLRWHA Advisory Committee (WLRWHA-AC).
- 1.7 We identify, conserve and interpret the outstanding universal value of the WLRWHA (Attachment 1, 2 & 3).
- 1.8 We provide advice to State and Federal government agencies about Indigenous cultural heritage within the WLRWHA.

2 Conduct – Agreed ways of working

- 2.1 Pull together as one team to work towards a common goal, looking after Country and connecting to the spirituality of place.
- 2.2 Respect one another and be role models for our young ones.
- 2.3 Respect each person and what they say, even if you don't agree.
- 2.4 Everyone gets a say, we listen, we care for one another and share with each other.
- 2.5 If someone is not behaving respectfully, the Chair or an Elected Member will call timeout for that person.
- 2.6 Respectful behaviour means no harassment or verbal abuse, no shouting or raising voices, no physical violence or intimidation.
- 2.7 We take 10 minute breaks, hourly.
- 2.8 We honour our 'shared heritage'. Management decisions inside the WHA boundary are the business of all three tribes.

3 Membership

- 3.1 Members are to be elected through an open, democratic community election.
- 3.2 A minimum of 30 days' notice is required for each election and to be advertised through the WLRWHA contact list and local newspapers.
- 3.3 Membership is for a term of three years.
- 3.4 Only Aboriginal people traditionally affiliated with the WLRWHA are eligible for membership. They are the Paakantyi, the Ngiyampaa, and the Mutthi Mutthi, collectively known as the Three Traditional Tribal Groups or 3TTGs.
- 3.5 There shall be two (2) classes of membership of the WLRWHA AAG: Elected Member and Councillors.
- 3.6 Membership shall comprise:
- 3.7** Three Elected Members from each group & a maximum of Three (3) councillors from each group

- 3.8 A Chairperson will be appointed by the Advisory Group from the Elected Membership. The Chairperson will alternate between groups each meeting. The Chairperson can vote.
- 3.9 One (1) Councillor may be nominated for each Elected Member.
- 3.10 When their Elected Member is at the meeting, the role of the Councillor is to observe the meeting and support their Elected Member. The Councillor would speak and contribute through their Elected Member.
- 3.11 A Councillor can take the place of an Elected Member on the Group in the event that that Elected Member is absent from a meeting. In this instance, the Councillor can vote on behalf of that Elected Member. For sitting fees see 6.7 under Operation.
- 3.12 The Councillor must identify with the Tribal Group of the Elected Member they represent.
- 3.13 The Councillor nomination must be supported by the Elected Member's relevant Tribal Group.

4 Appointments

- 4.1 Members are elected through an open, community Election whereby only members of the 3TTGs can vote.
- 4.2 Appointments to the AAG for Members and their Councillors is for a period of three years.
- 4.3 The chairperson – see section 3.6.2 above
- 4.4 In the event of a vacancy on the AAG of a Member the nominee with the next highest votes can be appointed. If there are no other nominees, an election will be held for that Tribal Group. In this event the new Elected Member will appoint a new councillor
- 4.5 A Member or Councillor who is unable to fulfil his or her responsibilities set out in Sections 2 and 5, will be removed from office.

5 Roles and Responsibilities

- 5.1 Conduct of business will be based on mutual respect for each Elected Members and respect for their point of view (Attachment 4).
- 5.2 Members must seek to understand their role and responsibilities.
- 5.3 Members must act in good faith in the interests of the WLRWHA.
- 5.4 Members must avoid conflicts of interest and declare them when they occur. See NSW-OEH Code of Ethics and Conduct August 2015 (Attachment 5) and NSW-PM&C NSW Government Boards and Committees Guidelines September 2015 (Attachment 6) & OEH, Disclosing interests and managing conflicts of interest policy and procedures, February 2016 (Attachment 7).
- 5.5 Members must at all times act honestly, with care and diligence (see Section 2).
- 5.6 Members will act with integrity and solidarity in decision making and support the final decision of the AAG.
- 5.7 The following roles have been identified as integral to the core operations of this group and must be filled. They are:
 - 5.7.1 **Community/Media Liaison**
 - Newsletter – this Member is responsible for preparing the AAG newsletter and articles for the WLRWHA newsletter. The WLRWHA – Executive Officer will then circulate.
 - Compiling media relating to the WLRWHA for circulation to the group and wider community via the newsletter, website or social media.
 - Setting up and administrating social media networks for the AAG i.e. Facebook, twitter, Instagram etc.

- Radio and T.V. interviews. Where possible all interviews will be done as a group with advanced notice from the station or interviewer.

5.7.2 Chairperson – the Chairperson can vote and a new Chairperson will be appointed at the end of each meeting to Chair the next meeting.

5.7.3 Australian World Heritage Indigenous Network (AWHIN) (**Attachment 8**). Two Members will be appointed to represent the WLRWHA on AWHIN for a term stipulated by the AWHIN membership. These representatives are responsible for contributing to AWHIN on behalf of the AAG and reporting on AWHIN as required.

5.7.4 Observers: An observer is someone who is invited to the meeting by the AAG but is not elected or is not a councillor of the AAG. An observer cannot move a motion or interrupt the meeting. An observer can be invited by the AAG to make comment. Observers can be asked to leave by Elected members at any time.

Presenter: A presenter is someone who is invited to the meeting by the AAG to share information, and who is not on the AAG. Usually, it is expected that a presenter would only stay for their agenda item, unless they stay to observe the meeting at the AAGs invitation.

6 Operation

6.1 A quorum is a minimum of 6 members, at least 2 from each group. (Note: Councillors can vote in the absence of an Elected Member).

6.2 The Group will meet at least three times a year, or more frequently as agreed to by the Elected Members or at the request of the Advisory Committee or Executive Officer.

6.3 The Executive Officer WLRWHA will provide administrative support and assistance to the AAG.

6.4 The Elected Member is responsible for their Councillors conduct and responsibilities at meetings.

6.5 The Members and Councillors of the Group are responsible for communicating with their respective traditional tribal groups about decisions and information from the group meetings.

6.6 The Executive Officer - WLRWHA will apply for and administer funds, on behalf of the Group.

6.7 When funding is available, sitting fees and travel expenses will only be paid to the Elected Member or, if the Elected Member is absent, their Councillor. Funding is applied for each year and is not guaranteed.

6.8 Members must ensure their availability for meetings wherever possible. Where extended absence (i.e. three consecutive meetings) may occur through illness or work commitments, the member will be asked to stand down and a new member will be elected.

6.9 Members may resign before their term of office expires by submitting their intention in writing to the Executive Officer.

7 Decision Making

7.1 Decision making shall be by consensus of the Members of the Group with reference to the Advisory Group Decision Making Flowchart, set out in Attachment 9.

7.2 Where consensus cannot be reached, Members are to discuss with the Elected Members of their Tribal Group to seek agreement.

7.3 Where consensus cannot be reached following referral to the Tribal Groups, the decision will be made through a majority vote and dissenting views will be noted in the minutes.

8 Process of approval and/or endorsement

- 8.1 Groups or individuals seeking support or endorsement to conduct programs within the WLRWHA, such as research, art programs, events etc. must submit a written proposal to the WLRWHA-AC 20 days before the next meeting (Attachment 10). This will allow time for the agenda to be finalised and circulated 14 days before. No additional agenda items will be accepted after circulation of final Agenda.
- 8.2 While the WLRWHA-AC is pending formation, all proposals will be submitted to the AAG and SAG.
- 8.3 The AAG may invite presenters to attend an AAG meeting to present their proposal for formal endorsement and to answer questions.
- 8.4 At the time of reviewing the proposal (at an AAG meeting) the AAG has up to 14 days to consider the proposal and provide a response.

9 Relationship with Mungo Joint Management

- 9.1 The AAG is responsible for providing advice on cultural heritage management within the WLRWHA outlined on the map below in black (Attachment 11). This Group sets strategic direction and is funded by the Commonwealth Government.
- 9.2 A Joint Management Committee for Mungo National Park (when established) will be responsible for setting direction and providing advice for the management of the Mungo National Park outlined on the map below (in red). It will advise the NSW NPWS on the management of Mungo National Park under the current Plan of Management, legislation, and a Joint Management Agreement. This committee will be funded by the NSW State Government.
- 9.3 In the absence of a Joint Management Committee, responsibilities of that Committee do not default to the AAG.
- 9.4 The Willandra Repatriation Traditional Custodians (WRTC) was established in the absence of a representative body for the Willandra Lakes. It is temporary group with the purpose to provide advice and support to the NSW Office of Environment and Heritage (OEH) specifically Heritage Division, Southern Region to '*find a pathway to bring our old people home*' (WRTC ToR 12 Sep. 2014). The Specific focus of the WRTC is on the repatriation of the 'Willandra Collection' currently held at the Australian National University (ANU), Canberra.

Responsibilities

WLRWHA AAG	(Future) Mungo NP Joint Management Committee	WRTC
<ul style="list-style-type: none"> • Promote the WLRWHA • Organise Back to Country events • Conserve and protect the OUV of the Willandra (Attachment 1) • Conserve and protect cultural heritage • Review research proposals • Review and develop: <ul style="list-style-type: none"> ○ Plan of Management ○ Strategic Vision ○ Research Agenda 	<ul style="list-style-type: none"> • Mungo NP operations • Discovery Tour operations • (Footnote?) Mungo NP is listed on Schedule 14, Part 4A of National Parks and Wildlife Act (NPW Act), Aboriginal Ownership and lease-back. This Schedule 14 listing means that Mungo National Park can be returned to Aboriginal ownership and leased back to the Government to be jointly 	<ul style="list-style-type: none"> • Repatriate the 'Willandra Collection' currently held at the Australian National University (ANU), Canberra. • Access to the Willandra Ancestral remains at the NMA is governed by the WRTC.

<ul style="list-style-type: none"> Review content of tourist information 	<p>managed with the registered Aboriginal owners and relevant Land Councils. The care, control and management of which is vested in a board of management. The board would consist of a majority of Aboriginal owners.</p>	
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10 Review of Terms of Reference

10.1.1 The terms of reference will be reviewed at least every seven years as part of the review of the plan of management, or in the event of a proposed changes to the membership structure of the AAG.

10.2 Dispute Resolution

10.2.1 Conduct of members is subject to NSW Office of Environment and Heritage Code of Ethics and Conduct August 2015 (**Attachment 4**).

10.2.2 Disputes that cannot be resolved informally may be referred for advice, to the Management Committee comprised of senior staff from Department of Environment and NSW NPWS staff.

10.2.3 Members who do not abide by OEH policy and guidelines (**Attachment 3, 4, 5, 6**) can have their membership terminated.

11 Guide to Ethical Decision-making

There is no simple blueprint for identifying and dealing with ethical dilemmas. However, the following questions can help to determine whether difficult decisions or actions are proper and ethical. We should consider the following questions:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with government policy and in line with OEH’s corporate values, goals and Code of Ethical Conduct?
- What will be the outcome of the decision for us, our work colleagues, OEH and other parties?
- Do these outcomes raise a conflict of interest or lead to private gain at public expense (actual or perceived)?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?
- Is the making of the decision or the undertaking of the action within the delegated authority for the position?

If there is still any concern as to whether the proposed action or decision is contrary to the Code of Ethical Conduct, we may need to consider the following options:

- Clarify matters with the Executive Officer or senior management. It may help to put the issues on paper.
- Give the Executive Officer verbal and written advice of any concerns and implications of the decision or action to be taken.
- Document your actions on the issue.
- Seek advice from other staff not directly involved, such as other trusted senior officers.

12 Governance

This section illustrates the governance arrangements for the Willandra Lakes Region World Heritage Area and the stakeholder representation.

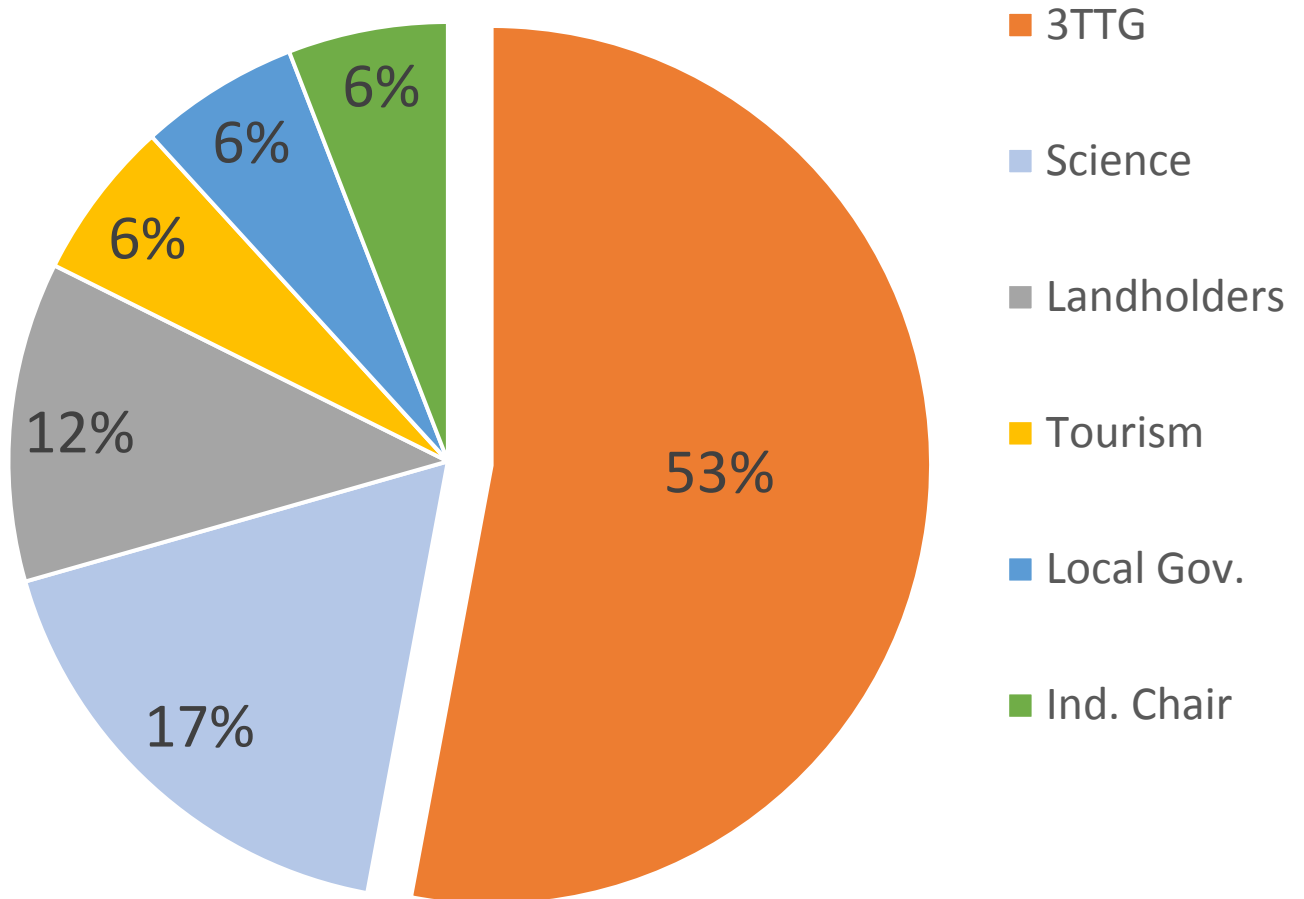
12.1 Aboriginal Advisory Group



12.2 The Approved make up of Willandra Lakes Region World Heritage Area Advisory Committee

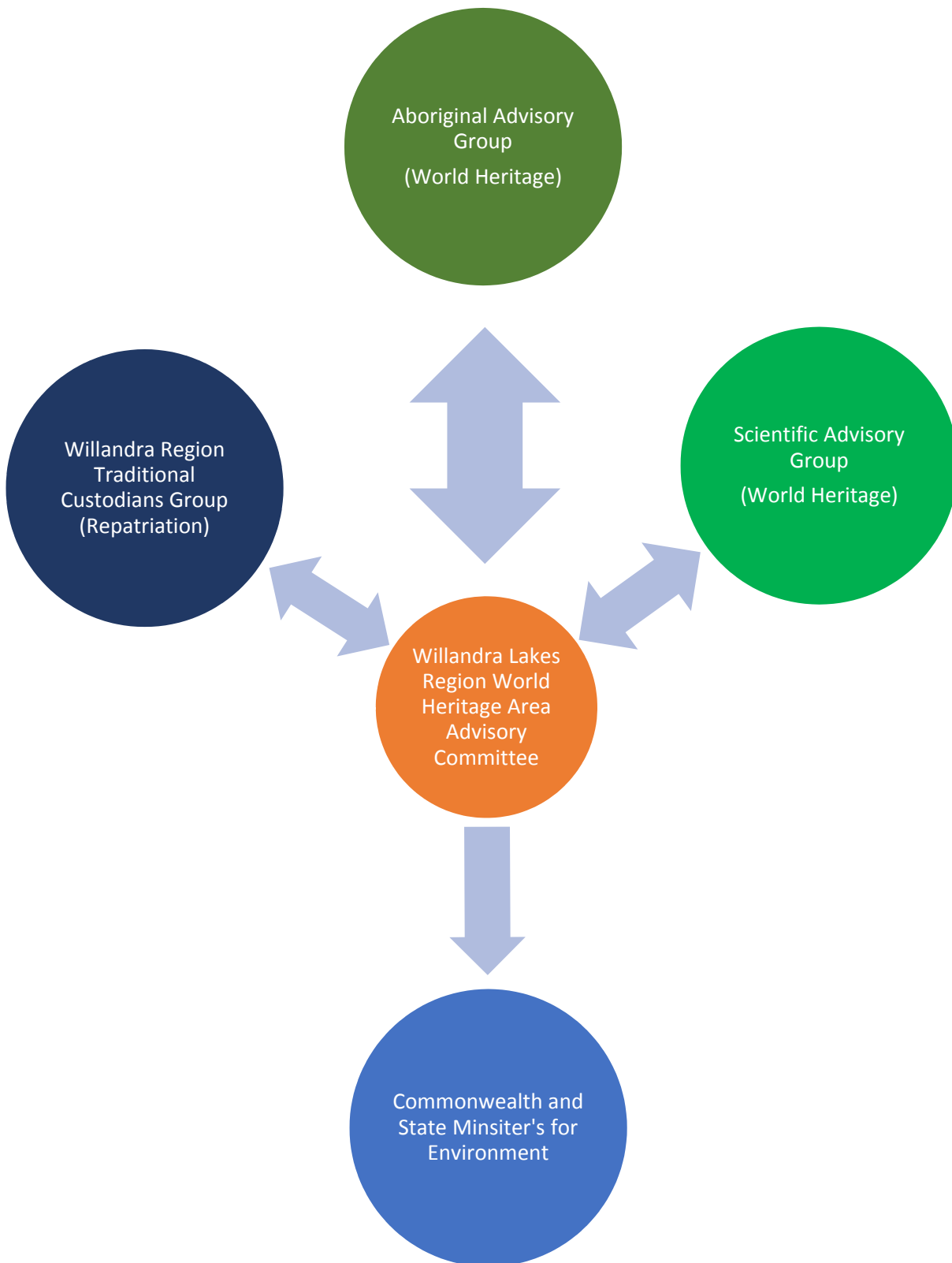


Percentage of Stakeholder Representation



12.3 Flow of information from Aboriginal Advisory Group





12.4 Flow of advice and information

13 Attachments

Attachment Document

- Attachment 1 Willandra Lakes Region Statement of Outstanding Universal Value
- Attachment 2 Willandra Lakes Region World Heritage Area Factsheet
- Attachment 3 Johnston, H., R. Minter 2013 Managing Australia's World Heritage in the Willandra Lakes Region. In: Figgis, Penelope, Leverington, Andrea, Mackay, Richard, Maclean, Andrew, and Valentine, Peter, (eds.) Keeping the Outstanding Exceptional: the future of world heritage in Australia. Australian Committee for IUCN, Sydney, NSW, Australia, pp. 102-107.
- Attachment 4 Respectful Workplace: Policy and procedures for addressing workplace issues and formal grievances, OEHL, March 2015.
- Attachment 5 OEHL Code of Ethics and Conduct, August 2015.
- Attachment 6 NSW Government, Premier & Cabinet, NSW Government Boards and Committees and Guidelines, September 2015.
- Attachment 7 OEHL, Disclosing interests and managing conflicts of interest policy and procedures, February 2016
- Attachment 8 Halliday, A., H. Horton and A. Birtles 2013 The role and importance of the Australian World Heritage Indigenous Network (AWHIN) in achieving best practice management of World Heritage in Australia. In: Figgis, Penelope, Leverington, Andrea, Mackay, Richard, Maclean, Andrew, and Valentine, Peter, (eds.) Keeping the Outstanding Exceptional: the future of world heritage in Australia. Australian Committee for IUCN, Sydney, NSW, Australia, pp. 158-163.
- Attachment 9 Decision Making Flow Chart
- Attachment 10 Approval Process for Research and Programs
- Attachment 11 Boundaries with the Willandra Lakes Region World Heritage Area

Reference Documents

Australian World Heritage Intergovernmental Agreement, August 2009.

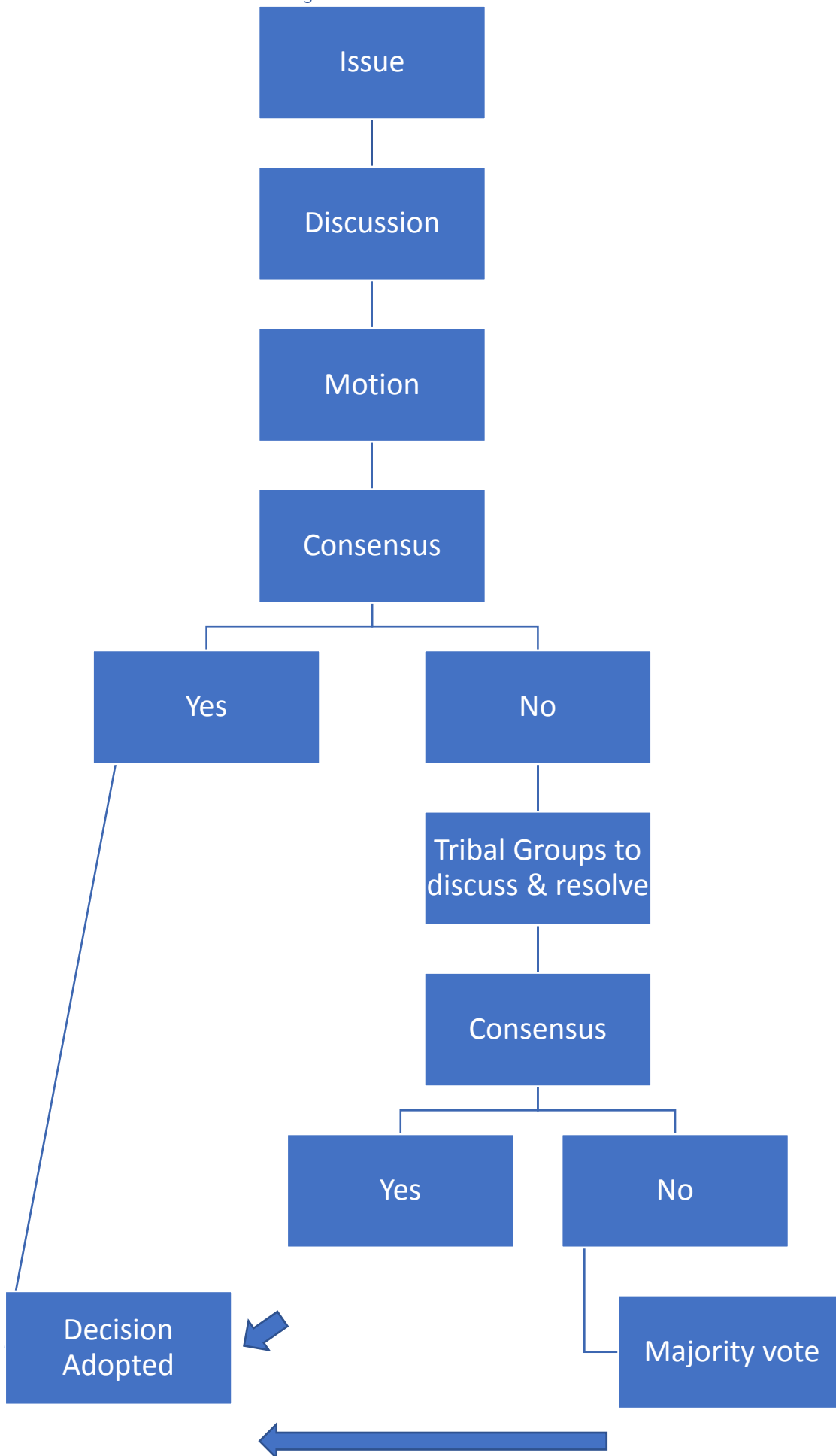
Sustaining the Willandra, The Willandra Lakes Region World Heritage Property Plan of Management, 1996

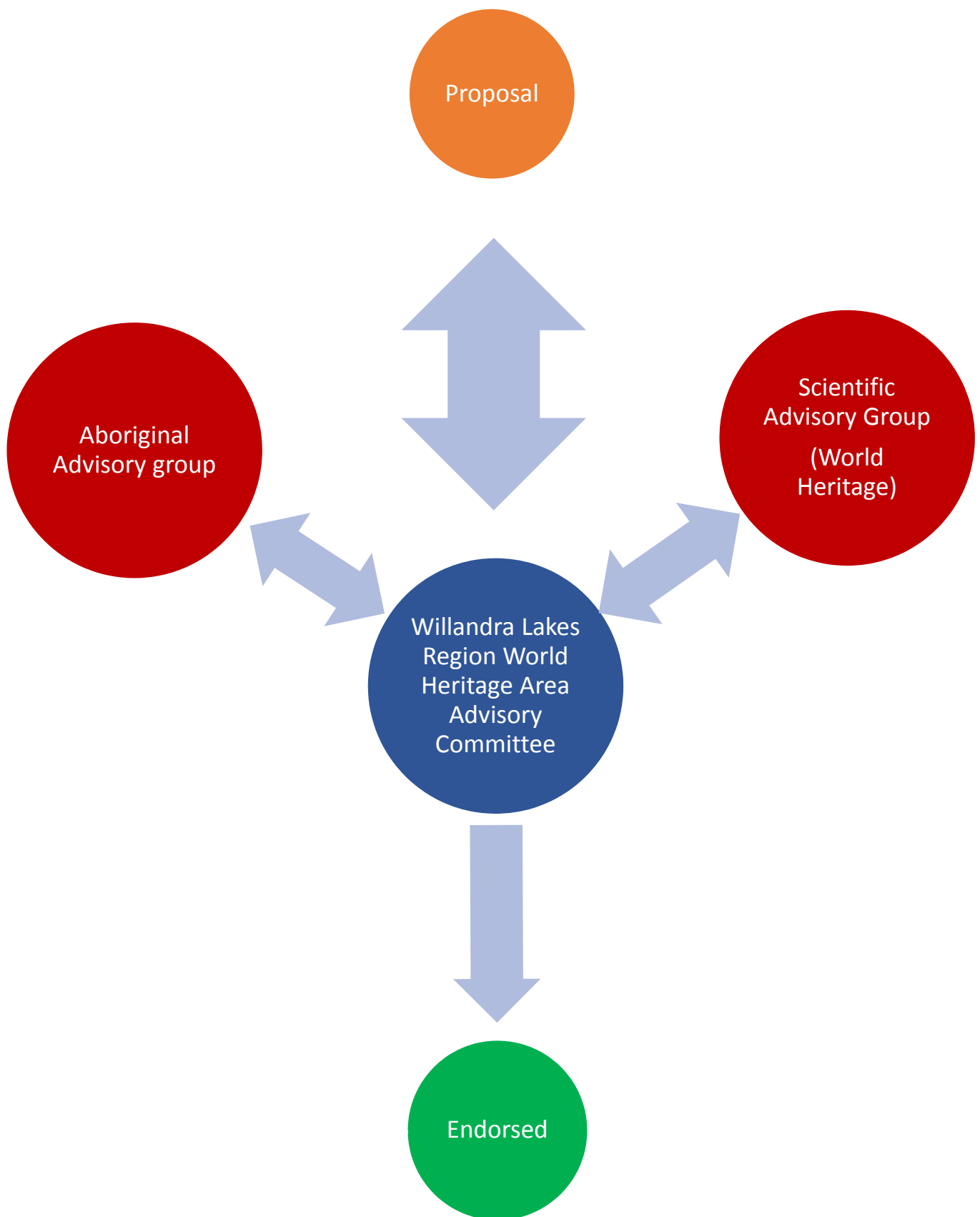
Mungo National Park Plan of Management, July 2006

Mungo National Park Joint Management Agreement,

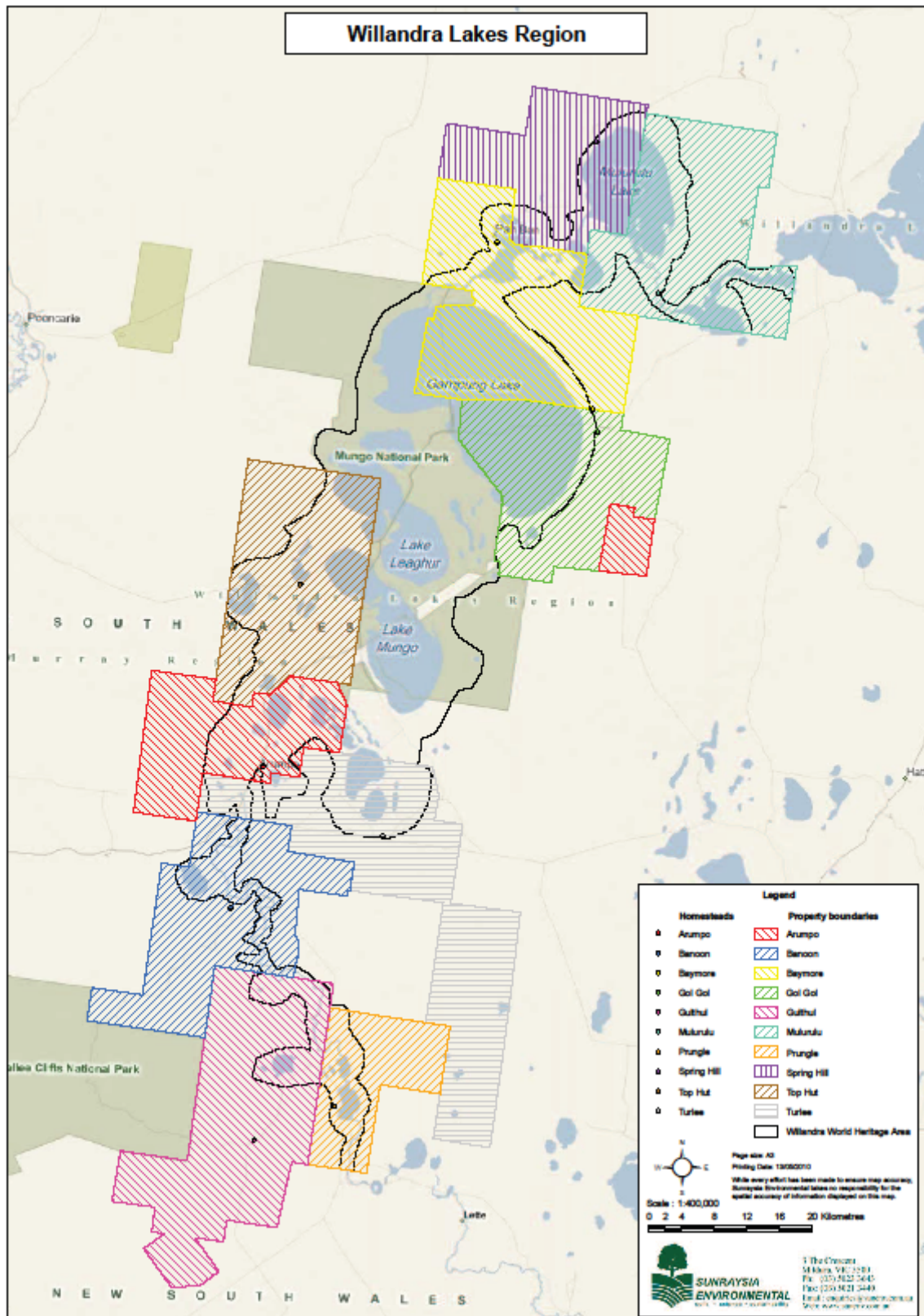
- 5.10.1.1 *Attachment 1: Willandra Lakes Region Statement of Outstanding Universal Value*
- 5.10.1.2 *Attachment 2: Willandra Lakes Region World Heritage Area Factsheet*
- 5.10.1.3 *Attachment 3: Managing Australia's World Heritage in the Willandra Lakes Region*
- 5.10.1.4 *Attachment 4: Respectful Workplace: Policy and procedures for addressing workplace issues and formal grievances, OEH, March 2015.*
- 5.10.1.5 *Attachment 5: OEH Code of Ethics and Conduct, August 2015.*
- 5.10.1.6 *Attachment 6: NSW Government, Premier & Cabinet, NSW Government Boards and Committees and Guidelines, September 2015.*
- 5.10.1.7 *Attachment 7: OEH, Disclosing interests and managing conflicts of interest policy and procedures, February 2016*
- 5.10.1.8 *Attachment 8: The role and importance of the Australian World Heritage Indigenous Network (AWHIN) in achieving best practice management of World Heritage in Australia.*

5.10.1.9 Attachment 9: Decision Making Flow Chart





5.10.1.11 Attachment 11: Boundaries with the Willandra Lakes Region World Heritage Area



Boundary of Willandra Lakes Region WHA in black, private properties in colour and National park in green.

5.11 Appendix K: OEH Repatriation of Aboriginal Cultural Material, (including Ancestral remains) Policy



Repatriation of Aboriginal Cultural Material, (including Ancestral remains) Policy

2013

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6 Introduction

The Office of Environment and Heritage acknowledges the inherent rights of Aboriginal people to maintain culture, language, knowledge and identity. As stated in the Declaration on the Rights of Indigenous Peoples²,

'Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.' (Article 12)

The OEH recognises the rights of Aboriginal Peoples to cultural self-determination and the need for continued reconciliation and healing. The repatriation of Aboriginal cultural materials, including the return of Ancestors to Country is an important contribution to this process.

The Office of Environment and Heritage (OEH) is legislatively responsible for the proper care and preservation of Aboriginal objects, including Aboriginal remains, in NSW. Aboriginal objects, in the landscape as well as those collected since April 1970, are the property of the Crown and are, therefore, subject to the provisions of the National Parks and Wildlife Act 1974 (NPW Act). Aboriginal objects collected before April 1970, that were not located in National Parks estate, are not the property of the Crown and are therefore not subject to the NPW Act. All Aboriginal objects are protected under the NPW Act.

The NPW Act defines Aboriginal object as *"any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains"*.

Under Section 85A 1(a) of the National Parks and Wildlife Act 1974 the Chief Executive of the NSW Office of Environment and Heritage (OEH) (as the delegate of the Director-General of the Department of Premier and Cabinet) may dispose of Aboriginal objects that are the property of the Crown;

- by returning the Aboriginal object(s) to an Aboriginal owner(s) entitled to, and willing to accept possession, custody or control of the Aboriginal object(s) in accordance with Aboriginal tradition.
- by otherwise dealing with the Aboriginal objects in accordance with any reasonable directions of an Aboriginal owner(s)
- by returning the Aboriginal object(s) to an Aboriginal person or an organisation representing Aboriginal people, if there is or are no such Aboriginal owner(s) for safekeeping.

Additionally, OEH also holds information about Aboriginal cultural material. This information will include a range of media from photographs, audio-visual tape, diaries and journals, files and other documents. This material may be subject to Copyright which is not owned by OEH.

It is important to note, that, should the repatriation of Aboriginal Objects (as defined under the NPW Act) be repatriated to communities under Section 85A

² <http://www.un.org/esa/socdev/unpfii/en/declaration.html>

(1) (a) or (b) , any harm provisions under the National Park and Wildlife Act (1974) are switched off.

This policy ensures that the repatriation process reflects legislative requirements set out in the NPW Act, and other Acts which intersect the repatriation process.

7 Policy objectives

The objectives of this policy are:

- To enable OEH staff members, and other stakeholders such as repositories or other government agencies, to support the repatriation of Aboriginal cultural material to Aboriginal communities.
- To enable Aboriginal communities to drive repatriation initiatives.
- To ensure professional and culturally appropriate management and return of Aboriginal cultural material back to communities.
- To ensure consistent processes are used in the management and return of Aboriginal cultural material back to communities.
- To ensure the location of Aboriginal cultural material (Aboriginal Objects) are recorded, in accordance with NSW statutory requirements, to ensure their ongoing protection.
- To reflect the Objectives and Actions outlined in the *NSW Repatriation Framework: A Whole-of-Government Initiative under the NSW State Plan*

This policy should be read with the *OEH Repatriation of Aboriginal Cultural Material Guidelines*.

8 Policy scope

This policy is applicable to all OEH employees and contractors involved in the repatriation process. This may include staff that directly coordinate repatriations at the local level with Aboriginal communities, staff involved in the processing the regulatory requests necessary for burial.

This policy also provides guidance for external stakeholders involved in the repatriation process such as Aboriginal communities, repositories (i.e., museums and universities) and other government agencies.

The policy provides guidance for the repatriation of Aboriginal cultural material from a variety of locations, those being: OEH Ready to Return Centres and external repositories (such as museums and universities).

Aboriginal cultural materials for repatriation are Ancestral remains and culturally significant materials considered as having important spiritual, cultural value or cultural protocols. OEH seeks, with the relevant Aboriginal community support, to repatriate the Aboriginal cultural material in accordance with the following policy.

9 Policy Statements

- For the purpose of this policy, Aboriginal cultural materials refer to Aboriginal Ancestral remains and associated items, and culturally significant materials.
- Certain provenanced Aboriginal objects, particularly Ancestral remains and associated items, and culturally significant materials should not be in the long-term possession of OEH as it is not culturally appropriate
- OEH staff will always operate in good faith and within their legislative responsibilities while working with community on repatriations.

Communities

- OEH places the wishes of the community at the forefront of the repatriation process.
- OEH will repatriate Aboriginal cultural material in accordance with the community's wishes for their future management.
- Repatriation processes will be conducted in an environment of community support, in cooperation with all parties involved.
- The repatriation process will be an inclusive process that helps further reconciliation.
- OEH will respect cultural protocols and sensitivities in the care and management of Aboriginal cultural material, and all associated information, respecting and supporting traditional practises.
- OEH will conduct appropriate, diligent and thorough consultations to identify the relevant communities responsible for Aboriginal cultural material in its possession.
- Repatriation of Aboriginal cultural materials should only be carried out by relevant experienced Aboriginal officers (or an appointee) within the OEH Heritage Division.
- OEH officers, inline with their position descriptions and legislative responsibilities, will assist in the repatriation of Aboriginal cultural materials on request from communities. This may entail materials held at OEH Ready to Return Centres or external repositories.
- OEH will act as a steward for Aboriginal communities when caring for Aboriginal cultural material in its possession.
- OEH will consult with the relevant community or their appointees, concerning their wishes about the method whereby Aboriginal cultural material will be repatriated.
- OEH may agree in certain circumstances to temporarily store Ancestral remains and culturally significant materials on behalf of Aboriginal communities to assist with the repatriation process, but this is a temporary (short term) arrangement with the agreement of community. In the majority of cases, Ancestral remains should be transported directly to the burial area, avoiding the temporary storage at OEH ready to return centres.
- The process of repatriating Aboriginal cultural material should not result in expenses being incurred by the Aboriginal community.
- OEH will fund elements of the repatriation gathering, including transport, within the total budget allocations for the repatriation project.
- The means of transportation of Aboriginal Cultural Material back to Community should be culturally appropriate and as economical and practical as possible.
- Where Aboriginal cultural materials are being held at multiple institutions (such as OEH Ready to Return Centres and external repositories), the cost of repatriating materials will be divided between the relevant parties.

Repatriating from OEH Ready to return centres

- When repatriating Aboriginal cultural material being held at OEH Ready to Return Centres (RTRC's), priority should be given to:
 - Ancestral remains and associated goods (over other Aboriginal cultural materials)
 - Cultural materials where provenance is known (over unprovenanced materials). When returning Aboriginal cultural material from OEH Ready to Return Centres, material that is documented sufficiently to initiate discussions in order to determine its future shall be handled first.

Repatriation of Aboriginal Cultural Material Policy

- OEH shall deliver the Aboriginal cultural material being held in Ready to Return Centres to the relevant community(s) or their appointees, or make available to communities or their appointees, the relevant Aboriginal cultural material to be collected.
- OEH shall, subject to copyright, provide all documentation about the Aboriginal cultural material to the community concerned. This includes any scientific reports and photographs.
- In all situations, (such as non-artefact material (such as fossils and geological deposits) related to the cultural material being repatriated should also be returned along with the Ancestral remains and other cultural materials.
- OEH shall treat casts of Aboriginal remains in the same manner as Aboriginal remains.

Repatriating from external repositories

- When repatriating Aboriginal cultural material being held at external repositories (such as museums or universities), priority should be given to:
 - Ancestral remains and associated goods (over other Aboriginal cultural materials)
 - Ancestral remains and other Aboriginal cultural materials considered property of the Crown (over materials not considered property of the Crown)

Interstate repatriations

- OEH will work collaboratively with Aboriginal communities and appropriate interstate agencies in order to repatriate Aboriginal cultural materials currently being held in NSW to their respective state outside of NSW.
- OEH will acknowledge and adhere to respective Aboriginal cultural heritage legislative and statutory requirements of all Australian states and territories when repatriating Aboriginal cultural material provenanced outside of NSW.
- OEH will inform all stakeholders such as repositories and communities about the need to find out information regarding Aboriginal cultural heritage legislative and statutory requirements as it relates to the repatriation of Aboriginal cultural materials across state boundaries.
- In instances where Aboriginal communities' land area stretches across state boundaries (involving more than one state), it is the decision of the community to identify the preferred burial area. OEH places no obligation on the community to bury Ancestral remains in NSW land in circumstances such as this.
- Communities must be informed of the relevant legislative and statutory implications for the states under consideration.
- Under s100 of the Coroners Act an appropriate disposal authorisation is required for human remains leaving the State.

Repatriation: Care and Control Vs Disposal under S85A NPW Act

- On repatriation of Aboriginal objects, communities will enter into an agreement with OEH regarding the future management of Aboriginal Objects / standards of care.

- Communities will be given the option of two forms of transfer:
 - Disposal of Aboriginal Objects – returning ownership (under Section 85A (1) (a) or (b) of the NPW Act 1974) to Aboriginal Owners (as defined in the Aboriginal Land Rights Act). No longer considered property of the Crown and therefore, the ‘harm’ provisions of the NPW Act are switched off.
 - Care and control of Aboriginal objects (under Section 85A 1 (c) – returning Aboriginal objects to Aboriginal communities (not limited to Registered Aboriginal Owners as defined in the Aboriginal Land Rights Act) for their care and control. Aboriginal Objects remain the property of the Crown. Aboriginal objects retain protection through the maintenance of the ‘harm’ provisions under the NPW Act
- OEH has a responsibility to ensure Keeping Places for repatriated Aboriginal cultural material are of a satisfactory standard. Standards are to be negotiated with the community and endorsed by the Heritage Division Regional Manager.

Burial of Ancestral Remains

- The logistics and details of any burial shall be finalised and confirmed prior to Ancestral remains being collected / released from their current location.
- All efforts will be made to minimise the period of time that Ancestral remains are in transit from their location of origin and their final resting place.
- OEH, at the community’s request, may choose to assist with the burial of Aboriginal remains on or off-park.
- Burial of Aboriginal remains may take place on OEH estate if an area of land has been designated for the purpose of burial of Aboriginal remains either through an REF or a Plan of Management, or are Gazetted as Aboriginal Areas.
- If, at the Aboriginal community’s request, OEH is assisting in the burial of Aboriginal remains on private land, then the approval of the local Council and the land’s owner must be obtained.
- To comply with the Coroner’s Act the repatriation of Ancestral remains shall not occur without an order made by a Coroner under Section 101, Coroners Act authorising the disposal of the remains
- To comply with the Public Health Regulations, the following information must be recorded on the Aboriginal Heritage Information Management System (AHIMS):
 - The site number of the Aboriginal remains;
 - The date of the burial;
 - The GPS position of the burial;
 - The name of the person(s) who transported the Aboriginal remains; and
 - The name of the person(s) who conducted any ceremony at the burial

Responsibilities under the NPW Act

- The repatriation of Aboriginal cultural materials is considered as conservation works as identified in the NPW Act. The NPW Act exempts Officers of the Service conducting conservation works from ‘harm’ provisions under the Act. The NPW Act also makes provisions for exemptions to ‘harm’ provisions based on the practice of traditional Aboriginal cultural activities.

- In conducting conservation activities as an ‘Officer of the Service’ and as conductors of ‘traditional Aboriginal cultural activities’, Heritage staff are not required to apply for an Aboriginal Heritage Impact Permit (AHIP) if burying on a designated burial area of OEH land. An AHIP is not required if burying on an Aboriginal Place unless the repatriation activity does not align with the identified values of that Aboriginal Place.
- It is a legislative requirement that Aboriginal Objects being repatriated under Section 85A 1(a) be transferred to the identified Aboriginal Owner or their appointee as defined in the NPW Act / and the NSW Aboriginal Land rights Act.
- On the transfer of Aboriginal objects under section 85A 1 (a) & (b), the ‘harm’ provisions as they relate to the NPW Act 1974 no longer apply. Through OEH’s responsibility to protect all Aboriginal Objects in NSW, however, agreements can be made between parties about the standards or care of repatriated Aboriginal Objects – but these agreements are discretionary.
- In line with the NSW Repatriation Framework, OEH will routinely engage with other external repositories to exchange information regarding they types of Aboriginal cultural materials of which they have possession. This is not limited to ‘member agencies’ as identified in the NSW Repatriation Framework.
- In line with NSW Repatriation Framework, OEH will report annually to the Repatriation Program Working Group on the four actions of:
 - Information sharing,
 - Event collaboration
 - Operational guidelines
 - Approvals

10 Accountabilities

This section of the *Repatriation Policy* outlines the responsibilities of all OEH persons involved in the implementation of this policy.

Positions with significant responsibilities

Position	Responsibility
Regional Managers within the Heritage Division	<ul style="list-style-type: none"> • Approve the repatriation project, including authorising resources and expenditure. • Endorse standards of community Keeping Place as negotiated with OEH
Aboriginal Heritage Conservation Officers, Heritage Division	<ul style="list-style-type: none"> • Enter all relevant information onto Aboriginal Heritage Information Management System (AHIMS) • Assist communities with formal request letter to repatriate cultural materials • Liaise with holding institutions in support of / in assistance to Aboriginal communities. • Engage in community consultation – identifying relevant communities / negotiating repatriation process, negotiating burial area or Keeping Place • Engage relevant land owners and seeking approval for burial of Ancestral remains from – dependent on land tenure • Transport / assist community members with the transportation of cultural materials to community of origin • Inform the relevant state / territory departments of repatriation (if repatriating out of NSW)

Repatriation of Aboriginal Cultural Material Policy

	<ul style="list-style-type: none"> • Assisting with ceremony (if requested by community) • Register on AHIMS
Heritage Information Officers, Heritage Division	<ul style="list-style-type: none"> • Entry/updating of AHIMS Movable Heritage Module • Extracting any relevant reports or available information for the community
AHIMS Registrar, Heritage Division	<ul style="list-style-type: none"> • Uploading reports and entering cataloguing information
Regional Operations	<ul style="list-style-type: none"> • Any regulation or compliance issues as they arise
NPWS	<ul style="list-style-type: none"> • Assistance with the burial on identified OEH land • Assistance with Voluntary Conservation Agreement (if required) • Assistance with management of the area post-burial • Prior REFs • Ongoing management of land

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11 Definitions

Provenance information: Information that identifies the origin and/or subsequent history of the object or collections³.

Aboriginal communities: The term 'Aboriginal community' is used as a collective term for the whole community irrespective of family or organisational affiliations and is generally taken to mean all Aboriginal peoples residing or associated with a particular area or location, including: traditional custodians, Native Title Holders or registered claimants; Traditional Owners; Aboriginal Owners; Elders; Cultural Knowledge Holders; other Aboriginal community members and their organisations⁴.

Aboriginal Owner: This term is defined under section 4 of the [Aboriginal Land Rights Act 1983](#) as '*...the Aboriginal persons whose names are entered on the Register of Aboriginal Owners because of the persons' cultural association with particular land.*

Note. *An Aboriginal person's name and other relevant information is entered in the Register of Aboriginal Owners⁵.*

Aboriginal object means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains

Aboriginal remains means the body or the remains of the body of a deceased Aboriginal, but does not include:

- A body or the remains of a body buried in a cemetery in which non-Aboriginals are also buried, or
- A body or the remains of a body dealt with or to be dealt with in accordance with a law of the State relating to medical treatment or the examination for forensic or other purposes, of the bodies of deceased persons.

Safekeeping: Care of Aboriginal objects by or on behalf of an Aboriginal person or organisation pursuant to *National Parks and Wildlife Act 1974* section 85A (a) (c).

Ready to Return Centres: OEH managed storage locations for the temporary storage of Aboriginal cultural material².

Keeping Places: Final community storage locations managed by Aboriginal communities, where fully repatriated Aboriginal cultural material is held⁶.

Officer of the Service: Under the NPW Act (S6), and Officer of the Service are 'those members of staff of the Department who are principally involved in the administration of the National Parks legislation'. Aboriginal staff working with the OEH Heritage Division are considered as Offer of the Service, and are thereby granted exemptions to for certain activities under the NPW Act.

Ancestral remains is a term often used in NSW to refer to the human remains of an Aboriginal person.

Associated Cultural Objects is a term used to describe materials or "grave goods"

³ National Museum of Australia, 2008 Collections Development Plan

⁴ Adapted from Aboriginal Community Engagement Framework 2007.

⁵ Aboriginal Land Rights Act 1983

⁶ Adapted from Country, Culture and Heritage Division, Community Operations Branch. *Collections, Care and Control Strategy 2011*.

often associated with Ancestral remains held by institutions and being considered for repatriation;

Repatriation refers to the act of returning a deceased person to their country of birth. For the purposes of this policy the term refers to the return of Aboriginal Ancestral Remains and associated cultural objects (sometimes referred to as “grave goods”) from organisations, museums & institutions to their place and community of origin.

Culturally significant materials / ‘very important cultural materials’ is a term which can also be referred to as ‘secret / sacred materials’. Culturally significant materials are ‘...*objects that have been identified by Indigenous traditional owners/custodians as having religious and/or spiritual significance for Aboriginal and Torres Strait Islander people, and are subject to cultural restrictions and/or protocols regarding access*⁷.

Aboriginal cultural materials: For the purpose of this policy, Aboriginal cultural materials refers to Ancestral remains, associated cultural items and culturally significant materials.

Provenanced Aboriginal cultural material: refers to cultural materials where country of origin has been determined

Unprovenanced Aboriginal cultural material: refers to cultural materials where country of origin has not been determined

Repository: A place where Aboriginal cultural materials are held. In the context of the repatriation of Aboriginal cultural materials, a repository refers to holding institutions such as museums and universities (nationally and internationally).

Country: A term used by Aboriginal people to refer to the land to which they belong and their place of Dreaming. Aboriginal language usage of the word country is much broader than standard English⁸.

NSW Repatriation Framework – A Whole-of-Government Initiative under the NSW State Plan: A co-ordinated approach between ‘Member Agencies’ (selected museums and federal and government agencies) to deal with the return of Aboriginal ancestral remains originating from NSW. The framework applies to collections of Aboriginal ancestral remains and associated cultural objects originating from NSW held by Member Agencies.

Repatriation as Care and Control: Repatriation of Aboriginal cultural material to Aboriginal communities. Process is open to any group in the community. Repatriated cultural materials (as Aboriginal Objects as defined under the NPW Act) remain the property of the Crown and harm provisions apply.

Repatriation as a Transfer of Objects under S85A NSW NPW Act: Repatriation of Aboriginal cultural material to Aboriginal communities. Process involves the ‘disposal’ of Aboriginal objects by the Director General and the transfer of ownership to registered Aboriginal Owners (defined in the Aboriginal Land Rights Act). Repatriated cultural materials (as Aboriginal Objects as defined under the NPW Act) are no longer

⁷ Adopted from the Return of Indigenous Cultural Property (RICP) Program

National Principles (http://arts.gov.au/sites/default/files/pdfs/ricp_principles.rtf)

1.1 ⁸ Adopted from the ‘Australian Museum Glossary of Indigenous Australia terms’
<http://australianmuseum.net.au/Glossary-Indigenous-Australia-terms>

the property of the Crown. Harm provisions no longer apply.

Set of remains: A reporting measure of the OEH Repatriation program. One set of remains means the means the body or the remains of the body of one deceased Aboriginal. Each set of remains should be identified by its own identification / catalogued number.

12 Relevant legislation

Legislation and / or mandating instruments that this policy supports are:

- *National Parks and Wildlife Act 1974*
 - Section 85 –
 - Section 85A
 - Section 87A (a)
 - Section 87(B)
 - Section 88 –
 - Section 89A
- *Aboriginal Land Rights Act 1983*
 - Section 170
 - Section 171
- *Public Health Regulations 1991*
 - Clause 66
- *Coroners Act (2009)*
 - Section 101

Other Legislation

- *Museums Trust Act 1975*
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)*

13 Related policies and other documents

OEH

- *OEH Guidelines for the Repatriation of Aboriginal Cultural materials(2013)*
- *Collections, Care and Control Strategy, 2011.*
- *Receipt of cultural material Guidelines 2010*
- *Movable Heritage Policy 2002*
- *oEH Management of Cultural Material Policy 2012*
- *oEH Management of Cultural Material Guideline 2012*
- *Cultural Heritage Community Consultation Policy 2002*
- *NSW Repatriation Program Framework (Can be provided by Policy Section on request)*
- *Cultural Heritage Information Policy (2001)*
- *Aboriginal Community Engagement Framework (2007 / 2013)*
- *AHIMS Protocols (2012)*

Other

- *Return of Indigenous Cultural Property Program - Commonwealth State Coordination Framework*

(http://www.arts.gov.au/__data/assets/pdf_file/0018/90360/national-coordination-framework-101109.pdf)

- *Australian Government Indigenous Repatriation Policy—August 2011*
(<http://arts.gov.au/sites/default/files/indigenous/repatriation/repatriation-policy.pdf>)
- *Repatriation of Indigenous Secret/Sacred and Ancestral Remains (2012)* (Australian Museum)
<http://www.australianmuseum.net.au/Uploads/Documents/7546/Repatriation%20policy%202012.pdf>
- *Collections – return of cultural objects policy (2011)* (National Museum of Australia)
http://www.nma.gov.au/__data/assets/pdf_file/0010/1450/POL-C-037_Collections_return_cultural-objects-3.0.pdf
- *Aboriginal and Torres Strait Islander human remains policy (2011)* (National Museum of Australia)
http://www.nma.gov.au/__data/assets/pdf_file/0008/1412/POL-C-011_Aboriginal_and_Torres_Strait_Islander_human_remains-2.2_public.pdf
- *Aboriginal and Torres Strait Islander secret/sacred and private material policy* (National Museum of Australia)
http://www.nma.gov.au/__data/assets/pdf_file/0013/1444/POL-C-034_ATSI_secret-sacred_private_material-2.1_public.pdf
- *Continuous Cultures, Ongoing Responsibilities: A Comprehensive Policy Document and Guidelines for Australian Museums Working with Aboriginal and Torres Strait Islander Cultural Heritage.* (Museums Australia Policy) (2005).
(http://www.nma.gov.au/__data/assets/pdf_file/0020/3296/ccor_final_feb_05.pdf)
- *Macleay Museum Repatriation policy*
http://sydney.edu.au/museums/about/repat_macleay.shtml
- *United Nations Declaration on the Rights of Indigenous Peoples*.
http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

13.1 Policy review

The Country, Culture and Heritage Division is responsible for coordinating the review of this policy. Reviews will be undertaken at least every five years, and more frequently if changes in legislation, policies or other areas require the amendment of this policy. The next scheduled review is due in 2018.

14 Contacts for further advice

Further information can be obtained from Aboriginal Heritage Conservation Officers within the OEH Heritage Division:

Central Region: (02) 9995 5000

Far West Region: (02) 6969 0700

North West Region: (02) 6881 4611

Northern Region: (02) 6659 8294

Southern Region: (02) 6229 7177

5.12 Appendix L: Willandra Lakes Region World Heritage Area Advisory Committee DRAFT Terms of Reference

DRAFT

Willandra Lakes Region World Heritage Area Advisory Committee

DRAFT Terms of Reference

Membership

There shall be 18 members of the advisory committee, comprising:

- one independent chairperson
- nine Aboriginal representatives, comprised of three representatives from each of the three Traditional Tribal Groups represented on the Aboriginal Advisory Group:
 - Barkandji/Paakantyi
 - Mutthi Mutthi
 - Ngiyampaa
- two landholder representatives: one representing the northern properties and one representing the southern properties of the Willandra Lakes Region World Heritage Area
- three scientific representatives from archaeology, geomorphology and the earth sciences
- one tourism representative
- one local government representative to rotate between both relevant councils (Balranald Shire Council and Wentworth Shire Council)
- one representative from the National Parks and Wildlife Service Far West Regional Advisory Committee.

Observers

There shall be up to two observers from the NSW National Parks and Wildlife Service within the NSW Office of Environment and Heritage (OEH), up to two observers from the Commonwealth Government and one observer from the Local Western Land Services.

The advisory committee may, from time to time, invite other observers to attend meetings.

Appointment

Members and the Chair of the advisory committee will be selected by agreement between OEH and the Commonwealth Department of the Environment (DoE). Approval will then be sought from the NSW Minister for the Environment for the appointment of members and the approval of the NSW and Commonwealth ministers for the environment for the appointment of the Chair. If agreement is not reached between OEH and DoE, a list of candidates and the reasons for supporting and not supporting their membership will be put to the ministers for their decision.

Members and the Chair will be appointed for a three-year term and are eligible for reappointment. Members of the advisory committee shall be appointed in their own right and not as representatives of any particular organisations, institutions, disciplines or interest sectors.

The advisory committee may, from time to time, invite non-government observers to attend meetings.

Termination

Other than by resignation, a person's membership on the advisory committee can be terminated on the recommendation of the NSW Minister for the Environment. Other than by

resignation, a Chair can be terminated on the recommendation of the NSW Minister for the Environment with the agreement of the Commonwealth Minister for the Environment.

Role of the committee

The advisory committee will provide advice, either at the request of the relevant ministers, at the request of the Willandra Lakes Region World Heritage Area (WLRWHA) Management Committee, or of its own volition, on matters relating to the protection, conservation, presentation and management of the WLRWHA.

The advisory committee shall:

- consider and advise on the views of community interests
- consider and advise on technical and scientific matters including scientific research priorities, relevant new information or developments in science, the scientific basis of management principles and practices, the appropriateness of current and proposed research, and the maintenance of the values and integrity of the WLRWHA
- provide advice on and monitor the implementation and review of the strategic plan
- provide advice to the management committee or the relevant ministers on issues referred to it for consideration or of its own volition.

Operation

The advisory committee shall operate according to the following procedures:

- a quorum shall be a majority of members
- the Committee shall meet quarterly. It may also meet at the request of the ministers or the management committee
- OEH will provide secretariat support
- if the Chair is absent from a meeting, the advisory committee shall elect a person to chair that meeting
- the procedure for the conduct of business shall be by agreement. Where consensus is not attainable the report of the advisory committee shall record the number of members supporting a particular view and note the differing views of members not supporting a recommendation
- there is no provision for proxies
- a report of each meeting shall be forwarded to the management committee within one month of each meeting.

NSW and Commonwealth governments shall bear the costs of their agency members and observers attending meetings. Any remuneration of accommodation and out of pocket expenses for observers from National Parks and Wildlife Service regional advisory committees will be the responsibility of their respective committees. It is not proposed to pay allowances or sitting fees to members or observers. OEH and DoE will fund accommodation and other related expenses directly.

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