



c/- Emma Beckett
AACAI WA Secretary
PO Box 196, 585 Little Collins Street
Melbourne VIC 3000
aacai.wa.secretary@gmail.com

c/- Jane Skippington
AAA Secretary
secretary@australianarchaeology.com

Mr Cesar Rodriguez
Director Engagement and Policy
Department of Planning, Lands and Heritage
Locked Bag 2506
Perth WA 6001
achmimplementation@dplh.wa.gov.au

6 January 2023

Dear Cesar,

Submission on Phase 3 of the ACHA 2021 Regulations and Guidelines

Thank you for the invitation to participate in the Phase 3 consultation process on the regulations, statutory guidelines, and operational policies under the *Aboriginal Cultural Heritage Act 2021*.

The Australian Association of Consulting Archaeologists Inc. (AACAI) and the Australian Archaeological Association Inc. (AAA) have prepared a combined submission on the Phase 3 draft consultation documents. This submission should also be read in conjunction with the submission from the Anthropological Society of Western Australia (ASWA) and with our previous submissions.

Following on from our participation in and contribution to the Phase 3 workshops, we submit additional comments and recommendations on the following documents:

1. Activity Tiers and Table
2. Consultation Guidelines
3. Aboriginal Cultural Heritage Management Code
4. Aboriginal Cultural Heritage Management Plan Template and Guiding Notes
5. Local Aboriginal Cultural Heritage Services (Fees) Guidelines
6. State Significance Guidelines

Please refer to the AACAI / AAA *detailed comments and recommendations*, attached. Our proposed additions and edits are highlighted in blue text.

We look forward to working further with you on the development of additional supporting materials. In particular, we would like to be involved in the development of the Survey Guidelines and ACH Investigation Guidelines, and we draw your attention to the *Minimum Standards – Archaeology* document that we provided to the Department in September 2021.

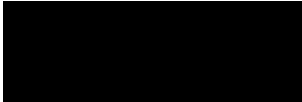


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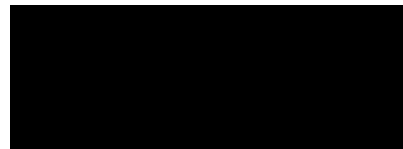
c/- Jane Skippington
AAA Secretary
secretary@australianarchaeology.com

If you require any additional information about the contents of this submission, please contact AAA President Dr Joe Dortch on president@australianarchaeology.com and AACAI WA Chairperson Jo Thomson on thomsonheritage@bigpond.com.

Yours sincerely,



Jo Thomson
AACAI WA Chairperson
Date: 6 January 2023



Dr Joe Dortch
AAA President
Date: 6 January 2023

AACAI / AAA detailed comments and recommendations on the ACHA 2021 draft Regulations and Guideline documents (Phase 3)

1.0 Activity Tiers and Table

1.1 Overview

We recommend the following amendments be made to the Overview section of the Activity Tiers and Table document:

- Insert a reminder that whilst the Activity Tiers are focused on physical ground disturbance, in some cases ACH can also be harmed by actions other than disturbing ground.
- Add a clear statement that the Activity Tiers are concerned with the physical aspects of the activity, not the purpose. As discussed at the Perth workshop (30/11/2022), the AHA and section 18 process frame land disturbance in terms of the purpose of the activity. It is likely that this concept will be transferred across to interpreting the Activity categories and therefore it is recommended that the document be explicit in what it refers to.
- The Activity Tiers do not consider the varied and nuanced qualities of ACH which inevitably leads to complexity and inconsistencies: it is not possible to prescribe every possible activity without reference to the elements that may be affected. It is recommended that the Table is removed or greatly simplified to clarify the primary imperative to consult and investigate ACH first, before making decisions.
- The Table contains numerous contradictions and potential sources of confusion which should be eliminated, as outlined below.

1.2 Activity Table

1.2.1 Issues

We strongly recommend that the following issues be addressed in the next revision of the Activity Table.

Issue 1: Archaeological excavation should require Informed Consent

In line with our professional organisations and disciplinary ethical standards, we believe that all archaeological excavations (including test-excavations) should require Informed Consent from the relevant Traditional Owners and Aboriginal knowledge holders. By implication, archaeological excavation should be considered a Tier 3 activity.

Archaeological excavation is, however, concerned with identifying ACH, rather than using the land on which ACH is located. The current proposed ACH Management Plan template is not wholly appropriate for the conduct of archaeological excavations. We **recommend** that an *Archaeological Excavation Management Plan* be required for archaeological excavations in place of a standard ACHMP. We would be happy to assist the ACH Council and Department design a template for an Archaeological Excavation Management Plan.



Issue 2: Restrictions on size and amount of test-pitting and excavation under an ACH Permit

Notwithstanding the above issue, if the Heritage research activities are to be left as presented in the current draft of the Activity Table, we note that the limitations under Tier 2 (section 6.2 of the Activity Table) are unworkable.

Whilst we recognise the Department's intent to establish standardised limits across all activities and Tiers, the limits imposed on Heritage investigations under Tier 2 do not allow for any meaningful archaeological test-excavation or sampling. The 20 kg limit on subsurface material means that a 0.25 square metre test-pit would have to stop at 5 cm deep. This is too shallow to be informative about an archaeological deposit. We note that such narrow limitations have been problematic in other jurisdictions, such as NSW.

If limitations are going to be placed on Tier 2 archaeological activities, they need to be pragmatic, flexible, and in specific reference to those archaeological activities. As a minimum, for test-excavation we **recommend** a 1 x 1 m pit, or equivalent, plus sufficient area to expand a test-pit in line with workplace health and safety requirements if the deposit becomes too deep and/or unstable.

Issue 3: Inconsistency between excavation activities under Tier 2

Excavation activity in other Tier 2 categories is inconsistent with the restrictions placed on heritage investigations.

To be consistent with section 6.2 (Heritage research activities) and section 10.2 (activities not otherwise specified) of the Activity Table, removal of more than 20 kg of previously undisturbed sediment should always be Tier 3. We note several categories that are not restricted to the same limits, including sections 3.2, 4.2, 5.2, and 9.2.

We also note similar inconsistencies in other types of activities. For example, rock chipping (section 5.2) should be a Tier 3 activity, as it could cause severe harm to rock art. Burning at the scales required for conservation and land management (section 4.2) may harm tangible elements of ACH across large areas, such as flora, fauna, landscapes, and landforms (see page 46 of the Phase 3 Guidelines), so such burning should also be considered a Tier 3 activity.

These inconsistencies exemplify the problems created by relying on Activity Tiers. The Activity Tiers ignore the variable nature of ACH and the fact that a proponent will often not understand the particular ACH in advance. Rather than following the Table, proponents should be firstly guided by the assessment of the ACH and then the requirements for minimisation of harm to that ACH. Such guidance demands consultation and possibly investigation. Once established, the level of harm to ACH posed by the activity should then guide the Activity Tier.

Issue 4: Off-road driving

Our members have heard a variety of Traditional Owner views about driving off road across the State. In general, concern is frequently expressed about driving off road or along tracks that have not been previously surveyed. This concern is based on the risk that an unsurveyed track may have previously and unknowingly impacted ACH, and therefore the reuse of that track would further disturb the ACH.

We **recommend** that driving off-road is at least a Tier 2 activity, unless sanctioned by Aboriginal knowledge holders.



We also note an inconsistency in the Activity Table on the topic of driving off-road. We **recommend** that the following sections be aligned:

Section 4.1 states:

Reconnaissance and patrol in light vehicles, but not to the extent that repetitive access and use creates a permanent track.

Section 9.1 states:

Driving vehicles, not on existing roads or tracks, in a manner that does not result in a new track.

We further **recommend** that the terms 'track' and 'new track' be defined in the document. Track could be defined as 'a rough path or road, typically one beaten by use rather than constructed' or 'a mark or line of marks left by a person, animal, or vehicle in passing'.

Issue 5: 'Like for like' concept

We hold some concern about the 'like for like' concept, which we think encourages a problematic mindset of 'if ground has been previously disturbed then there is no ACH'. ACH and its associated heritage values may exist in places that have been previously disturbed.

We are also concerned about 'like for like' activities undertaken in areas where ground disturbance is 'historic', i.e., ground disturbance has been undertaken without any previous heritage surveys, or notification of or consultation with Traditional Owners. If an activity in these areas has previously disturbed ACH, a 'like for like' activity could continue to disturb that ACH.

We **recommend** that where 'like for like' activities are planned in areas with no previous heritage surveys, and there is the likelihood of ACH being present in the area, then the proponent should consult the LACHS.

1.2.2 Activity Table recommendations

In addition to the above issues and recommendations, we recommend the following specific amendments be made to the Activity Table:

Section 5.1 Field mapping, monitoring, investigations, and surveys with no, or a minimal, level of ground disturbance

- Move 'sampling and coring using handheld equipment' to section 5.2, to be in line with other similar handheld equipment activities.

Sections 6.0-6.3 Heritage research activities

- 'Research' should be replaced by 'investigations'. The term 'investigations' covers a wider range of activities, whereas 'research' implies a much narrower focus of activities.
- 'Probing' which is currently listed under section 6.2 low impact should be moved to section 6.1 – heritage activities with no, or a minimal, level of ground disturbance.
- Adopt the alterations made in [blue text](#) in Table 1 below.

Table 1. Recommended amendments to Draft Activity Table – Heritage research activities section

6.1 Heritage investigation activities with no, or a minimal, level of ground disturbance	6.2 Heritage investigation activities with low ground disturbance	6.3 Heritage investigation activities with moderate to high ground disturbance
<ul style="list-style-type: none"> • Heritage pedestrian surveys, including: <ul style="list-style-type: none"> ○ Site recording and assessment without removal of ACH ○ Probing ○ Monitoring and auditing • Digital capture of petroglyphs, artefacts, rock art, culturally modified trees and other archaeological features • Drone usage • Remote sensing including Photography, Ground penetrating radar, LiDAR, laser scanning, magnetometry • Residue extraction • Usewear analysis 	<ul style="list-style-type: none"> • Sampling using handheld equipment for archaeological purposes, including: <ul style="list-style-type: none"> ○ Radiocarbon dating ○ Luminescence dating ○ Dosimetry ○ Extraction of scarred element parts from culturally modified trees ○ Taking samples of ACH including ochre, pigments, charcoal, wood, shell, soil for scientific analysis or removal to another location for archaeological purposes. • Repatriation of ACH to its original or to an agreed location 	<ul style="list-style-type: none"> • Excavation of ACH using handheld equipment for archaeological purposes, including: <ul style="list-style-type: none"> ○ Test pitting (exploratory excavation done for the purpose of initial assessment, usually less than 2 square metres) ○ Larger area excavation ○ Shovel testing and auguring to establish the presence and spatial extent of subsurface ACH material • Excavation of ACH using mechanical equipment for archaeological purposes. • Removal, relocation, mitigation and/or salvage of ACH or Aboriginal Objects • Making moulds of petroglyphs

2.0 Aboriginal Cultural Heritage Management Code

We recommend the following amendments to the Aboriginal Cultural Heritage Management Code.

2.1 Overview section

2.1.1 Acronyms and Definitions

- Add the following definitions to the document, to assist with clarity and implementation:

Term	Definition
Suitably qualified professional	A person who has professional qualifications, training, skills and/or experience relevant to the nominated subject matter and can give authoritative assessment, advice, and analysis to performance relative to the subject matter using the relevant protocols, standards, methods, or literature. Also, preferably a person who is acknowledged as a professional through membership of a relevant industry representative body such as ASWA, AAS, AACAI.
Visual inspection	<To be developed by the Department>

2.2 PART A – Undertaking a Due Diligence Assessment

2.2.1 s6.2 DDA 2 – Determining whether an activity is exempt or the tier of an activity

- Amend the sentence immediately above Table 3 on page 9 to:



If a specific activity is not listed, a proponent is *encouraged* to contact the Department for advice.

2.2.2 s6.3 Exempt activity – steps to undertake a DDA

As stated above, we are concerned about 'like for like' activities undertaken in an area where previous heritage surveys have not been undertaken, and the risk that if an activity has previously disturbed ACH, the conduct of 'like for like' activities would continue to disturb that ACH. We therefore recommend:

- Amend the first sentence of the second paragraph under section 6.3 to:

Exempt activities include like for like or less on previously disturbed ground, under section 7.2 of the code, provided the previously disturbed ground was subject to suitable consultation and approvals (or negotiation?) processes with appropriate native title parties, prior to the disturbance. Where no such process was previously undertaken, proponents must contact the relevant LACHs for advice.

2.2.3 6.4 Tier 1 activity – DDA requirements

- Insert additional text to clarify what a visual inspection is. It should state that a visual inspection is not a heritage survey and include additional information on who will undertake a visual inspection, how it is undertaken, how a person with no prior knowledge of ACH will be supported to identify ACH and report it to the Department, and what a person is not a knowledge holder or expert in ACH might expect to achieve from a visual inspection.
- Develop a guidance document on searching the Directory and interpreting results of searches. The document should include guidance on searching for heritage reports, assessment of the applicability of surveys/reports for the proposed works, assessment of reliability of reports.
- Clarify whether the Survey Guidelines to be developed are a different document to the ACH Investigation Guidelines referred to under step 6 in section 6.6 Tier 3 Activity – Steps to undertake a DDA. Draft Survey Guidelines should be published as soon as possible. It is impossible to assess key DDA steps without knowledge of the expected standards for Surveys.
- Clearly state in the opening paragraph about DDA that the Directory is an important research tool, but not a complete or accurate guide, nor a 'single source of truth' (see page 31). Proponents should not rely only on the Directory in undertaking a DDA.
- Amend the statement on page 35 'where ACH is known to be physically present' to '*where ACH is known to exist*' and delete the corollary statement on the same row 'physically present means the actual physical expression of the ACH as it occurs in-situ'. The current statements privilege tangible heritage and imply all ACH has a physical and fixed manifestation. The existence or not of ACH can be determined by DDA, consultation, or investigation, as required.
- Appendix 3 recognises the many and varied elements of ACH, including tangible elements within culturally significant places or landscapes that contain culturally significant living things and landforms. These tangible elements would seem to include the same living things and landforms. Such recognition would be long-overdue and very welcome. However, this definition of ACH may require clarification. It would also be helpful to give it a more prominent place in the Guidelines so that proponents are better prepared to minimise harm to ACH.

3.0 Aboriginal Cultural Heritage Management Plan Template and Guiding Notes

We recommend the following amendments to the Aboriginal Cultural Heritage Management Plan Template and Guiding Notes.

3.1 Terms used

- Add the following definitions to the document, to assist with clarity and implementation:

Term	Definition
Rehabilitation	Restoration to former state or condition
Remediation	Restore by reversing or stopping impact or harm

3.2 Part B – General

- Identify the Parties to the Plan and their assigned accountabilities and responsibilities be identified right at the start of the plan. Getting people to take accountability and ownership of management plans and ensuring that they are actively implemented is critically important, so we consider it essential to state this information up front and as clearly as possible.
- Add in timeframes for the review of the Plan.
- Amend the suggested Part B – General table content and order as follows (see [blue text](#)):

<i>Parties to this Plan</i>	Identify the parties to the plan.
<i>Accountabilities and responsibilities</i>	Identify all of the accountable and responsible people for implementing this Plan and what their accountabilities and responsibilities are.
<i>Application area to which the Plan applies</i>	<p>Description of the application area to which the Plan applies. The description will need to include administrative information including:</p> <ul style="list-style-type: none"> • Tenure details; • Land ownership; • Description of interest held by the Proponent; • Native title area/claim area. <p>This information will need to be accompanied by maps, spatial coordinates, and Geographical Information System files that clearly show the location and extent of project footprints.</p>
<i>Existing Plans</i>	<p>Details of any existing or previously approved or authorised Plan(s) (inclusive of section 18 consents granted under the <i>Aboriginal Heritage Act 1972</i>) relevant to the Plan.</p> <p>This may include sections of or an entire Plan that could be transferrable to the application area.</p>
<i>Applicable legislation and agreements</i>	Summary of applicable legislation and legal/native title/heritage agreements in place.
<i>Proposed activities</i>	Detailed information regarding the nature and extent of all activities associated with the Plan.
<i>Timeframes</i>	Period for which the plan will have effect.

<i>Next review due</i>	Identify date of next review.
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3.3 Part C – Consultation

- Amend the suggested Part C – Consultation table content as follows (see blue text):

<i>Details of consultation</i>	<p>Specific details about the consultation:</p> <ul style="list-style-type: none"> Who was consulted and dates of consultation; Form of consultation including meetings, workshops and ACH surveys (Surveys) Information provided to the Aboriginal parties about the project; Details on how the feasibility of various options and alternatives to the impact were assessed by the Proponent; Any limitations to conducting consultation; and If applicable, relevant clauses from related agreements (s. 140).
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3.4 Part D – Informed Consent

- Amend the suggested Part D – Informed Consent table content as follows (see blue text):

<i>Where there is an agreement, a letter from the interested Aboriginal parties giving informed consent</i>	<p>The letter must acknowledge:</p> <ul style="list-style-type: none"> The proponent provided: <ul style="list-style-type: none"> Full and proper disclosure of information about the activity intended to be carried out under the Plan, details of other feasible method available to the proponent to carry out that activity, and details of how the feasibility of the options was assessed. Risk of reasonably foreseeable harm to ACH, including evidence of known and documented ACH and characteristics and values of ACH to Aboriginal persons. That the Aboriginal party do not object to the harm of ACH proposed under the Plan. Evidence the consent has been given voluntarily without coercion, intimidation or manipulation. Examples of evidence include: <Department to insert examples of acceptable evidence>
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3.5 Part E – Aboriginal Cultural Heritage

- Include a cross reference to the document that contains definitions or explanation of what Desktop, Detailed and Complex assessment comprises.
- Amend the suggested Part E – Aboriginal Cultural Heritage table content as follows (see blue text). Note that it is nonsensical to refer to a ‘detailed summary’. This section should provide a concise but complete statement of significance for ACH in addition to the specific identified values. This is to give further context and meaning to the values identified and to ensure that management decisions are based on the full statement of significance, rather than a truncated or reinterpreted summary. We also **recommend** that the statement include specific management requirements for each known ACH.



<p><i>Statement of Significance</i></p>	<p>Statement detailing:</p> <ul style="list-style-type: none"> • The ACH located within the application area; • Characteristics of the ACH; • Values of ACH to Aboriginal persons; • Statement of significance for ACH; • Specific management conditions, requirements, or recommendations for each ACH.
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3.6 Part F – Managing Aboriginal Cultural Heritage

As mentioned in our last submission for Stage 2 consultation, we consider many of the management activities identified as a control during works should actually take place prior to works. We recommend:

- Amend the suggested Part F – Managing Aboriginal Cultural Heritage table content as follows (see [blue text](#)).

<p><i>Manage impacts to ACH prior to works</i></p>	<p>Measures could include, but are not limited to:</p> <ul style="list-style-type: none"> • Altering development footprints; • Partial avoidance of areas and/or ACH; • Use of less intrusive methods; • Alteration of methods, such as blasting techniques, to minimise harm; • Protection agreements; • Further surface recording and analysis; • Archaeological excavation or further excavation and analysis; and/or • Considering all potential harm, including but not limited to aesthetics, vibration, physical alteration, access to ACH, impacts to surrounding landscape, ability for knowledge holders to maintain or enjoy ACH, water extraction, pollution, environmental degradation, and dust.
<p><i>Manage impacts to ACH during works</i></p>	<ul style="list-style-type: none"> • Use of Heritage Impact/Ground Disturbance Permit system; • Employee heritage inductions and training; • Providing protective barriers around, or sealing off areas; • Monitoring of activities by the Aboriginal party; • Newly located ACH (chance finds) policy and procedure; • Incident reporting system.
<p><i>ACH Impact Statement</i></p>	<p>The impact statement should include:</p> <ul style="list-style-type: none"> • Type of impact; • Details as to whether the impact will be total or partial to the identified ACH; • Whether the activity will be a one-off event or ongoing; • What, if any, specific values of each ACH are being impacted; • Impacts to places that form part of cultural landscapes; and • Local and broader cumulative impacts to ACH.

<i>Summary of impacts to ACH</i>	Summary of impacts from proposed activities to known ACH and will need to reference the Plan Schedule.
<i>Managing ongoing access to ACH</i>	Details of how the Aboriginal party will continue to maintain physical access to the ACH and agreement of access between the parties.

3.8 Part H – Rehabilitation and remediation

- Amend the suggested Part H – Rehabilitation and remediation table content as follows (see **blue** text).

<i>Rehabilitation and remediation</i>	The rehabilitation and remediation measures that are to be put in place, where possible, for ACH that will be impacted by the activities.
<i>Management of salvaged ACH</i>	Details of the management of salvaged ACH, including, but not limited to: <ul style="list-style-type: none"> Storage location; Storage facility, including any specific requirements such as temperature controlled; Storage methods; Catalogue of stored ACH; Who is responsible for the management and maintenance of the facility; Access to the facility.

3.9 Part I – Compliance with the Aboriginal Cultural Heritage Management Plan

- Amend the suggested Part I – Compliance with the Aboriginal Cultural Heritage Management Plan table content as follows (see **blue** text).

<i>Compliance with the Plan</i>	These measures may include: <ul style="list-style-type: none"> Operational policies, procedures, work instructions and guidelines; Incorporation of internal ACH management systems; Schedules for monitoring and reporting; Process for monitoring and reviewing; Details of any specific roles and responsibilities regarding compliance; Specific and measurable Key Performance Indicators (KPIs) to be monitored.
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3.10 Appendix 1 – Hypothetical scenarios tables

- Amend the Hypothetical scenarios table to include an addition column after the “level of impact column” for “impact on ACH values”.
- Include a note on how the levels of impact are defined.

3.11 Social Surroundings requirements

We note that the ACH Management Code Appendix 3 states that the EPA’s Social Surroundings factor may be considered as part of the Management Plan process. However, Social Surrounding are not mentioned in the ACH Management Plan Template and Guiding Notes document.



We **recommend** that an additional section be added to the Template which covers Social Surroundings and includes or expands upon the information provided in Appendix 3 of the Management Code.

4.0 Consultation Guidelines

We recommend the following amendments to the Consultation Guidelines.

- Include definitions for “notify” and “consult”.
- Include the requirement that any meeting participants must give their consent to be either video or audio recorded during a meeting, by signing a Participant Consent Form. This is to prevent any surreptitious use of recording media.

Issue: Number of contact attempts

We consider the requirement to contact a LACHS daily for two weeks as excessive. This amount of contact could be interpreted as harassment, is disrespectful, and will place an extreme amount of pressure on LACHS, particularly those who may be overworked and understaffed. We further consider contact through social media as inappropriate. We suggest that the LACHS and Aboriginal parties decide on the appropriate form and amount of contact attempts.

5.0 Prescribed Timeframes

Clarity is required around timings for new Permits or extension to existing Permits:

- It appears that the notification periods for a proponent’s notice (20 business days), and for the Council’s notice of receipt of an application (20 business days), will overlap. How soon must the Council issue its notice of receipt, and will the persons to be notified respond to the proponent’s original notice, or to the Council’s notice of receipt, or both?
- The 100-day period for interested Aboriginal parties and proponents to reach agreement on the terms of a Plan should follow – and not include – the time needed to consult on ACH and prepare assessments or conclude investigations. Consultation and investigation must be clearly separated from agreement-making.

6.0 Local ACH Service (Fees) Guidelines

6.1 General guidelines

We recommend the following amendments to the Local ACH Service (Fees) Guidelines.

- More detail to be included in the definition of ‘Heritage Professional’. As a priority, state the fields of expertise, qualifications and standards expected of a ‘Heritage Professional’. The core cultural heritage disciplines of anthropology, archaeology, heritage studies, and history provide fundamental skillsets and capacity for LACHS, supporting and complementing Traditional Knowledge, but are not listed as relevant expertise. These disciplines will be critical in supporting Aboriginal people and proponents in achieving positive heritage outcomes under the ACHA, as they have been under the AHA. Their omission in the current Guidelines is inexplicable. LACHS and proponents have a right to know that a Heritage Professional is qualified and experienced in a relevant field and works

to a professional standard. AACAI, ASWA and AAA can provide further guidance as to the standards expected of their Members, and as professional bodies AACAI and ASWA have the prescribed means to ensure those standards are met. Other jurisdictions in Australia specify professional standards, so it is unclear why they are not addressed here. Not correcting this fundamental omission will encourage poor processes and inadequate standards of work.

- Amend the document so that the Expert Service Providers list corresponds directly to the table of rates. We note that these two sections are inconsistent in the current draft version.
- Add a required review period to the document to ensure that the Schedule of Fees is reviewed every two years.

Issue: Maximum allowable hours per day

The Schedule of Fees states that the maximum allowable hours per day is 10 hours. However, fieldwork logistics, particularly in remote areas, may require travel or work beyond 10 hours per day. For example, archaeologists working in the Pilbara are commonly required to work a 12 hour day, and sometimes more, if air and road travel occur on the same day. We **recommend** that the Fee Schedule takes account of actual hours performed. Providing an hourly rate rather than a daily rate will meet this requirement.

6.2 Schedule of Fees

6.2.1 Table A

- We **strongly recommend** that under the Heritage Professional rate, reference be made to the Rates as per the Australian Association of Consulting Archaeologists Incorporated (AACAI)'s **Recommended Fee Scale for archaeologists**, noting that this fee scale is designed to cover sub-contractors, and that charge-outs may exceed the amounts quoted. The current draft fee scale is unrealistic. Furthermore, LACHS will need to cover administration and costs of engaging any professional, typically adding 10-25%, unless they are large enough to justify employing these people full-time.
- Qualifications and expertise required of Heritage Professionals are commensurate with any other ESP. Treating Heritage Professionals as lesser experts than other ESP will drive the market towards less qualified and less capable practitioners, which will lead to poor outcomes for heritage management. The hourly rates should be the same as other ESPs.

The AACAI Recommended Fee Scale can be found here: [Policies - AACAI](#).

7.0 State Significance Guidelines

We recommend the following amendments to the State Significance Guidelines.

- Include, for clarity, an explicit statement on why the Spirituality value under the Burra Charter 2013 has been excluded from consideration of State Significance.