

General Direction # 1898
Assessment to identify any underwater cultural heritage places
along the Barossa pipeline route to the west and northwest of the
Tiwi Islands, Northern Australia

Dr Brendan Corrigan
15 September 2023



Table of Contents¹

Table of Contents.....	2
Maps and Figures.....	4
Commonly used abbreviations:.....	5
Executive Summary.....	6
Introduction.....	8
Expertise relied upon to produce this report.....	10
Author’s declaration and acknowledgement pursuant to the Federal Court of Australia’s Expert Evidence Practice Note	10
Qualifications to the findings and opinions in this report.....	12
Chronology of fieldwork undertaken by Dr Corrigan and research staff under his direction .	12
Methodological comments.....	15
Traditional interests in underwater places	18
Ethnographic and historic background to traditional laws and customs amongst the Tiwi Islanders in relation to the protection of “underwater cultural heritage places” along the Barossa pipeline route, to which people, in accordance with indigenous tradition, may have spiritual and cultural connections that may be affected by the future activities in the GEP EP	20
Early documented contact with Tiwi Islanders.....	26
Compliance with requirements to adhere to traditional law and custom in the Tiwi Islands and traditional decision-making processes	38
Traditional decision making in relation to land and water uses in the contemporary period ..	42
Ampitji	43
Imunka	45
Comments on my primary research	47
Comments on Origin Narratives, Ancestral Beings, the beginnings of time and archaeological timelines.....	49
Review of Wessex reports: Wessex 2023 Barossa Gas Export Pipeline: Submerged Palaeolandscapes Archaeological Assessment - Technical Report (Report 1) and Recommendations (Report 2)	51
Reviews of Dr Posamentier’s reports: Posamentier (2023a) and Posamentier (2023c)	53
Review of EDO reports by Mr Lewis and Dr O’Leary	54

Photograph of the Tiwi Islands taken by Dr Corrigan on 12 March 2023.

Lewis, G. (2023) Barossa Gas Export Pipeline Installation, Cultural Heritage Assessment: Anthropologist’s Report prepared for [REDACTED] (clients of the Environmental Defenders Office). Unpublished report prepared for the Environmental Defenders Office.....54

Dr O’Leary, M. Unpublished Barossa Gas Export Pipeline Installation Underwater Cultural Heritage Assessment, prepared for: [REDACTED] clients of the Environmental Defenders Office.56

Presentation of my research findings in the Tiwi Islands59

Conclusions and recommendations.....60

Recommendations derived from indigenous feedback62

Supplementary Report of Dr O’Leary dated 11 September 2023 and associated article62

Appendix 1: The Brief (Santos).....64

Appendix 2: The Brief (Quinn Emanuel Urquhart & Sullivan)77

Appendix 3: Legislation.....105

Appendix 4: Dr Corrigan’s 23-25 August 2023 Presentation.....124

Appendix 5: Bibliography.....142

Appendix 6: Consultation Log.....145

Appendix 7: *Curriculum Vitae* of Dr Brendan Corrigan221

Appendix 8: *Curriculum Vitae* of Dr Jodie Benton231

Appendix 9: *Curriculum Vitae* of Ms Stephanie Rusden234

Appendix 10: *Curriculum Vitae* of Mr Harrison Rochford237

Maps and Figures

Map 1 – The Study Area (the section of proposed Gas Pipeline between the Proposed Barossa Gas field and the junction with the existing Bayu-Undan Gas Pipeline).	9
Map 2 – Map of the Indonesian archipelago showing trade routes in plumes and marine products 1500–1900 and trade in marine products to the north Australian coast, c.1780–1900 (after Forrest 1779 and 1792; Searcy 1905 and 1907; Crawford 1969; Macknight 1969 and 1976; Healey 1980; Swadling 1996; Morwood and Hobbs 1997:198; Morwood 2002:35) Figure 1 (Clark 2011:2).	30
Figure 1 – Reconstructed Makassan <i>Perahu</i> of the type used in early trading missions in Northern Australia.	31
Figure 2 – "Fish-tail" bark canoes [the two to the front] and "dug-out" canoe in the distance, Apsley Strait. Melville Island in the background (Plate X, Figure 2. Basedow 1911:327).....	34
Figure 3 – Canoeing scene from Cooper's anchorage. Melville Island, c. 1912, J. P. Campbell, National Library of Australia	36
Figure 4 – Looking across to Melville Island at Joe Cooper's buffalo ranch of the shore c. 1912 (dugout in foreground) J. P. Campbell, National Library of Australia.....	37
Map 3 – Western interpretive cultural map of Tiwi Sea Country to the west of Bathurst Island as inferred from the Tiwi Oral narratives (Figure 8, O'Leary (2023:24)).....	58

Commonly used abbreviations:

AAPA – Aboriginal Areas Protection Authority (Northern Territory)

AAS – Australian Anthropology Society

EDO – Environmental Defenders Office

EMBA – Environment (that) May Be Affected

GEP – Gas Export Pipeline (proposed)

NLC – Northern Land Council

Milli – Milikapiti (Snake Bay township)

Pirli – Pirlangimpi (Garden Point township)

Santos – Santos NA Barossa Pty Ltd (ACN 109 974 932), SK E&S Australia Pty Ltd (ACN 158 702 071) and Santos Offshore Pty Ltd (ACN 005 475 589), the registered holders of Pipeline Licence NT/PL5

TLC – Tiwi Land Council

Wurri – Wurrumiyanga (formerly known as Nguiu township)

Executive Summary

1. In my opinion, having considered the information I have obtained from Tiwi people and relevant organisations through the research reported here, there are no specific “underwater cultural heritage places” along the pipeline route that may be affected by the activities covered by the Gas Export Pipeline (GEP) Environment Plan (EP).
2. The fieldwork (interviews with the Tiwi people), that I (and my team under my supervision) have carried out has documented a range of views on cultural heritage issues in relation to the GEP. However, in our fieldwork and research, there have not been any physical sites of relevance, or sacred sites, mentioned by anyone, in the path of the GEP. I have documented some assertions of more intangible types of cultural heritage which some Tiwi Islanders have said are relevant to be considered and are discussed in detail in my report. I also note that outside of my own research, reports have been provided to me (authored by experts retained by the clients of the Environmental Defenders Office (EDO)) that assert the presence of burial grounds – I consider this further below, in a separate section.
3. A consistent theme which has emerged among some informants is that a spirit being (or spirit beings) called *Ampitji* (sometimes known as a rainbow serpent, sometimes said to be plural, and sometimes male or female in various versions) routinely traverses all of the sea in the vicinity of the islands and the GEP and that *Ampitji* might become disturbed by the laying of the GEP and cause spiritual and physical harm to the Tiwi Islanders and others. In some instances, people who believe this also believe that preventative measures, such as having relevant Tiwi people ‘introduce the pipeline and its work to the rainbow serpent’ would ameliorate any risk. Others have put the view that *Ampitji* remains fairly local to known geographic sites on the islands and does not travel in the seas around the Tiwi Islands.
4. The geographic extent of Tiwi sea country is also relevant to this research. Much of the early material suggests a fairly limited distance from shore and point to the non-seafaring capacity of traditional bark canoes, where a sheet of bark is bent into shape, stitched together at the front and back and held in shape by sticks lashed to the relevant sections. While perfectly fine for crossing Apsley Strait and the various tributaries thereof, they are not particularly suited to open waters. A recurring theme amongst people I have spoken to is that Tiwi practice in previous times and in the contemporary period is to remain fairly close to shore in case some accident occurs and one has to swim to safety, and that this remained the case once the dugout canoe with sail was introduced to the Tiwi by visiting Makassans (also commonly referred to as Macassans).

5. As a senior informant, [REDACTED] put it to me, the Makassans showed us the dugout and we learned how to make them ourselves. They are quite seaworthy and written materials, along with the oral history I have documented in interviews reveal that the only real limitation to their use is the food and water one can carry. However, the real limitation of the seaworthiness of a dugout with sail is someone's capacity to know where they are when out of sight of land and subject to the vagaries of winds and tides. On balance, the scenario expressed by knowledgeable Tiwi Islanders seems most likely, that the extent of traditional Tiwi seafaring is effectively limited to being within sight of land. This is not to say that persons cannot navigate beyond the sight of land, relying on smoke plumes and stars etc., but rather there would need to be a compelling reason (economic or social) to take the risk of not returning.

6. A lot of emphasis has been placed by some individuals interviewed for this research, on the potential risk of industrial accidents to known sacred sites (outside of the proposed GEP corridor) on the islands and near to shores, with expressed fears including perceived risks to traditional foods and relationships with maritime species (dugongs, turtles, fish and so on). The assessment of risk of industrial accidents is beyond my expertise. Consequently, while potential damage to sacred sites and traditional marine food species is certainly a cultural heritage concern, it is also beyond the scope of this report.

Introduction

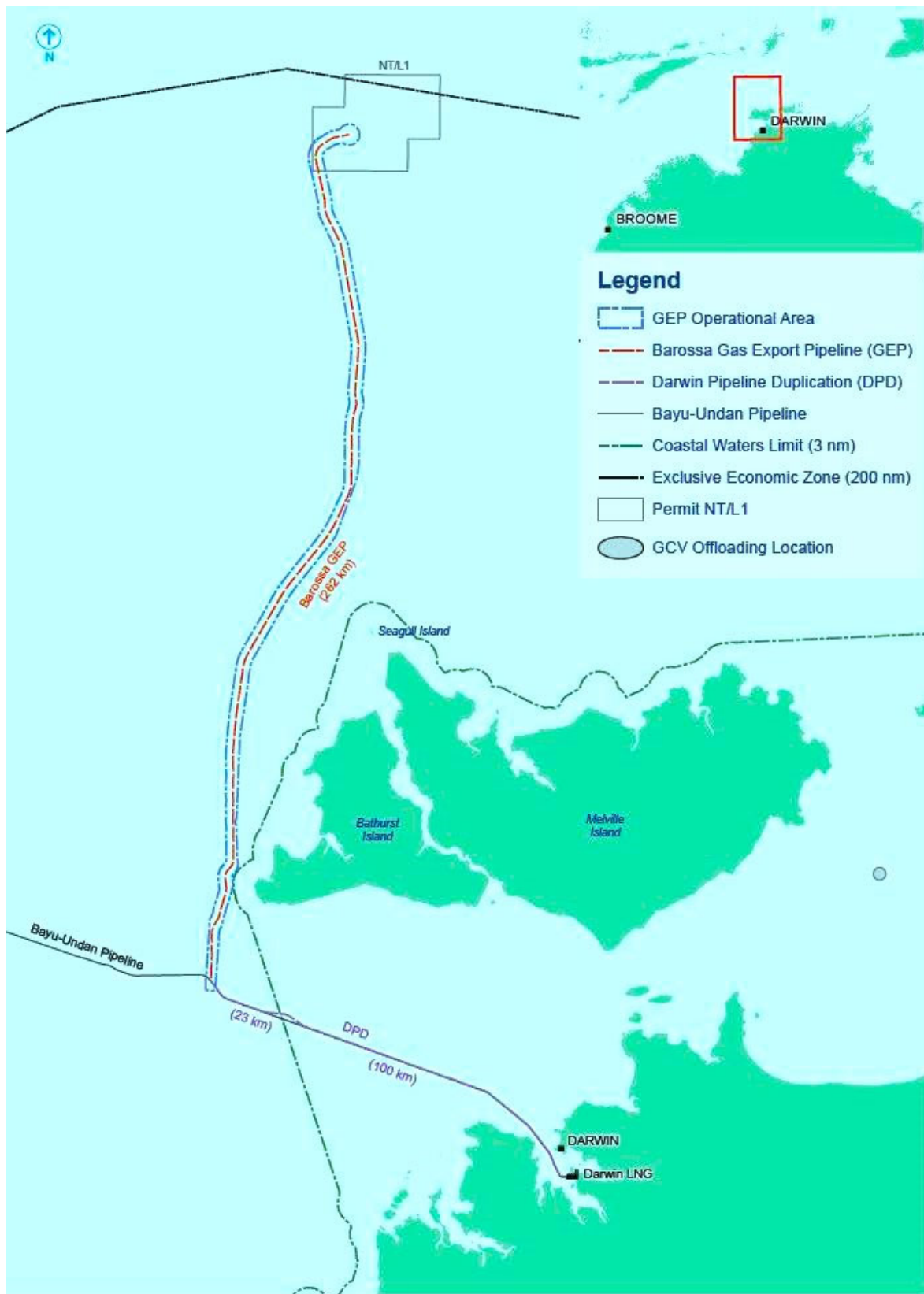
7. This report is responsive to NOPSEMA’s General Direction #1898² which requires Santos “to engage suitably qualified and independent experts with relevant experience and research credentials”, so as to,

undertake and complete an assessment to identify any underwater cultural heritage places along the Barossa pipeline route (Pipeline Route) to which people, in accordance with Indigenous tradition, may have spiritual and cultural connections that may be affected by the future activities covered by the EP [the EP in relation to the proposed GEP route].
8. As the independent expert engaged by Santos to undertake and complete the assessment, I have:
 - a. obtained information from people and/or organisations who may have, “in accordance with indigenous tradition, spiritual and cultural connections to any underwater cultural heritage places along the Pipeline route that may be affected by the activities”; and
 - b. recorded and had regard to the information obtained.
9. I understand that my assessment recorded in this report will be provided on completion to “people and/or organisations who provided information” to me and NOPSEMA.
10. I am guided by terms of reference which set out that I am directed to independently prepare my report in relation to the GEP pursuant to General Direction #1898 from NOPSEMA. In addition, I am also engaged by the legal firm Quinn Emanuel Urquhart & Sullivan under the terms set out by the Federal Court of Australia for independent experts³.
11. The proposed GEP section that I am directed to consider as my study area is as per Map 1 below (the section of the proposed GEP which extends north from the junction with the existing Bayu-Undan gas delivery pipeline).
12. In undertaking the preparation of this report, I have had the benefit of input and field support from the highly experienced cultural heritage experts Dr Jodie Benton, Ms Stephanie Rusden and Mr Harrison Rochford. Under my direct supervision these colleagues have undertaken fieldwork, consulting with members of relevant Tiwi Island clans. I have included their CVs at Appendices 8, 9 and 10.
13. All opinions expressed in this report are mine.

² General Direction #1898, 13 January 2023, available at the NOPSEMA website:

<https://www.nopsema.gov.au/offshore-industry/directions-notices-and-alerts/published-directions-and-notices>.

³ Expert Evidence Practice Note (GPN-EXPT), available at <https://www.fedcourt.gov.au/law-and-practice/practice-documents/practice-notes/gpn-expt>.



Map 1 – The Study Area (the section of proposed Gas Pipeline between the Proposed Barossa Gas field and the junction with the existing Bayu-Undan Gas Pipeline).

Expertise relied upon to produce this report

14. I hold a Ph.D. in Anthropology awarded by the University of Western Australia (2007) and provide a detailed *Curriculum Vitae (CV)* at Appendix 7 of this report.
15. In addition, I also hold an honours degree in both Anthropology and Archaeology from the Australian National University (awarded in 1993).
16. Of relevance to this report, my doctoral thesis (Corrigan 2007) and a monograph that I published, which drew substantially from that doctoral research (Corrigan 2011), explored the relationship of indigenous worldviews and concepts of human origins with the narrative of archaeological arguments about what was the same place at times of lower sea levels (the Kimberley Region of North West Australia and the Aru Islands of Eastern Indonesia - which included the current Tiwi Islands as part of the now submerged continent Sahul, comprised by the now undersea landforms of the recent ice age).
17. In the last thirty years, I have worked in and undertaken research as an anthropologist in various parts of Australia. Chronologically, this has included work and research in the Kimberley region of Western Australia, which commenced in 1994; followed by work in south-east Queensland since 1994; north-west Queensland since 1996; parts of the Goldfields district since 1996; the Northern Territory since 2003; the Cape York Peninsula since 2009; and the Torres Strait Islands since 2012. During this time, I have also conducted academic research into the cosmological elements of indigenous worldviews and the structuring relationship these have to social and economic strategies in indigenous communities.
18. The applied anthropological work and research that I have undertaken for a range of Aboriginal and Torres Strait Islander agencies (as set out in my appended CV) has been focussed on a range of purposes, including native title research as an in-house and consultant anthropologist contracted by various native title representative bodies and service providers to prepare materials and act as an expert witness in the Federal Court of Australia. In addition, much of the work I have undertaken has focused on the identification of cultural heritage elements in the context of resource extraction proposals and the identification of place avoidance requirements and management conditions in relation to the same.
19. I am a Fellow of the Australian Anthropological Society (AAS) and, as a member, I have agreed to abide by the AAS Code of Ethics.

Author's declaration and acknowledgement pursuant to the Federal Court of Australia's Expert Evidence Practice Note

20. I, Dr Brendan Corrigan, have read the Harmonised Expert Witness Code of Conduct and I agree to be bound by it. The Evidence Practice Note (GPN-EXPT) including the Harmonised Expert Witness Code of Conduct were provided to me for this report (Appendix 2).
21. My professional opinions expressed throughout this report are based wholly on the specialised knowledge arising from my training, study and experience as an anthropologist.

22. I have made all the enquiries which I believe are desirable and appropriate in order to complete my assessment under General Direction #1898. As with every project involving fieldwork, there are necessary limitations of time.
23. No matters of significance which I regard as relevant have, to the best of my knowledge, been withheld from this document.

A handwritten signature in black ink, appearing to read 'Brendan Corrigan', is written over a light-colored rectangular area. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Signed: Dr Brendan Corrigan – 15 September 2023

Qualifications to the findings and opinions in this report

24. All research projects of this nature might benefit from further time and resources. This report, like any, necessarily has limits in the time available for the purpose. The time and resources available to me have been adequate to develop and arrive at my opinions herein described. Where any lack of time or resources has limited my ability to form opinions in any manner it is noted in the relevant parts of the report.
25. If any additional information comes to light which was not available at the time of writing this report, I would be pleased to consider such data and assess how it might affect any opinions arrived at here.
26. As noted above, I have benefited from the research assistance provided to me by other team members under my direction and, where relevant, that is directly referenced. However, all opinions and informed inferences I express in this report are entirely mine.

Chronology of fieldwork undertaken by Dr Corrigan and research staff under his direction

Dates	Location and activity
7-12 March 2023	Initial interviews in Darwin and Tiwi Islands (Wurri, self (Dr Corrigan)).
15 March 2023	Boat trip #1, circumnavigation of Bathurst Island, ladies only trip, calling in at Wurri, Pirli, motoring past Rocky Point (north west Bathurst Island), halting at the point in the ocean where the proposed GEP would be laid on the seabed at its closest to land (being Cape Fourcroy, some 7.6km to the east of where we stopped). Return to Wurri and Pirli via south coast of Bathurst Island (Dr Corrigan and Dr Benton).
16 March 2023	Boat trip #2, circumnavigation of Bathurst Island, men only trip, calling in at Wurri, Pirli, motoring past Rocky Point (north-west Bathurst Island), halting at the point in the ocean where the proposed GEP would be laid on the seabed at its closest to land (being Cape Fourcroy, some 7.6km to the east of where we stopped). Return to Wurri via a further stop at Cape Fourcroy and via south coast of Bathurst Island (Dr Corrigan and Dr Benton).
20 March 2023	Marrikawuyanga and Wulirankuwu clan group meeting, co-ordinated by Santos (as part of their EP consultation) at Milli, attended by Ms Rusden. Ms Rusden, as an independent expert, attended to observe the consultation session, to note any relevant issues raised by the Tiwi Islanders and to meet with them after the session.
21 March 2023	Yimpinari clan group meeting, co-ordinated by Santos at Milli (as part of their EP consultation), attended by Ms Rusden. Ms Rusden, as an independent expert, attended to observe the consultation session, to note any relevant issues raised by the Tiwi Islanders and to meet with them after the session.

Dates	Location and activity
22 March 2023	Munupi clan group meeting, co-ordinated by Santos at Pirli (as part of their EP consultation), attended by Ms Rusden. Ms Rusden, as an independent expert, attended to observe the consultation session, to note any relevant issues raised by the Tiwi Islanders and to meet with them after the session.
23 March 2023	Jikilaruwu clan group meeting, co-ordinated by Santos at Wurri (as part of their EP consultation), attended by Ms Rusden. Ms Rusden, as an independent expert, attended to observe the consultation session, to note any relevant issues raised by the Tiwi Islanders and to meet with them after the session.
23 March 2023	Mantiyupwi clan group meeting, co-ordinated by Santos at Wurri (as part of their EP consultation), attended by Ms Rusden. Ms Rusden, as an independent expert, attended to observe the consultation session, to note any relevant issues raised by the Tiwi Islanders and to meet with them after the session.
24 March 2023	Malawu clan group meeting, co-ordinated by Santos at Wurri (as part of their EP consultation), attended by Ms Rusden. Ms Rusden, as an independent expert, attended to observe the consultation session, to note any relevant issues raised by the Tiwi Islanders and to meet with them after the session.
24 March 2023	Wurankuwu clan group meeting, co-ordinated by Santos at Wurri (as part of their EP consultation), attended by Ms Rusden. Ms Rusden, as an independent expert, attended to observe the consultation session, to note any relevant issues raised by the Tiwi Islanders and to meet with them after the session.
5 April 2023	Interviews with various relevant Tiwi people at Milli (Dr Benton).
21 April 2023	Meetings with NLC Anthropology Branch Manager, update on progress and request for any updates from NLC (Dr Corrigan).
21 April 2023	Meetings with TLC Anthropology Branch staff, update on progress and request for any updates from NLC (Dr Corrigan).
26 April 2023	Munupi clan group meeting, co-ordinated by Santos at Pirli (as part of their EP consultation), attended by Dr Corrigan. Dr Corrigan, as an independent expert, attended to observe the consultation session, to note any relevant issues raised by the Tiwi Islanders and to meet with them after the session.
27 April 2023	Community drop-in day, Darwin convention centre, Dr Corrigan in attendance.
28 April 2023	Mantiyupwi clan group meeting, co-ordinated by Santos at Wurri (as part of their EP consultation), attended by Dr Corrigan. Dr Corrigan, as an independent expert, attended to observe the consultation session, to note any relevant issues raised by the Tiwi Islanders and to meet with them after the session.
28 April 2023	Jikilaruwu clan group meeting, co-ordinated by Santos at Wurri (as part of their EP consultation), attended by Dr Corrigan. Dr Corrigan, as an independent expert, attended to observe the consultation session, to note any relevant issues raised by the Tiwi Islanders and to meet with them after the session.

Dates	Location and activity
1-2 May 2023	Interviews with various senior Tiwi men and women at Wurri, attend Kulama ceremony at 4 Mile (Dr Corrigan).
3-4 May 2023	Interviews with various senior Tiwi men and women at Milli with the assistance of ██████████ (Dr Corrigan).
4 May 2023	Wulirankuwu clan group meeting, co-ordinated by Santos at Milli (as part of their EP consultation), attended by Dr Corrigan. Dr Corrigan, as an independent expert, attended to observe the consultation session, to note any relevant issues raised by the Tiwi Islanders and to meet with them after the session.
5 May 2023	Wurankuwu clan group meeting, co-ordinated by Santos at Wurri (as part of their EP consultation), attended by Dr Corrigan. Dr Corrigan, as an independent expert, attended to observe the consultation session, to note any relevant issues raised by the Tiwi Islanders and to meet with them after the session.
5 May 2023	Malawu clan group meeting, co-ordinated by Santos at Wurri (as part of their EP consultation), attended by Dr Corrigan. Dr Corrigan as an independent expert, attended to observe the consultation session, to note any relevant issues raised by the Tiwi Islanders and to meet with them after the session.
7–12 May 2023	Interview program with identified Tiwi people at Milli (field visit to Karslake), Pirli, Pickatamoor and Wurri. Dr Benton, Ms Rusden and Mr Rochford in attendance.
31 May 2023	Jikilaruwu clan group members, meeting with Dr Corrigan and including EDO lawyers and clients at Wurri.
31 May 2023	Malawu clan group members, meeting with Dr Corrigan and including EDO lawyers and clients at Wurri.
8 June 2023	Boat trip #3, ladies' trip (co-ordinated in part by the EDO), pickup Wurri, travel via south coast (calling in at a point offshore from <i>Mangatuwu</i> lake) and then to the nearest point offshore where the proposed GEP would be laid on the seabed. Pause at that location for discussions, motor to Point Fourcroy and put ashore for lunch and afternoon consultations with EDO clients and other Tiwi participants. Return to Wurri. Dr Corrigan and Ms Rusden in attendance.
9 June 2023	Boat trip #4, men's trip (co-ordinated in part by the EDO), pickup Wurri, travel via south coast to the nearest point offshore where the proposed GEP would be laid on the seabed. Pause at that location for discussion, motor to Point Fourcroy and put ashore for lunch and afternoon consultations with EDO clients and other Tiwi participants. Return to Wurri. Dr Corrigan and Ms Rusden in attendance.
15 June 2023	Munupi clan group meeting for Pirli based clan group members affiliated with the EDO. Dr Corrigan in attendance.
23 August 2023	Public meeting at Wurri to discuss the findings of my research and the reports of Wessex (Wessex) and Dr Henry Posamentier. Dr Corrigan and Dr Benton in attendance.
24 August 2023	Public meeting at Pirli to discuss the findings of my research and the reports of Wessex and Dr Posamentier. Dr Corrigan and Dr Benton in attendance.

Dates	Location and activity
25 August 2023	Public meeting at Milli to discuss the findings of my research and the reports of Wessex and Dr Posamentier. Dr Corrigan and Dr Benton in attendance.

27. The summary of the above field work chronology is that between myself and members of my team. There has been sixty-one person days spent on fieldwork, with thirty-eight of those days directly involving myself.
28. This has not necessarily meant that all Tiwi persons who would have ideally liked to have participated have been able to do so, for a range of reasons, including personal choices about availability in a field of high competing demands for their time. For example, [REDACTED] was scheduled to attend the 31 May consultation with the Jikilaruwu clan and the EDO lawyers (which had been the subject of considerable effort to organise). However, he had pressing matters on his plate and provided his apologies by phone on the day. Subsequently, [REDACTED] also sent his apologies in relation to the boat trip #4, organised for Jikilaruwu members of the EDO clients due to his necessity to travel to the annual and important Barunga Festival. In any case, my team and I have demonstrably made considerable effort over time to be available to all persons who wanted to participate.

Methodological comments

29. The research for this report can be neatly divided into two parts, documentary research and field research.
30. In my desktop efforts I have sought out and obtained documents which were either recommended to me from representatives of the Tiwi Land Council and other anthropologists who have worked in the area or appeared to warrant consideration, especially by way of emergence of reference materials mentioned in documents I had obtained and reviewed. In this way, I have conducted a process of reviewing documents and identifying any further documents and determining which of these I consider essential background material. All materials I have been able to obtain and considered by me to contain essential materials are referenced in this report.
31. In my field efforts I first focussed on identifying individuals who might want to participate in my enquiries and seeking that they be provided with an opportunity to do so and to also provide them with the opportunity to identify further individuals who may wish to, or may be thought of as valuable to, participate as well.
32. My initial identification of particular participants was led in part by recommendations about key people to seek out provided by TLC staff and Chairperson ([REDACTED]) and, also in part, through the professional facilitation assistance of the KodeBlak team, comprised of Tiwi Islanders [REDACTED] and [REDACTED]. [REDACTED] and [REDACTED] were identified to me as an appropriate starting point to communicate with Tiwi Islanders by way of notifying particular people that I was interested in meeting with them, assisting me to locate those particular persons and introducing me, along with providing advice on culturally appropriate approaches to my work that I should be mindful of.

33. In this way, myself and my sub-contract team, was able to start from a list of key target persons, seek those persons out and then seek their advice on their availability and interest in participating in the research process, as well as taking that opportunity to seek out their input on the development of an emerging list of anyone who these individuals suggested might also wish to participate (or who were considered valuable to participate by the clan members I spoke to).
34. In all initial discussions with research participants, I explained my role and what was expected of my work, including that I would be preparing a report, a copy of which would ultimately be provided back to all parties who had participated and provided materials to be considered. I also emphasised to all parties that any participation was voluntary and unpaid, that my work was guided by my 30 years of experience doing this kind of research and was bound by my fellow membership status in the AAS professional body and the AAS Code of Ethics⁴.
35. In determining that I would take the view that informants participation in the research I was undertaking would need to be unpaid I had reference to the principle that people might legitimately seek to be paid in recompense for their time but that this was outweighed by a concern that external parties might level the accusation against them that they were simply providing preferred opinions in return for payment. I was also mindful to avoid any accusations that I had simply paid people to provide me with views that were suited to some particular outcome or another.
36. I also explained to all parties participating in this research that they were entitled to put things to me in a confidential manner, comprised of two particular pathways, one where certain things could be put to me, off the record as it were, which would be things I could think about but not reference and other things, which in the second sense, could be put in my notes for reference only but could ultimately be the subject of a legal demand to be produced.
37. I note here that my training, and development of effective skills in sensitive engagement in cross cultural settings, along with the guidance of the AAS Code of Ethics has been a major force in my interactions with all parties in this process.
38. In the above ways, the process of determining relevant persons and any relative weighting of their input, is a qualitative process, comprised of a number of factors, including by seeking referral to particular individuals (by TLC, Kodeblak and all persons we have interacted with), consideration of documents identifying particular individuals who appear to be relevant, seeking those persons out, interviewing them if they are prepared to be interviewed and seeking that they advise us of anyone else who they believe should be approached.
39. The relative weighting of the various inputs thus received is also a qualitative process, where considerations of apparent internal logic of assertions is made along with drawing on relevant experience to assess the veracity of people's views.

⁴ The AAS Code of Ethics provides ethical guidelines for anthropological work, including academic research, teaching, consultancies, and public commentary. Although the AAS cannot govern the behaviour of its members, they agree to abide by the Code of Ethics upon application and acceptance as members of the AAS. Full details are available at <https://www.aas.asn.au/ethics>.

40. It was unsurprising that in our efforts we documented a range of views on cultural heritage issues in relation to the GEP. Such views include assertions that there are no cultural heritage impediments to the GEP⁵, offset by assertions at the other end of the scale, to the effect that the entire Tiwi world as it is currently known would be under direct threat if the GEP was to proceed⁶.
41. It is noteworthy that there have not been any physical sites of relevance, or sacred sites, identified in the path of the GEP in contrast to assertions by some parties of more intangible types of cultural heritage which will have to be considered in the context of all available materials. Such ‘spiritual’ concerns are addressed further in the remainder of this report.
42. Other Tiwi persons have been entirely dismissive of cultural concerns in relation to the GEP and have directly stated that they believe there are no cultural heritage or spiritual reasons to be concerned about the proposed GEP.
43. I should also be very clear that a good number of persons interviewed as part of this research expressed strongly held general concerns about the well-being of the physical dimensions of their land and seas and also expressed fears about any potential dangers to sea life, turtles, dugongs, corals, sea grasses, nesting sea birds and the like.
44. As part of my interview process, I ensured that there was a good range of affiliations to the various Tiwi clans and an equitable spread of gender and traditional seniority – as is demonstrated in my consultation log included as Appendix 6 to this report.
45. To further clarify the mechanisms of my assessment of contrasting views expressed in this research, a number of persons approached for this research expressed a deference to more senior persons in their clan group. There was an observable lack of preparedness to speak about clan group matters without holding the seniority to do so. Some persons I have approached have been happy to engage on the topic but then expressed their view that other more senior persons should be approached. For example where [REDACTED], a carving specialist, and member of the Munupi clan group based at Milli told me (3 May 2023) that he would prefer other Munupi clan members to advise me on the GEP, he mentioned specifically [REDACTED], [REDACTED] and [REDACTED], who he advised were all senior Munupi clan representatives who he thought to be appropriate to comment. These men have all been part of my consultations, with [REDACTED] being especially prominent. As with this example, men and women, senior and less senior, of all other relevant clan groups have had the opportunity to express their views to me. As is evident from the consultation log at Appendix 6 of this report, a wide coverage of relevant persons from each of the clan groups with interests in the Tiwi Islands have all been involved with this research to a greater or lesser degree.

⁵ These sorts of comments from relevant Tiwi Islanders, saying that there are no cultural heritage impediments to the GEP proceeding were also frequently made at Clan group meetings I attended. It is my intention to note this here whilst avoiding any specific identification of any particular individuals who made such comments in the context of this report which has a significantly public purpose.

⁶ Comments claiming that the placement of the GEP in its proposed corridor would sever all cultural life in the sea were also made by some parties – specific examples are explored below.

Traditional interests in underwater places

46. When considering the people and organisations who have, in accordance with indigenous tradition, spiritual and cultural connections to any “underwater cultural heritage places” in relation to the GEP, in addition to my fieldwork and review of relevant materials, I have considered the following:
- a. affidavit of [REDACTED] (dated 23 June 2022);
 - b. affidavit of the [REDACTED] (dated 6 July 2022);
 - c. affidavit of [REDACTED] (dated 23 June 2022);
 - d. affidavit of [REDACTED] (dated 6 July 2022);
 - e. joint video statement of [REDACTED] and [REDACTED] (and the transcript provided to me of the video statement) (dated 8 July 2022);
 - f. video statement of [REDACTED] (and the transcript provided to me of the video statement) (dated 8 July 2022);
 - g. outline of [REDACTED] (dated 11 July 2022);
 - h. outline of [REDACTED] (dated 12 August 2022);
 - i. outline of [REDACTED] (dated 12 August 2022);
 - j. outline of [REDACTED] (dated 12 August 2022);
 - k. outline of [REDACTED] (dated 12 August 2022);
 - l. statement of [REDACTED] (undated), under cover of letter from the EDO dated 15 December 2022;
 - m. statement of [REDACTED] (undated), under cover of letter from the EDO dated 15 December 2022;
 - n. *Tipakalippa v National Offshore Petroleum Safety and Environmental Management Authority (No 2)* [2022] FCA 1121;
 - o. transcript of 22 August 2022 and excerpt of the transcript of 23 August 2022 (the oral evidence of [REDACTED]), in *Tipakalippa v National Offshore Petroleum Safety and Environmental Management Authority (No 2)* [2022] FCA 1121; and
 - p. *Santos NA Barossa Pty Ltd v Tipakalippa* [2022] FCAFC 193.
47. For example:
- a. In the affidavit of [REDACTED], he identified that, in his view:
 - i. spiritual stories for his clan go right out into the deep water (at 13);

- ii. there are stories about rainbow serpents. These serpents are called Ampitji. There are three of them protecting the Tiwi islands. They also protect the ocean and the seas. They protect the Tiwi Islands and the ocean (at 21);
 - iii. mother and father Ampitji travel around Melville Island. They observe what is happening. The mother is around Imalu Point. The father is in the East. The baby protects Jikilaruwu Country (at 22);
 - iv. not calling out to the ancestors (if you are from another community), the rainbow serpent (Ampitji) would know, and it is dangerous and could lead to death (at 23-24);
 - v. a small island in Pirlangimpi Bay called Wulanju Island is culturally important (at 44);
 - vi. on the eastern side of Snake Bay there are many legends and stories (at 45); and
 - vii. there are dreaming sites in caves under the water near Pajuwapura (Rocky Point) (at 46).
- b. In the affidavit of [REDACTED], she identified that, in her view:
- i. there is a spirit that lives at Imalu Point. Ampitji is her name, and the story about Ampitji is very sacred (at 25);
 - ii. Ampitji is a sea serpent. She is a spiritual belief. Ampitji, she's a traveller. She protects the land and looks after the sea (at 26);
 - iii. the Ampitji at Imalu Point comes around to the Port area near Pirlu to patrol. There is an underwater cave there and she comes to patrol (at 28);
 - iv. She also patrols the sea, all the way around to Melville, and she always comes back to her home at Imalu Point. There are holes at the beach at Imalu Point, that is where she lives (at 30);
 - v. a dreaming site (Muripiyanga), underwater near Shark Bay and the small island there (at 45); and
 - vi. a dreaming site (Waylo), underwater between Bucannon Island and Wurrumyanga (at 45).
- c. In the joint video statement with [REDACTED], [REDACTED] identified that, in her view:
- i. some Ampitji comes live on the land, some in fresh water, some at Imalu Point and that there are special dreaming sites that the Tiwi people need to look after that are on the sea;
 - ii. that there are holes at Imalu point where the Ampitji lives; and
 - iii. that the Ampitji is a traveller and looks after the sea as well as the land.

- d. In oral evidence provided to the Court on 22 August 2022, [REDACTED] identified that the Ampitji live at Imalu Point and patrol the coastline (see T21.43-46).
- e. In her undated statement, [REDACTED] identified that, in her view:
- i. There are Tiwi cultural stories and songlines that go out from the shore into the deep water. Ampitji comes from the sea and is a really important cultural story. There are Ampitji sites out in the deep water.
48. In arriving at my conclusions, I have also considered the definition of ‘traditional Aboriginal owners’ in relation to land under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) and the definitions of ‘significant Aboriginal area’ and ‘Aboriginal tradition’ in the context of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) which are all directly relevant to this report. I have also considered the definition of ‘underwater cultural heritage’ in the *Underwater Cultural Heritage Act 2018* (Cth). The definitions are in Appendix 3 of my report.
49. In addition, I have considered the definition of ‘sacred site’ in the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT), as it applies to the dry land areas of the Tiwi Islands and any features submerged within the area enclosed by the Northern Territory seas. Further, I have considered the *Heritage Act 2011* (NT), and the *Native Title Act 1993* (Cth). The definitions are in Appendix 3 of my report.
- Ethnographic and historic background to traditional laws and customs amongst the Tiwi Islanders in relation to the protection of “underwater cultural heritage places” along the Barossa pipeline route, to which people, in accordance with indigenous tradition, may have spiritual and cultural connections that may be affected by the future activities in the GEP EP**
50. Cultural heritage is defined by indigenous tradition through traditional laws and customs amongst the relevant group or groups. In this instance it is the specificities of relevant laws and customs amongst the Tiwi Islanders, which defines indigenous traditions amongst themselves.
51. In order to carry out my fieldwork, I reviewed extensive ethnographic studies of the Tiwi people in order to gain an historical understanding of their society, culture and hierarchy within their society. I have set out below relevant excerpts from those studies. It has been outside the effective scope of this current assessment for me to determine the specificities and currency of these practices across all elements of contemporary Tiwi society.
52. In classical Tiwi society, such as we know of it from detailed early ethnographic studies, the world is defined by three domains (see, for example, Goodale 1974:332),
- the world of the unborn,
 - the world of the living, and
 - the world of the dead.

53. Each of these three domains are, respectively, a place where the unborn spirit's (*Pitapitui*), living people and dead people's spirit's (*Mobuditi*) carry on a regular social life, subject to the same rules of kinship and economic life as living people. Much of classical Tiwi life (as it has been recorded) is spent assiduously complying with such rules, not only to show good form in the development and maintenance of valued social and economic prestige, but also so as to avoid spiritual danger in the world of the living.
54. Here I quote extensively from Mountford (1958:61-62) on the topic of the separation of the three spiritual domains,

The Tiwi spirits of the dead, the mopaditis, live in self-contained communities at the various totemic places on Melville and Bathurst Islands. The mopaditis have the same appearance as the aboriginal folk, except that their bodies no longer have substance, being but nebulous images of their former selves.

No living person has seen these mopaditis, for they are invisible by day, white in the moonlight and black in the darkness. Although, normally, the mopaditis travel on the surface of the ground in the same manner as the aborigines, they are able, when crossing a river, or an arm of the sea, to walk on the surface of the water.

*In the spirit land, the mopaditis, who are eternal, retain their totems (*pukwi*), marry spirit women of the correct tribal relationships, and have children who grow to maturity. They eat the same food as the aborigines, going hungry if the hunting is poor, and use the same implements and weapons.*

At the death of an aboriginal, the mopaditi rises out of the chest of the corpse. If the corpse is that of an infant, or a very small child, its mopaditi stays in the immediate neighbourhood, sleeping with the bereaved mother every night, but leaving in the morning before she wakes up. This continues until the woman has recovered from her grief.

*After some months, the spirit child, now called a *buda-buda* re-enters the body of its previous mother through her vulva and starts life again as a human being.*

On the other hand, if the person has lived for some time, it's mopaditi stays around the grave, mourning because it has to leave its old companions. But after three days have elapsed, the mopaditi calls out "Nimbung" (good-bye), and sets off, unaccompanied, to the locality where it was born, which, before the white man came, would have been its totemic place. As the mopaditi travels, flocks of screeching black cockatoos fly overhead to tell the spirit's at its birthplace, that a new mopaditi is coming to live with them. The local spirit's, on its arrival, rush out to welcome the mopaditi, beating themselves over the head and shoulders with throwing sticks to indicate their pleasure. At its new home, no matter what it's previous state,

the spirit is transformed into a young person of good health and equable temperament, for, in the land of the spirit's, everyone must be healthy, happy and at peace with each other.

Making its camp with the other mopaditis, many of whom were old companions, the new spirit goes out hunting and food gathering with them until the beginning of its own burial ceremonies. Then, with all of its dead relatives, the new mopaditi returns to watch the living people perform the dances and chant the songs of its ilania and pukamuni ceremonies.

As the mopaditis are invisible to mortal eyes, the performers at the burial rituals do not see them, although they know the mopaditis are in the surrounding forest, watching all that is going on.

When the rituals of the day are over, and all the people have gone to sleep, the mopaditis themselves enter the ceremonial ground, carrying out the same dances, and chanting the same songs as those of the living. This happens at all ceremonies, whether they are the ilanias, the final pukamuni, or the kulama rituals.

At the conclusion of its final pukamuni, the new mopaditi returns to its birthplace. There it is treated as a youth, and has again to pass through all stages of the kulama initiation, progressing at the same rate as when it was a living person.

(footnotes omitted)

55. Importantly, Mountford (1958:17) tells us that amongst the Tiwi,
there are no secret rituals ...
56. The reference to Kulama (*Yam*) initiation rituals refer to the progression of cultural learning amongst Tiwi Islanders in the classical period, where all men and women were 'captured' by ceremonial leaders, beginning a series of learnings which continued in named stages over several years.
57. The Kulama (*Yam*) ceremony does not require that people be initiated at it. However, it is the forum whereby Tiwi initiation occurs in the classical period. Goodale (1974:205) puts it thus,

Noteworthy aspects of the Tiwi initiation procedures are:

(1) both males and females are initiated by the same formalized procedures-they must pass through a series of "grades" until they achieve the status of fully adult (mikigula, mikigulinja) members of the society; (2) the late age at which initiation is begun and the length of time it takes to complete; and (3) the intimate association of initiation with instruction and participation of the initiates in the annual public yam ceremony and the fact that there are only a few other rituals for initiates. Tiwi initiation is thus quite unlike that reported for other aboriginal tribes

58. Hart and Pilling (1979:93-94) elaborate further on elements of Tiwi initiation, within the Kulama ceremonial context, as follows,

For females there were no initiation ceremonies, but for males it was a long drawn-out and elaborate affair, marked by successive stages or grades which began with the status of Marukumarni, which a boy entered when he was about fourteen, and did not end finally until he was around twenty-four. Here again we meet the ideology of debt and obligation. The group of men, necessarily older than himself, who initiated a youth thereby put him under obligation to them for the rest of his life. They "did something for him" and years later would bring it up if his subsequent behavior seemed to be directed against their interests. The obligations contracted in initiation, like obligations contracted at burials or mourning ceremonies, were woven into the kinship and influence systems; indeed the relation of a youth to the men who initiated him was often the beginning of a satellite-patron relationship that lasted half his life.

The initiation of a boy had to be undertaken by a group of men who were already fully initiated themselves and who stood to him in the relation of male cross-cousins. Preferably such men were either married to or likely to marry the boy's sisters, an easily met requirement since girls were "married" so much earlier than their brothers. Very senior and successful men did not bother as a rule with initiation sponsorship because it took too much of their valuable time. Hence in practice, most boys at the Marukumarni age were taken in hand by a group of men around 40 years of age who were at least betrothed to, if not already married to, the boys' sisters. Such men justified or rationalized their actions by stating that, as the husbands of the boy's sisters, they wanted their little brother-in-law to be made into a man in proper form. In fact, they were usually given the job by the boy's father, who, having bestowed daughters upon them, regarded it as a legitimate request to make of them. It was the duty of male cross-cousins to initiate their wives' little brothers, but in true Tiwi style the father had to request them to do it, and they counted it in their tallies of what they owed him and what he owed them.

59. *Pukamani* is a further central and ubiquitous term reported amongst classical Tiwi society, and it refers to elaborate burial poles associated with mourning rituals and grave sites and also refers to a range of taboo circumstances, as Hart and Pilling (1979:88-89) put it,

As a tribe they [the Tiwi] were magic free but taboo ridden. Their generic word for anything sacred or forbidden or untouchable was pukimani, a word which in its most common form referred to a state of special being in which a person or thing temporarily was. Thus mourners were pukimani for the period of their mourning, youths undergoing initiation were pukimani during the ceremonies, a woman who had just given birth was pukimani for a week or two afterwards. Dead bodies were pukimani until

buried; graveposts were pukimani once erected on the grave; the names of dead people immediately became pukimani on their deaths and could not be used, and the same was true of all the names bestowed by a dead man on the children of his household and all the other words in the language that sounded similar to the name of the dead man. All ceremonials and rituals were pukimani as were the main performers and the armlets, neck ornaments, and other ceremonial objects. People in a pukimani state had to observe all sorts of avoidances of and abstentions from everyday actions, particularly with regard to food and sex.

Close relatives of dead people could not touch food but had to be fed by non-mourners. That pillar of rigid orthodoxy, Tu'untalumi, was virtually never able to feed himself but was in a pukimani state almost the whole year round and needed one of his wives to feed him. (Another advantage of a large household.) Certain spots in the bush or on the banks of streams were pukimani places; the dimly seen outline of the Australian coast was pukimani as was the ocean near Cape Keith where the Tiwi ancestors had first created the Tiwi world; and finally, the violation of a pukimani restriction rendered the violator pukimani.

(footnotes omitted)

60. Much of the detailed early ethnography (e.g. Basedow 1911, Spencer 1914, Hart 1930, Mountford 1958, Goodale 1974, and Hart and Pilling 1979) sets out the absolute link between compliance with and observance of traditional laws and customs on the Tiwi Islands and the link to social and economic success and avoidance of spiritual danger (which might manifest itself as death or, at least worst, failure in one's desired endeavours).
61. One of the more elaborate forms of classical (pre-mission⁷) Tiwi accumulation of wealth was measured in the number of wives a big man may have accumulated in his life-time, all of which allowed him to accurately show his success in social and artistic endeavours, for to be a quick-witted man of physical and social prestige was the primary way of negotiating the contract of marriage partners, including those not yet born (yet to be born *Pitapitui* who would reveal themselves in due course and about whom Tiwi families would arrange contracts) all linked to the establishment and maintenance of a strong economic base where one might seek to develop and acquire renown in economic life and artistic efforts (like canoe construction, ceremonial spear carving, burial poles and the like).
62. As set out by Hart and Pilling (1979:16-18), some of the more successful big men known to them presided over households of tens of wives and up to the order of thirty, as they explain,

That this is not an exaggerated or overdrawn picture of the number of

⁷ In 1911 the Catholic missionary Father Gsell arrived and set up the mission station in the south-eastern corner of Bathurst Island, where it stands today. The arrival of the mission saw the commencement of dismantling Tiwi Polygamy (see for example, Hart & Pilling 1979:102).

wives that could be accumulated in the course of a long life by a successful Tiwi household head is shown by the genealogies of the grandfathers of the present generation. Turimpi, who was born in the 1830's and died in the early 1900's, was at his death the most powerful old man among the Tiklauila. Some of his sons are still alive, and all of them were in the prime of life around 1930. A complete list of Turimpi's wives, not all of them living in his household at the same time or necessarily alive at the same time, contains more than twenty names. But Turimpi was outshone in this regard by several of his contemporaries in other bands. A prominent Turupula of the same generation had a list of twenty-five; the father of Finger of the Wilrangwila had twenty-nine; the father of Tamboo and Puti had twenty-two. As late as 1930, men with lists of ten, eleven, and twelve wives were still plentiful, and Tu'untalumi, who was aged about seventy in that year and was a man of great influence, had by then accumulated no less than twenty-one.

...

To become "a big man" a Tiwi had, among other things, to accumulate a lot of wives. This required time, in addition to everything else. A rising star who accumulated by bestowal seven or eight wives by his middle forties and then died, merely left a lot of widows to be redistributed at his graveside, and by the process of wealth attracting more wealth, or capital creating more capital, these widows were most likely to be redistributed among his rivals and competitors of his own age group or among men even older than he.

Hence, the largest number of wives ultimately accrued to the successful man who lived longest, since he was likely to gather up at least a few of the widows of each of his contemporaries or seniors as they predeceased him.

There was thus a close correlation between increasing age and the number of wives a man had, and the largest households belonged to a few surviving old men in each band. The two conditions, therefore, which were necessary to accumulate a large household were (1) to attract prospective fathers-in-law to invest their infant daughters in you while you were a young man, and then (2) to live long enough to reap the dividends. The longer you lived, the more dividends would accrue to you from one source or another, provided you started off right by attracting betrothals in your twenties and thirties.

(footnotes omitted)

63. In a way which adds to our understanding of the depths in which such marriage practices were just the tip of the iceberg of social and economic life amongst the Tiwi, and were also the domain of prestige negotiation amongst senior women as well, Goodale (1974:55-56) explains,

Hart and Pilling (1960:16) in their discussion of Tiwi marriage emphasize the role that the father of the bride plays in arranging his daughter's marriages, but they state that he "was seldom an entirely free agent ... [as] ... he was also caught in an intricate network of previous commitments, residual interests, and contingent promises made by other men who had some prior interest in the baby or the mother of the baby." These commitments, promises, and residual interests are all contained in the Type A contract and its extensions. But it does happen that a Type A contract can become void in its entirety.

The elderly holder of a Type A contract may die before his bride reaches puberty and therefore before his brothers have ritually contracted the Type A2 contract. Or if the husband does not serve his mother-in-law to her satisfaction, she may void the contract. A girl's father does not have the right to void such a contract, but should the girl's mother void the contract he does have the right to make a new marriage contract for his wife's daughter. A father-arranged contract for a daughter's marriage is always a secondary contract, and because it does not necessarily relate to the original Type A contract.

(footnote omitted)

64. The intricacies of social practice required to generate households comprised of a substantial number of wives (and by extension, mothers, including potential mothers of unborn spirit children waiting to be born) is a fine introduction to the socially embedded aspects of all economic and spiritual life amongst this group of people, who famously largely lived closely amongst themselves with very little input or impact from the outside world until really quite recently (see for example Morris 2001).

Early documented contact with Tiwi Islanders

65. There are records showing that the Tiwi people have inhabited the Tiwi Islands from the earliest known colonial encounters. I have set out passages below from some of these sources, for the background they provide. I acknowledge that some of the following observations were made in a previous time and obviously may suffer from a lack of understanding of Tiwi culture and language, and reveal a colonialist lens. In some cases, language was used by the authors that would not be considered appropriate today.
66. Major Campbell prepared his 1834 Memoir of Melville Island (and Port Essington) drawing on his time there at Fort Dundas (established 1824 [abandoned 1828], some

nearly forty years before Darwin⁸ was established and in the immediate vicinity of the contemporary Garden Point/Pirli community), following his appointment as Commandant of Melville Island in 1826 (1834:133). He notes his 1827 survey of the previously un-surveyed interior of Apsley Strait (which bisects Bathurst and Melville Islands) and comments upon the treacherous shoals and currents which characterise the near to shore channels and seas around the Tiwi Islands and within Apsley Strait (1834:138).

67. The European inhabitants of Fort Dundas appeared to have had an uneasy relationship with their Tiwi Islander hosts and neither engaged with each other overly much. Campbell (1834:152-154) notes (in relevant part),

In personal appearance the natives of Melville Island resemble those of the continent ... they are not generally tall in stature ... In groups of thirty, I have seen five or six strong powerful men of six feet in height ... They have the septum of the nose perforated, wear long bushy beards and have their shoulders and breasts scarified. ... In disposition they are revengeful, prone to stealing, and in their attempts to commit depredations show excessive cunning, dexterity, arrangement, enterprise, and courage. ... they are also very sensitive to anything like ridicule. ...

In the construction of their canoes, spears and waddies, they evince much ingenuity, although the workmanship is rough from the want of tools; they are expert swimmers and dive like ducks. They show no desire whatever for strange ornaments or trinkets ... The only articles they seemed to covet were hatchets and other cutting tools; but still, when they could steal, they carried off everything they could lay hold of.

68. Campbell (1834:156) provides us with more detail on Tiwi material life, as follows,

Their canoes, water-buckets, and baskets are made of bark neatly sown with strips of split cane. The canoes consist of one piece of bark, are twenty feet long, twenty-eight inches wide and fifteen deep; the stem and stern are neatly sewn with thin slips of cane, and caulked with white clay; the gunwhales are strengthened by two small young saplings (such as grow in marshy places) fastened together at each end of the canoe; the sides are kept from closing by pieces of wood placed across, and which also answer as seats.

69. Campbell goes on to hypothesise that Tiwi tribes of thirty to fifty members at that time seemed to keep to their own areas and lead a semi-nomadic life in the dry season (1834:157) and enjoyed a more stationary encampment in the monsoon. He describes a visit to one such camp as follows,

⁸ It is remarkable that Fort Dundas was established in 1824 and that Darwin was only established much later 1869, in the wake of John McDouall Stuart's discovery of the route through to the north coast in 1862 (Hardman 1984).

Upon landing under the high sandy beach, we came upon an extensive encampment of natives; the men women and children all fled like frightened deer, and left us to quietly examine their domestic economy. There were thirty wigwams, all made of newly-stripped bark; each consisted of a single sheet of bark formed into a shed or mere roof, open at each end, with a fire at the entrance. ... Pieces of soft silky bark, rolled up in several folds, and answering as pillows and seats, were in each wigwam. ... Several of them were ornamented with figures drawn from white clay. ... The utensils consisted only of bark buckets and baskets; and the ground around was strewn with the shells of turtles, crabs, oysters and limpets. At one end of the encampment lay the materials for constructing a canoe; and on a block of wood close to it was observed marks made with an axe, or tomahawk. We committed no depredations, and saw the natives hastening back when we quitted the shore.

70. Campbell also describes his thoughts on movement off the Islands by Tiwi at that time. He notes (1834:158) that,

I do not think that these Islanders ever cross over to the coast of New Holland; for the currents are so rapid in Dundas and Clarence Straits, that it would be dangerous for their slight canoes; and although so close to the Cobourg Peninsula, yet the spears of the Melville Islanders are differently formed from those used by the natives of that peninsula, and much heavier.

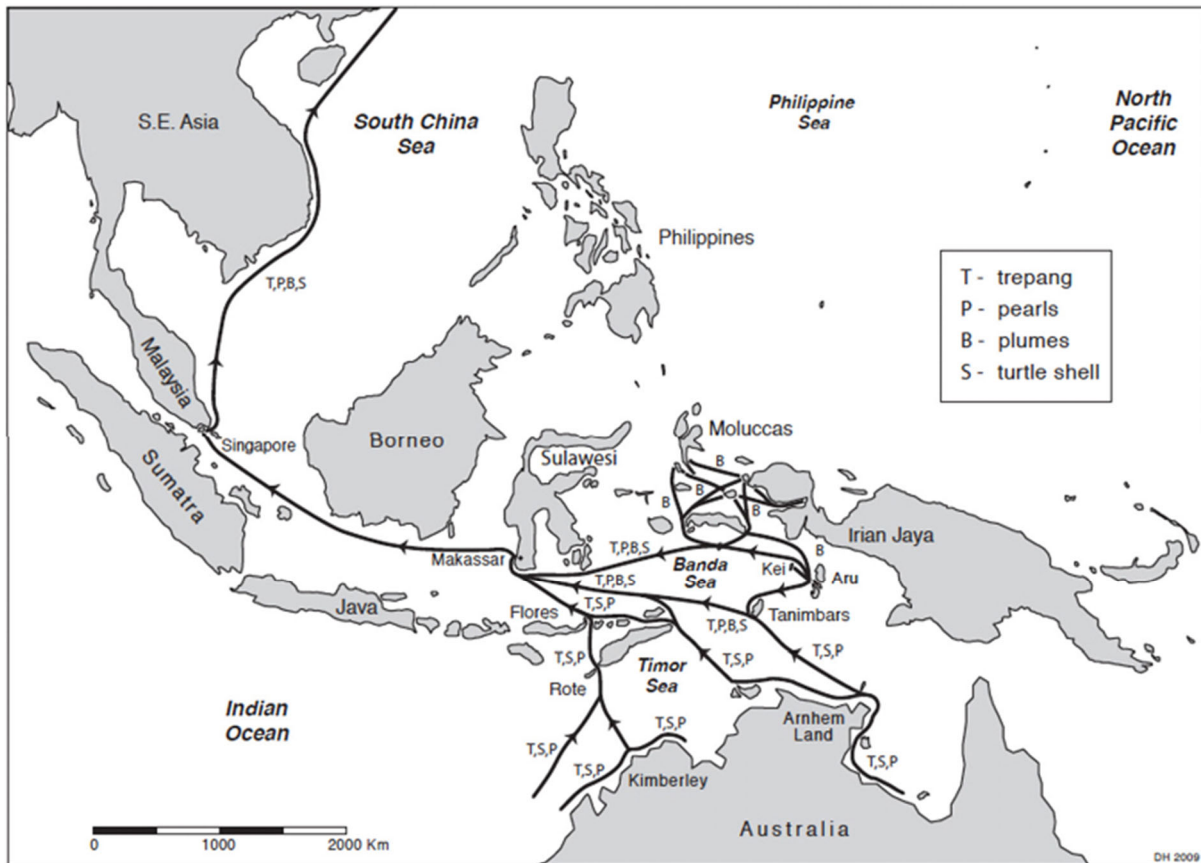
71. Tiwi burial plots and associated carved *Pukamani* poles were evident to Campbell at that time, and he notes (1834:158) that,

It appears to be the custom of the natives to bury their dead, their burial-places being in retired spots near their most frequented encamping ground. The burial place is circular, probably ten or twelve feet in diameter; it is surrounded by upright poles, many of which are formed at top like lances and halberts, fourteen or fifteen foot high; and in between these the spears and waddies (probably of the deceased) are stuck upright in the ground

It is quite impossible to form any estimates of the numbers of the natives, but they are seen on all parts of the coast of these two islands, I shall note presume even to give a guess at their probable number.

72. Clearly the Tiwi Islanders who Campbell encountered in the 1820s were an economically sophisticated group of well-fed people, whose social arrangements allowed them to generate sufficient artisanal effort to create elaborate material culture (canoes, elaborately carved spears and burial poles).

73. Campbell's lack of reported sighting of any dugout canoes, rather than the bark canoes which a dugout is so superior to, does not mean they did not exist at that time, but perhaps indicates that they were more prevalent in parts of the Tiwi Islands that Campbell did not see or perhaps they were so highly valued that they were hidden from the outsiders.
74. Separately, there is debate around when dugout canoes were introduced to the northern coasts of Australia by the regularly visiting Makassans, who ran fleets of commercial vessels out of Makassar (the contemporary port of Ujung Pandang in Sulawesi, Indonesia) to various parts of northern Australia, and were well established by at least the early 1700s but possibly much earlier than that, potentially to around 1650 AD (see Clark and May 2013:1-3).
75. Clark (2011) notes that,
- Known as Macassans (MacKnight 1976:1-2) or more recently as monsoon traders (Knaap and Sutherland 2004) these mariners were regular visitors to the waters of the Northern Territory coast of Australia during the years 1780 to 1907 (MacKnight 1976 and 2008:137). They came primarily to fish and trade for trepang (various species of edible holothurian, more popularly known as sea cucumber), but also to collect other marine products of value to the Chinese markets they served. These products included (amongst others), Hawksbill sea turtle shell (Eretmochelys imbricata), pearl shell (Pinctada sp.) and pearls and were part of a much larger trade network that included the Maluku islands (Moluccas) and west Papua (see Figure 1).*
- Leaving the trading port of Makassar with the onset of the west monsoon (November-December), these fisher traders worked the Arnhem Land coast of the Northern Territory for four or five months before returning with the southeasterly trade winds in April-May. According to Alfred Searcy, Sub-Collector of Customs at Port Darwin (1882-1896), the perahu usually, "sighted Melville Island first before working their way down the coast to the eastward, some proceeding as far as the Gulf of Carpentaria" (Searcy 1907:45-46).*
76. The figure 1 which Clark refers to (reproduced here immediately below) is highly illustrative as to the significance of Makassan trade routes which links the Tiwi Islands with a vast regional maritime network, throughout at least recent, if not ancient history.



Map 2 – Map of the Indonesian archipelago showing trade routes in plumes and marine products 1500–1900 and trade in marine products to the north Australian coast, c.1780–1900 (after Forrest 1779 and 1792; Searcy 1905 and 1907; Crawford 1969; Macknight 1969 and 1976; Healey 1980; Swadling 1996; Morwood and Hobbs 1997:198; Morwood 2002:35) Figure 1 (Clark 2011:2).

77. Of interest, in 2020, a collaboration between Makassan traders, Australian Muslims, boatbuilders and Yolngu groups in Arnhem land re-created a Makassan trading *Perahu* and sailed it from Makassar to Darwin and on to Gove in the same way ancestors of some of the crew had done for centuries⁹.

⁹ <https://www.southeastasianarchaeology.com/2020/03/02/video-reconstructed-makassan-prau-is-a-reminder-of-australian-trade-links/>.



Figure 1 – Reconstructed Makassan *Perahu* of the type used in early trading missions in Northern Australia.¹⁰

78. The type of specifically re-constructed *Perahu* and all manner of similar variations remain common throughout Indonesian waters as observed by me in periods of field research at sea in Eastern Indonesia. The ocean-going feats of these remarkable hand-built vessels and their extraordinary crews are a true celebration of human endeavour.

¹⁰ <https://www.southeastasianarchaeology.com/2020/03/02/video-reconstructed-makassan-prau-is-a-reminder-of-australian-trade-links/>.

79. The travel links between Makassans and their northern Australian trading partners, go both ways, with various oral histories of Tiwi Islanders and other northern Australian Aboriginal groups confirming that earlier family members had visited and sometimes stayed on in Makassar. Most recently, a set of photos emerged in Makassan archives showing a group of northern Australian Aboriginal people who were photographed in Makassar in the 1870s. The Australian ABC media put it thus,

The discovery of a trove of long-forgotten, black-and-white photographs in an Italian library has proven that a group of Indigenous Australians formed a community in South-East Asia 150 years ago.

The striking images were taken in the Indonesian city of Makassar in the 1870s, and show half a dozen young Aboriginal men and children from northern Australia.

They corroborate written and oral accounts that describe Aboriginal people moving overseas with visiting Asian fishermen, some prior to British settlement of northern Australia, and some even dating back to the 1600s

<https://www.abc.net.au/news/2023-02-11/mystery-community-of-aboriginal-and-indonesian-families/101901188>.

80. The concept of the Tiwi Islands being a remote and isolated place becomes significantly more complicated in light of the deep history of international maritime expeditions leading to northern Aboriginal people moving to Makassar hundreds of years ago. It is speculation but presumably some people made more than one trip and others likely remained there for the balance of their lives.

81. Referring to the time of Herbert Basedow's visit to Melville Island, he notes the construction process for the common bark canoes which Campbell had mentioned nearly 80 years earlier and notes that while normally only two persons would operate one of these for turtle and dugong hunting, they could accommodate a good number more people if the occasion dictated. He makes special note that (1911:303),

[due to the proximity of Bathurst] to Melville Island, which is separated from it by only a narrow stretch of calm water known as Apsley Strait. The latter is barely a mile in width at its narrowest points. Numerous canoes are in use within this Strait, and occasionally, when wind and water are favourable, they venture a short distance out to sea.

82. Basedow also notes that in 1911, dugout canoes were also quite a feature of life in the Tiwis. He notes that (1911:305),

The dug-out canoes to which I have elsewhere referred have, in all probability, been introduced by Malays from whom the natives obtain them by barter. Dr. Walter Roth has also proved that the dug-outs met with along the coast of Queensland are of Papuan origin. The form observed in Apsley Strait is without outrigger and hollowed out of a single tree trunk.

The bow and stern are raised.

(footnote omitted)

83. The dugout canoe is far superior to the bark canoe with regard to its rigidity of form and its ability to float and be bailed out if swamped and they make inter-island crossings far safer, along with the enhanced capacity to return from further parts of the sea becoming more possible than with the simple bark canoe.
84. Speaking of bark canoes, Hart and Pilling (1979:3-4) note the following,

the early Australians are thought to have arrived in the type of canoes that were still in use by their descendants in the 1700s. These craft, mostly in use in Cook's time on the northern and eastern coasts and the inland waterways, were called canoes by courtesy but were incredibly frail. They consisted of a single sheet of bark bent roughly into the shape of a boat, laced together at the ends, caulked with wild honeycomb or some vegetable gum, their sides held apart by a few sticks. Such "canoes" are little better than rafts; even in calm water they are likely to swamp, capsize, or disintegrate, and the only thing that can be said for them is that when swamped or capsized, the bark will still float, enabling the occupants to cling to the remains, at least briefly. Hanging on to a swamped sheet of bark is not an activity that merits the name seafaring, and in the shark-infested waters around the Australian coastline and in the crocodile-infested rivers of the north it is not conducive to survival. Such canoes were until recently in use here and there by Australians as these craft could be very quickly constructed. But today where the natives use canoes, those made of bark have been replaced by the dugout canoe. No Australian would willingly have ventured very far from land in a bark canoe ...

(footnote omitted)



Figure 2 – "Fish-tail" bark canoes [the two to the front] and "dug-out" canoe in the distance, Apsley Strait. Melville Island in the background (Plate X, Figure 2. Basedow 1911:327).

85. The above photo, taken in 1911, reveals that while the Tiwi form of bark canoe is an impressive example of indigenous engineering, the supremacy of the dugout is clearly made out as surpassing the potential of the former to become a waterlogged sheet of bark at sea.
86. In his 1914 publication Baldwin Spencer observed that in his visit to Melville Island with the famous buffalo shooter Joe Cooper, he had seen two distinct types of dugout canoes in use, one being the 'common one' the other with a slab left across the gunwhales so that a mast can pass through and meet a recess in the floor to support a simple rig sail. Spencer (1914:399) notes,

In one which a native made for me the whole work was done by him, singlehandedly, with one axe. ... The boat is fifteen foot long and two feet six inches high at both ends ... [with] a slab running across from side to side [with a hole] in the floor of the boat [to accommodate a simple mast and sail] ... The natives are very fond of sailing, if they can secure anything that will serve as a sail, and, in this boat, the native brought himself and his lubra across from Melville Island to the mainland – a distance of sixty miles across open water during the monsoon period. These boats are quite right in smooth water and so long as everything goes well. Mr Cooper and myself went many miles round the southern coast and

up some rivers in one of these dugouts.

87. Of interest, Hart and Pilling (1979:101) note that,

Joe Cooper, the Australian buffalo hunter who had been chased out of the islands on his first attempt in 1897, returned again a few years later having first kidnaped two Tiwi women so that his mainland native helpers of the Yuwatja (Iwaidja) tribe near Cape Don could learn the language. When they had, he returned with a strong mainland detachment and well equipped with guns and horses.

...

Cooper and his Yuwatja camped at various localities on Melville Island until about 1916 when their last base, at Paru opposite the site of the Mission, was abandoned and he and his mainlanders withdrew from the islands.



Figure 3 – Canoeing scene from Cooper’s anchorage. Melville Island, c. 1912, J. P. Campbell, National Library of Australia (<https://catalogue.nla.gov.au/catalog/660310>).



Figure 4 – Looking across to Melville Island at Joe Cooper’s buffalo ranch of the shore c. 1912 (dugout in foreground) J. P. Campbell, National Library of Australia (<https://catalogue.nla.gov.au/catalog/2182745>).

88. Clearly, the dugout canoe (and its sail assisted variation) had become the workhorse of maritime efforts in the Tiwi Islands, in recent history, if not for some many hundreds of years. At the Patakijiyali Museum at Wurri, there is a section containing numerous photographic examples of Tiwis and dugout canoes including ones with sails. While it is impressive how these canoes were built, they do have limited seafaring range when compared with boats built by the Makassans such as the *Perahu*. A recurring theme amongst people I have spoken to is that Tiwi practice in previous times and in the contemporary period is to remain fairly close to shore in case some accident occurs and one has to swim to safety, and this remained the case once the dugout canoe with sail was introduced to the Tiwi by visiting Makassans. In my view, this is relevant to the extent to which Tiwi Islanders may assert their physical interest in sea country, beyond the waters surrounding the Tiwi Islands.
89. A good many of the older persons I interviewed for this research confirmed that they grew up using dugouts. One senior man, [REDACTED] (born [REDACTED]), remains so firmly committed to the continuity of production and use of the dugout that he lobbies to establish a Tiwi dugout canoe festival so-as-to invite international enthusiasts and specialists to come and celebrate dugouts in the Tiwi Islands.
90. It is also clearly established that such canoes are more than adequate to strike out to the mainland and/or the Coburg Peninsula in good conditions, but it remains the case that they would not make the safest of offshore craft in the often-treacherous seas around the Tiwi Islands and suggest a near to shore focus limited primarily to periods of slack tide in good conditions.

91. In the current period, knowledgeable persons, whom I spoke to, advised me that in this era of common use of motorised dinghies at sea the astute practice is to remain a reasonable visible distance from shores to enhance survival prospects if an incident, such as the motor breaking down, eventuates. This applies particularly to keeping the Vernon Islands visible when crossing between the mainland at Gunn Point and the southern tip of Melville Island. Of note, the direct crossing from Wurri to Darwin on the contemporary public ferry boat allows passengers to largely see land (the south of Melville and parts of the Vernon Island chain) for much of the passage, although that boat is much taller than a dinghy, let alone a dugout canoe. The elevation of the ferry boat deck (c. five meters) allows one to see an estimated distance of at least twenty kilometres comfortably on a good day.

92. [REDACTED] (in an interview on 2 May 2023¹¹) put it to me as follows,

Canoe time, we used to race each other across Apsley Strait. I've [even] been out to behind Buchanan for turtle got [with] a canoe (sailing one). My older relations used to go to Darwin got a canoe, 1 day with good sailing. I've been to Darwin and back in one day in a dinghy, stay close to Vernons on the way down, in case of any dramas.

Compliance with requirements to adhere to traditional law and custom in the Tiwi Islands and traditional decision-making processes

93. In common with other Australian indigenous societies (see for example, Berndt & Berndt 1968), the Tiwi have a normative system of laws and customs which provides a format for appropriate social life, including marriage practices, economic practices, ceremonial matters and concepts of discipline and punishment for transgressions of the same. Below I have collated some examples from ethnographic studies showing how, historically, Tiwi culture dealt with the enforcement of its cultural norms by persons of authority.

94. One of the more striking examples of the expression of demanding compliance with appropriate behaviour is that described by Hart and Pilling (1979) where they document processes of duelling as a common technique, which brings the wider community into the consideration of punishment for alleged transgressions. They described such techniques in the context of accusations of adultery at pages 37-38, as follows,

In any Tiwi camp comprising more than two households, few weeks went by without an outraged and angry old husband shouting accusations at one of the younger men sitting by another camp fire a few yards away. The young man accused would (usually) deny it; the old women of both households would enter the argument, the young mans mother protesting his innocence, the old mans elderly wives (who had of course been the informers) giving details of time and place and circumstance; the young man would produce, or try to produce, an alibi and appeal to a friend to bear him out; the old man would call the friend a liar and the youths mother an old witch; the youths mother would retaliate by shouting things she knew (but had never before revealed) about the private lives of

everybody in the old man's household, including the old man himself when he was a young bachelor. A good time would be had by all, including the listening anthropologist, but nobody would get much sleep.

...

The matter might then die, depending largely on whether the old husband wanted to carry it further or was content to drop it. If the young man was still in camp the following day, the old man might insist on a duel then and there, but it would take place only if the camp were large, since Tiwi duels were essentially legal actions and as such needed a sizable audience for their correct staging. Disputes between men, of which old men accusing young men of seduction were by far the most common type, usually remained at the verbal level until a large body of spectators was available. Since such large concentrations of many households were necessary for the performance of the main collective ceremonies, it was at the time of these ceremonies that most verbal arguments were pushed by the aggrieved party to the action level.

95. The centrality of this proposal of a duel to settle various matters within classical Tiwi society is elaborated in great detail in chapter four of the Hart and Pilling (1979) monograph. They (Hart and Pilling 1979:80-83) set out that,

*The basic shape of all Tiwi trials was standardized in the form that we have been calling the duel. Everybody present—men, women, children, and dogs—formed a rough circle in an open space, sitting or standing according to their degree of excitement at the moment. At one end stood the accuser, the old man, covered from head to foot in white paint, with his ceremonial spears in one hand and a bundle of the more useful hunting spears in the other. At the opposite end stood the defendant, with little or no paint on him, perhaps holding a hunting spear or two in his hand (a sign of insolence), perhaps holding only throwing sticks (less defiant, since the stick was an inferior weapon more appropriate to young men), or perhaps entirely weaponless (a sign of proper humility and the deference to his seniors that all bachelors ought to show in such situations). The accuser, with many gestures, particularly with much stamping of the feet and chewing of the beard, told the young man in detail precisely what he and all right-minded members of the community thought of him. This angry, loud harangue went into minute detail, not only about the actual offense, but the whole life career of the defendant, and paid particular attention to occasions in the past when the old man even remotely, or some of his relatives, even more remotely, had performed kindnesses toward either the young man or some of his relatives. It is difficult to summarize briefly one of these harangues, but the general formula, subject to much variation by each individual accuser, appeared to be the building up of as much contrast as possible between the criminal or antisocial character of the young man's actions and **the fact that he was a member of a network of***

interpersonal relationships in which mutual aid and reciprocal obligations were essential.

...

After twenty minutes or so of this sociological abuse and blame pinning, the old man threw aside his ceremonial spears and began to throw his hunting spears at the defendant. This active phase of the duel conformed to a stereotyped pattern which in some respects resembled baseball. The old man stood about ten feet farther away from the young man than the pitcher stands from the plate. The young man had to avoid being hit by the spears. To do this he was permitted to jump from side to side or into the air, or to duck, but he was expected always to land on approximately the same spot as he had been standing on when the first spear was thrown. Thus there was no marked strike zone, but an implied one. If the accused jumped well away from the strike zone, he was jeered by the crowd. If the old man was wild, he was jeered too, but more respectfully. Under such rules a modern baseball hitter, having no bat in his hand to worry about, would almost never be hit by a pitched ball, and the Tiwi young men were similarly never likely to be hit by an old mans spears.

...

...the young man could dodge the old mans spears indefinitely if he wanted to. He was much younger and hence almost invariably in much better shape than the older man. But if he did this, the old man soon began to look a little ridiculous, and Tiwi society thoroughly disapproved of young men who made old men look ridiculous in public. Continued dodging and jumping and weaving of the body, no matter how gracefully they were done, were not prolonged by any young man who hoped in time to become a respected elder himself. The elders in the last analysis controlled bestowals, and holding one of them up to public ridicule was sure to antagonize all of them. So the young man, having for five or ten minutes demonstrated his physical ability to avoid being hit, then showed a proper moral attitude by allowing himself to be hit. This took even greater skill in bodily movement. Trying to lose a fight without making it too obvious to the crowd and without getting hurt too much oneself is a problem that confronts some professional athletes in our own culture, and few of them do it with as much skill as the younger Tiwi in the same situation. A fairly deep cut on the arm or thigh that bled a lot but healed quickly was the most desirable wound to help the old man inflict, and when the blood gushed from such a wound the crowd yelled approval and the duel was over. The young man had behaved admirably, the old man had vindicated his honor, the sanctity of marriage and the Tiwi constitution had been upheld, and everybody went home satisfied and full of moral rectitude.

...

This was the Tiwi duel as it ideally should be conducted, and in perhaps as many as two-thirds of all such disputes it was so conducted. Divergences from this form clearly arose from the unpredictability of human beings and their fondness for trying to exercise choice instead of following a set pattern. Though the dice were heavily loaded against them, some Tiwi young men chose defiance instead of repentance. There were various avenues of defiance open to them. The mildest was to refuse to allow the old mans spears to hit the target. Slightly more brazen were the young men who turned up at the beginning of the duel with throwing sticks or hunting spears in their hands, even though they used these not to throw but to knock aside contemptuously the spears of the old man. More brazen still was the young man, rare but not unknown, who went so far as to throw missiles back at the older accuser. All such attempts to defy the traditional pattern of the duel met with the same response, and that very quickly. The duel began as usual with the two antagonists facing one another inside the circle of spectators. As soon as it became apparent that the young man was not conforming to the normal pattern of meekness and non-retaliation, there would be immediate activity on the sidelines. Two or three or four senior men would leave the spectators and range themselves alongside the accuser, spears in hand. Other senior men would quietly leave their seats and sit down in the audience alongside close relatives of the young defendant, particularly his full brothers or his father, if they were present, and gently lay restraining hands upon them. Within a few minutes there was no longer an old man facing a young man but as many as four or five old men facing one young man, and no sign of support for him. His close male relatives would keep their seats or (more often) allow themselves to be led away as if they did not want to witness what was coming next. Never, in any of these cases, did any supporter of the young man step into the ring and line up with him. He remained an isolate, faced by several older men, and of course he had no chance. It was easy to dodge the spears of one opponent, since they had to be thrown one at a time; it was impossible to dodge the spears of more than one, since they could be thrown more or less simultaneously. Usually this baring of its teeth by society-at-large was enough. The group of elders did not need to throw many spears simultaneously. The accused capitulated by throwing aside his spears or throwing sticks, or if the defiance had been only of the mildest form - namely, an undue prolongation of the dodging - he allowed his accuser to score a direct hit and the duel ended in the normal way...

Crime thus paid even less for the accused who chose defiance than it did for the accused who allowed himself to be wounded in a duel by a doddering ancient three times his age. The greater the amount of defiance, the more clear it became that the doddering ancient, acting ostensibly as an outraged husband, was the responsible agent of society dispensing public justice. If he needed help, all responsible elders went to his aid, and

the kinsmen of the accused stood aside and let justice take its course [my emphasis in bold].

96. Clearly there was much consideration and calculation of potential impact of one's personal behaviour in classical Tiwi Society and an enduring capacity of quasi-judicial practices to enforce compliance with accepted social practices. The example of transgressions focused upon above is adultery. However, clearly, such charges might be brought against anyone of choice, suggesting an underlying possibility of selectively bringing such charges in a manner which was underpinned by additional concerns with an individual and their behaviour.
97. The above clearly intense engagement of a jural public is a suitable background to considering how it is that Tiwi Islanders make decisions about their behaviour and efforts in the contemporary period (as informed by the emergence of contemporary practice from the classical). As more than one informant for this project made it clear to me, they feel that any input they have to this research will be widely and publicly judged for its merit and relevance to a communal outcome.
98. I conclude here that while any Tiwi person is free to make any statement they wish, in relation to their thoughts on projects, such as this proposed gas pipeline, it remains the case that their views would always be subject to counter-points and ultimately the prevailing view would be that of those with authority within the Tiwi community.

Traditional decision making in relation to land and water uses in the contemporary period

99. In contemporary Tiwi social life, it has become apparent to me, through the research that I have done, including the conduct of interviews with a range of relevant persons, that broadly speaking a good many relevant Tiwi persons seek to ground their expression of views in a manner which reflects understood and pre-existing expectations of compliance with traditional decision-making processes.
100. By traditional decision-making processes, in this context, I mean to emphasise aspects of social life which surround decision making processes in all manner of contexts but including in the context of a range of land-use proposals like plantation expansions, road corridor approvals and the like.
101. In my experience, various contemporary forms of decision making processes adopted around Australia, including the Tiwi Islands, are informed by observable forms derived from traditional structures, such as the operation of a jural public, the public and timely declaration of any issues to be considered and what procedures should apply to decisions required by any particular issue or proposal, respect for elders, the opportunity for all relevant persons to talk, consideration of highly esteemed individuals to bring weight to their views which may be more relevant to some sorts of issues than others, and so on. The conduct of meetings of Tiwi Islanders that I have attended as part of this research shows that these elements of decision-making processes are ubiquitous in this context.

102. An interesting corollary of this is where some Tiwi Islanders explicitly asserted their views that the proposed GEP (and its associated proposed gas wells) are linked to decision making processes in relation to their lands and waters in the sense that any potential industrial accidents are feared to have a potential deleterious effect. That is to say, some Tiwi Islanders maintain that their right to say yes or no to projects which may affect their lands and waters should apply in relation to this project as they take the view the project will have an effect on their lands and waters, which they have legislated rights in relation to. It is unclear to me and outside of my expertise to assess the likelihood of industrial accidents, which some Tiwi Islanders have expressed fears of and concerns in relation to. It is also outside my expertise to understand the legal implications of asserting a right over land that is perceived to be at risk of industrial accident from a project outside of the lands.
103. The most widely held form of opposition to the proposed GEP I heard from Tiwi Islanders in this study was centred around concerns about potential environmental harm to their lands and waters in the instance of industrial accidents and ‘oil spills’ (or in the circumstances of contribution to global warming and climate change), of the larger project. While noting the genuine concern to protect traditional lands and waters and its links to traditional culture it is certainly beyond the scope of this report and my professional expertise to assess the actual versus perceived risk of any potential industrial accidents and their potential effects. In addition, much of any concerns expressed about this project, by the persons interviewed by myself and my team, centred around supernatural matters to do with angering the spirits of ancestors and supernatural being(s) generally and specifically those supernatural beings known as *Ampitji* (which I discuss in more detail immediately below).

Ampitji

104. A number of persons interviewed for this project advised me about the existence of a number of beings known as *Ampitji*. These *Ampitji* are also known as a rainbow serpent by some. Others advised me that there is only one *Ampitji* and that people proposing that there were several different ones were incorrect. There was also much reference (expressed by some persons interviewed) to a rainbow serpent who did battle with a mainland rainbow serpent and won, banishing the serpent from the mainland forever back to its relevant domain. [REDACTED] (a Tiwi Islander) references this rainbow serpent in her fine arts thesis on Tiwi world views (Munkara 2017:80).
105. In the above-mentioned interviews *Ampitji* (plural and singular) were regularly referred to as ‘caretakers’ or ‘guardians’ who ‘keep an eye’ on the community including whether the correct people (members of relevant clan groups in charge of specific areas) are doing correct things, by way of caring for country (including sea country).
106. Many people that I spoke with (including senior members of all the relevant clans on the Tiwi Islands, across genders)¹² referenced incidents where they themselves, or someone known to them had seen *Ampitji* in more recent times, usually in the context of rain-

¹² When referring to interviews with Tiwi Islanders, I am referring to not only my own interviews, but those of my team which I directly supervised. My team included two female experts in cultural heritage, Dr Benton and Ms Rusden who focused on ensuring all relevant female Tiwi Islanders were provided with the opportunity to participate in this process.

storms (especially at times when one would not expect rain), or in rising of the seas in an un-natural manner, or in water spouts. A number of stories concerning *Ampitji* emphasise that a person may readily be killed if they do not conduct themselves properly when on country.

107. I was further advised by a number of relevant informants (including senior members of all the relevant clans on the Tiwi Islands, across genders) that appropriate people can call out to *Ampitji* to let them know (some ascribe a female gender to *Ampitji*) that only correct people and any visitors are in the vicinity and are going about their business in a proper manner. This apparently has the effect of calming *Ampitji* so that they do not cause calamitous events to occur.

108. For example, [REDACTED], advised me on 1 May 2023 at Wurri, that

with Ampitji, it might be a good idea to call out to him and our ancestors in the sea, to let them know about this project, need to show respect, otherwise bad things might happen. Only senior people would have to do this. Old people used to say Ampitji is around when you get rain that is unexpected, they'd sing out to calm things down.

109. The anthropologist Goodale discusses a remarkably similar set of spirit entities documented in her 1971 monograph, where, for example, she describes the existence of *Maritji*, in her words (Goodale 1974:48-49),

The maritji are spirit beings who have a body like a goanna or "quiet" crocodile. There are many of these spirits, men, women, and children, and they come in many colors. Their imunka (souls) are like rainbows. A big rainbow is likely to be the imunka of a woman and child maritji. The maritji are to be treated carefully, for they can kill a person or they can cause a great "sea" to rise up and destroy the land. They live in swamps at various localities throughout the two islands, and generally, if treated with respect and caution, will not harm the local inhabitants. Menstruating and pregnant women and newborn infants, however, are considered to be very vulnerable to the dangers of the maritji, and, therefore, must take extra precautions and completely avoid the homes of the maritji.

110. Two locations which are the closest to the proposed GEP where *Ampitji* are said to reside on Bathurst Island are at *Mangatuwu* (a lake in the south west coastal strip and at Rocky Point in the north west section of the island). These references are made by Tiwi Islanders including senior members of all the relevant clans on the Tiwi Islands, across genders. Notably, we passed these locations on the various boat trips organised for delegates to visit the vicinity of the proposed GEP at sea. On these occasions relevant Tiwi Islanders would call out to the country, spirits of ancestors and *Ampitji* to assure them that correct people were taking visitors to 'look around' in a proper manner. This, we were advised, is the correct way of taking people around and introducing them to the country and the spirits within it, so as to ensure the visitors physical and spiritual wellbeing.

111. As I have described above, the constant theme in relation to *Ampitji* that arises from my interviews with the Tiwi Islanders, is that *Ampitji* travel within the waterholes of the island and surrounding the Tiwis, protecting the Tiwi Islanders. While there are no specific “underwater cultural heritage places” that have been identified in relation to *Ampitji* along the GEP corridor, I accept that *Ampitji* exists in the sea country surrounding the Tiwi Islands.

Imunka

112. The multivalent term *Imunka* emerged as having prominent use amongst a small number of informants towards the tail end of this research. It has been described to me to mean ‘soul’ and to have connotations of ‘spiritual essence’ and as a term which is said by some to describe a ‘heartbeat’ and ‘force’ which is everywhere, in everything, ‘connects everything and must be protected’¹³.
113. Goodale (1974:343) limits *Imunka* to the specific translation of soul (of spirit or man) but also provides a description of the singing of a type of song called *kakaritjui imunka*, she notes (Goodale 1974:202) that,

Kakaritjui is a term used to refer to small children (under five years old), and imunka is an individual's living soul, the one that wanders about during the night. However, I suspect that these songs may refer to the unborn spirit children, the pitapitui, but unfortunately I did not check this in the field.

114. Goodale addresses *Imunka* (soul) further, as follows (1974:236),

The distinction between a living persons imunka (soul), which can wander about outside one's body but always returns, and a mobuditi (spirit), which rises from the body after death never to return, is clear-cut. A mobuditi can never return to the living either as a newborn person or as a part of a living person.

115. Mountford (1958) has three entries concerning *Imunka*, as follows,

Page 41, The imunka is a universal life essence which permeates all living things, the plants, the creatures and man. It is situated in the solar-plexus of man.

Page 120, When the burial poles are being erected, one of them, in human form, or a smaller figure, is occasionally placed at the head of the grave. The mopaditi, on leaving its body, sees the wooden figure, and thinking it is either its son, or one of its old companions, stays at the grave and talks to it about old times. These wooden figures have no imunka (life essence), nevertheless the mopaditi, who is believed to be stupid and easily misled, thinks it is talking to a living person. I collected two burial poles (PI. 39) in the form of highly conventionalized human beings, and six smaller, full-

¹³ For example, in interview with [REDACTED] (Cape Fourcroy 9 June 2023), also discussed at Pirlangimpi with a range of senior Munupi clan informants on 15 June 2023.

length figures (Pl. 40, 41). I also photographed a pole, in human form, on an old grave (Pl. 3 8a, b, c).

(footnote omitted)

Page 137, The stomach, or solar-plexus, is the location of the imunka (spirit), and the seat of the emotions.

116. Venbrux (2009:251) defines *imanka* as follows,

imanka - spirit, shadow, reflection, photograph, film

117. Davis (1983:54) sets out another dimension of *Imunka* (his *imunga*), he notes that

Traditionally Tiwi have recognised a range of areas to which access is restricted. Specific sites which are of particular significance to Tiwi include imunga sites, sites for ceremonial performance, sites of ochre deposits and mythological sites. More general areas to which access is regulated are grave sites and sites of economic significance.

118. Davis (1983:49) tells us about his understandings of *imunga*, as follows,

A Tiwi is born into a group by virtue of his or her ' mother ' already belonging to it (the reverse of how Europeans assume our Surnames). For example, the children of a Pandanus woman are also Pandanus people. Such descent groups are not called by the Tiwi matrilineal clans anthropologists would call them, but imunga or pukwi. The terms are synonyms and in the world of multi-level meanings and associations that characterise Aboriginal thought, both these words are also used to designate the sun (personified in myth as a woman) and human breath. Pilling (1958:51) records that the Tiwi also told him that imunga means "that part of the body which the islanders consider the seat of a person's physical being, the point in the mid-line of the body above the naval and below the sternum where one can see the pulse beat"

119. Davis (1983:56) goes on to further note that,

Access to adjacent clan areas, economic zones, imunga sites and other areas of significance to Tiwi are subject to strict rules. The results of disobeying such rules range from mild punishments and reparation to death.

[for example] That Caution Point (Imunga). can't touch or else you'll be crippled, One man touched that and crippled.

120. Davis (1983:75) further discusses details of *imunga* sites to the south of Wurri [in the vicinity of Buchanan Island] and their tidal dimensions, as follows,

The boundaries of imunga sites are strictly delineated by Tiwi custodians. This is to be expected as violation traditionally may have resulted in the death of the trespasser. A discussion of imunga boundaries will best be served by an analysis of a particular example. In the area surrounding Buchanan Island at the southern entrance to the Apsley Strait lie two imunga sites of the Mantiyupula clan. The imunga site known as Yirripulungayi encompasses Buchanan Island and abuts, on its eastern boundary, with the imunga site known as Wayilou.

...

In delineating the boundaries of these two sites, Tiwi custodians visited the area by boat and pointed out the areas of restricted access which defined the area influence of the sites. The initial field inspection was timed for high water. In this way Tiwi custodians could not be assisted by low tide elevations and thus the amount of conceptual interference arising from the prominence of exposed sand-bars, channels and other features would be minimised.

A predetermined grid was formulated from aerial photographs showing the location at low tidal levels. This grid enabled intersections to be made which would yield the most distinctive profiles of the area. As each run was made, continuous depth soundings were recorded on paper tracings oblivious to the Tiwi custodians who indicated those points at which the imunga boundaries were intersected.

121. Some contemporary informants have proposed that *Imunka* is a force which would be affected by the installation of the proposed GEP. To understand this better, I have enquired of informants how it would be that if *Imunka* permeated all things, rather than being defined by particular areas, how would it be (for example) possible to build houses in particular locations or build roads in particular corridors (on the Tiwi Islands). The answer was that such infrastructure is [and has been] built in places where there are no sacred sites and no burials.
122. In addition, some informants have sought to propose that the *Imunka* force is present in the sea and seabed in a manner that would be entirely inconsistent with building the proposed GEP. However, this proposition is entirely rejected by a wide range of other relevant informants including senior male and female members of a range of relevant clan groups. On balance, I accept the view that the *Imunka* force is not present in any specific way, at any particular place, within the GEP corridor, in the way the *imunga* sites are explained by Davies above.

Comments on my primary research

123. As is apparent in the discussion above, in classical Tiwi society, much as is also evident today, ceremonial and ritual knowledge is openly held without secret by particular individuals whose reliance on that knowledge is the subject of social pressures. These social pressures have the effect of bearing on persons in a manner whereby a jural public seeks to enforce that all actions are consistent and compliant with widely and publicly-

held understandings of traditional law and custom (as a shared set of understandings existing within a social matrix).

124. Such understandings, particularly those of the cultural heritage values of the proposed GEP corridor, are also demonstrably different amongst particular individuals, for example, some individuals have proposed to me that an *Imunka* spiritual force in the sea and seabed requires that a gas pipeline could not be built. However, other relevant Tiwi Islanders (including demonstrably senior and highly knowledgeable community members) have advised me that there would be no damage to an *Imunka* force necessarily perpetrated by building a gas pipeline on the sea floor. This kind of consideration can be understood as an intangible element of cultural heritage.
125. It has been established as part of this research that there are no known physical and tangible cultural heritage sites (or particular places) reported along the proposed pipeline construction corridor. This is not to say that the parts of the sea floor where it is proposed to build are not considered to be culturally significant by some Tiwi Islanders, but rather, there are no specific places which are known to be discrete locations where something particular happened that are part of the well-known sets of ancestral creation stories extant amongst Tiwi people.
126. In addition, there are no known archaeological materials or places identified in the proposed GEP corridor. Nor are there any known shipwrecks or plane wrecks within the proposed GEP corridor.
127. It was put to me by some Tiwi informants in this research that two particular ancestral beings do travel around in the sea in the general area of the proposed GEP, specifically in the waters to the west of Cape Fourcroy (the south-western portion of Bathurst Island, which is the closest part of the Tiwi Islands to the proposed GEP).
128. The two separate beings who are understood to travel around in these waters to the west of Cape Fourcroy are *Jirakupai* (the Crocodile Man¹⁴) and an *Ampitji* (Rainbow Serpent/spirit with a rainbow appearance), ordinarily resident at *Mangatuwu* (a well-known sacred lake on the south coast of Bathurst Island), this also includes an *Ampitji* who ordinarily resides at Rocky Point (in the northwest sector of Bathurst Island). Some say that the *Ampitji* known to inhabit Rocky Point and *Mangatuwu* are the same being, others say they are different and yet others say that *Ampitji* do not go in the seas.
129. In some variations of the stories of the travels of *Ampitji* in the waters in the vicinity of the proposed GEP that were put to me, it was stated that there are a plural number of *Ampitji* who traverse the waters in their role of ‘guardians’ and ‘caretakers’. In other instances, Tiwi informants advised that they do not believe *Ampitji* go in the sea waters at all but rather restrict themselves to fresh water. It was emphasised by persons stating that *Ampitji* stay in fresh water that Lake *Mangatuwu* is a fresh water source – albeit one that seeps into the sea at a beach we visited as part of boat trip #3 (8 June 2023), with female delegates co-ordinated with the EDO and their clients.
130. In the various instances where people raised details of the very well-known and routinely quoted story of the Crocodile Man, it was stated that he patrolled the various waters in the vicinity of a cave on the sea water edge on Cape Fourcroy, known as *Wiya Pureli*.

¹⁴ For a detailed account of *Jirakupai* see Mountford (1958:27)

When we visited that cave on boat trip #2 (16 March 2023), I was advised by the various Tiwi male delegates that the Crocodile Man lived in that cave and would patrol the waters up and down the coast in the general area, keeping an eye on things.

131. It is also the case that some Tiwi informants advised me about other spirit crocodile beings, who inhabit the seas in other parts of the Tiwi Islands, including one at Karslake (to the northwest of Milli). Based on my interviews, there are no specific “underwater cultural heritage places” that were identified in relation to the Crocodile Man along the GEP corridor.

Comments on Origin Narratives, Ancestral Beings, the beginnings of time and archaeological timelines.

132. It is considered non-controversial that human beings have been in Australia for tens of thousands of years, with scientific consensus supporting somewhere in the order of at least sixty thousand years, although some Australian Aboriginal people hold to the view that they come from the country as part of the creation of it, rather than migrated to it (e.g. Corrigan 2007). It is also similarly uncontroversial that sea levels are scientifically understood to have been much lower at time of high glacial storage of waters (ice ages), of which there were a series of fluctuations of sea levels in the recent Pleistocene period, when human beings were present in Australia. Accordingly, they would have been free to use the larger extent of the landscape, as it was at times of lower sea levels, which is now submerged. Relevant maps that show this are in Appendix 4.
133. It is relatively uncontroversial that it is likely that the human beings who utilised the wider landscape, now submerged during transgression (rising of the sea level which subjected the land to erosion, sedimentation and carbonation), on the maritime margins of the current Australian continent, were the ancestors of the current Australian Aboriginal people. The topography of the modern seafloor likely has been modified to varying degrees from its earlier lowstand exposed character (e.g. Posamentier (2023a)). It is relatively likely that the people who lived on the land prior to transgression in the vicinity of the current Tiwi Islands were the direct ancestors of the present Tiwi Islands population, but this is a question which is not able to be answered in an empirical way by evidence known at this time. A good number of Tiwi Island people directly claim that those earlier people are their ancestors. However, a scientific narrative would have to argue that the chances of a population replacement in the last fifty or sixty thousand years could not be ruled out.
134. What then becomes relevant is the way in which Tiwi origin narratives on the beginnings of time and narratives concerning ancestral beings then interact with a scientific narrative.
135. In a Vernon Islands land claim anthropologist’s report Graham (2008:27) notes that,
- The Tiwi have the Australia-wide concept of an ageless creation period, usually called the Palingarri. Again, in common with other Aboriginal groups, this is celebrated in ritual. Here the Tiwi are indeed somewhat distinct by having fewer “types” of ceremony overall, but in having elaborated what they do beyond the Australian norms.*

...

The Clarence Strait, or at least parts of it, is said by the Mantiyupwi Tiwi, Larrakia and Wulna to be associated with particularly significant creative female ancestors – “old women” in Aboriginal English. Each group’s ancestor or ancestors (Tiwi or mainland) has or have a distinct character and story. These ancestors may be linked mythologically, although, as Mountford suggested, they may be entirely distinct.

Both Tiwi and mainland groups’ dreamings relate to powerful creative ancestors who left much of the natural and human world behind them as they traveled. The mainland character journeyed from Kakadu towards the west across the areas of several language groups, including the Gagadju (“Kakadu”), Limilngan, Wulna and Larrakia before coming to rest in Clarence Strait near South West Vernon Island. The Tiwi dreaming traveled more locally and in doing so created Clarence Strait, the strait between the two main Tiwi islands and the mainland. Accounts of these myths recently provided to the author by Mantiyupwi Tiwi informants, Bruno Wilson and Walter Kerinauia, are consistent with the published accounts of them.

The Tiwi myth begins at the place known as Murupianga, on the Melville Island coast north east from Cape Gambier. From here an “Old Woman” known as Mudungkala (Murtutakala), the “creation lady” as one Tiwi described her, emerged from the ground. She had been living underground and broke to the surface by digging upwards with her wooden digging stick. She had three children, two girls and a boy (who are in turn major elements of Tiwi mythology, particularly her son Purrukuparli whose later story underlies the pukumani story). Mudungkala travelled widely in the area and created the islands, her journey forming the coasts of Bathurst and Melville Islands by extensive digging of the land’s surface with her stick. Water from the sea flowed into her depressions and created all of the waters and coastlines including the Clarence Strait. The claim area was described to the author by Tiwi informants as having been created by her. Mudungkala and her children’s story is one of the main Tiwi Dreamtime narratives and is to be found in a number of the published works on the Tiwi. Morris’ map number 5, (2001:19) illustrates the “Creative Travels of Mudungkala (Murtankala)”. She formed the strait separating Bathurst and Melville Islands, as well as the Clarence Strait

...

The various versions of this mythology [as are in circulation] are all essentially similar.

136. As described in the above and through my interviews with the Tiwi Islanders, I am of the opinion that while Tiwi Islanders are able to consider the land now below the seas as having been used by their ancestors, their dogmatic religious position is necessarily that the Tiwi Islands, as they stand today, are precisely what was created by *Mudungkala* in the beginning of times.
137. Similarly, the Crocodile Man *Jirakupai* (discussed above) was speared in the vicinity of Point Fourcroy (as it stands today) and went into the water there (as it stands today) and occupies a cave associated with his song at the foreshore of southwestern parts of Bathurst Island, as it stands today and patrols the sea in the area where it stands today. Accordingly, there are some serious logical tensions and chronological confusions arising from seeking to resolve a relationship between Tiwi narratives about the beginnings of time and more recent scientific narratives about early human presence on landscapes from tens of thousands of years ago and now submerged.

Review of Wessex reports: Wessex 2023 Barossa Gas Export Pipeline: Submerged Palaeolandscapes Archaeological Assessment - Technical Report (Report 1) and Recommendations (Report 2)

138. The focus of Report 1 is the submerged palaeolandscapes relevant to the Barossa GEP. Palaeolandscapes are the submerged and/or buried landforms now under the sea that have potential to retain Aboriginal cultural heritage material dating to periods of time when sea levels were up to 120-140 metres lower than they are today, when these areas were terrestrial.
139. The study directly acknowledges its strict focus on empirical scientific observations, as it was beyond their stated scope to undertake anthropological research, as that is my role.
140. The following points underpin the Wessex assessment:
- a. that sea levels have changed significantly over time, and have been much lower than they are today, especially around the Last Glacial Maximum (LGM) about 20,000 years ago; and
 - b. Australia has an underdeveloped knowledge of continental shelf submerged archaeology. Overall, our scientific understanding of the possible distribution of submerged sites, their chronology, preservation and overall potential is very limited.
141. The comparative terrestrial study area extends across almost 40 million hectares (ha), encompassing the Tiwi Islands, Arnhem, Darwin/Daly/Wagait, Katherine and Ngukurr regions, including other offshore islands. It contains a broad range of landforms and environmental contexts to underpin the predictive model, including major river catchments and prominent landscape features.
142. Based on analysis and overlay of various geophysical sources, a flagging system for archaeological potential of the submerged corridor was developed, with P1 identifying features of probable archaeological potential, and P2 identifying features of possible archaeological potential. Notably, erosion post-LGM when the sea level began to rise and overlying sediment were not assessed as impacting the archaeological potential of a landform feature. Overlying sediment more likely enhanced its preservation compared to the feature being exposed on the seabed.

143. There are accordingly, in Wessex's analysis 60 P1 (high archaeological potential) features and 103 P2 (medium archaeological potential) features documented, but no sediments of high archaeological potential could be definitively identified due to the scientific limitations relating to contextual, geophysical and geotechnical data. What the study was able to conclude was that the palaeolandscape west of the Tiwi Islands was a complex system of river channels 50,000 years ago, with available fresh water and diverse food resources to support human populations. Based on modelling and ethnohistory it is likely these areas were occupied, however our ability to model or predict where such physical evidence may survive, remains limited and it is unlikely that any physical evidence would have survived post-LGM due to multiple erosional and deposition processes post-LGM and the present, being erosion (by wave action associated with tropical cyclones, strong tidal currents, shoreface-related waves), sedimentation (onto the flooded seafloor and re-distribution of eroded sediments), deposition of modern river-sourced sediments and deposition of carbonate platform and patch reef deposits (e.g. Posamentier (2023a)).
144. For the current project, I note that buried landforms of archaeological potential would be less likely to be impacted by the pipeline project for the same reason (depending to some degree on the depth of overlying sediment). Further, there will be no trenching or dredging associated with the laying of the pipeline, in an area that is already subject to trawling (which disturbs the seabed). If the pipeline goes in, there will be a marker going in which will prevent the pipeline route being used for trawling.
145. While Wessex reports 51 of the 163 features of archaeological potential directly intersect the proposed development and are either directly at the seabed or within 0.7m below the seabed, Wessex does not take into account that up to 5-10m of sediment may have been stripped from the seafloor across the area during the LGM; and in places, this eroded material can then be re-deposited as a blanket or as channel fill seaward of the shoreline (e.g. Posamentier (2023a)).
146. As a result of their study, Wessex did not define any specific Archaeological Exclusion Zones. Further, it is likely that any archaeological materials would either be eroded, no longer in situ, or in any event, physically protected if they happened to be in deeper sediments underneath the proposed pipeline, in that they would be covered and contained until such time as the pipeline was removed after its service period.
147. Wessex did recommend that any future geophysical or geotechnical survey work which might potentially be planned should involve an archaeological contractor from the outset, such that the location, type and number of sample locations is more suitable for archaeological interpretations. They further recommended that a protocol for archaeological discovery be established in case any archaeological material is encountered during pipeline works.
148. In my opinion, my research and interviews with the Tiwi Islanders have not identified any "underwater cultural heritage places" along the pipeline route (including in relation to the 163 features) that may be affected by the activities covered by the GEP Environment Plan.

Reviews of Dr Posamentier's reports: Posamentier (2023a) and Posamentier (2023c)

149. Posamentier (2023a) focusses on the seafloor from 18,000 years ago until the present between the Barossa Field and the Bayu-Undan pipeline, specifically along the GEP. Up to 180 kms of the 240 km GEP crosses the continental shelf, which would have been exposed when sea levels were at their lowest 18,000 years ago. During the sea level rises that followed, the landscape would have been submerged, becoming the seafloor and being subject to erosive processes such as wave action and tidal currents, which as noted above, can displace up to 5-10 metres of sediment, which is then redeposited elsewhere as blanket sediments or channel fills. Dr Posamentier concludes that any archaeological objects present on the 18,000 year old land surface would likely have been removed, eroded and then probably reburied elsewhere by the incursion of modern river-sourced sediments and the deposit of carbonate platform and patch reef deposits i.e. it is unlikely that any archaeological object would have remained in situ taking into account post-LGM processes.
150. Close attention is afforded in this report to the rate and timing of sea-level rises in respect of wave action and shoreline transgression, with detailed descriptions and diagrams given for the manner in which shorelines would have been eroded, with sediments being lifted and deposited offshore as a blanket. Accordingly, in Dr Posamentier's analysis, any associated artefacts are likely therefore to have been moved with sediments, or if heavier, left behind and then reburied later, possibly by sediment plumes from river systems.
151. Posamentier (2023c) reviews each of the features identified in Wessex Report 1 and opines that of the 163 features identified, 96 were formed subaqueously after flooding of the LGM surface, so no habitation of this surface would have occurred, and consequently the issue of preservation potential of archaeological objects on the modern seafloor is irrelevant. Further, for the other features, the area that comprises the vicinity of the pipeline route was subjected to a number of geologic processes. As described in Posamentier (2023a), the area was transgressed and initially subjected to erosional forces such as shoreface and storm wave erosion and tidal currents, post-LGM, and then later overlain and mantled (i.e., blanketed) by sediments. Consequently, erosion, sedimentation, and carbonate growth, which characterises post-LGM time, would likely have modified to varying degrees the original LGM topography (i.e., the landforms) from its earlier subaerially exposed character.
152. My assumption is that Dr Posamentier's detailed analysis of the data available to him is thorough and is clearly within his field of expertise. I also note that nothing he says contradicts Wessex's report in so far as neither Dr Posamentier nor Wessex conclude any positive likelihood of finding archaeological materials in situ association with any of the features identified in the Wessex report.
153. The opinions expressed by Wessex and Dr Posamentier are detailed, thorough and apparently solidly representative of their expertise. It is also the case, that I had formed similar conclusions regarding Wessex and Dr Posamentier prior to receiving their reports. In fact the view that I had expressed to a range of Tiwi Islanders with whom I had detailed discussions on the topic was it was highly likely that there had been a landscape that people lived on thousands of years ago that was now under the water and that they had undertaken an economic and social life on that landscape. However, this landscape being now submerged by the incoming seas would have most likely been substantially altered

(by erosional forces and depositional forces and subsequent tides, cyclones and currents) and where organic materials like fibrous nets, wooden spears and carved poles and bark dwellings would all be most likely removed from their original locations and disintegrated.

154. It is also my view, as I advised to Tiwi informants, delegates and participants in this research (prior to the receipt of the Wessex and Dr Posamentier reports), that whilst stone tools, like edge ground axes and other scraping tools etc, could certainly remain intact they were unlikely to remain in situ and are also highly unlikely to ever be found (given the vast stretches of seabed that is likely re-deposited sands and sediments of an unknown depth over transformed landscapes, all of which is covered by relatively deep and very deep seas (c/50-150 meters of water) the subject of intense tidal currents and usually of poor visibility).

Review of EDO reports by Mr Lewis and Dr O’Leary

155. In March 2023, the EDO proposed that I adopt a protocol that they described as necessary for the conduct of the cultural heritage assessment along the GEP route. I considered the proposed protocol and formed the view that my professional practice was in accordance with the protocol. I advised the EDO of this and that I was a practicing professional Fellow of the AAS for in excess of ten years and abide by the AAS Code of Ethics.
156. The EDO instructed Mr Lewis and Dr O’Leary to prepare reports for their seven clients, [REDACTED]. I have conducted workshops with clients of the EDO. Some of these seven clients were present at these workshops. I note that Mr Lewis and Dr O’Leary have relied on the EDO’s notes of my meetings with their clients.
157. I set out below my comments about these reports.

Lewis, G. (2023) Barossa Gas Export Pipeline Installation, Cultural Heritage Assessment: Anthropologist’s Report prepared for [REDACTED] (clients of the Environmental Defenders Office). Unpublished report prepared for the Environmental Defenders Office.

158. The Lewis report comes to dramatic conclusions about cultural heritage elements in the vicinity of the proposed GEP, which lead him to form the opinion that the pipeline cannot be built without incommensurably harming the cultural heritage values of the Tiwi informants with whom he engaged (Lewis 2023:26). It seems that Mr Lewis has overestimated the consistency of the views expressed to him by clients of the EDO with the views held by a wider jural public of Tiwi Islanders. In the instance of Mr Lewis’s findings it is the case that other relevant Tiwi Islanders have expressed alternate views. It may be the case that if Mr Lewis was presented with such information it may have an effect on his opinion.
159. At page 24, Lewis (2023) clearly notes that the fieldwork he based his findings on was restricted to a few days due to resourcing and timeframe constraints.

160. However, Mr Lewis still finds that he is able to form a set of conclusions which are warranted to be reproduced in full here, as follows (Lewis 2023:24-25),

8.1.2 In my opinion, the pipeline if constructed in its proposed location:

- will damage sea country which comprises the traditional estates of relevant Tiwi people in a manner that is unacceptable to the traditional owners of those estates;*
- will cause spiritual injury and damage to dreaming tracks, songlines and areas of cultural significance which are contained within and are constitutive of these traditional estates;*
- will physically as well as spiritually alienate or disconnect areas of sea country and adjacent or spiritually connected areas of land from relevant Tiwi people, deterring their access to the range of physical and spiritual sustenance which they constantly draw upon for their economic, health, social, cultural, psychological and educational benefit;*
- will interrupt relevant Tiwi peoples' ability to fulfil their spiritual and social responsibilities to look after their estates and associated dreamings and songlines and their ability to perform related ceremonies and rituals, potentially further impacting on their ability to reproduce cultural knowledge by interfering with the cultural education of their children; and*
- has already caused and will further cause significant spiritual and emotional distress which has been and will further be internalised by the Tiwi Aboriginal community as stress, anxiety, fear, anger and powerlessness (all of which are likely to be attributed by the Tiwi community to various forms of natural disasters, negative social behaviours, illnesses and even deaths regardless of causality).*

161. Whilst I am able to agree with Mr Lewis that some Tiwi Islanders would agree with his opinions, it is the case that I have documented a wider range of views which are more nuanced and in some cases, entirely at odds with what he has concluded.

162. To be specific, it is simply incorrect to conclude that all 'traditional owners' hold the view that the proposed GEP will damage sea country in a manner that is unacceptable, causes spiritual injury and physically and spiritually alienates people from their sea country, along with interfering with their spiritual and social responsibilities and the other claims Mr Lewis makes. I base this view on the detailed research I have undertaken which reveals a range of views about the construction of the pipeline and its effects. While some Tiwi Islanders certainly express the views that Mr Lewis bases his opinions on, he has simply failed to consider and take account of other alternative expressions.

Dr O’Leary, M. Unpublished Barossa Gas Export Pipeline Installation Underwater Cultural Heritage Assessment, prepared for: [REDACTED], clients of the Environmental Defenders Office.

163. Dr O’Leary’s report has three stated objectives, he describes these as follows (O’Leary 2023:9),

This investigation has three key objectives:

- 1. Detail Tiwi oral traditions, including songlines, knowledge of places of Ancestral activity and connection, and Dreaming narratives that specifically relate to Tiwi Sea Country*
- 2. Locate known/named places described in Tiwi oral tradition onto a bathymetric map through a process of landscape and palaeoenvironmental reconstructions*
- 3. Establish the proximity to which known/named places are located with reference to the Santos-Barossa gas pipeline*

164. He goes on to state that he has been able to determine a number of cultural narratives revealed to him through his research, as follows (O’Leary 2023:17),

*3.4 Cultural Narratives: Deep Time Memory of Submerged Landscapes
[See Annex D: [REDACTED] Sea Country Narratives document]*

Narrative 6 Caves and Waterfalls

Tiwi people have explained the Country under that sea as like Kuwarrdewarrde, the sandstone escarpment country in Arnhem Land. A place of cliffs, caves and waterfalls.

Narrative 7 Rivers

According to Tiwi oral tradition, there is a big river flowing under the sea where the horizon is. This is the river that flows northwest out of Darwin harbour until it reaches Tangiyaw and then it turns north. This big river slowly winds like a snake until it rests for a bit, and then finally heads west towards where the sun sets. This is where the river meets the sea.

Narrative 8 Waterways

According to Tiwi oral tradition, there is a freshwater spring at Tangiyaw. This spring kept heading on out to sea and flowed to the Big River on the horizon. This spring is connected to Ampiji the freshwater lake. Ampiji has a big hole in the centre like a volcanic vent and Ampiji lives in that hole.

Surface water along the southern coastline flows to the south but the deep water like the waterfall and the vent near Tarntipi go west across the country. There are a number of these vents across the southern coastline of Bathurst Island and they all connect to the Big River away to the west.

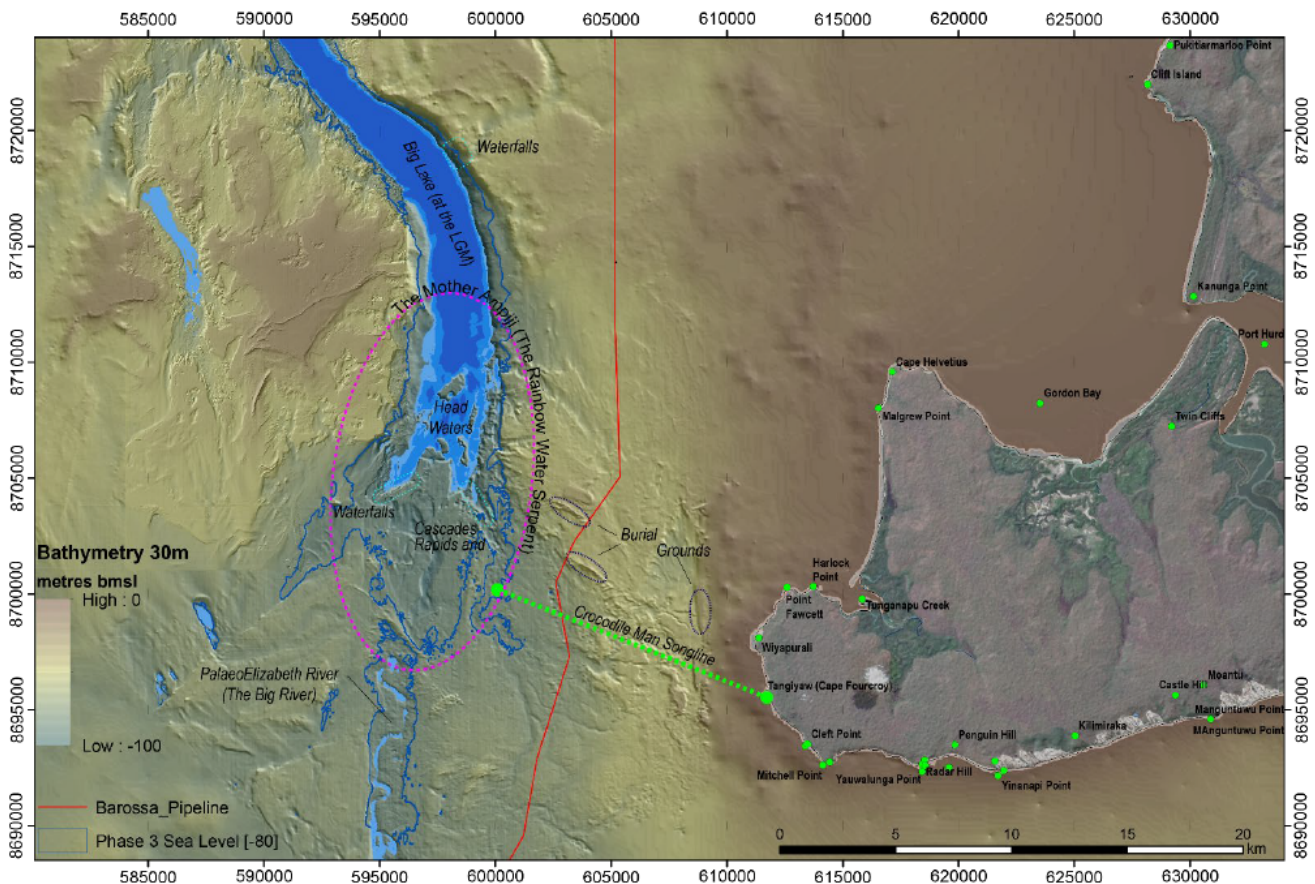
Narrative 9 Lakes

According to Tiwi oral tradition, there is big lake under the sea. This lake flows northwards and at its northwest side is where the salt water from the ocean breached the freshwater when the seas rose. There is an opening in the cliffs where the salt water came through.

Narrative 10 Wetlands

Tiwi recount that to the southeast before the sea level rose there were huge wetlands. This place looked like the wetlands of Majinbardi billabong near Ubirr but on a much bigger scale.

165. I have a number of concerns with Dr O’Leary’s observations here. Primarily, these narratives are not anything like any of the narratives described to me in the wider set of interviews I have undertaken. This could be explained in a number of ways, including people had simply not wanted to tell me or my team members any of these things, or that they had not heard of them themselves. In any instance, it seems unlikely that deep time narratives work in such specific ways. For instance, to accept that parts of the subsea landscape near to Bathurst Island once appeared visually similar to a place in Arnhem land, where the said landscape has been underwater for around 12,000 years requires the acceptance that one or more individuals knew these two places which looked like each other at that time and then arranged for this to be communicated accurately for approximately 600 generations, assuming a generation interval of 20 years. While accepting that there clearly could be recalled narratives emanating from deep time amongst Australian Aboriginal people (such as is set out by Nunn and Reid (2015)) it would appear to me that the kind of accuracy that Dr O’Leary seeks to rely upon over a period of twelve thousand years seems to be unlikely to be the way such things would work.
166. To make a further observation about Dr O’Leary’s findings, I note that he does not mention any qualifications he holds, which he might rely upon to undertake detailed and nuanced ethnographic enquiries in the context of a controversial industrial project.
167. In addition, Dr O’Leary also provides a map (reproduced below) of places he has concluded are an accurate reflection of (1) the resting place of a so-called mother *Ampitji*, some several kilometres to the west of the proposed GEP, (2) the travels of the Crocodile Man *Jurukupai* (across the path of the proposed GEP) and (3) the location of burial grounds in the immediate vicinity of the proposed GEP.



Map 3 – Western interpretive cultural map of Tiwi Sea Country to the west of Bathurst Island as inferred from the Tiwi Oral narratives (Figure 8, O’Leary (2023:24))

168. In the interviews I conducted in relation to cultural heritage values in the vicinity of the proposed GEP, I was never advised about a mother *Ampitji* located far west of Bathurst Island (although I am prepared to learn more about that, I am surprised it was not foregrounded earlier than arriving in Dr O’Leary’s report).
169. In addition, in the various renderings of the story of the Crocodile Man *Jirakupai*, which I did record, they generally outlined travels in the sea in a range of directions and areas in the general vicinity of the cave known as *Wiya Pureli*, near to the ‘spy base’ location where we visited with Tiwi delegates. This does not rule out that *Jirakupai* also travels to the location Dr O’Leary identifies but similarly, Dr O’Leary has not allowed that the Crocodile Man is also demonstrably understood to travel in a variety of directions and accordingly Dr O’Leary has either inadvertently mis-represented the travels of *Jirakupai* or has misunderstood them.
170. And finally, in my view, Dr O’Leary incorrectly assumes an accuracy of the advice he has received about the location of paleo sub-sea burial places. He also appears to incorrectly assume that the sub-sea ridges he infers are indicative of a correlation with ancient oral history. This requires that those ridges identified on bathymetric studies are remnant landforms in existence at the time the sea level rose above them. I base this view in part on the proposition that Wessex did not find these ridges to be of high

archaeological significance in their detailed analysis and further, I have had the benefit of considering Dr Posamentier's (Posamentier (2023b)) detailed geomorphological assessment of those ridges in particular, where he concludes that:

Burial grounds [O'Leary sections 6.2.4]

34. The burial grounds to which O'Leary refers are inferred from the presence of subtle ridges observed on the bathymetric maps of the modern seafloor. This interpretation appears to be based on two assumptions: 1) that the bathymetric maps are of sufficient resolution to allow for precise recognition and subsequent interpretation of these features, and 2) that the features on the modern seafloor are features that existed at LGM time and are not the product of processes that were active at post-LGM time – i.e., that these features are not the product of such processes as tidal currents and storm-driven currents. In my opinion these assumptions are not able to be justified. O'Leary repeatedly alludes to the poor quality of the bathymetric data while also not taking into account post-LGM processes that could well have been responsible for the formation of these features.

171. In my opinion, which I arrive at through my research and interviews with Tiwi Islander people, there are no specific “underwater cultural heritage places” along the GEP route. In my opinion, Mr Lewis and Dr O'Leary do not correctly identify any specific “underwater cultural heritage places” along the GEP pipeline route.

Presentation of my research findings in the Tiwi Islands

172. Here I will set out more fully the details of my recent trip to the Tiwi Islands, specifically the three days of public meetings to present my research findings, 23 August (at Wurri), 24 August (at Pirli) and 25 August (at Milli). I have included the thrust of my comments and relevant feedback from the floor. The figures and maps that I spoke to during these presentations are behind Annexure 4.
173. Broadly, the 3 days of presentation of my research and that of Wessex and Dr Posamentier was valuable, somewhat well-attended and had the benefit of providing feedback to Tiwi Islanders and myself. A particularly relevant observation arising from these meetings was the considerable push-back from various Tiwi Islanders about the Lewis and O'Leary reports (**the EDO reports**). While some Tiwi Islanders certainly confirmed their support for the EDO reports, primarily the EDO clients, others, including some clearly senior persons, expressed strong concerns about the veracity of the EDO reports. A specific example was where [REDACTED] (the deputy Chairperson of the TLC) attended each day and advised the meetings clearly and publicly that he did not accept the views expressed in the EDO reports. Further, in Wurri on Wednesday 23 August, the senior man and AAPA board member [REDACTED], specifically stated that he did not agree that there was a sacred place in the sea as proposed by the EDO reports, that he had never heard of it and that if it did exist outside of his knowledge then it must be the case that it has a name and he is interested to hear the name, if it so exists. It is part of my personal experience in this research that [REDACTED] is a demonstrably senior ritual and ceremony specialist and would want to ensure all correct traditional protocols were met in this and any instance.

174. Other matters I spoke to include the manner in which any organic archaeological materials, now covered by the sea, are likely to have disappeared quite rapidly, any stone material is likely to have survived but is plagued by the reality that it is probably moved from its original location by currents and erosion and is highly unlikely to ever be found in the context of the vigorous currents and low visibility in the local seas. I, of course, certainly noted that nothing is impossible.
175. During my presentation on 25 August at Milli, Dr O’Leary presented (virtually) a video of an experiment showing that an object said to be a stone tool would not be moved easily from its location on the seabed by water movement at particular speeds. However, Dr O’Leary did not consider the following factors, which I take the view are potentially relevant:
- a. bi-directional water movements such as tidal and shelf currents;
 - b. the depth of sea at different times and of changing depths as transgression of the paleo shoreline continued over time, surrounding the Tiwi Islands;
 - c. that the Tiwi Islands face open waters all the way to the Continental Shelf;
 - d. the effect of cyclonic activity; and
 - e. erosional forces,

and that the above factors would have occurred over many thousands of years and not simply for the duration of his experiment, which only spanned a few minutes in a sterile and artificial environment without suspended debris.

176. Part of my considerations here is that it is always the case that a range of views are expressed about particular matters (of a tangible and intangible nature), especially in the context of controversial large-scale projects, where some people have fears about the potential impact of developments. In addition, there is no monolithic document outlining all relevant traditional law and custom in any Australian Aboriginal society. Subtle differences will occur. Substantial differences will occur and contradictory utterances will occur and any nuanced study must, in my view, take account of that.

Conclusions and recommendations

177. In conclusion, it is the case that it is clearly discernible that several items are called upon to be protected in a manner said to be in accordance with Tiwi law and custom, by some relevant Tiwi Islanders, I address each of these as I understand it here.
- a. *The burial grounds identified by Dr O’Leary.* It appears that Dr O’Leary has misunderstood the sub-marine landforms he identifies as burial grounds. If I understand it correctly, it appears to be the case that indigenous informants have described the existence of burial places at some location in the general direction of the proposed GEP but it is Dr O’Leary who links that to evident bathymetric features. It would appear to be the case that more conclusive information would be required to proceed to seek to protect those locations identified by Dr O’Leary. It also seems unlikely, at this time, that more conclusive information would be

available. It would appear almost impossible that human remains and any physical burial sites would have survived post-LGM, because of the erosional, depositional and carbonation forces at work during transgression, when the sea level rose. In addition, I note that Dr Posamentier also suggests that these landforms identified by Dr O'Leary could have instead been formed subaqueously (after the surface had been flooded) (Posamentier (2023b)).

- b. *The travels of the Crocodile Man.* It would appear that the Crocodile Man travels in a range of locations, one of which is described in the EDO's reports as being across the proposed GEP. Whilst it is only relevant Aboriginal people who can confirm the meanings of these things to them, it is apparent that the significance of a pipeline on the seabed to the movements of the Crocodile Man is subject to some considerable disagreement amongst relevant Tiwi Islanders. In addition, as mentioned routinely to informants who have participated with my research, while sacred sites (as defined for example in the *Northern Territory Sacred Sites Act 1989* (NT)) are automatically protected in the Northern Territory, there is a long history of it being notoriously difficult to arrange any protection for the known travels of associated spiritual beings (even where the details of such travels are universally agreed upon by relevant Aboriginal parties).
- c. *The location of mother Ampitji.* Whilst the significance and existence of this place is clearly not agreed by all relevant parties it is also specifically identified by Dr O'Leary as being outside the proposed construction corridor of the proposed GEP.
- d. *The travels of Ampitji.* The constant theme in relation to *Ampitji* that arises from my interviews with the Tiwi Islanders, is that *Ampitji* travel within the waterholes of the island and surrounding the Tiwis, protecting the Tiwi Islanders. While there are no specific underwater cultural heritage places that have been identified in relation to *Ampitji* along the GEP corridor, I accept that *Ampitji* is known to exist in the sea country surrounding the Tiwi Islands, by some Tiwi Islanders. I also note that the existence of *Ampitji* in the sea is rejected by some Tiwi Islanders as is the proposition that (it/he/she) would be affected by the laying of a gas pipeline on the seafloor.
- e. *The necessity to look after country in a manner that seeks to ensure no industrial accidents occur which might affect sea country and marine resources (including spiritual connections to the same).* It is beyond my expertise and brief to analyse the possibility and effect of potential industrial accidents.
- f. *The Imunka force present in the seas.* Whilst it is the case that only Aboriginal people can themselves explain how this may or may not be something which must be protected in their views, it is also the case that this is not a position unilaterally

agreed upon by all relevant Tiwi Islanders. It is also not associated with a specific place within the proposed GEP. In addition, it seems difficult to imagine what protective mechanisms could be brought to bear on this circumstance, where the terrestrial example of houses, roads and similar infrastructure avoiding sacred sites and burials applies and leaves the question of *Imunka* forces un-addressed.

- g. *The location of a place under the sea where spirits go to upon people's death and then being moved on from the world of the living through Pukamani ceremony.* In some limited instances, it is asserted that some spirits go to a place under the water in the direction of the proposed GEP. In many other instances, it is recorded that spirits of dead Tiwi people go to totemic places (each spirit to their own relevant totemic place). At this time, there is insufficient specificity on the location of such a totemic place in the direction of the proposed GEP for me to hazard even a speculative conclusion in that regard.

Recommendations derived from indigenous feedback

178. I here mention a number of propositions put to me by Tiwi informants.

- a. A number of senior and authoritative informants proposed that one culturally appropriate step to take in the instance of proceeding with the GEP is to have suitable Tiwi Islanders accompany the construction crew and undertake an introduction of them to the seas and spiritual entities thereof. Other Tiwi Islanders say that this would be inappropriate, but my overriding sense of their objection is that it is to the project in general.
- b. A related proposal is that Santos employ a number of Tiwi Islanders to accompany the construction crew at all times as indigenous monitors, so as to ensure a culturally appropriate figure was present, at all times, for spiritual protection of all concerned.
- c. A proposal that was often put forward was that there be concrete development of economic strategies where Santos could valuably assist community aspirations.
- d. A proposal put forward strenuously at my presentation of this research on 24 August 2023 at Pirlu by [REDACTED] and some clients of the EDO was that Santos should support further archaeological explorations and specifically, diving based strategies. To this end, I refer to the discussion above on Wessex and Dr Posamentier's reports. While I support an examination of any helpful progression of this proposal, I note that the Wessex and Dr Posamentier reports highlight the likely lack of specific archaeological targets or of finding artefacts in an in situ condition.

Supplementary Report of Dr O'Leary dated 11 September 2023 and associated article

179. After having settled my report as it stands above, I was provided with the report of Dr O’Leary dated 11 September 2023 and the article referred to in Footnote 10 of that report. Nothing in that report changes my opinions expressed above.

Appendix 1: The Brief (Santos)

Santos Ltd
 ABN 80 007 550 923
 Santos Centre
 60 Flinders Street
 Adelaide South Australia 5000
 GPO Box 2455
 Adelaide South Australia 5001
 Telephone: +61 8 8116 5000
 www.santos.com



27 February 2023

Dr Brendan Corrigan
 Brendan Corrigan Anthropological Consultancy Services

By email: brendanmcorrigan@gmail.com

CONFIDENTIAL

Dear Dr Corrigan

**Santos Barossa Gas Export Pipeline Installation Environmental Plan (*GEP EP*)
 NOPSEMA General Direction 1898 – *Offshore Petroleum and Greenhouse Gas Storage Act 2006*
 (Cth) s574
 Request for Proposal – Independent Expert Engagement**

We seek a proposal from you regarding an expert engagement and preparation of an independent expert report.

Relevant background and context and a proposed scope of work are set out below (noting that there are further scopes that may be added following discussions with you).

Time is of the essence and Santos expects that you will need to engage additional resources to assist you to deliver this project.

Background and context

1. Santos NA Barossa Pty Ltd is the operator of the Barossa Gas Project (**Santos**), an offshore gas and condensate project proposing to provide a new source of natural gas to the existing Darwin LNG facility in the Northern Territory (**the Project**). The Project includes a Floating Production Storage and Offloading (i.e. the FPSO) facility, subsea production system, supporting subsea infrastructure and gas export pipeline located in Commonwealth waters approximately 300 kilometres north-northwest of Darwin.
2. Other joint venture parties for the Project are Santos Offshore Pty Ltd, SK E&S Australia Pty Ltd and JERA Barossa Pty Ltd.
3. On 13 January 2023, the National Offshore Petroleum Safety and Environmental Management Authority (**NOPSEMA**), in its capacity as the relevant regulator, issued the enclosed General Direction under s574 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Cth) (**Direction**) in connection with the Project. Please note the requirements in Direction 2.
4. We also refer you to the GEP EP, which is publicly available on NOPSEMA's website (<https://docs.nopsema.gov.au/A715657>).

Proposed scope of work

5. Santos is seeking to engage an independent expert to conduct an underwater cultural heritage assessment for the Barossa Gas Export Pipeline consistent with the Direction.
6. Santos has engaged Wessex Archaeology Ltd (**Wessex**), and its subcontractor Extent Heritage Pty Ltd (**Extent**) to conduct an archaeological scientific assessment that aims to identify submerged buried landforms and areas of sea floor that may have potential to retain Aboriginal cultural heritage deposited during periods of lower sea level (the submerged paleolandscape). Copies of that proposed scope of work and methodology are enclosed.
7. Your proposed scope of work would involve:
 - (a) undertaking an assessment to identify any underwater cultural heritage places along the Barossa pipeline route to which people, in accordance with Indigenous tradition, may have spiritual and cultural connections that may be affected by the activities covered by the GEP EP (**Assessment**); and
 - (b) preparing a written report recording the Assessment findings (to be provided, on completion, by Santos to NOPSEMA and any persons and/or organisations who provided information for the Assessment).
8. To meet the requirements of the Direction, in undertaking the Assessment we understand that you should:
 - (a) assess who the appropriate people and/or organisations would be, who have, in accordance with Indigenous tradition, spiritual and cultural connections to any underwater cultural heritage places along the pipeline route (recognising that it may not be possible to identify all such people and/or organisations);
 - (b) obtain, record and assess information from such people and/or organisations that may be affected by the activities;
 - (c) review the Wessex/Extent survey results and report/findings, share any such relevant information as appropriate with the persons/organisations in 8(b), assess any relevant interaction with the cultural heritage information obtained under 8(b) and liaise with Wessex/Extent;
 - (d) review relevant anthropological literature;
 - (e) review relevant material supplied by Santos and/or its consultants;
 - (f) engage with relevant Indigenous representative bodies and government authorities, including but not limited to the Northern Land Council, Tiwi Land Council and Aboriginal Areas Protection Authority, to obtain information relevant to the Assessment, anthropological input and/or to confirm or verify information;
 - (g) maintain a record of all people and/or organisations from whom you have obtained information and why they are relevant knowledge holders;
 - (h) ascertain, record and comment on (to the extent reasonably practicable) any:
 - (i) leadership/Elder;
 - (ii) kinship;
 - (iii) clan/clan group;
 - (iv) hierarchical;
 - (v) land ownership; and/or
 - (vi) matrilineal

structures/systems that may be relevant to custodianship of songlines, stories and spiritual and cultural connections and the implications for obtaining information (i.e. identifying relevant knowledge holders) and assessing it (e.g. primacy and relevant authority);

- (i) liaise with other independent experts as required to conduct the Assessment and comply with the Direction; and
 - (j) make any further enquiries or address other issues or aspects you deem relevant or appropriate as an independent expert.
9. You may engage any further resources you deem relevant or appropriate to assist you in undertaking this scope of work. Santos's prior approval of key personnel should be obtained.
 10. The Assessment must be recorded in a report that is to be provided on completion to Santos. Santos will then provide the report to people and/or organisations who provided information for the Assessment and NOPSEMA.
 11. We would also request that you provide weekly updates during your engagement, including so that we may meet our weekly reporting obligations to NOPSEMA.

Request for proposal

12. Santos requests a proposal from you for the proposed scope of work, addressing:
 - (a) your qualifications, expertise, and experience (including a current CV);
 - (b) your availability to undertake the engagement;
 - (c) how you would propose to approach and undertake the work involved (i.e. your proposed methodology) and proposed resourcing (including but not limited to any other anthropologists or experts to support you); and
 - (d) your rates, fee structure and fee or fee estimate.
13. Please provide your proposal, and any supporting materials, by Friday 24 February.
14. Please also confirm that you have no conflict in accepting the foreshadowed independent expert engagement.

Indicative scheduling

15. Upcoming visits to the Tiwi Islands are currently scheduled as follows:
 - (a) 6-11 March (oral histories engagement on both islands, including boat charters on 6 and 7 March to visit the Gas Export Pipeline and Bayu Undan Pipeline);
 - (b) 15-17 March (oral histories engagement on both islands);
 - (c) 20-24 March (clan group meetings - all 8 clans); and
 - (d) 29-31 March (oral histories engagement on both islands).

You will appreciate that the above schedule may be updated or may shift due to logistics or cultural sensitivities and we will discuss with you any additional or revised visits.

16. We will discuss Assessment report timing with you separately.

If you have any queries arising from the above, or seek clarification on any aspect, please contact us to discuss.

Yours sincerely



VP Environment, Access & Aboriginal Engagement

Enc.

Santos Ltd
 ABN 80 007 550 923
 Santos Centre
 60 Flinders Street
 Adelaide South Australia 5000
 GPO Box 2455
 Adelaide South Australia 5001
 Telephone: +61 8 81 16 5000
 www.santos.com



08 March 2023

Dr Brendan Corrigan
 Brendan Corrigan Anthropological Consultancy Services

By email: brendanmcorrigan@gmail.com

CONFIDENTIAL

Dear Dr Corrigan

**Santos Barossa Gas Export Pipeline Installation Environmental Plan (*GEP EP*)
 Independent Expert Engagement - NOPSEMA General Direction 1898 – *Offshore Petroleum and
 Greenhouse Gas Storage Act 2006 (Cth) s574 (Direction)***

We confirm your engagement by Santos NA Barossa Pty Ltd (**Santos**) to undertake the scope of work outlined in our letter of 27 February 2023.

Further information is set out below, providing additional background and context. A brief of relevant materials is attached (together with a copy of the index to the brief). Additional material, including from Wessex Archaeology Ltd, will follow once available and as your engagement proceeds.

A further copy of the Direction is included at **tab 1** of your brief (see Direction 2).

We confirm that you are travelling to the Tiwi Islands on or around 9 and 10 March 2023 and in the week of 13 March 2023. We also note that you will be involved in a boat charter visiting the proposed Gas Export Pipeline (**GEP**) route and the existing Bayu Undan Pipeline planned to occur on or around 14 and 15 March 2023 (also involving representatives from Tiwi Island clan groups). These visits will enable you to commence the process of exploring any potential underwater cultural heritage places along the GEP route in accordance with the Direction.

Additional factual background – Project and GEP

1. Santos's Offshore Project Proposal (**OPP**) for the Barossa Project (available at: <https://www.nopsema.gov.au/sites/default/files/documents/2021-03/A598152.pdf>) describes the various components of the Barossa Project in detail. They include:
 - (a) a Floating Production Storage and Offloading Facility;
 - (b) in-field gas infrastructure in the Barossa Field which is the subject of Petroleum Production Licence NT/L1; and
 - (c) the subsea GEP, as currently accepted, which will be connected to the existing Bayu-Undan to Darwin gas export pipeline, which currently feeds the onshore Darwin Liquefied Natural Gas facility.

2. The installation of a 262km long, 26-inch outer diameter carbon steel, concrete coated rigid subsea GEP in Commonwealth waters is a critical component of the Barossa Project, which will enable the transport of dry gas to the Darwin LNG Facility for onshore processing. The GEP EP relates to the installation of the GEP. The GEP EP is publicly available on NOPSEMA's website (<https://docs.nopsema.gov.au/A715657>).
3. The GEP EP (BAA-100 0329, Revision 3) dated 7 February 2020 (<https://docs.nopsema.gov.au/A715657>) was prepared by Santos's predecessor, ConocoPhillips and accepted by NOPSEMA on 9 March 2020.
4. The environment that may be affected by the GEP (the **EMBA**) is depicted at page 283 of the GEP EP, extracted at **tab 2** of your brief.
5. More relevantly for the purposes of this engagement and scope of work, a figure depicting the GEP pipeline route is included at **tab 3** of your brief.
6. Key activities captured by the GEP EP include:
 - (a) pre-lay and post-lay surveys;
 - (b) delivering and transferring sections of pipe to the pipelay vessel;
 - (c) installation of supporting structures (e.g. PLET foundations);
 - (d) GEP installation;
 - (e) span rectification activities;
 - (f) pipeline pre-commissioning (including flood, clean, gauge and pressure testing, dewatering and preconditioning); and
 - (g) nitrogen packing.
7. The GEP EP details the potential environmental impacts and risks associated with the GEP installation within the "Operational Area". The Operational Area comprises:
 - (a) a 3000m radius around the pipeline end terminations locations; and
 - (b) a 2000m buffer along the GEP route (with the buffer along the proposed pipeline route reduced in some sections to the east and west of the pipeline centreline to remain within the pipeline installation corridor presented in the OPP).

Overview of relevant regulatory framework

8. Broadly, under the applicable legislative regime,¹ prior to commencing an offshore project and the activities it comprises, certain approvals and authorities are required, including environmental plans (**EPs**) to be submitted to and assessed and accepted by the National Offshore Petroleum Safety and Environmental Management Authority (**NOPSEMA**).
9. When accepting an EP,² NOPSEMA must be 'reasonably satisfied' that the EP meets certain specified criteria,³ including, amongst others, that the EP demonstrates that:
 - (a) the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable and are of an acceptable level;⁴
 - (b) required consultations have been carried out;⁵ and
 - (c) any measures adopted or proposed because of the consultations are appropriate.⁶

¹The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Cth) (**OPGGs Act**) and *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (Cth), see in particular Regulations 5D(6), 9(1), 9(3), 6(1), 7(1), 10(1)(a), 10A and 11A.

² Under Regulation 10(1)(a).

³ Specified in Regulation 10A.

⁴ Regulation 10A(b) and (c).

⁵ Regulation 10A(g)(i) read with Regulation 11A.

⁶ Regulation 10A(g)(ii).

10. The *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (Cth) (**Regulations**) set out relevant environmental impacts and risks to be addressed in an EP⁷ and assessed by NOPSEMA.⁸ The 'environment' in this context is broadly defined to include, for example:
- (a) ecosystems and their constituent parts (including people and communities);
 - (b) natural and physical resources;
 - (c) qualities and characteristics of locations, places and areas;
 - (d) heritage value of places; and
 - (e) social, economic and cultural features of the above.⁹
11. The Regulations also set out certain requirements for 'consultation' with defined 'relevant persons'.¹⁰
12. The Regulations are included at **tab 4** of your brief.

EDO correspondence

13. On 15 December 2022, Santos received a letter from the Environmental Defender's Office (**EDO**), writing on behalf of five Tiwi Island Traditional Owners, about their concerns that the GEP would *'injure or desecrate significant areas of submerged Tiwi cultural heritage'* and that suitable consultation with relevant persons in relation to the GEP had not taken place. The EDO also wrote, in substantially the same terms, to NOPSEMA. Copies of the EDO's letters are at **tab 5** of your brief.
14. The EDO's clients comprise:
- (a) [REDACTED] (Malawu Traditional Owner);
 - (b) [REDACTED] (Malawu Traditional Owner);
 - (c) [REDACTED] (Jikilaruwu Traditional Owners);
 - (d) [REDACTED] (Munupi Traditional Owner); and
 - (e) [REDACTED] (Malawu Traditional Owner),
- (Traditional Owners).**
15. The EDO's letters assert that the Traditional Owners:
- (a) have 'urgent and serious concerns' that construction of the Pipeline will 'injure or desecrate significant areas of submerged Tiwi cultural heritage along the route, or in the vicinity, of the Pipeline, which represent significant new impacts or risks arising from the Pipeline that are not provided for in the GEP EP;
 - (b) have been informed by a third party (not Santos) that Santos intends to commence construction of the GEP in January 2023;
 - (c) request that NOPSEMA exercise its powers under the Regulations or otherwise to require Santos to:
 - (i) immediately cease work (if any has begun) on the GEP installation;
 - (ii) submit a revision of the GEP EP that makes provision for the significant new impacts or risks arising from the Pipeline (concerning submerged heritage);

⁷ Regulation 4 and 13(2).

⁸ Regulation 10(1)(a) and 10A, plus see Regulation 13.

⁹ Regulation 4.

¹⁰ Regulation 11A.

- (iii) not undertake any work on the Pipeline until such time as any relevant revision to the GEP EP is accepted by NOPSEMA; and
 - (iv) comply with the commitments to ongoing consultation with stakeholders set out in the GEP EP.
16. The EDO supplied two unsigned statements from [REDACTED] and [REDACTED], detailing their concerns about the impacts or risks to significant areas of their cultural heritage that will result from the GEP installation within their Sea Country (including both tangible and intangible cultural heritage). Copies of the statements of [REDACTED] and [REDACTED] are at **tabs 6 and 7** of your brief, respectively.
17. The statements are in similar terms and identify:
- (a) 'sacred rock' in the sea to the west of Bathurst Island called Rocky Point;
 - (b) a 'lot of important burial sites' along the west coast of the Tiwi Islands and in particular, near Cape Fourcroy;
 - (c) potential 'other significant sites beneath the water further out into the water nearby to these significant sites on the coast'; and
 - (d) 'Ampiji sites' out in the deep water.
- The statements also emphasise Tiwi cultural stories and songlines that extend 'from the shore into deep water'.
18. The EDO also supplied a report titled '*Knowing Sea Country: submerged archaeological potential along the Santos Barossa pipeline route*', prepared by members of the Deep History of Sea Country (DHSC) research team (**DHSC Report**) (see **tab 8** of your brief). The DHSC Report outlines findings of a 'preliminary desktop assessment' to the effect there is a complex submerged landscape near / in the vicinity of the GEP route and there will be a range of archaeological site types, landforms and features, which have potential to be of cultural significance. The DHSC Report recommends that Santos '*undertake an underwater cultural heritage assessment along the planned pipeline route from its land crossing and across the continental shelf to a water depth of 130m*'.
19. The EDO asserts that no assessment of the impacts or risks of the Pipeline on submerged cultural heritage was included in the GEP EP.

NOPSEMA Direction

20. On 13 January 2023, NOPSEMA, in its capacity as the relevant regulator, issued a General Direction under s574 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Cth) in connection with the Project and specifically the GEP EP (**Direction**) (at **tab 1** of your brief).
21. Direction 2 requires, in effect, the undertaking of an assessment to identify any underwater cultural heritage places along the Barossa pipeline route to which people, in accordance with Indigenous tradition, may have spiritual and cultural connections that may be affected by the activities covered by the GEP EP (**Assessment**), with the Assessment findings to be recorded in a written report (to be provided, on completion, by Santos to NOPSEMA and any persons and/or organisations who provided information for the Assessment).
22. You are being retained as an independent expert under Direction 2 and instructed to undertake the required Assessment and prepare the required resulting report.
23. We have set out our understanding of what would be required for the Assessment under the Direction in our letter of 27 February 2023 in outlining your scope of work.

GEP EP – Cultural Heritage

24. The GEP EP states that there are no recorded Indigenous heritage sites within the Operational Area (see page 129):

Indigenous heritage sites

There are no recorded Indigenous heritage sites within the Operational Area. The Tiwi Islands are a declared Aboriginal reserve and comprise a number of protected sacred sites under the Northern Territory Aboriginal Sacred Sites Act. Traditional practices (including fishing, which is addressed in Section 4.6.8) continue to take place on the islands. Most traditional fishing occurs within 3 nm of the shoreline.

ConocoPhillips undertook a mapping exercise with the Tiwi Island Land Council to identify environmental and socioeconomic values along the Tiwi Islands coastline (ConocoPhillips, 2019). The mapping exercise focussed on the northern, western and southern coastlines of the Tiwi Islands (within the EMBA). It included an initial desktop exercise to identify publicly available environmental, social, cultural and economic data sets. Preliminary maps were developed based on these datasets, and these maps were used during stakeholder engagement workshops held with Tiwi Islanders.

Two workshops were held, the objectives of which were to verify the preliminary maps and to gain a more thorough understanding of the environmental, social, cultural and economic sensitivities of the coastlines. Final maps were then developed and presented to the Tiwi Island Land Council.

The sensitivity mapping identified Aboriginal heritage sites along the northern, western and southern coastlines of the Tiwi Islands, including areas used for food collection, sacred sites, camping sites and a dreaming site. These coastlines are within the EMBA but outside the Operational Area.

25. The referenced Tiwi Islands Sensitivity Mapping Report is included at **tab 9** of your brief.
26. Appendix E to the GEP EP, entitled 'Stakeholder Consultation Records' (which was submitted by ConocoPhillips along with Revision 3 of the GEP EP) provides a chronology of ConocoPhillips' consultation with various stakeholders between 16 January 2019 and 18 June 2019 (see extract at **tab 10** of your brief).

Maritime Heritage Assessment

27. A Maritime Heritage Assessment prepared by Cosmos Archaeology, dated June 2022 is included at **tab 11** of your brief. This provides a list of located and potential maritime archaeological sites (including shipwrecks, aircraft wrecks and dump sites) known to be or possibly located within the study area, situated in Commonwealth waters. It does not identify any sites of cultural heritage, however we have included it in your brief for completeness.

report

28. During recent consultation sessions on the Tiwi Islands, Santos was provided with a thesis authored by [REDACTED] who Santos understands to be a Tiwi person, titled 'A Living Landscape'. A copy of this thesis is enclosed at **tab 12** of your brief.

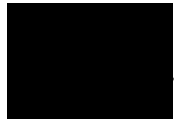
Tipakalippa proceedings

29. You may be aware of the recent Federal Court proceedings involving Santos and the Barossa Project, i.e. *Tipakalippa v National Offshore Petroleum Safety and Environmental Management Authority (No 2)* [2022] FCA 1121 and *Santos NA Barossa Pty Ltd v Tipakalippa* [2022] FCAFC 193 (first instance and appeal). The judgments are available at **tabs 13 and 14** respectively.

- 30. Broadly, the proceedings concerned an allegation by a Tiwi Islander, Mr Tipakalippa, that NOPSEMA could not have been satisfied that Santos had conducted the consultation required under the Regulations in respect of its Drilling & Completions environment plan, because Santos had consulted only with the Tiwi Land Council and not directly with traditional owners of the Tiwi Islands. Mr Tipakalippa was successful at first instance and on appeal in having NOPSEMA's decision to accept the Drilling EP set aside, with the Court finding that Mr Tipakalippa had a relevant 'interest' largely on the basis of his connection to sea country within the EMBA for the Drilling EP.
- 31. Relevantly for the purposes of this engagement and scope of work, at trial, written and oral evidence from various traditional owners of the Tiwi Islands, dealing with (among other things) the cultural interests of the Munupi clan, was tendered and received orally on country. Relevant documents are included at tabs **15 to 29** of your brief.

If you have any queries arising from the above, or seek clarification on any aspect, please contact us to discuss.

Yours sincerely



Vice President Environment, Access and Aboriginal Engagement

Enc.

CONFIDENTIAL

Barossa Project - Santos NA Barossa Pty Ltd

Index to Expert Brief – Dr Brendan Corrigan - GEP EP General Direction

Brief Tab Number	Document
1	NOPSEMA General Direction issued 13 January 2023
<i>EP Documents & Assessments</i>	
2	GEP EP EMBA (Figure 5-34, extracted from GEP EP)
3	Map depicting Barossa GEP route
<i>Regulations</i>	
4	<i>Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (Cth)</i>
<i>Correspondence & attachments</i>	
5	Letter from EDO to Santos 15 December 2022 and Letter from EDO to NOPSEMA dated 15 December 2022, attaching:
6	Statement of [REDACTED], enclosed with above letters
7	Statement [REDACTED], enclosed with above letters
8	Deep History of Sea Country Report 'Knowing Sea Country: submerged archaeological potential along the Santos Barossa pipeline route', enclosed with above letters
<i>Reports & stakeholder information</i>	
9	Tiwi Islands Sensitivity Mapping report prepared by JACOBS, dated August 2019
10	Extract of stakeholder consultation records
11	Maritime Heritage Assessment prepared by Cosmos Archaeology, dated June 2022
12	Thesis by [REDACTED] – 'A Living Landscape'
<i>Court documents: Tipakalippa v NOPSEMA (No 2) [2022] FCA 1121; Santos v Tipakalippa [2022] FCA 193</i>	
13	<i>Tipakalippa v NOPSEMA (No 2) [2022] FCA 1121</i>
14	<i>Santos v Tipakalippa [2022] FCAFC 193</i>
15	Affidavit of [REDACTED] filed 23 June 2022
16	Affidavit of [REDACTED] filed 23 June 2022
17	Affidavit of [REDACTED] filed 6 July 2022
18	Affidavit of the Applicant ([REDACTED]) filed 6 July 2022
19	Video statement of [REDACTED]
20	Video Statement of [REDACTED] and [REDACTED]
21	Transcript of video statement of [REDACTED]
22	Transcript of video statement of [REDACTED] and [REDACTED]

CONFIDENTIAL

Brief Tab Number	Document
23	Outline of witness statement of [REDACTED] filed 11 July 2022
24	Outline of witness statement of [REDACTED] filed 12 August 2022
25	Outline of witness statement of [REDACTED] filed 12 August 2022
26	Outline of witness statement of [REDACTED] filed 12 August 2022
27	Outline of witness statement of [REDACTED] filed 12 August 2022
28	Transcript of on country hearing dated 22 August 2022
29	Excerpt of transcript of Darwin hearing dated 23 August 2022

Appendix 2: The Brief (Quinn Emanuel Urquhart & Sullivan)

CONFIDENTIAL AND PRIVILEGED

3 April 2023

Quinn Emanuel contact:

[Redacted]

[Redacted]

Dr Brendan Corrigan

[Redacted]

By email

Dear Dr Corrigan,

**Santos Barossa Gas Export Pipeline Installation Environment Plan (GEP EP)
NOPSEMA General Direction 1898**

1. Instructions to provide expert evidence

1.1 We act on behalf of Santos Limited and its subsidiaries, including Santos NA Barossa Pty Limited and Santos Offshore Pty Ltd, (collectively, **Santos**) in respect of the above.

1.2 We refer to Santos' letters of 27 February and 8 March 2023, instructing you to provide an independent expert report in relation to the General Direction issued by NOPSEMA (No. 1898) (the **NOPSEMA Direction**). We further refer to your proposal for work letter (responding to Santos' 27 February letter) sent by email to Santos on 28 February 2023.

1.3 As you have now started the process of obtaining information from people and/or organisations who have, in accordance with indigenous tradition, spiritual and cultural connections to any underwater cultural heritage places along the pipeline route that may be affected by the activities, Santos has instructed us to brief you as an independent expert to ensure the assessment is carried out by "*independent experts*" in full compliance with Direction 2 of the NOPSEMA Direction and that your report is equally independent.

1.4 Consequent to us briefing you, future correspondence and communication from the date of this letter will be with us, not Santos.

1.5 We understand that to comply with your brief you will need to communicate directly with the people from whom you are obtaining the information referred to above. However, in the interests

of transparency, if any of the people you are speaking with require that their lawyers are present, please let us know as we would also need to attend those meetings.

- 1.6 We confirm that the scope of your brief will remain the same as that described in Santos' letter to you of 8 March 2023.
- 1.7 We understand that Santos has requested that you provide it with a description of your process for obtaining the relevant information. We do not require you to provide that as a separate document but to instead, include it in your expert report.

2. Duties and Obligations

- 2.1 We confirm that in preparing your report, your primary duty is to provide an independent opinion that complies with the requirements in Direction 2 of the NOPSEMA Direction. Accordingly, it is important that you maintain an independent position when providing your views by way of written report(s), meetings, conferences, and during any hearing.
- 2.2 Further, in providing your independent expert opinion, you must exercise the degree of skill, care and diligence normally exercised by an expert in similar circumstances.
- 2.3 With regards to the collation of information and preparation of your report, we confirm that the work done is being performed by you, with support from other persons in your team:
- a. Dr Jodie Benton; and
 - b. Stephanie Rusden.
- 2.4 We understand that [REDACTED] and [REDACTED], referred to in your proposal for work letter will not be involved in the preparation of your report. If this is not the case, please let us know.
- 2.5 As you will remain directly responsible for any work carried out by the persons in your team at your direction and under your supervision, any opinions presented must be yours, based on your personal experience and expertise.
- 2.6 To assist you, we provide, **enclosed** with this letter, the Federal Court's *Harmonised Expert Witness Code of Conduct* and the *Expert Evidence Practice Note (GPN-EXPT)* which prescribe certain duties and requirements that must be considered by an independent expert when providing evidence in Federal Court proceedings. The Practice Note should guide your approach to your report.

3. Fees and Invoicing

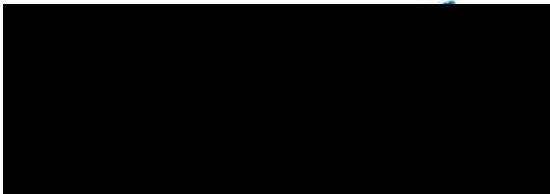
3.1 Your invoices should continue to be sent to Santos directly.

4. Confidentiality and Privilege

4.1 During the course of your engagement, you will receive confidential and privileged information belonging to Santos. This information includes the nature and terms of your engagement (including this letter). You may not disclose or communicate any confidential or privileged information received by you for the purposes of your engagement except as specifically instructed by us. These obligations continue to apply notwithstanding that your engagement might have come to an end.

4.2 All material (including drafts, notes or working papers) prepared by you in connection with your engagement and all written communications between us are confidential and will be the subject of a claim of legal professional privilege by Santos. Accordingly, all written documents and communications created by you, including any reports, draft reports and working notes, must be marked as 'Privileged & Confidential' and only circulated to or discussed with us.

Kind regards,



- Enclosures:**
1. Expert Evidence Practice Note (GPN-EXPT)
 2. Federal Court's Harmonised Expert Witness Code of Conduct

STATEMENT TO BE SIGNED BY DR BRENDAN CORRIGAN:

I have read this engagement letter and understand and agree to its contents.

Signed: _____

Name: _____

Date: _____



EXPERT EVIDENCE PRACTICE NOTE (GPN-EXPT)

General Practice Note

1. INTRODUCTION

- 1.1 This practice note, including the *Harmonised Expert Witness Code of Conduct* (“**Code**”) (see **Annexure A**) and the *Concurrent Expert Evidence Guidelines* (“**Concurrent Evidence Guidelines**”) (see **Annexure B**), applies to any proceeding involving the use of expert evidence and must be read together with:
- (a) the Central Practice Note (CPN-1), which sets out the fundamental principles concerning the National Court Framework (“**NCF**”) of the Federal Court and key principles of case management procedure;
 - (b) the Federal Court of Australia Act 1976 (Cth) (“**Federal Court Act**”);
 - (c) the *Evidence Act 1995* (Cth) (“**Evidence Act**”), including Part 3.3 of the Evidence Act;
 - (d) Part 23 of the *Federal Court Rules 2011* (Cth) (“**Federal Court Rules**”); and
 - (e) where applicable, the Survey Evidence Practice Note (GPN-SURV).
- 1.2 This practice note takes effect from the date it is issued and, to the extent practicable, applies to proceedings whether filed before, or after, the date of issuing.

2. APPROACH TO EXPERT EVIDENCE

- 2.1 An expert witness may be retained to give opinion evidence in the proceeding, or, in certain circumstances, to express an opinion that may be relied upon in alternative dispute resolution procedures such as mediation or a conference of experts. In some circumstances an expert may be appointed as an independent adviser to the Court.
- 2.2 The purpose of the use of expert evidence in proceedings, often in relation to complex subject matter, is for the Court to receive the benefit of the objective and impartial assessment of an issue from a witness with specialised knowledge (based on training, study or experience - see generally s 79 of the *Evidence Act*).
- 2.3 However, the use or admissibility of expert evidence remains subject to the overriding requirements that:
- (a) to be admissible in a proceeding, any such evidence must be relevant (s 56 of the *Evidence Act*); and
 - (b) even if relevant, any such evidence, may be refused to be admitted by the Court if its probative value is outweighed by other considerations such as the evidence

being unfairly prejudicial, misleading or will result in an undue waste of time (s 135 of the Evidence Act).

- 2.4 An expert witness' opinion evidence may have little or no value unless the assumptions adopted by the expert (ie. the facts or grounds relied upon) and his or her reasoning are expressly stated in any written report or oral evidence given.
- 2.5 The Court will ensure that, in the interests of justice, parties are given a reasonable opportunity to adduce and test relevant expert opinion evidence. However, the Court expects parties and any legal representatives acting on their behalf, when dealing with expert witnesses and expert evidence, to at all times comply with their duties associated with the overarching purpose in the Federal Court Act (see ss 37M and 37N).

3. INTERACTION WITH EXPERT WITNESSES

- 3.1 Parties and their legal representatives should never view an expert witness retained (or partly retained) by them as that party's advocate or "hired gun". Equally, they should never attempt to pressure or influence an expert into conforming his or her views with the party's interests.
- 3.2 A party or legal representative should be cautious not to have inappropriate communications when retaining or instructing an independent expert, or assisting an independent expert in the preparation of his or her evidence. However, it is important to note that there is no principle of law or practice and there is nothing in this practice note that obliges a party to embark on the costly task of engaging a "consulting expert" in order to avoid "contamination" of the expert who will give evidence. Indeed the Court would generally discourage such costly duplication.
- 3.3 Any witness retained by a party for the purpose of preparing a report or giving evidence in a proceeding as to an opinion held by the witness that is wholly or substantially based in the specialised knowledge of the witness¹ should, at the earliest opportunity, be provided with:
 - (a) a copy of this practice note, including the Code (see Annexure A); and
 - (b) all relevant information (whether helpful or harmful to that party's case) so as to enable the expert to prepare a report of a truly independent nature.
- 3.4 Any questions or assumptions provided to an expert should be provided in an unbiased manner and in such a way that the expert is not confined to addressing selective, irrelevant or immaterial issues.

¹ Such a witness includes a "Court expert" as defined in r 23.01 of the Federal Court Rules. For the definition of "expert", "expert evidence" and "expert report" see the Dictionary, in Schedule 1 of the Federal Court Rules.

4. ROLE AND DUTIES OF THE EXPERT WITNESS

- 4.1 The role of the expert witness is to provide relevant and impartial evidence in his or her area of expertise. An expert should never mislead the Court or become an advocate for the cause of the party that has retained the expert.
- 4.2 It should be emphasised that there is nothing inherently wrong with experts disagreeing or failing to reach the same conclusion. The Court will, with the assistance of the evidence of the experts, reach its own conclusion.
- 4.3 However, experts should willingly be prepared to change their opinion or make concessions when it is necessary or appropriate to do so, even if doing so would be contrary to any previously held or expressed view of that expert.

Harmonised Expert Witness Code of Conduct

- 4.4 Every expert witness giving evidence in this Court must read the *Harmonised Expert Witness Code of Conduct* (attached in Annexure A) and agree to be bound by it.
- 4.5 The Code is not intended to address all aspects of an expert witness' duties, but is intended to facilitate the admission of opinion evidence, and to assist experts to understand in general terms what the Court expects of them. Additionally, it is expected that compliance with the Code will assist individual expert witnesses to avoid criticism (rightly or wrongly) that they lack objectivity or are partisan.

5. CONTENTS OF AN EXPERT'S REPORT AND RELATED MATERIAL

- 5.1 The contents of an expert's report must conform with the requirements set out in the Code (including clauses 3 to 5 of the Code).
- 5.2 In addition, the contents of such a report must also comply with r 23.13 of the Federal Court Rules. Given that the requirements of that rule significantly overlap with the requirements in the Code, an expert, unless otherwise directed by the Court, will be taken to have complied with the requirements of r 23.13 if that expert has complied with the requirements in the Code and has complied with the additional following requirements. The expert shall:
 - (a) acknowledge in the report that:
 - (i) the expert has read and complied with this practice note and agrees to be bound by it; and
 - (ii) the expert's opinions are based wholly or substantially on specialised knowledge arising from the expert's training, study or experience;
 - (b) identify in the report the questions that the expert was asked to address;
 - (c) sign the report and attach or exhibit to it copies of:
 - (i) documents that record any instructions given to the expert; and

- (ii) documents and other materials that the expert has been instructed to consider.

5.3 Where an expert's report refers to photographs, plans, calculations, analyses, measurements, survey reports or other extrinsic matter, these must be provided to the other parties at the same time as the expert's report.

6. CASE MANAGEMENT CONSIDERATIONS

6.1 Parties intending to rely on expert evidence at trial are expected to consider between them and inform the Court at the earliest opportunity of their views on the following:

- (a) whether a party should adduce evidence from more than one expert in any single discipline;
- (b) whether a common expert is appropriate for all or any part of the evidence;
- (c) the nature and extent of expert reports, including any in reply;
- (d) the identity of each expert witness that a party intends to call, their area(s) of expertise and availability during the proposed hearing;
- (e) the issues that it is proposed each expert will address;
- (f) the arrangements for a conference of experts to prepare a joint-report (see Part 7 of this practice note);
- (g) whether the evidence is to be given concurrently and, if so, how (see Part 8 of this practice note); and
- (h) whether any of the evidence in chief can be given orally.

6.2 It will often be desirable, before any expert is retained, for the parties to attempt to agree on the question or questions proposed to be the subject of expert evidence as well as the relevant facts and assumptions. The Court may make orders to that effect where it considers it appropriate to do so.

7. CONFERENCE OF EXPERTS AND JOINT-REPORT

7.1 Parties, their legal representatives and experts should be familiar with aspects of the Code relating to conferences of experts and joint-reports (see clauses 6 and 7 of the Code attached in Annexure A).

7.2 In order to facilitate the proper understanding of issues arising in expert evidence and to manage expert evidence in accordance with the overarching purpose, the Court may require experts who are to give evidence or who have produced reports to meet for the purpose of identifying and addressing the issues not agreed between them with a view to reaching agreement where this is possible ("**conference of experts**"). In an appropriate case, the Court may appoint a registrar of the Court or some other suitably qualified person ("**Conference Facilitator**") to act as a facilitator at the conference of experts.

- 7.3 It is expected that where expert evidence may be relied on in any proceeding, at the earliest opportunity, parties will discuss and then inform the Court whether a conference of experts and/or a joint-report by the experts may be desirable to assist with or simplify the giving of expert evidence in the proceeding. The parties should discuss the necessary arrangements for any conference and/or joint-report. The arrangements discussed between the parties should address:
- (a) who should prepare any joint-report;
 - (b) whether a list of issues is needed to assist the experts in the conference and, if so, whether the Court, the parties or the experts should assist in preparing such a list;
 - (c) the agenda for the conference of experts; and
 - (d) arrangements for the provision, to the parties and the Court, of any joint-report or any other report as to the outcomes of the conference (“**conference report**”).

Conference of Experts

- 7.4 The purpose of the conference of experts is for the experts to have a comprehensive discussion of issues relating to their field of expertise, with a view to identifying matters and issues in a proceeding about which the experts agree, partly agree or disagree and why. For this reason the conference is attended only by the experts and any Conference Facilitator. Unless the Court orders otherwise, the parties' lawyers will not attend the conference but will be provided with a copy of any conference report.
- 7.5 The Court may order that a conference of experts occur in a variety of circumstances, depending on the views of the judge and the parties and the needs of the case, including:
- (a) while a case is in mediation. When this occurs the Court may also order that the outcome of the conference or any document disclosing or summarising the experts' opinions be confidential to the parties while the mediation is occurring;
 - (b) before the experts have reached a final opinion on a relevant question or the facts involved in a case. When this occurs the Court may order that the parties exchange draft expert reports and that a conference report be prepared for the use of the experts in finalising their reports;
 - (c) after the experts' reports have been provided to the Court but before the hearing of the experts' evidence. When this occurs the Court may also order that a conference report be prepared (jointly or otherwise) to ensure the efficient hearing of the experts' evidence.
- 7.6 Subject to any other order or direction of the Court, the parties and their lawyers must not involve themselves in the conference of experts process. In particular, they must not seek to encourage an expert not to agree with another expert or otherwise seek to influence the outcome of the conference of experts. The experts should raise any queries they may have in relation to the process with the Conference Facilitator (if one has been appointed) or in

accordance with a protocol agreed between the lawyers prior to the conference of experts taking place (if no Conference Facilitator has been appointed).

- 7.7 Any list of issues prepared for the consideration of the experts as part of the conference of experts process should be prepared using non-tendentious language.
- 7.8 The timing and location of the conference of experts will be decided by the judge or a registrar who will take into account the location and availability of the experts and the Court's case management timetable. The conference may take place at the Court and will usually be conducted in-person. However, if not considered a hindrance to the process, the conference may also be conducted with the assistance of visual or audio technology (such as via the internet, video link and/or by telephone).
- 7.9 Experts should prepare for a conference of experts by ensuring that they are familiar with all of the material upon which they base their opinions. Where expert reports in draft or final form have been exchanged prior to the conference, experts should attend the conference familiar with the reports of the other experts. Prior to the conference, experts should also consider where they believe the differences of opinion lie between them and what processes and discussions may assist to identify and refine those areas of difference.

Joint-report

- 7.10 At the conclusion of the conference of experts, unless the Court considers it unnecessary to do so, it is expected that the experts will have narrowed the issues in respect of which they agree, partly agree or disagree in a joint-report. The joint-report should be clear, plain and concise and should summarise the views of the experts on the identified issues, including a succinct explanation for any differences of opinion, and otherwise be structured in the manner requested by the judge or registrar.
- 7.11 In some cases (and most particularly in some native title cases), depending on the nature, volume and complexity of the expert evidence a judge may direct a registrar to draft part, or all, of a conference report. If so, the registrar will usually provide the draft conference report to the relevant experts and seek their confirmation that the conference report accurately reflects the opinions of the experts expressed at the conference. Once that confirmation has been received the registrar will finalise the conference report and provide it to the intended recipient(s).

8. CONCURRENT EXPERT EVIDENCE

- 8.1 The Court may determine that it is appropriate, depending on the nature of the expert evidence and the proceeding generally, for experts to give some or all of their evidence concurrently at the final (or other) hearing.
- 8.2 Parties should familiarise themselves with the *Concurrent Expert Evidence Guidelines* (attached in Annexure B). The Concurrent Evidence Guidelines are not intended to be exhaustive but indicate the circumstances when the Court might consider it appropriate for

concurrent expert evidence to take place, outline how that process may be undertaken, and assist experts to understand in general terms what the Court expects of them.

- 8.3 If an order is made for concurrent expert evidence to be given at a hearing, any expert to give such evidence should be provided with the Concurrent Evidence Guidelines well in advance of the hearing and should be familiar with those guidelines before giving evidence.

9. FURTHER PRACTICE INFORMATION AND RESOURCES

- 9.1 Further information regarding [Expert Evidence](#) and [Expert Witnesses](#) is available on the Court's website.
- 9.2 Further information to assist litigants, including a range of helpful guides, is also available on the Court's website. This information may be particularly helpful for litigants who are representing themselves.

J L B ALLSOP
Chief Justice
25 October 2016

Annexure A

HARMONISED EXPERT WITNESS CODE OF CONDUCT²

APPLICATION OF CODE

1. This Code of Conduct applies to any expert witness engaged or appointed:
 - (a) to provide an expert's report for use as evidence in proceedings or proposed proceedings; or
 - (b) to give opinion evidence in proceedings or proposed proceedings.

GENERAL DUTIES TO THE COURT

2. An expert witness is not an advocate for a party and has a paramount duty, overriding any duty to the party to the proceedings or other person retaining the expert witness, to assist the Court impartially on matters relevant to the area of expertise of the witness.

CONTENT OF REPORT

3. Every report prepared by an expert witness for use in Court shall clearly state the opinion or opinions of the expert and shall state, specify or provide:
 - (a) the name and address of the expert;
 - (b) an acknowledgment that the expert has read this code and agrees to be bound by it;
 - (c) the qualifications of the expert to prepare the report;
 - (d) the assumptions and material facts on which each opinion expressed in the report is based [a letter of instructions may be annexed];
 - (e) the reasons for and any literature or other materials utilised in support of such opinion;
 - (f) (if applicable) that a particular question, issue or matter falls outside the expert's field of expertise;
 - (g) any examinations, tests or other investigations on which the expert has relied, identifying the person who carried them out and that person's qualifications;
 - (h) the extent to which any opinion which the expert has expressed involves the acceptance of another person's opinion, the identification of that other person and the opinion expressed by that other person;
 - (i) a declaration that the expert has made all the inquiries which the expert believes are desirable and appropriate (save for any matters identified explicitly in the report), and that no matters of significance which the expert regards as relevant have, to the

² Approved by the Council of Chief Justices' Rules Harmonisation Committee

knowledge of the expert, been withheld from the Court;

- (j) any qualifications on an opinion expressed in the report without which the report is or may be incomplete or inaccurate;
- (k) whether any opinion expressed in the report is not a concluded opinion because of insufficient research or insufficient data or for any other reason; and
- (l) where the report is lengthy or complex, a brief summary of the report at the beginning of the report.

SUPPLEMENTARY REPORT FOLLOWING CHANGE OF OPINION

- 4. Where an expert witness has provided to a party (or that party's legal representative) a report for use in Court, and the expert thereafter changes his or her opinion on a material matter, the expert shall forthwith provide to the party (or that party's legal representative) a supplementary report which shall state, specify or provide the information referred to in paragraphs (a), (d), (e), (g), (h), (i), (j), (k) and (l) of clause 3 of this code and, if applicable, paragraph (f) of that clause.
- 5. In any subsequent report (whether prepared in accordance with clause 4 or not) the expert may refer to material contained in the earlier report without repeating it.

DUTY TO COMPLY WITH THE COURT'S DIRECTIONS

- 6. If directed to do so by the Court, an expert witness shall:
 - (a) confer with any other expert witness;
 - (b) provide the Court with a joint-report specifying (as the case requires) matters agreed and matters not agreed and the reasons for the experts not agreeing; and
 - (c) abide in a timely way by any direction of the Court.

CONFERENCE OF EXPERTS

- 7. Each expert witness shall:
 - (a) exercise his or her independent judgment in relation to every conference in which the expert participates pursuant to a direction of the Court and in relation to each report thereafter provided, and shall not act on any instruction or request to withhold or avoid agreement; and
 - (b) endeavour to reach agreement with the other expert witness (or witnesses) on any issue in dispute between them, or failing agreement, endeavour to identify and clarify the basis of disagreement on the issues which are in dispute.

ANNEXURE B

CONCURRENT EXPERT EVIDENCE GUIDELINES

APPLICATION OF THE COURT'S GUIDELINES

1. The Court's Concurrent Expert Evidence Guidelines ("**Concurrent Evidence Guidelines**") are intended to inform parties, practitioners and experts of the Court's general approach to concurrent expert evidence, the circumstances in which the Court might consider expert witnesses giving evidence concurrently and, if so, the procedures by which their evidence may be taken.

OBJECTIVES OF CONCURRENT EXPERT EVIDENCE TECHNIQUE

2. The use of concurrent evidence for the giving of expert evidence at hearings as a case management technique³ will be utilised by the Court in appropriate circumstances (see r 23.15 of the *Federal Court Rules 2011* (Cth)). Not all cases will suit the process. For instance, in some patent cases, where the entire case revolves around conflicts within fields of expertise, concurrent evidence may not assist a judge. However, patent cases should not be excluded from concurrent expert evidence processes.
3. In many cases the use of concurrent expert evidence is a technique that can reduce the partisan or confrontational nature of conventional hearing processes and minimises the risk that experts become "opposing experts" rather than independent experts assisting the Court. It can elicit more precise and accurate expert evidence with greater input and assistance from the experts themselves.
4. When properly and flexibly applied, with efficiency and discipline during the hearing process, the technique may also allow the experts to more effectively focus on the critical points of disagreement between them, identify or resolve those issues more quickly, and narrow the issues in dispute. This can also allow for the key evidence to be given at the same time (rather than being spread across many days of hearing); permit the judge to assess an expert more readily, whilst allowing each party a genuine opportunity to put and test expert evidence. This can reduce the chance of the experts, lawyers and the judge misunderstanding the opinions being expressed by the experts.
5. It is essential that such a process has the full cooperation and support of all of the individuals involved, including the experts and counsel involved in the questioning process. Without that cooperation and support the process may fail in its objectives and even hinder the case management process.

³ Also known as the "hot tub" or as "expert panels".

CASE MANAGEMENT

6. Parties should expect that, the Court will give careful consideration to whether concurrent evidence is appropriate in circumstances where there is more than one expert witness having the same expertise who is to give evidence on the same or related topics. Whether experts should give evidence concurrently is a matter for the Court, and will depend on the circumstances of each individual case, including the character of the proceeding, the nature of the expert evidence, and the views of the parties.
7. Although this consideration may take place at any time, including the commencement of the hearing, if not raised earlier, parties should raise the issue of concurrent evidence at the first appropriate case management hearing, and no later than any pre-trial case management hearing, so that orders can be made in advance, if necessary. To that end, prior to the hearing at which expert evidence may be given concurrently, parties and their lawyers should confer and give general consideration as to:
 - (a) the agenda;
 - (b) the order and manner in which questions will be asked; and
 - (c) whether cross-examination will take place within the context of the concurrent evidence or after its conclusion.
8. At the same time, and before any hearing date is fixed, the identity of all experts proposed to be called and their areas of expertise is to be notified to the Court by all parties.
9. The lack of any concurrent evidence orders does not mean that the Court will not consider using concurrent evidence without prior notice to the parties, if appropriate.

CONFERENCE OF EXPERTS & JOINT-REPORT OR LIST OF ISSUES

10. The process of giving concurrent evidence at hearings may be assisted by the preparation of a joint-report or list of issues prepared as part of a conference of experts.
11. Parties should expect that, where concurrent evidence is appropriate, the Court may make orders requiring a conference of experts to take place or for documents such as a joint-report to be prepared to facilitate the concurrent expert evidence process at a hearing (see Part 7 of the Expert Evidence Practice Note).

PROCEDURE AT HEARING

12. Concurrent expert evidence may be taken at any convenient time during the hearing, although it will often occur at the conclusion of both parties' lay evidence.
13. At the hearing itself, the way in which concurrent expert evidence is taken must be applied flexibly and having regard to the characteristics of the case and the nature of the evidence to be given.
14. Without intending to be prescriptive of the procedure, parties should expect that, when evidence is given by experts in concurrent session:

- (a) the judge will explain to the experts the procedure that will be followed and that the nature of the process may be different to their previous experiences of giving expert evidence;
 - (b) the experts will be grouped and called to give evidence together in their respective fields of expertise;
 - (c) the experts will take the oath or affirmation together, as appropriate;
 - (d) the experts will sit together with convenient access to their materials for their ease of reference, either in the witness box or in some other location in the courtroom, including (if necessary) at the bar table;
 - (e) each expert may be given the opportunity to provide a summary overview of their current opinions and explain what they consider to be the principal issues of disagreement between the experts, as they see them, in their own words;
 - (f) the judge will guide the process by which evidence is given, including, where appropriate:
 - (i) using any joint-report or list of issues as a guide for all the experts to be asked questions by the judge and counsel, about each issue on an issue-by-issue basis;
 - (ii) ensuring that each expert is given an adequate opportunity to deal with each issue and the exposition given by other experts including, where considered appropriate, each expert asking questions of other experts or supplementing the evidence given by other experts;
 - (iii) inviting legal representatives to identify the topics upon which they will cross-examine;
 - (iv) ensuring that legal representatives have an adequate opportunity to ask all experts questions about each issue. Legal representatives may also seek responses or contributions from one or more experts in response to the evidence given by a different expert; and
 - (v) allowing the experts an opportunity to summarise their views at the end of the process where opinions may have been changed or clarifications are needed.
15. The fact that the experts may have been provided with a list of issues for consideration does not confine the scope of any cross-examination of any expert. The process of cross-examination remains subject to the overall control of the judge.
16. The concurrent session should allow for a sensible and orderly series of exchanges between expert and expert, and between expert and lawyer. Where appropriate, the judge may allow for more traditional cross-examination to be pursued by a legal representative on a particular issue exclusively with one expert. Where that occurs, other experts may be asked to comment on the evidence given.
17. Where any issue involves only one expert, the party wishing to ask questions about that issue should let the judge know in advance so that consideration can be given to whether

arrangements should be made for that issue to be dealt with after the completion of the concurrent session. Otherwise, as far as practicable, questions (including in the form of cross-examination) will usually be dealt with in the concurrent session.

18. Throughout the concurrent evidence process the judge will ensure that the process is fair and effective (for the parties and the experts), balanced (including not permitting one expert to overwhelm or overshadow any other expert), and does not become a protracted or inefficient process.

Annexure A

HARMONISED EXPERT WITNESS CODE OF CONDUCT²

APPLICATION OF CODE

1. This Code of Conduct applies to any expert witness engaged or appointed:
 - (a) to provide an expert's report for use as evidence in proceedings or proposed proceedings; or
 - (b) to give opinion evidence in proceedings or proposed proceedings.

GENERAL DUTIES TO THE COURT

2. An expert witness is not an advocate for a party and has a paramount duty, overriding any duty to the party to the proceedings or other person retaining the expert witness, to assist the Court impartially on matters relevant to the area of expertise of the witness.

CONTENT OF REPORT

3. Every report prepared by an expert witness for use in Court shall clearly state the opinion or opinions of the expert and shall state, specify or provide:
 - (a) the name and address of the expert;
 - (b) an acknowledgment that the expert has read this code and agrees to be bound by it;
 - (c) the qualifications of the expert to prepare the report;
 - (d) the assumptions and material facts on which each opinion expressed in the report is based [a letter of instructions may be annexed];
 - (e) the reasons for and any literature or other materials utilised in support of such opinion;
 - (f) (if applicable) that a particular question, issue or matter falls outside the expert's field of expertise;
 - (g) any examinations, tests or other investigations on which the expert has relied, identifying the person who carried them out and that person's qualifications;
 - (h) the extent to which any opinion which the expert has expressed involves the acceptance of another person's opinion, the identification of that other person and the opinion expressed by that other person;
 - (i) a declaration that the expert has made all the inquiries which the expert believes are desirable and appropriate (save for any matters identified explicitly in the report), and that no matters of significance which the expert regards as relevant have, to the

² Approved by the Council of Chief Justices' Rules Harmonisation Committee

- knowledge of the expert, been withheld from the Court;
- (j) any qualifications on an opinion expressed in the report without which the report is or may be incomplete or inaccurate;
 - (k) whether any opinion expressed in the report is not a concluded opinion because of insufficient research or insufficient data or for any other reason; and
 - (l) where the report is lengthy or complex, a brief summary of the report at the beginning of the report.

SUPPLEMENTARY REPORT FOLLOWING CHANGE OF OPINION

- 4. Where an expert witness has provided to a party (or that party's legal representative) a report for use in Court, and the expert thereafter changes his or her opinion on a material matter, the expert shall forthwith provide to the party (or that party's legal representative) a supplementary report which shall state, specify or provide the information referred to in paragraphs (a), (d), (e), (g), (h), (i), (j), (k) and (l) of clause 3 of this code and, if applicable, paragraph (f) of that clause.
- 5. In any subsequent report (whether prepared in accordance with clause 4 or not) the expert may refer to material contained in the earlier report without repeating it.

DUTY TO COMPLY WITH THE COURT'S DIRECTIONS

- 6. If directed to do so by the Court, an expert witness shall:
 - (a) confer with any other expert witness;
 - (b) provide the Court with a joint-report specifying (as the case requires) matters agreed and matters not agreed and the reasons for the experts not agreeing; and
 - (c) abide in a timely way by any direction of the Court.

CONFERENCE OF EXPERTS

- 7. Each expert witness shall:
 - (a) exercise his or her independent judgment in relation to every conference in which the expert participates pursuant to a direction of the Court and in relation to each report thereafter provided, and shall not act on any instruction or request to withhold or avoid agreement; and
 - (b) endeavour to reach agreement with the other expert witness (or witnesses) on any issue in dispute between them, or failing agreement, endeavour to identify and clarify the basis of disagreement on the issues which are in dispute.

CONFIDENTIAL AND PRIVILEGED

10 August 2023

Quinn Emanuel contacts:

[Redacted contact information]

Dr Brendan Corrigan

[Redacted address information]

By email

Dear Dr Corrigan

**Santos Barossa Gas Export Pipeline Installation Environment Plan (GEP EP)
NOPSEMA General Direction 1898 – Instruction to consider additional documents**

- 1.1 We refer to your engagement as an independent expert pursuant to our letter to you dated 3 April 2023 (**Letter**), on behalf of our client, Santos Limited and its subsidiaries, including Santos NA Barossa Pty Limited and Santos Offshore Pty Ltd, (collectively, **Santos**).
- 1.2 We are instructed to provide you with the below scope of work, in your capacity as an independent expert, pursuant to the terms of the Letter. For clarity, we note that you continue to be subject to the duties and obligations set out in the Letter.

2. Scope of work

- 2.1 We provide you with the below (together, the **Additional Documents**):
 - (a) Report from A/Professor Mick O’Leary entitled, “Barossa Gas Export Pipeline Installation Underwater Cultural Heritage Assessment”.
 - (b) Report from Mr Gareth Lewis entitled, “Barossa Gas Export Pipeline Installation Cultural Heritage Assessment”.
 - (c) Map of shipping density in the region northwest of Darwin (January to June 2016) from page 251 of the Barossa Area Development, Offshore Project Proposal accepted by NOPSEMA (<https://docs.nopsema.gov.au/A598153>):

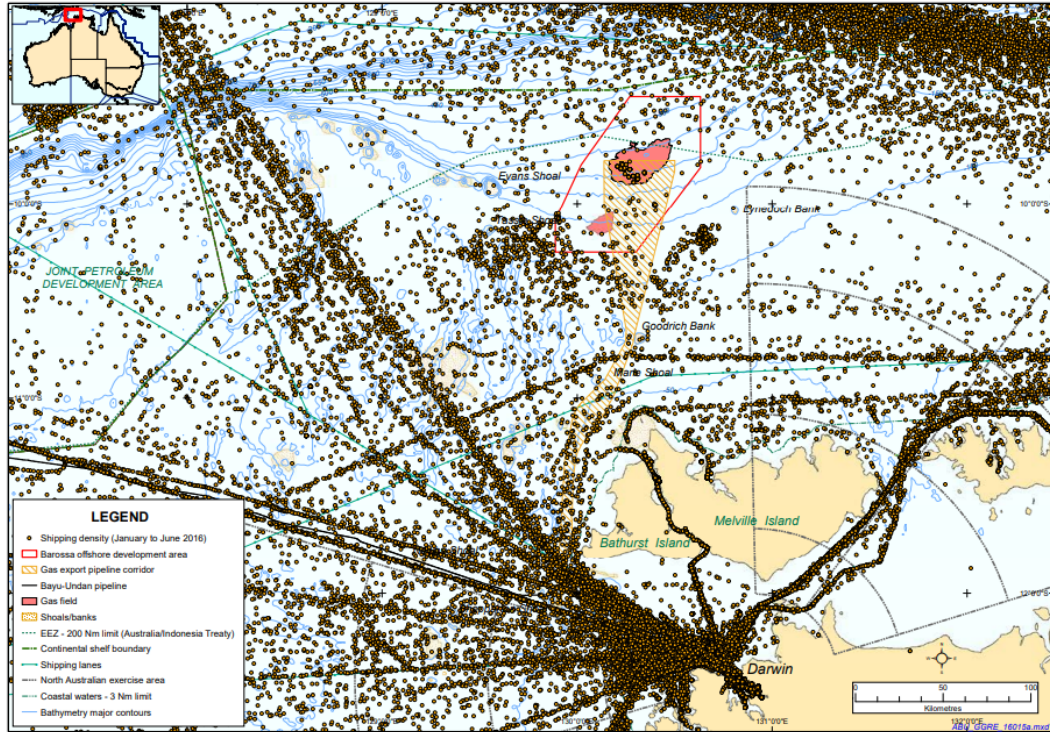
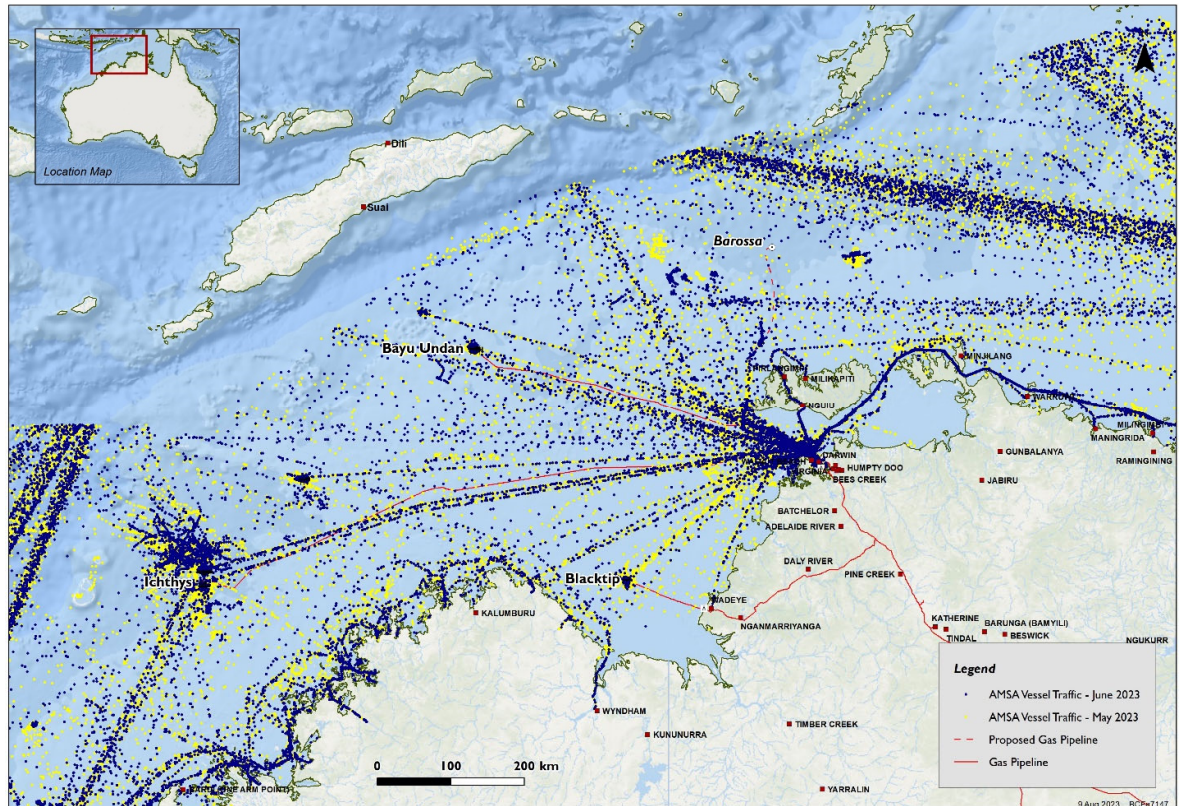
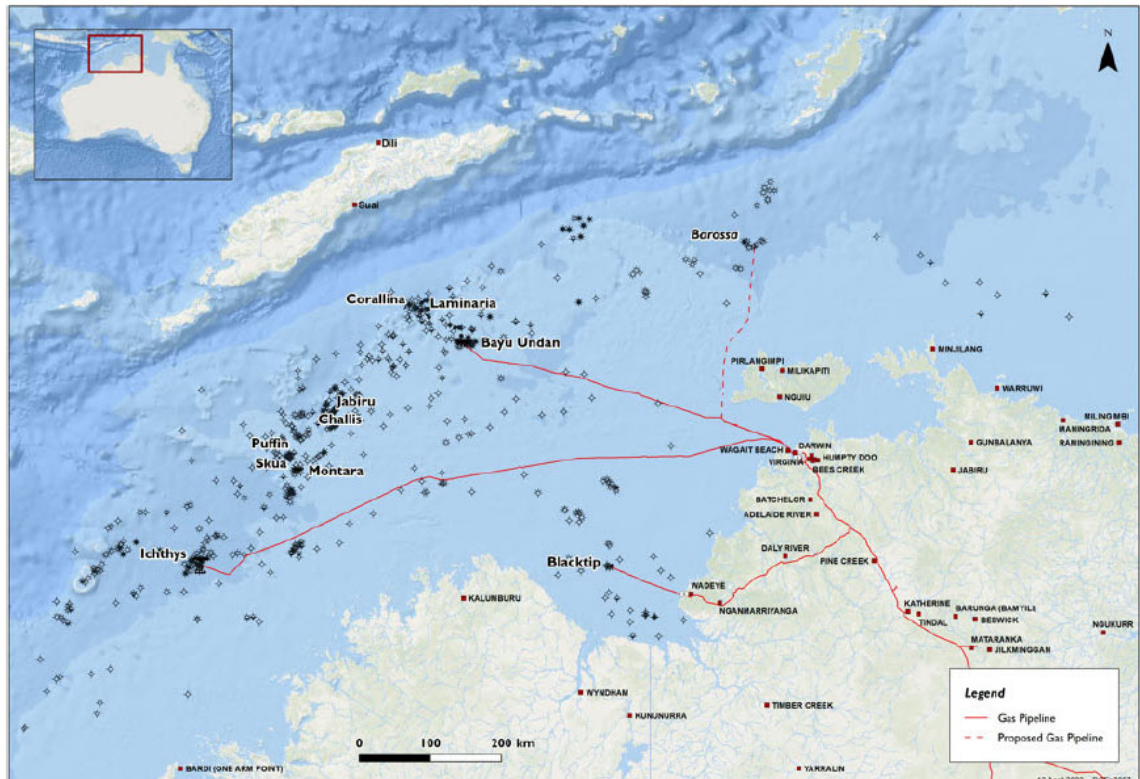


Figure 5-26: Shipping density

- (d) Map of shipping routes using Australian Maritime Safety Authority data of the region surrounding the Tiwi Islands, for May and June 2023:



- (e) Map of drill holes in the region northwest of the Tiwi Islands current as at April 2023:



- 2.2 In preparing your report, please review and consider each of the Additional Documents.
- 2.3 With regard to the report from A/Professor O’Leary entitled, “Barossa Gas Export Pipeline Installation Underwater Cultural Heritage Assessment” and report from Mr Lewis entitled, “Barossa Gas Export Pipeline Installation Cultural Heritage Assessment”, please provide all comments and considerations in a separate section to the rest of your report.
- 2.4 Further, the Environmental Defenders Office has made the following comments in relation to your interviews with their clients:

Finally, our clients are concerned about certain aspects of Dr Corrigan’s conduct during the workshops and meetings with Tiwi people. At times, Dr Corrigan left meetings when Tiwi people were communicating important cultural stories. On other occasions, Dr Corrigan did not appear to take notes of what was being said.

Further, Dr Corrigan repeatedly made remarks to the effect that Tiwi people could not do anything about the pipeline because it is below the low watermark and that only a discovery of tangible heritage as part of the UCH assessment process could have legal significance. For example, at the meeting in Wurrumiyanga on 31 May 2023, Dr Corrigan made comments to the following effect:

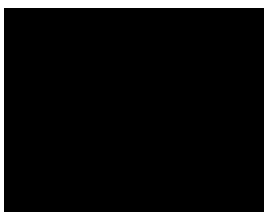
- a. *there is very little that Tiwi people can do about the pipeline because it is outside Northern Territory waters, unlike, for example, a project on land;*
- b. *unless there was a specific archaeological discovery along the pipeline route, it will be extremely difficult to legally protect spiritual connections;*

- c. *a challenge for Tiwi people is that they are unlikely to be able to point to a precise location for underwater cultural heritage and that archaeological reports have so far not been able to locate any cultural heritage sites.*

Similar remarks were made by Dr Corrigan during the boat trip on 8 June 2023 and during the meeting on 15 June 2023 in Pirlangimpi.

- 2.5 Please respond to the above comments in your report.

Yours sincerely,



Enclosures:

1. Report from A/Professor Mick O'Leary entitled, "Barossa Gas Export Pipeline Installation Underwater Cultural Heritage Assessment".
2. Report from Mr Gareth Lewis entitled, "Barossa Gas Export Pipeline Installation Cultural Heritage Assessment".

CONFIDENTIAL AND PRIVILEGED

22 August 2023

Quinn Emanuel contacts:



Dr Brendan Corrigan

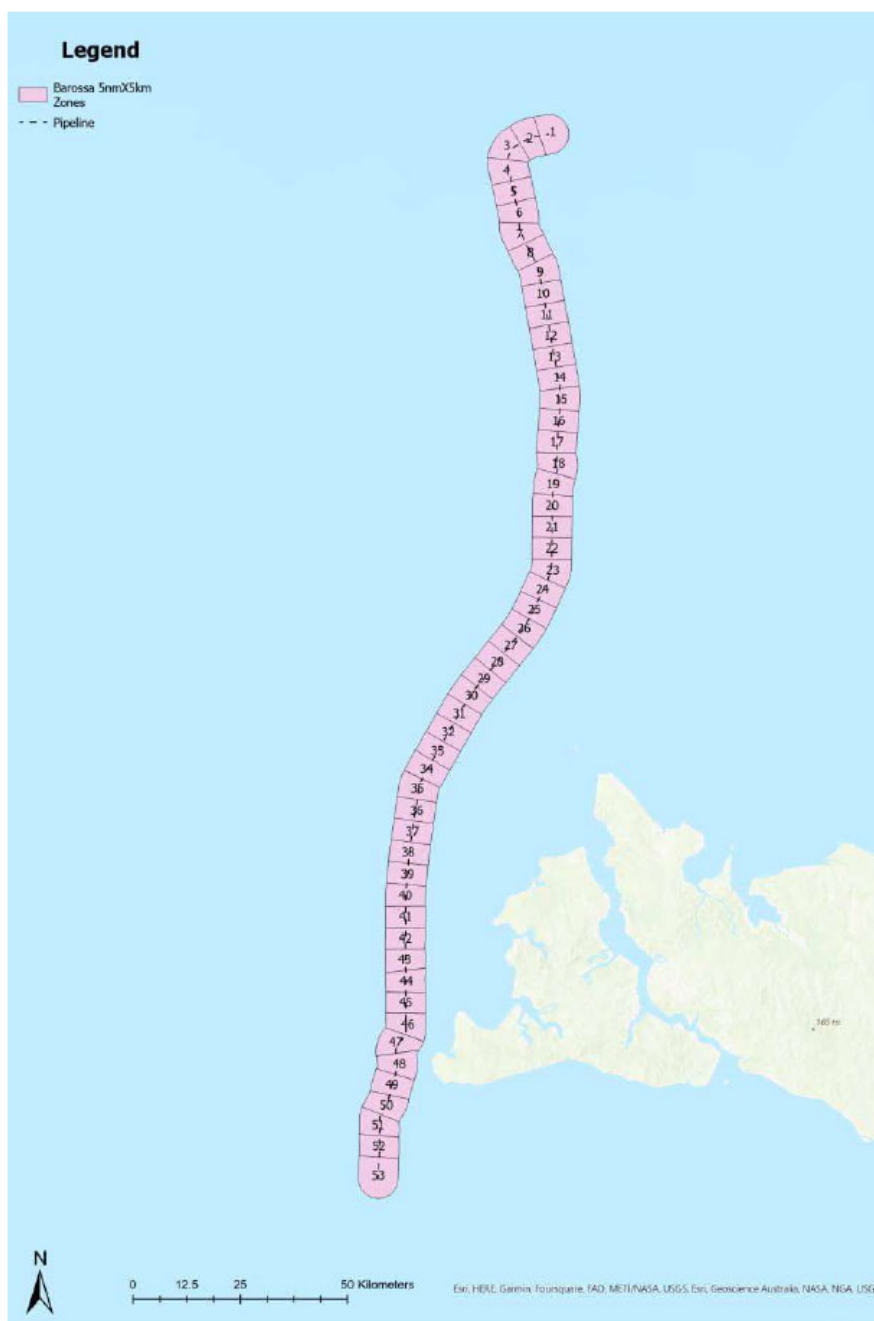
**By email**

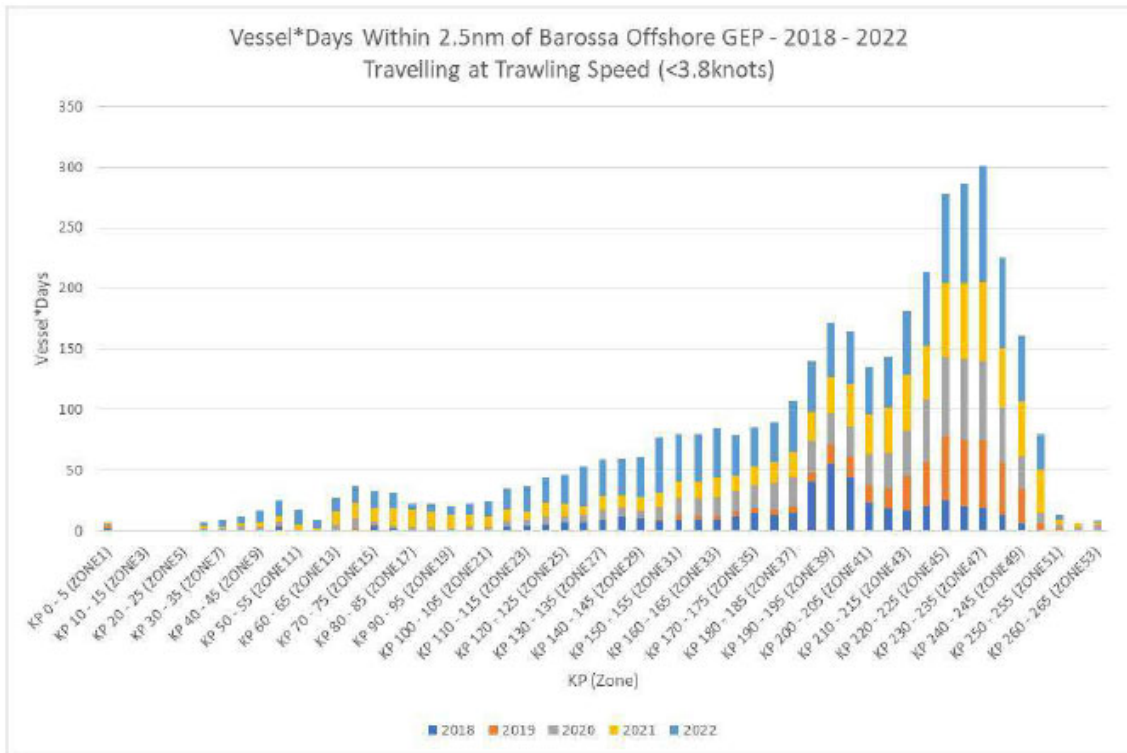
Dear Dr Corrigan

**Santos Barossa Gas Export Pipeline Installation Environment Plan (GEP EP)
NOPSEMA General Direction 1898 – Instruction to consider additional material**

- 1.1 We refer to your engagement as an independent expert pursuant to our letter to you dated 3 April 2023 (**Letter**), on behalf of our client, Santos Limited and its subsidiaries, including Santos NA Barossa Pty Limited and Santos Offshore Pty Ltd, (collectively, **Santos**).
- 1.2 We are instructed to provide you with the below scope of work, in your capacity as an independent expert, pursuant to the terms of the Letter. For clarity, we note that you continue to be subject to the duties and obligations set out in the Letter.
- 2. Scope of work**
- 2.1 We provide you with the below:
- (a) map of the area covered by a fishing intensity study conducted by Intecsea Pty Ltd for Santos in 2023 (with each numbered section representing a different zone along the proposed Offshore Gas Export Pipeline (**GEP**) route); and
 - (b) graph of vessel*days within 2.5nm of the GEP route, with reference to vessels travelling at trawling speed during the years 2018 to 2022. The zone numbers provided along the x access of this graph are referable to the numbered zones captured in the map described in subparagraph (a) above.
- (together, the **Additional Material**).
- 2.2 You are instructed that the data used by Intecsea (in conducting the fishing intensity study) was obtained from Marine Traffic for the years 2018 to 2022. The Marine Traffic dataset contains movement of vessels fitted with an automatic identification system (**AIS**) and identified as 'fishing' vessels. The frequency analysis is vessel*days per year per zone.

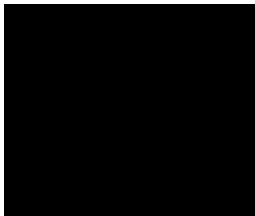
2.3 “Vessel*days” is a reference to a count of unique vessels seen within particular zones. A vessel sighted within a zone for any length of time on any particular day is counted as a vessel*day.





2.4 In preparing your report, please review and consider each of the Additional Material.

Yours sincerely,



CONFIDENTIAL AND PRIVILEGED

9 September 2023

Quinn Emanuel contacts:

[Redacted contact information]

Dr Brendan Corrigan

[Redacted address]

By email

Dear Dr Corrigan

**Santos Barossa Gas Export Pipeline Installation Environment Plan (GEP EP)
NOPSEMA General Direction 1898 – Instruction to consider material**

- 1.1 We refer to your engagement as an independent expert pursuant to our letter to you dated 3 April 2023 (**Letter**), on behalf of our client, Santos Limited and its subsidiaries, including Santos NA Barossa Pty Limited and Santos Offshore Pty Ltd.
- 1.2 We are instructed to provide you with the below scope of work, in your capacity as an independent expert, pursuant to the terms of the Letter. For clarity, we note that you continue to be subject to the duties and obligations set out in the Letter.
- 2. Scope of work**
- 2.1 We provide you with the report of Dr Henry Posamentier dated 8 September 2023. In preparing your report, please review and consider his report.

Yours sincerely,

[Redacted signature]

[Redacted name]

Enclosure: Report of Dr Henry Posamentier dated 8 September 2023

Appendix 3: Legislation



Aboriginal and Torres Strait Islander Heritage Protection Act 1984

No. 79, 1984

Compilation No. 17

Compilation date:	21 October 2016
Includes amendments up to:	Act No. 61, 2016
Registered:	21 October 2016

Prepared by the Office of Parliamentary Counsel, Canberra

Part I Preliminary

Section 3

- (c) a body or the remains of a body dealt with or to be dealt with in accordance with a law of a State or Territory relating to medical treatment or post-mortem examinations.

Aboriginal tradition means the body of traditions, observances, customs and beliefs of Aboriginals generally or of a particular community or group of Aboriginals, and includes any such traditions, observances, customs or beliefs relating to particular persons, areas, objects or relationships.

area includes a site.

Australian waters means:

- (a) the territorial sea of Australia and any sea on the landward side of that territorial sea;
- (b) the territorial sea of an external Territory and any sea on the landward side of that territorial sea; or
- (c) the sea over the continental shelf of Australia.

Federal Court means the Federal Court of Australia.

significant Aboriginal area means:

- (a) an area of land in Australia or in or beneath Australian waters;
- (b) an area of water in Australia; or
- (c) an area of Australian waters;

being an area of particular significance to Aboriginals in accordance with Aboriginal tradition.

significant Aboriginal object means an object (including Aboriginal remains) of particular significance to Aboriginals in accordance with Aboriginal tradition.

- (2) For the purposes of this Act, an area or object shall be taken to be injured or desecrated if:
- (a) in the case of an area:
- (i) it is used or treated in a manner inconsistent with Aboriginal tradition;



Aboriginal Land Rights (Northern Territory) Act 1976

No. 191, 1976

Compilation No. 39

Compilation date: 12 December 2015

Includes amendments up to: Act No. 175, 2015

Registered: 4 February 2016

Prepared by the Office of Parliamentary Counsel, Canberra

Part I Preliminary

Section 3

NT entity means a person approved by the Chief Minister of the Northern Territory under subsection 3AA(1).

petroleum has the meaning given by subsection 5(1) of the *Petroleum Act* of the Northern Territory.

qualifying area means an area that:

- (a) is wholly included in the area of a Land Council; or
- (b) is partly included in the area of one Land Council and partly included in the area of one or more other Land Councils.

sacred site means a site that is sacred to Aboriginals or is otherwise of significance according to Aboriginal tradition, and includes any land that, under a law of the Northern Territory, is declared to be sacred to Aboriginals or of significance according to Aboriginal tradition.

town has the same meaning as in the law of the Northern Territory relating to the planning and developing of towns and the use of land in or near towns, and includes any area that, by virtue of regulations in force under that law, is to be treated as a town.

township, in relation to a Land Trust, has the meaning given by section 3AB.

traditional Aboriginal owners, in relation to land, means a local descent group of Aboriginals who:

- (a) have common spiritual affiliations to a site on the land, being affiliations that place the group under a primary spiritual responsibility for that site and for the land; and
- (b) are entitled by Aboriginal tradition to forage as of right over that land.

traditional land claim, in relation to land, means a claim by or on behalf of the traditional Aboriginal owners of the land arising out of their traditional ownership.

unalienated Crown land means Crown land in which no person (other than the Crown) has an estate or interest, but does not include land in a town.

NORTHERN TERRITORY OF AUSTRALIA

NORTHERN TERRITORY ABORIGINAL SACRED SITES ACT 1989

As in force at 28 August 2013

Table of provisions

Part I	Preliminary	
1	Short title	1
2	Commencement	1
3	Definitions	1
4	Act binds Crown	3
Part II	Administration	
5	Establishment of Authority	3
6	Composition of Authority	4
7	Resignation and termination of membership	5
8	Leave of absence	5
9	Acting appointments	5
10	Functions of Authority	6
11	Powers of Authority	7
12	Meetings of Authority	7
13	Protection of members	8
14	Annual report	8
15	Chief Executive Officer	8
16	Acting Chief Executive Officer	9
17	Other staff of Authority	9
18	Salaries, allowances and expenses	9
19	Delegation	9
Part III	Sites protection procedure	
Division 1A	Application for Authority Certificate	
19A	Definitions	10
19B	Application for Authority Certificate	10
19C	Authority to classify application	10
19D	Fees and charges	10
19E	Non-standard application	10
19F	Authority to consult with custodians	11
19G	Applicant may request conference with custodians	11
19H	Applicant may have matter referred to Minister	12
19J	Minister may require security	13
19K	Account for charges	13
19L	Conference with custodians	13

Division 1	Avoidance of sacred sites	
22	Authority Certificate	14
23	Variation of Certificate	14
24	New applications on refusal of Authority	14
25	Effect of Certificate	15
26	Register of Certificates, &c.	15
Division 2	Documenting, evaluating and registering sacred sites	
27	Application to have site registered.....	15
28	Representations by owners of land on which site situated	16
29	Registering of sacred sites	16
Division 3	Review procedure	
30	Application for review	17
31	Consideration of report and recommendations	18
32	Decision of Minister	18
Part IV	Offences, penalties and procedures	
33	Entry onto sacred sites	19
34	Work on sacred site.....	19
35	Desecration	20
36	Defences	20
37	Contravention of sites avoidance conditions	21
38	Secrecy.....	21
39	Authority to bring prosecutions	21
39A	Time for commencing prosecution	21
Part V	Miscellaneous	
40	Non-derogation from other laws or rights	22
41	Powers to protect sacred sites	22
42	Wishes of Aboriginals to be taken into account.....	23
43	Permission to enter and remain on sacred site	23
44	Proprietary rights of owners of land preserved	23
45	Evidence that site is sacred site	23
46	Aboriginals' right of access to sacred sites.....	24
47	Access to sacred sites across other land	24
48	Inspection of register and other records	25
48A	Acquisition to be on just terms.....	25
48B	Fees and charges are debt due and payable	26
49	Regulations.....	26

Part VI Repeal, savings and transitional

50 Repeal 26
52 Interim Authority 26
53 Appointment of first Chairman, &c..... 27
54 Property of former Authority 27

Schedule Acts and provisions repealed

ENDNOTES

Register means the Register of Sacred Sites kept in pursuance of section 10(d).

repealed Acts means the Acts and provisions repealed by section 50.

sacred site means a sacred site within the meaning of the Land Rights Act.

4 Act binds Crown

- (1) This Act binds the Territory Crown and, to the extent the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.
- (2) If the Territory Crown in any of its capacities commits an offence against this Act, the Territory Crown is liable in that capacity to be prosecuted for the offence as if it were a body corporate.
- (3) This section does not affect any liability of an officer, employee or agent of the Territory Crown to be prosecuted for an offence.
- (4) In this section:

Territory Crown means the Crown in right of the Territory and includes:

- (a) an Agency; and
- (b) an authority or instrumentality of the Territory Crown.

Part II Administration

5 Establishment of Authority

- (1) There is hereby established an Authority by the name of the Aboriginal Areas Protection Authority.
- (2) The Authority:
 - (a) is a body corporate with perpetual succession;
 - (b) shall have a common seal; and
 - (c) is capable, in its corporate name, of acquiring, holding and disposing of real (including leasehold) and personal property and of suing and being sued.

Authority Certificate in respect of the land or part of land to which the original application related, except with the permission in writing of the Minister.

25 Effect of Certificate

Subject to the conditions, if any, of the Certificate, a person may:

- (a) enter and remain on that part or those parts of land the subject of an Authority Certificate on which, under the Certificate, work or a use proposed in the application for the Certificate may be carried out or made; and
- (b) do such things on the land as are reasonably necessary for carrying out that work or making that use of the land.

26 Register of Certificates, &c.

The Authority shall keep, in a form approved by the Minister, a separate register in which it shall keep a copy of all applications made and certificates issued under Divisions 1 and 3 of this Part, details of all refusals to issue a certificate and such other information as is prescribed.

Division 2 Documenting, evaluating and registering sacred sites

27 Application to have site registered

- (1) A custodian of a sacred site may apply to the Authority for the site to be registered in the Register.
- (2) As soon as practicable after an application under subsection (1) is received by the Authority it shall consult with the applicant and other custodians, if any, of the sacred site to determine:
 - (a) the basis on and extent to which the applicant and other custodians, if any, are entrusted with responsibility for the site according to Aboriginal tradition;
 - (b) the name or names and addresses of the custodian or custodians;
 - (c) the story of the site according to Aboriginal tradition;
 - (d) the location and extent of the site;
 - (e) the restrictions, if any, according to Aboriginal tradition, on activities that may be carried out on or in the vicinity of the site;

- (f) the physical features that constitute the site;
 - (g) whether, and if so to what extent, the period of the registration should be limited; and
 - (h) the restrictions, if any, that should be applied to information about matters referred to in paragraph (c) or (f) divulged by the custodian or custodians.
- (3) Except to the extent that the Authority determines under subsection (2)(h) that the information should not be recorded, the Authority shall reduce to writing the information obtained as a result of consultations under subsection (2).

28 Representations by owners of land on which site situated

- (1) Before registering a sacred site as the result of an application under section 27(1) the Authority shall give to each owner of land comprised in the site or on which the site is situated a notice:
- (a) giving details of the area concerned;
 - (b) inviting the owner to make written representations in connection with the application by a specified date, being not earlier than 28 days after the receipt of the notice; and
 - (c) specifying an address to which such representations may be sent.
- (2) The Authority shall give due consideration to all representations made by an owner as the result of an invitation under subsection (1)(b) and in particular shall make and record its findings in relation to the immediate or possible detrimental effect, if any, the fact that the site is a sacred site may have on the owner's proprietary interest in the land.
- (3) Where the owner of land to whom a notice under subsection (1) has been given advises the Authority that the owner's intended work on or use of the land may be constrained by the existence of the sacred site, the Authority shall advise the owner, in writing, of the owner's right to apply for an Authority Certificate in relation to the land.

29 Registering of sacred sites

Where after examining and evaluating:

- (a) the information obtained as a result of consultations under section 27(2);

- (b) any representations made under section 28(1); and
 - (c) such other information concerning the site as is available to it,
- the Authority is satisfied that the site the subject of the application is a sacred site, it shall place the information recorded in pursuance of section 27(3) and a record of its findings referred to in section 28(2), if any, in the Register and on its so doing the site is registered as a sacred site for the purposes of this Act.

Division 3 Review procedure

30 Application for review

- (1) A person who applied under section 19B for an Authority Certificate and who is aggrieved by:
 - (a) a decision or action of the Authority under Division 1; or
 - (b) the failure by the Authority within a reasonable time to come to a decision on an application or request under Division 1A or Division 1,

may apply to the Minister for a review of the decision, action or failure.
- (2) As soon as practicable after receiving an application under subsection (1) the Minister shall, after consulting with the Authority, request the Authority to conduct a review of the matter the subject of the application or refuse to ask the Authority to review the matter, and the Minister shall, in writing, advise the applicant accordingly.
- (3) Where the Minister refers a matter to the Authority for review, the Authority shall provide:
 - (a) the applicant under subsection (1);
 - (b) where appropriate, the custodians of sacred sites affected; and
 - (c) any other person appearing to the Authority to be affected,

with a notice:

 - (d) stating the matter to be reviewed;



Offshore Petroleum and Greenhouse Gas Storage Act 2006

No. 14, 2006

Compilation No. 39

Compilation date: 23 February 2017

Includes amendments up to: Act No. 11, 2017

Registered: 28 February 2017

This compilation is in 3 volumes

Volume 1: sections 1–465

Volume 2: sections 466–791

Volume 3: Schedules
Endnotes

Each volume has its own contents

Prepared by the Office of Parliamentary Counsel, Canberra

Section 574

Division 2—General power to give directions

574 General power to give directions—NOPSEMA

Definition

- (1) In this section:

title means:

- (a) a petroleum exploration permit; or
- (b) a petroleum retention lease; or
- (c) a petroleum production licence; or
- (d) an infrastructure licence; or
- (e) a pipeline licence; or
- (f) a petroleum special prospecting authority; or
- (g) a petroleum access authority.

Direction to registered holder

- (2) NOPSEMA may, by written notice given to the registered holder of a title, give the registered holder a direction as to any matter in relation to which regulations may be made.

Note 1: Section 782 is the main provision setting out matters in relation to which regulations may be made.

Note 2: Breach of a direction may attract a criminal or civil penalty: see section 576.

Note 3: A direction under this section has no effect to the extent of any inconsistency with a direction under section 574A: see subsection 574A(12).

Note 4: A direction under this section also has no effect to the extent of any inconsistency with a direction under section 576B (which relates to significant offshore petroleum incidents): see subsection 576C(2).

Extended application of direction

- (3) A direction given under this section to a registered holder applies to the registered holder and may also be expressed to apply to:

Section 574

- (a) a specified class of persons, so long as the class consists of, or is included in, either or both of the following classes:
 - (i) employees or agents of, or persons acting on behalf of, the registered holder;
 - (ii) persons performing work or services, whether directly or indirectly, for the registered holder; or
 - (b) any person (other than the registered holder or a person to whom the direction applies in accordance with paragraph (a)) who is:
 - (i) in the offshore area for any reason touching, concerning, arising out of, or connected with, exploring the seabed or subsoil of the offshore area for petroleum or exploiting the petroleum that occurs as a natural resource of that seabed or subsoil; or
 - (ii) in, on, above, below or in the vicinity of a vessel, aircraft, structure or installation, or equipment or other property, that is in the offshore area for a reason of that kind.
- (4) If a direction so expressed is given, the direction is taken to apply to each person included in the specified class mentioned in paragraph (3)(a) or to each person who is in the offshore area as mentioned in paragraph (3)(b), as the case may be.

Note: For notification requirements, see section 575.

Additional matters

- (5) NOPSEMA must not give a direction under this section of a standing or permanent nature except with the approval of the Joint Authority, but the validity of a direction is not affected by a breach of this subsection.
- (6) A direction under this section has effect, and must be complied with, despite:
 - (a) any previous direction under this section; and
 - (b) anything in the regulations or the applied provisions.

Note: For **applied provisions**, see subsection 80(2).

Chapter 6 Administration**Part 6.2** Directions relating to petroleum**Division 2** General power to give directionsSection 574

- (7) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, so long as the code of practice or standard is relevant to that matter.
- (8) To avoid doubt, subsection (7) applies to an instrument, whether issued or made in Australia or outside Australia.
- (9) A direction under this section may prohibit the doing of an act or thing:
 - (a) unconditionally; or
 - (b) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.
- (9A) If:
 - (a) NOPSEMA gives a direction under this section; and
 - (b) NOPSEMA considers that the direction may have significant consequences for:
 - (i) resource management; or
 - (ii) resource security;
 NOPSEMA must:
 - (c) give the responsible Commonwealth Minister a copy of the direction; and
 - (d) do so as soon as practicable after the direction was given.

Directions

- (10) If paragraph (3)(b) applies to a direction under this section, the direction is a legislative instrument.
- (11) If paragraph (3)(b) does not apply to a direction under this section, the direction is not a legislative instrument.



Underwater Cultural Heritage Act 2018

No. 85, 2018

An Act to protect Australia's underwater cultural heritage, and for related purposes

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)

off the coast of Western Australia as mentioned in that Article).

(2) The wrecked vessels are as follows:

Dutch shipwrecks		
Item	Name by which the vessel was known	Approximate location
1	Batavia	Beacon Island, Wallabi Group, Houtman Abrolhos
2	Vergulde Draeck or Gilt Dragon	Ledge Point
3	Zuytdorp	40 miles north of the mouth of the Murchison River
4	Zeewyk	Gun Island, Pelsart Group, Houtman Abrolhos

15 Meaning of *underwater cultural heritage*

- (1) ***Underwater cultural heritage*** means any trace of human existence that:
- has a cultural, historical or archaeological character; and
 - is located under water.
- (2) For the purposes of subsection (1), a trace of human existence includes:
- sites, structures, buildings, artefacts and human and animal remains, together with their archaeological and natural context; and
 - vessels, aircraft and other vehicles or any part thereof, together with their archaeological and natural context; and
 - articles associated with vessels, aircraft or other vehicles, together with their archaeological and natural context.
- (3) For the purposes of paragraph (1)(b), a trace of human existence is located under water:
- whether partially or totally under water; and
 - whether under water periodically or continuously.
- (4) However, the following are not ***underwater cultural heritage***:

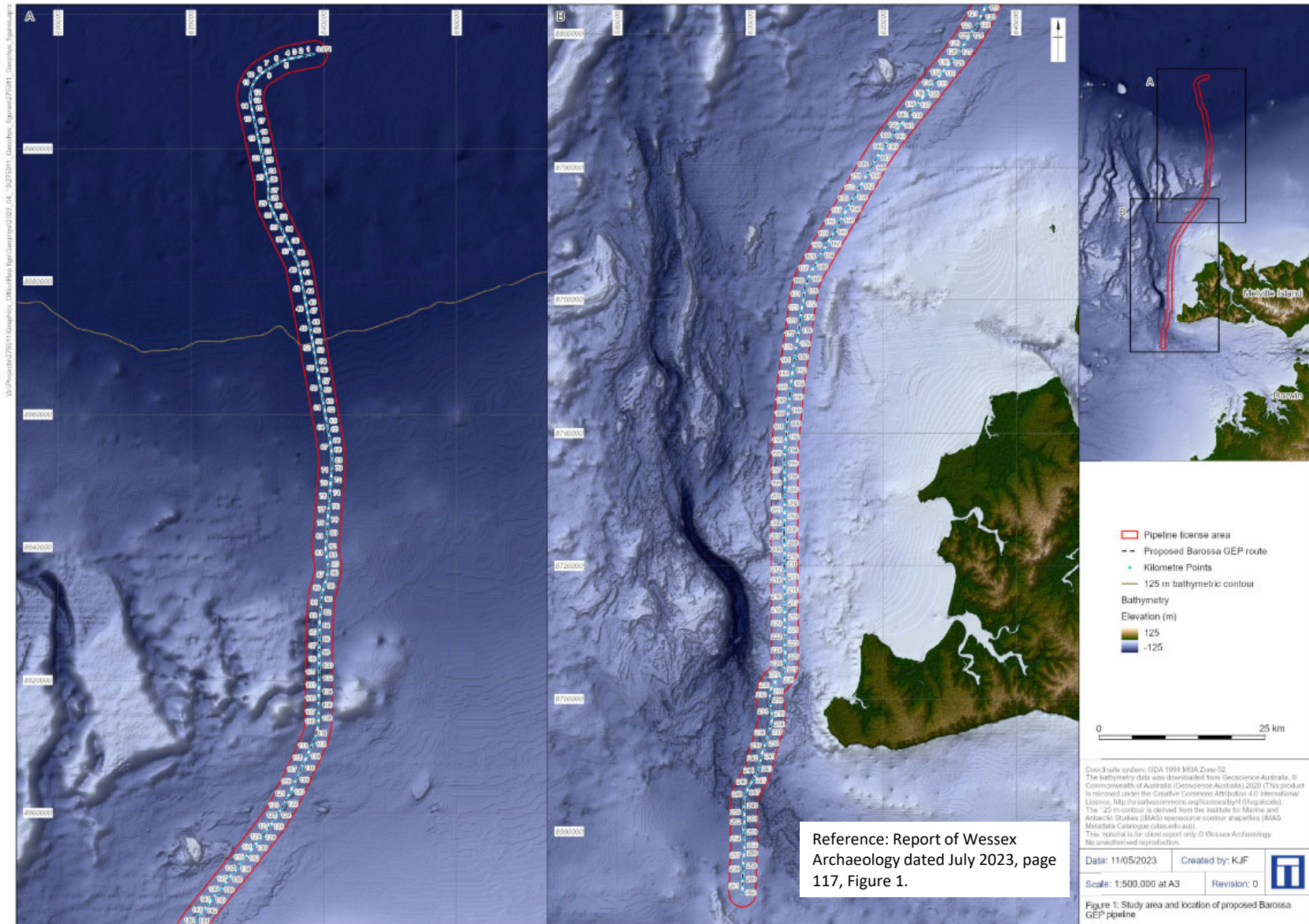
Part 1 Introduction
Division 2 Definitions

Section 15

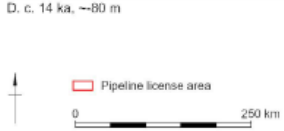
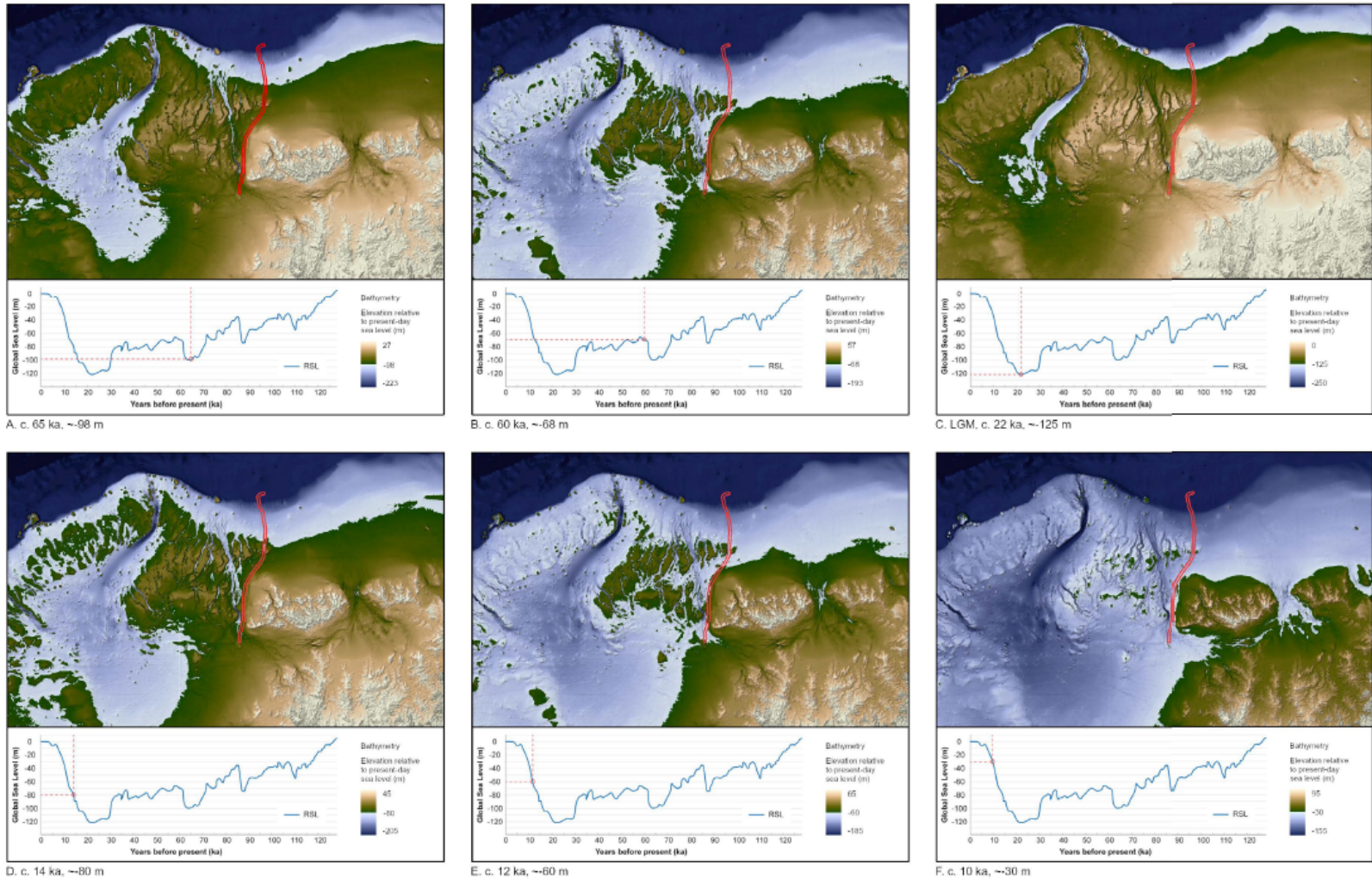
- (a) pipelines or cables on the seabed;
- (b) installations (other than pipelines or cables) that are:
 - (i) placed on the seabed; and
 - (ii) still in use.

Appendix 4: Dr Corrigan's 23-25 August 2023 Presentation

Dr Brendan Corrigan



10:17:00 22/05/2023: C:\Users\KJF\Documents\2023_04_19\202311_Coastline_Elevation



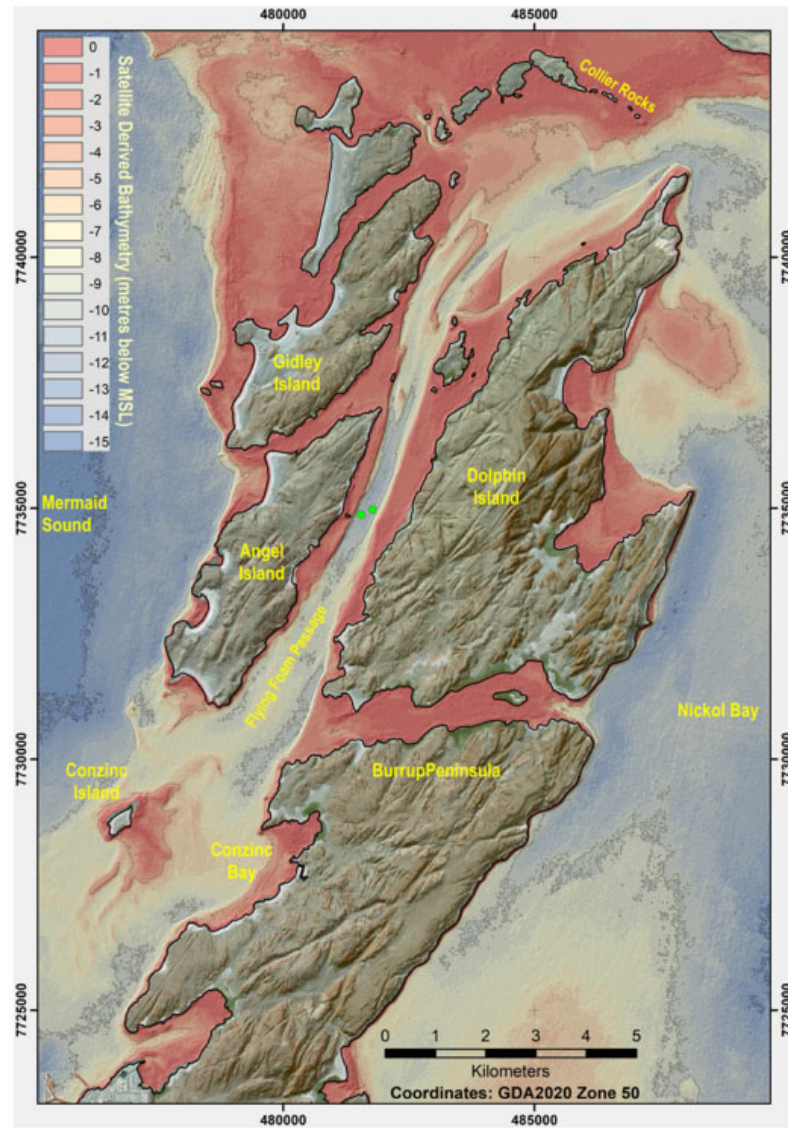
Reference: Report of Wessex
Archaeology dated July 2023, page
119, Figure 3.

Coordinate system: GDA 1994 MGA Zone 52
The bathymetry data was downloaded from Geoscience Australia. © Commonwealth of Australia (Geoscience Australia) 2020 (This product is released under the Creative Commons Attribution 4.0 International License, <http://creativecommons.org/licenses/by/4.0/> (by/4.0)).
This material is for client report only © Wessex Archaeology. No unauthorised reproductions.

Date: 17/05/2023	Created by: KJF	Revision: 0	Scale: 1:6,000,000 at A3
------------------	-----------------	-------------	--------------------------

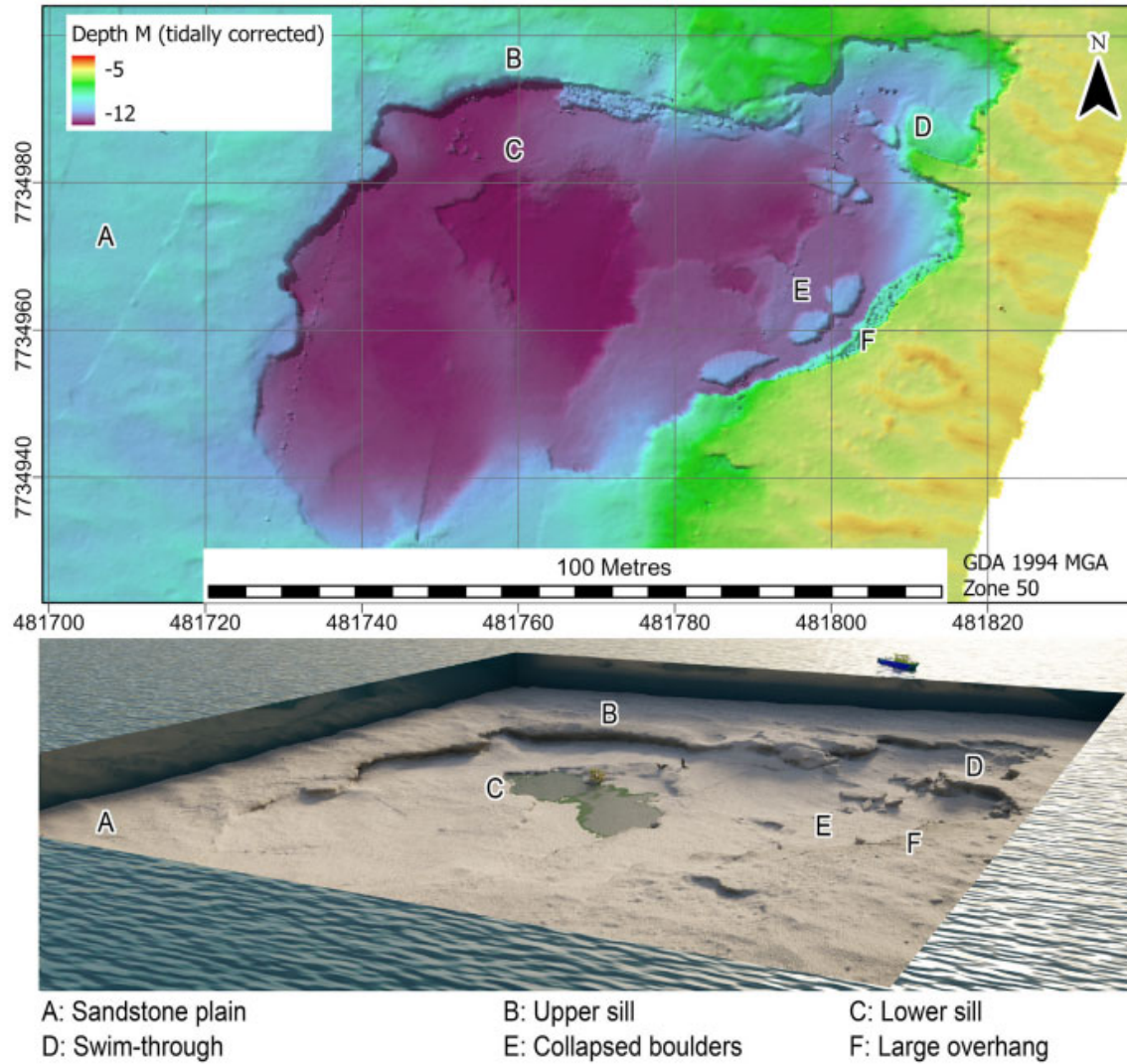
Figure 3. Regional paleogeographic/sea level reconstructions, with sea level curves (modified after Brooke et al. (2017)) overlain





Reference: Report of Benjamin, O'Leary, McCarthy et al., dated August 2023, Quaternary Science Reviews 313 2023 108190, page 5, Figure 3.

Fig. 3. Satellite derived bathymetry provides an indication of paleogeographic context and shows how Flying Foam Passage would have been inundated from both the south and northeast with rising sea levels. These data are ± 1 m (the error may be exaggerated in very shallow water).



Reference: Report of Benjamin, O'Leary, McCarthy et al., dated August 2023, Quaternary Science Reviews 313 2023 108190, page 4, Figure 2.

Fig. 2. Multibeam bathymetry of the submerged spring with digital reconstruction.

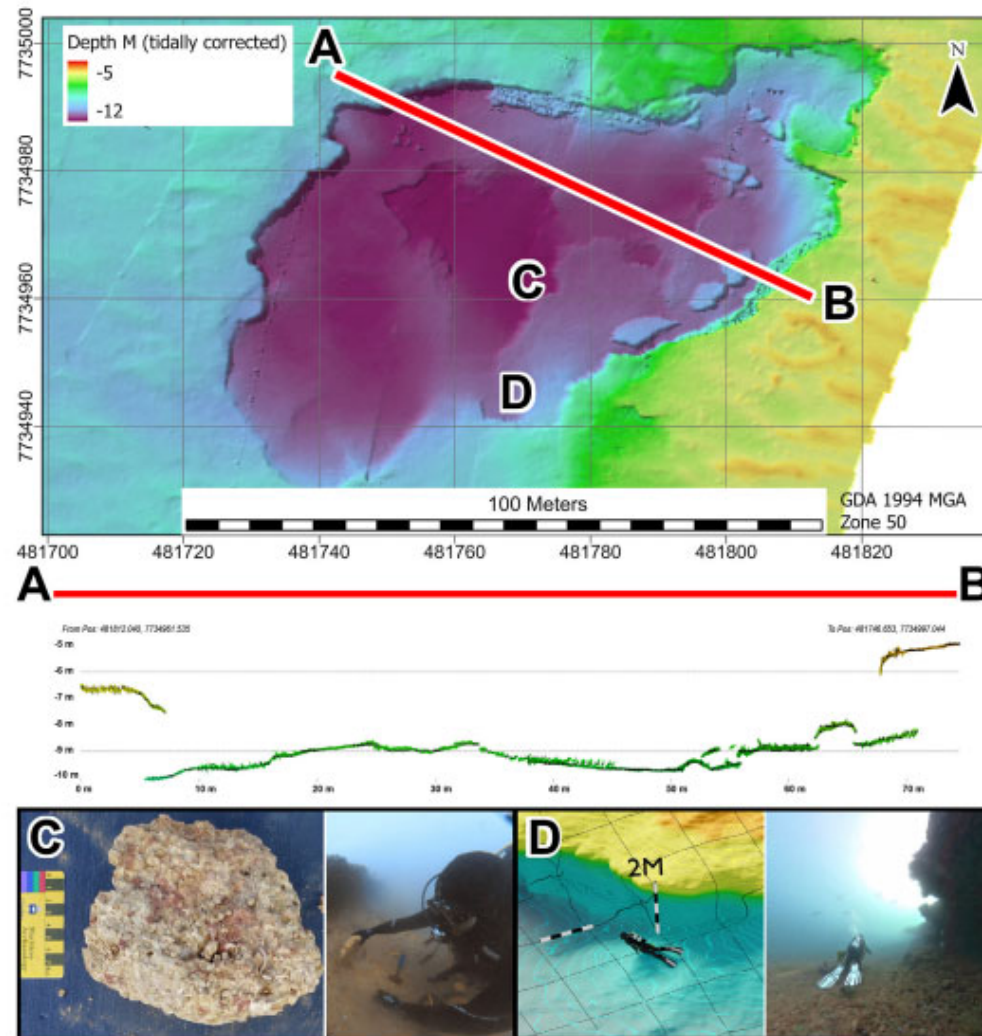
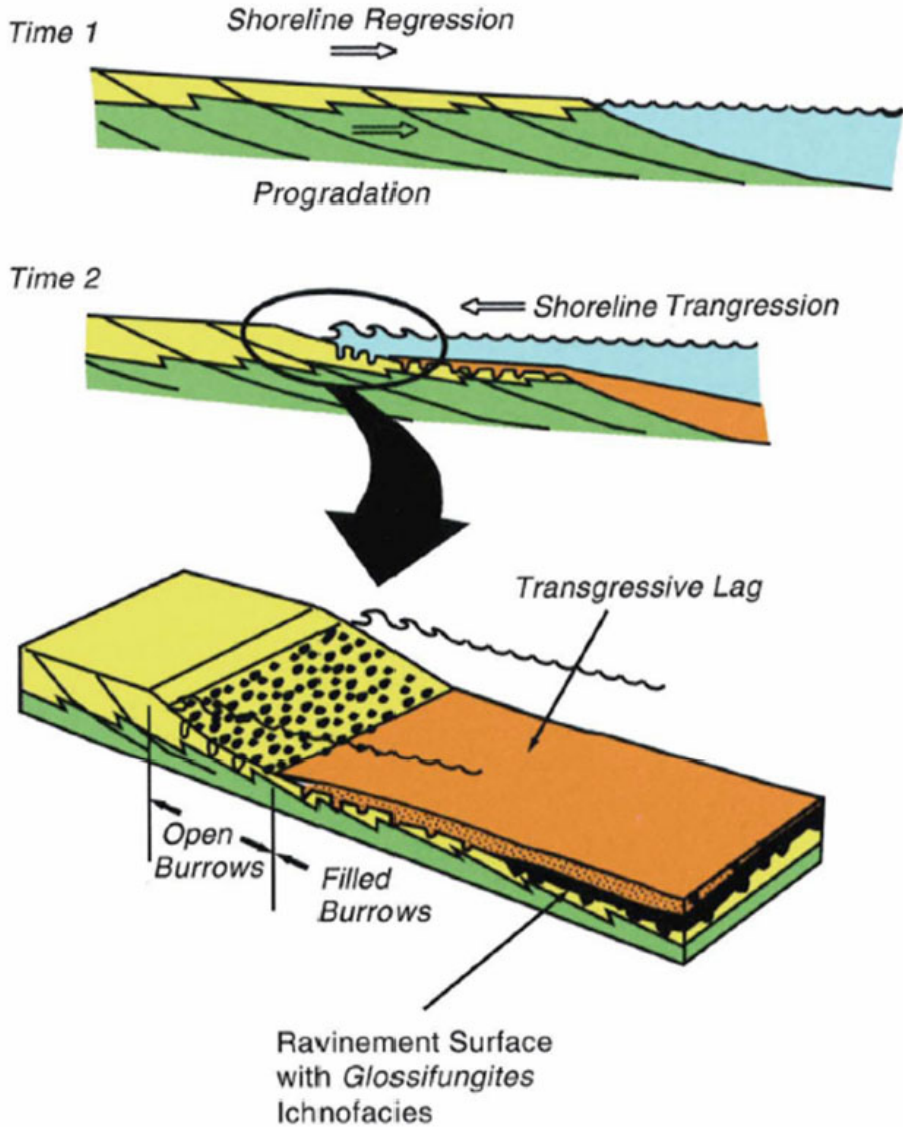


Fig. 4. The cross-section of multibeam data of the ENE wonky hole (A–B) shows how the acoustic signal was able to achieve some measurements underneath the lip of the feature by angling the sensor. (C) A geological sample was collected from the floor of the depression by divers. (D) Shows a diver swimming alongside the perimeter of the exterior 'visor'.

Reference: Report of Benjamin, O'Leary, McCarthy et al., dated August 2023, Quaternary Science Reviews 313 2023 108190, page 7, Figure 4.



Reference: Report of Henry Posamentier dated 11 July 2023, page 18, Figure 9.

Not for publication

Not for publication

Not for publication

Not for publication

Not for publication

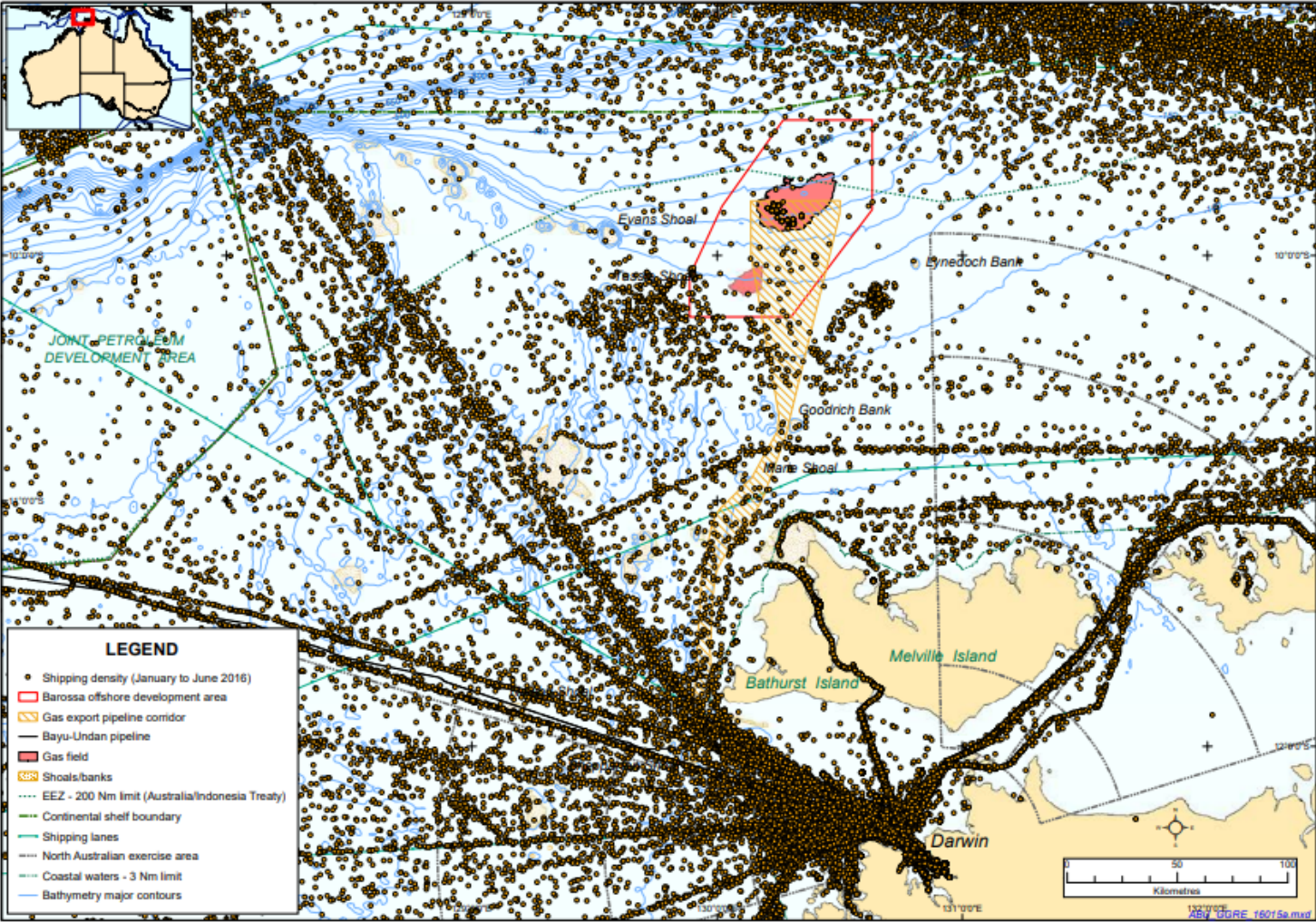
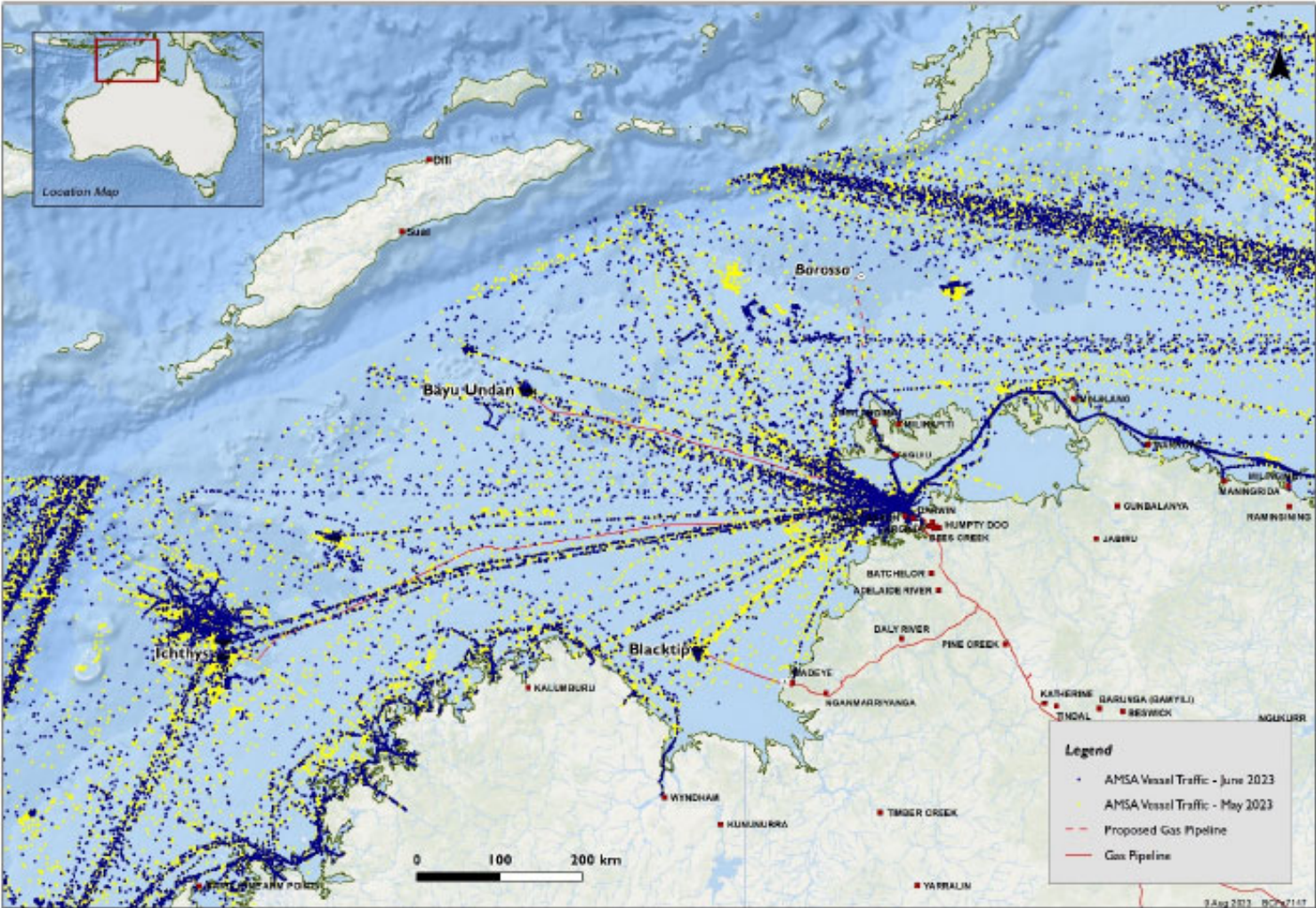


Figure 5-26: Shipping density

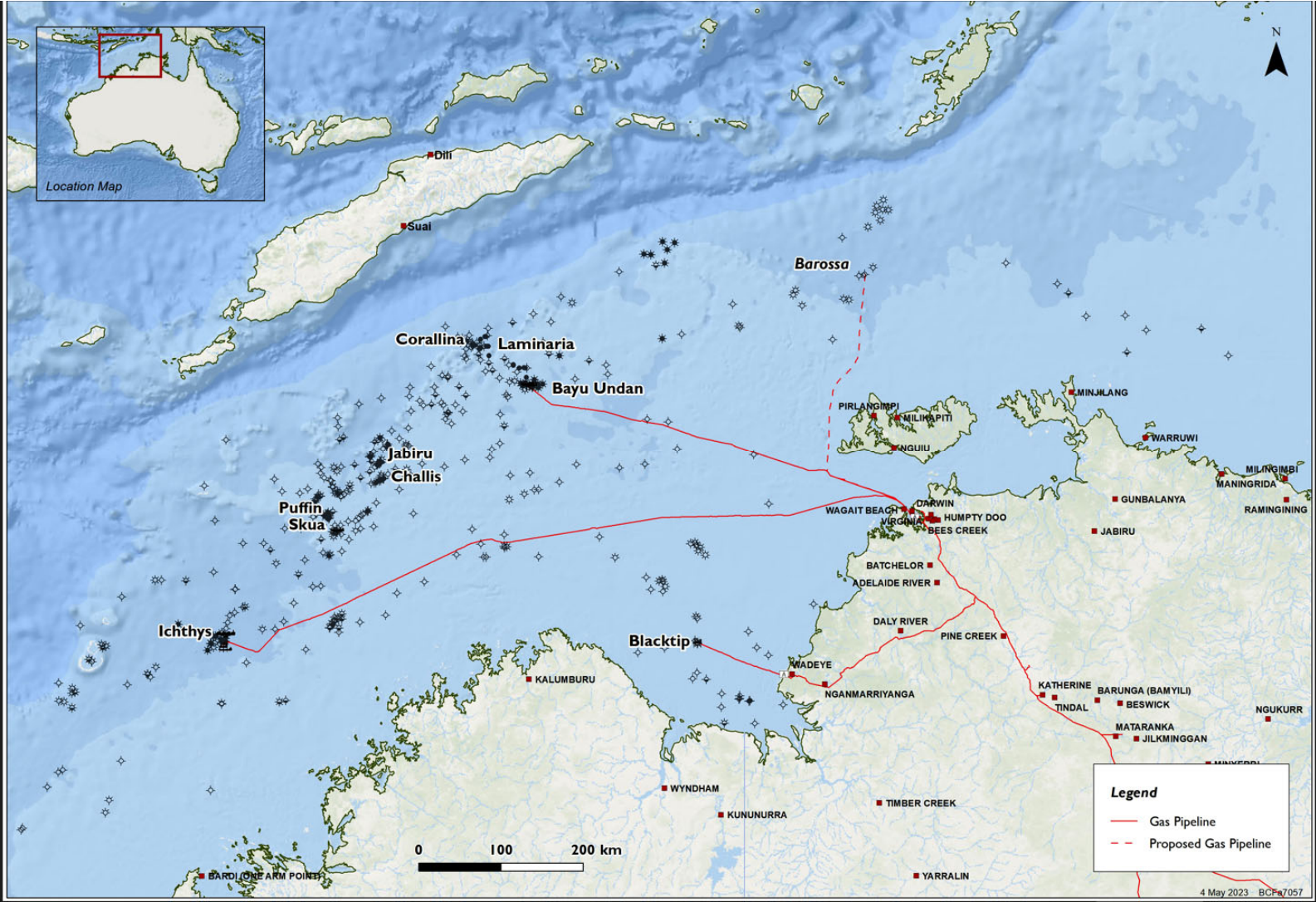
Map of shipping density in the region northwest of Darwin (January to June 2016).

Reference: AMSA 2017, see p 251 Barossa Area Development, Offshore Project Proposal.

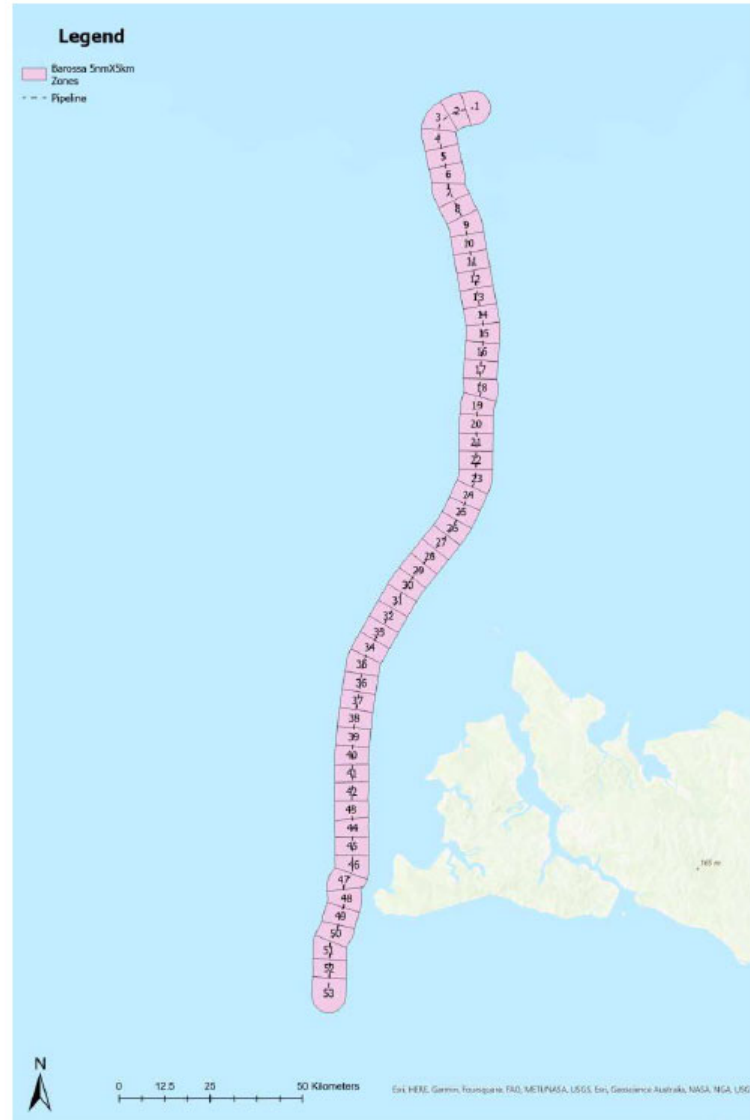


Reference: Australian Maritime Safety Authority, 2023.

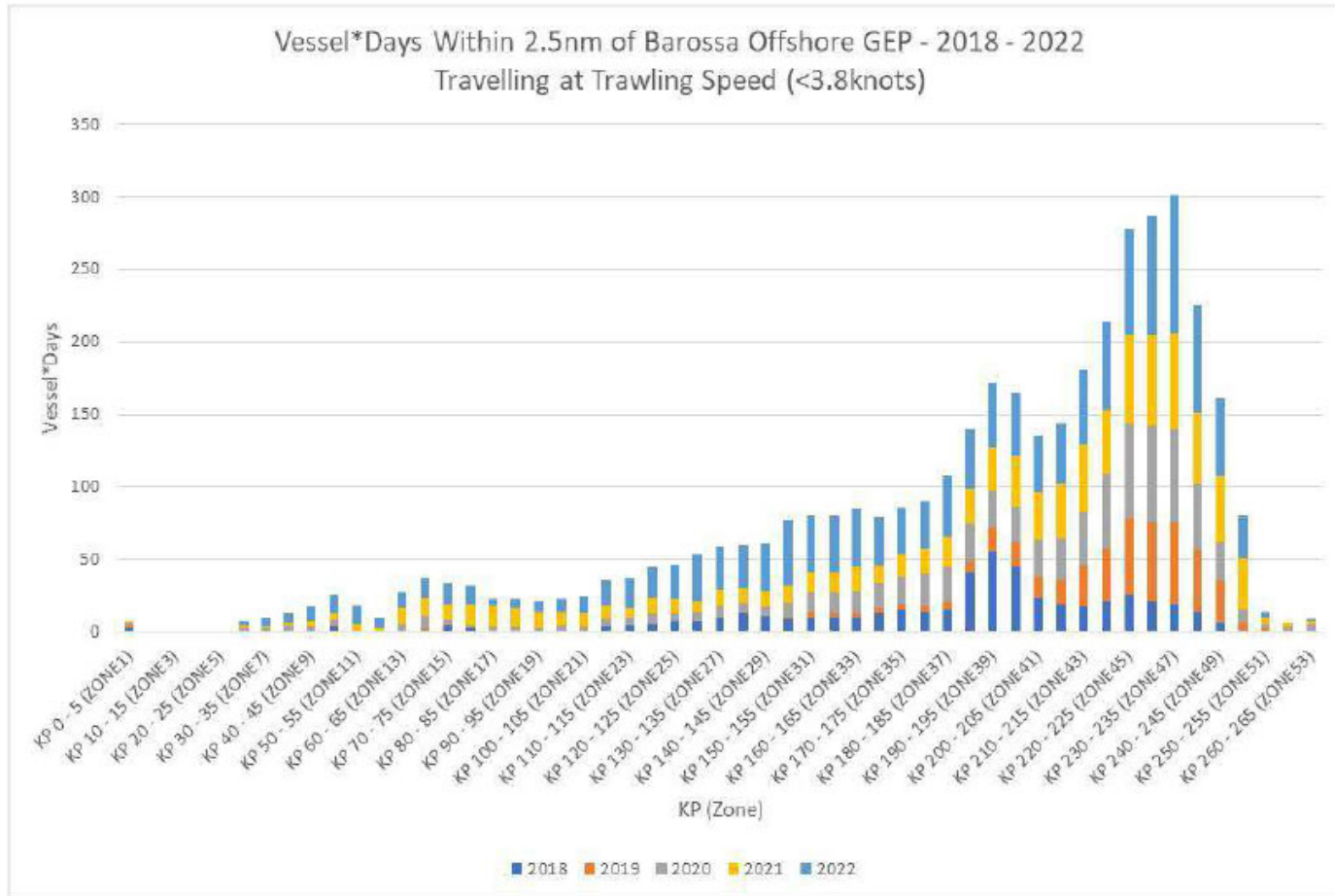
Map of shipping routes using Australian Maritime Safety Authority data of the region surrounding the Tiwi Islands, for May and June 2023.



Map of drill holes in the region northwest of the Tiwi Islands current as at April 2023.



Reference: Intecsea,
Offshore GEP Fishing
Intensity Data Review,
2023.



Reference: Intecsea,
Offshore GEP Fishing
Intensity Data Review,
2023.

Appendix 5: Bibliography

- Basedow, Herbert. 1911. "Notes on the Natives of Bathurst Island, North Australia." *Journal of the Royal Anthropological Institute*. Volume 43 (Jan. - Jun., 1913), pp. 291-323.
- Benjamin, Jonathan., Michael O'Leary, John McCarthy, Wendy Reynen, Chelsea Wiseman, Jerem Leach, Simon Bobeldyk, et al. 2023. "Stone Artefacts on the Seabed at a Submerged Freshwater Spring Confirm a Drowned Cultural Landscape in Murujuga, Western Australia." *Quaternary Science Reviews* 313 (August): 108190–90. <https://doi.org/10.1016/j.quascirev.2023.108190>.
- Berndt, Ronald, and Catherine Berndt. 1968. *The World of the First Australians: An Introduction to the Traditional Life of the Australian Aborigines*. Sydney: Ure Smith Publications.
- Campbell, Major. 1834. "Geographical memoir of Melville Island and Port Essington on the Coburg Peninsula, Northern Australia: with some observations on the settlements which have been established on the north coast of New Holland." *Journal of the Royal Geographical Society of London* Volume 4: 129 - 181. <https://doi.org/10.2307/1797687>.
- Clark, Marshall, and Sally K. May (eds). 2013. *Macassan History and Heritage – Journeys, Encounters and Influences*. Australian National University Press, ACT.
- Clark, Paul. 2011. "Monsoon traders lost on the Northern Australian coast – historical evidence for their existence."
- Coroneos, Cosmos. 1996. "The shipwreck universe of the Northern Territory." *Bulletin of the Australian Institute for Maritime Archaeology*. Vol. 20; pp. 11-22.
- Coroneos, Cosmos, C McBrian, and C Wilby. 2022. *Maritime Heritage Assessment, Timor Sea and Tiwi Islands Northern Territory*. Unpublished.
- Corrigan, Brendan. 2006. "Different Stories about the Same Places: interpreting narrative, practice and tradition in the East Kimberley of Northern Australia and the Aru Islands of Eastern Indonesia." Doctoral Thesis awarded 2007, Department of Anthropology, University of Western Australia.
- Corrigan, Brendan. 2011. *The Competing Origin Narratives of Science and Indigenous Worldviews: case studies from the Aru Islands of Eastern Indonesia and the Kimberley Region of Northern Australia*. Germany: Lambert Academic Publishing.
- Crosby, Eleanor. 1978. "Survey and excavation at Fort Dundas, Melville Island, Northern Territory, 1975." *The Australian Society for Historical Archaeology, Sydney, NSW*.
- Davis, S. 1983. *A Report on Bathurst and Melville Islands Sea Closure Application*. Darwin: Landsearch.
- Flemming, Nicholas. 1983. "A Survey of the Late Quaternary Landscape of the Cootamundra Shoals, North Australia: A Preliminary Report." *Institute of Oceanographic Science, Wormsley, Godalming, Surrey*.

- Forrest, Peter. 1995. *The Tiwi Meet the Dutch: The First European Contacts*. Report for The Tiwi Land Council, NT.
- Graham, R. 2008. *Anthropological Report – Vernon Island Land Claim*. Report to the Aboriginal Land Commissioner, Vernon Islands, Claim No. 9.
- Goodale, Jane C. 1974. *Tiwi Wives: Study of the Women of Melville Island, North Australia*. University of Washington Press.
- Hardman, W. (ed.) 1984 [1865]. *The Journals of John McDouall Stuart during the years 1858, 1859, 1861 & 1862*. Perth: Hesperian Press.
- Hart, Charles W. M. and Arnold R Pilling. 1979. *The Tiwi of North Australia*. Published by Thomson Learning.
- Jung, Silvano. 1992. *Annotated Bibliography of Macassan Perahu Wrecks & Sightings*. Maritime Archaeology & History, Northern Territory Museum of Arts and Sciences, Darwin, NT.
- Lewis, Gareth. 2023. “Barossa Gas Export Pipeline Installation, Cultural Heritage Assessment: Anthropologist’s Report prepared for [REDACTED] (clients of the Environmental Defenders Office).” Unpublished.
- MacKnight, C. C. 1976. *The Voyage to Marege; Macassan Trepangers in Northern Australia*. Carlton: Melbourne University Press
- McCarthy, John, Chelsea Wiseman, Katherine Woo, David Steinberg, Michael O’Leary, Daryl Wesley, Liam M. Brady, Sean Ulm, and Jonathan Benjamin. 2021. “Beneath the Top End: A Regional Assessment of Submerged Archaeological Potential in the Northern Territory, Australia.” *Australian Archaeology*, Volume. 88, No. 1: 65–83. <https://doi.org/10.1080/03122417.2021.1960248>.
- Morris, John. 2001. “The Tiwi and the British: an ill-fated outpost.” *Aboriginal History*. Volume 25: 243 - 261. <https://doi.org/10.22459/ah.25.2011.16>.
- Morris, John. 2001. *The Tiwi: From Isolation to Cultural Change. A History of Encounters Between and Island People and Outside Forces*. Darwin: Northern Territory University Press.
- Mountford, Charles P. 1958. *The Tiwi: Their Art Myth and Ceremony*. London: Phoenix House in association with Georgian House.
- Munkara, Marie. 2017. “A Living Landscape.” Masters of Fine Arts thesis, School of Communications, Faculty of Creative Industries, Queensland University of Technology.
- Nunn, Patrick and Nicholas J. Reid. 2015. “Aboriginal Memories of Inundation of the Australian Coast Dating from More than 7000 Years Ago.” *Australian Geographer* 47 (1): 11–47. <https://doi.org/10.1080/00049182.2015.1077539>.

- O’Leary, Michael, Jonathan Benjamin, Daryl Wesley, Geoff Bailey and Amanda Kearney. 2022. “Knowing Sea Country: submerged archaeological potential along the Santos Barossa pipeline route.” Unpublished.
- O’Leary, Michael. 2023. “Barossa Gas Export Pipeline Installation Underwater Cultural Heritage Assessment, prepared for: [REDACTED]” Unpublished.
- Posamentier, Henry W. 2023a. “Barossa Field Seafloor Late Pleistocene/Holocene Depositional Environment.” Unpublished.
- Posamentier, Henry W. 2023b. “Comments on the Barossa Gas Export Pipeline Underwater Cultural Heritage Assessment Report.” Unpublished.
- Posamentier, Henry W. 2023c. “Schedule of my Analysis of the Features Identified in Wessex Archaeology LTD Report.” Unpublished.
- Spencer, Baldwin. 1914. *Native Tribes of the Northern Territory of Australia*. London: Macmillan and Co.
- Venbrux, Eric. 2009. *A Death in the Tiwi Islands: Conflict, Ritual and Social Life in an Australian Aboriginal Community*. Cambridge: Cambridge University Press.
- Wessex Archaeology. 2023. “Barossa Gas Export Pipeline: Submerged Palaeolandscapes Archaeological Assessment - Technical Report.” Unpublished.
- Wessex Archaeology. 2023. “Barossa Gas Export Pipeline: Submerged Palaeolandscapes Archaeological Assessment – Recommendations.” Unpublished.

Appendix 6: Consultation Log

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
7/03/2023	Brendan Corrigan (BC)					Initial consultations at TLC office in Darwin	
8/03/2023	BC					Phone call	
9/03/2023	BC			Munupi	Jikilaruwu	Detailed interview at Wurrumiyanga	
10/03/2023	BC					Discussion of proposed boat trip	
11/03/2023	BC			Munupi	Jikilaruwu	Detailed interview at Wurrumiyanga	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation	
11/03/2023	BC			Yimpinari		Detailed interview at Wurrumiyanga		
12/03/2023	BC			Wurankuwu	Malawu	Detailed interview at Wurrumiyanga		
12/03/2023	BC			Jikilaruwu		Discussion at Wurrumiyanga		
12/03/2023	BC			Jikilaruwu		Discussion at Wurrumiyanga		
12/03/2023	BC			Munupi	Jikilaruwu	Detailed interview at Wurrumiyanga		
15/03/2023	Jodie Benton (JB) and BC				Jikilaruwu		On boat trip as group. Women's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
15/03/2023	JB and BC			Munupi		On boat trip as group. Women's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.
15/03/2023	JB and BC			Malawu		On boat trip as group. Women's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
15/03/2023	JB and BC			Ranku		On boat trip as group. Women's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.
15/03/2023	JB and BC			Wulirankuwu		On boat trip as group. Women's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
15/03/2023	JB and BC			Malawu		On boat trip as group. Women's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.
15/03/2023	JB and BC			Wulirankuwu		On boat trip as group. Women's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
15/03/2023	JB and BC			Mantiyupwi		On boat trip as group. Women's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.
15/03/2023	JB and BC			Yimpinari		On boat trip as group. Women's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
15/03/2023	JB and BC			Yimpinari		On boat trip as group. Women's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.
15/03/2023	JB and BC			Mantiyupwi		On boat trip as group. Women's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
15/03/2023	JB and BC			Malawu		On boat trip as group. Women's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.
15/03/2023	JB and BC			Jikilaruwu		On boat trip as group. Women's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
15/03/2023	JB and BC			Wurankuwu		On boat trip as group. Women's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.
15/03/2023	JB and BC			Ranku		On boat trip as group. Women's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
16/03/2023	JB and BC			Marrikawuyanga		On boat trip as group. Men's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.
16/03/2023	JB and BC			Mantiyupwi		On boat trip as group. Men's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
16/03/2023	JB and BC			Wurankuwu		On boat trip as group. Men's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.
16/03/2023	JB and BC			Mantiyupwi		On boat trip as group. Men's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
16/03/2023	JB and BC			Jikilaruwu		On boat trip as group. Men's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.
16/03/2023	JB and BC			Wurankuwu		On boat trip as group. Men's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
16/03/2023	JB and BC			Jikilaruwu		On boat trip as group. Men's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.
16/03/2023	JB and BC			Yimpinari		On boat trip as group. Men's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
16/03/2023	JB and BC			Jikilaruwu		On boat trip as group. Men's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.
16/03/2023	JB and BC			Jikilaruwu		On boat trip as group. Men's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
16/03/2023	JB and BC			Yimpinari		On boat trip as group. Men's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.
16/03/2023	JB and BC			Malawu		On boat trip as group. Men's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
16/03/2023	JB and BC			Malawu		On boat trip as group. Men's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.
16/03/2023	JB and BC			Wurankuwu		On boat trip as group. Men's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
16/03/2023	JB and BC			Wulirankuwu		On boat trip as group. Men's day.	Boat travelled around Bathurst Island and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Explanation given about pipeline - how it is to be laid, for how long etc.
20/03/2023	Stephanie Rusden (SR)			Malawu	Wulirankuwu	After meeting chat	
20/03/2023	SR			Wulirankuwu	Mother Jikilaruwu	After meeting chat	
20/03/2023	SR			Wulirankuwu	Munupi	After meeting chat	
20/03/2023	SR			Jikilaruwu	Mantiyupwi	After meeting chat	
20/03/2023	SR			Malawu		After meeting chat	
20/03/2023	SR			Wulirankuwu	Mother from Daly River	After meeting chat	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
20/03/2023	SR			Malawu		Marrikawuyanga Clan group meeting at Milikapiti	
20/03/2023	SR			Malawu		Marrikawuyanga Clan group meeting at Milikapiti	
20/03/2023	SR			Malawu		Marrikawuyanga Clan group meeting at Milikapiti	
20/03/2023	SR			Malawu		Marrikawuyanga Clan group meeting at Milikapiti	
20/03/2023	SR			Wulirankuwu		Marrikawuyanga Clan group meeting at Milikapiti	
20/03/2023	SR			Yimpinari		Marrikawuyanga Clan group meeting at Milikapiti	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation	
20/03/2023	SR	[REDACTED]		Wulirankuwu		Marrikawuyanga Clan group meeting at Milikapiti		
20/03/2023	SR			Wulirankuwu		Marrikawuyanga Clan group meeting at Milikapiti		
20/03/2023	SR			Malawu		Marrikawuyanga Clan group meeting at Milikapiti		
20/03/2023	SR			Yimpinari		Marrikawuyanga Clan group meeting at Milikapiti		
20/03/2023	SR			Wulirankuwu		Marrikawuyanga Clan group meeting at Milikapiti		
21/03/2023	SR				Munupi		After meeting chat	
21/03/2023	SR			[REDACTED]	Mantiyupwi	Yimpinari	After meeting chat	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
21/03/2023	SR			Yimpinari		After meeting chat	
21/03/2023	SR			Marrikawuyanga	Munupi	After meeting chat	
21/03/2023	SR			Yimpinari		After meeting chat	
21/03/2023	SR			Malawu		After meeting chat	
21/03/2023	SR			Yimpinari	Mantiyupwi	After meeting chat	
21/03/2023	SR			Munupi		After meeting chat	
21/03/2023	SR			Yimpinari	Yimpinari	After meeting chat	
21/03/2023	SR			Mantiyupwi		After meeting chat	
21/03/2023	SR			Yimpinari		After meeting chat	
21/03/2023	SR			Yimpinari	Wulirankuwu	After meeting chat	
21/03/2023	SR			Munupi		After meeting chat	
21/03/2023	SR			Malawu		After meeting chat	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
21/03/2023	SR			Yimpinari	Mantiyupwi	After meeting chat	
21/03/2023	SR			Yimpinari	Malawu	After meeting chat	
21/03/2023	SR			Mantiyupwi	Jikilaruwu	After meeting chat	
21/03/2023	SR			Yimpinari		After meeting chat	
21/03/2023	SR			Yimpinari		After meeting chat	
21/03/2023	SR			Mantiyupwi		After meeting chat	
21/03/2023	SR			Munupi		After meeting chat	
21/03/2023	SR			Wulirankuwu	Munupi	After meeting chat	
21/03/2023	SR			Yimpinari		After meeting chat	
21/03/2023	SR			Munupi		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Mantiyupwi		Yimpinari Clan group meeting at Milikapiti	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
21/03/2023	SR			Yimpinari		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Marrikawuyanga		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Yimpinari		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Malawu		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Yimpinari		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Munupi		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Yimpinari		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Jikilaruwu		Yimpinari Clan group meeting at Milikapiti	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
21/03/2023	SR			Mantiyupwi		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Yimpinari		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Wulirankuwu		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Yimpinari		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Yimpinari		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Munupi		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Malawu		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Yimpinari		Yimpinari Clan group meeting at Milikapiti	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
21/03/2023	SR	[REDACTED]		Yimpinari		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Mantiyupwi		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Yimpinari		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Yimpinari		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Munupi		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Munupi		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Wulirankuwu		Yimpinari Clan group meeting at Milikapiti	
21/03/2023	SR			Yimpinari		Yimpinari Clan group meeting at Milikapiti	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation	
21/03/2023	SR	[REDACTED]		Mantiyupwi		Yimpinari Clan group meeting at Milikapiti		
22/03/2023	SR			Munupi		Munupi Clan group meeting at Pirlangimpi		
22/03/2023	SR			Munupi	Malawu	Munupi Clan group meeting at Pirlangimpi		
22/03/2023	SR			Munupi		Munupi Clan group meeting at Pirlangimpi		
22/03/2023	SR					Munupi Clan group meeting at Pirlangimpi		
23/03/2023	SR				Jikilaruwu		Jikilaruwu Clan group meeting at Wurrumiyanga	
23/03/2023	SR						Jikilaruwu Clan group meeting at Wurrumiyanga	
23/03/2023	SR				Mantiyupwi		Mantiyupwi Clan group meeting at Wurrumiyanga	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
23/03/2023	SR			Malawu		Mantiyupwi Clan group meeting at Wurrumiyanga	
23/03/2023	SR			Mantiyupwi		Mantiyupwi Clan group meeting at Wurrumiyanga	
23/03/2023	SR			Mantiyupwi	Jikilaruwu	Mantiyupwi Clan group meeting at Wurrumiyanga	
23/03/2023	SR			Mantiyupwi		Mantiyupwi Clan group meeting at Wurrumiyanga	
23/03/2023	SR			Mantiyupwi		Mantiyupwi Clan group meeting at Wurrumiyanga	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
23/03/2023	SR			Mantiyupwi		Mantiyupwi Clan group meeting at Wurrumiyanga	
23/03/2023	SR			Mantiyupwi		Mantiyupwi Clan group meeting at Wurrumiyanga	
24/03/2023	SR					Malawu Clan group meeting at Wurrumiyanga	
24/03/2023	SR			Malawu		Malawu Clan group meeting at Wurrumiyanga	
24/03/2023	SR					Malawu Clan group meeting at Wurrumiyanga	
24/03/2023	SR			Wurankuwu		Wurankuwu Clan group meeting at Wurrumiyanga	
24/03/2023	SR			Malawu		Wurankuwu Clan group meeting at Wurrumiyanga	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation	
24/03/2023	SR			Malawu	Mantiyupwi	Wurankuwu Clan group meeting at Wurrumiyanga		
24/03/2023	SR			Wurankuwu		Wurankuwu Clan group meeting at Wurrumiyanga		
24/03/2023	SR			Malawu		Wurankuwu Clan group meeting at Wurrumiyanga		
24/03/2023	SR				Wurankuwu		Wurankuwu Clan group meeting at Wurrumiyanga	
24/03/2023	SR				Wurankuwu		Wurankuwu Clan group meeting at Wurrumiyanga	
24/03/2023	SR				Malawu		Wurankuwu Clan group meeting at Wurrumiyanga	
24/03/2023	SR				Malawu		Wurankuwu Clan group meeting at Wurrumiyanga	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
5/04/2023	JB	[REDACTED]	[REDACTED]	Wurankuwu		Interview at Milikapiti. 10am-12pm	With her mother [REDACTED]
5/04/2023	JB		[REDACTED]	Wurankuwu		Interview at Milikapiti. 10am-12pm	With [REDACTED]
5/04/2023	JB		[REDACTED]	Wurankuwu		Interview at Milikapiti. 10am-12pm	With her daughter and [REDACTED]

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
5/04/2023	JB			Jikilaruwu		Interview at Milikapiti. 1pm-2.30pm	
5/04/2023	JB			Malawu		Interview at Milikapiti. 2.30pm-3.30pm	
21/04/2023	BC						Progress meeting with NLC Anthropology Branch Manager and Senior staff.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
21/04/2023	BC					Progress meeting with TLC Anthropology Branch staff.	
26/04/2023	BC			Munupi		Munupi clan group meeting, co-ordinated by Santos at Pirlangimpi, attended by BC. Observations of the meeting, along with a number of side discussions with participants were documented. Attendance list and minutes taken by Santos on file.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
26/04/2023	BC	[REDACTED]		Munupi		Munupi clan group meeting, co-ordinated by Santos at Pirlangimpi, attended by BC. Observations of the meeting, along with a number of side discussions with participants were documented. Attendance list and minutes taken by Santos on file.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
26/04/2023	BC	[REDACTED]		Munupi		Munupi clan group meeting, co-ordinated by Santos at Pirlangimpi, attended by BC. Observations of the meeting, along with a number of side discussions with participants were documented. Attendance list and minutes taken by Santos on file.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
28/04/2023	BC	Mantiyupwi Clan Group				Mantiyupwi clan group meeting, co-ordinated by Santos at Wurrumiyanga, attended by BC. Observations of the meeting, along with a number of side discussions with participants were documented. Attendance list and minutes taken by Santos on file.	
1/05/2023	BC	[REDACTED]		Munupi	Jikilaruwu	Detailed interview at Wurrumiyanga, plus trip to 4 Mile to observe Kulama ceremony.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
1/05/2023	BC			Jikilaruwu		Detailed interview at Wurrumiyanga, plus trip to 4 Mile to observe Kulama ceremony.	
1/05/2023	BC			Munupi	Jikilaruwu	Discussion at 4 Mile while there to observe the Kulama ceremony. ██████████ vocally opposed to the GEP.	
1/05/2023	BC			Mantiyupwi	Mainland, Gunbalanya	Discussion at 4 Mile while there to observe the Kulama ceremony.	
1/05/2023	BC			Malawu		Discussion at 4 Mile while there to observe the Kulama ceremony.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
1/05/2023	BC			Mantiyupwi		Discussion at 4 Mile while there to observe the Kulama ceremony.	
2/05/2023	BC			Wulirankuwu	Munupi	Discussions about views and plans to assist me with interviews at Milikapiti in the coming days.	
2/05/2023	BC			Munupi	Jikilaruwu	Roundtable meeting with others at Wurri Café.	
2/05/2023	BC			Mantiyupwi	Mainland, Gunbalanya	Roundtable meeting with others at Wurri Café.	
2/05/2023	BC			Jikilaruwu	Johnson River / Melville	Roundtable meeting with others at Wurri Café.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation	
2/05/2023	BC			Wulirankuwu	Jikilaruwu	Detailed interview at [REDACTED] house in Wurri.		
3/05/2023	BC			Munupi		Discussions at Milikapiti.		
3/05/2023	BC				Wulirankuwu		Detailed interview at Milikapiti.	
3/05/2023	BC				Marrikawuyanga		Detailed interview at Milikapiti.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
5/05/2023	BC	Wulirankuwu Clan Group Meeting				Clan group meeting, co-ordinated by Santos at Milikapiti, attended by BC. Observations of the meeting, along with a number of side discussions with participants were documented. Attendance list and minutes taken by Santos on file.	
5/05/2023	BC	[REDACTED]		Wurankuwu		Discussion of views on the GEP.	
5/05/2023	BC	[REDACTED]		Mantiyupwi		Discussion of views on the GEP.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
5/05/2023	BC	[REDACTED]		Wurankuwu		Discussion of views on the GEP.	
5/05/2023	BC	Malawu clan group meeting				Co-ordinated by Santos at Wurrumiyanga, attended by BC. Observations of the meeting, along with a number of side discussions with participants were documented. Attendance list and minutes taken by Santos on file.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
5/05/2023	BC	Wurankuwu clan group meeting				Co-ordinated by Santos at Wurrumiyanga, attended by BC. Observations of the meeting, along with a number of side discussions with participants were documented. Attendance list and minutes taken by Santos on file.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
6/05/2023	BC	[REDACTED]		Marrikawuyanga		[REDACTED] met with myself, JB, SR and Harrison Rochford (HR), to set up the forthcoming week of interviews on Bathurst and Melville, provide comments on the list of persons I had established and suggest approaches for the week.	
7/05/2023	SR and HR	[REDACTED]	[REDACTED]	Mantiyupwi	Yimpinari	Interview at Milikapiti. 5:00 - 6:00pm.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
8/05/2023	SR and HR			Wulirankuwu	Jikilaruwu	Interview at Milikapiti.	
9/05/2023	SR			Munupi		Informal chat out the front of his house at Milikapiti.	
9/05/2023	SR			Yimpinari	Yimpinari	Interview at Jilamara Art Centre in Milikapiti.	
9/05/2023	HR			Manupi	Jarupi	Interview at Jilamara Art Centre in Milikapiti.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
9/05/2023	SR			Yimpinari	Malawu	Interview at Jilamara Art Centre in Milikapiti.	
9/05/2023	JB			Wulirankuwu	N/A - Arnhem Land	Interview at Jilamara Art Centre in Milikapiti.	
9/05/2023	JB			Wulirankuwu	N/A - Arnhem Land	Interview at Jilamara Art Centre in Milikapiti.	
9/05/2023	SR			Mantiyupwi	Mantiyupwi	Interview at Milikapiti.	
9/05/2023	HR			Marrikawuyanga	Manupi	Interview at Milikapiti.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
9/05/2023	JB			Wulirankuwu		Interview at Milikapiti.	
9/05/2023	SR			Mantiyupwi	Wulirankuwu	Interview at Pickatamoor College.	
9/05/2023	SR			Wulirankuwu	Wulirankuwu	Interview in car on way back from Pickatamoor College.	
10/05/2023	HR			Wulirankuwu	Manupi	Interview at Pickatamoor College.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation	
11/05/2023	HR			Mantiyupwi		Interview at Wurrumiyanga.		
11/05/2023	JB and HR					Interview at Wurrumiyanga.		
11/05/2023	JB				Mantiyupwi		Interview at Wurrumiyanga.	
11/05/2023	SR and HR				Malawu	Manupi	Interview at Wurrumiyanga.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation	
11/05/2023	HR			Malawu		Interview at Wurrumiyanga.		
11/05/2023	HR			Malawu		Interview at Wurrumiyanga.		
11/05/2023	SR				Malawu	Mantiyupwi	Interview in Wurrumiyanga.	
11/05/2023	SR				Manupi	Jikilaruwu	Interview in Wurrumiyanga.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
11/05/2023	SR, JB and HR	10 Tiwi ladies attended this consultation and one lady requested that their names be kept confidential, all agreed to keeping their names confidential.		Mantiyupwi Jikilaruwu Jikilaruwu Yimpinari Mantiyupwi Wurankuwu Wurankuwu Wurankuwu Jikilaruwu Jikilaruwu	Yimpinari Wurankuwu Malawu Mantiyupwi Malawu Marruwuwu Marruwuwu Malawu Jurrupi Jikilaruwu	Red Cross in Wurrumiyanga.	CONFIDENTIAL: Requested to be consulted as a group - one lady requested everyone's name be confidential and all ladies agreed.
12/05/2023	HR			Wulirankuwu		Interview at Wurrumiyanga.	
12/05/2023	HR			Mantiyupwi	Jikilaruwu	Interview at Wurrumiyanga.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
12/05/2023	HR	[REDACTED]		Jikilaruwu	Jarupi	Interview at Wurrumiyanga.	
30/05/2023	BC			NA		Progress discussion with CEO of AAPA.	
30/05/2023	BC			NA		Progress discussion with NLC Anthropology Branch manager.	
31/05/2023	BC			Goulburn Island	Jikilaruwu	Jikilaruwu clan group members, meeting with BC and including EDO lawyers and clients.	
31/05/2023	BC			Jikilaruwu		Jikilaruwu clan group members, meeting with BC and including EDO lawyers and clients.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
31/05/2023	BC			Murinpatha (Port Keats)	Jikilaruwu	Jikilaruwu clan group members, meeting with BC and including EDO lawyers and clients.	██████████ maternal grandmother is a Munupi clan member.
31/05/2023	BC			Jikilaruwu	Malawu	Jikilaruwu clan group members, meeting with BC and including EDO lawyers and clients.	
31/05/2023	BC			Jikilaruwu		Jikilaruwu clan group members, meeting with BC and including EDO lawyers and clients.	
31/05/2023	BC			Munupi	Jikilaruwu	Jikilaruwu clan group members, meeting with BC and including EDO lawyers and clients.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
31/05/2023	BC			Malawu	Mantiyupwi	Jikilaruwu clan group members, meeting with BC and including EDO lawyers and clients.	
31/05/2023	BC			Malawu		Jikilaruwu clan group members, meeting with BC and including EDO lawyers and clients.	
31/05/2023	BC			Malawu	Mantiyupwi	Malawu clan group members, meeting with BC and including EDO lawyers and clients at Wurrumiyanga.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
31/05/2023	BC			Malawu	Mantiyupwi	Malawu clan group members, meeting with BC and including EDO lawyers and clients at Wurrumiyanga.	
31/05/2023	BC			Jikilaruwu	Wurankuwu	Malawu clan group members, meeting with BC and including EDO lawyers and clients at Wurrumiyanga.	
31/05/2023	BC			Jikilaruwu (by adoption)	Yimpinari	Malawu clan group members, meeting with BC and including EDO lawyers and clients at Wurrumiyanga.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
31/05/2023	BC			Wurankuwu		Malawu clan group members, meeting with BC and including EDO lawyers and clients at Wurrumiyanga.	
31/05/2023	BC			Malawu	Jikilaruwu	Malawu clan group members, meeting with BC and including EDO lawyers and clients at Wurrumiyanga.	
31/05/2023	BC			Malawu	Wurankuwu	Malawu clan group members, meeting with BC and including EDO lawyers and clients at Wurrumiyanga.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
31/05/2023	BC			Murinpatha (Port Keats)	Malawu	Malawu clan group members, meeting with BC and including EDO lawyers and clients at Wurrumiyanga.	
31/05/2023	BC			Malawu	Malawu	Malawu clan group members, meeting with BC and including EDO lawyers and clients at Wurrumiyanga	
31/05/2023	BC			Malawu	Mantiyupwi	Malawu clan group members, meeting with BC and including EDO lawyers and clients at Wurrumiyanga.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
31/05/2023	BC			Malawu	Mantiyupwi	Malawu clan group members, meeting with BC and including EDO lawyers and clients at Wurrumiyanga.	
31/05/2023	BC			Malawu	Malawu	Malawu clan group members, meeting with BC and including EDO lawyers and clients at Wurrumiyanga.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
8/06/2023	SR and BC	[REDACTED]		Jikilaruwu		On boat trip as group. Women's day.	Boat travelled from Wurrumiyanga, along southern coastline and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Attendees asked whether the pipeline would have an impact to Aboriginal cultural values. Stopped at beach to north of Cape Fourcroy for discussions regarding Aboriginal cultural values in relation to the pipeline.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
8/06/2023	SR and BC	[REDACTED]		Munupi	Jikilaruwu	On boat trip as group. Women's day,	Boat travelled from Wurrumiyanga, along southern coastline and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Attendees asked whether the pipeline would have an impact to Aboriginal cultural values. Stopped at beach to north of Cape Fourcroy for discussions regarding Aboriginal cultural values in relation to the pipeline.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
8/06/2023	SR and BC	[REDACTED]		Malawu		On boat trip as group. Women's day.	Boat travelled from Wurrumiyanga, along southern coastline and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Attendees asked whether the pipeline would have an impact to Aboriginal cultural values. Stopped at beach to north of Cape Fourcroy for discussions regarding Aboriginal cultural values in relation to the pipeline.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
8/06/2023	SR and BC	[REDACTED]		Malawu		On boat trip as group. Women's day.	Boat travelled from Wurrumiyanga, along southern coastline and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Attendees asked whether the pipeline would have an impact to Aboriginal cultural values. Stopped at beach to north of Cape Fourcroy for discussions regarding Aboriginal cultural values in relation to the pipeline.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
8/06/2023	SR and BC			Munupi	Jikilaruwu	On boat trip as group. Women's day.	Boat travelled from Wurrumiyanga, along southern coastline and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Attendees asked whether the pipeline would have an impact to Aboriginal cultural values. Stopped at beach to north of Cape Fourcroy for discussions regarding Aboriginal cultural values in relation to the pipeline.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
8/06/2023	SR and BC	[REDACTED]		Jikilaruwu	Malawu	On boat trip as group. Women's day.	Boat travelled from Wurrumiyanga, along southern coastline and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Attendees asked whether the pipeline would have an impact to Aboriginal cultural values. Stopped at beach to north of Cape Fourcroy for discussions regarding Aboriginal cultural values in relation to the pipeline.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
8/06/2023	SR and BC	[REDACTED]		Jikilaruwu		On boat trip as group. Women's day.	Boat travelled from Wurrumiyanga, along southern coastline and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Attendees asked whether the pipeline would have an impact to Aboriginal cultural values. Stopped at beach to north of Cape Fourcroy for discussions regarding Aboriginal cultural values in relation to the pipeline.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
8/06/2023	SR and BC	[REDACTED]		Malawu		On boat trip as group. Women's day.	Boat travelled from Wurrumiyanga, along southern coastline and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Attendees asked whether the pipeline would have an impact to Aboriginal cultural values. Stopped at beach to north of Cape Fourcroy for discussions regarding Aboriginal cultural values in relation to the pipeline.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
8/06/2023	SR and BC	[REDACTED]		Malawu		On boat trip as group. Women's day.	Boat travelled from Wurrumiyanga, along southern coastline and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Attendees asked whether the pipeline would have an impact to Aboriginal cultural values. Stopped at beach to north of Cape Fourcroy for discussions regarding Aboriginal cultural values in relation to the pipeline.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
8/06/2023	SR and BC	[REDACTED]		Malawu		On boat trip as group. Women's day.	Boat travelled from Wurrumiyanga, along southern coastline and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Attendees asked whether the pipeline would have an impact to Aboriginal cultural values. Stopped at beach to north of Cape Fourcroy for discussions regarding Aboriginal cultural values in relation to the pipeline.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
8/06/2023	SR and BC	[REDACTED]		Malawu		On boat trip as group. Women's day.	Boat travelled from Wurrumiyanga, along southern coastline and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Attendees asked whether the pipeline would have an impact to Aboriginal cultural values. Stopped at beach to north of Cape Fourcroy for discussions regarding Aboriginal cultural values in relation to the pipeline.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
9/06/2023	SR and BC			Jikilaruwu		Discussion at Wurrumiyanga boat ramp.	Discussion prior to boat trip but did not end up attending trip once realised there was no payment for attendance.
9/06/2023	SR and BC			Malawu		Discussion at Wurrumiyanga boat ramp.	Discussion prior to boat trip but did not end up attending trip once realised there was no payment for attendance.
9/06/2023	SR and BC			Malawu			
9/06/2023	SR and BC			Jikilaruwu			
9/06/2023	SR and BC			Jikilaruwu			
9/06/2023	SR and BC			Jikilaruwu			
9/06/2023	SR and BC			Jikilaruwu			

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
9/06/2023	SR and BC	[REDACTED]		Malawu		On boat trip as group. Men's day.	Boat travelled from Wurrumiyanga, along southern coastline and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Attendees asked whether the pipeline would have an impact to Aboriginal cultural values. Stopped at beach to north of Cape Fourcroy for discussions regarding Aboriginal cultural values in relation to the pipeline.

9/06/2023	SR and BC			Jikilaruwu		On boat trip as group. Men's day.	Boat travelled from Wurrumiyanga, along southern coastline and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Attendees asked whether the pipeline would have an impact to Aboriginal cultural values. Stopped at beach to north of Cape Fourcroy for discussions regarding Aboriginal cultural values in relation to the pipeline.
-----------	-----------	--	--	------------	--	-----------------------------------	---

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
9/06/2023	SR and BC	[REDACTED]		Jikilaruwu		On boat trip as group. Men's day.	Boat travelled from Wurrumiyanga, along southern coastline and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Attendees asked whether the pipeline would have an impact to Aboriginal cultural values. Stopped at beach to north of Cape Fourcroy for discussions regarding Aboriginal cultural values in relation to the pipeline.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
9/06/2023	SR and BC			Jikilaruwu		On boat trip as group. Men's day.	Boat travelled from Wurrumiyanga, along southern coastline and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Attendees asked whether the pipeline would have an impact to Aboriginal cultural values. Stopped at beach to north of Cape Fourcroy for discussions regarding Aboriginal cultural values in relation to the pipeline.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
9/06/2023	SR and BC	[REDACTED]		Jikilaruwu		On boat trip as group. Men's day.	Boat travelled from Wurrumiyanga, along southern coastline and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Attendees asked whether the pipeline would have an impact to Aboriginal cultural values. Stopped at beach to north of Cape Fourcroy for discussions regarding Aboriginal cultural values in relation to the pipeline.

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
9/06/2023	SR and BC			Jikilaruwu		On boat trip as group. Men's day.	Boat travelled from Wurrumiyanga, along southern coastline and stopped at the location the pipeline will come closest to land, off Cape Fourcroy. Attendees asked whether the pipeline would have an impact to Aboriginal cultural values. Stopped at beach to north of Cape Fourcroy for discussions regarding Aboriginal cultural values in relation to the pipeline.
15/06/2023	BC and JB			Munupi		EDO meeting, Pirlangimpi.	
15/06/2023	BC and JB			Munupi		EDO meeting, Pirlangimpi.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
15/06/2023	BC and JB			Munupi		EDO meeting, Pirlangimpi.	
15/06/2023	BC and JB			Malawu		EDO meeting, Pirlangimpi.	
15/06/2023	BC and JB			Munupi		EDO meeting, Pirlangimpi.	
15/06/2023	BC and JB			Munupi		EDO meeting, Pirlangimpi	
15/06/2023	BC and JB			Munupi		EDO meeting, Pirlangimpi.	
15/06/2023	BC and JB			Munupi		EDO meeting, Pirlangimpi.	
15/06/2023	BC and JB			Wurankuwu		EDO meeting, Pirlangimpi.	
23/08/2023	BC and JB			Various clan group representation. Also present were [REDACTED] (anthropologist engaged by TLC), [REDACTED] (EDO), [REDACTED]		Research presentation workshop, Wurrumiyanga.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
				(EDO), [REDACTED] [REDACTED] (QE), (scribe), [REDACTED] [REDACTED] (Santos), [REDACTED] (Santos).			

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
24/08/2023	BC and JB			Various clan group representation. Also present was [REDACTED] (anthropologist engaged by TLC).		Research presentation workshop, Pirlangimpi.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation and other attendees	Secondary clan affiliation	Type of consultation	Further details on type of consultation
25/08/2023	BC and JB			Various clan group representation. Also present were [REDACTED] (EDO), [REDACTED] (EDO), [REDACTED] (QE), [REDACTED] (scribe), [REDACTED] (Santos), [REDACTED] (Santos) and [REDACTED] (Kode Blak).		Research presentation workshop, Milikapiti.	

Appendix 7: *Curriculum Vitae* of Dr Brendan Corrigan

Dr Brendan Michael Corrigan – Curriculum Vitae

Key Areas of Professional Expertise:

- Leadership of research teams for the achievement of contractual objectives within identified budgets and timeframes.
- Project Management – typically in complex, remote and logistically difficult environments.
- The production of expert opinion materials for legal processes regarding indigenous society - through the construction of community engagement strategies and the analysis of documentary resources.
- Consultative engagement with cross cultural groups for the identification of economic and community planning aspirations and assistance with the identification of culturally appropriate capacity to achieve those outcomes over time.
- Consultative engagement with cross-cultural groups for the development of natural resource management programs, for example caring for country, carbon abatement strategies and other similar fee for land use programs.
- Dispute resolution management – typically in traditional land tenure environments.
- Identification of traditional ownership of land and waters.
- Preparation of land claim and expert witness materials (pursuant to Native Title and state/territory Land Rights Legislation).
- Identification and documentation of culturally significant places and objects.
- Identification and implementation of cultural heritage management regimes.
- Consultative engagement with cross-cultural groups for the re-patriation of skeletal remains, intellectual property materials and sacred materials (from Museums and other collections).
- Identification and documentation of archaeological materials.
- Basic written and spoken Indonesian language capacity.
- Production of Geographic Information System (GIS) Outputs.

Educational Details:

PhD Anthropology: *Different Stories about the Same Places: interpreting narrative, practice and tradition in the East Kimberley of Northern Australia and the Aru Islands of Eastern Indonesia.* Doctoral Thesis, Awarded 2007, Department of Anthropology, University of Western Australia.

Huygens Visiting Fellow. This globally competitive Dutch Government award for the Aid of Excellence in Scholarship was received in 2000, to provide for all expenses for a five month academic research period in Holland, based at Leiden University.

Bachelor of Arts (Honours) - Combined Honours Program in Anthropology and Archaeology, completed at Australian National University in 1993. Thesis Title: Us and them: an analysis of the discursive construction of a 'popular indigenous identity'.

Bachelor of Arts – Majors in Anthropology and Archaeology, completed in 1992 at James Cook University, Townsville.

Associate Diploma of Business Management – Completed at Reid TAFE College, ACT, in 1989.

Relevant Employment Details:

Consultant Anthropologist: 1996 - Current.

Work undertaken during this period has centred on Native Title claim preparation, cultural heritage management projects and land use for fee programs on behalf of the traditional owners of various lands and waters. My recent work has focused on projects in the Northern Territory, Western Queensland, Cape York, the Torres Straits, the Kimberley region, the Pilbara region, the Western Australian Goldfields Region, Central Western Australia and New South Wales – where I have had to provide expert opinion to various agencies, representative bodies, clients and the Federal Court for various projects along with identification of traditional decision making structures for the purpose of establishing governance structures for traditional land owning groups.

Current work under on-going contract includes research for the purpose of progressing native title determination applications in the Goldfields region and the Kimberley region of Western Australia and Central Cape York, a Federal Aboriginal heritage listing in the Southern Coast district of NSW and the assessment of underwater cultural heritage in the Tiwi Islands of the Northern Territory. A detailed list of reports prepared for various purposes in various locations is listed below.

Regional Anthropologist: Northern Land Council 2003 – 2008.

In this position I had responsibility for ethnographic research and reporting on Aboriginal land tenure in the Southern Arnhem, Borroloola and Barkly Tablelands region – where much land has been granted to the Traditional Aboriginal Owners, under the Land Rights Act (NT 1976). Much of this work was concerned with undertaking and co-ordinating traditional land tenure research and ethnographic input on various mining exploration, community development, land management and enterprise development projects. I also

collaborated on and had input to ethnographic projects on land claimed under the Native Title Act (C'wth 1993) in the same region.

Staff Anthropologist: Kimberley Land Council 1994 - 1996.

Duties in this position centred on undertaking research into traditional affiliation to land in the East Kimberley Region of Western Australia. Such research was utilised to plan for (a) Native Title Claim preparations and (b) representation of traditional owners in development projects such as mining.

Professional Publications:

Corrigan, B. (2011) **The Competing Origin Narratives of Science and Indigenous Worldviews: case studies from the Aru Islands of Eastern Indonesia and the Kimberley region of northern Australia.** Lambert Academic Publishing, Saarbrucken, Germany.

(2010) **Different stories about the same place: institutionalised authority and individual expertise within topographies of difference.** In, WAN E-JOURNAL No 5 Anthropologies of the south: cultures, emphases, epistemologies (pp. 171- 219). http://www.ram-wan.net/old/documents/05_e_Journal/journal-5/9-corrigan.pdf .

(2002) **Book Review: The Poetic Power of Place: comparative perspectives on Austronesian ideas of locality, edited by J. J. Fox (1998).** In, *Anthropological Forum*, 12(1) UWA: Perth.

Selection of relevant Professional Reports:

Corrigan, B. (2023 – August) **Report on potential Nyaki Nyaki rights and interests in the Marlinyu Ghoorlie native title matter in Federal Court Proceedings WAD647/2017.** Unpublished report prepared for the Native Title Services Goldfields agency.

(2023 11 - July) **Report on Karratjibbin interests in the Marlinyu Ghoorlie native title claim area Federal Court Proceedings WAD647/2017.** Unpublished report prepared for the Native Title Services Goldfields agency.

(2023 – June) **Report on Nyaki Nyaki and Karratjibbin interests in the Marlinyu Ghoorlie native title matter in Federal Court Proceedings WAD647/2017.** Unpublished report prepared for the Native Title Services Goldfields agency.

(2022) **Report to the Australian Government Federal Minister responsible for section ten of the Aboriginal and Torres Strait Islander Heritage Protection Act, in relation to the Caines Application concerning the Dunmore Sand and Soil Stage Five expansion (Via Wollongong, NSW).** Unpublished report prepared for the relevant Federal Minister (then Susan Ley, now Tanya Plibersek).

(2022 - October) **Anthropological Report concerning genealogical details for the Koongie and Elvire native title matter in Federal Court Proceedings WAD45/2019.** Unpublished report prepared for Roe Legal Services.

(2020 - May) **Responsive Report to Dr Morton's ANTHROPOLOGY REPORT ON 'OLD JULIA', in relation to Mediation for Federal Court proceeding WAD 142/2018.** Unpublished report prepared for Roe Legal Services.

(2020 – January) **Revised report on the claim group description for the purpose of notification for an authorisation meeting in the Darlot native title determination application**

- **Federal Court proceeding WAD 142/2018.** Unpublished consultancy report, prepared for Grant Thornton PTY LTD, via Roe Legal Services.

(2019-December) **Preliminary Anthropological Report on the Darlot native title determination application in Federal Court proceeding WAD 142/2018.** Unpublished consultancy report, prepared for Grant Thornton PTY LTD, via Roe Legal Services.

(2019 - August) **Anthropological Report on the Purnululu (Bungle Bungles) and Gajangana Jaru native title matters in Federal Court Proceedings WAD65/2019.** Unpublished report prepared for Roe Legal Services.

(2019 – July) **Supplemental Report on parts of the Cape York United native title claim (responsive to QLD State statement of facts issues and contentions).** Unpublished consultancy report, prepared on behalf of the Cape York Land Council.

(2019 – June) **The South Coast of NSW Native Title Claim in the context of the Wagonga Non-applicant Native Title application – including parts of Narooma Township.** Unpublished consultancy report, prepared on behalf of NTSCORP, NSW.

(2019 - April) **Supplemental Report on Native Title Connection for Central Western Cape York: Part of the Cape York United #1 Native Title Determination Application (QUD673/2014).** Unpublished consultancy report, prepared on behalf of the Cape York Land Council.

(2018) **Central West Goldfields of Western Australia: an Anthropological Report for Native Title Purposes.** Unpublished consultancy report, prepared on behalf of the Goldfields Land and Sea Council.

(2017 - November) **Anthropological Report on Native Title Connection for Central Western Cape York: Part of the Cape York United #1 Native Title Determination Application (QUD673/2014).** Unpublished consultancy report, prepared on behalf of the Cape York Land Council.

(2017 – June) **Report to DAA on consultations concerning the proposed Heritage Listing LSC11, in the vicinity of Broome, Western Australia.** Unpublished consultancy report, prepared on behalf of the Department of Aboriginal Affairs, of Western Australia.

(2017- June) **Initial report on heritage area LSC11 – north of Broome, Western Australia.** Unpublished consultancy report, prepared on behalf of the Department of Aboriginal Affairs, of Western Australia.

(2017 – April) **Heritage Assessment Report in relation to proposed works on Exploration Licence E63/1267 adjacent to Mt Thirsty via Norseman, W.A.** Unpublished consultancy report, prepared on behalf of the Goldfields Land and Sea Council.

(2017 – February) **Summary Report of site details concerning standing stones and the Wati Kutjarra ceremony.** Unpublished consultancy report, prepared on behalf of the Goldfields Land and Sea Council.

(2016 - December) **Heritage assessment report to Alliance Minerals Assets in relation to tenements M15/1811, E15/1162, E15/1212 & E15/1161 (the Bald Hill Project via Widgiemooltha, Western Australia).** Unpublished consultancy report, prepared on behalf of the Goldfields Land and Sea Council.

(2015- December) **Report on the Authorisation of the Mapoon Community Development Indigenous Land Use Agreement (also known as the Mapoon community infrastructure**

leasing program). Unpublished consultancy report, prepared on behalf of the Cape York Land Council.

(2015 – September) **Mapoon Community Development ILUA: Advice on Decision Making Processes.** Unpublished consultancy report, prepared on behalf of the Cape York Land Council.

(2015- April) **Heritage Assessment Report in relation to proposed works on Exploration Licence E63/1267 adjacent to Mt Thirsty via Norseman, W.A.** Unpublished consultancy report, prepared on behalf of the Goldfields Land and Sea Council.

(2014 – October) **Anthropological Report in Relation to Native Title Connection Materials for the Central Cape York Western Waters Research Area.** Unpublished consultancy report, prepared on behalf of the Cape York Land Council.

(2014 - September) **Status report in relation to anthropological research for a Native Title claim over Naghir Island and nearby Islands in the Torres Strait.** Unpublished consultancy report, prepared on behalf of the Torres Strait Islands Regional Authority.

(2014 – 30 May) **Summary of Evidence and Opinions on Northern Cape York #2 Anthropology Research.** Unpublished consultancy report, prepared on behalf of the Cape York Land Council.

(2014 – April) **Authorisation Report for the Central Cape York Western Waters Native Title Claim.** Unpublished consultancy report, prepared on behalf of the Cape York Land Council.

(2014 – March) **Western Desert Cultural Bloc (Eastern Goldfields) Literature Review and Advice of Potential Native Title Claim Options.** Unpublished consultancy report, prepared on behalf of the Goldfields Land and Sea Council.

(2013 - September) **Preliminary Comments on the Northern Goldfields Native Title Research area: with specific comment on the Mantjinjarra #1 and #2 native title claims in the Goldfields region of Western Australia.** Unpublished consultancy report, prepared on behalf of the Goldfields Land and Sea Council.

(2013 – September) **Native Title Connection Issues Report for the Ayapathu People of Central Cape York.** Unpublished consultancy report, prepared on behalf of the Cape York Land Council.

(2013 - September) **Olkola (Native Title) Research Report (Central Cape York).** Unpublished consultancy report, prepared on behalf of the Cape York Land Council.

(2013 – August) **Initial report in relation to the progression of a Native Title claim over Naghir Island and nearby Islands in the Torres Strait.** Unpublished consultancy report, prepared on behalf of the Torres Strait Islands Regional Authority.

(2013 – July) **Report in relation to traditional decision making in relation to the Township of Mapoon ILUA, with reference to the native title claim QUD156/2011.** Unpublished consultancy report, prepared on behalf of the Cape York Land Council.

(2013 - July) **Supplemental Report in relation to Northern Cape York #2 (Native Title claim).** Unpublished consultancy report, prepared on behalf of the Cape York Land Council.

(2012-August) **The Northern Cape York #2 Native Title Claim Connection Report: covering Weipa to Mapoon: Taking in the Northern Shore of Albatross Bay to the southern Shore of Port Musgrave and inland along the Ducie and Mission Rivers and Mapoon.** Unpublished consultancy report, prepared on behalf of the Cape York Land Council.

- (2012) **Initial Anthropological Report on Native Title Interests in Warral and Ului Islands, Torres Straits.** Unpublished consultancy report, prepared on behalf of the Torres Straits Islands Regional Authority.
- (2011) **Weipa Peninsula People’s Native Title Connection Issues Report.** Unpublished consultancy report, prepared on behalf of the Torres Straits Islands Regional Authority
- (2011) **The Northern Cape York #2 Native Title Claim Connection Report: covering Weipa to Mapoon.** Unpublished consultancy report, prepared on behalf of the Cape York Land Council.
- (2011) **Authorisation Report for the inclusion of the combined groups in the Northern Cape York #2 native title claim.** Unpublished consultancy report, prepared on behalf of the Cape York Land Council.
- (2010) **Jaru Country: A Draft Report of Anthropological Research on Connection for Native Title purposes.** Unpublished consultancy report, prepared on behalf of the Kimberley Land Council.
- (2010) **Report on Traditional Ownership of Gearbox Hill, Muckaty Land Trust.** Unpublished consultancy report, prepared on behalf of the Northern Land Council.
- (2010) **Report on the Site Survey to establish Non-Consent land in relation to ELA 26553 on Muckaty Land Trust.** Unpublished consultancy report, prepared on behalf of the Northern Land Council.
- (2010) **Report to the Kimberley Land Council concerning the Heritage Impact Assessment of the Coolibah Housing Development in Kununurra.** Unpublished consultancy report, prepared on behalf of the Kimberley Land Council.
- (2009) **Report to the Kimberley Land Council for the Burks Park Aboriginal Hostel – Cultural Orientation visit for construction team.** Unpublished consultancy report, prepared on behalf of the Kimberley Land Council.
- (2009) **Report to the Kimberley Land Council for the Burks Park Aboriginal Hostel Heritage Impact Assessment.** Unpublished consultancy report, prepared on behalf of the Kimberley Land Council.
- (2009) **Re-assessment of the Sacred Site buffer Zone on Exploration Licence Application 22940.** Unpublished consultancy report, prepared on behalf of the Northern Land Council.
- (2009) **Work Program Clearance Report – Main Roads, Kununurra Heavy Vehicle Bypass.** Unpublished consultancy report, prepared on behalf of the Kimberley Land Council.
- (2009) **Work Program Clearance Report for Brumby Resources in Relation to Exploration Licence 25467, Batten Ck via Borroloola.** Unpublished consultancy report, prepared on behalf of the Northern Land Council.
- (2009) **Anthropological Assessment of the Goolarabooloo Jabirr Jabirr Native Title Claim.** Unpublished consultancy report, prepared on behalf of the Kimberley Land Council.
- (2009) **Preliminary Anthropological Assessment of the Gia Peoples native title claim.** Unpublished consultancy materials, prepared on behalf of the North Queensland Land Council.

(2008) Heritage Impact Assessment Report for Kingsway Resources and the Kimberley Land Council concerning the Upgrade of the McLarty Track, Great Sandy Desert. Unpublished consultancy report, prepared on behalf of the Kimberley Land Council

(2008) Report to Buru Resources (formerly ARC Energy) in relation to the Cultural Clearance of the proposed Pijalinga Seismic Survey (Great Sandy Desert). Unpublished Consultancy report to the Kimberley Land Council.

(2008) Report to Queensland South Native Title Services Concerning the Kooma # 3 Native Title Claim. Unpublished Consultancy report to Queensland South Native Title Services.

(2007) Preparation of Affidavit materials concerning the Bidjara Native Title Claim. Unpublished Consultancy materials for Queensland South Native Title Services.

(2007) Report to Queensland South Native Title Services Concerning the Settlement of the Mandandanji Native Title Claim. Unpublished Consultancy report to Queensland South Native Title Services.

(2007) Second Draft Report to the Queensland South Native Title Services Concerning the Bidjara Native Title Claim Group. Unpublished Consultancy report to Queensland South Native Title Services.

(2006) Draft Report to the Queensland South Native Title Services Concerning the Bidjara Native Title Claim Group. Unpublished Consultancy report to Queensland South Native Title Services.

(2006) Report on Consultations with Kunya and Badjidi Native Title Claimants in relation to their Claim Boundaries. Unpublished Consultancy report to Queensland South Native Title Services.

(2005) Male Anthropologist's Report in Relation to the ACHM Ethnographic Survey for Various BHP Billiton Mining Activities in the Mining Area C, R Deposit, Yandicoogina, Marilana and Quarry 8 locations. Unpublished Consultancy Report to the Martija Banjima Native Title Group via ACHM (Australian Cultural Heritage Management, S.A.)

(2003-2008) Various reports to the Northern Land Council concerning Traditional Land Tenure, Traditional Owner identifications under the Aboriginal Land Rights Act (NT 1976), Site Identification Surveys, Consultations regarding land use proposals (Mining, Tourism, Pastoral developments) and co-ordination and reporting on outcomes of rent/royalty distribution consultations.

(2001) Report to Smart Trans Holdings Pty Ltd. on the 2001 Riversleigh Work Program Clearance Survey. Unpublished consultancy report.

(2001) Report to Carpentaria Land Council Concerning the Smart Trans Holdings' Riversleigh 2001 Work Program Clearance Survey. Unpublished consultancy report.

(1998) Ethnographic Materials for the Wellesley Islands Sea Claim (Native Title Claim QC96/2). Prepared for inclusion in the Expert's Report authored by Dr David Trigger.

(1997) Anthropological Report into the Traditional Landholdings of the Kuku Djungan Aboriginal Community. Unpublished consultancy report, prepared for Philips Fox, Solicitors to the North Queensland Kuku Djungan Aboriginal Corporation.

- (1997) **Anthropological Report to the Bar Barrum Community History Project**. Unpublished consultancy report, prepared for the North Queensland Bar Barrum Aboriginal Community and the Queensland State Department of Environment.
- (1996) **Native Title Methodology Policy**. Prepared for the Yamatji Land and Sea Council.
- (1996) **Work Program Clearance Methodology Policy**. Prepared for the Yamatji Land and Sea Council.
- (1996) **Anthropological Basis of Claim for the Wanmulla Native Title Claim**. Report prepared for the Yamatji Land and Sea Council.
- (1996) **Anthropological Basis of Claim for the Thoo Thoo Wandj Wadjjarri Native Title Claim**. Prepared for the Yamatji Land and Sea Council.
- Corrigan, B. & Reiss, L. (1996) **Anthropological Basis of Claim for the Mt Magnet Regional Native Title Claim**. Prepared for the Yamatji Land and Sea Council.
- Corrigan, B. (1994-1996) **Various reports to the Kimberley Land Council concerning Traditional Land Tenure, Traditional Owner Identifications for Native Title Claims and Land Use proposals, Site Identification Surveys, Consultations regarding land use proposals (Mining, Tourism, Pastoral developments) and co-ordination and reporting on outcomes of rent/royalty distribution consultations**.
- Corrigan, B. Miceli, L. & Goodfellow, J. (1994) **Annotated Bibliography of Native Title Sources**. Prepared under contract to the Australian Heritage Commission.

Presented Papers:

- Corrigan, B. (2011) **Repatriating a Stranger: situating local metaphysics within global policy**. Unpublished paper presented to the American Anthropological Association annual conference, Montreal, Canada.
- (2009) **Will the real Jungkai please stand up**. Unpublished paper presented at the Australian Anthropological Society conference, Macquarie University, Sydney.
- (2009) **The social production of ecological systems in the Aru Islands**. Unpublished paper presented at the World Oceans Congress 11th-14th may 2009: Manado, Indonesia.
- (2002) **Has Bali Lost its Soul? surfing subculture in the construction of multiple cultural traditions in contemporary Bali**. Unpublished paper presented at the 3rd International Symposium of Jurnal Antropologi Indonesia. Udayana University, Bali. 16th - 19th July.
- (2002) **Institutional Authority, Individual Expertise and Notions of Consequence within Topographies of Difference**. Post field work PhD seminar, UWA department of Anthropology.
- (2002) **Different Stories, Same Places: archaeological and indigenous knowledge in the East Kimberley**. Public Lecture, UWA Speaks Out Open Learning Program.
- (2001) **Different Stories about the Same Place: archaeology, *Ngarankani* and Sovereignty in the East Kimberley**. Unpublished paper presented to the Institute for Advance Studies (University of West Australia), seminar facilitated by Professor Henry Reynolds.
- (2000) **Whose Knowledge, Whose Power?** Indonesia Kring Seminar Group, Leiden University, the Netherlands.

(1999) **Local Aboriginal ideas about Kimberley Archaeology.** Australian Archaeological Association's Annual Conference, Mandurah, Western Australia.

(1999) **Ideas About the Movement of Peoples in the Prehistory of Aru.** 5th International Maluku Studies Research Conference, Northern Territory University, Darwin.

(1998) **Contrasted Pasts: the origin narratives of archaeology and tradition in the Aru Islands of Eastern Indonesia.** University of Western Australia, Departmental Seminar.

(1998) **Origin Narratives of the Maluku, what are they, and where do they come from?** Indonesian Seminar Forum, University of Western Australia.

(1997) **Contrasted Pasts: the origin narratives of archaeology and tradition in the Aru Islands of Eastern Indonesia.** Australian Anthropological Society, Annual Conference.

(1997) **Contrasted Pasts: Archaeology and Tradition.** James Cook University Confirmation of PhD Candidature Seminar.

(1997) **Anthropology and Native Title: the Land Council Model.** JCU Postgraduate Seminar Series.

(1993) **Us and Them: a discursive analysis of the construction of an Indigenous Identity.** ANU Honours Student Seminar Series.

Relevant Field Research Periods outside of employment:

Feasibility field trip for Socio-Cultural research on Terrestrial and Marine resource use in Timor Leste. November 2008.

PhD Field Research - East Kimberley Region, North West Australia: April - September 1999, PhD fieldwork amongst Aboriginal groups in the East Kimberley was undertaken so as to obtain comparative data to complement field research being undertaken in Aru.

PhD Field Research - Aru Islands, Eastern Indonesia: July - November 1998, PhD fieldwork was undertaken in Aru under the sponsorship of Universitas Pattimurra (Ambon, Indonesia) and the auspices of LIPI (Indonesian Institute of Sciences)

PhD Field Research - Aru Islands, Eastern Indonesia: Oct. - Dec. 1996 & 97. These periods were spent in the field establishing contacts and baseline data.

Appendix 8: *Curriculum Vitae* of Dr Jodie Benton

DR JODIE BENTON

Director & Principal Archaeologist



Jodie is both Director and Principal Consulting Archaeologist of OzArk Environment & Heritage. She has 35 years' experience, having spent many years managing archaeological projects abroad and in Australia, as well as lecturing at the University of Sydney. Jodie's most recent work has primarily been development-driven environmental impact assessment in NSW. The heritage components of this work have enabled Jodie to develop a broad network of Aboriginal community contacts, a thorough understanding of heritage protection legislation and to refine appropriate methodologies for Aboriginal and historic heritage assessments and community consultation. She is accredited by the Heritage NSW for Section 60 permit supervision over historic bridges and has undertaken countless Aboriginal and historic heritage assessments across western NSW.

MAJOR PROJECTS

ENERGY TRANSPORT WATER INFRASTRUCTURE EXTRACTIVE INDUSTRIES PRIVATE DEV'S	<p>Jodie has been Archaeological Director on a wide variety of projects.</p> <ul style="list-style-type: none"> Inland Rail: N2NS Trans4rm Rail Heritage Lead; A2P appointed Heritage Lead; S2P Inland Rail Heritage Lead pre-approval 2011- present - Principal Archaeological Consultant (with Ben Churcher): Glencore Mines: Liddell, Bulga, Mt Owen, Integra, Ravensworth, United) Hunter Valley, NSW. Narrabri Gas Project: independent representative on Aboriginal Cultural Heritage Advisory Group (2021-now); technical adviser for Narrabri Lateral Pipeline and Hunter Gas Pipeline (2022-now)(Santos) Solar/Wind Farms at Dubbo, Moree, Broken Hill, Nyngan, Gilgandra, Dunedoo, Gulgong, Coolah and Walcha to name a few. TransGrid Electricity Transmission Lines assessments across NSW, including greenfields project, Wollar-Wellington ETL. Minor roads to national highway upgrades / bypasses Coal and metallurgical mines as well as quarries across NSW.
LEGAL	<p>Taylor Oval, Expert Witness, Crown Lands NSW.</p> <p>Legal reports for Victorian projects.</p>
PROBLEM SOLVING	<p>Jodie is highly regarded in the archaeological field for her ability to help clients problem solve when challenging heritage management scenarios arise.</p>
CRITICAL THINKING	<p>Jodie has significant experience in developing an assessment or mitigation program for projects that fit outside the norm, to tailor workable solutions that meet client specific needs.</p>
2011-2023	<p>Heritage consultant for various road upgrade projects across NSW, for state and local government, as well as private developers.</p>
2014-2018	<p>Gundabooka and Toorale National Parks: Various tourism infrastructure projects. Reporting to NPWS</p>
2013-2018	<p>Raising Darlington Point and Wagga Wagga Flood Levees; Abercrombie and Darcoola Water Efficiency projects and other water infrastructure projects across western NSW Aboriginal and non-Aboriginal heritage assessment, for DPI Water, Public Works Authority, and various Local Government Authority.</p>



OzArk Environment & Heritage

145 Wingewarra St
(PO Box 2069)
Dubbo NSW 2830

Phone: (02) 6882 0118

enquiry@ozarkehm.com.au
www.ozarkehm.com.au

2011-2018	Moree, Broken Hill, Dubbo, Gilgandra and Nyngan Solar Farms. Aboriginal heritage assessment and community liaison. Various clients.
2011-2013	Coonamit and Wallaby Rocks Bridges - refurbishment (State Heritage Listed). Heritage inspector. Roads and Maritime Services.
2008-2010	Tomingley Gold Project (greenfield site). Aboriginal & Historic Heritage assessments. SSD.

EDUCATION

2014	Leadership 21 Course, Mt Eliza Business School, University of Melbourne
2006-2010	Honorary Research Fellow, Department of Archaeology, University of Sydney
1999–2006	PhD in Burial Archaeology, University of Sydney
1991 & 1993	Enrolled in Master's Program studying Burial Practices in Antiquity, University of Sydney
1988	Bachelor of Arts First Class Honours in Archaeology, University of Sydney
1986	Bachelor of Arts, Majoring in Archaeology and English, University of Sydney

WORK HISTORY

2000 –present	<p>OzArk Environment & Heritage: Director and Principal Archaeologist</p> <ul style="list-style-type: none"> • Business management: Staff recruitment and management, business growth and development, budgeting and forecasting • Oversee the management of all OzArk projects from realisation to finalisation, including writing tenders, allocation of budget and staff, field work, report production and client liaison • Report writing: Historical heritage assessment, Statement of Heritage Impact, Archaeological reports, Aboriginal heritage reports, Aboriginal Heritage Impact Permits • Plan and undertake assessments, surveys, excavations and monitoring for large- and small-scale development projects, small local projects • Mentor and train new archaeological recruits • Develop extensive network of Aboriginal communities and members • Liaise with diverse client base, community stakeholders, Heritage NSW, NSW DPE, Aboriginal community consultation, external authorities, contractors, and the public
2013-2016	<p>University of Liverpool/University of Queensland: Excavation at Boncuklu Huyuk, Turkey: Area Supervisor</p> <ul style="list-style-type: none"> • Neolithic site on the central Anatolian plateau. Team leader, excavation.
1998-2000	<p>Jo McDonald Cultural Heritage Management Pty Ltd: Field Director/Archaeologist</p> <ul style="list-style-type: none"> • Numerous test excavations in greater Sydney region, including The Conservatorium of Music • Aboriginal site surveys in greater Sydney region, including Warriewood, Picton, Blacktown • Aboriginal site survey and assessment for an Environment Impact Assessment, Gerringong-Gerroa STP
1997	<p>Godden Mackay Logan Heritage Consultants: Archaeologist</p> <ul style="list-style-type: none"> • Salvage excavations at Dicksons Mill, Darling Harbour • Prince of Wales Children's Hospital Cemetery.
1987-1997	<p>Various academic institutions (the University of Sydney, the British Museum, the German Archaeological Institute, Jordan and Drew University, New Jersey): Archaeologist</p> <ul style="list-style-type: none"> • Bronze Age and classical sites in Jordan – Tell es-Sa'idiyeh; Pella, Umm Qeis, Khirbet Iskander and Deir 'Ain 'Abata • Bronze Age sites in the United Arab Emirates – Tell Abraq, Jebel el-Emaleh, Al Sufouh and Merawah • Bronze Age site in Italy: I-fani

MEMBERSHIPS

Since 2012	Australian Archaeological Association
Since 2014	Australian Association of Consulting Archaeologists Inc. - Full Membership
Since 2016	Australasian Society for Historical Archaeology

LICENCES

Current	OH&S Induction Training for Construction Work – General Course
Current	Parasol Senior First Aid and 4WD Driving

Appendix 9: *Curriculum Vitae* of Ms Stephanie Rusden

STEPHANIE RUSDEN

Senior Archaeologist



Stephanie has a Bachelor of Science Land and Heritage Management from University of Wollongong and a Bachelor of Arts (Archaeology) from University of New England. Stephanie has demonstrated experience in fieldwork, targeted research, GIS, scientific methodology training and report writing. Stephanie has positive working relationships with Aboriginal communities in the Hunter region and western NSW. She has experience in dealing with sensitive Aboriginal sites, intangible heritage and information gathering.

MAJOR PROJECTS

2022	Director: Birriwa Solar Farm Director: White Cliffs Road Upgrades, Far West NSW Director: Pooncarie Road Realignment Test Excavation Program
2021	Director: Valley of the Winds Wind Farm Director: Tomingley Gold Extension Project, Central West Lead-Author: United Wambo Joint Venture Salvage Report, Hunter Valley Director: White Cliffs Reticulation System, Far West NSW Director: Grenfell Poultry Farm Author: Wyalong Solar Farm Aboriginal Cultural Heritage Management Plan Author: Rushes Creek Poultry Farm Aboriginal Cultural Heritage Management Plan Director: Clarence Town Bridge Replacement Test Excavation Program
2020	Director: Copi Mineral Sands Project, Far West NSW Director: Newell Highway Upgrade at Coonabarabran. Archaeologist and author Team leader: United Wambo Joint Venture Salvage Program, Hunter Valley Team Leader: Walcha Wind Farm, New England
2019	Author: Saxa and Muronbung Road Upgrades, Central West Co-Director: Line 99M Transmission Line Test Excavation Program, Yass Co-Director: Lawson Creek Footbridge Test Excavation Program, Mudgee Author: The Springs Heritage Study and Archaeological Assessment, Orange Director: Stuart Town Water Pipeline Project Co-Author: Perthville Uniting Church Conservation Management Plan, Bathurst
2018	Team Leader: Glendell Continued Operations Project, Hunter Valley Director: Quorn Park Solar Farm at Parkes Director: Potable Water Pipeline Project: Pallamallawa to Biniguy Author: Bathurst Hospital Archaeological Assessment and Statement of Heritage Impact.
2017	Director: Newell Highway Realignment at Parkes Archaeologist: Bunglegumbie hearth excavation at Dubbo Author and Archaeologist: Molong to Cumnock and Yeoval Pipeline Archaeologist and co-author: Mount Owen Continued Operations, Aboriginal and historic archaeological salvage program, Hunter Valley
2016	Co-Director: Pipeclay Creek bridge test excavation program Co-Director: Mudgee Cycleway test excavation program. Archaeologist and author. Mid-Western Regional Council. Author: Royal Australia Air Force Base archival recording.
2015	Archaeologist: Wambo United Open Cut Project, Archaeological survey and test excavation program.



OzArk
Environment & Heritage

145 Wingewarra St
(PO Box 2069)
Dubbo NSW 2830

Phone: (02) 6882 0118

enquiry@ozarkehm.com.au

www.ozarkehm.com.au

EDUCATION

2017 - 2018	Micro Masters in Evidence-Based Management, Australian National University
2014 - 2015	Bachelor of Arts - Archaeology, University of New England
2011 - 2013	Bachelor of Science in Land and Heritage Management, University of Wollongong

OZARK WORK HISTORY

2014–present	<p>OzArk Environment & Heritage</p> <p>Archaeologist</p> <ul style="list-style-type: none"> • Report writing: Historic archaeological reports, Aboriginal heritage reports, Aboriginal Cultural Heritage Assessment Reports • Plan and undertake excavations and assessments for large- and small-scale development projects, small local projects, and remote projects • Liaise with diverse client base, community stakeholders, OEH Cultural Heritage Unit and EPRD, Aboriginal community consultation, external authorities, contractors and the general public • Develop and maintain a GIS database using QGIS and ArcGIS • Archival recording including photography, report writing and collation in archival quality materials • Production of Statement of Heritage Impact (SoHI) reports and historical archaeological assessments and research designs • Post-excavation artefact processing, cataloguing and analysis
Various	<p>Overseas Archaeological Excavation – Volunteer position</p> <p>Pella in Jordan</p> <ul style="list-style-type: none"> • Review of excavation methods, cleaning, sorting and processing ceramic artefacts • Lithic artefact analysis

TRAINING

2021	ARTC One Track National Track Safety Induction
2014	White Card Certificate, Allens Training Wollongong
2021	First Aid Group
2015	RMS Worker on Foot
2016	Writing Clear Science Workshop

Appendix 10: *Curriculum Vitae* of Mr Harrison Rochford

HARRISON ROCHFORD

M. PHILOSOPHY (ARTS & SOCIAL SCIENCES),
B LIBERAL STUDIES (ADVANCED) (PSYCHOLOGY/ANCIENT HISTORY) (HONS)

Archaeologist



Harrison is a Masters graduate and combines his research background with practical experience in both Aboriginal and historic heritage. He has extensive experience with in-depth research into a variety of historical periods, including ancient Greece. Harrison has led historic heritage assessments, Aboriginal community consultation and heritage studies, Aboriginal heritage impact assessments, archaeological excavations and GIS modelling and analysis.

SELECT OZARK PROJECTS

2023	<p>Lake Cowal Test Excavation Program – Field team leader for archaeological testing program.</p> <p>Burroway Solar Farm – Project lead, Aboriginal Cultural Heritage Assessment Report to support State Significant Development (SSD) application</p> <p>Northparkes Mine MOD 10 – Project lead, Aboriginal Cultural Heritage Assessment Report to support State Significant Development (SSD) modification application</p> <p>Parke Shire Council Lachlan Pipeline Reduplication Project – Aboriginal heritage lead for water security infrastructure project.</p>
2022	<p>Nanima Roads to Home Aboriginal Cultural Heritage Assessment – Project lead for archaeological assessment, cultural values & community engagement.</p> <p>Condobolin Roads to Home Aboriginal Cultural Heritage Assessment – Project lead for archaeological assessment, cultural values and community engagement</p> <p>Narrabri Gas Project: Archaeologist/Technical adviser, field assessment for exploration wells (Santos).</p> <p>Benolong Bridge replacement – Project lead, Aboriginal Cultural Heritage Assessment Report and Aboriginal Heritage Impact Permit (AHIP) application</p> <p>Glenella Quarry expansion – Project lead, Aboriginal Cultural Heritage Assessment Report to support State Significant Development (SSD) application</p> <p>Dubbo Bore 10 Pipeline – Project lead, Aboriginal Cultural Heritage Assessment Report and Aboriginal Heritage Impact Permit (AHIP) application</p> <p>McPhillamys Gold Project – Project lead, Aboriginal Cultural Heritage Assessment Report to support addendum to State Significant Development (SSD) application</p>
2021	<p>Lachlan Shire Council Aboriginal Cultural Heritage Study – Author and community engagement lead</p> <p>Rixs Creek Coke Ovens Conservation Management Plan -Author</p> <p>Lake Cowal Ecotourism Development— Author, Aboriginal Cultural Heritage Assessment Report and Aboriginal Heritage Impact Permit (AHIP) application</p> <p>Blessed Carlo College – Project lead, Aboriginal Cultural Heritage Assessment Report to support State Significant Development (SSD) application.</p> <p>Northparkes Mine MOD 6 – Author, Aboriginal Cultural Heritage Assessment Report to support State Significant Development (SSD) modification application.</p> <p>Old Dubbo Gaol – Section 60 excavation archaeological assessment contributor and site monitor</p> <p>Pumpkin Bore Salvage: AHIP salvage supervisor</p> <p>Stubbo Solar Farm – Addendum Aboriginal Cultural Heritage Assessment Report to support State Significant Development (SSD) application.</p> <p>Snowy Hydro 2.0 Salvage – OzArk team supervisor</p>



OzArk
Environment & Heritage

145 Wingewarra St
(PO Box 2069)
Dubbo NSW 2830

Phone: (02) 6882 0118

enquiry@ozarkehm.com.au
www.ozarkehm.com.au

2020	<p>United Wambo Joint Venture Salvage Program – Archaeologist.</p> <p>Dubbo-Narromine Overtaking Lanes Archaeological Assessment — Author</p> <p>Brewarrina Mission Baseline Heritage Survey — Author</p> <p>Terrabella Bridge Upgrade — Author: Aboriginal Cultural Heritage Assessment Report (ACHAR) and Aboriginal Heritage Impact Permit (AHIP) application</p> <p>Northparkes Mine — Gap analysis and multiple Due Diligence inspections and assessments for proposed exploration.</p>
2019	<p>Narrabri Shire Council Aboriginal Cultural Heritage Study — Co-author</p> <p>Broken Hill North Strategic Historic Heritage Management Plan</p> <p>Taronga Western Plains Zoo — Aboriginal Cultural Heritage Assessment Report (ACHAR) and Aboriginal Heritage Impact Permit (AHIP) application.</p>

EDUCATION

2015 - 2018	Masters Philosophy (Arts and Social Sciences), University of Sydney
2014	Bachelor of Liberal Studies (Advanced) (Psychology/Ancient History) (Hons), University of Sydney

WORK HISTORY

2019 - current	<p>OzArk Environment & Heritage</p> <p>Archaeologist</p> <ul style="list-style-type: none"> • Report writing: Historic archaeological reports, Aboriginal heritage reports, Aboriginal Cultural Heritage Assessment Reports • Plan and undertake excavations and assessments for large- and small-scale development projects, small local projects, and remote projects • Liaise with diverse client base, community stakeholders, Heritage NSW, Aboriginal community consultation, external authorities, contractors and the general public • Develop and maintain a GIS database using QGIS • Archival recording including photography, report writing and collation in archival quality materials • Production of Statement of Heritage Impact (SoHI) reports and historical archaeological assessments and research designs • Post-excavation artefact processing, cataloguing and analysis
2013-2018 (Part-time)	<p>Department of Classics and Ancient History, University of Sydney</p> <p>Research Assistant</p> <ul style="list-style-type: none"> • Researching and compiling bibliographies and summary reports on a broad range of historical topics • Editing and formatting academic works to meet publication guidelines • Developing and distributing promotional material for University of Sydney events in Classics and Ancient History
2018 (Part-time)	<p>Indigenous Tutoring Assistance Scheme, University of Sydney</p> <p>Academic mentor</p> <ul style="list-style-type: none"> • Providing specialised assistance for students taking Ancient History subjects • Transforming and adapting existing learning materials to ensure consistent engagement and achievement throughout the course • Student welfare
2016-2017 (Part-time)	<p>Department of Classics and Ancient History, University of Sydney</p> <p>Sessional Teaching Staff</p> <ul style="list-style-type: none"> • Producing and delivering specific education content to first- and second-year undergraduate students • Assisting academics in developing and delivering consistent pedagogical approaches • Responding and adapting to student queries and feedback

TRAINING

2019	White Card Certificate
2020	Central NSW Joint Organisation Online WHS Induction Program
2023	First Aid

**Addendum to the Report of Dr Brendan Corrigan
dated 15 September 2023**

Amendment to Appendix 6, page 220.

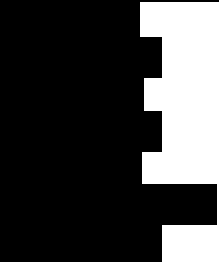
A handwritten signature in black ink, appearing to be 'B. Corrigan', written over a horizontal dotted line.

Signed: Dr Brendan Corrigan

Date: 22 September 2023

Appendix 6: Consultation Log (page 220)

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation	Secondary clan affiliation	Type of consultation	Further details on type of consultation
25/08/2023	BC and JB	[REDACTED]		Malawu Mantiyupwi Marrikawayanga Wulirankuwu Yimpinari Also present were [REDACTED] (EDO), [REDACTED] (EDO), [REDACTED] (QE), [REDACTED] (scribe), [REDACTED] (Santos), [REDACTED] (Santos) and [REDACTED] (Kode Blak).		Research presentation workshop, Milikapiti.	

Date	Name (of Person undertaking the consultation)	Name (of Person consulted)	Date of birth (where known)	Clan Group Affiliation	Secondary clan affiliation	Type of consultation	Further details on type of consultation
		 (translator)					