

1. What is your understanding of how the Aboriginal significance ratings for sites identified in the Cultural Heritage Assessment determined?

Answer: It appears, based on Niche's ACHA report, that the scientific significance assessment has been based on three main assumptions. These include the assumptions that:

- A low-density concentration of stone tools on the ground surface is equal to low scientific significance.
- Disturbance to a site, even if only moderate, equates to low archaeological significance.
- Commonly occurring materials used in stone tool production equates to low scientific significance.

These assumptions have been applied to the majority of sites found in the survey, by one person who spent only one day in the field and had no discussions with me or the other field archaeologist about any of the sites. They are vague assumptions at best, and cannot be said to reflect scientific fact or proof, or the principles of scientific significance assessment outlined in the Burra Charter.

For example, a low-density concentration of tools on the ground surface may occur for a variety of reasons which obscures the actual extent of the site, not least is visibility (e.g. vegetation debris covering artefacts). What the nature of the sub-surface archaeology is can only be determined through archaeological excavation. Further, although many of the sites did have partial disturbance from the impacts of the original Lake Burratorang, the site areas extended into undisturbed locations, making the undisturbed portion of each site as having significantly higher conservation and research value. This is especially so considering the proposal to raise the dam wall may destroy many sites in *entirety* through future flood events. In a region with no prior archaeological investigation, the research potential of each site is obviously high. Thirdly, in regard to 'common' materials: - Without archaeological excavation the types of materials present at a site cannot be accurately determined. Most of the sites I visited in the survey had a wide variety of stone material which appears to have been overlooked in the analysis of the field recordings. To reflect best practice in archaeology, most of the sites deemed to have low significance should have been recorded as having '*potential*' high significance, subject to further investigation.

Lastly, the significance assessment by NICHE does not accurately reflect the information about the sites which was recorded in the field, which appears to have been given only a cursory review. As a result of the lack of consultation regarding the significance assessment there are many errors of fact in the significance analysis.

a. Are you aware of what methodology was used to determine the significance ratings?

Answer: No. There appears to be an assertion in the ACHA that the significance rating was based on the Burra Charter and on SEARS (Environmental Assessment Requirements)

b. What was your involvement, if any, in developing any methodology for determining significance ratings?

Answer: I was not involved in developing a methodology for rating significance for the ACHA report. I was involved at the beginning of the project, at the request of Gundungurra representatives, in giving an overview to NICHE of sites of cultural significance in the Burratorang Valley as known from historical, archival and archaeological evidence.

c. Were you asked for advice in regard to the significance of the sites before the ratings were determined?

Answer: No.

d. Were you offered an opportunity to provide any feedback on the significance ratings once they were made?

Answer: No.

2. Do you consider that the field work undertaken as part of the development of the Aboriginal Cultural Heritage Assessment was conducted in line with best practice for this type of work?

Answer: Yes and no.

Yes, in that with the time available, the survey team covered a large amount of ground and found a substantial number of sites and a great variety in the types of sites, outlining the diversity and richness of the area's cultural heritage.

No, in that key traditional owners, including descendants of the last Gundungurra family to leave the valley prior to flooding of the Burratorang Valley, were not permitted to be involved in the fieldwork. It appears that this was based on technicalities which could easily have been overcome. Representatives from this family were permitted access to the valley for three days only after the completion of fieldwork and the draft report.

No, in that time given to fieldwork was given in a piecemeal or reactionary fashion. At the start we were told by a NICHE representative that we would only be given 25 days fieldwork and that this was not negotiable. The fieldwork proceeded frantically as a result and more time could have been given to some sites, to better appreciate their scientific and cultural importance, if more survey time had been allocated at the start.

After the initial 25-days, subsequent days in the field were conducted to fulfill the archaeological methodology by revisiting all previously recorded AHIMS (Aboriginal Heritage Information Management System) sites in the valley. Other aspects of the original methodology which were also incomplete were not allocated any time until agitation from the field team prompted the EIS team (Water, SMEC and NICHE). Fieldwork followed in dribs and drabs as per this process.

As a point of interest, the then NICHE archaeologist employed in the survey agreed with one of the Aboriginal representatives in an email that 25 days was grossly inadequate to conduct a survey in an area as large as the Burratorang Valley. This employee was severely reprimanded by Water NSW, SMEC and NICHE and forced to send a retracting email stating that actually, 25 days was adequate.

- a. If not, in what way was it not in line with best practice?

Answer: As above, the subsequent fieldwork was reactionary – a reaction to me and others pointing out to the EIS team that the methodology was incomplete. Not having Aboriginal community who actually lived in the valley – people who could bring a depth of meaning to the archaeology in a unique way – involved in fieldwork was a tragic missed opportunity. The basic premise of archaeology is to tell stories about past human use of a landscape based on the material remains present within it. If archaeologists have access to traditional owners who are willing to share their knowledge of the cultural landscape and material cultural heritage present in an area, it is a gross failure of the discipline to ignore this.

3. Were you given an opportunity to review or provide feedback on the final Aboriginal Cultural Heritage Assessment?

Answer: No.

- a. If yes, was your feedback considered in the final Assessment?
- b. If not, what is your understanding of why not?

Answer: I did ask NICHE (twice) early on in the fieldwork to be involved in the reporting process, but this was declined. I had thought that as the 'archaeologist with specialist knowledge of the area', I would be given an opportunity to review the ACHA report. I made a formal request to Water NSW who were initially open to the prospect, but ultimately declined the request.

4. How would you describe your experience in dealing with the following organisations in your involvement in the development of the Aboriginal Cultural Heritage Assessment:

a. Water NSW

Answer: Water NSW were very keen to have me involved in the project at the start. This appeared to me to be largely a Public Relations move, designed to make some Aboriginal representatives feel that they could trust the EIS process (in particular the Gundungurra Indigenous Land Use Agreement (ILUA) committee). It also gave Water NSW an opportunity to say publicly that the archaeological project was a success, partly as they had employed an archaeologist with specialist knowledge of the area at the request of traditional owners. In practice, I felt that my knowledge was unwelcome and uncomfortable to Water NSW representatives and that I was managed out of the project by Water NSW. When I saw that they were using my presence in the project publicly to talk of the great success of the project, yet were not willing to meaningfully engage with my archaeological knowledge, I felt misrepresented by Water NSW.

b. SMEC

Answer: I received an email from SMEC the night before appearing at the parliamentary inquiry into the amendment bill to change the NPWS Act to allow for temporary flooding of a World Heritage National Park. The email was presented as a 'friendly' reminder about my confidentiality agreements as part of the EIS process. I experienced the email as an attempt to intimidate me from appearing at the inquiry, even though I felt deeply that the bill was grossly inappropriate for the area. Subsequent advice from a lawyer said that I should view the email as a threat. I have been told that this email was sent at the direction of a senior Water NSW employee, 'to scare but not threaten', although I cannot verify this.

After this inquiry I sent a long and detailed email to NICHE outlining the sections of the methodology which had not been fulfilled and my concerns over how the project was being conducted. NICHE acknowledged they received the email but did not reply or engage with me in regard to the contents. Six weeks later a SMEC representative answered the email, (not NICHE), but did not respond to the details of the email. My subsequent reply to their response went unanswered. It was surprising that NICHE's client, SMEC, was stepping in to answer an archaeologist's email, from a colleague, regarding archaeological process. As an observer, I felt that SMEC were pulling the strings to the EIS and had a fixed outcome in mind, and were attempting to get away with as little as possible in order to achieve this. I suspect that this was based on a lack of understanding from the outset of what an archaeological study of an area as vast as the Burratorang valley, actually entailed. They did not appear willing to review their understanding of what is entailed in an archaeological investigation of the area, nor to attempt to understand the cultural significance of the area.

c. Niche

Answer: Initially, my experience with NICHE was positive. They contacted me, along with Water NSW, in order to secure my services at the request of the Gundungurra ILUA committee. The NICHE representative employed in the fieldwork was an excellent archaeologist and we worked very well as a team under an intensely limited archaeological fieldwork program.

The project leader from NICHE, was difficult for me to work with. I was made a co-author of the project methodology by NICHE's project leader without my knowledge and without being sent the methodology. My request to be involved in fieldwork reporting was declined by the project leader, despite my specialist knowledge of the study area which I offered to be used for the project reporting. As the project unfolded, I began to feel that their primary purpose for employing me in the project was an attempt to pacify some Aboriginal representatives with whom NICHE, Water NSW and SMEC had a tumultuous relationship. Emails sent to NICHE regarding invoicing and admin were immediately answered, yet emails concerning meaningful and deep engagement about the archaeology of the area were not responded to. At no stage was I engaged by NICHE regarding my field recordings, or my understanding of survey coverage, understanding of scientific significance, or of how the archaeology may relate to sites of cultural significance in the area. I could only conclude that my knowledge was irrelevant and perhaps unwelcome to the outcome NICHE and the EIS team desired.

This was confirmed when I obtained a copy of NICHE's AHCA report and examined the scientific significance ratings. I felt that my field recordings had been completely misrepresented. I could see that the assessment was flawed, inaccurate, insensitive, largely unscientific, and obviously completed without a deep understanding of the archaeology of the area, or even a perceived effort to understand the cultural heritage of the area. I felt a weight of responsibility to correct the errors I could see in the report, yet did not feel that I had an avenue with which to engage NICHE about this. As stated, they had not answered my previous emails regarding the archaeology of the area and had declined my offers of assistance with reporting. Overwhelmingly, I felt that evidence, knowledge and fact counted for little against the fixed outcome which the EIS team appeared to have in mind and I was left in no doubt that the EIS process had not been conducted as a free inquiry. It was obvious to me that the interpretation of fieldwork results by NICHE was a glaring example of the inadequacies of the investigation. It is possible that NICHE was acting under coercion by SMEC and Water NSW in this regard.

Eventually I felt I had to go beyond NICHE and made a formal request with Water NSW to review the ACHA report and correct factual inaccuracies, but this was declined. This put a full stop on my attempts as formal engagement with the project.