



**APPLICATION UNDER s10 OF THE ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION ACT IN RELATION TO MCPHILLAMYS GOLD MINE, KINGS PLAIN NEAR BATHURST.**

**EXPERT REPORT**

**By**

**Doug Williams**

**BA (Hons), Grad. Dip. App. Sci., M. ICOMOS, PhD Candidate**

**INTRODUCTION**

1. I have been engaged by the Environmental Defenders Office (EDO) to provide an expert opinion on matters pertaining to an application for a declaration made by Ms Nyree Reynolds pursuant to Section 10 of the Commonwealth *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (the ATSIHP Act), in relation to the McPhillamys Gold Project (the Project).
2. The area to which the Section 10 Application relates is described in this document as the 'Specified Area' (Attachment A. Maps).
3. Ms Nyree Reynolds (The Applicant) identifies as a Wiradjuri Elder and seeks to protect the area of the footprint of the proposed McPhillamys Gold Mine, and objects within it, from impacts of the Project.
4. I have been asked to provide a review of three expert reports prepared for the proponent, Regis Resources Ltd (the Proponent) and provide an expert opinion on the degree to which they are appropriate and adequate in documenting the significance or otherwise of the Aboriginal Cultural Heritage within the Specified Area (particularly in relation to the appropriateness and adequacy of the archaeological surveys undertaken). The three reports are referred to by the EDO as 'the s 10 reports'.
  - a. Sneddon, A. 2021. *McPhillamys Gold Project, Response to Application Made Pursuant to Section 10 of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984*. 30 November 2021. Report to Regis Resources Ltd. (Hereafter Sneddon 2021)
  - b. Hardwick, C. and Wilson, G. 2020. *McPhillamys Gold Project, Bathurst Frontier Wars Research: Kings Plains Locality*. Report to Regis Resources Ltd. (Hereafter Hardwick and Wilson 2020)
  - c. Clarke, P.A. 2021. *Aboriginal Cultural Values Mapping Report for the McPhillamys Gold Project*. Report to Regis Resources Ltd and LFB Resources NL. (Hereafter Clarke 2021)
5. Specifically, my brief is to provide an expert opinion report that addresses:
  - a. Have the s 10 reports been prepared based on appropriate and adequate assessment of the Aboriginal Cultural Heritage of the Significant Area?
  - b. Are there any additional factors that should be taken into account in considering the significance of any Aboriginal Cultural Heritage in the Significant Area?
  - c. Provision of any other comments necessary as they relate to this matter.



## **IDENTIFICATION AND DECLARATION**

6. My name is Mr Douglas Williams.
7. At the time of preparation of this document my address is 11 Deane Street Yarralumla, ACT, 2600.
8. I have read the HARMONISED EXPERT WITNESS CODE OF CONDUCT and agree to be bound by its clauses.

## **QUALIFICATIONS AND EXPERIENCE**

9. I have been an archaeologist and heritage manager in Australia for 30 years. My qualifications are:
  - a. Bachelor of Arts (Honours) from the Australian National University (Prehistory and Australian History)
  - b. Graduate Diploma of Applied Science from the University of Canberra (Cultural Heritage Management)
  - c. Full Member International Committee On Monuments and Sites (ICOMOS).
  - d. PhD Candidate (Griffith University)
10. My expertise in archaeology and Aboriginal Cultural Heritage Management has been recognised by appointments to:
  - e. ACT Heritage Council – Expert for Archaeology (2014-2020). ACT Ministerial appointment, 1 reappointment, as allowed by ACT rules.
  - f. Kosciuszko National Park Wild Horse Scientific Advisory Panel (2019-2021). NSW Ministerial Appointment, three extensions.
  - g. Australia ICOMOS Indigenous Heritage Reference Group (2021-present)
  - h. ICOMOS International Committee on archaeological heritage management (2021-present).
  - i. State Representative to Australian Archaeological Association (NSW 2019, ACT 2020-2022)
11. I have published scholarly articles in peer reviewed journals on Aboriginal archaeology and heritage management (listed in CV at Attachment B). I have also made numerous presentations to national and international conferences on similar subjects.
12. I have been involved in Aboriginal and historical heritage assessments and management at all levels of importance and significance up to places inscribed on the World Heritage List for Cultural Values. Notably I was the Executive Officer for the Willandra Lakes Region World Heritage Area (WLRWHA) from 2000-2004. Subsequently I was engaged to review and update the WLRWHA Plan of Management (2005) and review and analyse committee meeting minutes with regard to repatriation and reburial of human remains, and for references to establishment of a keeping place.
13. From 1998-2000 I was Victoria's Senior Project Archaeologist, managing the Key Aboriginal Places Program. In this position I was required to visit, record, assess and provide management recommendations for Aboriginal places regarded as being of State and National significance within Victoria.
14. I have undertaken Aboriginal heritage management projects in the Bathurst region (Attachment C).
15. Between 2008-2013 I worked almost exclusively in the Pilbara region of Western Australia on the assessment of Aboriginal heritage in relation to proposed and existing open cut mining projects and associated infrastructure.
16. My curriculum vitae is provided at Attachment B.

## **BACKGROUND**

17. Regis Resources proposes to establish an open cut gold mine and ancillary facilities at Kings Plains, approximately 8km northeast of Blayney, NSW.



18. The establishment of the mine is being assessed through the NSW State Significant Development (SSD) pathway.<sup>1,2</sup>
19. Heritage assessments have been undertaken to contribute to the Environmental Impact Statement prepared to assess the impact of the development.
20. The Aboriginal Cultural Heritage Assessment process was commenced by Navin Officer Heritage Consultants (NOHC). NOHC undertook initial Aboriginal community consultation processes as specified by the NSW *Aboriginal Community Consultation Requirements for Proponents*<sup>3</sup>. The project's notification and registration of interest process resulted in only the Orange Local Aboriginal Land Council (OLALC) expressing interest in the project.
21. NOHC then undertook archaeological survey over the period of 18 April-11 May 2017. Assuming survey during weekdays only, this shows a survey period of 18 days. The survey was undertaken by three archaeologists and one member of the Orange Local Aboriginal Land Council.<sup>4</sup>
22. For reasons that are unclear, the Aboriginal Cultural Heritage Assessment was completed by Landskape Natural and Cultural Heritage Management using the field data and Aboriginal community consultation undertaken by NOHC. In my experience this is an unusual way to complete a survey project. It is not unusual to have different archaeologists complete different phases of an assessment – for example, one may complete a survey and then after a separate tender process another may complete test excavation. But to change archaeology companies mid way through an assessment phase is unusual and undesirable. It is undesirable because despite taking field notes, photographs, GPS/GIS data and the like, the experience of surveying the land over such a large area and long time cannot be fully replicated in field notes. Landskape's understanding of the Specified Area would not have been as comprehensive as that of NOHC archaeologists.
23. Landskape undertook additional inspection of the subject area with one representative of the OLALC on 31/10/2017, 25-27 September 2019 and 31 January 2019.<sup>5</sup>

**REVIEW OF McPHILLAMYS GOLD PROJECT: ABORIGINAL AND HISTORICAL CULTURAL HERITAGE ASSESSMENT (2019). PREPARED BY LANDSKAPE NATURAL AND CULTURAL HERITAGE MANAGEMENT FOR LFB RESOURCES NL (Landskape 2019)**

24. The primary author of this report is Dr Matthew Cupper, an archaeologist and geoscientist. I do not personally know Dr Cupper, but have met him perhaps once some decades ago.
25. The data upon which the report is based was collected mainly by NOHC. I do not personally know the NOHC employees who undertook the survey and are named in the Landskape report<sup>6</sup>. The Directors of NOHC, Ms Kerry Navin and Dr Kelvin Officer are known to me as acquaintances, although I have not actually seen them for more than a decade, perhaps two. I worked for NOHC as a subconsultant for approximately one month in 1996 or 1997.
26. A key question of the brief is "Have the s 10 reports been prepared based on appropriate and adequate assessment of the Aboriginal Cultural Heritage of the Significant Area?"
27. The foundation of a response to this question lies in an assessment of the results and analysis of Landskape 2019.
28. This report records both Aboriginal and non-Aboriginal heritage resources in the Specified Area. I restrict my comments/review to their findings with regard to Aboriginal heritage.

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<sup>1</sup> Landskape. 2019. McPhillamys Gold Project: Aboriginal and Historical Cultural Heritage Assessment. Prepared for LFB Resources NL. p.2.

<sup>2</sup> *Ibid.* Application SSD\_18\_9505.

<sup>3</sup> Dept of Environment Climate Change and Water (DECCW). 2010a. *Aboriginal Community Consultation Requirements for Proponents*. NSW Dept of Environment Climate Change and Water, Sydney.

<sup>4</sup> Landskape 2019, *op cit*, p36.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.* p9

29. ABORIGINAL COMMUNITY CONSULTATION: Landscape 2019 is largely consistent with the requirements of the NSW *Aboriginal Community Consultation Requirements for Proponents*. The appendices relating to community consultation omit written copies of responses to notification, although they are noted in the summary table of Appendix 1. This is a significant omission as there is no way of verifying that all the groups and individuals of which NOHC was made aware were actually contacted. Responses to notifications should be included in these appendices.
30. ARCHAEOLOGICAL SURVEY COVERAGE:
- a. The development footprint identified in Landscape 2019 is approximately 1400 hectares, or 14 square kilometres.
  - b. The archaeological survey team (3 archaeologists and one representative of the OLALC) is described at section 6.2.1 (p.36) and survey method is described at section 6.2.2 (p.36). The report describes that survey team members “walked abreast...in a series of closely spaced transects. These were evenly distributed across the areas of proposed disturbance and approximately 10-50m apart. Due to the openness of the landscape it was usually possible to identify site locations and deviate from the transects to make closer inspections”.<sup>7</sup>
  - c. There is uncertainty in this description regarding the intensity or otherwise of the survey. For example, does this describe transects 10m apart that were surveyed by 4 people, or people walking 10m apart along a general survey trajectory? If the latter, how far apart were the transects? How was consistency achieved?
  - d. People walking 50m apart would not constitute ‘closely spaced transects’ in my opinion and while a mature tree or a large erosion scar may be observable from 50m distance, surface stone artefacts are not. In this manner the assertion that site locations were observable from this distance is inaccurate. SOME site locations MAY be visible, but many will not.
  - e. The issues identified at points b. and c. would be mostly addressed if the report contained a map showing survey transects/trajectories, but such a figure is absent from the report. Such a figure is noted as Requirement 5c and Requirement 8 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*<sup>8</sup>(the Code). Such a figure would assist in supporting the assertion that “all mature trees in the area of proposed disturbance were inspected for scarring or carving by Aboriginal people”<sup>9</sup>. As it stands the report is incomplete for the purposes of submission as part of the EIS based on the published requirements of Heritage NSW.
  - f. Coverage achieved by the field survey is documented at section 6.4, pages 37-39. The text references claim 14% effective coverage (p.37) supported by detail in tables 6.1 and 6.2 (p.38-39). Tables 6.1 and 6.2 each record a total of 10% effective coverage. This discrepancy is unexplained. The report claims 14% is a relatively high effective coverage for a surface survey. In my opinion this is true – most surface surveys achieve effective coverage of <10%. A 10% effective coverage would be towards the better end of average effective coverage results, but this inconsistency should be clarified.
31. SURVEY RESULTS.
- a. The archaeological survey recorded 37 Aboriginal archaeological sites, all small scatters of stone artefacts or isolated artefacts. These finds are summarised at Table 6.3 (p.40) and

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<sup>7</sup> *Ibid.*

<sup>8</sup> Dept of Environment Climate Change and Water (DECCW). 2010b. *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. NSW Dept of Environment Climate Change and Water, Sydney.

<sup>9</sup> Landscape 2019 *op cit.* p36.

Table 7.4 (p. 108) of Landskape (2019). The total assemblage of artefacts comprises 95 flaked stone artefacts, mostly made of tuff and quartz.

- b. 18 of the sites are isolated artefacts and 19 of the sites are 'small' scatters of stone artefacts. The scatters range from 2 spatially associated artefacts through to the largest site, 10 spatially associated artefacts.
- c. The sites are described as being mainly in the 'north east portion', with half of the sites clustered there.<sup>10</sup>
- d. An analysis of artefact density per square metre is a common way of comparing artefact occurrences across a landscape. Artefact density is (or should be) a measure of research potential and important to assessing scientific significance. While there are variables that can make such an assessment tentative, it remains a useful method of comparison – particularly in conjunction with an analysis of surface visibility at each site. For example if we were to compare 10 artefacts occurring in 1 square metre with 10 artefacts occurring over 1 hectare and both had similar surface visibility it would be reasonable that we could suggest that the former was considerably more dense, and that there was a likelihood of many more artefacts being present in a small area. Density comparisons can also be expressed as density per *visible* square metre. The sites are inconsistently described with regard to the area over which artefacts were found making analysis of artefact density difficult. For example site MGP-A1 is a scatter of three artefacts eroding from 'a cut' in a saddle. The photograph for the site shows three artefacts on bare ground close together<sup>11</sup>. But there is no description of the area of visibility or the area of the 'site'. In comparison site MGP-A2 is recorded as having 6 artefacts over an area of 35m x 5m<sup>12</sup>. In this instance a calculation of surface artefacts per square metre can be achieved. Sites MGP-4, MGP-5 and MGP-7 contain estimates of site area, Site MGP-9 (5 artefacts) and MGP-10 (3 artefacts) do not<sup>13</sup>, and similar inconsistency follows through the remainder of the site descriptions. If these figures were not available to Landskape from the NOHC data they should have re-surveyed the sites to establish this baseline data to contribute to significance assessment.

### 32. ANALYSIS:

- a. There is no meaningful analysis in Landskape 2019. After a field survey of 18 days with 5 additional days of inspection the 37 sites are 'analysed' in just under 400 words and a raw material table. Such analyses would normally include:
  - i. Artefact analysis – an analysis of the size, types, stone material and manufacturing techniques.
  - ii. Density Analysis – an analysis of the variation of artefact density between sites and/or across the landscape, the recorded site area, the density of 'sites' across the landscape.
  - iii. Topographic analysis – an analysis of sites against the topographic element in which they occur. There is a table that partially addresses this question (Table 6.2, p. 39) but this only includes a record of the number of sites across the landforms and does not analyse whether there is a pattern to the types of scatters found in the different landforms or whether there is variation in stone artefacts across the Specified Area.

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<sup>10</sup> Landskape 2019 op cit. p.108

<sup>11</sup> Landskape 2019 op cit. pp. 39-43

<sup>12</sup> Landskape 2019 op cit. p. 43

<sup>13</sup> Landskape 2019 op cit. pp. 43-52

- iv. An analysis of whether there is potential for subsurface archaeology to occur at any of the sites.
  - v. Analysis of the results of this survey with the results of other surveys in the area.
33. Consideration of the variables described above are commonly used to build the assessment of scientific significance. Without them any assessment of scientific potential must be regarded as 'assumed' rather than demonstrated.
34. There are 37 photographs illustrating different aspects of the Aboriginal sites and artefacts recorded in the Specified Area. Of these 23 do not meet the requirements of the Code –specifically Requirement 7b. “All photographs must include an appropriate graded metric scale –mm or cm graded scales .... for macro artefact or feature photography, and tens of cm or m graded scales (such as a range pole, surveying staff or tape measure) for wider angle or context photography”<sup>14</sup>. This is a point where the Landscape report fails to meet minimum required standards.
35. SIGNIFICANCE ASSESSMENT:
- a. Landskape 2019 presents the significance assessment at section 7.1 (p. 110).
  - b. Section 7.1.1 notes that criteria for determining scientific significance include “integrity of a site, its structure and contents”, also noting representativeness or rarity as being important considerations.<sup>15</sup>
  - c. The archaeology of Aboriginal sites on open areas seeks to understand the past through examination of the material remains left behind or discarded by the people being researched. It looks for patterns in the landscape at broad scale and also more detailed levels. So cultural material may be clustered at places in the landscape used repeatedly because it was a favourable occupation site and sparse in areas less intensively used. A landscape displaying this pattern might be said to have 'high' or 'good' integrity.
  - d. Site integrity is a concept applied in the assessment of significance, and it relates to the level of disturbance cultural material has undergone since its discard. It is posed that material that lies at or very close to its original point of discard (for example, artefacts discarded at the same time close to one another) is more informative than artefacts that have been dispersed or redeposited. The study of this dispersal is called TAPHONOMY and in reality there is NO archaeological site that is completely undisturbed. Agents of disturbance or dispersal might include European processes such as clearing, mining and cultivation (as noted in Landskape 2019<sup>16</sup>), and also more natural processes such as the actions of burrowing animals and insects and growth of trees. This natural movement of soils and particles is termed BIOTURBATION. Some European practices can exacerbate natural processes so soil erosion and soil deflation can also affect site integrity.
  - e. There is a widely applied, though poorly supported, assumption in Australian archaeology that agricultural landscapes exhibit poor site integrity due to clearing, cultivation and disturbance from stock. This assumption pervades in survey assessments despite many detailed studies showing the persistence of clustered, dense archaeology in agricultural

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<sup>14</sup> DECCW 2010b *op cit.* p. 15

<sup>15</sup> Landskape 2019 *op cit.* p.110

<sup>16</sup> Landskape 2019 *op cit.* p.15

contexts across south eastern Australia despite the application of European land use. Examples in footnotes.<sup>17 18 19 20 21 22 23</sup>

- f. At section 7.1.1 Landskape identifies three levels of site integrity – low (highly disturbed or poorly preserved with little research potential), medium (some disturbance but remaining cultural material allows for some research potential) and high (little or no disturbance to site, good preservation and good research potential).
- g. They go on to note that ALL of the sites recorded for this project have low integrity due to disturbance observed during fieldwork.<sup>24</sup> This included evidence of cultivation, graded roads and farm infrastructure.
- h. This conclusion of low integrity for all sites is, in my opinion, premature and unsupported by the data presented in the report. It is an assumption stemming from an assessment of landscape history with no actual testing of the soil profile or investigation of the potential for high density artefact clusters. Graded roads form a miniscule percentage of the 14 square kilometre Specified Area, as does ‘farm infrastructure’.
- i. It could be predicted that a landscape with enough integrity to support research would include clusters of stone artefacts interspersed with areas of no archaeology to sparse background scatter. That such a pattern exists in the study area is arguable from the data presented. It includes sparse scatters (for example MGP-A7, 6 artefacts at 0.003/m<sup>2</sup>) through to more dense scatters MGP\_A1, MGP\_A24 at 3 artefacts/m<sup>2</sup>. This pattern does not guarantee a high degree of clustering, nor numerous clusters, but it certainly indicates they exist and as a consequence, in my opinion and experience, site integrity is almost certainly higher than allowed by Landskape 2019.
- j. Test excavation at a scale and method suited to the Specified Area would assist in determining site integrity and move the assessment beyond assumption.
- k. At 7.1.2 Landskape discuss ‘site structure’ as a measure of scientific significance, identifying low structure (small surface scatters with no stratified deposit), medium structure (medium to large surface scatters with or without stratified deposit), and high structure (large in-situ surface scatters, any site with stratified deposit).<sup>25</sup>
- l. Landskape 2019 presents no definition of what a ‘small’, ‘medium’, or ‘large’ scatter may comprise, nor whether such assessment is universal (applies across all their study areas), or is regionally relative (changes with geographical areas), or internally relative (applies on a scale determined by results of an individual study). Such definition should be expected.
- m. ‘Stratified’ deposit is very useful in much, although not all, archaeological research. If a soil deposit is stratified it means it exhibits ‘strata’ or layers, and the main principle of stratification is that the oldest layers are at the bottom, with progressively younger layers towards the surface. If it is a deep soil profile with cultural material like stone artefacts all the way through it can be illuminating to analyse the difference (or similarity) of artefacts in

<sup>17</sup> Witter, D. 1981. Archaeological Salvage Excavations on the Dalton to Canberra Pipeline. Report to the Pipeline Authority.

<sup>18</sup> McDonald, J. and B.Rich. 1994. ‘The Discovery of a Heat Treatment Pit on the Cumberland Plain, Western Sydney’. In *Australian Archaeology* 38(1) pp.46-47.

<sup>19</sup> McDonald, J. 2008. Salvage Excavation of Six Sites along Caddies, Seconds Ponds, Smalls and Cattai Creeks in the Rouse Hill Development Area, NSW.

<sup>20</sup> Williams, D. 2008. Stage 3 Archaeological Investigation at Headquarters Joint Operations Command, Between Queanbeyan and Bungendore, NSW: Salvage of Indigenous Archaeology. DEC Permit #2573. Volume 1 Main Report. Report to Leighton Contractors.

<sup>21</sup> Williams, D. 2018. *Aboriginal Cultural Heritage Assessment: Proposed Limestone Mine, Molong, NSW*. Report to CWQ Pty Ltd.

<sup>22</sup> McCardle, P. 2010. *Greta Rail Support Facility. Part 3A Indigenous Archaeological Test Excavation*. Report to Pacific National.

<sup>23</sup> Kelleher, M. 2019. Aboriginal Cultural Heritage Assessment: “The Meadows” Lot 3 DP 24143, Calderwood Road, Calderwood. Report to C & P Tate Pty Ltd.

<sup>24</sup> Landskape 2019 *op cit.* p.110

<sup>25</sup> Landskape 2019 *op cit.* p.

the older layers compared to the younger layers. If there is charcoal from campfires it can be carbon dated and we can then discuss the time period over which occupation of the site occurred. If the soil is suitable we can also use other dating techniques such as 'thermoluminescence' and 'optically stimulated luminescence'. There can be no doubt that stratified deposits add to research potential, and are most often found in closed in sites like rock shelters and caves, but also in open areas like sand dunes, creek terraces and banks.

- m. Landscape 2019 assesses all of the sites in the Specified Area as having low structure.
- n. This assessment is premature and unsupported based on the information provided in the report. It is entirely possible that there may be 'large' scatters in the Specified Area. Also, stratification is not the only measure of 'structure' that can be applied, with multiple studies indicating value in the archaeology of sites with little or no stratigraphic patterning<sup>26,27,28,29,30</sup>. The potential for stratified deposit in the study area has not been explored at all, and in any case, in my opinion, its absence does not equate to low research/scientific potential.
- o. At section 7.1.3 Landscape 2019 discuss 'site content' as a measure of scientific significance, identifying low (small amount and low diversity of cultural material), medium (medium amount and diversity of cultural material), and high (high amount and diversity of cultural material). The report goes on to assess the site content criterion as being 'low'.
- p. This assessment is premature and unsupported based on the data presented. The report contains no explicit model of what indicators might be measured to assess this criterion. The divisions between 'small', medium' and 'large' amounts of artefacts are not defined. Nor is there any discussion of how the 'diversity' of cultural material is assessed. Taken solely at the results obtained and assuming those are the sum total of archaeology in the Specified Area, the assessment might be accurate. But as the development footprint is some 14 square kilometres, and the survey covered only 10% of the surface and included no exploration of what may be under the surface it is unreasonable to suggest the current recorded archaeology is representative of the total archaeological resource. Therefore, in my opinion, the extent and nature of artefact occurrences in the Specified Area has been insufficiently explored.
- q. At section 7.1.4 Landscape 2019 discuss site representativeness and rarity as a measure of scientific significance noting 'low' (many of the same type occurring in the same area or region), 'medium' (site type occurs elsewhere but not in great quantity or good preservation) and 'high' (site is rare or unique). The report goes on to conclude that the sites in the Specified Area have a 'low' rating.
- r. In my opinion, this conclusion is premature and unsupported based on the data presented in Landscape 2019. This is because the extent and nature of artefact occurrences in the Specified Area has been insufficiently explored and therefore the assessment of their representativeness and/or rarity is based on incomplete information.
- s. I agree with the assessment of Aboriginal Value or Aesthetic Value.

26 Holdaway, S.J., Fanning, P.C. and Witter, D. 2000: Prehistoric Aboriginal occupation of the rangelands: interpreting the surface archaeological record of far western New South Wales, Australia. *The Rangelands Journal* 22, 58–71.

27 Holdaway, S.J., Fanning, P.C. and Shiner, J.I. 2006. *Geoarchaeological investigation of Aboriginal landscape occupation in Paroo- Darling National Park, Western NSW, Australia*. RAL-e No. 1, 82 pp. [http://researchspace.itss.auckland.ac.nz/bitstream/2292/325/1/rale\\_no01.pdf](http://researchspace.itss.auckland.ac.nz/bitstream/2292/325/1/rale_no01.pdf)

28 Fanning, P.C., Holdaway, S.J. and Rhodes, E. 2007: A geomorphic framework for understanding the surface archaeological record in arid environments. *Geodinamica Acta* 20, 275–86.

29 Holdaway, S.J., Fanning, P.C. and Rhodes, E.J. 2008: Assemblage accumulation as a time dependent process in the arid zone of Western New South Wales, Australia. In Holdaway, S.J. and Wandsnider, L.,(eds), *Time in archaeology: time perspectivism revisited*. University of Utah Press.

30 Rich, B. 2021. The survival of artefacts from different historical phases in shallow open sites and the need for spit excavations: An overview from the Cumberland Plain, Western Sydney, Australia. *Australian Archaeology* DOI:10.1080/03122417.2021.1925415

- t. At section 8.4 Landskape 2019 discuss the potential for previously unidentified cultural heritage to occur in the study area.<sup>31</sup>
- u. Of interest is a statement to the effect that NOHC consultants considered Potential Archaeological Deposit (PAD) may occur in selected areas<sup>32</sup>. The approach to resolving this issue by Landskape 2019 is curious. The author of the Landskape 2019 report, Dr Cupper, is a professional geoscientist/geo-archaeologist with seemingly ample experience to deal with soils in the Specified Area. Nonetheless the NOHC assessments of PAD were subject to an undocumented 'detailed critique' – referenced only as "pers comm. 2018" – by Dr Tim Stone. Dr Stone apparently 'discounted the likelihood that [the NOHC PADs]... were differentiated from the surrounding archaeological landscape". Dr Stone was not recorded as having visited the Specified Area. Landskape 2019 concludes that any undiscovered archaeology would *probably* be isolated artefacts and low density artefact scatters in the Specified Area.
- v. This conclusion is premature and unsupported based on the information presented in Landskape 2019. In the absence of a quantified and rigorous assessment of the subsurface archaeology of the area, in my opinion, such a conclusion cannot be drawn. Such a study would involve the excavation of test pits on a systematic grid in areas likely to contain cultural material. This is a standard investigation technique across NSW in areas where surface visibility is compromised by ground vegetation. The scale of such a program is beyond the scope of this report to determine, but by way of comparison I excavated 928 test pits at Bungendore in 2005 in a study area of 2.2 square kilometres<sup>33</sup>.
- w. The management recommendations of Landskape 2019 note only collection being required to manage the Aboriginal cultural heritage of the Specified Area. In my opinion this approach leaves the archaeological potential and significance of the Specified Area inadequately assessed.
- x. The Specified Area consists of approximately 14 square kilometres of moderately to gently undulating terrain interspersed with ephemeral water courses and adjacent to permanent water courses. This terrain has consistently yielded wide spread archaeology which, despite cultivation, retains the ability to inform research questions.
- y. As an example I point to a project I undertook ~60km to the north west at Molong. On a high ridge several hundred metres from any water source, I undertook a test excavation program on 2 Potential Archaeological Deposits (PADs – areas with no surface archaeology but considered to have potential for archaeology under the surface, but definitely no deep stratification).<sup>34</sup> In 23 test excavation pits, each 50cm x 50cm in plan area I found 66 flaked stone artefacts, including 46 from a 1.75m<sup>2</sup> area (26.29 artefacts per square metre).
- z. A test excavation program of sufficient scale to cover higher potential areas in 14 square kilometres would provide detailed information on the intensity of occupation and activities undertaken in the Specified Area. Given the high impact that will occur in the Specified Area an intensive test phase is warranted.
- aa. There may be areas where higher densities of stone artefacts are discovered. These may be required to be the subject of salvage excavation. Information from such a process would augment data obtained from a test excavation phase.

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<sup>31</sup> Landskape 2019 *op cit.* p. 131.

<sup>32</sup> *ibid*

<sup>33</sup> Williams, D. 2005. *Stage 2 Archaeological Investigation at Headquarters Joint Operations Command, between Queanbeyan and Bungendore, NSW: Sub Surface Probing. DEC Permit #2422.* Report to URS Australia and the Commonwealth Dept of Defence.

<sup>34</sup> Williams. 2018. *op cit.*

- bb. In my opinion, until the results of test excavation DEMONSTRATE that the assumptions presented in Landskape 2019 are accurate, the significance assessment, impact assessment, assessment of archaeological potential and management recommendations should all be regarded as premature and speculative.

#### ADEQUACY IN RELATION TO THE CODE OF PRACTICE

36. In the following table I review the Landskape 2019 report for adequacy against the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales.

**Table 1. Fulfilment of Requirements of The Code by Landskape 2019**

REQUIREMENT	ADEQUATELY INCLUDED	NOTES
1. Review previous archaeological work		
1a. Previous archaeological work	Yes	
1b. AHIMS Searches	Yes	
2. Review the landscape context	Yes	
3. Summarise and discuss the local and regional character of Aboriginal land use and its material traces	Yes	
4. Predict the nature and distribution of evidence	Yes	
4a. Predictive Model	Yes	
5. Archaeological Survey		
5a Survey Sampling Strategy	No	The survey method does not explicitly reference a sampling strategy
5b Survey Requirements	No	There is no record of accurately defined and named survey units. Survey transects/trajectories are not accurately mapped or presented (at all).
5c. Survey Units	No	Beginning and end points of transects not provided, survey unit boundaries are not defined.
6. Site Definition	No	There is no definition presented on how 'sites' were defined.
7. Site Recording		
7a. Information to be recorded	No	No site plans were included in the report.
7b. Scales for photography	No	Photographic scales are inconsistently included
8. Location information and geographic recording		
8a. Geospatial information	Yes	
8b. Datum and grid coordinates	Yes	
9. Record Survey coverage data	Yes	
10. Analyse survey coverage	Yes	

11. Archaeological Report content and format	Yes	In terms of structure, the report complies
12. Record Keeping	Indeterminate	We assume records are legible and have been archived to survive the required 5 years
13. Notifying DECCW (HNSW) and reporting.		
13a. Notification of breaches	N/A	
13B. Provision of Information	N/A	
14. Test Excavation not excluded from definition of harm	N/A	
15. Preconditional to carrying out test excavation		
15a. Consultation	Yes	Although note incomplete appendices
15b Test Excavation sampling strategy	N/A	
15c. Notification	N/A	
16. Excavation that can be carried out in accordance with the code	N/A	
16a. Test Excavations	N/A	
16b. Objects recovered	N/A	
17. When to stop test excavations	N/A	
18. Artefact Recording		
18a. Visible artefacts on ground surface	Indeterminate	There are no photographs with stake flags or other visibility aid
18b. Artefacts in section	N/A	
18c. Partly buried artefacts	N/A	
19. Attribute Recording	No	
20. Photography and drawing	No	At least one photograph includes 7 artefacts collected to make a photo (maximum allowed is 6)
21. AHIMS records	Yes	AHIMS records done
22. Recording Rock Art	N/A	
23. Recording Culturally Modified Trees	N/A	
24. Recording Shell Middens	N/A	
25. Aboriginal Ancestral Remains	N/A	
26. Stone Artefact disposition and storage	N/A	None removed from Site

37. The report by Landskape 2019 has deficiencies in the *requirements* in order to be acceptable to Heritage NSW. The report should not be relied upon until these are rectified.

#### **ABORIGINAL CULTURAL VALUES MAPPING REPORT**

38. This report was authored by Dr Philip A. Clarke. I do not personally know and have never met Dr Clarke.

39. As I am not a qualified anthropologist I will make no detailed comment on the bulk of the anthropological analysis presented in Clarke, P.A. 2021. *Aboriginal Cultural Values Mapping Report for the McPhillamys Gold Project*. Report to Regis Resources Ltd and LFB Resources NL.

40. Oddly, in his assessment of 'Heritage reports on the specified Area'<sup>35</sup> Clarke 2021 does not specifically reference Landskape 2019, although he does specifically state he was given access to it.<sup>36</sup>
41. Instead Dr Clarke takes an uncritical view of the information presented in Sneddon 2021 which itself is based on an uncritical view of Landskape 2019, and a study on potential culturally modified trees for the specified area.<sup>37</sup>
42. As indicated above, Landskape 2019 is not a sufficiently thorough study upon which to base robust assessments of scientific significance. For this reason any study using its conclusions as a foundation is consequently flawed. Clarke 2021 relies uncritically on Sneddon 2021, which report itself relies uncritically on Landskape 2019 (see below).
43. A specific point made by Clark 2021, and drawn upon by Sneddon 2021, is that Ms Reynolds has described herself as a Wiradjuri Elder, but is listed in two directories as belonging to the Gamilaraay language group<sup>38</sup>.
44. The relevance of this research is unspecified in Clarke 2021, but as it appears under the sub heading '4.1 Reynolds Claims' [my emphasis] there is an implication that Ms Reynolds is somehow misrepresenting herself by identifying as Wiradjuri. This implication is taken up with vigour by Dr Sneddon, who argues that Ms Reynolds' connection to the Gamilaraay people may somehow dilute her claims to speak for Wiradjuri country.<sup>39</sup>
45. As Dr Clarke's depth of understanding of Ms Reynolds' ancestry comes from one Google search it bears scant relationship to whether she ALSO has Wiradjuri ancestry. It is an unnecessary 'cheap shot' in an otherwise reasonably well researched paper (noting aforesaid weaknesses in relying on existing archaeological surveys).
46. Dr Clarke neglects to mention that Ms Reynolds is listed as a member of the Wiradjuri nation on a number of websites.<sup>40, 41, 42</sup>

#### **McPHILLAMYS GOLD PROJECT, BATHURST FRONTIER WARS: KINGS PLAINS LOCALITY REPORT**

47. This report was authored by Coral Hardwick and Graham Wilson of Extent Heritage Pty Ltd. I do not know either of these authors personally or professionally nor have I ever had a professional relationship with Extent Heritage Pty Ltd.
48. This report is a summary and analysis of historic resources on the history of the Kings Plain locality, with particular reference to frontier violence.
49. In my opinion the document seems well researched and rationally argued.
50. I agree with the essential conclusions of the report – that while there were significant events in the general area to the south and east of Bathurst, no Frontier War incidents can be reliably placed in the Specified Area based on historical resources available. This is not to say that Frontier War incidents did not take place within the Specified Area, but the evidence for specific locations of named events is equivocal.

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<sup>35</sup> Clarke 2021 op cit. pp.57-59

<sup>36</sup> Ibid, p. 9

<sup>37</sup> Lance, A. & Kamminga, J. 2021. - Scarred Tree Assessment. A report to Regis Resources Limited. February 2021. Canberra: Heritage Consulting Australia Pty Ltd.

<sup>38</sup> Clark 2021 op cit. Paragraph 121, p.54

<sup>39</sup> Sneddon 2021 op cit. p. 22 and p.49

<sup>40</sup> [Sorry - The Australian Museum](#), accessed 19/02/2022.

<sup>41</sup> [Nyree Reynolds | Gang Gang Gallery \(gggallery.com.au\)](#). accessed 19/02/2022

<sup>42</sup> [Indyamarra: "Give honour, be respectful, polite, gentle, patient and honest with each other" | \(storylines.com.au\)](#). accessed 19/02/2022

**McPHILLAMYS GOLD PROJECT, RESPONSE TO APPLICATION MADE PURSUANT TO SECTION 10 OF THE ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION ACT 1984.**

51. This report has been authored by Dr Andrew Sneddon, a heritage management professional of long standing and Director of Extent Heritage Pty Ltd.
52. I do not personally know Dr Sneddon nor do I recall ever meeting him in any professional or personal capacity, although it is possible we may have crossed paths at a conference or some such gathering.
53. This report (Sneddon 2021) is an assessment of Ms Nyree Reynolds' application under s10 of the ATSIHP Act 1984, with regard to:
- a) The significance of the Specified Area 'to Aboriginals in accordance with Aboriginal tradition'.
  - b) The relative significance of the Specified Area 'to Aboriginals in accordance with Aboriginal tradition' e.g., compared to areas in Australia which have been protected under a section 10
  - c) declaration (including the Wahluu Mount Panorama Site) and areas which are, in [Dr Sneddon's] view, recognised as being of particular significance to Aboriginals in accordance with Aboriginal tradition.
  - d) The nature and extent of the threat of injury to, or desecration of, the Specified Area posed by the Project and certain drilling works.
  - e) The extent of the Specified Area that should be protected by a section 10 declaration (if any), and the prohibitions and restrictions that should be made with respect to that area.
  - f) The extent to which the Specified Area is or may be protected by or under a law of New South Wales, and the effectiveness of any remedies available under any such law.
  - g) Whether the field survey coverage for the Project's Aboriginal cultural heritage assessment (mine site) was adequate.
54. Dr Sneddon refers to a variety of significance assessment criteria as being relevant to the assessment of the Aboriginal heritage of the Specified Area. These include:
- a. *The Burra Charter*,
  - b. *The National Parks and Wildlife Act (NSW) 1974*
  - c. *The Environment Protection and Biodiversity Conservation Act (Cth) (and Regulations)*
55. These are appropriate documents and criteria to consider.
56. Sneddon 2021, section 3.1.4 Levels of Significance<sup>43</sup>: In this section Sneddon discusses the potential of the Specified Area to have state or national significance, concluding that it does not, nor is it a 'significant Aboriginal area' within the meaning of the ATSIHP Act.
57. It is my opinion that the assessment of not meeting state or national significance thresholds is *potentially* correct, but not *demonstrably* correct given deficiencies identified in the archaeological assessment by Landskape 2019. In this way Sneddon's assessment is premature and unsupportable on present evidence.
57. Sneddon 2021, section 3.1.5 'Aboriginal tradition': In assessing whether the Specified Area is of particular significance in accordance with 'Aboriginal tradition' Sneddon asserts it is not evident that such an association exists as "it is not evident that the asserted significance of the Specified Area relates to *continuing* [my emphasis] Aboriginal traditions and customs"<sup>44</sup>. I note that the definition of Aboriginal Tradition at s3 of the ATSIHP Act does not make use of the word 'continuing', instead defining Aboriginal tradition as:

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<sup>43</sup> Sneddon 2021 op cit. p.13

<sup>44</sup> *ibid*, p.19.

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.

58. Sneddon 2021, section 3.1.7 'The relevant 'Aboriginals': In this section Sneddon questions the *bona fides* of the Aboriginal groups involved in making and supporting the s10 Application.
59. He notes that "based on the materials [he has] considered it cannot be concluded that the wider [Aboriginal] community regards the Specified Area as being of particular significance"<sup>45</sup>. This is unsurprising as he also states "Due to time constraints, no Aboriginal community engagement was undertaken in the preparation of this report"<sup>46</sup>.
60. Sneddon questions the right of the Orange LALC to speak for country in that locality (within its own boundaries) on the basis of speaking for 'Wiradjuri people'. It is to be acknowledged there are divisions in local Aboriginal communities across the country with regard to the right to speak for country. But the Local Aboriginal Land Councils of NSW are currently preferred by the NSW Government in the heritage process – it is not a stretch to consider they speak for Wiradjuri people on their own country.
61. Sneddon identifies in this section that the applicant, Ms Reynolds, may also identify as a Gamilaraay person, and notes this is 'particularly relevant' though does not expand how this is the case<sup>47</sup>. In this he relies on Clarke 2021. There is a clear implication that Ms Reynolds' right to speak for country is somehow compromised by her professing Gamilaraay ancestry in some fora. Coming, as it does, from a Google search (see points 44-46 above), this is outrageous overreach. I do not profess to know Ms Reynolds' ancestry but many Aboriginal people claim descent from and membership of more than one 'mob'. In the traditional past they may not have, but a legacy of European invasion and dispossession is that Aboriginal people were forcibly moved to parts of the country they may not have normally lived in and European occupation has wreaked destruction on many traditional social 'boundaries'. To claim a person may not have the right to speak as the elder of one mob because they identify as a member of another mob as well is a perpetuation of inter-generational trauma.
62. Sneddon 2021, section 4.1.1, Archaeological Methodology: In countering an OLALC criticism that there may be a greater range and number of sites in the Specified Area than currently recorded, Sneddon describes sampling as being a common archaeological practice<sup>48</sup>, which is true. But he uncritically accepts the sampling records of Landskape 2019 which lack the specificity called for by the requirements of The Code, and the apparent wide spacing of the fieldworkers at times.
63. In addition he states that the reports say there would be some potential for subsurface archaeological deposit in the area but these might be dealt with "by pursuing the archaeological test program proposed by the proponent"<sup>49</sup>. In the documents I have been provided there is NO test excavation program recommended for Aboriginal sites, only at selected Historic sites. Further, Sneddon's summary suggesting 'some potential' for subsurface deposits is at odd with Landskape's conclusion – drawn with the 'pers comm' assistance of Dr Tim Stone – that there was little potential for Potential Archaeological Deposits in the Specified Area.
64. I have examined communication from Regis Resources to the NSW Department of planning dealing with responses to Requests for Information and they contain no commitments to undertaking a program of test excavation.<sup>50,51</sup>

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<sup>45</sup> Sneddon 2021 *op cit.* p. 22

<sup>46</sup> *ibid* p.12

<sup>47</sup> *ibid* p.22

<sup>48</sup> *ibid* p. 24

<sup>49</sup> *ibid*

<sup>50</sup> Letter from Tony McPaul (Regis Resources) to Stephen O'Donoghue (Director Resource Assessments, DPIE). *McPhillamys Gold Project (SSD9505) – Response to minor RFI dated 24-08-2021.* 7 October 2021.

<sup>51</sup> Letter from Tony McPaul (Regis Resources) to Stephen O'Donoghue (Director Resource Assessments, DPIE). *McPhillamys Gold Project (SSD9505) – Response to minor RFI dated 24-08-2021.* 30 November 2021

65. Sneddon 2021, section 4.1.4 Isolated Stone Artefacts and artefact scatters: Surface isolated artefacts and artefact scatters (more than one artefact in spatial proximity to each other) are a very common type of Aboriginal archaeological site in Australia. Dr Sneddon downplays the potential scientific significance of these types of sites in the Specified Area. He supplies two main reasons, 1) they are in open context with no way of being dated, and 2) locations that have more sites (near water courses) are also most likely to have been disturbed by either high water flow or European land use, particularly mining and land clearing.
66. In my opinion Dr Sneddon is incorrect in assigning low scientific significance to open scatters of artefacts *prior to test excavation*. Being able to date the occupation of a location may be important for some research projects, but not for others – in short the ability of a site to contribute meaningfully to substantial research questions depends not on the archaeological resource, but on the questions asked of it. For example, a moderate to dense cluster of stone artefacts all clearly created during one manufacturing event may be able to provide very detailed and complex information on stone technology. As we do not know what the sub surface expression of archaeology looks like in the different land forms of the Specified Area, any assessment of its significance and potential is conjecture.
67. Dr Sneddon makes reference to land disturbing activities like mining, tree clearing and also large volumes of water scouring out water courses. He writes  
In the case of isolated artefacts and artefact scatters in riparian zones there is high potential that they were deposited by water movement (such as flood events), rather than human agency. In other words the spatial patterning in the landscape of many of those artefacts identified by surface survey may merely be a reflection of the area's hydrology<sup>52</sup>
68. Prior to test excavation this assessment is assumption, noting Dr Sneddon's careful use of the vague words 'potential' and 'may'. The corollary of this statement is of course that there is potential that artefacts in riparian zones were deposited by people, and that they may be a reflection of people choosing to camp near a watercourse.
69. Pursuant to the preceding point I refer to a paper presented to the 2012 Australian Archaeological Association conference on buried artefacts in high energy riparian environments dated to in excess of 20,000 years before present<sup>53</sup>. The paper received *the Laila Haglund Award for Excellence in Consulting Archaeology*.
70. Sneddon notes that "The the surface finds, geology, hydrology and ethnohistory of the area do not indicate that the Specified Area has significantly higher potential for in situ subsurface archaeology than thousands of square kilometres of the surrounding region"<sup>54</sup>. This point is irrelevant, in the sense it is not the surrounding thousands of square kilometres being assessed and potentially destroyed by mining. If the archaeology of the Specified Area was adequately assessed there would be grounds to compare it to the surrounding landscape.
71. Sneddon here repeats the assertion that "In any event the Project would be preceded by a program of archaeological test excavation". I find no evidence in the documents provided to me that the archaeologists have recommended, nor that the Proponent has committed to a program of test excavation for Aboriginal sites.
72. Sneddon 2021, section 7 Conclusions: Dr Sneddon opens concluding remarks by returning to the issue of appropriate people to 'speak for country', repeating that it is 'relevant' that Ms Reynolds may identify as Gamilaraay. It is not relevant, and I refer to my prior comments on this unedifying observation by Drs Clarke and Sneddon.
73. Sneddon concludes the archaeological sites in the Specified Area ARE of low scientific significance with low potential to address substantive research questions. In my opinion this assessment is

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<sup>52</sup> Sneddon 2021 *op cit.* pp.28-29

<sup>53</sup> Williams, D., Sullivan, M., and Hughes, P. *Out in the Open: Excavation of Artefact Scatters in The Pilbara*. Presented to the 2012 Archaeological Association Conference, Wollongong NSW. Publication 'in prep'.

<sup>54</sup> Sneddon 2021 *op cit* p.29

premature based on the level on investigation the sites and landscape have received to date. Test excavation would be required to demonstrate the applicability of these assessments. Further, Dr Sneddon provides no example or benchmark for what a 'substantive research question' might look like for the local area

## **SPECIFIC QUESTIONS OF THE BRIEF**

### **In your opinion have the s10 Reports been prepared based on appropriate and adequate assessment of the Aboriginal Cultural Heritage of the Significant Area?**

74. NO. While comprehensive and well researched the s10 reports rely uncritically on the Aboriginal Cultural Heritage Assessment commenced by NOHC and completed by Landskape.
75. The report by Landskape in 2019, and its addendum report in 2020 fail to adequately assess the archaeological potential of the area. In addition, Landskape 2019 fails to meet all of the requirements of the Code (see table at point 36 above).

### **In your opinion are there any additional factors that should be taken into account considering the significance of any Aboriginal cultural heritage in the Significant Area?**

76. The Specified Area (Significant Area) should be subject to a comprehensive test excavation program designed to test the assumptive conclusions presented in Landskape 2019 and relied upon by the s10 reports. The destruction of Aboriginal heritage should be avoided wherever possible and any decisions should be made with reference to demonstrated knowledge rather than untested assumption. This is especially so when dealing with a development footprint as large as the proposed development in the Specified Area.
77. Based on information presented in Landskape 2019 and Landskape 2020, Sneddon 2021 errs when he asserts that "the project would be preceded by a program of archaeological test excavation"<sup>55</sup>. In these reports test excavation is recommended only for Historical sites. The only mitigation strategy noted for Aboriginal heritage sites is salvage collection of surface artefacts. If Sneddon's comments on this issue are based on any other document, proposal or agreement from the Proponent, I am not aware and such has not been provided to me.
78. Suggesting test excavation be undertaken as a condition of approval is poor heritage assessment practice. In that model the development would have approval regardless of what was found during test excavation. The technique is better applied to more fully understand the resource and from there inform good management decisions.
79. Following the development of a more comprehensive understanding of the nature and distribution of archaeological material in the Specified Area stakeholders will be in a better position to make decisions on the need for conservation of particular locations, or implementing other mitigation strategies such as salvage excavation.

### **Please provide any other comments you believe necessary as they relate to your expertise in this matter.**

80. I have no additional comments on the subject of this report.

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<sup>55</sup> *ibid* pp.24,29 47 (in 3 places)

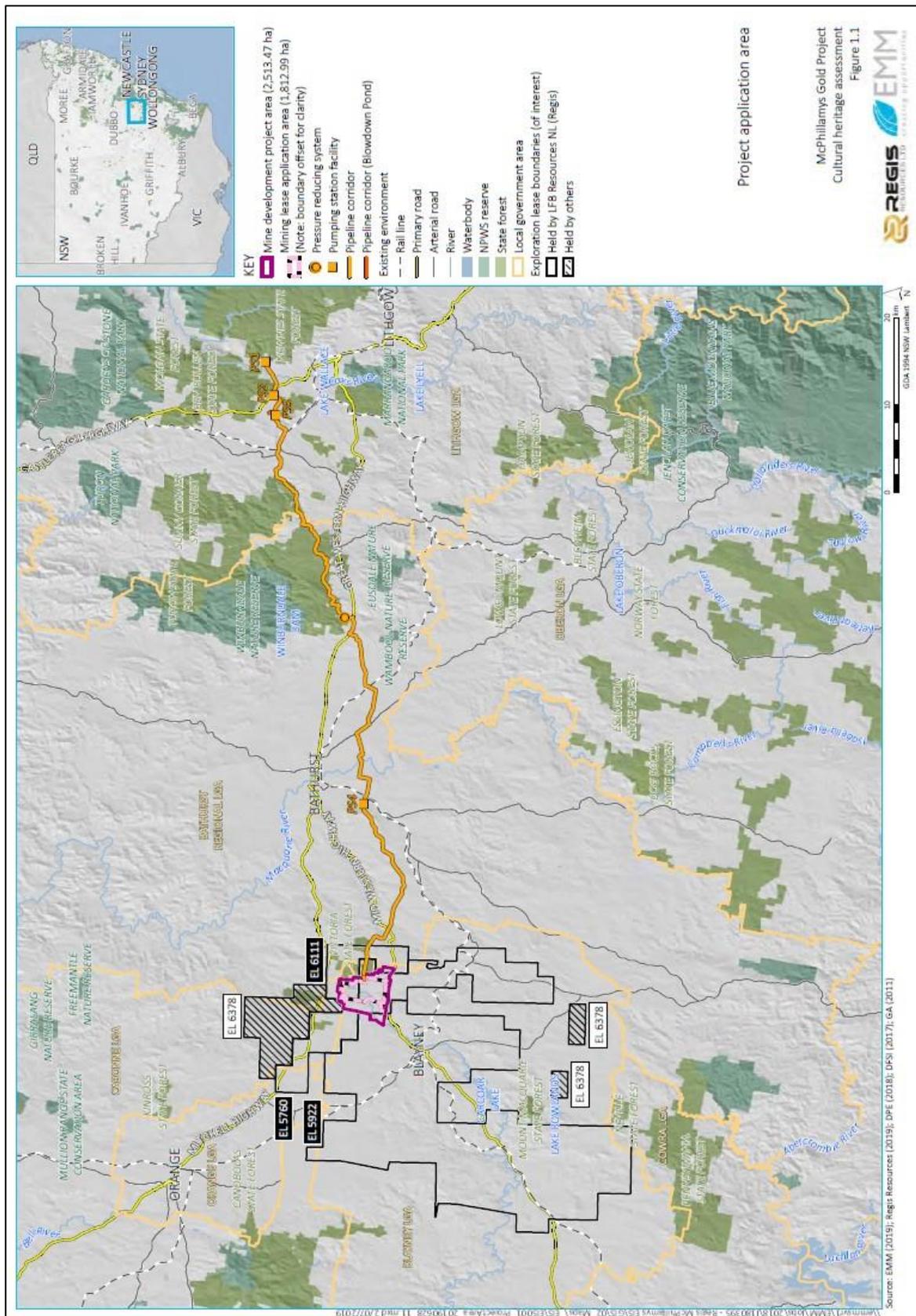


Figure 1. Location of the Specified Area<sup>1</sup>.

<sup>1</sup> Landscape Natural and Cultural Heritage Management. 2019. *MacPhillamys Gold Project: Aboriginal and Historical Cultural Heritage Assessment*. Report to LFB Resources NL.

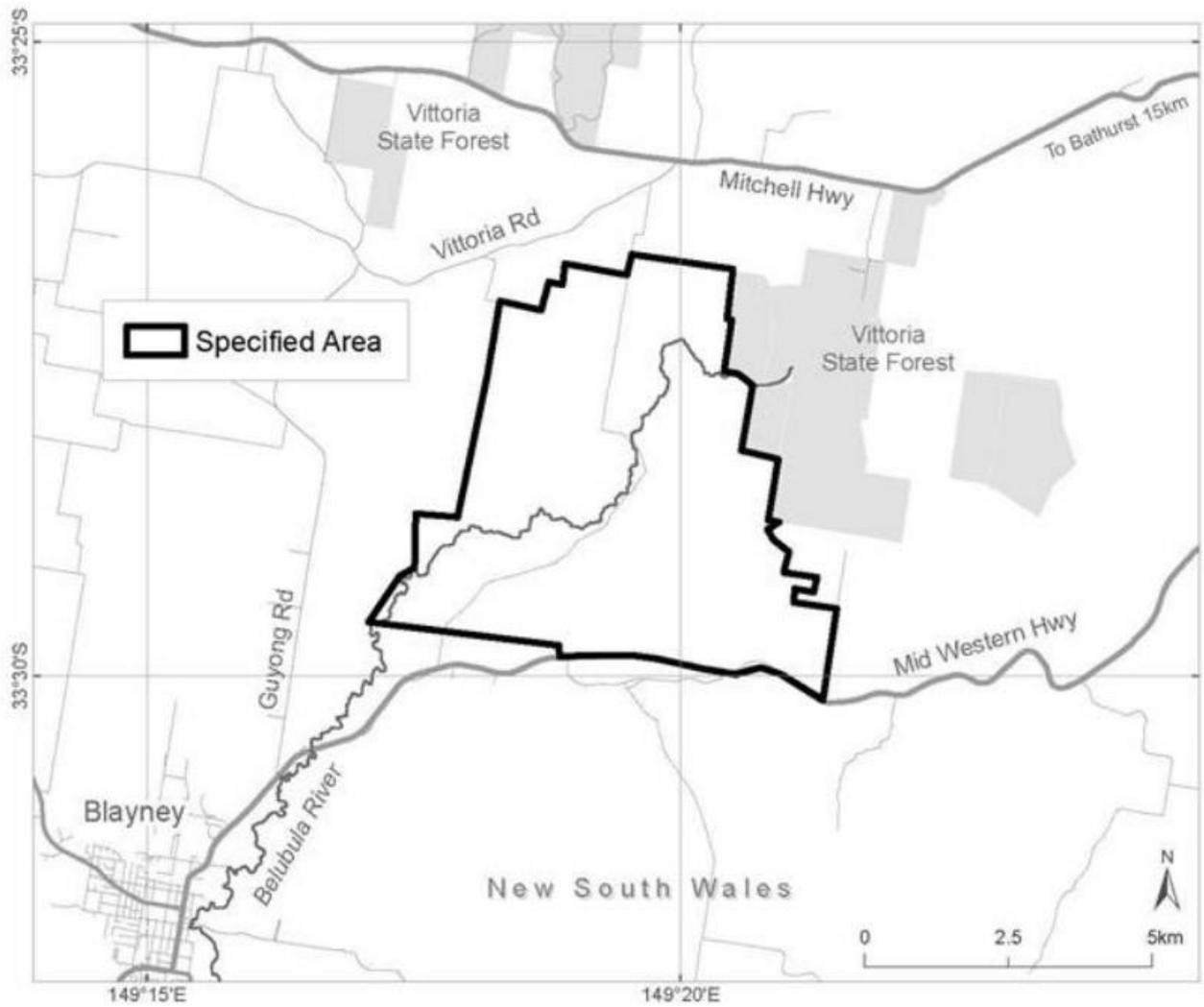


Figure 2. Extent of the Specified Area<sup>2</sup>.

<sup>2</sup> Notice of an application for the protection of a specified area, known as McPhillamys Gold Project, Kings Plains, Blayney, New South Wales. Published in the Australian Government Gazette C2021G00795 20/10/2021.



# DOUG WILLIAMS

## Curriculum Vitae

<b>Qualifications</b>	<ul style="list-style-type: none"> <li>▪ Bachelor of Arts (Honours), Australian National University.</li> <li>▪ Graduate Diploma in Cultural Heritage Management (Applied Science), University of Canberra</li> <li>▪ PhD Candidate, Griffith University.</li> <li>▪ M. ICOMOS</li> <li>▪ Certificate III in Event Management, NSW TAFE</li> </ul>
<b>Pen Profile</b>	<p>I have been a professional archaeologist and heritage manager since 1992 and have undertaken large-scale complex archaeological projects in New South Wales, ACT, Western Australia, Victoria and South Australia. In addition to running heritage consulting practices I was Victoria's Senior Project Archaeologist at Aboriginal Affairs Victoria (1998-2000) and the Executive Officer for the Willandra Lakes Region World Heritage Area (2000-2004) working in the NSW National Parks and Wildlife Service. I have presented papers at varying conferences including those of the Australian Archaeological Association, World Archaeological Congress and Asia-Pacific World Heritage Managers workshops. From 2014 to 2020 I was a member of the ACT Heritage Council, representing the discipline of Archaeology. I received the 2012 <i>Laila Haglund Award for Excellence in Consulting Archaeology</i> and the 2013 <i>Waikato University Award</i> for best use of radiocarbon Dating. I have well developed fieldwork skills in archaeological survey, field recording, artefact identification/analysis, all scales of excavation and associated documentation, and GIS based field recording.</p>
<b>Expertise</b>	<p><b>December 2021-Present: Specialist Consultant, Technical Heritage Studies.</b> Consultant in Cultural Heritage Management, specialising in Aboriginal Heritage Due Diligence Assessments, Research and Specialist studies.</p> <p><b>April 2021-Present: Principal Archaeologist, Austral Archaeology Pty Ltd.</b> Consultant in Cultural Heritage Management, specialising in Aboriginal Heritage Management. Research, development and implementation of field survey strategies, report preparation, significance assessment and development of management strategies. Experience in conducting test excavation, salvage excavation, artefact analysis and GIS field recording. Liaison with Aboriginal communities and developers from the public and private sectors.</p> <ul style="list-style-type: none"> <li>• AAA Conference 2021. Session Convenor: <i>When the Rivers (Don't) Flow: The Impact of Changing Flows on Culture and Heritage</i></li> </ul> <p><b>2020-2021: Principal Archaeologist, Jacobs Australia</b> Primary duties as per for Jacobs Australia (above), but in addition:</p> <p><b>2013-Present: Director, Access Archaeology &amp; Heritage Pty Ltd</b> Primary duties as per for Jacobs Australia (above), but in addition:</p> <ul style="list-style-type: none"> <li>• Archaeological Tourism development</li> <li>• AAA Conference 2019. Session Convenor <i>A River is More Than an Amenity, It is a Treasure: People and Rivers on the Direst Inhabited Continent on Earth.</i></li> </ul> <p><b>2008-2013: Director, Ironbark Heritage &amp; Environment Pty Ltd</b> Primary duties as per Austral Archaeology (above), but in addition:</p> <ul style="list-style-type: none"> <li>• Management of numerous professional staff across five Australian states, associated company responsibilities;</li> <li>• Major, complex heritage studies for resource developments, including methodological developments, research and development in emerging technologies for heritage management;</li> <li>• Development of client and stakeholder relationships nationwide.</li> <li>• <u>AWARD</u>: AACAI 'Laila Haglund Prize for Excellence in Consulting Archaeology'. 2012 AAA Conference, Wollongong, NSW.</li> <li>• <u>AWARD</u>: Waikato University Award for best use of radiocarbon dating. 2013 AAA Conference, Coffs Harbour, NSW</li> </ul> <p><b>2004 – 2008: Director, Archaeo Analysis Pty Ltd</b> Primary duties as per for Austral Archaeology (above).</p>

	<p><b>2000-2004: Executive Officer, Willandra Lakes Region World Heritage Area – NSW NPWS</b></p> <p>Implementation of the Plan of Management for the Willandra Lakes World Heritage Area and Individual Property Plans in that area. Involved close liaison with Aboriginal Traditional Owners, property owners, land management agencies, Commonwealth and State heritage management and protection agencies. Coordinated the activities of three separate committees of management and also reported to Environment Australia and the UNESCO World Heritage Organisation.</p> <ul style="list-style-type: none"> <li>• June 2003. Presenting Participant at World Archaeological Congress 5 (Washington DC, USA).</li> <li>• November 2002. World Heritage Committee Meeting and World Heritage Indigenous Forum, Cairns. Support to Indigenous working party.</li> </ul> <p><b>2003: Sessional Lecturer Sunraysia Institute of TAFE</b></p> <p>'Cultural Resource Management' Unit as part of TAFE Diploma of Natural Resource Management course. Preparation and delivery of lectures, preparation of course structure, organization of field trips and assessment of student work.</p> <p><b>1998-2000: Senior Project Archaeologist, Aboriginal Affairs Victoria</b></p> <p>Designed and implemented a strategy to identify Key Aboriginal Places across the State and make recommendations for their long term management and conservation. Management of numerous projects including development of management plans, implementation of management works, funding bids to the Minister for Aboriginal Affairs and overseeing the expenditure of Victoria's annual budget for capital works on Aboriginal heritage sites. Designed and delivery of site recording training to regionally based Aboriginal Heritage Officers.</p> <p><b>1993-1998: Director, Williams Barber Archaeological Services Pty Ltd</b></p> <p>Primary duties as per Austral Archaeology (above)</p> <ul style="list-style-type: none"> <li>• 1996-1997 Tutoring of Indigenous students at University of Canberra</li> </ul> <p><b>1992. Variety of early career positions</b></p>
<p><b>Professional Boards and Positions</b></p>	<p><b>2019-2021: Kosciuszko Wild Horse Scientific Advisory Panel – Expert For Cultural Heritage Management</b></p> <p>Appointed by the NSW Minister for Energy and Environment: Provide scientific/technical advice informing the preparation of the draft wild horse plan of management (two extensions to appointment).</p> <p><b>2019-2021: State Representative, Australian Archaeological Association.</b></p> <p>2019 NSW Representative, 2020-22 ACT Representative.</p> <p><b>2021: Australia ICOMOS Indigenous Heritage Reference Group – Committee Member</b></p> <p><b>2021: ICOMOS International Archaeological Heritage Management Committee.</b></p> <p><b>2014-2020: ACT Heritage Council – Expert For Archaeology</b></p> <p>Appointed by the ACT Minister for the Environment and Heritage: Advise the ACT Minister for the Environment on issues, policies and procedures pertaining to the protection of archaeological heritage in the ACT.</p>
<p><b>Publications</b></p>	<p><b>Williams, D. M.</b> Sullivan, P. Hughes and A. Grinbergs. In press. 'Out in the open: a complex of stratified artefact clusters in the Pilbara demonstrating a history of occupation to beyond the LGM' in <i>Archaeology in Oceania</i> (Submitted 27/03/2019).</p> <p>Westaway, M., <b>D. Williams</b>, and J. Kelly. 'Mungo Ancestral Remains reburial proposal disrespects the Elders' original vision'. <i>The Conversation</i> (Arts + Culture) published online on 04/08/2021.</p> <p>Adams, S. M. Westaway, D. McGahan, <b>D. Williams</b>, <i>Et Al.</i> 2021. 'Isotopic analyses of prehistoric human remains from the Flinders Group, Queensland, Australia, support an association between burial practices and status'. <i>Archaeological and Anthropological Sciences</i>. (2021) 13:121. <a href="https://doi.org/10.1007/s12520-021-01376-3">https://doi.org/10.1007/s12520-021-01376-3</a></p> <p>Westaway, M.C., <b>D. Williams</b>, <i>Et Al.</i> 2021. 'Hidden in Plain Sight: Systematic fieldwork in Mithaka Country, Southwest Queensland, reveals an extensive archaeological landscape'. <i>Antiquity</i> 2021. <a href="https://doi.org/10.15184/aqy.2021.31">https://doi.org/10.15184/aqy.2021.31</a>.</p> <p>Westaway, M., W. Clark, <b>D. Williams</b> &amp; G. Quayle. 2021. 'Reburying World Heritage human remains would close window on Barkindji past'. <i>Nature</i> 589,19. DOI: <a href="https://doi.org/10.1038/d41586-020-03645-y">https://doi.org/10.1038/d41586-020-03645-y</a></p> <p>Adams, S., Collard, M. <b>Williams, D.</b>, <i>Et Al.</i> 2020. 'A community bioarchaeology project in the Flinders Islands Group, Australia'. <i>Archaeologies: Journal of the World Archaeological Congress</i>. Published online 17/11/2020. <a href="https://doi.org/10.1007/s11759-020-09411-w">https://doi.org/10.1007/s11759-020-09411-w</a></p> <p>Marsh, M., P. Hiscock, <b>D. Williams</b>, <i>Et Al.</i> 2018. 'Watura Jurnti – a 42 to 45,000 year-long occupation sequence from the north-eastern Pilbara'. <i>Archaeology in Oceania</i>. DOI: 10.1002/arco.5152</p> <p>Westaway, M.C., <b>Williams, D.G.</b>, <i>Et Al.</i> 2016. 'The Death of Kakutchu: A Case of Perimortem weapon trauma in an Aboriginal man from north west New South Wales, Australia'. <i>Antiquity</i> 90 353 (2016): 1318–1333.</p> <p>Miller, G., Magee, J., Smith, M., Baynes, A., Lehman, S., Spooner, N., Fogel, M., Webb, S., Johnston, H., <b>Williams, D.</b>, <i>Et Al.</i> 2016. 'Direct evidence of human predation on extinct Australian megafauna between 53.9 and 47.5 ka'. <i>Nature Communications</i> 7:10196 doi:10.1038/ncomms10496(2016).</p>

<p><b>Conference Papers &amp; Presentations</b></p>	<p><b>Williams, D.</b> Westaway, M., Joshua Gorrenge. 2021. <i>Scales of Investigation and Scales of Production: Researching Grindstone Production in Channel Country, South West Queensland</i>. Paper presented to 2021 ARCAS Conference, Online Conference.</p> <p><b>Williams, D.</b> Westaway, M., Mithaka Aboriginal Corporation. 2019 <i>Aboriginal Occupation of Channel Country, Far South West Queensland</i>. Paper presented to 2019 Australian Archaeological Association Conference, Gold Coast, Queensland.</p> <p>Westaway, M., <b>Williams, D.</b>, Mithaka Aboriginal Corporation. 2019. <i>Investigating the Record of Food Production and Villages in Channel Country, Western Queensland</i>. Paper presented to 2019 Australian Archaeological Association Conference, Gold Coast, Queensland.</p> <p><b>Williams, D.</b>, M. Westaway, K. Lowe and Mithaka Aboriginal Corporation. <i>A Satellite Imagery/GIS Survey for Aboriginal Archaeological places in Channel Country, SW Queensland</i>. Presented to 2018 Australian Archaeological Association Conference, Auckland, NZ.</p> <p><b>Williams, D.</b> and C. Carter and Mithaka Aboriginal Corporation. <i>I would love to be an archaeologist: Participatory Archaeological Tourism as a mechanism for undertaking archaeological research and community capacity building</i>. Presented to 2018 Australian Archaeological Association Conference, Auckland, NZ</p> <p>Marsh, M., and <b>Williams, D.</b> <i>Waturna Jurnti: Sampling and Excavation Strategies for a Pleistocene Archaeological Deposit in a Rock Shelter</i>. Presented to the 2013 Archaeological Association Conference, Coffs Harbour NSW <b>AWARD: WAIKATO UNIVERSITY AWARD FOR BEST USE OF RADIOCARBON DATING.</b></p> <p><b>Williams, D.</b>, Sullivan, M., and Hughes, P. <i>Out in the Open: Excavation of Artefact Scatters in The Pilbara</i>. Presented to the 2012 Archaeological Association Conference, Wollongong NSW. <b>AWARD: 'LAILA HAGLUND AWARD FOR EXCELLENCE IN CONSULTING ARCHAEOLOGY'.</b></p> <p>McKay, A., Sullivan, M., Hughes, P., and <b>Williams, D.</b> <i>Issues of archaeological significance assessment in the eastern Pilbara: some preliminary thoughts</i>. Presented to the 2009 Archaeological Association Conference, Flinders University, SA.</p> <p><b>Williams, D.</b> <i>Rich Pastures: The Archaeology at Headquarters Joint Operations Command, Dairy Station Creek, Between Bungendore and Queanbeyan NSW</i>. Presented to the 2009 ACT Historical Archaeology Workshop, University of Canberra.</p> <p><b>Williams, D.</b> <i>Sharing the Willandra</i>. Presented to the Fifth World Archaeological Congress, Washington DC, June 2003, AND to the Crow Canyon Archaeological Centre, June 2003.</p> <p><b>Williams, D.</b> <i>Repatriation, Reconciliation and Research – An Indigenous Narrative from Lake Mungo</i>. Co-presented to the Fifth World Archaeological Congress, Washington DC, June 2003.</p> <p>Johnston, H., Webb, S., and <b>Williams, D.</b> <i>Three Pleistocene Burials From Lake Garpung, Willandra Lakes WHA</i>. Australian Archaeological Association Conference, Jindabyne NSW, 2002</p> <p><b>Williams, D.</b> <i>Involvement of the Paakantji, Mutthi Mutthi and Ngiyampaa Tribal Groups in the Management of the Willandra Lakes Region World Heritage Area: Management Structure and Current Issues</i>. Presented to the Australian World Heritage Managers Workshop, Leura NSW, March 2002.</p>
<p><b>Courses &amp; Training</b></p>	<ul style="list-style-type: none"> <li>▪ Construction Industry White Card</li> <li>▪ Risk Management Processes (RIIRS3301A)</li> <li>▪ Information Communication (RIICOM301A)</li> <li>▪ Onsite Supervision in the Workplace (RIIBEF402A)</li> <li>▪ Leadership in the Workplace (BSBMGT401A)</li> <li>▪ Senior First Aid (HTLFA311A)</li> <li>▪ Certificate III in Tourism and Events (Eurobodalla Adult Ed).</li> </ul>
<p><b>Memberships</b></p>	<ul style="list-style-type: none"> <li>▪ Australia ICOMOS – Full International member</li> <li>▪ Australian Archaeological Association</li> <li>▪ Australian Society for Historical Archaeology</li> <li>▪ Centre for Archaeological Research (associate)</li> <li>▪ Life Member, ANU Australian Football Club</li> </ul>
<p><b>Community Contributions</b></p>	<ul style="list-style-type: none"> <li>▪ ANU Sports Union Board of Management 1989-1991 (Peter McCullough Achievement Award for contribution to university sport).</li> <li>▪ ANU Australian Football Club Executive (various positions) 1989-1998, 2001. Assistant Senior Coach 2022.</li> <li>▪ Foundation President, Broulee-Moruya Australian Football Club, 2014-2016, 2019. General committee 2017-2018.</li> <li>▪ Board of Management, Sapphire Coast Australian Football League, 2016-2017</li> <li>▪ President 'Granite Town' music festival 2016, general committee 2014, 2015, 2017.</li> </ul>

## ATTACHMENT C.

### PROJECTS UNDERTAKEN IN THE BATHURST REGION

Williams, D. 1992. *An Archaeological Survey of A Proposed Subdivision Between Eusdale and Diamond Swamp Creeks, Meadow Flat, Bathurst, NSW*. Report to Hoynes, Wheeler & Thorne.

Williams, D. and Barber, M. 1993. *An Archaeological Survey of 'Greenhills Estate' Subdivision, Bathurst, NSW*. Report to Hoynes, Wheeler and Thorne, Pty Ltd.

Williams, D. and Barber, M. 1994. *An Archaeological Survey of a Proposed 66KV Transmission Line from the Stewart substation to the Panorama substation, Bathurst, NSW*. Report to Southern Mitchell Electricity.

Williams, D. and Barber, M. 1994. *An Archaeological Survey of the Foreshores of Ben Chifley Dam, Near Bathurst, NSW*. Report to CMPS&F Environmental Pty Ltd and Bathurst City Council.

Williams, D. and Barber, M. 1996. *An Archaeological Survey of a Proposed Upgrade of Mid Western Highway from Bathurst to Evans Plains, NSW*. Report to Connell Wagner Pty Ltd.

Williams, D. 2014. *Aboriginal Cultural Heritage Due Diligence Assessment, Southern Feeder Road, Stage 1, Orange NSW*. Report to Geolyse Pty Ltd.

Williams, D. 2014. *Aboriginal and Non-Aboriginal Heritage Due Diligence Assessment: RC Percussion Drilling Near Sofala, NSW*. Report to Rangott Mineral Exploration Pty Ltd.

Williams, D. 2014. *Aboriginal Heritage Due Diligence Assessment Proposed Water Infrastructure, South Orange, NSW*. Report to Geolyse Pty Ltd.

Williams, D. 2014. *Aboriginal Heritage Assessment, Lot 260 DP 750408, Gallymont, Near Mandurama NSW*. Report to the Orange Local Aboriginal Land Council

Williams, D. 2014. *Aboriginal Heritage Due Diligence Assessment, Proposed Exploration Drilling, Commonwealth Mine, near Wellington, NSW*. Report to Rangott Mineral Exploration Pty Ltd.

Williams, D. 2015. *Aboriginal Cultural Heritage Assessment Report Proposed Services Infrastructure, South Orange Urban Release Area, NSW*. Report to Geolyse Pty Ltd.

Williams, D. 2016. *Moolarben Coal Mine - Independent Audit: Archaeology*. Report to Trevor Brown and Associates.

Williams, D. 2017. *Aboriginal Cultural Heritage Due Diligence Assessment, Southern Feeder Road, Stage 2, Orange NSW*. Report to Geolyse Pty Ltd.

Williams, D. 2018. *Aboriginal Cultural Heritage Assessment Report Proposed Limestone Mine, Molong, NSW*. Report to CWQ Pty Ltd.