



NTSCORP LIMITED
ACN No. 098 971 209 ABN No. 71 098 971 209

Our Ref: NTS 008
Your Ref:

#45

Swati Sharma
Queensland Hunter Gas Pipeline Submissions
Major Infrastructure Assessments
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

BY EMAIL: swati.sharma@planning.nsw.gov.au

21 October 2008

Dear Ms Sharma,

WITHOUT PREJUDICE AND CONFIDENTIAL
Re: Queensland Hunter Gas Pipeline (06_0286)

NTSCORP Limited ("NTSCORP"), on behalf of the Traditional Owners of the Gomeri (Gamilaroi) Nation of North West NSW and as instructed by them, wishes to make submissions in relation to aspects of the Queensland Hunter Gas Pipeline Environmental Assessment which relates to Community and Stakeholder Consultation, Aboriginal Heritage and Socio-Economic impacts.

NTSCORP Ltd is the body funded under s203FE of the *Native Title Act 1993(Cth)* to perform the functions of a Native Title Representative Body in NSW and the ACT. As such, NTSCORP Ltd is responsible for representing the interests of native title holders or persons who may hold native title in relation to any matter or proceedings relating to native title or the operation of the *Native Title Act 1993*.

In performing our functions, NTSCORP Ltd is also responsible for receiving and assessing requests for assistance from Aboriginal people who may hold native title in an area to lodge native title claims in response to future act notifications and to represent registered native title claimants in negotiations with resource companies and in any objections process in the Administrative Decisions Tribunal and to provide advice in relation to the compensation scheme provided for by the *Land Acquisition (Just Terms Compensation) Act 1991*.

In addition, NTSCORP Ltd is currently providing assistance to Gomeri People in relation to the Gomeri Nation Project and, in doing so, is directly engaged with Gomeri People across their traditional country which broadly extends from the Queensland border to Tamworth, Muswellbrook, Coonabarabran and Walgett. We note that this includes Toomelah, Boggabilla, Mungindi, Moree, Narrabri, Gunnedah, Walhallow, Caroon, Quirindi, Werris Creek to Muswellbrook, which constitute approximately 90% of the area through which Queensland Hunter Gas Pipeline Pty Ltd ("QHGP"), proposes to construct its gas pipeline in NSW.

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The Gomeri Nation Project includes providing assistance to Gomeri People in their dealings with Resource Companies and their consultants. NTSCORP Ltd has been formally requested in consultations with Gomeri communities in Toomelah, Boggabilla, Mungindi, Moree, Narrabri, Gunnedah, Walhallow, Caroonah, Quirindi and Werris Creek to assist them in their negotiations with QHGP and make submissions on their behalf in relation to the Environmental Assessment.

We make the following submissions on behalf of Gomeri People as outlined below and on the basis that the following submissions are not intended to be, nor should they be construed as, Gomeri People's final position with regard to Cultural Heritage issues:

Submissions on Chapter 6: Community and Stakeholder Consultation

1. The Department of Environment and Climate Change's *Interim Community Consultation Requirements for Applicants*:

We acknowledge that QHGP has met a majority of requirements within the interim guidelines. QHGP convened meetings in February 2008 to receive comments on the proposed methodology for the assessment. NTSCORP Ltd on behalf of Gomeri People and as instructed, made a lengthy submission in relation to the proposed methodology. Gomeri People are of the view that their submissions have not been incorporated into the proposed process for management of Aboriginal Cultural Heritage, in particular consultation is required with the Traditional Owners of the Gomeri Nation and this has been neither intensive or proposed within a reasonable timeframe to ensure that consultation is undertaken effectively;

2. The reliance on predictive modelling fails to properly utilise the knowledge of culturally significant sites held by traditional owners and poses an increased risk to damage of Aboriginal cultural heritage when it is relied on without complementary information provided by Gomeri traditional owners. Minimal effort has been made to provide opportunities for knowledge holders to participate. Traditional Owners remain concerned that some of the specific mitigation measures proposed, particularly in relation to burial sites, are not culturally acceptable. It is important that QHGP review these measures in consultation with Traditional Owners, to establish guidelines that work for both parties.
3. The AHIMS register data in the study area as indicated in 10.1 and 10.2 of the Environmental Assessment, clearly shows that a large number of sites and artefacts are not recorded in the register and for this reason should not be relied upon in isolation from information provided by Gomeri traditional owners.

Submissions on Chapter 10: Aboriginal Heritage Assessment

1. Gomeri People consider that a Cultural Heritage Agreement including a Cultural Heritage Management Plan should be negotiated between Gomeri People and QHGP to address the pre-construction, construction and post-construction phases of the pipeline project and that Gomeri People should be represented by NTSCORP Ltd in those negotiations;
2. Any Cultural Heritage Assessment must necessarily include a complete survey walk of the proposed pipeline route by Gomeri People nominated from each relevant local Gomeri community, including a man and women, at an agreed cost;

3. The *complete survey walk (not partial)* should include flagging, fencing and mapping of sites, including GPS recording, noting the proximity of sites to the proposed pipeline route and that that information should be provided at the conclusion of the survey to DECC for sites registration;
4. The survey walk negates the need for oral histories to be taken from the Traditional Owners of the Gomeri Nation and is the course preferred by Gomeri People as it provides accuracy and certainty for the protection of Aboriginal Cultural Heritage. The oral history project has not commenced as yet and Gomeri People have not agreed to participate in that process, instead they proposed some 7 months ago an appropriate course for the management of cultural heritage in the study area;
5. Further Consultations must take place with the Traditional Owners of the Gomeri Nation in order to ascertain information in relation to sites that are not identified by the desktop research conducted by Archaeological and Heritage Management Services Pty Ltd, as not all sites have been recorded;
6. QHGP should avoid the excavation of moderate to low impact artefact scatter/ deposit sites, as requested by Traditional Owners of the Gomeri Nation who are the knowledge holders of the area. All Aboriginal sites and artefacts should not be disrupted/disturbed;
7. *The pipeline route should be agreed between Gomeri People and QHGP as part of the negotiated and agreed Cultural Heritage Management Agreement and Cultural Heritage Management Plan*, prior to the commencement of any formal approvals process or consent by Gomeri People be given for the Project;
8. The negotiated and agreed Cultural Heritage Management Agreement and Cultural Heritage Management Plan should demonstrate a commitment to the avoidance or minimal impact on sites caused by the project and include matters such as protocols for the protection of sites in the vicinity of the construction zone, the employment of *Cultural Heritage Monitors to be on site for the entire construction period*, procedures and practices to ensure protection of cultural heritage where a site of significance is uncovered during construction, a Cultural Heritage Coordinator to be employed during the Project, a post construction audit of the pipeline, the repatriation of any artefacts and the rehabilitation of the pipeline route (non-exhaustive outline);
9. The Cultural Heritage Management Agreement and Cultural Heritage Management Plan should be negotiated and agreed simultaneously with, and as part of, a wider agreement between Gomeri People and QHGP on the terms of compensation, employment and consent for the project; and
10. The proposal in 10.1.5, that a program of research-focused open area excavation be undertaken as a mitigation measure for the impact of the pipeline and to investigate 'research questions that may provide meaningful information about how Aboriginal People lived and used the land in the past' is strongly opposed by Gomeri People. It would be far more appropriate for the community to advise QHGP of the appropriate mitigation measures which should be undertaken for the impact on their sites. It is not, in Gomeri People's view, appropriate to mitigate impact with further and wider excavation.

Submissions on Chapter 12: Socio-economic impacts

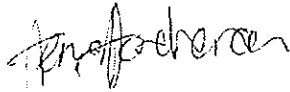
1. We urge that indigenous employment targets be put in place, and that QHGP explore the opportunities for specific training programs to increase the participation of local

Aboriginal people, specifically Traditional Owners, within the skilled workforce working on the Pipeline.

The majority of the above submissions were forwarded Archaeological and Heritage Management Services Pty Ltd in relation to the QHGP Cultural Heritage Assessment on 2 April 2008. It appears that the comments that were forwarded on 2 April 2008 were not reflected in the Environmental Assessment or in the process undertaken to date.

If you wish to discuss this matter further please contact Hema Hariharan or Mishka Holt of this office on (02) 9310 3188.

Yours faithfully,
ntscorp



Hema Hariharan
Solicitor



per Mishka Holt
Senior Solicitor