
First Nations spiritual and cultural values in relation to the Darwin Pipeline Duplication Project.



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CONFIDENTIAL REPORT

Cover Picture – Darwin Harbour from Nightcliff – image taken by author

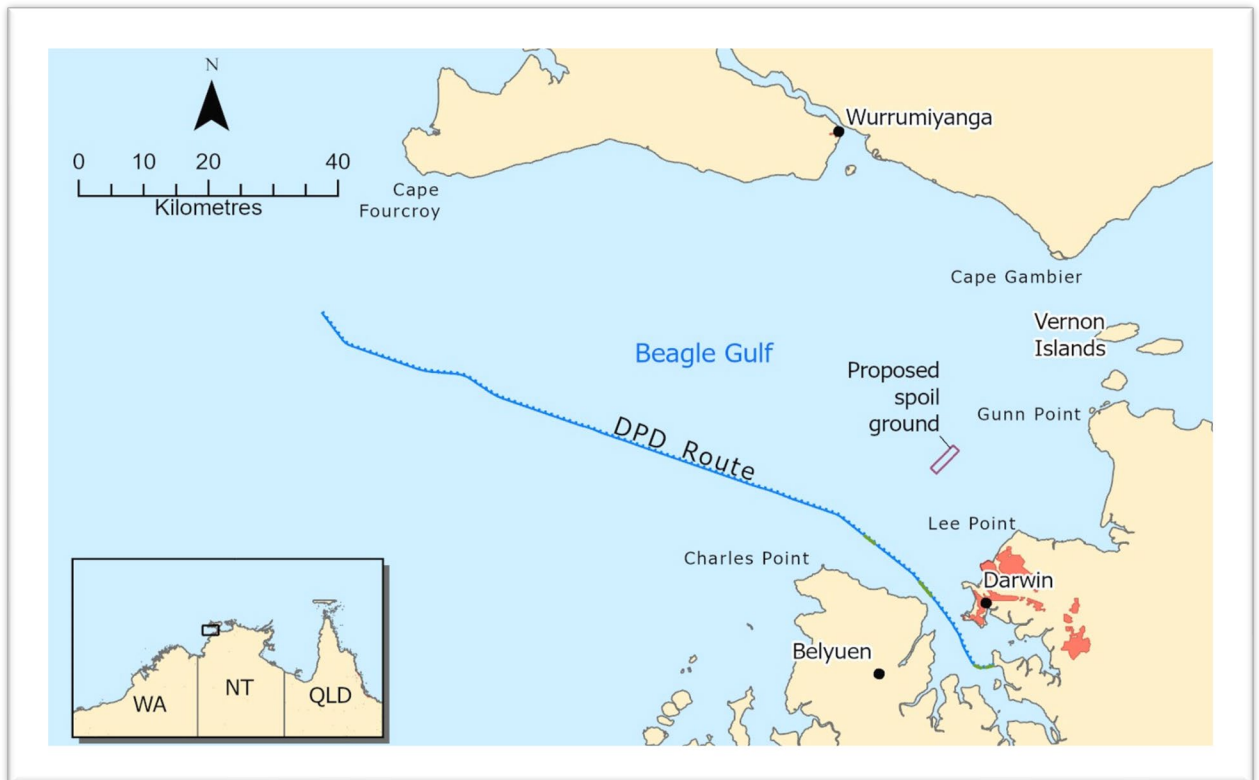
Contents

Introduction.....	4
Research and consultation overview	6
Methodological comments.....	9
Larrakia people.....	11
Tiwi Islanders.....	14
The Belyuen Group.....	17
Ethnographic questionnaire.....	22
Conclusions and findings.....	28
Bibliography	33

Introduction

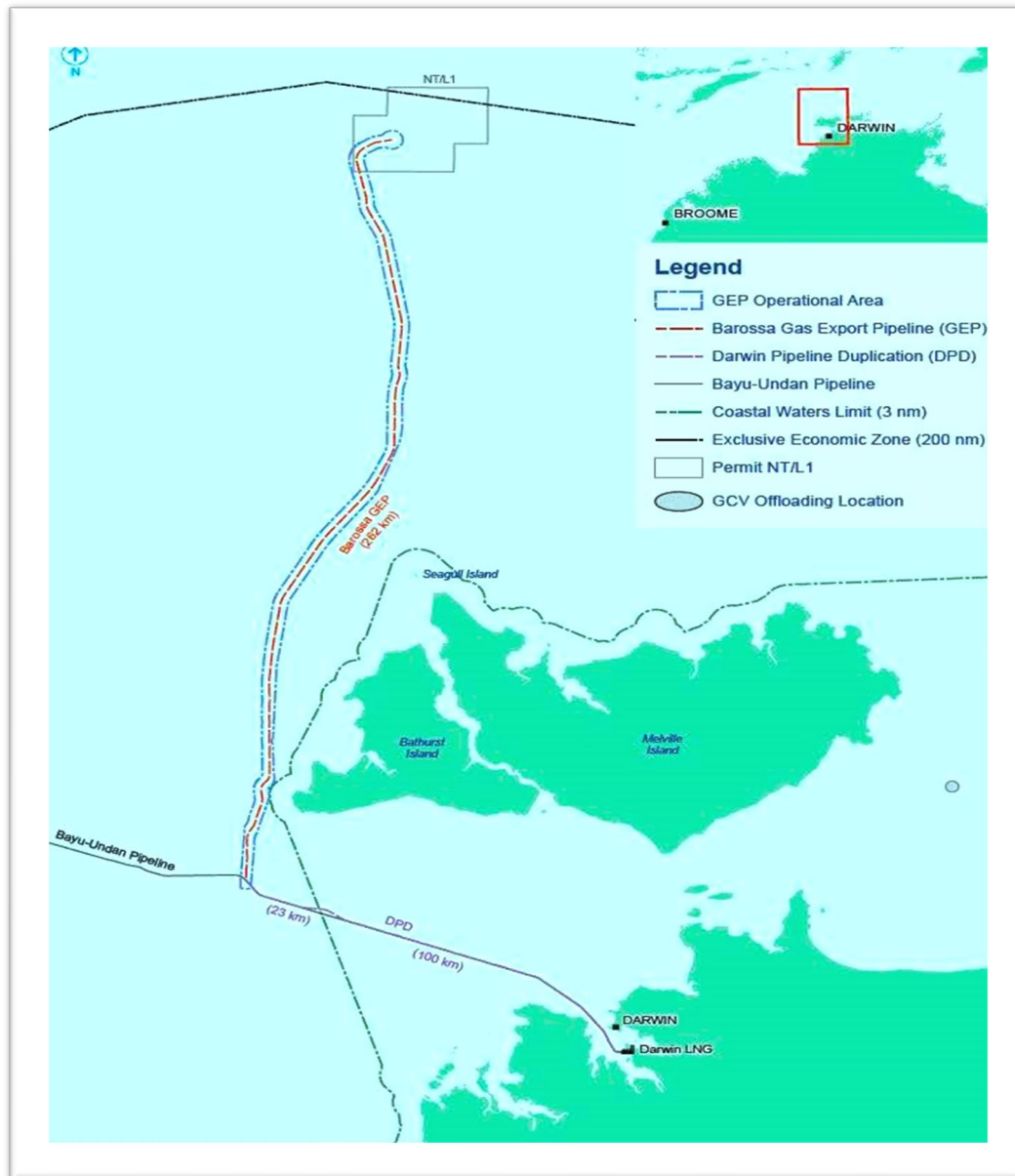
1. The author was engaged as an expert anthropologist to prepare a report (Corrigan 2024) that identifies and maps First Nations spiritual and cultural values relevant to the construction corridor and the associated dredge spoil deposit area of the Darwin Pipeline Duplication Project (DPD) ('the 2024 Corrigan Report'). That report addressed the DPD area that covers a segment in Commonwealth waters approximately 23 km in length and a segment in Northern Territory waters of approximately 100 km in length and terminating at Wickham Point where the DPD makes land in the Darwin Harbour ('the study area') (depicted as the DPD Route and Proposed spoil ground in Map 1).
2. The Corrigan 2024 report was based on a review of all relevant available ethnographic, linguistic and historical materials and consultations with key First Nations persons identified as having cultural and spiritual knowledge and authority associated with the study area.
3. This report summarises the Corrigan 2024 Report key findings and conclusions, without discussing or disclosing confidential materials.
4. As far as possible, all persons understood to hold cultural and spiritual rights and interests in the study area, including those who assert relevant cultural knowledge, were identified and invited to participate in the study.
5. All known relevant agencies representing persons who might potentially assert knowledge about relevant matters and/or rights and interests were also invited to participate in the study. Agencies approached included Gwalwa Dariniki, Larrakia Nation Aboriginal Corporation, Larrakia Development Corporation, Northern Land Council, Tiwi Land Council and the Wickham Point Deed Reference Group.
6. Three main Aboriginal groups were identified by the author as having cultural and spiritual knowledge of relevance to the study area: Larrakia people, Tiwi Islanders and members of the Belyuen Group:
 - **Larrakia people** are the traditional owners, residents and sea users of the Darwin Harbour and immediate region.
 - **Tiwi Islanders** are traditional owners of land and sea country to the north and east of the DPD.
 - **The Belyuen Group** consists of people from six major language groups that identify broadly under the term Wagait (or 'beach' in the Wadjiginy language). Members of this

group live at and have ties, including ceremonial and spiritual ties, to the Belyuen Aboriginal community located on the Cox Peninsula south-west of Darwin. They reside on Larrakia country and have a recognised custodial relationship with the Larrakia people and their country.



Map 1 – Darwin Pipeline Duplication Project study area

7. The DPD study area is connected to the wider extent of the Barossa Gas field and its Gas Export Pipeline (GEP), which meets at the Bayu Undan Pipeline at the north-west termination of the DPD, as shown in the wider Barossa project Map 2 below.
8. The author also previously prepared a separate report concerning Tiwi Islander cultural heritage values for the section of the proposed pipeline to the north identified as the Barossa GEP, which has been laid from the northern drilling target areas to the junction with the existing Bayu Undan gas pipeline (Corrigan 2023).



Map 2 – The DPD study area in the context of the wider proposed Barossa Gas Project

Research and consultation overview

9. The author holds a PhD in Anthropology awarded by the University of Western Australia (2007) and an Honours degree in both Anthropology and Archaeology from the Australian National University (awarded in 1993).
10. Of relevance to this report is a published monograph (Corrigan 2011) that drew substantially from the author's doctoral thesis research (Corrigan 2007) and which contrasts indigenous worldviews and concepts of human origins with archaeological evidence about places during the most recent ice ages when the sea level was lower in the Kimberley Region of Northwest

Australia and the Aru Islands of eastern Indonesia, as well as the current Tiwi Islands, which were then part of the now submerged continent of Sahul.

11. The research reported here also draws heavily on the field research efforts of Dr Bentley James, a Darwin-based anthropologist who was sub-contracted to ABMC Consulting to provide localised research expertise.
12. The research methodology and strategy for the study was designed using established ethnographic methods and techniques, including literature review, questionnaire, formal and informal interviews and participant observation with relevant First Nations persons, either as individuals or in group settings.
13. A helpful outcome was that a larger than expected number of relevant Aboriginal people chose to participate in the research. This provided a clear and consistent basis on which to report their views and arrive at findings and recommendations. We consider the larger than expected participation to be a valuable reflection on our particular approach.
14. It must also be noted that a range of individuals chose not to participate in the research for various reasons. Despite this, the research arguably managed to elicit an overall consensus based on a good representative sample of views provided by relevant Aboriginal people as set out below.
15. Conducting fieldwork in Darwin, the Cox Peninsula and the Tiwi Islands involved several stages of planning and execution, including determining an appropriate approach to the research, gaining access and acceptance within the communities involved and applying ethical and culturally acceptable research practices. For example, an important part of the process for gaining informed consent and support for the research project was making every possible effort to provide detailed information on the scope of the DPD project.
16. As part of our research design, a questionnaire was devised which provided a quantitative element in the research, to complement what was primarily a qualitative research exercise. Questionnaires are a research technique that allow for the collection of data directly via a set of questions organised to elicit information on the opinions and behaviours of a particular community of individuals.
17. The following table provides a chronological overview of the key research activities undertaken and a summary of the work performed, including fieldwork trips, as part of the study. This summary covers research performed with the Larrakia, Belyuen Group and Tiwi Islanders who were the focus of the ethnographic research in and around the vicinity of

Darwin Harbour and the DPD study area. A range of modes of visitation and consultations were used including telephone meetings, SMS texts, impromptu conversations, face-to-face interviews and group discussions and internet-based video conferencing apps such as teams and face time. All consultations of relevance to this project were documented in a Consultation Log. The data recorded from the qualitative research thus represents many hours of interviews and participant observation and provides a very high level of quantitative and qualitative data. Conclusions drawn from these consultations are thus based on an extensive range of sources and opinions.

Date	Activity
22 Dec 2023	Email outlining the objectives and timing of the survey and seeking feedback sent to the Wickham Point Deed Reference Group and the CEOs of Northern Land Council, Tiwi Land Council, Larrakia Nation Aboriginal Corporation and the Larrakia Development Corporation.
8 Jan 2024	Fieldwork conducted at Wagait Beach with knowledgeable Larrakia elder. Mapped sacred sites, named places, fishing places, camping places and several other aspects of the Darwin Harbour.
21 Jan 2024	Fieldwork at Wagait Beach including Larrakia map site names checked; Larrakia shellfish species names and pronunciations checked. Significance of sites explained.
25 Jan 2024	Fieldwork with Larakia elder at Wagait Beach, mapping names, languages and cultural values associated with water resources.
6 Feb 2024	Fieldwork with Larakia elders at Wagait including close examination of spellings of mapped sites.
7 Feb 2024	Fieldwork with knowledgeable Aboriginal leaders at Belyuen regarding cultural and spiritual values in Larrakia and Batjamalh languages.
8 Feb 2024	Wagait visit with Larrakia elders who talked about visitation to sites by boat or vehicle.
21 Feb 2024	Meeting at the Belyuen Community Centre - cultural values conversation about the Darwin Harbour. Fishing trip to Wanggigi and conversations about sites, values, potential projects, spiritual sites and rituals. Food and natural resource management.
8- 10 Mar 2024	Field trip to the Tiwi Islands. Meeting at the Wurrumiyanga Accommodations Meeting Hall with members of the Mantiyupwi and Jikilaruwu clan groups. Mantiyupwi have an estate are covering the southern parts of Bathurst and Melville Islands, as well that the Vernon Islands. Jikilaruwu have interests in the southwestern portions of Bathurst Islands. We explained the DPD project and study being conducted, attendees made special mention of their collective respect for Larrakia people for sharing their knowledge. Queries were raised about the dredge spoil area, as to whether it was suitably distant from their country to not be a problem for fishing and sea hunting. Advice was given that this should ideally be raised with the proponent.
25-26 April & 3-5 May 2024	Field trips to Belyuen and consultations in Darwin and Mandorah. Included discussions with key Larrakia elders and Belyuen Group members about natural resource usage, traditional knowledge and sacred sites in the

	Harbour and vicinity. Discussions included the meaning of <i>durlg</i> and 'King Tide Totem'.
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Table 1: Chronological overview of key DPD research activities

Methodological comments

18. Three First Nations groups were ultimately identified by the author as having cultural and spiritual knowledge relevant to the study area: Larrakia people, Tiwi Islanders and the Belyuen Group.
19. Following an initial email to all known relevant representative agencies on 22 December 2023, the methodology employed was to first assess with whom initial interviews should be conducted. In the Larrakia case, this assessment was informed by contacts suggested by members of the Wickham Point Deed Reference group, a consultative committee formed to engage with Santos as Larrakia representatives on matters to do with the Wickham Point Gas Plant and relevant parts of the gas pipeline.
20. The researchers commenced with key known individuals, who were approached for their views on how to proceed and asked who else would potentially be interested and relevant to approach in relation to this study. After approaching the persons thus identified, the process was repeated so as to provide ample opportunity for all persons who may wish to participate to do so.
21. In this way, a comprehensive list was developed containing a wide set of individuals who were all approached and invited to participate. Not all people identified for this purpose accepted the opportunity, some for instance citing other commitments such as work or caring for children etc.
22. Based on previous work with Tiwi Islanders (Corrigan 2023) it was considered likely that it would be primarily members of the Jikilaruwu and Mantiyupwi clans who would assert interests, but of course any Tiwi Islander was welcome to provide their views and/or attend the meetings Assistance was provided from Tiwi Islander facilitators to ensure all consultations and engagements with Tiwi Islanders were conducted in a culturally safe way. Meetings with Tiwi Islanders achieved good representation from the various relevant clans and included senior custodians.

23. The representative agencies which were approached with details of the study and invited to provide additional guidance on appropriate consultations included Gwalwa Dariniki, Larrakia Nation, Larrakia Development Corporation, Northern Land Council and Tiwi Land Council.
24. Field trips were arranged on country and included fishing trips and bush trips both by vehicle and on foot. Attempts were made to arrange helicopter flights and boat journeys, but due to availability of participants and other factors it proved impossible to organise these within the relevant timeframe. The visitations and bush trips which were undertaken were well received and led to a greater level of engagement with people on both sides of the Harbour.
25. The author reviewed the available ethnographic and historical literature on colonial contact in and around Darwin Harbour from 1805 and provided context from the archaeological and linguistic record relevant to the study area. The following historical events were noted:
 - 1805 - French ship captained by Nicholas Baudin sailed by Cape Dombey (Marritjiben estate) and named the Peron Islands after François Auguste Péron, the ship's naturalist.
 - 1819 - Philip Parker King surveyed the same coast and observed Aboriginal people (Larrakia and Wagaitj) of Port Paterson and Bynoe Harbour.
 - 1839 - John Lort Stokes landed at Port Emery (Gundal) and Palmerston (Darwin, Lameroo Beach) (Stokes 1846: 89).
 - 1869 - George Goyder, surveyor in the Colony of South Australia, set up a surveyor's camp in a Larrakia living area atop Stokes Hill (Larrakia name: Delila) (Goyder 1869).
 - T.A. Parkhouse, ethnographer and Port Darwin government official, wrote that the Cox Peninsula (then Douglas Peninsula) was a neutral zone between 'Laragiya and Wagaitj' 'because they detest each other' (1895: 638).
 - 1906 - Australian anthropologist Herbert Basedow carried out research with Larrakia and Wagaitj at the light house on Charles Point and included descriptions of Larrakia and Wadjiginy ceremonial activity in the early 1900s (Basedow 1907).
 - In the 1930s, anthropologist A.P. Elkin befriended Bill Harney the superintendent of Delissaville (Belyuen). Elkin wrote in 1950 that most of the Wagaitj lived at Delissaville, noting that this tribe had formerly occupied the coastal country from the mouth of the Daly River north to Point Charles (Povinelli 1993: 67). He described the Kiyuk and Wadjiginy of Finnis River, Emiyenggal from the southern coastal side of Daly River and Menthayenggal from the Cape Ford region and mentioned that Delissaville residents

included the Marriamu Wagait or Brinken from the Nadidi area of Cape Dombey (Marritjiben) (Povinelli 1993: 75).

- Harvey later described the relationship between language groups of the region, with Larrakia most closely aligned to languages from the east such as Wulna and Limilngan (Harvey 1997: 181; 2001: 5-9). This had later implications for the Kenbi Land Claim, in that Larrakia language shows no typological connections to its southern neighbours Batjamalh, Gungarakany or Warray (Harvey 2010: 117).
- As early as the late 1880s Paul Foelsche, chief of police, echoed the view of local newspapers that Larrakia knowledge, customs and society were already dying out (Foelsche 1881: 82, cited in Wells 2003: 6).

26. Archaeological studies proliferated after 1970 and revealed the type and seasonal timing of patterns of Larrakia ecological relations.

27. Linguistic evidence supports the notion of Larrakia alliances tending to the north and east (see Capell 1984).

28. The 1970s also saw the lodgement of several land claims in and around the Larrakia estate under the Commonwealth *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA). These were to have a profound effect on relations between the Larrakia and nearby groups.

29. Broadly speaking, strong historical and present-day links to the saltwater environment of the DPD project are demonstrated by Larrakia, Belyuen and Tiwi people and are structured by cultural and spiritual protocols which are still practised by these Aboriginal groups.

30. A further methodological note here is that reports of this nature have a natural limit as to time and resources. This report draws on all the resources listed, including substantial interview materials with key informants, to arrive at the key findings and conclusions presented herein.

Larrakia people

31. Modern Larrakia social organisation has grown increasingly complex after near 130 years of direct interaction with the colonisers. In 1875 the population of Larrakia for the Darwin area was estimated to be approximately 300, while in 2000, Aboriginal Land Commissioner Justice Gray found in the Kenbi Land Claim that approximately 1600 people had been shown to have traditional Aboriginal connections to the claim area and comprised of eight to fourteen major family groupings (depending on how one measures what constitutes a family grouping).

Despite the negative impact of colonialism, the Larrakia and their First Nations neighbours have endured through harsh socio-economic conditions using a variety of cultural, social and organisational responses.

32. Peter Sutton (1998: 112) has suggested four criteria for Larrakia membership:

- descent from a former identifiable landowner of Larrakia land, in accordance with Aboriginal tradition.
- self-identification as a Larrakia person.
- general acceptance as a Larrakia person by undisputed Larrakia group members; and
- a desire to be accepted as a claimant in the present [Kenbi] case.

33. Research in this study used a model provided by the Larrakia Nation Aboriginal Corporation based on eight family groups:

- Batcho
- Browne/Talbot
- Cubillo
- McLennan
- Raymond/Mills
- Roman
- Shepherd
- Fejo

34. The Larrakia understand themselves to be owners of particular parts of their country through descent and continue to see themselves as connected to that country, even where they may have little or no traditional knowledge of that particular area.

35. The author followed the advice of the Larrakia Nation Aboriginal Corporation by adopting the family grouping model outlined above as a way of identifying people from the relevant family lines of descent who should be contacted. Consultations have thus included members of all relevant families represented in each of the family groups identified by the Larrakia Nation Aboriginal Corporation.

36. For a variety of reasons, not all persons interviewed for this study have family names which are captured in the LNAC family listings. This may be due to marriage arrangements, or because a certain family name is not uniformly accepted as a Larrakia family name, even though this may not be relevant to the person's descent from a valid Larrakia ancestor. While

the emphasis in the study was on recognition of Larrakia persons as the primary traditional owner group for the study area, the researchers took the view that any Aboriginal person who wished to participate in this study was free to do so. Accordingly, even when a person did not have a recognised Larrakia family name, we operated on the assumption that they would still adhere to relevant cultural protocols in terms of respecting valid knowledge parameters based on correct descent from appropriate ancestors, or some other form of negotiated status arising from living on Larrakia country.

37. Sutton (1998) makes the point that for the purposes of representing themselves the Larrakia people have grouped themselves around three distinct and interrelated organisations in the modern era: Larrakia Nation, Larrakia Development Corporation and Gwalwa Daraniki ('our land'). These three organisations represent the modern social organisation of the Larrakia people on the Darwin side of the Harbour.
38. Anthropologist Bill Day (2012) developed an alternative 14-family model of Larrakia social organization which differs from the Larrakia Nation model discussed above. Although this model has certain merits, it is not as widely known as the Larrakia Nation model which the author relied upon in assessing which families should be contacted. Day's model presents a nuanced and alternative view of how differing cultural and social organisational histories have affected Larrakia people on the two different sides of the Darwin Harbour. He states that in terms of who among the Larrakia is

acknowledged as owners it is the Secretary family, especially Bobby Secretary, who are regarded as mainly being responsible for the Darwin area. Prince of Wales and Olga Singh have been seen as being principally responsible for the Cox Peninsula and off-shore islands. In discussions with the Belyuen Community about Larrakia land people have usually deferred to the Kulaluk mob (the Secretary family). (Day 2012: 10f.)

39. Kulaluk is here a reference to part of the Darwin foreshore named Kulaluk, the community housing infrastructure, which is present there, which is also called Kulaluk, and the people most closely associated with that particular place, primarily the Secretary family and others.
40. The very different histories and social organisation evident on both sides of the Darwin Harbour have generated observable continuities and divergences in terms of the cultural values ascribed to the Darwin Harbour. All persons consulted were committed to the intergenerational transmission of traditional cultural knowledge about the Harbour, but the character of that traditional knowledge varied. Larrakia people sought to promulgate this

knowledge from a Larrakia language and culture perspective, while as discussed below, the Belyuen Group although resident on Larrakia country, drew on other languages and cultural perspectives in their practices at Belyuen.

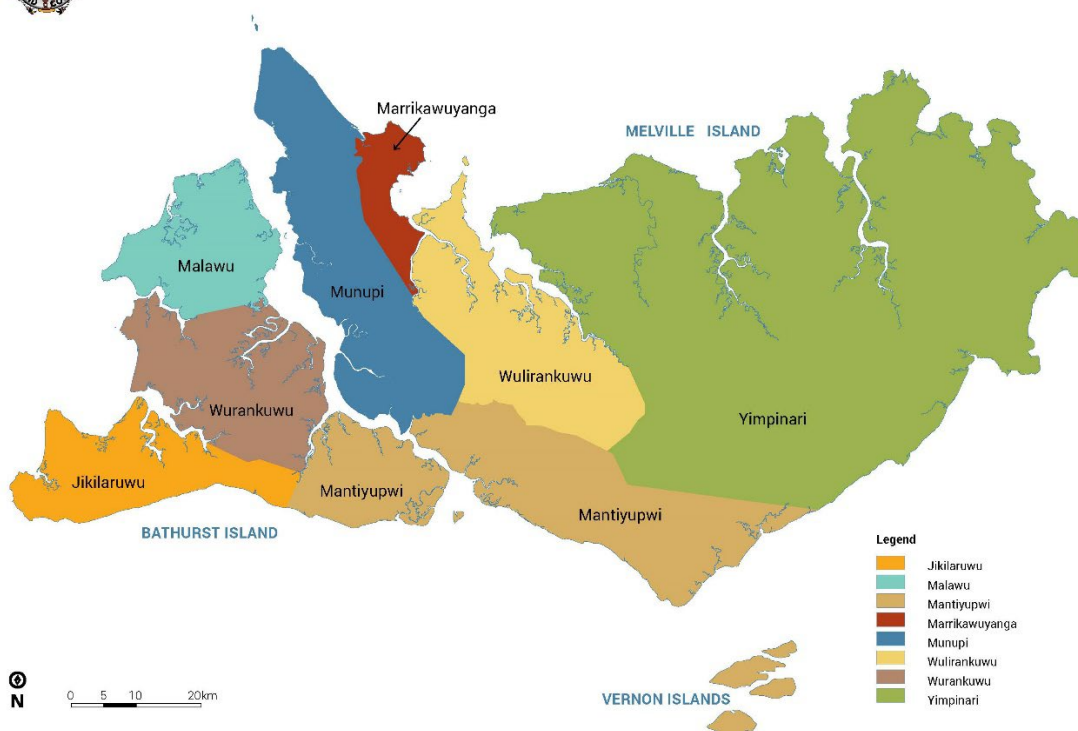
41. As discussed in detail below, the Belyuen group have a custodial relationship with the Larrakia lands derived from their residence on Larrakia country at Belyuen Community (Sutton 1998: 106).
42. The literature review above outlines the history of engagement between the Larrakia people and settler society and government since the arrival of the *Beagle* in 1837. Contemporary Larrakia social organization has emerged in response to the complexities of the colonial situation, but Larrakia people continue to maintain an aspiration to share their knowledge of kin, country and culture with succeeding generations. In parallel, the Belyuen Group, now living permanently on the Cox Peninsula, also share the same aspiration, although the content of this intergenerational transmission of culture differs due to being encoded in a different language.
43. Previous research summarised above has informed the ethnographic methodology used by providing a clear indication of which people to speak to, the questions to ask and which subjects to avoid, given sensitivities emerging from past conflicts.
44. Many of the Larrakia people consulted were aware that an AAPA Authority Certificate had been issued for this project [REDACTED]
[REDACTED]
[REDACTED] This does not of course nullify concerns expressed by Aboriginal persons consulted in relation to the protection of the cultural values of the seas, its associated economic and spiritual dimensions and any indirect 'downstream effects' which might impact known sacred sites outside of the DPD project footprint.

Tiwi Islanders

45. Tiwi Islander perspectives on the Barossa Pipeline in the vicinity and to the west and north of the Tiwi Islands is the subject of the author's 2023 report concerning cultural values of the Barossa GEP (Corrigan 2023). Separate enquiries with Tiwi Islanders specifically for the purpose of this study were also undertaken.
46. The Tiwi Islanders are a neighbouring Aboriginal group with interests relevant to the study area. They are the recognised traditional Aboriginal owners of Bathurst, Melville and the Vernon Islands under the *Aboriginal Land Rights (Northern Territory) Act 1976*. In addition,

they are sea-going people who routinely traverse parts of the sea on and surrounding the DPD project, also using those waters for ceremonial and economic activities. Other parts of the wider Barossa project are closer to the Tiwi Islands than the DPD. For example, the Barossa GEP passes as close as a little more than seven kilometres west of Cape Fourcroy (the southwestern most part of Bathurst Island).

47. As discussed in detail in my 2023 report on the subject, it is generally accepted that the Tiwi Islander's land tenure system is based on eight patrilineal clan groups recognised by the Tiwi Land Council as having landed interests, as clearly set out in the widely available and publicly distributed Tiwi Land Council map reproduced below which is available on the Tiwi Land Council website and is also displayed prominently at the Wurrumiyanga Ferry Terminal and Airport.
48. The Tiwi see their clan-based interests as extending a considerable distance into the surrounding seas and the author would certainly expect that at least some Tiwi Islanders might assert an interest in those parts of the study area closer to their Islands (Bathurst, Melville and the Vernon group).
49. The author consulted with Tiwi people about the research and sought any views people might wish to share. The Tiwi consultations conducted for this research project included over 100 people, many of them senior members of their clan groups. Clan groups known to have land and sea interests closest to the DPD (namely the Jikilaruwu and Mantiyupwi clans) were well represented.


Tiwi Islands | LAND OWNERSHIP


Map 3: Tiwi Islander clan group distribution (after the Tiwi Land Council website:

<https://www.tiwilandcouncil.com>)

50. As part of these consultations, relevant Tiwi Islanders confirmed that whilst there are no known sacred sites in the direct vicinity of the DPD, they were concerned to ensure that there would be no downstream damage to any known sacred sites and burials on the foreshore and coastal fringe of the coasts facing the DPD, many also were aware that an AAPA Authority Certificate had been issued for the Northern Territory part of the project. It was also stressed by the Tiwi Islanders who were consulted that they hold traditional interests and cultural values in relation to all of the seas surrounding their islands as well as the marine species within those seas, and that they have a cultural obligation to ensure the wellbeing of these seas and resources.

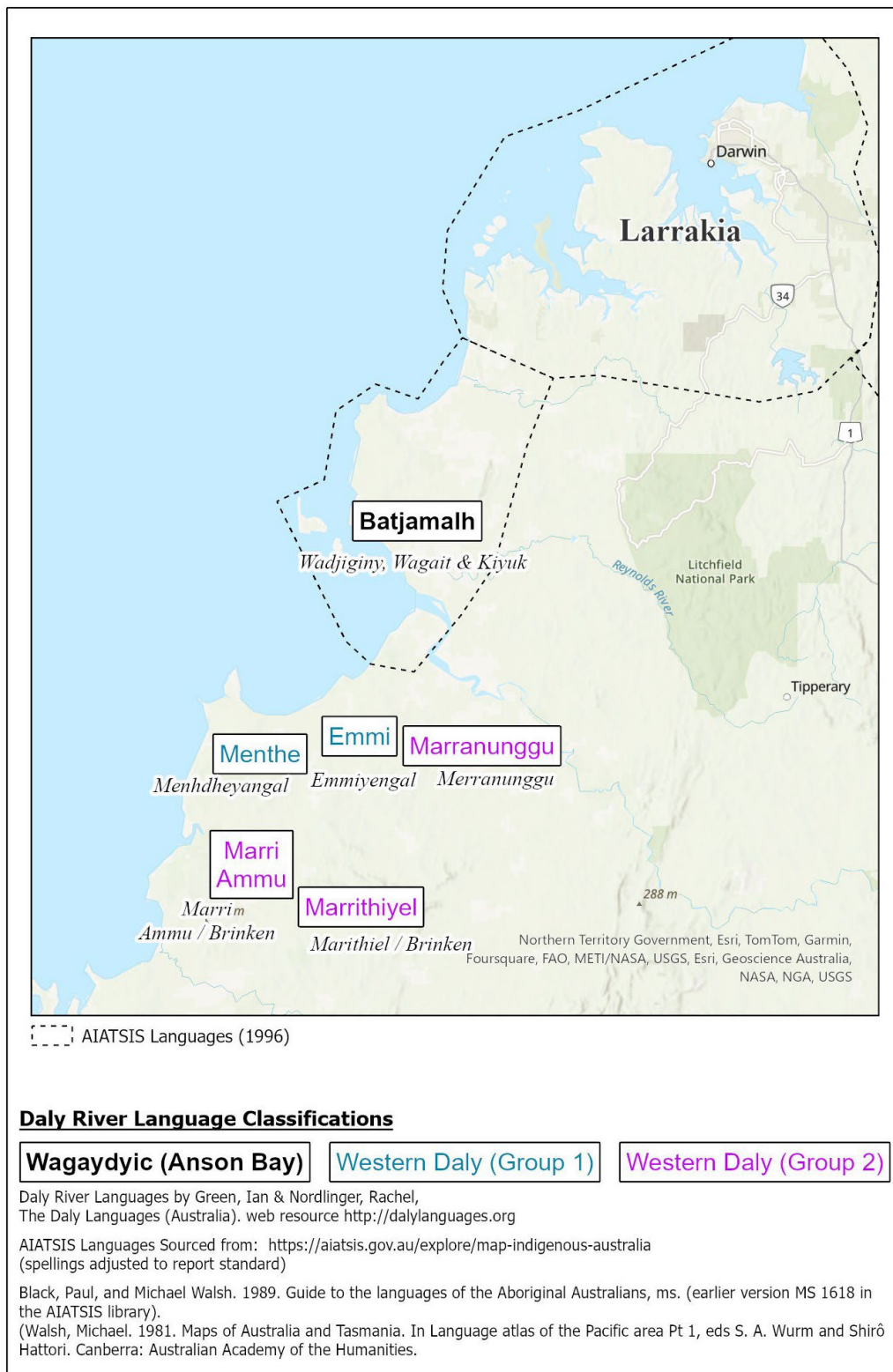
51. It is noteworthy here that the DPD activities are mostly closer to the Larrakia areas than the Tiwi areas and that the closest points to the Tiwi areas are:

- a) the junction of the DPD with the existing Bayu-Undan pipeline approximately 30 km SSW of Cape Fourcroy); and
- b) the proposed dredge spoil deposit area approximately 30 km southwest of the southern parts of the Vernon Islands.

52. In any case, the distance offshore of the DPD project does not alter Tiwi people's views of the cultural necessity to look after the seas generally and known physical places of significance outside of the DPD project footprint, along with various adjacent shoals, reefs, sea grass beds and the like which are not only economic resources in themselves, but which also spiritually underpin the wellbeing of sea species relevant to Tiwi economic and cultural life in the sea country near the proposed DPD.
53. It is also significant that several Tiwi people pointed out the existence of known Tiwi burials on the mainland (for example in the vicinity of Darwin city) which are widely known to Tiwi and Larrakia people through a shared history of ceremonial practice between Tiwi and Larrakia. Many Tiwi and Larrakia people also enjoy close familial relationships which are expressed in a shared sense of care for the sea areas in and around the proposed DPD area.

The Belyuen Group

54. The third group of people identified as relevant to this research are the people commonly known as the Belyuen Group. In addition to the Larrakia language spoken at the Belyuen community on Larrakia land, the other major language groups associated with residents of the Belyuen community include Wadjiginy, Wagait and Kiyuk (also known collectively as Batjamalh) and the Daly River languages of Emmiyengal (Emmi), Menhdeyengal (Menthe), Merranunggu (Maranunggu) Marriamu (Brinken) and Marrithiyel (Brinken) (see Map 4 below).
55. As discussed below, some members of these language groups resident at Belyuen are senior custodians for cultural knowledge and practice associated with the Cox Peninsula, even though they may not necessarily be traditional Aboriginal owners as defined under the ALRA (which would require membership of a Local Descent Group as determined in the Kenbi Land Claim).
56. Map 4 below shows the geographic extent of languages relevant to some of the language groups resident at Belyuen.



Map 4: Geographic distribution of language groups resident at Belyuen

57. As Justice Gray found in the Kenbi Land Claim:

(13) The Belyuen Group consists of 301 people who trace their ancestry to eighteen sets of ancestors from six language groups. The group is a local

group, based heavily on the residential community at Belyuen. It is not a descent group. It has been constructed by a process that is the reverse of the normal process for recognition of a descent group. Its membership has been established by reference to a criterion that has nothing to do with descent, namely a spiritual connection with the sacred site known as Belyuen, which lies within existing Aboriginal land on the Cox Peninsula. The descent links of the persons who satisfy that criterion have then been traced, as they might be with respect to the members of any group constructed by reference to non-descent criteria. A group constructed in this way is not a local descent group (Gray 2000: iv).

58. The Kenbi Land Claim is instructive in terms of the changing social space between Larrakia people and the adjoining Belyuen group with whom they have intermarried. Larrakia people understand themselves to be the correct traditional owners for country in both the Darwin and Cox Peninsula areas. However, broadly speaking, Larrakia people contest the findings on traditional ownership in the Kenbi claim, and this has created considerable conflict in the Larrakia community, between and among families. Justice Gray records the numbers of Aboriginal people advantaged by the land claim decision in the following way:

There are six members of the Tommy Lyons group who fall within the definition of 'traditional Aboriginal owners' in s. 3(1) of the Land Rights Act. The Larrakia group (including for this purpose the Danggalaba group) consists of 1,293 people. The Belyuen Group consists of 301 people. All of them are persons with traditional attachments to the land claimed (Gray 2000: 127).

59. In the second iteration of the Kenbi Land Claim heard by Justice Gray between 1995 and 2000, the Northern Land Council made a strategic decision to divide the claimant group into those who were descended by patrilineal descent from the apical ancestor Tommy Lyons on the one hand, and a wider Larrakia group on the other hand who claimed cognatic descent from nine other Larrakia apical ancestors. This division has fuelled intense contestation about group membership. Many Larrakia found that their authenticity as Larrakia had been undermined by their inclusion in the second larger group, which had less chance of fitting the criteria of the Act due to the cognatic descent model used. In the course of the land claim, many senior Larrakia passed away, leading to increased disputation, as the long-standing cooperative arrangements with the Belyuen Group became observably tenuous.
60. All members of the Belyuen Group consulted expressed the same concern for the safe management and protection of marine resources in the Darwin Harbour noted by Larrakia people living both at Belyuen and Wagait Beach on the Cox Peninsula. Senior people described their connections to marine animals, environments and coastal areas in terms of

resource usage, holidays, memories and shared names, all of which constitute strong emotional, spiritual and cultural ties to the area. They continue to practice their patrilineal ceremonial activities linked to patrilineal sites focused around the coastal strip from Daly River and the Peron Islands north towards the Cox Peninsula. In addition to their connections to their homelands, all these groups also adhere to the notion of ancestral spiritual conception.

61. People at Belyuen also emphasised their family connections to Tiwi people and suggested that the more westerly projection of the DPD would require visitation and consultation with their Tiwi relatives.
62. Many people in the Belyuen Group were also aware that an AAPA Authority Certificate had been issued for the Northern Territory part of this project [REDACTED]
[REDACTED]
[REDACTED]. As with the Larrakia and the Tiwi Islanders, , this does not of course nullify concerns expressed by Aboriginal persons consulted in relation to the protection of the cultural values of the seas, its associated economic and spiritual dimensions and any indirect downstream effects which might impact known sacred sites outside of the DPD project footprint.

Representative views derived from reported consultations

63. Amongst people consulted It was generally agreed that consultations needed to be broad and representative, and Larrakia people encouraged the engagement of Tiwi Islanders and the Belyuen Group as part of the research.
64. Larrakia people expressed a key concern about protecting dreamings¹ in the vicinity of the DPD project, particularly Turtle, Dugong and Sting Ray dreamings close to Talc Head, noting that these have significant importance for resources and the spiritual dimensions of Larrakia life. Other dreamings were identified as being associated with the sea, winds, stars, moon and the seasons, Mermaid dreaming and dreamings near the Charles Point lighthouse.
65. Some participants highlighted the need to protect local species and emphasised the rare Irrawaddy Dolphin which lives in the Harbour and needs to be protected, along with all other

¹ The term dreaming is used throughout this report to denote knowledge, songs and narratives associated with Aboriginal religious understandings which set out the origins of the social and physical world and expected behaviours within it. There is substantial intangible (metaphysical) components to the dreaming and its associated songs and knowledge, which capture the actions of ancestral beings and is managed by relevant Aboriginal specialists. There are also tangible (physical) manifestations of the dreaming which are typically known as sacred sites where physical actions are known to have occurred in the creative period (which can also include associated objects).

relevant species including turtles, dugongs, mud crabs, oysters, fish varieties, crocodile, sea grasses, oysters and mussels. Especially mentioned were the seagrass beds near Kings Table.

66. For many Larrakia the most important cultural value emphasised was the intergenerational transmission of knowledge to the next generation about important animals and sites in the Darwin Harbour and recognition that people were attached to the Harbour economically and spiritually as well as physically and culturally.
67. One family stated they could only support development which enforced strict site protection along the lines practised by the Aboriginal Areas Protection Authority.
68. Larakia elders also provided information concerning a number of sacred sites in the water in the vicinity but outside of the DPD pipeline that are important including the Stingray, Turtle and Dolphin sites.
69. Mangalam (Kenbi site 62) on the Larrakia Kenbi (Cox Peninsula) Land Claim was identified as very important and close to Ngarrmanginyini (the Bailer Shell dreaming site associated with fertility and the site-based spirit conception of many of the people of the Belyuen and Tommy Lyons Groups). This also part of the basis for more recent Wadjiginy (Belyuen Group) spiritual connections to the Larrakia freshwater site near Belyuen.
70. A senior Tiwi man and senior ceremonial leader on the Tiwi Islands observed that while the DPD study area is a long way from the Tiwi islands, there are still various ancestral beings which travel in the waters around the Tiwi islands, including Jirukupai the Crocodile Man and Ampitji. However, there are a range of views as to how far they go into the water and what the effect of the pipeline which was then being laid would have. This is also consistent with the range of views put to the Federal Court more recently, in the context of the related Barossa GEP (see for example, Corrigan 2023 and *Munkara v Santos NA Barossa Pty Ltd (No 3)* [2024] FCA 9 (Munkara)). The same informant also said that in the past, the Larrakia and Tiwi shared many ceremonies and that many Tiwi people had been buried on Larrakia land. The last ceremony he had attended on Larrakia land was in 1980, in a ceremony where they pulled hair out of their chins and celebrated the (Kulama) Tiwi Cheeky Yam with the Larrakia and installed Tiwi Pukamani poles at the Botanical Garden to commemorate the discovery of a Tiwi cemetery under the site of the new Casino.
71. During a field trip to Bathurst Island the author explained the DPD project and sought community feedback. Over 100 Tiwi Islanders took part in these consultations, mainly from the Jikilaruwu, Mantiyupwi and Malawu clan groups.

72. All Tiwi Islanders consulted expressed close familiarity with the DPD project and many mentioned they had attended recent Santos consultations on the DPD project. Many were also aware that an AAPA Authority Certificate had been issued for the project [REDACTED]

73. All Tiwi Islanders emphasised that they use the seas in the DPD and adjacent areas, that the environment and relevant species are all part of their traditional cultural life and that these values extend to wider areas of the sea and associated shoals, reefs and sea-grass beds.

Ethnographic questionnaire

74. Another element of the research project was a questionnaire which was developed and distributed in hard copy form. This allowed a representative sample to be selected from the research community to complement the qualitative research process. Questionnaires were filled in by senior and junior Larrakia, Belyuen and Tiwi people, 50 percent male/female. Ten percent of respondents were Larrakia through both parents, thirty five percent traced matrilineal descent through their mother and fifteen percent traced patrilineal descent through their father. Forty percent were non-Larrakia.

Questionnaire Extract # 1 Question 7:

75. Responses to Question 7 reveal that most respondents were Larrakia through either mother or father and in several cases both.

7. Are you Larrakia?

● Yes, through my mother	7
● Yes, through my father	3
● Yes through both parents	2
● Other	6

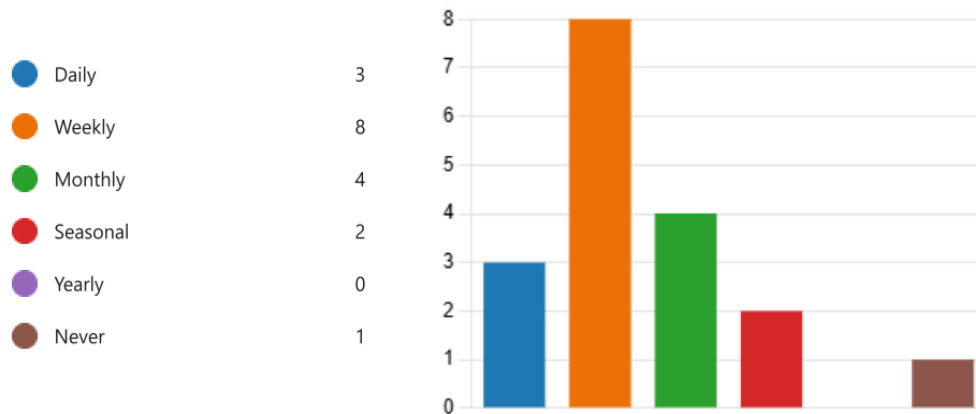


Questionnaire Extract #2 – Question 12:

76. Data from this question shows that most respondents use the Harbour on a weekly basis. This is a high frequency of Harbour usage and may also reflect the fact that several of the respondents work as Larrakia rangers. Further, this high frequency also indicates

circumstances in which Larrakia people are using the Harbour for resource usage, consistent with other ethnographic data.

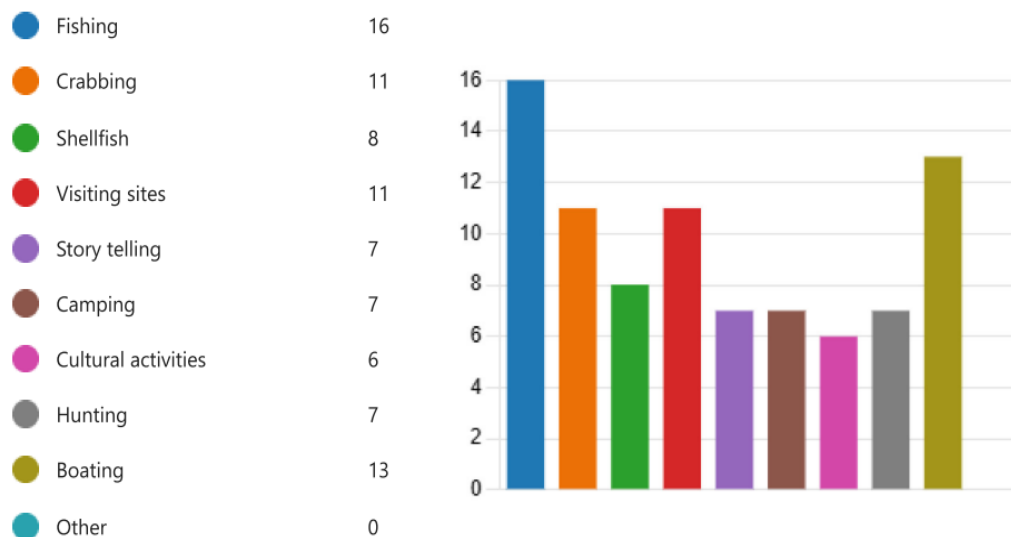
12. How often do you use Darwin Harbour?



Questionnaire Extract # 3 - Question 13:

77. Results reveal that fishing and for boating are the most common uses of the Harbour by Larrakia and Aboriginal people from the other two affected communities, with crabbing and visiting sites also prevalent. This confirms the high cultural value of the Harbour as a source of bush tucker and marine resources linked to sites of significance, consistent with previous indications by Larrakia people in the literature and ethnographic data.

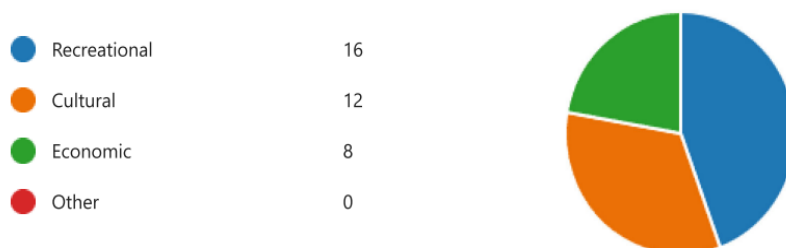
13. How do you use Darwin Harbour?



Questionnaire Extract # 4 - Question 14:

78. Responses to question 14 reveal that whilst most respondents use the Harbour for recreational reasons, they also all use the Harbour for either cultural or economic reasons. Cultural and economic purposes taken together account for the majority of Harbour use by Larrakia and other affected groups. This is consistent with ethnographic data collected from these same groups of people, as well as from previous research in the area.

14. For what reasons do you use Darwin harbour?

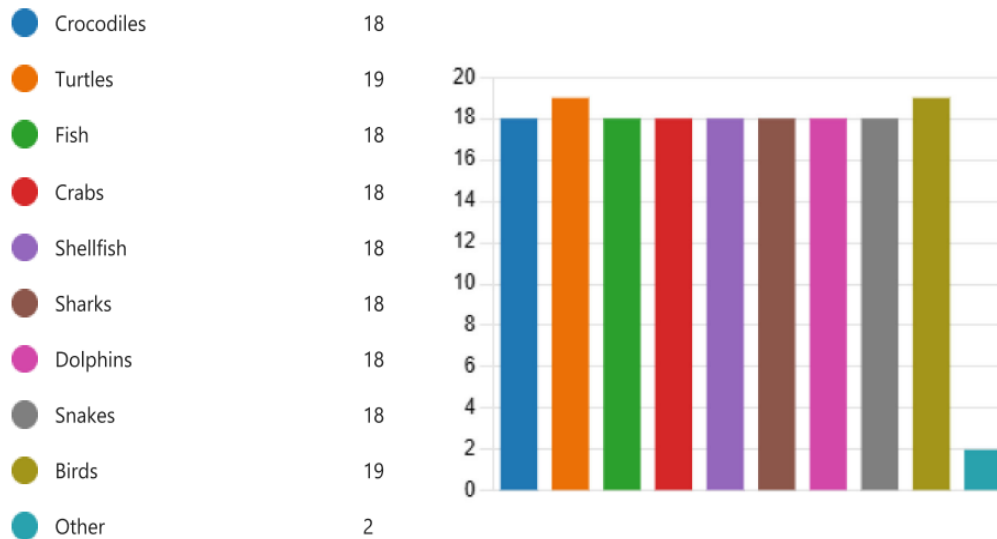


Questionnaire Extract # 5 - Question 15:

79. In the comments associated with 'other animals of importance', sea grass beds that provide food for dugong and green turtles within the Harbour were mentioned. These high-profile marine animals and other land animals specified here are all important Larrakia symbolic species, or species associated with the major dreaming tracks that cross Larrakia country and the Darwin Harbour. These species also represent important economic resources for both pre-colonial and modern Larrakia and other affected groups. The following comments highlight the importance of the Harbour and its animals and ecosystems to respondents:

- They contribute to my culture.
- As a Larrakia man and a ranger they are all important to me.
- I am especially concerned about the sea grass and the dolphins specific to our Harbour.
- The Irrawaddy Dolphin is important to me as it lives in the Harbour.
- I am concerned about microbiota in the Harbour.
- Dolphins are important because we have done a lot of surveys over the past few years.
- Bush tucker and mud crabs.
- Mud flats for the eastern curlew and sacred sites.

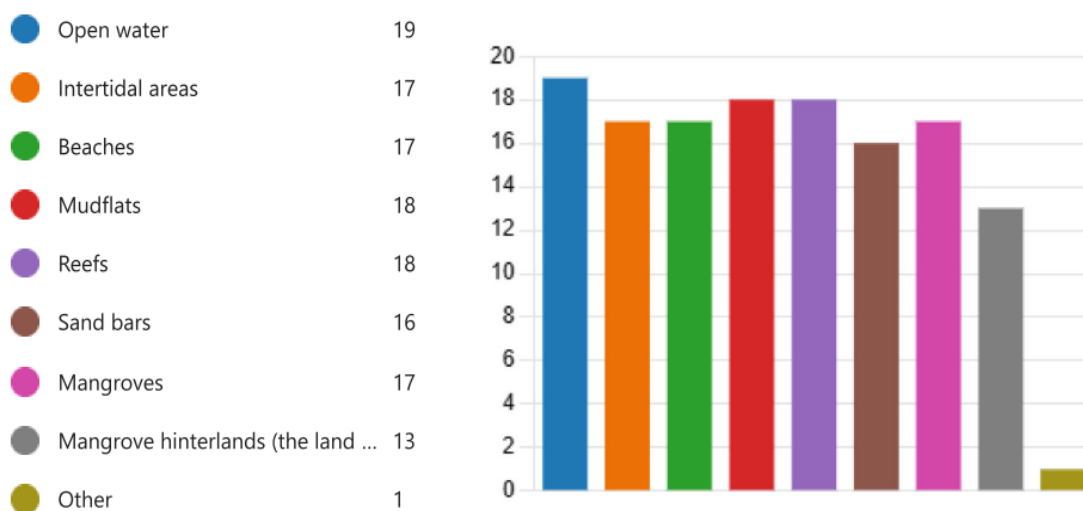
15. Which marine animals in Darwin Harbour are important to you?



Questionnaire Extract # 6 - Question 17:

80. One comment about 'other habitats of importance' reflected scientific concerns: 'I am concerned about microbiota in the Harbour', while another comment focussed on a very well-represented symbolic marine mammal associated with the region: 'I am especially concerned about the sea grass and the dolphins specific to our Harbour'. The Irrawaddy Dolphin appears to be a common symbolic focus for ecological, environmental and cultural aspirations of Larrakia and other groups around the Darwin Harbour.

17. Which habitats in Darwin Harbour are important to you?



Questionnaire Extract # 7 - Question 19:

81. The data here is consistent with ethnographic findings that Aboriginal people are concerned about the cultural and spiritual nature of places to which they have personal, family, historical and mythical attachments. The archaeological record of the Larrakia estate surrounding Darwin Harbour includes several historical and prehistoric resource sites with evidence of modern use of the same traditional resources (see Bourke 2005). This continuity in bush tucker exploitation is further evidenced in the ethnographic accounts recorded here.

19. Do you identify specific places as important to you in the Darwin harbour if so what kinds of places?

● Places I have personal attachme...	14
● Places my family have attachme...	13
● Places of historical importance	13
● Places with stories	14
● Other	0



Questionnaire Extract # 8:

82. Answers to 8, 9, 10 and 11 demonstrate a respect for Larrakia Language as a medium for the transmission of Larrakia cultural and spiritual values associated with the DPD and Darwin Harbour areas.

8. Is the Larrakia language important to you?



9. Should there be a Larrakia language program for both adults and children?



10. If there was a Larrakia language program, who should it be for?



11. If there was a Larrakia language program, would you like to participate in it?



83. The Larrakia language is clearly a symbolic as well as educational resource, consistent with what Larrakia people have stated repeatedly through in-depth interviews and conversations during participant observation.

84. In conclusion, the survey results are closely consistent with other ethnographic results and with literature on the area reviewed above and shows that Larrakia people are committed to the intergenerational transmission of their cultural and spiritual values and language associated with the DPD area.

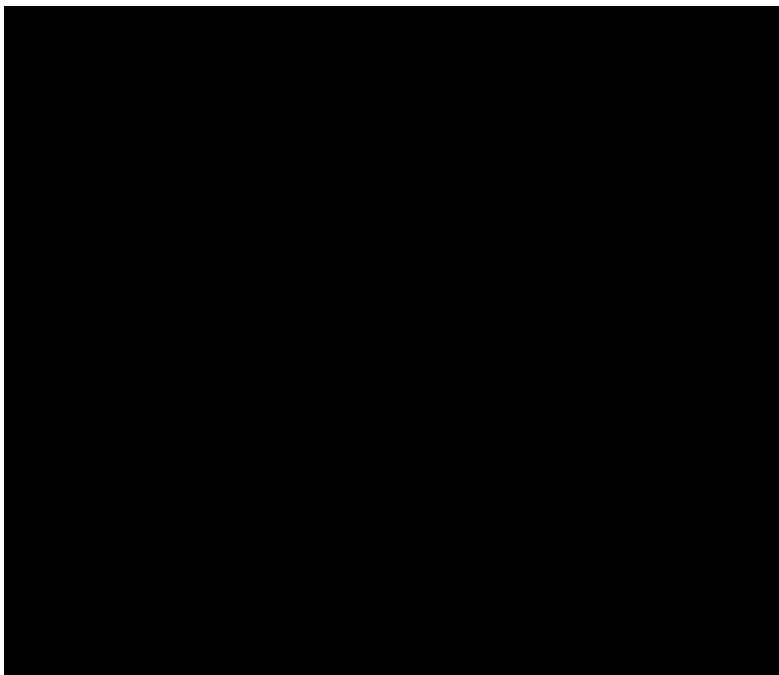
Conclusions and findings

85. Three main Aboriginal groups were identified by the author as having cultural and spiritual knowledge of relevance to the study area: Larrakia people, Tiwi Islanders and the Belyuen Group.
86. This report reflects long term responses by generations of people situated at the centre of the northern settler bridgehead of Darwin. The Larrakia have endured, evolved, grown and reinvented themselves in the face of the harsh socio-economic conditions imposed on them. A wide variety of cultural, social and organisational responses over the decades has led to the transformations of their social organisation. Nevertheless, a clear continuity in their desire to maintain, manage and hand on to a new generation traditional knowledge associated with the Darwin Harbour is evident at every point.
87. The intergenerational transmission of Larrakia cultural and linguistic knowledge associated with the Darwin Harbour continues to be a point of focus and agreement across both the Larrakia cultural group, as well as their close neighbours the Belyuen and Tiwi people. Tiwi people also agreed that it was a positive thing that the Larrakia had showed respect by sharing authority and knowledge about the more westerly extent of the pipeline with the Tiwi people.
88. Larrakia people continue to maintain a strong ongoing cultural and spiritual connection in and around Darwin Harbour and associated waters pertaining to the study area and surrounds. They have ongoing interaction with the marine environment, as witnessed in the statement by one Larrakia couple that 'marine animals are important to us, including those with dreamings like turtles, dugong, manta ray, spotted ray and shellfish'.
89. Larrakia people continue to follow correct cultural protocols regarding appropriate use and access to Darwin Harbour encoded in locally specific songs and narratives passed on in accordance with laws and customs. There is a specific focus on maintaining the intergenerational transmission of knowledge of marine resources and environment and concern about the safety, management and protection of marine resources and sacred sites on the coastal fringes.
90. The major colonial impact on Larrakia lands and seas over time are apparent in many ways. However, in contrast to some Aboriginal groups who moved or were moved from their traditional lands in the wake of colonisation, Larrakia people have remained in residence close to their land and seas and thus retain a rich and detailed knowledge of its spiritual and

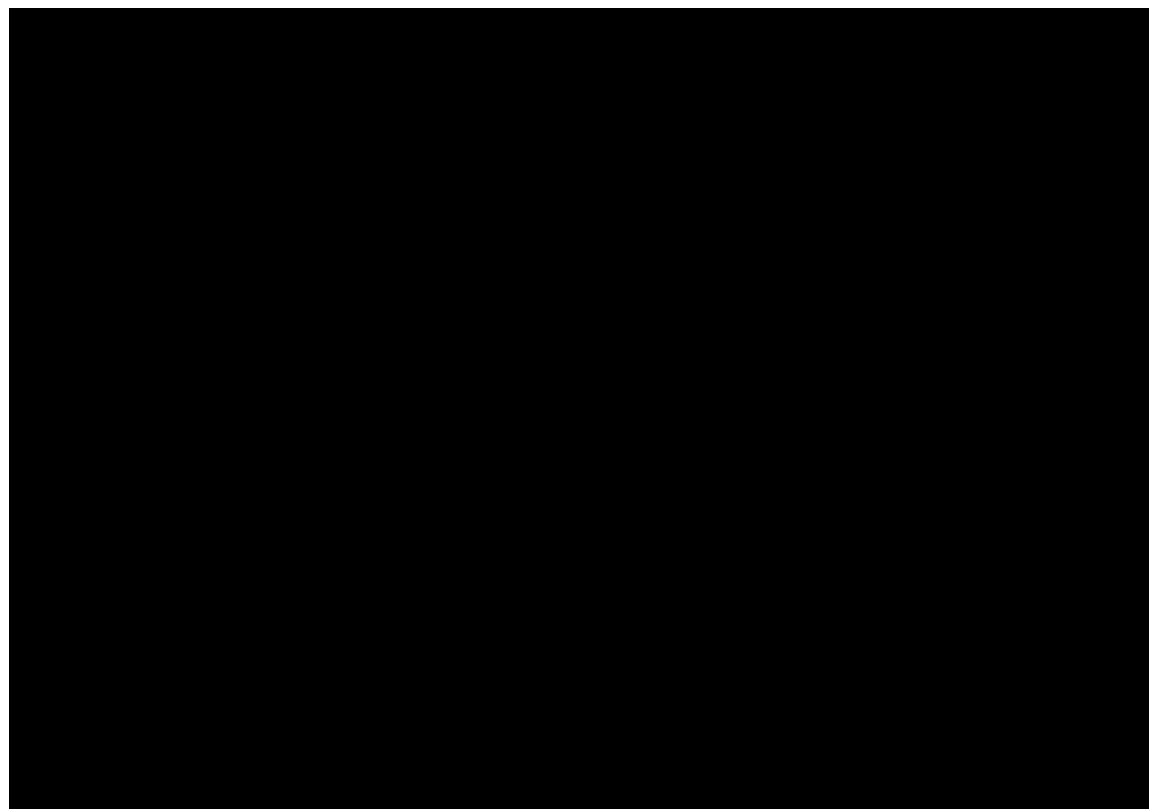
cultural values. However, the process of colonisation of Larrakia lands and waters has sometimes led to contested views about the legitimacy of one group's knowledge compared to others

91. **Tiwi Islanders** demonstrated strong cultural ties to parts of the study area and surrounds and have enjoyed a long and deep collaboration with Larrakia people in terms of access to, travel upon, sharing and use of land and seas, including for ceremonial practices and burials of Tiwi People in Larrakia lands.
92. In the author's separate report on the Barossa GEP (Corrigan 2023), it was noted that some Tiwi Islanders raised concerns that parts of the pipeline to the north of the DPD study area might have an impact on spirit beings called Ampitji (sometimes known as a Rainbow Serpent, sometimes said to be plural and sometimes male or female in various versions). Ampitji are said by some to routinely traverse sea country in the vicinity of the Tiwi islands and the Crocodile Man Jirukupai is another ancestral being who is also said by some to traverse the seas towards the DPD study area.
93. However, other senior Tiwi people make the point that the DPD Project study area is, in their view, a long way from the Tiwi islands and that Jirukupai and Ampitji do not go out that far into the water. These views were tested in the Federal Court in the context of the GEP and it was found that there were differing views among relevant Tiwi Islanders but that there was not sufficient evidence to show that these spirit / ancestral beings were 'cultural features' that extend to the part of the seas relevant to the north western parts of the DPD project.
94. It is also strongly relevant that the Aboriginal Areas Protection Authority of the Northern Territory has issued two Authority Certificates,² [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
95. The author notes that a second AAPA Certificate (C2024/034) of bearing on this project was issued after consultation for the purposes of this report occurred. [REDACTED]
[REDACTED]
[REDACTED]

² AAPA Certificate Ref. RA2022/11 (Doc: 202203003) C2022/098 and AAPA Certificate C2024/034 (Doc: 202311341).



- 96. [Redacted]



- 97. The author recommends that Santos comply entirely with the restrictions imposed by the two relevant AAPA authority certificates.

98. **Belyuen Group** members were also consulted extensively during the fieldwork and demonstrated a strong custodial connection to Darwin Harbour, and cultural and spiritual knowledge associated with it. A central focus for Belyuen people was knowledge, ownership and the transmission of cultural knowledge in language to the next generation. Like the Larrakia, a primary focus for the Belyuen Group is the safety, management and protection of their marine resources and sacred sites on the coastal fringes and waters outside of the DPD project footprint.
99. In the author's opinion, having considered the available literature and research information obtained from Larrakia elders and key Larrakia family representatives, Tiwi Islanders and Belyuen Group members, there are no specific known underwater cultural heritage places within the vicinity of the study area that would be affected by the activities envisaged in the DPD Project. However, the author notes that informants expressed a universal emphasis on safety, management and protection of the marine environment and resources (dugongs, turtles, fish, shellfish) as well as physical features such as reefs, shoals, sandbars and sacred sites and other intangible values outside of the DPD project footprint.
100. A number of sacred sites and other types of places with intangible features, such as dreaming tracks and associated songs were documented as part of the broader research for this report. This kind of knowledge remains firmly in the hands of relevant knowledge holders and is only referenced here in the most general of ways.
101. The key findings of this study, with regard to the cultural and spiritual values of the study area and surrounds, are that:
- a. relevant Aboriginal people (including Larrakia people, Tiwi Islanders, Belyuen Group and first nation's community residents on the perimeter of the study area and surrounds) place a high value on the physical (tangible) and metaphysical (intangible) aspects of the study area and surrounds;
 - b. cultural values associated with physical aspects of the study area and surrounds include culturally structured knowledge concerning seasons, tides, currents, marine species behaviour and wellbeing, the physical location of known culturally significant places (sacred sites, shoals, reefs, sea-grass beds and locations of specific family history events); knowledge of subsistence components of the resources found in the study area including reef and pelagic fish, shellfish and other edible and hunted species which are captured using culturally appropriate procedures passed down

from ancestors to emerging descendants. This occurs not only amongst Larrakia and Kenbi Ranger groups, but also in normal family and community circumstances too;

- c. All of these tangible and intangible aspects of cultural and spiritual values associated with the study area and surrounds are also highlighted through the emphasis on the social value of 'celebrating the efforts and practices of preceding ancestors', including through ongoing performance of ceremony, reproducing culturally specific knowledge of sea country as learned and passed down. Knowledge about how to engage with the study area and surrounds in a culturally appropriate way is understood as 'walking in the ancient footsteps of the ancestors' in both a physical and metaphysical way; and
- d. As with most other known and reported Aboriginal groups, the Aboriginal people of relevance to this study area and surrounds strongly emphasise their rights and obligations to 'look after country' by:
 - training younger generations to engage with their country in a culturally appropriate way,
 - accessing the area for traditional purposes, including performing ceremony.
 - visiting, maintaining and protecting sacred sites,
 - hunting,
 - fishing,
 - gathering resources, including shellfish,
 - teaching law and custom,
 - taking resources, including textiles and wood products from the water,
 - taking water for certain purposes, including cultural or spiritual activities,
- e. An important outcome of this research is that no sacred sites or Dreamings are shown to be directly impacted by the proposed DPD project footprint, although this is not to say that some persons do not have fears that this could be the case in the event of an unplanned activity or impact such as an industrial accident or similar, which is outside of the scope of expertise relied on here.

102. It is recommended that Santos consider engaging cultural monitors to provide advice on the protection and maintenance of cultural and spiritual places throughout the DPD construction process, and that a discussion on this topic be held with the Wickham Point Deed Reference Group in the first instance.

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