



Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)

Notice of an application for the preservation and protection of a specified area described as ‘Ravensworth Estate’, and including Bowmans Creek and Glennies Creek, in the Hunter Valley, New South Wales

Invitation to make representations

I, Daniel Leo, hereby give notice as follows:

The Minister for the Environment, responsible for the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) (the **Act**), has received an application made under section 10 of the Act. The Minister has appointed me to provide a report to her under section 10(1)(c) of the Act.

The Applicant

The application is made by Mr Robert Lester and Mr Scott Franks as representatives of the Plains Clan of the Wonnarua People (the **Applicant**). Mr Lester is the Chairperson of the Plains Clan of the Wonnarua People Aboriginal Corporation.

The purpose of the application

The Applicant seeks the long-term preservation and protection of an area specified in their application. Section 10 of the Act confers power on the Minister to make a declaration to preserve and protect an area where she is satisfied that it is a ‘significant Aboriginal area’ under threat of injury or desecration. A ‘significant Aboriginal area’ is defined by section 3 of the Act as an area of land or waters that is “of particular significance to Aboriginal people in accordance with Aboriginal tradition”. ‘Aboriginal tradition’ is defined as 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”.

Matters the report is required to address

The Minister will consider my report under section 10 of the Act in relation to the area specified for preservation and protection before deciding whether to make a declaration. Under section 10(4) of the Act, my report is required to deal with the following eight matters:

- (a) the particular significance of the area to Aboriginal people;
- (b) the nature and extent of the threat of injury to, or desecration of, the area;
- (c) the extent of the area that should be protected;
- (d) the prohibitions and restrictions to be made with respect to the area;
- (e) the effects the making of a declaration may have on the proprietary or pecuniary interests of persons other than the [Applicant];
- (f) the duration of any declaration;
- (g) the extent to which the area is or may be protected by or under a law of a State or Territory, and the effectiveness of any remedies available under any such law; and
- (h) such other matters (if any) as are prescribed.

The Specified Area

The Applicant specified the area depicted in the map forming Figure 1 below as the area for which preservation and protection is sought (the **Specified Area**). The Applicant described the Specified Area as “including Ravensworth Estate, [and] the original properties of the early colonisers James Bowman, Capt. Robert Lethbridge, James Glennie”. The Specified Area is located between Singleton and Muswellbrook in the Hunter Valley. The Specified Area includes portions of Bowmans Creek and Glennies Creek. The Specified Area does *not* include those parts of the New England Highway, Glennies Creek Road, and Hebden Road, that fall within its outer boundary. More detailed mapping can be provided to persons wishing to make representations.

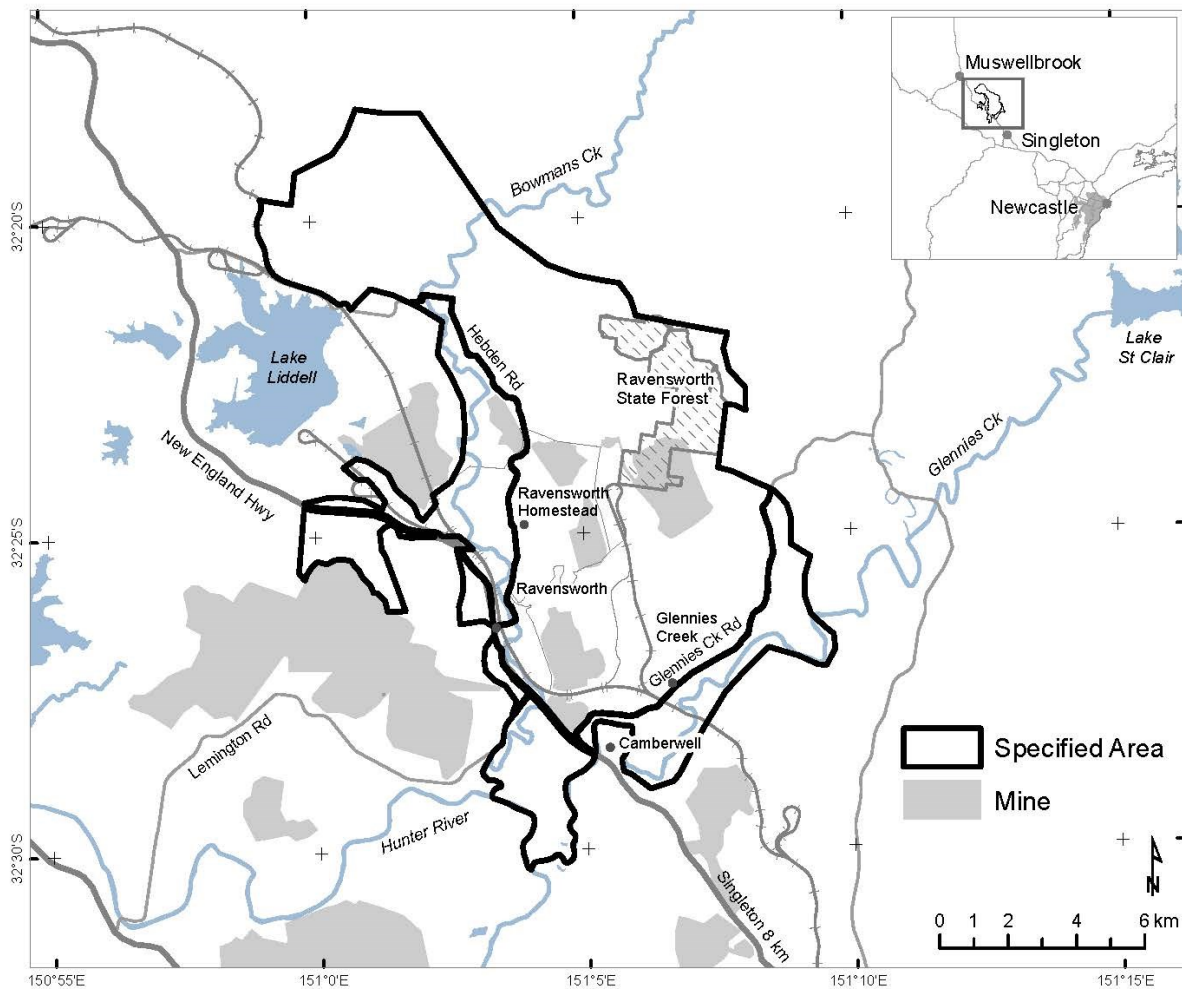


Figure 1: Map showing the Specified Area of Ravensworth Estate, Bowmans Creek and Glennies Creek, NSW

Claimed nature of particular significance

The Applicant claims that the Specified Area is of particular significance in accordance with Aboriginal tradition for the following reasons:

- “represents an area where the conflicts occurred during the early colonisation of the Hunter Valley”, including how it “contains a landscape of an open massacre of the Wonnarua people”;
- “represents [an] area where ceremonies were carried out by the Wonnarua people” and is thus “sacred to our people”, including “several places” used for rituals associated with “bora” (male initiation) ceremonies or with “women’s business ceremonies”;

- “it is a spiritual place to us that must be protected so we can pass on to our children (future generations) for an understanding of our people’s practices of the past”;
- there is an “obligation... to preserve for future generations the story line that flows through the river, creeks and tributaries of the whole area”, including how “forefathers... followed the creek lines and carried out ceremonial rituals along the route”;
- “the area is part of a transit route”;
- along Bowmans Creek there are “two fish traps” and a “women’s birthing place”;
- “Our people have used the area for thousands of years”, including recently by “members of the [native title] claimant group”, and, “As such , this is one of the few places in Wonnarua Country that can demonstrate ongoing occupation and use by a hunter-gatherer society”;
- “to ensure that our cultural and heritage values are protected”; and
- “We have a responsibility [to] do all we can, to stop the never ending destruction, of our Country” by “uncontrolled agricultural and coal mining practices”. As such, the “area contains a landscape of ongoing conflict”.

Claimed threat of injury or desecration

The Applicant claims that the Specified Area is under threat from “underground and open cut coal mining activities” plus “associated works including creek diversions that will have a major impact in altering the natural landform”.

Invitation to make representations

Interested persons (or parties) are invited to furnish representations in connection with my report to:

Daniel Leo
 Director, Leo Anthropological Service Pty Ltd
 PO Box 39, Suffolk Park, New South Wales, 2481
 Ph: 0487 266 622
 Email: danleo@mail.com

Interested parties are urged to **contact me** as soon as possible to be provided with further information about the submission process.

Representations must be made in writing by **5pm NSW time on Thursday 5 November 2020** or within such further period as may be allowed. **Do not send your representations directly to the Minister.**

Representations received by the due date will subsequently be provided to the Applicant and to all interested parties who submitted a representation, and thereafter the Applicant and such interested parties will be afforded an additional period of two weeks to make **final comments** in writing.

If you wish to claim confidentiality over any part of your submission, please identify why you are claiming confidentiality and how you wish confidentiality to apply. Representations, final comments, plus all correspondence received and sent by me, will be provided to the Minister for the Environment, along with my report. Representations, final comments and correspondence, even those subject to confidentiality, may be disclosed where it is authorised or required by law, to meet procedural fairness requirements, and in response to a request by a House or Committee of the Parliament of the Commonwealth.