



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

Notice of two applications for the preservation and protection of a specified area, being Stage 5 (Stage 5A and Stage 5B) of the Dunmore Sand and Soil Project, Dunmore, New South Wales

Invitation to make representations

I, Dr Brendan Corrigan, hereby give notice as follows:

The Minister for the Environment (**Minister**), responsible for the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)* (**Act**), has received two applications made under section 10 of the Act. The applications are seeking long term preservation and protection of a claimed significant Aboriginal area being the area known as Stage 5 (Stage 5A and Stage 5B) of the Dunmore Sand and Soil Project, Dunmore, NSW. The Minister has appointed me to provide a report to the Minister under paragraph 10(1)(c) of the Act.

The applicants

Two applications have been received. One from Mr Gary Caines (**applicant Caines**) a Dharawal man and one from Ms Sharralyn Robinson (**applicant Robinson**) a Dharawal Elder (together, the **applicants**).

The purpose of the applications

The applications seek the long-term preservation or protection of the area specified in the applications (**specified area**). The specified area is depicted in Figure 1 below. Section 10 of the Act confers power on the Minister to make a declaration to preserve and protect an area where the Minister 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 Aboriginals 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 deal with

The Minister must consider my report, for each application, pursuant to section 10 of the Act in relation to the specified area before deciding whether to make a declaration under section 10 of the Act. Under subsection 10(4) of the Act, the reports are required to deal with the following matters:

- (a) the particular significance of the area to Aboriginals;
- (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 Aboriginal or Aboriginals who made the application, or on whose behalf the application is made;
- (f) the duration of any declaration;
- (g) the extent to which the area is or may be protected by or under a law of the 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

Figure 1 below depicts the area for which preservation and protection is sought. This specified area is known as Stage 5 (Stage 5A and Stage 5B) of the Dunmore Sand and Soil Project, Dunmore, NSW.

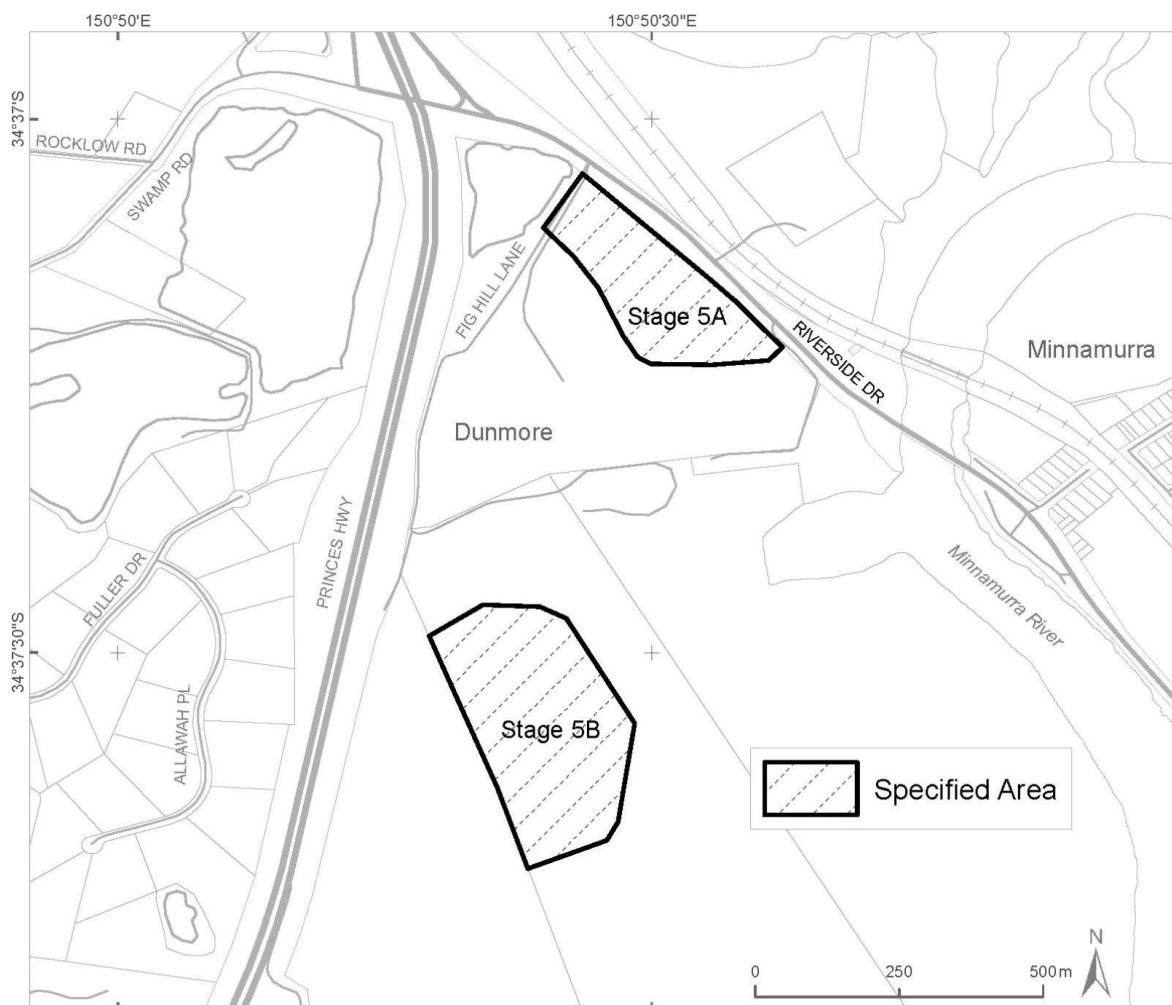


Figure 1 Map showing the specified area of Stage 5 (Stage 5A and Stage 5B) of the Dunmore Sand and Soil Project, Dunmore, NSW.

Claims in relation to 'significant Aboriginal area'

The applicants claim the specified area is of particular significance in accordance with Aboriginal tradition for the following reasons:

- the Minnamurra Massacre was at, or near, the location as well as other battles;
- there are, or may be, burials in the area;

- the area was a highly significant cultural area, which is further supported by the high level of artefacts being extracted;
- the area is an artefact/tool site; and
- Aboriginal people walked, camped, and used the many resources in the area.

Claimed threat of injury or desecration

The applicants claim that the specified area is under threat from the archaeological excavation, salvage works and proposed sand mining associated with the Stage 5 (Stage 5A and Stage 5B) of the Dunmore Sand and Soil Project, Dunmore, NSW by Boral Pty Ltd (**proponent**).

Invitation to make representations

Interested parties are invited to furnish representations in connection with my reports to:

Dr Brendan Corrigan
Anthropological Consultancy Services
ABN 85 901 448 008
PO Box 236
SUFFOLK PARK QLD 2481

Mobile: 0439 428 805

Email: brendanMcorrigan@gmail.com

Interested parties are urged to **contact me** as soon as possible to be provided with further information about the submission process, including the provision of the applications, making representations in response to the applications, and making final comments in response to representations received.

As part of the submission process, I will seek to take oral submissions from the applicant, and if such occurs, any arising written record I make will be supplied to other interested parties as a representation.

Representations must be made orally or in writing by **5pm AEST on Thursday 3 February 2022** 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 be provided to the applicants and to interested parties who submit a representation, and thereafter the applicants and such interested parties will be provided an additional **two weeks** to make final comments in writing.

Claiming confidentiality

If you wish to claim confidentiality over any part of your representation, please identify why you are claiming confidentiality and how you wish confidentiality to apply. Representations will be provided to the Minister for the Environment and the Department of Agriculture, Water and the Environment, along with the section 10 report. Representations, 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.

Privacy notice

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable.

Sensitive information is a subset of personal information and includes any information or opinion about an individual's racial or ethnic origin, political opinion or association, religious beliefs or affiliations, philosophical beliefs, sexual preferences or practices, trade or professional associations and memberships, union membership, criminal record, health or genetic information and biometric information or templates.

By submitting a representation in response to the 'Notice of an application for the preservation and protection of a specified area, being the area known as Stage 5 (Stage 5A and Stage 5B) of the Dunmore Sand and Soil Project, Dunmore, NSW' you consent to the collection of all personal information, including sensitive information, contained in your representation.

I, Dr Brendan Corrigan, collect your personal information (as defined by the *Privacy Act 1988* (Cth)) contained in your representation for the purposes of consideration in drafting a report under section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) (**Act**) in relation to the specified area and related purposes. If you do not provide some or all of any relevant personal information in your representation(s), I may be unable to fully and comprehensively consider your representation in the drafting of the reports to be submitted for consideration by the Minister responsible for the Department of Agriculture, Water and the Environment (**Minister**).

The Department of Agriculture, Water and the Environment (**department**) collects your personal information (as defined by the *Privacy Act 1988* (Cth)) contained in your representation for the purposes of the Minister's consideration in deciding whether to make a declaration under section 10 of the Act in relation to the specified area and related purposes. If you do not provide some or all of any relevant personal information in your representation(s), the Minister may be unable to fully and comprehensively consider your representation in deciding whether to make a declaration under section 10 of the Act in relation to the specified area.

The department may disclose your personal information to the Minister, parties that may be affected by a decision of the Minister under section 10 of the Act (to meet procedural fairness requirements), and other Australian government agencies, persons or organisations where necessary for the above purposes, provided the disclosure is consistent with relevant laws, in particular the *Privacy Act 1988* (Cth). Your personal information will be used and stored in accordance with the Australian Privacy Principles.

By submitting a representation, you consent to the disclosure of all personal information contained in your representation to the Minister and parties that may be affected by the decision of the Minister under section 10 of the Act.

See the department's [Privacy Policy](#) to learn more about accessing or correcting personal information or making a complaint. Alternatively, telephone the department on (02) 6272 3933.