



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

Notice of an application for the protection of the Ravensworth Estate Homestead Complex and Surrounds (NSW) as a significant Aboriginal area.

Invitation to make representations

I, CHRISTOS MANTZIARIS, HEREBY GIVE NOTICE AS FOLLOWS:

The Minister for the Environment has received a written application under section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)* (the **Act**) for a declaration for the protection and preservation of an area described as the '**Ravensworth Estate Homestead Complex and Surrounds**' (**Specified Area**) on the basis of Aboriginal significance. The Specified Area is located in the Hunter Valley, New South Wales, and is further identified on the map in Figure 1 below.

The Minister has appointed me to provide a Report in relation to the application under section 10(1)(c) of the Act. This Notice invites interested persons to make representations in relation to the application for the purposes of my Report to the Minister.

The applicants

The application is made by Mr Scott Franks and Mr Robert Lester, as representatives of the 'Plains Clan of the Wonnarua People'. Mr Lester is the Chairperson of the PCWP Aboriginal Corporation, the representative body for a native title claim by the Plains Clan of the Wonnarua People over an area of land that includes the Specified Area.

The purpose of the application

Section 10 of the Act confers power on the Minister to make a declaration to protect and preserve an area where she is satisfied that the area is a 'significant Aboriginal area' that it is under a threat of injury or desecration. A '*significant Aboriginal area*' is defined by section 3 of the Act as an area '*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*'.

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 protection before deciding whether to make a declaration. The Report is required to address the following 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 applicants 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 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 applicants specify the Ravensworth Estate Homestead Complex and Surrounds, between Singleton and Muswellbrook, NSW as the area for which protection is sought. The Specified Area is a polygonal area which the applicants claim as corresponding to the sites identified in National Parks and Wildlife Services (NSW) site nos 37-6-3907, 37-3-1506, 37-3-1507 and 37-3-0390. The Specified Area is depicted in Figure 1. More detailed mapping will be provided to persons wishing to make representations.

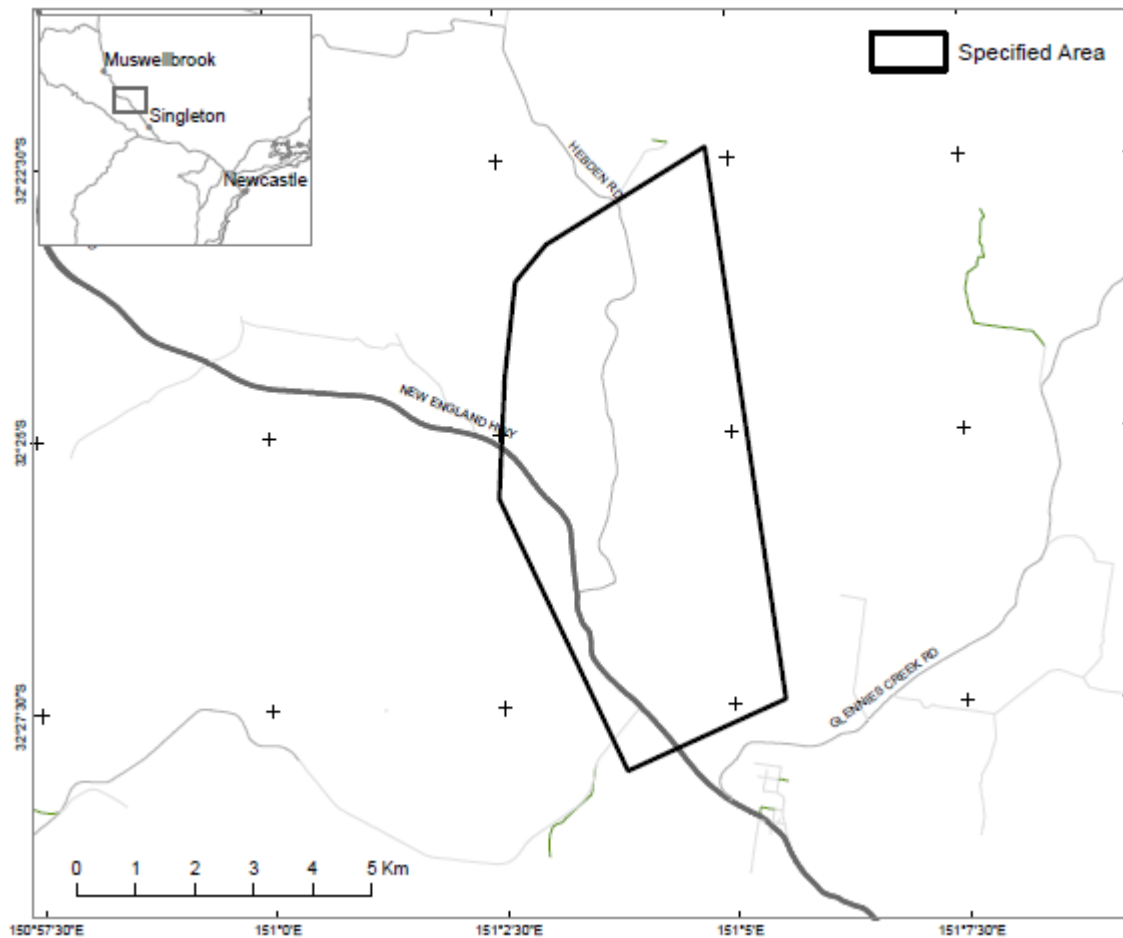


Figure 1: Map showing the specified area within the Ravensworth Estate Homestead Complex and Surrounds, NSW

Claimed nature of particular significance

The applicants state that the Specified Area is of particular significance in accordance with Aboriginal tradition for three reasons:

1. The Specified Area was the site of a massacre of Aboriginal people described as the Wonnarua People in late 1827. The massacre was conducted by ‘a posse of soldiers and civilian volunteers’ as a reprisal for the murders of two white men in August 1827.
2. The Specified Area was the site of a series of violent confrontations between Aboriginal people (the Wonnarua) and local mounted Police and local farmers that occurred between 1825 and 1826, most of which took place at Dr Bowman’s Ravensworth Estate and the nearby Glennie’s

Creek ('Lethbridge's'). These attacks were part of a pattern of confrontation that occurred in the broader area from the early 1800s up until the late 1850s.

3. The Specified Area is a well-known location where the Wonnarua 'lived and sustained a continued connection' to the land, and was a place for hunting and gathering and the conduct of ceremonies.

The application states the relevant 'traditions, observances, customs and beliefs' of the Wonnarua People in relation to the Specified Area as including:

- (a) Oral histories passed down by their forebears to them, and to other members of their immediate family, about the events that occurred in the Protection Area in the early 1800s, particularly at Ravensworth.
- (b) Traditions and beliefs relating to respect for and protection of places of Wonnarua burial or places in Wonnarua country where ancestral remains are believed to be (ie that such areas and places are sacrosanct and should not be disturbed). This includes those places where Wonnarua persons are understood to have perished without Wonnarua mortuary rites and practices being able to be properly performed for them.
- (c) Traditions and beliefs relating to the spirits of Wonnarua people who perish without Wonnarua mortuary rites and practices being able to be properly performed for them (ie that the spirit inhabits the country where the person passed away and is not at rest).
- (d) Traditions and beliefs relating to known areas of physical conflict between Wonnarua people and other Aboriginal or non-Aboriginal people. Reference is made to the mythological story of the Wingen Maid which commences with warfare between the Wonnarua and Gomerioi people in the Upper Hunter and Liverpool Range. These traditions and beliefs are similar to those attaching to places at Parkville, Jerry's Plains, Medford, Cessnock and Hillcrest (just to the north of the Specified Area) which are of particular significance under Wonnarua tradition because they are known to be related to instances of large scale intra-Aboriginal and settler-related conflict.

Claimed threat of injury or desecration

The applicants claim that the Specified Area would be injured or desecrated by the proposed expansion of the existing Glendell open cut mine, known as the Glendell Continued Operations Project by Glencore Australia (**the Project**). The Project proposes to dismantle and relocate the Ravensworth Homestead, after which the entire specified area would become an open cut coal mine.

Invitation to make representations and access to materials

Persons interested in making representations in relation to the application should contact me **by email** in order to obtain secure electronic access to the application and associated materials. All communications in relation to this report should be directed to:

Dr Christos Mantziaris (St James Hall Chambers, Sydney)
ravensworthreporter@counsel.net.au

If an interested person is not able to use email, I may be contacted during business hours on (02) 9223 0185 so that alternative access to the relevant materials can be arranged.

Deadline for representations

Representations in response to this Notice must be made in writing and by email, by **5:00 pm on Monday, 8 July 2019**. Please do not send your representations directly to the Minister.

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. *All representations*, whether or not they are provided in confidence:

- will be provided to the Minister for the Environment and the Department of the Environment and Energy as part of my Report; and
- will be disclosed under compulsion of law (eg under a Court order).