



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

RE: GLENDELL CONTINUED OPERATIONS PROJECT (SSD-9349) AND
MOUNT OWEN CONTINUED OPERATIONS MOD 4 PROJECT (SSD-5850-
MOD-4)

PLAINS CLANS OF THE WONNARUA PEOPLES (PCWP) MEETING

COMMISSION PANEL: DIANNE LEESON (Chair)
 PROFESSOR SNOW BARLOW
 ADRIAN PILTON

OFFICE OF THE IPC: STEPHEN BARRY
 CASEY JOSHUA
 JANE ANDERSON

PCWP: SCOTT FRANKS
 RACHAEL CHICK (EDO solicitor)

LOCATION: VIA VIDEO CONFERENCE

DATE: 11.15AM, TUESDAY, 8 MARCH 2022

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MS LEESON: Thank you, good morning. Before we begin I would like to acknowledge the traditional owners of the land from which we virtually meet today and pay my respects to their Elders, past, present and emerging. Welcome to the meeting today to discuss the Glendell Continued Operations (SSD-9349) and Mount Owen Continued Operations Mod 4 (SSD-5850) projects, which are currently before the Commission for determination.

10 The Glendell Mine forms part of the Mount Owen Complex located in the Hunter Coal Fields in the Singleton local government area. The application for the Glendell Continued Operations Project would extend the life of the existing operations by establishing a new mining area to the north of the current Glendell Pit to enable the extraction of addition 135 million tonnes of run-of-mine coal over 21 years and increase production rate of up to 10 million tonnes per annum. Coal extracted over the life of the project will continue to be processed at the existing Mount Owen coal handling and preparation facilities before being transported via rail in accordance with the Mount Owen consent.

20 The project involves an associated modification to the Mount Owen consent to integrate with the proposed extension. While the project would continue to rely on existing infrastructure including the Mount Owen coal handling and preparation plant, rail loop and existing Glendell mining fleet, it would require the development of a new mine infrastructure area including associated infrastructure and services along with construction of new heavy and light vehicle access roads. In addition the project would involve the realignment of a section of Hebden Road, diversion of Yorks Creek and relocation of the historic Ravensworth Homestead.

30 My name is Dianne Leeson. I'm the Chair of this Commission Panel. I am joined by my fellow Commissioners Professor Snow Barlow and Adrian Pilton. We are joined by Stephen Barry, Casey Joshua and Jane Anderson from the Office of the Independent Planning Commission.

40 In the interest of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its determination. It is important for the Commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and are not in a position to answer, please feel free to take the question on notice or provide any additional information in writing which we will then put up on our website. I request that all members today here introduce themselves before speaking for the first time and for all

members to ensure that they do not speak over the top of each other to ensure accuracy of the transcript. We will now begin.

So good morning again and thank you for your time today, we are very interested to meet with you, Mr Franks. And Rachel, I understand that you are from the EDO and that you're here in a support capacity today for Mr Franks. May we call you Scott? I'm sorry you're on mute.

10 MR FRANKS: Yes, that's fine. Modern technology, it doesn't seem to do anyone any favours.

MS LEESON: It's certainly not my area of expertise so, we've got other people more capable in the room with us managing all of that on our behalf, so thank you. We provided an agenda for our meeting with you today and it obviously touches on a number of issues of quite important significance for yourself. We want to treat today's meeting very much as a conversation, and so the three of us will ask questions and guide the conversation as we see needed. We've got 45 minutes for today's meeting, and I think what would be very important for us is to hear from you first off, some opening remarks, and then we'll take that a little bit further in terms of our lines
20 of enquiry for the meeting.

I point out that you also have opportunity to make written submission to The Commission in regards to this and also to present at the public hearing that's scheduled for a week or two's time. With that in background, if I can ask you to make a couple of opening remarks and then we'll dive into some of the more substantive issues from our perspective or questions from our perspective.

MR FRANKS: Thank you. I'd obviously like to acknowledge that this discussion is about possible impacts or considered impacts on land that is the traditional lands of the
30 Wonnarua people. Now, Wonnarua actually means people from the hills and plains. And if I can just add a little bit here. I think it's important to understand that I am six generation Wonnarua. I was born and raised at the geographical location called Mount Olive, that was our family estate. It was actually right across the road from the St Claire Mission site, one of the first missions established in the Hunter Valley. So out of my entire European and Aboriginal descendance from Singleton/Hunter Valley, I am the only one in seven generations that's actually moved from our traditional lands, the Hunter Valley.

40 My mum, my brothers and sisters, my first, second, third cousins and cousins you don't want to mention all still live in Singleton and Muswellbrook. I mean our families were given land grants back in the early days. Our first European blood line

was Joseph Hughes, who's recorded on the ledger of the Sirius from the First Fleet. He owned the property adjacent to Bowman Estate. Further up the catchment because Bowman, James Bowman, the surgeon from the First Fleet, had land further up Glennies Creek in an area called Garangula. So as I grew up on a farm, I didn't wear shoes until I went to high school, which is a bit, to me it was normal but apparently it was pretty unique to the young fellas in at the Singleton High School.

10 So I was raised with my brothers and sisters, six in total of working on a very large property with our aunties and uncles that were still practising law and customs and the reason that occurred was because my grandmother Matilda, sorry, Sarah Smith married my father, grandfather. Because our European line weren't, one section wasn't convicts, the marriages were recorded. My great, great grandmother Matilda Hughes was actually given away at the church at Camberwell by Lieutenant Lethbridge himself. So this is only a couple of generations back, so we have that very clear, crisp family history. So as I grew up, because my Wonnarua lines weren't placed on the mission, my first cousins were but my, from my dad's side and Matilda's side or Sarah Smith's side, we weren't placed on the mission, we actually, as I said, we owned the property across the road from it.

20 So one of the things that happened to me and my brothers and sisters when we grew up, we still had the advantage of working with our aunties and uncles, as in our traditional aunties and uncles, our Aboriginal descendants, who could move around the countryside. They were pretty much left alone by most of the Europeans and they interfaced with a lot of the property owners right up Glennies Creek and Bowmans Creek, right through to Bulga and Broke to the Bora Ceremonies. So, our traditional lands from a clan group was the Glennies/Bowmans Creek catchment.

30 We obviously had a lot of interface with the mission when it was established, because of a lot of people that came to the Hunter Valley were placed on the mission. One of the stories that I will never forget is my grandmother and her aunties and brothers and sisters, my grandfather – even as a child I used to go up there up until I was about 19. I left the Hunter Valley, I joined the army, so I was off doing my service. And you know, it's funny I should say that, and sorry for going all over the place but, you know, I joined the army to follow a patronage of our people joining the army. So two of my cousins, the Lesters, rode out Mount Olive on horses and are still today buried in the battlefields of France. So our Aboriginal people, you know, were off fighting and defending this country even back then.

40 But up the back of the estate there was a place called Grandma's Garden and my grandfather had established that for my grandmother to go up there and, you know, still practice their laws and customs, because there was a lot of talk, even when I grew

up, of how Charlie Franks used to keep a stock whip behind the dairy door because the mob from the mission site would chuck stones at Granny Smith, because they weren't from there – they were placed there. Aunty Barb and her mother were actually – we got them off the mission and we built them a house in between Aunty Flo and Aunty Gladys' place so they could get of the mission.

So we've had a long connection with the Hunter Valley and the only way that has been broken is by me at this stage, personally, by leaving the Hunter Valley. But, you know, I met a woman, got married and do what most blokes do, you follow your wife.
10 So, we – a good husband should, I might add.

MS LEESON: I couldn't possibly comment. I don't have in front of me the benefit of some plans that point out where these particular places are that you refer to, Mount Claire, Mount Olive. I'm assuming that Grandma's Garden is on the Ravensworth Estate somewhere. Do you have anything at hand that would show us, to screen share for example, that would show us where some of these places are, to give us a context in terms of the Glendell proposal?

MR FRANKS: Just Rachael, we don't really, I mean, it's maybe something that we
20 can take on notice and provide a map, because this is the problem, most of the information we've actually provided was provided to Glencore as a – because Glencore have holistically always engaged the PCWP. As you've probably seen in other approvals for Glencore, like the Mangoola Operation, the Bulga Optimisation Plant, the PCWP, which is a Native Title Registered Party, have always been engaged independently by Glencore to produce its own independent connection report. Now, we actually did that for this operation, and contained within that is a wealth of information which was co-scripted and co-authored by a very senior anthropologist Dr Neale Draper. That then gives all the information that was attached to the EIS that went through to the Department of Planning to consider for approval. So, but we can,
30 I will take that on notice to provide information, a more of a historical – I know it's difficult because we're not onsite because I can show you out a window, but as you drive – I think you're all pretty familiar with Singleton, you've all been to Singleton.

MS LEESON: Well, we were meant to be in Singleton today actually but the weather conspired against us. Just to pick up on that, you provided that connection report to Glencore as part of the EIS work. We might check while we've got the meeting on foot this morning, is that attachment in the EIS appendices?

MS CHICK: I can do a check now, Di.
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MS LEESON: And if it's not, we'll let you know and ask you, perhaps.

MS CHICK: I can answer that. The documents are in the response to submissions in Part B. They are appendices, two appendices in there.

MS LEESON: Okay, thanks Rachel.

MS CHICK: That's all right.

10 MS LEESON: I'm sure that you appreciate that when we look at the material before us to consider this project they are very, very voluminous.

MS CHICK: Yes.

MS LEESON: Quite a challenge getting across all of it.

MR FRANKS: It is. I think the easiest way to sort of – so our estate was about seven miles northward on the Glennies Creek River or Creek, and that's an area that's called Mount Olive. But the actual property adjoining this particular mining lease, Hillcrest, was an original Franks government grant back in the day, in the early 1800s. So
20 we've always had a very clear connection to this particular area simply because Dr James Bowman was the surgeon from the First Fleet. So as you appreciate, even when I grew up as a teenager in the Hunter Valley, I mean, I'm 52 now, the local post office was, well not many of them local anymore, you know, the local post office was the place normally where you'd go and use the phone or you'd meet the local doctor if you couldn't get to town. So the, you know, there were a lot of magnetism or polarising activity happening around the Ravensworth Estate for generations because of (a) who he was, a surgeon who moved between Camden and the Hunter Valley all the time, but also because of the size of the property, it was one of the biggest, I mean our property was 1,175 hectares, but, you know, it paled in comparison to the
30 Bowmans' estate grants and also the Lethbridge estate grants. So, you know, we bred cattle and sheep, he bred cattle, sheep, groceries and convicts, you know, back in the day it was just one of those things.

So obviously what I was leading to, Chair, as I grew up, you know, I obviously didn't realise until I'd lodged native title that my blood uncle, like my dad's brother, Uncle Clive and Uncle Ashley and other cousins, I was taught how to howl dingoes and do all that and I used to make a living from shooting bounties on dingoes. There was a lot of farmers around at the time, like sheep farmers, and you know, they tell us what colour the dog was that was impacting on their sheep, so we'd go out after it and we'd
40 bring back that pelt and get, I think, the best money I got was about \$20 and a box of .22 cartridges back in the day. So, you know, but these, what had happened, as we

were walking around hunting, we were being taught our laws and customs. What plants were edible, what sites we couldn't go to, you know, where were important sites, where was the bad sites, the leery people, you know, where you needed a smoking ceremony, so all through my life this was being instilled into me and my brothers and sisters by my father and my uncle and aunties, and it didn't really, the bubble didn't really pop until I was sat down in front of an anthropologist to do native title. And he said, Scott, I just want you to tell me when you grew up, what happened? And that's how, you know, all this started flooding in of the stories of Kwhale, you know, the son of Baiame, our creator, the wedge tail eagle, and you know, where
10 things happened that impacted on our families, and this coexistence of, you know, how our people operated and acted with the Europeans when they come to the Hunter Valley.

Because Wonnarua weren't a, they weren't Kamilaroi and they certainly weren't Wiradjuri, so they weren't a warring nation, they simple wasn't. They were a small group of people in a very, it was bit like an hourglass type of landscape where it was very confined by the Great Dividing Ranges and you know, Mount Lizard and all this and that at Awaba Country and the Paterson River, you know, there were these clear restraints to stop our people from expanding, so are very closely compacted into this
20 one little valley. So, you know, that, and the problem is from all my life, even when I was, you know, you wouldn't say it probably 20 years ago when we were running up and down the creek with a hessian bag with a two and three quarter inch gill net going after mullet in the creeks, you know, we always were just allowed to wander. We were known, don't take this the wrong way, as the half-castes. When I went to high school, Singleton High School, I wasn't allowed to play with my full blood cousins in the backyard or the back playground, you know, we were up the front, there was separation.

Mrs Bowman, as you all know, I mean she's been there since, for God knows how
30 long, she's been there a long time, you know, she's had photographs of my grandfather King Billy you know with her as a child sitting on his lap, paying a penny to have his photograph. The truth of the matter is, you know, the Ravensworth Estate, and if I could just focus on that, as I said earlier, my great-grandmother was forced to marry a European at Ravensworth or Camberwell Church, which is that land was owned by Lethbridge, so these are the two estates, Lethbridge and Ravensworth. You've got Dr James Bowman and right beside him an officer from the First Fleet. They built the church, that was the community back in the day. So she was, so Matilda was given to a fella because she was pregnant. She was shunned by the group and you know that set off a cascade effect through our family which still sits there and
40 resonates today.

I mean, even when I go back to Singleton and Muswellbrook, you know, I've got cousins that will cross the road, you know, I've got cousins right now that I have seen presenting in the IPC who, you know, argued that there's no First Nations people at this area or that area because they're from the European side. They're my blood cousins who don't want to acknowledge, jeez, you know what, your actual mob married blackfellas, you know, it's time to get on.

10 But the Ravensworth Homestead has a sordid history of interfering with our women, which resulted in a few of our fellas getting upset. Those, you know, they tried to warn these people, like Keto and these other players, you know, made it clear. At the same time we had Gulama, commonly known as Jackie Jackie, off with Edmonds Kennedy opening up the country. You know, so we have this great working relationship, yet here we are in the Hunter Valley where, you know, farming's putting pressure on, on our, our areas of hunting and initiation, because Glennies and Bowmans Creek has got the gold ochre site, it's got a circumcision site, it's got a birthing site, it's got this, all these things for initiation that flow down it all the way to Bulga, which is now being slowly pushed up into this little backwash. The end result was, you know, a clash between our people and Dr Bowman. It got to a breaking point, and the result of that was, was, you know, a very well documented and recorded history of Lieutenant Lo with a garrison from Newcastle, Mounted Police, Marines and, and British with posses mounting reprisals over the next ten years. It started off with small skirmishes but then it accumulated into an absolute massacre where Captain – he was then promoted I think at that stage to Captain Lo. He was the first British subject to be charged by the Crown for knowingly massacring, and in his own words, massacring native prisoners at the Bowman Estate.

30 Now, his own journals, and this is what is so surprising about this, we knew from the stories we all were told, I mean, obviously my grandmother was given to somebody, you know, like you can't get any more straight to the point than that. We also knew from Auntie Barb's line and other mobs that, you know, this area was a very nasty place, this estate. It was done in such a way by the British, and I think even one of the records when I was researching it – because we all know, as Aboriginal people, what happened because we all talk about it. I'm in a, I'm caught in between two worlds. I mean, my day-to-day business is an archaeological firm so we're very backed up on science to confirm, because archaeology is a very dangerous – and I do say this not cautiously, it's just being honest – archaeology in Australia is a useless tool that amounts to nothing because archaeology is based on a science that allows you to interpret whether or not a human society was in existence in an area that's now extinct. But here, we have living culture. I'm sitting here today in front of you. So 40 archaeology is out the window in my mind, even the consultation guidelines that I know that OEH or Department of Environment or whatever they call themselves now,

you know, they're saying, oh, but we've got to, you know, listen to the archaeologists, but then in their own policy they say that archaeologists are not best suited to interpret Aboriginal culture – and it's not. The discipline to do that is anthropology. I sat there shadowing the archaeological firm in these assessments and I was gobsmacked. I even, you know, had a discussion with the senior archaeologist from OzArk and you know, showed him photographs of their own archaeological team were walking around in clusters having a talk fest and not even looking for evidence, spear heads, you know, grinding grooves, axe heads. So archaeology is a bit of a funny thing but, sorry, I've lost my train of thought.

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MS LEESON: While you're getting your train of thought back, Scott, can I ask, with the background you've given us and the story of your connection to country and some concerns around an archaeological approach rather than perhaps an anthropological approach, can you provide, because one of the things we want to get through today is some commentary around or your concerns or issues on the department's assessment report. So, with that background and context that you've given us, can you provide us with some comments or concerns, or whatever your comments are, on the department's assessment to this point and the proposed conditions?

20 MR FRANKS: It absolutely failed in this. Look, we've, we've supported, there's 36 operational mines in our traditional lands. We have supported all but two. One was Ashton, for the Bowmans Creek re-diversion because it's a birthing site, and the second one is the Glendell Continued Operations. So for part and par as a Native Title Registered Claim Group, we, we have made a decision to ensure that the economical viability of this estate is protected by supporting mines being approved, including the Mangoola mining operation, which is clearly under contention. But this particular assessment and the way the department have handled it has been a handling of silence. The homestead or the Ravensworth – let's just say the house isn't there, the Ravensworth Homestead is gone, let's just say it's vanished – the actual mapped land
30 which is Wonnarua, which means hills and plains, because that's what it means, is the only intact undulating plains left in the Hunter Valley of what it looked like before British turned up. The only difference today is a few open-cut pits that are in there now but also the tree line of the hardwood forest or the Hunter River red gum forests along the creek has now been taken for fencing and hut building and so on from the early days. So from an ecological/archaeological perspective, the landscape harbours a wealth of information.

And what the department have failed to recognise, because everyone's so focused on this homestead, you know, we can't move the homestead, we can't move the
40 homestead, the reason we're saying the homestead needs to stay is because when Keto, and this is, these are depositions by the Crown on the 6th of October, 1836 by

His Excellency, when he had Lieutenant Lo at that time, or Captain Lo, arrested for knowingly massacring native prisoners, it was recorded that Dr James Bowman used a black musket pistol to the back of the head of Keto, a well-known Aboriginal or native, known to the colony as being a sympathiser. He then impaled Keto on the front fence of the homestead, and the two warriors that were with him, two men, were summarily hung in the trees out the front and left there to instil fear on the reprisals that were occurring. This is all very well documented in depositions, dispatches and so on.

- 10 What the depositions – and this is where I think the department stepped away from this – what it actually demonstrates is a well-recorded frontier conflict that’s been recorded at hand on the day, because these depositions are very detailed, as I said, there’s maps and everything, and I think the department haven’t understood the uniqueness of what’s happened here. And I know it’s going to sound bad coming from a Wonnarua person but what this landscape – and that’s why I say take away the homestead – the landscape is a battleground. And if there’s ever a need for reconciliation between industry and Wonnarua, that’s what this area represents, because we still have our fallen in the paddock, in shallow graves who were just left there. Even, you know, when the attack happened on Alcorn’s Hut, the mission
- 20 manager, sorry, the farm manager for Dr Bowman, you know, the group that turned up there were – I don’t know if you’ve read any of this so, please, I don’t want to, there’s some pretty horrific stuff in these depositions, you know. You know, he’s stating that the two, there were three fellas in the hut, they all tried to run to the back of the hut because there was a warrior group there ready to take – they’d had enough. So they turned up with their spears and nulla nullas and God knows what else to Alcorn’s Hut, which was just a hundred yards across the creek from the main homestead. They tried to run from the main area of the lounge kitchen area of the hut to the back bedroom that has a door, but on their way through they had actually left the shot for their muskets on the mantelpiece. So they’re in the back room with wadding and black
- 30 powder making big bangs out the window and, you know, the mob there learnt very quickly, so they ended up spearing them through the hut. They grabbed Alcorn and, sorry, forgive me, they caved Alcorn’s head in with a stone out the front. The next day or the day of next, Lieutenant Lo arrived and gave last rights to Alcorn – I think he was a bit dazed and that but he ended up passing away and he actually interned two people there on the ground.

- So we have this wealth – for once you’ve got this British record of colonial warfare occurring. It’s the first time in 15 years of doing archaeology I’ve actually seen the British recording the annihilation, and they actually say it – we need to, you know,
- 40 enforce authority and instil fear to bring down the reprisal of these natives.

So, and that's what I'm saying, even though – but the other thing with the homestead is while Keto was impaled on the fence, about 1834 a journalist from the Maitland Mercury turned up and had a yarn to the property owner and said, oh look, I'm just a bit concerned, why is there a skull on your mantelpiece? And he said, "Oh that's the head of the blackfella we impaled to keep these blacks away." So they used that in the homestead to scare people. That's why I'm saying, the homestead is intertwined with this. I mean, even the deposition, I think one of the most astonishing things for me which was a turning point was when Dr Mark Dunne, who's done his PhD on the Ravensworth, sorry, the upheavals in the Hunter Valley, I think it's 223 or 224 of his own thesis, has a map and I think number 13 is referring to the Ravensworth Homestead as a massacre site – he's saying it doesn't exist yet in his own thesis Mark Dunne has recorded this homestead as one of 26 conflict zones.

It's these surprising things that have – I mean – sorry – with this homestead, that's why I was leaning towards Mark Dunne, I sat down with Glencore management and said, look guys, here's a dispatch, this is directly in reference to Mark Dunne's summing up of the Ravensworth Homestead that a conflict never happened there. This is from three magistrates, countersigned by Dr James Bowman and also Lieutenant Lethbridge or, sorry, Captain Lethbridge, demanding His Excellency send a Garrison forthwith to the homestead to protect it. Mark Dunne says, oh, it's just scuttlebutt, we don't need that. But the actual returning dispatch back to the magistrates, there was three of them, was that we are sending a mounted garrison of Marines with police and a scout to your location posthaste, fortify the homestead until we get there. Then for two years there's dispatch of ammunition request, you know, information on why they've expended the ammunition. There's even a dispatch confirming how they fortified the homestead with three-foot sandstone walls and put slats in the windows so they could get their muskets through it.

It's just shocking that the house, in all honesty – from a European archaeological perspective, not an Aboriginal archaeological, and even Casey and Lo supported this – the Homestead is a, from a European perspective, it should be protected in its own standing because it's one of the first recorded fortified garrisons in the state. It's incredible. That's why I struggle a bit being an Aboriginal person and also what I do for a living but the truth of the matter is, both European and Aboriginal perspectives alone, you have this clash. And if archaeology was ever to stand up and work as it truly should work, this is the epicentre. It's the epicentre of a group of people that was pushed to the point of near extinction. It's an area that shows, you know, the British really – I mean, I think a lot of you guys have heard of the Appin Massacres, I think everyone has. We've got a couple of mounted fellas turning up on a few horses moving, you know, (not transcribable) mobs over to the escarpment and pushing them

off. What you have here is nearly twelve years of very detailed records from the British of an absolute attempt to eradicate these natives, the Wonnarua People.

PROF. BARLOW: Scott, are those journals archived somewhere?

MR FRANKS: Yeah, yeah, I actually made a copy of them available to Glencore Coal, Dave O'Brien, Mike Carrucan, Tim Walls and Mark Dunne and summarily told him he needs to review his research. They didn't want to know about it because the actual – what's happened is, and this is where I think the department's really tried to
10 dodge this, back, the original depositions were actually recorded, the original records were then bound in some diaries, and Rachael, we may have to make this available, but the diaries don't, they're not called the dispatches from this area. The government archives have actually gave them a completely different name. So unless you're looking for key words like, you know, "hostilities" or "massacre" or something and then naming the old properties as they, like the Liverpool Plains, Dr James Bowman from Ravensworth Estate, you can't find them. But the actual dispatches – and I know it's not going to work because I've tried this before on this machine – the actual dispatches are all bound in a group of books and I'm trying to look for them on my
20 desktop but they are bound. There are twelve volumes of nearly 9,000 references and, sorry, the volume twelve I think it is the one that we isolated and went after that one, there's I think 1,900 dispatches, 80 per cent of them are solely coming out of the Ravensworth Homestead because of these attacks. It's such well – it's just incredible. There's even a map that was drawn at the time by Lo of the Alcorn Hut and he describes how the attack happened, yet the department, this has been hidden from them. Why would you do that?

PROF. BARLOW: Scott, sorry to interrupt.

MR FRANKS: You're right.
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PROF. BARLOW: Those bound volumes, are they lodged in the Mitchell Library, where would they be found?

MR FRANKS: They are – we found them originally in the State Library and then we went, we started, when we started looking into it, we then asked, actually found some copies, you can actually buy them, I'm just trying to think what they're – I've got them saved in my folder - - -

PROF. BARLOW: Perhaps you can send us the location of those, either Scott or
40 Rachel.

MR FRANKS: Yes. We actually provided a short list of all the pages specifically referencing a significant massacre at the Ravensworth and Alcorn Hut to Glencore and they just absolutely ignored it.

MS LEESON: So that was not provided to the department, you don't believe?

MR FRANKS: Look, I, I – it became very evident to me at the eleventh hour that Glencore were treating our information as an argument that they'd spoken to a whole range of Registered Aboriginal Parties, which they should do under the consultation
10 guidelines, but where the failing is that they didn't isolate who the knowledge holders were. Whether they're with us or not, I mean there's other Aboriginal groups in the Hunter Valley that are going to have differing view so us. There's people that were born and bred on the mission, you know, who think they're Wonnarua but they're not, they were moved there. There are Aboriginal people who have moved to the Hunter Valley because of St Hellier's Correctional Centre. I mean, I used to be the Chairperson of the Lands Council and we worked very closely with St Hellier's when people were released from prison, they were given a House Commission in Muswellbrook or Singleton, the Lands Council would then work with those Aboriginal
20 people to give them sites, work – because they needed something to go to. So a lot of those people stayed there and their families moved there. We've seen, in my time as the chairperson, I seen five Registered Aboriginal Parties evolve to date to 110 Registered Aboriginal Parties and the reason that's happening is because, as a Registered Aboriginal Party, Glencore Coal, and I'm not speaking for any other groups, but they will pay me as a RAP \$800 a day. I've been out in the paddock where I've had people tell me that a drip line around a gum tree is a bora site. Like - -

MS LEESON: Scott, I'm mindful of the time that we have available and I think you've given us quite a comprehensive view of things and we would like to get some
30 details on where those volumes can be found. But in the last couple of minutes that we have available, I would like to get your commentary on the actual relocation options of the homestead. So before us are two options, one to relocate it within the general area and the other to relocate it to Broke. Could you talk to us about your views on either of those options and, I guess, the relationship of continued use and occupation of the lands and therefore where you think the options stand in your perspective.

MR FRANKS: Look, I think the moving of the homestead to Ravensworth is, sorry, to Bulga/Broke is an inherent problem because their attempt is to move it to
40 McNamara Park on Crown land. That's going to trigger a section 29 under native title. So, you know, I've met with the, the – whatever his name is, I can't think –

young McNamara's son and, Rachael, I can't think of the guy's name from Broke, Steven someone or Irving, whatever it was. And it didn't make sense to me to remove a European home that was designed and built by the same person who built Captain Cook's home, you know, to be relocated. I've seen in the Hunter Valley, you know, numerous attempts to move some of these old homesteads. It always fails, they fall apart. The homestead in itself is a time capsule – that's my, I don't think it's viable to move it to Broke, you know, there's going to be arguments for native title, there's going to be risk of the homestead being completely changed what it is.

- 10 The other option to move it onsite – and I've taken a lot of time to consider this – from my understanding the open cut's going to come within 500 metres or 50 metres or something of the homestead. We're talking about a sandstone homestead that's just going to fall apart. The Warkworth Homestead is a fine example of that. They moved the Warkworth Homestead away from the pit to the front of that area, and if you go there today, you can't even go inside, but if you do sneak in and have a little sticky beak – you'll see these big steel rods that are going through the homestead, you know, like that, to hold it together, but the roof has collapsed from all the vibrations, all the sandstone cracks. I don't understand how they could – look, the truth of the matter is, from day one, we were asked as the Native Title Claim Group to give a presentation to
- 20 the Glendell and non-Aboriginal Committee that was established to talk about moving the homestead. So this is a committee that doesn't involve the Aboriginal community, it's a committee of real estate owners and property owners and anyone who could mount an attack on the mine's approval. We said to them from the very beginning, the homestead is going to be destroyed.

- So, I mean, to me, the landscape is vitally important for reconciliation and intergenerational equity for the Wonnarua People. We don't have any undulating plains with, you know, second and third storey tributaries with a first water stream like Hunter River. All the other undulating areas we have have been totally destroyed by
- 30 open-cut mining. I think for the state of New South Wales, the current Ravensworth Homestead is a vital window into the colonial past, the white colonial past on how big farms were run, but it also is a clear site, a hallowed site where reconciliation, for once, can be settled in the Hunter Valley.

MS LEESON: That's been quite an insightful discussion and presentation, thanks Scott. We'll wrap up now but I just want to check first whether we've got any questions from any of the other.

- MR PILTON: Nothing from me, thank you.
- 40

MR FRANKS: Can I just, sorry, Commissioners, can I just ask Rachael if she can just share a couple of very short clips from one of the other heads of families?

MS LEESON: What we might do, and let's talk this through.

MR FRANKS: Yes.

MS LEESON: In the interest of time, and we do have the public hearing scheduled, it's opportune to show, because we want to be transparent around our processes as you
10 understand, it might be more appropriate to use that footage or those clips as part of your public hearing submission.

MR FRANKS: Fair enough.

MS LEESON: Is that all right with you?

MR FRANKS: Look, that's fine. I think, obviously I appreciate the time that you guys and, sorry, Commissioner on my left, I cut you off, sorry I've been a bit rude.

20 MS LEESON: You're fine.

MR FRANKS: He's on your right, Chair, so I want to give him the opportunity to sort of finish his sentence, sorry.

MS LEESON: That's all right, that's fine, thank you.

PROF. BARLOW: No, that's, that's fine I think I've heard what I need to hear. Thank you, if those clips would be helpful as well and if they can be part of the public hearing and on the public record, that would be very helpful.

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MS LEESON: All right then. So, on that basis thank you very much for your time today. As we say, these meetings are being transcribed and will be posted on our website in due course. We will invite you to participate in a public hearing when that happens in a couple of weeks and also – as I said earlier – to make formal submission to the Commission. So with that, we'll close this morning's meeting and thank you very much for your time and your attendance.

MR FRANKS: Stay safe and keep dry.

40 MS LEESON: Thank you, you too, thank you. Bye.

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[12.02pm]