



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)

WONNARUA NATION ABORIGINAL CORPORATION MEETING

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

OFFICE OF THE IPC: STEPHEN BARRY
 CASEY JOSHUA
 JANE ANDERSON

WONNARUA NATION LAURIE PERRY
ABORIGINAL
CORPORATION:

LOCATION: VIA VIDEO CONFERENCE

DATE: 2.00PM, TUESDAY, 8 MARCH 2022

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MS LEESON: Good afternoon. Before we begin I would like to acknowledge the traditional owners of the lands 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. The Glendell mine forms part of the Mount Owen Complex located in the Hunter coalfields 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 an additional 135 million tonnes of run-of-mine coal over 21 years, at an increased production rate of up to 10 million tonnes per annum. Coal extracted over the life of the project would continue to be processed at the Mount Owen coal handling and preparation plant facilities before being transported via rail in accordance with the Mount Owen consent.

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.

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 also joined by Steve Barry, Casey Joshua and Jane Anderson from the Office of the Independent Planning Commission. In the interests 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 Commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website. I request that all members here today 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, Laurie, that's quite a long statement for a small meeting one on one, but we do appreciate your time and your interest to actually meet with the Commission. What we thought would be helpful to do today is we've given you an agenda but we would like to hear from you on your perspective on things and then we, as Commissioners, will I guess just open up conversation and ask questions along the way. Quite an informal process but it is intended just to gauge some level of information and perspective from you. So if I can ask you to open, that would be helpful.

10 MR PERRY: Talking to me?

MS LEESON: Yes, Laurie.

MR PERRY: Sorry.

MS LEESON: No, no, that's okay. Okay.

MR PERRY: Yeah. Okay. Yeah. Well, my name's Laurie Perry. I'm the CEO of the Wonnarua Nation Aboriginal Corporation. We've been operating since 1999 and,
20 and we're based in the Singleton region. We have over 535 members based on one apical ancestor and her name was Sarah Madoo. And we're, and we have over 385 descendants from that one person. So we're pretty unique in terms of how we're registered with the Office of Indigenous Corporations. They're based in Canberra. And we deliver outcomes for our membership and our community.

We also own a number of properties in the Hunter Valley, in the, in the Upper Hunter area and we've successfully Aboriginal protected three areas. The three areas of land that we've protected are the Baiame Cave in Milbrodale, which is now Aboriginal protected and heritage listed. The other is the Redbourneberry Hill Mission Reserve
30 on the outskirts of Singleton and the Singleton St Clair Aboriginal Mission in Carrowbrook. Can you just hang on a tick?

MS LEESON: Sure.

MR PERRY: No, my wife's at home and she's working from home and she's driving me mad. Anyway, yeah, so where was I? The St Clair Aboriginal Mission which closed in the late, in 1939 and started in nineteen, in the nineteen, sorry, 1893, so, yeah. And we own that land and we've actually protected the corroboree ground, the mission school and the church area. So we have a significant presence within the area
40 and deal regularly with all sorts of development across the, the Upper Hunter area.

MS LEESON: I'm not sure, Laurie, whether that's your computer making some strange noises or whether it's at our end?

MR PERRY: No, just got an email. A couple of emails came through.

MS LEESON: Okay.

MR PERRY: Technology.

10 MS LEESON: It's pervasive, isn't it?

MR PERRY: Yes.

MS LEESON: Okay. So I interrupted you. You'd talked about ownership of St Clair Mission and the history of its opening and closure.

MR PERRY: Yeah. Well, we've Aboriginal protected the, the main areas that, our organisations protect areas that are culturally significant and we have an unbroken connection to.

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PROF. BARLOW: Laurie, you said you own a number of properties, as well. What are those? So not all of them, of course, but just what types of properties?

MR PERRY: Well, there's one property we own out at Pioneer Road, which is on the outskirts of Singleton, as well, and we've now been funded by the government to turn it into a healing centre. We actually have been talking to a number of government organisations about how to look at closing the gap in healing Aboriginal people in the community and the wider community and how to engage in, in the practice of delivering the Close the Gap targets.

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PROF. BARLOW: Thank you.

MS LEESON: Thanks, Laurie. Is there anything else that you wanted to add as a starter?

MR PERRY: No, I think that's about it, really.

MS LEESON: Okay. So, Laurie, as you know, we're going to determine the application for the Glendell Coal Mine extension. One thing we would like to hear from you about, or a couple of things, but one of them really is around the continued

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use of the area that's proposed to be mined through and the relationship with the Ravensworth Homestead. We invite you to make some comments in that regard.

MR PERRY: Well, as you know, since the '70s and since I've been here, basically, the, the landscape of the mining industry is in terms of land use pretty, pretty well much opened up and we're protected by a number of things and one of the main acts of government is the Culture and Heritage Act. So the Aboriginal when they're delivering the services across the Upper Hunter area, whether that be mining or development or, or whatever, specially when it comes to state significant, the
10 Aboriginal people are involved underneath that Act and are consulted under that Act to deliver services to the relevant organisations. So we get to pick up all the artefacts, we do the surveys and, and do the reports and stuff and work with the archaeologists. And basically, in my opinion, we're finding the same information, what's in the ground, with the artefacts and the tools that are found. So all these artefacts that are picked up, they go into a container on one of the mine sites and sits on the mine site, and report's done and then that's it. That's our job, the engagement situation is over. The issues on mining and rehabilitation is something that we've been looking at
20 engaging with as well. It just seems sometimes a bit of a lost cause, but we're keen to see the rehabilitation of country when mining's complete, and be engaged with that process. And I would like to – sorry?

MS LEESON: No, sorry, I – sorry I interrupted. You were saying it's a lost cause. Do you have concerns with the final landforms that are proposed on this application or the current methods of rehabilitation on this site?

MR PERRY: Oh, I, look, from an Aboriginal perspective, you know, every piece of land is sacred. But at the end of the day, you can only protect, protect what you know. And it's interesting that over the last 30 years, in terms of rehabilitation of, of the mining, the landscape and the employment opportunities that go with that and, and
30 how the mining industry engage with the Aboriginal people just underneath the Culture and Heritage Act. The communication between the mining industry and the Aboriginal industry needs to be more open, more transparent and more about engagement with the Aboriginal community. The figures in the Upper Hunter area in the Close the Gap strategy has always been worrying to me because there's so much unemployment with Aboriginal people still in the Upper Hunter area. And it's frightening to see that the wealth being made by mining companies is being made, and the Aboriginal people get consulted on one, one development consent after another to basically, to engage, and that's because you're engaging under the Act to consult. The consulting process doesn't mean employment. There's over a hundred Aboriginal
40 Registered Parties underneath the consultation process, which is totally ridiculous, and

it needs to be fixed up. And for Aboriginal people to engage with the mining industry, needs to have a clear process of engagement underneath the consent conditions.

MS LEESON: In that sense, have you had a chance to look at the proposed or the recommended consent conditions for this application, and if you have, do you have any comment on those as to their, how adequate they are from an engagement perspective?

10 MR PERRY: Yeah, I put in a submission for that, for the engagement of the Aboriginal people in terms of the consent conditions for cultural cool fire burning on mine, on mine conservation and biodiversity offset areas. That will create 200 Aboriginal training and ranger training jobs within that area in land management.

MS LEESON: Is that a recommendation that you've made to the department in terms of conditions for this particular application?

MR PERRY: Yes.

20 MS LEESON: Yes, okay.

MR PERRY: And, and to the other, and the Mangoola Mine as well. If we're going to be involved in land use, then you've got to involve the Aboriginal people in the process.

30 PROF. BARLOW: Laurie, Snow Barlow here. Can I ask you a couple of questions? Perhaps the first one is, we know that this is open-cut mining so therefore it's, you know, a total disruption of the landscape. Do you see any way that you can put back the landscape into such a rehabilitated state that might, to Aboriginal people, still have the feel that it was their land?

MR PERRY: I, yeah, I do. I, I totally agree. The, the only thing about the engagement between the government and the mining industry and the Aboriginal community is under the Cultural Heritage Act, and that's it in a nutshell. And all the artefacts, and I keep saying, are in a container on their mine sites, right? And when that area's finished, we can put all them artefacts back onto that land. There was one proposal that Glencore did now that have set up the Minimbah Teaching Place, which is going to house some of the artefacts on their mine sites, but that's not enough. It's, you know, we need to be able to engage across the whole sector of the mining industry, not just with Glencore, with Yancoal and the whole lot of them, Snow.

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PROF. BARLOW: And the second, the second question I have to you, Laurie is in terms of Aboriginal employment. What, and, you know, the applicant in this case is Glencore. Is there significant employment of your people by Glencore in its mining operations in the Hunter Valley?

MR PERRY: No. No.

PROF. BARLOW: Are there training programs to encourage your people to enter the mining industry?

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MR PERRY: There's one that started last year and there was 24 Aboriginal people that went through it, and they're starting another one this year, but that's, that's only recently started. And I'll tell you now, I've been banging my head about this proposal way, way, way before these two development consents are coming up. And the engagement process we have with not just Glencore but the whole mining industry. You can count, you can count how many people Aboriginal people work at the mining industry on your hands. The unemployment issue is, the unemployment for Aboriginal people in the Upper Hunter is over 6.8 per cent. The state average is 12.5 per cent. I mean, what are the Aboriginal people doing and what are the mining industry doing to help that? There needs to be more done. It's a, we're talking about closing the gap in an area of higher Aboriginal unemployment. You know, the, the introduction of cultural cool burnings is starting to happen now. We're going to do some cool burns on one of Glencore's conservation areas. I don't want to just do Glencore's conservation areas. There's over 20,000 acres, hectares of conservation areas that the Aboriginal people should be managing and creating jobs.

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MS LEESON: Laurie, I understand exactly where you're coming from in that. But as you would be well aware, our assignment at the moment is to determine this particular application in front of us, and there may well be issues that you raise that are general that we would look at specifically in this case.

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MR PERRY: Yeah, understand.

MS LEESON: Can I just explore a little bit more. Because there's been a lot that we've been provided with and we're still digesting around the Indigenous story of Ravensworth and the land that's proposed to be mined through, and the homestead itself, the landscape, the use of the landscape and the continuity of that over centuries. And also stories of violence on, on the site as well. And I'm interested in picking up from what Snow said, is that it seems for some people this site has enormous significance, and if it's mined through, that significance is lost. I'm interested in your comment that if artefacts are collected and if the landform is reinstated to an

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appropriate or an agreed landform with the Aboriginal community, that those artefacts put back is in some ways okay. And what I'd like to understand is how acceptable that is or is the land so significantly diminished from an Aboriginal perspective that that's not worthwhile in this instance?

MR PERRY: No. I think you'll find the majority of the people in, Aboriginal people in this area are happy with the artefacts to be put back on that land after the mining is finished or in that rehabilitation stage, where that, where them artefacts came from. And you've got to remember, too, the artefacts are not owned by the Aboriginal
10 people. They're owned by the Crown. So we don't own them either. And, and at the end of the day, the legislation is not in our favour for, for the, for impacts, impact that mining has on, on Aboriginal, on land, on Crown land that, that is being mined or land owned by mining companies.

But, in saying that, you know, I don't, it, it's, what are we supposed to do with these artefacts, Commissioners? What, you know, we can put someone in his urn, we can put some in a container, we can bag them, we can whatever, you know? But, at the end of the day, they're rocks in the ground that we don't own. We might have used them but the Crown owns the rocks. If you do something wrong or disturb or
20 knowingly disturb, then, you know, you get into trouble and you get a fine and you can go to gaol. But no one gets caught or does anything wrong because you need an AHIP permit to do that, and once you've got that AHIP permit, you're right to go. At the end of the day, in terms of trying to work out an equal space for government, Aboriginal and mining, you know, people need to look at the legislation and the policy that's been there since 1974 and it doesn't change. It doesn't change.

MS LEESON: Given free rein, what would you do with artefacts from across this site?

30 MR PERRY: What would I do to artefacts across the site? Well, artefacts - - -

MS LEESON: If you weren't bound by the legislation.

MR PERRY: I'm not sure whether, the artefacts are telling a story of the area, right, and the archaeologists are engaged in developing that. At the end, the end of the day, it's the archaeologists' report that's relied upon, not the Aboriginal significance, right? So the Aboriginal significance is just the artefact without a story to it. So there's no, everyone in the last 30 years, every archaeologist that's been engaged in this country in the last 30 years has been picking up the same artefacts right across the Hunter
40 which, with no story attached to it.

PROF. BARLOW: So, Laurie, you're intimating that it's perhaps the connection of your people to those artefacts, in other words, the anthropology of the area. Who tells the anthropology of the area, not just the archaeology of the area?

MR PERRY: What, what a great question. You know, there's still the, there's still Elders in our community that have knowledge but have also been displaced. So there's still information from an oral history point of view of what's happened in that area. If you go back to what the Ravensworth Homestead's about and I'll put this, I'll put this to the, to the Commission and panel now. The Ravensworth Homestead has a lot of stories about it and they're written down by non-Aboriginal people. And people wrote about the Bowmans and the homestead and everything associated with that family, right? And whang, bang, you know? Just over that hill was an Aboriginal mission where my mob and some other tribal groups were living there and they were being looked after by the missionaries, right? And people didn't want them there. And it's only over that hill from where that mine proposal is and the homestead.

My two great-uncles worked for the Bowmans, right? And, now, these stories are not written now by Aboriginal people. They, the stories that were written about the skirmishes and the tit-for-tat wars and the gun versus the spear, back in them times is written down by non-Aboriginal people and they dictated the media, right? Now, I read in the paper that some, some organisation called the Plains Clan of the Wonnarua People said there was a massacre at that site, right? Now, I can tell you now that not one of our Elders have ever spoken about a massacre at that homestead, at that particular site. It might have happened around the other areas or, or whatever, but nothing that we know from oral history or unbroken knowledge of stories that have been passed down generation after generation to my people who lived on that mission ever spoke about a massacre on that homestead. And that's my part of the history and the knowledge that I've been handed down to about that homestead.

PROF. BARLOW: Another question related to that is you mentioned that there was a mission across the hill from the Bowman homestead. Was that, apparently there was a garden somewhere there. Is that where the garden was or that was a different thing at a different time?

MR PERRY: There was a garden down the bottom of, near Glennies Creek at Camberwell and that's where they grew all their vegetables. And that was a fairly big garden. That, that area is 33 acres. And that was a fairly big area. But the mission church and the mission school that we protected was on top, right? So there was a garden, there was a very large garden on that area.

PROF. BARLOW: Thank you. That's good.

MS LEESON: Laurie, was that known as Grandma's Garden?

MR PERRY: No. No.

MS LEESON: (not transcribable) Ravensworth (not transcribable)

MR PERRY: No. I've never heard of Grandma's Garden.

10 MS LEESON: Okay. It might have been on Ravensworth.

MR PERRY: Yeah.

MS LEESON: Thank you. I'm mindful of time. You've been very, very helpful. Adrian, do you have any questions for Laurie?

MR PILTON: No, I don't. Thank you.

20 MS LEESON: I have one last question, I think, Laurie, and that is, unfortunately, we couldn't come to site this week because of the weather and road conditions and the like, but we still very much would like to come up to have a look at the mine site and the broader locality. We'd be very interested to get your thoughts on places that you think would be worthwhile for the Commission to go to and understand.

MR PERRY: Yeah, no, that's fine. I think the other question you might have missed was the relocation of the homestead?

30 MS LEESON: Yes, certainly. If we can get your thoughts on that, but in the meantime if you want to come back to us with ideas about places to visit, I'm sorry - -
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MR PERRY: Yeah, no, that's fine.

MS LEESON: I, no, no, I, on the homestead, I took from your other conversation about places being able to be disturbed and then the landform recreated and artefacts replaced, I perhaps mistakenly understood that to mean you had no concern about the Ravensworth Homestead being either dismantled or relocated.

40 MR PERRY: Well, we supported the, the Wonnarua Nation Board supported the, the relocation of the homestead to Broke as long as there was a facility for Aboriginal people to use in that area.

MS LEESON: And if it remained at Ravensworth, would you still be agreeable to that if there was Aboriginal employment associated? I'm trying to understand what your, is it an employment initiative that is attracting you to the Broke relocation or - - -

PROF. BARLOW: Access.

MS LEESON: Access, yeah.

10 MR PERRY: No. It's an employment thing and it's also an area that is away from that, from the mine itself as the proposal was to, to originally move that to the Broke Village area and we supported that on the basis that we would be able to have our own shop there, as well, and create employment and build on the capacity of tourism in the area from, from an Indigenous point of view. Broke seems to be the best area, in my opinion, because it's closer to Baiame Cave, which has been Aboriginal protected and heritage listed, as well. And it just seems to me the right move to make and to our board and members.

MR PILTON: Sorry. We just had a presentation from the Broke Village Committee.
20 One of the things they're saying that there are no existing valid native title claimants for that site. What's your views on that?

MR PERRY: Well, there isn't any, there is no determination of a native title claim in the Upper Hunter.

MR PILTON: Okay. Thank you.

MR PERRY: There's, there's agreements, there's Indigenous Land Use Agreements with a number of mines but that's about it.
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MR PILTON: Thank you.

MS LEESON: Thank you.

MR PILTON: I'm fine. Thank you.

MS LEESON: Okay. Laurie, thank you very much. That's been very informative for the Commission so we appreciate the time that you've given to meet with us today. We thank you for that. We remind you that you can still make a public submission,
40 formal submission to the Commission by I think the end of March, somewhere near there and also, of course, to register to speak at the public hearing which will be in a

week or two's time. But I thank you for your time again today and we will close the meeting.

MR PERRY: Thank you.

MS LEESON: Thanks. Bye-bye.

MR PILTON: Thanks, Laurie.

10 MR PERRY: Okay. Thanks for having me.

MS LEESON: No worries. Bye.

MR PERRY: Bye.

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[2.31pm]