



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

**Notice of an application for the preservation and protection of a specified area known as
Dhiiyaan Indigenous Centre (now Dhiiyaan Aboriginal Centre), Moree, New South Wales
Invitation to make representations**

I, Professor Richard Mackay AM, 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 an application under section 10 of the Act. The application is seeking long term preservation and protection of the claimed significant Aboriginal area known as the Dhiiyaan Indigenous Centre (now Dhiiyaan Aboriginal Centre), Moree, New South Wales. The Minister has appointed me to provide a report to her under paragraph 10(1)(c) of the Act.

The Applicant

The application is made by Mrs Noeline Briggs-Smith OAM (**applicant**), a Kamilaroi elder who represents the Indigenous Community of Moree in New South Wales.

The purpose of the application

The application seeks the long-term preservation and protection of the area specified in the application (**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 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 report is 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 the Dhiyaan Indigenous Centre (now Dhiyaan Aboriginal Centre), within the Moree and District War Memorial Education Centre building, on the south-east corner of Balo Street and Albert Street, Moree, New South Wales.

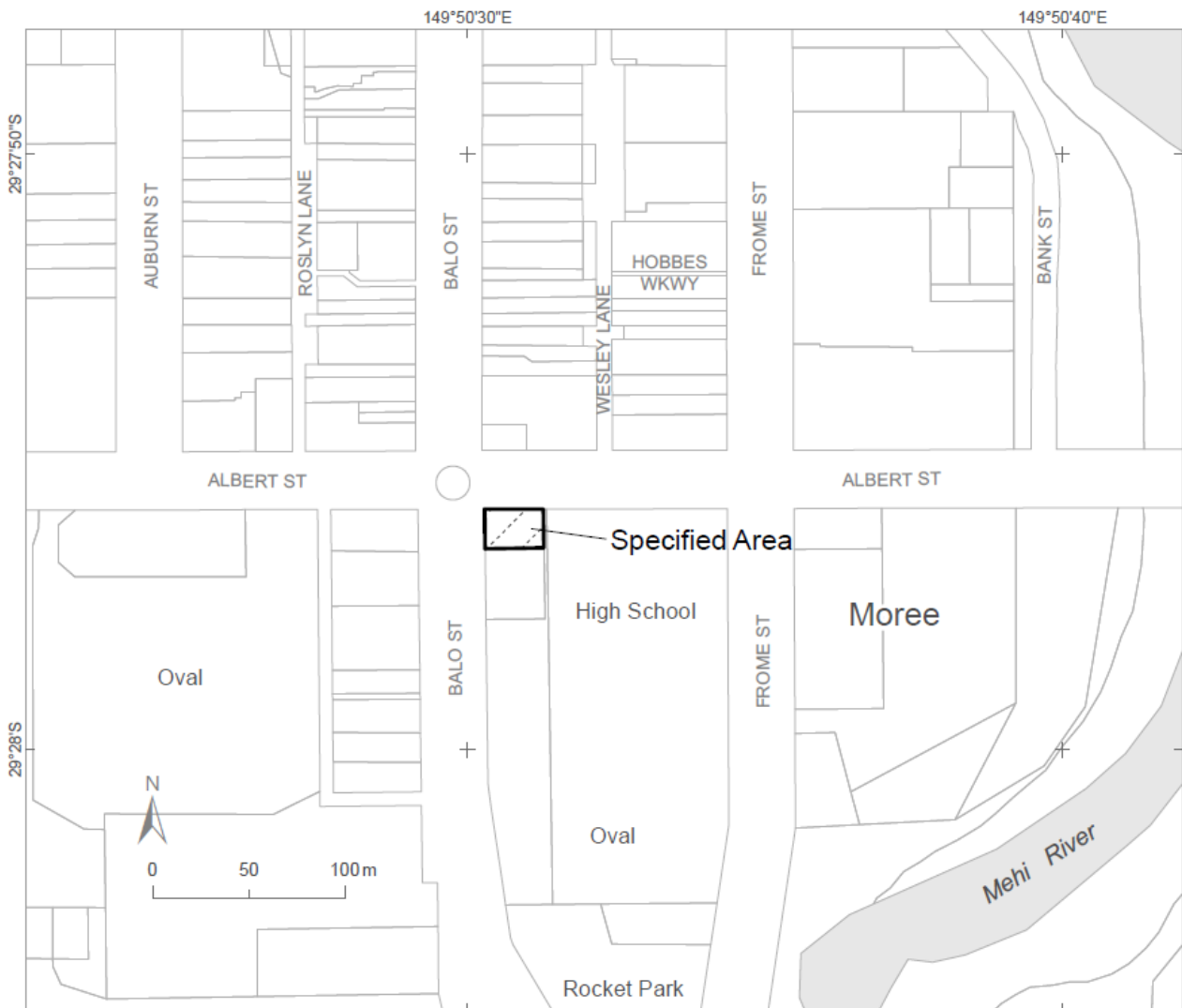


Figure 1 Map showing the specified area of Dhiyaan Indigenous Centre (now Dhiyaan Aboriginal Centre) in Moree, New South Wales.

Claim in relation to ‘significant Aboriginal area’

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

- The applicant identifies the importance of the specified area as a 'keeping place' that holds the Dhiyaan Indigenous Collection which is important in inter-generational transmission of cultural knowledge about Kamilaroi society.
- The specified area holds objects which are secret and sacred, and others which are rare and susceptible to damage if not stored appropriately.
- The specified area contains records of the names, births, deaths, marriages, genealogies, cultural landscapes, legends, language, stories and social practices of individuals and families of Kamilaroi people.

Claimed threat of injury or desecration

The applicant claims the specified area is under threat because the applicant cannot access and use the Dhiyaan Indigenous Collection that is housed in the Dhiyaan Aboriginal Centre by Moree Plains Shire Council. The applicant attributes the threat to the denial of Kamilaroi control over the specified area when the Dhiyaan Indigenous Collection was intended to be for the benefit of Kamilaroi people. Non-Kamilaroi control and management of sensitive information collected for Kamilaroi constitutes a threat to the inter-generational transmission of cultural knowledge about Kamilaroi society.

Invitation to make representations

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

Prof. Richard Mackay AM
Mackay Strategic Pty Ltd
PO Box 479
LINDFIELD NSW 2070

Mobile: 0412 673 548

Email: richard@mackaystrategic.com.au

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 application, making representations in response to the application, 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 applicant and to interested parties who submitted a representation, and thereafter the applicant and such interested parties will be provided an additional period of 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 known as the Dhiyaan Indigenous Centre (now Dhiyaan Aboriginal Centre), Moree, New South Wales', you consent to the collection of all personal information, including sensitive information, contained in your representation.

I, Richard Mackay, 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 report 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.