



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

**Notice of an application for the protection of a specified area, being the area
known as Point Lookout, Queensland**

Invitation to make representations

I, David Williams, hereby give notice as follows:

The Minister for the Environment and Water (**Minister**), responsible for the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)* (**ATSIHP Act**), has received an application made under section 10 of the ATSIHP Act. The application is seeking long term preservation and protection of a significant Aboriginal area being the area known as Point Lookout, on North Stradbroke Island in Queensland. The minister has appointed me to provide a report to the minister under paragraph 10(1)(c) of the ATSIHP Act.

The Applicant

The application is made by eight Aboriginal Elders, together known as the Quandamooka Truth Embassy (**Applicant**).

The purpose of the application

The application seeks the long-term preservation or protection of the area specified in the application (the **specified area**). This area is depicted in Figure 1. 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 an area of land or water in Australia that is 'of particular significance to Aboriginals in accordance with Aboriginal tradition.' 'Aboriginal tradition' is 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 a State or Territory, and the effectiveness of any remedies available under any such law; and
- (h) such other matters (if any) as prescribed.

The specified area

Figure 1 depicts the area for which preservation and protection is sought. This specified area is described as Point Lookout, on Stradbroke Island, Queensland.

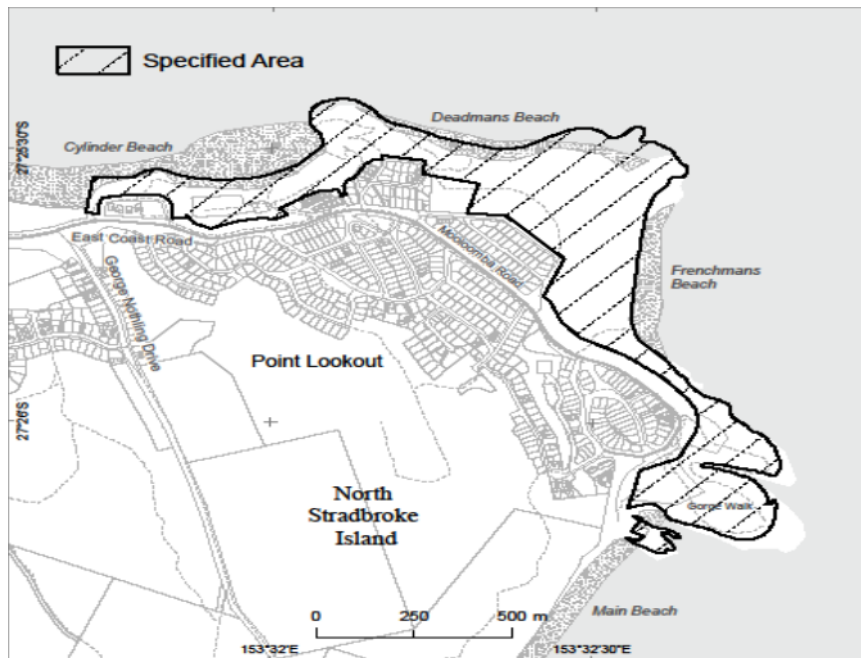


Figure 1 Map showing the specified area of Point Lookout

Claims in relation to ‘significant Aboriginal area’

The application claims that the specified area is of particular significance in accordance with Aboriginal tradition because:

- a) it contains three sites (Adder Rock, Wail Rock, Nulumba’s Place) which are secret, sacred and significant story places according to Dandruba Goenpul and Quandamooka peoples.

The specified area’s cultural significance is considered sensitive and secret knowledge known only by people that the Elders considered ready to receive such knowledge and is not automatically shared amongst the Goenpul or broader Quandamooka communities.

Claimed threat of injury or desecration

The Applicant claims that the specified area is under threat from the construction of the Whale Interpretation Facility proposed by the Quandamooka Yoolooburrabee Aboriginal Corporation

(QYAC), the Queensland State Government, the University of Queensland and the Queensland Museum, for the following reasons:

- a) The specified area has long been understood to be a secret and sacred place in accordance with Aboriginal tradition. Situating a whale interpretation facility in the specified area is culturally disrespectful and inconsistent with Aboriginal tradition.
- b) The plans to display whale bones within the facility gives the impression that the Quandamooka people claim the whale story as belonging to them. This misrepresentation is culturally disrespectful to groups that have the whale as their totem, disrespectful to Quandamooka peoples and their Yuri cousins. As such it is inconsistent with Quandamooka tradition.
- c) The plans to introduce a whale story as being connected to Point Lookout and the Quandamooka people imposes a cultural story on the specified area which changes its cultural integrity, impacts the existing story of the specified area and changes the use that Quandamooka people may make of the specified area physically and culturally.

Invitation to make representations

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

David Williams
PO Box 334
Curtin ACT 2605
0407 430 138
clansadale@iinet.net.au

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

Representations must be made in writing by 5pm Eastern Standard Time on 15 July 2023 or within such further period as may be allowed. **Do not send your representations directly to the minister.**

Representations made by, or on behalf of, more than one person should be signed by each of those persons.

Representations received by the due date may subsequently be provided to the Applicant and other interested parties for their review and comment in order to meet procedural fairness requirements. If representations are circulated to the Applicant and/or other interested parties for comment, an additional period will be allowed for those parties to make any final comments in writing. Representations will only be circulated to the Applicant and/or other interested parties where the representation may adversely affect the interests of that particular interested party. Please contact me should you have any questions about this.

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 Climate Change, Energy, the

Environment and Water (**department**), 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

Your personal information is protected by law, including the [Privacy Act 1988 \(Cth\)](#).

Please read this notice carefully before submitting a representation about the application.

Collection and use of your personal information

Your representation may contain your personal information, such as your name, contact details, your identity as an Aboriginal or Torres Strait Islander person, and your opinions about the application.

By submitting a representation, you consent to your personal information being collected by me for the purpose of:

- Contacting you about your representation, including for verification or clarification purposes;
- Preparing my report and briefing the minister;
- The minister making a decision in relation to the application,

and for related purposes. You also consent to your personal information being collected by the Department of Climate Change, Energy, the Environment and Water for these same purposes.

Disclosure of your personal information

I may need to disclose your personal information to the department and the minister for the purposes listed above. I may also need to disclose your personal information to:

- Third parties that may be affected by the minister's decision, where necessary to meet procedural fairness requirements;
- Commonwealth, State or Territory entities and/or persons or organisations, where necessary to prepare my report and/or for the minister to make a decision about the application.

Your personal information will not be disclosed to overseas recipients unless necessary for the above purposes.

Anonymous representations

You can make an anonymous representation or use a pseudonym. However, this may mean I cannot verify information provided in your representation and/or take your representation into account.

Representations containing other people's personal information

If your representation contains the personal information of another person, you must ensure they have agreed to their personal information being collected, used and disclosed in accordance with this privacy notice. This includes giving them a copy of this public notice and the privacy notice.

Privacy Policy

The department's [Privacy Policy](https://www.dccew.gov.au/about/commitment/privacy) is available at <https://www.dccew.gov.au/about/commitment/privacy> and explains how personal information is handled by the department, how to access or correct your personal information, and how to make a complaint.