

Friends of Minnamurra River Incorporated¹

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NEWS RELEASE

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BORAL STARTS MINING MINNAMURRA MASSACRE SITE AREA BEFORE IT GETS FEDERAL GOVERNMENT DECISION ON ABORIGINAL CULTURAL HERITAGE PROTECTION

National building materials supply company, Boral Limited, has started mining sand on the Minnamurra Aboriginal massacre site area without a federal government decision on a government consultant's strong recommendation that the area should be protected in perpetuity by ministerial declaration as a Significant Aboriginal Area.

The federal government has had its consultant's recommendation² to protect the Site 5B massacre area since its election 17 months ago but the Commonwealth Environment Minister, Tanya Plibersek, has constantly failed to make a decision, despite continuing requests from the local Aboriginal custodians of the area and Friends of Minnamurra River (FOMR Inc.).

The Aboriginal custodians, including relatives of survivors of the massacre by local European settlers in 1818 who killed up to 200 First Nations' people camped near the Minnamurra River, say they know massacre victims are buried in the old river and beach dune sands where mining has begun.

Boral last year told Minister Plibersek that its Ground Penetrating Radar (GPR) scans of the site proved that there were no burials present.

What Boral did not tell the Minister – but FOMR later did - is that international and Australian GPR and archaeological experts *all* agree that ground penetrating radar *cannot* detect human remains buried without metal items and *cannot* detect human remains older than 200 years.

Out of public sight, just south of historic Dunmore House, only 8km north of Kiama, NSW, Boral's 5B mine site is to be totally destroyed as Boral digs a large dredge pit 27 metres deep. The dredge pit will become a private lake when the burial area's sand runs out in only about 18 months.

Two local Aboriginal custodians applied three years ago under the federal *Aboriginal and Torres Strait Islander Heritage Protection Act* (ATSIHP Act) to have the Minister declare the mine site area a Significant Aboriginal Area (SAA) under Section 10 of the Act. Such a declaration would stop all mining and other damaging work immediately and in perpetuity.

¹ Friends of Minnamurra River (FOMR) is an active incorporated community-based association formed five years ago to conserve, protect and enhance the estuarine and catchment ecosystems of the Minnamurra River. It has qualified expertise available to it and within its membership in plant and animal ecology, archaeology, hydrology and environmental science.

² https://www.saveminnamurrariver.org/_files/ugd/233a65_a5f29d04d5e644939a5f9a3f09c8bf10.pdf

The federal government consultant strongly agreed with the Aboriginal custodians that the Minister should declare a SAA because of the area's rare and biodiverse environmental, faunal and landscape values and because it is an Aboriginal occupation site dating back probably 17,000 years or more.

In addition to the likely burials of the 1818 massacre victims, it contains such a wealth and diversity of Aboriginal artefacts and cultural assemblages, revealed in test excavations, that local Aboriginal stakeholders undertaking archaeological test excavations at the site for Boral three years ago refused to continue their archaeological work.

As they worked, they had realised the immense cultural value of the site as they uncovered very large numbers of artefacts, many of which were new to them and the custodians, and they did not want to continue disturbing the site with their archaeological test pits.

They also feared they would uncover the remains of their ancestors – something they also currently live in dread that the new Boral mining will do.

FOMR Chair, Will Chyra, fears that the federal government will again find in favour of a mining company when it finally makes a decision on the First Nations' applications to have Boral's 5B mine site permanently protected by a SAA declaration.

On 28 July 2023, Minister Plibersek's department – not the minister - approved a breach of its own environmental protection legislation to allow Boral to destroy a highly protected and critically endangered ecosystem on the 5B mine site³ on which mining has recently started despite the federal government's pending decisions on the First Nations' applications to prevent mining on that very same site.

The department's decision was based on demonstrably inadequate environmental assessments and data and it rejected all photographic evidence, other expert information and data which FOMR authorities had contributed to the NSW government, the federal minister and federal department over several years.

In fact, the federal department made its first on-ground survey of the mine site *only 24 hours before the department announced that it would allow the protected ecosystems to be destroyed* - when it was more than likely that the department had already made its decision to approve Boral's mining on what is probably the site of the graves of massacre victims and other indigenous people who have occupied the site for many millennia.

“That decision in July to allow destruction of State and Commonwealth-protected ecosystems by permitting mining on the site was yet another case of the department dog wagging this government's tail,” says FOMR Chair, Will Chyra.

“Labor insiders tell us that the government is trying to reorganise the federal Department of Environment after nearly 10 years of conservative and obviously pro-mining governments.

“But we wonder whether that will be done before what seems to be a powerless minister can regain ministerial control and responsibility to, in this case, uphold the current government's oft-made promises to protect not only Australia deteriorating environment but Aboriginal cultural heritage and landscapes.

“A decision by the federal environment minister to allow mining to continue on Boral's mine site 5B and completely destroy the truly unique and priceless Aboriginal cultural heritage and landscapes there – and probably ancient burials - will make a total mockery of her government's stated commitments to ‘close the gap’ and vastly improve life for Aboriginal Australians,” Mr Chyra said.

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³ https://www.saveminnamurrariver.org/files/ugd/233a65_1d0ae6b9893a4209ab20c7fc8d1a8df5.pdf



FOMR Photo, 30 October 2023: Boral Limited sand mining under way on its Site 5B, Dunmore/Minnamurra, the likely massacre victims' burial site and an area of highly protected ecosystems whose legislated protections the NSW and Federal governments are allowing to be overridden.