

Ad Standards PO Box 5110 BRADDON ACT 2612

Complaint lodged via website at adstandards.com.au

Advancing everyday life campaign and advertising associated with Glendell expansion by Glencore Australia.

1. We act for the Lock the Gate Alliance, Comms Declare and the Plains Clan of Wonnarua people (PCWP). We are lodging a complaint about an advertisement by Glencore Australia that breaches the AANA Code of Ethics. The advertisement dated 5 November 2021 can be found at **Annexure A**.

Breaches of Code of Ethics

2. Glencore have been engaged in a campaign to use advertising to discredit indigenous elders in the Hunter who are opposed to a current expansion project that will jeopardise a significant cultural heritage site.¹ Section 2.1 of the AANA Code of Ethics states;

Advertising shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.

3. Lock the Gate and PCWP are concerned that advertising (**Annexure A**) targeted the PCWP and the elders associated with PCWP Scott Franks and Robert Lester personally for exercising their rights to protect their cultural heritage. The PCWP is an Aboriginal corporation established for the protection of Native title rights and the only formally registered body to represent Wonnarua people via the native title legislation. As part of its role in native title, members of Wonnarua people at a public advertised native title meeting authorised Mr Franks and Mr Lester (who is Chair of the PCWP) under s61 of the *Native Title Act 1993* to make a native title determination application. In this capacity they had previously negotiated with Glencore in relation to mining activities

¹ https://www.theguardian.com/australia-news/2021/nov/23/glencore-launches-public-attack-on-indigenous-pair-opposing-nsw-mining-project

at Hunter Valley Operations. The PCWP have in the past lodged native title claims and intend to lodge another claim shortly.

- 4. The advertisement accused PCWP and Mr Franks and Mr Lester through exercising their rights to protect a significant cultural heritage site of "stopping mining and other industry activities across a 156km2 area in the Hunter Valley". It implies that because only Mr Franks and Mr Lester in the indigenous community are raising these concerns that they are in essence not genuine. It fails to acknowledge their standing as spokespeople selected to speak on behalf of the Plains Clan of the Wonnarua People. It also fails to recognise that both Mr Franks and Mr Lester are legally entitled to make an application under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) (ATSIHP Act) to protect an area that is culturally significant to them, to other members of the Plains Claim of Wonnarua People, and to other Wonnarua groups. Their role as Elders includes the need to speak up to protect country from threats such as mining that may impact on cultural heritage in accordance with Aboriginal "lore".
- 5. The advertisement also states that Scott Franks and Robert Lester representing the PCWP are making inaccurate claims about the sites impacted by the mine expansion. First Nations peoples in Australia have legal rights to seek protection of culturally significant sites under the ATSIPH Act. In particular, the mining expansion at issue will impact on a site associated with frontier violence in the area around the Ravensworth homestead. Notably the Heritage Council of NSW said it considers that *'Ravensworth Homestead and its surrounding cultural landscape is likely to be of state heritage significance.*² *The* advertisements in the Hunter Valley Times also targeted the Elders and accused them of making inaccurate claims jeopardising mining and jobs in the Hunter through their actions, resulting in significant targeting and vilification by the local community.
- 6. If you have any further queries, please do not hesitate to contact me by email on kirsty.ruddock@edo.org.au or by phone at (02) 7229 0031.

Yours faithfully

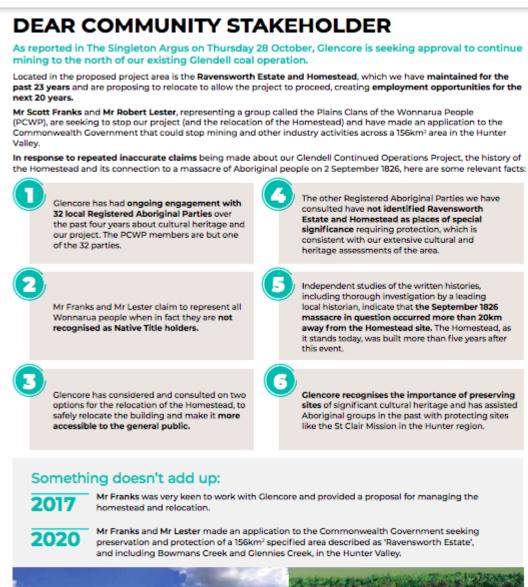
Environmental Defenders Office

² https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-9349%2120201210T225224.592%20GMT

Kirsty Ruddock Managing Lawyer Safe Climate (Corporate and Commercial)

Annexure A – Glencore Advertisement in Hunter Valley Times- 5 November 2021

https://hunterrivertimes.com.au/index.php/2021/11/05/issue-36-november-5/





Further information on our project can be found at www.glencore.com.au