



Environmental Defenders Office

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) (**ATSHP 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/>

DEAR COMMUNITY STAKEHOLDER

As reported in The Singleton Argus on Thursday 28 October, Glencore is seeking approval to continue mining to the north of our existing Glendell coal operation.

Located in the proposed project area is the Ravensworth Estate and Homestead, which we have maintained for the past 23 years and are proposing to relocate to allow the project to proceed, creating employment opportunities for the next 20 years.

Mr Scott Franks and Mr Robert Lester, representing a group called the Plains Clans of the Wonnarua People (PCWP), are seeking to stop our project (and the relocation of the Homestead) and have made an application to the Commonwealth Government that could stop mining and other industry activities across a 156km² area in the Hunter Valley.

In response to repeated inaccurate claims being made about our Glendell Continued Operations Project, the history of the Homestead and its connection to a massacre of Aboriginal people on 2 September 1826, here are some relevant facts:

1

Glencore has had ongoing engagement with 32 local Registered Aboriginal Parties over the past four years about cultural heritage and our project. The PCWP members are but one of the 32 parties.

4

The other Registered Aboriginal Parties we have consulted have not identified Ravensworth Estate and Homestead as places of special significance requiring protection, which is consistent with our extensive cultural and heritage assessments of the area.

2

Mr Franks and Mr Lester claim to represent all Wonnarua people when in fact they are not recognised as Native Title holders.

5

Independent studies of the written histories, including thorough investigation by a leading local historian, indicate that the September 1826 massacre in question occurred more than 20km away from the Homestead site. The Homestead, as it stands today, was built more than five years after this event.

3

Glencore has considered and consulted on two options for the relocation of the Homestead, to safely relocate the building and make it more accessible to the general public.

6

Glencore recognises the importance of preserving sites of significant cultural heritage and has assisted Aboriginal groups in the past with protecting sites like the St Clair Mission in the Hunter region.

Something doesn't add up:

2017

Mr Franks was very keen to work with Glencore and provided a proposal for managing the homestead and relocation.

2020

Mr Franks and Mr Lester made an application to the Commonwealth Government seeking preservation and protection of a 156km² specified area described as 'Ravensworth Estate', and including Bowmans Creek and Glennies Creek, in the Hunter Valley.



Ravensworth Homestead at present



An image showing how the Homestead could look at one of the proposed relocation sites.

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

GLENCORE