



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

*Aboriginal and Torres Strait Islander Heritage Protection Act 1984*

**Notice of an application for protection of Ballerdt Mooroop College grounds – invitation to make representations**

I, Chris Horan, hereby give notice as follows:

The Minister for Sustainability, Environment, Water, Population and Communities, the Hon Tony Burke MP, responsible for the administration of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (the Act), has received an application made under section 10 of the Act seeking to protect the grounds of Ballerdt Mooroop College in Glenroy, Victoria, from development work associated with the relocation of Glenroy Specialist School. Details of the application are outlined below:

**The applicant**

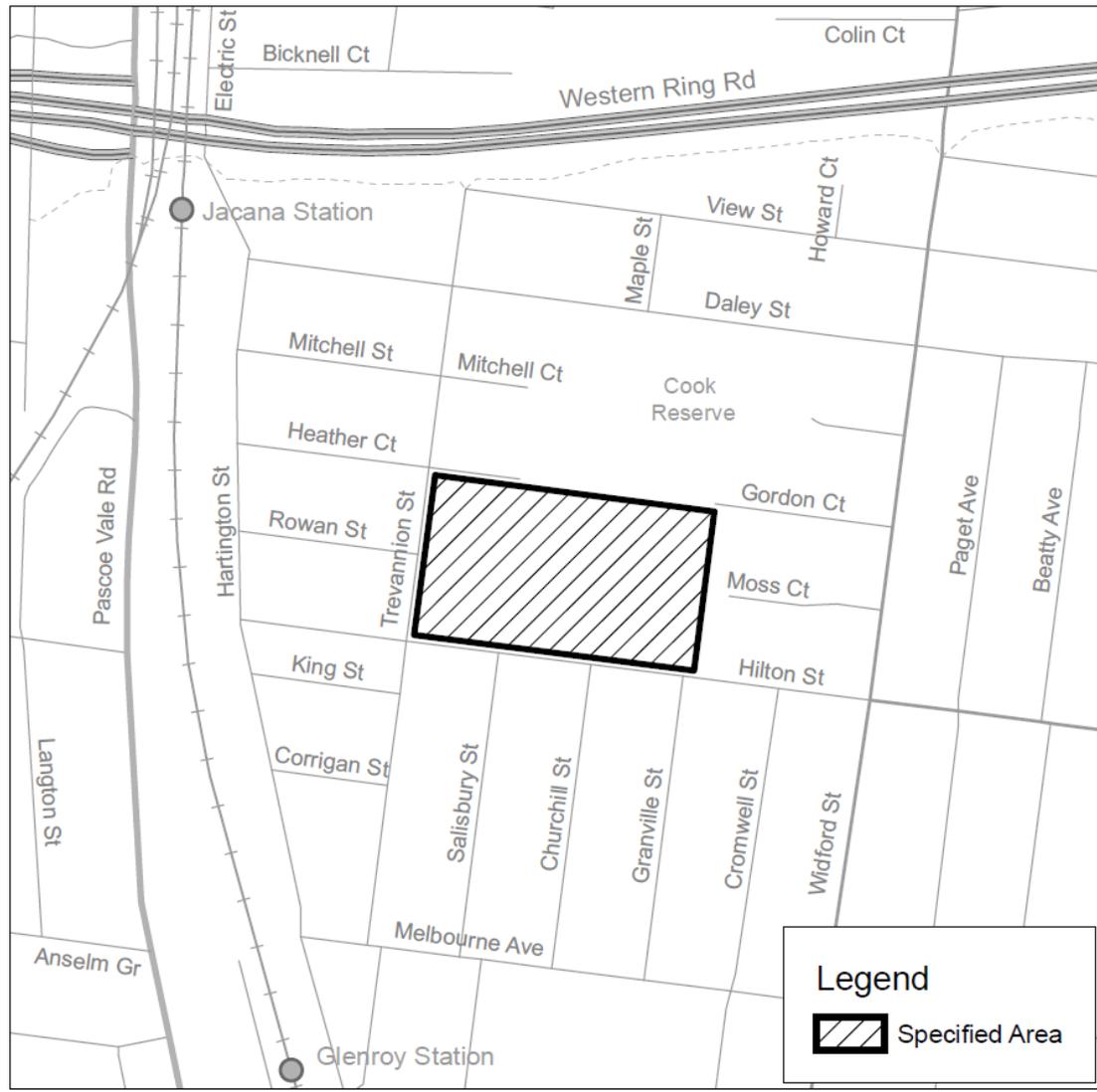
The application has been lodged by Ms Margaret Gardiner, a Wurundjeri Elder. The application stated that the Wurundjeri People are the Traditional Owner Group which has cultural heritage primacy over land in northern Melbourne. The applicant is being assisted by another Traditional Owner, Mr Gary Murray.

**The purpose of the application**

The application seeks the preservation or protection of the area specified below from injury or desecration within the meaning of the Act (that is, if it is used or treated in a manner inconsistent with Aboriginal tradition; or if the use or significance of the area in accordance with Aboriginal tradition is adversely affected by reason of anything done in, on or near the area; or if passage through or over, or entry upon, the area by any person occurs in a manner inconsistent with Aboriginal tradition).

**The area sought to be protected**

The applicant specified the area in need of protection as the area identified on the map below.



**Claimed nature of significance**

The applicant stated that:

- The specified area is culturally significant to the Wurundjeri People and recognised as significant by other Traditional Owners in Victoria and interstate. The Wurundjeri People view the specified area as their birthright. ‘The Wurundjeri people have maintained an interest in the area for time immemorial and in the whole of the current college grounds [i.e. the specified area] specifically since 1996.
- The specified area acts as a Gathering Place for Traditional Owners from across Victoria and interstate.
- The specified area contains significant sites and objects, including a Gathering Place, Ceremonial Ground and Spirit Tree. The Spirit Tree is respected and recognised ‘as an Elder of the land of particular significance.’
- The Wurundjeri and other Aboriginal people have conducted many ceremonies in the specified area, including blessing the site and corroborees. Traditional ceremonies conducted in the area include smoking ceremonies and major cultural

Gatherings around the Spirit Tree. The Ceremonial Ground is used for Welcoming and Smoking ceremonies including the Wurundjeri tradition of Tanderrum.

- The specified area ‘represent[s] places of higher spiritual and cultural learning connecting the People to their Country’ through preserving ancient and contemporary traditions through cultural transmission and maintenance.
- The Wurundjeri consider that ‘this land has always been significant’, and state that the ‘The land and College is recognised by Victorian Traditional Owners as an Aboriginal Place containing significant cultural heritage and an ongoing Aboriginal connection history underpinned by Aboriginal education strategies’. The Traditional Owners to whom the specified area is culturally significant include ‘existing and former students, staff, the School Council, Broadmeadows Local Aboriginal Education Consultative Group, Enmaraleek Association and Indigenous community groups.
- The Maori community and other multicultural communities also recognise the Aboriginal Place epitomised in the cultural activities and focus at the site.
- ‘The land for the new school has not been disturbed since the establishment of the old school site in 1955’. The principal areas for redevelopment have ‘been undisturbed since time immemorial’. The area has not been surveyed and there is a high potential of ‘Aboriginal Cultural Heritage material and historical heritage material’. Wurundjeri people have identified evidence that the area ‘may contain additional cultural materials’ as evidenced by recent artefact sites being identified.
- The college has carried out cultural and education activities since 1995 that reinforce Wurundjeri cultural heritage, traditions and customs. There have been cultural exchanges between Traditional Owners and cultural transmission.
- The college ‘is unique and is also the only Aboriginal School on Wurundjeri Country in Greater Melbourne where Aboriginal People gather for cultural and educational purposes’. The college was ‘the first Aboriginal Public School since the 1850’s when the William Thomas Aboriginal school was established on the Merri Creek ...’

#### **Claimed threat of injury or desecration**

The Applicant stated that the area is under threat of injury and desecration as a result of a decision by the Victorian Department of Education and Early Childhood Development to relocate Glenroy Specialist School onto the College grounds. The relocation involves the demolition of the Ceremonial Grounds and Gathering Place (auditorium and gymnasium) and the desecration of the Spirit Tree on the grounds of the Ballerit Mooroop College for the construction of new buildings, car parks and bus bays for the Glenroy Specialist School.

#### **Relevant provision**

The Minister will consider a report under section 10 of the Act in relation to the area identified for protection before deciding whether to make a declaration under section 10 of the Act. The report will deal with:

- (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 on whose behalf the application is made;
- (f) the duration of any declaration; and

- (g) the extent to which the areas are or may be protected by or under a law of the State of Victoria, and the effectiveness of any remedies available under any such law.

**Invitation to make representations**

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

Chris Horan  
Room 1820, Owen Dixon Chambers West  
525 Lonsdale Street  
Melbourne VIC 3000  
Telephone: 03 9225 8430  
Facsimile: 03 9225 8668

Representations must be made in writing by close of business on **Wednesday 18 May 2011**.

To satisfy legal requirements of procedural fairness, your representations may be available to other persons with a particular interest in the outcome of the application. Persons who wish to claim confidentiality for any part of their representation should discuss this matter with me directly. All representations will be attached to the report and provided to the Minister for Sustainability, Environment, Water, Population and Communities, along with my report. **You should not send your representations to the Minister.**

Chris Horan