


From: [Sneyers, Andre](#)
To: [Allen, Richard](#)
Subject: Unapproved remnant removal @ Wanniasa Hills Primary [SEC=UNCLASSIFIED]
Date: Tuesday, 4 April 2017 11:30:00 AM
Attachments: [P5160904.JPG](#)
[P5160905.JPG](#)
[P5160906.JPG](#)

Richard

FYI and discussion later on.

 from Tree Works informed me by phone today that a TreeWorks internal miscommunication occurred.

This resulted in the removal of the remnant E. blakelyi (Tree14) on the schools premises, contra to Conservators Decision 33988, of 17 Feb.

I suggested she put this in an E-mail to us, including details of any proposed redress they are suggesting/discussing with the School.

Also mentioned the range of possible ramifications

André Sneyers | Urban Treescapes, TPU

Phone 02 6207 6127 | Email: <<mailto:andre.sneyers@act.gov.au>> andre.sneyers@act.gov.au

City Services | City Presentation | Transport Canberra and City Services (TCCS) | ACT Government

Level 2, 490 Northbourne Avenue, Dickson 2602 | GPO Box 158 Canberra ACT 2601 |
<<http://www.act.gov.au>> www.act.gov.au







From: [Dominic Osborne](#)
To: [TCCS_CP_TreeProtection](#); [Salahshor, Mahbod](#); [McCreath, Kris \(ACTEDU\)](#); [Hall, Leanne](#); [Sneyers, Andre](#); [Hunter, Stuart](#)
Subject: Tree removal at Wanniasa Primary School
Date: Tuesday, 4 April 2017 1:21:07 PM

To:

Andre Sneyers - Tree Protection Unit, Urban Treescapes
Kris McCreath - Business Manager, Wanniasa Hills Primary School
Stuart Hunter / Leanne Hall - Department of Education
Mahbod Salahshor - ACT Property Group

Re: Incorrect and Mistaken Removal Of Tree At Wanniasa Hills Primary School, 88 Langdon Avenue, Wanniasa

Dear all,

As you are all aware Treeworks (ACT/NSW) Pty Ltd has mistakenly removed a tree at Wanniasa Hills Primary School. We are acutely embarrassed and devastated that this has occurred and sincerely apologise for any inconvenience that will no doubt arise from this issue.

We have prided ourselves, over the last six years that we have been operating in the ACT, in being totally professional with regard to tree regulations. We have, through our website and any customer contact, always highlighted the need to comply with the Tree Protection Act. We have submitted hundreds of applications for tree removals and have never, until now, been in breach of those regulations. Our company's philosophy is very much one of preserving and repairing trees. WE only prescribe removal if safety is a concern. We are continually educating our arborists, tree surgeons and tree workers about the regulations. All of this has resulted in us being engaged many times by the ACT Government, the National Capital Authority and surrounding NSW Councils.

The circumstances leading to the mistaken removal are as such:


1. In November 2016 our Level 5 Arborist, [REDACTED], carried out an audit of all trees at Wanniasa Hills Primary School. In the audit, known as a Tree Diagnostic Report, [REDACTED] identified a Eucalyptus sp. (Tree No. 14 in the report) as being unsafe due to declining health. She prescribed the tree to removed.
2. On 22 December 2016 the Dept of Education, through ACT Property Group, issued us with a Work Order (dated 20.12.17) to carry out all items listed as a priority.
3. On 2 February 2017 our Administration Manager, [REDACTED], identified that Tree 14 required approval for removal and submitted the application to the Tree Protection Unit online.
4. On 18 February 2017 we received the Notice of Decision from the Tree Protection Unit not granting permission to remove the tree. [REDACTED], who was in the middle of processing Work Orders to carry out works at 98 schools inadvertently failed to transfer the information onto the Tree Diagnostic Report. This is the point where our system failed.
5. On 3&4 April 2017 our crew attended Wanniasa Hills Primary with the original tree report and carried out all items listed as a priority on the report.

I have deliberately not included [REDACTED] in this email [REDACTED] is extremely upset at what has occurred. If at all possible could you please exclude [REDACTED] from further communication on this issue and deal with me. [REDACTED] is a highly valued long serving staff member and normally incredibly efficient and diligent (refer to Mahbod Salahshor at ACT Property who has dealt with [REDACTED] for several years). [REDACTED] acknowledges that she was responsible for the oversight and is very distressed that this has occurred. [REDACTED] places unusually high standards for [REDACTED] and as a result is probably more affected than normal by the incident.

I would like to offer Wanniasa Hills Primary School some sort of appropriate remedy for this unfortunate incident. The remedy could be anything related to our services, however can I suggest we plant a number of

trees at the school and maintain them for a year to help them establish (we are on the tree planting panel for Urban Treescapes so have an expertise in that area). I would be happy for the school to nominate the appropriate number of trees, or other remedy if required.

Regards

Dominic Osborne
Managing Director
Treeworks (ACT/NSW) Pty Ltd


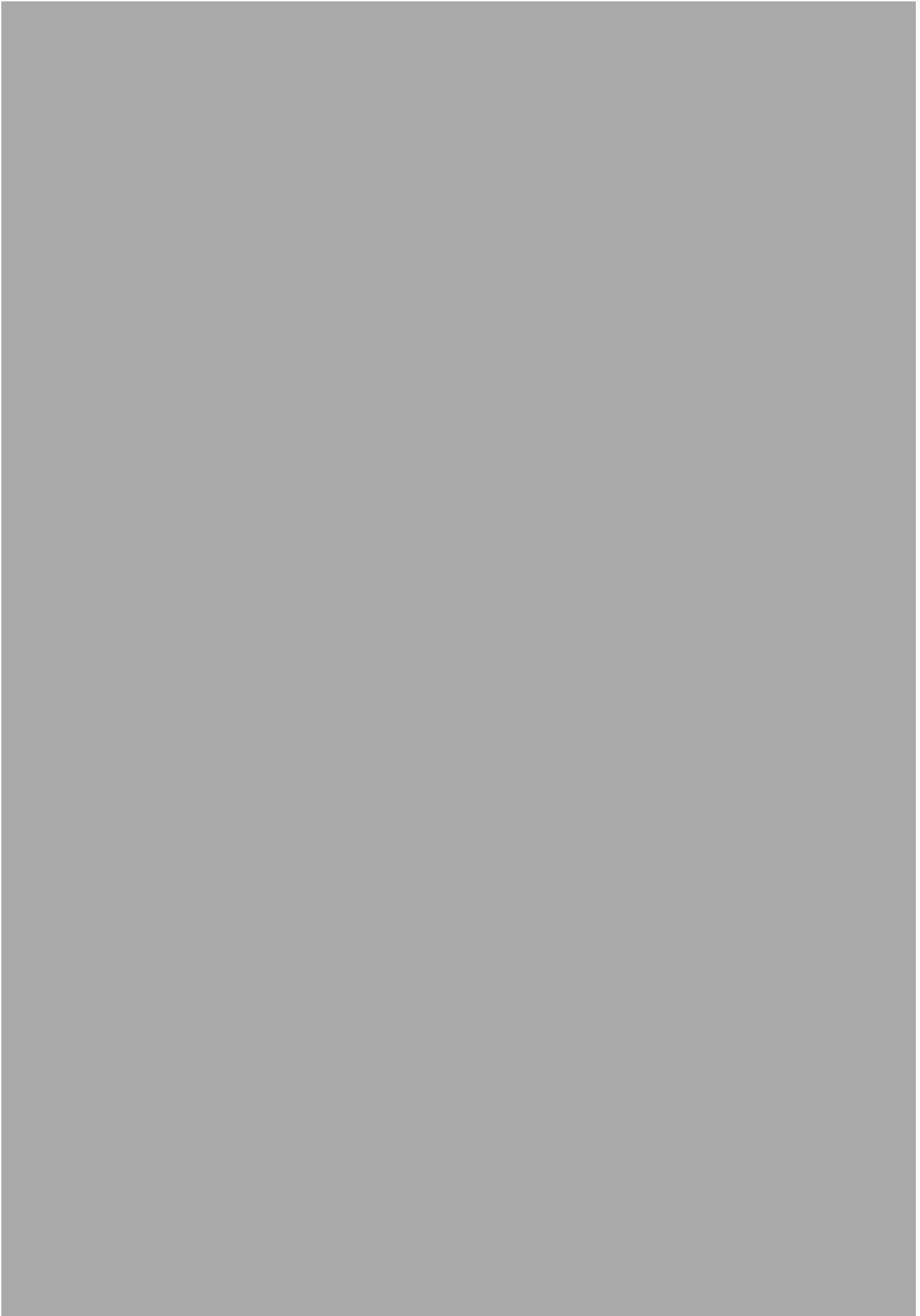
ACT HERITAGE COUNCIL

AGENDA FOR MEETING 85

Thursday 1 June 2017

Ground Floor Meeting Room, Dame Pattie Menzies House (North)

Meeting to start at 9.30am.



Summary of Current Compliance Investigations: 24 March to 19 May 2017

Attachment 5.6a

Locality	Date reported to ACT Heritage	Complaint	Action
Wanniassa	6 April 2017	Removal of Aboriginal scarred tree (the 'Wanniassa Spook Tree')	<p>On 6 April 2017, the ACT Government's Education Directorate reported to ACT Heritage, via a phone call, that the Aboriginal scarred tree at the Wanniassa Primary School (known as the Wanniassa Spook Tree') may have been inadvertently removed in a recent tree clearance works at the school. An email from the Education Directorate followed, with attached information on the tree removal program.</p> <p>ACT Heritage undertook an immediate review of the matter, including a site inspection, which confirmed that the tree had been removed. This inspection identified that only a stump remained at the site, and that no other sections of the original tree - including the cultural scar - remained.</p> <p>On this basis, ACT Heritage advised the Education Directorate on 6 April 2017 that the cultural tree had been removed. As the removal of the tree was also subject to a prior <i>Tree Protection Act 2005</i> application, rejected by the ACT Conservator of Flora and Fauna on 17 February 2017, ACT Heritage advised the Education Directorate to also contact TCCS Urban Treescapes.</p> <p>On 7 April 2017, Euroka Gilbert (ACT Heritage's Aboriginal liaison officer) attempted to contact all RAOs to advise them of the matter. Wally Bell of Buru Ngunawal Aboriginal Corporation was advised in person while attending the ACT Heritage Festival launch that day, and phone calls to King Brown Tribal Group, Little Gudgenby River Tribal Council and Ngarigu Currawong Clan were not answered.</p> <p>On 11 April 2017, ACT Heritage received confirmation that TCCS Urban Treescapes was also aware of the matter.</p> <p>On 12 April 2017, ACT Heritage received confirmation from the Education Directorate that the scarred tree was mulched on the day it was removed.</p> <p>On 12 April 2017, Gary Shipp agreed to contact all Representative Aboriginal Organisations (RAOs) in his capacity as the Aboriginal community representative of the ACT Heritage Council. RAOs were contacted on:</p> <ul style="list-style-type: none"> • 13 April 2017 - phone call with Wally Bell of Buru Ngunawal Aboriginal Corporation; • 13 April 2017 - phone call with Matilda House of Little Gudgenby River Tribal Council;

Summary of Current Compliance Investigations: 24 March to 19 May 2017

Attachment 5.6a

Locality	Date reported to ACT Heritage	Complaint	Action
			<ul style="list-style-type: none"> • 13 April 2017 - phone call with James Mundy of Ngarigu Currawong Clan; and • 19 April 2017 - phone call with Carl Brown of King Brown Tribal Group (following attempted contact on 13 April 2017). <p>Initial discussions with RAOs on the above dates set out that the matter would be subject to investigation, with formal submissions to be sought from all parties such as the Education Department, contractors who undertook the work, School representatives, and the ACT Property Group.</p> <p>On 24 April 2017, the Education Directorate sought advice from ACT Heritage via email of their planned response measures to the incident, including reporting the matter to UNEC at the next scheduled meeting, establishing a procedure for identifying and managing heritage sites within ACT Schools, and opportunities to mark the former tree location and its cultural significance. On 2 May 2017, ACT Heritage advised by email that it was not appropriate to provide input on these measures at this time, as the unauthorised removal of the tree is a potential breach of the <i>Heritage Act 2004</i>, and EPSDD is considering whether the matter will be formally investigated.</p> <p>As EPSDD does not currently have an internal investigations team, Gary Rake (EPSDD DDG) liaised with Access Canberra in May 2017, and on 19 May 2017 advised ACT Heritage that the Access Canberra Investigations team is available to collect statements and ascertain facts on the tree removal; which would inform further EPSDD decision making on the compliance matter.</p> <p>ACT Heritage is currently working with the Access Canberra Investigations team to inform the investigation process.</p>

**MINUTES OF ACT HERITAGE COUNCIL MEETING 85
1 June 2017**

5.6 Compliance Matters – Ms Russell & Ms Dunn

Council noted the agenda paper.

Ms Russell drew attention to a significant compliance issue, being the removal of an Aboriginal scarred tree at the Wanniasa Primary School.

As set out in the agenda paper, the tree removal was reported to and confirmed by ACT Heritage on 6 April 2017, and the Access Canberra Investigations Team is to undertake the initial stages of investigation. The outcomes will be reported back to the Directorate and the Council to inform decisions on any further actions. The removal of the tree may also be a compliance matter under the Tree Protection Act, as an application had earlier been made for removal of the tree which was refused by the Conservator in February 2017.

The Council expressed its extreme disappointment in this matter and is keen to be advised and updated on the investigation to understand how the tree removal occurred and how such matters can be avoided in the future.

**ACT HERITAGE COUNCIL
AGENDA FOR MEETING 98**

25 July 2019

Function Room, Ground Floor, Dame Pattie Menzies House (North)

Meeting to start at 9.30am



ACT HERITAGE COUNCIL MEETING 98
25 July 2019
AGENDA PAPERS

REPORTS TO COUNCIL

REPORT BY THE CHAIR OF THE COUNCIL

3.1

Prepared By: David Flannery

PURPOSE

To provide Council with a brief update about activities by the Chair and other Councillors since the report provided to Meeting 97 on 30 May 2019.

REPORT

- 28 Jun 2019 Radio interview (in studio) with ABC Radio Canberra Breakfast presenters regarding the removal and destruction of the Aboriginal scar tree at Wanniasa.

- 14 Jul 2019 Two radio interviews. The first with [REDACTED] focused on the 50th Anniversary of the first moon landing; and the second (live) on 2CC's The Sunday Roast with [REDACTED] and [REDACTED]

ACT HERITAGE COUNCIL MEETING 98

25 July 2019

AGENDA PAPERS

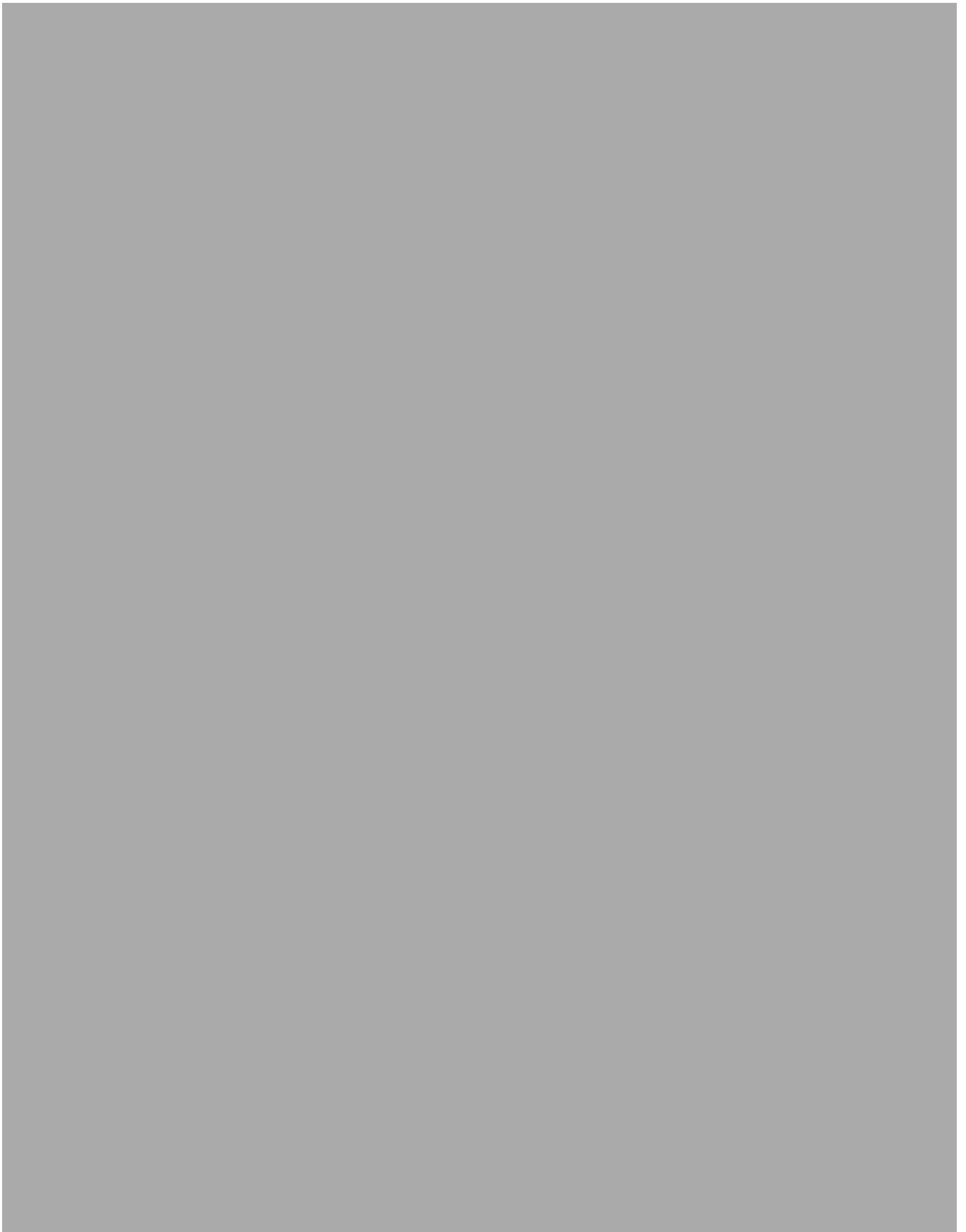
[REDACTED] about the Wanniasa Scar Tree removal, [REDACTED]
[REDACTED]
[REDACTED]

RECOMMENDATION

That Council:

- * Note the report.

**ACT HERITAGE COUNCIL MEETING 96
25 July 2019**



RECOMMENDATION

That Council:

* Note the report.

**ACT HERITAGE COUNCIL MEETING 98
25 July 2019
AGENDA PAPERS**



RECOMMENDATION

That Council:

* Note the report.

ACT HERITAGE COUNCIL MEETING 98



ISSUES

Loss of Scar Tree

- The loss of the Wanniasa Scarred Trees has finally been reported in media.
- Whilst there is still a lot of anger and hurt about the loss, the RAOs were already aware of the situation, so the fallout for ACT Heritage and the Council has been minimal.



From: [Kidman, Fiona](#)
To: [Heritage](#)
Cc: [OConnell, Jennifer](#); [Chaston, Daisy](#)
Subject: 2017 08 11 Education Directorate Heritage Assets External - Database
Date: Friday, 8 September 2017 11:52:00 AM
Attachments: [Heritage Assets External Database.xlsx](#)
Importance: High

Dear Heritage

Please see below resent request. It would be appreciated if you could provide a time frame for this information to be provided so I may report up the line. Your assistance with my request is greatly appreciated and it is understood that you have resourcing limitations.

Regards
Fiona

Fiona Kidman | Assistant Manager - Asset Management Senior | Project Officer - External Learning Environments | Phone: +61 2 6207 0002 | Fax: +61 2 6205 9333
|
Email: fiona.kidman@act.gov.au
Infrastructure & Capital Works | Education Directorate | ACT Government
Level 1 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 |
www.det.act.gov.au

Dear Heritage

Please see attached a data base I have developed as a basis for seeking confirmation of heritage registered assets or items of cultural significance that are located on ACT public school grounds. This data base has been developed by EDU to raise awareness at the relevant schools and within Infrastructure and Capital Works.

It would be appreciated if you could provide some indication, noting that I have listed 177 sites, when we are likely to receive a response. As a first run a simple Yes or No would be fine and then I could chase up further information if that helps.

Your assistance with this request is greatly appreciated.

Regards
Fiona

Fiona Kidman | Assistant Manager - Asset Management Senior | Project Officer -
External Learning Environments | Phone: +61 2 6207 0002 | Fax: +61 2 6205 9333

|

Email: fiona.kidman@act.gov.au

Infrastructure & Capital Works | Education Directorate | ACT Government

Level 1 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 |

www.det.act.gov.au

From: [Kidman, Fiona](#)
To: [Gilbert, Euroka](#)
Subject: RE: Tree removal at Wanniasa Hills Primary [SEC=UNCLASSIFIED]
Date: Thursday, 6 April 2017 2:20:14 PM
Attachments: [image001.png](#)
Importance: High

Euroka

Thank you for responding. Could you provide protocols around communications, who should be informed and the level of the persons representing Education should be. If you cannot provide this advice could you suggest a suitable contact that I can seek assistance from.

Your assistance or a redirect prior to going on leave would be greatly appreciated.

Regards

Fiona

From: Gilbert, Euroka
Sent: Thursday, 6 April 2017 1:51 PM
To: Kidman, Fiona
Cc: Russell, Meaghan; Moore, FionaF
Subject: Tree removal at Wanniasa Hills Primary [SEC=UNCLASSIFIED]
Importance: High

Hi Fiona.

Just to confirm our discussion and rescind what I said over the phone, tree 14 was the one with the heritage values. Our heritage database incorrectly shows the area with trees 15-17 as being the tree with heritage values.

During my initial check I believed that the tree was unaffected, but I have since visited Wanniasa Hills Primary School and spoken to Chris. I have confirmed that it was the 'Wanniasa Spook Tree (14)' that was removed.

The tree called 'the Wanniasa Spook Tree' is a well known, and public example of an Aboriginal Scarred Tree. In the document Wanniasa Hills Primary School Map 2016.pdf provided it is labelled as 14.

I have cc'd my management team into this email in the interests of transparency and I am away from the 10-21 April 2017.

10

Have the Tree Protection Unit been informed?

If further information is required please don't hesitate to contact me.

Cheers

Mr. Euroka Gilbert | Aboriginal Liaison Officer

Phone 02 6207 5724 |

ACT Heritage | Environment, Planning and Sustainable Development Directorate

| ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au



I acknowledge the Traditional Custodians of the ACT and region, their continuing connection to land and community. I pay my respect to them and their culture, and to the elders past, present and future.

From: [Kidman, Fiona](#)
To: [Gilbert, Euroka](#)
Cc: [Morey, Teresa](#)
Subject: FW: Tree removal at Wanniasa Hills Primary [SEC=UNCLASSIFIED]
Date: Thursday, 6 April 2017 3:25:31 PM
Attachments: [image001.png](#)

Euroka

Thank you for responding so quickly, my understanding from our brief discussion is that Heritage will set up a meeting with Education sometime next week in preparation for a meeting with representatives of the four recognised Aboriginal and Torres Strait Islander organisations as had been done previously for similar incidents.

It was noted that Education are concerned about members of the community hearing about this in advance of this formal notification.

Your assistance with moving this issue forward is greatly appreciated.

Regards

Fiona

Fiona Kidman | Assistant Manager - Asset Management Senior | Project Officer - External Learning Environments | Phone: +61 2 6207 0002 | Fax: +61 2 6205 9333 | Email: fiona.kidman@act.gov.au

Infrastructure & Capital Works | Education Directorate | ACT Government
 Level 1 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 | www.det.act.gov.au

From: Gilbert, Euroka
Sent: Thursday, 6 April 2017 2:29 PM
To: Kidman, Fiona
Cc: Russell, Meaghan; Moore, FionaF
Subject: RE: Tree removal at Wanniasa Hills Primary [SEC=UNCLASSIFIED]

Hi Fiona.

Richard Allen is the manager of the Tree Protection Unit and Andre Sneyers, is the Tree Protection Officer for the area. Let both of them know.

Also if you can keep Meaghan Russell (Team Leader Advice) and Fiona Moore (Manager ACT Heritage) informed as things progress.

Has it been confirmed that the tree has been mulched? Or is there a chance the trunk is in a wood yard somewhere?

Cheers

Euroka

From: Kidman, Fiona
Sent: Thursday, 6 April 2017 2:20 PM
To: Gilbert, Euroka
Subject: RE: Tree removal at Wanniasa Hills Primary [SEC=UNCLASSIFIED]
Importance: High

Euroka

Thank you for responding. Could you provide protocols around communications, who should be informed and the level of the persons representing Education should be. If you cannot provide this advice could you suggest a suitable contact that I can seek assistance from.

Your assistance or a redirect prior to going on leave would be greatly appreciated.

Regards

Fiona

From: Gilbert, Euroka
Sent: Thursday, 6 April 2017 1:51 PM
To: Kidman, Fiona

Cc: Russell, Meaghan; Moore, FionaF

Subject: Tree removal at Wanniasa Hills Primary [SEC=UNCLASSIFIED]

Importance: High

Hi Fiona.

Just to confirm our discussion and rescind what I said over the phone, tree 14 was the one with the heritage values. Our heritage database incorrectly shows the area with trees 15-17 as being the tree with heritage values.

During my initial check I believed that the tree was unaffected, but I have since visited Wanniasa Hills Primary School and spoken to Chris. I have confirmed that it was the 'Wanniasa Spook Tree (14)' that was removed.

The tree called 'the Wanniasa Spook Tree' is a well known, and public example of an Aboriginal Scarred Tree. In the document Wanniasa Hills Primary School Map 2016.pdf provided it is labelled as 14.

I have cc'd my management team into this email in the interests of transparency and I am away from the 10-21 April 2017.

10

Have the Tree Protection Unit been informed?

If further information is required please don't hesitate to contact me.

Cheers

Mr. Euroka Gilbert | Aboriginal Liaison Officer

Phone 02 6207 5724 |

ACT Heritage | Environment, Planning and Sustainable Development Directorate

| ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au



I acknowledge the Traditional Custodians of the ACT and region, their continuing connection to land and community. I pay my respect to them and their culture, and to the elders past, present and future.

From: [Gilbert, Euroka](#)
To: [Moore, FionaF](#)
Subject: FW: Tree removal at Wanniasa Hills Primary [SEC=UNCLASSIFIED]
Date: Friday, 7 April 2017 6:02:00 PM
Attachments: [image001.png](#)

I identified the Tuesday 18th and Wednesday 19th as having suitable times to meet, if you can find a time and lock Kidman and Meaghan in that would be great.

From: Kidman, Fiona
Sent: Thursday, 6 April 2017 3:25 PM
To: Gilbert, Euroka
Cc: Morey, Teresa
Subject: FW: Tree removal at Wanniasa Hills Primary [SEC=UNCLASSIFIED]

Euroka

Thank you for responding so quickly, my understanding from our brief discussion is that Heritage will set up a meeting with Education sometime next week in preparation for a meeting with representatives of the four recognised Aboriginal and Torres Strait Islander organisations as had been done previously for similar incidents.

It was noted that Education are concerned about members of the community hearing about this in advance of this formal notification.

Your assistance with moving this issue forward is greatly appreciated.

Regards

Fiona

Fiona Kidman | Assistant Manager - Asset Management Senior | Project Officer - External Learning Environments | Phone: +61 2 6207 0002 | Fax: +61 2 6205 9333 | Email: fiona.kidman@act.gov.au

Infrastructure & Capital Works | Education Directorate | ACT Government
Level 1 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 | www.det.act.gov.au

From: Gilbert, Euroka
Sent: Thursday, 6 April 2017 2:29 PM
To: Kidman, Fiona
Cc: Russell, Meaghan; Moore, FionaF
Subject: RE: Tree removal at Wanniasa Hills Primary [SEC=UNCLASSIFIED]

Hi Fiona.

Richard Allen is the manager of the Tree Protection Unit and Andre Sneyers, is the Tree Protection Officer for the area. Let both of them know.

Also if you can keep Meaghan Russell (Team Leader Advice) and Fiona Moore (Manager ACT Heritage) informed as things progress.

Has it been confirmed that the tree has been mulched? Or is there a chance the trunk is in a wood yard somewhere?

Cheers

Euroka

From: Kidman, Fiona
Sent: Thursday, 6 April 2017 2:20 PM
To: Gilbert, Euroka
Subject: RE: Tree removal at Wanniasa Hills Primary [SEC=UNCLASSIFIED]
Importance: High

Euroka

Thank you for responding. Could you provide protocols around communications, who should be informed and the level of the persons representing Education should be. If you cannot provide this advice could you suggest a suitable contact that I can seek assistance from.

Your assistance or a redirect prior to going on leave would be greatly appreciated.

Regards

Fiona

From: Gilbert, Euroka

Sent: Thursday, 6 April 2017 1:51 PM

To: Kidman, Fiona

Cc: Russell, Meaghan; Moore, FionaF

Subject: Tree removal at Wanniasa Hills Primary [SEC=UNCLASSIFIED]

Importance: High

Hi Fiona.

Just to confirm our discussion and rescind what I said over the phone, tree 14 was the one with the heritage values. Our heritage database incorrectly shows the area with trees 15-17 as being the tree with heritage values.

During my initial check I believed that the tree was unaffected, but I have since visited Wanniasa Hills Primary School and spoken to Chris. I have confirmed that it was the 'Wanniasa Spook Tree (14)' that was removed.

The tree called 'the Wanniasa Spook Tree' is a well known, and public example of an Aboriginal Scarred Tree. In the document Wanniasa Hills Primary School Map 2016.pdf provided it is labelled as 14.

I have cc'd my management team into this email in the interests of transparency and I am away from the 10-21 April 2017.

10

Have the Tree Protection Unit been informed?

If further information is required please don't hesitate to contact me.

Cheers

Mr. Euroka Gilbert | Aboriginal Liaison Officer

Phone 02 6207 5724 |

ACT Heritage | Environment, Planning and Sustainable Development Directorate

| ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au



I acknowledge the Traditional Custodians of the ACT and region, their continuing connection to land and community. I pay my respect to them and their culture, and to the elders past, present and future.

From: [Gilbert, Euroka](#)
To: [Moore, FionaF](#)
Subject: FW: Tree removal at Wanniasa Hills Primary [SEC=UNCLASSIFIED]
Date: Friday, 7 April 2017 6:00:00 PM
Attachments: [image001.png](#)
Importance: High

I spoke to Fiona Kidman and provided the RAO contact details for her record and advised that I would begin the conversation with them. I have already spoken to Wally Bell.

From: Kidman, Fiona
Sent: Thursday, 6 April 2017 2:20 PM
To: Gilbert, Euroka
Subject: RE: Tree removal at Wanniasa Hills Primary [SEC=UNCLASSIFIED]
Importance: High

Euroka

Thank you for responding. Could you provide protocols around communications, who should be informed and the level of the persons representing Education should be. If you cannot provide this advice could you suggest a suitable contact that I can seek assistance from.

Your assistance or a redirect prior to going on leave would be greatly appreciated.

Regards

Fiona

From: Gilbert, Euroka
Sent: Thursday, 6 April 2017 1:51 PM
To: Kidman, Fiona
Cc: Russell, Meaghan; Moore, FionaF
Subject: Tree removal at Wanniasa Hills Primary [SEC=UNCLASSIFIED]
Importance: High

Hi Fiona.

Just to confirm our discussion and rescind what I said over the phone, tree 14 was the one with the heritage values. Our heritage database incorrectly shows the area with trees 15-17 as being the tree with heritage values.

During my initial check I believed that the tree was unaffected, but I have since visited Wanniasa Hills Primary School and spoken to Chris. I have confirmed that it was the 'Wanniasa Spook Tree (14)' that was removed.

The tree called 'the Wanniasa Spook Tree' is a well known, and public example of an Aboriginal Scarred Tree. In the document Wanniasa Hills Primary School Map 2016.pdf provided it is labelled as 14.

I have cc'd my management team into this email in the interests of transparency and I am away from the 10-21 April 2017.

10

Have the Tree Protection Unit been informed?

If further information is required please don't hesitate to contact me.

Cheers

Mr. Euroka Gilbert | Aboriginal Liaison Officer

Phone 02 6207 5724 |

ACT Heritage | Environment, Planning and Sustainable Development Directorate

| ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au



I acknowledge the Traditional Custodians of the ACT and region, their continuing connection to land and community. I pay my respect to them and their culture, and to the elders past, present and future.

**ACT Heritage
FILE NOTE/CONVERSATION RECORD**

Date:	7 April 2017	
SUBJECT:	Attempted contact with RAOs - Wanniasa scarred tree removals	
CONVERSATION WITH THE FOLLOWING PARTY		
<input checked="" type="checkbox"/> Over telephone		
Name	Position	Contact Details
Euroka Gilbert	ACT Heritage - Aboriginal Liaison Officer	6207 5724
Carl Brown	Chair, King Brown Tribal Group	██████████
Matilda House	Chair, Little Gudgenby River Tribal Council	██████████
James Mundy	Ngarigu Currawong Clan	██████████
ISSUES DISCUSSED & ADVICE PROVIDED:		
<p>Following attendance at the Heritage Festival launch, Euroka Gilbert attempted to contact all three RAOs listed above via phone, to notify them of the removal of the Wanniasa scarred tree. No answer to any phone call, or returned call.</p>		

From: [OConnell, Jennifer](#)
To: [REDACTED]
Cc: [Moore, FionaE](#); [Hekimian, Richard](#); [Russell, Meaghan](#); [Gilbert, Euroka](#); [Chaston, Daisy](#)
Subject: Wanniasa Spook Tree removal [SEC=UNCLASSIFIED]
Date: Wednesday, 12 April 2017 3:04:31 PM
Attachments: [RAO Contact list August 2016.docx](#)
[Thursday 6 April - Wanniasa Spook Tree.doc](#)
[image001.gif](#)
[image002.gif](#)

Hi Gary

Thank you for agreeing to contact the RAOs in your capacity as the Aboriginal community representative of the ACT Heritage Council regarding the unauthorised removal of the Wanniasa Spook Tree from within Wanniasa Hills Primary School (an Aboriginal Scar Tree). As mentioned both the Team Leader, Advice and the Aboriginal Liaison Officer are on leave for the new two weeks.

Attached are the RAOs contact details. Also attached is a chronology and dot points regarding the matter.

Generally if you could give each RAO a rundown of the chronology and pass on the message that ACT Heritage is investigating the matter in respect to provisions of the *Heritage Act 2004*. This will include seeking formal submissions from all parties involved.

RAOs will be briefed further as more information becomes available.

If you require any further information, please don't hesitate to contact me on 6207 2179.

Thanks again

Jen

Jennifer O'Connell | ACT Heritage

Phone: +61 2 6207 2179 | Email: jennifer.oconnell@act.gov.au

ACT Heritage | ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au



**Representative Aboriginal Organisations (RAOs)
August 2016**

Buru Ngunawal Aboriginal Corporation

Contact Person: Wally Bell (Chair)

Telephone: [REDACTED]

Email: [REDACTED]

Post Address: PO Box 255, Kippax ACT 2615

King Brown Tribal Group

Contact Person: Carl Brown (Chair)

Telephone: [REDACTED]

Post Address: [REDACTED]

Little Gudgenby River Tribal Council

Contact Person: Matilda House (Chair)

Telephone: [REDACTED]

Post Address: [REDACTED]

Ngarigu Currawong Clan

Contact Person: James Mundy

Telephone: [REDACTED]

Primary Contact [REDACTED]

Thursday 6 April

- It was reported to ACT Heritage the potential unauthorised removal of the Wanniasa Spook Tree from within Wanniasa Hills Primary School (an Aboriginal Scar Tree).
- The Aboriginal Liaison Officer attended site to confirm report of removal. This did confirm the removal of the scar tree.
- The Aboriginal Liaison Officer confirmed the removal with the Education Department and began a process of notifying RAOs.
- ACT Heritage recommended that Education also advise the Tree Protection Unit.

Tuesday 11 April

- ACT Heritage received confirmation that the Tree Protection Unit are aware of the matter.

Wednesday 12 April

- ACT Heritage received confirmation that the tree had been mulched the day it was felled.
- ACT Heritage continue to ensure all RAOs are notified.
- ACT Heritage notify Council chairman and Aboriginal representative – Gary Shipp.

Next Steps

- ACT Heritage is investigating the matter in respect to provisions of the *Heritage Act 2004*. This will include seeking formal submissions from all parties involved.

From: [Gary Shipp](#)
To: [OConnell, Jennifer](#)
Cc: [\[REDACTED\]](#); [Moore, FionaE](#); [Hekimian, Richard](#); [Russell, Meaghan](#); [Gilbert, Euroka](#); [Chaston, Daisy](#)
Subject: Re: Wanniasa Spook Tree removal [SEC=UNCLASSIFIED]
Date: Wednesday, 12 April 2017 9:09:37 PM
Attachments: [image001.gif](#)

Thanks for this brief Jen

You mentioned in telephone discussion that removal was not approved, what date was this as I don't recall . (possibly before my appointment) ?

Please advise.

Regards

Gary

Sent from my iPad

On 12 Apr 2017, at 3:04 PM, OConnell, Jennifer <Jennifer.OConnell@act.gov.au> wrote:

Hi Gary

Thank you for agreeing to contact the RAOs in your capacity as the Aboriginal community representative of the ACT Heritage Council regarding the unauthorised removal of the Wanniasa Spook Tree from within Wanniasa Hills Primary School (an Aboriginal Scar Tree). As mentioned both the Team Leader, Advice and the Aboriginal Liaison Officer are on leave for the new two weeks.

Attached are the RAOs contact details. Also attached is a chronology and dot points regarding the matter.

Generally if you could give each RAO a rundown of the chronology and pass on the message that ACT Heritage is investigating the matter in respect to provisions of the *Heritage Act 2004*. This will include seeking formal submissions from all parties involved.

RAOs will be briefed further as more information becomes available.

If you require any further information, please don't hesitate to contact me on 6207 2179.

Thanks again

Jen

Jennifer O'Connell | ACT Heritage

Phone: +61 2 6207 2179 | Email: jennifer.oconnell@act.gov.au

**ACT Heritage | ACT Heritage | Environment, Planning and Sustainable Development
Directorate | ACT Government**

Dame Pattie Menzies House, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au



<[image002.gif](#)>

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

<RAO Contact list August 2016.docx>

<Thursday 6 April - Wanniasa Spook Tree.doc>

From: [OConnell, Jennifer](#)
To: [Gary Shipp](#)
Cc: [REDACTED]; [Moore, FionaF](#); [Hekimian, Richard](#); [Russell, Meaghan](#); [Gilbert, Euroka](#); [Chaston, Daisy](#)
Subject: RE: Wanniasa Spook Tree removal [SEC=UNCLASSIFIED]
Date: Thursday, 13 April 2017 11:09:23 AM
Attachments: [image001.aif](#)

Hi Gary

An application to the Conservator of Flora and Fauna was made by the Wanniasa Hills Primary School to remove tree 14 (known as the Wanniasa Spook Tree). On 17 February 2017, the Conservator provided advice that the request for felling/removal of Tree 14 had not been granted.

More information will become available when we commence an investigation and start to gather information.

Cheers

Jen

From: Gary Shipp [REDACTED]
Sent: Wednesday, 12 April 2017 9:09 PM
To: OConnell, Jennifer
Cc: [REDACTED]; Moore, FionaF; Hekimian, Richard; Russell, Meaghan; Gilbert, Euroka; Chaston, Daisy
Subject: Re: Wanniasa Spook Tree removal [SEC=UNCLASSIFIED]

Thanks for this brief Jen

You mentioned in telephone discussion that removal was not approved, what date was this as I don't recall . (possibly before my appointment) ?

Please advise.

Regards

Gary

Sent from my iPad

On 12 Apr 2017, at 3:04 PM, OConnell, Jennifer <Jennifer.OConnell@act.gov.au> wrote:

Hi Gary

Thank you for agreeing to contact the RAOs in your capacity as the Aboriginal community representative of the ACT Heritage Council regarding the unauthorised removal of the Wanniasa Spook Tree from within Wanniasa Hills Primary School (an Aboriginal Scar Tree). As mentioned both the Team Leader, Advice and the Aboriginal Liaison Officer are on leave for the new two weeks.

Attached are the RAOs contact details. Also attached is a chronology and dot points regarding the matter.

Generally if you could give each RAO a rundown of the chronology and pass on the message that ACT Heritage is investigating the matter in respect to provisions of the *Heritage Act 2004*. This will include seeking formal submissions from all parties involved.

RAOs will be briefed further as more information becomes available.

If you require any further information, please don't hesitate to contact me on 6207 2179.

Thanks again

Jen

Jennifer O'Connell | ACT Heritage

Phone: +61 2 6207 2179 | Email: jennifer.oconnell@act.gov.au

**ACT Heritage | ACT Heritage | Environment, Planning and Sustainable Development
Directorate | ACT Government**

Dame Pattie Menzies House, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au



[<image002.gif>](#)

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

<RAO Contact list August 2016.docx>

<Thursday 6 April - Wanniasa Spook Tree.doc>

From: [OConnell, Jennifer](#)
To: [Gary Shipp](#)
Cc: [REDACTED]; [Moore, FionaE](#); [Hekimian, Richard](#); [Russell, Meaghan](#); [Gilbert, Euroka](#); [Chaston, Daisy](#)
Subject: RE: Wanniasa Spook Tree removal [SEC=UNCLASSIFIED]
Date: Thursday, 13 April 2017 10:09:17 AM
Attachments: [image001.aif](#)

Hi Gary

I've left a message with Tree Protection to seek information on what approvals were granted under the Tree Protection Act. I'll let you know as soon as I've heard back. I'll chase them again if I haven't heard anything within the next hour.

Cheers

Jen

From: Gary Shipp [REDACTED]
Sent: Wednesday, 12 April 2017 9:09 PM
To: OConnell, Jennifer
Cc: [REDACTED]; Moore, FionaE; Hekimian, Richard; Russell, Meaghan; Gilbert, Euroka; Chaston, Daisy
Subject: Re: Wanniasa Spook Tree removal [SEC=UNCLASSIFIED]

Thanks for this brief Jen

You mentioned in telephone discussion that removal was not approved, what date was this as I don't recall . (possibly before my appointment) ?

Please advise.

Regards

Gary

Sent from my iPad

On 12 Apr 2017, at 3:04 PM, OConnell, Jennifer <Jennifer.OConnell@act.gov.au> wrote:

Hi Gary

Thank you for agreeing to contact the RAOs in your capacity as the Aboriginal community representative of the ACT Heritage Council regarding the unauthorised removal of the Wanniasa Spook Tree from within Wanniasa Hills Primary School (an Aboriginal Scar Tree). As mentioned both the Team Leader, Advice and the Aboriginal Liaison Officer are on leave for the new two weeks.

Attached are the RAOs contact details. Also attached is a chronology and dot points regarding the matter.

Generally if you could give each RAO a rundown of the chronology and pass on the message that ACT Heritage is investigating the matter in respect to provisions of the *Heritage Act 2004*. This will include seeking formal submissions from all parties involved.

RAOs will be briefed further as more information becomes available.

If you require any further information, please don't hesitate to contact me on 6207 2179.

Thanks again

Jen

Jennifer O'Connell | ACT Heritage

Phone: +61 2 6207 2179 | Email: jennifer.oconnell@act.gov.au

ACT Heritage | ACT Heritage | Environment, Planning and Sustainable Development

Directorate I ACT Government

Dame Pattie Menzies House, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au



[<image002.gif>](#)

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

<RAO Contact list August 2016.docx>

<Thursday 6 April - Wanniasa Spook Tree.doc>

From: [OConnell, Jennifer](#)
To: [Gary Shipp](#); [Moore, FionaF](#); [David Flannery](#); [Chaston, Daisy](#); [Hekimian, Richard](#)
Subject: RE: Stateline Canberra [SEC=UNCLASSIFIED]
Date: Thursday, 13 April 2017 11:12:47 AM

Hi Gary

There have been no requests from media at this point. We will be in touch with both you and David if we hear anything from media or community.

At this stage, there won't be much we can say other than the matter will be investigated.

Cheers
Jen

-----Original Message-----

From: Gary Shipp [redacted]
Sent: Thursday, 13 April 2017 10:12 AM
To: OConnell, Jennifer; Moore, FionaF; David Flannery; Chaston, Daisy; Hekimian, Richard
Subject: Stateline Canberra

Hi all
This is of interest re the spook tree
Has the media got word yet of the recent incident?
I will start contacting RAO after 11 today.
Regards

<http://www.abc.net.au/stateline/act/content/2006/s2048778.htm>

Sent from my iPad

From: [David Flannery](#)
To: [gary shipp](#); [OConnell, Jennifer](#); [Moore, FionaF](#)
Subject: Re: Wanniasia tree of Aboriginal Significance (Spook Tree)
Date: Thursday, 13 April 2017 1:56:44 PM

Thanks Gary... please keep us abreast of developments ... David

David Flannery
sent from my mobile

----- Original message -----

From: gary shipp [REDACTED]
Date: 13/04/2017 1:13 PM (GMT+10:00)
To: "OConnell, Jennifer" <Jennifer.OConnell@act.gov.au>, David Flannery [REDACTED], "Moore, FionaF" <FionaF.Moore@act.gov.au>
Cc: [REDACTED]
Subject: Wanniasia tree of Aboriginal Significance (Spook Tree)

Dear Chair, Jennifer and others

In the absence of Euroka Gilbert, Jennifer OConnell contacted me on Wednesday 12 April 2017 requesting I contact the 4 RAO's in my capacity as the Aboriginal community representative of the ACT Heritage Council regarding the unauthorised removal of the Wanniasia tree of Aboriginal significance, also known as the Spook tree.

Following some brief research I located the following which are attached:

1. ABC Stateline transcript entitled "Cage of Ghosts";
2. A video by Dave Reid and a delightful comment from a viewer showing some ownership or attachment to the scar tree being at Wanniasia Hills Primary; and
3. National Library catalogue of a photo 1998.

Jennifer OConnell also provided the following advice that "an application to the Conservator of Flora and Fauna was made by the Wanniasia Hills Primary School to remove tree 14 (known as the Wanniasia Spook Tree). On 17 February 2017, the Conservator provided advice that the request for felling/removal of Tree 14 had not been granted".

My discussion via telephone with RAOs advised the following:

My name and phoning on behalf of the ACT Heritage Unit in the absence of Mr Euroka Gilbert. Advised that a tree of Aboriginal significance has recently been cut down and mulched. I then went on to say that the Heritage Unit is investigating the incident and taking the matter seriously. That we are in early days of the investigation and will

contact each RAO later to provide a follow up etc. The investigation includes seeking formal submissions from all parties involved, eg, school, education dept, contractors, ACT Tree Unit etc.

The following RAOs were contacted on Thursday 13 April:

Ms Matilda House at 1125am;

Mr James Mundy at 1135am; and

Mr Wally Bell returned my call at 12 noon.

I also left a message with Mr Carl Brown at 1145am however, at time of writing this report (1310) he has not returned my call.

I trust this is suffice.

Regards

Gary Shipp

From: [Gary Shipp](#)
To: [OConnell, Jennifer](#); [Moore, FionaF](#); [David Flannery](#); [Chaston, Daisy](#); [Hekimian, Richard](#)
Subject: Scarred tree within the Wanniasa Hills Primary School playing area, (known to the children as the "... | National Library of Australia
Date: Thursday, 13 April 2017 11:09:01 AM

Some more FYI

Gary

<http://catalogue.nla.gov.au/Record/3306261>

Sent from my iPad

From: [Gary Shipp](#)
To: [OConnell, Jennifer](#); [Moore, FionaF](#); [David Flannery](#); [Chaston, Daisy](#)
Subject: Wanniasa Spook Tree - YouTube
Date: Thursday, 13 April 2017 11:05:19 AM

FYI
Regards
Gary

<https://m.youtube.com/watch?v=ehLgGvsJpVg>

Sent from my iPad

From: [OConnell, Jennifer](#)
To: [Moore, FionaF](#)
Subject: draft email - spook tree [SEC=UNCLASSIFIED]
Date: Tuesday, 18 April 2017 3:17:22 PM

Hi Fe

Draft email to Gary Rake is below for your comment and action.

Cheers

Jen

Hi Gary

Thanks for meeting last week regarding the removal of the Wanniasa Spook Tree (Aboriginal scar tree) without approval.

The weekly brief has been updated with information regarding the issue. Representative Aboriginal Organisations were notified last Friday by the Aboriginal Community Representative of the ACT Heritage Council.

ACT Heritage has also spoken to the Tree Protection within Transport Canberra and City Services. At this stage, they are unsure whether they will pursue the matter however, a determination has yet to be made.

You may recall, ACT Heritage advised that it does not have the expertise or experience to undertake compliance investigations. You noted that you may have a contact in Shared Services to undertake, at the least, the initial information and fact gathering to enable a determination to be made on whether or not an offence has occurred under section 75 of the *Heritage Act 2004*.

The parties involved appear at this stage to include:

- Infrastructure and Capital Works, Education Directorate;
- Wanniasa Hills Primary School, Education Directorate;
- ACT Property Group, Chief Minister, Treasury and Economic Development Directorate (CMTEDD); and
- Treeworks (ACT/NSW) Pty Ltd.

If you are happy to contact Shared Services directly, to seek assistance this would be greatly appreciated. We could then provide the area a detailed briefing.

Kind regards

Fiona

From: [OConnell, Jennifer](#)
To: [Gary Shipp](#); [David Flannery](#); [Moore, FionaF](#)
Cc: [Gilbert, Euroka](#); [Russell, Meaghan](#); [Hekimian, Richard](#)
Subject: RE: Wanniasia tree of Aboriginal Significance (Spook Tree) [SEC=UNCLASSIFIED]
Date: Wednesday, 19 April 2017 2:46:58 PM

Thanks for keeping us updated Gary.

How was the response from the other three RAO groups? I image similar to Carl's response?

Thanks again.

Jen

From: Gary Shipp [redacted]
Sent: Wednesday, 19 April 2017 2:45 PM
To: OConnell, Jennifer; David Flannery; Moore, FionaF
Cc: Gilbert, Euroka; Russell, Meaghan; Hekimian, Richard
Subject: Fwd: Wanniasia tree of Aboriginal Significance (Spook Tree)

Dear all

This is just to inform you that I made contact today Wednesday 19 April at 2.30pm with RAO, Carl Brown, chair of the King Brown Tribal Group to advise on the removal of the tree at Wanniasia Hills Primary.

He was also disappointed and looks forward to hearing of developments as the investigation continues. He was pleased to hear that Council is taking the matter seriously. For noting.

Regards

Gary Shipp

Sent from my iPad

Begin forwarded message:

From: gary shipp [redacted]
Date: 13 April 2017 at 1:13:55 PM AEST
To: "OConnell, Jennifer" <Jennifer.OConnell@act.gov.au>, David Flannery [redacted] >, "Moore, FionaF" <FionaF.Moore@act.gov.au>
Cc: "[redacted]" <[redacted]>
Subject: Wanniasia tree of Aboriginal Significance (Spook Tree)

Dear Chair, Jennifer and others

In the absence of Euroka Gilbert, Jennifer OConnell contacted me on Wednesday 12 April 2017 requesting I contact the 4 RAO's in my capacity as the Aboriginal community representative of the ACT Heritage Council regarding the unauthorised removal of the Wanniasia tree of Aboriginal significance, also known as the Spook tree.

Following some brief research I located the following which are attached:

1. ABC Stateline transcript entitled "Cage of Ghosts";
2. A video by Dave Reid and a delightful comment from a viewer showing some ownership or attachment to the scar tree being at Wanniasia Hills Primary; and
3. National Library catalogue of a photo 1998.

Jennifer OConnell also provided the following advice that "an application to the Conservator of Flora and Fauna was made by the Wanniasa Hills Primary School to remove tree 14 (known as the Wanniasa Spook Tree). On 17 February 2017, the Conservator provided advice that the request for felling/removal of Tree 14 had not been granted".

My discussion via telephone with RAOs advised the following:

My name and phoning on behalf of the ACT Heritage Unit in the absence of Mr Euroka Gilbert. Advised that a tree of Aboriginal significance has recently been cut down and mulched. I then went on to say that the Heritage Unit is investigating the incident and taking the matter seriously. That we are in early days of the investigation and will contact each RAO later to provide a follow up etc. The investigation includes seeking formal submissions from all parties involved, eg, school, education dept, contractors, ACT Tree Unit etc.

The following RAOs were contacted on Thursday 13 April:
Ms Matilda House at 1125am;
Mr James Mundy at 1135am; and
Mr Wally Bell returned my call at 12 noon.

I also left a message with Mr Carl Brown at 1145am however, at time of writing this report (1310) he has not returned my call.

I trust this is suffice.

Regards
Gary Shipp

From: [Rake, Gary](#)
To: [Moore, FionaF](#)
Cc: [OConnell, Jennifer](#)
Subject: RE: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]
Date: Thursday, 20 April 2017 1:00:29 PM

I'll contact them and come back to you.

From: Moore, FionaF
Sent: Thursday, 20 April 2017 12:17 PM
To: Rake, Gary
Cc: OConnell, Jennifer
Subject: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Hi Gary

Thanks for meeting last week regarding the removal of the Wanniasa Spook Tree (Aboriginal scar tree) without approval.

The weekly brief has been updated with information regarding the issue. Representative Aboriginal Organisations were notified last Friday by the Aboriginal Community Representative of the ACT Heritage Council.

ACT Heritage has also spoken to the Tree Protection within Transport Canberra and City Services. At this stage, they are unsure whether they will pursue the matter however, a determination has yet to be made.

You may recall, ACT Heritage advised that it does not have the expertise or experience to undertake compliance investigations. You noted that you may have a contact in Shared Services to undertake, at the least, the initial information and fact gathering to enable a determination to be made on whether or not an offence has occurred under section 75 of the *Heritage Act 2004*.

The parties involved appear at this stage to include:

- Infrastructure and Capital Works, Education Directorate;
- Wanniasa Hills Primary School, Education Directorate;
- ACT Property Group, Chief Minister, Treasury and Economic Development Directorate (CMTEDD); and
- Treeworks (ACT/NSW) Pty Ltd.

If you are happy to contact Shared Services directly, to seek assistance this would be greatly appreciated. We could then provide the area a detailed briefing.

Kind regards

Fiona

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au/heritage

From: [OConnell, Jennifer](#)
To: [Kidman, Fiona](#); [Moore, FionaF](#)
Cc: [Morey, Teresa](#)
Subject: RE: 2017 04 24 - Wanniasa Hills PS - Removal of heritage regulated tree [SEC=UNOFFICIAL]
Date: Tuesday, 2 May 2017 9:06:36 AM
Attachments: [image001.gif](#)
[image002.gif](#)

Dear Fiona

Thank you for your email. Apologies for the delay in responding to you, I was away last week with [REDACTED].

As discussed the unauthorised removal of the Wanniasa Spook tree is a potential breach to the *Heritage Act 2004*. As such, EPSDD is considering whether the matter will be formally investigated.

ACT Heritage will be in contact in the near future to advise whether a formal investigation will be conducted and if so, what the process will be.

As EDU may be a party involved in the incident, it is not appropriate for ACT Heritage to meet at this time to provide input into recommendations prior to a potential investigation commencing. Please be advised however, that all RAOs have been notified about the unauthorised removal of the tree.

Regards

Jen O'Connell

Jennifer O'Connell | ACT Heritage

Phone: +61 2 6207 2179 | Email: jennifer.oconnell@act.gov.au

ACT Heritage | ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au



From: Kidman, Fiona
Sent: Monday, 1 May 2017 3:33 PM
To: Moore, FionaF; OConnell, Jennifer
Cc: Morey, Teresa
Subject: 2017 04 24 - Wanniasa Hills PS - Removal of heritage regulated tree [SEC=UNOFFICIAL]

Dear Fiona and Jennifer

It would be good to hear from you how consultation with nominated representatives is progressing with regard to the accidental removal of a heritage listed regulated tree at Wanniasa Hills Primary School and when Education can meet with you.

Regards

Fiona Kidman

Fiona Kidman | Assistant Manager - Asset Management Senior | Project Officer - External Learning Environments | Phone: +61 2 6207 0002 | Fax: +61 2 6205 9333 | Email: fiona.kidman@act.gov.au

Infrastructure & Capital Works | Education Directorate | ACT Government
 Level 1 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 | www.det.act.gov.au

From: Kidman, Fiona
Sent: Monday, 24 April 2017 5:03 PM
To: Moore, FionaF
Subject: FW: 2017 04 24 - Wanniasa Hills PS - Removal of heritage regulated tree [SEC=UNOFFICIAL]

Hi Fiona

Please see email below I have just received an out of office form Jennifer hopefully you could provide an update.

Thanks

Fiona

Fiona Kidman | Assistant Manager - Asset Management Senior | Project Officer - External Learning Environments | Phone: +61 2 6207 0002 | Fax: +61 2 6205 9333 |

Email: fiona.kidman@act.gov.au

Infrastructure & Capital Works | Education Directorate | ACT Government

Level 1 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 |

www.det.act.gov.au

From: Kidman, Fiona

Sent: Monday, 24 April 2017 4:00 PM

To: OConnell, Jennifer

Cc: Morey, Teresa

Subject: 2017 04 24 - Wanniasa Hills PS - Removal of heritage regulated tree [SEC=UNOFFICIAL]

Hi Jennifer

I rang today just following up on consultation regarding the heritage tree removed from Wanniasa Hills PS site.

Please see program below which I had put together based on various telephone discussions. Noting these dates have now passed could you provide an update on the items highlighted in yellow.

I look forward to meeting with you and/or your team to identify how EDU may be able to seek recommendations on the best way to mark the tree location and its cultural importance.

Thanks

Fiona

Date	Description	Action
Late June early July	Raise issue at next UNEC meeting to seek advice on marking the loss of this heritage and cultural artefact as well as steps to mitigate reoccurrence.	EDU
31 May 2017	Put in place standard operating procedure identifying and locating items of heritage value located on school sites. Provide the respective schools with the approved information for inclusion in the school site induction package.	EDU in consultation with ACT Heritage.
TBC	Seek recommendations on the best way to mark the tree location and its cultural importance.	Contractor and EDU
26 April 2017 (Tentative date)	ACT Heritage to meet with representatives from Buru Ngunnawal Aboriginal	ACT Heritage

	Corporation, King Brown Tribal Group, Little Gudgenby River Tribal Council and Ngarigu Currawong Clan.	
18 or 19 April 2017 (Tentative date)	ACT Heritage to meet with EDU	ACT Heritage

Fiona Kidman | Assistant Manager - Asset Management Senior | Project Officer - External Learning Environments | Phone: +61 2 6207 0002 | Fax: +61 2 6205 9333 | Email: fiona.kidman@act.gov.au
 Infrastructure & Capital Works | Education Directorate | ACT Government
 Level 1 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 | www.det.act.gov.au

From: [Rake, Gary](#)
To: [Moore, FionaF](#); [Simmons, Craig](#)
Cc: [Vest, Petra](#); [OConnell, Jennifer](#)
Subject: RE: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]
Date: Friday, 19 May 2017 9:11:35 AM

Sorry for the delay...Craig Simmons (cc'd) has said his team would be very happy to help us with an investigation to collect statements and ascertain the facts...from which point it would come back to us to determine any further action.

Rgds, G

From: Moore, FionaF
Sent: Wednesday, 17 May 2017 1:44 PM
To: Rake, Gary
Cc: Vest, Petra; OConnell, Jennifer
Subject: FW: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Hi Gary,

As discussed yesterday, just a friendly reminder re: following this up.

Regards,

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au/heritage

From: Rake, Gary
Sent: Thursday, 20 April 2017 1:00 PM
To: Moore, FionaF
Cc: OConnell, Jennifer
Subject: RE: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

I'll contact them and come back to you.

From: Moore, FionaF
Sent: Thursday, 20 April 2017 12:17 PM
To: Rake, Gary
Cc: OConnell, Jennifer
Subject: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Hi Gary

Thanks for meeting last week regarding the removal of the Wanniasa Spook Tree (Aboriginal scar tree) without approval.

The weekly brief has been updated with information regarding the issue. Representative Aboriginal Organisations were notified last Friday by the Aboriginal Community Representative of the ACT Heritage Council.

ACT Heritage has also spoken to the Tree Protection within Transport Canberra and City Services. At this stage, they are unsure whether they will pursue the matter however, a determination has yet to be made.

You may recall, ACT Heritage advised that it does not have the expertise or experience to undertake compliance investigations. You noted that you may have a contact in Shared Services to undertake, at the least, the initial information and fact gathering to enable a determination to be made on whether or not an offence has occurred under section 75 of the *Heritage Act 2004*.

The parties involved appear at this stage to include:

- Infrastructure and Capital Works, Education Directorate;
- Wanniasa Hills Primary School, Education Directorate;
- ACT Property Group, Chief Minister, Treasury and Economic Development Directorate (CMTEDD); and

- Treeworks (ACT/NSW) Pty Ltd.

If you are happy to contact Shared Services directly, to seek assistance this would be greatly appreciated. We could then provide the area a detailed briefing.

Kind regards

Fiona

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au/heritage

From: [Moore, FionaF](#)
To: [Russell, Meaghan](#)
Cc: [OConnell, Jennifer](#)
Subject: FW: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]
Date: Tuesday, 23 May 2017 5:26:47 PM

Hi Meaghan,

Please see email chain below. Craig Simmons and his team are going to assist ACT Heritage collate the initial stages of this investigation.

Could your team please compile of all relevant material to date, including a timeline and key contacts and stakeholders, that I can provide to Craig to initiate this process.

I would like to provide this to Craig within the week, early next week at the latest.

Thank you,

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au/heritage

From: Rake, Gary

Sent: Friday, 19 May 2017 9:12 AM

To: Moore, FionaF; Simmons, Craig

Cc: Vest, Petra; OConnell, Jennifer

Subject: RE: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Sorry for the delay...Craig Simmons (cc'd) has said his team would be very happy to help us with an investigation to collect statements and ascertain the facts...from which point it would come back to us to determine any further action.

Rgds, G

From: Moore, FionaF

Sent: Wednesday, 17 May 2017 1:44 PM

To: Rake, Gary

Cc: Vest, Petra; OConnell, Jennifer

Subject: FW: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Hi Gary,

As discussed yesterday, just a friendly reminder re: following this up.

Regards,

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au/heritage

From: Rake, Gary

Sent: Thursday, 20 April 2017 1:00 PM

To: Moore, FionaF

Cc: OConnell, Jennifer

Subject: RE: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

I'll contact them and come back to you.

From: Moore, FionaF

Sent: Thursday, 20 April 2017 12:17 PM

To: Rake, Gary

Cc: OConnell, Jennifer

Subject: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Hi Gary

Thanks for meeting last week regarding the removal of the Wanniasa Spook Tree (Aboriginal scar tree) without approval.

The weekly brief has been updated with information regarding the issue. Representative Aboriginal Organisations were notified last Friday by the Aboriginal Community Representative of the ACT Heritage Council.

ACT Heritage has also spoken to the Tree Protection within Transport Canberra and City Services. At this stage, they are unsure whether they will pursue the matter however, a determination has yet to be made.

You may recall, ACT Heritage advised that it does not have the expertise or experience to undertake compliance investigations. You noted that you may have a contact in Shared Services to undertake, at the least, the initial information and fact gathering to enable a determination to be made on whether or not an offence has occurred under section 75 of the *Heritage Act 2004*.

The parties involved appear at this stage to include:

- Infrastructure and Capital Works, Education Directorate;
- Wanniasa Hills Primary School, Education Directorate;
- ACT Property Group, Chief Minister, Treasury and Economic Development Directorate (CMTEDD); and
- Treeworks (ACT/NSW) Pty Ltd.

If you are happy to contact Shared Services directly, to seek assistance this would be greatly appreciated. We could then provide the area a detailed briefing.

Kind regards

Fiona

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au/heritage

Minister for the Environment and Heritage
Minister for Planning and Land Management

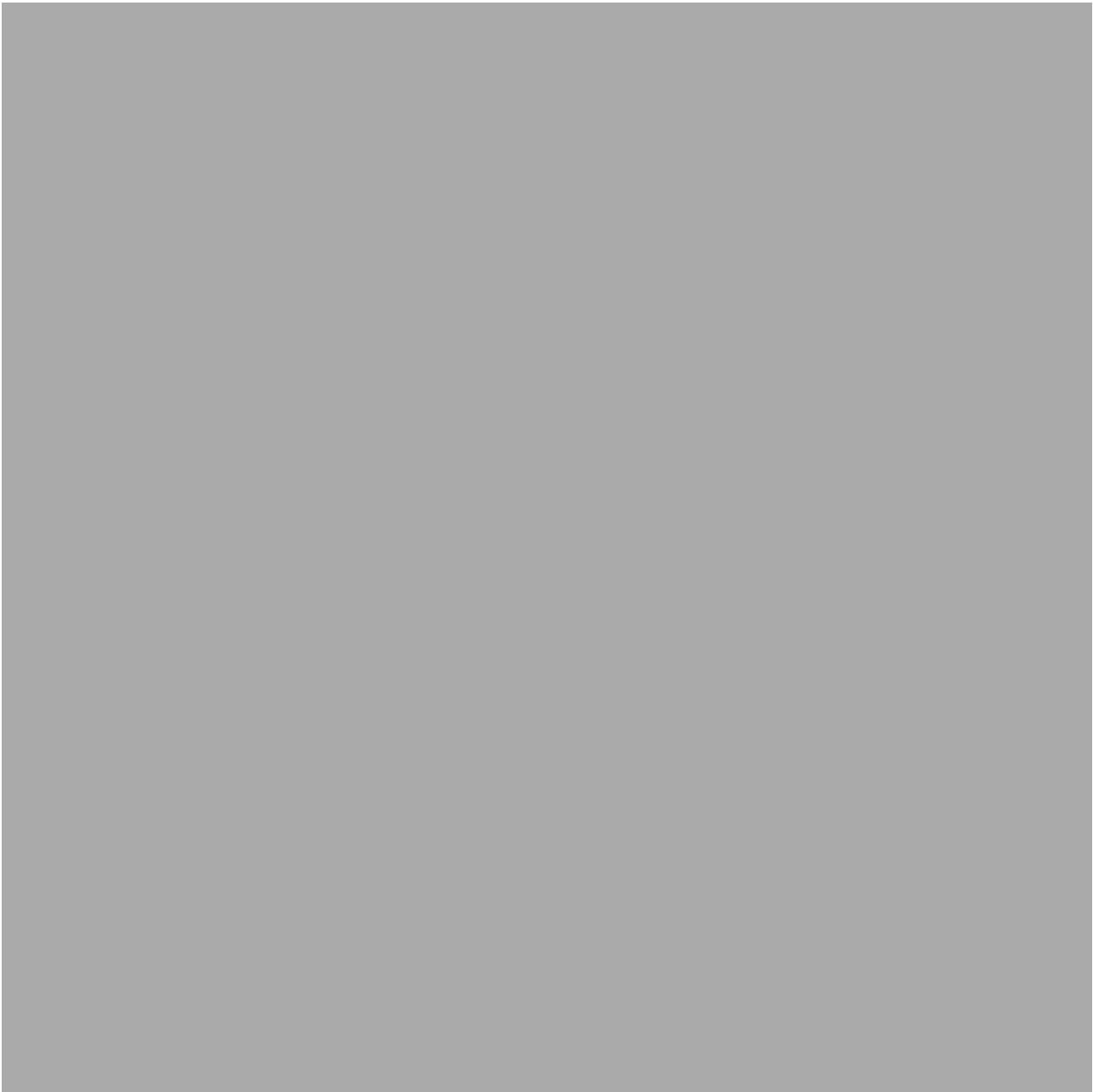
Question Time Brief Index

June 2017





14.	Wanniassa 'Spook Tree' unauthorised removal (NEW)	Heritage
-----	---	----------



ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT

ASSEMBLY BRIEF

ISSUE: Wanniasa 'Spook Tree' unauthorised removal

Context

An Aboriginal scarred tree within the Wanniasa Hills Primary School grounds, known publically as the 'Wanniasa Spook Tree', was recently removed by the ACT Government's Education Directorate. The removal was unauthorised, and may be an offence under the *Heritage Act 2004*.

The tree removal is currently being investigated by Access Canberra, the outcomes of which will be reported to the Environment, Planning and Sustainable Development Directorate (EPSDD) and the ACT Heritage Council (the Council); to inform any further compliance action.

Talking Points

- The Wanniasa Spook Tree (the tree) was located within Block 1, Section 253, Wanniasa; within the grounds of the Wanniasa Hills Primary School.
- The tree, containing a cultural scar, is afforded protection under Section 75 of the *Heritage Act 2004*, being an Aboriginal place.
- On 6 April 2017, the Education Directorate reported that the tree may have been inadvertently removed in tree clearance works, undertaken by a contractor.
- On 6 April 2017, ACT Heritage undertook an immediate review of the matter, and confirmed that the tree had been removed, with only a stump remaining.
- On 12 April 2017, the Education Directorate further advised that the tree was mulched on the day it was removed, and that no part of the cultural scar remains.
- Between 13 and 19 April 2017, all Representative Aboriginal Organisations (RAOs) were notified of the tree removal, as they have a formal statutory role in Aboriginal heritage matters under the *Heritage Act 2004*.
- It is understood that a prior tree removal application was made in relation to the tree, which was refused by the ACT Conservator of Flora and Fauna on 17 February 2017. TCCS Urban Treespaces has also been notified of the unauthorised tree removal.
- The Access Canberra Investigations team is to collect statements and ascertain facts on the tree removal, as part of the investigation; the outcomes of which will inform decision making by EPSDD and the Council on any further compliance actions to be undertaken.

Background

Aboriginal scarred trees are relatively rare Aboriginal heritage sites in the ACT. The Wanniasa Spook Tree was one of the few Aboriginal scarred trees whose location is publically known. There is a possible there may be public interest and media attention in relation the authorised removal of the tree, however this has not occurred to date.

From: [Russell, Meaghan](#)
To: [Gilbert, Euroka](#)
Subject: Wanniasa summary [SEC=UNCLASSIFIED]
Date: Wednesday, 24 May 2017 9:55:00 AM
Attachments: [image001.png](#)
[image002.png](#)

Hi Euroka,

Can you please review wording of below, for inclusion in HCM85 agenda papers – and also for a QTB on the matter:

Many thanks,

Meaghan

On 6 April 2017, the ACT Government's Education Directorate reported to ACT Heritage, via a phone call, that the Aboriginal scarred tree at the Wanniasa Primary School (known as the Wanniasa Spook Tree') may have been inadvertently removed in a recent tree clearance works at the school. An email from the Education Directorate followed, with attached information on the tree removal program.

ACT Heritage undertook an immediate review of the matter, including a site inspection, which confirmed that the tree had been removed. This inspection identified that only a stump remained at the site, and that no other sections of the original tree - including the cultural scar - remained.

On this basis, ACT Heritage advised the Education Directorate on 6 April 2017 that the cultural tree had been removed. As the removal of the tree was also subject to a prior *Tree Protection Act 2005* application, rejected by the ACT Conservator of Flora and Fauna on 17 February 2017, ACT Heritage advised the Education Directorate to also contact TCCS Urban Treescapes.

On 7 April 2017, Euroka Gilbert (ACT Heritage's Aboriginal liaison officer) attempted to contact all RAOs to advise them of the matter. Wally Bell of Buru Ngunawal Aboriginal Corporation was advised in person while attending the ACT Heritage Festival launch that day, and phone calls to King Brown Tribal Group, Little Gudgenby River Tribal Council and Ngarigu Currawong Clan were not answered.

On 11 April 2017, ACT Heritage received confirmation that TCCS Urban Treescapes was also aware of the matter.

On 12 April 2017, ACT Heritage received confirmation from the Education Directorate that the scarred tree was mulched on the day it was removed.

On 12 April 2017, Gary Shipp agreed to contact all Representative Aboriginal Organisations (RAOs) in his capacity as the Aboriginal community representative of the ACT Heritage Council. RAOs were contacted on:

- 13 April 2017 - phone call with Wally Bell of Buru Ngunawal Aboriginal Corporation;
- 13 April 2017 - phone call with Matilda House of Little Gudgenby River Tribal Council;
- 13 April 2017 - phone call with James Mundy of Ngarigu Currawong Clan; and
- 19 April 2017 - phone call with Carl Brown of King Brown Tribal Group (following attempted contact on 13 April 2017).

Initial discussions with RAOs on the above dates set out that the matter would be subject to investigation, with formal submissions to be sought from all parties such as the Education

Department, contractors who undertook the work, School representatives, and the ACT Property Group.

On 24 April 2017, the Education Directorate sought advice from ACT Heritage via email of their planned response measures to the incident, including reporting the matter to UNEC at the next scheduled meeting, establishing a procedure for identifying and managing heritage sites within ACT Schools, and opportunities to mark the former tree location and its cultural significance. On 2 May 2017, ACT Heritage advised by email that it was not appropriate to provide input on these measures at this time, as the unauthorised removal of the tree is a potential breach of the *Heritage Act 2004*, and EPSDD is considering whether the matter will be formally investigated.

As EPSDD does not currently have an internal investigations team, Gary Rake (EPSDD DDG) liaised with Access Canberra in May 2017, and on 19 May 2017 advised ACT Heritage that the Access Canberra Investigations team is available to collect statements and ascertain facts on the tree removal; which would inform further EPSDD decision making on the compliance matter.

ACT Heritage is currently working with the Access Canberra Investigations team to inform the investigation process.

Meaghan Russell | Team Leader (Advice)

Phone: 02 6205 5497 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: [Russell, Meaghan](#)
To: [Moore, FionaF](#)
Subject: Fiona Kidman phone calls [SEC=UNCLASSIFIED]
Date: Tuesday, 30 May 2017 8:55:20 AM
Attachments: [image001.png](#)
[image002.png](#)

Hi Fiona,

I understand that Fiona Kidman called my phone this morning, and Linda passed the message onto you.

For context – note that Fiona rang yesterday for an update on the Wanniasa compliance matter – and I advised that ACT Heritage was working through an investigation and review process, and that I could not provide her with details on this, or when it would be complete. Fiona then said something to the effect that they would not then expect a response until late in the year – and in response, I stated that I did not know how long the investigation and review process would take, so ACT Heritage was not setting a late year timeline.

Cheers,

Meaghan

Meaghan Russell | Team Leader (Advice)

Phone: 02 6205 5497 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: [Russell, Meaghan](#)
To: [Simmons, Craig](#)
Subject: RE: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]
Date: Monday, 5 June 2017 3:38:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[20170605 - ACT Heritage file note for Access Canberra Investigations team - Wanniasa scarred tree removal.doc](#)

Hello Craig,

Following recent correspondence with Fiona, ACT Heritage has compiled documentation on the removal of an Aboriginal scarred tree at Wanniasa.

I will email original documents to you shortly, and attached for your reference is a file note summarising the timeline of events and related documents, and providing contact details for all parties involved in discussions to date.

In emails to follow, related information will also be provided, such as legislation, the 2006 RAO declaration, the 2005 interim places register entries, the 2016 Treeworks report and the February 2017 notice of decision by the Conservator refusing the tree removal application. Please contact me if you need any further information at this stage, or to organise the first meeting to discuss.

Note that Fiona Moore is currently on maternity leave, and that Jennifer O'Connell and myself will be the primary contacts for this investigation.

Regards,
Meaghan

Meaghan Russell | A/g Manager

Phone: 02 6205 5497 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: Simmons, Craig
Sent: Thursday, 25 May 2017 4:17 PM
To: Moore, FionaF
Subject: Re: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Hi Fiona

Thanks for that, we will arrange a meeting after we have received your information.

Craig

Sent from my iPad

On 25 May 2017, at 09:36, Moore, FionaF <FionaF.Moore@act.gov.au> wrote:

Hi Craig,

I've asked the team to pull together a short timeline of events, including key parties involved and any associated material provided to ACT Heritage to date, to provide to you by the end of this week.

Regards,

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au/heritage

From: Rake, Gary
Sent: Friday, 19 May 2017 9:12 AM
To: Moore, FionaF; Simmons, Craig
Cc: Vest, Petra; OConnell, Jennifer
Subject: RE: Heritage: Wanniasa Spook Tree (Aboriginal scar tree)
[SEC=UNCLASSIFIED]

Sorry for the delay...Craig Simmons (cc'd) has said his team would be very happy to help us with an investigation to collect statements and ascertain the facts...from which point it would come back to us to determine any further action.

Rgds, G

From: Moore, FionaF
Sent: Wednesday, 17 May 2017 1:44 PM
To: Rake, Gary
Cc: Vest, Petra; OConnell, Jennifer
Subject: FW: Heritage: Wanniasa Spook Tree (Aboriginal scar tree)
[SEC=UNCLASSIFIED]

Hi Gary,

As discussed yesterday, just a friendly reminder re: following this up.

Regards,

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au/heritage

From: Rake, Gary
Sent: Thursday, 20 April 2017 1:00 PM
To: Moore, FionaF
Cc: OConnell, Jennifer
Subject: RE: Heritage: Wanniasa Spook Tree (Aboriginal scar tree)
[SEC=UNCLASSIFIED]

I'll contact them and come back to you.

From: Moore, FionaF
Sent: Thursday, 20 April 2017 12:17 PM
To: Rake, Gary
Cc: OConnell, Jennifer
Subject: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Hi Gary

Thanks for meeting last week regarding the removal of the Wanniasa Spook Tree (Aboriginal scar tree) without approval.

The weekly brief has been updated with information regarding the issue.

Representative Aboriginal Organisations were notified last Friday by the Aboriginal Community Representative of the ACT Heritage Council.

ACT Heritage has also spoken to the Tree Protection within Transport Canberra and City Services. At this stage, they are unsure whether they will pursue the matter however, a determination has yet to be made.

You may recall, ACT Heritage advised that it does not have the expertise or experience to undertake compliance investigations. You noted that you may have a contact in Shared Services to undertake, at the least, the initial information and fact gathering to enable a determination to be made on whether or not an offence has occurred under section 75 of the *Heritage Act 2004*.

The parties involved appear at this stage to include:

- Infrastructure and Capital Works, Education Directorate;

- Wanniasa Hills Primary School, Education Directorate;
- ACT Property Group, Chief Minister, Treasury and Economic Development Directorate (CMTEDD); and
- Treeworks (ACT/NSW) Pty Ltd.

If you are happy to contact Shared Services directly, to seek assistance this would be greatly appreciated. We could then provide the area a detailed briefing.

Kind regards

Fiona

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au/heritage

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au/heritage

From: Rake, Gary
Sent: Thursday, 20 April 2017 1:00 PM
To: Moore, FionaF
Cc: OConnell, Jennifer
Subject: RE: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]
I'll contact them and come back to you.

From: Moore, FionaF
Sent: Thursday, 20 April 2017 12:17 PM
To: Rake, Gary
Cc: OConnell, Jennifer
Subject: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]
Hi Gary

Thanks for meeting last week regarding the removal of the Wanniasa Spook Tree (Aboriginal scar tree) without approval.

The weekly brief has been updated with information regarding the issue.

Representative Aboriginal Organisations were notified last Friday by the Aboriginal Community Representative of the ACT Heritage Council.

ACT Heritage has also spoken to the Tree Protection within Transport Canberra and City Services. At this stage, they are unsure whether they will pursue the matter however, a determination has yet to be made.

You may recall, ACT Heritage advised that it does not have the expertise or experience to undertake compliance investigations. You noted that you may have a contact in Shared Services to undertake, at the least, the initial information and fact gathering to enable a determination to be made on whether or not an offence has occurred under section 75 of the *Heritage Act 2004*.

The parties involved appear at this stage to include:

- Infrastructure and Capital Works, Education Directorate;
- Wanniasa Hills Primary School, Education Directorate;
- ACT Property Group, Chief Minister, Treasury and Economic Development Directorate (CMTEDD); and
- Treeworks (ACT/NSW) Pty Ltd.

If you are happy to contact Shared Services directly, to seek assistance this would be greatly appreciated. We could then provide the area a detailed briefing.

Kind regards

Fiona

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au/heritage

**ACT Heritage
FILE NOTE**

Date:	5 June 2017	
SUBJECT:	Removal of an Aboriginal place (scarred tree) at Wanniasa Primary School	
REFERRAL TO THE FOLLOWING PARTY		
<input checked="" type="checkbox"/> Email referral		
Name	Position	Contact Details
Meaghan Russell	Team Leader, Advice - ACT Heritage	6205 5497
Craig Simmons	Director, Regulatory Compliance - Access Canberra	6207 6322
TIMELINE OF KEY EVENTS:		
<ul style="list-style-type: none"> • 6 April 2017 - Education Directorate reported the potential removal of a scarred tree at the Wanniasa Primary School. ACT Heritage immediately visited the School and confirmed the tree had been removed. • 7 April to 19 April 2017 - all Representative Aboriginal Organisations (RAOs) were notified of the matter by ACT Heritage and the ACT Heritage Council. • 19 May 2017 - Access Canberra Investigations Team available to undertake investigation activities. 		
CONTACT DETAILS - RELEVANT PARTIES:		
Organisation	Contact	Contact Details
ACT Heritage	Jennifer O'Connell (Manager)	6207 2179, Jennifer.OConnell@act.gov.au
ACT Heritage	Fiona Moore (A/g Manager until 2 June 2017 - now on Mat Leave)	6205 9974, FionaF.Moore@act.gov.au
ACT Heritage	Meaghan Russell (Team Leader, Advice)	6205 5497, Meaghan.Russell@act.gov.au
ACT Heritage	Euroka Gilbert (Aboriginal Liaison Officer)	6207 5724, Euroka.Gilbert@act.gov.au
ACT Heritage Council	Gary Shipp (Aboriginal community representative, ACT Heritage Council)	██████████, ██████████

ACT Heritage Council	David Flannery (Chair, ACT Heritage Council)	[REDACTED]
Education Directorate	Fiona Kidman (Assistant Manager, Asset Management Senior)	6207 0002, Fiona.Kidman@act.gov.au
Buru Ngunawal Aboriginal Corporation	Wally Bell	[REDACTED]
King Brown Tribal Group	Carl Brown	[REDACTED]
Little Gudgenby River Tribal Council	Matilda House	[REDACTED]
Ngarigu Currawong Clan	James Mundy	[REDACTED]
TIMELINE OF EVENTS AND RELATED DOCUMENTS:		
Date	Description	
Thursday 6 April 2017	Phone call from Education Directorate (Fiona Kidman) to ACT Heritage (Euroka Gilbert), reporting that an Aboriginal scarred tree at the Wanniasa Primary school may have been cut down, and wanting to confirm the tree location. Euroka Gilbert to review immediately, and Fiona Kidman is to email through related information.	
Thursday 6 April 2017	Email from Fiona Kidman to Euroka Gilbert with attached information, being the NOD for the tree removal application (refused by Conservator) and the Nov 2016 Treeworks report which recommended its removal.	
Thursday 6 April 2017	Internal ACT Heritage email (Euroka Gilbert to Fiona Moore and Meaghan Russell) reporting that the Wanniasa scarred tree had been removed, which had been confirmed in site visit that day following phone call from Fiona Kidman.	
Thursday 6 April 2017	Two photos of former Wanniasa scarred tree location, taken by Euroka Gilbert on 6 April 2017. Low stump only remains.	
Thursday 6 April 2017	Euroka Gilbert email to Fiona Kidman confirming that the Wanniasa scarred tree had been removed, confirmed in site visit today, and asking	

	whether the TCCS Tree Protection Unit has also been informed.
Thursday 6 April 2017	Fiona Kidman email to Euroka Gilbert requesting contact details for TCCS Tree Protection Unit, and for ACT Heritage during his planned leave.
Thursday 6 April 2017	Euroka Gilbert email to Fiona Kidman providing contact details for TCC Urban Treescapes (Richard Allen).
Thursday 6 April 2017	Euroka Gilbert email to Fiona Kidman providing RAO contact details.
Thursday 6 April 2017	Fiona Kidman email to Euroka Gilbert on organising a RAO meeting to discuss the incident, noting Education Department concerns that RAOs will hear about the incident prior to formal notifications.
Friday 7 April	Internal ACT Heritage email (Euroka Gilbert to Fiona Moore) regarding suitable times to meet with the Education Department and RAOs.
Friday 7 April	Internal ACT Heritage email (Euroka Gilbert to Fiona Moore), advising that RAO contact details were provided to Fiona Kidman for reference, and that the matter had been discussed with Wally Bell (RAO - Buru Ngunawal Aboriginal Corporation) that day, at the Heritage Festival launch event.
Friday 7 April	Following attendance at the Heritage Festival launch event, Euroka Gilbert attempted to contact the remaining three RAOs by phone - no answer to any call.
Wednesday 12 April 2017	ACT Heritage email (Jennifer O'Connell) to Gary Shipp (ACT Heritage Council member) on his role in notifying RAOs of the removal of the Wanniasa scarred tree. RAO contact details and a summary of internal actions attached, which identify that the tree was mulched the day it was felled and that TCCS Urban Treescapes are now aware of the matter.
Wednesday 12 April 2017	Emails between Gary Shipp and Jennifer O'Connell, on the status of the former tree removal application.
Thursday 13 April 2017	Email from Gary Shipp advising that removal of Wanniasa scarred tree had been discussed with Matilda House (RAO - Little Gudgenby River Tribal Council), James Mundy (RAO - Ngarigu Currawong Clan) and Wally Bell (RAO - Buru Ngunawal Aboriginal Corporation) that day. A message was also left with Carl Brown (RAO - King Brown Tribal Group) that day.
Thursday 13 April 2017	Email from Jennifer O'Connell providing links to online sources on the Wanniasa scarred tree.

Thursday 13 April 2017	Two emails from Gary Shipp with additional online resource on the Wanniasa scarred tree
Thursday 13 April 2017	Email from ACT Heritage Council Chair (David Flannery) on RAO consultations.
Wednesday 19 April 2017	Email from Gary Shipp advising that removal of Wanniasa scarred tree had been discussed with Carl Brown (RAO - King Brown Tribal Group) that day, with response summarised.
Wednesday 19 April 2017	Email from Jennifer O'Connell to Gary Shipp seeking an update on the response of other RAOs.
Monday 24 April 2017	Email from Fiona Kidman to Jennifer O'Connell seeking ACT Heritage input on Education Directorate responses to the removal of the scarred tree.
Monday 1 May 2017	Email from Fiona Kidman to Jennifer O'Connell and Fiona Moore seeking a response to the above email.
Tuesday 2 May 2017	Email from Jennifer O'Connell to Fiona Kidman advising that it is not appropriate to meet with ACT Heritage at this time, as the removal of the scarred tree is subject to internal review and potentially a formal investigation.
Monday 29 May 2017	Phone call from Fiona Kidman to ACT Heritage (Meaghan Russell), seeking an update on the Wanniasa compliance matter.
Tuesday 30 May 2017	Internal ACT Heritage email (Meaghan Russell to Fiona Moore) on the above phone call, as Fiona Kidman called to discuss the matter with Fiona Moore that day.

From: [Russell, Meaghan](#)
To: [Simmons, Craig](#)
Subject: 20170406 - ACT Heritage email (EG) to Education Directorate (FK) - Removal of Wanniasa scarred tree (2) (A13664269) [SEC=UNCLASSIFIED]
Date: Monday, 5 June 2017 3:43:00 PM
Attachments: [RE Tree removal at Wanniasa Hills Primary SECUNCLASSIFIED.msg](#)

Meaghan Russell has sent you a copy of "20170406 - ACT Heritage email (EG) to Education Directorate (FK) - Removal of Wanniasa scarred tree (2)" (A13664269) v1.0 from Objective.

From: [Gilbert, Euroka](#)
To: [Kidman, Fiona](#)
Cc: [Russell, Meaghan](#); [Moore, FionaF](#)
Subject: RE: Tree removal at Wanniasa Hills Primary [SEC=UNCLASSIFIED]
Date: Thursday, 6 April 2017 2:29:15 PM
Attachments: [image001.png](#)

Hi Fiona.

Richard Allen is the manager of the Tree Protection Unit and Andre Sneyers, is the Tree Protection Officer for the area. Let both of them know.
Also if you can keep Meaghan Russell (Team Leader Advice) and Fiona Moore (Manager ACT Heritage) informed as things progress.

Has it been confirmed that the tree has been mulched? Or is there a chance the trunk is in a wood yard somewhere?

Cheers
Euroka

From: Kidman, Fiona
Sent: Thursday, 6 April 2017 2:20 PM
To: Gilbert, Euroka
Subject: RE: Tree removal at Wanniasa Hills Primary [SEC=UNCLASSIFIED]
Importance: High

Euroka

Thank you for responding. Could you provide protocols around communications, who should be informed and the level of the persons representing Education should be. If you cannot provide this advice could you suggest a suitable contact that I can seek assistance form.

Your assistance or a redirect prior to going on leave would be greatly appreciated.

Regards
Fiona

From: Gilbert, Euroka
Sent: Thursday, 6 April 2017 1:51 PM
To: Kidman, Fiona
Cc: Russell, Meaghan; Moore, FionaF
Subject: Tree removal at Wanniasa Hills Primary [SEC=UNCLASSIFIED]
Importance: High

Hi Fiona.

Just to confirm our discussion and rescind what I said over the phone, tree 14 was the one with the heritage values. Our heritage database incorrectly shows the area with trees 15-17 as being the tree with heritage values.

During my initial check I believed that the tree was unaffected, but I have since visited

Wanniassa Hills Primary School and spoken to Chris. I have confirmed that it was the 'Wanniassa Spook Tree (14)' that was removed.

The tree called 'the Wanniassa Spook Tree' is a well known, and public example of an Aboriginal Scarred Tree. In the document Wanniassa Hills Primary School Map 2016.pdf provided it is labelled as 14.

I have cc'd my management team into this email in the interests of transparency and I am away from the 10-21 April 2017.

10

Have the Tree Protection Unit been informed?

If further information is required please don't hesitate to contact me.

Cheers

Mr. Euroka Gilbert | Aboriginal Liaison Officer

Phone 02 6207 5724 |

ACT Heritage | Environment, Planning and Sustainable Development Directorate

| ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au



I acknowledge the Traditional Custodians of the ACT and region, their continuing connection to land and community. I pay my respect to them and their culture, and to the elders past, present and future.

From: [Russell, Meaghan](#)
To: [Simmons, Craig](#)
Subject: 20170406 - ACT Heritage email (EG) to Education Directorate (FK) - Removal of Wanniasa scarred tree (1) (A13664262) [SEC=UNCLASSIFIED]
Date: Monday, 5 June 2017 3:43:00 PM
Attachments: [Tree removal at Wanniasa Hills Primary SECUNCLASSIFIED.msg](#)

Meaghan Russell has sent you a copy of "20170406 - ACT Heritage email (EG) to Education Directorate (FK) - Removal of Wanniasa scarred tree (1)" (A13664262) v1.0 from Objective.

From: [Gilbert, Euroka](#)
To: [Kidman, Fiona](#)
Cc: [Russell, Meaghan](#); [Moore, Fiona](#)
Subject: Tree removal at Wanniasa Hills Primary [SEC=UNCLASSIFIED]
Date: Thursday, 6 April 2017 1:51:07 PM
Attachments: [image002.png](#)
Importance: High

Hi Fiona.

Just to confirm our discussion and rescind what I said over the phone, tree 14 was the one with the heritage values. Our heritage database incorrectly shows the area with trees 15-17 as being the tree with heritage values.

During my initial check I believed that the tree was unaffected, but I have since visited Wanniasa Hills Primary School and spoken to Chris. I have confirmed that it was the 'Wanniasa Spook Tree (14)' that was removed.

The tree called 'the Wanniasa Spook Tree' is a well known, and public example of an Aboriginal Scarred Tree. In the document Wanniasa Hills Primary School Map 2016.pdf provided it is labelled as 14.

I have cc'd my management team into this email in the interests of transparency and I am away from the 10-21 April 2017.

10

Have the Tree Protection Unit been informed?

If further information is required please don't hesitate to contact me.

Cheers

Mr. Euroka Gilbert | Aboriginal Liaison Officer

Phone 02 6207 5724 |

ACT Heritage | Environment, Planning and Sustainable Development Directorate

| ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au



I acknowledge the Traditional Custodians of the ACT and region, their continuing connection to land and community. I pay my respect to them and their culture, and to the elders past, present and future.

From: [OConnell, Jennifer](#)
To: [Gary Shipp](#)
Cc: [REDACTED]; [Moore, FionaF](#); [Hekimian, Richard](#); [Russell, Meaghan](#); [Gilbert, Euroka](#); [Chaston, Daisy](#)
Subject: RE: Wanniasa Spook Tree removal [SEC=UNCLASSIFIED]
Date: Thursday, 13 April 2017 10:09:17 AM
Attachments: [image001.gif](#)

Hi Gary

I've left a message with Tree Protection to seek information on what approvals were granted under the Tree Protection Act. I'll let you know as soon as I've heard back. I'll chase them again if I haven't heard anything within the next hour.

Cheers
Jen

From: Gary Shipp [REDACTED]
Sent: Wednesday, 12 April 2017 9:09 PM
To: OConnell, Jennifer
Cc: [REDACTED] Moore, FionaF; Hekimian, Richard; Russell, Meaghan; Gilbert, Euroka; Chaston, Daisy
Subject: Re: Wanniasa Spook Tree removal [SEC=UNCLASSIFIED]

Thanks for this brief Jen
You mentioned in telephone discussion that removal was not approved, what date was this as I don't recall . (possibly before my appointment) ?
Please advise.
Regards
Gary

Sent from my iPad

On 12 Apr 2017, at 3:04 PM, OConnell, Jennifer <Jennifer.OConnell@act.gov.au> wrote:

Hi Gary

Thank you for agreeing to contact the RAOs in your capacity as the Aboriginal community representative of the ACT Heritage Council regarding the unauthorised removal of the Wanniasa Spook Tree from within Wanniasa Hills Primary School (an Aboriginal Scar Tree). As mentioned both the Team Leader, Advice and the Aboriginal Liaison Officer are on leave for the new two weeks.

Attached are the RAOs contact details. Also attached is a chronology and dot points regarding the matter.

Generally if you could give each RAO a rundown of the chronology and pass on the message that ACT Heritage is investigating the matter in respect to provisions of the *Heritage Act 2004*. This will include seeking formal submissions from all parties involved.

RAOs will be briefed further as more information becomes available.

If you require any further information, please don't hesitate to contact me on 6207 2179.

Thanks again
Jen

Jennifer O'Connell | ACT Heritage

Phone: +61 2 6207 2179 | Email: jennifer.oconnell@act.gov.au

**ACT Heritage | ACT Heritage | Environment, Planning and Sustainable Development
Directorate | ACT Government**

Dame Pattie Menzies House, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au



[<image002.gif>](#)

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

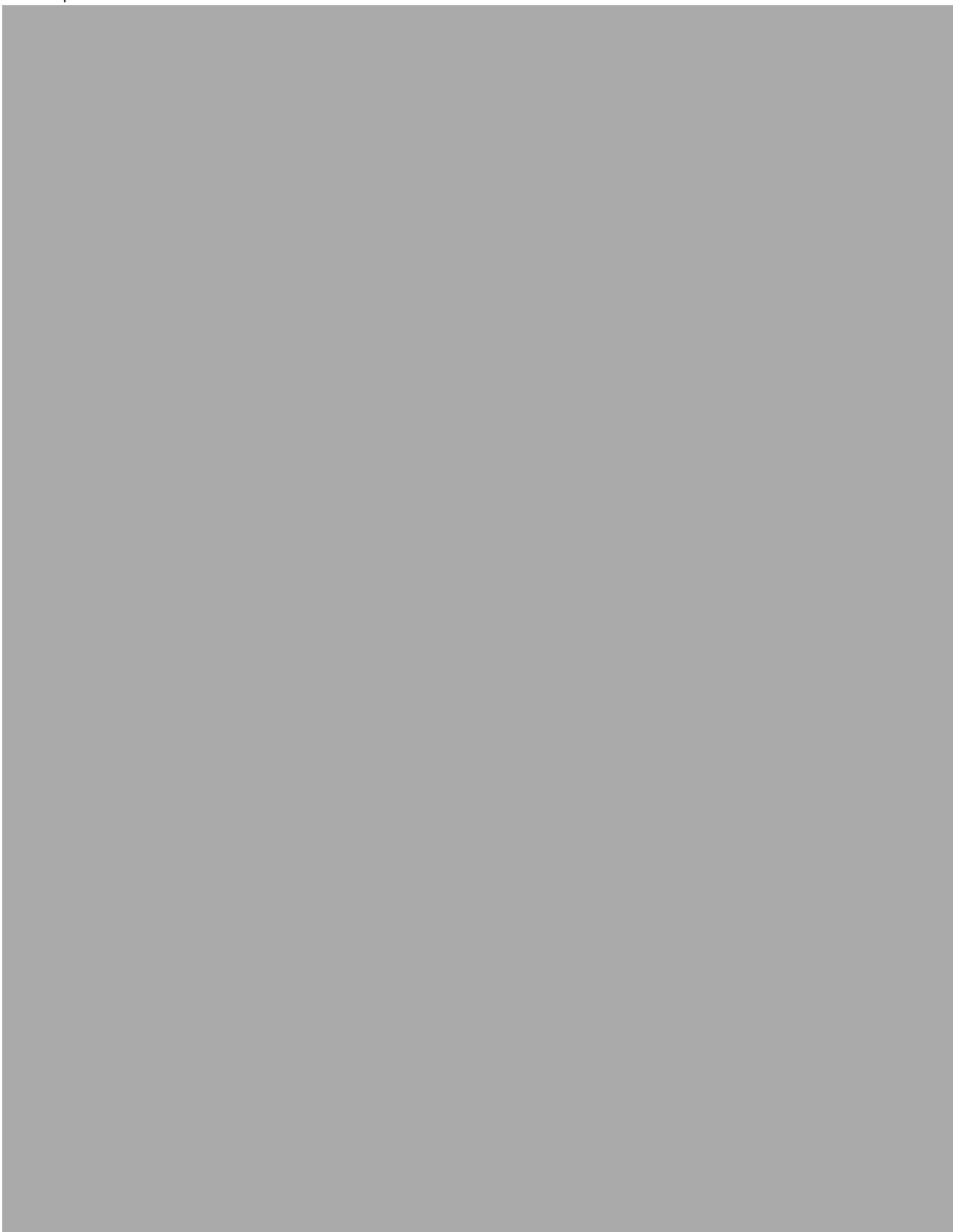
<RAO Contact list August 2016.docx>

<Thursday 6 April - Wanniasa Spook Tree.doc>

From: [Russell, Meaghan](#)
To: [Chaston, Daisy](#)
Subject: Hot issues from advice [SEC=UNCLASSIFIED]
Date: Thursday, 6 July 2017 2:44:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Daisy,

Below is a quick overview of all current advice hot issues, for your reference in today's EPSDD forum. If more detailed information is needed on any issue, please let me know and I can respond after the forum.





Removal of an Aboriginal scarred tree - Wanniasa

- An Aboriginal scarred tree within the Wanniasa Hills Primary School grounds, known publically as the ‘Wanniasa Spook Tree’, was removed in early 2017. The removal was reported to ACT Heritage in April 2017 by the Education Directorate.
- The removal was unauthorised, and may be an offence under the *Heritage Act 2004*.
- The tree removal is currently being investigated by Access Canberra, the outcomes of which will be reported to EPSDD and the Council; to inform any further compliance action.

Cheers,

Meaghan

Meaghan Russell | Team Leader (Advice)

Phone: 02 6205 5497 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: [Russell, Meaghan](#)
To: [Simmons, Craig](#)
Subject: FW: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]
Date: Thursday, 20 July 2017 5:24:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[20170605 - ACT Heritage file note for Access Canberra Investigations team - Wanniasa scarred tree removal.doc](#)

Hello Craig,

Could you please provide ACT Heritage with an update on the Wanniasa scarred tree compliance matter, following the provision of information on 5 June.

Please note that ACT Heritage is available to meet and discuss the matter, if you have any questions on the information provided.

Cheers,

Meaghan

Meaghan Russell | Team Leader (Advice)

Phone: 02 6205 5497 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: Russell, Meaghan

Sent: Monday, 5 June 2017 3:39 PM

To: Simmons, Craig

Subject: RE: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Hello Craig,

Following recent correspondence with Fiona, ACT Heritage has compiled documentation on the removal of an Aboriginal scarred tree at Wanniasa.

I will email original documents to you shortly, and attached for your reference is a file note summarising the timeline of events and related documents, and providing contact details for all parties involved in discussions to date.

In emails to follow, related information will also be provided, such as legislation, the 2006 RAO declaration, the 2005 interim places register entries, the 2016 Treeworks report and the February 2017 notice of decision by the Conservator refusing the tree removal application. Please contact me if you need any further information at this stage, or to organise the first meeting to discuss.

Note that Fiona Moore is currently on maternity leave, and that Jennifer O'Connell and myself will be the primary contacts for this investigation.

Regards,

Meaghan

Meaghan Russell | A/g Manager

Phone: 02 6205 5497 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: Simmons, Craig

Sent: Thursday, 25 May 2017 4:17 PM

To: Moore, Fiona

Subject: Re: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Hi Fiona

Thanks for that, we will arrange a meeting after we have received your information.
Craig

Sent from my iPad

On 25 May 2017, at 09:36, Moore, FionaF <FionaF.Moore@act.gov.au> wrote:

Hi Craig,

I've asked the team to pull together a short timeline of events, including key parties involved and any associated material provided to ACT Heritage to date, to provide to you by the end of this week.

Regards,

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au/heritage

From: Rake, Gary

Sent: Friday, 19 May 2017 9:12 AM

To: Moore, FionaF; Simmons, Craig

Cc: Vest, Petra; OConnell, Jennifer

Subject: RE: Heritage: Wanniasa Spook Tree (Aboriginal scar tree)
[SEC=UNCLASSIFIED]

Sorry for the delay...Craig Simmons (cc'd) has said his team would be very happy to help us with an investigation to collect statements and ascertain the facts...from which point it would come back to us to determine any further action.

Rgds, G

From: Moore, FionaF

Sent: Wednesday, 17 May 2017 1:44 PM

To: Rake, Gary

Cc: Vest, Petra; OConnell, Jennifer

Subject: FW: Heritage: Wanniasa Spook Tree (Aboriginal scar tree)
[SEC=UNCLASSIFIED]

Hi Gary,

As discussed yesterday, just a friendly reminder re: following this up.

Regards,

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au/heritage

From: Rake, Gary

Sent: Thursday, 20 April 2017 1:00 PM

To: Moore, FionaF

Cc: OConnell, Jennifer

Subject: RE: Heritage: Wanniasa Spook Tree (Aboriginal scar tree)
[SEC=UNCLASSIFIED]

I'll contact them and come back to you.

From: Moore, FionaF

Sent: Thursday, 20 April 2017 12:17 PM

To: Rake, Gary

Cc: OConnell, Jennifer

Subject: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Hi Gary

Thanks for meeting last week regarding the removal of the Wanniasa Spook Tree (Aboriginal scar tree) without approval.

The weekly brief has been updated with information regarding the issue.

Representative Aboriginal Organisations were notified last Friday by the Aboriginal Community Representative of the ACT Heritage Council.

ACT Heritage has also spoken to the Tree Protection within Transport Canberra and City Services. At this stage, they are unsure whether they will pursue the matter however, a determination has yet to be made.

You may recall, ACT Heritage advised that it does not have the expertise or experience to undertake compliance investigations. You noted that you may have a contact in Shared Services to undertake, at the least, the initial information and fact gathering to enable a determination to be made on whether or not an offence has occurred under section 75 of the *Heritage Act 2004*.

The parties involved appear at this stage to include:

- Infrastructure and Capital Works, Education Directorate;
- Wanniasa Hills Primary School, Education Directorate;
- ACT Property Group, Chief Minister, Treasury and Economic Development Directorate (CMTEDD); and
- Treeworks (ACT/NSW) Pty Ltd.

If you are happy to contact Shared Services directly, to seek assistance this would be greatly appreciated. We could then provide the area a detailed briefing.

Kind regards

Fiona

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au/heritage

From: [Russell, Meaghan](#)
To: [OConnell, Jennifer](#)
Subject: FW: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]
Date: Wednesday, 26 July 2017 11:51:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[20170605 - ACT Heritage file note for Access Canberra Investigations team - Wanniasa scarred tree removal.doc](#)

Hi Jen,

As discussed – below is the email chain with Craig Simmonds on the Wanniasa scarred tree investigation.

Cheers,

Meaghan

Meaghan Russell | Team Leader (Advice)

Phone: 02 6205 5497 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: Russell, Meaghan

Sent: Thursday, 20 July 2017 5:24 PM

To: Simmonds, Craig

Subject: FW: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Hello Craig,

Could you please provide ACT Heritage with an update on the Wanniasa scarred tree compliance matter, following the provision of information on 5 June.

Please note that ACT Heritage is available to meet and discuss the matter, if you have any questions on the information provided.

Cheers,

Meaghan

Meaghan Russell | Team Leader (Advice)

Phone: 02 6205 5497 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: Russell, Meaghan

Sent: Monday, 5 June 2017 3:39 PM

To: Simmonds, Craig

Subject: RE: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Hello Craig,

Following recent correspondence with Fiona, ACT Heritage has compiled documentation on the removal of an Aboriginal scarred tree at Wanniasa.

I will email original documents to you shortly, and attached for your reference is a file note summarising the timeline of events and related documents, and providing contact details for all parties involved in discussions to date.

In emails to follow, related information will also be provided, such as legislation, the 2006 RAO declaration, the 2005 interim places register entries, the 2016 Treeworks report and the February 2017 notice of decision by the Conservator refusing the tree removal application. Please contact me if you need any further information at this stage, or to organise the first meeting to discuss.

Note that Fiona Moore is currently on maternity leave, and that Jennifer O'Connell and myself will be the primary contacts for this investigation.

Regards,
Meaghan

Meaghan Russell | A/g Manager

Phone: 02 6205 5497 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](https://twitter.com/EnvironPlan)



facebook.com/EnvironPlan

From: Simmons, Craig

Sent: Thursday, 25 May 2017 4:17 PM

To: Moore, FionaF

Subject: Re: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Hi Fiona

Thanks for that, we will arrange a meeting after we have received your information.

Craig

Sent from my iPad

On 25 May 2017, at 09:36, Moore, FionaF <FionaF.Moore@act.gov.au> wrote:

Hi Craig,

I've asked the team to pull together a short timeline of events, including key parties involved and any associated material provided to ACT Heritage to date, to provide to you by the end of this week.

Regards,

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au/heritage

From: Rake, Gary

Sent: Friday, 19 May 2017 9:12 AM

To: Moore, FionaF; Simmons, Craig

Cc: Vest, Petra; OConnell, Jennifer

Subject: RE: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Sorry for the delay...Craig Simmons (cc'd) has said his team would be very happy to help us with an investigation to collect statements and ascertain the facts...from which point it would come back to us to determine any further action.

Rgds, G

From: Moore, FionaF

Sent: Wednesday, 17 May 2017 1:44 PM

To: Rake, Gary

Cc: Vest, Petra; OConnell, Jennifer

Subject: FW: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Hi Gary,

As discussed yesterday, just a friendly reminder re: following this up.

Regards,

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au/heritage

From: Rake, Gary

Sent: Thursday, 20 April 2017 1:00 PM

To: Moore, FionaF

Cc: OConnell, Jennifer

Subject: RE: Heritage: Wanniasa Spook Tree (Aboriginal scar tree)

[SEC=UNCLASSIFIED]

I'll contact them and come back to you.

From: Moore, FionaF

Sent: Thursday, 20 April 2017 12:17 PM

To: Rake, Gary

Cc: OConnell, Jennifer

Subject: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Hi Gary

Thanks for meeting last week regarding the removal of the Wanniasa Spook Tree (Aboriginal scar tree) without approval.

The weekly brief has been updated with information regarding the issue.

Representative Aboriginal Organisations were notified last Friday by the Aboriginal Community Representative of the ACT Heritage Council.

ACT Heritage has also spoken to the Tree Protection within Transport Canberra and City Services. At this stage, they are unsure whether they will pursue the matter however, a determination has yet to be made.

You may recall, ACT Heritage advised that it does not have the expertise or experience to undertake compliance investigations. You noted that you may have a contact in Shared Services to undertake, at the least, the initial information and fact gathering to enable a determination to be made on whether or not an offence has occurred under section 75 of the *Heritage Act 2004*.

The parties involved appear at this stage to include:

- Infrastructure and Capital Works, Education Directorate;
- Wanniasa Hills Primary School, Education Directorate;
- ACT Property Group, Chief Minister, Treasury and Economic Development Directorate (CMTEDD); and
- Treeworks (ACT/NSW) Pty Ltd.

If you are happy to contact Shared Services directly, to seek assistance this would be greatly appreciated. We could then provide the area a detailed briefing.

Kind regards

Fiona

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au/heritage

From: [Russell, Meaghan](#)
To: [OConnell, Jennifer](#)
Subject: Comments from Gary on [REDACTED] [SEC=UNCLASSIFIED]
Date: Friday, 28 July 2017 3:53:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Jen,

Gary Spencer stopped by my desk this afternoon for a chat, and I took the opportunity to ask a question about that HeRO funding.

You may already be across this, but he advised that:

- He discussed the issue in a meeting with Annie this afternoon.
- Funding may originally have been found in last years budget, but he now expects that it would be progressed next year.
- He anticipates a three stage process: (1) engaging a business analyst to review the current situation and make recommendations for improvement; (2) moving the database from TCCS to our own Oracle systems, and (3) implementing recommendations from the business analyst.
- He plans on following up with Derek about the approach.

I also spoke about our exposure due to the current state of the database – and gave examples of the [REDACTED], the Wanniasa scarred tree not being identified on ACTMapi as heritage at the time it was removed, [REDACTED]. He seemed startled by these examples, and spoke about moving it up the priority list with Derek....

Cheers,

Meaghan

Meaghan Russell | Team Leader (Advice)

Phone: 02 6205 5497 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: [Russell, Meaghan](#)
To: [OConnell, Jennifer](#)
Subject: FW: 2017 09 15 External Learning Environments Heritage registered assets on school sites [SEC=UNCLASSIFIED]
Date: Friday, 15 September 2017 4:06:00 PM
Attachments: [image001.png](#)
[20170914130557987.pdf](#)
[image002.png](#)
[image003.png](#)

Hi Jen – please see the below query from the Education Directorate on the Wanniasa scarred tree.....

Cheers,

Meaghan

Meaghan Russell | Team Leader (Advice)

Phone: 02 6205 5497 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



@EnvironPlan



facebook.com/EnvironPlan

From: Kidman, Fiona
Sent: Friday, 15 September 2017 2:42 PM
To: Russell, Meaghan
Cc: Morey, Teresa
Subject: FW: 2017 09 15 External Learning Environments Heritage registered assets on school sites [SEC=UNCLASSIFIED]

Meaghan

I am the officer within Education Directorate reporting on the progress of the investigation into the removal of the heritage listed tree at Wanniasa Hills School. Your name has come up as the best source of information.

Without compromising your work is it possible for you to provide an update on where this is up to and when we are likely to receive a notification.

Your assistance is greatly appreciated.

Regards

Fiona

Fiona Kidman | Assistant Manager - Asset Management Senior | Project Officer - External Learning Environments | Phone: +61 2 6207 0002 | Fax: +61 2 6205 9333 | Email: fiona.kidman@act.gov.au

Infrastructure & Capital Works | Education Directorate | ACT Government
Level 1 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 |
www.det.act.gov.au

From: Sloan, Sean
Sent: Thursday, 14 September 2017 2:36 PM
To: Kidman, Fiona
Subject: FW: 2017 06 09 External Learning Environments Heritage registered assets on school sites [SEC=UNCLASSIFIED]

Good afternoon Fiona,

Sorry for the slow reply. As per below the matter is current with Access Canberra being investigated. Meaghan Russell seems to be the person to contact.

Regards,

Sean

Sean Sloan | Snr Manager
Licensing and Compliance

☎: 02 6205 8291 | 📠: [REDACTED]
📧: Sean.Sloan@act.gov.au | 📮: GPO Box 158 Canberra ACT 2601
City Presentation, City Services | ACT Government
<http://www.act.gov.au>

From: George, Garry

Sent: Thursday, 14 September 2017 12:06 PM

To: Sloan, Sean <Sean.Sloan@act.gov.au>

Subject: RE: 2017 06 09 External Learning Environments Heritage registered assets on school sites [SEC=UNCLASSIFIED]

Good morning, Sean,

I called EPSDD compliance and subsequently Meaghan Russell, Team Leader (Advice) ACT Heritage, Environment Division, EPSDD who confirmed that ACT Heritage is currently undertaking a compliance review process, supported by the Investigations Team within Access Canberra as the removal of this tree may be an offence under Section 75 of the *Heritage Act 2004*.

Regards

Garry George | Senior Ranger, City Rangers

Phone: 02 6207 7139 | Email: TCCS_CP CityRangers@act.gov.au

City Presentation, Licensing and Compliance | Transport Canberra and City Services Directorate | ACT Government, 2 Elimatta Street, Reid ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Sloan, Sean

Sent: Wednesday, 13 September 2017 4:52 PM

To: George, Garry <Garry.George@act.gov.au>

Subject: FW: 2017 06 09 External Learning Environments Heritage registered assets on school sites [SEC=UNCLASSIFIED]

Good afternoon Garry,

Do we know anything about this??

Regards,

Sean

Sean Sloan | Snr Manager

Licensing and Compliance

☎: 02 6205 8291 | 📠: [REDACTED]
📧: Sean.Sloan@act.gov.au | 📮: GPO Box 158 Canberra ACT 2601
City Presentation, City Services | ACT Government
<http://www.act.gov.au>

From: Kidman, Fiona

Sent: Wednesday, 13 September 2017 2:36 PM

To: Sloan, Sean

Cc: OConnell, Jennifer; Morey, Teresa

Subject: FW: 2017 06 09 External Learning Environments Heritage registered assets on school sites [SEC=UNCLASSIFIED]

Sean

As briefly discuss by telephone I am chasing up on the status of the investigation into the removal of a heritage listed tree that was located on the Wanniasa Hills Primary School site.

Background:

A heritage listed tree was removed by a contractor engaged by the Education Directorate to conduct tree works at Wanniasa Hills Primary School. As soon as the

contractor became aware of the mistake he notified Education and the Tree Protection Unit. The contractor was and to my knowledge is still keen to rectify the mistake by either replacing the tree or with multiple trees and/or a plaque See attached email sent to the Tree Protection Unit early April 2017.

As a result of this incident Education has reviewed its systems that relate to trees on school sites and a number of actions have commenced. Education was advised by the Heritage Unit not to contact local communities until they had completed the investigation which it was hoped would also provide some clear identification of the most appropriate people within the community or the Ngunnawal Elders Council. However to date I have not received any written communications directly from the Heritage Unit regarding the investigation process timeframe or an outcome. I understand this is most likely due to under resourcing.

My understanding to date is as follows:

- ACT Heritage advised EDU on 29/5 that the investigation was ongoing and they could not provide a timeframe or confirm if this will become a formal investigation. Wednesday 13 September 2017 I was informed by telephone that Heritage has passed this onto TCCS Licensing and Compliance. Unfortunately they could not provide a contact name or date this occurred.
- Infrastructure and Capital Works has drafted the following documents to reduce risk to other registered or regulated trees:
 - Procedural guideline on Conservation and Maintenance of Heritage Assets on School Sites
 - Revised Contractor Induction Checklist
 - Provided a spread sheet of all Education sites with block and section to confirm the location of all heritage assets including trees and other artefacts located externally.
 - Drafted a SET paper outlining actions and seeking endorsement where appropriate
- Consultation has occurred within ICW (John Nakkam, Senior Manager of School Infrastructure Management and Stuart Hunter, Assistant Manager Repairs and Maintenance).
- Consultation with the EPSDD Heritage Unit has been limited due to the current investigation into the removal which is being conducted by this Unit.

My concern is that I am unable to report up the line regarding the investigation actions to date, current status and likely date we will have a resolution, direction or other outcome.

Your assistance with providing an update or a redirection to who I can seek this information from would be greatly appreciated.

Regards

Fiona

Fiona Kidman | Assistant Manager - Asset Management Senior | Project Officer - External Learning Environments | Phone: +61 2 6207 0002 | Fax: +61 2 6205 9333 | Email: fiona.kidman@act.gov.au

Infrastructure & Capital Works | Education Directorate | ACT Government
Level 1 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 |
www.det.act.gov.au

From: Kidman, Fiona

Sent: Tuesday, 13 June 2017 3:27 PM

To: Kidman, Fiona

Subject: FW: 2017 06 09 External Learning Environments Heritage registered assets on school sites [SEC=UNCLASSIFIED]

SET paper only a couple of questions:

1. Timing for issue of heritage docu.s they have indicatd 6 to 8 weeks to respond to our request for a comprehensibve list which will mean we are geting close to Christmas. Idf this is to be managed by R&M then they will be working hard to get quotes and contractors setup for the cherictmass hiolidays. This is other than the endof the financial year their busiest time (assuming no holdups form outside the branch.)
2. Media agree will do asap.

From: Morey, Teresa

Sent: Friday, 9 June 2017 4:48 PM

To: Kidman, Fiona

Subject: RE: 2017 06 09 External Learning Environments Heritage registered assets on school sites [SEC=UNCLASSIFIED]

Fiona, please have a look at the attached and catch some time with me early next week to discuss any questions that you may have about the changes and comments.

Regards,

Teresa

From: Kidman, Fiona

Sent: Friday, 9 June 2017 9:51 AM

To: Morey, Teresa

Subject: 2017 06 09 External Leraning Environmnets Heriatge registerd assets on school sites [SEC=UNCLASSIFIED]

Teresa

Please see attached revised documents based on our recent discussions for your review and approval.

Regards

Fiona

From: Morey, Teresa

Sent: Friday, 9 June 2017 8:58 AM

To: Kidman, Fiona

Subject: FW: Wanniasa Hills Primary School - Spook Tree Update [SEC=UNCLASSIFIED]

Fiona, noting the date of 14/6 identified below for sending the cleared heritage protection documents to Rod, I will need to have them by COB today to enable me to review and request changes from you next week.

Please let me know if you can meet this deadline.

Regards,

Teresa

From: Morey, Teresa

Sent: Monday, 5 June 2017 5:18 PM

To: Morgan, RachelA; Bray, Rodney

Cc: Kidman, Fiona

Subject: RE: Wanniasa Hills Primary School - Spook Tree Update [SEC=UNCLASSIFIED]

Rod,

The current status of the response to unauthorised removal of the Wanniasa Spook Tree is as follows:

- ACT Heritage advised EDU on 29/5 that the investigation is ongoing and at this stage they cannot provide a timeframe or confirm if this will become a formal investigation.
- Asset Strategies has drafted the following:
 - Procedural guideline on Conservation and Maintenance of Heritage Assets on School Sites
 - Revised Contractor Induction Checklist

- Proposal to obtain, store and communicate data on heritage places and objects located on EDU sites
- SET paper outlining actions and seeking endorsement where appropriate
- Consultation has occurred within ICW (John Nakkam, Senior Manager of School Infrastructure Management and Stuart Hunter, Assistant Manager Repairs and Maintenance).
- Consultation with the EPSDD Heritage Unit has been limited due to the current investigation into the removal which is being conducted by this Unit.
- Documents require review within Asset Strategies and it is expected this will occur by 14 June 2017.

Regards,

Teresa

From: Morgan, RachelA

Sent: Monday, 5 June 2017 2:04 PM

To: Kidman, Fiona

Cc: Morey, Teresa; Bray, Rodney

Subject: Wanniasa Hills Primary School - Spook Tree Update [SEC=UNCLASSIFIED]

Importance: High

Hi Fiona,

As discussed on Friday, the DG has requested an update on the Wanniasa Spook Tree by Wednesday 7 June.

Please can you have your response to Rod by COB today, 5 June for clearance.

Thank you

Rachel Morgan | Executive Support Officer to

Director, Infrastructure and Capital Works

Education Directorate | ACT Government

P: (02) 6205 3173 | Email: RachelA.Morgan@act.gov.au

GPO Box 158 Canberra ACT 2601 | Level 1, 220 Northbourne Avenue Braddon ACT 2612

George, Garry

From: Russell, Meaghan
Sent: Thursday, 14 September 2017 11:36 AM
To: George, Garry
Subject: Wanniasa Hills Primary School - heritage compliance matter [SEC=UNCLASSIFIED]

Hello Garry,

Thank you for your call, and to confirm, the removal of an Aboriginal scarred tree at the Wanniasa Hills Primary School has been previously reported to ACT Heritage, as it may be an offence under Section 75 of the *Heritage Act 2004*.

ACT Heritage is currently undertaking a compliance review process, supported by the Investigations Team within Access Canberra.

Regards,
Meaghan

Meaghan Russell | Team Leader (Advice)

Phone: 02 6205 5497 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](https://twitter.com/EnvironPlan)



facebook.com/EnvironPlan

From: [Hekimian, Richard](#)
To: [OConnell, Jennifer](#); [Russell, Meaghan](#)
Subject: Please call Danny Baker (Access Canberra Compliance Team) back re: Spook Tree x53733 [SEC=UNCLASSIFIED]
Date: Thursday, 2 November 2017 3:43:36 PM
Attachments: [image001.jpg](#)
[image002.gif](#)
[image003.gif](#)

Richard Hekimian | Conservation Officer | Assessments & Registrations
Phone 02 6207 8538 | Access Canberra switchboard 13 22 81
ACT Heritage | Environment, Planning and Sustainable Development Directorate | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601



From: [Lane, Annie](#)
To: [Russell, Meaghan](#); [OConnell, Jennifer](#)
Subject: RE: Wanniasa scarred tree investigation update - Access Canberra phone call [SEC=UNCLASSIFIED]
Date: Friday, 3 November 2017 1:10:25 PM
Attachments: [image001.png](#)
[image002.png](#)

Thanks Meagan, great to know that matter is now in hand.

Annie

From: Russell, Meaghan

Sent: Friday, 3 November 2017 12:11 PM

To: OConnell, Jennifer <Jennifer.OConnell@act.gov.au>; Lane, Annie <Annie.Lane@act.gov.au>

Subject: Wanniasa scarred tree investigation update - Access Canberra phone call [SEC=UNCLASSIFIED]

Hello Jen and Annie,

Danny Baker from the Access Canberra complaints team called this morning to discuss the Wanniasa scarred tree removal investigation. Below are dot points of this conversation:

- The complaint was allocated to Danny last week, after being referred to Access Canberra in June 2017.
- Danny has commenced review and is currently seeking information from stakeholders. As part of this:
 - Contact has been made with the Education Directorate, and he is awaiting on further information on the matter (via Fiona Kidman);
 - Contact has been made with Urban Treescapes, who forwarded correspondence from TreeWorks (the contractor who undertook the tree removal) acknowledging that the error was theirs and offering to undertake replanting as remediation; and
 - No contact is planned with the Primary School, as they had no direct role in planning or undertaking works.
- Danny will organise a meeting with ourselves to discuss the investigation process and outcomes to date, within the next 1-2 weeks.
- The matter is potentially an offence under both the *Heritage Act 2004* and the *Tree Protection Act 2005*, which will be considered in the investigation process.
- Following review and investigation, Access Canberra will make a formal recommendation on suggested outcomes, which will be based on arrange of considerations, such as whether the action satisfies elements of an offence under both Acts, and whether prosecution is viable and in the public interest. Danny is keen to understand EPSDD/ACT Heritage Council views on these issues ahead of making a formal recommendation.

Cheers,

Meaghan

Meaghan Russell | Team Leader (Advice)

Phone: 02 6205 5497 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

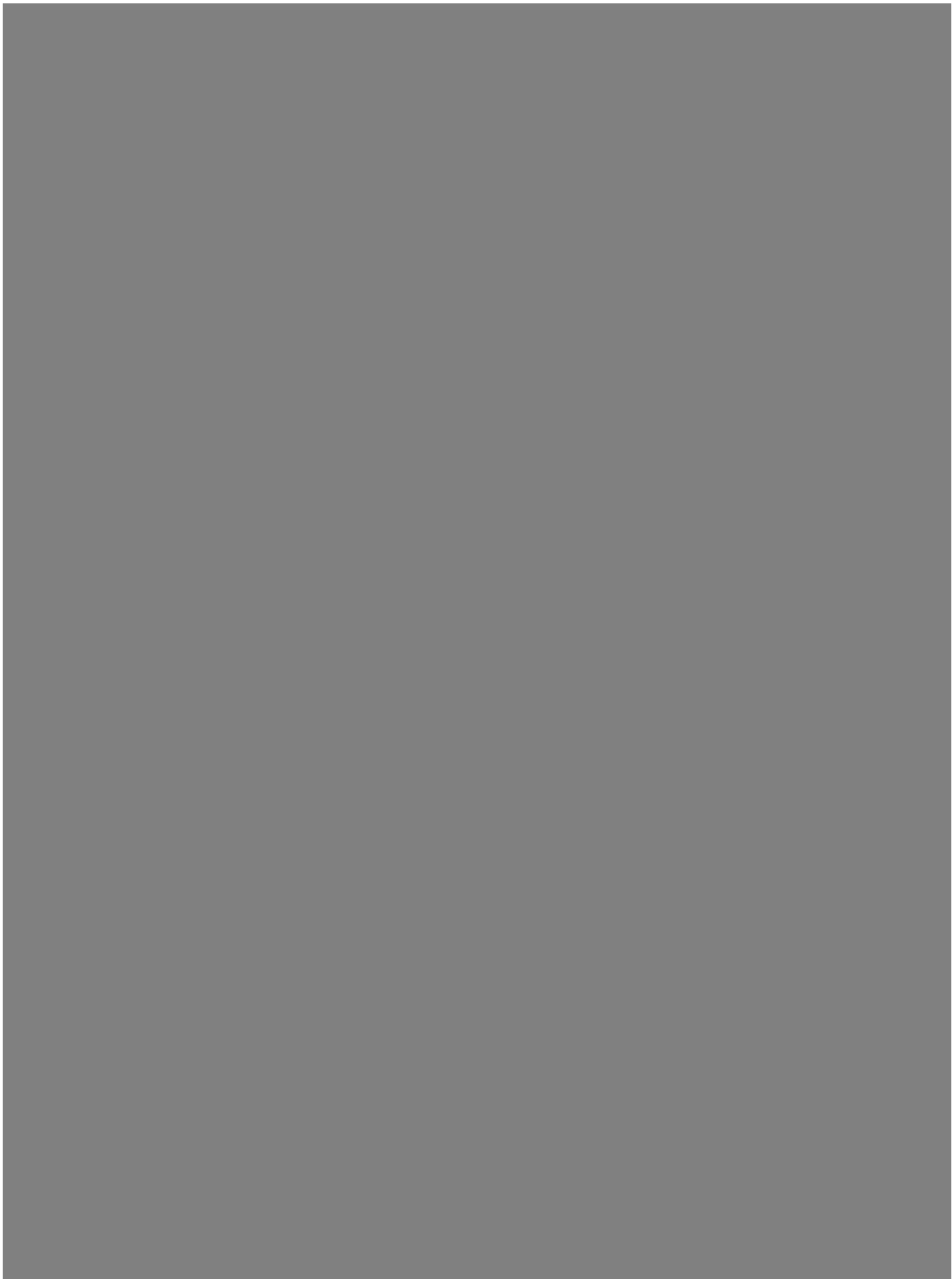
www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan



-----Original Message-----

From: Russell, Meaghan
Sent: Wednesday, 29 November 2017 10:47 AM
To: Gilbert, Euroka <Euroka.Gilbert@act.gov.au>
Subject: FW: Heritage Listed Tree [SEC=UNCLASSIFIED]

Meaghan Russell | Team Leader (Advice)

Phone: 02 6205 5497 | Email: meaghan.russell@act.gov.au ACT Heritage | Environment,
Planning and Sustainable Development Directorate | ACT Government Dame Pattie
Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601
www.environment.act.gov.au

@EnvironPlan facebook.com/EnvironPlan

-----Original Message-----

From: OConnell, Jennifer
Sent: Wednesday, 29 November 2017 8:20 AM
To: Chaston, Daisy <Daisy.Chaston@act.gov.au>; Russell, Meaghan
<Meaghan.Russell@act.gov.au>
Subject: FW: Heritage Listed Tree [SEC=UNCLASSIFIED]

FYI.

From: Rutledge, Geoffrey
Sent: Tuesday 28 November 2017 10:40
To: Lane, Annie
Cc: OConnell, Jennifer
Subject: FW: Heritage Listed Tree [SEC=UNCLASSIFIED]

FYI

From: Payne, Cassia
Sent: Tuesday, 28 November 2017 9:34 AM
To: Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>

Cc: Cubin, Derise <Derise.Cubin@act.gov.au>

Subject: Heritage Listed Tree [SEC=UNCLASSIFIED]

Dear Geoffrey

Please see the attached letter from the A/g Deputy Director-General, Mr David Snowden.

Kind regards

Cassia Payne

Executive Assistant to Dave Peffer, Deputy Director-General, Access Canberra Executive Assistant to David Snowden, Chief Operating Officer, Access Canberra

Phone: 02 6205 0341 | Email: Cassia.Payne@act.gov.au<<mailto:Cassia.Payne@act.gov.au>>

Office of the Deputy Director-General | Access Canberra | ACT Government GPO Box 158, Canberra City 2601 | <http://www.act.gov.au><<http://www.act.gov.au>>

[\[cid:image001.png@01D3682B.F32902F0\]](#)<<https://www.accesscanberra.act.gov.au/#/>>

From: [Russell, Meaghan](#)
To: [Moore, FionaF](#)
Subject: FW: Aboriginal Scarred tree Wanniasa [SEC=UNCLASSIFIED]
Date: Thursday, 28 June 2018 3:09:00 PM
Attachments: [image001.png](#)
[image002.png](#)

FYI – let’s discuss the response on Monday....

Meaghan Russell | Team Leader (Advice)

Phone: 02 6205 5497 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: [REDACTED]

Sent: Thursday, 28 June 2018 1:44 PM

To: Heritage <Heritage@act.gov.au>

Subject: Aboriginal Scarred tree Wanniasa

Sent from [Mail](#) for Windows 10

I have noticed that a listed Aboriginal Scarred Tree at Wanniasa hills Primary School (Section 253 Block 1) has been removed. Can you please inform me when it was removed, why it was removed and the location of the trunk bearing the scar.

Cheers

[REDACTED]

From: [Heritage](#)
To: [REDACTED]
Subject: RE: Aboriginal Scarred tree Wanniasa [SEC=UNCLASSIFIED]
Date: Monday, 2 July 2018 12:23:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Hello [REDACTED]

Thank you for the email, and ACT Heritage understands that the cultural tree was removed in April 2017 and that the scar was not retained in this process.

Please note that ACT Heritage is not able to provide detailed comment on the matter due to Privacy Act considerations, however, you may be able to access further information through a Freedom of Information application. Questions about the application process should be directed to the EPSDD FOI officer via epsdfoi@act.gov.au or 13 22 81.

Regards,
Meaghan

Meaghan Russell | Team Leader (Advice)

Phone: 02 6205 5497 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: [REDACTED]
Sent: Thursday, 28 June 2018 1:44 PM
To: Heritage <Heritage@act.gov.au>
Subject: Aboriginal Scarred tree Wanniasa

Sent from [Mail](#) for Windows 10

I have noticed that a listed Aboriginal Scarred Tree at Wanniasa hills Primary School (Section 253 Block 1) has been removed. Can you please inform me when it was removed, why it was removed and the location of the trunk bearing the scar.

Cheers

[REDACTED]

From: [Moore, FionaF](#)
To: [Russell, Meaghan](#)
Cc: [OConnell, Jennifer](#)
Subject: FW: For action - Due to GS 27 JULY 2018 - 18/21069 - Ministerial Correspondence - Aboriginal scarred trees in Wanniasa - [REDACTED] [SEC=UNCLASSIFIED]
Date: Tuesday, 24 July 2018 9:43:48 AM
Attachments: [18_21069 - Ministerial Correspondence - Aboriginal scarred trees in Wann...obr](#)
[RE Aboriginal Scarred tree Wanniasa SECUNCLASSIFIED.msg](#)
[image001.gif](#)
[image002.gif](#)

Hi Meaghan,

For action please. I note we wrote to [REDACTED] on 2 July (attached), advising he submit an FOI. Given the nature of removal I suggest the Minister's response is similar. I think we will also need to include an information brief to the package briefly outlining that it's a compliance matter, hence the need for the letter to request Mr Dowling submit an FOI.

Jen – if you return before this is due and have any input please provide to Meaghan.

Thank you,

Fiona Moore | Senior Manager, ACT Heritage (Mon – Thurs)

Phone: +61 2 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au



From: EPD Ministerials - Environment

Sent: Tuesday, 24 July 2018 9:20 AM

To: Moore, FionaF <FionaF.Moore@act.gov.au>

Cc: Tomlinson, Heather <Heather.Tomlinson@act.gov.au>; EPD Ministerials - Environment <EPDMinisterials-Environment@act.gov.au>

Subject: FW: For action - Due to GS 27 JULY 2018 - 18/21069 - Ministerial Correspondence - Aboriginal scarred trees in Wanniasa - [REDACTED] [SEC=UNCLASSIFIED]

Hi Fiona

For appropriate action please.

Due to EPD mailbox 27 July 2018.

Thank you

Rachael

From: Tomlinson, Heather

Sent: Tuesday, 24 July 2018 9:11 AM

To: EPD Ministerials - Environment <EPDMinisterials-Environment@act.gov.au>

Subject: FW: For action - Due to GS 27 JULY 2018 - 18/21069 - Ministerial Correspondence - Aboriginal scarred trees in Wanniasa - [REDACTED] [SEC=UNCLASSIFIED]

Rachel. This one came direct to me from corporate. Could you pls redirect to heritage. Heather

From: EPSD Government Services

Sent: Friday, 20 July 2018 1:10 PM

To: Tomlinson, Heather <Heather.Tomlinson@act.gov.au>

Cc: EPD Ministerials - Environment <EPDMinisterials-Environment@act.gov.au>; Walker, IanS <IanS.Walker@act.gov.au>

Subject: For action - Due to GS 27 JULY 2018 - 18/21069 - Ministerial Correspondence - Aboriginal scarred trees in Wanniasa - [REDACTED] [SEC=UNCLASSIFIED]

Hi Heather,

Please see below for action, **due to GS Friday, 27 July.**

Thanks,
Maeve

Ministerial Correspondence / Brief Request Form

18/21069 - Ministerial Correspondence - Aboriginal scarred trees in Wanniasa -

	Due date	Electronic signature	Date
To Minister's office			
Director-General			
Deputy Director-General			
Government Services	27/07/2018		
Executive Director			
Contact Officer			

To:

- | | |
|--|--|
| <input type="checkbox"/> Planning Policy | <input type="checkbox"/> Planning Delivery |
| <input type="checkbox"/> Climate Change and Sustainability | <input checked="" type="checkbox"/> Environment |
| <input type="checkbox"/> Director-General | <input type="checkbox"/> Deputy Director-General |
| <input type="checkbox"/> Urban Renewal | <input type="checkbox"/> Other |

Response by:

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Minister | <input type="checkbox"/> Chief Minister | <input type="checkbox"/> Director-General |
| <input type="checkbox"/> Chief of Staff | <input type="checkbox"/> Adviser | <input type="checkbox"/> Other: |

Action required:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Reply to correspondence | <input type="checkbox"/> Directorate Input | <input type="checkbox"/> Questions and Answers |
| <input type="checkbox"/> Information brief | <input type="checkbox"/> Dept Officer to attend | <input type="checkbox"/> Media Alert / Media Release (in consultation with Communications) |
| <input type="checkbox"/> Meeting brief | <input type="checkbox"/> Phone constituent/report | <input type="checkbox"/> Speech / Speaking Notes (in consultation with Communications) |
| <input type="checkbox"/> Meeting advice/caveat | <input type="checkbox"/> Information only / NFA | <input type="checkbox"/> Talking points (as dot points) (in consultation with Communications) |
| <input type="checkbox"/> Functions/Event brief | <input type="checkbox"/> Other | <input type="checkbox"/> For appropriate action |

Meeting / Function / Event:

Time: _____ Date: _____
Location: _____ Event Contact/Organiser: _____

Further Information:

From: [Walker, IanS](#)
To: [Moore, FionaF](#)
Subject: Elevating education across gov re aboriginal cultural heritage values
Date: Monday, 27 August 2018 10:08:09 AM
Attachments: [image001.png](#)

Hi Fiona

At the ministers office today we briefly discussed the removal of Scar Trees

- We have agreed to consider how we improve cross govt understanding / recognition of cultural values – this will be a joint activity with the Minister Rachael Stephen_Smith
- Also it was suggested we write to arborists with information on scar trees

For discussion

Ian Walker

Executive Director, Environment

Phone: +61 6205 9027 | Email: IanS.Walker@act.gov.au

Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 260

www.environment.act.gov.au

We acknowledge and celebrate the Ngunnawal peoples whose traditional lands we work on and pay our respect to elders past and present

From: [Russell, Meaghan](#)
To: [Moore, FionaF](#)
Cc: [Gilbert, Euroka](#)
Subject: Phone call - RAO and Aboriginal community - Wanniasa scarred tree removals [SEC=UNCLASSIFIED]
Date: Friday, 18 January 2019 12:13:25 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
Importance: High

Hi Fiona,

I spoke with Dave Johnson this morning, who – on behalf of RAOs and other local Aboriginal community members – will be writing to the Heritage Council, the Chief Minister, Mick Gentleman (as Heritage Minister) and Minister Ramsey (as Regulatory Minister) about the removal of Aboriginal cultural trees at Wanniasa.

From the call, I understand that RAOs and others are frustrated and angry with the perceived lack of action by the Council and the ACT Government – and they want to discuss the removal of these specific trees, and also larger issues about the protection of Aboriginal heritage and compliance action when Aboriginal heritage is destroyed. Davie emphasised that RAOs and others see that significant penalties or prosecution are needed in these types of cases.

I understand that these letters may come as early as next week.

Dave also spoke about contacting the media about these issues, and potentially contacting the Commonwealth Government – if Territory legislation is not providing adequate protection (presumably an ATSIHP S9 or S10 application).

Note that in reference to the Heritage Council, Dave advised that RAOs and others were very unhappy with Gary Shipp and Doug Williams – so we may want to call each next week to give them a heads up, in case they are directly approached.

Happy to talk further on Monday....

Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

cid:image001.png@01D4615B.1E81D390



From: [Virtue, Geoff](#)
To: [Moore, FionaF](#)
Subject: FW: Tree
Date: Monday, 4 February 2019 1:52:09 PM

fyi

From: Doman, Claudia
Sent: Monday, 4 February 2019 1:40 PM
To: Virtue, Geoff <Geoff.Virtue@act.gov.au>
Subject: RE: Tree

UNCLASSIFIED

Thanks Geoff, yes, that's one of our schools.
We'll give a heads up to the principal and relevant people here.
Cheers,
Claudia

From: Virtue, Geoff
Sent: Monday, 4 February 2019 1:36 PM
To: Doman, Claudia <Claudia.Doman@act.gov.au>
Subject: Tree

Hi Claudia

It was at Wanniasa Hills primary. The contact is Fiona Kidman. As mentioned, we aren't going into specifics in our response particularly in terms of the tree trunk being moved this week.

Cheers
Geoff

From: [Moore, FionaF](#)
To: [Virtue, Geoff](#)
Cc: [Walker, IanS](#)
Subject: RE: Revised response - Wanniasa scarred trees [SEC=UNCLASSIFIED]
Date: Tuesday, 5 February 2019 3:28:00 PM
Attachments: [image004.gif](#)
[image005.gif](#)
[image006.png](#)
[image007.png](#)
[image008.jpg](#)

Hi Geoff,

I have spoke to Fiona Kidman from Education and she will contact the contractor and advise of an anticipated media article. She will also notify her director. Could we please provide a copy of the proposed response to Fiona Kidman once finalised, for her information should she receive further enquiries or clarification from the contractor.

Fiona advised that they are currently in the early stages of planning to replant the area where the 'spook' tree was with three new trees and propose a planting ceremony and plaque to commemorate the 'spook' tree. This would occur in consultation with ACT Heritage and the Representative Aboriginal Organisations.

This might be worth included in the response?

Regards,

Fiona Moore | Director, ACT Heritage | Secretary, ACT Heritage Council | (Mon – Thurs)

Phone: +61 2 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au



From: Brady, Erin

Sent: Tuesday, 5 February 2019 2:37 PM

To: Virtue, Geoff <Geoff.Virtue@act.gov.au>; Moore, FionaF <FionaF.Moore@act.gov.au>

Cc: Kelly, Shauna <Shauna.Kelly@act.gov.au>; Walker, IanS <IanS.Walker@act.gov.au>

Subject: RE: Revised response - Wanniasa scarred trees [SEC=UNCLASSIFIED]

Geoff, Fiona

It seems now it is a contractor's error. Does the contractor know they are at fault and about to have this made public?

For example – could we say something like this?

The investigation concluded a genuine mistake was made as part of confirming the area to be cleared and the tree was mistakenly felled as part of a larger program of tree removal. As per standard process, the contractor undertaking the clearance had sought advice from the Conservator of Flora and Fauna prior to removing any trees and it was identified as a tree not to be removed. Nonetheless, an error saw the tree wrongly removed during clearance.

Is this a request for direct responses for the Minister for media? If so – the material should be written for him to use directly as responses. I'd suggest it is rewritten for that purpose. I've highlighted in red some text that needs to be rewritten.

Given the sensitivity it may be better to provide a caveat brief that provides the background noting the sensitivity.

If this is for information I'd suggest you write text for Minister response and a call with the adviser at Min office to explain the other context.

Erin

From: Virtue, Geoff

Sent: Tuesday, 5 February 2019 2:19 PM

To: Brady, Erin <Erin.Brady@act.gov.au>

Cc: Kelly, Shauna <Shauna.Kelly@act.gov.au>

Subject: Revised response - Wanniasa scarred trees [SEC=UNCLASSIFIED]

Hi Erin

I met with Fiona and here is an updated media response. It seems the journalist has found out about the story given annual report hearing briefs from the end of last year were FOI'd.

I checked on the Minister's level of awareness and was told there's been various briefs, weekly brief items and ministerials. Attached are a few.

Proposed response to go the Minister's office:

- Aboriginal scarred trees are the product of Aboriginal cultural activities, such as the removal of bark or wood for the making of canoes, shelters and containers. Scarred trees are of cultural significance to Traditional Custodians, and they are also of archaeological significance as they can provide an enormous amount of information on past Aboriginal activity and use.
- The ACT Government recognises the importance of Aboriginal scarred trees to our region's heritage. The Minister for the Environment and Heritage shares in the community's disappointment at the loss of heritage places and objects.
- MSYB1 and MST4, both in Wanniasa, were felled without approval under the *Heritage Act 2004*.
- The removal of MSYB1 was reported to ACT Heritage in April 2017 and an investigation took place. The investigation concluded it was a genuine mistake by a contractor who felled the tree as part of a larger program of tree removal. As per standard process, the contractor had sought advice from the Conservator of Flora and Fauna prior to removing any trees. Unfortunately a human error at the contractor's end saw the tree wrongly identified for removal.
- The contractor notified the ACT government once they realised their mistake and expressed how upset they were. The investigation concluded it was not in the public interest to pursue an expensive prosecution process.
- The investigation has, however, highlighted the gap in the legislation that only allows the ACT government to prosecute through the courts. Minister Gentleman has asked his Directorate, as a matter of urgency, to explore the introduction of an on-the-spot fine scheme and repair orders where appropriate. This work is expected to be rolled out this year.
- MST4 was felled by person/s unknown between 31 December 2016 and 10 March 2017. It was reported to ACT Heritage in July 2018 and an investigation took place. As the identity of the offender/s could not be established, no further action can be taken at this stage in relation to the alleged breaches.
- In this instance, the trunk is able to be salvaged and the ACT Government is coordinating its temporary relocation until long-term conservation measures have been identified. Temporary relocation is complex and requires specific equipment to ensure no further damage occurs to the tree. Consultation is taking place with Representative Aboriginal Organisations and an expert in the conservation of Aboriginal scar trees.
- In terms of MSYB1 being referred to as the 'Spook Tree', it has been known as such since at least the 1990s. Although the origins of the name are unclear, the name most likely comes from the local residents or school community. Traditional Custodians do not identify this as a cultural name.

Thanks

Geoff Virtue | Communications Manager - Environment

Phone 02 6205 0312 | [REDACTED]

Communications | Engagement and Executive Support

Environment, Planning and Sustainable Development Directorate | **ACT Government**

Level 3 South, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au | www.planning.act.gov.au

For **EPSDD media enquiries** please call **0401 766 218**



[@EnvironPlan](#)



facebook.com/EnvironPlan

White ribbon.jpg



From: [Virtue, Geoff](#)
To: [Moore, FionaF](#)
Subject: Revised response
Date: Tuesday, 5 February 2019 11:45:56 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)

Hi Fiona

For final clearance pls and addition of the info.

- Aboriginal scarred trees are the product of Aboriginal cultural activities, such as the removal of bark or wood for the making of canoes, shelters and containers. Scarred trees were once more common throughout the ACT, however, with the natural aging and loss of trees, they are now relatively rare sites. Scarred trees are of cultural significance to Traditional Custodians, and they are also of archaeological significance as they can provide an enormous amount of information on past Aboriginal activity and use.
- The ACT Government recognises the importance of Aboriginal scarred trees to our region's heritage. The Minister for the Environment and Heritage shares in the community's disappointment at the loss of heritage places and objects.
- MSYB1 and MST4, both in Wanniasa, were felled without approval under the *Heritage Act 2004*.
- The removal of MSYB1 was reported to ACT Heritage in April 2017 and an investigation then took place. The investigation concluded it was a genuine mistake by a contractor who felled the tree as part of a larger program of tree removal. As per standard process, the contractor had sought advice from the Conservator of Flora and Fauna prior to removing any trees. Unfortunately an administrative error at the contractor's end saw the tree wrongly identified for removal.
- The contractor notified the government once they realised their mistake and expressed how upset they were. The investigation concluded it was not in the public interest to pursue an expensive prosecution process.
- The investigation has, however, highlighted the gap in the legislation that only allows the ACT Government to prosecute through the courts. Minister Gentleman has asked the Directorate, as a matter of urgency, to explore the introduction of an on-the-spot scheme and repair orders where appropriate. This work is expected to be rolled out this year.
- MST4 was felled by person/s unknown between 31 December 2016 and 10 March 2017. It was reported to ACT Heritage in July 2018 and an investigation took place. As the identity of the offender/s could not be established, no further action can be taken at this stage in relation to the alleged breaches.
- In this instance, the trunk is able to be salvaged and the ACT Government is coordinating its temporary relocation until long term conservation measures have been identified. This work is very complex and requires very specific equipment that is currently being organised to ensure no further damage to the tree. Consultation is taking place with Representative Aboriginal Organisations and an expert in the conservation of Aboriginal scar trees.
- In terms of MSYB1 being referred to as the 'Spook Tree', it has been known as such since at least the 1990s. Although the origins of the name are unclear, the name most likely comes from the local residents or school community. Traditional

Custodians do not identify this as a cultural name.

Geoff Virtue | Communications Manager - Environment

Phone 02 6205 0312 | [REDACTED]

Communications | Engagement and Executive Support

Environment, Planning and Sustainable Development Directorate | **ACT Government**

Level 3 South, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au | www.planning.act.gov.au

For **EPSDD media enquiries** please call **0401 766 218**



[@EnvironPlan](https://twitter.com/EnvironPlan)



facebook.com/EnvironPlan

White ribbon.jpg



From: [Virtue, Geoff](#)
To: [Moore, FionaF](#)
Subject: FW: Response to questions regarding scar trees
Date: Wednesday, 6 February 2019 5:51:19 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)

fyi

From: [REDACTED]
Sent: Wednesday, 6 February 2019 5:09 PM
To: Virtue, Geoff <Geoff.Virtue@act.gov.au>
Subject: RE: Response to questions regarding scar trees
 Thanks Geoff, appreciate you (and Mayumi) getting back to me with this and the detail included.
 Cheers,

Jake

From: Virtue, Geoff <Geoff.Virtue@act.gov.au>
Sent: Wednesday, 6 February 2019 4:52 PM
To: Jake Evans <Evans.Jake@abc.net.au>
Cc: Walker, IanS <IanS.Walker@act.gov.au>
Subject: Response to questions regarding scar trees

Hi [REDACTED]

I understand you spoke to Mayumi about the scar tree story. Here's the response. It is attributable to Ian Walker, Executive Director, Environment within Environment, Planning and Sustainable Development Directorate.

The Aboriginal scarred trees MSYB1 and MST4 in Wanniasa were felled without approval under the Heritage Act 2004.

The removal of MSYB1 was reported to ACT Heritage in April 2017 and an investigation took place. The investigation concluded a genuine mistake was made as part of confirming the area to be cleared and the tree was mistakenly felled as part of a larger program of tree removal. The contractor undertaking the clearance had sought advice from the Conservator of Flora and Fauna in line with standard process prior to removing any trees and it was identified as a tree not to be removed. Unfortunately an error by the contractor saw the tree wrongly removed during clearance.

The contractor notified the ACT government straight away and expressed their regrets. An ACT government investigation concluded it was not in the public interest to pursue an expensive prosecution process.

Currently the ACT Government is only able to prosecute these breaches through the courts. Minister Gentleman has asked his Directorate, as a matter of urgency, to explore the introduction of an on-the-spot fine scheme and repair orders where appropriate. This work is expected to be rolled out this year.

The trunk of MST4 is salvaged and the ACT Government is coordinating its temporary relocation until a long-term home is identified. Consultation is taking place with Representative Aboriginal Organisations and an expert in the conservation of Aboriginal scar trees.

MSYB1 has been known as the 'Spook Tree' since at least the 1990s. Although the origins of the name are unclear, the name most likely comes from the local residents. Traditional Custodians do not identify this as a cultural name.

The ACT government recognises the importance of Aboriginal scarred trees to our region's heritage.

Aboriginal scarred trees are the product of Aboriginal cultural activities, such as the removal of bark or wood for the making of canoes, shelters and containers. Scarred trees are of cultural significance to Traditional Custodians, and they are also of archaeological significance as they can provide an enormous amount of information on past Aboriginal activity and use.

Thanks

Geoff Virtue | Communications Manager - Environment

Phone 02 6205 0312 | [REDACTED]

Communications | Engagement and Executive Support

Environment, Planning and Sustainable Development Directorate | **ACT Government**

Level 3 South, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au | www.planning.act.gov.au

For **EPSDD media enquiries** please call **0401 766 218**



[@EnvironPlan](#)



facebook.com/EnvironPlan

White ribbon.jpg



This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

-

Please consider the environment before printing this e-mail.

The information contained in this email and any attachment is confidential and may contain legally privileged or copyright material. It is intended only for the use of the addressee(s). If you are not the intended recipient of this email, you are not permitted to disseminate, distribute or copy this email or any attachments. If you have received this message in error, please notify the sender immediately and delete this email from your system. The [REDACTED] does not represent or warrant that this transmission is secure or virus free. Before opening any attachment you should check for viruses. The [REDACTED] liability is limited to resupplying any email and attachments.

From: [Webber, James](#)
To: [Virtue, Geoff](#)
Cc: [Walker, IanS](#); [Doman, Claudia](#); [Riley, Renee](#); [Moore, FionaF](#)
Subject: RE: Draft response re removal of scar trees [SEC=UNCLASSIFIED]
Date: Wednesday, 6 February 2019 12:57:36 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)

Thanks Geoff

Just some minor changes from us. We'd like it to come from EPSDD.

You could keep the bits I've removed in your back pocket if needed.

Happy to discuss.

Proposed response attributable to an EPSDD spokesperson

The Aboriginal scarred trees MSYB1 and MST4 in Wanniasa were felled without approval under the Heritage Act 2004.

The removal of MSYB1 was reported to ACT Heritage in April 2017 and an investigation took place. The investigation concluded a genuine mistake was made as part of confirming the area to be cleared and the tree was mistakenly felled as part of a larger program of tree removal. The contractor undertaking the clearance had sought advice from the Conservator of Flora and Fauna in line with standard process prior to removing any trees and it was identified as a tree not to be removed. Unfortunately an error **by the contractor saw** the tree wrongly removed during clearance.

The contractor notified the ACT government straight away and expressed **their regrets**. An investigation concluded it was not in the public interest to pursue an expensive prosecution process.

Currently the ACT Government is only able to prosecute these breaches through the courts.

Minister Gentleman has asked his Directorate, as a matter of urgency, to explore the introduction of an on-the-spot fine scheme and repair orders where appropriate. This work is expected to be rolled out this year.

~~MST4 was felled by person/s unknown between 31 December 2016 and 10 March 2017. It was reported to ACT Heritage in July 2018 and an investigation took place. As the identity of the offender/s could not be established, no further action can be taken at this stage in relation to the alleged breaches.~~

The trunk of MST4 is salvaged and the ACT Government is coordinating its temporary relocation until a long-term home is identified. ~~Temporary relocation is complex and requires specific equipment to ensure no further damage occurs to the tree.~~ Consultation is taking place with Representative Aboriginal Organisations and an expert in the conservation of Aboriginal scar trees.

MSYB1 has been known as the 'Spook Tree' since at least the 1990s. Although the origins of the name are unclear, the name most likely comes from the local residents or school community. Traditional Custodians do not identify this as a cultural name.

The ACT Government recognises the importance of Aboriginal scarred trees to our region's heritage.

Aboriginal scarred trees are the product of Aboriginal cultural activities, such as the removal of bark or wood for the making of canoes, shelters and containers. Scarred trees are of cultural significance to Traditional Custodians, and they are also of archaeological significance as they can provide an enormous amount of information on past Aboriginal activity and use.

ENDS

Regards,

James

From: Virtue, Geoff

Sent: Wednesday, 6 February 2019 12:19 PM

To: Webber, James <James.Webber@act.gov.au>

Cc: Walker, IanS <IanS.Walker@act.gov.au>; Doman, Claudia <Claudia.Doman@act.gov.au>; Riley, Renee <Renee.Riley@act.gov.au>; Moore, FionaF <FionaF.Moore@act.gov.au>

Subject: Draft response re removal of scar trees

Hi James

Here's a draft response for the ABC journalist. I have made it a statement rather than answering all of his questions individually. As mentioned, it can be personalised in tone if the Minister chooses that he wants to be the one to respond. We wanted to send the draft response to the contractor concerned for their info before it appears in the media but will wait to we hear back from you. I have CC'd Education comms and TCCS comms for their info at this stage (and spoken to them over the phone). Thanks.

DRAFT STATEMENT

Aboriginal scarred trees are the product of Aboriginal cultural activities, such as the removal of bark or wood for the making of canoes, shelters and containers. Scarred trees are of cultural significance to Traditional Custodians, and they are also of archaeological significance as they can provide an enormous amount of information on past Aboriginal activity and use.

The ACT Government recognises the importance of Aboriginal scarred trees to our region's heritage.

MSYB1 and MST4, both in Wanniasa, were felled without approval under the Heritage Act 2004. The removal of MSYB1 was reported to ACT Heritage in April 2017 and an investigation took place. The investigation concluded a genuine mistake was made as part of confirming the area to be cleared and the tree was mistakenly felled as part of a larger program of tree removal. As per standard process, the contractor undertaking the clearance had sought advice from the Conservator of Flora and Fauna prior to removing any trees and it was identified as a tree not to be removed. Nonetheless, an error saw the tree wrongly removed during clearance.

The contractor notified the ACT government once they realised their mistake and expressed how upset they were. The investigation concluded it was not in the public interest to pursue an expensive prosecution process.

The investigation has, however, highlighted the gap in the legislation that only allows the ACT government to prosecute through the courts. Minister Gentleman has asked his Directorate, as a matter of urgency, to explore the introduction of an on-the-spot fine scheme and repair orders where appropriate. This work is expected to be rolled out this year.

MST4 was felled by person/s unknown between 31 December 2016 and 10 March 2017. It was reported to ACT Heritage in July 2018 and an investigation took place. As the identity of the offender/s could not be established, no further action can be taken at this stage in relation to the alleged breaches.

In this instance, the trunk is able to be salvaged and the ACT Government is coordinating its temporary relocation until long-term conservation measures have been identified. Temporary relocation is complex and requires specific equipment to ensure no further damage occurs to the tree. Consultation is taking place with Representative Aboriginal Organisations and an expert in the conservation of Aboriginal scar trees.

In terms of MSYB1 being referred to as the 'Spook Tree', it has been known as such since at least the 1990s. Although the origins of the name are unclear, the name most likely comes from the local residents or school community. Traditional Custodians do not identify this as a cultural name.

Thanks

Geoff Virtue | Communications Manager - Environment

Phone 02 6205 0312 | [REDACTED]

Communications | Engagement and Executive Support

Environment, Planning and Sustainable Development Directorate | **ACT Government**

Level 3 South, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au | www.planning.act.gov.au

For **EPSDD media enquiries** please call **0401 766 218**



[@EnvironPlan](#)



facebook.com/EnvironPlan

White ribbon.jpg



From: [Russell, Meaghan](#)
To: [Moore, FionaF](#)
Subject: Pls call Chris Clarke re Wanniasa scarred tree media query [SEC=UNCLASSIFIED]
Date: Thursday, 27 June 2019 12:23:14 PM
Attachments: [image001.png](#)
[image002.png](#)
Importance: High

A journalist has requested a meeting to discuss and also images of both scarred trees.

Chris requested a call back after lunch – x 71587

Cheers,
Meaghan

Meaghan Russell | Manager (Approvals and Advice)

Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: [Clarke, Christopher](#)
To: [Walker, IanS](#); [Moore, FionaF](#)
Cc: [Virtue, Geoff](#)
Subject: Scarred trees
Date: Thursday, 27 June 2019 12:56:09 PM
Attachments: [image001.png](#)
[image002.png](#)

UNCLASSIFIED

Hi Ian and Fiona

I touched base with [REDACTED] from the CT about the Wanniasa scarred trees and he wants an update on the investigation, an indication of when a decision/outcome will be provided, and he wants some images of the trees.

Cheers
Chris

Christopher Clarke | Communications Officer - Environment
Phone 02 6207 1587 | 0422 660 867
Communications | Engagement and Executive Support
Environment, Planning and Sustainable Development Directorate | **ACT Government**
Level 3 South, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601
www.environment.act.gov.au | www.planning.act.gov.au

For **EPSDD media enquiries** please call **0401 766 218**



[@EnvironPlan](#)



facebook.com/EnvironPlan

From: [Virtue, Geoff](#)
To: [REDACTED]
Subject: RE: Wanniasa scarred trees
Date: Thursday, 27 June 2019 1:50:45 PM

UNCLASSIFIED

Hi [REDACTED]

Here's some information you can take info from. It is attributable to Ian Walker, Executive Group Manager, Environment within Environment, Planning and Sustainable Development Directorate.

The Aboriginal scarred trees MSYB1 and MST4 in Wanniasa were felled without approval under the Heritage Act 2004.

The removal of MSYB1 was reported to ACT Heritage in April 2017 and an investigation took place. The investigation concluded a genuine mistake was made as part of confirming the area to be cleared and the tree was mistakenly felled as part of a larger program of tree removal. The contractor undertaking the clearance had sought advice from the Conservator of Flora and Fauna in line with standard process prior to removing any trees and it was identified as a tree not to be removed. Unfortunately an error by the contractor saw the tree wrongly removed during clearance.

The contractor notified the ACT government straight away and expressed their regrets. An ACT government investigation concluded it was not in the public interest to pursue an expensive prosecution process.

Currently the ACT Government is only able to prosecute these breaches through the courts. Minister Gentleman has asked his Directorate, as a matter of urgency, to explore the introduction of an on-the-spot fine scheme and repair orders where appropriate. This work is expected to be rolled out this year.

The trunk of MST4 is salvaged and the ACT Government is coordinating its temporary relocation until a long-term home is identified. Consultation is taking place with Representative Aboriginal Organisations and an expert in the conservation of Aboriginal scar trees.

The ACT government recognises the importance of Aboriginal scarred trees to our region's heritage.

Aboriginal scarred trees are the product of Aboriginal cultural activities, such as the removal of bark or wood for the making of canoes, shelters and containers. Scarred trees are of cultural significance to Traditional Custodians, and they are also of archaeological significance as they can provide an enormous amount of information on past Aboriginal activity and use.

Whilst formal investigation has concluded, final arrangements on the long-term conservation measures for the remaining trunk and interpretation of the two original locations is still ongoing in consultation with Representative Aboriginal Organisations.

Thanks

Geoff

From: [REDACTED] >
Sent: Thursday, 27 June 2019 12:05 PM
To: Virtue, Geoff <Geoff.Virtue@act.gov.au>
Subject: Wanniasa scarred trees

Hi Geoff,

As discussed, calling up about something that was brought up in estimates. Two Aboriginal scarred trees were cut down in Wanniasa in 2017 despite being heritage listed.

I was hoping to talk to ACT Heritage director Fiona Moore about the incident today and get any pictures you have of the trees.

I'm on [REDACTED]

Speak soon,

[REDACTED] r

--

[REDACTED]

The information contained in this e-mail message and any accompanying files is or may be confidential. If you are not the intended recipient, any use, dissemination, reliance, forwarding, printing or copying of this e-mail or any attached files is unauthorised. This e-mail is subject to copyright. No part of it should be reproduced, adapted or communicated without the written consent of the copyright owner. If you have received this e-mail in error please advise the sender immediately by return e-mail or telephone and delete all copies. [REDACTED] does not guarantee the accuracy or completeness of any information contained in this e-mail or attached files. Internet communications are not secure, therefore [REDACTED] does not accept legal responsibility for the contents of this message or attached files.



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2019-2020

Miss Candice Burch MLA (Chair), Ms Bec Cody MLA (Deputy Chair), Mrs Giulia Jones MLA,
Ms Caroline Le Couteur MLA, Mr Michael Pettersson MLA

ANSWER TO QUESTION ON NOTICE

NICOLE LAWDER: To ask the Minister for the Environment and Heritage

In relation to: Felled Scar trees

1. With regards to the felled tree, which you became aware of "about six months after it was likely chopped down", how did you become aware that this tree had been inadvertently felled?
2. It is now in the vicinity of two to three years since these incidents took place. Why are the investigations taking so long?
3. What resources are being dedicated toward this investigation?
4. When will this investigation be completed?
5. What do you expect to learn that you don't already know by leaving this investigation open?
6. Have any other heritage-significant trees been felled since 2017?
7. What measures have been taken to ensure that no further heritage-significant trees will be felled in the ACT?

MINISTER GENTLEMAN: The answer to the Member's question is as follows:—

1. The removal of MST4 (the tree referred to) was reported to the office of Mick Gentleman MLA by a member of the community on 19 July 2018.
2. Tree MSYB1 (Spook tree)
On 6 April 2017, the Education Directorate notified ACT Heritage of the unauthorised removal of tree MSYB1.

An investigation undertaken by Access Canberra concluded in November 2017.

Tree MST4

ACT Heritage was made aware of the removal of tree MST4 on 24 July 2018.

The matter was investigated by the ACT Parks and Conservation Service (PCS) Compliance team and finalised on 17 December 2018.

3. See answer to question 2.
4. See answer to question 2.

5. See answer to question 2.
6. There have been no reports or known incidences of unauthorised removals of heritage trees.
7. The risk of destruction, or major damage, to heritage places and objects is always live and is managed by making information publicly available on the ACT Heritage Register, via heritage interpretation such as the Canberra Tracks signage, and having statutory planning approval processes in force under the *Heritage Act 2004*, *Planning and Development Act 2007* and *Tree Protection Act 2005*.

Where works are being proposed, information on Aboriginal scar trees is available and accessed across government, contractors, developers and the broader community.

There are occasions where even these mitigation measures are not enough such as in the case of natural disasters; general, reckless or negligent conduct, with or without intent.

Approved for circulation to the Select Committee on Estimates 2019-2020

Signature:



Date: 17/7/19

By the Minister for the Environment and Heritage, Mick Gentleman

From: Heritage
Sent: Friday, 19 July 2019 10:36 AM
To: Gilbert, Euroka
Cc: Caddy, Gabrielle; Moore, FionaF
Subject: FW: DUE - 20190723 - 19/22876 - DLO Request - Scar Trees [SEC=UNCLASSIFIED]
Attachments: image007.jpg; image008.jpg; image009.jpg; DUE - 20190723 - 19_22876 - DLO Request - Scar Trees.obr

Importance: High

Hi Oka

Would you mind getting started on this request and confirming whether the trees in the attached images are/are not the cut down specimens? We are also being asked to provide the exact locations of the removed specimens, are you also able to provide these?

For Fiona's clearance on Monday.

Daisy Chaston | Manager (Registrations)

Phone: 6207 7379 | Email: daisy.chaston@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development | **ACT Government**

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



[@EnvironPlan](https://twitter.com/EnvironPlan)



facebook.com/EnvironPlan

From: EPD Ministerials - Environment
Sent: Friday, 19 July 2019 9:47 AM
To: Heritage <Heritage@act.gov.au>; Moore, FionaF <FionaF.Moore@act.gov.au>
Subject: FW: DUE - 20190723 - 19/22876 - DLO Request - Scar Trees
Importance: High

UNCLASSIFIED For-Official-Use-Only

Dea Heritqge team.

Can you please provide response to this one by Monday 22/7?

Thanks
Stacee

From: EPSDD DLO
Sent: Thursday, 18 July 2019 3:33 PM
To: EPD Ministerials - Environment <EPDMinisterials-Environment@act.gov.au>
Subject: DUE - 20190723 - 19/22876 - DLO Request - Scar Trees
Importance: High

UNCLASSIFIED For-Official-Use-Only

Hi team
Can I please get some advice back on this one by 23 July. Please CC Gov Services, Laura & Kieran when this comes back through.
Thanks
Erica

From: Crossman, Louise <Louise.Crossman@act.gov.au>
Sent: Thursday, 18 July 2019 11:23 AM
To: EPSDD DLO <EPSDDDLO@act.gov.au>
Subject: Fwd: Scar Trees

Sent from my iPhone

Begin forwarded message:

From: "Gonczarek, Melinda" <Melinda.Gonczarek@parliament.act.gov.au>
Date: 18 July 2019 at 11:21:45 am AEST
To: "Crossman, Louise" <Louise.Crossman@act.gov.au>
Cc: "Burch, Joy" <Joy.Burch@parliament.act.gov.au>
Subject: Scar Trees

Hi Louise,

Joy and I met with Veronica Wensing on behalf of Caroline Le Couteur yesterday regarding a piece of artwork that has been gifted to the Assembly.

Caroline has raised some concerns regarding the specific trees in the images, and if they are any of the ones that were accidentally cut down a few years ago (<https://www.canberratimes.com.au/story/6244521/total-disregard-aboriginal-scarred-trees-cut-down-despite-heritage-listing/>). My instinct tells me based on the attached images, and in the CT article, that at least one of them may have been. What I was hoping you may be able to provide me with, is the exact location of the trees that were cut down so we can cross reference as best as we can with the art gifted to the Assembly.

Regarding the artworks, Joy is going to arrange to touch base with the Aboriginal elders council and speak to them regarding the artworks and what would be the most appropriate way to display them and share the story of the scar trees. Before we do that though we just want to be very sure which trees may be the same ones (if possible).

Below is the images of the gifted arts, with specific trees, which may assist your end.

Don't hesitate to touch base with me if I can provide any further information.

Thanks in advance for your time,
Mel.

Work/s:

Scarred trees of Wanniasa 1998

L-R

Wanniasa Hills Primary School, Langdon Ave, Wanniasa

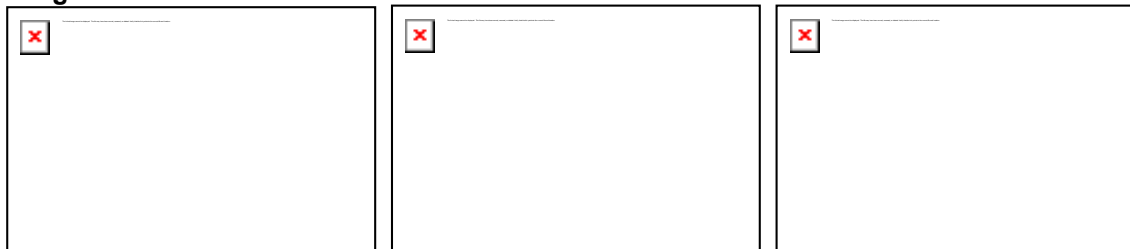
38 Sainsbury St, Wanniasa

Sternberg Crescent, Wanniasa

gelatin silver prints

3 @ 19 x 28cm

Images:



Page 686



Page 687



Page 688



From: [Moore, FionaF](#)
To: [EPD Ministerials - Environment](#); [Walker, IanS](#)
Cc: [Russell, Meaghan](#)
Subject: RE: FOR ACTION - New Question on Notice - QON 2680 - LE COUTEUR - RAOs consulted in the removal of MSYB1 - Spook Tree - Due COB Thursday 29 August 2019
Date: Monday, 26 August 2019 10:38:00 AM

UNCLASSIFIED

Hi Stacey,
 Response to QON 2680 (RAO consultation) ready for Ian's clearance.
 Due to GS [COB Thursday 29 August 2019](#).
 Regards,
 Fiona

From: EPD Ministerials - Environment <EPDMinisterials-Environment@act.gov.au>
Sent: Friday, 23 August 2019 12:15 PM
To: Heritage <Heritage@act.gov.au>
Cc: Moore, FionaF <FionaF.Moore@act.gov.au>
Subject: FW: FOR ACTION - New Question on Notice - QON 2680 - LE COUTEUR - RAOs consulted in the removal of MSYB1 - Spook Tree - Due COB Thursday 29 August 2019

UNCLASSIFIED

Dear Heritage team.
 Can you please provide response to the attached QON – due back for EGM clearance by COB Tuesday 27th Aug
 Thanks
 Stacey

From: EPSD Government Services <EPSDGovernmentServices@act.gov.au>
Sent: Friday, 23 August 2019 11:04 AM
To: EPD Ministerials - Environment <EPDMinisterials-Environment@act.gov.au>
Cc: Walker, IanS <IanS.Walker@act.gov.au>
Subject: FOR ACTION - New Question on Notice - QON 2680 - LE COUTEUR - RAOs consulted in the removal of MSYB1 - Spook Tree - Due COB Thursday 29 August 2019

UNCLASSIFIED

Good Morning
 Questions on Notice Paper No. 36 has a new question from Ms Le Couteur which requires a response.

***2680 MS LE COUTEUR:** To ask the Minister for the Environment and Heritage—
 Which Representative Aboriginal Organisations (RAOs) were consulted, and when, in relation to the removal of heritage-listed scarred trees MSYB1 (Spook tree) and MST4 and in response to Select Committee on Estimates 2019-2020 Recommendation Number 134, where the Government stated “Consultation with (RAOs) has occurred since ACT Heritage was notified about the removal of the scarred trees. The salvaged tree trunk from MST4 has been moved to a secure location with the consent of the RAOs”.

Please find attached the folder reference for the QON with a template for you to use for the response. **Please let us know asap if you require input from another directorate or if this QON is not for your area.**

We are also now required to calculate the time spent for each officer involved completing the QON. Please use the spreadsheet located in the folder to record minutes and calculate costings. Government Services will add final costings to the QON response.

Could you please provide the completed response, cleared by your Executive Group

Manager, to Government Services by [COB Thursday 29 August 2019.](#)

Many Thanks

Tash

Anastasia Hartwig

Assembly Liaison Officer | Government Services | Environment, Planning & Sustainable Development
Level 3 South, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601
Ph: 6207 0701 | (Please note I do not work on Wednesdays)

Recommendation 134	Response:
<p><u>9.104 The Committee recommends that the ACT Government consult with local Aboriginal groups about the appropriate way to rectify the loss of the two scarred trees illegally felled in Wanniasa, including the appropriate handling of the salvaged tree trunk, and report any actions to the Legislative Assembly within six months.</u></p>	<p>Agreed</p> <p>Consultation with Representative Aboriginal Organisations (RAOs) has occurred since ACT Heritage was notified about the removal of the scarred trees. The salvaged tree trunk from MST4 has been moved to a secure location with the consent of the RAOs.</p> <p>The Education Directorate is currently exploring a range of additional protection measures including; developing a heritage identification database for contractors to enhance the protection of heritage assets located on school sites; and appropriate remediation for the site in consultation with Representative Aboriginal Organisations (RAOs).</p> <p>Final arrangements on the long-term conservation measures for the trunk of MST4 is ongoing between the land manager Transport Canberra and City Services in consultation with RAOs.</p>



Minister for Advanced Technology and Space Industries
 Minister for the Environment and Heritage
 Minister for Planning and Land Management
 Minister for Police and Emergency Services
 Manager of Government Business

Member for Brindabella

Obj #19/26516

ACT LEGISLATIVE ASSEMBLY QUESTION

Questions on Notice Paper No. 36

Question No. 2680

MS LE COUTEUR - Asked the Minister for the Environment and Heritage on 23 August 2019:

Which Representative Aboriginal Organisations (RAOs) were consulted, and when, in relation to the removal of heritage-listed scarred trees MSYB1 (Spook tree) and MST4 and in response to Select Committee on Estimates 2019-2020 Recommendation Number 134, where the Government stated "Consultation with (RAOs) has occurred since ACT Heritage was notified about the removal of the scarred trees. The salvaged tree trunk from MST4 has been moved to a secure location with the consent of the RAOs".

MINISTER GENTLEMAN: The answer to the Member's question is as follows:

Under Section 14 of the *Heritage Act 2004*, four Representative Aboriginal Organisations (RAOs) have been declared, being:

- Buru Ngunawal Aboriginal Corporation (*Ngunawal*);
- Consultative Body Aboriginal Corporation on Indigenous Land and Artefacts in the Ngunnawal Area (now King Brown Tribal Group) (*Ngunnawal*);
- Little Gudgenby River Tribal Council (now Mirrabee) (*Ngambri*); and
- Ngarigu Currawong Clan (*Ngarigu*).

All four RAOs were notified about removal of the 'Spook Tree' (MSYB1) and MST4, and their views on the ongoing management of MST4 have been sought.

ACT Heritage was notified of the removal of the Spook Tree on 6 April 2017. Attempts to contact all RAOs were subsequently made on 7 April and 13 April 2017. As a result, the matter was discussed with Buru Ngunawal Aboriginal Corporation on 7 April 2017, and with King Brown Tribal Group, Mirrabee and Ngarigu Currawong Clan on 13 April 2017.

ACT Legislative Assembly

London Circuit, Canberra ACT 2601, Australia GPO Box 1020, Canberra ACT 2601, Australia
 Phone +61 2 6205 0218 Email gentleman@act.gov.au



@GENTLEMANMick



MickGentleman



ACT Heritage was notified of the removal of MST4 on 24 July 2018. Attempts to contact all four RAOs were subsequently made on 30 and 31 July 2018. As a result, the matter was discussed with Buru Ngunawal Aboriginal Corporation on 30 July 2018.

To inform the continued management of MST4, attempts to contact all four RAOs were also made on 9, 10, 16, 17, 25 and 29 October 2018, and on 2, 5, 6 and 24 November 2018. As a result, the matter was discussed with Buru Ngunawal Aboriginal Corporation (on 2, 5 and 24 November 2018) and King Brown Tribal Group (on 24 November 2018).

Consultation with all four RAOs on the continued management of MST4 is ongoing.

Approved for circulation to the Member and incorporation into Hansard.



Mr Mick Gentleman MLA, Minister for the Environment and Heritage Date:.....*9/9/18*.....

This response required 1hr 50mins to complete, at an approximate cost of \$148.25.

From: [Kidman, Fiona](#)
To: [Sloan, Sean](#)
Cc: [OConnell, Jennifer](#); [Morey, Teresa](#)
Subject: FW: 2017 06 09 External Learning Environments Heritage registered assets on school sites [SEC=UNCLASSIFIED]
Date: Wednesday, 13 September 2017 2:36:06 PM
Attachments: [FW Tree removal at Wanniasa Primary School SECUNCLASSIFIED DLMFor-Official-Use-Only.msg](#)

Sean

As briefly discuss by telephone I am chasing up on the status of the investigation into the removal of a heritage listed tree that was located on the Wanniasa Hills Primary School site.

Background:

A heritage listed tree was removed by a contractor engaged by the Education Directorate to conduct tree works at Wanniasa Hills Primary School. As soon as the contractor became aware of the mistake he notified Education and the Tree Protection Unit. The contractor was and to my knowledge is still keen to rectify the mistake by either replacing the tree or with multiple trees and/or a plaque See attached email sent to the Tree Protection Unit early April 2017.

As a result of this incident Education has reviewed its systems that relate to trees on school sites and a number of actions have commenced. Education was advised by the Heritage Unit not to contact local communities until they had completed the investigation which it was hoped would also provide some clear identification of the most appropriate people within the community or the Ngunnawal Elders Council. However to date I have not received any written communications directly from the Heritage Unit regarding the investigation process timeframe or an outcome. I understand this is most likely due to under resourcing.

My understanding to date is as follows:

- ACT Heritage advised EDU on 29/5 that the investigation was ongoing and they could not provide a timeframe or confirm if this will become a formal investigation. Wednesday 13 September 2017 I was informed by telephone that Heritage has passed this onto TCCS Licensing and Compliance. Unfortunately they could not provide a contact name or date this occurred.
- Infrastructure and Capital Works has drafted the following documents to reduce risk to other registered or regulated trees:
 - Procedural guideline on Conservation and Maintenance of Heritage Assets on School Sites
 - Revised Contractor Induction Checklist
 - Provided a spread sheet of all Education sites with block and section to confirm the location of all heritage assets including trees and other artefacts located externally.
 - Drafted a SET paper outlining actions and seeking endorsement where appropriate
- Consultation has occurred within ICW (John Nakkam, Senior Manager of School Infrastructure Management and Stuart Hunter, Assistant Manager Repairs and Maintenance).
- Consultation with the EPSDD Heritage Unit has been limited due to the current investigation into the removal which is being conducted by this Unit.

My concern is that I am unable to report up the line regarding the investigation actions to date, current status and likely date we will have a resolution, direction or other

outcome.

Your assistance with providing an update or a redirection to who I can seek this information from would be greatly appreciated.

Regards

Fiona

Fiona Kidman | Assistant Manager - Asset Management Senior | Project Officer - External Learning Environments | Phone: +61 2 6207 0002 | Fax: +61 2 6205 9333 | Email: fiona.kidman@act.gov.au
Infrastructure & Capital Works | Education Directorate | ACT Government
Level 1 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 | www.det.act.gov.au

From: Kidman, Fiona

Sent: Tuesday, 13 June 2017 3:27 PM

To: Kidman, Fiona

Subject: FW: 2017 06 09 External Learning Environments Heritage registered assets on school sites [SEC=UNCLASSIFIED]

SET paper only a couple of questions:

1. Timing for issue of heritage docu.s they have indicatd 6 to 8 weeks to respond to our request for a comprehensibve list which will mean we are geting close to Christmas. Idf this is to be managed by R&M then they will be working hard to get quotes and contractors setup for the cherictmass hiolidays. This is other than the endof the financial year their busiest time (assuming no holdups form outside the branch.)
 2. Media agree will do asap.
-

From: Morey, Teresa

Sent: Friday, 9 June 2017 4:48 PM

To: Kidman, Fiona

Subject: RE: 2017 06 09 External Learning Environments Heritage registered assets on school sites [SEC=UNCLASSIFIED]

Fiona, please have a look at the attached and catch some time with me early next week to discuss any questions that you may have about the changes and comments.

Regards,

Teresa

From: Kidman, Fiona

Sent: Friday, 9 June 2017 9:51 AM

To: Morey, Teresa

Subject: 2017 06 09 External Leraning Environmnets Heriatge registerd assets on school sites [SEC=UNCLASSIFIED]

Teresa

Please see attached revised documents based on our recent discussions for your review and approval.

Regards

Fiona

From: Morey, Teresa

Sent: Friday, 9 June 2017 8:58 AM

To: Kidman, Fiona

Subject: FW: Wanniasa Hills Primary School - Spook Tree Update [SEC=UNCLASSIFIED]

Fiona, noting the date of 14/6 identified below for sending the cleared heritage protection documents to Rod, I will need to have them by COB today to enable me to review and request changes from you next week.

Please let me know if you can meet this deadline.

Regards,

Teresa

From: Morey, Teresa
Sent: Monday, 5 June 2017 5:18 PM
To: Morgan, RachelA; Bray, Rodney
Cc: Kidman, Fiona
Subject: RE: Wanniasa Hills Primary School - Spook Tree Update [SEC=UNCLASSIFIED]
Rod,

The current status of the response to unauthorised removal of the Wanniasa Spook Tree is as follows:

- ACT Heritage advised EDU on 29/5 that the investigation is ongoing and at this stage they cannot provide a timeframe or confirm if this will become a formal investigation.
- Asset Strategies has drafted the following:
 - Procedural guideline on Conservation and Maintenance of Heritage Assets on School Sites
 - Revised Contractor Induction Checklist
 - Proposal to obtain, store and communicate data on heritage places and objects located on EDU sites
 - SET paper outlining actions and seeking endorsement where appropriate
- Consultation has occurred within ICW (John Nakkam, Senior Manager of School Infrastructure Management and Stuart Hunter, Assistant Manager Repairs and Maintenance).
- Consultation with the EPSDD Heritage Unit has been limited due to the current investigation into the removal which is being conducted by this Unit.
- Documents require review within Asset Strategies and it is expected this will occur by 14 June 2017.

Regards,
Teresa

From: Morgan, RachelA
Sent: Monday, 5 June 2017 2:04 PM
To: Kidman, Fiona
Cc: Morey, Teresa; Bray, Rodney
Subject: Wanniasa Hills Primary School - Spook Tree Update [SEC=UNCLASSIFIED]
Importance: High

Hi Fiona,

As discussed on Friday, the DG has requested an update on the Wanniasa Spook Tree by Wednesday 7 June.

Please can you have your response to Rod by COB today, 5 June for clearance.

Thank you

Rachel Morgan | Executive Support Officer to
Director, Infrastructure and Capital Works

Education Directorate | ACT Government

P: (02) 6205 3173 | Email: RachelA.Morgan@act.gov.au

GPO Box 158 Canberra ACT 2601 | Level 1, 220 Northbourne Avenue Braddon ACT 2612

From: [Kidman, Fiona](#)
To: [Kidman, Fiona](#)
Subject: FW: Tree removal at Wanniasa Primary School [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Date: Wednesday, 13 September 2017 2:31:25 PM

Begin forwarded message:

From: Dominic Osborne
<dosborne@treeworks.net.au>
Date: 4 April 2017 at
1:21:03 pm AEST
To:
<tree.protection@act.gov.au>,
Mahbod Salahshor
<Mahbod.Salahshor@act.gov.au>,
<Kris.McCreath@ed.act.edu.au>,
<Leanne.Hall@act.gov.au>,
<andre.sneyers@act.gov.au>,
<stuart.hunter@act.gov.au>
**Subject: Tree removal at
Wanniasa Primary
School**

To:
Andre Sneyers - Tree
Protection Unit, Urban
Treescapes
Kris McCreath - Business
Manager, Wanniasa Hills
Primary School
Stuart Hunter / Leanne Hall
- Department of Education
Mahbod Salahshor - ACT
Property Group
***Re: Incorrect and Mistaken
Removal Of Tree At
Wanniasa Hills Primary
School, 88 Langdon
Avenue, Wanniasa***

Dear all,
As you are all aware
Treeworks (ACT/NSW) Pty
Ltd has mistakenly removed
a tree at Wanniasa Hills
Primary School. We are
acutely embarrassed and
devastated that this has
occurred and sincerely
apologise for any
inconvenience that will no
doubt arise from this issue.
We have prided ourselves,
over the last six years that
we have been operating in

the ACT, in being totally professional with regard to tree regulations. We have, through our website and any customer contact, always highlighted the need to comply with the Tree Protection Act. We have submitted hundreds of applications for tree removals and have never, until now, been in breach of those regulations. Our company's philosophy is very much one of preserving and repairing trees. WE only prescribe removal if safety is a concern. We are continually educating our arborists, tree surgeons and tree workers about the regulations. All of this has resulted in us being engaged many times by the ACT Government, the National Capital Authority and surrounding NSW Councils. The circumstances leading to the mistaken removal are as such:

1. In November 2016 our Level 5 Arborist, [REDACTED], carried out an audit of all trees at Wanniasa Hills Primary School. In the audit, known as a Tree Diagnostic Report, Ms Buck identified a Eucalyptus sp. (Tree No. 14 in the report) as being unsafe due to declining health. She prescribed the tree to removed.
2. On 22 December 2016 the Dept of Education, through ACT Property Group, issued us with a Work Order (dated 20.12.17) to carry out all items listed as a priority.
3. On 2 February 2017 our [REDACTED], identified that Tree 14 required approval for

removal and submitted the application to the Tree Protection Unit online.

4. On 18 February 2017 we received the Notice of Decision from the Tree Protection Unit not granting permission to remove the tree. [REDACTED], who was in the middle of processing Work Orders to carry out works at 98 schools inadvertently failed to transfer the information onto the Tree Diagnostic Report. This is the point where our system failed.

5. On 3&4 April 2017 our crew attended Wanniasa Hills Primary with the original tree report and carried out all items listed as a priority on the report. I have deliberately not included [REDACTED] in this email as she is extremely upset at what has occurred. If at all possible could you please exclude her from further communication on this issue and deal with me. [REDACTED] is a highly valued long serving staff member and normally incredibly efficient and diligent (refer to Mahbod Salahshor at ACT Property who has dealt with her for several years). She acknowledges that she was responsible for the oversight and is very distressed that this has occurred. She places unusually high standards for herself and as a result is probably more affected than normal by the incident. I would like to offer Wanniasa Hills Primary School some sort of appropriate remedy for this unfortunate incident. The remedy could be anything

related to our services,
however can I suggest we
plant a number of trees at
the school and maintain
them for a year to help them
establish (we are on the tree
planting panel for Urban
Treescapes so have an
expertise in that area). I
would be happy for the
school to nominate the
appropriate number of trees,
or other remedy if required.
Regards

Dominic Osborne
Managing Director
Treeworks (ACT/NSW) Pty Ltd
[REDACTED]

From: [OConnell, Jennifer](#)
To: [Hekimian, Richard](#)
Cc: [Chaston, Daisy](#)
Subject: FW: 2017 09 13 Education Directorate Heritage Assets External - Database [SEC=UNOFFICIAL]
Date: Wednesday, 13 September 2017 1:18:00 PM
Attachments: [Heritage Assets External Database.xlsx](#)
[RE 2017 08 11 Education Directorate Heritage Assets External - Database.msg](#)
[2017 08 11 Education Directorate Heritage Assets External - Database.msg](#)
Importance: High

Hi Richard

Can you please contact Fiona today if possible.

Cheers

Jen

From: Kidman, Fiona
Sent: Wednesday, 13 September 2017 9:23 AM
To: Chaston, Daisy
Cc: Moore, FionaF; OConnell, Jennifer; Morey, Teresa
Subject: 2017 09 13 Education Directorate Heritage Assets External - Database
Importance: High

Hi Daisy

Sorry to keep hounding you but I am still waiting on an update of the investigation into the Spook tree removed from Wanniasa Hills PS plus how the spread sheet previously sent through is progressing.

If you could provide an update and if possible a date when these issues may be completed respectively it would be appreciated.

Regards

Fiona

From: Kidman, Fiona
Sent: Friday, 8 September 2017 2:15 PM
To: Heritage
Cc: OConnell, Jennifer; Chaston, Daisy
Subject: RE: 2017 08 11 Education Directorate Heritage Assets External - Database
Importance: High

Daisy

Could you also provide an update on the investigation into the spook tree which was removed from Wanniasa Hills PS. Once again if you could provide an update and some kind of timeline relating to the actions you are following it would be greatly appreciated.

Thank you for speaking with me earlier hopefully this is an easy request to respond.

Regards

Fiona

Fiona Kidman | Assistant Manager - Asset Management Senior | Project Officer - External Learning Environments | Phone: +61 2 6207 0002 | Fax: +61 2 6205 9333 | Email: fiona.kidman@act.gov.au

Infrastructure & Capital Works | Education Directorate | ACT Government
Level 1 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 | www.det.act.gov.au

From: Kidman, Fiona
Sent: Friday, 8 September 2017 11:53 AM
To: Heritage
Cc: OConnell, Jennifer; Chaston, Daisy
Subject: 2017 08 11 Education Directorate Heritage Assets External - Database
Importance: High

Dear Heritage

Please see below resent request. It would be appreciated if you could provide a time frame for this information to be provided so I may report up the line.

Your assistance with my request is greatly appreciated and it is understood that you have resourcing limitations.

Regards

Fiona

Fiona Kidman | Assistant Manager - Asset Management Senior | Project Officer - External Learning Environments | Phone: +61 2 6207 0002 | Fax: +61 2 6205 9333 | Email: fiona.kidman@act.gov.au

Infrastructure & Capital Works | Education Directorate | ACT Government
Level 1 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 | www.det.act.gov.au

Dear Heritage

Please see attached a data base I have developed as a basis for seeking confirmation of heritage registered assets or items of cultural significance that are located on ACT public school grounds. This data base has been developed by EDU to raise awareness at the relevant schools and within Infrastructure and Capital Works.

It would be appreciated if you could provide some indication, noting that I have listed 177 sites, when we are likely to receive a response. As a first run a simple Yes or No would be fine and then I could chase up further information if that helps.

Your assistance with this request is greatly appreciated.

Regards

Fiona

Fiona Kidman | Assistant Manager - Asset Management Senior | Project Officer - External Learning Environments | Phone: +61 2 6207 0002 | Fax: +61 2 6205 9333 | Email: fiona.kidman@act.gov.au

Infrastructure & Capital Works | Education Directorate | ACT Government
Level 1 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 | www.det.act.gov.au

From: [OConnell, Jennifer](#)
To: [Simmons, Craig](#)
Subject: FW: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]
Date: Monday, 31 July 2017 12:52:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[20170605 - ACT Heritage file note for Access Canberra Investigations team - Wanniasa scarred tree removal.doc](#)
[image003.gif](#)
[image004.gif](#)

Hi Craig

The ACT Heritage Council met last week and are seeking an update on the Wanniasa scarred tree compliance matter. Could you please let me know how this is tracking.

Kind regards

Jen

Jennifer O'Connell | Manager, ACT Heritage

Phone: +61 2 6207 2179 | Email: jennifer.oconnell@act.gov.au

ACT Heritage | ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au



From: Russell, Meaghan

Sent: Monday, 5 June 2017 3:39 PM

To: Simmons, Craig

Subject: RE: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Hello Craig,

Following recent correspondence with Fiona, ACT Heritage has compiled documentation on the removal of an Aboriginal scarred tree at Wanniasa.

I will email original documents to you shortly, and attached for your reference is a file note summarising the timeline of events and related documents, and providing contact details for all parties involved in discussions to date.

In emails to follow, related information will also be provided, such as legislation, the 2006 RAO declaration, the 2005 interim places register entries, the 2016 Treeworks report and the February 2017 notice of decision by the Conservator refusing the tree removal application. Please contact me if you need any further information at this stage, or to organise the first meeting to discuss.

Note that Fiona Moore is currently on maternity leave, and that Jennifer O'Connell and myself will be the primary contacts for this investigation.

Regards,

Meaghan

Meaghan Russell | A/g Manager

Phone: 02 6205 5497 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au



From: Simmons, Craig

Sent: Thursday, 25 May 2017 4:17 PM

To: Moore, Fiona

Subject: Re: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Hi Fiona

Thanks for that, we will arrange a meeting after we have received your information.
Craig

Sent from my iPad

On 25 May 2017, at 09:36, Moore, FionaF <FionaF.Moore@act.gov.au> wrote:

Hi Craig,

I've asked the team to pull together a short timeline of events, including key parties involved and any associated material provided to ACT Heritage to date, to provide to you by the end of this week.

Regards,

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au/heritage

From: Rake, Gary

Sent: Friday, 19 May 2017 9:12 AM

To: Moore, FionaF; Simmons, Craig

Cc: Vest, Petra; OConnell, Jennifer

Subject: RE: Heritage: Wanniasa Spook Tree (Aboriginal scar tree)
[SEC=UNCLASSIFIED]

Sorry for the delay...Craig Simmons (cc'd) has said his team would be very happy to help us with an investigation to collect statements and ascertain the facts...from which point it would come back to us to determine any further action.

Rgds, G

From: Moore, FionaF

Sent: Wednesday, 17 May 2017 1:44 PM

To: Rake, Gary

Cc: Vest, Petra; OConnell, Jennifer

Subject: FW: Heritage: Wanniasa Spook Tree (Aboriginal scar tree)
[SEC=UNCLASSIFIED]

Hi Gary,

As discussed yesterday, just a friendly reminder re: following this up.

Regards,

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au/heritage

From: Rake, Gary

Sent: Thursday, 20 April 2017 1:00 PM

To: Moore, FionaF

Cc: OConnell, Jennifer

Subject: RE: Heritage: Wanniasa Spook Tree (Aboriginal scar tree)
[SEC=UNCLASSIFIED]

I'll contact them and come back to you.

From: Moore, FionaF

Sent: Thursday, 20 April 2017 12:17 PM

To: Rake, Gary

Cc: OConnell, Jennifer

Subject: Heritage: Wanniasa Spook Tree (Aboriginal scar tree) [SEC=UNCLASSIFIED]

Hi Gary

Thanks for meeting last week regarding the removal of the Wanniasa Spook Tree (Aboriginal scar tree) without approval.

The weekly brief has been updated with information regarding the issue.

Representative Aboriginal Organisations were notified last Friday by the Aboriginal Community Representative of the ACT Heritage Council.

ACT Heritage has also spoken to the Tree Protection within Transport Canberra and City Services. At this stage, they are unsure whether they will pursue the matter however, a determination has yet to be made.

You may recall, ACT Heritage advised that it does not have the expertise or experience to undertake compliance investigations. You noted that you may have a contact in Shared Services to undertake, at the least, the initial information and fact gathering to enable a determination to be made on whether or not an offence has occurred under section 75 of the *Heritage Act 2004*.

The parties involved appear at this stage to include:

- Infrastructure and Capital Works, Education Directorate;
- Wanniasa Hills Primary School, Education Directorate;
- ACT Property Group, Chief Minister, Treasury and Economic Development Directorate (CMTEDD); and
- Treeworks (ACT/NSW) Pty Ltd.

If you are happy to contact Shared Services directly, to seek assistance this would be greatly appreciated. We could then provide the area a detailed briefing.

Kind regards

Fiona

Fiona Moore | A/g Manager

Phone: 02 6205 9974 | Email: fionaf.moore@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au/heritage

From: [Lane, Annie](#)
To: [OConnell, Jennifer](#)
Subject: RE: items for Geoffrey [SEC=UNCLASSIFIED]
Date: Wednesday, 20 September 2017 4:50:12 PM
Attachments: [image001.gif](#)
[image002.gif](#)

Thanks Jen

[Redacted]

Annie

From: OConnell, Jennifer
Sent: Wednesday, 20 September 2017 9:22 AM
To: Lane, Annie <Annie.Lane@act.gov.au>
Subject: RE: items for Geoffrey [SEC=UNCLASSIFIED]

Hi Annie

For Heritage:

[Redacted]

- Unauthorised removal Spook Tree Wanniasa
 - 6 April 2017 – the Education Directorate reported the potential removal of a scarred tree at the Wanniasa Primary School. ACT Heritage immediately visited the School and confirmed the tree had been removed and RAOs were informed.
 - As previously discussed, ACT Heritage does not have the expertise or experience to undertake compliance investigations having lost compliance support through various Directorate moves.
 - In late May 2017, Gary Rake organised directly with Craig Simmons, Access Canberra Investigations Teams to undertake an initial investigation to collect statements and ascertain the facts...from which point it would come back to ACT Heritage to determine appropriate action.
 - On 5 June 2017, ACT Heritage provided Craig Simmons with a timeline of events, including key parties involved and associated material.
 - Since this time, ACT Heritage have tried to contact Access Canberra, Investigations Team multiple times via phone and email and has had no response.
 - The Education Directorate are chasing an update of where the investigation is up to.
 - As ACT Heritage is unable to obtain any response or information from Access Canberra, I would like to escalate this to a higher level in the event the Education Directorate raise this directly with yourself, Geoffrey or Ben.

Cheers

Jen

Jennifer O'Connell | Manager, ACT Heritage
Phone: +61 2 6207 2179 | Email: jennifer.oconnell@act.gov.au

ACT Heritage | ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

	
---	---

From: Lane, Annie


Sent: Wednesday, 20 September 2017 8:47 AM

To: Iglesias, Daniel; Tomlinson, Heather; Kitchin, Margaret; Glennon, Chris; OConnell, Jennifer; McKeown, Helen

Subject: items for Geoffrey [SEC=UNCLASSIFIED]

I have my regular catch up with Geoffrey tomorrow. Anything you would like me to raise?

Annie Lane | Executive Director Environment

Phone 02 620 59027 Mobile 

Environment, Planning and Sustainable Development Directorate | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au

From: [OConnell, Jennifer](#)
To: [gary shipp](#); [David Flannery](#); [Moore, FionaF](#)
Subject: RE: Wanniasia tree of Aboriginal Significance (Spook Tree) [SEC=UNCLASSIFIED]
Date: Thursday, 13 April 2017 1:49:00 PM

Thank you so much Gary for all your assistance.

As requested, below are the three links for everyone's information:

1. ABC Stateline transcript entitled "Cage of Ghosts" - <http://www.abc.net.au/stateline/act/content/2006/s2048778.htm> ;
2. A video by Dave Reid and a delightful comment from a viewer showing some ownership or attachment to the scar tree being at Wanniasia Hills Primary - <https://m.youtube.com/watch?v=ehLgGvsJpVg> ; and
3. National Library catalogue of a photo 1998 - <http://catalogue.nla.gov.au/Record/3306261> .

Cheers
Jen

-----Original Message-----

From: gary shipp [redacted]
Sent: Thursday, 13 April 2017 1:14 PM
To: OConnell, Jennifer; David Flannery; Moore, FionaF
Cc: [redacted]
Subject: Wanniasia tree of Aboriginal Significance (Spook Tree)

Dear Chair, Jennifer and others

In the absence of Euroka Gilbert, Jennifer OConnell contacted me on Wednesday 12 April 2017 requesting I contact the 4 RAO's in my capacity as the Aboriginal community representative of the ACT Heritage Council regarding the unauthorised removal of the Wanniasia tree of Aboriginal significance, also known as the Spook tree.

Following some brief research I located the following which are attached:

1. ABC Stateline transcript entitled "Cage of Ghosts";
2. A video by Dave Reid and a delightful comment from a viewer showing some ownership or attachment to the scar tree being at Wanniasia Hills Primary; and
3. National Library catalogue of a photo 1998.

Jennifer OConnell also provided the following advice that "an application to the Conservator of Flora and Fauna was made by the Wanniasia Hills Primary School to remove tree 14 (known as the Wanniasia Spook Tree). On 17 February 2017, the Conservator provided advice that the request for felling/removal of Tree 14 had not been granted".

My discussion via telephone with RAOs advised the following:

My name and phoning on behalf of the ACT Heritage Unit in the absence of Mr Euroka Gilbert. Advised that a tree of Aboriginal significance has recently been cut down and mulched. I then went on to say that the Heritage Unit is investigating the incident and taking the matter seriously. That we are in early days of the investigation and will contact each RAO later to provide a follow up etc. The investigation includes seeking formal submissions from all parties involved, eg, school, education dept, contractors, ACT Tree Unit etc.

The following RAOs were contacted on Thursday 13 April:

Ms Matilda House at 1125am;
Mr James Mundy at 1135am; and
Mr Wally Bell returned my call at 12 noon.

I also left a message with Mr Carl Brown at 1145am however, at time of writing this report (1310) he has not returned my call.

I trust this is suffice.

Regards
Gary Shipp

From: [EPSD Government Services](#)
To: [OConnell, Jennifer](#)
Cc: [Moore, FionaF](#); [Walker, IanS](#); [Crisp, Sarah](#); [EPD Ministerials - Environment](#); [Kelly, Shauna](#)
Subject: FW: SENSITIVE: CABINET - DUE TO GS 4 JULY 2019 19/XXX - MINISTERIAL STATEMENT - SCAR TREES
Date: Tuesday, 2 July 2019 11:40:34 AM
Attachments: [03_Final Review Documentation.ohr](#)

UNCLASSIFIED Sensitive: Cabinet

Hi Jennifer

I have checked Erin's diary and the latest that the package can be provided to her for clearance is Tuesday morning 9 July. I have provide a revised timeline below but can you please ensure that the package is with GS either late 8 July or first thing 9 July so that Erin can clear by COB 9 July as she is not available for the rest of the week.

Thanks

Patti

Agreement to introduce (Assembly Business Paper)	
Start drafting and a few days prior to EGM review a draft copy needs to be provided to Treasury (contact GS)	
Deliver to Executive Group Manager for clearance	Tuesday, 2 July 2019
Provide to Govt Services for QA - GS provide to DD-G for clearance	Tuesday, 9 July 2019
Govt. Services deliver to Minister's Office for signature	Friday, 12 July 2019
Minister clearance by:	Friday, 26 July 2019
Lodge with Cabinet Office on/or before 10am	Monday, 29 July 2019
Circulate for Final Review	Monday, 29 July 2019
Final review comments addressed	Tuesday, 30 July 2019
Cabinet Office deliver papers to Cabinet Ministers (min. 5 working days prior)	Wednesday, 31 July 2019
Cabinet meets (Tuesdays - unless a sitting week, then on Mondays)	Monday, 5 August 2019
Assembly introduction (usually on Thursday sittings)	Thursday, 15 August 2019

From: EPSD Government Services

Sent: Monday, 1 July 2019 4:19 PM

To: Moore, FionaF <FionaF.Moore@act.gov.au>; Walker, IanS <IanS.Walker@act.gov.au>

Cc: OConnell, Jennifer <Jennifer.OConnell@act.gov.au>; EPD Ministerials - Environment <EPDMinisterials-Environment@act.gov.au>

Subject: SENSITIVE: CABINET - DUE TO GS 4 JULY 2019 19/XXX - MINISTERIAL STATEMENT - SCAR TREES

UNCLASSIFIED Sensitive: Cabinet

Hi Fiona

As previously advised, please find attached, folder with relevant templates to progress this item. If possible it is required by GS by 4 July but given the tight timeframe please let me know if this is not achievable.

I have provided a timeline below for your information.

	Agreement to introduce (Assembly Business Paper)	
1	Start drafting and a few days prior to EGM review a draft copy needs to be provided to Treasury (contact GS)	
2	Deliver to Executive Group Manager for clearance	Thursday, 27 June 2019
3	Provide to Govt Services for QA - GS provide to DD-G for clearance	Thursday, 4 July 2019
4	Govt. Services deliver to Minister's Office for signature	Thursday, 11 July 2019
5	Minister clearance by:	Thursday, 25 July 2019
6	Lodge with Cabinet Office on/or before 10am	Friday, 26 July 2019
7	Circulate for Final Review	Monday, 29 July 2019
9	Final review comments addressed	Tuesday, 30 July 2019
11	Cabinet Office deliver papers to Cabinet Ministers (min. 5 working days prior)	Wednesday, 31 July 2019
12	Cabinet meets (Tuesdays - unless a sitting week, then on Mondays)	Monday, 5 August 2019
13	Assembly introduction (usually on Thursday sittings)	Thursday, 15 August 2019

Thanks

Patti

Dynamic Risk Assessment for:

Risk	Mitigating Actions
	1.
	2.
	3.
	4.
	5.
	6.
	7.



ACT
Government

Environment, Planning and
Sustainable Development



Parks and Conservation Service

WORKS PLAN –

Date:

Area Manager:

Work Area:

Author:

Plan Completed Internal Approval

INTERNAL APPROVAL:

_____/ / Ranger in Charge – Urban Reserves - South
Comment:

FINAL SIGN OFF

_____/ / Contractor

_____/ / Manager

Empty rectangular box for additional information or signature.

Works Plans are required if one or more of the following triggers exist;

Trigger	Activities
Chemical use	<input type="checkbox"/> All weed control works except those covered by a Weed Project Brief and Contract <input type="checkbox"/> All Bushfire Operations Plan works involving chemical control of regrowth <input type="checkbox"/> All vertebrate pest control works
Construction	<input type="checkbox"/> New fences, log barriers and/ or bollards <input type="checkbox"/> New dams <input type="checkbox"/> New walking trails or section of trail <input type="checkbox"/> New infrastructure including car-parks, sheds, toilets etc particularly where these do not trigger a DA or PA
Road works	<input type="checkbox"/> New roads or tracks <input type="checkbox"/> All road maintenance works (including: grading, cleaning of mitre drains and table drains; cleaning out of culverts)
Vegetation management	<input type="checkbox"/> All Bushfire Operations Plan works involving physical fuel reduction and fuel reduction grazing <input type="checkbox"/> All works involving problem / dangerous trees <input type="checkbox"/> Slashing / mowing of areas that have not been slashed / mowed by PCL previously <input type="checkbox"/> Grazing of areas that have not been grazed by PCL previously <input type="checkbox"/> All roadside grazing <input type="checkbox"/> All new landscaping works <input type="checkbox"/> All forestry operations (including ground preparation and debris removal), silvicultural or harvesting works
Legislative	<input type="checkbox"/> All works that have the potential to impact on declared threatened species or associations <input type="checkbox"/> All works requiring Nature Conservation Act licenses <input type="checkbox"/> All works requiring Dial before you Dig approval, <input type="checkbox"/> All works requiring Environmental Authorisations, <input type="checkbox"/> All works requiring Waterways Work Licenses <input type="checkbox"/> All works requiring Environmental Management Plans <input type="checkbox"/> All works requiring National Capital Authority Works Approval <input type="checkbox"/> All work on heritage sites (eg hut maintenance, work on Aboriginal art sites etc)
Aerial Operations	<input type="checkbox"/> All work involving aerial operations (including aerial spraying, baiting or culling)
Others	<input type="checkbox"/> All new erosion control works <input type="checkbox"/> All consultancy works <input type="checkbox"/> All works involving the culling or movement of native animals (except the urban wildlife program) <input type="checkbox"/> All works involving volunteers (eg CVA Green Corp) except Park Care) <input type="checkbox"/> All works where supervising Manager requests a Works Plan to be completed

Parks, Conservation and Lands



WORKS PLAN

WORKS PLAN:

Section 1. Outline

Management Program	Reserve / Area	District	Territory Plan Classification	Objectives

Section 2. Area Description

Hectares affected	Vegetation	Slope	Aspect	Land use	Sites of significance
					Aboriginal: European: Fauna: Flora: Endangered species: Riparian zones:

Section 3. Approvals and Clearances

District/City Services	Research and Monitoring	Fire Mgt	EPA	NCA	Heritage	Dial before you dig

ACT Planning & Development Act 2007

Environment Protection and Biodiversity Conservation Act

Section 4. Funding and Procurement

Item	Cost	Work Allocation	Procurement	Invoice sign off
Total				

Section 5. Site Establishment Plan

--

Work sheds	
Material Storage Areas	
Method of Demolition	
Waste Management Procedures	
Vehicle Access	
Tree Protection	
Verge Landscaping	

Section 6. Scope of works

Task Responsibility	
Specification	
District Input.	
Scope of Works	
•	
Task Responsibility	
Specification	
District Input.	
Scope of Works	
Environmental / heritage constraints	
All operations will cease when:	
<ul style="list-style-type: none"> ▪ Soils are saturated ▪ Turbid water flowing for more than 10m ▪ When machinery is causing rutting depth of more than 200mm below ground level ▪ All areas will be checked for suitable dryness before operation continues. 	

--

Heritage Advice

Section 7. Rehabilitation of Site	
Responsibility	Fire Management Crew

Section 8. Timeline				
Onsite inspection	Quotes close	Selection of contractor	Works commence on site	Works completed

Section 9. Consultation				
Community Engagement	Letter box drop	Park Care Group Other community groups	Individual residents	Media

Section 10. Risk Management			
Public safety	Work crew safety	Communications	Access/ Emergency Access

--

--	--	--	--

Section 11. Emergency Evacuation Plan

Mobile Phone Contact	<input type="checkbox"/> Reception quality Good <input type="checkbox"/> PCL Supervising Officer Contact No. Simon Tozer <input type="checkbox"/> Radio Channels Zone B Channel CNP TRN Radio
Emergency Evacuation Point	Description Best access; refer to maps Mobile Phone Reception Good
Ambulance Procedures	<input type="checkbox"/> Call 000 <input type="checkbox"/> Ask for the ACT Ambulance Service <input type="checkbox"/> Tell the operator the nearest suburb and location details of Emergency Evacuation Point <input type="checkbox"/> Tell the operator the nature of the injury <input type="checkbox"/> Provide any contact details that could be helpful (eg. Your phone number, radio frequency, details for PCL Supervising Officer)

--

