



PCU049245

PO Box 70
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4 November 2013

Attention: Director, Mining and Industry Projects
Development Assessment Systems & Approvals
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001



**Cowal Gold Mine: DA 14/98 MODIFICATION 11 EXTENSION
Objection**

Dear Madam/Sir

I have not made, and do not make, any financial contributions to any political party. I have always believed, for cultural and environmental reasons, that the Cowal Gold Mine should never have been approved. I am writing to lodge my objection to a further extension of the mine to 2024 for the following reasons:

UN Declaration on the Rights of Indigenous People

Although the Federal government has acknowledged it, and it is based on a number of international human rights covenants to which Australia is a signatory, Australian governments, including the New South Wales Government, ignore the UN Declaration on the Rights of Indigenous Peoples.

The Environmental Assessment (EA) does not take the Declaration and other international human rights law into account. It is conceded that Barrick does have "Indigenous policies" and consults Aboriginal people on some aspects of the mine and its operations, but the Declaration and its clauses are not mentioned anywhere in the EA. Our concerns are that the wider Wiradjuri were never given the opportunity for free, prior and informed consent to veto the mine although there were many Wiradjuri signatories to a petition run against it.

We are not given the opportunity for free, prior and informed consent either about what happens about, and at, the mine apart from being able to put in submissions like this and sometimes taking part in archaeological meetings and surveys, which we know are only window dressing. We expect the New South Wales Government will give the go ahead for this expansion as the government is hand in glove with mining companies and is happy for Aboriginal cultural heritage to be destroyed further so it can make \$50 million out of this expansion. (A very small amount when you consider how much profit international mining companies take out of New South Wales and Australia as a whole). Our cultural heritage is priceless but we, the Wiradjuri who

care about it, have had no say. The government and the mining company struck a secret deal with a small minority of Wiradjuri who sold out our past and our future heritage without authority.

The consultation with most of us on archaeology is limited and recently, as a concession, after many years of asking, some of us were allowed to view artefacts—made by our ancestors—that are held in a shipping container onsite at the mine. We were never allowed to veto the mine or any modifications to it that have destroyed our ancient cultural heritage at Lake Cowal, although I took cases to court in the hope that we might be successful in stopping the mine and the destruction of our heritage that is thousands of years old—older than the pyramids of Egypt, if not older. I was successful only in delaying some exploration and mining operations. The mining company is all-powerful, with massive amounts of money to pay the best barristers. We have virtually nothing and have had to rely on the help of whoever could raise some funds or provide free legal assistance. All those years of appearing in court have also taken its toll on us and a number of our supportive Elders have passed away over the years of our struggle (in its 13th year). Now access to the courts is virtually cut off from us with new government policies that have slashed legal aid, particularly for environmental cases.

Aboriginal Cultural Heritage

It is heartbreaking to know that the proposed extension to 2024 will continue the damage and destruction of irreplaceable Aboriginal cultural heritage at Lake Cowal that has been carried out since mining exploration began in ML 1535 and beyond for an electricity transmission line, bores and water pipeline.

While an Aboriginal Cultural Heritage survey for the expansion was carried out in May 2013 and some of us were “consulted”, the mining company only advertised for expressions of interest in the survey from Aboriginal people in local newspapers, not in the Aboriginal media as I have suggested many times. Aboriginal people are more likely to read *The Koori Mail*, *The Indigenous Times* and *Tracker*, to listen to Aboriginal radio stations and to watch television stations that show Aboriginal news such as the ABC, SBS and NITV. This means that Wiradjuri people with bloodlines and connection to Country, who might have wanted to register for the May 2013 survey, could have missed out, even though we try ourselves to let people know when these types of “consultation” come up.

Some of us have also been harassed and humiliated by archaeologists who treat us as if we know nothing about our ancestors and archaeology because most of us don’t have university degrees. They also highlight “archaeological and scientific significance” and play down what really matters—the significance of the whole of Lake Cowal and the surrounding Country to us as the sacred heartland of the Wiradjuri Nation.

Although some areas where Aboriginal sites are located, or places that are potential burial sites will be “avoided” in the new expansion, it is inevitable that more Aboriginal artefacts and possibly scarred trees will be damaged or destroyed. We can do nothing to stop any of this as the mining company and the supervising archaeologist have a Section 87 and a Section 90 permit and consent to destroy under the National Parks and Wildlife Act.

The NSW Government is considering changes to the Aboriginal cultural heritage regime, however, if they are positive, they will be too late for Lake Cowal because so much damage and destruction has already taken place there. Once Aboriginal heritage is gone, it is gone forever. The expansion will only make this worse, as it is inevitable that more Aboriginal sites and artefacts will be disturbed and destroyed.

Health issues

The mining company most likely knows about, but does not understand or care that mental and physical harm have occurred to some Wiradjuri because of the cultural obligations we have to conserve and protect our heritage. Some Wiradjuri who worked for the mine realised they were doing the wrong thing by being involved in destroying artefacts and scarred trees and have had to live with the anguish of this after they left the mine.

Mental harm will continue to many Wiradjuri who continue to take part in the destruction of our heritage. Physical harm may also occur to Wiradjuri and other workers at the mine from accidents, dust build up in the cabins of trucks and possible pitwall collapses to name a few possible causes. The expansion can only add to these possibilities.

Animals and Plants

To our knowledge no Aboriginal people have ever been involved in any of the animal and plant studies at or near Lake Cowal referred to in the EA. Although there have been many studies of animals and plants at and around Lake Cowal, the EA focuses mainly on threatened species. While it is expected and appropriate that threatened species should be studied for the EA, it does not address, apart from scarred trees, the cultural significance of animals and plants at the lake or in the region to the Wiradjuri people and the effects on the Wiradjuri of damage and destruction of animal and plant species. There are still plants at and near Lake Cowal that Wiradjuri use even today for ceremonies and medicines as well as scarred trees, some of which have been identified and a few protected as part of the archaeological surveys for the mine.

We don't believe in 'offset areas' as they do not replace areas of habitat destroyed to make way for the mine and expansions of it, as they may involve the planting of new trees and shrubs that could take many years to grow and/or be subject to conditions such as they do not grow at all. For example, we witnessed many thousands of seedlings, that the mining company had planted, die in the most recent drought owing to lack of water and perhaps because of saline soils. In the meantime what happens to animals and birds displaced from the habitat destroyed?

Nor does the EA address the effects of the mine and the proposed extension on all protected species in the Lake Cowal area/region. For example, while emus, goannas, kangaroos and wallabies are protected, they are not considered threatened in the region but they are all very important to us. We have witnessed a big decline in some species near the lake such as large goannas (Lace Monitors) since the Game Reserve (now part of the pit void) has been destroyed. There were goannas and other smaller lizards as well as birds and other animals and plants present on the former Game Reserve before mining exploration and operations began at Lake Cowal. We have no idea if there was any program, such as capturing and removing any species to safety,

conducted by the mine and/or the NSW Government to protect animals and plants on the Game Reserve before it became part of the pit void.

During the drought that ended in 2010 there were only a few emus not far from Lake Cowal. Since the drought broke we have been excited to see the numbers of animal and plants, including the number of emus at and near the lake increase. But over the years since the mine began operations, we have seen emus inside fences and getting through fences, close to the tailings ponds. I have personally witnessed also, from the air, birds on the tailings ponds. Despite many requests for reports on animal and bird injuries and deaths inside the MLA and near the mine, the mining company has never provided us with any of this information, even though animals and plants are part of our cultural heritage and very important to us. We continue to be very concerned that all protected species inside the MLA and nearby will decline if not disappear, whether they are considered threatened or not. Despite many requests for more information such as reports on animal and plant surveys conducted in recent years at Lake Cowal, none have been provided to us. So we are unable to comment on them other than to say that clearing of any native vegetation will contribute further to the loss of habitat for native animals, birds, insects etc. 'Offset areas' do not make up for what has already been lost and what will be lost as a result of the expansion.

Over recent years there have been fish and yabbie deaths at Lake Cowal. The most recently reported yabbie deaths this year being officially put down to infection with a type of flatworm. Although the Department of Primary Industries issued media releases about the yabbie deaths, requests for further information about the cause of these deaths and reports on the water quality in Lake Cowal have not been successful.

While the EA suggests that the mine has not had a detectable impact on Lake Cowal ecology, you do have to ask what has happened to those animals and plants recorded in, at or near Lake Cowal—even as short a time ago as the 1970s—that are no longer listed as having been seen in recent years. While their decline and disappearance might be in part due to agricultural practices, drought and other factors, the existence of the mine in the area cannot be ruled out as a reason for their decline or disappearance. A further expansion of the mine can only make things potentially worse for local animals, birds, plants, fish, insects etc.

Climate Change

The EA for this modification, previous modifications and the Environmental Impact Statements for the mine have not addressed the potential impacts of climate change, other than for greenhouse gases. The EA does not address the potential of increasing extreme weather events on the mine site, Lake Cowal and the surrounding area.

1. Bushfires

The EA indicates that the risk of a high frequency fire would not increase as a result of the proposed expansion. As this submission is being written (October 2013), New South Wales is in a State of Emergency owing to bushfires—a massive fire front is raging west of Sydney. While bushfires are not unheard of in New South Wales in October, bushfire experts and climate scientists have suggested that the link between global warming and fires is established and demands action. Global warming is leading to extreme weather conditions causing much bigger and stronger bushfires, floods and storms.

The Cowal Gold Mine is located in Central Western New South Wales. Bushfires have occurred in the vicinity of the mine since it began operations in 2006. While the causes of these fires were mostly all decided as being caused by humans, there is always potential for more fires, either caused by accident, human intervention or naturally, at the mine site, near the lake and in the surrounding area. Any more extreme weather conditions in New South Wales in the coming months have the potential to cause much worse bushfires in Central New South Wales than have previously been experienced. The area around Lake Cowal is just as vulnerable as anywhere else and the expansion of the mine only adds to the potential for extreme weather events to affect the mine and the surrounding environment—the pit void and the waste rock emplacements will be bigger, adding to the risk of catastrophe.

2. Storms and Floods

There is considerable data going back to the 19th century on floods at Lake Cowal and in the region. Many of our old people, some of whom have passed away, have often warned of the potential for a very large flood that could inundate not only the lake but the mine itself, despite the protection bund. The EA does not address how climate change and extreme weather conditions could potentially increase the possibility of floods of massive proportions in Central New South Wales that could affect Lake Cowal.

The proposed expansion only adds to the potential effects on the environment and local landholders the mine might have in the event of a catastrophe caused by extreme weather events such as fires, floods, dust storms or earthquakes (see further below).

Dust

Dust is another issue that concerns us. Although there is a dust suppression plan, dust from the mine still affects workers, the local environment, including the lake, and properties. Dust has the potential to become part of large dust storms that do occur in Central New South Wales. There is always potential for dust from the mine to end up in one of these storms that can affect towns and cities far away, even Bass Strait and the Tasman Sea. The proposed expansion of the mine can only add to the burden of dust in the atmosphere with potential to affect widespread areas around and away from the mine.

Greenhouse Gases

While the EA for Modification 11 does address the issue of greenhouse gases, this was on the basis that the carbon tax would mitigate emissions from the mine.

If the new Abbott Government is successful in abolishing the carbon tax and does not introduce an alternative scheme to reduce green house gas emissions, the Cowal Gold Mine will continue to add to New South Wales' and Australia's greenhouse gas load, global warming and the potential for more severe weather scenarios in the Lake Cowal region.

Earthquakes

The Cowal Gold Mine is located in a moderate earthquake zone but the EA does not address this or any possibility that an earthquake could occur in the Lake Cowal region and affect the mine. The risk assessments for the mine date back to the 1990s and have not, to our knowledge, been updated since then, despite new earthquakes occurring in the Central West area since 2005. The proposed expansion adds to the potential for a catastrophe to occur at Lake Cowal should even a medium earthquake occur in the region—the pit void would be larger, the waste rock emplacements higher, the sides of the tailings ponds also higher.

Mine Safety

After discovering a pitwall collapse during a flyover of the Cowal Gold Mine in 2008, an FOI request revealed that up to that time there had been 20 pitwall collapses, however the public did not know about them. Although the mine wall was rebuilt and supposedly strengthened after the 2008 incident, we continue to be concerned about safety at the mine for workers and the area as a whole. The proposed expansion, which involves an extension of the pit void, only adds to a potential calamity should another major pitwall collapse happen, a major flood occur, or an earthquake hit the Lake Cowal area in the future.

Water systems

We were told on good authority some years ago that it is inevitable that cyanide and other toxic substances will leak into the water systems near the mine and eventually migrate to ground and surface water systems. This may happen soon or could take many years. No-one really knows what the long-term impacts of the mine might be, but what is certain is that whatever they are, they will be on future generations and the ecology of the Central West and parts of the Murray-Darling Basin. The expansion of the mine can only add to the potential effects that the mine will have in the future. The Precautionary Principle should be followed but was thrown out the window when the mine was given the go ahead. The expansion only adds to the dangers to water systems, particularly once the pit void is filled with toxic, saline water.

Landholding

After Barrick acquired the Cowal Gold Mine, the company began buying up local agricultural properties. This is concentrating 'ownership' of land at and around Lake Cowal into international hands. The Wiradjuri are among the Aboriginal nations who never ceded sovereignty over their lands. We regard Lake Cowal and the area around it as the sacred heartland of the Wiradjuri nation, which is the largest Aboriginal nation in New South Wales. Wiradjuri country stretches north to Nyngan, from Hay in the West to the Blue Mountains in the east and over the Murray River, south into Victoria from Albury-Wodonga. The Wiradjuri nation includes all those lands that non-Aboriginal people have squatted on or bought from government or privately. So it includes the properties Barrick has bought from local landholders and in some cases still operates. There are also landholders near Lake Cowal, who have the option to sell to the mining company should they wish because of dust, noise, blasting or other reasons. Some of these properties extend into the bed of the lake. Lake Cowal was once an Aboriginal sanctuary and later was granted government Nature Reserve status, subsequently revoked. In the 1990s, the Lake Cowal-Wilbertroy Wetlands was also considered to be worthy of listing as a Wetland of International Importance under the Ramsar Convention, but this never happened as mining interests took over the

area. At the time of the original EISs done in the 1990s, the then Department of Environment and Conservation indicated that the lakebed should not be used for activities such as cropping. Although the lake has water in it at present, we know that there are locals who grow rice in the area and graze sheep (that potentially pollute the water) at its edges. We continue to be very concerned about the use of the lake and its surrounds for agricultural and mining activities. As scientists like Professor Goldney concede, agricultural activity in the Lake Cowal area over a long period has affected the landscape and local species. But no-one really knows what the long-term affects of the mine will be on the local environment, or the buy up of properties around Lake Cowal by an international mining company not subject to scrutiny by the Foreign Investment Review Board. The further expansion of the mine could lead to more buy-ups of properties from local landholders, concentrating land "ownership" further in the hands of a multinational mining company.

Potential sale of Cowal Gold Mine

Owing to the downturn in the price of gold, Barrick has already sold three of its mines in Western Australia and has sacked more than 60 workers, including five at the Cowal Gold Mine. This is hardly good news for local mine workers who must feel uneasy about the future of their jobs, with or without an expansion to 2024. The Socio-economic Assessment in the EA states that the expansion will not provide any more jobs at the mine. Although Barrick denies that it will sell the Cowal Gold Mine, the potential sale of the mine to another company would further undermine confidence in job security.

Many of our people still live in poverty. The Cowal Gold Mine has not benefited many of our people at all. And those it has benefited could have received the same kinds of training, jobs and scholarships through normal government channels. We believe that Wiradjuri and other Central-West people need education and training to fit them for long-term jobs in sustainable industries such as in the agricultural, cultural heritage, renewable energy and service sectors rather than in the volatile mining industry. Governments can help create these types of jobs. We don't need short-term mining companies in the Central West.

This application for an expansion of the mine to 2024 may also be related to making the mine appear appealing to a potential buyer. We never ceded sovereignty over the Wiradjuri nation, nor agreed to the acquisition of Wiradjuri Country. We do not support the sale of any of it either by private landholders or Barrick itself to some other mining company, be it Australian or international. The approval of an expansion to 2024 only makes the mine more saleable to other interests. We oppose the expansion and any such sale.

Sincerely



Neville Williams

