

**Murong Gialinga Aboriginal and Torres Strait Islander
Corporation**

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14/11/12

NSW Planning and Infrastructure

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Summary

We are writing this submission as we are concerned about the impact of the cobbora mine project on Aboriginal cultural heritage. The mine site is rich in Aboriginal culture heritage and contains many important objects both on the surface and below the surface. We are concerned that the assessment undertaken has not considered sufficiently the impacts of the project on Aboriginal cultural heritage, because not enough time has been spent surveying the site for significant sites.

As per our letter from 9th April 2012, we maintain that all Aboriginal artifacts in the Cobbora Coal Project area should be collected and be placed in a keeping place on country all Aboriginal stakeholders to have equal say on this, the artefacts be returned to country when the mine life finishes we would like this in written form from Cobbora. A commitment from Cobbora to have a storage facility on site to keep objects in is not enough.

We understand that this project is to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act) as a transitional Part 3A project under Schedule 6A of the EP & A Act.

Public interest and intergenerational equity

We understand that the minister is making a decision under Section 75J of the EP&A Act to give approval to carry out the project must consider the public interest. (Minister for Planning v Walker 2008} NSWCA 224 at {41}. We also understand that the public interest includes the concept of Ecologically Sustainable Development (ESD)

These former employees have returned to their country and cannot be contacted. However their views have been communicated to our community as well as at the aforementioned meeting.

In the archaeological survey carried out by Mr. Neville Baker in October 2011 there was focus on core artifacts only and Mr. Neville Baker was not interested in rock shelters.

Despite oral submissions as to significance given to Mr. Neville Baker during the survey by our employees, only those artifacts he deemed scientifically significant were recorded in the Environment Assessment.eg CORES AXES BLADES

As the project area is large and very rich in culture, Dr Tim Owen in the beginning the archaeological survey in 2009, stated that salvaging of Aboriginal objects would take at least 12months. However we have heard that the time for salvaging has been reduced to three to six months. For a project this unprecedentedly large, it is important that a more cautious time frame be adopted for the recovery process. Therefore we submit that the time for salvaging be kept at the recommended time of 12 months to enable it to be done properly.

We would like a keeping place for all Aboriginal objects ,and all Aboriginal stakeholders must have a equal say in the keeping place. The project should be fund this and work with all stakeholders on this ,such as donating a house on Cobbora to safeguard the objects .It is not enough for the project to store the objects on site ,but the Aboriginal community needs to be able to manage and control and ensure a keeping place. This is necessary to be able to later return \all objects to country and ensure future generations to hold onto their cultural heritage.

Finally ,we would like to add that drill sites should be monitored by a Aboriginal representative from the registered stakeholders on a roster system ;as objects can come to the surface whilst drilling is happening. This is a common practice in our experience ,and is necessary as the Cobbora area has a large number of artefacts already found. Also if Aboriginal Stakeholders are rostered for amount of days these days will be invoiced even if the days are cut short by the archaeologists or by weather conditions.

Burra Charter

The Burra Charter sets out our standards of practice for those who provide advice ,make decisions about ,or undertake works to place of cultural significance ,including owners, managers and custodians.

Artical3.1 of the Burra Charter provides

Conservation is based on a respect for the existing fabric, use associations and meanings .It requires a cautious approach for changing as much as necessary but little as possible.

Where developments occur over a large area the sampling regime must encompass the geographic extent of the development".

Step 3 to these Guidelines further states;

The synthesis and integration of the information collected will provide the description of the Cultural Landscapes to provide the basis for indentifying the range of heritage values present.;

We state that the project's Environment Assessment has been inadequate in identifying the Aboriginal cultural area within the project area .Since the new archaeologist Mr. Neville Baker assumed responsibility from Dr Tim Owes , the consultation and survey process has lacked diligence, and respect for the input of the key Aboriginal Stakeholders...

Our former employees who participated in the survey carried out by Mr. Neville Baker in October 2011 have brought to our attention that:

- (1) The archaeologist did not listen to their views on culture Example * do all the survey on foot not to drive in areas as artifacts can be destroyed or damaged if driven over...
 - *To record all artifacts not just the ones he thought were significant.
 - *To survey more of the area where they thought artifacts might be.
- (2) Our culture did not appear to be important to him
 - * to listen on their views on culture and above all respect our culture where they wanted to go over The other side of a hill as they were sure artifacts would be found.
 - Their options Knowledge wasn't listened to
- (3)The process was distressing and employees wrote on their tasks sheets in their own language due to frustration
 - These concerns were spoken at with the former employees also at a general meeting also we rang Mr. Steve Ireland and had a meeting with him and Mr. Tony White the people from Murong Gialinga who attended this meeting were as follows Debbie Foley Secretary , Larry Foley Chairperson, Larry Flick former employee.

These former employees have returned to their country and cannot be contacted. However their views have been communicated to our community as well as at the aforementioned meeting.

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Article 28.1 of the Burra Charter provides

Article 28.1 of the Burra Charter Disturbance of significant fabric for study, or to obtain evidence should be minimized. Study of a place by any disturbance of the fabric, including archaeological excavation, should only be undertaken to provide data essential for decisions on the conservation of the place, or to obtain important evidence about to be lost or made inaccessible.

Regards

Debbie Foley

Secretary

D. Foley