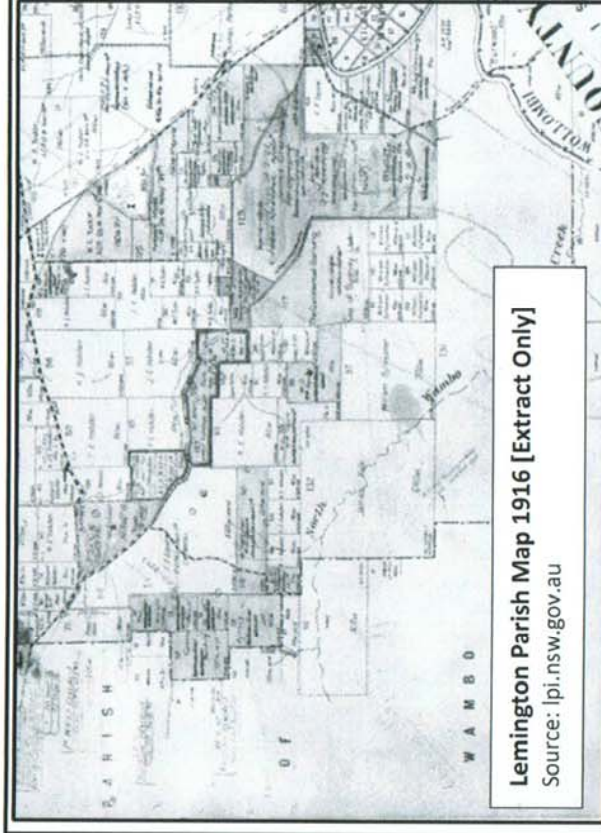


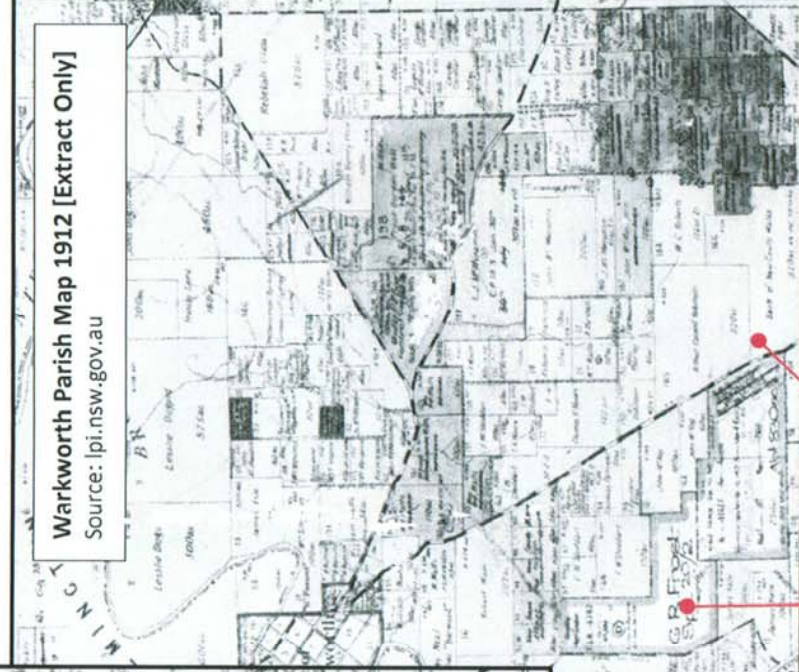
Tocomwall Pty Ltd August 6 2014

PUBLIC SUBMISSION RE: SSD 6464 Warkworth Continuation 2014 Environmental Impact Statement

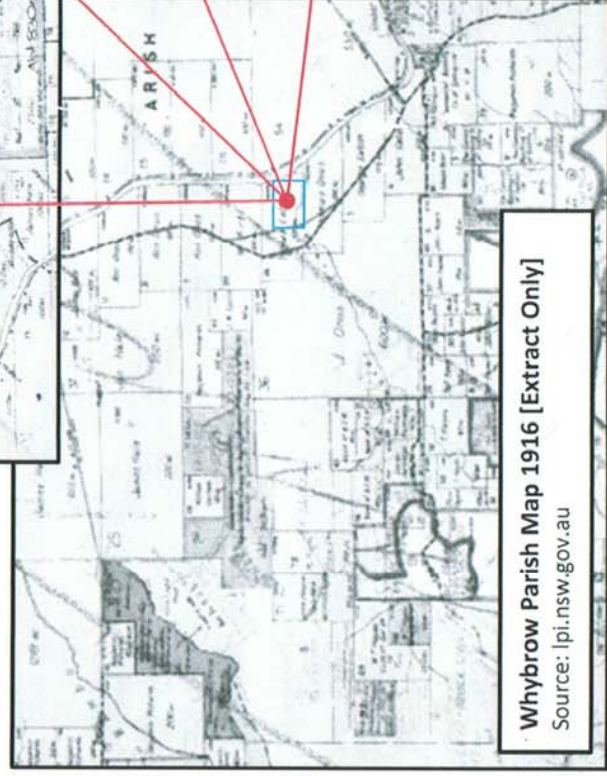
Attachment 4b: Historical Map Composite of possible locations of Bulga Bora Ground relative to 1918 description of it being located 2 miles Eather Property [blue rectangle].



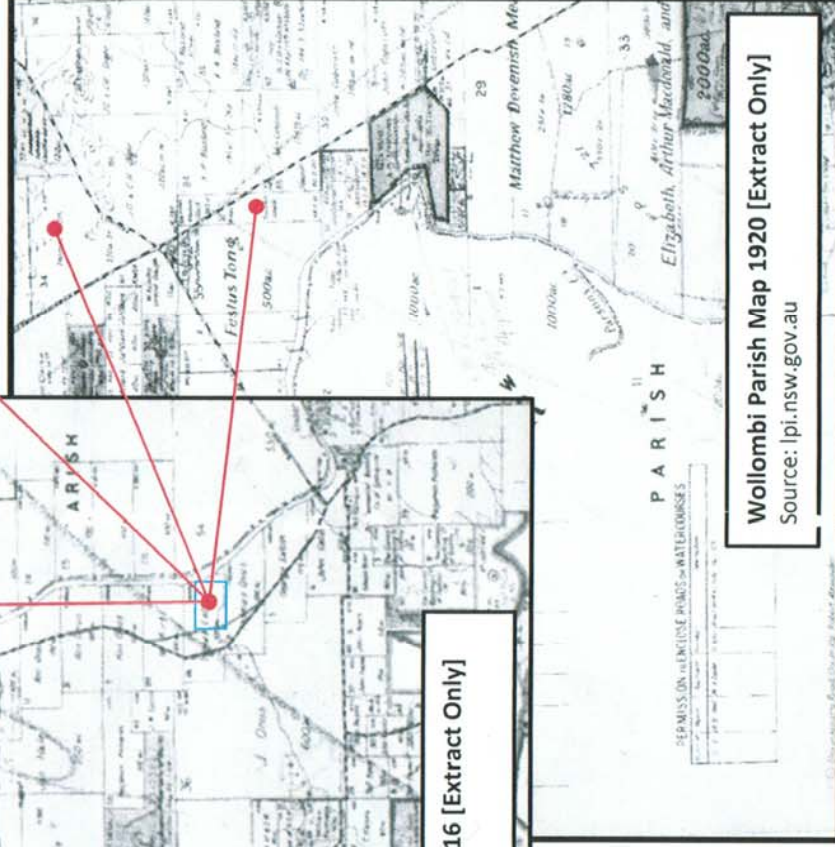
Lemington Parish Map 1916 [Extract Only]
Source: ipi.nsw.gov.au



Warkworth Parish Map 1912 [Extract Only]
Source: ipi.nsw.gov.au



Whybrow Parish Map 1916 [Extract Only]
Source: ipi.nsw.gov.au



Wollombi Parish Map 1920 [Extract Only]
Source: ipi.nsw.gov.au

Marcello Saponaro,
Assistant Director
Enforcement Operations
Australian Competition and Consumer commission.

Re: Your reference 1840726, Supply of Aboriginal cultural heritage field services in the context of the Competition and Consumer Act 2010 (Cth)

Dear Marcello,

In addressing the allegations (which would be laughable if it was not for the cruel intent to terrorise and frighten the Aboriginal community with them by which ever lowlife made them), the mining companies, as we are often told and reminded, can employ whoever they please under any conditions so long as they do not breach any governing legislation. Most mining companies DO NOT offer works related to culture and heritage out to tender. If they do I am yet to see such a tender.

As part of their conditions of consent to mine, Mining Companies (and other major developers) are required to consult with ALL Aboriginal persons who want to be consulted in matters relating to cultural heritage and have expressed such interest in writing. In some cases it is also a condition they demonstrate ongoing consultation in the ongoing management of cultural sites and landscapes. As part of the process they are required to advertise the consultation and give notice of meetings. As a LALC when requested we submit a list of groups and individuals whom we know that wish to be consulted in their own right to the mining company (or their consultant) as well as distributing any notice we receive to our network, and also post to our facebook page. Some companies have stakeholder consultation groups that meet either annually, six monthly or quarterly. Coal and Allied have one such group, as do Xstrata Mangoola, Xstrata Bulga Operations, Liddell Coal and Ashton Coal. There are others as well however they all pretty much operate the same way. Besides having a core membership that they (the mining company / developer) write /email



direct notification to of meetings, also advertise in media in accordance with the Office of Environment and Heritage Aboriginal Cultural Heritage Consultation Guidelines. I am unaware of any mining companies or developers who currently do not follow these guidelines. Often the mining companies/ developers want to reduce the size of these stakeholder meetings and Xstrata/ Glencore (in particular) have on a number of occasions put forward the idea of a small (8 to 10 member) consultative group. Our LALC has always objected to these proposals on the grounds that if groups and/or individuals were happy to give up their rights to be consulted to other groups and/or individuals they would not put their hand up to be consulted separately in the first place. Our position is and always has been that any stakeholder who wishes to be involved in the consultation/ decision making process with regard to the management of their culture, who has a right to be involved under legislation, should be given that opportunity.

As I stated earlier Mining companies are able to employ anyone they chose. They are not required to tender if they chose not to. As part of compensation for impacts to sites and landscapes of cultural significance (and in attempts to achieve good will from the Aboriginal Community) Mining companies and developers usually choose employ Local Aboriginal people in the casual cultural sites field work. However because of the costs involved and limited amount of work Mining companies /developers offer these works as sub-contractor contracts because they do not wish to directly employ individuals. Each Mining Company / developer sets their own rates of pay. These rates are discussed during the consultation process and the rates are based on historical payments during other works. For information the rate for working with most developers / mining companies is less than \$70.00 per hour plus travel, the Roads and Maritime Services rate for the same works is \$110.00 per hour plus travel.

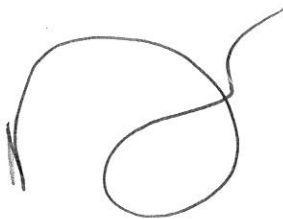
Also negotiated during the consultation is "Who should get work". Again this is a decision made by the Mining Company / developer. Our LALC advocates that whatever rules are agreed to those rules must apply equal to all concerned. That is that if a set of criteria is to be applied that it is applied to everyone (for Coal and Allied and Glencore this criteria is: Must be an Aboriginal Company within the Wanaruah LALC Boundaries (the Upper Hunter 15,000 square Kilometres) or be a Wonnarua descendant living anywhere). Our LALC also advocates that if the work is not being tendered out then all stakeholders who meet the criteria and want to work, then the work should be divided equally. If there are 20 man days of rostered work and 20 groups they get 1 day each. If there is 20 weeks and 50 groups they get 2 man days each.

There are those who do try to get more than their share of work given to the community as a whole, which is normal enough with any community, however we do our best to ensure this does not happen. This becomes difficult when companies (Xstrata /Glencore being one) who like to cause disunity and conflict to divided the community, set rosters that are unfair and favour the few over the many. They try to corruptly "buy" support from those who have no

interest in cultural sites except for how much money they can make from it. Unchecked this kind of behaviour destroys communities. Our LALC does its best to combat these low life scum by keeping our community informed and speaking out against such behaviour.

If you want I am happy to invite you as a guest to the next such meeting/s when they occur. I also encourage you investigate these allegations fully, as I believe they were made by the complainant/s with full knowledge that no such cartel behaviour was occurring and they were made with the malicious intent to terrorise and frighten the Aboriginal Community. Those responsible should be held accountable for their disgusting actions.

Yours Truly

A handwritten signature in black ink, consisting of a large, stylized 'N' followed by a loop and a trailing line.

Noel Downs
CEO

22. 7. 2024