

ADDENDUM TO COOK FAMILY SUBMISSION DATED OCTOBER 2016
ON THE
ROCKY HILL COAL PROJECT (RHCP) SSD-5156

1.0 EXECUTIVE BRIEF

“The Bucketts and the Mograni look down upon this valley; it is a very spiritual and sacred place. You might not see them clearly. If you belong to Country you feel the spirit and hear the rivers flow and you know that your Ancestors are still here with nature and it is not just in one spot; it runs through the valley.

Surrounding tribes would come together here for food, marriages, Family ties, hunting, gathering, song, dance, initiation and The Dreaming. There was not one leader (or king) but several leaders e.g. medicine man, lawman, knowledge holder, at these events. You were given your sacred knowledge.”

The problem we face today is about giving effect to respect to Aboriginal culture, understanding Aboriginal concerns and giving practical effect to reconciliation. Gloucester Resources Limited (GRL), its consultants and the government have demonstrated their unwillingness to engage with our Aboriginal heritage, history, culture and the spiritual dimension permeating all aspects of our life and beliefs.

What is happening, with the GRL proposal to wholly destroy our Country, mimics the historical relationship between government and our People - relegate, move and dismiss – which we had hoped was now a relic of the past. It seems little has been learned and there is little interest in acting conscientiously for Aboriginal culture. Greed and the law seem, still, to be more important drivers.

Under section 79C of the *Environmental Planning and Assessment Act 1979* the following considerations, amongst others, must be taking into account when determining the RHCP proposal:

- The likely environmental and social impacts of the proposal.
- The public interest associated with the proposal.

This submission argues that the adverse environmental and social impacts of the RCHP (both direct and indirect) will be highly detrimental to Aboriginal people of the Gloucester area. The RCHP will result in the destruction of Aboriginal culture and heritage, and the destruction of cultural connections to the land, and for these reasons fails to promote the public interest. This submission further argues that these impacts have not been appropriately assessed in the cultural heritage reports contained within the Environmental Impact Statement (EIS) for the RHCP. In this regard, this submission addresses the following points:

- The EIS fails to assess the broader cultural values of the land to Aboriginal people, as opposed to individual archaeological sites.
- The Gloucester valley and surrounding country is an important centre for our Aboriginal culture and has had continuous occupancy to today.
- The first people of this land were displaced from their lands to reservations and missions. We cling to the knowledge and culture symbolised by the lands of the Gloucester Valley. The RCHP proposal threatens the permanent destruction of our lands and the cultural values associated with them.
- The bungling, ill-informed and convenient 'consultation' with Aboriginal interests in the EIS was inadequate, and therefore the assessment of Aboriginal cultural heritage within the EIS was also inadequate.
- The EIS contains dismissive/offensive arguments regarding travelling routes being of no consequence.
- The EIS contains misrepresentations stating that superficial and inadequate/misguided consultation was legitimate and that it somehow conveyed Aboriginal agreement to the GRL proposal.
- We strongly oppose the GRL proposal for the RHCP.
- We are offended that meaningful consultation has not occurred.

Further, we strongly believe that the public interest is best served by the preservation of living Aboriginal culture and heritage, and continuing connections with the land, not by the mere management (i.e. excavation and relocation) of individual Aboriginal archaeological sites identified within the Project area. The government needs to move away from accepting that Aboriginal culture and heritage will inevitably be destroyed by proposals such as the RHCP. Instead, it should be recognised that the protection of Aboriginal culture and heritage is the starting point when it comes to assessing the public interest, and that any other economic or social benefits associated with the operation of the RCHP are secondary considerations.

Destruction For What?

Finally we note that in this current spirit of reconciliation and recognition of Aboriginal heritage, the GRL proposal - which is fostered by Government - stands out as an extraordinary contradiction.

It is extraordinary in that the GRL proposal will obliterate our Country our heritage and spiritual connection for an inconsequential addition to coal production and a questionable contribution to NSW.

For these reasons, too, we oppose the Government processes that enable this and again emphasise our complete opposition to GRL's proposal.

2.0 BACKGROUND TO THIS SUBMISSION BY THE COOK FAMILY

2.1 Introduction

This submission is made on behalf of the descendants of Jack Cook and Jesse Brummy, First Nation people of the Gloucester and surrounding area. Jack Cook was an Aboriginal Elder who was born in 1838. He was a traditionally initiated man of the Gloucester - Barrington

Tops area and died on 7th August 1925, aged 87 years. Jesse (Brummy) Cook was born around 1850 at Copeland and died at the Lower Bowman in 1942.

The Cook Family opposes the development of the Rocky Hill Coal Project (RHCP) proposed by Gloucester Resources Limited (GRL). As described in this submission, this development would have a massive and totally unacceptable impact on the Aboriginal cultural values of the Gloucester Valley. It is beyond our understanding as to how the State Government could even consider such a destructive development in the proposed location.

The emotion that is stirred up by the possibility that the area that holds our Ancestor's spirits may be changed forever and no longer a place of wellbeing for people that share our connection to the place, is crippling.

2.2 Director General's Requirements for Aboriginal Heritage

The Director General's Requirements (DGRs) for Aboriginal Heritage for the Rocky Hill Coal Project which is proposed to be developed by GRL, are:

"Heritage – including: - an Aboriginal cultural heritage assessment (including both cultural and archaeological significance) which must:

- demonstrate effective consultation with Aboriginal communities in determining and assessing impacts, and developing and selecting mitigation options and measures; and
- outline any proposed impact mitigation and management measures (including an evaluation of the effectiveness and reliability of the measures)."

There is one extremely important aspect of these requirements; that is, the statement in parentheses regarding "both cultural and archaeological significance". While it is the intention of the *National Parks and Wildlife Act 1974* (NP & W Act) and its amendments to achieve this balance, the reality is often a bias towards archaeological significance. These DGRs clearly give at least an equal weighting to cultural significance and this can only be determined by the appropriate Aboriginal knowledge-holders.

2.3 The Cook Family's ties to the Gloucester Region

As noted in the Environmental Impact Assessment's (EIS) Specialist Consultant Studies Compendium (SCSC, Part 11B pp 16), the Cook Family has lived in the Gloucester area for at least 189 years while our ancestors would have lived here for more than 50,000 years. These ancestors and the ancestors of closely related tribal families such as the Clarke Family, lived in the vicinity of the Project site and have used the general area for ceremonies, camping, fishing and hunting. In fact, the whole of the Gloucester valley, between the ranges now known as the Bucketts and the Mograni, was a focus for these activities largely due to the distinct topography and the abundant supply of water. Much more about the cultural significance of the area prior to European settlement is provided in Section 4.0.

After European settlement, it is a sad fact that our people were subjected to massacres in the Gloucester area that decimated the Aboriginal population.

Jack and Jesse Cook had 4 sons and 4 daughters and were well regarded in the fledgling Gloucester community. Our Family worked on many of the local farms, some as domestics, while Jack was recognised as an expert stockman and Jesse a healer. Although they had a place in the new community, their stories, beliefs and other cultural heritage regarding the area were passed down from generation to generation within the Cook family.

Whilst European settlement ultimately meant that the Cook Family was displaced from their lands, with many going to either the Purfleet or Foster missions, the Family maintains strong cultural, traditional and historical ties to the Gloucester region. Many Family gatherings are held at Gloucester for reunions and other reasons. For instance, on 25th June 2016, the Gloucester community formally recognised the contribution of Jack and Jesse Cook to Gloucester and Australia's history through the unveiling of an Acknowledgement Plaque. Over 150 Cook Family descendants celebrated this event with the local Gloucester community at Billabong Park in Gloucester.

As Cook family descendants we are very proud of our links to Country within Gloucester and the surrounding areas.

As mentioned above, the Clarke Family (spelt with or without an 'e'), had and still have, close ties to the Cook Family through the Eveleigh Family. In the Family tree, at some point prior to Jack Cook's time, two brothers established families that became known as the Cook and the Clarke Families. As recognised in Section 11A of the SCSC (pp 111) in the report by the Foster Local Aboriginal Land Council (LALC), the Cook and the Clarke Families head the list of "families with inherent knowledge of association with the study area". At the very least, 5 generations of the Eveleigh Family were born and lived their whole lives in Gloucester and continue to do so.

2.4 Previous Submission

The previous submission by the Cook Family can be found at **Attachment 1**.

Note that at the time this submission was made in October 2016, the Cook Family made it very clear that they had not been consulted in any appropriate way, with respect to this Project. This key issue is considered in much more detail in Section 3.2 of this supplementary submission.

2.5 Correspondence between EDO NSW and DPE

As you are aware, EDO NSW, acting on behalf of Elder Auntie Susan Syron and Elder Uncle Vincent Cook representing the Cook Family, sent a letter to the Department of Planning and Environment (DPE) on 10th April 2017 (located at **Attachment 2**). The letter expressed our clear concerns about the Project and our frustration at having been effectively excluded from the consultation process for the Cultural Heritage Assessment. More detail related to this can be found in Section 3.2.

We were introduced to EDO NSW by Groundswell Gloucester. When GRL finally did contact us, a meeting was arranged for the 9th February 2017. Prior to that meeting, we had arranged to meet with members of Groundswell Gloucester for a briefing on what the position was with respect to the assessment process for the RHCP. As a result of this meeting, Jeff Kite accompanied us to the meeting with GRL. Jeff is a friend of the Family because we have visited his place in Bowman on a number of occasions as part of Family reunions and meetings in Gloucester. This is because Jeff lives on the block of land where members of the Cook Family lived for many years before deaths in the family led to the next generations living out of the area in the 1950s. Jeff and other members of Groundswell Gloucester, introduced us to EDO NSW and continue to support us in our opposition to this mine.

2.6 Site Visit - 29th May 2017 and Supplementary Submission

We want to acknowledge that the DPE has provided us with the opportunity to submit an addendum to our earlier submission on the RHCP and assisted us in organising a visit to the Project Site. On that visit Elder Auntie Susan Syron, Elder Uncle Vincent Cook, Elder Uncle Ken Eveleigh, and Family friend Mr Jeff Kite represented the Cook and Eveleigh Families. The representatives of GRL were Mr Bob Corbett, Environmental Approvals Manager, Mr John Appleton of Archaeological Surveys and Reports Pty Ltd (ASR) and Mr Nick Warren from R.W. Corkery & Co. Pty Ltd

The site visit enabled us to get a much better feeling about the impact the Project will have on our cultural heritage. We visited a number of the registered archaeological sites and gained a better understanding of the location of the mine and haul road. Although only one artefact, a stone axe head, was located during the site visit, our friend Elder Uncle Ken Eveleigh, was able to provide us with more local knowledge of other cultural heritage sites and places in the vicinity of the mine and haul road.

It was a very moving experience for Susan Syron and Vincent Cook. It confirmed for us where the mine and haul road is proposed to be in relation to the Bucketts and Mograni Ranges and the rivers and creeks. Most of all, it confirmed for us that the site is located in an area of very high cultural significance to the Cook and Eveleigh Families and other Aboriginal people. The visit was marred by Susan and Vincent feeling somewhat patronised by a GRL representative, almost as if they weren't there.

3.0 PROBLEMS WITH THE EIS AND PROCESSES RELATED TO ABORIGINAL HERITAGE

3.1 Introduction

By far the most important problems with the EIS process for the Cook Family is it scant consideration of cultural values and the total failure of effective consultation with our Family. The latter is explained in some detail in the next sub-section while the former is dealt with in Section 4.0 of this submission. This section also describes major problems with the archaeological surveys in May 2012 and March 2016.

3.2 Failure of Consultation Process

As already indicated, we agree completely with the letter EDO NSW wrote on our behalf to DPE on 10th April 2017, in regard to the inadequacy of the consultation process (see Attachment 2). That inadequacy remains.

In relation to paragraph 14 of the EDO NSW letter, we say that although Susan Syron and Bev Manton were not available to be involved in the actual fieldwork being carried out they were still very keen to be fully consulted. No such consultation ever took place with Susan, Bev or any other members of our Family before the EIS was completed and the time for submissions had expired.

Neither Susan Syron or any other members of our Family were consulted or provided with any information about how the mine might impact upon Aboriginal heritage or culture. We were not provided with any details about how the archaeologist, John Appleton was going to conduct his investigation and we were never provided with any drafts of his reports before they were used for the EIS.

In early 2012 Susan contacted Mr Appleton's office by telephone and told the office that she, on behalf of the Cook Family, wished to be involved in the consultation process. That seems to have been how her name was then included on the list in Appendix v of SCSC Part 11A.

It is noted that on page 30 of Mr Appleton's Part 11A that it is suggested that in the phone conversation on 26 April 2012, Ms Manton asked for a copy of the report once it had been written. She in fact asked for a copy of the draft report, but in any event no copy of the report was ever provided before it was lodged with the development application. During the phone conversation between Mr Appleton and Ms Manton mentioned on page 30 of Part 11A it was indicated to Mr Appleton that she wished to be fully consulted. Despite this, neither she nor any other member of our Family were consulted between then and early 2017, a period of 5 years, when GRL finally requested a meeting which took place on 9 February 2017. That meeting was not consultation in any real sense.

It should have been clear to Mr Appleton from early 2012 that our Family had a significant interest in the mine project. The consequent failure to consult us is distressing.

Appendix vi of Part 11A contains a letter from Mr Appleton which on page 8 list those who were provided with a copy of 'The Management Plan'. It is noted that it was not sent to any member of the Cook Family.

As explained above, Elder Colleen Martin, who is presently overseas, sent in a submission (on behalf of our family) to your department in October 2016. In that submission she made it clear that our Family had lots of concerns and had not had time to assess or consider all the potential impacts on Aboriginal cultural heritage etc. No effort has been made to address these concerns.

In other parts of this submission we set out the areas relating to Aboriginal heritage which have not been dealt with or adequately dealt with by GRL or Mr Appleton. They include:

- “The big battle” issue
- The non-inclusion of contiguous waterways in Mr Appleton’s reports
- The absence of any proper investigation of the haul road corridor
- The absence of any proper investigation of the haul road area.

Proper consultation must involve a full and comprehensive identification of all the important issues in consultation with the Aboriginal community at every stage. This has not been done.

At the meeting on 9 February 2017 our Family told GRL how dissatisfied we were about what had happened. One aspect of that meeting was very unsatisfactory in that a representative of GRL offered alcoholic drinks to those attending which was regarded by members of the Family as an insult. On no view could this meeting be regarded as consultation. Nothing was shared with the Family about impacts and methodologies of the project on Aboriginal sites or on its impact on Aboriginal heritage.

Even after the meeting of 9 February 2017 GRL did nothing until after EDO NSW wrote their letter to the Department. This was when GRL sent an email to Colleen Martin inviting members of the Family to visit the site of the haul road. We note that even in that email GRL limited their invitation to an inspection of the haul road site and said nothing about getting the Family involved in the wider issues concerning the mine itself. It was only when the Family insisted on a full site visit did GRL agree to an inspection of the mine site as well as the haul road. Even then GRL’s solicitors initially objected to the members of the Family being accompanied by family friend Jeff Kite. This was despite the fact that Mr Kite had attended the meeting on 9 February as a family friend.

Part 11B which relates to the haul road contains 3 lists (appendix v) which presumably are Aboriginal groups and persons who were contacted in relation to the haul road proposal. It is interesting to note that these lists contain the names of far more persons and organisations than the list contained in appendix v of Part 11A. It is not explained why all those who were apparently contacted in relation to the haul road had not been listed in relation to the mine proposal (Part 11A).

The 2 lists on pages 76, 77, and 78 of Appendix v of Part 11B **do not** include the names of any members of the Cook Family. Several of the names which were included in the list being Appendix v of Part 11A were omitted from the lists on pages 76-78 mentioned above, including the names of Sue Cook-Syron and Bev Manton. Also omitted are Robert Yettica, and the Karuah LALC. These omissions are not explained.

There appears to have been confusion and uncertainty as to who should or who should not have been consulted in relation to both the mine proposal and the haul road proposal. There appears to have been no genuine attempt to ascertain which Aboriginal persons or groups might have had a significant interest in how Aboriginal culture and history might be affected by the mine and the haul road. This explains why the Cook Family were never properly consulted. Our Family fail to understand why we have to justify our obvious close cultural connections to the area.

Appendix ii of Part 11B is an extract from a document written by Robert Syron. It contains details about the significance of our Family's relationship to the area affected by the mine and the haul road. This document should have alerted Mr Appleton to the fact that proper consultation with the Cook Family was critical. It is noted that Mr Appleton's reports fail to analyse and deal with many of the matters raised in Mr Syron's article. This issue is dealt with elsewhere in these submissions.

The attempts to ascertain who should have been consulted appears to have been mechanical and superficial.

Apart from the Cook Family we are aware of at least 3 other local Gloucester Aboriginal groups who have never been properly consulted. They are:

- Gloucester Worimi First People Aboriginal Corporation,
- Buccan Buccan Elders Group, and
- Mookibakh Traditional Owners.

None of those groups is mentioned anywhere in Parts 11A or 11B. We understand that a representative of Gloucester Worimi First Peoples Aboriginal Corporation (Elder Ken Eveleigh) was spoken to in relation to the haul road inspection which we note was unsuccessful because of long grass.

For the above reasons, the Cook Family considers that there has been an appalling lack of compliance with the DGRs in regard to the requirement for GRL to demonstrate effective consultation with Aboriginal people. Further, as outlined in the EDO NSW letter at Attachment 2, GRL has also failed to comply with the requirements of the *"Aboriginal culture heritage consultation requirements for proponents"* (DECCW, 2010).

3.3 Survey by Mr Appleton – May 2012

Although other archaeological surveys had been completed prior to this survey, the May 2012 survey appears to have been considered as the most definitive survey. It considered the modelling which had been done by Mr Appleton and was done at a greater level of detail compared with earlier surveys.

We have no argument about the thoroughness of this survey for the area studied with respect to the relatively flat country in the mine area. However, this survey was restricted to archaeological sites in the area of direct disturbance by the mine, as well the ancillary components of the proposed development at that point in time. It does not consider indirect impacts or the broader cultural values connected to the landscape that may be impacted by the proposal. In this regard, we note that the *"Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW"* (DECCW, 2010) states (at p. 11) that surveys should **not** be limited to sites identified on the Aboriginal Heritage and Information Management System (AHIMS). Instead, there is a need to consider broader landscape features to determine whether other areas of Aboriginal cultural significance may be in the vicinity.

As this assessment is for a State Significant Development, it is not necessarily limited to assessments compliant with Part 6 of the NP & W Act. It is the DGRs that apply for such a development. We know that watercourses are critically important places that are used by Aboriginal people for camping, hunting and fishing and are used as walking routes. Yet the May 2012 survey did not include surveys of Waukivory Creek and the Avon River. Considering their proximity to the Project area and the potential for disturbance by mining activities, these major watercourses should have been included in the survey.

It is acknowledged that some of the Waukivory Creek and Avon River was surveyed in an earlier survey by Kayandel in 2010. However, they clearly should have been included in the more definitive 2012 survey to fulfil the DGRs for this project.

The other concern for us with respect the survey is that there were no sites identified in the area called the “Footslopes” in the EIS. This area has small watercourses and good viewing points over the Gloucester valley. We know that in other parts of the Mograni Ranges, there are Bora rings along the ranges and other sites of Women’s business in this topographic area. Considering this, it is very surprising that no sites were found. We must ask, was this area given the same level of attention during the survey or did the rough terrain mean a less comprehensive survey was done. We also reiterate our comments above about the need to look beyond objects listed on AHIMS when conducting these surveys.

3.4 Survey of the Haul Road – March 2016

GRL acknowledge that the efficacy of this archaeological survey was greatly affected by tall grass along the full length of the 50m wide corridor except for some creek crossings and an area of lawn near Fairbairns Road. Ken Eveleigh was in the party that went on the survey and saw this for himself.

GRL acknowledge the problem in the EIS, Section 4.10.5.2.2. It states:

“During the survey, it was identified that the dense grass groundcover within the corridor was preventing an effective survey. Mr Appleton discussed the survey conditions with the stakeholders and suggested in the event development consent is granted, it should be recommended that during the early stages of construction of the private haul road there should be monitoring of grass stripping in those sections of the corridor in which there was potential for sites to be present.”

Ken Eveleigh cannot recall any such discussions where this was decided. The approach proposed by Mr Appleton is completely unacceptable to the Cook Family. The haul road is the key component of GRL’s plans in the Amended Project. Its location at the foot of the Mograni ranges with a number of small watercourses crossing the corridor, indicates that there is a reasonable chance that archaeological sites will be identified.

As it was, even though the conditions were difficult, 3 artefacts were identified in or near the haul road corridor. Two were in the lawn around an existing house on Fairbairns Road where the haul road corridor leaves the mine site. The third one was located just outside the corridor further to the south.

It is unacceptable for GRL to say that they will wait until development consent is granted before the detailed survey of the Haul Road is completed. The DGRs require this assessment to be completed as part of the EIS for the RHCP, not at some later point. A failure to appropriately complete an Aboriginal cultural heritage assessment in respect of the Haul Road is a substantial failure to comply with the DGRs, and therefore the EIS is currently inadequate and cannot be relied upon in respect of the assessment of the RHCP. Accordingly, DPE should not make any recommendations on this project until this survey is completed.

3.5 Reports and Statements by Mr Mick Leon and Mr Rob Syron in EIS Appendices

Mr Appleton has included some useful reports in the EIS SCSC which have been written by Aboriginal people.

One of those is the report by the Foster Local Aboriginal Land Council (LALC) which is located in the EIS in Part 11A, Appendix viii. This report was commissioned by GRL and put together after the first survey was organised by Mr Appleton in 2012. It is written mostly by Mick Leon, who has qualifications relating to Aboriginal heritage and with assistance from Rob Yettica.

It is unfortunate that ASR felt it necessary to criticise some cultural and historical aspects of this report in the EIS Part 11A, Section 3.3. Mr Appleton and GRL have then just glossed over some of the very significant cultural aspects in this report. Further comments on this will be provided in Section 4.

An extract from another useful report regarding the Cook Family's cultural heritage is also in the EIS at Part 11B Appendix ii. The extract is from a draft document being compiled by Rob Syron, a nephew of Susan Syron. While Rob Syron has compiled a useful document, much of it is based on information given to Mr Syron by other Cook Family members. Extracts from a more recent version of this document are located at **Attachment 3**.

However, again ASR and GRL have glossed over some of the very significant cultural heritage issues raised in both the extract and the document it came from.

ASR has included in the SCSC Parts 11A and 11B two interesting letters and emails from Mr Mick Leon and Mr Rob Syron. Appendix ix of 11A is entitled "Acceptance of Amended Cultural Heritage Report". The email from Mick Leon to Bob Corbett of GRL, states that Mr Leon has consulted with "...Robert Yettica and the other Aboriginal stakeholders" and has noted that their comments had been included in the draft report and that "In our view your company has met all the National Parks & Wildlife Act requirements for Aboriginal Culture Heritage management."

Besides talking about the NP & W Act which does not now apply to this assessment (as opposed to the DGRs which do apply), it appears that ASR is trying to use this email to say that Aboriginal stakeholders have 'signed off' and agreed with the position of ASR.

It needs to be noted that this cannot be taken to mean that stakeholders such as the Cook Family have agreed with ASR's position or in any way agree that the project can go ahead.

Similarly, in Part 11B Appendix 1, the letter from the Office of the Registrar of the Aboriginal Land Rights Act NSW to Rob Syron confirming that he has “been registered as an Aboriginal owner for the Worimi Conservation lands”, can certainly not be used as some indication that Rob Syron can ‘sign off’ on Aboriginal heritage issues related to the RHCP. It is very unusual that, as we understand it, the Worimi Conservation Lands refer to the large reserve which is jointly managed by the Worimi people and the NP&WS **near Newcastle** which includes the Stockton dune system. What this has to do with the RHCP we don’t understand.

Again, it needs to be noted that this certainly cannot be taken to mean that Rob Syron can speak for the Cook Family, or has agreed with ASR’s position, or in any way has agreed that the project can go ahead.

4.0 CULTURAL AND ETHNOGRAPHIC SIGNIFICANCE TO THE COOK FAMILY

4.1 Introduction

This section of the submission emphasizes the huge cultural significance to the Cook and Eveleigh Families of the GRL Project area as part of the Gloucester valley and beyond. The Eveleigh family have been included in this discussion for the reasons already explained.

As set out below, this section directly contradicts the cursory statements in the EIS that “*there are no known cultural associations*” with the Project Area or the Haul Road (see p.11A-27 of Part 11A, and p.11B-29 of Part 11B of the EIS, SCSC).

Much of the material we will quote from here is actually in the EIS. However, as noted, these cultural values have effectively been dismissed by ASR and GRL as not having any relevance (for example, see ss. 4.2, 6 & 8.2 of Part 11A, and ss. 4.2, 6 & 8.1.1 of Part 11B of the EIS, SCSC). There is a systematic failure throughout the parts of the document that deal with Aboriginal heritage and cultural values. It seems that the writers just don’t ‘get it’.

There is another very important consideration that needs to be explained before we get into the detail of this section.

As our Elders explain, a balanced assessment of Aboriginal cultural heritage is two-fold. It provides the scientific/archaeological component and it also includes the cultural perspective of the Aboriginal knowledge holders. As noted, this is also reflected in the DGRs, which require an assessment of both cultural and archaeological significance. This two-fold approach is also incorporated into the requirements of the *Aboriginal culture heritage consultation requirements for proponents*” (DECCW, 2010).

The archaeological component of this assessment, is not in our area of expertise. However, the cultural component of the assessment is of concern to us and we will list in dot point form some of the reasons why:

- The family has asked to be included on a number of occasions but this has not been realised in a manner that allows for an appropriate input into the assessment;

- There is much cultural knowledge that cannot be passed on “off-Country” and even more that cannot be documented;
- There are gaps in our individual cultural knowledge but that does not necessarily mean those gaps occur across our collective family knowledge. Without the opportunity to “audit” the information we individually hold that we can share with each other (much of it ONLY on Country) we are not in a position to answer even orally in the appropriate place some of the questions so casually asked. We will not speculate with our family cultural heritage values to meet a criterion set by someone else. We value the cultural heritage knowledge we have and guard it with respect;
- Documents from the Forster Local Aboriginal Land Council and others acknowledge our family’s connection but are not in a position to speak to it on the Cook Family’s behalf. Their silence or dismissive responses to some of the matters included in the EIS should not be seen necessarily as a lack of interest on their behalf it may actually be a mark of respect. They may be acknowledging that the stories and the cultural information is not theirs to share;
- The family connection to place includes a stewardship/custodial responsibility to protect and nurture the area and the living things that are on it;
- Our generations of connection to place prior to more recent times means that the very molecules that make up the environment of the area are from our own heritage. They are our ancestors and our family. The emotion that is stirred up by the possibility that the area may be changed forever and no longer a place of wellbeing for those people who currently live there and share our connection to the place is crippling; and
- This is separate from the complexities of gender issues and how it culturally compromises us to talk about matters we shouldn’t. For example, its men’s or women’s business or we are not an Elder representative, etc.

Notwithstanding these aspects, there is already plenty of relevant information in the public domain to explain that the RHCP is located in an area where the Aboriginal cultural heritage is of great significance.

4.2 Significance of Waukivory Creek

GRL and its consultants have completely missed the significance to the Cook and Eveleigh Families of Waukivory Creek. Some of the key information is right there in the EIS. It starts with the recognition that ‘Waukivory’ means ‘big battle’.

The big battle is believed to have occurred in the Bullen Bullen area, that is, just to the east of the subject area on Waukivory Creek, where the Bullen Bullen Creek meets the Waukivory Creek near the westerly end of what is now Bullen Bullen Rd. This is about 2.5km upstream of the proposed haul road and only about 1.5km from the north-east corner of the mined area in the foothills.

Information shared within our family advises *“Waukivory Aboriginal, meaning big battle (from a report on Jack Cook in 1922) 'scene of tribal fight between coastal blacks and the Kalooks, the tribe of the Gloucester-Barrington district. Legend states that it was a very important affray because it decided which tribe held this very fine hunting ground. The Kalooks won.”* — (Dungog Chronicle and Gloucester Advocate 6 July 1949).

This is supported by information from Ken Eveleigh which in talking about Worimi Country he states: *“Going inland it curves following the Wallamba River out to Wauk Ivory (‘Bullen Bullen’) where, in the Dreaming, a big battle was fought between inland coastal people and the inland people won, so the land resources were divided among the two groups along a line that runs through around Wauk Ivory (or Bullen Bullen road at Wauk Ivory maybe).”*

Note that even though Ken describes this battle as “in the Dreaming”, it is firmly believed that the big battle is an historical fact. There is more information about this in the SCSC Part 11B, Appendix ii which is an extract from Attachment 3.

Then in the Forster LALC report which is in the EIS in Part 11A, Appendix viii, pp 108, when talking about “places of known socio-cultural significance,” the point is made that:

- The first of these is a place known as Waukivory (‘Boolan-Boolan’ meaning the scene of an old time tribal battle). There are some indications by Gloucester locals that the ‘gap’ where Waukivory Creek passes has connotations of Aboriginal people traversing this locality when travelling to the coast.

The report then goes on to say; “Each of the above localities is highly compromised, with proposed and established development affecting the cultural integrity of in-tact cultural material and spiritual meaning.” This statement is not commented on by ARS.

However, the issue in the dot point about travelling to the coast is further commented on in section 8 of the LC’s report which says: “It would be preferable to leave intact the traditional/historic transit routes in the upper reaches of Waukivory Creek.” ASR take exception to this point and comment in PART 11A, section 3.3. that: “All watercourses were probably used by Aboriginal people at some time during the last 50,000 years, but as these ‘traditional/historic routes’ have no specific or known ceremonial significance, they are assessed to be no more culturally significant than any other route between two unidentified places.”

This implies ASR is trying to tell Aboriginal people what is and what is not, culturally significant. One would think that if Aboriginal people identify it as culturally significant, it should not just be derided without further discussion and investigation.

To further understand the significance of Waukivory Creek and other watercourses in the area, Elder Ken Eveleigh has provided this story:

“I am Ken Eveleigh, an Elder and Custodian knowledge holder of the land, mountain ranges and the water that fills the surrounding rivers, that is known as Gloucester Worimi Country. That includes the valleys of the Gloucester, Avon, Barrington, Waukivory, Faulklands, Berrico, Forbesdale, Wallamba, Gangat, Belbora, Titaatee, and more.

This Country is 'Charlottes' totem Dreaming Country. This is our Family's totem and Dreaming Country from our Ancestors. My Grandmother was born on the land at Gangat and was delivered by the Aboriginal midwife and my mother was born in Gloucester and I was born in Gloucester. My children and some of my grandchildren were born in Gloucester. I am connected to Country spiritually and I have my totems, my Dreaming, my knowledge and my language. I still fish in the rivers my cultural way including looking for Catfish rings (See Attachment 3 pp 18). This knowledge has been handed down to me by my Ancestors.

We are the only race in Australia that has to prove who we are and where we belong. The British stole this Country. The A.A. Company settled in this valley of Gloucester, then the massacres began, Belbora, Gangat, Mt MacKenzie, Barrington and so on. The valley has been sold and cleared, sold again and again. And then we met GRL.

The Bucketts and the Mograni look down upon this valley; it is a very spiritual and sacred place. You might not see them clearly. If you belong to Country you feel the spirit and hear the rivers flow and you know that your Ancestors are still here with nature and it is not just in one spot; it runs through the valley.

Surrounding tribes would come together here for food, marriages, Family ties, hunting, gathering, song, dance, initiation and The Dreaming. There was not one leader (or king) but several leaders e.g. medicine man, lawman, knowledge holder, at these events. You were given your sacred knowledge.

My mother passed down knowledge of the totem and The Dreaming story to me. The oral history is that the Mograni Range and valley down south toward Stroud is for women's business, where the women had their Bora Rings. The Elders taught the young girls the way of life through song, dance and gathering. They knew where the birthing holes were and they bathed and played in the river, caught fish and gathered mussels to cook.

This valley is very sacred and has spiritual connection to the women and my children. The midwives would travel up and down the valley. On the Mograni and in the Ranges, there were paintings and significant sites. We know a landowner that thought he would lose his land so he destroyed the cave that had the women's paintings. When my mother was told of this, she cried with sorrow and said that they had taken part of her.

By looking down the valley, you can see that it is a significant and very spiritual place for Aboriginal people of the Worimi and its history needs to rest in peace. My Ancestors need to travel with the Dreaming through the valley and along its rivers. One who loses his Dreaming is lost. It would be no different if someone was to destroy your Ancestor's resting place."

We will talk about other watercourses in the Gloucester valley in the next sub-section. However, this story strongly supports the position of the Cook and Eveleigh Families, that Waukivory Creek is culturally of very high significance.

There seems no doubt that the Waukivory Creek will be significantly impacted by the RHCP. As a result of the development, impacts are likely from:

- significantly increased streamflows and probably sediment from the diversion of approximately half of the sub-catchments to the immediate east of the mine which will be diverted by a newly constructed drain;
- sediment from the likely erosion resulting from the construction of a bridge for the haul road right where the flow has increased; and
- the location of the creek in parts effectively right up against the southern boundary of the mining area.

As mentioned in section 3.3 above, Waukivory Creek was not surveyed as part of the definitive archaeological survey. When you consider its cultural significance and the potential impacts, as described above, this is very difficult to understand.

4.3 Significance of the Gloucester Valley

The mine is to be located in a very unique and relatively narrow valley, with the Bucketts and the Mograni on either side, the Gloucester River on the western side and creeks such as the Waukivory, Oaky and Dog Trap discharging into the Avon River towards the eastern side. Many of the same reasons why Gloucester town was located where it is, are also reasons why the valley is of great significance to Aboriginal people. While people of mostly European origin have lived there for approaching 200 years, Aboriginal people have lived there for up to 50,000 years.

However, there is another dimension for Aboriginal people which is generally not well understood by people of European origin. That is the spiritual dimension.

The following is a story that was recently written by Auntie Susan Syron:

My name is Susan Syron. I am a proud Aboriginal elder in the Biripi nation with connection to the Worimi nations, my mother was Eileen May Cook Syron, Daughter of Maggie, grandchild of Jack and Jessie Cook. I have over time visited Gloucester quite regularly but have not lived there because of a number of reasons. I still have a very strong connection to Gloucester. My mother was removed from there where she lived with Jack and Jessie along with other members of the family. One of her sisters was taken to Parramatta girls home who she never saw again till they were around sixty years old, but only once, before that sister passed away.

Her son Charlie Binge found me and we have kept in contact. He had never been to Gloucester so I took him to visit where his mother lived as a child till removed. He is a very spiritual man having been initiated. It was very hard for him. As we stood in the Main Street he just stood there very quiet, then he told me where the women's sites were and where the men's were. Just then Ken Eveleigh arrived to meet us. I introduced him to Uncle Charlie and Ken repeated exactly what uncle Charlie had said. It was unbelievable. I asked how did you know and he answered that he could feel it.

Land means different things to non-indigenous people than Aboriginal people. We as Aboriginal people have a spiritual, physical and social cultural connection. Non-Aboriginal people and land owners think of land as something you own, an asset, something they can buy or sell. For Aboriginal people, country is much more than a place. The health of

the land and water is central to Aboriginal culture. The land is our responsibility and we must care for Mother Earth.

In a report compiled by Rob Syron (Attachment 3, page 2) he writes:

“The Bucketts the hills West of Gloucester is an English corruption of an Aboriginal word Buccan, meaning stone or rock and was identified with the initiation ceremony of the local tribe. An Aboriginal boy, before the first stage of initiation, was given a stone and had to run to the first peak as fast as he could called Toocal Buccan (big rock North) and touch a large rock there. After the ceremony the boy was handed a second stone, the sacred one, and again he had to journey to the second peak as fast as he could called Weela Buccan (The Smaller Southern rock) and then to the final peak the Mograni with a stone and back again. The stones were an important part of the ceremony to pass a youth into tribal manhood. Afterward the boy carried a sacred stone in a small bag to ward off evil and sickness. This bag was attached to his belt and tied with possum string. Only initiated men could see this stone. If a woman saw it she was killed.”

If you haven't already, read Elder Ken Everleigh's story in section 4.2, or maybe read it again anyway.

There are many, many stories that could be told about this unique landscape which is part of our Country.

Compiled by Elder Auntie Susan Syron, Elder Uncle Vincent Cook and Elder Uncle Ken Eveleigh, on behalf of the Cook and Eveleigh Families

5 June 2017

5 June 2017

Mr Marcus Ray
Deputy Secretary
Department of Planning and Environment (DPE)
GPO Box 39
SYDNEY NSW 2001

Copy to:

Ms Samantha Daly
Partner
McCullough Robertson
GPO Box 462
SYDNEY NSW 2001

By post and email


Dear Mr Ray

Rocky Hill Coal Project (SSD-5156): Aboriginal Cultural Heritage Assessment - Consultation with Registered Aboriginal Stakeholders

1. We refer to your letter dated 26 May 2017, and previous correspondence in relation to this matter.
2. Please see **enclosed** the Cook Family's Addendum dated 5 June 2017 (and Attachments 1 - 3) to its Submission to the Rocky Hill Coal Project dated October 2016. We confirm that this document has also been sent to GRL's legal representative, Ms Samantha Daly.
3. We note that Ms Daly's letter to you dated 19 May 2017 (at [11]) indicated that GRL intended to finalise its Response to Submissions following receipt of the Cook Family's further submission. Now that the further submission has been provided in accordance with the agreed timetable, could you please confirm that it will be addressed in GRL's Response to Submissions?
4. If you have any questions or require any further information, please do not hesitate to contact the writer on (02) 9262 6989 or by e-mail at brendan.dobbie@edonsw.org.au.

Yours sincerely,

EDO NSW



Brendan Dobbie
Solicitor

Our ref: 1724927

Enclosures: Addendum to Submission dated 5 June 2017; Attachments 1 – 3.

Rocky Hill Coal Project: SSD5156

Cook Family Submission Request

This submission request is made on behalf of the descendants of Jack Cook and Jessie Brummy First Nation people of the Gloucester and surrounding region. Jack Cook was a Worimi Aboriginal Elder who was born in 1838. He was the last initiated man of the Barrington Tops and died on 7th August 1925, aged 87 years.

Jack and Jessie Cook had 4 sons and 4 daughters and were well regarded by all in the Gloucester community. Recently the Gloucester community formally recognised the contribution of Jack and Jessie Cook to Gloucester and Australia's history through the unveiling of an Acknowledgement Plaque. Over 150 Cook family descendants celebrated this event in Gloucester on June 25th 2016.

As Cook family descendants we are very proud of our links to Country within Gloucester and surrounding region. With that in mind we would like to express the following in relation to the Rocky Hill Coal Project.

As a Family we have not had enough time to assess or consider all of the potential impact to the Aboriginal Cultural heritage values of our family landscape. A representative of our Family have put forward concerns in the initial stages of the Environmental Assessment highlighting our concerns about the haulage road that will connect with the existing mine, however we have not been afforded the opportunity to discuss these concerns further.

A lot of Family concerns are difficult to articulate particularly considering that we have not had the opportunity to stand on the Country that will be affected by the development - particularly the haulage road. The Cook family request an opportunity to satisfy ourselves that the cultural implications have been taken into consideration. We ask for some kind of information sharing at the very least as this has not happened.

Kind Regards Colleen Martin

On behalf of Cook Family Committee

Email: m.colleen2016@gmail.com

October 2016

10 April 2017

Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

By email and post: carolyn.mcnally@planning.nsw.gov.au

Copy to: The Proper Officer, Gloucester Resources Limited, GPO Box 1118,
BRISBANE QLD 4001

Dear Ms McNally

Rocky Hill Coal Project (SSD-5156): Aboriginal Cultural Heritage Assessment - Consultation with Registered Aboriginal Stakeholders

1. We act for Ms Susan Syron and Mr Vincent Cook, senior representatives of the Cook Family, in relation to the above matter.
2. Ms Syron and Mr Cook are Aboriginal elders who have existing cultural, traditional and historical ties to the Gloucester region, and specifically the area where Gloucester Resources Limited (**GRL**) proposes to carry out the Rocky Hill Coal Project (**Project**).
3. Our clients have strong concerns about the adequacy of the consultation undertaken by GRL with the Cook Family in regard to the preparation of the Aboriginal Cultural Heritage Assessment (**Heritage Assessment**) included in the Amended Environmental Impact Statement (**EIS**) for the Project.¹
4. We are instructed that consultation undertaken in regard to the Heritage Assessment failed to meet the requirements of the Director-General's Environmental Assessment Requirements for the Project (**DGR**), and also the "*Aboriginal culture heritage consultation requirements for proponents*" (DECCW, 2010) (**Guidelines**).
5. We understand that GRL is currently preparing its response to submissions received in relation to the EIS. Accordingly, we are instructed to respectfully request that you direct that this process not be finalised until our clients have been appropriately consulted in relation to the Project, and have been given reasonable opportunity to formally submit their concerns about the Project.

¹ EIS, Specialist Consultant Studies Compendium (**SPCS**), Parts 11A and 11B.

The Cook Family's ties to the Gloucester Region

6. As noted in the Cultural Assessment, the Cook Family has lived in the region for at least 189 years.² In historical times, Cook Family ancestors lived close to the Project site and are likely to have used the area for ceremonies, camping, fishing and hunting. More recently, members of the Cook Family worked on farms in the area. As such, stories, beliefs and other cultural heritage regarding the area have been passed down from generation to generation within the Cook Family.
7. Whilst European settlement meant that the Cook Family was removed from their lands in the region, the Cook Family maintains strong cultural, traditional and historical ties to the Gloucester region. In addition, family gatherings are frequently held in Gloucester for family reunions and other matters.
8. Given the strong current and historical ties between the Cook Family and the Gloucester region, our clients are strongly concerned that they, as family elders, were not adequately consulted by GRL in relation to the preparation of the Heritage Assessment, and the Project in general, and seek to have this situation rectified.

Consultation Requirements

9. The DGRs required the Heritage Assessment to demonstrate that "*effective consultation*" with Aboriginal communities had been undertaken in its preparation. In our view, in order to demonstrate that "*effective consultation*" had occurred, the Heritage Assessment needed, at the very least, to substantially comply with the Guidelines.³
10. As stated in the EIS, the Guidelines required full consultation with registered Aboriginal stakeholders in the preparation of the Heritage Assessment, as several Aboriginal sites will be destroyed by the Project.⁴ In summary, the Guidelines required GRL to:⁵
 - a. Identify all potential relevant Aboriginal stakeholders.
 - b. Provide written notice of the Project to those stakeholders, including a brief overview of the Project, and an invitation to register to participate in the consultation process.
 - c. Present detailed Project information to all registered Aboriginal stakeholders, including an outline of impacts and assessment methodologies, and information as to how stakeholders could provide input into the investigation and assessment process.

² EIS, SCSC, Part 11A, p.11B-16.

³ We note that the Guidelines represent the consultation requirements of Part 6 of the *National Parks and Wildlife Act 1974* and Part 8A of the *National Parks and Wildlife Regulation 2009*, in relation to applications for Aboriginal heritage impact permits (AHIPs). Whilst AHIPs are not required for the Project by virtue of s.89J(1)(d) of *Environmental Planning and Assessment Act 1979*, in our view, compliance with the Guidelines is required to demonstrate "*effective consultation*" given the Project will impact several Aboriginal sites.

⁴ EIS, SCSC, Part 11, pp.11A-29, 11B-22.

⁵ Guidelines, pp.11-14.

- d. Create the opportunity for registered Aboriginal stakeholders to visit the Project site.
- e. Provide the proposed methodology for the Heritage Assessment to the registered Aboriginal stakeholders, and provide stakeholders the opportunity to review and comment on that methodology.
- f. Seek information from registered Aboriginal stakeholders to identify Aboriginal objects and places in the Project area, and seek their views on how to manage the Project's impacts on these objects and places.
- g. Provide a copy of the draft Heritage Assessment to registered Aboriginal stakeholders for their review and comment.
- h. Provide the final Heritage Assessment to registered Aboriginal stakeholders.

11. We note that the Guidelines emphasise that the consultation process described above must be an *"open and honest two-way communication process between the proponent and Aboriginal people."*⁶

Inadequacy of Consultation

12. We are instructed that GRL, or its consultants, failed at almost every step of the consultation process required by the Guidelines, as described above, in relation to its consultation with the Cook Family.

13. Our clients were not identified by GRL as relevant Aboriginal stakeholders, despite their seniority within the Cook Family, and their longstanding connection with the region. Our clients became aware of the Project following its advertisement in the *Gloucester Advocate* on 13 January 2012.⁷ At that time, Ms Syron telephoned GRL's consultant, Archaeological Surveys and Reports Pty Ltd (**ARS**), and requested to be included in the consultation process as a registered Aboriginal stakeholder.⁸ As a result, Ms Syron was listed as a registered Aboriginal stakeholder in the EIS.⁹

14. Despite being listed as a registered Aboriginal stakeholder, Ms Syron received no further correspondence from GRL or its consultant in relation to the Project. Accordingly, Ms Syron telephoned ARS again on 26 April 2012 to discuss the cultural heritage assessment process for the Project. At that time, Ms Syron's representative indicated that Ms Syron did not seek to be involved in fieldwork relevant to the Heritage Assessment.¹⁰

15. No further correspondence was had between GRL and our clients until Ms Syron's representative received a copy of the final Heritage Assessment. Despite

⁶ Guidelines, p.6.

⁷ EIS, SCSC, Part 11A, p.11A-29.

⁸ EIS, SCSC, Part 11A, p.11A-29.

⁹ EIS, SCSC, Part 11A, Appendix V, p.11A-81.

¹⁰ EIS, SCSC, Part 11A, p.11A-30.

Ms Syron being a registered Aboriginal stakeholder at no time did GRL or its consultants:

- a. Provide, or present to our clients, detailed information about the Project and its impacts;
- b. Actively seek our clients' input on the Project's potential impacts on cultural heritage matters;
- c. Provide information about the proposed methodology for the Heritage Assessment for our clients' review and comment; or
- d. Provide a copy of the draft Heritage Assessment for our clients' review and comment.

16. Accordingly, GRL has clearly breached the requirements of the DGR and the Guidelines.

17. Furthermore, following its decision to amend the Project, on 3 February 2016 GRL placed an advertisement relating to the amended Project in the *Gloucester Advocate* and, on 17 February 2016, purportedly provided written notice to relevant Aboriginal stakeholders inviting them to register their interest in consultation on the amended Project.¹¹ However, neither of our clients received this notice, despite Ms Syron being a registered Aboriginal stakeholder in relation to the original Project. In fact, our clients did not learn of GRL's plans to amend the Project until 12 July 2016, when they were informed by a family member - this was one month after the Heritage Assessment in relation to the amended Project had been finalised.

18. On 9 February 2017, a meeting was held between the Cook Family, and GRL's Project Manager for the Project and ARS. At that meeting, our clients expressed their clear opposition to the Project, and their frustration at having been excluded from the consultation process for the Heritage Assessment. We understand that GRL invited our clients to submit their concerns about the Project in writing.

19. Accordingly, GRL has clearly also breached the requirements of the DGRs and the Guidelines in respect of the additional impacts of the amended Project. In respect to both the original and amended Project, GRL has failed to demonstrate "*effective consultation*" with our clients.

The Cook Family's Concerns about the Project

20. We are instructed that our clients, and the other Cook Family elders, strongly oppose the Project in its original and amended forms. These concerns relate primarily to the following:

- a. The number and type of Aboriginal sites that will be destroyed by the Project.

¹¹ EIS, Section 4.10, p.4-271

"Attachment 2"

- b. The manner in which Aboriginal artefacts are proposed to be removed and stored if the Project is approved.
- c. The proximity of the Project to the Mograni and Bucketts, and other sacred areas in the region.
- d. The Project's impacts on our clients' cultural, traditional and historical ties with the region.

Next steps

21. For the reasons set out above, GRL has clearly failed to demonstrate "*effective consultation*" with our clients in the preparation of the Heritage Assessment, and is therefore in breach of the DGRs and the Guidelines.

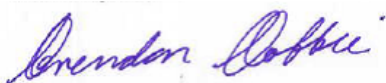
22. Accordingly, we are instructed to respectfully request the following:

- a. GRL, or its consultants, be directed to undertake "*effective consultation*" with our clients in relation to the Project and the Heritage Assessment, including:
 - i. The opportunity for our clients to formally submit their concerns about the Project and the adequacy of the Heritage Assessment;
 - ii. If necessary, the opportunity for our clients to visit the Project site for the purpose of commenting on the adequacy of the Heritage Assessment; and
 - iii. If necessary, the amendment of the Heritage Assessment to incorporate our clients' concerns and submissions.
- b. The assessment process for the Project be halted until "*effective consultation*" has been undertaken with our clients.
- c. GRL be directed to respond to our clients' submissions in its Response to Submissions Report.

We look forward to hearing from you in this regard. If you have any questions or require any further information, please do not hesitate to contact the writer on (02) 9262 6989 or by e-mail at brendan.dobbie@edonsw.org.au.

Yours sincerely,

EDO NSW



Brendan Dobbie
Solicitor

ATTACHMENT 3

Extracts from The Kabook and Watoo People of the Barrington River Gloucester NSW



Photo taken by Blackwell 1905 to 1910

At the Aboriginal Camp Barrington West rd Gloucester NSW

Back row 1st on the left Wife- Jessie Cook (Nee –Brummy) her Brother, Dave Brummy, Sarah Ann cook- Daughter and far right Husband to Jessie Cook- (Nee Brummy) John –aka- Jack –Cook- Maloogat- (Strom/Thunder)

Front row three Sons Alfred B -1895, Sydney B-1893 and David Cook B-1887 and Jessie Martin (nee Cook) you can see her wedding ring with 2 Children, Sitting Tom or Tim Martin, and holding her Daughter.

Written By Robert L Syron 4th Descendant of the Cook Family

The Kabook and Watoo People-(Cherry Tree and Opossum Clan)

The Kabook and Watoo people of the Gringai clan of the Worimi Nation - (The Cook family) have lived continually in the Barrington for over 189 years recorded by the first white settlers 1826, it is now 2015. The Australian Agriculture Company, formed in England in 1824 with \$1M capital, took up a grant of 1,000,000 acres of land extending from Port Stephens to the Manning River. Robert Dawson established Headquarters at Carrington, Port Stephens in early 1826 explored the Karuah River and naming places he had passed along the way.

He continued to follow the Karuah River north, arriving in Gloucester in November 1826. As the land appeared ideal for grazing and agriculture, early settlement was encouraged. Later an outstation at Gloucester was established where "The Homestead" is located today.

Many Government Documents, news papers, family trees, photos, journals, Aboriginal sites, references and personal stories can be found on the Cook Family - The Kabook and Wotoo people - (Cherry Tree and Opossum Clan).

Cook Family Descendants from the Kabook and Watoo people speak the Kattang language and it has been recorded that they are the last of the true custodians and Clan within the boundaries of the Allyn and Williams river up stream to Gummi Falls on the Manning River known as Kummi Kummi - (Place of many Crystal stones), Barrington Tops – (Beann Beann), Rawdon Vale, Barrington, Gloucester up to the Manning river down to Cresford the Karuah River and the Bulliac - Tugrabakh Bora Ground area, some 13km from Gloucester.

Barrington Tops National Park and State Conservation Area overlie the territories of several Aboriginal groups the eastern side is the traditional country of the Worimi and Biripi people the southern valleys were occupied by the Gooreengai clan of the Worimi people the western side is Wonnarua country. The Biripi took in the area between Tuncurry, Taree and Gloucester. Worimi territory extended from Barrington Tops and Forster in the north to Maitland and the Hunter River in the south.

The Kabook and Watoo people are West and South bordering the Wonnaura area. In an article –The Kattang, (kutthung) or Worimi: an Aboriginal Tribe - by W. J Enright March 1932 MANKIND P 76 3rd Paragraph) “My old friend the late John Hopson stated that he had been informed by J. W. Boydell that in summertime the Patterson River Blacks ascended the Barrington Tops via the Allyn River Valley and on his visit in Dec1915, we found a stone axe”.

The Worimi, Biripi and Wonnaura were divided into a number of Nurras or clans. Nurras were local groups within tribes, each occupying a definite part of the tribal territory. Both the Worimi and Biripi spoke the Kattang language.

The Kabook and Watoo people were hunters and gatherers who moved throughout their territory in response to the seasonal availability of food. This meant that the land's resources were naturally replenished.

Our Clan occupied the valleys year round, visiting the plateaus in spring and summer to gather food. During winter would hunt kangaroos, emus, possums and wombats, fish and other animals. A wide range of plant foods was collected from the lowland forests. The edible fruits found in the Barrington Tops area include: orange thorn, wild apple tree, giant stinging tree, figs, native cherry, geebung, native raspberry and lillypilly

Other traditional plant foods include the bulbs of many orchids and the starch from the crown of tree ferns and the starch from stinging tree roots being roasted to make bread.

The Aboriginal occupation of Kabook and Watoo people of the Gooreengai clan is well recorded in oral history, and in the presence of open campsites with stone artefacts, scarred trees, ceremonial places and mythological sites recorded in dreaming stories.

When Europeans settled in the Gloucester-Manning area in the 1820s and 1830s, the Aboriginal people lost their homelands to logging, clearing and livestock. Traditional hunting grounds were depleted, and sacred sites were destroyed. Wildlife dwindled. Oral history tells us that by 1840 the natural food supplies were almost exhausted.

Starving Aboriginal people began killing stock. The settlers and government troopers retaliated with random shootings and massacres. Around the Manning River basin, there were reports of waterholes and gifts of food being laced with arsenic known as The Harmony and the jungle of the Barrington became a refuge for Aboriginal people.

Today Barrington Tops National Park and State Conservation Area are important to today's Worimi, Biripi and Wonnaura communities as an intact part of Aboriginal country.

Jack Cook Born 1830 at Cobark Station NSW - died 1925. Grave site at Aboriginal Camp Map Por 20 Par / Fitzroy NSW and wife Jessie Cook (nee Brummy) B-1848 Copeland NSW-D1942 at 94 years on the Lower Bowman NSW lived on the banks of the Barrington River. They hunted and collected food on the Cobark River, Williams River, Manning River, Bowman River and Karuah River depending on the season.

It has been passed down through Family that Maloogat was Captain Thunder Bolts Horse Boy known as Frederick Ward. Maloogat was also one the last of his tribe, to have gone through the last known Keepara - Kiapara ceremony or Boombit from boy to man where he got his name (Maloogat-son of thunder). One of the Bora rings, or Initiation ground of the local Tribe and was in the Bulliac-Tugrakh area, some Four miles from Gloucester. Another two Bora Rings were they used to camp and hold their Corroborees located where the Gloucester Public School now stands one ring used by the Woman and the other used by the Men.

The Bucketts the hills West of Gloucester is an English corruption of an Aboriginal word Buccan, meaning stone or rock and was identified with the initiation ceremony of the local tribe. An Aboriginal boy, before the first stage of initiation, was given a stone and had to run to the first peak as fast as he could called Toocal Buccan (big rock North) and touch a large rock there. After the ceremony the boy was handed a second stone, the sacred one, and again he had to journey to the second peak as fast as he could called Weela Buccan (The Smaller Southern rock) and then to the final peak the Mograni with a stone and back again. The stones were an important part of the ceremony to pass a youth into tribal manhood. Afterward the boy carried a sacred stone in a small bag to ward off evil and sickness. This bag was attached to his belt and tied with possum string. Only initiated men could see this stone. If a woman saw it she was killed.

The Buccan is a sacred hill and taboo to the Aboriginal Woman and for one of them to set foot on it meant the penalty of death And is also the place where Maloogat buried the king stone his Boomerangs, spears and Shield, Knowing that the culture and the old ways were not permitted by whites.

There was a popular but wrong story at Gloucester that the buckets had been names after a bucking horse. The words "buccan, buccan" were use in the region long before a horse (Yarraman) was known.

The native numbers had dwindled and the tribal life was disappearing though the aboriginal families had their own reserve, on which a school was built later for their children. This was the first stage of transition from tribal habitat to the white mans way of living. Then came the day when except of isolated wonders.

The camp life was at an end and the surviving members of the clan became part of the town and had English names like The Cooks, Doyles, Brummy, Jackie Springheel and his son, Billy Springheel. "Jackie was so fast that he could chase and catch a kangaroo rat by its tail". It has also been past down that Sid Cook could run down a dingo and kill it with his hands.

Maloogat and his Family lived on the banks of the Barrington River, Cobark River-(Place of Silver Wattle) in a bark humpys they lived the old way right up till his later years. Maloogat continued to hunt for Kangaroo-(Womboit), Porky pine, Emu-(Mitucit), Fish-(Markorow), wombat, Flock Pidgins, collect bush tucker (native plants) Stones and timber for tools as his elders did before him. It has been passed down through My Grandmother Eileen May Syron (nee Cook) Born 1911 that Maloogat would fish the Cloucester River for perch- (Tuketh), Cobark -(Silver Wattle) River - for Herring, Barrington River for Eels- (Tomp)- black eel , (Snusu) -silver eel and would also fish The Carricknbark River for Rainbow Trout. My Grandmother also said The Cobark-(Silver Wattle) River was always running and had many deep holes-(Berrico) that were a great food source for family and tribe and at times would see Pingootnabarney-(Platypus) in the Cobark and Barrington River.

When winter time came Maloogat would go up to the Mountains-(Womboin) where the Mullet-(Peewah) would freeze to death and catch them as they floated to the top of the water at the crossing at a natural rise of the River and would use a fish trap made of stone.

Maloogats Clan travelled to Kummi Kummi- (Many Crystal stones) now called Gummi Falls NSW for their spear tips, secret stones and was one of the main hunting grounds for the tribe. Close by is a Bora Ring-(Meeting place) that was used when collecting the stones at Kummi Kummi.

Another main Hunting ground was at Waukivory - (Scene of Big Battle) between a costal tribe and the Kabook- (Cherry Tree Clan) from Gloucester, Barrington district. Legend states that it was a very important affray because it decided which tribe held this very fine hunting ground, the Kabook Clan won.

Along the Barrington River, Cobark River, Williams River the clan would collect stones to make axes and grinding tools the flat oval shape rocks (Magos) can only be found in theses rivers they are Black Scheelite very rarely of granite, oblong in shape with a round face .The Magos are then chipped into the shape and size then ground to an even edge and were also used without a handle. A rod sandstone rock at Kirripit now known as Rawdon Vale is where the tribe used to come and grind the Magos.

When the Clan could no longer hunt and move across the land, Mooloogat and his Family were forced to move to Cobark station and worked for the Hook Family and later in his older years moved to "Gloucester Barrington blacks Camp" with the last of his clan who survived the annihilation of the tribe at Rawdon Vale NSW.

The Cook Family - The Kabook and Watoo people of the Gooreengai clan of the Worimi Nation) were granted Land in 1880.

1956 after many letters written to the Government by Jessie Martin (nee Cook) begging for the family to stay on their land was heard with death ears. This did not help with the white land owners next door contacting the government requesting the land for cattle feed, they won!

The Cook Family were removed from the family home and land on the Barrington west road leaving behind the graves of our ancestors who lay on a gentle slope.

Today the Family members annually continue to travel back in numbers to connect to the land and the site where our ancestors lay as trespasses now having to request permission to enter onto the land that was once ours. Today we continue passing on our culture through story, art, bush craft, drama, music, and dance and skills.

Family

John Cook (Maloogat-son of thunder) aka - Jack, Fathers name is not known together his Mother and Father had 3 known children known as-

John Cook (Maloogat-Son of Thunder) aka - Jack B-1838 Cobark Station NSW-D-1925 Grave site Aboriginal Camp Map Por 20 Par / Fitzroy NSW.

Jim Cook who Died Young.

Susan/ Susie Cook (kundaiabark-Wild Apple Tree) B-1862-Monkerai NSW (Reg 38746) D-19 Oct 1932 Perfleet NSW (Reg 47644).

There three Children married and had Children named,

John Cooks (Mooloogat) aka-Jack, wife was Jessie Brummy B-1848 Copeland NSW-D1942 at 94 years on the Lower Bowoman NSW, Jessie Brummy was from The Kabook people Gooreengai clan of the Worimi Nation and together they had 8 children.

Sarah Ann - B -1876-D1928 – Married - W. Langford

Jessie - B-1886 - D-1957 – Mar -T. Martin

David - B -1887 - D1949! - Mar- E. Moran

Maggie - B - 1891 - D1951 - Mar- W. Ritchie

Sydney - B - 1893 - D1956 never married moved to the mission at La Perouse NSW.

Alfred-B - 1895-D1963-Mar- G. Simon.

Susie- B – 1899 - D – 1941 - Mar -J. Aspinall

John-B - 1909- D1926 - Mar - M. Boomer

Jim Cook had a wife and children. When both Jim and his wife died his Sister Susan/ Susie Cook (kundaiabark-Wild Apple Tree) raised the Children.

Susan/ Susie Cook (kundaiabark-Wild Apple Tree) B-1862-Monkerai NSW (Reg 38746) D- 19 Oct 1932 Perfleet NSW (Reg 47644).

Susan/ Susie Cook had a Daughter to a Mr George Russell a farmer who was a coastal half cast he had a Aboriginal mother and Scottish father who drowned at sea and owned land at Coolongolook NSW.

Together they had Annie Russell who Died 1909 from typhoid. Annie had a Daughter known as Ella Simons (B-1902-D-1981).Ella's real name was Cinderella Jane Russell and married into the Simon Family. It has been said that Ella's Father was Probably Samuel Whitbread a saddler at Wingham.

REF BOOK: Through My Eyes by Ella Simons and Australian Dictionary of Biography: Simon, Cinderella Jane (1902-1981).

(Maloogat) aka - Jack buys his Aboriginal Native Name from now on.

Maloogats wife Jessie Cook (Nee Brummy) had a Brother called Dave Brummy (See photo Back row 2nd from the left)

Jessie also had a Brother In-law named Jacky Springheel - (Goorack-Turtle) aka- Jack or Springheel Jacky who was the Elder of the Clan "King of the tribe" as the whites put it! Springheels wife and child died from typhoid that was getting around the Barrington School. Springheel had a Brother named William Springheel who married Sarah Brummy, Jessie cooks - (Nee Brummy) Sister. William and Sarah had a son named David Springheel Reg No 1908/008069 Marriage certificate. I have a very old Dream Time Story that has been passed down about Maloogat and Yettee on the Barrington River near Barrington Tops, Rawdon vale area and was also recorded about 1860 from Jacky (Goorack-Turtle) Springheel- the elder of the tribe Died 1904 he was Maloogat and Jessie Cooks Brother In Law.

"Recorded As "The Legend of the Barrington Towers or the Towers"

The Happy Lovers

"Countless years ago there lived a beautiful maiden of the Kabook- (Cherry Tree Clan) inhabited the Rawdon Vale and Barrington districts) her name was Yettee (the laughing one) and she was beloved by a splendid young warrior named Mooloogat- (The Son Of Thunder) But alas as was the tribal custom she was betrothed to old Golwah, (the eagle) Golwah suspected that Mooloogat might attempt to steal her so he had her guarded night and day by three picked warriors. However one dark rainy night Mooloogat killed the three guards and he and Yettee escaped. Golwah was of course very angry and sent six of the most noted warriors in the tribe in pursuit. After many days of weary wandering Mooloogat and Yettee found themselves at the spot where now stand the Towers. Here their pursuers caught them up and in the epic fight that ensued Mooloogat killed the whole six, but was himself so badly wounded- that he died. Then the great Alcooingha (good spirit) in answer to the supplications of Yettee took pity on them both and turned them into the two wonderful Towers and here they have stood for thousands upon thousands of years with the waters of the Barrington rushing past and between them, in flood time with a thunderous roar and in normal times bubbling and rippling with laughter hence the names Mooloogat and Yettee. the name of the 3rd tower on the side of a steep hill is Golwah whom the great Alcooingha (good spirit) condemned forever to gaze from a safe distance upon the happy lovers."

These towers are About 12 miles west from Rawdon Vale, and just before or on The Barrington River on to the lower country from the mountains, stands three gigantic pillars of stone know by the white community as the towers, or Barrington Towers, Two of them 100 feet in height now the water swirls at the base of the great pillars of hardened sand stone ,which are worn smooth and appear as if fashioned by the hands of man and the other ,the smallest one is up on the steep hill side. Ref: Gloucester Advocate Tues 18 Dec 1934 Barrington Tops (by Wirrapit – Lightning).



The Barrington River boat bort for the Aboriginal Camp known as the blacks camp on the Barrington West Rd used to cross the river to get to School

Aboriginal Dream time stories

How the Bora ring came to be Manning Valley NSW

Legend is that it was the catfish (willom) that founded the 'Keepara' ceremony, and it was pointed out as proof that the catfish built a ring of stones as a nest and the male guarded it. If we knew the full story we might find that the catfish embodies one of the ancestral spirits.

Ref: THE KATTANG (Kutthung) OR W0RIMI an Aboriginal tribe. by W.J. ENRIGHT.



Photo of a Catfish ring of stones



Freshwater Catfish (Tandanus) were Formerly very abundant across most of the Murray-Darling Basin in inland NSW Prior to the 1980s.

How the Boomerang came to be Manning Valley NSW

In very early times the sky spirit used to visit the earth regularly their visit bringing clouds and rain when welcomed by the earth spirits bringing as they did new growth and filling the waterholes.

The earth spirits themselves were able to ascend to the sky by disguising themselves as mist if as sometimes happened the sky spirits were too busy to visit they would send their magic message stick hurtling through the air.

On one visit the cloud spirit feasted as usual, but he slept much longer after his feast than normally did. The result was an unrelenting deluge, which greatly upset the earth spirits.

The angry hosts were unable to exercise their powers of new growth because the water was too deep and flowed too fast. All the tribes complained to the earth spirits that sent their own magic message stick hurtling into the sky in protest, calling on the sky spirits to stop the rain.

The sky spirits were wary and jealous among themselves, with much suspicion that the sun spirit would take advantage of the situation to evaporate all the clouds. The sky spirit would not accept the message from the earth and they let it fall back to the ground unheeded.

The earth spirit tried a trick, throwing the stick back in a curving and indirect way, hoping the sky spirits would think it a message stick got tired of this overwork. It was changing shape from the repetitive movement and the magic symbols that decorated its surface were wearing off. It decided to no longer participate in the futile episode and spying a flat rock landed on the earth and rested. Two warriors found the message stick recognizing it as the property of the spirits they threw it far into the sky.

The men were startled when it returned to them on the earth. No matter how they tried to send it back to the spirits it always came back. Of course, as soon as the mortal men had touched the stick, it had lost its magic powers and was no longer capable of returning to its owners.

The warriors took the stick and gave it to their wise man. He told them the stick, which people now call the boomerang, was a gift from the spirits as compensation for the fearful flood, which had gone before.

Area of the Kabook and Watoo people of the Gooreengai Clan of the Worimi Nation

