

Plains Clans of the Wonnarua Aboriginal corporation ICN:8700

Dear IPC,

I make the following submission on behalf of the Plains Clan of the Wonnarua People (PCWP), knowledge holders and traditional owners for the land the Mt Pleasant Optimisation Project (Project) is on.

My name is Scott Franks and I'm one of the appointed representatives for the PCWP.

Once again, I am before the IPC to talk about a new mining application which will have an extraordinary impact on the remaining land of the Wonnarua People and our traditional way of life.

The PCWP objects to the Project

The PCWP cannot support the approval of the Project. We've seen the systematic and cumulative destruction of our lores and customs in our country by mining operations across the Hunter Valley. No longer can this be accepted by the PCWP.

It would be against our cultural lore and customs to support the Project. The Project will mean the further destruction and massive impact of land that we know is culturally significant. The landscape that the proponent wants to turn into an open cut contains mythological protectors, it also contains direct connections back to birthing sites, women sites, men sites, hunter and gathering sites.

The AHIMS sites card clearly demonstrates a landscape of well used inhabited land that hasn't even been considered by this EIS.

We call on the IPC to reject the mining application, to ensure that the PCWP have open plains lands still intact for our future generations, for our people and for ceremony.

If the Project is allowed to proceed, it will remove another vital area left for our future generations that our creator placed in the Hunter Valley for our people. The IPC should not approve the Project.

The PCWP traditional owners have not been consulted

I would also like to point out that the PCWP were not consulted or contacted with this EIS process, or given an opportunity to assess any of the mining footprint.

The AHIP for the original Mount Pleasant mine was granted one of the largest AHIPS to destroy over 3500 sites. This permit is one of the largest permits ever issued in New South Wales for the destruction of Aboriginal sites in one area. The area for this new mine contains a high concentration of Aboriginal sites.

The mine will destroy an important birthing site

I would like to turn the IPC's attention now to one site registered as M TP-457. This site was recorded from a traditional story from an elder now passed. I was present when that site

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was being recorded and to my knowledge it is a well-known binary site that connects back to the beginning of time. The site is of a water site, a women's birthing site. The site contains a body of water or lagoon which contains a mythological spirit.

The site in question was recorded in detail and gave information about a mythological being that would come out of the water and walk the land, as Aunty Barb (a Wonnarua elder, **now passed**) described. She stated that this creature would walk the land and take other mobs that would walk across the Windenmain, a well-known recorded boundary. The creature was a protector placed there by our creator Biame to make sure our newborns would not be hurt.

It would be impossible for this approval to offset any impacts of this site, the possible destruction of that site along with the other camp sites will bring further harm to the Wonnarua people as our creator Biame would look down on us as not looking after the land we were placed on.

The site in question is a birthing site of women's law and customs that needs to be preserved and protected. The possible impact or destruction of that site will result in a loss of connexion for all Wonnarua women from that apical line, the Foot nee Shearer line.

The Project area contains a significant number of sites

Not far from the Mount Pleasant site, there is another area well known to the broader community, both indigenous and non-indigenous, called the pocket. That pocket also contains a smaller massacre site of a Men's site. That resulted in the men taking and killing a young white girl back in the early 1800s. That was the catalyst that started the inland wars that we see spread across the Hunter Valley from the top of the catchment all the way to Maitland.

What we see today are intact battlefields on well used camp and ceremonial site that are now being encroached on by mining companies.

The original heritage assessment identified that the Mount Pleasant mining footprint has the largest number of recorded sites in the top of the Hunter Valley to the middle of the catchment. It's unacceptable to believe that this mine should be approved.

The Project's heritage assessment is flawed

The heritage assessment for the Project failed to even comply with the 2010 community consultation guidelines.

It has several significant issues in it, one being that at no stage was there any proper research done to identify who the traditional owners were for the specific area.

Consultation has been conducted to achieve result for the mine, not to assess impact on Aboriginal Cultural Heritage

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This mining company has been conducting community consultation in a way to ensure the best outcome for their mine. They have not attempted to identify who the traditional knowledge holders are for the specific site.

The consultation did not comply with the Heritage NSW *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. The company did not consult with the PCWP, despite being traditional knowledge holders for the site.

The IPC need to understand that any future mining activity on Wonnarua country is unacceptable.

At the public hearing for the nearby Glendell Continued Operations Project we heard first-hand from the department that they couldn't answer how much Wonnarua land will be left if that mine was approved. How much land will be left intact for our people to conduct lore, customs or even traditional ceremony if this Project or any others are approved? Any further approvals will have a significant impact on our intergenerational equity and longevity of our lore and customs and the Wonnarua people as a society.

I would also like to state that this mining company, MACH Energy, has had no interface whatsoever with the PCWP. When the mine was owned by Rio Tinto we were consulted, and that is the reason from the site cards being lodged, but once the mine was sold the PCWP have not been given any opportunity to assess the land or the Project, and we've been simply sidelined.

It was as if our organisation of traditional owners had dropped off the face of the Earth and were not even considered an important element in consultation, despite being the registered Native Title claim group at the time of the ACHA and the PCWP Aboriginal Corporation being the only aboriginal corporation for the Wonnarua people set up in line with the federal Native Title Act (in contrast to other, single family, aboriginal corporations).

Nor did MACH Energy consider the commitments that the Mount Pleasant mining footprint has attached to a native title agreement and Deed 31 ancillary agreement for the Wonnarua people.

The native title agreement that was struck and agreed to with the Wonnarua people has been withheld from the PCWP, including one of the signatories to the native title agreement, Mr Robert Lester.

It's hard to accept that MACH Energy has any real commitment to working with traditional owners as the mine evolves when it clearly refuses to make available to traditional owners (even signatories to the agreement) its commitments under the native title agreement that was struck with the original owners of the mine, Rio Tinto Coal Australia.

PCWP traditional owners have been excluded

It's clear to me that the new owners of the Mount Pleasant mine never ever considered a working relationship with Wonnarua people, the PCWP, to date.

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The Mount Pleasant mine management have been very aware of the PCWP as we have in the past attempted to reach out and speak with the management. These meetings in our mind were to try and build a bridge for an open dialogue to work collaboratively and collectively with this particular mine, for us the PCWP to understand what the mine was going to do on the piece of land. But they have not consulted with us for the Project, which will desecrate and destroy land that was put there by our creator for the benefit of our people to protect us, to look after us and to keep us.

Approving this mine would be devastating to the Wonnarua people considering the current cumulative impacts of the 30 something mining operations within Wonnarua country. There is so little left undisturbed by mining that our way of traditional life on our lands will be immensely impacted by the approval of the Project.

This application is another attempt to further annihilate the presence of and to erase Wonnarua culture once and for all. By stealthily consulting with non-Wonnarua Aboriginal people, to get the best outcome for the mine for a fee for service.

Not only has MACH failed to consult with the PCWP, it has demonstrated no good faith in working with us or even discussing the proposed increased mine footprint.

The area in question effectively is double the size of the original negotiated footprint of Mt Pleasant for the native title agreement for the Wonnarua people. Not only is this a violation of good faith, it has demonstrated that the current mine owners have no real understanding of what a good faith commitment is, let alone the terms of the ancillary agreement Deed 31.

The CEO of the Local Aboriginal Land Council has a conflict of interest

At the public hearing, the new CEO of the local Aboriginal Lands Council, Deanne Douglas, gave support to the Project. However, she did not declare a conflict of interest- her son owns BlackRock Pty Limited and BlackRoo Industries, which will financially benefit from the Project.

These businesses and the CEO of the Local Aboriginal Land Council do not represent the Wonnarua people and have no standing when it comes to speaking on behalf of the Wonnarua traditional Lore or Customs.

The Plains Clan of the Wonnarua People object to the Project

The PCWP knowledge holders cannot support the approval of the Project. We've seen the systematic destruction of our lores and customs in our country by mining operations in the Hunter Valley. No longer can this be accepted by the PCWP.

It would be against our cultural lore and customs to support the Project. The Project will mean the further destruction and massive impact of land that we know is culturally significant. The landscape that the mine want to turn into an open cut contains mythological protectors, it also contains direct connection back to birthing sites, women sites, men sites, hunter and gathering sites.

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The AHIMS sites card clearly demonstrates a landscape of well used inhabited land that hasn't even been considered by this EIS.

We call on the IPC to reject the Project application, to ensure that the Wonnarua people have open plains lands still intact for our future generations, for our people's ceremony.

The application before the IPC should not be allowed to proceed because it nowhere demonstrates any real commitment to ensuring that our traditional lands will be left intact. Instead our lands that are sacred to us will be destroyed and lost for ever.

If the Project is allowed to proceed, it will remove another vital area left for our future generations that our creator placed in the Hunter Valley for our people. The IPC should not approve the Project.

Scott Franks and Robert Lester
Appointed representatives for the PCWP