

**REPORT ON PROCEEDINGS BEFORE**

**PORTFOLIO COMMITTEE NO. 2 - HEALTH**

**INQUIRY INTO CURRENT AND POTENTIAL IMPACTS OF GOLD,  
SILVER, LEAD AND ZINC MINING ON HUMAN HEALTH, LAND,  
AIR AND WATER QUALITY IN NEW SOUTH WALES**

**CORRECTED**

**At Coral Sea Room, Orange Ex-Services Club, Orange on Tuesday 3 October 2023**

**The Committee met at 9:30.**

**PRESENT**

Dr Amanda Cohn (Chair)

The Hon. Susan Carter (Deputy Chair)

The Hon. Greg Donnelly

Ms Cate Faehrmann

**PRESENT VIA VIDEOCONFERENCE**

The Hon. Mark Buttigieg

The Hon. Emily Suvaal

The Hon. Bronnie Taylor



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**The CHAIR:** Welcome to the second hearing of the Committee's mining impact inquiry. The inquiry was established to inquire into and report on the current and potential impacts of gold, silver, lead and zinc mining on human health, land, air and water quality in New South Wales. I acknowledge the Wiradjuri people, the traditional custodians of the lands on which we are meeting today. I pay my respects to their Elders past and present and celebrate the diversity of all Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. Thank you for attending today's hearing. My name is Amanda Cohn and I'm Chair of the Committee. Today we'll be hearing from a number of stakeholders for our inquiry, including local residents and business owners and the chief executive officer of Orange City Council.

I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today; however, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants, and I encourage Committee members and witnesses to be mindful of these procedures.

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**Mrs CLAIRE BENNETT**, Operations Manager, Goldfields Honey Group, sworn and examined

**The CHAIR:** Welcome and thank you for making the time to give evidence today. Would you like to start by making a short opening statement?

**CLAIRE BENNETT:** Good morning, Chair, Deputy Chair and Committee. My name is Claire Bennett. I am a family member and the operations manager for the Goldfields group of companies. I'm also the secretary of the Central Tablelands sub-branch of the New South Wales Apiarists' Association and a resident of the Cadia district. As invited, I am here to give evidence into the inquiry on behalf of my family's group of companies. Metal mining has detrimental impacts on bees and consequently our food source. I will give an extremely brief overview of these effects and impacts. Land—the destruction of valuable native woodlands and endangered trees is adding more stress on beekeepers as their floral resources continue to diminish. The destruction of topsoil also destroys any ground flora essential for pollen, nectar and breeding of bees. Air—exposure to metal concentrates deposited in plants from contaminated dust leaving mine sites. Nectar is then collected from these plants and brought back to the hive. This then causes possible contamination to the honey produced from these hives.

Water—the same sentiment. Exposure to water contaminated by toxic metals and cyanide can affect the bee's life span by them drinking from contaminated tailings dams. In times of high temperatures, bees also bring water back to their hives to cool the hive. They do this by spraying the water around and fanning, using their wings to cool the hive, adding to the potential for contamination of honey. Human health—potential contamination via honey. Recent EnRisk reports do not come to any real conclusions on bees drinking from tailings dams and the effects on bees from contaminated dust, as this has never been studied in depth. Professor Mark Taylor, environmental scientist and honorary professor at Macquarie University, states, "There is no acceptable contamination to a food product."

Honey aside, pollination of our food crops is the bigger factor here. One in every three mouthfuls of food depends on pollination via honey bees. Currently, the beekeeping industry is facing many obstacles—metal mining being one, the current varroa mite biosecurity emergency another, in attempts to eradicate a pest called varroa mite. The department have identified beekeeping industries play a vital role in our nation's food security. Bees, through pollination and honey products, directly contribute \$14 billion to the Australian economy annually.

The importance can be highlighted by the recent response to the varroa incursion. Affected parties, including the New South Wales State Government, spent millions of dollars trying to free Australia of this pest. Approximately 30,000 hives have been destroyed, including thousands of our own hives. On one hand, the State Government were doing all they could to eradicate varroa and support our industry but, on the other hand, are recommending mines that will be detrimental to the health of our bees. Without healthy bees, we cannot pollinate our food crops. There will be a food shortage.

The recent IPC hearing in February was a waste of our valuable time and taxpayers' money. It was obvious that the approval of this mine was already determined; not one recommendation was taken into account. The company who have spent \$160 million into exploration on a new goldmine in the Central West can't even keep the trees alive that they have offset-planted or ensure the plastic tree guards don't blow all over the countryside, further contaminating our environment.

It is evident that mining companies simply do not keep their promises and, once approved, do not do their due diligence to ensure that there are no effects on the health of humans and our environment. It is a sad world that we live in that money is more important than our health and landscape. I hope that the inquiry will expose the effects of gold, silver, lead and zinc mining on human health, land, air and water.

**The Hon. SUSAN CARTER:** Thank you very much for your time and for preparing the submission and being here today. I understand that your submission relates to the possible effects of the mining operations on your beekeeping business—

**CLAIRE BENNETT:** Yes, correct.

**The Hon. SUSAN CARTER:** —and I understand that you are particularly concerned about dust.

**CLAIRE BENNETT:** Yes.

**The Hon. SUSAN CARTER:** In terms of the approvals given, were there containment measures that were discussed?

**CLAIRE BENNETT:** Regis have met with us over the years. Meetings have gone back and forth prior to the IPC hearing; we weren't taken seriously at all. Goldfields were, as of three weeks ago, the largest beekeeping company in New South Wales. In the last three weeks, we've had to destroy 2,500 of our hives due to the varroa

incursion. After the IPC hearing and after we had made our submissions, we had Professor Mark Taylor do studies and things for us. Regis took us a little more seriously and realised—they actually had a statement from them to say, "Sorry, we basically stuffed up. We didn't realise how big a player you were", which to us it shouldn't really matter how big a player you are; they should take everybody seriously, no matter the size of their land or interest into the mine. They have met with us a couple of times since, but they're still not taking the severity of what their mine will have detrimental effects on—

**The Hon. SUSAN CARTER:** In terms of the approvals, though, are there dust containment measures that are in place?

**CLAIRE BENNETT:** I'm not sure. Not that that will prevent the contamination of floral resources around our area for bees. There may be some measures put in place, but nothing is going to stop the—

**The Hon. SUSAN CARTER:** So you're not aware of any containment measures that may be in place?

**CLAIRE BENNETT:** No.

**The Hon. SUSAN CARTER:** Is it your submission that any business relying on floral resources such as beekeeping cannot coexist within—what distance from the mine?

**CLAIRE BENNETT:** Our property is located about two kilometres from the border of the mine site, but the forestry is between us and the mine site. We rent a large majority of the forestry sites in between us, and always have. We breed our bees there and do very important works on our hives in these areas. We won't be able to coexist with that. Given the recent—

**The Hon. SUSAN CARTER:** I understand your concern about it.

**CLAIRE BENNETT:** Yes.

**The Hon. SUSAN CARTER:** I'm just wondering if you've got any basis in terms of how far away from the mine you would need to be, what containment measures the mine could take could be? Is it your submission that there can be no mine anywhere near bees or is it possible to work out a way that there could be coexistence if proper measures are taken?

**CLAIRE BENNETT:** I don't think that there's any way that they would be able to completely stop the dust. Bees fly anywhere up to five kilometres, foraging for water and food sources. There's no way that we would be able to stop a bee from flying and drinking contaminated tailings dam waters or choosing the plants that they forage nectar on et cetera. In terms of the point that has been put out there, go find some other—we run our hives all over New South Wales, but obviously we want to breed bees close to home, and the closer to home you are, the less costs there are involved. But given the recent bushfires, floods, varroa mite incursion and land being taken away for other purposes, there isn't much vacant land for beekeepers left in New South Wales. We're a very close-knit industry. We work together with our fellow beekeepers, and poaching other people's land is a no-go. If the mine goes ahead and we lose our land, what will be of our beekeeping operation? And, us being one of the largest, how will that then affect our food source?

**The Hon. SUSAN CARTER:** So it's your opinion that the present dust contamination measures would be insufficient, but you don't really have detail about those? Would that be correct?

**CLAIRE BENNETT:** Correct, yes. I'm representing on behalf of my whole family today. We were given short notice to attend today. My mother is overseas and my brother Jon is with Landline today. If there are any questions that I can't answer, I will take them on notice and they would be able to better put some insight into some of the questions.

**The CHAIR:** You're most welcome to take questions on notice too.

**CLAIRE BENNETT:** Yes, cool.

**Ms CATE FAEHRMANN:** Thanks for appearing today. I'm very sorry to hear that you've had to destroy so many hives. It must be incredibly traumatic for you.

**CLAIRE BENNETT:** Yes, it was very traumatic for my brother. The DPI's resources are stretched to their limits, and he actually had to euthanase them himself. So it was a bit difficult.

**Ms CATE FAEHRMANN:** You said 2,500; what does that represent?

**CLAIRE BENNETT:** We were running around 12,000 hives, so we're down to about 9,500.

**Ms CATE FAEHRMANN:** I want to ask questions about the tailings dam specifically to begin with. It's my understanding that there are different ways in which companies can—there's best practice, which is

becoming increasingly world's best practice, in terms of tailings dam, which doesn't involve so much the contaminated water, if you like. There are different ways of doing it—something called dry stacking, which, I assume, may be better for the bees because they wouldn't drink the contaminated water.

**CLAIRE BENNETT:** Yes.

**Ms CATE FAEHRMANN:** Have you spoken with Regis about this in terms of options? Did you submit any of this or are you aware of that as an alternative?

**CLAIRE BENNETT:** Yes, sort of. My brother Jon has been in more depth in that sort of area. To my knowledge, all recommendations that we put forth to Regis were denied in the IPC hearing. We had various recommendations into minimising the risk from the tailings dam and bees drinking from the tailings dam, none of which were considered or put into place.

**Ms CATE FAEHRMANN:** It wasn't made at the time to the IPC—I'm sorry, I don't have that submission in front of me—but I assume one recommendation to Regis would be to ensure that tailings dams didn't have water. If that was an option—

**CLAIRE BENNETT:** Yes, that would minimise some of our risk.

**Ms CATE FAEHRMANN:** We've heard a fair bit about people's frustrations at the IPC not seeming to take their views into consideration. People have said they haven't felt heard, recommendations ignored. Would you care to expand on that?

**CLAIRE BENNETT:** Yes, 100 per cent. I spoke at the IPC hearing. At the hearing I was representing the NSW Apiarists' Association as the secretary of the sub-branch. As my brother and mother were more involved with our business they were already covering that, so I covered on a different angle. The vast majority of submissions made at the IPC were against the mine. We sat there for the full two or three days; I can't remember what it was. For them to walk away, not taking any recommendations, not putting any stops on anything, I feel was just a joke and a waste of people's time. It's one thing to approve a mine to go ahead. It's another thing to approve it and not have any recommendations come out of the meeting. It seems very pointless to me why we did it if they weren't going to even say, "That's a really fair point. How can we minimise that risk? Let's put this into place to stop that."

**Ms CATE FAEHRMANN:** Potentially, Government members will say that it's critical State-significant development and there's a planning process it has to go through. But the IPC process itself in some ways seems set up for a predetermined outcome.

**CLAIRE BENNETT:** Yes.

**Ms CATE FAEHRMANN:** But there should be a way, don't you think, for the community's views to still be heard genuinely and for recommendations to be taken into account? But you seem to think that they weren't listening or prepared to listen to recommendations. Is that your view?

**CLAIRE BENNETT:** Yes, correct. I feel that we as the community and people who have invested interest into this going ahead put so much time, effort and money—the money that we contributed as a business and the Belubula headwater group and our community might seem like a drop in the sea to a mining company such as Regis, but to us it was a lot of money to be invested. But we just feel that money talks, and that no matter what we had to say at that hearing nothing was going to be changed.

**Ms CATE FAEHRMANN:** The recommendations that I've seen in a number of submissions were incredibly detailed and very good. Can I ask about water? I was very alarmed to hear about Regis' plan to what I think is to plug various springs and headwaters. It is just extraordinary—mind-blowing stuff, really.

**CLAIRE BENNETT:** Yes.

**Ms CATE FAEHRMANN:** Is that really the case in New South Wales in 2023?

**CLAIRE BENNETT:** Yes.

**Ms CATE FAEHRMANN:** That is happening, according to what you've seen as well?

**CLAIRE BENNETT:** Yes. To my knowledge they are plugging parts of the—as you've said. To my knowledge, the water is going to be contaminated for 400 years for a very minimal mining time. Then once they've left, they're not going to refill the hole or get rid of the contaminated water. They're just going to put a fence around it and walk away. How can you go into profit by hundreds of millions of dollars and then after 15 years I think the proposed—I could be wrong, but it's a short period of time in terms of mining—they're just going to fence it and walk away. That will have detrimental effects on our environment.

**Ms CATE FAEHRMANN:** We'll certainly look into that, if that's the case. You mentioned offsets, and thank you for raising the importance of native vegetation and flora for bees and many other things. You mentioned one particular offset area where the trees are dying. Who is the company?

**CLAIRE BENNETT:** Regis Resources. One of the things that they were doing for us as beekeepers is offsetting trees in other locations. For starters, the trees that they were planting, by the time their mine has finished mining, they still won't be a source that we can forage nectar on. To be able to forage valuable nectar on mature trees, you are looking at 15 to 20 years. These offset trees that they have planted—there are some bordering forests and other areas—they haven't even been looked after. They've planted them, ticked a box and put up a few good snaps. Before the IPC hearing we went out to have a look at these trees. A large majority of the plastic tree guards that they have planted these trees with are just floating all over the native vegetation around the area. I would, at an estimate, say that 70 per cent of the trees were dead.

**Ms CATE FAEHRMANN:** What's the area, specifically? Do you know the area or what the offset is called? We can take that on notice.

**CLAIRE BENNETT:** No. I will take that on notice. There are a couple of offset areas. I can take that on notice and I can get you that information from us.

**The Hon. GREG DONNELLY:** Thank you very much for coming along today. I appreciate your submission.

**CLAIRE BENNETT:** Thank you.

**The Hon. GREG DONNELLY:** To help myself and perhaps other Committee members understand the time line here, we are talking about a mine that's proposed to open. Is that right?

**CLAIRE BENNETT:** Yes.

**The Hon. GREG DONNELLY:** Do we have a sense of when that's going to be or what the planned operational date is?

**CLAIRE BENNETT:** I am not 100 per cent. I know that—

**The Hon. GREG DONNELLY:** Approximately.

**CLAIRE BENNETT:** In the next couple of years.

**The Hon. GREG DONNELLY:** You said, and I noted in your opening statement, that there was a sense that your submission about the concerns on behalf of your own business and beekeepers in general didn't appear to be being taken seriously by the mining company.

**CLAIRE BENNETT:** Correct.

**The Hon. GREG DONNELLY:** From what you have said, there appears now there is some apparent sensitivity or interest in your concerns.

**CLAIRE BENNETT:** Yes.

**The Hon. GREG DONNELLY:** What was the cause of that change, in your opinion? What was the change of tune? What happened?

**CLAIRE BENNETT:** I think that they were surprised by how lengthy our submissions were for the IPC and how we engaged Professor Mark Taylor, the DPI and various other organisations to help us with our submissions to put forth. I think that they thought that we were just a small pest that they could overlook and not have to deal with it all and get away with it. When we spoke at the IPC and put forth these concerns and how it actually could be a threat to our food source, one of the members actually came up to us at the hearing and basically said, "We've stuffed up. We should have taken you more seriously." I think they were worried that our submission might have some weight on the mine.

**The Hon. GREG DONNELLY:** I am interested to see if any progress has been made or is anticipated to be made by the mining company with this proposed mine in one or two years' time. You are disappointed, obviously, that the IPC process, from your point of view, was not anywhere near what you had hoped and there were no recommendations that you had proposed. Were there any other recommendations from that which have gone somewhere towards or are in the right direction towards addressing your concerns as beekeepers?

**CLAIRE BENNETT:** I think that Regis have met with my mother and my brother Jon once or twice since the IPC, but it just seems to be friendly and trying to—what's the word? They are trying to get us happy enough to be in a distance from the mine that they can work alongside us, which can't happen. They still haven't

changed any—one of the recommendations that was put forth was about the night lighting. The night lighting is going to have detrimental effects on the bees. They are not going to sleep their normal sleep cycles. They are attracted to the light. There have also been studies and a couple of deaths in Australia from bees on mine sites falling from lights and attacking workers. There was actually a death in Western Australia a couple of years ago. Their response to that was, "We'll put covers around the lights." Everything is a bit lacklustre. It's a good sentiment and I suppose there's a few aspects that they are trying to appease us on, but it's just to appease us; it's not really going to help make a difference.

**The Hon. GREG DONNELLY:** I am interested to see if the company is attempting to address both the smaller and larger issues. Have they said that they are going to provide you with which matters they are prepared to look at and address, or are you just getting bits and pieces from them?

**CLAIRE BENNETT:** I think that they are taking our concerns more seriously, and their attitude towards us—prior to the IPC they were quite cocky towards us and not friendly. Since the IPC they have been more friendly towards us and probably have made an attempt to take the time to really consider our concerns. There have been a few emails back and forth but, to date, we haven't really resolved any of the—

**The Hon. GREG DONNELLY:** Is there any process that you are aware of, post the IPC work, that you can link into, which can formalise these discussions to try to get some of your matters addressed? Has that been explained to you?

**CLAIRE BENNETT:** Not that I'm aware of, but I could take that on notice. That could be a question for my brother and mother to come back on.

**The Hon. GREG DONNELLY:** Just going back to your opening statement and the matter of dust. I am not arguing the toss on this, but these are your words, not mine. You said, if I understand correctly, that there is "possible contamination" from dust.

**CLAIRE BENNETT:** Yes.

**The Hon. GREG DONNELLY:** Where do you derive that piece of information from, about "possible" as opposed to "certain"?

**CLAIRE BENNETT:** We are certain that there will be contamination, but there hasn't really been any studies proving this. There is a study starting to be formalised. There has been a study recently done by Professor Mark Taylor into a nickel mine and the residue that was found on the bees, and the contamination on the inside of the bee is very evident. It's a new study that has only come out just a couple of weeks ago. I was considering tabling it today, but I wasn't confident enough in the expert terms and things in the study to put it forth today. I didn't think I could do it justice. There was a lot of jargon in there that I couldn't—but basically it's another study proving how contamination to bees from dust, from foraging for nectar and from drinking contaminated water is really going to have a detrimental effect on the lifespan of bees and the possible contamination to honey and thus our food sources.

**The Hon. GREG DONNELLY:** Will you repeat what you said in your opening statement about the contamination of water?

**CLAIRE BENNETT:** Water—exposure to water contaminated by toxic metals and cyanide can affect the bees' lifespan by drinking from contaminated tailings dams. In times of high temperature bees also bring water back to the hives to cool the hive. They do this by spraying water and fanning using their wings to cool the hive, adding the potential for contamination of honey.

**The Hon. GREG DONNELLY:** With respect to the proposed mine, what document have you seen—if it exists—that has been produced by the company, which was presumably used as part of the IPC engagement, that outlines what they are not just intending to do but are bound to do in regards to dealing with suppression of or minimising dust and dealing with contaminated or potentially contaminated water? There must be some conditions that have been placed on their actual, ultimate licence to do the mining.

**CLAIRE BENNETT:** Yes.

**The Hon. GREG DONNELLY:** Do you know what is in that?

**CLAIRE BENNETT:** To my knowledge, the contamination of the water, I don't think that—as we know, all tailings dams is contaminated water that sits there, so I'm not sure of anything that they're doing to minimise the risk of that. In terms of dust—

**The Hon. GREG DONNELLY:** Sorry. In relation to what they are required to do, there is obviously a document.



**CLAIRE BENNETT:** Obviously there would be requirements for them to—

**The Hon. GREG DONNELLY:** Do you know what those requirements are?

**CLAIRE BENNETT:** No.

**The Hon. GREG DONNELLY:** Have you sought to find out what those requirements are?

**CLAIRE BENNETT:** I am sure that members of our organisation, being my brother or my mother, have—

**The Hon. GREG DONNELLY:** Can you take that on notice?

**CLAIRE BENNETT:** Yes, I'll take that on notice.

**The Hon. GREG DONNELLY:** With respect to the dust, that's obviously an issue. I know dust occurs naturally after windstorms and what have you. So dust and bees obviously do mix from time to time. But with the dust associated with the proposed mine, do you know of any mitigation measures which the company was required to follow?

**CLAIRE BENNETT:** I am sure there are measures that they have to put in place to minimise dust, but look at Cadia. They were supposed to be putting in measures to minimise dust and they have now pled guilty in the last two weeks to not doing that. Like I said in my statement, I feel that once mines are approved and everybody goes back to their day-to-day lives, mining companies really just do whatever they like.

**The Hon. GREG DONNELLY:** That's your opinion.

**CLAIRE BENNETT:** Yes. If it wasn't for the members of our community giving their valuable time to bring things to light in terms of Cadia's contamination—I actually live in the Cadia district; I live about five kilometres from the Cadia mine. We have had testing of our water there through the Cadia Group recently. The sludge at the bottom of the water is at tens of times higher levels than it should be. It's just lucky that we use our water so frequently that these metals aren't leaching into the water. But if you were to find a stagnant water source, it would be highly contaminated. You can't tell me that's not from the mine.

**The Hon. GREG DONNELLY:** I don't know.

**The CHAIR:** We are over time for this session. If I could leave you with one question on notice: Would you be willing to submit to us that study by Professor Taylor regarding the contamination?

**CLAIRE BENNETT:** Yes, there are two studies. There is a study that he has done for us that doesn't actually give too much evidence, but it's a baseline study. So when the mine starts, we can then do the same testing again and be like, "Here you go."

**The CHAIR:** I'm interested in that evidence regarding a different mine. I think you said it was a nickel mine. We'd love to read that.

**CLAIRE BENNETT:** Yes, I'll submit that. And you guys will email me the questions I've taken on notice, won't you?

**The CHAIR:** Yes, the secretariat will be in touch with you regarding the questions on notice. Thank you so much for your time to give evidence.

**CLAIRE BENNETT:** Thank you for your time today.

**(The witness withdrew.)**

**Ms LISA PATON**, Local resident, sworn and examined

**Mr TONY NEWMAN**, Local resident, sworn and examined

**The CHAIR:** I'd like to welcome our next witnesses. I would ask you both to speak into the microphone. We have a number of Committee members listening in via videoconference today who I am sure would like to hear you properly. Would you like to start by making a short opening statement?

**LISA PATON:** Yes. I've timed this; it's three minutes. Firstly, I would like to acknowledge the traditional owners of the land we are meeting on today, the Wiradjuri people, and pay my respects to Elders past, present and emerging. I welcome you here today on behalf of Aunty Nyree Reynolds from Blayney, and Aunty Leanna Carr, Uncle Jade Flynn and Uncle Bill Allen from Bathurst. I have been given permission to speak on the Aboriginal cultural heritage matters from the Elders. Thank you for this opportunity to speak with you today. We hope we are able to answer any questions you may have in regard to our submission.

In the Central West of New South Wales, not only are our smaller communities tightknit communities, but we also have strong ties with other large Central West towns, such as Mudgee, through family connections, business, sporting and other activities that we and our children participate in. As a member of this Central West community, if I was to consider a mine proposal as a business opportunity for myself, I could not morally justify contaminating my friends and neighbours for my financial gain, as has been the case with Cadia. With my Aboriginal heritage and the extensive amount of historical and community research we have completed, we wholeheartedly believe that this region has not only a nationally significant ancient Aboriginal history, but it also has a first contact history that is unique, which should be properly documented and protected. Any other country in the world would ensure this occurred. Digging it up for gold is a lost ongoing future tourism business development opportunity, given that Aboriginal cultural heritage tourism in 2017 was worth \$1.4 billion to the New South Wales economy.

We, as communities, are asked to coordinate, research, prepare and present evidence to protect our homes and country. This impacts on our ability to perform our other responsibilities as community members, family members, business owners and employees. We, as a collective, have submitted many reports, submissions and evidence about the likely and current impacts against these developments to the EPA, the DPE, the IPC and also to the Federal Government by way of a section 10 application to protect Aboriginal cultural heritage in the area of Kings Plains from the McPhillamys goldmine. It feels like this has been a never-ending scenario. We hope that this inquiry is not just another pointless process for us as a collective.

We ask that you read our submissions to the EPA, DPE and IPC. We have yet to see a financial study that compares the financial benefits of the mine to the impacts long term via impacts to human health, infrastructure, environment, future agricultural pursuits, tourism and climate change. We believe the assessment process is flawed, and from the Aboriginal cultural heritage perspective have had this confirmed by two industry experts. We know this to be the case from other areas of concern, also backed up by experts in the field.

The depths of despair are real. From a mental health perspective, looking at the people from the Cadia community group, the Lue group, the Belubula Headwaters Protection Group and the Aboriginal community, we have been fighting for our voices to be heard—for us, about 10 years. That is 10 years of not knowing what is going to happen to your home, your livelihood, your community or your heritage. I would suggest that many of these people are experiencing PTSD. We implore you to consider the long-term health impacts to these communities, to country and to Australia's food chain, of which you are consumers. We hope that you take legitimate action to protect these things. Personally, as a friend and neighbour of many young people, a mother and a grandmother, I feel ashamed that we older generations continue to destroy Mother Earth for financial gain and to the detriment of younger and future generations. Thank you.

**The Hon. GREG DONNELLY:** Thank you both for coming along today, and thank you for your submission, which stands as submission 108 to the inquiry. On the matter of looking at the cultural heritage work that has been done, I think you said it has been done for the region. Forgive me if I have misunderstood the wording in your opening statement. You were referring to the whole region. Just so I understand, what region are we talking about in terms of your focus on the particular Aboriginal cultural heritage issues?

**LISA PATON:** Our focus has been at Kings Plains around the McPhillamys goldmine.

**The Hon. GREG DONNELLY:** So that's specifically where you've been looking?

**LISA PATON:** Yes. I am aware of the broader context as well.

**The Hon. GREG DONNELLY:** I'm just trying to reconcile the specifics with the more general. I read through your submission last night and—correct me if I'm wrong—I was getting a sense that the argument was

being put that because of the intrinsic cultural heritage issues for the whole region, that really would prevent any mining occurring in the region. Is that not your submission, or is that your submission?

**LISA PATON:** No, my thoughts are that because we are only young as a country and, from a heritage perspective and from a history perspective, 200-odd years is very young compared to somewhere like Rome or whatever, we have not had the opportunity to collate, particularly the last few hundred years, and we have not done a very good job of that as a country. There are some significant cultural sites that run through the mine, particularly the Regis McPhillamys mine. This hasn't been collated properly. In my personal opinion, the proponents do a desktop study—they don't do a thorough job. It's probably not in their best interest to do a thorough job, because if they find something then it's going to cause them problems.

**The Hon. GREG DONNELLY:** Thank you for that. With respect, then, to looking at this particular mine itself, I think I heard you say in the opening statement words to the effect that the cultural heritage process is flawed—the actual way in which it was looked at was flawed with respect to, I presume, the proposed mine.

**LISA PATON:** Yes.

**The Hon. GREG DONNELLY:** Why do you say that?

**LISA PATON:** I did submit with our submission two reports, one from Kuskie and one from Williams, that outline that they did not adhere to the legislation in doing their Aboriginal cultural heritage assessments. Number one, the consultation and also the way in which they documented the artefacts, even how they were photographed, and also their site surveying techniques were not in line with legislation. It's outlined in those reports, which I have here but you guys have as well.

**The Hon. GREG DONNELLY:** I think in your opening statement you also referred to a total of four reports. There were two you mentioned; I presume they were the two that you have just mentioned then. Did you talk about another couple of reports in your opening statement?

**LISA PATON:** I have brought today a document that I have submitted to New South Wales heritage in regard to the significance of the area as an application for State listing that I can provide to everyone.

**The Hon. GREG DONNELLY:** Sure. What do you say would be the standard to be met then with respect to these cultural heritage issues in regard to the mine? You were saying that what has been done is deficient. What do you say then is the standard? What should be looked at as the standard?

**LISA PATON:** Because Regis owns most of the 6,000-odd acres, we've asked from the beginning to get back on site, and that's multiple organisations, and that's something that we haven't been able to do. But what has been identified around the boundary of the mine is significant as well but we also have what they found in their own assessment, and we've asked for an independent Aboriginal cultural and heritage assessment and that has not happened right across the site. Depending on which document of theirs you read, they've only done 10 per cent or 14 per cent of 6,000 acres; that isn't a lot. When you look at what is in the area, including songlines, ring trees, scar trees, artefacts, axes, lots and lots of artefacts—there is just not one thing there, there is a lot. I don't think back in the day that the local Aboriginal people would've walked around the boundary of Regis and said, "We're not going to go on here because in 2023 Regis wants to put a mine there."

**The Hon. GREG DONNELLY:** Your proposition would be, if I understand correctly—and this is my last question—that there ought to be no mining commenced until this was done. Is that your proposition?

**LISA PATON:** Yes.

**Ms CATE FAEHRMANN:** Thanks for appearing today. It's quite alarming, your evidence. I was going to ask you about cultural heritage impact assessments and what had been done. The ones that have been done—your evidence is that they're not independent of the proponent and that you have requested an independent cultural heritage assessment and that has been denied. Who did you request that off?

**LISA PATON:** McPhillamys—Regis, sorry.

**Ms CATE FAEHRMANN:** And that traditional owners have been denied access to the how many thousands of—what's the property size?

**TONY NEWMAN:** The property initially was 5,500; I think it's currently at about 6,400 acres. The survey area initially was 5,500, and out of that I think there was up to 14 per cent surveyed. I think part of the issue was after the land council did the cultural survey and realised the significance of the site and they opposed the project at that time, they requested three times to get back on site to Regis Resources and they didn't even respond to those requests at all.

**Ms CATE FAEHRMANN:** Wow. So the land council is?

**TONY NEWMAN:** Orange Aboriginal land council at the time requested three times to get back on site, with Regis Resources ignoring all three requests.

**Ms CATE FAEHRMANN:** That's extraordinary. So then they can't get onto the site to do their own—

**TONY NEWMAN:** Additional surveying.

**Ms CATE FAEHRMANN:** To continue assessing the significance of their own cultural heritage.

**TONY NEWMAN:** Considering it was only 780 acres out of the 5,500 acres at the time, and also considering some of the scar trees. There were eight trees in particular that were inside and just outside the pit area that were potential scar tree significant sites. Obviously, that was a concern to Regis Resources at the time because if you can't, obviously, take the ore out of the pit, you don't have a mine. At that particular time, Regis Resources commissioned another group, which was this particular group, Heritage Consulting Australia, to resurvey those trees and other areas, and they came back with a decision that none of those cultural trees were significant, the potential ones.

We actually had taken—which we have photos of—these particular trees in question down to the traditional owners in Bathurst, the Elders, and showed them the scar trees. They said that not every tree was a scar tree, but there were over 50 per cent of these trees that were cultural trees. That's why we feel that there needs to be a proper cultural survey done, considering what has been outlined in the Kuskie and Williams reports that the survey was insufficient in its processes.

**Ms CATE FAEHRMANN:** Could you talk a little bit for Committee members about why the area is so culturally significant? In your submission, you talk about the two rivers and the headwaters. This is that area, right?

**LISA PATON:** Yes.

**Ms CATE FAEHRMANN:** This is the area that's completely blocked off now that will be filled, I understand, with the mine's operations and the tailings dam. We've only had one or two witnesses for this inquiry so far talking about the McPhillamys project. Could you just really tell us what that area is and why it's culturally significant?

**LISA PATON:** At the headwaters of the river, it's a concentration of artefacts, which I've got maps for you as well.

**Ms CATE FAEHRMANN:** And it's two rivers. It's the start of—

**LISA PATON:** Yes, "Bila Bula" means "rivers two". Historically, they knew that there were springs under the headwaters of the river, so in drier times that's where they would go. That's indicated by the amount of artefacts at the headwaters. We've also had the guy that's doing the Wiradjuri star stories, Trevor Leaman, who is doing his PhD and nearly finished, come out there in the last couple of weeks, and he says that that indicates a gathering place. The Elders say it's a gathering place. It's obviously a gathering place. You don't have that many artefact scatters without there being something happening there. From the perspective of the river being the start of life, blocking the springs, from a cultural perspective, is quite an impact, spiritually, and the Elders feel very strongly against that.

**Ms CATE FAEHRMANN:** This is the plugging with cement of the springs?

**LISA PATON:** Yes. Just the tailings dam itself poisoning the top of the river—I mean, seriously, just from a logical perspective, who in their right mind puts a tailings dam over the headwaters of a river that flows into the Lachlan and on to the Murray-Darling? I mean, come on, guys.

**Ms CATE FAEHRMANN:** Just on that, have Regis been able to guarantee that the Belubula River and its tributaries won't be contaminated by their operations?

**TONY NEWMAN:** They're planning to divert water, but it's all based on modelling at this point.

**Ms CATE FAEHRMANN:** Did they say that it won't be contaminated?

**LISA PATON:** They say they're going to use best practice, but so did Cadia. So did BHP.

**TONY NEWMAN:** There are no guarantees.

**LISA PATON:** I mean, what's "best practice"?

**TONY NEWMAN:** I've got a map here of the actual site, based on the preliminary report, which was done initially through the land council as well. I've got a copy for each of you, if you would like a copy now, to have an understanding of what artefacts were there.

**The CHAIR:** Thank you. You can table that through the secretariat.

**The Hon. SUSAN CARTER:** Thank you both for your time and your submission and for making yourselves available today. I think I got a little bit confused about some of the reports and the studies in relation to cultural heritage. As I understand it, there was an initial report done by the land council that identified a number of scar trees. Then there was a second report done, which came to very different conclusions. Now there has been discussion with the Elders, which suggests that the original number was over-identified but there are still some scar trees?

**LISA PATON:** Yes, that's correct.

**The Hon. SUSAN CARTER:** There seem to be a lot of different views in this space from competing experts as to what is culturally significant and what is not.

**LISA PATON:** Yes, and that's why there should be an independent study done with Aboriginal archaeologists involved.

**The Hon. SUSAN CARTER:** On the question of independence, are you suggesting that some of the experts have been compromised? Are you suggesting they've been paid for their results?

**LISA PATON:** Yes, they do get paid.

**The Hon. SUSAN CARTER:** Sorry, I don't mean that. Experts, generally, would expect to be paid for their work, but when we start saying that they're not independent then the question arises as to whether you believe they've been paid to reach an outcome.

**TONY NEWMAN:** We don't know that, but I feel this additional survey would actually bring clarity towards that, if they do it.

**LISA PATON:** If you have a proponent that has an end result that they're looking for—and I do believe we were spoken to by one other person, which I would have to take on notice, who had identified things that weren't included—I feel that, like in any industry, if you're not giving the organisation that's paying you what they need, you're not going to get extra work in the future. That's my personal opinion.

**The Hon. SUSAN CARTER:** In terms of cultural surveys, is standard practice to survey 100 per cent of the site? Should we be trying to survey 100 per cent of the landmass of Australia or is standard practice to pick 5 per cent, 20 per cent, 3 per cent, 18 per cent and then extrapolate from that?

**LISA PATON:** Standard practice would be—there are areas that are more likely to have artefacts such as the headwaters, obviously, around creek lines. For example, the RTA had put a new highway through there at one stage, so they had already identified camp sites et cetera. So around where there has already been identification of artefacts, you're likely to find more artefacts. The intangible side of it as well is the stories. The stories come from the traditional owners. The Elders who were born from this country hold those stories; they weren't collected. Even when they did try to submit those, in particular as part of the section 10 process, they were not taken seriously.

**The Hon. SUSAN CARTER:** So simply because the whole site hasn't been surveyed doesn't invalidate the cultural surveys? Because it's standard practice to only look at—

**LISA PATON:** No, but it's invalidated because it wasn't done properly, in my opinion.

**The Hon. SUSAN CARTER:** So the first one was done properly, even though the Elders said that they thought there was never identification?

**LISA PATON:** No.

**The Hon. SUSAN CARTER:** So none of the surveys have been done properly?

**LISA PATON:** No.

**The Hon. SUSAN CARTER:** How do we get a survey that's done properly then? What are the criteria for a survey that's done properly?

**LISA PATON:** It's under the legislation.

**The Hon. SUSAN CARTER:** So we've got three surveys and none of them have been done properly? This has been submitted to IPC, DPE and nobody else has raised issues that they haven't been done properly?

**LISA PATON:** There's the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, and there's also a code of practice for consultation.

**The Hon. SUSAN CARTER:** My question really is if these surveys have been submitted to other regulatory bodies, why has this not been picked up? Your submission is that they have not been done properly.

**LISA PATON:** I can only surmise that because we had an intention as a previous State government to have a mining boom in the Central West that any sites that were uncovered may create an issue with that.

**The Hon. SUSAN CARTER:** So you're suggesting that government bodies acted in breach of the legislation?

**LISA PATON:** I can't say that 100 per cent, but potentially.

**The Hon. SUSAN CARTER:** That's an interesting submission. That's a very interesting submission.

**Ms CATE FAEHRMANN:** You sound so surprised, Susan. It's not surprising. We get evidence like this all the time. This is not unique.

**LISA PATON:** Actually both Kuskie and Williams have mentioned where heritage —

**Ms CATE FAEHRMANN:** This is standard for Aboriginal heritage.

**LISA PATON:** —didn't have a very good response. It's in the reports.

**The Hon. SUSAN CARTER:** Is it your submission that if an appropriate survey was done and artefacts were identified mining could continue, or is it your submission that there should be no mining at all?

**LISA PATON:** Personally I don't think it should continue because I think we've done enough to destroy this planet. But if it has to go ahead then I think we need to be responsible. We need to look at where not only the heritage is but where the natural resources are. There should be onus on the proponent to—they should be doing research. They should be changing their practices to mine in a more environmentally friendly way, if we need those resources. If we don't need those resources—why do we need any more gold for jewellery? There's a large percentage of Regis in particular that is for jewellery. Why can't we recycle what we have? I think that the onus should be on them to improve their processes—and, yes, if it's not viable, then it's not viable.

**The Hon. SUSAN CARTER:** With this particular site, you don't believe the mine should proceed at all?

**LISA PATON:** No.

**The Hon. SUSAN CARTER:** Then is there any point getting another heritage assessment if you don't believe it should proceed at all?

**LISA PATON:** Only if it was going to proceed. If it was going to proceed, we will be doing our own stuff. We've been working on this for years. What we have found is outstanding. The colonial history—Sir James Stirling owned Kings Plains Station, which is part of the mine footprint. Sir James Stirling was the man who went and opened up WA and led the Pinjarra massacre; he was at Kings Plains. Just those relational history—and there's more. Sir John Wylde, George Thomas Palmer, Marsden—they were on the boards of the Native Institution in Sydney, where children that were being stolen were taken. They were at Kings Plains. The relational history from dispossession to this site is huge, let alone the artefacts and the colonial history. Our shared history at this area—it's in the Parish of Torrens. Robert Torrens was the guy who set up the title system. We need to look at this properly and capture this history before it's dug up. If you're going to dig it up, let's do it properly.

**The Hon. SUSAN CARTER:** So your submission would be to capture the cultural heritage and then the mine can proceed?

**LISA PATON:** No. Capture it and see if it's significant enough to be protected. If it's significant enough to be protected, no, it doesn't proceed.

**The CHAIR:** I've got my own question, which is about the level of lighting, which is something that we heard this morning is going to impact on bees. Could you explain to us the Aboriginal cultural significance of the night sky? How is that impacted by the night lighting?

**LISA PATON:** Regis' footprint sits in the triangle between the Three Brothers story, which is Gaanha-bula, Wahluu, and I can never say the other one, which is Mount Macquarie. The sky stories, they used for navigating the landscape. This is why you would have had the conflict in this region, because the colonials were destroying the signposts. If the lighting destroys the night sky, you can't align your sights to the sky to navigate anymore. Those stories are handed-down stories that have been given to them by their Elders. That connection, from a spiritual perspective, will be cut because you won't be able to view it properly.

**Ms CATE FAEHRMANN:** I will go back to the independent assessment that you've been asking for. You've requested it from Regis. Have you requested it from the department as well? Just to be clear, this would be done, I assume—is it a continuation of what the land council started in terms of independent assessment? What would be your ideal independent cultural heritage assessment of that area?

**LISA PATON:** Let me be clear here: I was working for the land council as the natural resource manager and overseeing the site offices when that was all done. I no longer work for the land council. At this point they've changed their stance, or they're neutral on the mine. Why that has occurred I'm not sure. I have not changed my stance.

**Ms CATE FAEHRMANN:** Has that been difficult for you to not change your stance?

**LISA PATON:** Yes. I've been personally attacked. I've been attacked by Regis' lawyers personally. It has been very hard. But I have to do what's morally right, and I believe this is morally right. I don't get anything out of this. There is no gain out of this. In fact, I have lost working hours over this.

**Ms CATE FAEHRMANN:** I offer my full appreciation for you continuing to take such a strong stance in terms of questions and standing strong on what you are here for. Thank you for doing what you are doing.

**The Hon. GREG DONNELLY:** Can I ask through you, Chair, when did the land council change its position and why?

**TONY NEWMAN:** It was prior to the IPC hearing. At the time I was engaged and while Lisa worked at the land council, when I initially found the preliminary report, I went to the land council to voice my concerns. I was part of the Belubula headwaters group. The area that I covered was the cultural heritage stuff. I went to the land council and said, "I've got some issues around this. Do you have any concerns?" They said, "Yes, we do now, based on that." We started to work together to form a partnership to basically highlight the issues and highlight the significance of the site. I had a few meetings with those guys. We were actually going to put a video together to highlight the importance of the site and the cultural importance of it. At the last meeting I had at the land council, with staff there and another guy whose name I can't mention—

**The Hon. GREG DONNELLY:** Approximately when was that?

**LISA PATON:** It was in 2021 or 2020.

**TONY NEWMAN:** I can't remember.

**The Hon. GREG DONNELLY:** You can take it on notice.

**TONY NEWMAN:** I had that last meeting and I got talking to another person within the land council as well and I just asked generally as I was leaving, "What's coming up for you guys? What's happening?" They said that they had meetings coming up with Regis Resources. I said, "Good luck with that. I hope it all goes well", kind of sarcastically. From that point on, communication with me ceased. Obviously, they had their meetings with them and after that point I had no contact with them and then they changed their position prior to the IPC hearing. So it went from completely opposing it and wanting to work together to expose the artefacts and obviously the importance of the site to now having a neutral stance.

**The Hon. GREG DONNELLY:** Have they resolved their issues that they had with the company?

**TONY NEWMAN:** I don't understand your question.

**The Hon. GREG DONNELLY:** Have the land council and whatever issues they did have, have they resolved it with the company?

**TONY NEWMAN:** With the mining company?

**The Hon. GREG DONNELLY:** Yes.

**Ms CATE FAEHRMANN:** Ask them.

**LISA PATON:** That's privy to them. I believe that there's been a bit of an about-face. But the actual evidence in the colonial record and the evidence on the ground—

**The Hon. GREG DONNELLY:** I'm talking about the land council's position.

**LISA PATON:** Their position, as I believe, is neutral. That's what their position is.

**TONY NEWMAN:** It went from opposing to now neutral. Their position has changed for some reason.

**The CHAIR:** We're out of time for this session. Thank you so much for the time you have taken today and for all the work you have done preparing your submission as well.

**(The witnesses withdrew.)**



Mr DAVID WADDELL, Chief Executive Officer, Orange City Council, affirmed and examined

**The Hon. SUSAN CARTER:** Thank you, Mr Waddell, for being present. Do you have an opening statement you wish to make?

**DAVID WADDELL:** I do. Firstly, welcome to Orange. That's the city, of course. I am the chief executive officer of Orange City Council. I am sure you've read our submission, and I am here to give what I would call a balanced submission. Clearly, I speak on behalf of my council—12 councillors, including a popularly elected mayor. I speak in balanced terms, or I am going to try to attempt to, rather than, say, being for one side or another of either of the mines or the general issue.

Firstly, the Cadia mine is not in Orange and neither is the proposed Regis mine. We are very lucky not to have that physical presence in our LGA, close to our beautiful city. We do, however, sit on both consultative committees. We've got staff on both of their committees, so we have got our fingers in the pie. We understand what's going on. Of course, we are very lucky to have lots of quality jobs that arise, certainly from the Newcrest Cadia mine and perhaps from the Regis mine. And that's a big issue for our city. I will point out, secondly, that Orange does have ratepayers affected by the dust issue. There is a village called Spring Hill to our south and east, and those ratepayers have been affected by the water tank issue, so we are very much on top of that communication. My councillors are very concerned about that and are keeping a keen interest in it. My staff and I have been kept up to date on technical issues and reports.

Thirdly—and I'll touch on this now—is that all of Orange's effluent goes to the Newcrest mine, Cadia. That's an old agreement whereby they take it all. This goes back to probably 20 years ago when there was load-based licensing and the council chose to give all of that effluent—pump it up the hill. Water is an issue of great import to regional populations as our towns grow. Water seems to be running out as climate change hits. Town water supplies need to be prioritised over all other supplies, in our opinion, and I am talking about agriculture, industry and all other uses. We don't see that happening across the State, and I would point out that this is a State issue that may be relevant to this inquiry. Certainly, the current regime does not prioritise town water issues.

Mining has a very positive impact on our economies. I am speaking for Orange, okay—a very positive economic impact in many ways. But it also has a negative impact, and I have tried to outline some of that in our submission. Mining has a negative environmental impact in a few ways, and I will keep this within my LGA. Roads are heavily trafficked. We do get money for that, but, as you drive around, there are trucks on our roads, and they do get chewed up. Biodiversity gets impacted when roads get upgraded, and we do see some of that. But I'm sure you know all of that, and, clearly, it's part of the EIS process when a mine gets approved. A lot of water is used, so those mines do take a lot of water.

But the biggest problem in recent years—no, what I might do is, firstly, direct your attention to page 1 of our submission and just some of those positive socio-economic impacts from, say, the Cadia mine—1,830 direct jobs; 3,230 jobs within the Central West region; 80 per cent of Cadia's workforce live locally; the majority of these staff live within the city of Orange; and 60 per cent of the workforce already lived here. This is the stuff that makes Orange go gangbusters—\$217 million worth of wages and benefits. So many of our local families have family members who work there. It's keeping the children of Orange here rather than going to Sydney. Cadia has its community partnerships program—\$1.198 million donated back to community groups. Is that enough? I don't know, maybe that's a question for you. Again, those are the positive impacts.

But what are the negative impacts? These are the ones that are hard to, sort of, give exact numbers to. There is this two-speed economy that we see here. Great, if you get a mining job. They're really well-paid jobs and they're not necessarily that qualified. Families get them. They live their lives here. They have great jobs and they can live good lives. They can buy houses. They can rent good houses; happy days. But, if you miss out and if you're in, say, the bottom 20 per cent of Orange, you're really missing out. You're not getting rentals. You are really suffering. And we have quite a demographic that is suffering in that two-speed economy.

What to do about it? Well, that's a matter for you perhaps. We try. We're working with Landcom to look at affordable housing, and I think that Orange is probably better off than many other regional towns. But it is, I think, a statewide problem. We don't want mining camps. We don't want to play that game. We're a beautiful city. It's a problem. Combined with our tourism and Airbnb problem, it is a real issue.

I'm sure you'll spend a lot of time on dust. I must say that the EPA and Newcrest have kept us well informed. I'm not an expert on this issue, so I won't go there. As I said, council is concerned, but we've been impressed certainly by the reaction from the EPA and Newcrest. One issue I didn't raise in the submission, which I thought of over the weekend, and which you might wish to consider, is a recent experience Orange went through.

To the west of us is a place called Nashdale—orchards, grapevines. There are probably 20 cellar doors over there on the flanks of Mount Canobolas. Fortescue mines came up a few years ago—they did some community consultation—and announced that they were going to do a drilling program across the Nashdale area, to the great horror of the Nashdale residents. It is a beautiful area.

They consulted with councils and told us what they were doing, but it beggars belief that anyone would ever even consider a mine over that beautiful area. Finally they left, admitting defeat. The defeat came from a real mobilisation of residents. There was a real feeling that it should never have happened. A no-go zone doesn't seem to exist for mines. The EIS process is very thorough—I am sure it is; I have read many of them—but I wonder to the inquiry whether no-go zones, which might include high-quality agricultural areas, wilderness areas and scenic-value areas might be a way to stop some of this angst. Many thanks for letting me address the inquiry.

**The CHAIR:** I might start with my question. I am interested in the agreement for all of the greywater to be going to the mine. Under whose jurisdiction or authority is that happening at the moment?

**DAVID WADDELL:** It goes back 20 years. Back in those days you paid to pollute to the creek. It was called load-based licensing. Orange City Council at the time was paying to put it into the local creek. It was considered at the time a much better deal, if Cadia was willing to build the pipe and the pump stations, to just let it go to them for free. That's the way it was. That load-based licensing system is now gone and that agreement goes on and on.

**The CHAIR:** Is there an end date to the agreement that you currently have?

**DAVID WADDELL:** The agreement was for the life of the mine, so one day that will be over. Last drought we worked with them and they gave some of it back to help with environmental flows from Suma Park Dam. So we worked with them but, yes, in a savage drought, when push came to shove, it would be interesting.

**The CHAIR:** Now that the load-based licensing is no longer in effect, and I would imagine that technology for processing greywater has improved since that agreement was put in place, what other uses would there be for Orange City Council for that water?

**DAVID WADDELL:** Look, never say never. You could ultimately recycle that for drinking. Ultimately you could.

**Ms CATE FAEHRMANN:** Thanks for appearing today. In your submission and in your evidence you are talking about the number of jobs, the rates and the benefits that Cadia particularly provides. I think that's your evidence today—talking that up. At what point does that justify what Cadia has done and has been proven to have done, in terms of polluting people's rainwater, impacting children's health and lead contamination? There is the SAGE health report that shows that respiratory issues in babies and children has been potentially impacted by this. Is that all okay because Orange City Council has got a lot of rates from it? I'm just trying to find out what your evidence here is.

**DAVID WADDELL:** I think, with respect, you're putting words into my mouth. I'm just trying to point out a balanced submission. Our submission said, to the terms of reference, that there are some positive benefits out of mining. Of course that never justifies that. I didn't say that; our submission doesn't say that. We get benefits out of a mine, and I'm trying to point that out.

**Ms CATE FAEHRMANN:** You do.

**DAVID WADDELL:** It in no way justifies that. I have not said that.

**Ms CATE FAEHRMANN:** So what type of communication has Orange City Council had with the affected community then as a result of Cadia goldmine? Do you communicate with them about what's been happening?

**DAVID WADDELL:** Orange City Council has had very good communications with the EPA from the get-go with the dust matter—let's call it the dust matter. We've been in their hands, with the Department of Health, and we've been very happy that the Health department and EPA lead us and our ratepayers through this process. We've got the Spring Hill Community Committee, and we've had our staff go with that community committee to the EPA-led workshops and things, and night sessions, and we're very satisfied with that.

**Ms CATE FAEHRMANN:** Just to be clear, are your communications via the EPA as opposed to directly with the residents themselves?

**DAVID WADDELL:** My staff have been with the residents to those workshops; we go hand in hand with our residents. That's the way we've been doing it.

**Ms CATE FAEHRMANN:** Okay. Is there any kind of financial arrangement between Newcrest and Orange City Council?

**DAVID WADDELL:** No. I'll give you some examples; that's probably easier. There's a road towards Spring Hill that we get money off Newcrest to upgrade because they use it for trucks. That's under an agreement. They use it—they impact that road—so they give us money and we fix the road up. That's quite a direct thing. Cadia has the fund called the Community Partnership Program. Anyone in the LGA—anyone in the region—can apply to that. We don't directly apply to that, but a lot of our community groups will apply to that. Orange City Council doesn't get paid by Newcrest at all. We get funds from the old Resources for Regions program, which is now at an end, I understand. We would get our allocation from Resources for Regions, which is not directly from Newcrest.

**Ms CATE FAEHRMANN:** Do you have any idea of what proportion of Orange's income comes from Cadia?

**DAVID WADDELL:** It's too oblique to put a number on it. If I have a worker who has a job at Cadia, I'm getting rates off that worker. I think Blayney has a direct relationship with how much they get from the mine in terms of rates; I don't. I have townspeople who have jobs there who live in my shire. They pay house rates, land rates; they spend money in our shops. For us, it's more of a leap of faith that it's of benefit to our economy through jobs.

**Ms CATE FAEHRMANN:** Is there some kind of agreement for the life of the mine, which I understand is out to 2060?

**DAVID WADDELL:** This is a moot point, what the life of that original mine was—whether it was 2035. But I don't think you could say it was to 2060.

**Ms CATE FAEHRMANN:** Just to be clear, in terms of any agreement that you do have with Orange City Council, you are talking about roads and other things—what are the other things that you have agreements with Cadia—

**DAVID WADDELL:** It's mainly roads and it's the effluent.

**Ms CATE FAEHRMANN:** It extends out to when?

**DAVID WADDELL:** It's the effluent and roads. Roads is mainly a year-by-year proposition.

**Ms CATE FAEHRMANN:** And the other? What's the end?

**DAVID WADDELL:** The effluent has no endpoint at this stage other than the life of the mine.

**Ms CATE FAEHRMANN:** Do you know when that is?

**DAVID WADDELL:** In my mind, it's around 2035 at the moment. If I wanted to make a point of it, I could say it was 2035. If they wanted to make a point of it, 2061 is a long way away.

**The Hon. GREG DONNELLY:** Thank you for coming along today as a CEO representing a council. In your submission—and it's a very helpful submission, thank you very much—can I just take you to the final page, point 8, "Impact of Mining On Town Water Supply", particularly the second sentence:

Extensive monitoring of these supplies and risk assessments have not identified any significant or adverse impacts of mining on water supply quality or quantity.

Could you please elucidate on that a bit and fill out some of the detail? If there is something you would like to take on notice, that's fine as well.

**DAVID WADDELL:** Generally speaking, we are in a different groundwater regime, as you lean this way, from Cadia and Regis. They don't take water from our catchment as such. We are over here. It's not as if they are sort of diverting things that way from our surface water supplies, or indeed our groundwater supplies. We work extensively with the health department in terms of risk assessments because we are the first city in Australia to have done stormwater harvesting. We do a heap of stormwater harvesting water monitoring, so we are not seeing that. That's the reference to extensive monitoring. We've got no evidence that anything weird is happening with our water supply and this is perhaps with a little bit of a reference to the dust issue, but we've got a pretty clean supply.

In terms of, say, the Newcrest take of water, they take water and they've got dams up there and they take water within the New South Wales licence system. They do that legally and they've got big dams up there and they take allocations of licensing and things; that's all legal. The wider question is why is not town water supply

prioritised within that licence system? That's not Newcrest's problem; it's a State problem. The same with agriculture—why aren't town water supplies prioritised first?

**The Hon. GREG DONNELLY:** Can I ask you, on the matter of the council's interface with the State in terms of the regulators, whoever they might be, dealing with matters associated with mining, specifically the mines that have been given some focus in this inquiry but perhaps mining more generally, can you just provide a bit of an explanation of how that works? Is it satisfactory in your mind or are there ways in which that interface can be enhanced and improved so the councils obtain better information or more thorough detail or whatever the case may be from your point of view as a CEO?

**DAVID WADDELL:** Regularly for both. We've just started up the Regis consultative committee and the Newcrest one has been going on since I've been on council, so at least 16 years. They're pretty good mechanisms. We send staff along. There are detailed minutes. They get environmental presentations. It's pretty thorough stuff.

**The Hon. GREG DONNELLY:** Who convenes those?

**DAVID WADDELL:** I believe they're convened within the EIS conditions that consent they have to have such committees. They're all minuted. They've all got to include environmental presentations. The CEO of Cadia used to attend them; I think he still does. They're pretty solid things.

**The Hon. GREG DONNELLY:** Are the minutes tabled?

**DAVID WADDELL:** Minutes are taken, tabled. We pass them through to our councillors. I would call it reasonably transparent. Could they be enhanced? Again, I'm in Orange so the sort of direct impact of some of that stuff's—

**The Hon. GREG DONNELLY:** No, I'm only asking within the domain of your knowledge.

**DAVID WADDELL:** We're invited to attend a yearly environmental inspection, which is a full-day inspection for our staff of Cadia, and they go through all their groundwater, their dust. I used to go on those when I was a director of planning. They were pretty thorough.

**The Hon. GREG DONNELLY:** Can I ask if there's an incident, any incident, that would happen on that mine site, is there a requirement for the council to be informed about that and have that brought to their attention or you don't know?

**DAVID WADDELL:** I don't know if there's a requirement, but I get the phone calls instantly. If there is a worker injured or killed, I'm probably the third phone call from their CEO. Same with earthquakes, this dust thing. They're right on the comms quickly.

**The Hon. GREG DONNELLY:** So the engagement is reasonably satisfactory.

**DAVID WADDELL:** It's satisfactory. Most certainly it's satisfactory.

**The Hon. GREG DONNELLY:** You've got no particular complaints about it?

**DAVID WADDELL:** No complaints, no.

**The Hon. SUSAN CARTER:** I'm interested in what you were saying in relation to the EPA process. Clearly there has been an issue at Cadia, but in your experience the EPA have been involved in managing and resolving that issue and talking to the community about it?

**DAVID WADDELL:** I'm not sure whether the issue is resolved. It's pretty high-tech stuff in terms of the understanding of the issue. I think there are quite a few experts who think it might be resolved, but I'm not sure the community yet is satisfied, so I think there is a fair bit of plain English work to do to satisfy the average person.

**The Hon. SUSAN CARTER:** But it's a process that the EPA has been involved with and has been visibly involved in it?

**DAVID WADDELL:** Yes. They're working through it nicely, but I think there's a long way to go, is my personal opinion.

**The Hon. SUSAN CARTER:** I'm very interested in, essentially, your invitation to us to look at the two-speed economy and the housing issue. I wonder if you could talk a little bit more about what you see as the housing challenge in Orange and what needs to be done about that.

**DAVID WADDELL:** Well, is it, in fact, just the fault of mining? COVID came, tree changes came, the prices went through the roof—a very common story. Then that cohort got left behind. Again, they got left behind.

To some extent they were already getting left behind, and good jobs in mining. We've got the DPI. We were decentralised in the nineties, and there are now 700 good State Government jobs here. It has a similar effect on housing. Everyone wants a nice house with nice views, so the separation occurs. That's the cause. We've got over 200 Airbnbs. They're not rental properties anymore. You see that around the State. That's the cause—very common causes.

The solution? We've got a very frustrated council who would like to do something tangible about it. They're not in the mood to restrict Airbnbs, so there's one solution gone, because our tourism is so important to us. We've rezoned the world, "Go on, rezone it." Yes, plenty of houses, but no developer will graciously make 20 per cent of their subdivision affordable, let alone social. So there's another solution gone. As a council, we've gone to Landcom—and we're building a suburb which will have 20 to 30 percent affordable housing—in frustration, basically. As you know, Landcom have got that mandate. So in a few years we'll put probably 50 affordable housing packages to the market.

**The Hon. SUSAN CARTER:** When will that come on the market?

**DAVID WADDELL:** Landcom board has signed that off. We've given land to the deal—50 hectares or whatever. That's pretty extraordinary for a council to do that, and that will be coming in two to three years. Those houses will start coming out. There's nothing else you can really do. The only leave that council have is land. There's quite a State thing to be done, and that's not talking about social housing; that's affordable housing.

**The Hon. SUSAN CARTER:** I note your comment that while the mine has been a driver and that, it's any other drivers where you've got money coming in and you get a disparity in income and, therefore, a disparity in affordability in terms of prices.

**DAVID WADDELL:** Correct.

**The Hon. SUSAN CARTER:** I would like to congratulate the council because I think it's a great initiative. It's certainly a statewide problem. It's a great initiative on the part of the Orange council, so thank you.

**DAVID WADDELL:** I will pass that on. Thank you.

**The CHAIR:** Thank you very much for your time and for your submission. The secretariat will be in contact with any questions on notice.

**(The witness withdrew.)**

**(Short adjournment)**

**Ms CATHERINE SULLIVAN**, Local resident, sworn and examined

**Mr CRAIG DAY**, Local resident, sworn and examined

**The CHAIR:** I welcome our next witnesses. Would you like to start by making a short opening statement?

**CATHERINE SULLIVAN:** Firstly, we would like to say that we appreciate this opportunity to outline how the terms of reference of this inquiry apply to the situation in which we find ourselves. Thank you. Our mixed farming property is west of Cowra in the Central West of New South Wales. This property has been in the Day family for 100 years this year and has successfully run a livestock and cropping operation during this time. Our family has lived on the farm since 2005. Goldmining was an historic part of this area, with the nearby village being highly active in the late 1800s and early 1900s. Adjacent to our land there was a small rail line into the old mine, a stamper and settling ponds. Once processed, the tailings were placed on our land.

In 2000 and 2001, under the New South Wales Government's derelict mine project, almost \$100,000 was spent successfully rehabilitating this area. In 2004 we agreed that the then mine owners could use 10 acres of our land to build a tailings storage facility as part of the Broula King goldmine. We signed a memorandum of understanding, a brief document that never became a formalised contract. I have a copy of that for the Committee. This agreement was on the very clear understanding that this would be a short-term project, rehabilitation would occur concurrently with mining and the land would be returned to us in approximately five years.

We had already participated in the rehabilitation of the historic downstream area, so mistakenly believed that a modern mine with far better regulation would pose less risk than historic operations. We also understood that when we signed Weddin Shire Council's owner's consent for the 2005 development application—DA 26/2000—all its requirements and those of the 2005 environmental impact statement would be adhered to. The EIS was initially a significant and detailed document, but because of community concerns it had been strengthened further. We also thought that there would be no adverse impact on our surrounding farmland from surface water, groundwater or dust.

An impermeable kaolin clay liner was to be used in the tailings storage facility and for rehabilitation. In 2004 the mine owners assisted us in obtaining a mining lease for our nearby existing kaolin clay deposit. This was on the understanding that this high-quality lining material would be used in the Broula King goldmine construction and rehabilitation. Instead, this material was not used but substituted with a highly sodic clay-like material that is dispersive and poses the risk of tunnel failure when wet. My husband has an experiment to show you later, if possible. This material is not suitable for periodic wetting and drying. We also thought that the design and construction of the tailings storage facility would have complied with the 2003 tailings storage facility design Broula King report, a document embedded in the 2005 EIS. This is attachment 2 in our submission. Further, we believe the relevant sections of the EIS and condition 61 of the DA would be enforced, and therefore the tailings storage facility would be constructed correctly and the mine operation would meet all compliance requirements.

Finally, we believed that this would be a nil exit site—that is, no water would leave the site and enter our property. In the submissions that you have, you can look at photographs 10, 11, 16 and 17 to see the inadequacies of oversight that meant numerous outflows of contaminated water exit the mine site and flow through the rehabilitated tailings area and downstream to the Tyagong Creek. The purpose of our submission is to outline the impact on farmland waterways and families when agreements between miners and landowners are not followed, and to highlight the consequences when government agencies fail to hold mining companies to their legal requirements.

I will give a quick time line. This began in 2008. In 2010, clearing happened. In 2012 we were so concerned about what was happening that we invited members of the Weddin Shire Council, the New South Wales EPA and the mines department to our house to discuss our growing concerns. All present gave guarantees that they would ensure compliance by the miner. In 2012, mining commenced, substitute material was used. Even though the authorities were alerted, nothing changed. The wall construction did not meet the 2003 standards. It was built "over-steep", in the Resource Regulator's words, and with acid-forming rock. There was no concurrent rehabilitation. In 2014, mining ceased. The operation went into care and maintenance, but at no point, as landowners with 10 acres of our land under that tailings storage facility, were we consulted about that.

In 2020 we were deeply concerned about the ongoing issues. On the advice of government staff, we wrote letters to Ministers and received no action. In December 2020 the mining lease was sold to new miners but there was no new arrangement made with us. In the wet years of 2020-22 numerous outflows from the mine site of contaminated water occurred. In 2021 the NSW EPA gave permission for the miner to pump contaminated low-pH water into the ore pit—that is, the deep hole blasted numerous times during the mining operation. This has

potentially acid-forming or PAF rock walls, so low-pH water should not be added. Further, the belief was that this was a contained site and no water would reach the water table. However, the pit leaked out of an unfilled adit into the old tailings, and from there to the Tyagong Creek.

In 2021 some of our farm dams turned red, and there are photographs of that in the submission. This was the high level of iron. We stopped agisting stock. We changed the water source for the garden after it started to kill garden plants. In 2022 the groundwater seeped through our farmland; we are unable to sow crops. In 2023 the current situation is that we have no agistment of stock and no cropping. We have dying vegetation in the Tyagong Creek and in flow lines from the mine site. The Bumbaldry Creek to the east—not even downstream of this area, which is raised—is exhibiting signs of acid mine drainage and elevated iron levels.

In 2004 we agreed to assist a mining operation because there was a gold reserve adjacent to our land and we wanted to end the mining activity near us. We thought the numerous checks and balances would ensure that this project of a short, five-year mining operation would exhaust the gold reserve and allow us to get on with farming. Instead, the gold resource was exhausted but the Resources Regulator allowed a mining lease with no gold and no rehabilitation to go into care and maintenance; a hiatus usually allowing for the mine to restart at a later point. The resource was gone, so why care and maintenance and not immediate rehabilitation?

We have spent the last 16 years fighting for the conditions in the 2005 DA, the EIS, the Environmental Protection Licence 12845 and the Mining Act to be applied. Now we are unable to farm. We realise that we've publicly declared our land is contaminated and therefore acknowledged that decades of rejuvenating our property have been thwarted by poor mining practice and regulation. Our families, friends and colleagues know how hard we've worked to keep our farm. But the reality is that a property with a 10-acre area containing a tailings storage facility has never really been a saleable item. Now, with much more extensive contamination, we are truly in an extreme position. I appreciate that that is a bit longer, but I am just trying to background you on this particular mine.

**The Hon. SUSAN CARTER:** Thank you very much for the clear description and the way that you have detailed the issues. My first question is just for me to understand, if that's okay. It appears that there have been significant breaches of the agreement. Does the fact that the mining company is in care and maintenance mean that you couldn't proceed against them? Does that protect them in some way? Could you explain what that status actually means?

**CATHERINE SULLIVAN:** The mining company is a shell in that it owns no assets as such. If we were to pursue legal proceedings against that particular entity, we wouldn't get anywhere. To go to the Land and Environment Court—in the submission you can see how much we have lost and how much we have paid in legal fees. We do not have the money to take the miner to the Land and Environment Court.

**The Hon. SUSAN CARTER:** It's my understanding that with modern mines there is a rehabilitation bond lodged. Does that extend to the tailings storage facility?

**CATHERINE SULLIVAN:** The rehabilitation bond only comes really into effect when the mine is being cleaned up. Perhaps I could explain. While this mine is in care and maintenance, a modification to the development application has been lodged with the Weddin Shire Council. That modification is a request to go outside of the area marked on that agreement that I've just given you to go onto our land and reclaim those old historic tailings that I spoke about first up. They do not have our permission to do this. We haven't seen any documentation to say that the downstream environment is going to be protected if they start digging up that rehabilitated area. But they have lodged that submission because their desire is to take those old tailings, reprocess them through the existing facility and take the money from that to move on with the project to the next stage, which is to import material from other mine sites. I am aware that that requires a new development application and consent process, but the idea is that they would then take derelict mine sites around New South Wales and bring their material to this particular site to process it. Unfortunately, the site is not fit for purpose for that or even for anything, really.

**The Hon. SUSAN CARTER:** So that is the background for your recommendation in relation to not letting mines go into hiatus because that prevents access to that rehabilitation bond. Is that right?

**CRAIG DAY:** Yes.

**CATHERINE SULLIVAN:** Yes, definitely. If there is no resource left—and this is from the miners own words; they exhausted the gold resource—I am failing to understand why a mine would go into care and maintenance. The usual understanding of that is that maybe the price of the commodity has gone down and you are waiting for a better price and a better time and so you just let it sit for a while. But if the resource is gone—

**CRAIG DAY:** That proposal is looking to repurpose the tailings storage facility, which has clear problems with its construction, and to bring further material into it. It's also requiring a reverse fit or lift, which is trying to stop the wall or cover it from the PAF rock that's been mistakenly placed in it from the back. But there is no second tailings storage facility. Mucking around below that wall, if it collapses, that will be at the desire of the resource regulator. It's a high-risk activity because it's inundated and wet below the wall and it requires them to dig a core trench in very suspect soil.

**The Hon. SUSAN CARTER:** I will just go back to the hiatus. Would the same result be achieved if the rehabilitation bond was set not just to be triggered at the final closure but at any time when a clear rehabilitation need was presented?

**CATHERINE SULLIVAN:** The new document that every large mine should have in place—rehabilitation management plan. Small mines have to have one by early next year. That rehabilitation management plan means that that is consecutive. The rehabilitation is consecutive.

**CRAIG DAY:** Concurrent.

**CATHERINE SULLIVAN:** Concurrent. But, even in the DA and the EIS and everything else, there was supposed to be concurrent rehabilitation of this particular mine site. There is a photograph showing you the wall, and it shows how steep it is. It was supposed to be built like this. It was supposed to be covered with dirt and vegetated as the mining process went on, so that should have happened from the very beginning. It shouldn't be at the end of a mine that you have to do massive rehabilitation. It should just be happening piece by piece. That rehabilitation bond is there to ensure that at the end, I presume, of the life of the mine—because we have that little clay pit ourselves, so we know a little bit about this—it actually meets the return to the agreed land use.

**CRAIG DAY:** Yes, but domains—

**The Hon. SUSAN CARTER:** So the theory was good, but the enforcement was lacking.

**CATHERINE SULLIVAN:** Yes.

**CRAIG DAY:** Yes. You see, this is perched quite high in the catchment, and because the surface water wasn't contained properly and actually only done in recent times to handle the run-on and run-off water, they basically used the tailings storage facility as a stormwater drain. They kept pumping the water over and over and over. So that's effectively backed water up onto the rock hill. Whether the wall is leaking, if it's PAF rock or whatever, you cannot have that much weight of water and not expect it to force down through that permeable rock and then end up in the lower catchment, which is what our studies basically highlighted when we did the extensive EM survey work.

**The Hon. SUSAN CARTER:** Should it have been the EPA enforcing the regulation?

**CATHERINE SULLIVAN:** The EPA is responsible for water management on the site. We will admit that the miner was incredibly difficult to work with. The advice that I was given in 2020 basically was that we can't force more from our level—at a regional level. Write to the Ministers and get more action above us, basically. And that is what we did, but it didn't get us anywhere. So the EPA is responsible for the water management on site. The Resources Regulator is responsible for WHS and for—well, it gets really blurry after that, for me anyway. But I believe that the dam construction is the Dams Safety Committee. But this is not a significant dam. This is just a small—well, for them. It is big for us, but small for these guys, in the scheme of things. But things are missing. There is no certificate of construction. We couldn't find it under GIPAA. We can't find it anywhere. There is no certificate of testing of the material used. That testing certificate would be pretty black and white. Our clay is white. The stuff they've used is brown. If the tested material was white and that was what was to go in the wall, and then what has gone in the wall isn't that, does it meet the specs? We don't know, because those test results are gone and cannot be found.

**CRAIG DAY:** And so it's extremely difficult then to expect—how do you do a reverse fit on that wall with no engineering? There was a piezometer at the base of the wall, which is outlined in the report there, and that's a trigger action point. In 2015 that exhibited positive head, meaning the water's coming out of that. So this is downstream of the wall. The trigger action point in that 2003 construction report was basically that the geotech had to be revisited. In later time, that has been described as, "Oh, well it's just intersected a shallow water table." Now, if that's intersected a shallow water table, it doesn't make a lot of sense to pump toxic water into the ore pit that sits above that and then try and claim that it's a closed system.

**The Hon. SUSAN CARTER:** To summarise, you had previous experience of a successful rehabilitation process—

**CATHERINE SULLIVAN:** Yes.



**The Hon. SUSAN CARTER:** —which gave you confidence to engage with more modern mining regulations.

**CATHERINE SULLIVAN:** Yes.

**The Hon. SUSAN CARTER:** But, either because of failure of the miner to fulfil their contractual obligations or because of lack of appropriate oversight—and perhaps this is a between-two-stools situation where the oversight did not occur—you are now left with significant problems.

**CATHERINE SULLIVAN:** Yes. I'd say "and". Poor mining, poor regulation—both of them. I would actually say there are three entities there. It's the Weddin shire, because their responsibility is under the development consent; it is the Resources Regulator; and it is the New South Wales EPA. Part of the drama as an affected landowner like this is you go to the Weddin shire, you go to the EPA and you go to the Resources Regulator and, you know—well, there is an image from a video of this, and that's what's happening. Towards the end—well, right now they say they have a coordinated approach and that they are all together on the same page. Partly that is so the miner can't play one off against the other, and supposedly it's easier for us. But a recommendation that I have made is that for a mine there should be one lead entity and the others come around that, so that everything is coming to this one place.

**CRAIG DAY:** And the allowed sale of this site has meant that the people who actually did the mining and enjoyed the gold have been let off the hook. So you've got a new miner there that really didn't enjoy the gold but has worn the assets and liabilities. That's something that I really can't understand when this mine site was demonstrated in 2018—and it was a targeted action project for the mines department—as a high-risk tailings storage facility. How do you then, in 2020, allow it to be sold on?

**Ms CATE FAEHRMANN:** Thank you for coming. I'm very sorry that you have had to go through this terrible experience. Thanks so much for your evidence; it's really important for this inquiry. You talked about how it's a modern mine; it was pitched to you as a modern mine. But it sounds like—not just in the way in which the mine operated but also the regulatory environment—that it's from 100 years ago, actually, in terms of the impact on your property and the fact that this could happen in 2023, doesn't it?

**CRAIG DAY:** Yes.

**CATHERINE SULLIVAN:** Yes.

**Ms CATE FAEHRMANN:** So you would think that it's the Government's responsibility to hold a company like that to account in 2023. Is that correct?

**CATHERINE SULLIVAN:** Yes.

**CRAIG DAY:** Yes, without a doubt.

**Ms CATE FAEHRMANN:** Has the Government held the company to account for their actions?

**CATHERINE SULLIVAN:** In the letter that I submitted from the Resources Regulator, they said that they fined them \$10,000 for noncompliance. There was a fine of \$15,000 by the EPA for noncompliance, but that was because they hadn't completed all of the water tests that they needed to do. It had nothing to do with the quality of the water that was pouring out of that large pipe, in such high volumes, down through our property.

**CRAIG DAY:** The pollution licence wasn't followed. The monitoring of the downstream exits were never being measured. We were the only ones to measure those. All they were measuring was what was being pumped up the hill back into either the ore pit or the tailings storage facility in high rainfall events. But whilst that's happening, it's still discharging down into the creek. So that never really accounted for how much was discharged off that site. At a previous job I was attached to the Department of Land and Water Conservation, and I was actually sharing an office with the guy who did the peak discharges off that site when it was back in planning. The run-off coefficients of that site are not indicated in most recent reports. They indicate that rainfall and evaporation are nearly the same. If that's the case, you wouldn't grow a crop in the Central West. You have to multiply the rainfall run-off off that site. It yields a hell of a lot of water.

**Ms CATE FAEHRMANN:** Thinking about the Government's responsibility, if you like, to ensure that the companies that do say they are going to protect land, water and air do so, what was your communication with the Government? So let's go to the EPA. What was your communication like, to begin with, to the EPA? How responsive were they? How many times did you have to speak to them before you got action? How many times did you contact them, not just speak to them, to be clear?

**CATHERINE SULLIVAN:** Really, if we start in 2012—

**CRAIG DAY:** Just cover the testing.

**CATHERINE SULLIVAN:** Yes, in 2012 a person from the Bathurst office in the EPA helped me pull that meeting together at our house.

**Ms CATE FAEHRMANN:** And that was after how many times before—did you have to push for that?

**CATHERINE SULLIVAN:** No, this was 2012. This was really early. This was before the mine even truly begins. In 2012, everyone was a bit concerned, I think. We had the meeting. There is that really fairly nasty PowerPoint that is part of an attachment. I didn't edit it for Craig—it's definitely his work, that one. In that PowerPoint, you can see that he outlined all of the issues that we wanted addressed at that time. So 2012. That's 11 years ago. I will say the EPA were very helpful in helping us pull the meeting together and in trying to get something to happen. Unfortunately it was—we brought the clay, or whatever material you want to call it—the clay stuff that they lined the tailings wall with. We tried to alert the Resources Regulator to that and the Weddin Shire, but that's not the domain of the EPA. What it is is that there's different parts for everybody.

**Ms CATE FAEHRMANN:** In 2012 you tried to alert the EPA and the Weddin Shire Council to the fact of what they were going to line the tailings dam with. Is that right?

**CRAIG DAY:** No.

**CATHERINE SULLIVAN:** We had the meeting in March, and then a few months later that's when they changed and we alerted the Weddin Shire and the Resources Regulator to the fact that they were using a different material, and they basically did nothing. In the EIS it actually says that clay from Day's mine will be transported in—there's a transport route. There's all sorts of things. It is more than implied that that's the material that will be used.

**CRAIG DAY:** Plus the original miner—we're going back two miners now—helped us get our mining leases up and helped us with our surveying and all that because they, I think genuinely, the original people thought they needed this material to get it to work. Now when I raised this with the Resources Regulator representative, he said, "Oh, look—" I said, "They're using the wrong material. It's a divergence from the DA." I was told, "Oh, you know they're doing it on a shoestring?" Well, that's alarm bells to me. I can put that conversation and time that happened. You're doing it on a shoestring? I think that's when you'd say, "We've got a problem here."

**Ms CATE FAEHRMANN:** How much money overall did you receive? I think you said \$10,000.

**CATHERINE SULLIVAN:** Yes, \$10,000.

**Ms CATE FAEHRMANN:** That's what you've received from the mine?

**CRAIG DAY:** We were denied \$150,000 worth of clay sale. Plus we would have paid a royalty to the Government, which would have went to the mines department for our clay.

**Ms CATE FAEHRMANN:** How much overall has the impact of contamination by the mine cost you, do you think?

**CRAIG DAY:** It is quite a quantum amount there, because we also supplied the irrigation bores to that. We were then going to convert 200 or 120 hectares to irrigation. But with the pumping in of the ore pit and the contamination of the two sediment dams that they called, which were actually built for that purpose—yes, we've lost all of that.

**Ms CATE FAEHRMANN:** With contaminated water, have you lost livestock or seen any impact on wildlife?

**CRAIG DAY:** No, we stopped. We did a risk assessment and said, "You can't pump into that ore pit and not expect this to have a problem."

**CATHERINE SULLIVAN:** Once the dams went red, and once I did that experiment in the garden, putting the sprinkler on half the walnut tree, I couldn't work out—there was another tree out the front, and I thought, "It must need more water." So I kept pouring water on this poor little tree out the front and it was getting sicker and sicker. And then we did the experiment with the tree. I figured, if that did that to an established walnut tree, what would it do to an animal that was trying to drink it?

**Ms CATE FAEHRMANN:** Just for the record, what did it do to the walnut tree?

**CATHERINE SULLIVAN:** Sorry. The half that was unsprayed remained green and lovely; the half that was sprayed went brown, crinkled and died.

**CRAIG DAY:** Just looked salt-affected.

**CATHERINE SULLIVAN:** And the pipes that came out of the tank were—you know, one was just rust covered because of the drip from the tap.

**Ms CATE FAEHRMANN:** Based upon your experience with this, and how the Resources Regulator and the EPA responded as well, what do you think when you hear Regis Resources and Bowdens mine reassure communities that everything will be okay in terms of their land and water? Are you worried about what other communities will experience?

**CRAIG DAY:** It's heightening concern. Communities are more concerned than ever. I mean, these guys in our situation here want to continue on and do a project, but they have lost all community confidence in this project. I tried to google up on the weekend how many derelict mine sites are in New South Wales and I thought—you end up with different numbers. Let's say it's 300, let's say it's 500—it could be more. What do they all have in common? They're all owned by different people or were owned by different people. The commonality is the regulating process that's running them. This just can't continue. We need mining, if we're going to survive in a society, for everything we want, but we're competing with people in the world like the UK that only produce a third of their food. We cannot keep destroying the environment because we will have to feed somebody.

**The Hon. GREG DONNELLY:** Thank you both very much for coming today and for your detailed submission. It's very difficult for you. This has been quite a long battle and it's still not resolved satisfactorily. Can I first of all go back to the MOU, which you've circulated, so thank you for that. This is probably just a fine point, but I note that the execution of it—there are no dates.

**CATHERINE SULLIVAN:** No.

**The Hon. GREG DONNELLY:** What happened there?

**CATHERINE SULLIVAN:** It just tells you how shoddy it actually was. It was signed on the front of a ute bonnet, from memory, by Craig and his brother, and what had happened is there had been some faxing—we're back in the day—of the document and it was agreed that in five years this would be reviewed, everything else like that. The miners turned up, and these are the first miners and they were better than the rest of them, and they extracted that little clause out of it. But Gareth and Craig thought that they were signing that in five years this would be revisited. I have no clue why the date isn't actually on there; it's just 2004. Initially when we gave this to people, they said, "This isn't worth anything." It shows you how shoddy the document is that it has not even got a date on it. That's what I would say.

**The Hon. GREG DONNELLY:** There are more sophisticated legal minds round the table than me here, but you've obviously tested that and had legal advice about the significance or otherwise of that.

**CATHERINE SULLIVAN:** Yes, we have, and it comes down to it can be argued that it is valid and it can be argued that it's not valid. That sounds like legal advice, doesn't it? So you've got two ways of seeing this document. If it is valid—

**CRAIG DAY:** Clause 4.

**CATHERINE SULLIVAN:** —then we should be able to say, "You've contaminated our land and you owe us compensation." But despite the evidence we have provided, they simply say, "You've got natural springs on your place." They don't identify a problem. Like I said before, we don't have the money to go to the Land and Environment Court.

**The Hon. GREG DONNELLY:** I understand. Thank you for clarifying that. The progress of the mine from what it was to care and maintenance, as you described in your opening statement—was there any consultation with you about that or was that something unilaterally you found out about?

**CATHERINE SULLIVAN:** We were informed of it, I think, well after the event. Possibly, you're testing me, but I'd say—

**The Hon. GREG DONNELLY:** No, I wasn't pressing you for a specific time.

**CATHERINE SULLIVAN:** We weren't consulted in the process of it. This is our land—10 acres of our land—sitting under that tailings storage facility, and yet we were not consulted about this. The mining operation plan lapsed in October 2018. That was like a trigger moment for us, and we went back to the Resources Regulator and to the EPA and said, "This can't keep going on like this. We want our land back." Things go up and down in our lives and there was a moment when we were thinking we would have to sell the property, but you can't sell a property that has got a tailings storage facility. You possibly could.

**The Hon. GREG DONNELLY:** Not if you expect to get a reasonable price for it.

**CATHERINE SULLIVAN:** Yes.

**The Hon. GREG DONNELLY:** Indeed. I understand what you're saying, which brings me to the comment in answer to an earlier question. I'm not being political here but my colleagues might think otherwise. You wrote to the Minister at the time; I think you said 2019. What came back from the Minister's office?

**CATHERINE SULLIVAN:** In terms of the Resources Regulator or the Minister for Industry, so it was John Barilaro's office, the response from that person Anthony Keon—

**The Hon. GREG DONNELLY:** Sorry, from who?

**CATHERINE SULLIVAN:** Anthony Keon.

**The Hon. GREG DONNELLY:** I don't know who that is.

**CATHERINE SULLIVAN:** It doesn't matter, but the response—it's actually in your letter there. It sounded really positive, it sounded really good, but then two months later, even with all the directives for action and everything else that were there against the miner, they helped—

**The Hon. GREG DONNELLY:** Sorry, what directives are you talking about for action? In the letter or in another document?

**CATHERINE SULLIVAN:** No, over a—

**The Hon. GREG DONNELLY:** Sorry, you can take it on notice. I'm not meaning to push you too hard on this.

**CATHERINE SULLIVAN:** No, that's alright. In your submission, you will see a list of directives that have been issued. There are extra ones as well, from my understanding. I will get that back to you. Basically, we got a bit excited by that response because it sounded like something was going to happen. Unfortunately, two months later, there was assistance or facilitation from the resources regulation department to help the new miners into the mining entity even though things were not great with the mine site.

**The Hon. GREG DONNELLY:** Irrespective of which government is in of whatever complexion, a letter from the Minister, if it is a letter from the Minister, should have some standing and some weight.

**CRAIG DAY:** It's the letter from Matt Kean that's probably the biggest concern, that says, "There's no pollution on your property," when the EPA testing in 2015 at the source of the pollution showed 50,000 times the allowable level of cadmium exiting, and then saying there has been no exits. There have been 20 exits over the life of the mine, in pre-production of just sediment water and then during the actual mining process and in care and maintenance. This has been a disaster.

**CATHERINE SULLIVAN:** Just to clarify that, it was the 2021 testing from the EPA. Earlier testing in 2015 had showed problems. In 2021 the first round of testing that was done tested the sump, just that little dam at the base of the tailings storage facility, and what they said there was that things were really—it was highly contaminated. It's just at the base of the tailings wall. Unfortunately, it's then connected to another dam and then to a pipe, and the pipe comes through the fence. When it rains too much—and they only have one pump—they use the pump to pump the water, initially, back into the tailings storage facility. But when that became too full and really at risk of catastrophic failure, they then got the permission to pump into the ore pit. They can't keep up with the water amount, so what happens is, out of a trickle pipe about that size, water just cascades at over 80,000 litres a day, just coming down through our property and out. The pH of that sump dam at that time was 2.2. When Craig was measuring what was coming out of there, it was a pH of 4.4.

**CRAIG DAY:** That's with all the rain.

**CATHERINE SULLIVAN:** Just to clarify, we actually do water testing and water assessments as part of our training that we run as chemical experts, I will call him, or spray application experts. We look at water quality; that's what we do. This is part of the problem with the environmental protection licence. There was never a requirement for someone to look at that pipe and say, "What heavy metals are coming out of there?" It was simply just the pH and the oils.

**CRAIG DAY:** Oil, grease and cyanide.

**The Hon. GREG DONNELLY:** So you've got in your possession correspondence from two Ministers. Is that correct?

**CATHERINE SULLIVAN:** Yes. You have too.

**CRAIG DAY:** You have too.

**The Hon. GREG DONNELLY:** Somewhere, absolutely, yes. Is there anyone else you've received formal correspondence from at that level or just the two Ministers?

**CATHERINE SULLIVAN:** No, just the Ministers.

**The Hon. GREG DONNELLY:** Is that the highest level of correspondence you've received?

**CATHERINE SULLIVAN:** Maitland resources regulator—we've got numerous emails, letters, whatever else. EPA people at regional levels—numerous letters, emails.

**The Hon. GREG DONNELLY:** No doubt.

**CATHERINE SULLIVAN:** But from that highest level, just those Ministers.

**The Hon. GREG DONNELLY:** Finally, you made this point to an earlier question—and I think I might be paraphrasing you slightly—that there seems to be some early emergence of better coordination or better coordinated approach between the Resources Regulator, the EPA and the Weddin Shire Council. Could you just elucidate on that and explain what you mean? It has been a long time, of course, but what's happening now?

**CATHERINE SULLIVAN:** The truth is I probably don't really know. I sent an email to the EPA in July, trying to alarm them to the fact that the creek on the eastern side has turned red and is flowing under the road and into our neighbour's land. I've not had a response to those photographs or to that email. So where are we?

**The Hon. GREG DONNELLY:** We're now in October.

**CATHERINE SULLIVAN:** October. Possibly, I'm not best placed to know what is actually going on. We do understand that there are meetings behind closed doors. We've had an informal chat, I suppose. I've tried.

**The Hon. GREG DONNELLY:** You've tried and tried.

**CRAIG DAY:** Yes.

**The CHAIR:** Can I just ask a follow-up question? You're talking about the quality of the water that's running through your property and you said the pH was measured at 2.2.

**CATHERINE SULLIVAN:** That's in the sump dam. As it flowed into our land, it was measured at 4.4. Obviously, the norm is around 6.5, 7.

**The CHAIR:** Yes, 2.2 is consistent with stomach acid.

**CATHERINE SULLIVAN:** Yes.

**CRAIG DAY:** That's correct.

**The CHAIR:** And the position of the former New South Wales Government was that you did not have contamination on your property?

**CATHERINE SULLIVAN:** Yes.

**CRAIG DAY:** That's correct. To deny that the spills hadn't happened—you could go back through the EPA hotline and just see every time we complained. We've got photos of every event. And only the events when we're there. We're on the road 32, maybe 36, weeks of the year, so in those wet years we only saw the spills that we saw.

**The CHAIR:** Extraordinary.

**The Hon. SUSAN CARTER:** Can I ask one question about the agreement? The agreement requires for the joint venture to lodge a security deposit and that that should be available to be used for rehabilitation at the discretion of the department of mineral resources. Was that security deposit lodged?

**CATHERINE SULLIVAN:** To the best of our knowledge it was. Initially, I think that bond was somewhere around \$300,000-odd.

**CRAIG DAY:** Yes.

**CATHERINE SULLIVAN:** Now it stands at about 1.7, I think, is the new bond that is there.

**The Hon. SUSAN CARTER:** Under the terms of this agreement, that should be available to do rehabilitation works on your land.

**CATHERINE SULLIVAN:** Oh! Is that what it says?

**The Hon. SUSAN CARTER:** That is what it says.

**CRAIG DAY:** I don't think that's how that would be viewed.

**The Hon. SUSAN CARTER:** Well, no—

**CRAIG DAY:** That's what it says, yes.

**The Hon. SUSAN CARTER:** It says:

This bond can be used at any time at the discretion of the NSW Department of Mineral Resources for rehabilitation purposes.

And it's only in relation to the tailings storage facility.

**CRAIG DAY:** That's all they had the agreement over. As you can see in the attachment, it's only the fenced area where that agreement relates to.

**The Hon. SUSAN CARTER:** At the very least it's—

**CATHERINE SULLIVAN:** It's about proving to the miner that we have suffered contamination. It just—it's been a difficult point to prove.

**CRAIG DAY:** Hear, hear!

**Ms CATE FAEHRMANN:** How has it been difficult to prove contamination? You've got photos. You've got results coming through your ears in terms of all the data.

**CRAIG DAY:** EPA testing, yes.

**Ms CATE FAEHRMANN:** Who has it been difficult to prove to? The EPA?

**CATHERINE SULLIVAN:** No, the mine. The miner.

**Ms CATE FAEHRMANN:** Whose responsibility is it to prove that to the mine, though?

**CATHERINE SULLIVAN:** It's ours, I think, and that means it has to be argued in a court. That's my understanding; I might be wrong.

**The Hon. SUSAN CARTER:** I think actually what you would find is that this should be enforced through the resources regulator, because it's not up to the mine. The mine is paid the money and it's the third party that enforces the rehabilitation.

**CRAIG DAY:** That's correct.

**The Hon. SUSAN CARTER:** And the resources regulator would be the equivalent of the department of mineral resources. So I would start there.

**Ms CATE FAEHRMANN:** You're saying that you've started there, though. Just to be clear—

**CATHERINE SULLIVAN:** We've tried.

**Ms CATE FAEHRMANN:** —with respect, the witnesses have tried and tried and tried and tried to get action.

**The Hon. SUSAN CARTER:** I am not suggesting that there has been any lack of effort. In fact, I have deep sympathy for everything that you have done and the frustration, to put it lightly, that you must be feeling. I am just suggesting that that's—

**CATHERINE SULLIVAN:** An avenue.

**The Hon. SUSAN CARTER:** —an avenue. If perhaps this agreement is brought to the attention of the resources regulator—

**CATHERINE SULLIVAN:** Okay.

**The Hon. SUSAN CARTER:** Yet another email for you.

**CATHERINE SULLIVAN:** That's all right. The last email we had from them after correspondence was that their understanding was there was a valid agreement in place between us and the miner, for exploration as well as for mining. I don't see that as a valid agreement. That was for a moment in time for one job, and it's finished and it is not—

**The Hon. SUSAN CARTER:** This is not an exploration agreement.

**CATHERINE SULLIVAN:** No, it's most certainly not an exploration—

**The Hon. SUSAN CARTER:** This is a dam agreement; it's not an exploration agreement.

**CATHERINE SULLIVAN:** I will pursue that and I will attach that.

**CRAIG DAY:** Underpinning that was the knowledge that they were going to use clay sourced from us. So there was a stream of income there denied, as I said, not only to us but also to the resources regulator from the royalty we would have had to pay. It just doesn't make sense to then use inferior material. When I raised the inferior material in the same conversation, I was told that I'm not a clay expert. I said to the resources regulator, "It doesn't matter. You don't have to be an expert; you've just got to follow what's in the EIS and the DA." And the EIS being the underpinning document to the DA. This was a divergence from what was supposed to happen—just ridiculous.

**Ms CATE FAEHRMANN:** Surely you would think the Government should step in here. It shouldn't be up to you as private landholders. You were paid \$10,000, for goodness sake. It shouldn't be up to you to run this fight against this company. Do you think the Government has done enough? What's your last message—we're almost out of time—to the Government, to the EPA and to the resources regulator?

**CATHERINE SULLIVAN:** Our concerns now are for our neighbours as well as ourselves, because this contamination has hit two creeks. We're really worried about what's happening. We're really worried about the groundwater that's now emanating up with such high levels of heavy metals all through our property. But I don't think it will just stop there. What we would really like to see is a solution to this problem. The Government's directive that they modify the existing tailings storage facility will just keep water in it to make it a lake. It's the opposite problem to Cadia. There's no dust here; it's just water everywhere. We would like to work with the secretaries from those three Ministers' departments to say, "There is another solution to this problem"—that is to build another tailings storage facility further downstream so that it is geotech lined, it's properly made and you can then deconstruct the top wall.

You could potentially remediate those old tailings, because they're not in the stable condition they were once in—or we're not certain of that, but we believe that to be the case. You could actually rework this site so you stop further pollution going downstream, you do everything properly in the spirit of the modern—not modern, that's the wrong word, but the rehabilitation management planning that now exists, and you could actually deconstruct that tailings wall, reprocess what you need to reprocess and then rehabilitate the whole site. There is an opportunity to do that. That would protect the downstream environment. You'd need a reverse osmosis unit to pump out that water from the ore pit—because it's just going down—to treat it and get everything out, plus the water from the tailings storage facility. It's a fairly massive problem.

**CRAIG DAY:** But the situation is staring at us that I think the current proposal is to use the same material that was used initially. I've got a little preparation here in front of me. This is water. That'll explode. It's sodium. You've got a lot of positive charge on the sodium and you've got two positive charges on the water. It's just magnets. That does not have any ability to be used as a capping mechanism. It's going to cap, crust and erode. They're anticipating they want to put this up a three-to-one batter; it's impossible to get it there. The money that the Resources Regulator is expecting this miner to do is going to trap that water high in the catchment. A rebuild and a refit—and this time do it properly, and for once let's listen to the stakeholders that are locally impacted. We might come up with a solution, because what they've done up to now isn't working.

**CATHERINE SULLIVAN:** That would be a good summation!

**CRAIG DAY:** And it has blown apart in the water as I—yes.

**The CHAIR:** Thank you so much for your evidence today and sharing everything that you've been through, not just for your own benefit but that of your neighbours and, hopefully, for communities across New South Wales. We're very grateful.

**CATHERINE SULLIVAN:** Thank you very much. We really do appreciate this opportunity.

**(The witnesses withdrew.)**

**(Luncheon adjournment)**

Mr IAN PEARCE, Director, PFT Agriculture, sworn and examined

Mr BRUCE REYNOLDS, Local resident, affirmed and examined

**The CHAIR:** I welcome our next witnesses. Would you like to make a short opening statement?

**IAN PEARCE:** Yes, thank you. I am the Director of Pearce Family Trust, trading as PFT Agriculture. We are a horticultural business located north of Orange, producing apples and cherries. Our family has been continuously producing fruit in this locality for over 100 years. An essential component of our production base is the ability to access adequate water for irrigation. A significant portion of this is sourced from licences on Summer Hill Creek. In relation to the terms of reference for this inquiry, PFT Agriculture submits that there has been a substantial, significant impact on the flows in the Summer Hill Creek system through the transfer of treated effluent water to the Cadia goldmine, which previously discharged back into the Summer Hill Creek system. These transfers occur predominantly in dry years.

There has been a direct effect of the removal of approximately eight to 10 megalitres per day of flow and up to 13 megalitres per day. It should be noted that this is an intercatchment transfer between the Macquarie and Lachlan valleys. This direct extraction has led to the indirect effect of the lack of treated water being available to Orange City Council for recycling, which has led it to further pursue extractions from Summer Hill Creek through current and proposed stormwater harvesting schemes. The cumulative impacts of these extractions on the Summer Hill Creek system are provided in annexure 2 of my submission.

The water security situation for our business has changed from effectively 100 per cent security prior to 1998 to now periods, at times, of no flow, as evidenced in the 2019-20 summer. Under the terms of our licence, we can only extract water when there are visible flows in our system. There has been a direct impact on production, and the risk profile of our business has been substantially increased. I refer you to annexure 1 of our submission. Were treated effluent transfers available to be recycled, there will be substantial opportunities to improve the water security of Orange and downstream stakeholders, and create a more sustainable water regime for the whole catchment. It would also remove the need for further proposed extractions from the Summer Hill Creek system. I welcome any questions the Committee may have and thank you for this opportunity.

**BRUCE REYNOLDS:** I am a Cadia area resident. Thank you for the opportunity to speak today. I would like to acknowledge the Wiradjuri people, on whose land we meet today. Under full disclosure, I am also a county councillor. I sit as an alternate on the Regis Resources CCC and I am an executive councillor with NSW Farmers. I will start by identifying my family as ground zero. We were the first to be told not to drink our water as it contained high levels of heavy metals. We were the first individuals that were told not to touch the water. Could you imagine getting that message late on a Friday afternoon not to drink your water? It was about six o'clock at night.

We didn't know what to do. We immediately got water from Orange. We bought containers so that we had safe drinking water and undertook other activities such as washing our clothes in Orange at a family member's house. We also got our blood tested. My daughter has high levels of selenium in her blood. I was copper, and later I found that I also have high levels of both molybdenum and nickel in my blood. My daughter, with hair testing, and my wife—I think it's cobalt that's at high levels in their hair. We retested that water after the first test results came back, and the second test results were even worse than the first test results with high, unsafe levels of a number of minerals. We approached Cadia straightaway and asked for a meeting. They came to our house. They came to our kitchen table and made a number of promises. Very few of those promises have been delivered, quite sadly.

We spent months coming up with solutions to clean our water and, after overseas analysis—yes, we had to go overseas to actually find out how to remove all of these heavy metals—we have now installed three levels of filtration on our house. The final is a reverse osmosis for drinking water, which is equivalent to Sydney's desalination plant but a very small version of that. That's cost around \$8,000 of our own money to try and protect my family. My family is now relatively healthy. What I can't get over are comments that Cadia made to this inquiry at its previous meeting where they said that they were sorry but didn't really believe they'd done anything wrong. Then they plead guilty in the Land and Environment Court last Friday. Isn't pleading guilty an admission of wrongdoing? I seriously ask that question and ask for your Committee to take that on board.

I also constantly hear that they can't locate a link between the rooves or their dust and the water tanks. Here is proof, in this container. This is gutter mud, and I took five buckets of gutter mud, last September, out of my gutters and, luckily, I kept two of the buckets. I offered them to Cadia. I also offered them to the EPA to test to see what minerals were in my gutter. Finally, we managed to get some testing done, and it's come back that—this is a copper mine that we're talking about, as well as gold, so 100,000 tonnes of copper a year. The copper



content in this gutter mud is 12 times the surrounding soil samples, so, if it was dust from paddocks, then it should be a twelfth of what it is. The level of zinc is around 50 times the surrounding paddock soil level. Nickel is 2½ times the soil level and chromium at least four times the surrounding soil level. Cadmium also registers, but it's not registering in the soil samples. To me, that sounds like a very dangerous cocktail going directly into our tanks, and yet no-one, to this stage, had been interested.

If I put a little bit of this dirt in this glass and it dissolves—and it will take a while because it's very dried out—would you drink that water? We were drinking that water. It was coming straight off our gutter, into our tanks and then into our water supply. We approached the EPA. I offered these samples and there was just a total disinterest in what was in the water. Eventually we have got it tested and, as I said, I've given you those results. But, in looking at what the mining companies give—around about \$4.7 billion in royalties to this State Government on an annual basis. This is from coal mining through to heavy metals. Very little of that, if anything, is now coming back to the regions. Looking forward and Cadia mine is about to lodge modification number 15. We are already through 14 modifications. Modification 14 was actually this air vent—the 100 kilometres per hour airshaft that was blasting dust up into the atmosphere and, we believe, contaminating our property.

We are about 9.5 kilometres from this airshaft and air vent and we could see the dust. I reported it to the EPA, but there was a lack of interest. Modification 15 appears to have been delayed. So one thing I ask the Committee is that it clamps down on modifications on any projects in New South Wales and meets the requirements of a full EIS, and not some substandard response that delivers outcomes like we have encountered. My submission makes 14 recommendations on the first page, which I hope you all take seriously in your deliberations. Thank you very much.

**The CHAIR:** I've got a question for you, Mr Reynolds. You commented on your own and your family's blood test and hair test results. As far as you are aware, have you ever been asked for consent for that data to be used in any kind of epidemiological study by a university, by NSW Health or by the EPA? Is anyone actually collecting that data?

**BRUCE REYNOLDS:** The Cadia Group has collected the data; we've made it available to them. We also made it available to the EPA and health department and the response was, "There is no problem." That scares me. There is this response, even from the health department, of, "We don't see there is an issue here." For example, with myself, originally—we've only discovered the latter heavy metals later because we didn't know what to test for. For me, it was copper. They just went, "Well, you've got above average or higher than safe levels of copper in your blood"—as in, not taking it seriously and saying, "Look, we need to investigate further." There has been no government investigation. We have only ever provided our details, which I believe have been put in a joint submission under the Cadia Group to this inquiry.

**The CHAIR:** So as far as you're aware, there is no independent epidemiological analysis of the health impacts on this local community?

**BRUCE REYNOLDS:** Not at this stage and not that I am aware. I am aware that the health department has created a special group to do some analysis, but no, I don't believe any of the blood test results have been provided to any organisation, or we haven't been asked to provide any information.

**Ms CATE FAEHRMANN:** Thanks for coming today, both of you. Mr Reynolds, how far away did you say you lived from the vent—I think you said—or the mine? What's your distance?

**BRUCE REYNOLDS:** We're approximately 9.5 kilometres as the crow flies—so directly—and a little bit longer by road.

**Ms CATE FAEHRMANN:** I feel like we have heard that dust doesn't travel as far as that on good days, so 9.5 kilometres seems like a decent distance.

**BRUCE REYNOLDS:** Well, it is a decent distance. I have a neighbour who is about 500 metres from me who built a brand-new house—it is about two years old—and in their tank they have had high levels of lead. There is no lead in the roof, so what's putting it there? To try to answer your question, we've seen the dust haze. I have reported the dust haze to Cadia and I get told, "It's water vapour. There's no minerals in it. There's nothing wrong with the air." Yet you can visually see this haze. When you actually look from various viewpoints, you can actually—while this vent wasn't being filtered, the dust was just travelling for many, many kilometres. You could see in the atmosphere this dust haze that was emanating. So if the wind was coming from the south, from the vent, heading north, you could see the haze. From the vent south, if there was a southerly wind, there was no haze.

**Ms CATE FAEHRMANN:** We've heard a lot about the fingerprinting of the lead and various particles to tanks. Has anybody in your area or have you or your neighbours had lead in tanks fingerprinted and has it been connected to the mine?

**BRUCE REYNOLDS:** Personally, no. I believe there have been some neighbours—as in, the example I gave just a moment ago about the neighbour who did have high levels of lead. Their material was fingerprinted. But this Government—it's probably a good example; it's quite solid. As far as I'm aware it's never been actually tested, it's never been fingerprinted, to actually determine—all they have looked at is the sludge on the bottom of tanks.

**Ms CATE FAEHRMANN:** That has never been fingerprinted?

**BRUCE REYNOLDS:** As far as I'm aware. Cadia has never come back to me and said yes or no.

**Ms CATE FAEHRMANN:** Have they cleaned your tanks?

**BRUCE REYNOLDS:** No, which was a promise made at the kitchen table back when—we approached Cadia. One important thing to highlight is that I'm not against mining as long as it's done properly—as long as there is no pollution that impacts on the community. We approached Cadia and said, "Look, we've got a problem." They made certain assurances at the kitchen table—

**Ms CATE FAEHRMANN:** Including coming and cleaning your rainwater tank?

**BRUCE REYNOLDS:** "Yes, we would come and do it." We wouldn't give them our test results. We verbally told them what our test results are, but we wouldn't give them a physical rundown or the second rundown—the second lot of test results. They came and did testing and we are confused on how the tank water was better quality than what was coming out of the pump to the bottom, when they did their testing. Yet we had had two lots of test results done by two different organisations: one the University of Western Sydney, one by ALS—I think that's the name of the company. Both of them showed high levels. I'm happy to provide to the Committee, confidentially, those test results, but I don't want to put it on the public record.

**Ms CATE FAEHRMANN:** That would be useful.

**BRUCE REYNOLDS:** And then the Cadia test results came back as though it was the most pristine water that you'd ever had. I cannot gather how it was that you had two different lots of test results other than it had been a very dry period for a number of weeks, so whether the heavy metals had settled right on the bottom of the tank or whether the two test samples that they took were both from the top of the tank and there was an accident by the tester, and one wasn't the bottom of the tank that they tested on—I don't know the answer. I have actually had, in recent times, another test sample taken to actually see again. I don't have those test results back yet. I'm hoping to have them back in the next week or so. Again, I'm happy to make them available to the Committee once I do have those results.

**Ms CATE FAEHRMANN:** One of your recommendations, or something that you'd like to see this inquiry achieve or recommend, is that residents are provided with safe drinking water. That's not too much to ask, surely?

**BRUCE REYNOLDS:** Well, I'd hope—we were provided with bottled water until we put the reverse osmosis system in. As I said, it was a very expensive exercise to go and put all of this—

**Ms CATE FAEHRMANN:** Which you had to pay for yourself?

**BRUCE REYNOLDS:** We had to pay ourselves. We haven't got a cent from the company. The bottled water was provided in the short term until we implemented a system, because we just can't go on forever with an unsafe—and the expert advice we got from overseas was that one filtration system, big filters next to the bore—next to the house pump, so nothing to do with bore water; it's pure tank water for the house—couldn't take out all the heavy metals. The only way that you could take them all out that we had in our test results was through this reverse osmosis system. And then you've got to pay for the power to run it et cetera, so there is an ongoing cost as well as the original capital outlay.

**Ms CATE FAEHRMANN:** Can I ask both of you, from your experience, is it possible for communities and landholders—families—to live close to a goldmine without it impacting on their health or the health of the land and water that they survive on and live on?

**BRUCE REYNOLDS:** I'll let Ian go first.

**IAN PEARCE:** It's a little bit beyond my area of expertise, I suppose, but I would see that there shouldn't be any reason why we couldn't coexist. But it's the approach that's taken, particularly by the larger corporates, I think—we have found them being quite dismissive quite often to any approaches we've made. I think there just needs to be a better process of enforcing requirements and having a view to the future and working together. None of us want to—I don't want to see mining stopped. But I think the broader picture is we all need to coexist, and we need to coexist healthily and without impacts on agriculture and on our health, on water—

**Ms CATE FAEHRMANN:** But it is impacting on agriculture at the moment—is that your evidence today?

**IAN PEARCE:** In our case, yes.

**Ms CATE FAEHRMANN:** Mr Reynolds?

**BRUCE REYNOLDS:** The impact on agriculture—again, I have concerns if the dust is there, particularly in horticulture but also with livestock raising. As in, are pastures being contaminated? Is horticulture produce being contaminated? I grow blueberries, raspberries and cherries. Are my crops being contaminated? Leaf folia absorption is quite high, and you can use folia applications of fertilisers to boost plant production. That's one area that's an unknown, and we don't know the answer whether the food that we're producing around this area—we hope it's safe but is it safe? We don't have an answer to that question.

On the other side for coexistence, I think, yes, you can as long as you have safeguards and undertake appropriate production systems in the mine that actually don't allow discharge of contaminants into the atmosphere, and that's both off tailings dams and also off the vent shaft. I believe it was the vent shaft coming purely off the underground crusher, so pure, unprocessed rock that was in particles coming up and potentially coming over our place. You've got to have the systems in place to make sure that the community around it is fully protected otherwise, no, you can't coexist.

**Ms CATE FAEHRMANN:** I suppose that comes down to also the regulatory environment in terms of having a strong EPA. Does the EPA have enough powers to make sure that Cadia is not polluting land and water, in your opinions?

**BRUCE REYNOLDS:** I'd like to see an increase, and I think I've put it in one of the 14 recommendations, an increase in the power to actually take action. The \$15,000 PIN is nothing, as in it's a slap on the wrist as far as I see. At least now the proceedings have gone to the Land and Environment Court. We'll wait to see. I think it's next March before a finding comes down on that from the Land and Environment Court on what the punishment is, but I just don't think the EPA has enough teeth or power at this point in time.

**The Hon. GREG DONNELLY:** Thank you, gentlemen, for both coming along and thank you for your submissions. Mr Reynolds, with respect to that around-the-kitchen-table meeting that took place, as you described, with Cadia, approximately when was that? Just approximately.

**BRUCE REYNOLDS:** It would have been I think either late February or early March. I can find the date. I can take it on notice.

**The Hon. GREG DONNELLY:** Are you talking about 2023?

**BRUCE REYNOLDS:** Yes, so this year.

**The Hon. GREG DONNELLY:** With respect to what they said that they would be prepared to do or consider, did you have a list or did you write down or after the meeting make a note of what they said?

**BRUCE REYNOLDS:** My wife, who's in the audience, did actually take notes and very comprehensive notes, so, yes, we do have that and a written record.

**The Hon. GREG DONNELLY:** I'm wondering on notice, subject to speaking to your wife, whether you'd be prepared to provide that because I'm just keen to know did they action any of what they said they would do, or none, or 50 per cent? Sorry, I didn't mean to put you and your wife on the spot.

**BRUCE REYNOLDS:** I'll check in with my wife whether she is happy to make it available.

**The Hon. GREG DONNELLY:** You can consider that in your own time.

**BRUCE REYNOLDS:** To answer your question, probably about 20 per cent, so the water on the day I think was the—and they also did provide some dry-cleaning or some cleaning of clothes because we didn't know if we were using contaminated water and therefore when you're sweating or you're wearing the clothes whether you're absorbing heavy metals. So we went to full protection, particularly my daughter who was having eczema issues, and after we went to clean water the eczema issues cleared up over a period of time and we haven't had the severe eczema issues since. Again, we don't know the answer.

The one disappointing thing I found was a week or so afterwards Cadia rang me up and said, "As a local government councillor, are you aware that if you accept a certain amount of money of cleaning of your clothes that you have to declare this and you have to make a declaration as a councillor", which happens to be \$500. We didn't receive it; they just paid the bill to a cleaning company in Orange. It was under \$500 anyway, but I still as a councillor have made declarations if we're dealing with a council issue with regard to that. They were the two

things that they committed to that they actually did do on the day, but the cleaning of tanks, no, and they've backed away from cleaning tanks since.

**The Hon. GREG DONNELLY:** When you say "backed away", they just haven't come back to you in regards to responding to the cleaning?

**BRUCE REYNOLDS:** They've pretty well said to all residents, including ourselves, outside of I think it's about 20 tanks—but I don't know the exact number—that they have cleaned, that they will not clean any other tanks.

**The Hon. GREG DONNELLY:** You know that to be true why? You've been told that or heard that?

**BRUCE REYNOLDS:** I go to every residents' meeting. I meet with Cadia as a councillor as well, because they do meet with Blayney Shire Council quite regularly. Without outlining anything that's in commercial confidence, at the community meetings they've outlined I think it was about 20 tanks, off the top of my memory, that they have cleaned because of high levels of point of use, from what I understand in those tanks.

**The Hon. GREG DONNELLY:** With respect to the time line in your submission, we've got 2018 as being the sort of key marker of these issues you go on to describe in your submission. The mines operated before that time, obviously. Have you been a resident in the same place in that period pre-2018?

**BRUCE REYNOLDS:** Yes, we were. I think it's over 11 years that we've been a resident.

**The Hon. GREG DONNELLY:** Okay. With respect to the period between whenever you moved there in 2018, you don't comment about that in your submission. I'm not critical of that, but what happened during that period? Were there issues with dust and related matters?

**BRUCE REYNOLDS:** When they dried out the tailings dam, there were some issues. Under the old raising of the tailings dam walls, you have to dry the dam wall out before you raise it. Dam material on top of wet tailings, you can't do that; they're putting it on top of dry. March 2018 was the critical point when the northern tailings dam wall failed. They still haven't been able to fix it. They have no indication. They've told the community varying things from "We can't fix it because it's unsafe to fix it" through to—and you can ask the question this afternoon on what their latest intentions are—"We're still looking at ways to potentially fix it".

The indication—again, I'm going to the community meetings—is that they're looking at raising the southern tailings dam wall up to the height of the northern and entombing the failure in the southern tailings dam. So that's eventually what fixes the problem: They raise, quite considerably, the height of the southern dam over the next 20 or so years, if they get another mine licence, because their licence only goes till 2031; I think it's 30 June 2031 before they have to reapply, and there will be a new application, I believe. Again, you have to ask the company that, not myself.

**The Hon. GREG DONNELLY:** Finally, in terms of testing, you obviously had some pretty detailed blood testing done. To the best of your knowledge, have there been any residents in and around the mine, or around the mine, that have had tests paid for by the company?

**BRUCE REYNOLDS:** The third round of testing, the company did, including the soil sample testing—they did soil sample plus water testing. That's the only round of testing I understand that Cadia did. The first round of testing didn't cost us anything, from the University of Western Sydney. The second round, we paid as a family. The third round, Cadia has paid for that testing.

**The Hon. GREG DONNELLY:** And that was blood testing?

**BRUCE REYNOLDS:** No, I had to pay several hundred dollars, personally, for blood testing. That's water testing. So blood testing, no—we've had to pay ourselves as individuals. No-one else, the health department, hasn't made it available. Personally, I had to pay for the test results for the copper and also the recent test results that I believe have been provided in the submission from the Cadia network.

**The Hon. SUSAN CARTER:** Thank you both for being here. I have a question for you, Mr Pearce, if I may. The water that is going to Cadia that's no longer going to the creek, as I understand it, is effluent. Would that be able to be used on your crops without further treatment?

**IAN PEARCE:** Yes, we believe so.

**The Hon. SUSAN CARTER:** So you can use town water effluent?

**IAN PEARCE:** That water, I believe, is only one step away from being potable for human use, one treatment step, so it's pretty good water.

**The Hon. SUSAN CARTER:** Okay. Thank you. Mr Reynolds, the reverse osmosis purification that you've put in—you've got clean water now?

**BRUCE REYNOLDS:** I believe so. As I said, the testing that we've had—there are three levels of filtration with regard to the first flush, and then there are these big filters that we've got that take out certain heavy metals, and then the reverse osmosis takes out the final. Particularly with bathing et cetera, washing clothes, most of the heavy metals are filtered out, but for drinking, because it's coming into your body, we went that final step of the reverse osmosis system.

**The Hon. SUSAN CARTER:** Have you had recent testing, you and your family, for what levels you have in your blood?

**BRUCE REYNOLDS:** Yes. The test results that came back showed that my copper levels had lowered, which was really good.

**The Hon. SUSAN CARTER:** Excellent news.

**BRUCE REYNOLDS:** I have spoken to the GP, and that's really good. They also showed that molybdenum and nickel, I think, were at very high levels. We never tested for those heavy metals before, so I don't know what was there six months ago—as in whether I had above safe levels of those two heavy metals. But now everything has come back, a couple of them are right up at the top but still they've come back within. I also don't think it's great that I've still got three heavy metals at quite high levels, even though they are now considered under the safe-for-individual metals, in my bloodstream.

**The Hon. SUSAN CARTER:** In terms of possible remediation or management, what you've done is demonstrate a possible way of management of this issue.

**BRUCE REYNOLDS:** A very expensive way but, yes, a possible way. As I highlighted, we also had to go overseas to get expert advice on what was the best system to put in. I asked Cadia the question back many months ago at a community meeting, "What are you coming up with with the solutions?" They were looking at partial solutions but not the solution that we went for with drinking water, which we believe is the safest route. I've got a 10-year-old; she's quite young. Hopefully she's got a long life in front of her. You don't want heavy metals to create issues with her health.

**The Hon. SUSAN CARTER:** No, absolutely.

**The CHAIR:** The Committee members may have additional questions for you on notice. The secretariat will be in touch with you about those. Thank you both so much for the time you've taken today to give your evidence and also to prepare your submissions. It is much appreciated.

**(The witnesses withdrew.)**

**The Committee adjourned at 13:00.**