

Traditional Owner further delays Lake Cowal gold mine expansion

In the NSW Supreme Court of Appeal today (1 July 2009), Wiradjuri Traditional Owner, Neville Chappy Williams, has further delayed the expansion of Barrick Australia's Lake Cowal gold mine.

Barrister Bret Walker SC and assisting counsel Dr Sarah Pritchard, engaged by the Environmental Defenders' Office representing Mr Williams, challenged Barrick's appeal to the February 2009 Land and Environment Court decision that put the mine expansion on hold.

In that case, *Williams v Barrick Australia Limited*, Justice Biscoe found that Barrick's proposed E42 Modification to the Lake Cowal gold mine was a "radical transformation" and not a "modification" of the mine.

The case concerned Barrick's application to the Department of Planning to significantly expand and intensify its mining operations at Lake Cowal—almost doubling the size of the mine and extending its operational life by 11 years. The Court held that the application was not a modification request for Part 3A of the *Environmental Planning and Assessment Act 1979*. The Court also made findings against the validity of decisions made (or to be made) by the Director-General of the Department of Planning and the Minister for Planning that relate to Barrick's application.

"We are fighting on the cultural side and the environmental side and we have taken the fight on for all people," Mr Williams said.

"Barrick are pumping water from the Kalara (Lachlan) River and from the Bland Paleochannel, an underground river and ancient Dreaming track. Now the company wants to increase water use at the mine by about 42% and 55%, but they are very cagey about how much water would really be needed if the mine was expanded. The surrounding agricultural region is one of NSW's and the ACT's bread baskets.

"There have been many large dust storms across the Central West. And what could be mixed in the dust? Cyanide, arsenic, cadmium, aluminium and toxic wastes."

Mr Williams is a Traditional Owner representing the Mooka and Kalara Traditional Owners of Lake Cowal—the sacred heartland of the Wiradjuri Nation. He is also a custodian and native title applicant of the land and waters in which the gold mine is located. The mine has been the subject of intense and ongoing community concern for more than 14 years.

Today NSW Appeal Court Justices Basten, McColl and Sackville reserved their decision in *Barrick v Williams & Ors*. It is expected that they will hand down their judgment in between one to three months. In the meantime the expansion cannot go ahead.

"Hopefully this further delay to the expansion will mean the mine will close for ever. You can't eat gold and you can't drink cyanide. We must remember water is more precious than gold. Water is life," Mr Williams said.

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