



# Kingsgate

Consolidated Limited

ABN 42 000 837 472

14 March 2025

[REDACTED]

Officer-in-charge  
Special Procedures Branch  
Office of the High Commissioner for Human Rights

By EMAIL ONLY:

[REDACTED]

Your Ref: AL OTH 2/2025 JOINT COMMUNICATION FROM SPECIAL PROCEDURES

Dear [REDACTED],

Re: **Chatree Gold Mine, Thailand**

Thank you for your letter dated 14 January 2025 to us, attaching a United Nations Human Rights Special Procedures Joint Communication (**Joint Communication**) on alleged human rights concerns relating to the Chatree Gold Mine in Thailand (**CGM**).

This letter and the responses contained in **Annexure I** below constitute Kingsgate Consolidated Limited's (**Kingsgate**) reply to the Joint Communication. It should be read in conjunction with the letter to you dated 14 March 2025 from Kingsgate's subsidiary, Akara Resources Public Company Limited's (**Akara**). Kingsgate fully endorses Akara's letter and its response sections (**Akara Response**), which is attached as **Annexure II**.

From the outset, Kingsgate must emphasise that the Joint Communication repeats many false allegations that have been thoroughly investigated by numerous experts and authorities, and have been found to have no substance at all. Further, we must note that we are unable to provide detailed responses to many allegations contained in the Joint Communication as they are vague and lack supporting information. Nevertheless, Kingsgate treats any allegation that it has violated human rights with the utmost seriousness and has therefore – like Akara – devoted considerable time and resources to

**Kingsgate Consolidated Limited**

(ABN 42 000 837 472)

Suite 12.07, Level 12, 14 Martin Place  
Sydney NSW 2000 Australia

Telephone: +61 2 8256 4800

Email: [info@kingsgate.com.au](mailto:info@kingsgate.com.au)

Website: [www.kingsgate.com.au](http://www.kingsgate.com.au)

carefully assess the Joint Communication and prepare its responses. Given the absence of evidence or documents in the Joint Communication, Kingsgate has responded to the extent the information presented in the Joint Communication permits. However, Kingsgate would be willing to make further responses should more specific information or evidence relating to the allegations be provided.

Let me go back to the beginning of Kingsgate's operations in Thailand. Since the very start, our company considered itself to be a guest in Thailand, and our operation was based on a partnership with the Thai Government and the people of Thailand. The government of the day when we commenced operating wanted business activity in the region to improve the living conditions of the people. This was because the CGM is situated in a very poor subsistence agricultural area of Thailand. With this beginning in mind, we take enormous pride in what we have achieved over the years – always placing paramount importance on health, safety, the environment and our relationship with the local community. The CGM is now the largest commercial operation in that part of the country and has demonstrably improved the lives of thousands of people in the immediate and surrounding area.

In this response, Kingsgate demonstrates that the allegations against it – like those levelled against Akara – are unmeritorious and manifestly unfounded. It also highlights how Kingsgate is committed to conserving the environment as well as protecting the rights, well-being, and livelihoods of its employees and the community near the mine. As part of this commitment, Kingsgate continually updates its policies and compliance codes to ensure that Kingsgate's operations reflect best practice, and remain appropriate for its expanding operations and social obligations. Many of these policies and codes are referenced below.

In the context of the Australian law that binds Kingsgate, the *Corporations Act 2001* (Cth) places obligations on directors of corporations to exercise their powers and discharge their duties in good faith, in the best interests of the corporation, and for proper purposes. It follows that Kingsgate and its directors are *legally* obliged to ensure that their actions have no negative health, social or environmental consequences as failing to do so would be not in Kingsgate's best interests.

Kingsgate also echoes Akara's concerns that the unfounded and unsubstantiated allegations against it have been circulated by the Special Procedures Branch to important stakeholders without first consulting Akara, Kingsgate, Thailand, or other stakeholders. Further to this issue, we have received Joint Communications sent to Akara and Australia but we understand that UN letters containing allegations that Akara and Kingsgate have committed serious human rights violations also have been sent to: 1) Thailand; 2) France; 3) United States of America; 4) United Kingdom of Great Britain and Northern Ireland; 5) HSBC Custody Nominees (Australia) Limited; 6) HSBC Holdings PLC; 7) Citicorp Nominees PTY Limited; 8) Citigroup; 9) BNP Paris Nominees PTY Ltd; 10) BNP Paribas; 11)

JP Morgan Nominees Australia PTY Limited; 12) JP Morgan Chase & Co; 13) Taurus Funds Management PTY LTD; 14) Nebari Holdings; 15) Precious Metal Refining Co Limited; 16) Ausiris Company Limited; 17) LotusHall Mining Heavy Engineering Construction Co Ltd; and with a copy to 18) Responsible Jewellery Council.

It is deeply troubling that serious human rights allegations against Kingsgate and Akara have been circulated to 4 sovereign States and 14 major commercial entities: (i) *without* Kingsgate or Akara knowing the content of these allegations and (ii) *before* Kingsgate and Akara having the opportunity to respond to them. Regrettably, we must assume that these allegations are much the same broad-brush, untrue and unsubstantiated allegations as those referred to in the Joint Communication received by Kingsgate, without any mention of the fact and science-based findings Kingsgate has referred to in Annexure I below.

Information readily available in the public domain demonstrates that the actual situation on the ground in Thailand is diametrically opposed to the allegations of human rights abuses asserted in the Joint Communication. Like Akara, Kingsgate unequivocally denies all the allegations contained in the Joint Communication.

Similar to the position taken in the Akara Response, Kingsgate has reasonable grounds to believe that the allegations actually originate from (and have often been repeated by) a small minority of individuals with personal grievances against Kingsgate and Akara or from individuals or groups seeking to gain financial advantages from Akara and its gold mining operations in Thailand.

In unison with Akara, Kingsgate expresses concern that the dissemination of unsubstantiated allegations may also damage the reputations of Akara, Kingsgate, their employees, investors (noting Kingsgate is listed on the Australian Securities Exchange (**ASX**)), and Thailand. There is also the potential that these unsubstantiated allegations may incite unwarranted protests and retaliation against Kingsgate and Akara and their employees.

Kingsgate has confidence that the Special Procedures Branch, the Special Rapporteurs, the Working Groups and the UN Human Rights Council (**UNHRC**) will sufficiently scrutinise complaints made against Kingsgate and its related entities moving forward, and trusts they will identify and address inaccurate and unsubstantiated allegations.

Before concluding this covering letter to Kingsgate's responses in Annexure I below, let me briefly set out some facts that stand in stark contrast to the unfounded, distorted and untrue allegations that are mentioned in the Joint Communication. The facts below reflect the real story of the CGM and the real people who are affected by its operations. Kingsgate would be more than happy to receive a site visit from any United Nations experts to verify them.

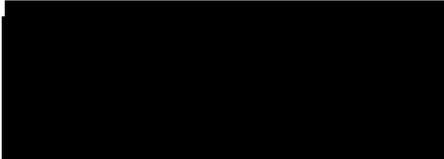
1. Residents were not forced to move out of their homes and land. All purchases were made at well above prevailing market rates and most former land holders

rebuilt nearby, building more modern and substantial homes and enjoying a higher standard of living than before.

2. There has been only one report of cyanide contamination in the water sources surrounding the mine. That was investigated thoroughly by independent experts, who found that the chemical composition was different to the cyanide used at the mine, that it was quite concentrated and the only conclusion that could be made was that it had been deliberately placed there.
3. The level of cyanide in the CGM tailings dam, after going through a cyanide destruction unit, is much lower than 20 mg/L (the allegation in the Joint Communication falsely implies that 20 mg/L is the level at the tailings dam). We have been at pains to explain that the level of cyanide going into the dam is lower than that present in a cup of coffee, and also that cyanide dissipates further in sun and water.
4. It has never been determined that manganese, arsenic and iron contamination related to a leak from the tailings storage facility or other activities at the mine. The CGM operations do not use any of these metals in its processing plant and all of these metals are present in the area because they naturally occur in the soil.
5. All tests of people allegedly contaminated only showed slightly elevated levels of contamination. Those that did have such elevated levels have been closely monitored ever since. None of those studied came near to experiencing the effects of severe contamination. To add more context to this issue, I note that higher than normal levels of arsenic are commonly found throughout the world in people with diets high in seafood and rice.
6. The only reference anywhere to mercury in the area is its use by local illegal miners at an unlawful mining site about 10 kilometres from Chatree.
7. By far the majority of the community are supportive of the mine and are acutely aware of its benefits to the local community.
8. We are unaware of any instances of threats or intimidation by Akara and its associates and if allegations of this could be substantiated we would take immediate action to prevent it.
9. Over the years we have undertaken extensive collaborative work with the local farmers on all kinds of agricultural pursuits including animal husbandry, pig farming, chicken farming, organic rice growing, mushroom growing and many more. It is an important on-going pursuit of our Community Relations team.
10. Water quality has been a priority for the company from the start. We observed that the water quality in the area deteriorated towards the end of the dry season. Akara addressed this by building two water towers in two of the local villages. We have also built a purification and bottling plant and have provided clean bottled water to all local residents.
11. Currently, there is an offer on the table for Akara to supply excess water from the de-watering of one of the pits in the mine to the local farming community, which, if accepted, would enable local rice growers to plant two rice crops a year rather than one, and thereby significantly increase their income.

The observations above and the responses set out below demonstrate that the allegations made against Kingsgate and Akara in the Joint Communication have no merit or truth whatsoever. In the unlikely event of any doubt, we would be more than happy to provide further information and would respectfully invite a human rights fact-gathering or inspection team from the United Nations to visit the Chatree mine. We are completely transparent and have nothing to hide.

Regards,



**Ross Smyth-Kirk**  
**Executive Chairman**  
**Kingsgate Consolidated Limited**