

ANNEXURE I

KINGSGATE'S RESPONSE

The substance of Kingsgate's response is provided below. It contains two sections.

Section A addresses information received by the Working Groups and Special Rapporteurs and set out in the Joint Communication. As mentioned, much of this information lacks detail and supporting evidence and the UNHRC would well know that it needs to exercise extreme care not to repeat allegations in respect of which there is neither evidence nor truth.

Section B respond to points 1-10 on pages 7-8 of the Joint Communication, in which the Working Groups and Special Rapporteurs have requested Kingsgate's observations on those matters.

The responses of both Kingsgate and Akara have attempted to answer all the allegations included in the Joint Communication. However, to the extent an allegation is not addressed, this should not be taken as an admission of liability or acceptance of the content of the allegation made.

A. Clarification and Correction of Information Set Out in Joint Communication

Before turning to the questions posed in the Joint Communication, Kingsgate reiterates the clarifications and corrections set out in Section A of the Akara Response (as attached in **Annexure II** below). Kingsgate provides a non-exhaustive summary of those clarifications and corrections below.

1. Relocation

Kingsgate confirms that persons living around the CGM were not forcibly relocated. There is no evidence of forcible relocation. It did not occur. Kingsgate reiterates the clarifications and comments made in the Akara Response under the heading "Relocation" in Section A.

Accordingly, Kingsgate strongly denies the comment on page 2 of the Joint Communication that the expansion of the CGM "forced residents to move out of their homes and land".

2. Environmental Protection

The Joint Communication sets out various allegations regarding water pollution and contamination of local food or water supply by arsenic, heavy metals or dust. Together with Akara, Kingsgate has taken such complaints seriously and has conducted

independent studies, tests and health checks to investigate and address these concerns. The Akara Response details six independent and expert reports, studies and findings that have found the CGM has caused *no* contamination of water sources or the environment. Kingsgate has always been proud that the CGM operates in accordance with best practices and the highest international quality standards. Moreover, Kingsgate has provided the necessary training, oversight and investment in Akara to allow Akara to operate in a way that is sustainable and that does not cause detriment to the environment. Important components of this sustainable operation are the extensive investigations and environmental audits that are constantly carried out on CGM, several of which are detailed in the Akara Response. In recognition of its sound environmental management and stewardship, Akara has won several awards, some of which are referenced in the Akara Response.

Kingsgate reiterates the clarifications and comments made in the Akara Response under the heading "Environmental Protection" in Section A.

3. Health and Safety

Kingsgate reiterates the clarifications and comments made in the Akara Response under the heading "Health and Safety" in Section A.

Health and safety are core values of Kingsgate and its subsidiaries. Akara is no exception. It has adopted a range of health and safety initiatives, including the Akara Annual Community Health Check-Up Project, which provides free health check-ups to residents within a 5-kilometre radius of the CGM. This Project assisted approximately 700 people from 28 villages in 2024. It also provided education to participants on key health concepts including disease prevention, health monitoring and maximising health-related benefits.

Additionally, Kingsgate notes that blood and urine tests conducted by Ramathibodi Hospital as part of the Annual Community Health Check-Up Project have not detected any abnormalities or evidence that the mine has affected the health of local residents or the environment.

In the circumstances, it is unfortunate that the Joint Communication has not recognised Kingsgate's extensive efforts to ensure the health and safety of villagers living close to CGM.

Kingsgate also expressly denies that CGM operations have resulted in local residents suffering from, as the Joint Communication phrases it, "itchy skin, skin rashes, wounds, numbness, lung and respiratory diseases, sleep deprivation, blurred vision, cancer, depression, anxiety, and paranoia". The Joint Communication has not provided the slightest bit of proof to link those physical ailments or mental health issues to the operations of the CGM. Kingsgate finds it concerning that such broad and vague

allegations without solid scientific data and assessment can be circulated so easily by the Special Procedures Branch. In any event, those allegations are strongly denied.

4. Access to Information and Public Participation

Kingsgate reiterates the clarifications and comments made in the Akara Response under the heading "Access to Information and Public Participation" in Section A.

Kingsgate is an ASX listed company and is therefore subject to public disclosure requirements with which Kingsgate complies. More detail is set out in Section B below under the topic relating to the right to access and receive information. Kingsgate has also assisted Akara in implementing policies and systems to ensure the communities around the mine, and the Thai people in general, have access to information about the CGM and Akara's operational practices. Further detail is set out in the Akara Response.

In concluding this section, we would like to point out a demonstrably false allegation in the Joint Communication: it says that EIAs are not publicly available and therefore prevent monitoring of health and environmental risks or impacts. This is plainly wrong. EIAs, as well as EHIAs, including those of Akara's, can be accessed by the public at <https://eia.onep.go.th/site/eia>.

5. Freedom of expression and peaceful assembly

Kingsgate reiterates the clarifications and comments made in the Akara Response under the heading "Freedom of expression and peaceful assembly" in Section A.

Kingsgate and Akara fully respect the right to freedom of expression.

Kingsgate categorically denies that it or Akara has intimidated or used force against individuals or human rights defenders. These actions would, aside from being illegal, contravene Kingsgate's core ethical and moral values and policies. Such policies include its Code of Conduct and Anti-Bribery and Anti-Corruption Policy.

There is no evidence of any such conduct taking place nor is there evidence in support of these allegations. This is due to one reason: such evidence does not exist. Kingsgate is also not aware of any such conduct on the part of "Akara and its associates, including LotusHall". Those allegations are therefore false and also denied.

For the avoidance of doubt, Kingsgate emphasises that if any such conduct was found to have taken place, the relevant individuals would be referred to the appropriate authorities. Kingsgate and Akara would also conduct their own internal investigations under their respective Codes of Conduct to ensure that such behaviour is promptly punished and deterred in the future. But again, these actions have not been necessary as these allegations on page 4 of the Joint Communication are false.

6. Standard of Living and Economic Livelihood

Kingsgate reiterates the clarifications and comments made in the Akara Response under the heading "Standard of Living and Economic Livelihood" in Section A.

Kingsgate and Akara have been and remain fully committed to improving the living standard and economic livelihood of local communities. As the Akara Response emphasises, Akara's operation of the CGM is commercially incentivised to look after its local community because its long-term and sustainable business plans would be harmed if it did not have local community support. Kingsgate notes the following initiatives as part of its commitments to the local communities:

1. Akara established a dedicated Community Relations Department in 2001 to ensure the maximum number of local people were employed by construction contractors and to bring the mining project and local community closer together.
2. Akara has been and remains dedicated to employing and training local talent. This is reflected by the fact that in 2024, 98% of the CGM workforce was Thai and 80% were from the local area. In addition, more than 50 Akara employees were sponsored to undertake higher education, including one for a doctoral degree and 35 for masters degrees.
3. Two established funds directly relevant to improving the living conditions of nearby residents are the Village Development Fund (which has received 49 million Thai baht (or approx. 1,450,000 million USD) from Akara) and the Health Monitoring Fund (which has received 29 million Thai baht (or approx. 860,000 USD) from Akara). The Village Development Fund, for example provides the local community with solar power cells for water filtration, rice seed sorting machines and has established a fish farm.

Kingsgate also refers to the four pillars program that has been adopted by it and Akara. Those four pillars and associated initiatives are outline below:

Pillar	Initiatives
Health & Wellbeing	<ol style="list-style-type: none"> 1. Health screening for individuals within a 5-kilometre radius (presumably of operations). 2. Provision of essential medical equipment to hospitals. 3. Training sessions for village volunteers. 4. Future plans to establish a community sporting centre.
Educational Opportunities	<ol style="list-style-type: none"> 1. Food security project aimed at promoting physical, mental, and intellectual wellbeing. 2. Constructed an egg-laying chicken house and a mushroom cultivation greenhouse in collaboration with a school. Also provided resources such as hens, chicken feed, and mushroom culture. 3. An open-door policy for students to attend the Mine to learn about geology from its personnel.
Sustainable Community	<ol style="list-style-type: none"> 1. Directly and indirectly employing locals. 2. Establishing agricultural and processing cooperatives and developing plans for a community product distribution centre. 3. A commitment to transforming the mine area and its surroundings into educational tourist attractions, promoting sustainable community-based tourism. 4. Facilitating the development of marketing skills to broaden the reach of community enterprises' products and services.
Clean Water	<ol style="list-style-type: none"> 1. Regular inspections and maintenance of the village water systems surrounding the mine. 2. Provision of immediate assistance in the event the water systems are damaged or fail. 3. Partnerships with the Provincial Administrative Organizations and Subdistrict Administrative Organizations to enhance water resources for agricultural purposes, including utilisation of water from the mine pits to support local farmers (particularly during droughts).

The above information and that contained in the Akara Response demonstrate that both Kingsgate and Akara are committed to environmental and social sustainability. Kingsgate reiterates that it and Akara will continue to act in such a way, and will expand and further the four pillars program.

7. Right to Effective Remedy

Kingsgate reiterates the clarifications and comments made in the Akara Response under the heading "Right to Effective Remedy" in Section A.

Kingsgate, as Akara's parent company is committed to avoiding harm to any community members or stakeholders due to Akara's operations. Any complaints are taken seriously and investigated. Such a course is mandated as part of Kingsgate and Akara's policies. For example, both Kingsgate and Akara's Whistleblower Policy requires it to investigate all reports and strictly prohibits any retaliation against persons who make reports about misbehaviour of others. Further, information on these matters is outlined in the Akara Response.

In short, it is clear that Kingsgate and Akara have implemented mechanisms to address stakeholder grievances and provide suitable remedies as required. Kingsgate denies any allegations to the contrary.

Finally, Kingsgate also denies that Akara has illegitimately delayed any court proceedings or obstructed any mediation process. This allegation is dealt with in the Akara Response. Kingsgate does not propose to comment further on ongoing legal proceedings.

8. Motives of Some Protestors

Kingsgate reiterates the clarifications and comments made in the Akara Response under the heading "Motives of Some Protestors" in Section A.

Kingsgate (and Akara) consider there is clear evidence that many complaints against the CGM and Akara stem from individuals with commercial interests in undermining Akara and its activities. These individuals include former disgruntled employees, land speculators and competitors.

That is not to say that Kingsgate takes the allegations lightly. To the contrary, Kingsgate has expended significant time and resources to satisfy itself and external stakeholders that these complaints are without merit. This approach has been adopted despite the fact that many of the allegations are unsubstantiated and made by persons who lack the necessary medical or environmental skills and qualifications to give the opinions that have been publicised.

Scientific investigations have repeatedly shown that these allegations made by protestors are untrue or inaccurate. Notwithstanding the science, leverage based on dubious studies or falsehoods is a consistent strategy of these protestors. Further, many of these complaints are suspected to be made by individuals with clear commercial interests that align with these unmeritorious attempts to undermine operations at the CGM (see further the Akara Response).

Accordingly, Kingsgate requests that the UN conduct due diligence on the background of the authors of any complaints it has received to investigate if there is any robust scientific evidence supporting the allegations made, and to ensure any such evidence has been presented by independent professionals with appropriate skills, qualifications and experience. As the UN is aware, such a course of action is consistent with the principles of procedural fairness.

B. Responses to Joint Communication Requests

1. Provide any additional information and/or comment on the allegations

Kingsgate reiterates the clarifications and comments made in the Akara Response under the heading "Provide any additional information and/or comment on the allegations" in Section B.

2. Highlight steps that Kingsgate has taken, or is considering to take, to protect against negative human rights impacts of its business activities

Kingsgate reiterates the clarifications and comments made in the Akara Response under the heading "Provide any additional information and/or comment on the allegations" in Section B.

As is the case with Akara, Kingsgate reaffirms its commitment to ensuring its operations and those of its subsidiaries do not cause negative human rights impacts, as evidenced by its accreditations, policies and affirmative action. Kingsgate refers to its Code of Conduct, 2024 Corporate Governance Statement, 2024 Modern Slavery Statement, Anti-Bribery and Anti-Corruption Policy, and Whistleblowing Policy.

Moreover, these policies strictly prohibit the utilisation or endorsement of child labour, endorse the provision of a healthy and safe workplace, respect employees' right to form and join unions and to engage in collective bargaining, prohibit discrimination and abusive behaviour, mandate the treatment of all individuals with dignity and respect, and establish a zero-tolerance policy for corporal punishment and mental or physical abuse of personnel.

3. Provide information on the role that Kingsgate Consolidated Limited, as the parent company, plays in relation to policy and decision-making of Akara Resources Public Company Limited

Kingsgate confirms that it drives Akara's policies through policies it implements at a group level.¹ As an ASX-listed company, Kingsgate Consolidated has a responsibility to implement and disclose policies that align with ASX Corporate Governance Principles

¹ Generally, Kingsgate directly drives corporate governance policies at Akara level and indirectly drives operational policies.

and Recommendations, particularly in the areas of sustainability, corporate social responsibility (CSR), and ethical business conduct.

Kingsgate refers to its 2024 Corporate Governance Statement, which provides:

"The Board of Kingsgate Consolidated Limited ("Company") is responsible for the overall corporate governance of the Company and its subsidiaries ("Group"). The Board believes that good corporate governance helps ensure the future success of the Company, the Group and adds value to stakeholders and enhances investor confidence."

In relation to human rights issues, Kingsgate, as an ASX-listed entity, has shared its corporate governance values, helping Akara develop policies that emphasise human rights, stakeholder engagement, and responsible business conduct. Akara personnel have benefited from training in corporate ethics, anti-corruption policies, and social license to operational principles, reinforcing Kingsgate's commitment to responsible mining. Such efforts by Kingsgate to ensure that Akara adheres to both local and international best practices in sustainability and corporate governance are detailed in its annual reports every year.

Kingsgate's commitment to ensuring its subsidiaries act in a manner consistent with its honest and ethical values is enshrined in its Code of Conduct. The introduction of that Code provides that:

"Kingsgate Consolidated Limited and its subsidiaries ("the Company") are committed to ensuring that they conduct business in an honest and ethical manner at all times.

This Code of Conduct provides guidance and clear directions to the Company's directors, senior executives and employees ("Officers") on conducting business within Australia and internationally, interacting with governments, communities, business partners and general workplace behaviour having regard to the best practice corporate governance models. It also sets out a behavioural framework for all employees in the context of a wide range of ethical and legal issues.

All Officers of the Company and its subsidiaries must act in an honest and ethical manner at all times. The concept of ethical considerations often goes beyond what is lawful and it is occasionally difficult to determine whether an action is ethical or not. It is useful to discuss potential situations with your Manager to determine the appropriateness of an action beforehand. Proactive consultation is encouraged. Good intentions and failure to seek timely advice will not excuse violations of the Code.

The core values of the Code of Conduct are:

- honesty and integrity;
- fairness and respect; and
- trust and openness."

Kingsgate notes that its Code of Conduct is currently under review. Kingsgate's management is aiming to release an updated version of the Code in 2025, to ensure its values and objectives remain current and consistent with its operations.

Kingsgate's Code of Conduct values are also consistent with its 2024 Modern Slavery Statement. That document provides, among other things:

"Governance and Policies

The Board of Kingsgate Consolidated Limited is responsible for the overall corporate governance of the company and its subsidiaries ("Group"). The Board believes that good corporate governance helps ensure the future success of the company, the group and adds value to stakeholders and enhances investor confidence.

Kingsgate is committed to maintaining high standards of corporate governance, underpinned by group corporate policies on Code of Conduct, Anti-Bribery and Anti-Corruption and Whistleblowing Policy. While this does not represent our complete suite of policies, these are the ones that relate to our approach to human rights and modern slavery.

Our Code of Conduct is designed to provide a benchmark for professional behaviour throughout the group; support the Company's business reputation and corporate image; and make Directors and employees aware of the consequences if they breach the Code. It sets out how we do business and the standards of behaviour we expect from our workforce. The Code emphasizes our approach to caring for our people and working with integrity. It takes a zero-tolerance approach to workplace discrimination, bullying or harassment, including sexual harassment fostering the creation of a respectful, safe and fair working environment.

Our Thai subsidiary, Akara Resources, upholds our Code of Conduct and Anti-Bribery and Anti-Corruption Policy and additionally operates a site Policies and Procedures Manual, which provides clear rules or guidelines for management and staff to be observe in carrying out their normal duties. Through the personnel policies, Akara Resources prioritizes building a respectful and supportive culture and environment for employees at all levels and reflects a dedication to family values and community engagement by favouring local and internal candidates for employment. As a result, over 98% of the workforce consists of Thai nationals, both direct employees and contractors.

We also recognise the nexus between bribery and corruption risks and human rights including modern slavery risks and have developed an Anti-Bribery and Anti-Corruption policy."

Kingsgate also refers to its Anti-Bribery and Anti-Corruption Policy as another example of a policy that governs Akara's actions. The purpose of that document is stated as follows:

"Kingsgate Consolidated Limited ("Kingsgate") is committed to conducting its business and activities with integrity, acting professionally and fairly in all business dealings and relationships wherever Kingsgate operates, and in compliance with all applicable anti-bribery and corruption laws ("ABC Laws").

To achieve this objective, Kingsgate prohibits:

- any activity that seeks to bribe or otherwise improperly influence a "Public Official" to act (or omit to act) in a way that differs from that official's proper duties, obligations and standards of conduct;
- any activity that seeks to bribe or otherwise improperly influence any other individual or company in the public or private sector to act (or omit to act) in a way that differs from the proper performance of their role or function;

- any activity that seeks to obtain any personal benefit, or any benefit for Another person in carrying out functions or duties on behalf of or for the benefit of Kingsgate; and
- engagement in corrupt business practices. This Policy outlines Kingsgate’s commitment to complying with applicable ABC Laws and ensuring that all business is conducted ethically and in accordance with its values."

The scope of application of this provides (in part):

"The scope of this Policy is intended to apply to Kingsgate and any of its controlled entities. For the purpose of this Policy, the reference to “Kingsgate” or “Company” means Kingsgate Consolidated Limited and/or any of its controlled entities."

These are just three examples that document Kingsgate as the driving force behind all policies adopted by Akara. A key Akara policy that should be mentioned here is the Four Pillars Policy. In order to fulfill its obligations and ensure responsible mining practices, Kingsgate, through leadership and oversight, supported Akara in the establishment and execution of this Policy.

Kingsgate now turns to the decision-making limb of this Joint Communication question. It is uncontroversial that Kingsgate plays a role in the strategic decision making of Akara. However, this must be balanced with the functions of Akara's own executive leadership team responsible for the day-to-day operation of Akara.

Kingsgate's involvement in the decision making of Akara is typically limited to matters involving significant capital expenditure and to ensure that the decisions of Akara align with the group's policies, values, objectives and legal obligations. Kingsgate refers to Akara’s financial delegation policy which provides a matrix of expenditure thresholds below which certain Akara employees are empowered to act without needing approval. Examples of matters that may be elevated to Kingsgate's board include decisions surrounding whether to expand the CGM and purchase additional land.

It may also be said that Kingsgate influences Akara's decision-making through support for and the training of Akara personnel. Kingsgate has a long history of managing mining assets across different parts of Australia and internationally. With decades of experience in mine development, operations, and corporate governance, Kingsgate has played a key role in knowledge sharing, process standardisation, and technical oversight for Akara Resources.

While Akara is the operating entity responsible for day-to-day mining activities, Kingsgate has leveraged its extensive experience to support Akara's workforce through the appointment of technical experts, mentorship, and the transfer of established best practices in relation to mining practices and corporate governance values.

By leveraging its deep industry expertise and history of managing complex mining operations, Kingsgate has systematically transferred best practices to Akara, ensuring its workforce is trained to uphold high standards of safety, sustainability, and corporate

responsibility. These efforts reflect Kingsgate's commitment as an ASX-listed company to maintain governance and operational excellence across its mining assets.

4. Provide information on measures Kingsgate is planning to take to ensure the rights to safe drinking water, to food, to land and to a clean, healthy and sustainable environment of affected populations, and their access to healthcare services

Information relevant to this request is set out in Section A of the Akara Response under the headings of "Relocation", and "Standard of Living and Economic Livelihood". Kingsgate reiterates that information in response to this request.

Kingsgate and Akara reaffirm their commitment to the initiatives referred to in the Akara Response and pledge to continue their expansion. This approach is also consistent with Kingsgate's policies outlined above, which oblige it to, among other things, ensure it and its subsidiaries act ethically, honestly and fairly.

5. Indicate what steps Kingsgate has taken to ensure the public's right to receive timely and accessible information on the health and environmental impacts of the mine

Kingsgate reiterates the measures Akara has taken to ensure the public receives timely information related to health and environmental impacts of the CGM, as set out in the Akara Response. Those measures are consistent with Kingsgate's ethical practices, environmental responsibility, and social sustainability policies.

In addition, Kingsgate regularly publishes reports about its operations in Thailand. In this regard, Kingsgate's website has a range of information that has been released, often contemporaneously, in relation to its and Akara's operations. This information contains updates on and related to developments on the health and environmental impacts of the CGM, if any.

Such information that is publicly available on Kingsgate's website includes the following, among others:

1. Periodic reports. These reports included quarterly and annual reports to shareholders, financial reports and corporate updates. Some of these periodic reports contain information in relation to health and environmental impacts of the CGM and relevant initiatives. For example, Kingsgate's 2024 Annual Report contains a range of information on the sustainability, environmental and community initiatives of Kingsgate and Akara, largely by reference to the four pillars strategy.
2. ASX announcements. These announcements include ad hoc updates that are relevant to or may influence Kingsgate's share price. These announcements

contain environmental information to the extent relevant and required to be disclosed under the ASX Listing Rules.

There is also a sustainability page on Kingsgate's website that is updated with information and statistics related to its ESG efforts. These matters are in addition to Kingsgate's and Akara's commitment to attend local village meetings to update the local community on the operations of the CGM, including any health and environmental developments.

Finally, Kingsgate notes that the ASX Listing Rules oblige Kingsgate to immediately disclose to the ASX any information concerning it that a reasonable person may expect to have a material effect on the price or value of its securities.

Kingsgate also notes that these Listing Rules are mirrored and given further force by its Continuous Disclosure Policy.

6. Indicate what measures Kingsgate has taken to ensure the right to freedom of expression, including the right of access to information, and the right to participation of affected rights holders

Information relevant to this request as it pertains to Kingsgate's interests in Thailand is set out in Section A in the Akara Response under the headings "Access to Information and Public Participation", "Freedom of Expression and Peaceful Assembly", and "Right to Effective Remedy".

In addition, Kingsgate notes that Australia is a party to the seven core international human rights treaties, including the International Covenant on Civil and Political Rights (**ICCPR**) and the International Covenant on Economic, Social and Cultural Rights (**ICESCR**). These instruments are applicable in Australia through the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth) which requires that all new Parliamentary Bills must be accompanied by a Statement of Compatibility. This Statement must assess the compatibility of the legislation with the rights and freedoms recognised in the seven core international human rights treaties that Australia has ratified. The rights to freedom of assembly and association are, as the UN is aware, contained in articles 21 and 22 of the ICCPR and article 8(1) of the ICESCR.

Kingsgate also notes that the *Fair Work Act 2009* (Cth) is in part intended to protect freedom of association under section 3(e). That provision provides as follows:

"The object of this Act is to provide a balanced framework for cooperative and productive workplace relations that promotes national economic prosperity and social inclusion for all Australians by:

...

- (e) enabling fairness and representation at work and the prevention of discrimination by recognising the right to freedom of association and the right to be represented, protecting against unfair treatment and discrimination, providing accessible and effective procedures to resolve grievances and disputes and providing effective compliance mechanisms..."

Kingsgate aims to operate in strict compliance with the relevant United Nations Conventions and all applicable laws and regulations that govern the rights to freedom of expression and freedom of peaceful assembly.

Kingsgate and Akara categorically deny that their actions have denied any party their human right to freedom of expression and peaceful assembly.

7. Indicate what measures have been taken by Kingsgate to ensure that individuals and human rights defenders are able to exercise their rights to peaceful assembly, to access effective remedy, and to expose abuses and voice concerns, without fear of threats or acts of intimidation and harassment of any sort.

Information relevant to this request is set out in Section A of the Akara Response under the headings of "Relocation, and Standard of Living" and "Economic Livelihood". Kingsgate reiterates that information, as well as the information in its response to question 6 above.

8. Provide details on any measures that Kingsgate has taken to respect the right to adequate standard of living and right to land

Information relevant to this request is set out in Section A under the headings of "Relocation", and "Standard of Living and Economic Livelihood" in both this response and the Akara Response. By way of summary:

1. Persons living around the CGM were *not* forcibly relocated. All relocations were entirely voluntary and any refusal to relocate has been respected by Kingsgate and Akara. Further, Kingsgate and Akara acted ethically and respectfully to all landowners throughout the land acquisition process. The land purchase prices offered by Akara were significantly above the market price.
2. Kingsgate and Akara have made multiple contributions aimed at improving the living standard and economic livelihood of local communities. Those contributions have taken the form of health, environmental and social initiatives as part of the Akara's four pillars program. They include maintaining water quality at multiple locations, conducting free health checks for local residents, planting trees and recycling waste.

3. From an economic perspective, the CGM has provided employment and higher education opportunities for local residents. 98% of the CGM employees were Thai in 2024. Further, as mentioned above, more than 50 Akara employees were sponsored to undertake higher education.

Again, this is a summary of the measures taken by Kingsgate in respect of the right to adequate standard of living and right to land. These initiatives are supported by Kingsgate and Akara's core ethical values and have provided economic and social benefits that local villagers and communities may not have otherwise been afforded.

9. Provide information regarding the measures Akara has taken, or is considering taking, to ensure that villagers living in the vicinity of CGM, who were victims of serious human rights abuses, have access to effective non-State-based non-judicial remedies in line with the UNGPs

Kingsgate must make it abundantly clear that no villagers living within the vicinity of the CGM have been victims of human rights abuses, of a serious nature or otherwise, due to Akara's operations and the operations of the CGM. The Joint Communication implies that "serious human rights abuses" have occurred to those villagers living within the vicinity of the CGM. These are extremely serious allegations to be made against anyone, even if they have never occurred.

However, the Joint Communication makes no attempt to specify what these alleged serious human rights abuses are. Nor does it provide or reference any evidence demonstrating such human rights abuses occurred. Nor does it provide any evidence or explanation as to how, even if villagers living within the vicinity of the CGM did suffer human rights abuses (which Kingsgate and Akara are unaware of and otherwise deny), such abuses are attributable to Kingsgate, Akara or the CGM. The Joint Communication appears to be echoing (and circulating) the sentiments of a small number of disgruntled protestors, without providing Kingsgate or Akara with any evidence or material in support of these allegations.

Kingsgate and Akara strongly deny the existence of any such evidence. Kingsgate also acknowledges that there have been various actions brought against Akara in the Thai courts, some of which are ongoing. Due to the ongoing nature of the litigation, Kingsgate cannot make any detailed comment but notes that the Thai courts are being used by complainants against the CGM and Akara has been fully engaged in that legal process. The Thai courts are therefore another forum in which those who allege they have been harmed by the CGM can bring their grievances.

Kingsgate reiterates the information provided in Section A under the heading "Right to Effective Remedy". That information includes the following:

1. Kingsgate's and Akara's practices were certified under and aligned with the ISO 9001 Quality Assurance Programme before the mine closure. Akara is in the process of obtaining ISO 9001 certification again given that operations at the CGM have resumed.
2. Akara had implemented a formal complaint management system as part of their quality management framework whilst it was ISO9001 certified. It was also audited semi-annually by independent international certification auditors to ensure compliance with these international standards.
3. Grievances concerning funding from the Village Development Fund or Health Monitoring Fund can be addressed during community consultation. Stakeholders are afforded the chance to provide feedback and express concerns.

Kingsgate and Akara also have policies in place to ensure that if any persons are affected by Akara or the CGM's future operation, they are afforded non-judicial remedies. Kingsgate also refers to its own Whistleblowing Policy which provides Disclosers (as that term is defined in the policy) an avenue to report misconduct without the fear of retaliation. It also deems the board of Kingsgate as responsible for investigating and resolving all reported incidents. What is perhaps best demonstrative of Kingsgate's commitment to avoiding wrongdoing and acting ethically, is the fact that responsibility for investigating reported conduct falls to the Kingsgate Board. That is because Kingsgate's senior management takes any such reports seriously and has mandated that it must be directly involved in any such investigations.

Kingsgate also refers to its 2024 Modern Slavery Statement which provides the following in respect of remedies:

"Remediation

Through our Whistleblower Policy which, applies to all employees as well as the employees of suppliers and contractors, we encourage the reporting of misconduct. While the policy does not expressly refer to human rights, it could be used to cover these types of issues, as it for example addresses "bullying, discrimination, and harassment of any kind regardless of age, race, ethnicity, nationality, gender (including gender identity and expression), religion, sexual orientation, disability as well as any other class protected by law". The Policy allows for reporting of matters either orally or in writing and has an option for anonymous reporting. It protects the identity and maintains the confidentiality of reporters and has a zero-tolerance approach to retaliation. It also sets out the process for conducting fair and independent investigations.

A Targeted Standard on Whistleblowing for the Thailand jurisdiction was under development for Kingsgate Group's operation in Thailand in FY24, which aligns with the group Whistleblower Policy.

In addition, Akara Resources also has established processes for reviewing and managing complaints from internal and external stakeholders, which includes: (1) a "Contact Us" page on the company website, where stakeholders can report matters using either an online form, an email address or telephone number (2) nine feedback and complaint boxes which have been installed around the mine in key locations which the Community Relations and Development (CRD) team

checks from the 1st to the 3rd of each month, and welcome all feedback received as they strive to work together to develop the community sustainably and (3) the CRD team also actively engages with local residents through house visits and monthly village meetings, this initiative covers 28 villages within a 5-km radius of the mine, encompassing 5,252 households and 14,048 individuals.

While no modern slavery issues were raised through either the group or the site level grievance mechanisms during the year, we recognise that this does not necessarily mean that no such issues could exist..."

Kingsgate also refers to its Code of Conduct which requires it and Akara to act honestly, fairly and with trust and openness. Whilst Kingsgate again categorically denies that serious human rights abuses have taken place, if they had, these core values and policies of Kingsgate (and Akara) would help to ensure that any affected individuals were afforded the appropriate remedies.

10. Describe the guidance, if any, that the Government of Australia has provided to Kingsgate, or to which Kingsgate has access, on how to respect human rights throughout Kingsgate's operations, in line with the UNGPs

The Australian Government has not provided Kingsgate with specific guidance in relation to its operations and how to respect human rights. This is perhaps because the Australian Government has never taken issue with Kingsgate's respect of human rights.

There is however information and resources regarding human rights made available by the Australian Government to which Kingsgate has access to. Those information and resources include the following:

1. Information and resources made available on the website of the Australian Government's Attorney General's Department. This department is responsible for driving the implementation of the Australian Government's human rights policy agenda. The website contains information on, among other things, Australia's human rights and anti-discrimination laws. The website also provides links to the Australian Human Rights Commission's website.
2. Information and resources made available on the website of the Australian Law Reform Commission (**ALRC**). The ALRC carries out research, produces reports and recommendations, and provides information on a range of topics. This extends to issues concerning human rights.
3. The Australian Federal Register of Legislation, which is an online register of past and present Australian legislation. Such legislation includes the *Australian Human Rights Commission Act 1986*, the *Age Discrimination Act 2004*, the *Disability Discrimination Act 1992*, the *Racial Discrimination Act 1975* and the *Sex Discrimination Act 1984*.

There is also a range of information and sources available on the Australian Human Rights Commission website. Kingsgate notes that the Commission is an independent statutory authority, established under the *Australian Human Rights Commission Act 1986*.