

[PROOF]



COMMONWEALTH OF AUSTRALIA

SENATE

SELECT COMMITTEE ON URANIUM MINING AND MILLING

Reference: Uranium mining and milling

COTTON CREEK

Tuesday, 21 January 1997

PROOF HANSARD REPORT

CONDITIONS OF DISTRIBUTION

This is an uncorrected proof of evidence taken before the Committee and it is made available under the condition that it is recognised as such.

CANBERRA

SENATE
SELECT COMMITTEE ON URANIUM MINING AND MILLING

Members:

Senator Chapman (Chair)
Senator Margetts (Deputy Chair)

Senator Bishop	Senator Sandy Macdonald
Senator Ferguson	Senator Reynolds
Senator Lees	

Matters referred for inquiry into and report on:

The environmental impact, health and safety and other implications and effectiveness of security agreements in relation to the mining, milling and export of Australian uranium.

In considering these terms of reference the Committee is to take into account, and where necessary report on, the following issues:

- (a) The environmental impact of uranium mining and milling in Australia and the effectiveness of environmental protection and monitoring in relation to existing and previous Australian uranium mining operations.
- (b) The role of the Office of the Supervising Scientist in monitoring Australian uranium mining and milling activities;
- (c) The health and safety implications of uranium mining and milling for workers at mining and milling sites and mining operations;
- (d) The health, safety and other effects of uranium mining and milling on communities adjacent to mine and mill sites and communities on existing or planned transport routes for uranium ore and uranium waste;
- (e) The effectiveness of Australia's bilateral agreements with countries importing Australian uranium in ensuring that Australian-sourced uranium is not used in military nuclear technology or nuclear weapons testing activities; and
- (f) The volume and location of Australian-obligated plutonium currently in existence in the international nuclear fuel cycle (produced as a result of the use of Australian uranium) in what form it exists (for example, separated or in spent nuclear fuel) and its intended end use.

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SENATE
SELECT COMMITTEE ON URANIUM MINING AND MILLING

PARNGURR (COTTON CREEK)

Tuesday, 21 January 1997

Present

Senator Chapman (Chair)

Senator Bishop

Senator Margetts

Senator Ferguson

Senator Sandy McDonald

The committee met at 9.00 a.m.
Senator Chapman took the chair.

CHAIR—I will commence this meeting by thanking the community for inviting us here this morning to share some time with you. We thank you for your hospitality. We are very pleased to be here. As a Senate committee, we believe that it is important for those of us who serve in the parliament in Canberra and represent our various states to get out into local communities when we are inquiring into important issues so that we can hear the views of those communities. This is the Senate Select Committee on Uranium Mining and Milling, which means that it has been set up specifically for the purpose of looking at uranium mining and milling in Australia. It does not have any other inquiries that it is involved with; it has simply this inquiry. When we hand down our report at the end of March, that will finish the committee's work.

It is a Senate committee, which is, as you know, part of the Australian parliament. All the members of the committee are senators representing the various states. I will introduce the members of the committee. On my far right is Senator Mark Bishop, who is a senator from Western Australia. He is a Labor Party senator and lives in Perth. Next to me is Mr John Nethercote, who is the secretary of the committee. He does all our administrative work and organising of the committee's program and so on. I am Senator Grant Chapman, the chairman of the committee. I am a Liberal Party senator representing South Australia, and I live in Adelaide. Next to me is Senator Sandy Macdonald, who is a National Party senator from the country area of New South Wales. Next to Senator Macdonald is Senator Alan Ferguson, another Liberal Party senator from South Australia, who lives on the York Peninsula, a country area of South Australia. Finally, we have Senator Dee Margetts, who is a Greens senator from Western Australia. Two of our other colleagues who are not able to be with us on this trip are also members of the committee. We are very pleased to be with you and to have the chance to listen to your views in relation to the proposals for uranium mining in this region.

Most importantly, we want to look at the impact of new and existing uranium mines on the environment and on the health and safety of both the communities in the areas adjacent to or near the mines and the workers who might be employed in the mines. As I said earlier, it is the proposal to mine uranium at Kintyre that has brought us to this area today.

It is most important for us to listen and learn; that is what we are really here for. We want to hear your views and what you want to tell us about the mine proposals so that we can be well informed as to your opinions. When we finalise our report on uranium mining and milling, we can then tell our Senate colleagues—those other members of the Senate in Canberra who are not members of this committee—what we have discovered so that generally the Senate is better informed and, ultimately, the government itself is better informed in the decisions it has to make. With those few words, let me say how pleased I am that we are able to be here with you this morning. Thank you for giving us your time. I now invite you to address the committee.

[9.06 a.m.]

BILJABU, Mr Teddy, Executive Director, Western Desert Puntukurnuparna Aboriginal Corporation, PO Box 2358, South Hedland, Western Australia

DUNN, Mr Billy, Member, Western Desert Puntukurnuparna Aboriginal Corporation, PO Box 2358, South Hedland, Western Australia

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Mr S. Tinker—First, I will thank all the people from WDPAC, including the people from Parnngurr and Punmu, Billy Dunn, Lynnette and Gladys, and the select committee for coming here today. I am Sidney Tinker. I want to mention a couple of other people, including the people from Jigalong and Sean from CRA. I thank them as well for coming. Our people had a meeting last night about this. I was not at the meeting; I was out at a camp. They had a discussion about what the people should do about getting together and trying to have a talk and coming up with some agreement. I would like it explained what happened at that meeting last night, so I will call on the vice chairman of it.

Mr Biljabu—One senator visited here from Canberra last year. He is not in this trip. It is important what we said to him last year. He said they had come in to look at uranium problems. In our meetings over the past, we have asked for better research into it. We asked for an independent consultant to go in and have a look at it to make sure what sort of impact it will bring about on the land. The area where that mine is going to be is a rich area. It is a camping area as well.

They gave us a plan, which we looked at. When we had a look at the plan showing how it was going to go, they said that there would be dry tailings. They want to run the water into the river and the sandhills country. When we looked at that area, we found that a lot of people were still living around where they were proposing to run the water out. They want to run it into sandhill country. It is a rich area. When you go there today, you will see a lot of animals standing around.

Uranium mines are different from gold mines. We do not know how dangerous uranium is. People say that it is dangerous. All minerals are dangerous, because you get killed, whether you are killed by getting caught or crushed under it or whatever. A lot of accidents happen with minerals.

We did a tour a couple of years ago, where we went and looked at some of the areas. One of the areas was a uranium mine at Ranger in the Territory. They talked about employment. They said that local people would get involved in training and work inside. We went through and looked for ourselves. That was a couple of years ago. Another trip was done last year before Christmas. From our own eyes, we could see that the locals were not involved. We asked the company, 'Where are the local people working?' They had a well secured, fenced off yard. This is what I saw. A lot of us saw it.

If people are going to be employed, they have to be employed properly. That is what we are talking about here. In that trip, I saw people working outside. They were only picking up scraps. They were doing rehabilitation. They were cleaning up somebody else's mess; it was that sort of work. We talked about training. Training has to come, if there is to be a mine. If there is a mine, the people have to be with the machinery, not cleaning up mess. But you always need qualifications before you get employed in a mine. You have to know how to work. We do not have them. People learn by work experience. Our people can pick it up straight away that way. When it comes to employment, that is one of the things I look at, because I know that my people cannot be employed.

As for the dangers of the uranium mine, we do not know what sort of a mineral uranium is. The government wants to make money to make the country a bit richer. But we blackfellas are rich within ourselves. We know that we are rich on the land today. It hurts people and makes them cry when you really love your country and see this. It is like losing your own people, such as old people. It is the same thing. So we have to study this. The government has to give us support through funding to study some of these things and look at them more carefully, because it is our lives that will be at risk. Never mind the government. They are all right; they make the decisions. But it will be our people dying in the end. We are only a couple of hours away from the mine.

We have a dust storm every year. It covers this country right across here. It gets dark right across here. We wonder how this dust from uranium will go up and affect the country. Everybody who has lived in this area has seen it. We have seen it because it makes it dark. We would like to let these senators here know. They have come here to see it for themselves and to hear it from us. They are some of the things that I would like to say.

We have to study it more. Time has to be given to us. We do not want to be forced into it. We have to live here all our lives. We know very well that the whitefellas go in and out—they move from one place to another—but we are here for the rest of our lives. We do not want to be dying because of the dust from that mineral. We heard a lot of stuff about Pilbara. It did not happen overnight, in a month or even in a couple of years; it happened 10 or 20 years later. They died from radiation. It worked slowly in people. People do not want to be dying of radiation. We want to die healthy from our own sicknesses. These are some of the things I have wanted to say. Other people might want to say something if I have missed anything.

It is important that everything is known clearly. We must know, because we do not speak well enough. We want to know what we are up against. We want to be right and understand it all properly. We want to be given a chance to understand. A lot of people think they are smarter than us—that is up to them to think—but we have to take a bit of time to study it. The most important thing is this uranium stuff. I would like the ladies and all to have a say on this. It is important that we hear from the ladies as well. I will leave it at that.

CHAIR—I thank you for those initial comments. What negotiations have you had with Canning Resources, the mining company, with regard to the proposal for the uranium mine at Kintyre? Would someone like to explain to us what direct discussions members of the community themselves have been involved in with the mining company.

Mr Biljabu—We have not got down and had a meeting. We have been meeting now and then about certain little things, but we have not come to any agreement really. You asked about whether we have made any agreements. We have not, but we have been talking to them. There has been no strong agreement made with the company yet. But, as I said a while ago, we need to have a look at it and study it a bit more. We do not understand, as I said. People need to understand properly and fully what sort of impact it will bring upon our communities. There have been some meetings, but not heavy ones.

CHAIR—The main concerns that you raised in your comments earlier involve the possible dangers of the mine, such as the danger to health from dust and radiation and those sorts of things. Have you discussed those with the company?

Mr Biljabu—Yes. We did last year. We had a meeting with them. We said that we wanted to get a private consultant to come in and help us study it and explain the impact to us. The company had their own consultant. They told us that they had one on site at the mine and that they study it and look at it all the time. But we need a consultant for us so that we are sure about what it is. We are still looking at that. There have been some discussions on it.

CHAIR—Have you thought about whether you want to see the company generate job opportunities in the mine for your people or income in some other way, such as through royalties or those sorts of things?

Mr Biljabu—We have not really got to that one yet. We looked at a couple of things from the Territory relating to the Ranger stuff, but we have not decided what sort of stuff we should be looking into. The main thing was not for us to say whether we should go straight into the royalties thing or whether we should be the best persons to get it. We have not decided on anything like that. We are careful to study the mineral itself first before we sit down and talk about it and come to an agreement. We wanted to get an independent person to sit down with us, study this properly and explain it to us on our side. That is the way it is today. But we are happy to talk to the mining companies any time.

CHAIR—What was the attitude of the company to your wish to have an independent person assess the environmental and health aspects of the mine? Were they favourable to that?

Mr Biljabu—They asked us if they could use the ones from their side. But we said we wanted to have our own one to sit down with us and talk about it and have a look at it properly. Like I said, it has to be from us. We want to clearly know what we are going to be getting into.

Senator MARGETTS—Thank you for having us here in your country. In the brochure that CRA sent to all the senators, it said that the Kintyre mine area had been cleared of sites by the local community. Can you comment on whether that area was properly cleared or properly authorised for exploration.

Mr Biljabu—I do not know who cleared that area.

Senator MARGETTS—When I said ‘cleared’, I meant authorised for exploration. It is in the CRA leaflet.

Mr Biljabu—What is the date on it?

Senator FERGUSON—It is 1980.

Senator MARGETTS—In the leaflet, they said there were no sites of significance. In the leaflet that we were sent from CRA, they said that the Kintyre mine site was cleared by the local community. They said that the local community had said there were no sites of significance and that it was alright to explore in the Kintyre area. Is that true?

Mr Biljabu—Western Desert does not know much about that.

Senator MARGETTS—This community was not involved with that clearance at all?

Mr Biljabu—No. If it was in 1980, our land council was not formed at that time. Our land council was formed in 1984. That is when we took the land stuff on. There had been some work before that around the area. There should be the signatures of certain

people who have always been around there who did the site clearing and approved it. All papers should be registered and have on them the names of people who cleared it, along with the name of the person who did the clearing as well. The Western Desert people here were not in the area at that time. People were still around in 1961. We moved out after that to Punmu. In 1984, we moved here. We do not know who cleared it. They had anthropologists who took the names and recorded details. We need someone to help us look at that. Maybe there is something bigger and better than that.

Senator MARGETTS—Is the community concerned? Are there areas that the community are concerned about in that Kintyre area?

Mr Biljabu—Yes. A lot of people were living in that area at that time. In the mid-1960s, the last people who moved to this area were from that area. Some of them are here. We were taken in 1963 from this southern area. Me and my people were taken in. The site clearing has not been done by us. Other people will have something to say later on. We talked about that area. You do not talk about these things in real life. There is a site in that area. People know about it. The mine is within five kilometres, which too close to our site. It is still too close in the area.

You do not go by site; you go by living area and water. We know that area. It is on this side of the ranges. There are a lot of rock holes in that area. You do not look for a main site; you look for a waterhole, a camping spot and a gathering area. That is important, not just the particular mine site. You can go and see that that is a site. Every land is rich and important to us Aboriginal people today. The only thing the people have ever worshipped is the land itself; that was before we came to this uncivilised life. It is uncivilised because of the health it gives us today.

The people at Punmu and Parnngurr were free. We lived in a free world and country. That has ended. Take clothes, for example; we cannot take them off. We are glued to them. It is uncivilised. We have to fight so much to find our rights. We once walked in this land free. Land ways are important. We do not call them sites. 'Site' means camping site, water hole, rock hole, gathering area and river.

Senator MARGETTS—I was using their words.

Mr Biljabu—Yes. We will leave it at that. I do not like sitting here mumbling by myself. Does anyone else want to say anything, because the senators are here to hear us? We want our land rights to be known. Canberra makes all the decisions. That is where the lawyers are. We should let them know how we feel about our struggle for rights. We have to keep them.

One thing we have talked about before is what sort of town area there is going to be. We do not want it to give us trouble. All our people in towns are dropping off through grog, fighting, car accidents and stuff like that. We do not want another town in the desert, because it will have that same impact. We will have to move again. The town cannot chase us around.

All sorts of things are happening. It is not only about grog. You get sickness and AIDS. Those sort of things can destroy communities. There are a lot of things that mines can bring. You do not know what sort of people are working in the mine. They could go around chasing your woman, poison you and then take your woman, like they used to. You are going to lose your woman, and you are going to be fighting all over again. All of that has to be countered. They are the dangers we see. Many things have to be countered with these sort of problems.

We want to keep to ourselves. We are losing because we are chasing whitefella law. Our culture is starting to fade away. We do not train enough young ladies and men. They are not getting enough training from us because we are busy sitting down and arguing with these people about who should be the best person and stuff like that. There is a lot of work in that stuff. You are dragging us away from our own activities, such as training young people. We should be proud of our culture and race.

Senator MARGETTS—Could someone tell me something about the school here.

Mr Biljabu—We have two schools here. The one here is a community school. Punmu has another community school. We have about 20 or 30 kids in this school. The numbers drop sometimes because the people move around a bit now and then. We have about three teachers here. A couple of our people help out and work with the people in the school. We have a clinic here. We have our own AMS, which runs services every week and stuff. We have clinics in every community from Jigalong right across to Punmu. We have trucks come in every fortnight to bring food and clothing. We have a rough time, but we still cope with it.

We have some rough roads. The roads need to be looked into properly. The nearest town from here is about 370 or nearly 400 kilometres away. Punmu gets their stuff from Port Hedland, which is nearly 750 kilometres away. We usually get it from Hedland. We have a breakdown now and then.

The water supply to the communities needs to be upgraded. We have water and power problems. When we get locked out from the other communities, we hire an emergency mob to bring our food out in a chopper and stuff like that. So we go through a little bit of hell now and then. Then we have problems with power and water. The water fellas do not come out in time. They do not give a stuff about us sometimes. They do not care about desert people. They think we can wait for another month or two. We have more urgent needs than anybody in town. They should have more visits and be more liable in communities in remote areas. They should change their ideas around and give more support and help to remote communities, such as the communities out here.

We have a Western Desert office. We created it in 1984 when the Seaman inquiry was going around. The Western Desert office is based in Hedland and is called Puntukurnuparna. I do not know whether you know about it. It deals with Aboriginal land and many other problems, such as the things we have talked about today and maybe will talk about over the next couple of days. It is made up of all the community members.

They make up the executive.

Parnngurr and Punmu have a history, which the people need to know about. These people need to know about our history and get behind it. Punmu has been around for more than 20 years now. This place has been around for about 10 or 12 years. At first, we lived in a tent for four or six years with only one tank and windmill. But we stayed out here. We had an iron shed school like Punmu did. They had the same one. In 1986, a big school was built in Punmu. Everybody came in and was proud to open that school there. We did not want a government school but a community owned school, so we got it.

This community stayed for four years without proper housing. This house that I am sitting against was the first house in Parnngurr. The school moved from a tin shed to this building here. We stayed for four years in a caravan. After two years, we got this housing program. They put 14 houses through here. We are still living here today. We try to live in houses, so we have had to move people into the office to get them out of the rain when it comes. Housing is a problem in this place. Sewerage poses another problem.

I mentioned water and power before. Power was breaking down every few minutes because people were putting in too many washing machines. The ladies like running their washing machines. After hours, when the kids are not in school, they run their videos and games and what have you. We still live here today. Our shop is in this community. It looks after us. We survive.

Of the people at this meeting here, five or six language groups would be represented. We understand each other, even though there are five or six different languages spoken here. We live under the land. Western Desert speaks with one voice because our race is one. We do not worry about language differences. That is how we fight for our land. We fight for our land with one voice. When we formed, that is how the land was. It still stands today.

Senator MARGETTS—What is your local council?

Mr Biljabu—Pilbara shire council.

Senator MARGETTS—How do you get along with them?

Mr Biljabu—They work with us. We have one of our community people in the council. We are working with them. They come in now and then and help, have a look around and then go back. But we still need some more money. We need to have more meetings with the shire and get them to look at our road and do it up properly. The Punmu road is alright. In some areas near creeks, the roads need to be concreted in so that they have a hard bottom. The Punmu area has too many sandhills. They need to be cut down a bit. We need a bit more gravel laid out right through to Punmu because it is rougher than this area. The Punmu area is lower country. Punmu has a heap of sandhills. There is big work to be done in that area.

We are living in a national park today, which we have always been fighting against. We have been asked by the state government about having all the houses on stilts. We told them to cut the legs off and put the houses down because we are not moving on. This is going to be our last stop. They should have had stilts when we went to the mission. The community houses should have had stilts then. Even though we do not have land tenure and stuff, we have already built. I do not think anybody can come in and push us out. We are here now. We have too many things in place. That is a bit of the history. I will let you ask more questions.

We need to speak to this mob. They are from Canberra. They are looking at uranium; that is their work. They concentrate on uranium, such as the dangers of it and stuff. This is a committee that has been set up to look into it. They listen to the bad, the good and the sad and what have you. We need to talk to them because we might not see them again. We do not get a chance to fly such important people out very often. While they are here, we should give them heaps so that they know.

CHAIR—If you agree to uranium mining going ahead, do you believe that you will get better services or be able to negotiate better services? Examples include better schools and education for your children, health services and facilities, better housing, a better water supply, more reliable electricity and those sorts of things. Do you think there is an opportunity to negotiate for those improved services as a consequence of the mine?

Mr Biljabu—Health and lifestyle things, such as bigger cemeteries, have to be considered. I do not know. We can only talk about it. ‘What do you propose if we start a mine?’, is what they ask. If they start a mine, it is about what sort of agreement we should get with the company. It is a delicate matter. What is very important is not the mineral but the country. For our people, it has been our land for so many years, and having to give it away now means losing a bit of culture. You lose it. It does not matter for people who do not have a culture. But people who respect and understand the culture have to give it away. Some other people have been forced into it and have had to give it away. We do not have land rights here. If you have land rights, you can ask for something better. If you do not have land, you do not have anything, and you cannot ask for very much.

The state will always interfere. The state has to have something as well. You would be dealing with two types of people if you go into an agreement: the company and the state government. In the end, you will only get a penny. Everybody in the country knows that, when it comes to mining, they give you peanuts while they make billions of dollars. The government would allow that. They will give you peanuts while they make billions out of it. I have seen it happen. Like I said, it is rich land.

To give away that piece of land, there has to be an agreement that is satisfactory to all the people, not just certain people. It has to be satisfactory to all the people of the Western Desert, including anybody else with ties to the land. The most important thing is to be happy. It is about life and death with the mine when we have our people working there. We have tribal punishments and stuff. If anything bad happens, we punish our people for those bad things, such as accidents and stuff. That culture is still with us today.

We had a look at the Territory stuff. In the Territory, they have land and an agreement. They have an agreement with the government in the Northern Territory. But in this state, we have to come up with something. We will come up with something that will satisfy the people. The state and the companies have to be satisfied. Getting to that will give them a pain in the head as it is giving us heartaches today in giving it away. We have the government and mining companies coming in and telling us that we can do nothing and that the mine has to go ahead. People are wondering whether we have any real say over anything.

We have not sat down and done anything. We have looked at the royalties stuff in the Territory. There are agreements in a couple of places. We cannot look into that yet because we have a land problem in this area. That is one of the things that is beating us. We have to be careful when we start talking about mining and what sort of agreement we should come up with and what sort of royalties we should be looking at in working something out with the mining companies.

I am going to go away now for a while. I will not carry on talking, because there will be only one man talking. I will let others speak.

Mr Judson—We have been taken many, many times in the past. Land is being taken from the people. We were here first, and now we must run out. It has been done before, so we have got nothing more to say. Instead of giving the country to them, hand it back to us. That is all I want to tell you. Thank you.

Mr Powell—My name is Graham Powell. I am a lawyer based in Melbourne, but I have done a lot of work for WDPAC in the last six months. I will hand in a few more documents. Some of them may seem repetitive in terms of what we have already handed to the committee, but others are new. They relate to the response that WDPAC has made to the guidelines for the environmental impact statement. There are also documents relating to the Martu native title claim. I will distribute them.

The documents are not numbered but are divided by green coloured pages. Document No. 3 is a summary of the Martu native title claim. It is a one-page summary. It says that there was a native title claim lodged by the communities here in July 1996, which was accepted by the Native Title Tribunal in October last year. The claim has 110 signed affidavits supporting it, so there are 110 named claimants. They represent approximately 1,500 traditional owners who reside in communities within the claim and on the fringe of it. Those communities include Parnngurr, which is this one; Punmu; Jigalong; Kunawarritji; Yandeyarra; Nganganawilli; Warralong; and Irrungadji.

The area under the Martu native title claim is 217,000 square kilometres. There are maps that follow in the next section. There are no current pastoral leases within the claim area. Excepting the grant of mining tenements—there are lists of those in the documents as well—there are no competing forms of land ownership. The whole of the Karlamilyi National Park is within the claim area.

There are a number of historical pastoral leases. Essentially, they are in the Canning Stock Route area. There was a 91,000 acre pastoral lease issued in 1937 and abandoned in 1938. There was a 380,000 acre pastoral lease issued in 1931 and forfeited in 1933. There are a number in the Rudall River area that were put over the top of each other. You can see a 40,000 acre pastoral lease issued in 1901 and forfeited in 1907. The same area was issued again in 1910 and forfeited again in 1914. That pattern continued for a while. They were never really operating pastoral leases.

As a result of this claim, the negotiations with Canning Resources are now within the Native Title Tribunal. Justice French has been playing a role in facilitating the mediation. There is a meeting tomorrow. It is effectively aimed at bringing the competing claim areas in relation to the Kintyre mine area together. There is a claim lodged by the Nomads group. It has been lodged by a man called Don McLeod, who is a non-Aboriginal representing originally five older traditional owners. Two of them have left that claim and joined the Martu native title claim. Two of them are parties to other claims. Only one Aboriginal person is really represented in that claim.

There is also the Ngolibardu claim. It has been lodged by Billy Dunn, who is sitting over there. He is with his daughter, Lynnette, and Gladys over there. They have also made a claim. In recent weeks, all claimants have agreed to come together and negotiate as one group with the mining company. That is to be discussed and finalised tomorrow. That gives a bit of background to the way that the process has been working.

As a result of the Martu people lodging the native title claim last year, the negotiations with Canning Resources are now being facilitated by the Native Title Tribunal. It has seen progress towards bringing the competing claimant groups together. Billy is over there. I will hand over to him. Billy has a competing claim, although he has agreed in recent times that negotiations would involve one group. I will pass to him.

Mr Dunn—I am not much of a talker. All I came here for is to talk to the people after this meeting about Kintyre. I do not want to take time up by talking about rubbish. We want to talk about it later when you are finished. I have really got nothing to say to the committee. I only wanted to have a little talk with the people.

Mr Powell—There is another issue apart from the native title claim that I might give you a quick briefing on. This community was covered by a mining tenement until last month. The Mount Cotton area at the back, where the people might take you for a drive and a quick look before you depart, was covered by a tenement held by CRA Exploration. It was a matter of some concern for many years. People felt that it was a real problem for the community here. It came up for renewal. It went back through the native title system and the notification process under section 29 of the Native Title Act.

In doing that, the state minister attracted the expedited procedure. In effect, he said that there would be no effect on the community and no likely impact on a site of significance. It would have effectively denied a right of negotiation. WDPAC instituted, on instructions from the mob here, proceedings in the Federal Court under the Administrative

Decisions (Judicial Review) Act. It said that it really was not open to the minister to say that there would be no impact on the community and site when the community was within the tenement and the whole area had previously been determined to be a site by the Western Australian Museum. In the course of those proceedings, CRA Exploration withdrew the tenement. That meant that relations between the company and the community have been put on a very good footing.

Senator BISHOP—Could you outline very briefly for the record the process behind how the Native Title Tribunal people are coming here, how negotiations are proceeding, how the three groups have one claim and how they are trying to stitch a deal. Could you also outline the consequences of all that.

Mr Powell—Because Canning Resources referred the Kintyre mining lease applications to the Native Title Tribunal in the middle of last year, it gave them a six-month period in which negotiations had to progress. There were some problems in getting the negotiations started. Justice French became involved in the process. The focus of that at this stage has been to bring the three competing native title parties together to agree under a memorandum of understanding that negotiations would proceed with one group of traditional claimants. That is the process that the tribunal people are flying in tomorrow to cement.

An agreement has been signed by Billy Dunn's group and by the Nomads group representative. It is to be put to the Martu claimants. Once that is determined, negotiations will proceed. It has always been put by the Martu claimants that the environmental issues have to be answered first. What you have in the documentation is a letter that was sent to CRA in July last year. CRA have said that the Martu people would be entitled to participate in the environmental approvals processes. That is why we have put in a response to the guidelines for the environmental impact statement.

At the moment, the focus of the negotiations is still the environmental impacts, particularly the dust, the effect of possible contamination of ground water and surface water and the implications of radioactivity, especially radon gases. Notwithstanding that, the process for negotiation is within the Native Title Tribunal. All parties are at this stage negotiating.

In the event that an agreement is signed, we are obtaining the services of consultants to look in more detail at the employment and training aspects, particularly to tap into Commonwealth government programs like Jobstart and things like that. We have consultants engaged to work on those aspects as well. A number of different aspects are being looked at in that negotiation process. Although at this stage the company can apply for a determination at any time after the end of this month that would permit the granting of the mining leases, because negotiations are continuing, they have not indicated to us that they will exercise that right.

Senator BISHOP—Thank you.

Mr P. Tinker—I have got something to say. I live at Punmu, which is not far from Telfer. It is 60 miles from there. They have a big mine there. When we go to Telfer, they will not let us in to get water or do shopping. That is where the big mine is. We are not far from Telfer. It is 60 miles from Punmu. We have to go to Hedland to get drinking water. They will not let us in.

Mr Williams—We want to know about Kintyre. Everybody knows that it is a camping area, living area and hunting area. Everybody wants to know about whitefella mining. We want to be told about it. All the people from Punmu, Jigalong and Parnngurr are going to be in it. It is our country and our land. We have to live here. They are taking our land. Once they have it, that will be the end of it. We want to be told about the Kintyre mine. It is a camping area, living area and hunting area. It affects all the people here. We need to talk about that.

Mr Wilberforce—I am David Wilberforce from the Jigalong community. I have been the chairman there for three years. I work closely with the people from Western Desert. They are my people. As has been mentioned here about the mine in Kintyre, from what I know, the people have not been negotiating properly with the mining company. We have to negotiate with everybody, even our people around the Pilbara area. Some people believe there that they are land holders too. They have to tell the truth today, while we have senators from Canberra here. I would like to see everybody talk.

Mining can sometimes be dangerous for the people. Some people are against mining. I would like to see people come together to talk it over and come to one agreement about whether they want to mine that part of the country. They have to come to one agreement. It affects the whole area concerned, including my people from Western Desert and some other people. They need to negotiate properly and come up with a good agreement on the mining issue.

You cannot sit around here as individuals and say, 'Those people are talking wrong. They shouldn't be talking like that.' People have to come out and tell the truth. That is what this country is all about. We have to talk straight. The senators have come here about the real issue of the mining of Kintyre. I heard it on the news on the radio a couple of times. The people have to talk it over and see what they will do. Some people are here and some are still away. We want people to put their heads together and say whether to go on or not go on. We need to come to the truth.

We all know that mining is a bit dangerous. Some people have been looking around Kakadu National Park. Some of the people from Jigalong went, but they never told us what they saw there. I do not know anything. We would like to hear a bit more and for people to come out and tell us what they saw in the tour of that national park they did.

Mr Morgan—I want to talk on this today because it affects the communities. This is indigenous land. We should look after our land. With the Kintyre mine, they talk about money and deals. They are still talking now. The Punmu and Cotton Creek people will be affected by this mine. When the wind comes in from the north, the dust will kill a lot of people. We have to be careful about that. The mineral will kill people. We have to be very

careful.

Mr S. Tinker—We will now take these people around for a walk and show them the area. The men will go with us. The women can go with the ladies, as they have a have a culture too. Tell the truth, and nothing but the truth.

CHAIR—In that event, I will adjourn the meeting. Thank you.

Committee adjourned at 10.25 a.m.