

[PROOF]



COMMONWEALTH OF AUSTRALIA

SENATE

SELECT COMMITTEE ON URANIUM MINING AND MILLING

Reference: Uranium mining and milling

ROXBY DOWNS

Wednesday, 22 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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WITNESSES

**BRAZEL, Mr John Jerome, Administrator, Municipal Council of Roxby
Downs, PO Box 124, Roxby Downs, South Australia 984**

**DARE, Mr Simon Kenneth, Spokesperson, Kokatha People’s Committee, PO
Box 2085, Port Augusta, South Australia 974**

**STARKEY, Mr Andrew, Spokesperson, Kokatha People’s Committee, PO Box
2085, Port Augusta, South Australia 974**

**STARKEY, Mr Robert, Spokesperson, Kokatha People’s Committee, PO Box
2085, Port Augusta, South Australia 974**

SENATE
SELECT COMMITTEE ON URANIUM MINING AND MILLING

ROXBY DOWNS

Wednesday, 22 January, 1997

Present

Senator Chapman (Chair)

Senator Bishop

Senator Margetts

Senator Ferguson

Senator Sandy McDonald

The committee met at 5.02 p.m.
Senator Chapman took the chair.

5.02 p.m.

DARE, Mr Simon Kenneth, Spokesperson, Kokatha People's Committee, PO Box 2085, Port Augusta, South Australia

STARKEY, Mr Andrew, Spokesperson, Kokatha People's Committee, PO Box 2085, Port Augusta, South Australia

STARKEY, Mr Robert, Spokesperson, Kokatha People's Committee, PO Box 2085, Port Augusta, South Australia

CHAIR—I declare open this hearing at Roxby Downs, which is on uranium mining and milling, and welcome representatives of the traditional owners in the area. We have your submission before us, which we have numbered 45. Is it the wish of the committee that the submission be incorporated in the *Hansard*? There being no objection, it is so ordered. Do you have an opening statement that you wish to make?

Mr A. Starkey—I come prepared with no notes or documents in front of me. The reason for this meeting is what has happened to me and my clan over a number of years since the mine was established. It will be engraved in our hearts and minds for the rest of our lives. That is my opening statement.

Senator SANDY MACDONALD—Would you like to provide some more information.

Mr A. Starkey—The start of the mine has caused conflict between us and neighbouring clans. When the mine was first established, there were promises of jobs, security, houses and all those types of things, none of which have materialised over the years. What has happened has caused a split between us and family members and local Aboriginal groups in the surrounding areas. When Roxby Downs was first being developed, they always consulted with Kokatha People's Committee on areas of heritage clearance and all those type of things. Since the death of my father's brother, who was the custodian for this area, a number of groups have put native title claims over the area and are saying things that are just not true. We feel that we are being pushed from political post to post. We are not happy with how things have happened, how the mine has developed and the lack of consultation they have had with us as traditional owners.

CHAIR—Does more than one group of Aboriginals claim to be traditional owners for this area?

Mr A. Starkey—Yes. There are native title claims over this area by a couple of other different groups.

CHAIR—It will be resolved by the tribunal at the end of the day as to, firstly,

whether there is any legitimate claim and, secondly, which group is the legitimate traditional owners.

Mr A. Starkey—I and Richard Reid, who is the Kokatha People's Committee chairman—I give his apologies because he is ill today—are the two representatives who sit on a working party that has been formed by three different clans, Kokatha, Barngarla and Nukatha. We have asked splintering groups to join in as one native title claimant for the whole area, which is the Kuyani. We are still negotiating with them about their coming into our group. That will go a long way to help resolving that problem. The problem still remains that not only Western Mining but a lot of other mining companies will go from one group of people to another offering them deals or whatever to get access to land. This is the main concern of ours, which is causing conflict between our groups and other splinter groups around the area.

CHAIR—You said there were promises of jobs and housing and so on when the mine was first mooted. They were promises made to the Aboriginal community?

Mr A. Starkey—Yes. They promised jobs, houses and an office for the people's committee at Roxby. They offered us ranger type position jobs, which did not eventuate. None of these things materialised.

CHAIR—What about jobs at the mine?

Mr A. Starkey—It is against our cultural beliefs to go into the ground. The mine site entrance is part of a very important place for men in this area. It was destroyed when the mine was put down. None of the EISs that were done by consultants from this area have been implemented. Some of the things on the EISs were that Aboriginal people would be employed to monitor and look after areas of significance around the place. That has not happened.

Senator BISHOP—It is against the cultural beliefs of your clan to go underground. Is that right?

Mr A. Starkey—Yes. You are pulling out the stomach, and we do not want to get inside someone else's stomach.

CHAIR—But not other clans?

Mr A. Starkey—Other people do. It is up to them what they do. My beliefs come from my father and my grandfather. My father was born not far from here. Simon Dare's father was born not far from here. This area where we are today makes up part of the western desert block. We come under part of the western desert block. In that block there is one Aboriginal law which is still strong and flourishes and of which we are a part.

Senator LEES—So you are saying that the company has found a group of Aboriginal people who are happy to give guarantees. Who are they?

Mr A. Starkey—Andamooka Land Council. Prior to them, all consultation with Roxby Downs management was done through the Kokatha People's Committee in Port Augusta. Roxby Downs have gone to them and asked them for heritage clearances and all that sort of stuff. They are probably more than willing to say yes on a lot of occasions.

Senator LEES—But they have never had this particular area as part of their land. Is their land to the east of us?

Mr A. Starkey—No.

Mr Dare—They are the same clan as us.

Mr A. Starkey—This is what I mean. It has caused conflict between family groups and other clans. They might want to go to a particular area and we do not want them to go there.

Senator BISHOP—Some family members are negotiating and reaching agreements with Western Mining and other family members are unhappy about that process. Is that what are you putting?

Mr A. Starkey—Yes. We are saying that the Andamooka clan should come into the fold and be in one group. The Kokatha people make up a majority of the Kokatha group in our nation. The splinter group is Andamooka Land Council, which makes up very few in numbers.

Senator BISHOP—The land council only has to consult with members of the clans. The clans do not have to reach agreement.

Mr A. Starkey—They have not been consulting with us, the Kokatha People's Committee.

Senator BISHOP—The land council only has to consult with members of the clan. It does not have to have unanimity amongst all clan members.

Senator LEES—The land council is not representative.

Senator BISHOP—It does not have to be. I understand your argument.

Mr A. Starkey—What has happened is that the informants they use for their knowledge are probably good informants. Two particular men in their younger years worked in this area on sheep stations. They have a knowledge of the area, but it is not

their country. They cannot speak for it. They have knowledge of the country, but they cannot speak for it.

Senator BISHOP—Although they are not members of the clan.

Mr A. Starkey—No. They are not members of the clan. One person comes from Blackstone in Western Australia and another comes from Granite Downs.

Senator LEES—And Western Mining has been listening to them?

Mr R. Starkey—Yes.

Mr A. Starkey—In order to speak for the country, you have to know the law and be involved in the law. You have to participate in ceremonies and all that sort of stuff. Me and my brothers have been doing that. I have lived at Uluru for the last eight years. I have been building my knowledge of Aboriginal law, culture and custom. It is one of the places in Australia where beliefs are still held strong. In being able to speak for a country, you have to know everything that is associated with that country. You have to have what in white person's terminology are title deeds for the land. I have possession of sacred title deeds which belong to my father's brother. Those sacred title deeds are now in my possession.

Senator LEES—When this other group has been working with Western Mining, have they been getting offers of jobs and the sort of things you were offered in the first place?

Mr A. Starkey—Yes. They have got vehicles and businesses and all that sort of stuff.

Senator BISHOP—What would you say is the relationship of the other group to the land?

Mr A. Starkey—There has been a wedge driven in the community between brothers, sisters and aunts and all the rest of it. They have just as much legitimacy to this country as me, but they are not qualified in what they are saying. They want the land and the money and what goes with it, but they do not want the law that goes with it.

Mr R. Starkey—The cultural side. I learned the law here when I was a young boy here. My father is Max Thomas. We lived at Andamooka when I was a young boy. I was here before when this place was sandhills. I could never come to this place when I was young because it was only a man's place. I am a man today, so I can go all over it because I know about it in my head. This breaks my heart. We have been working with the heritage department and Western Mining to protect our sacred sites. We have been getting the sites put down in a register. We go away and when we come back, they have

wrecked all our stones and things from a lake called Coorlay Lake. It is a men's place. They have run a big bulldozer down there and put all the sacred stones that belong to us in a truck and then put them in their houses. My father could get sick, I could lose my wife, my aunty could go silly and Richard could get sick. That has split all the family up again. It broke my heart. It is a sad thing. I have seen all the trouble.

I am the only one now to have seen all the land as it was. I have nothing against mining, but Western Mining should have come and talked straight with us and not said that everything was okay and that we should go away. The heritage department promised us that everything would be okay. They said, 'Don't worry about your sacred sites. It's okay.' We were sitting at Andamooka and they smashed up Coorlay Lake. My wife was pregnant. She got sick. My aunt got sick. Richard got sick. Nobody would help us.

Mr A. Starkey—We still have trouble today with sites being desecrated. A couple of years ago, when there was a lot of rain around here, those lake systems filled with water. I happened to be there at the time. There were people there with speedboats, cars and dogs and everything. When I first went there, there was a big sandhill, blow-outs in the sandhill and artefacts everywhere. If you go there today, it is like this table; there is nothing on it.

We had to fight hard with the Department of Mines and Energy to put a fence there. The fence is there, but it still gets cut. People still go in there and drive around on sandhills and all the rest of it. That is why it is so important that there is a presence on the ground here, where there would be site protection officers or whatever. Someone needs to be here. Numbers are limited in the Department of Aboriginal Affairs in Adelaide. The people who work for them do not speak for this country. They have no jurisdiction over this country, yet they bring women anthropologists to men's sites, which is just not on.

Mr R. Starkey—Women's dreaming comes through this way. This place is a women's dreaming place. I look after this; that is my job. All the old men come from Ayers Rock. It has been my job to look after it since my father passed away. All my brothers help too, because it is their place too. This place is like the beginning of the Bible. The Bible goes all the way to Ayers Rock and you can turn each page of it. We have no written history. It is in the ground. We follow the men's footprints. That is the law. It ranges from Port Augusta to here to Coober Pedy to Ayers Rock.

Mr A. Starkey—All the way.

Mr R. Starkey—It is the law. It is a dreaming track. These dreaming tracks are getting broken up. We bring our bosses down. They know that these dreaming tracks are here because of myth and song, and they see it on the ground. When they look at the ground, they can read the ground. We can read the ground. We have no book to tell us where to go.

Mr A. Starkey—In the past, a lot of people went to the archives and got material from there. They have read Strello and Berndt and all those types of glossy reports. We learn our law and history from the people who helped to put it in those books. We do not go to museums and look in books and stuff. We learn it from the people who created this place. There are men and women still alive who went through this place on ceremonies when they were young men and women. They know the stories of this place. Just because one place is busted up, broken and destroyed does not mean that those songs and things are destroyed. They are still there. People pass through this country and see no-one sitting down. They ask, ‘Where are all the blackfellas?’ Because no-one is sitting there, they think can do what they like.

Senator SANDY MACDONALD—When did pastoral development take place here?

Mr R. Starkey—Perhaps in the 1920s. All the people at Woomera, when they made the Woomera rocket range, had nowhere to go.

Senator SANDY MACDONALD—Not in the 1920s.

Mr R. Starkey—In the 1940s. We were sitting at Woomera before the rocket range was there.

Senator SANDY MACDONALD—Was there a large Aboriginal settlement at Woomera?

Mr A. Starkey—There were ones at Woomera, South Gap and Iron Knob.

Senator SANDY MACDONALD—One at Roxby Downs?

Mr R. Starkey—Only men came here. This is ceremonial ground. This is where we used to take boys and make them learn the law.

Mr A. Starkey—Other clans would bring their young men down here, and we would take our young men up to them. It is the same as what happens today.

Mr R. Starkey—They come and meet us. We would take them down and vice versa. We would make their boys men and they would make our boys men. That is how our grandfathers became men and their grandfathers made their grandfathers men.

Mr A. Starkey—In the 1940s, when the rocket range was being developed, all our sacred objects were gathered up by our senior men and taken and given to the Pitjantjatjara people for safe keeping because they knew that the country that is in the centre of Australia would probably take white settlers a long time to get to. That is why we were sent there. Some of our objects have never been in white hands. They are like the

ones I have in my possession.

CHAIR—Accepting all that you say, what is the relevance of that to the current situation of the Roxby Downs mine? What are you seeking?

Mr A. Starkey—We would like our sacred sites protected, for a start. We would like some input from Western Mining Corporation to do that. As of yet, they have done nothing to help us protect our sites. Only 10 per cent of our sites have been recorded in this area.

CHAIR—The area of the mine is a relatively small area.

Mr A. Starkey—That is right. But you have to remember that they have a lot of employees who come here. On the weekends, a lot of the time, they do not work. They are off playing around with buggies, motorbikes and speed boats et cetera. That forms the basis of how a lot of our sacred sites are being desecrated. In the early stages when Roxby Downs was being developed, they put out a little brochure. It was a colour brochure. There were photographs of Aboriginal sites in that booklet. They did not ask permission to put those sites in that booklet. If you go to those sites today, you would be lucky to pick up one stone.

CHAIR—So it is more about the community's impact rather than the direct impact of the mine?

Mr A. Starkey—If the mine was not here, the workers would not be here.

CHAIR—I understand that. However, you are saying that it is a community impact rather than a mine impact. You have said that it is the people who run around on the weekends. It is about the community here because of the mine, not the mine as such. It is about a consequence of the mine.

Senator LEES—Are you talking to Western Mining about what the workers are doing and whether they are looking at the employment of people such as yourselves seven days a week to look at those specific areas?

Mr A. Starkey—Yes. It is not only their workers. This mine here is a drawcard. Four-wheel drive enthusiasts from all over Australia want to come here and go to Borefield Road and Oodnadatta and out that way. There is no-one here to make sure that those tourists who are coming through are doing the right thing.

Senator MARGETTS—What do you think would assist in getting the various groups together in this area?

Mr A. Starkey—Just recently, we have formed a working party. It includes

Nukatha, Barngarla and Kokatha. We are trying to bring together other clans to form a working party to stop this picking off by individuals and clans and back deals being done by mining companies.

You would be familiar with what happened at Marree. That situation will duplicate itself. You will get one group of people who have been given motor vehicles and whatever while another group will be given nothing. They will think it is their country as well. What have they got from them? They may not have got anything from them, but it still causes conflict and fights.

Senator MARGETTS—I am not sure whether there will be further site clearance required for the expansion of the mine. Are you aware of whether there will be further site clearance?

Mr A. Starkey—We have not been consulted. They tend to consult with the Andamooka Land Council. If they consult with us, more than likely we will say no. It does not happen in all instances. Foremost in our minds is looking after the country.

Senator MARGETTS—What I hear you say is that any further clearances ought to be done properly. Is that right?

Mr A. Starkey—Yes. It is starting to happen now. It has taken a long time to come around. The only reason it has come around is that the native legislation has come in. All claims in an area have to be addressed, whether they are true or not. They have spoken about expanding a power line, and we are more than happy to consult with them about that.

One of our main concerns is employment for our younger people, which just has not happened. The radioactive waste being stored at Woomera is another issue that needs to be addressed. We want to get rid of that stuff. We have been promised this and that by everybody else and nothing has materialised. They have said that it would only be there for 18 months, yet it has been there for nearly three years. They have said that they will give us jobs and buy us a museum in Woomera and we can run it, but it has not happened.

CHAIR—Who is ‘they’?

Mr A. Starkey—CSIRO and Woomera.

Mr R. Starkey—We ask that you take the uranium, put it in the mine and bury it.

Mr A. Starkey—And seal it off as a one-off thing.

CHAIR—The waste stored at Woomera should be buried in the Roxby shaft?

Mr R. Starkey—Put it in the mine and close it up.

Mr A. Starkey—Never to be used again or used to store waste again. If it is there for much longer, they will say that it has been there for so long that they may as well put it in a high-grade incinerator and incinerate it. Before you know it, they will be bringing stuff from overseas to incinerate it there.

Mr R. Starkey—We went to Lucas Heights and looked at the drums there. I could have poked my finger through those drums.

Mr A. Starkey—It is not just us. It is the whole community, black and white, saying this.

Senator FERGUSON—I also went to Lucas Heights, and I did not see any drums that you could put your finger through.

Mr R. Starkey—I bet you could have.

Mr A. Starkey—When they put them on trucks, they fall to pieces.

Senator FERGUSON—No, they are not falling to pieces. We have had an inquiry into that already.

CHAIR—The predecessor to this committee was set up to investigate all those matters, including the transport and storage of radioactive waste. It was set up as a consequence of the allegations about spillage. There was no substance in those allegations.

Mr A. Starkey—The people in the whole community here are not happy with that waste. I have spoken to people at the range and they will not go anywhere near it. If it is only contaminated dirt, fair enough. But what about the stuff stored in those containers that was imported from the States? It is in the bunkers with air shafts on the outside so that it can breathe. Where is all that going? That is the stuff I want to put down this mine and have sealed.

CHAIR—One of the recommendations of the committee was that consideration be given to use the Roxby Downs shaft as a storage for low level waste.

Mr A. Starkey—Under the proviso that Western Mining Corporation got a \$3 million hospital building in Roxby Downs.

CHAIR—That was certainly not a recommendation of the committee.

Mr A. Starkey—It was not a recommendation, but there was talk of it.

Senator FERGUSON—How many people do you claim to represent?

Mr A. Starkey—Our numbers are scattered near and far. There are people who can speak for the whole western desert block. If people want to come here for ceremonies, they can.

Senator FERGUSON—I want to know how many people you represent.

Mr Dare—The whole west coast. All the Aboriginals over there are Kokatha.

Senator FERGUSON—How many are there?

Mr Dare—About 4,000.

CHAIR—They would not all be traditional owners.

Mr Dare—They are the same mob as us. This land was my great grandfather's. He was a king. They called him King Arthur. He was my great grandfather.

Mr A. Starkey—The Kokatha nation takes up a large slab of the western desert block. It goes from Port Augusta, along the lakes system here to Stuart Creek, back to Coober Pedy, down to Odelea, down to the coast, back around past Whyalla to Port Augusta. That is the Kokatha nation. It is a fair slab of country. My brother was saying that there are people who can speak for this country who have been here for years and years.

CHAIR—There being no further questions, we thank you for your attendance. If we require any further information from you to complete our deliberations and prepare our overall report, we will get back to you and seek written responses from you. Thanks very much for appearing before the committee today.

Mr A. Starkey—Thanks for giving us the opportunity to speak to you.

[5.35 p.m.]

BRAZEL, Mr John Jerome, Administrator, Municipal Council of Roxby Downs, PO Box 124, Roxby Downs, South Australia

CHAIR—I welcome Mr John Brazel. Thank you for giving us some of your time. Do you want to make a statement about your role?

Mr Brazel—I have only read the public advertisement on the terms of reference. I was notified of this hearing, but I do not have a prepared statement. I came along in response to a telephone call. I do not have any prepared material. I am quite happy to answer any questions that I can.

Senator LEES—Let us look at the impact of the mine. The town would not be here without it. You were able to listen to some of the Aboriginal people's concerns a moment ago. They were particularly worried about some of the activities of people from the town as well concerned about what the mine itself is doing, where it is going and where it is expanding. Have you had any discussions at council level with the community about Aboriginal concerns regarding some of the places that people are going to in their spare time, particularly some of the lakes?

Mr Brazel—No. It has not been raised with us as a council. I recall Coorlay Lake being flooded. There were some people in there. It was all fenced off. That was back in 1989, when there were some very heavy rains. It was full, from memory, for at least two years and then gradually dissipated. Before that, it was just open. It was almost like a mini canyon that dropped away into a large expanse.

Senator LEES—Have any concerns by local Aboriginal people been brought before the town in any capacity? They concern the apparent fact that four-wheel drives and other things are going through areas that the Aboriginal people are concerned about.

Mr Brazel—No. It has not come up at our level. This started in 1975. It developed from 1975 to 1988. In 1988, it was officially opened. Over those 13 years, there were feasibility studies et cetera done. The only document I examined was an EIS, which presented a general overview of the situation.

Senator MARGETTS—When we spoke to representatives at the mine, they said that the mine operated with rules and guidelines for workers, especially about where they can go and cannot go in relation to fostering some sort of cultural awareness. Does anything like that occur here that you know of?

Mr Brazel—No. We are not involved with the mine induction process. I understand that there is an employee induction process. But we are totally separated from

the mining operation. I cannot really comment on what the induction process is. Western Mining might be able to help you.

Senator FERGUSON—Your role as town administrator is to run the town, is it not?

Mr Brazel—The indenture was passed in 1982. The township was proclaimed as a local government area then. It is about 110 square kilometres from roughly the airfield to about four kilometres towards Woomera. It includes the quarry and the western boundaries. That approximates the edge of the road to Woomera. It was up as a local government authority with the intent of being a normal community as opposed to a mining town. It was transferred to a self-regulating community, so to speak. In the initial starting up phase, an administrator was appointed who had the powers of local government.

We perform local government functions. Our activities focus on those aspects of the local community that are mainly regulatory, as is the focus of a lot of councils. It involves building and planning and maintaining community facilities, such as recreation facilities and those sort of things. That is the way the legislation includes the local authority. It is not a company town. Obviously it has a majority of mine employees, which means that most of the people who work at the mine probably socialise here. However, it is not a company town per se. It is a normal local authority with freehold title land.

Senator SANDY MACDONALD—Do you have an electoral advisory board?

Mr Brazel—No. The initial advisory board made provision for administrators. My understanding is that there was a growth period. My understanding is that there was initial talk of a population of 9,000. The legislation was passed in 1982, but I think actual infrastructure building et cetera started in 1986. In that four-year term, there were technological improvements et cetera. The final estimates were a lot lower than the initial estimates, which were involved in passing the legislation in 1982. There may have been preparation prior to that. The administrator has kept going because there has not been what is termed these days ‘critical mass’. It is self-government at a local level.

Senator SANDY MACDONALD—How many Aboriginals live in the town now?

Mr Brazel—I am not aware off hand.

Senator SANDY MACDONALD—This was a pastoral lease. It had nothing on it except what might have comprised a pastoral lease. When the mine came, that was the first camp. The town was built subsequent to 1974.

Mr Brazel—Yes. I understand the discovery was made in 1975.

Senator SANDY MACDONALD—When did you first come here?

Mr Brazel—I did not arrive here until January 1988. When I arrived here, the legislation was already in place. The town had been laid out. They were commencing building. I got here in the early days of the actual construction. They were still building the recreation facilities when I got here.

Senator SANDY MACDONALD—In 1988?

Mr Brazel—Yes.

Senator SANDY MACDONALD—Anecdotally, when was the first time you heard of traditional owners or people on traditional sites having an interest in Roxby Downs?

Mr Brazel—It was in the newspapers and on television programs in the state, such as the *7.30 Report* or *This Day Tonight*.

Senator SANDY MACDONALD—When was that?

Mr Brazel—Three to four years ago. I am not sure.

Senator SANDY MACDONALD—There years ago?

Mr Brazel—Maybe. It was when it came into the public arena, so to speak. My focus has been on local government affairs.

Senator SANDY MACDONALD—Absolutely. I was asking you anecdotally.

Senator FERGUSON—The previous witnesses were talking about people from the town going out to surrounding areas and desecrating what they claim to be sites. The whole area was a pastoral lease prior to Roxby Downs being built anyway.

Mr Brazel—It was part of Roxby Downs station.

Senator FERGUSON—And a bit of Andamooka station as well?

Mr Brazel—Yes.

Senator FERGUSON—All that area was used by the pastoralists in those days. As I understand it, even prior to 1975, there were very few Aboriginal communities living, using or traversing across this part of the station.

Mr Brazel—I am not aware of those activities.

Senator FERGUSON—I stand to be corrected too, but that is what I understood.

It was a cattle station.

Mr Brazel—That is my understanding as well.

Senator FERGUSON—So the people from Roxby Downs who are claimed to have desecrated the area are now part of Roxby Downs station or Andamooka station because they would be going outside the mining lease, would they not?

Mr Brazel—The whole area is within those pastoral areas.

Senator FERGUSON—The mine lease itself is quite small. It does not cover a very big area, does it?

Mr Brazel—No.

Senator FERGUSON—The new areas that they are talking about expanding have already been agreed to as part of the indenture, have they not?

Mr Brazel—I think so. Again, I have not focused on that. One of the schedules in the original indenture of 1982 has all those details about mining leases and township boundaries, from memory. That information could be examined under a schedule to that statute.

Senator FERGUSON—Is it also true that Western Mining has been negotiating or talking with the Aboriginals who claim to be the traditional owners of the land other than those from whom we have heard today? There are a number of sites. I remember even a couple of years ago that there was one particular site they put a road around which was on the mining lease.

Mr Brazel—I can recall that. That was Cane Grass Swamp. Again, that was the subject of a television item. I am not sure whether that happened before my time here. I think that happened before I got here. But I was aware of it—I was in another country town—because it was on television.

Senator MARGETTS—A lot of the north of Western Australia is a pastoral lease. It does not mean that there are not sacred areas. They are not mutually exclusive. The fact that there was a pastoral lease does not mean there is no long history of areas important to Aboriginal dreaming.

CHAIR—The difference is that there has not been long-term traditional residence here in the way that there has been in the Northern Territory or the north of Western Australia.

Senator MARGETTS—I do not think what we have heard today constitutes a yes

or no to that. We need information from other people in order to locate what the connection has been and so on.

Senator SANDY MACDONALD—I will take some convincing.

Senator FERGUSON—It depends on who you ask. Obviously Western Mining have consulted with the people that they consider to be representative of the area, which was the Andamooka Land Council, as I understand it. But I guess this is outside Mr Brazel's bailiwick as well.

CHAIR—As I recall, they were required to do so under the original negotiations with the state government. The groups would have been identified by the people with expertise in the state government.

Senator MARGETTS—Before there were legislative land rights, it was always possible for a company to choose a group from an area which they thought might be more amenable to making an agreement.

CHAIR—There was land rights legislation in place.

Senator MARGETTS—It was on a different basis. What they are saying is that there is the necessity to talk to all groups. That is a very important thing. We will probably need to speak to different people. We need to clarify what the historical situation is here.

Senator FERGUSON—If we find that it is covered in our terms of reference.

Senator MARGETTS—That is right. If we are making statements one way or the other, we need to check it.

Senator FERGUSON—I want to clarify that. The social and environmental impacts are under our terms of reference. If people are saying that the mine has an ongoing effect on them because they have a connection with the land, in that sense it is a term of reference. It is a matter of whether—

CHAIR—This is a matter for discussion by the committee; it is not a matter for a discussion with Mr Brazel. We are here to speak with Mr Brazel.

Senator MARGETTS—We need to put it on the *Hansard* record. I am just clarifying the situation and expressing an opinion.

CHAIR—Are there any further issues that we wish to raise with Mr Brazel?

Senator SANDY MACDONALD—I congratulate you on your town.

Mr Brazel—Thank you.

CHAIR—There being no further matters to raise with Mr Brazel, I thank him again for appearing before the committee. If in our future deliberations anything else comes up which you may be able to help us with, we will contact you and seek a response from you. The committee stands adjourned.

Committee adjourned at 5.50 p.m.