

**SENATE ENVIRONMENT, COMMUNICATIONS,
INFORMATION TECHNOLOGY AND THE ARTS
REFERENCES COMMITTEE**

**Inquiry into Environmental Regulation of
Uranium Mining**

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ATTACHMENTS:	

GUNDJEHMI

ABORIGINAL CORPORATION



5 March 2003

Michael McLean
Secretary, Senate ECITA Legislation Committee
Parliament House
CANBERRA

Dear Mr McLean,

Re: Inquiry into Environmental Regulation of Uranium Mining

I write as Executive Officer of Gundjehmi Aboriginal Corporation (GAC) regarding recent developments at the Jabiluka Project site. I understand that there has been a delay in the Committee's report regarding the inquiry into the environmental regulation of uranium mining and that the Committee is now set to report on 9 April 2003.

Given this, I thought it best to provide the Committee with the following information for its consideration.

Many submissions and much evidence to the inquiry addressed the critical issue of the information flow from 'stakeholders' in the Ranger and Jabiluka uranium projects to the Mirrar Traditional Owners. The overall tenor of the submissions and evidence of Energy Resources of Australia (ERA), the Supervising Scientist and the Northern Territory Department of Business, Industry and Resource Development (DBIRD) was that the current Minesite Technical Committee (MTC) process - provided for in the Working Arrangements between the governments of the Northern Territory and the Commonwealth - is satisfactory. The Northern Land Council represents Traditional Owners at this forum.

In our submission and evidence to the inquiry GAC highlighted the inadequacies of the current process regarding the Minesite Technical Committees. A key theme was that decisions are made without due reference to both local (especially Traditional Owner) and broader social concerns. Recent events regarding the long-term care and maintenance of the Jabiluka Project provide a clear example of the inadequacies of the MTC process.

During the GAC Governing Committee meeting of 17 December 2002, the Mirrar Traditional Owners requested that a representative of GAC attend (as an observer) the Jabiluka water management review section at the next meeting of the Jabiluka Minesite Technical Committee.

On 13 January GAC was advised by an officer of the NLC via email that ERA had "just" confirmed to him that, "they are not ready to be putting forward any detail on the Jabiluka water management review at this MTC". On this basis, GAC did not attend the MTC.

However, on 20 January GAC was advised in person by the same NLC officer that the MTC, which had taken place on 16 January, had in fact discussed long-term water management strategies at the Jabiluka site. GAC was informed that ERA had presented its preferred option of allowing water percolating into the decline to accumulate and that the decline would therefore be flooded. This option would

include the transfer of water from the interim water management pond to the underground workings, with both the mineralised and the non-mineralised stockpiles remaining at surface.

The NLC officer expressed his disappointment that the discussion on water management had taken place without a GAC observer present, especially given his notice to GAC that no such discussion was to take place. He noted that ERA, "obviously changed their mind". He added that it appeared that flooding the decline was a fait accompli and that the Northern Territory Government was very supportive of the option and had indicated that ERA would need no additional approvals in order to proceed with this option.

The Mirrar Traditional Owners felt that their interests had (again) been undermined by the MTC process. Mirrar were especially disappointed when informed that this discussion – as conveyed to GAC by the NLC – did not include consideration of their stated preferred option – i.e. the backfilling of the Jabiluka decline with the mineralised ore stockpile currently stored under a tarpaulin at the surface. Mirrar expressed a sense of betrayal, as the Managing Director of Rio Tinto – Australia, Mr Brian Horwood, and the Chief Executive of ERA, Mr Bob Cleary, had at a meeting with Mirrar in September 2002 clearly committed to ERA considering the Mirrar's preferred option.

GAC has since been advised by ERA that while there was discussion of Jabiluka's long-term water management at the MTC, the 'flooding' of the decline is not a fait accompli. ERA has advised that its preferred option was misinterpreted as the only option it would pursue. ERA has further advised that, in accord with its commitments of September 2002, the preferred option of the Traditional Owners (the backfilling of the decline) is indeed being investigated. This is, obviously, in stark contrast to other accounts of proceedings at the MTC.

These events clearly illustrate the lack of meaningful input on the part of the Traditional Owners into decisions affecting their country and the overall inadequacy of present MTC arrangements.

I have attached the minutes of the MTC in question. Unfortunately, like all MTC minutes they do not provide an accurate record of discussion during the meeting focussing instead on outcomes.

Yours sincerely,

[signed]

Andy Ralph
Executive Officer

JABILUKA MINESITE TECHNICAL COMMITTEE

Minutes

To follow Ranger MTC 16 January 2003

DBIRD Centrepont office, Darwin.

Present

Geff Cramb	NLC	Tony Milnes	EWLS
Richard McAllister	NLC	Peter Waggitt	OSS
Mark Foy	NLC	Shelley Iles	OSS
Simon Prebble	ERA	Tony McGill	DBIRD (Chair)
Chris Leiner	ERA	Pamela Sanders	DBIRD
Stuart Simmonds	ERA	Alan Hughes	DBIRD

The meeting opened at 13:20

Issues arising from previous meetings:

1.1 Status of options list for water management BPT assessment (ERA).

ERA provided an update of its review of options for a long-term care and maintenance program for the site. Favoured options include cessation of dewatering and transfer of as much pond water as possible to the workings, thereby reducing the contaminant levels in, and removing their contribution to the pond. Further contribution to the pond would then be limited to rainwater runoff, with much lesser volumes, if any, requiring management to maintain the site water balance. Results of recent hydrological studies support this as a viable option that poses no environmental risk. The second option involves variations of the continuation of the irrigation program implemented in 2001 and 2002 following water treatment.

For both options the mineralised stockpile cover will be retained in its current state.

ERA favours this first option. OSS supports the option subject to discussion with the Supervising Scientist. DBIRD supports the option. NLC advised that it would like to present the strategy to traditional owners next week. ERA undertook to provide a copy of the presentation material to MTC members.

DBIRD believes that no approvals are necessary to begin implementation of the preferred strategy. It was agreed that pumping of water from the IWMP would not commence until the Kalf report on hydrology is reviewed.

1.2 Update of status of water management system (ERA).

The IWMP is at 22.3m RL, 70.7ML comprising 38% capacity.

1.3 Proposed alterations to Jabiluka Authorisation monitoring and reporting update.

ERA provided revisions to its application in response to stakeholder comments. The application will be suspended until the current issue is resolved.

Other Business

OSS advised that Swift Creek monitoring data are also displayed on its website.

Next meeting

ERA will arrange a time for the next meeting dependent on finalisation of the Kalf Hydrology report.

The meeting closed at 14:25.