

Gundjehmi submission to Senate inquiry, 1 October 2002, oral introduction

The willingness of the Mirrar community to engage in this current process, to positively contribute to improved environmental regulation of the Ranger mine and proposed Jabiluka mine, in no way disqualifies Mirrar opposition to further uranium mining on their traditional country. The Mirrar still say NO to Jabiluka. This development threatens the cultural integrity of the sacred sites and poses environmental impacts unacceptable to the Traditional Owners.

We believe that much of yesterday's evidence strayed very far indeed from this inquiry's terms of reference. This inquiry is not about environmental impact. It's not about the fourth quarter as Bob Cleary has said, not about the no impact mantra of the OSS and DBIRD, not about whether there is any evidence of impact as Senator Scullion has said. This inquiry is about the adequacy, effectiveness and performance of the monitoring and reporting regimes and regulations in place. We submit that these regimes and regulations are inadequate – in themselves – without reference to any environmental impact. They are inadequate because they are governed by ad hoc agreements between the Commonwealth and Northern Territory Governments, are essentially reactive to the development agenda and exclude the considerations of Traditional Owners.

The current system is inconsistent, lacking in accountability and outdated. Agreements under the *Land Rights Act* do not operate effectively and are not sufficiently supported by legislation.

While strictly speaking outside the terms of reference of this inquiry, social impact monitoring – crucial to the maintenance of the World Heritage values of Kakadu – is almost non-existent. Although required for reporting under the Ranger Environmental Requirements, there is no ongoing social impact monitoring and minimal willingness to separate it from the development agenda. Thus the inclusion of a single clause for social impact monitoring in the ERs is considered with the cynicism it deserves.

In our submission we introduce and outline a proposal for a new Commonwealth Act to reform the regulation of uranium mining in the Alligator Rivers Region of the Northern Territory. The regime for regulation of uranium mining at Ranger and Jabiluka is overly complex, confusing, inconsistent and incomplete. Moreover, it does not provide for Traditional Owners to effectively participate in management of Aboriginal land subject to mining interests via *Land Rights Act* agreements. Gundjehmi contends that such an ad hoc system of regulation would be deemed unacceptable in most other areas of public administration.

The Gundjehmi Aboriginal Corporation can see little long-term benefit in proposing recommendations that attempt to 'fix' the current 'system'. For example, it is highly questionable whether the long overdue implementation of the various Agreements between the Commonwealth and Northern Territory would bring any benefit, given that such instruments are wholly inappropriate for the proper regulation of uranium mining on Aboriginal Land.

Instead Gundjehmi proposes that the Commonwealth Parliament urgently develop and implement an all-encompassing Act to reform the regulation of uranium mining in the Alligator Rivers Region of the Northern Territory.

The submission details Mirrar concerns, from a Western scientific perspective, at the inadequacies of the present environmental monitoring and reporting regimes at Ranger and Jabiluka. The nature and extent of these regimes is critically examined and suggestions provided as to how they may be improved. The Mirrar consider that such improvements are necessary under any environmental regulatory regime, whether or not the legislative overhaul suggested in our submission is adopted.

The major issues detailed in the submission include water management, irrigation, tailings management, waste rock dumps, groundwater impacts and surface water quality impacts and regulatory limits. All of these have a potentially significant impact on the timing, difficulty and quality of rehabilitation and Mirrar aspirations

for post-mining land-use. A major problem in assessing the efficacy of the regulatory regimes is that most of the statutory reports required for Ranger and Jabiluka are '*commercial-in-confidence*' and not public – these reports must be publicly available.

The Mirrar support more frequent as well as event-based monitoring and wish to see it implemented to ensure accurate measurement of contaminant loads. There are concerns about the extent and accuracy of the biological monitoring program. In order to constrain the expanding footprint and water quality impacts from Ranger and Jabiluka, the Mirrar wish to see several compliance points established around the project sites to ensure that contaminants are retained on the mine site. The water quality limits also need to be improved to reflect Mirrar expectations that no change in downstream water quality will be achieved in Kakadu.

In order to provide for greater transparency as rehabilitation and close-out is planned, more detailed and rigorous research is required to address existing knowledge gaps. Key areas include long-term cumulative loads of contaminants in ecosystems, groundwater transport of contaminants, landform design and final land use.

The Mirrar take very seriously their cultural obligations to their people, and their country. For over twenty years they have experienced the social and environmental impacts of uranium mining. They are the legal landowners of the lease areas and do not differentiate their responsibilities to looking after country on the lease area and the surrounding Kakadu National Park.

The Mirrar see the Government authority to mine as a licence for ERA to use the Ranger and Jabiluka leases as a dumping ground for contaminants. They are concerned whenever there is a leak, an unplanned event, or an incident that contributes to the ever-increasing area of impact.

They are outraged when the Government regulator prepares flimsy defences on behalf of the mining company, or interprets the Environmental Regulations in their

favour. They have done this almost without exception for well over 110 incidents in the past 21 years.

The mining company has never been prosecuted or penalised by regulators in that time. Both the company and authorities have presented evidence to this inquiry that they are more concerned at media reporting than providing thorough and independent regulation and seriously addressing Mirrar concerns for protecting country.

The Mirrar expect that the environmental regulation of uranium mining should enforce comprehensive and systematic monitoring of operations to demonstrate that the short and long-term cumulative impacts on Mirrar country is the least possible, and that mining companies are held accountable for their actions to all stakeholders.

When the company and governments have long forgotten about Ranger in the centuries to come, the Mirrar will be unfairly burdened with the monument made of radioactive waste rock that was the former mine site.

I stress again that this inquiry is not about environmental impact but the processes and agreements that constitute the overall regulatory regimes. To stray momentarily from the terms of reference, we contend that there is an environmental impact from Ranger and Jabiluka. Government regulations currently allow up to 580 times the background level of uranium to flow freely through waterways in Kakadu National Park downstream of the Jabiluka site. For Ranger, uranium is allowed to increase by about 58 times background. The Mirrar contend that any change to water quality in the World Heritage area is completely unacceptable. There are acknowledged higher than background concentrations of magnesium sulfate in the Magela as a result of Ranger. Geoffrey Kyle's allegations and the OSS report into them provide evidence of high levels of uranium inside Kakadu, levels of 7 and 11 parts per billion that would have had the mine shut down if they had been recorded in the Ranger Project Area. We also believe there is impact because the Traditional Owners say there is –

their concerns fall within the gamut of Environmental Requirement 16.1(c) – if they are concerned then impact exists.

Regarding the Traditional Owners we want the Committee and the Australian public to understand that they are not merely stakeholders, they are landowners. They have been the custodians of an ancient culture that has managed its people and country for thousands of years. Indeed, one of the oldest dated continuous occupation sites in Australia is on the Jabiluka lease, little more than a kilometre from the mine operations.

We hope that the deliberations of this inquiry will give the landowners confidence for a continuation of one of the worlds oldest cultures and traditions.