



26 October 2022

Senate Economics Legislation Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Committee

Gundjeihmi Aboriginal Corporation's answers to questions on notice from Senator Cox following the public hearing on 18 October 2022 in the Inquiry into Atomic Energy Amendment (Mine Rehabilitation and Closure) Bill 2022

1. Were any of the members of the corporation involved in the mine prior to the establishment of the corporation?
 - A. Gundjeihmi Aboriginal Corporation (GAC) was established by the Northern Land Council (NLC) in 1995. Its membership is defined to be the Mirarr people. The NLC recognises the Mirarr as the traditional Aboriginal owners of the land on which the Ranger mine is located.
Construction of the mine commenced in 1980. During the period from 1980 to 1995, the Mirarr were represented by the NLC in any dealings with the mine operators. It is important to note that this was a period in which the traditional owners were vigorously opposing the approval of the adjacent Jabiluka mineral lease which had occurred in 1982. This opposition necessarily resulted in limited interaction with the operations at Ranger which have been conducted by the same company, Energy Resources of Australia Ltd (ERA) since 1991.
2. If so, what was the extent of any involvement?
 - A. See above, there was extremely limited involvement between the traditional owners and ERA prior to the incorporation of GAC. It was not until Rio Tinto purchased a controlling interest in ERA in 2000, that the traditional owners through GAC considered any involvement with the operations at Ranger. The primary issue in contention prior to 2000 was the proposal for ERA to mine at Jabiluka.
3. How much did the corporation agree to be paid by the mine in terms of royalties, shares, or other payments?
 - A. GAC has no role in determining the amounts that are paid as Ranger royalty equivalents. The amount was determined by the Commonwealth via provisions in

the *Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA)*. There is no requirement for approval by the traditional owners for the Ranger mine project as approval was legislated on the recommendation of the Ranger Uranium Environmental Inquiry. All Ranger royalty equivalents ceased after cessation of operations on 9 January 2021.

In 2013, an additional agreement was entered into between ERA and the NLC for the remaining period of operations. The terms of that agreement are confidential to ERA and the NLC.

4. How has your corporation benefited from the mine, if at all?

- A. Pursuant to its functions under ALRA, the NLC has a statutory obligation to determine the appropriate recipient of certain defined payments that it receives. From 1995, the NLC has determined that GAC is an appropriate recipient for moneys paid to the NLC.

As a result of receiving these moneys which derive from the legislated arrangements for the Ranger mine, GAC has been able to provide a wide range of social programs and advocacy for the Mirarr traditional owners and the broader Indigenous community affected. Further details of the operations of GAC are available on the public record via <https://www.oric.gov.au/> and on the GAC website : <https://www.mirarr.net/pages/about-us>

5. What impact has the mine had on your community in terms of health, any disruptions to community, connection to land, or otherwise?

- A. The social impact of uranium mining in the Alligator Rivers Region has been the subject of extensive commentary since before the project was approved. From 1978 to 1984 the social impacts of uranium mining in the region were regularly monitored and reported on a six-monthly basis to the Australian Parliament by the Uranium Impact Project Steering Committee. In 1984, the monitoring committee published its final report: 'Aborigines and uranium: consolidated report to the Minister for Aboriginal Affairs on the social impact of uranium mining on the Aborigines of the Northern Territory', published as Parliamentary paper no. 310 of 1984.

The most comprehensive report was conducted in 1997 by the Kakadu Region Social Impact Study Aboriginal Project Committee. The report can be found here: <https://www.dcceew.gov.au/sites/default/files/documents/krsis-report.pdf>

Further commentary on the impact of uranium mining can be found on the GAC website: <https://www.mirarr.net/pages/uranium-mining>

GAC also refers to *Dirt Cheap 30 Years On* a film that includes rare footage of Mirarr Senior Traditional Owner Toby Gangale stating clear opposition to mining on his country. It also documents his prescient concerns about uranium.

<https://vimeo.com/73373709>

The imposition of the Ranger uranium mine has had a pervasive impact on the community, and on the Mirarr traditional owners in particular. Prior to the construction of this heavy industrial project, the community enjoyed a traditional life dependent on an undisturbed landscape. The Ranger uranium mine, including the receipt of the legislated payments has disrupted all aspects of traditional life and has, at times, led to significant community stress and division.

6. How involved have you been in the rehabilitation, both regarding approvals, land access but also boots on the ground, planning where certain plants should be, planting them, or local businesses being awarded contracts?

- A. The primary responsibility for rehabilitation including revegetation rests with ERA. GAC, along with the NLC, has been concerned that there has been inadequate regulatory oversight for some years and has been very active since around 2017. At that time, Rio Tinto led ERA to prepare an industry-standard form of Mine Closure Plan despite the Commonwealth and Northern Territory regulators not having directed ERA to prepare one. GAC and the NLC were very involved in ensuring that the Mine Closure Plan (inclusive of proposed measures such as revegetation works) received formal regulatory status in 2018.
- The NLC and GAC are members of the Ranger Minesite Technical Committee, receiving regular reports and updates on the rehabilitation of the site and contributing to application assessments and variations. In addition, as stated in the submission to the Committee, any proposed close-out requires the NLC to agree that the specific rehabilitation requirements have been met.
- GAC does not have the capacity to fulfil contracts itself in relation to revegetation works. The Mirarr traditional owners have advocated for a local Indigenous owned business, Kakadu Native Plants, to be awarded significant contracts to provide input into revegetation and to propagate and provide plants to ERA. Kakadu Native Plants is owned and operated by an Indigenous family from the broader Kakadu community and is not directly connected to GAC.
- In addition, the Mirarr have supported direct employment of Indigenous community members from across Kakadu by ERA.

Yours sincerely

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Chief Executive Officer