

08 89532988

1/12/06

Mr. John Daly  
Chairman  
Northern Land Council  
9 Rowling Street  
CASUARINA N.T. 0810

Dear Mr. Daly,

**CONCERNS RE POSSIBLE NOMINATION OF SITE ON MUCKATY UNDER THE  
COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT ACT 2005**

We have come to Darwin to talk to Government representatives and to the Northern Land Council because we are concerned that a site on Muckaty is about to be nominated to be the nuclear waste facility to be established in the Northern Territory by the Commonwealth Government.

We are all members of local descent groups recognised by the Aboriginal Land Commissioner as traditional Aboriginal owners of areas on NT Portion 1629 held by the Muckaty Aboriginal Land Trust. We have signed this letter under the headings for our respective traditional owner groups, but we all have traditional interests in the land in the area of Muckaty where we understand potential sites for nomination have been identified. Some of us were included in a site inspection visit to Muckaty that was arranged by the Northern Land Council and in which three sites were examined. These sites were all located near to the access road which runs between the Alice Springs to Darwin rail line and the Bootu Creek mine, in particular along that section of the road between the Stuart Highway and the gas pipeline.

In order to inform ourselves of our legal rights and options we have sought our own independent legal advice, and this letter has been written partly on the basis of that advice. The contents of the letter have been the subject of lengthy discussion amongst us and we have satisfied ourselves that the letter says what we want it to say.

In ABC television news the night before last, it was reported that the Northern Land Council had received expressions of interest from some Aboriginal groups in relation to possible nominations under the *Commonwealth Radioactive Waste Management Act*, but that no formal consultations had been undertaken so far. We hope and assume that that report was accurate, but we would nevertheless like to obtain written clarification/confirmation as to (1) whether there has in fact been an "expression of interest" in relation to Muckaty, and if so from whom and in relation to what particular site; (2) that there have not in fact been any formal consultations in relation to any expression of interest in relation to Muckaty.

We are all strongly opposed to the nomination of any site on Muckaty, including any site anywhere near the Bootu Creek access road.

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The principal purpose of this letter is to formally convey our wishes and instructions in relation to the manner in which any consultations relating to any expression of interest in respect of a nomination for a site on Muckaty are to be conducted.

We are not aware of any direct consultation that has taken place with our respective local descent groups about a proposal that the Muckaty Aboriginal Corporation should be the forum through which consent to land use proposals for the purposes of section 77A of the *Aboriginal Land Rights (Northern Territory) Act* will be determined. We have not ourselves been consulted in relation to such a proposal and would strongly disagree with it to the extent that it would apply to consultations in respect of a nomination of a site on Muckaty for the purposes of the *Commonwealth Radioactive Waste Management Act*.

As regards consultations in relation to any such nomination, we (as representatives of our respective local descent groups) direct the Northern Land Council to consult with the members of each local descent group identified by the Land Commissioner (in particular the local descent group comprising the traditional Aboriginal owners of any specific site selected for consideration) on the basis that that group will determine its own position on the proposal pursuant to its own internal decision-making processes and independently from the decision-making processes provided for in under the Rules of the Muckaty Aboriginal Corporation.

We request notification in writing of the particulars of any determination under section 77A that may have been made by the Northern Land Council in the past, and of confirmation of the revocation of any such determination to the extent that it does not accord with the preceding paragraph in this letter.

Yours sincerely,

Milwayi

GLADYS BROWN:

Ngarrka

BINDI MARTIN:

WILLIAM GRAHAM:

PENNY NANGALA SMITH:

Yapayapa

DIANNE STOKES:

LORNA FEJO: