

## **RECOMMENDATIONS**

### **Recommendation 1**

The Committee recommends that the environmental impact assessment process be reformed to ensure that consideration is given, both in impact statements and subsequently, to *whether* a project should proceed.

### **Recommendation 2**

The Committee recommends that all relevant MOUs between State and Commonwealth Government agencies regarding environmental impact assessment be made public.

### **Recommendation 3**

The Committee recommends that all further construction of the Jabiluka mine be suspended until cultural mapping of the site area can be conducted in cooperation with the Traditional Owners and recognised custodians of the Jabiluka area.

### **Recommendation 4**

The Committee recommends that the issues of Aboriginal people's access to, and perception of, country as a result of development projects, be addressed in a holistic process which links environmental impact assessment with questions of Aboriginal land rights, sovereignty and cultural survival.

### **Recommendation 5**

The Committee recommends that a new inquiry be conducted to assess the specific social and cultural impacts of the Jabiluka project on the Aboriginal communities of the Alligator Rivers Region. The Committee also recommends that the social and cultural impacts of mining be given greater attention in ministerial decision-making.

### **Recommendation 6**

The Committee recommends that powers of day-to-day regulation of uranium mining in the Alligator Rivers Region be removed from the Northern Territory Department of Mining and Energy and restored to the Office of the Supervising Scientist.

**Recommendation 7**

The Committee recommends that the Office of the Supervising Scientist be removed from the corporate structure of the Department of Environment and Heritage and reconstituted as an independent regulatory authority of uranium mining in the Alligator Rivers Region. It should retain a carefully defined capacity to receive references from, and provide advice to, the Environment Minister and make recommendations. The funding of the Office of the Supervising Scientist should be increased so that it is able to conduct its own monitoring and research.

**Recommendation 8**

The Committee recommends that should the project proceed, further assessment of Jabiluka tailings management, waste rock disposal, run-off containment and radiological protection measures be subject to a public process at the level at least of a Public Environment Report, and that such revised proposals be subject to peer review by scientists.

**Recommendation 9**

The Committee recommends that in the event that the Jabiluka project proceeds, the enforcement regime should be strengthened by the implementation of a deed between ERA and the Commonwealth incorporating all the conditions put forward by the Commonwealth to this date, along with those recommended by the Supervising Scientist following further assessments. These conditions should also be made the explicit conditions of the issue of export licences by the Commonwealth.

**Recommendation 10**

The Committee recommends that in view of the inadequate level of assessment applied to the Jabiluka proposals and the premature decision-making of the Action Minister, the Minister for Environment and Heritage establish a Commission of Inquiry into the Jabiluka project under Section 11 of the *Environmental Protection (Impact of Proposals Act) 1974* (or under the equivalent provision of the Environment Protection and Biodiversity Conservation Bill, when proclaimed).

**Recommendation 11**

The Committee believes that the circumstances surrounding the negotiation of the 1982 Jabiluka Agreement, the changes made to the proposal following its original negotiation, and the clear opposition of the Traditional Owners to the project were extraordinary and unfair. The Committee therefore recommends that ERA seek a new mining agreement from the Northern Land Council and the Mirrar-Gundjehmi under Section 46 of the *Aboriginal Land Rights (Northern Territory) Act 1976* before further construction or operation of the Jabiluka mine occurs.

**Recommendation 12**

The Committee recommends that consideration be given to repealing Section 48D(3) of the *Aboriginal Land Rights (Northern Territory) Act 1976*.

**Recommendation 13**

The Committee recommends that Section 40(b) of the *Aboriginal Land Rights (Northern Territory) Act 1976* be repealed.

**Recommendation 14**

The Committee recommends that consideration should be given to further reform of the *Aboriginal Land Rights (Northern Territory) Act 1976* in order to ensure that the rights of Traditional Owners are protected during negotiations, and to ensure that their agreement to substantial changes in scope be required.

**Recommendation 15**

The Committee recommends that in view of the inadequate recognition of Aboriginal rights in Australian law, the Australian Government recognise the fundamental human and cultural rights of Aboriginal people in all laws applying to their lands and cultures.

**Recommendation 16**

The Committee recommends that the Government seek a new inscription for Kakadu National Park to enable the listing to reflect the living traditions and cultural landscape of the Park more accurately.

**Recommendation 17**

The Committee recommends that the Government ensure that the future expansion of Jabiru takes place in accordance with the Kakadu Plan of Management and the full endorsement of the Kakadu Board of Management.

**Recommendation 18**

The Committee recommends that the Government develop a broader, more appropriate and more effective participatory approach to the development of a cultural heritage management plan with Aboriginal stakeholders.

**Recommendation 19**

The Committee recommends that the Government take appropriate steps immediately to implement the recommendations of the UNESCO World Heritage Committee's report on Kakadu National Park. The Committee does not believe that the Commonwealth Government has adequately addressed the major findings and recommendations in that report.

### **Recommendation 20**

The Committee recommends that the UNESCO World Heritage Committee place Kakadu National Park on its List of World Heritage in Danger.

### **Recommendation 21**

The Committee recommends that the UNESCO World Heritage Committee proceed to place Kakadu National Park on its List of World Heritage in Danger without State Party consent.

### **Recommendation 22**

The Committee recommends that the Government note the damage to Australia's reputation in relation to the human rights of indigenous peoples as a result of its lack of respect for the legitimate participation of indigenous people in issues affecting their daily lives and living culture.

### **Recommendation 23**

The Committee recommends that the Government examine the possible impact on the Australian tourism industry of an In Danger listing of Kakadu National Park.

### **Recommendation 24**

The Committee recommends that the Jabiluka uranium mine should not proceed because it is irreconcilable with the outstanding natural and cultural values of Kakadu National Park. Every effort must be made to ensure that these values are protected.