



**THE MIRARR:**  
yesterday, today  
and tomorrow.  
A socioeconomic update.

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by the Gundjeihmi Aboriginal Corporation,  
5 Gregory Place, Jabiru, Northern Territory.

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# About this report

*The Mirarr: yesterday, today and tomorrow: a socioeconomic update* sets out to summarise the activities of the Gundjeihmi Aboriginal Corporation in its mission to meet the needs and aspirations of its owners and constituents, the Mirarr people.

The report traces the history of the Corporation. It describes its current holdings and business model, and outlines the exciting opportunities present in the next period of its operations. Audited financial statements are also included.

The term “closing the gap” has become a mantra in the debate surrounding Aboriginal affairs – a term which often betrays a top-down paternalism which leads to further erosion of Aboriginal self-determination.

The cultural, scientific, environmental, educational, arts and health programs undertaken by the GAC are funded wholly from mining royalties, rental incomes and cash-flow from Corporation-owned businesses. These programs are implemented solely at the instigation of the Corporation’s board, which comprises senior members of the Mirarr clan. In this way the Mirarr are certainly “closing the gap”, but in a manner which is motivated by – and further enables – self-determination.

It is the Corporation’s hope that the matters described in this report may serve as models for other Aboriginal communities, funding willing.

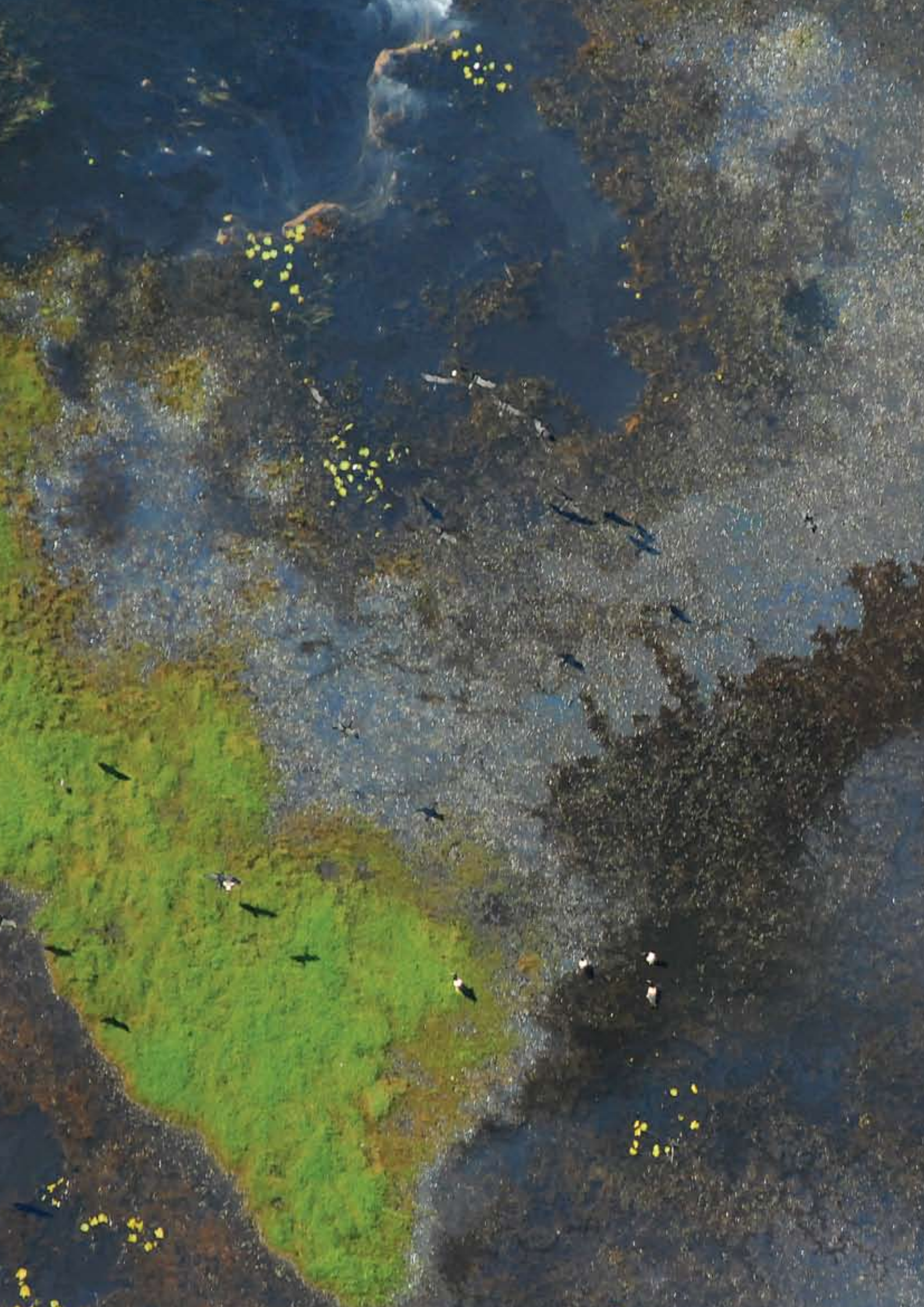
The report also functions as a preliminary and contextualising document ahead of the Corporation’s inaugural annual report, which will be published in the second half of 2010.





Mirarr stone country.







The evidence before us shows that the traditional owners of the Ranger site and the Northern Land Council (as now constituted) are opposed to the mining of uranium on the site ... There can be no compromise with the Aboriginal position; either it is treated as conclusive, or it is set aside ... That our values are different is not to be denied, but we have nevertheless striven to understand as well as can be done their values and their viewpoint. We have given careful attention to all that has been put before us by them or on their behalf. In the end, we form the conclusion that their opposition should not be allowed to prevail.

FOX ET AL, *RANGER URANIUM ENVIRONMENTAL INQUIRY*, SECOND REPORT, AGPS, 1977, PAGE 9

It is a very large number of people who see this mine as a bad thing. The agreement was arranged by pushing people and does not accurately reflect the wishes of Aboriginal people who own that country. We all stand together on that.

YVONNE MARGARULA, MIRARR SENIOR TRADITIONAL OWNER, ON RECEIVING THE GOLDMAN ENVIRONMENTAL PRIZE, 1999.

The predictions of the Fox Inquiry in 1977 that mining in the region could have negative social impacts appear to have been prescient. There is little evidence of sustainable economic benefits from the mine whose life has now been extended beyond 2020 ...

JON ALTMAN, *POWER, CULTURE, ECONOMY: INDIGENOUS AUSTRALIANS AND MINING*, (CAEPR/ANU; 2009), P36



# Executive officer's report

**THIS** report for the Gundjeihmi Aboriginal Corporation, symbolises the ongoing project of institutionalising local Aboriginal (Bininj) control of Bininj land and lives. The Corporation is committed to the transparency and accountability that distinguish good governance and publishes this report in that spirit.

Along with the Mirarr people, Gundjeihmi has traveled a long and often frustrating route to be in the position that it is today – the established and widely accepted representative body for the Mirarr traditional Aboriginal owners. This achievement stands as testament to the unswerving commitment of senior Mirarr people (especially Yvonne Margarula), their supporters in the local Bininj community and beyond, and the efforts of Corporation staff – those successive hard-working and deeply committed Australians who have chosen to walk with Mirarr in their struggle to prevail over not only the injustice of imposed unwanted development, but to seek to overcome the adverse legacy of colonialism itself.

The priorities of the Corporation have shifted over the 15 years of its existence, reflecting the varying political and economic realities of the time. The Corporation was established in an oppositional context, quickly cast into an adversarial role with respect to the then imminent development of the proposed Jabiluka uranium mine from 1996. These were the early years of the Howard Coalition Government, which maintained an ardent support for this development for the 11 years it remained in power. Gundjeihmi's corporate identity was forged in the smithy of this protest against Jabiluka, a large coordinated campaign that drew international attention to the Mirarr community, resulting in the abandonment of mining plans and the establishment of the Corporation on a firm footing. This campaign involved the often highly complex coordination of an international network of individuals and organisations supportive of the Mirarr struggle. It could not have been achieved without the steady support of organisations such as the Australian Conservation Foundation, Friends of the Earth, The Wilderness Society and the many Jabiluka Action Groups located right throughout the country.

The inspirational leadership of Yvonne Margarula and the then executive officer, Jacqui Katona, was duly recognised with their dual receipt of the Goldman Environmental Prize in 1999. It is inconceivable that any other



Gundjeihmi Aboriginal Corporation executive officer, Justin O'Brien.

combination of leadership could have placed the Mirarr struggle so firmly on the international agenda. This, of course, had immediate effect domestically, significantly strengthening the bargaining power of the Corporation in its dealings with the Australian government and others.

The focus on cultural and environmental activism continued well into the term of the following executive officer, Andy Ralph. During this period the Corporation commenced a concerted scrutiny of the Ranger uranium mine's operation and, in particular, its environmental performance. This culminated in the 2002 Senate inquiry into the environmental regulation of the Ranger mine and the proposed Jabiluka mine. The Corporation's period of protest formally concluded with the signing in early 2005 of the Jabiluka Long Term Care and Maintenance Agreement, which placed the Mirarr traditional owners once again in a controlling position with respect to the proposed development and effectively quarantined the Jabiluka dispute from the other work before the Mirarr community. This has allowed the Mirarr people to properly focus on the socio-economic development of their families and those of other Bininj in the region. The agreement is also of historical significance, as it represents the only instance in the region of an Aboriginal clan group, in its own right, directly contracting with mining interests and the Northern Land Council.



Following this period, the Corporation, under the guidance of the then executive officer Graham Dewar, entered into a period of consolidation. Over the next three years, often in the face of significant local adversity, Graham oversaw the steady institutionalisation of the Corporation as the Mirarr representative body. During this period the governance arrangements of the Corporation were reformed, resulting in a significantly more professional and transparent management of Mirarr affairs. The period was marked by an overhaul of Indigenous policy by the then Coalition government, substantial legislative reform (including the repeal and replacement of the Corporation's governing legislation), and, of course, the Northern Territory Emergency Response or so-called 'intervention'. Along with its governance arrangements, the financial management of the Corporation was also significantly improved during this time. The most evident achievement of Graham's term as executive officer, however, was the commitment by the Mirarr to direct royalty income derived from the Ranger mine to community housing and the establishment of a new administrative complex at Jabiru. Both of these projects signified an important shift in the political dynamics within the Corporation and between the Corporation and key external stakeholders, notably those in government. They are also material evidence of the Corporation's commitment to socio-economic development and the fact that the Corporation sees itself playing a long term role in both the lives of its Mirarr members and the development of the Kakadu West Arnhem region.

The current period of the Corporation's history is marked by community development, the 'mainstreaming' of financial management, ongoing scrutiny of the environmental performance of industry and government bodies conducting operations on Mirarr country, and ongoing institutionalisation. I aim for the Corporation to be run in a more accountable and efficient manner, to have the Corporation's royalty income better working for it, to dedicate significant and better targeted funding to the alleviation of socio-economic disadvantage experienced by Mirarr and other Bininj in the region, for the Corporation to check the excesses and highlight the omissions in ERA's environmental performance so as to lift that performance, to see the Corporation far more active in cultural heritage protection, and to foster the development of a new generation of Indigenous decision-makers. There are, of course, significant pieces of work ahead of us, not the least being the construction of a boarding residency for Mirarr schoolchildren,

the negotiation of a town headlease for Jabiru and the renegotiation of the Ranger mine agreement.

At this time, however, there is pause to reflect on just what role the Corporation plays for its members, the region and, to the extent that the Mirarr comprise an important part of the Indigenous political domain of the Top End, for Indigenous self-determination and race relations in Australia's north. Much of the everyday work of the Corporation arises by way of the fallout from the colonisation of Aboriginal land in the region since the 19th century. The mode of development and the corporate structures dictated to Bininj by successive governments have neither been effective or of themselves especially benefited the local community. Rather than throw our hands in despair, however, the Corporation has sought, by degrees and by any means, to adjust both the manner in which Mirarr approach the dominant neocolonial paradigm and, by deft and at times blunt politicking, to adjust the frame in which Mirarr exist – living their lives, raising their children, practicing their culture, protecting their country. All this is ultimately informed by the twin traditional obligations of looking after country (gunred) and looking after people (guhpleddi).

There is, naturally, much 'undone business' to address in coming months and years, but "there will be time, there will be time" – there is a much greater need at present for Mirarr and their GAC staff to carve steppingstones from the stumbling blocks that colonial history, misguided policy and corporate greed have thrown before the community. This means, in short, good planning, engaging with all stakeholders, prudential financial management, best practice governance and community development. It could be said that such things are the hallmarks of the mainstream and dominant society that has served to marginalise Bininj people. The Corporation will do these things, however, not so as to diminish the difference between Bininj and mainstream Australia, not so as to forego the great distinguishing aspects of Aboriginal society, but to better articulate that society's viewpoint, to argue on behalf of it, and to defend and advance its rights – so as to provide for true self-management.

While the current team of the Corporation is both deeply committed and well-balanced, each of us shares the aspiration of local Aboriginal people assuming responsibility for the management of the Corporation within the next decade. It is to realise this and other aforementioned priorities that we commit ourselves.

**Justin O'Brien**

**"Gundjehmi's corporate identity was forged in the smithy of the protest against Jabiluka."**

**JUSTIN O'BRIEN,  
EXECUTIVE OFFICER,  
THE GUNJEIHMI  
ABORIGINAL  
CORPORATION.**





Escarpment face Jabiluka.



# Board of Directors

The Corporation elected directors, who are also Mirarr Traditional Aboriginal Owners, to its Board on annual general meetings held on 28 October 2008 and 24 November 2009. The names of directors holding office during the reporting period are shown below. The outgoing Directors were all re-elected unopposed for two-year terms at the November 2009 annual general meeting.



Back row, 1 to r: Matthew Gamarrawu, Enid Ganarradj, Valerie Balmoore, Yvonne Margarula, Julie Djandjul and Sandra Djandjul.  
Front, 1 to r: Melanie Elgregbud, Nida Mangarrbar and Ruth Gamarrawu.



# Acronyms

<b>EDTL</b>	Executive Director of Township Leasing
<b>ERA</b>	Energy Resources of Australia
<b>eriss</b>	Environmental Research Institute of the Supervising Scientist
<b>GAC</b>	Gundjeihmi Aboriginal Corporation
<b>JTDA</b>	Jabiru Town Development Authority
<b>KNP</b>	Kakadu National Park
<b>MTC</b>	Minesite Technical Committee
<b>NLC</b>	Northern Land Council
<b>RPA</b>	Ranger Project Area
<b>RUEI</b>	Ranger Uranium Environmental Inquiry
<b>RUM</b>	Ranger Uranium Mine
<b>WACJ</b>	West Arnhem College, Jabiru



A jabiru at the Ranger Uranium Mine.

# Closing the gap

**THE PHRASE** “closing the gap” in relation to State and Commonwealth approaches to Indigenous issues has become something of a mantra. The term connotes policy underpinned by a biomedical population health model, which views strategies leading to statistical parity between Indigenous and non-Indigenous sectors as, by definition, successful.

Although this approach is in many ways valuable, its employment at the legislative level to the exclusion of other, complementary, approaches risks not only unnecessarily paternalistic policies, but also, ironically, an increase in the number and degree of hardships experienced by the very people it is intended to help.

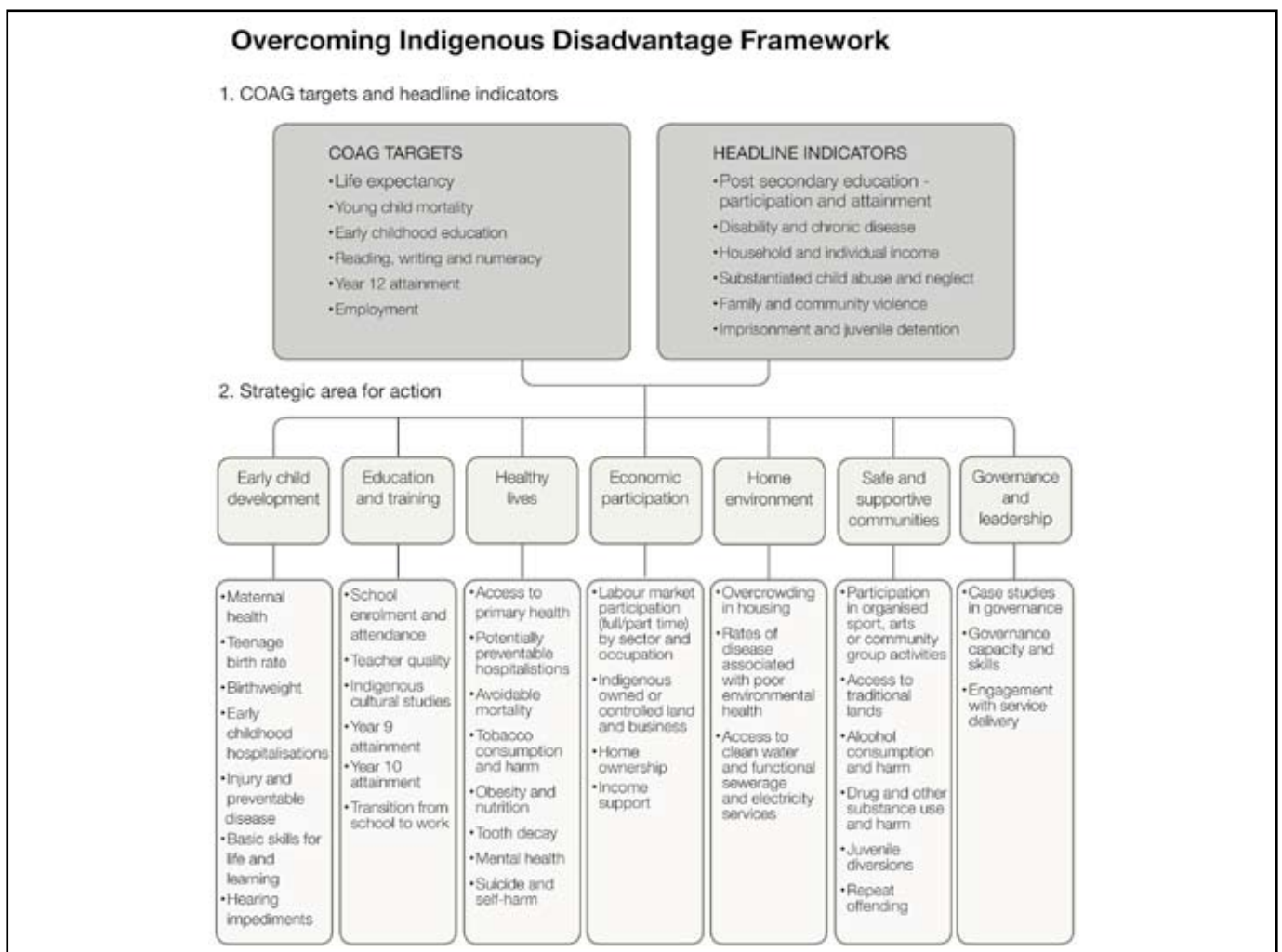
The GAC is committed in the near-term to engaging in, and commissioning, research into alternative approaches to tackling Indigenous disadvantage. This research will include examining the effectiveness of government service delivery, the balance between rights and access to services, and the application of equal opportunity principles to Indigenous people.

That said, the GAC in its current activities has instigated programs which are already addressing Indigenous issues as identified under the “closing the gap” model.

In its *Overcoming Indigenous Disadvantage Key Indicators* report of 2009, the Productivity Commission identified seven ‘strategic areas for action’ stemming from already published COAG targets and headline indicators.

Notwithstanding certain reservations about the biomedical and statistical biases contained therein, the Gundjeihmi Aboriginal Corporation recognises the pressing need to address these strategic areas in ways which localise their definition and produce meaningful and beneficial results for its constituents.

Each of the Productivity Commission’s strategic priorities is listed overleaf, together with Corporation activities which address the issues raised.





## **Strategic area for action:**

### **Early childhood development**

*Relevant Gundjeihmi Aboriginal Corporation Response:*

- Medical insurance initiative enabling private cover
  - Provision of resources and office space for liaison with health and welfare officials
  - Planned partnership with NT Education Department on early childhood matters
  - Members' assistance with health-related travel and accommodation
- 

### **Strategic area for action: Education and training**

*Relevant Gundjeihmi Aboriginal Corporation Response:*

- Development of Kakadu Youth Centre
  - Development of multi-use media lab
  - Construction of student boarding facility
  - Ongoing school attendance program, including monitoring and regular reporting to Board of Directors
  - Daily school runs
  - On-going dialogue with West Arnhem College, Jabiru, on issues such as attendance and curriculum
  - Casual work crew training and certification
  - Community development training
  - School lunch program
- 

### **Strategic area for action: Healthy lives**

*Relevant Gundjeihmi Aboriginal Corporation Response:*

- Construction of new houses at Djirrbiyuk
  - Refurbishment of existing houses at Madjinbardi and other outstations
  - Community development planning at Madjinbardi
  - Planning and construction of outstation resource centres
  - Planning and construction of outstation community centres
  - Ongoing dialogue with medical professionals regarding issues of cultural sensitivity and access
  - Chairing the Gunbang Action Group
  - Funding of Gunbang Action Plan to address issues of alcohol abuse
  - Ongoing dialogue with licensees in the Kakadu area to address issues of alcohol abuse
- 

### **Strategic area for action: Economic participation**

*Relevant Gundjeihmi Aboriginal Corporation Response:*

- Formation and maintenance of Mirarr casual work crew
- Purchase of two local retail businesses
- Interaction with community stakeholders regarding the project-based hiring of the voluntary work crew
- Provision of transport, machinery and tools for the voluntary work crew
- Assisting interaction with Centrelink, Australian Taxation Office, superannuation funds and so forth for Corporation members
- Management of existing Corporation real estate assets and investments
- Significant investments in real estate and equity funds
- Active and ongoing negotiation with ERA, NLC and

governments regarding uranium mining royalties

- Active and ongoing negotiation regarding the proposed Kakadu Socio-Economic Development Trust
- 

### **Strategic area for action: Home environment**

*Relevant Gundjeihmi Aboriginal Corporation Response:*

- Construction of new houses at Djirrbiyuk and Madjinbardi
  - Refurbishment of existing houses at outstations
  - Construction of single mens' quarters in outstations to reduce intra-community conflict
- 

### **Strategic area for action:**

#### **Safe and supportive communities**

*Relevant Gundjeihmi Aboriginal Corporation Response:*

- Development of regional community safety plan
- Funding of Gunbang Action Plan to address issues of alcohol abuse
- Ongoing dialogue with licensees in the Kakadu area to address issues of alcohol abuse
- Formulation of an asset-based community development plan for Madjinbardi
- Ongoing dialogue aimed at ameliorating conditions at the Shire-run Manaburduma housing site in Jabiru
- Ongoing dialogue with Jabiru area school on issues such as attendance and bullying
- Ongoing dialogue with health industry professionals regarding access and cultural issues
- Ongoing pressure applied to relevant bodies to ensure stringent monitoring of, and mitigation of, potentially deleterious environmental effects of potential systems malfunctions at the Ranger uranium mine
- Ongoing opposition to the development of the Jabiluka uranium mine, thus preventing associated deleterious social and environmental effects
- Ongoing negotiation to provide certainty of tenure for residents and businesses in Jabiru beyond the expiry of the current head-lease, thus allowing sustainable future development, culturally appropriate local laws and equitable civic management

#### **Strategic area for action: Governance and leadership**

*Relevant Gundjeihmi Aboriginal Corporation Response:*

- Leadership provided by board of directors of the Corporation
- Multiple socio-cultural roles and functions performed by the Corporation
- Representation of the Mirarr people at all levels of government through intercession by the Corporation
- Selection and appointment of appropriately qualified advisors
- Management of existing Corporation real estate assets and investments
- Planning and monitoring investments in real estate and equity funds
- Active and ongoing negotiation with ERA, NLC and government regarding uranium mining royalties
- Active and ongoing negotiation regarding the proposed Kakadu Socio-Economic Development Trust
- Ongoing negotiation to provide certainty of tenure for residents and businesses in Jabiru beyond the expiry of the current head-lease, thus allowing sustainable future development, culturally appropriate local laws and equitable civic management
- Rolling best practice governance project, with emphasis on transparency and accountability
- Development of Corporation policy and procedure manual



Our past, our future







Olympic gold medalist, Cathy Freeman lends her support to the stop Jabiluka campaign. Picture: Craig Golding/FairfaxPhotos



Midnight Oil after playing a concert on the Jabiluka mineral lease in 1998.

# Our past, our future

**THE MIRARR** are the traditional Aboriginal (Bininj) owners of an estate covering much of the north-east of Kakadu National Park, parts of Western Arnhem Land, and the lands comprising the Ranger Project Area, Jabiluka uranium lease and the town of Jabiru. Mirarr have important obligations to both neighbouring clans and other Bininj in the region.

Mirarr have two main approaches to their responsibilities: looking after country (*gunred*) and people (*guhpleddi*). *Gunred* encompasses control of the physical environment, including the protection of land and significant sites. It is also the recognition, assertion and promotion of cultural rights, and the carrying out of living tradition on that country. *Guhpleddi* is intrinsically tied to *gunred* because Bininj and country are considered inseparable. It encompasses an extremely complex set of relationships and cultural obligations between Mirarr, their country, and other Bininj.

The Mirarr community comprises 28 adults and about 40 children, in three groups: the Mirarr Gundjeihmi, Mirarr Urningangk and Mirarr Mengerdji. Spouses and other dependents take the total number of people under the direct ambit of the GAC to approximately 160. In addition, the Corporation provides financial assistance to some 200 other Bininj families from across the region on a six monthly basis.

Over the past three decades the Mirarr have borne the brunt of unwanted uranium mining development on their land and have consistently opposed the unilateral imposition of further uranium mining.

In the mid-1970s, following the Commonwealth's Ranger Uranium Environmental Inquiry (also known as the Fox Inquiry) and the concomitant passing of the *Aboriginal Land Rights (Northern Territory) Act 1976*, the Mirarr were granted title to that part of their ancestral estate within what

subsequently became the Kakadu National Park.

Simultaneously, the Mirarr were denied the common right of veto over the Ranger uranium mine. Also the areas comprising the township of Jabiru and adjacent buffer zone were specifically excluded from the land grant.

The sense of inevitable disregard with which this was received by government was immortalised in the findings of the Ranger Inquiry:

*The evidence before us shows that the traditional owners of the Ranger site and the Northern Land Council (as now constituted) are opposed to the mining of uranium on the site ... There can be no compromise with the Aboriginal position; either it is treated as conclusive, or it is set aside ... That our values are different is not to be denied, but we have nevertheless striven to understand as well as can be done their values and their viewpoint. We have given careful attention to all that has been put before us by them or on their behalf. In the end, we form the conclusion that their opposition should not be allowed to prevail.<sup>1</sup>*

As part of the Ranger agreement – obtained under duress – local Aboriginal interests have received, via different organisations over time, a percentage of the mine's total revenue as a royalty equivalent.

In 1982 a second mining agreement affecting Mirarr country, at Jabiluka, was executed. This agreement, coming four years after the Ranger agreement, fuelled years of mistrust between Mirarr, government and industry, which came to a head during protests in the late 1990s.

In 1996, the newly-formed Corporation and the Mirarr people were compelled by events to enter a dramatic period of operation.

For the previous 13 years the proposed Jabiluka uranium mine had been mothballed, excluded from development by the Hawke and

Over the past three decades, the Mirarr have borne the brunt of unwanted uranium mining development.

## UNDERMINED: European settlement, uranium mining, and the Mirarr people >>

<b>&gt; 50,000 years:</b>	commence regular trading contact with the Aboriginal people of the area.	that “the view ... to say the best of it, was unvaried and heavy.”	short-lived.	as livestock, quickly turning feral.
Earliest confirmed evidence of human occupation of Mirarr land.	<b>1818:</b> Explorer Phillip Parker King reaches the South Alligator River. He reported	<b>1820s - 1830s:</b> Various attempts at white settlement in the region, all	<b>1838:</b> Port Essington founded on Cobourg Peninsula, north-west Arnhem Land. Asian water buffalo introduced	<b>1844:</b> Ludwig Leichhardt travels though the inland Alligator Rivers Region to Port Essington.
<b>ca 1700 CE:</b>	Macassan trepang fishermen			





The “Jabiluka hand symbol” was designed in 1996 by artist Kathleen McCann and quickly became the dominant icon representing the peaceful blockade of the Jabiluka mine site.

The design evolved through consultation with the Mirarr, and utilised, with permission, the colours of Harold Thomas's 1971 Aboriginal flag. The “open hand” is a common motif in much Aboriginal rock art, and also symbolises “stop” in many cultures around the world.

1. Fox et al, Ranger Uranium Environmental Inquiry, Second Report, AGPS, 1977, page 9

Keating Labor Governments’ “three uranium mine” policy. After more than a decade of inactivity at the Jabiluka site the Mirarr could be forgiven for thinking that that part of their traditional estate was safe from mining.

This changed in 1996 with the election of the strongly pro-uranium Howard Coalition. The “three mine” policy was ditched, and an environmental impact statement for the Jabiluka project was released: a clear signal that the mine was considered a high priority.

In this, the Government was aided by a pro-mining Northern Territory administration, and significant pressure was brought to bear on the Mirarr. A large proportion of the Australian public, however, shared the Mirarr view that Jabiluka should not go ahead. Indeed, one Newspoll found opposition running at above 60 per cent. The energetic revival of development at the site prompted widespread anger.

After a court action brought by the Mirarr was defeated, the Corporation found itself in the role of co-ordinating and controlling the massive upwelling of anti-Jabiluka sentiment which broke out across the country and internationally.

Over the next eight months, some 5000 people travelled to Jabiluka and staged a passive blockade at the mining lease. The Corporation can take much credit for its role in channelling the protesters’ fury into constructive, non-violent outcomes. During the blockade around 500 people were arrested. These included senior traditional owner Yvonne Margarula, Gundjeihmi staff Jacqui Katona and Christine Christopherson, and other local Bininj, who were charged with trespass on land to which the Mirarr legally hold title.

Direct actions intended to halt work at Jabiluka spread. The Corporation organised several national speaking tours, and seeded the formation of a number of Jabiluka Action Groups in every Australian capital city and many regional centres, as well as Germany, UK, Japan and the US. Legal action was initiated in several courts. Mirarr elders mounted lobbying campaigns in international fora such as the UNESCO World Heritage Committee, the US

Congress, and the European Parliament.

These last very public actions forced the Howard Government into positions of resolute opposition to highly respected pan-national bodies, creating an impression of insular and belligerent nationalism.

In 1999, the essential heroism of the Mirarr’s international fight against Jabiluka was recognised when Yvonne Margarula and then executive officer of the GAC, Jacqui Katona, flew to the US to receive the prestigious Goldman Environmental Prize. While there, the pair also met with then-First Lady, Hillary Clinton.

By 2001 ERA’s parent company Rio Tinto formally admitted that development of the mine was unlikely in the near term, citing the prolonged opposition of the Mirarr. The GAC immediately stepped up its lobbying of the company, along with Territory and Commonwealth governments, to repair environmental damage and rehabilitate the mine site. The company eventually agreed to backfill the mine’s single 1.2 km decline and undertake other rehabilitative programs.

In 2005, ERA effectively signalled the abandonment of any immediate plans for Jabiluka. It signed a Long Term Care and Maintenance Agreement which not only committed it to further rehabilitation of the site, but also gave the Mirarr the right of veto over any future mining activity on the lease.

With the threat of a second uranium mine on the Mirarr traditional estate at last allayed, the GAC was able to reconfigure its operations and priorities. Its focus thus changed to one of addressing the housing, education and health needs of its constituents.

Since its formation in 1995, the Gundjeihmi Aboriginal Corporation has been the body responsible for the collection, disbursement, management and investment of the Ranger royalties. The Corporation comprises solely the Mirarr group, and is governed by a Board of Directors comprising Mirarr elders.

This report illustrates the success to date in implementing its vision, and outlines important developments planned for the years ahead.

## UNDERMINED: European settlement, uranium mining, and the Mirarr people >>

<b>1847:</b> Leichhardt’s published journal records that “natives [in the region] were very numerous”	abandoned, leaving effectively no European settlement in the area.	Australia, promoting the wealth-making opportunities of land in the north.	north, creating the Northern Territory.	<b>1876:</b> Commercial buffalo hunting begins on Cobourg Peninsula.
<b>1849:</b> Port Essington	<b>1850s – 1860s:</b> Anecdotal reports circulate in southern	<b>1863:</b> South Australia annexes the land to its	<b>1869:</b> Palmerston, the permanent settlement at Port Darwin, established.	<b>1891:</b> Alluvial gold mining begins at Pine Creek, south-



# The Gundjeihmi Aboriginal Corporation, past and present







Termite mounds



# The Gundjeihmi Aboriginal Corporation, past and present

The Gundjeihmi Aboriginal Corporation was founded in 1995, to act as the vehicle for the collection, disbursement and investment of funds derived from the Ranger Uranium Mine on behalf of its primary stakeholders, the Mirarr clan. The Corporation plays a pivotal role in the management of relations between Mirarr and other Bininj, and between Mirarr and non-Indigenous people (Balanda).

## Structure

The Corporation operates in accordance with its governing legislation, the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. This act replaced the former governing legislation, the *Aboriginal Councils and Associations Act 1976*.

It is governed by a Board of Directors, comprising senior members of the clan.

It employs seven full time staff: executive officer, administration manager, administrative assistant, youth development officer, project officer, science officer and research officer. In addition, through its work crew, it employs on a casual basis up to 20 additional people at any given time.

The corporation also retains a number of advisers on a contractual basis. These advisers come from fields including law, governance, hydrology, linguistics, environmental science and events management (see chart, page 22).

## Mission

The Corporation Mission Statement commits it to:

- assist with housing and community services;
- raise funds where appropriate for furthering its objectives;

- publish and disseminate information;
- maintain culture and protect heritage;
- assist in establishing an economic base;
- represent the interests of members in the development of regional agreements and other matters that will further self-determination; and
- assist with education, family programs, and community development.

The Corporation's vision for the welfare of the Mirarr clan necessarily extends well beyond the current projected end of the Ranger mine in 2026.

Today's Mirarr children represent the fourth generation of the clan to be profoundly – and for the most part, negatively – affected by uranium mining. The projected mine closure date (by no means definite) will occur during the early lives of a fifth generation. The ongoing problems exacerbated by the development of the mine – such as catastrophic social and

First lady Hillary Clinton congratulates Jacqui Katona and Yvonne Margarula in Washington DC after they received the Goldman Environmental Prize in 1999. (see page 18, 23)



## UNDERMINED: European settlement, uranium mining, and the Mirarr people >>

west of the Alligator Rivers region.

Ceases in 1985.

**Circa 1882:** Paddy Cahill establishes a buffalo-hunting camp he called Owenpeley,

now Oenpelli or Gunbalanya.

Buffalo becomes a significant source of subsistence economic activity for Aboriginal people.

**1885:** Three separate reports recommend the establishment of buffalo-hunting, rice-growing and sugar industries in

the Alligator Rivers region.

**1911:** Commonwealth acquires control of the Northern Territory.

**1920:** Gold-bearing

deposits discovered at Mundogie Hill, near South Alligator River.

**1920:** West Arnhem Land Reserve proclaimed.



cultural disruption, negative health outcomes, alcohol addiction and long-term environmental degradation – are likely to adversely affect many more generations to come.

The Gundjeihmi Aboriginal Corporation is committed to putting into place structures – physical, intellectual and financial – that will safeguard and stabilise the cultural and economic future of the Mirarr.

These structures fall under five broad categories:

- Ensuring long-term beneficial health and housing outcomes;
- Protecting the culture (physical and spiritual) of the clan and its neighbours;
- Protecting traditional Mirarr country;
- Ensuring Bininj control of Bininj lives and country, with robust and transparent good

governance;

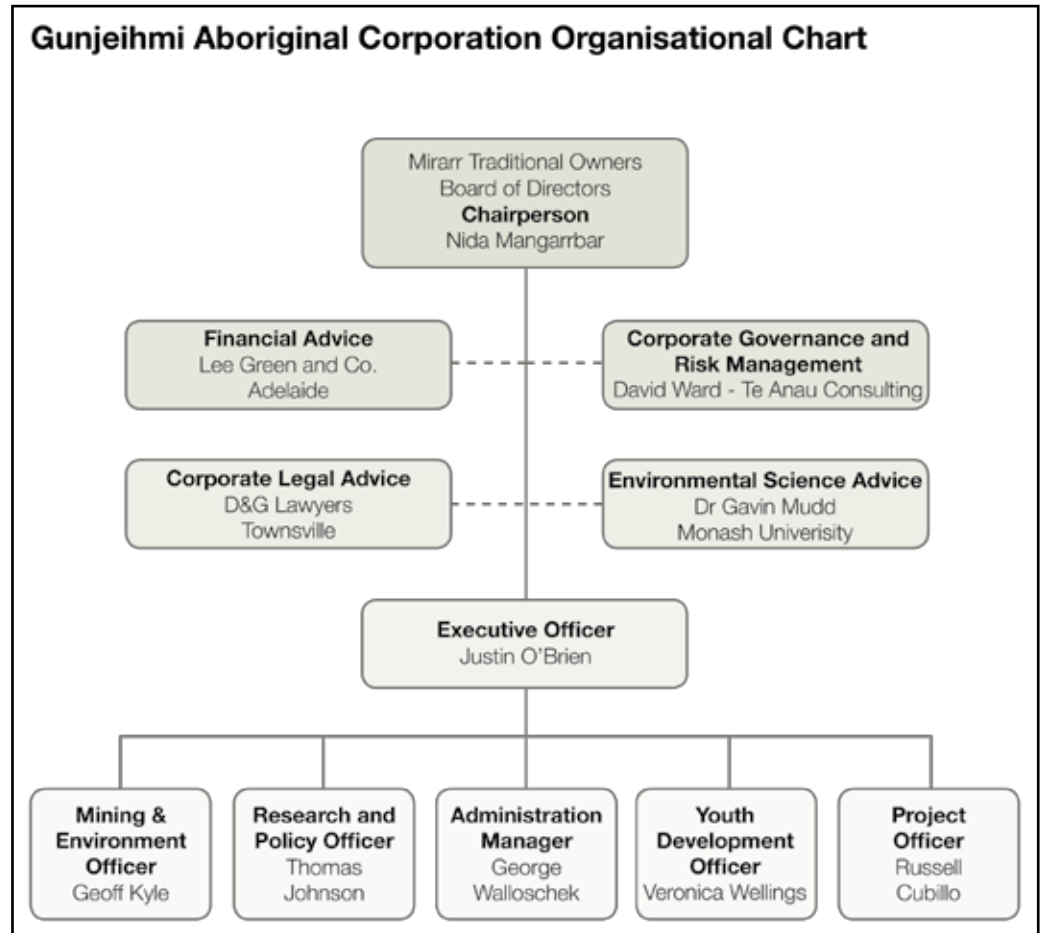
- Developing sustainable incomes and businesses for future generations.

**Corporation history**

Fulfilling the Mission Statement has involved many different approaches during the life of the corporation. This in large part has been due to the sometimes volatile nature of the geo-politics of the Alligator Rivers Region, challenged by the imposition of uranium mining.

Between 1996 and 2000, for instance, much of the corporation’s work was channelled into what became the international campaign to prevent development of the Jabiluka uranium deposit.

More details of the Jabiluka campaign can



**UNDERMINED: European settlement, uranium mining, and the Mirarr people >>**

**1925:** Management of Gunbalanya, now a significant centre, is taken over by the Church Missionary Society of Australia and Tasmania.

**1930:** Small-scale tin mining south-east of Gunbalanya.  
**1931:** West Arnhem Land reserve incorporated into

larger Arnhem Land Reserve.  
**1933:** Gold mining starts at Mundogie Hill, Kakadu.  
**1940s:** Crocodile hunting established

in Alligator Rivers region.  
**1947:** Pastoralist Joe Callanan starts mining galena and silver in Fischer Creek area.

**1950s:** Buffalo hunting for hides declines.  
**1953:** Atomic Energy Act passed, placing uranium mining under

be found in the Timeline and the Executive Officer's report. It is worth noting here, however, that this period saw the corporation – and by extension the Mirarr clan – emerge as a powerful player on the international stage. Mirarr voices were heard to advantage in global fora such as the World Heritage Bureau, UNESCO, and the European Parliament.

This work was recognised in April, 1999, when Mirarr senior traditional owner Yvonne Margarula and then-executive officer of the corporation, Jacqui Katona, were jointly awarded the prestigious Goldman Environmental Prize at a ceremony in San Francisco.

Throughout its existence the corporation has underpinned its activism with research. It has made numerous detailed submissions to Senate and House of Representatives committees, as well as other inquiries auspiced by NGOs, Northern Territory Government and international bodies. These are detailed in the Timeline.

In February 2005 the Mirarr, NLC and ERA – after some 18 months negotiations –executed the Jabiluka Long Term Care and Maintenance Agreement. This has effectively 'quarantined' the dispute over proposed mining at Jabiluka and allowed parties to address the socioeconomic standing of Mirarr and other local Bininj. The agreement, *inter alia*, provided for the reburial of the waste rock and uranium ore removed from the Jabiluka underground decline and the requirement for the written consent of the Mirarr in order for any mining works to proceed. This effectively returned to the Mirarr community the veto they lost under duress in 1982. The agreement also provided for the cancellation of the obligation on the mining company to provide so-called suspension payments while the mine was not developed.

Quarantining the Jabiluka dispute has allowed the Corporation to dedicate itself to improving the lives and conditions of its constituents in immediate and concrete ways. These activities include housing, employment,

cultural, educational and health programs.

Also of great importance are the corporation's current efforts to secure healthy, sustainable futures for the coming generations of the Mirarr clan. These include the establishment of a new socio-economic development plan for the Kakadu and West Arnhem region, planning for the future of the Jabiru township, long-term investments in real estate and managed funds, ongoing scrutiny of the environmental impacts of the Ranger Uranium Mine and proposed Jabiluka uranium mine, and a renegotiation of the Ranger uranium mine agreement. More details on each of these matters can be found later in this report.

## Principal physical assets

### Housing

The corporation currently owns 10 houses in settlements within the Mirarr estate, and maintains an active building program using external builders. For more detail, see Housing Mirarr Families (page 41).

### Gundjeihmi Aboriginal Corporation office complex

For 12 years, since its foundation in 1995, the Gundjeihmi Aboriginal Corporation operated either from private premises, or in the cramped and uncomfortable conditions of a demountable building in a Jabiru caravan park.

All that began to change in October 2006 when work began on the construction of a dedicated administration complex at 5 Gregory Place, Jabiru. Construction was completed in May, 2007, and an exciting new era commenced for the Corporation.

Designed by architect Simon Scally and constructed by PTM Homes, the new climate-controlled premises comprise five offices, boardroom, library, kitchen, toilets and covered association areas on all sides. There is also a large purpose-built storage facility adjacent. The grounds include on-site parking and landscaped areas featuring a profusion of native

Build Up Design was delighted to be involved with the development of a new office for Gundjeihmi Aboriginal Corporation. The new building replaced an existing demountable building located at the local caravan park. The new building responds to the local climate with its orientation, wide sheltering eaves, steeply pitched roof and louvred windows. It provides office and meeting spaces for the Mirarr and their visitors, with verandah waiting and circulation space allowing for a connection to the natural environment. I hope that the building fulfils the needs of Gundjeihmi Aboriginal Corporation and with the Mirarr well for the future. **J**

**Simon Scally**  
Build Up Design  
Architects, Darwin

## UNDERMINED: European settlement, uranium mining, and the Mirarr people >>

Commonwealth defence powers.	<b>1953:</b> Commonwealth Bureau of Mineral Research discovers uranium near Callanan's prospect; area renamed	Coronation Hill.	discovers Coronation Hill uranium deposit is viable; mining commences.	mining operations commence in Coronation Hill area.
<b>1953:</b> First tourism venture in the region: a hunting lodge at Nourlangie.		deposits discovered at Sleisbeck and El Sherana.	<b>Circa 1957:</b> Other small uranium-	<b>Circa 1959:</b> Mining tracks inadvertently open important Bininj art sites at
		<b>1956:</b> United Uranium NL		





Views of the GAC office complex.



Eva Pettersson at It's Kakadu Gifts Souvenirs and Video Hire, Jabiru Plaza.



plants, many of them edible. The cost of the project was approximately \$2 million. It was funded entirely from Gundjeihmi Aboriginal Corporation reserves.

The new building was awarded the 2008 Royal Australian Institute of Architects (RAIA) Northern Territory Indigenous Community Architecture Award, and the 2008 RAIA Northern Territory Commercial Architecture Award.

#### The Kakadu Youth Centre

In a major boost to the facilities available to Mirarr youth – and Jabiru young people in general – the renovated Kakadu Youth Centre, owned and operated by the GAC, opened its doors in mid 2008.

The Youth Centre building comprises some 2750 m<sup>2</sup> of floor space and is sited at 10 Gregory Place, Jabiru.

The development of the Centre marks the successful rehabilitation by the Corporation of what had previously been a disused structure. The building, constructed in 1989, was originally a restaurant. After that, it was occupied by the Daluk Daluk screen-printing business, and then the Kakadu Aboriginal Family Resource Centre.

In 2004 the premises were gifted to the Corporation by the Family Resource Centre. After extensive research and feasibility studies, more than \$300,000 of Corporation funds was committed to develop it as the Youth Centre. The Corporation has applied to extend the centre, adding a music room, extra office space and storage. These will

further enhance the important service the centre provides to the regional community.

#### Scarborough House, Canberra

The Mirarr, through the corporation, are one of four Indigenous community organisations which have a direct strategic investment in Scarborough House, a 15 storey building in Canberra's Woden town complex.

The communities own the building in partnership with Indigenous Business Australia. Previously vacant, the building was opened in 2005 after a \$32 million overhaul. It is securely leased to the Federal Department of Health and Ageing.

The Corporation currently receives a return on its investment in excess of \$100,000 per annum.

#### Local business development

In 2009 the Corporation acquired two local retail businesses – Kakadu Boat Hire and Tackle and It's Kakadu Gifts Souvenirs and Video Hire. These purchases signal a new and more economically active direction for the Corporation. The 2010 year will see the Corporation prepare a business plan for these retail premises that is closely aligned with the broader community development initiatives of the Corporation. In addition to their economic value, it is anticipated that the operation of these premises will be fully integrated with the youth development, training and employment programs run by the Corporation.

The businesses are located adjacent to one another at the Jabiru Plaza.

### UNDERMINED: European settlement, uranium mining, and the Mirarr people >>

Christmas Creek and Stag Creek to unauthorised Balanda access.

**1960:** Buffalo hunting for pet meat begins.

**1962:** Hunting lodge established by Tom Opitz at Cooinda; transferred to Gagudju Association in 1980, now called Gagudju Lodge,

Cooinda.

**1963:** Commercial crocodile hunting ends because of decline in numbers.

**1965:** Northern Territory

Reserves Board recommends the East Alligator River region be declared a national park.

**1967:** Peko Mines Ltd and

Electrolytic Zinc Company begin joint exploration for uranium in the Alligator Rivers region.



## Staff profiles

This picture has been temporarily removed for cultural reasons.



'Gundjeihmi  
has an  
important role  
in Jabiru's  
future.'

RUSSELL CUBILLO,  
PROJECT OFFICER

Justin O'Brien, Executive Officer



Justin O'Brien was appointed Executive Officer in October 2008, returning to the Corporation after a three-year period away. He was previously the Senior Policy Adviser

to the Northern Land Council and a senior policy adviser with the Northern Territory Department of the Chief Minister. Justin holds a Bachelor of Arts degree from Monash University. From 2000 to 2005 he was the Communications Manager for the Corporation. Justin has worked extensively with Aboriginal communities and has experience in advocacy and media relations, and as a journalist.

**Duties:** representing GAC in the management and carriage of relationships with all other external bodies; management and coordination of Board meetings and adherence to legislative and regulatory requirements; management of GAC workplace; financial management, administration and monitoring of the GAC to ensure appropriate accountability; leadership to assist in the social, economic and cultural development of members.

*The main thing I would like the Gundjeihmi Aboriginal Corporation to achieve in 2010 is the ongoing consolidation of the organisation as a representative body of the Mirarr Traditional Owners. I would like to see the Corporation continue and expand its socioeconomic development work, support and foster strong and independent Indigenous leadership and best practice governance. I also hope for the Corporation to support the research, development and implementation of innovative and autonomous policy solutions in Indigenous affairs more generally.*

Geoffrey Kyle, Mining  
and Environment Officer



A chartered chemist with a background in industrial and environmental chemistry, Geoff has over 30 years experience in the mining industry, including six years as a senior environmental technician

at the Ranger Mine. Prior to his appointment to the GAC in early 2005, Geoff worked in the Mining Branch of the Northern Land Council.

**Duties:** Monitor the biophysical environment of the Mirarr estate and the environmental performance of the Ranger and Jabiluka Mines. Assess the environmental consequences of mining company actions on the Mirarr estate. Contribute to planning of rehabilitation of the Ranger Project Area. Acquire and record information for the Mirarr Cultural Database.

*The main thing I would like the Gundjeihmi Aboriginal Corporation to achieve in 2010 is to secure the authority of a major stakeholder on the regulatory committees that govern the operation of ERA on the Mirarr estate; and to secure from ERA an enforceable commitment to rehabilitate the Ranger Project Area to an appropriate and agreed standard.*

George Walloschek,  
Administration Manager



George Walloschek has only recently joined Gundjeihmi. He brings with him a number of years of varied experience both in Australia and overseas. As a volunteer, firstly in Jamaica, he

taught accounting and economics for four years. Then, in Papua New Guinea, he spent over twenty years working in promoting business development opportunities for

**UNDERMINED: European settlement, uranium mining, and the Mirarr people >>**

**1969:** Madjinbardi and Munmarlary pastoral leases commence, on Mirarr land. Now incorporated into Stage II of Kakadu

National Park. **1969:** The Border Store, near Gunbarlanya, is licensed to sell alcohol, over the objections of

Oenpelli Council. **1970:** Australian Atomic Energy Commission reports that 60 companies were exploring, or intended to explore,

for uranium. **1970:** Ranger, Narbalek and Koongarra uranium deposits identified. **June, 1970:** A Peko/EZ aerial

survey detects radiation anomalies, 220km east of Darwin, near the Arnhem Land Aboriginal Reserve. Ground exploration

Indigenous peoples. Since coming to Australia, he has worked for almost ten years in Aboriginal communities in both Western Australia and the Northern Territory in bookkeeping, accounting and financial management areas.

**Duties:** Finance and administrative matters; ensuring the prompt payment of creditors and employees, as well as the timely disbursement of funds to members; maintaining accurate transaction records to assist transparency and accountability goals.

*The main thing I would like to see the Gundjeihmi Aboriginal Corporation achieve in 2010 is the development of a comprehensive action plan that will allow our members to become actively involved in commercial activities in the area, including the commencement of business undertakings that are within the abilities of our membership to successfully undertake.*

**Russell Burrithi Cubillo (na-Godjok),  
Project officer**

Russell Cubillo commenced work with the Corporation in January 2009 as the Project Officer. He was previously with the Department of Environment, Arts and Heritage for 10 years, working in many positions, particularly Visitor Management Services. During this time he was also appointed to the Kakadu Board of Management (from 2000 – 2005), where he acted as Deputy Chair. Russell has worked with government and non-government organisations. In his early years Russell worked extensively with the NT departments of health and the environment. He has also worked with many Aboriginal communities across the Northern Territory. Russell is a proud Larrakia/Jawoyn Aboriginal man who is still active in Aboriginal politics and his family's interests.

**Duties:** This position is responsible for assisting the Executive Officer to liaise and

consult with Mirarr traditional owners; to obtain instructions; to provide information on issues affecting Mirarr and other Aboriginal clan groups; and to assist, develop, implement and coordinate strategies to protect and advance the social, political, cultural and economic interests of the Corporation membership. The Project Officer is also responsible for member support, field operations, logistics, and repair and maintenance of GAC assets.

*I would like to see Gundjeihmi Aboriginal Corporation achieve its goals one step at a time. Gundjeihmi has an important role in the development of Jabiru's future, and that of the surrounding communities. No doubt, this will be an ongoing task in the future for Gundjeihmi, but for 2010 I would like to see the hard work that has gone into the development of the Jabiru Youth Centre help the children of the community grow.*

This picture has been temporarily removed for cultural reasons.

GAC project officer Russell Cubillo (na-Godjok) and a member of the Casual Work Crew and Mirarr traditional owner, Steven Mudjandi.

## UNDERMINED: European settlement, uranium mining, and the Mirarr people >>

confirms the find.	Commonwealth	could continue.	the Ranger deposit.	with Getty Oil
<b>Late 1970:</b> Airstrip	Government	<b>June, 1971:</b> Peko	<b>June 1971:</b> Jabiluka	Development
at Jabiru and first	foreshadows a	and EZ amalgamate	uranium deposit	Company to exploit
camp (Georgetown)	national park in	to form Ranger	identified.	Jabiluka uranium
completed.	the Alligator Rivers	Uranium Mines Pty	<b>October, 1971.</b>	deposit.
<b>January, 1971:</b>	region, but indicates	Ltd to manage the	Pancontinental	
The Gorton	uranium exploration	deposit, known as	enters joint venture	





**Tom Johnson**  
**Research and Policy Officer**

Tom Johnson is GAC's new Research and Policy Officer based at the ANU's North Australian Research Unit in Darwin. Tom's role is to coordinate and manage the policy, research and good governance of GAC. Tom is a graduate of public policy and criminology and has extensive experience working in state, territory and local government. Tom brings a passion to assist the Mirarr in achieving self-determination, protecting and maintaining country, and advocating for Indigenous rights in this uncertain policy area.

**Veronica Wellings**  
**Youth Development Officer**

A local Bininj woman, Veronica Wellings has worked for the Gundjeihmi Corporation since 2004. Originally employed as an administrative assistant, Veronica is now the Corporation's Youth Development

Officer, responsible for the coordination of youth activities for Mirarr and other local Indigenous and non-Indigenous youth. Born and bred in Kakadu, Veronica has strong cultural ties with the Mirarr members of the Corporation. After completing her schooling in Darwin she returned to Kakadu to work for the Mirarr people and is today an integral positive contributor to the region's community development. Based at the Kakadu Youth Centre, Veronica is also responsible for the Centre's operations and in conjunction with consultants Intercultural Services (ICS) also facilitates media workshops, including the music videos produced from the Centre. In addition to these youth development functions, Veronica also provides important administrative and other support to Corporation members.

*"In 2010 I want to see the boarding house for Mirarr and other Bininj kids up and running, more productions at the Kakadu Youth Centre, and more events for youth in Jabiru."*



GAC youth development officer Veronica Wellings at work in the Kakadu Youth Centre, in the lead-up to the Mahbilil Festival.

**UNDERMINED: European settlement, uranium mining, and the Mirarr people >>**

**1972:**  
 Commonwealth  
 Department of  
 Natural Resources  
 study recommends  
 a new regional  
 centre be built in the

approximate location  
 of Jabiru.  
**October, 1972:**  
 The Gorton  
 government,  
 although in  
 caretaker mode,

approves uranium  
 export contracts for  
 Ranger, Narbalek  
 and Queensland's  
 Mary Kathleen  
 project.

**December,**  
**1972:** The Whitlam  
 Labor Government  
 is elected, and  
 announces  
 an inquiry into  
 Aboriginal land rights

in the Northern  
 Territory.  
**1973:** The Board  
 of Inquiry on the  
 Liquor Laws of the  
 Northern Territory  
 finds the Aboriginal



# Cultural development







Helen Dhurrkay  
dances at the  
Mahbilil Festival  
in Jabiru, 2009.



# Cultural development

The Mirarr retain and celebrate a strong ancestral culture. The Mirarr estate is replete with traditional places of significance, including sacred sites – the best known being Djipidjipi (Mount Brockman), adjacent to the Ranger uranium mine – and rock art galleries dating back millennia.

Mirarr culture, however, is far from being merely 'historical'. It is a living set of beliefs and narratives that in many ways determine the entirety of personal interactions. Neither, however, is it a completely inflexible system: Mirarr culture is both adaptable and syncretic.

Guided by its Board of Directors, the Gundjeihmi Aboriginal Corporation has developed a number of educational and development programs, along with a number of facilities in which to exercise them.

There are four core criteria in play:

- the safeguarding of the living legacy of the Mirarr;
- ameliorating the disjunction between Mirarr educational values and those of the mainstream education system;
- introducing Mirarr people of all ages to new media and communication technologies;
- the sharing of Mirarr culture, where allowable under traditional conventions, with the mainstream community.

## Educating Mirarr children

Striving to achieve benchmark education standards for Mirarr children is a continuing and difficult process for parents, the Corporation and the West Arnhem Area School, Jabiru.

School attendance of eight out of every 10 days (that is, 80 per cent) is widely considered as the minimum attendance

required for a student to attain benchmark. The attendance figure for Mirarr children for the period January to December, 2009, was about 43 per cent, against a Territory average for Indigenous children in very remote schools during the same period of 63 per cent.

Perhaps significantly, attendance rates much closer to the Territory average for Indigenous children in very remote schools were achieved in the years 2000 to 2003, when the West Arnhem Area School, Jabiru, was in receipt of Federal funding to run an Indigenous Health Education Project. The initial three-year funding agreement was not renewed by the Howard Government.

Factors contributing to current lower-than-average school attendance rates include travel distance; a cultural 'disconnect' between the Western mode of education and Mirarr families' expectations of learning; and, anecdotally, bullying. The

From August 2006-August 2009, Gundjeihmi Aboriginal Corporation acted as Industry Partner in an Australian Research Council Postdoctoral Linkage project conducted by me at Melbourne University. The project involved the development of resources for the Gundjeihmi language, principally the continuation of the Gundjeihmi dictionary project. Gundjeihmi is a threatened variety of a larger dialect chain that linguists refer to as Bininj Gunwok (also spelt Bininj Kunwok in other dialects). As the westernmost >



Children enjoying the Mahbilil Festival in Jabiru, 2009.

## UNDERMINED: European settlement, uranium mining, and the Mirarr people >>

population is "adversely affected" by alcohol. None of its recommendations are enacted.

**January, 1973:** Whitlam minister

Kepp Enderby announces a freeze on new mining licences in the East Alligator River region. Land rights cases are similarly

frozen until January, 1976.

**February, 1973:** Woodward Commission into Aboriginal land rights commissioned.

**April, 1973:** Commonwealth commissions site, engineering and town planning studies of proposed Jabiru site. Alcohol

sales to Aboriginal people in the area commence soon thereafter.

**July, 1973:** First Woodward report presented to



member of this dialect chain, Gundjeihmi has many grammatical and lexical (i.e. vocabulary) features which make it quite distinct from the other dialects. A grammar of this important dialect chain, including Gundjeihmi, was produced by the eminent linguist Nicholas Evans in 2003. The purpose of my project was to add to this achievement, by producing a working dictionary that will be accessible by the wider community for the purpose of promoting and maintaining the Gundjeihmi language into the future. The dictionary, which builds on an earlier database by Evans, presently has over 3700 entries which appear in a text database as marked up (slash-coded) entries enabling future text processing for a number of dictionary publications as well as an on-line resource. ]

**Dr Murray Garde**  
*Kunwinjku Language Program  
 Research School of Humanities, ANU*

dissonance between the learning values of traditional Indigenous communities and the mainstream education system is a significant barrier to regular attendance. The GAC is keen to further explore this issue and to devise innovative approaches to improving attendance and educational outcomes for Mirarr children. Staff at the school have embraced this challenge and are actively participating in relevant curriculum reform.

On a practical level, the Corporation, in consultation with the staff at the Jabiru Area School, is taking steps to improve school attendance and academic achievement. For the past five years, for instance, it has met the lunch costs of all the Mirarr children attending.

Technical resources are now being directed towards identifying detailed school attendance trends for Mirarr children, including examining the specific effects of a range of non-school factors, such as cultural calendar obligations. The Corporation believes that remedial programs will only have a beneficial effect when they are based on evidence rather than assumptions and anecdote.

In addition, Corporation funds have already been allocated for the construction of a student boarding house, including a computer-equipped homework centre, in Jabiru, to be used during week days (see page 46).

The facility will provide a safe and supportive environment for school attendance and after-hours study.

**Culture camps**

Every year the Corporation auspices Culture Camps on the Mirarr estate. During these, Mirarr young people are taken by clan elders to a chosen site of traditional cultural significance. Over the course of a few days, the children learn bushcrafts and stories, and have the opportunity to interact in a focused, culturally specific environment.



Techy Masero prepares sculptures at the Kakadu Youth Centre for the 2009 Mahbilil Festival in Jabiru.

Afterwards, the children present written and illustrated reports about their experiences. The results to date have been excellent.

**Kakadu Youth Centre**

Since opening in mid-2008, the renovated Kakadu Youth Centre is a hot-bed of activity. Its cavernous main room is used for community recreation events, including dance, music and visual art classes, craft workshops, and exercise sessions. The main

**UNDERMINED: European settlement, uranium mining, and the Mirarr people >>**

Government.

**October, 1973:**  
 Whitlam announces that the uranium industry would be fully Australian-owned.

**December, 1973:**  
 Whitlam announces the creation of the Kakadu national park.

**1974:**  
 Commonwealth

Environment Protection (Impact of Proposals) Act gazetted. Pancontinental announces Jabiluka's uranium

reserves are globally significant. **1974:** Border Store's liquor license renewed, despite objections from Oenpelli Council.

**April, 1974:**  
 Second Woodward report delivered, recommending the creation of "Aboriginal title", the establishment of



room was used to construct the enormous, beautiful and intricate animal installations which graced the 2009 Mahbilil Festival at Jabiru. Bands and other performers arriving for the festival were also able to use the space as an *ad hoc* rehearsal room.

An external area adjacent to the building has become the home of Deadly Treadlies, a supervised workshop area for young people wishing to repair, rebuild or create new bicycles.

#### The Media Lab

Housed in a separate area of the Centre is the brand new media lab. The lab comprises seven large Macintosh computers, linked to a single server. Young people are able to access the computers and learn not only basic skills, but also advanced applications including graphics, animation and music. Programmers, designers, musicians and artists from outside the region regularly visit to conduct workshops.



Mirarr children's pictures from a camp in Kakadu

### UNDERMINED: European settlement, uranium mining, and the Mirarr people >>

land councils, and enshrining the right of veto over mining on Aboriginal lands. **May, 1974:** The Whitlam government is narrowly re-elected.

Development of a uranium industry is seen as a priority. **October 27, 1974:** The "Lodge Agreement", providing the

Commonwealth and Peko-EZ each with 50 per cent equity in Ranger, committing the Australian Atomic Energy Commission

(AAEC) to providing 72.5 per cent of the capital for Ranger. Peko and EZ commit to provide 13.75 per cent each. Marketing to be in

the hands of the AAEC. **October 28, 1974:** Whitlam informs Japan's Prime Minister Tanaka that Ranger would supply





**Key adviser:** Andrish Saint Clare is the Corporation's arts adviser and artistic director of the Mahbilil Festival. A fellow of the Australia Council and Asialink resident, he has staged major works with Indigenous artists in festivals around Australia.

A five minute music and video clip constructed entirely by media lab users was screened to rapturous response at the 2009 Mahbilil Festival. A range of short hiphop songs, written and performed by a local Bininj youth group called Kakadu Crew, were also produced by in the media lab and posted on YouTube.

**The Homework Centre**

In 2010 another much-needed computer-based resource will be funded by the Corporation and incorporated into the soon-to-be built boarding facility (see above). A number of PC computers will be installed and networked to create a homework centre. This new resource recognises the difficulties sometimes experienced many Indigenous school children in completing after-hours studies.

The homework centre will provide a safe and secure environment for after-hours studies, fully equipped and networked, as well as access to out-of-school teaching assistance.

If the speed and enthusiasm with which local youth, including Mirarr, have taken to using the Media Lab is any indication, the homework centre should prove equally popular and productive. The GAC is hoping for a consequent improvement in school attendance and results among its young constituents.

**The Mahbilil Festival**

For the past 21 years, every September, near the end of the dry season, the Corporation (or its predecessors) has staged a celebration of food, art and music called the Mahbilil Festival. In 2004, the festival, under GAC management, and with direction from Andrish Saint Clare, was transformed into an all day event.

Named after the Gundjeihmi term for afternoon breeze, Mahbilil is the highest profile annual interaction between the Mirarr, other Indigenous groups, and the



Ayasha Alderson uses a computer at the Jabiru Youth Centre

mainstream community. It is held on the banks of Jabiru Lake, and runs from noon until midnight.

Mahbilil in 2009 featured artworks from Mirarr and many other clans, bush food cooking demonstrations, dance competitions, funfair attractions, and bands

**UNDERMINED: European settlement, uranium mining, and the Mirarr people >>**

uranium ore to Japan.	the Fox Report.	to the findings of the	Commonwealth	present threat to the
<b>July, 1975:</b> Whitlam announces the Ranger Uranium Environmental Inquiry, known as	<b>October 28, 1975:</b> Memorandum of Understanding signed, formalising the Lodge Agreement, subject	Fox Inquiry.	House of Representatives	Aboriginals of the Northern Territory."
		<b>1976:</b> Aboriginal Landrights Act comes into being.	Standing Committee on Aboriginal Affairs	<b>October, 1976:</b> First Fox report handed down to Commonwealth
		Mirarr right of veto is specifically excised.	reports "Alcohol is the greatest	



from both Bininj and Balanda communities. Live performances included Leah Flanagan, the popular Narbalek band, an Indonesian gamelan orchestra, and dancers from Indigenous and Balinese communities.

A major part of the festival are the installation artworks. These comprised

large three-dimensional representations of native fauna in traditional Mirarr style – the first time such three-dimensional figures have been shown in the region – created by Techy Masero and the users of the Kakadu Youth Centre.

The Youth Centre was also used as a



A still from the Kakadu Crew film clip.

### UNDERMINED: European settlement, uranium mining, and the Mirarr people >>

government, now lead by the Liberal Party's Malcolm Fraser. The report cautiously recommends Ranger proceed, subject

to the findings of its second report.

**Late 1976.** Fraser arranges for Commissioner Fox to hear and rule on the Alligator Rivers

Stage I land claim, which included the Mirarr claim over the Ranger area.

**Late 1976.** Jabiru site excised from Aboriginal native title

claim and placed under the control of the Parks Service.

**May, 1977:** Second Fox report recommends sequential

development of uranium mines, the creation of a national park, and the granting of title to Aboriginal land claimants. The



base for the creation of enormous cloth-covered and illuminated geese and turtles, which were then mounted on small boats and sailed across the lake at sunset.

The 2009 Mahbilil Festival attracted around 1500 visitors: Bininj, resident Balanda and tourists.

**Cross-cultural training**

Every employee at the Ranger Uranium Mine must attend at least one cross-cultural training session at the start of employment. The sessions are designed to familiarise workers – overwhelmingly from outside the Alligator Rivers Region – with the resident Indigenous culture, and the sensitivities inherent in living near and interacting with Bininj.

The training scheme was devised by the Corporation in partnership with Alice Springs-based cross-cultural training specialists Dave and Bess Nungarrayi Price, who trade as Jajirdi. The training sessions take place at the mine site and on country.

The sessions have been welcomed by Ranger’s owner, Energy Resources Australia, and the broader Jabiru community. They are seen as important tools for increasing understanding and decreasing tensions in the town.

“We were thrilled and honoured to be chosen by the Mirarr to be contracted to ERA back in 2006 to prepare and then deliver a cross-cultural awareness course to ERA employees at Jabiru. We agreed to take on the job on condition that the Mirarr themselves would have complete editorial control over what we delivered. ERA agreed to this without hesitation. We, of course, had heard so much about Yvonne Margarula and her people’s opposition to uranium mining on their country and their ongoing struggle to prevent its expansion.

Through the work we have done with them we have learnt much more about the magic of that country. The history of its people is immensely long and deeply significant for the history of our species, not just of Australia. That history has been recorded in the world’s oldest and richest continuous art tradition. The region has Australia’s oldest archaeological sites, therefore among the world’s oldest. It is one of Australia’s most complex linguistic regions with one of the country’s most complex kinship systems. In modern times it saw the first successful

land claim outside of a reserve under the Aboriginal Land Rights Act and the first environmental impact statement under the Environmental Protection (Impact of Proposals) Act. It is a land of extremes, of complexity, of wonders and controversies.

The Mirarr have always been its guardians. Despite the enormous political pressures that this small group of people have been subject to for decades, despite the mind spinning complexities they have had to deal with, despite the immensity of the task they face in the preservation of their culture and language, they agreed to help us put together their story and to have that story told to all who come to work on their country. We regard this as an act of great generosity, graciousness and courage and we thank Yvonne and her family for allowing us to be part of it. ”

**David & Bess Nungarrayi Price**  
*Jajirdi Consultants*

**UNDERMINED: European settlement, uranium mining, and the Mirarr people >>**

report added that Aboriginal opposition to uranium mining “should not be allowed to prevail”.  
**August, 1977.** Fraser announces

that uranium mining would go ahead, a national park would be established, and the Northern Land Council would enter agreement over

both matters.  
**1978:** Commonwealth Government acquires the failed Gimbat and Goodparla pastoral

leases, then releases them to cattle interests.  
**1978:** Northern Territory achieves self-government.  
**1978:** Australian

Institute of Aboriginal Studies commences five year investigation monitoring the social impact of uranium mining on

# Scenes from Mahbilib Festival 2009



The Narbalek Band rock the crowd.



The crowd enjoying the day.



A chance to catch up with friends.

## UNDERMINED: European settlement, uranium mining, and the Mirarr people >>

Aboriginal people in the Alligator Rivers Region.

**1978:** Commonwealth Environment Protection (Alligator

Rivers Region) Act passed, establishing the Supervising Scientist Division.

**November 3, 1978:** After months of controversy,

legal wrangling and internal conflict, the Ranger Uranium Mine Agreement is signed. Kakadu National Park lease signed.

**1979:** Gagudju Association formed.

**Mid-1979.** Construction of Jabiru township commences.

**Mid-1980:** Shelters for temporary accommodation of Aboriginal people built at Jabiru. The site later became Manaburduma camp.





Traditional dancing was a big attraction at Mahbilil.



The dodgems were a huge hit!



Kids dance it up.

**UNDERMINED: European settlement, uranium mining, and the Mirarr people >>**

**October, 1980:** Hearings commence before the Aboriginal Lands Commission into the Alligator Rivers Stage II Land Claim, which

covered more Mirarr country including the Jabiluka lease.  
**1981:** Ranger commences production.

**1981:** Kakadu Stage I admitted to World Heritage list.  
**1981:** Jabiru site leased by the Director of Parks to the Jabiru Town

Development Authority for a period of 40 years.  
**1982:** Jabiru construction completed.

**July, 1982:** Jabiluka Agreement signed, after the Mirarr were unfairly pressured into allowing the NLC to negotiate on their behalf.





Rap music comes to Jabiru.



Spear-throwing practice.



Festival-goers enjoyed traditional craft workshops.



Buffalo cooked in a ground oven.



A great day out for young folk.

**UNDERMINED: European settlement, uranium mining, and the Mirarr people >>**

**1983:** Incoming ALP Prime Minister Bob Hawke declares the “three mine uranium policy”, effectively stopping the Jabiluka mine for the

following 13 years. **1984:** Australian Institute of Aboriginal Studies Social Impact of Uranium Mining Study published,

concluding of the Aboriginal population “this is a society in crisis”. **Mid-1984:** Election of first Jabiru town council.

**1985:** Northern Lands Council begins court action against the Commonwealth and ERA to have the 1978 Ranger

Agreement declared invalid because of undue duress. **1987:** Gimbat and Goodparla pastoral leases re-acquired by Commonwealth





Visiting performers from Arnhem Land.



The great buffalo barbecue.



The grand parade.



Artworks from the Kakadu Youth Centre.



Back-flipping for joy at Jabiru.

**UNDERMINED: European settlement, uranium mining, and the Mirarr people >>**

Government;  
incorporated into  
Stage III of Kakadu  
National Park.  
**1987:** Kakadu Stage  
II admitted to World  
Heritage list.

**1991:** Energy  
Resources Australia  
(ERA) purchases  
the Jabiluka lease  
from Pancontinental,  
supported by  
the Northern

Land Council built  
opposed by the  
Mirarr.  
**1992:** Kakadu Stage  
III admitted to World  
Heritage list.

**1994.** NLC drops  
its court action over  
the validity of the  
Ranger Agreement  
because of funding  
concerns.

**1995:** Kakadu  
Board of  
Management  
resolves that the  
Federal Government  
should update  
the park's World



# Community development







Aerial view across the town, towards Lake Jabiru.



# Community development

## Housing Mirarr Families

Members of the Mirarr clan are widely dispersed across the Top End. Members live at Manaburduma in Jabiru, Gunbalanya (Oenpelli), Djirrbiyuk, Madjinbardi (Mudginberri), Katherine, Binjarri, and Warruwi (Goulbourn Island).

The GAC is committed to meeting the housing needs of all its constituents. Reflecting pressing social needs, the years 2008 and 2009, however, saw particular attention and resources committed to Madjinbardi and Djirrbiyuk. It is anticipated that in 2010 the Corporation will adopt a more formal approach to the allocation of housing, based on need, as well as adopting tenancy agreements with the occupants.

### Careful and controlled: developing Madjinbardi

The controlled expansion and development of the settlement of Madjinbardi, situated on Mirarr country 10km from Jabiru and some eight kilometres downstream from the Ranger mine, is a priority for the Corporation.

The site of a former pastoral property and associated abattoir, Madjinbardi currently houses approximately 60 people, although the population is subject to significant seasonal variation.

Refurbishment of existing houses and ancilliary buildings at Madjinbardi is already underway. The Corporation recognises, however, that simply constructing new houses, while essential, will not by itself adequately address the long-term needs of its constituents.

Accordingly, the Corporation is planning an asset-based community development plan in partnership with Mirarr and other Bininj residents. To assist with the development plan, the Corporation has approached a Perth-

based consultancy called Bank of I.D.E.A.S., run by Peter Kenyon.

The plan aims to identify the optimum number of permanent residents for the settlement, along with the ideal accommodation structures required – for instance, houses for nuclear and extended families, and single men’s quarters. With an asset-based (that is, ‘glass half full’) methodology, the plan will also identify the means by which the community can address issues such as increasing employment opportunities, as well as better health and education service access and outcomes. Importantly, the community development plan will include actions to outline the next steps in order to give effect to community aspirations.

Also under investigation are the needs for ancillary buildings, such as a community centre, a resource centre, and an out-building for use by visiting health and welfare workers.

Developing adequate infrastructure to

The Corporation is creating an asset-based community development plan.



New single men’s housing at Djirrbiyuk.

## UNDERMINED: European settlement, uranium mining, and the Mirarr people >>

<p>Heritage List inscription to include its cultural aspects.</p> <p><b>July, 1995:</b> Gundjeihmi Aboriginal Corporation founded.</p>	<p><b>1996:</b> Howard Liberal/NCP Coalition government elected.</p> <p><b>1996:</b> Release of an Environmental Impact Statement for the proposed</p>	<p>Jabiluka uranium mine.</p> <p><b>1996:</b> The Kakadu Region Social Impact Study (KRSIS) commences, auspiced by the</p>	<p>Commonwealth and Northern Territory government, and ERA.</p> <p><b>1996:</b> Bureau of World Heritage Committee</p>	<p>alerted to issues surrounding the Jabiluka mine by International Union for the Concervation of Nature at its meeting in Mexico.</p>
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Government housing at Manaburduma, Jabiru

support increased population is seen as a critical issue. Electrical power at Madjinbardi is currently supplied by a diesel generator. The asset-based community development plan will involve a feasibility study for improving the community's essential service infrastructure, particularly water and power.

**Building on success:**

growth at Djirrbiyuk  
 In the January 2008 proof-of-concept study, *A Cultural and Conservation Economy for Northern Australia* (Hill, et al), the authors observed that Djirrbiyuk outstation contained only two houses, which often had to accommodate as many as 40 people.

By late 2009, the number of houses had risen to five. A building specifically designed to house single men had also been completed. Under GAC guidance and financing, the new houses and single men's quarters were designed by Darwin architect Simon Scally and built by Brustolin Builders. Existing houses are also being refurbished; the works will be completed during 2010.

The new houses were purpose-built to accommodate the cultural obligations of the Mirarr, and to provide comfort and shelter throughout the year in the region's high-contrast tropical climate. Roofs are large and



New housing at Djirrbiyuk

eaves stretch all around, providing not merely shade but also ample surface area for rain run-off into water tanks.

Additional built structures at Djirrbiyuk include an equipment shed and even a chlorinated, fenced, in-ground swimming pool. Redevelopment costs to date are about \$2 million. The GAC has met the entirety of this cost from its royalty equivalent revenue.

Plans for further development include the construction of a large workshop suitable for vehicle repairs, metal-work and vocational training. A small clinic will also be built for the use of visiting medical staff. Work on these projects is scheduled to commence during the 2010 dry season.

**UNDERMINED: European settlement, uranium mining, and the Mirarr people >>**

**May 2, 1996:** Senate inquiry into aspects of the Australian uranium industry initiated.  
**1997:** Mirarr launch court action to

prevent Jabiluka development. Action fails.  
**1997:** Kakadu Region Social Impact Study (KRSIS) finds widespread

disempowerment among Aboriginal people in the region and concludes "the original social contract has failed".  
**1997:** Gundjeihmi

Aboriginal Corporation presents submission to Senate Committee into Uranium Mining and Milling.

**1997:** Mirarr apply to UNESCO World Heritage Committee to have Kakadu included on the List of World Heritage Properties in Danger.



The ongoing, culturally sensitive development of the outstation has already paid considerable social dividends. Family and intra-family conflicts have been reduced – indeed, all anti-social behaviours have declined – and a sense of pride in the home environment has become manifest. The grounds at Djirrbiyuk are maintained by the Corporation casual work crew – which includes Djirrbiyuk residents.

**Protecting the Park and its People:**

a new radio network

At the end of 2009 the Corporation rolled out a major new technological innovation: a digital radio network permitting instant voice and email communications from its Jabiru



The swimming pool at Djirrbiyuk.

headquarters to, and between, its fleet of vehicles.

The network relies on dedicated signal towers situated at Gunbalanya and Jabiru. Using a satellite triangulation system, the network enables every system-equipped vehicle to be precisely located in real time. The network footprint stretches from Gunbalanya to well south of the centre of the Kakadu National Park.

The safety implications of the radio network for Corporation staff and vehicle passengers are manifest. The network will vastly improve communication capabilities across the Park for a host of potential users in both the government and business sectors. Corporation staff have been trained in the operation and maintenance of the system.

The Gundjeihmi radio network has been wholly funded by the Corporation. It is the first time such a digital network has been deployed in the area. The roll-out and subsequent operations are being keenly observed by parks management, tour operators and other stakeholders in the region.

**UNDERMINED: European settlement, uranium mining, and the Mirarr people >>**

**October, 1997:** Mirarr lodge Native Title claim over Jabiru and adjacent “buffer areas”.  
**1998:** Over 5000 protesters blockade

the Jabiluka mine entrance for eight months.  
**January, 1998:** Following lobbying by the Mirarr, the European

Parliament calls on the Australian Government not to approve the Jabiluka mine.  
**3 June, 1998:** Australia’s delegate

to the World Heritage Committee says development of the Jabiluka mine is at least 18 months away.

**15 June, 1998:** ERA advises Australian Stock Exchange that construction at Jabiluka has commenced.



# Good news for Mirarr students



Above: Architect's model of the new boarding house.  
 Left: Andrish Saint-Clare, Justin O'Brien and Peter Kenyon, from The Bank of Ideas, tour Djirrbiyuk.

**UNDERMINED: European settlement, uranium mining, and the Mirarr people >>**

**June, 1999:** Mirarr senior traditional owner Yvonne Margarula attended UNESCO World Heritage Bureau meeting in Paris.

**October, 1998:** Gundjeihmi Aboriginal Corporation presents written submission to UNESCO World

Heritage Committee Mission to Kakadu. The Mission later recommends that Jabiluka not proceed.

**1998-99:** Construction begins at Jabiluka.  
**1999:** Mirarr veto ERA's plan to mill the mine's ore at the existing Ranger mill.

**April, 1999:** Mirarr senior traditional owner Yvonne Margarula and then Gundjeihmi executive officer Jacqui Katona receive the Goldman



Healthy lives







Hunting for turtle,  
on the flood plain.

# Healthy lives

**ALCOHOL** consumption remains a key health issue for Corporation constituents and other Bininj in the region. It has been the subject of extended action by the GAC since the mid-90s. The Corporation continues to take a leading role in tackling alcohol-related health problems.

In 1995 key stakeholders from the community established a local group to address endemic problems with alcohol abuse in the Kakadu/West Arnhem Region – the Gunbang (or Alcohol) Action Group. During its time the Group has been chaired by the executive officer of the Gundjeihmi Aboriginal Corporation on two occasions – from 2003-04 by Andy Ralph and from 2009 by Justin O'Brien.

In 1995 the Gunbang Action Group commissioned Dr Peter d'Abbs and Trish Jones to report on alcohol issues in the region, including alcohol abuse problems and licensing arrangements. The resulting seminal report (*Gunbang ... or Ceremonies?*, d'Abbs and Jones; Menzies School of Health Research; 1996) acted as a guide to the management of alcohol issues in the region for many years. In late 2007 the Northern Territory Government and ERA commissioned Dr Peter D'Abbs to again report on alcohol in the region. In May 2008 Dr D'Abbs, delivered his final report entitled *Kakadu/West Arnhem Alcohol Management Plan Project* (d'Abbs *et al*; James Cook University; 2008).

The report's findings were mixed. It found, for instance, that since the establishment of the Gunbang Action Group in 1995 alcohol sales in Jabiru had decreased by 33 per cent. "In each of the three years since 2004-05, however, total sales [had] risen, a trend driven by growth in sales of pre-mixed spirit drinks and mid-strength beer." (Page 2.)

In broad terms, the data gathered by

d'Abbs *et al* make it possible to take the view that, in the specific case of Jabiru, programs aimed at reducing deleterious health and social effects of alcohol consumption are, to an extent, working.

Data on hospitalisations caused by alcohol related health problems, d'Abbs points out, "are indicative, not of the full range and extent of problems experienced in a community, but of the more serious episodes generated in that community."

On this measure, "[i]n 2007, there were 14 hospital separations in NT hospitals, directly attributable to alcohol misuse, involving patients from Jabiru. This represents a rate of 112 per 10,000 population – well below the rate for the NT as a whole, where in 2005-06 there were 6,301 alcohol attributable separations, representing a rate of 299 per 10,000 population. ... [H]owever, the number of alcohol-attributable separations in Jabiru has increased in recent years." (Page 43.)

Data on alcohol-related health problems



Marty Liddy with a long-necked turtle on the flood plain.

## UNDERMINED: European settlement, uranium mining, and the Mirarr people >>

Environmental Prize in San Francisco, later meeting First Lady Hilary Clinton at the White House in Washington D.C.

**June, 1999:** Gundjeihmi Aboriginal Corporation submission recorded in Senate Environment, Communications,

Information Technology and Arts Reference Committee report: Jabiluka: the Undermining of Process.

**July, 1999:** Mirarr representatives attend third extraordinary session of the World Heritage Committee meeting in Paris.

**September, 1999:** Work at Jabiluka ceases; and the project enters "environmental management and stand-by phase".



Grog continues to ravage the lives of Aboriginal people. Gundjehmi has taken a leadership role in developing a range of actions to limit the damage that drinking can cause. With an emphasis on engaging the local community so it is actively involved in finding solutions and making them work, Gundjehmi is looking to the survival of a people and their culture. It may not have all the answers at once, but every effort counts. Gundjehmi is to be congratulated for not shirking from this problematic issue and for being ready to take bold steps toward ensuring a better future. ▀

**Dr Ian Crundall**  
*Strategic Dimensions*



Yvonne Margarula with Nonika and Vernon Hardy visiting a traditional camping area.

which stop short of hospitalisation, however, present a picture of a community with serious problems.

“Records kept by Kakadu Health Services’ Family Violence Counselling Service indicate that in 2006-2007 the service saw 156 clients presenting with alcohol and/or other drug problems, 128 of them (82%) with alcohol as the presenting problem, and 21 clients (13%) with cannabis as a presenting problem. Nearly two-thirds of the clients were women (102, or 65%), ranging in age from 6 to 62 years, and in 132 cases (85%), the presenting problem was accompanied by a comorbidity of family violence.” (Page 44.)

Alcohol-related violence is an abhorrent fact of life in communities, both Bininj and Balanda, across Australia. Using police data (with appropriate caution) d’Abbs presents findings which, again, could lead to the conclusion that the actions of the Gunbang Action Group and the Gundjehmi Aboriginal Corporation are having an ameliorating effect.

“In 2007 Jabiru recorded 23 cases of non-aggravated and aggravated assault; this represents a rate of 152.4 per 10,000 population – well below the NT level of 228 per 10,000 for 2006-077. The number of non-aggravated and aggravated sexual assault

offences in Jabiru in the same year was 3 – equivalent to 24 per 10,000 population. This is higher than the NT rate of 17.8 per 10,000, but the numbers here are so small that the comparison has little meaning.” (Page 46.)

“The trend in assault and sexual assault offences in Jabiru from 2001 to 2007,” d’Abbs observes, “suggests a downward trend in assaults. The number of sexual assaults remains low throughout.”

Taking up the significant challenges regarding alcohol management, in 2009 the Gundjehmi Aboriginal Corporation assumed the role of chair of the Gunbang Action Group. Within a matter of weeks the Corporation had commissioned the expert services of Dr Ian Crundall to prepare an alcohol action plan and to address longstanding issues of contention in relation to the regional management of alcohol. The action plan is now complete, and the majority of its recommendations accepted. The implementation of agreed recommendations is set for early 2010-11.

Other initiatives with respect to health include the construction of a mini-clinic for visiting medical staff at Djirrbiyuk, the provision of medical insurance to members’ families, as well as transport and accommodation.

## UNDERMINED: European settlement, uranium mining, and the Mirarr people >>

**2000:** Following lobbying by the GAC, federally funded Indigenous Health Education Project introduced at Jabiru Area School.

**August, 2000:** ERA’s parent company North Ltd acquired by Rio Tinto.  
**September, 2000:** Gundjehmi Aboriginal

Corporation presents submission to Twenty Fourth Session of the World Heritage Committee, held in Cairns.  
**2001:** Northern

Territory Mining Management Act 2001 passed, governing general authorisations for the Ranger mine and the Jabiluka project.

**September 2001:** Gundjehmi Aboriginal Corporation presents submission to Information for the Twenty Fifth



# Economic Development

This picture has been temporarily removed for cultural reasons.







# Economic development

**IN APRIL, 2007**, the authors of a report entitled *Investigation of a Cultural & Conservation Economy Model for Indigenous & Rural Northern Australia* (Hill, et al), after consulting with the Mirarr clan over several years, observed:

“Mirarr people have a clear idea of how they would like to be living, and what the current problems are—but ideas for linking aspirations and issues are less clear. People are very disempowered and passive in the face of what seem to be overwhelming problems with little likelihood of solutions.

“The mining money has not alleviated poverty, and potentially enabling strategies such as education, employment or cultural activities are not engaged with in an ongoing daily basis.

“There is also a sense that the huge effort that went into stopping Jabiluka has allowed [other] problems to build up ... Overcoming the community conflict is clearly a major priority for Mirarr, but they are not confident that people can be brought back together, to the ‘old ways’ of cooperation and sharing.”

Although, by the end of 2008-09, the core of the report’s observation remained accurate, the intervening period saw the beginning of often rapid forward movement towards strong and sustainable economic development for the Mirarr.

The success of the local, national and international campaign to halt the development of the Jabiluka mine has allowed the GAC to focus both on the consolidation of existing assets and the development of new instruments – physical and organisational – to underpin long-term economic development for its constituents.

### Current investments

The Corporation currently holds a large and

diversified property portfolio. Principal assets include:

- the Corporation office complex in Jabiru;
- the Kakadu Youth Centre, Jabiru;
- houses and associated buildings at Madjinbardi, Djirrbiyuk and other outstations;
- part-ownership of Scarborough House, Canberra;
- ownership of two retail businesses in Jabiru.

For more details, see Principal Physical Assets, page 23.

### Local business development

In 2009 the Corporation acquired two local retail businesses – Kakadu Boat Hire and Tackle and It’s Kakadu Gifts Souvenirs and Video Hire. These purchases signal a new and more economically active direction for the Corporation. The 2010 year will see the Corporation finalise a business plan for these

“The mining money has not alleviated poverty.”

HILL, ET AL, 2007



Cutting a trunk for a didgeridoo, near Nourlangie Rock.

## UNDERMINED: European settlement, uranium mining, and the Mirarr people >>

Session of the World Heritage Committee. **December, 2001:** Gundjeihmi Aboriginal Corporation presents evidence to the Office of the High

Commissioner for Human Rights Workshop on “Indigenous peoples, private sector natural resource, energy and mining companies

and human rights”. **2002:** Allegations of environmental mismanagement and cover-up at RUM prompt the Senate Environment,

Communications, Information Technology and Arts References Committee Inquiry into the Environmental

Regulation of Uranium Mining. **2003:** Regulating the Ranger, Jabiluka, Beverley and Honeymoon uranium mines, Senate



more economically active directions for the Corporation that are closely aligned with the broader community development initiatives of the Corporation. In addition to their economic value, it is anticipated that the operation of these premises will be fully integrated with the youth development, training and employment programs run by the Corporation.

**Employment and training**

It is widely accepted that an unacceptably high proportion of Indigenous Australians in remote areas are unemployed or under-employed.

This is the case for the Mirarr clan and neighbouring Bininj. In 2006 the Corporation directly addressed the issues of Bininj unemployment and economic dependence through the creation of the Casual Work Crew.

The Casual Work Crew provides part-time employment for up to 20 people a week, in fields such as land management, landscaping, event preparation, labouring and construction. The work is carried out on behalf of the Corporation – for instance, in the form of cleaning details at Corporation-owned outstations – or on an outsourced contract basis to parties including eriss, ERA, Parks and the West Arnhem Shire.

As well as sourcing the work, the Corporation also looks after the workers’ superannuation, taxation or Centrelink commitments. Equipment, vehicles, safety gear and training are also provided.

Importantly, terms of employment are flexible enough to allow individuals to fulfill cultural and family commitments. Largely responsible for its own supervision, the Casual Work Crew represents a major shift away from welfare dependence and client mentality towards a culture of economic independence, self-reliance and pride.

## New agreements in relation to the Ranger uranium mine

**Historical Context**

The Ranger Project Area (“RPA”) is Aboriginal land granted under the *Aboriginal Land Rights (Northern Territory) Act 1976*, although in the passage of the act the Mirarr right of veto over Ranger was removed. The negotiation of the original Ranger agreement, then, took place in the context of the Mirarr traditional owners and other local Bininj having the development simply forced upon them by the authorities. The Ranger agreement, under the *Aboriginal Land Rights Act*, was never about consent but the terms and conditions under which mining would proceed.

Underpinned by the Aboriginal Land Rights Act agreement, Ranger’s operations take place under an authority granted to ERA by the Commonwealth Government under the *Atomic Energy Act 1953*. The authority that was granted to ERA in January 1979 had a term of 26 years. In the late 1990s ERA sought an extension to the original *Atomic Energy Act* authority, which necessitated the renegotiation of the original *Aboriginal Land Rights Act* agreement. In the end the authority was extended (to 2026) without a new *Aboriginal Land Rights Act* agreement, although it was granted subject to other agreements that require the negotiation of such an agreement as soon as practicable.

The renegotiation of the Ranger mine agreement has taken many years and been stalled at different times for different reasons. In 2008, however, parties reached consensus on several key matters and have since been finalising details in preparation for the conclusion of negotiations in 2010.

**The future**

A successful conclusion to negotiations with ERA and the Federal Government will bring a major boost the Corporation’s abilities to meet

**UNDERMINED: European settlement, uranium mining, and the Mirarr people >>**

Environment (etc) report published.	renewed.	to transfer ownership	<b>Early 2005:</b> The Jabiluka Long	<b>2005:</b> Gundjeihmi
<b>2003:</b> Indigenous Health Education Project at Jabiru Area	<b>2004:</b> Ranger mine closed temporarily after uranium found in Jabiru drinking and washing water.	of former Kakadu Aboriginal Family Resource Centre, Jabiru, to the Gundjeihmi Aboriginal Corporation.	Term Care and Maintenance Agreement is formally executed.	Aboriginal Corporation presents submission to House of Representatives Standing Committee on Industry and
Scool ends when Federal funding is not	<b>2004:</b> Work begins			

the needs and aspirations of its constituents, and other Bininj in the Kakadu West Arnhem region. For more information, see Looking To The Future (page 67).

It should be noted, however, that the cultural, social and economic issues that may be more adequately addressed as a result of increased revenue flow from Ranger were in part generated by the very development of the Ranger Uranium Mine itself.

For this reason, the Corporation and the Mirarr reject outright any argument that posits the inevitable development of the Jabiluka uranium mine as an additional source of revenue. Simply put, no amount of money flowing from Jabiluka could compensate for the catastrophic social, economic, environmental and cultural damage that would result.

### The Kakadu West Arnhem Region

#### Social Development Trust

Drawing on national and international best practice regarding the responsible and sustainable management of mining revenues, in 2009 the GAC proposed that the renegotiated Ranger Uranium Mine agreement would establish a Kakadu West Arnhem Socio-Economic Development Trust that would be administered in accordance with a strategic plan jointly developed by the GAC, industry and government.

The proposed plan and associated agreement would be entered into by Aboriginal parties led by the Gundjeihmi

Aboriginal Corporation, Energy Resources of Australia, and the Australian Government. The action-orientated agreement will provide a governance framework, coordinate activities and monitor progress against set goals to improve the socio-economic status of Indigenous people in the Kakadu West Arnhem Region. It will focus on community development initiatives across the entire life-cycle (pre-natal to aged care) in three streams: people, governance and money.

Properly planned, a partnership between the non-government sector, the commercial sector and the government sector will make inter-generational inroads into the socio-economic problems that continue to beset the region.

#### Future developments:

##### investment portfolio

The Corporation is undertaking a substantial near-term building program at Madjinbardi, Djirrbiyuk and other outstations. For more detail see Community Development (page 41).

Apart from those property acquisitions needed to meet the immediate housing and service needs of its constituents, the Corporation's investment strategy is based soundly on constructing a portfolio capable of providing returns adequate to meet the needs of the Mirarr and other Bininj for many generations to come.

The focus is therefore on long-term solid investments likely to provide equally long-term sustainable returns.

The three streams of the Kakadu Socioeconomic Development Agreement		
	Goal	Objectives
People	Healthy people, strong culture	Improved Indigenous socio-economic wellbeing
Governance	Bininj control of Bininj land and Bininj lives	Informed decision-making, true self-management
Money	Sustainable incomes, business development	Increased Indigenous participation in profitable business and investment activity

### UNDERMINED: European settlement, uranium mining, and the Mirarr people >>

Resources Inquiry into Developing Australia's Non-Fossil Fuel Energy Industry. <b>2005:</b> The World Heritage Committee, meeting	in Durban, South Africa, reiterates its concerns regarding Kakadu to the Federal Government.	<b>2006:</b> Australia's uranium – Greenhouse friendly fuel for an energy hungry world, report by House of Representatives	Standing Committee on Industry (etc) published. <b>2006:</b> Australian Institute of Aboriginal and Torres Strait	Islander Studies publishes a paper reporting cancer rates among Aborigines in the Kakadu region to be 90 per
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By increasing transparency and accountability it makes it that much harder for things to go wrong. It also means that if things to start to go wrong it becomes much more obvious much earlier. That's part of the framework that can give the current generation of Board and executives the confidence that what they set up is going to be well looked after in the future. »

**David Ward,**  
Te Anau Consulting.

To this end, in 2009 the Corporation contracted Mr David Ward of Te Anau Consulting as a key adviser. Mr Ward is a former CEO of ANZ Trustees, a current Non-Executive Director of ANZ Trustees, and Treasurer of Philanthropy Australia. He is an acknowledged expert in governance and investment management in the non-profit sector.

In the next period of its operation, the Corporation, with the assistance of Mr Ward, will extend and strengthen its investment portfolio through the strategic acquisition of property and participation within managed funds and equity structures. This necessitates the development of a comprehensive investment framework, that will provide guidelines on the Corporation's investment both within and outside of the Kakadu region and across various sectors of the economy. This framework is complemented by a risk management strategy.

In 2010 the Corporation kick-started its long-term investment strategy with the establishment of a \$A2.5 million investment corpus, with a mix of Australian equities and government inflation-linked bonds, managed by ANZ Trustees and Colonial First State respectively.

#### Future developments: the Ecotrust Project

Since 2004 the Corporation has been closely involved in the development in Australia of the Ecotrust model of sustainable development. In this the Corporation is partnered by the Australian Conservation Foundation, Bendigo Bank, Kimberley Land Council, law firm Arnold Bloch Leibler and the Wilderness Society, Ecotrust aimed at exploring the possibility of a cultural and conservation economy model for the north of Australia, including the Kakadu Region.

The project takes as its basis the successful programs initiated in the United States and Canada by the not-for-profit Ecotrust

organisation. To quote the organisation's mission statement:

*Ecotrust's mission is to inspire fresh thinking that creates economic opportunity, social equity and environmental well-being. Ecotrust is headquartered in Portland and is a unique organization; it integrates public and private purpose and for-profit and non-profit structures. Ecotrust's many innovations include co-founding the world's first environmental bank, starting the world's first ecosystem investment fund, creating a range of programs in fisheries, forestry, food, farms and children's health, and developing new scientific and information tools to improve social, economic and environmental decision-making.*

The consultation and research phase of the Corporation's involvement with Ecotrust is still ongoing. However, findings to date indicate that there exists a large degree of harmony between the cultural responsibilities and aspirations of the Mirarr, sustainable economic principles and some existing economic activity (such as some parts of the tourism industry) currently undertaken in the Kakadu region. The Corporation will in 2010 participate in the ongoing development of the Ecotrust model in Australia.

The near-term will see the complexities of, and opportunities within, a regional conservation economy more fully explored.

#### The Kakadu Charter

In November 2000 the Gundjeihmi Aboriginal Corporation and ACF entered into the Kakadu Charter, signed by Mirarr Senior Traditional Owner Yvonne Margarula and then ACF President Peter Garrett.

The Kakadu Charter identified key goals of ACF and the GAC working together in three main areas:

- Ecologically sustainable development of a viable economy without mining;
- Recognition of primary decision-making role of Traditional Owners in the Park; and

## UNDERMINED: European settlement, uranium mining, and the Mirarr people >>

cent higher than expected (Tatz, et al)  
**October, 2006:** Work begins on Gundjeihmi Aboriginal Corporation office

complex, Jabiru.  
**May, 2007:** Gundjeihmi Aboriginal Corporation office complex completed.

**2008:** Gundjeihmi Aboriginal Corporation office complex wins two Royal Institute of Architecture Awards.

**2008:** The former Kakadu Aboriginal Family Resource Centre is reborn as the Kakadu Youth Centre and Media Lab.

**July 1, 2008:** Jabiru Town Council and four adjacent local government authorities are amalgamated to



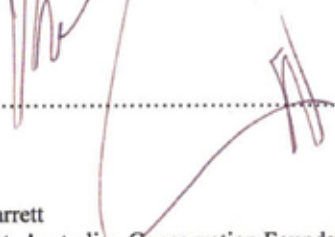
# Kakadu Charter

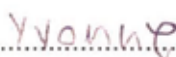
17<sup>th</sup> November 2000

This Agreement between Gundjehmi Aboriginal Corporation and the Australian Conservation Foundation is founded on the understanding that: -

1. Mining activity within the external boundaries of Kakadu National Park poses potential and ascertained threats to the natural and cultural values of this World Heritage area and has been responsible for significant adverse environmental and social impacts;
2. The ecologically sustainable development of Kakadu as a major tourist destination shall be pursued to aid the establishment of a viable Aboriginal economy independent of mining;
3. Both parties promote and support federal policies that:
  - (a) Ban future mining in Kakadu National Park, including the Jabiluka Project,
  - (b) Facilitate the expiry of mining tenements within the external boundaries of Kakadu National Park;
4. Management of Kakadu National Park properly recognise the primary decision-making role of Aboriginal Traditional Owners and protect:
  - (a) the World Heritage site and its associated natural and cultural values
  - (b) the ecological values of Ramsar-listed wetlands.

Signed,

  
 .....  
 Peter Garrett  
 President, Australian Conservation Foundation

  
 .....  
 Yvonne Margarula  
 Mirrar Senior Traditional Owner  
 Chairperson, Gundjehmi Aboriginal Corporation

## UNDERMINED: European settlement, uranium mining, and the Mirarr people >>

create the West Arnhem Shire Council.  
**2009:** NT Government publishes Closing The Gap of Indigenous

Disadvantage progress report 2007-8  
**January 30, 2009:** ERA announces to Australian Stock

Market that net profit for full year 2008 is up on previous year by 191 per cent. The Company also flags development of

Ranger 3 Deeps, a new underground uranium mine adjacent to open-cut pit.

**March, 2009:** ERA applies to the Federal Government build a sulphuric acid heap-leaching plant for extracting



**Key adviser:** D&G Lawyers. D&G Lawyers are a legal firm based in South Townsville, with a strong track record of working in the Native Title field. As well as representing the Mirarr in native title matters, they have also represented other Indigenous groups, including the Wiri and Gugu Badhun people.

**Key adviser:** Te Anau Consulting. Te Anau Consulting specialises in governance oversight, risk management, financial management, and philanthropy in the not-for-profit sector.

- Protection of natural and cultural world heritage values and ecological values.
- The relationship between the Corporation and the ACF, which dates back to the establishment of the Corporation, has withstood many challenges over the years and borne fruit for both organisations. The Kakadu Charter has been steadily implemented in the years since its signing, with increasing recognition of the need to establish and maintain economic activity oriented toward Indigenous expectations and away from the traditional reliance on revenue from mining.
- The Charter remains a bedrock element in this important relationship between the Mirarr people and the ACF.

**GOVERNANCE:**  
accountability and transparency

The Gundjeihmi Aboriginal Corporation believes firmly that representing the needs, interests and aspirations of its Mirarr constituents requires a high degree of accountability in its actions and transparency in its dealings.

- These outcomes require:
- an unambiguous internal structure;
  - full compliance with governing legislation;
  - careful appointment of key legal and financial advisers.

**The chain of responsibility**  
Ultimate responsibility for the Corporation resides in the Board of Directors, which comprises senior Mirarr clan members. The

board is chaired by Nida Mangarnbarr. Reporting directly to the Board is the Corporation executive officer (currently Justin O'Brien). The executive officer is responsible for ensuring the directions of the Board are carried out; ensuring that members are fully informed regarding any matter arising which may affect either the Corporation or its constituents; and ensuring the smooth running of the Corporation itself.

Corporation staff report to the executive officer. Staff comprise the administration manager, the mining and environment officer, the policy officer, the project officer, and the youth development officer.

Key advisers include D&G Lawyers in Townsville (corporate legal), Lee Green & Company in Adelaide (financial), Dr Gavin Mudd of Monash University in Melbourne (environmental science), and Te Anau Consulting (governance, risk management, investment).

Auditors are KPMG.

**Legislative basis**  
The Gundjeihmi Aboriginal Corporation was established in 1995, incorporating under the *Aboriginal Councils and Associations Act* 1976. On July 1, 2007, the ACA Act 1976 was replaced by the *Corporations (Aboriginal and Torres Strait Islander) Act* 2006 (CATSI), and the GAC moved immediately to ensure it was wholly compliant with the new legislation.

The CATSI Act 2006 is administered by the Office of the Registrar of Indigenous Corporations (ORIC). In accordance with its obligations under the ACT, the Corporation lodges key financial documents – such as auditors' reports, balance sheets and compliance statements – with ORIC.

These documents are then entered into the public domain, and may be viewed at [www.oric.gov.au](http://www.oric.gov.au).



Saltwater crocodile (ginga).

**UNDERMINED: European settlement, uranium mining, and the Mirarr people**

uranium oxide from stock piles, lifting production by one-third.  
**April, 2009:** ERA CEO Rob Atkinson, addressing the

company annual general meeting, refuses to rule out extending the Ranger mine life beyond 2021.

**July 31, 2009:** ERA announces half year 2009 results to ASX, recording increase in net profit by 228 per cent on

equivalent period 2008.  
**August 12, 2009:** A Mirarr delegation to the House of Representatives in Canberra is

formally recognised by the Speaker and applauded by the Members.



Land, water, people







Magela Creek.



# Land, water, people

Since early 2005, the GAC has employed a Mining and Environment Officer to provide expert advice on a wide range of matters involving environmental science. This advice relates to mining and all other environmental impacts on the Mirarr estate.

The GAC is contributing to global, national and local science projects.

## Scientific Studies

The unique biodiversity and World Heritage status of Kakadu makes it an ideal region in which to study various aspects of the biophysical environment. Many scientists from private institutions and government agencies come to Kakadu to pursue diverse research interests.

Where scientists require access to Mirarr country, the Corporation reviews proposals for scientific research and advises the relevant agencies as to whether and under what conditions particular proposals might proceed. The Corporation also monitors the results of such studies and ensures that any intellectual property that is entailed is accorded an appropriate level of legal and cultural respect.

## Joint Management of Kakadu National Park

Nearly half of Kakadu is Aboriginal land under the *Aboriginal Land Rights (Northern Territory) Act 1976*. This land is leased to the Director of National Parks for the purpose of a national park. The Kakadu National Park (KNP) Management Plan describes the manner in which Kakadu is managed according to 'Bininj rules' by the Director. The Corporation advises Mirarr traditional owners in relation to joint management issues where proposed actions have environmental implications.

## Climate Change

The Corporation advises Mirarr on climate change issues and how climate change is likely to affect traditional and modern lifestyles within Kakadu and adjacent country in Western Arnhem Land for which the Mirarr have responsibility. In order to do so, the Corporation maintains close connections with scientists studying the phenomenon and participates in conferences and scientific fora where current research is discussed.

Corporation staff have also contributed to various government studies of the likely effects of sea level rise on the Mirarr estate.

## Outstations

The Corporation monitors and assists with the management of potable water supplies at Madjinbardi and Djirrbiyuk, the two principal outstations where Corporation members live. The Corporation also deals with a range of other matters that relate to outstation management. These include feral animal and plant management, domestic dog management, water reticulation and the environmental aspects of civil works.

## Environment issues concerning the Ranger Uranium Mine and proposed Jabiluka uranium mine

### Ranger

Uranium mining was forced upon the Mirarr by successive governments since 1972, intent on developing Australia's uranium industry. Moreover, notwithstanding that Mirarr are the landowners of the Ranger Project Area (RPA), they do not have formal stakeholder status in relation to the management of the mine. Mirarr do not, therefore, have direct input into the appropriate management of the mine itself and its possible impacts on adjacent country.

That country includes the community of Madjinbardi, on Magela Creek immediately downstream of the mine; a large part of

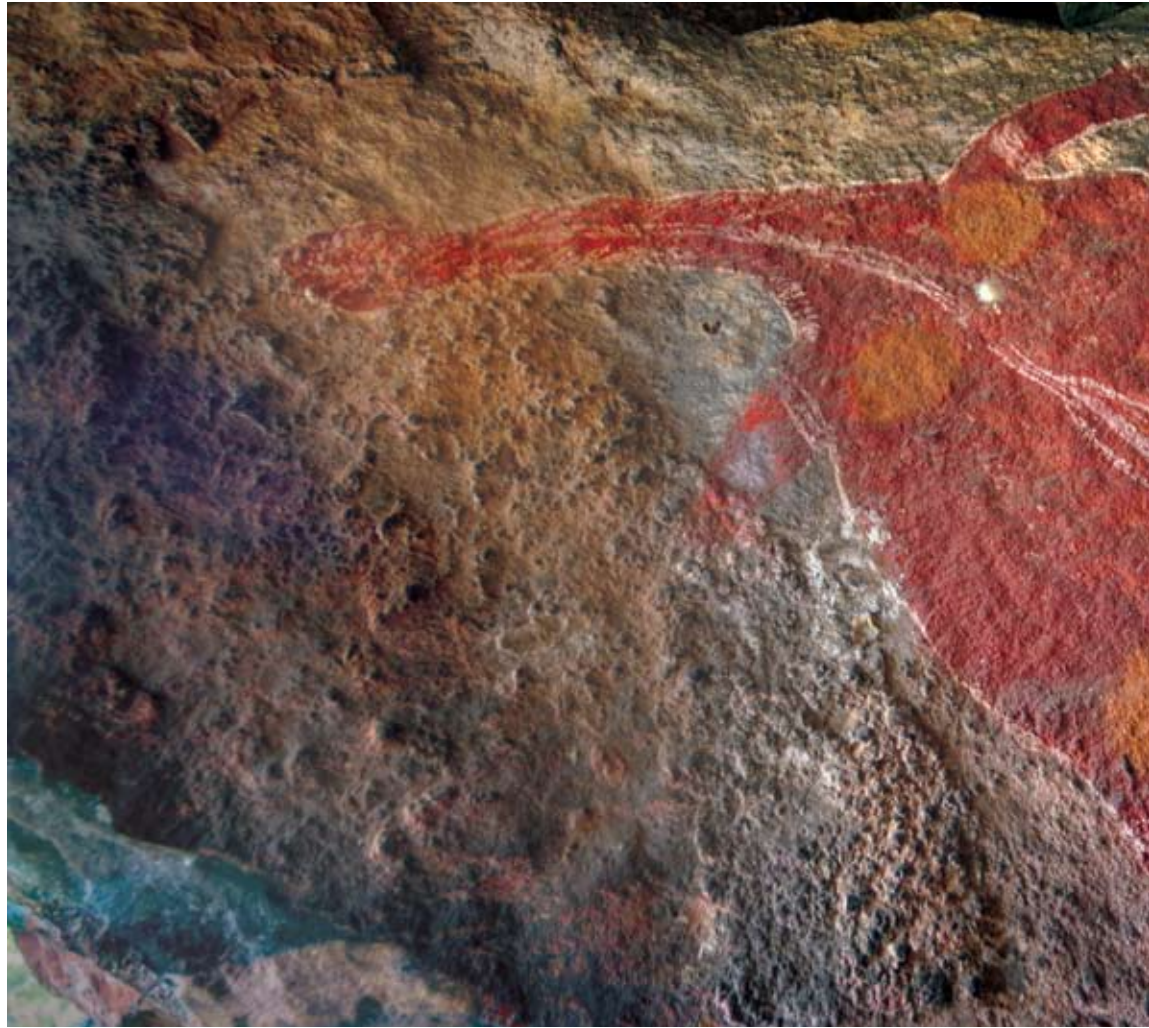
The GAC is contributing to global, national and local science projects.



Senior traditional owner Yvonne Margarula at the Ranger Uranium Mine Pit Number 3, 2004.



**Key adviser:** Gavin Mudd.  
 Dr Gavin Mudd is a lecturer in the Civil Engineering Department at Monash University in Melbourne. He is an acknowledged expert in groundwater and environmental geo-engineering. He is the author of *The Sustainability of Mining in Australia - Key Production Trends and Their Environmental Implications for the Future* (Monash University, 2007, 2009).



Top: Rock art of a long-necked turtle at Madjudjura.  
 Bottom left: 'Stone Country' from the air. Bottom right: The Magela Creek in flood.

eastern Kakadu; and the RAMSAR-listed wetlands of the Djabulukgu floodplain.

The operation of the Ranger Mine is heavily regulated. However, the regulators, having a political and economic interest in the mine, are not always impartial in their adjudication of statutory management criteria. This so-called 'regulatory capture' is most clearly seen in the customary approvals granted to ERA where it seeks to vary the authorisation under which it operates.

The mine is regulated in accordance with environmental requirements attached to the

company's authority to operate issued under the *Atomic Energy Act* 1953. A number of operational criteria have been set to ensure that the environment surrounding the mine is not adversely affected by uranium mining on the RPA. Despite this, over the 30 years since the mine began, there have been hundreds of incidents involving potential or actual contamination of the environment surrounding the mine.

The Corporation keeps records of these incidents, and monitors the actions of the government agencies and committees





charged with ensuring that no environmental damage results from the operations of the mine. On a number of occasions the Corporation has been compelled to intervene in this process and demand remedial action where incidents at the mine have resulted in damage to the environment or injury to members of the public.

In 2001, the Mining and Environment Officer – then an employee of the NT Government – wrote a report exposing contamination of Gulungul and Magela creeks by deliberate and routine discharge of highly contaminated waters from the mine tailings dam into a tributary of Gulungul Creek. Information contained in that report resulted in the 2002 Senate inquiry into the environmental performance of the Ranger mine. The Senate heard evidence from eminent scientists and from the mining company before making over 200 recommendations for remedial and preventative action. Most of these recommendations have not been implemented by the mine or the regulators. In fact, the regulators and the mining company have since removed from the records some of the monitoring data that prompted the original

report and now refer to the matters raised as ‘spurious’.

In 2004, the mine allowed contaminated process water to mix with the potable water supply, resulting in mine employees and members of the public being adversely affected by washing in and drinking acidic waters containing uranium at a concentration well in excess of recommended safe limits. When those waters were subsequently disposed of in the external environment, contamination of country resulted.

The Mining and Environment Officer monitored these events, contributed to the resulting investigation, evaluated the effects on people and the environment, and advised local Indigenous people on the likely effects and how to avoid them. The mining company was subsequently convicted and fined by the courts.

Recommendations designed to prevent a recurrence of that incident were made by the regulators. However, similar incidents have occurred since that time, indicating strongly that the company has not fully implemented the required changes to its operations. The Corporation monitored those incidents and argued the need for their rectification to regulatory fora.

In April 2010 there was a series of unexplained high levels of electrical conductivity (EC) downstream of the mine at Kakadu. EC is a measure of the load of soluble material, including possibly uranium, in water. After news of the contamination became public, ERA acknowledged that the source of contamination was unknown and may have been caused by Ranger.

Despite the ongoing incidents and, arguably, the associated regulatory failures, the company has made numerous applications to vary its operating approvals, to expand the mine, and to explore for new ore bodies. Where such applications pose a risk to the biophysical or cultural environment, the government regulators are again required to make decisions about appropriate safeguards that need to be in place.

Officially, the Northern Land Council (NLC), represents Mirarr traditional owners in the fora that make decisions about the operation of the mine. However, there have been several instances where the NLC agreed to actions that were not supported by Mirarr, or about which Mirarr had not been consulted. There have been other instances where Mirarr were not happy with decisions made by the regulator.

An example of this is the abolition of the mine environment laboratory, leading to

Understanding and communicating the environmental science of uranium mining in a world heritage context is a challenging role - yet it is fundamental to helping protect the Mirarr estate and do justice to the dreams and aspirations of Mirarr past and present. The issues are significant, ranging from water and tailings management, to radiation exposure and the ultimate goal of thinking through mine closure, rehabilitation and post-mining land uses – the need for frank and fearless advice is never-ending. Put simply, distinguishing the ‘politics of science’ from the “science of politics” is crucial in understanding the environmental issues around the Ranger and Jabiluka projects. ¶

**Dr Gavin M. Mudd**  
Lecturer,  
Environmental  
Engineering, Monash  
University and Long-  
Term Consultant/  
Adviser to Gundjeihmi  
Aboriginal Corporation  
and the Mirarr





¶ I first met members of the Mirarr community and the Gundjeihmi Aboriginal Corporation in the mid 1990s. This contact has grown into a set of deep personal friendships and an effective and enduring organisational partnership. The Mirarr's sustained and successful campaign to halt uranium mining at Jabiluka was a true David and Goliath struggle that showed the power of story, solidarity and community in the face of corporate and government indifference and self interest. Their efforts to protect their living country and culture have inspired Indigenous and non Indigenous people across Australia and around the world - our shared and fragile planet deeply needs both the strength and the hope of the Mirarr's story. ¶

**Dave Sweeney**

*Nuclear free  
campaigner  
Australian  
Conservation  
Foundation*

the subsequent farming out to commercial laboratories of all statutory and operational monitoring work.

Without reference to the traditional owners, NLC agreed in 2002 to allow the company to reduce the number of statutory monitoring sites on the RPA from 28 to just four. This has significantly reduced the pool of data from which assessments of the environmental performance of the mine can be made.

Since that time, the relationship between the NLC and the GAC has developed into a collaborative partnership, aimed at protecting Mirarr interests and their estate.

The Mining and Environment Officer prepares material for the NLC in this context and liaises closely with NLC officers who deal with Ranger and Jabiluka. The Officer also participates in regular inspections of the mine, its associated infrastructure and water management systems. Discharge water parameter values are monitored by scrutiny of weekly water quality reports provided by the mine during the wet season.

The site of the proposed Jabiluka uranium mine is currently inactive under the Long Term Care and Maintenance Agreement executed with ERA and the NLC in early 2005. Although there is no mining activity at present, prior construction and mining activity at the site are still affecting the surrounding environment.

In 2007 the Corporation prepared a detailed plan for the rehabilitation of that part of the Jabiluka Mineral Lease that was left in a disturbed and damaged condition by the works in that area which ceased around 1980. The plan included installation and operation of monitoring facilities designed to arrest any hydrological detriment deriving from the currently backfilled mine decline. These actions were required by the Commonwealth Government to redress outstanding problems with the original environmental impact statement tendered by the mining company Pancontinental. No effort to address these outstanding problems was undertaken until the Corporation raised the matter with the regulators.

## Further Exploration and Mining on the Mirarr Estate



Ranger Uranium Mine from the air.

### The Ranger Project Area.

ERA submitted an environmental impact statement in 1974-5 that covered the extent of its proposed operations during the period of the original mining authority. Since then, ERA has extended its lease and identified more ore bodies on the RPA. It has also expanded the scope of its operations by implementing new technology, and proposing a change to underground mining, significantly expanding the footprint of the mine. Those actions were not addressed in the original Environmental Impact Statement (EIS) and were not considered when the original authority was granted.

The Corporation has vigorously opposed all of these actions, which collectively represent a general expansion of mining activity on the RPA, a significant increase in the number of mine workers in Jabiru, a likely exacerbation of social problems related to alcohol, further degradation of the environment, and which require serial extensions of the authority to mine at Ranger.

The Corporation's objections on behalf of the Mirarr traditional owners have, however, been ignored by the authorities and the Commonwealth Supervising Scientist.

Following the elevated electrical conductivity readings recorded in April

2010, the Mirarr issued a statement saying they would oppose any proposed expansion of the mine until ERA can genuinely and demonstrably improve its environmental performance.

#### The Wider Mirarr Estate

In addition to country in Kakadu, the Mirarr estate encompasses country in Arnhem Land which is administered under the *Aboriginal Land Rights (Northern Territory) Act*. From time to time, mining companies apply to the Northern Territory Government for exploration licences over blocks of land in that country.

The Corporation researches such applications, liaises with the NLC, and presents relevant information to the Mirarr traditional owners so that they may make an informed decision as to whether or not they will approve mining activities on their estate. The Corporation also attends and contributes to statutory meetings where such matters are discussed and concluded.

## The Cultural Landscape Program

### Cultural Mapping

In order to preserve as much as possible of the cultural traditions of Mirarr and other Bininj people of the region, GAC embarked in 2009 on an ambitious program to map

and record the significance of traditional knowledge and culture. To that end, the Corporation conducts 'country walks', where staff accompany senior Bininj and children on trips across country and inspections of significant sites. During such trips, Geographic Information System (GIS) data is recorded, as well as images and audio files of senior Bininj relating traditions to the younger generation. The data are later entered into a GIS database. When fully developed and populated with data, the GIS system will be made available to all Corporation members so that access to traditions will be readily available.

A long term program of the Corporation, cultural mapping is expected to inform a range of activities, including policy development in cultural protection, youth development programs, land management, environmental protection, and town planning.

In 2010 the Corporation agreed to jointly develop a land-use and occupancy GIS with Ecotrust Australia. This project promises to be of major importance to the Corporation and its members.

### Traditional Environmental Knowledge

Aboriginal culture is synonymous with an intimate and detailed knowledge of natural systems, including the characteristics of traditional country and the various living

Mirarr  
'Stone Country'  
from the air.





things that inhabit it.

In order to inform programs that seek to ‘care for country’ (particularly the monitoring of ecosystems and rehabilitation planning) a field key that aligns the concepts and terminology of both traditional environmental knowledge, and Balanda scientific knowledge is being developed. To this end the NLC and the Corporation have instituted a program of research designed to enable the sharing of knowledge in mutually intelligible terms. This entails detailed on-country consultations with senior Bininj and subsequent tabulation of terminology, meaning and significance in a GIS mapping process.

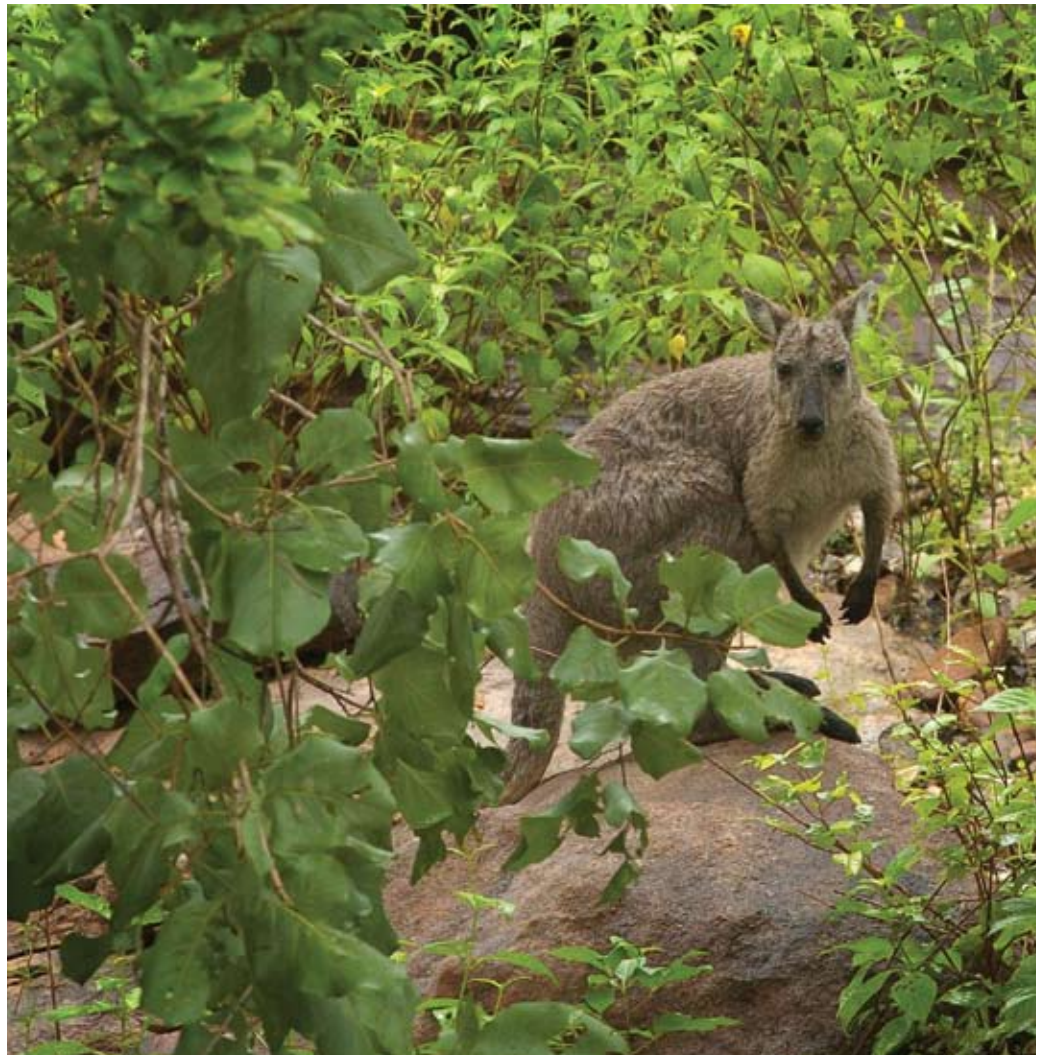
**Rehabilitation**

At the completion of mining activity, uranium mining areas on Mirarr country must be rehabilitated and the country restored to a state that reproduces, as near as is possible, its pre-mining form, function, amenity and biodiversity. Rehabilitation of the Ranger Project

Area is founded on a set of rules called ‘Environmental Requirements’. These are given in a schedule to the Atomic Energy Act Authority. The requirements stipulate that the preferences of the traditional landowners must be satisfied.

The Corporation is responsible for detailed consultations with traditional owners regarding rehabilitation and the communication of the Mirarr view to ERA and the government regulators. That is achieved by a combination of desktop research, on-country consultations and discussions, as well as liaison with relevant official stakeholders and statutory committees.

This work of the Corporation is continually frustrated by the ever-changing nature and scope of the mining operation at Ranger and the unwillingness of the mining company to meaningfully commit to the cessation of mining in 2021 and rehabilitation in 2026. While all necessary legal requirements in the way of reports and public positioning conforms with these targets, in practice the company’s operations at Ranger only frustrate the



A female Baark or Black Wallaroo.



Looking to the future







The Magela wetlands, Kakadu.

# Looking to the future

## Renegotiating Ranger

In 2009 the Gundjeihmi Aboriginal Corporation renewed tripartite negotiations with the owners of the Ranger uranium mine, ERA, and the Federal Government, regarding the shape and structure of financial arrangements between the mine owners and the Mirarr.

The resulting agreement will be the first time the arrangement has been adjusted since it was struck in November, 1978. All parties, it appears, concur that 31 years is ample time for an agreement to stay in place without review.

The Corporation's proposed new agreement represents a major reconfiguration of relationships in three critical areas:

- between the Mirarr and ERA;
- between the Mirarr and neighbouring Bininj clans;
- between the Mirarr and the broader community in the Alligator Rivers Region.

Indeed, the Corporation believes that the proposed new agreement – already substantially accepted by all parties – will serve potentially as a model for similar agreements between mining companies and Indigenous traditional owners around the globe. It is based on 'best practice' agreements already in place in Canada and in other parts of Australia, but will further refine the principles embedded therein.

## The 1978 agreement

On November 3, 1978, the Northern Land Council and the Commonwealth government executed an agreement under the *Aboriginal Land Rights (Northern Territory) Act 1976* in relation to mining for uranium in the Ranger Project Area.

As a result of this agreement, the Corporation, on behalf of the Mirarr, receives a percentage of total net revenue from the mine. In addition, it also receives an annual 'rental' payment. The 'rental' payment is not linked to CPI.

The current agreement, over time, has produced two highly significant problems for the Corporation.

First, the fixed 'rental' payment has decreased substantially in real value over the past three decades.

Second, the volatility of the international uranium market has resulted in dramatic

fluctuations in revenue inflow.

These daunting realities present significant difficulties for the Corporation in discharging its responsibilities in terms of both alleviating immediate hardships among its constituents and establishing a stable investment structure which will underpin the security of the Mirarr and other Bininj in the long term.

Independent reports have concluded that the compensatory revenue channeled to the Mirarr as a result of uranium mining and consequent associated development has not been sufficient to ameliorate the socio-cultural damage caused by those activities. As recently as August 2009, for instance, the ANU's Centre for Aboriginal Economic Research noted:

*Historically, a number of mining agreements have now been made between mining companies and Indigenous community or regional organisations. In the early 1980s, there was a degree of optimism that such agreements, many with significant financial benefit packages, would make a difference to the marginal economic situation of Indigenous beneficiaries. However, existing research indicates that for a complex set of reasons, Indigenous economic status has changed little – dependence on government remains high and the relative economic status of Indigenous people residing adjacent to major long-life mines is similar to Indigenous people elsewhere in regional and remote Australia.*

This unexpected outcome was clearly demonstrated in the *Kakadu Region Social Impact Study* (KRSIS 1997): "as the above mutual obligation controversy indicates, it is partly a reflection of Indigenous community organisations' incapacity to both cope with

The new agreement represents a major reconfiguration of relationships.

## CHAMBER DISTINGUISHED VISITORS

The SPEAKER (2.20 pm)—I inform the House that we have present in the gallery this afternoon four Mirra [sic] traditional owners from Kakadu, who are in Parliament House today concluding important business on behalf of their people. On behalf of the House I extend a very warm welcome to them.

Honourable members—Hear, hear!

*Hansard, House of Representatives, Wednesday, 12 August 2009*



the impacts of, and take advantage from, large-scale operations.”

Bluntly, it is impossible to conclude that the Mirarr have ‘prospered’ in any respect from the arrival of uranium miners.

**The new proposal**

The paucity of the situation described above has been implicitly recognised by ERA. In an offer presented in 2009, the company proposed an increase in the annual ‘rental’ payment, CPI-linked. It has also required changes to various payments associated with the agreement, and the introduction of other new payments under a renegotiated agreement. The Corporation in large part agrees with the ERA proposal, pending additional negotiations and fine-tuning.

Importantly, the increased revenue flow represented by the ERA proposal (and amendments) presents the Corporation with a unique opportunity to radically reposition itself to not only further secure the immediate and long-term wellbeing of the Mirarr, but also make significant contribution to the future security of neighbouring Bininj clans and the broader regional community.

**A new structure for the Corporation**

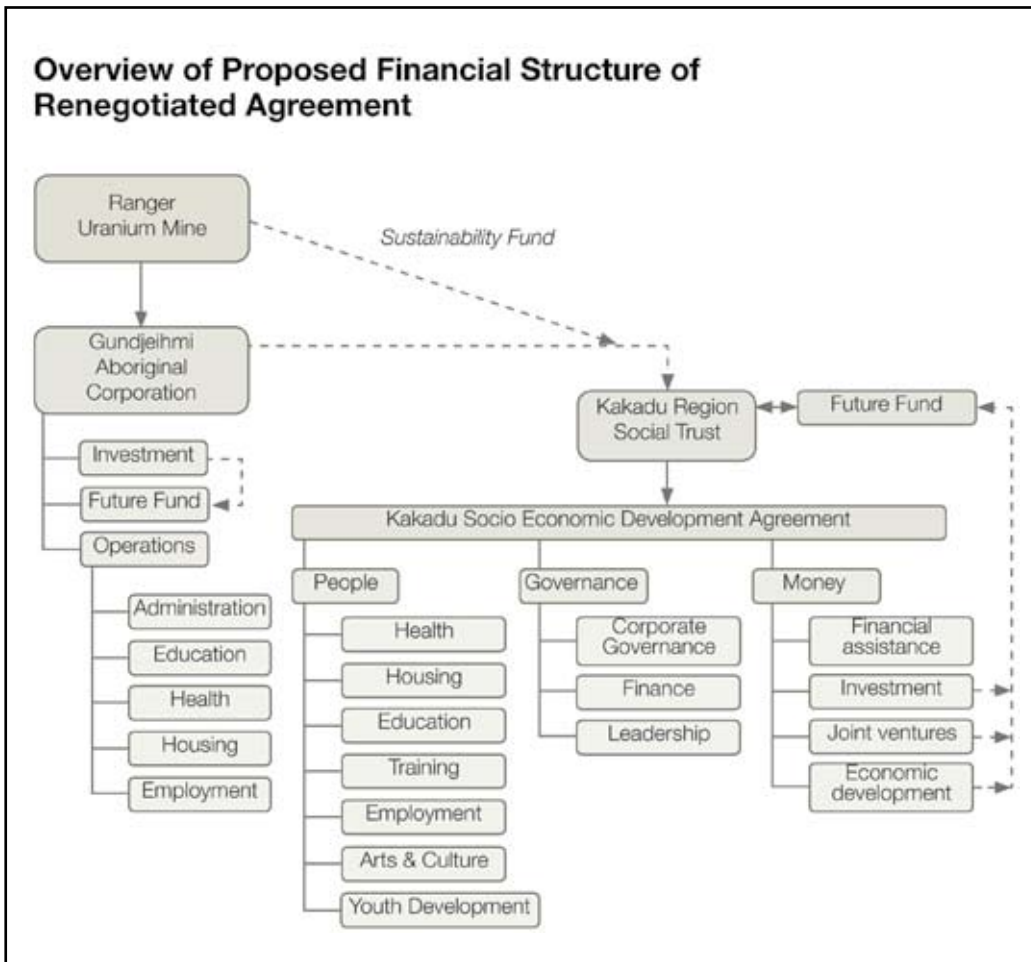
The Corporation believes a new plan is required to better coordinate service delivery to Indigenous people in the region, and that the renegotiation of the Ranger agreement offers a unique opportunity to develop and implement such a plan.

This new structure will allow a significant proportion of Ranger royalty equivalents to be directed beyond the Corporation’s core constituents towards the welfare of the broader Bininj community in the Kakadu region. This community comprises residents of the 13 outstation communities within Kakadu, the Bininj residents within the township of Jabiru, and the Bininj residents at Gunbalanya (Oenpelli) and nearby outstations.

The proposed vehicle for this new disbursement model is the Kakadu Region Social Trust and its associated sidestream and downstream entities.

**The future of Jabiru**

On November 18, 2009, an in-principle agreement was reached in the Federal Court of Australia which ended the longest running native title claim in Northern Territory history.



In 1997, senior Mirarr traditional owner Yvonne Margarula filed the claim covering the area of land occupied by the township of Jabiru and two adjacent buffer zones. After negotiations based on a proposal submitted by the Commonwealth of Australia in October, 2009, it was agreed in the Federal Court that a grant of Aboriginal freehold under the *Aboriginal Land Rights (Northern Territory) Act* be made to the Mirarr in relation to this land, that the town area remain part of Kakadu National Park, and that the land be immediately leased to a government entity for a period of 99 years.

In acknowledging the settlement, the Minister for Families, Housing, Community Services and Indigenous Affairs, Jenny Macklin, congratulated the traditional owners on negotiating a town leasing agreement which would provide a strong vehicle for ongoing economic development and investment.

The settlement will lay the foundation for Jabiru to fulfil its potential as a regional hub for the Alligator Rivers region.

“The lease, agreed in consultation with Mirarr traditional owners, will be the foundation for future economic and social

development within the town to provide the infrastructure and services necessary to develop Jabiru as a thriving hub for people living in the region,” Ms Macklin said.

The agreement ensures that Jabiru will continue to develop within the framework of Kakadu National Park, without compromising its outstanding World Heritage values. Existing interests in Jabiru will be protected and the town will remain part of Kakadu National Park.

The GAC views the proposed settlement as a historic act of reconciliation between Indigenous and non-Indigenous Australians. The agreement will provide for stability and confidence for the residents and businesses in Jabiru, ensuring that the long-term development of the town in both sustainable and just.

The native title claim was filed to correct a historical anomaly – some might say, injustice – arising from the granting of title to the Mirarr over their traditional estate under the *Aboriginal Land Rights (Northern Territory) Act* 1976. Under that grant, the areas occupied by Jabiru and adjacent buffer zones were specifically excluded. This was done explicitly to prevent the Mirarr exercising their right of veto over the

The proposed settlement is a historic act of reconciliation between Indigenous and non-Indigenous Australians.

“I have been fortunate to represent the Mirarr in their native title claim to the land and waters of Jabiru.

The unique significance to the Mirarr of their country is difficult to comprehend for those of us reared in a different tradition. As Professor Stanner said in his Boyer Lectures three decades ago, no English words are good enough to give a sense of the links between a group like the Mirarr and their homeland, and our tradition leaves us

“tongueless and earless towards this other world of meaning and significance.”

It is not about rights and ownership as we would understand those terms; it is about spiritual affiliation and duty.

More than three decades ago the Ranger Commission of Inquiry reported that Jabiru and its environs are part of the traditional country of the Mirarr Gundjeihmi. Despite acknowledgement at the highest levels of government, Jabiru

was not restored to its traditional owners, so today the Mirarr continue to seek proper recognition of their traditional responsibilities. They are a resolute people who will secure that recognition. ”

**Sturt Glacken SC**

5 November 2009

Owen Dixon Chambers

West Melbourne



construction of the town, thus endangering the development of the Ranger mine, over which the Mirarr had lost the usual veto.

By the time the native title claim was lodged in 1997 the town had long been built and the Ranger mine was up and running. The stated reasons for the exclusion were thus, if ever just, no longer relevant.

The original headlease is due to expire in 2021. It is appropriate, therefore, that negotiations regarding the details of the new headlease, as stipulated by the Federal Court, conclude as soon as practicable.

There are a number of considerations which apply to the future development of the township. These include important constraints because of the environmentally and culturally sensitive area in which it is situated. It is reasonable to assume, however, that after the eventual closure of the Ranger mine the township will remain in some form as a base for regional service

provision and tourism activities.

The granting of Aboriginal land and the consequent long-term leasing of Jabiru will end the uncertainty currently experienced by developers and lending institutions regarding new projects in the town. The advent of a secure new headlease enables all stakeholder parties – including major tenants, Parks, the Shire and the Northern Territory Government – to plan investment and maintenance schedules with clarity and security.

One key result will be a welcome streamlining of planning and development processes. It will ensure that the future of Jabiru is robust and proceeds in harmony with respect both for the traditional owners and for the resident families of the broader community.

After all, the Mirarr were at what became Jabiru long before the miners arrived. And they will be there long after the miners depart.

Magela creek in flood.

