



# Northern Land Council

## MEDIA RELEASE

### McArthur River Mine expansion: legal challenge

21 December 2006

Northern Land Council (NLC) Chief Executive, Norman Fry, today said that Xstrata's abject failure to resolve deeply held concerns regarding sacred sites and the environment had inevitably led to legal challenge by traditional owners to the expansion.

"Xstrata is a recalcitrant mining company motivated solely by self interest and greed, and has only itself to blame for failing to engage with traditional owners and the community regarding the proposed diversion of the McArthur River mine and the expansion", Mr Fry said.

"Xstrata wants to trample on Aboriginal rights and culture by permanently diverting a major river and interfering with major rainbow serpent sites - without negotiating an agreement with traditional owners, and without explaining to the public why it is safe to locate tailings on a flood plain."

"It is no wonder traditional owners are strongly opposed to the development", Mr Fry said. "They know that in the 21st century mining agreements with Aboriginal people are standard industry practice - including at the nearby Merlin, Bootu Creek and Gemco Groote Eylandt mines in the Northern Territory, the Century Zinc and Weipa mines in Queensland, and at the Argyle diamond mine in Western Australia."

"This legal action has not been taken lightly, and only arises because all other options have been exhausted."

The NLC has received legal advice that the Kurdanji and other traditional owners will succeed in overturning the decision of the NT Mining Minister, Chris Natt, to approve the expansion.

The NLC has also received legal advice that the Kurdanji will succeed before a Court regarding an outstanding 1996 claim against the NT Government for compensation for the impairment of native title rights - for damage to important sacred sites and culturally significant areas, including the diversion of the river given its cultural significance.

"This compensation will likely be considerable - and is a charge on the Territory taxpayer," Mr Fry said.

"The Chief Minister and successive mining Ministers have ignored and simply failed to respond to NLC correspondence since 14 February 2003 and most recently on 10 October 2006, which called for the NT Government to protect the Territory taxpayer by insisting that Xstrata pay compensation now - as well as protecting the environment and sacred sites."

McArthur River mine was approved in 1993 and was the first major mining development after the High Court's 1992 *Mabo* decision - but has never paid compensation or negotiated an agreement with traditional owners. It is expected that the legal challenge will be heard in 2007.