

## NOTICE OF FILING

### Details of Filing

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File Title: ENERGY RESOURCES OF AUSTRALIA LTD ABN 71 008 550 865 v  
MINISTER FOR RESOURCES AND MINISTER FOR NORTHERN  
AUSTRALIA (COMMONWEALTH) &ORS  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



*Sia Lagos*

Registrar

### Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Form 59  
Rule 29.02(1)

## Affidavit

No. NSD1056 of 2024

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Energy Resources of Australia Ltd ABN 71 008 550 865**

Applicant

**Minister for Resources and Minister for Northern Australia (Commonwealth)** and others  
Respondents

Affidavit of: **Yvonne Margarula**  
Address: 15 Lewis Close Jabiru NT 0886  
Occupation: Senior Mirarr Traditional Owner  
Date: 5 September 2024

I Yvonne Margarula of Jabiru Northern Territory, Senior Mirarr Traditional Owner say on oath:

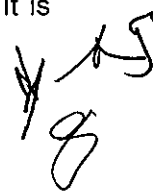
1. I make this affidavit in support of my application to be joined as a party to the proceedings.
2. I am not able to read and write English well. This affidavit has been read to me in English and in Gundjeihmi with the assistance of a NAATI accredited interpreter. It is sworn by me on this basis.
3. I am a Senior Traditional Owner of the Mirarr People. I don't just speak for myself but for every Mirarr. I have cultural authority as the eldest in my family, it is my father's country right back and under our law, I am recognised as a Senior Traditional Owner.
4. Mirarr People are traditional Aboriginal owners and we have rights and responsibilities under our traditional law and custom over our traditional lands, which we call Mirarr country.

Filed on behalf of (name & role of party) Yvonne Margarula, applicant for joinder  
Prepared by (name of person/lawyer) Susan O'Sullivan  
Law firm (if applicable) \_\_\_\_\_  
Tel 0428 523 917 Fax \_\_\_\_\_  
Email susan\_osullivan@outlook.com  
**Address for service** 5 Gregory Place Jabiru NT 0886  
(include state and postcode) \_\_\_\_\_

5. The traditional laws and customs go right through West Arnhem. Under our law, Jabiluka is Mirarr country. It has always been Mirarr country. My father was Mirarr, my grandfather and his father going right back.
6. I am a traditional woman. Both my mother and my father grew up living a traditional life here in this country. I speak Gundjeihmi as my first language. It is the language for Mirarr.
7. I don't really know when I was born as I was born in the bush. It was either 1958 or 1959. My birth certificate says I was born on 1 January but I think a white person put that date down.
8. I live on my country and have lived here my whole life. My family also live on Mirarr land with other Mirarr people. We are at Djirrbiyuk, Madjinbardi and in Jabiru. Some Mirarr live at Gunbalanya, a few in Katherine and other places.
9. Mirarr Country starts from near Cannon Hill in Kakadu, about half way between Gunbalanya and Jabiru. It goes right through the Jabiluka mineral lease area, Ranger mine, the town of Jabiru and west towards South Alligator.
10. I have seen the map where the Jabiluka mineral lease is and all that area is Mirarr country through our fathers. That land has a lot of djang and bim (rock art).
11. Djang are places where the spirits are in the land. They are also called sacred sites. We have to be very careful because the djang in that area is very dangerous. It is our responsibility as Mirarr people to make sure nothing goes wrong there. We know this from our law, from all our old people going right back a long time.
12. The land at Jabiluka is our traditional country. It is Aboriginal land under the Land Rights Act. We own it both ways, under Aboriginal law and under the government law. All Mirarr country is land trust under the Land Rights Act. The only places we cannot go are where the mining company is, but that is land trust too.
13. I was very happy when I heard that the government would let the mining lease finish at Jabiluka. I have been waiting for this ever since my father died over thirty years ago.
14. For years and years, we Mirarr have not been able to go onto the Jabiluka land. We haven't been able to go hunting, to check on all old sites or even drive through there. It has been under the mining lease. Sometimes ERA ask us to go there with them to look at something about mining, but we can't just go there whenever we want, like we can everywhere else on Mirarr land.
15. Now I'm worried that I will never get to go to that land. I have diabetes and it's really hard for me to walk around. A few years ago, I had a stroke. I am worried I might die before this is sorted out. My dad had five daughters and two sons. One boy died a long time

ago and now there are myself and two sisters and one brother left from my dad. Our generation is starting to pass away.

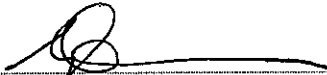
16. There hasn't been any mining at Jabiluka since the 1990s. We fought really hard against it. I went all over the world over that. I went to Paris to talk to the World Heritage committee. I spoke to them in Gundjeihmi.
17. On 19 May 1998, I got arrested for going on to Jabiluka. Police put me in the paddy wagon, for trespassing on my own land.
18. We stopped fighting when Rio Tinto came. Since then, we have had to wait until the mining lease finished. I've been waiting a long time now for the mining lease to finish.
19. If the mining lease keeps going at Jabiluka I'll die before we get it back. I want to get the rangers there, the young Mirarr generation. They have to start looking after the country properly. All the sites need to be checked and the bim (rock art) has to be looked at properly. But our next generation needs us to teach them. If we wait any longer, who will teach them? We are the ones that lived on that country, we walked by foot with our mum and dad and our grandmothers right across Jabiluka.
20. My organisation, Gundjeihmi Aboriginal Corporation (GAC), has been writing letters to the government in Canberra about this. For years this has been going on. We asked them to get ready to make Jabiluka national park. That was what my dad was promised, that it would all be Kakadu National Park one day. Well, I'm ready now. Nobody is mining there, nothing. They should just go away, now, before it's too late.
21. No one else can speak for Mirarr country, only Mirarr. Myself, all the Mirarr and GAC have been fighting for Jabiluka ourselves. Sometimes the Northern Land Council is there, but most of the meetings we have ourselves. We meet with the government and with the mining company.
22. We Traditional Owners, with our organisation GAC, we don't go anywhere else. We know the whole history right back to the 1970s when my dad was alive. We have done this before, going to court about Jabiluka.
23. It is very important that I am involved in this court case. I have been very worried ever since I heard about it. I don't want anyone talking about this without me and the other Traditional Owners involved. We have to be there.
24. Because of my health, it would be difficult to travel to Sydney for the hearing. I am not sure yet if I would be able to. I would be able to travel to Darwin for the hearing if it is held there.



Sworn by the deponent  
at Jabiru  
in Northern Territory  
on 5 September 2024  
Before me:

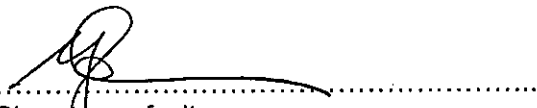
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Signature of deponent

  
Signature of witness

Susan O'Sullivan, solicitor

I, Susan O'Sullivan, certify that this affidavit was read to the deponent in my presence.

  
Signature of witness

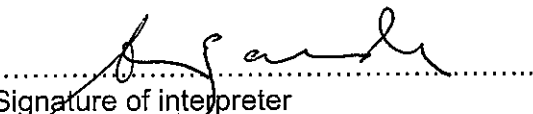
I, Dr Murray Garde OAM, certify that I am a qualified interpreter in the English language and the Gundjeihmi language, and that:

1) before sight translating the affidavit to the witness, I:

- a) had read the *Code of Conduct* and agreed to be bound by it; and
- b) had been given an adequate opportunity to prepare to sight translate the affidavit or statement; and

2) I sight translated the entire affidavit to the witness and the witness then:

- a) informed the person responsible for the preparation of the affidavit that the witness had understood me and agreed with the entire contents of the affidavit; and
- b) swore the affidavit in my presence.

  
Signature of interpreter