

# REPORT

## WORKING IN PARTNERSHIP

*the Mining Industry and Indigenous Communities*

### Muswellbrook, NSW Workshop

Friday 3<sup>rd</sup> and Saturday 4<sup>th</sup> June 2005

*Prepared for*

#### Department of Industry, Tourism and Resources

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# 1. INTRODUCTION

## 1.1 Background

The *Working in Partnership – the Mining Industry and Indigenous Communities Program* was launched by the Australian Government on 3<sup>rd</sup> June 2001. The program is administered by the Department of Industry, Tourism and Resources and seeks to promote long term partnerships between Indigenous communities and the exploration and mining industry.

In addition to promoting long term partnerships, the program aims to support and encourage the ongoing cultural change that has occurred between the exploration and mining industry and Indigenous communities in recent years. In so doing, it seeks to build on relevant research which has recently been conducted in relation to sustainable mining practices.<sup>1</sup>

Since the program's inception, the Department has developed an information kit which:

- presents selected case studies of successful partnership relationships between mining companies and Indigenous communities, showing a variety of approaches and outcomes;
- reflects the diverse experiences of some of the people involved in the partnership process;
- illustrates the achievements of particular companies and Indigenous communities; and
- provides information on the relevant government and industry programs that can support partnership initiatives.

The information kit can be accessed by contacting the Department directly or through the Indigenous Partnerships Program website, which can be accessed through the "All Programs & Services" link on the DIT&R website at: <http://www.industry.gov.au/>.

The program has also involved the conduct of a series of regionally based workshops in key areas of interest throughout Australia. To date, workshops have been conducted in Alice Springs in 2002, Kalgoorlie and Port Hedland, Western Australia in 2003, and Rockhampton and Cloncurry in Queensland in 2004.

The workshops have served to bring together stakeholders in major regional centres of mining activity, and to facilitate the discussion of local issues and progress towards achieving local outcomes.

The Muswellbrook workshop represents the sixth in the series of workshops conducted throughout Australia.

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<sup>1</sup> See, e.g., Indigenous Support Services and ACIL Consulting, *Agreements between Mining Companies and Indigenous Communities: A Report to the Australian Minerals and Energy Environment Foundation*, 2001 (available online at <http://www.natural-resources.org/minerals/CD/docs/mmsd/australia/finalreport/indigenous.pdf>); The Allen Consulting Group, *Indigenous Communities & Australian Business: From Little Things, Big Things Grow*, 2001 (available online at <http://www.bca.com.au/content.asp?newsid=87347>); D Brereton, "The Role of Self-Regulation in Improving Corporate Social Performance: The Case of the Mining Industry", Centre for Social Responsibility in Mining, University of Queensland, 2002 (available online at [http://www.csr.uq.edu.au/docs/brereton\\_2002\\_1.pdf](http://www.csr.uq.edu.au/docs/brereton_2002_1.pdf)); L Tedesco *et al*, *Indigenous People in Mining*, Australian Bureau of Agricultural and Resource Economics, 2003.

## 1.2 Working in Partnership - Muswellbrook Workshop

In April 2005, the DIT&R commissioned Grant Sarra Consultancy Services to conduct two workshops, one in New South Wales followed by a second workshop in North Queensland, as a continuation of the program.<sup>2</sup>

The Grant Sarra Consultancy Service workshop planning and facilitation team consisted of:

- Grant Sarra, Project Director and Lead Facilitator - Grant Sarra Consultancy Services;
- Dr Sally Sheldon, Project Manager and Facilitator - School of Law, Queensland University of Technology; and
- Michael Coughlan, Lead Facilitator - Indigenous Relations and Industry Specialist.

Following consultation with the New South Wales Minerals Council it was agreed that the NSW workshop could be of significant benefit in the Upper Hunter Valley Region. Further discussions with representatives from the NSW Department of Primary Industries, Department of Environment and Conservation, Department of Infrastructure, Planning and Natural Resources (Upper Hunter Aboriginal Cultural Heritage Trust), Department of Aboriginal Affairs and the NSW Minerals Council identified the Upper Hunter Valley region as an appropriate area to conduct a workshop. Muswellbrook was chosen as the location primarily because of its high concentration of mining activities.

It was agreed that the workshop could be attended by 70-80 people and include representatives from various Aboriginal groups, mining operations and relevant Government Agencies with interests in the Upper Hunter Valley. It was also agreed that the workshop could be used to advance a broad range of potential partnership initiatives that had previously stalled in the area. The Upper Hunter Valley catchment area focused on the region encompassed by the Upper Hunter Valley Aboriginal Cultural Heritage Trust and included the towns of Muswellbrook and Singleton and the surrounding districts.

The Muswellbrook workshop was held on the Friday 3<sup>rd</sup> and Saturday 4<sup>th</sup> of June 2005.

## 1.3 Purpose of this Report

The purpose of this report is to provide:

- an overview of the Muswellbrook workshop, including: methodology, theme, aims and expected outcomes, structure and activities;
- details of workshop outcomes; and
- suggestions that may enhance future partnerships in the Upper Hunter Valley region.

The report recognises the diverse situations and circumstances that confront exploration and mining companies and Indigenous Traditional Owner groups throughout Australia.

For this reason, the suggestions provided in this report to enhance future partnerships in the Upper Hunter Valley region are not to be taken as necessarily applicable to other regions throughout Australia.

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<sup>2</sup> The DIT&R had originally commissioned Grant Sarra Consultancy Services to conduct two workshops in South Australia. However, following extensive consultation with key stakeholder groups in South Australia it became apparent that a State-wide Indigenous Land Use Agreement and Framework was well into the process of being developed and that a decision to conduct Workshops in this State, at that time, may have had the potential to confuse or possibly disrupt existing negotiations.

Given the historical background and a range of critical issues relating to the current and future Indigenous Land Use Agreement negotiations in South Australia, it was subsequently decided to identify new locations to conduct the two Working in Partnership Workshops before the end of the 2004-05 financial year.

## 2. WORKSHOP OVERVIEW

### 2.1 Workshop Theme, Aims and Expected Outcomes

#### *Theme*

The central theme of the workshop was the desirability of exploration and mining companies, the Wanaruah people and relevant Government Agency service providers to work together:

- recognising that they have much to learn from each other; and
- acknowledging the potential for mutual benefit that exists in establishing sound working relationships and open and honest dialogue with each other.

#### *Aims and expected outcomes*

The Muswellbrook workshop had as its central aim the provision of a neutral regional forum, in which key stakeholders from the exploration and mining industry, the Wanaruah groups and Government Agency service providers could meet to discuss regional issues and work toward regional solutions relevant to the support of local partnerships.

Like earlier workshops in the program series, this workshop was not designed as a capacity-building or information-dissemination exercise; however, where required this was accommodated. Nor was the workshop aiming to develop “solutions” to regional problems which would be implemented and funded by government.

*The program itself does not provide the “magic bullet” solution to the issues...*

Rather, in keeping with the fact that the workshop facilitators and the departmental officers responsible for the workshop program were not based in the region, the workshop was designed to assist regional stakeholders to forge for themselves initiatives which they could develop and direct at a local level, wherever possible making more effective use of existing resources.

Mr John Hartwell  
Head of Resources Division  
Department of Industry, Tourism and Resources  
Rockhampton Workshop 2004

In particular, the specific aims and expected outcomes of the workshop were to:

- continue to promote positive interactions and enhance relationships between the various Wanaruah groups, exploration and mining companies and key government agency service providers;
- generate open and honest self-reflection and dialogue relating to partnership-building;
- identify regional factors that inhibit partnership arrangements;
- identify regional factors that enhance partnership arrangements and contribute to the achievement of culturally appropriate, community sensitive and business minded outcomes; and
- learn from each other.

All participants were encouraged to move their focus beyond short-term problems to the long-term mutual benefits offered by partnership relationships. The intention was to direct stakeholders' efforts beyond debate towards a constructive dialogue addressing the six main themes of the Working in Partnership program:

*EMPLOYMENT*

*EDUCATION AND TRAINING*

*BUSINESS OPPORTUNITIES*

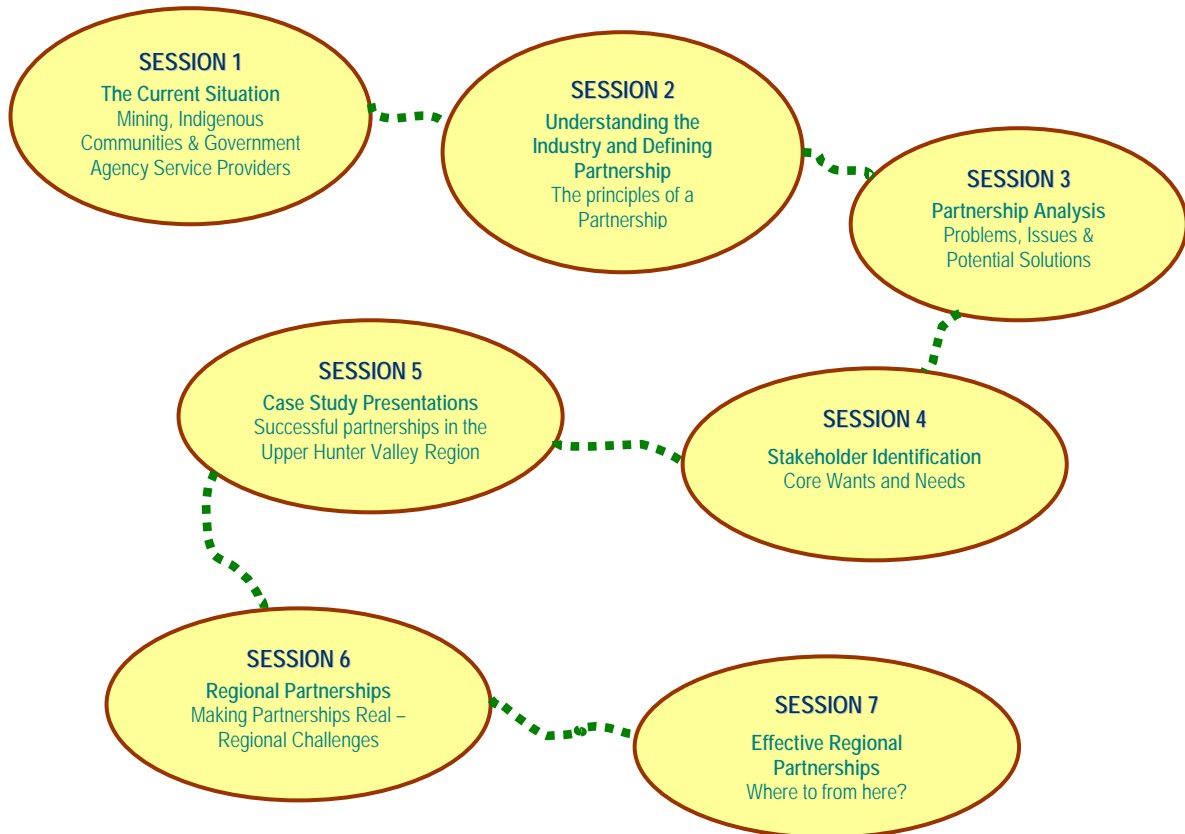
*CULTURAL AWARENESS*

*CAPACITY BUILDING*

*ECONOMIC EMPOWERMENT*

## 2.2 Methodology

In keeping with the workshop aims and the approach taken at earlier workshops in the program series, the Muswellbrook workshop was designed to maximise the time available for participant discussion of key issues. Following a planned traditional welcome to country, introductions and general scene setting, the workshop agenda was organised into the following sessions:



Sessions were ordered to allow discussion to develop as naturally as possible, while being channelled in a progressively more constructive direction which was focused on achieving the workshop aims. Strict adherence to the agenda was never an imperative and a degree of flexibility was built into the two-day program.

## 2.3 Workshop Planning

The following information was reviewed and considered in planning the Muswellbrook workshop:

- Advice provided by the Department of Industry, Tourism and Resources;
- Background research conducted by the consultancy team;
- Experience obtained from past workshops in the Working in Partnership series; and
- Information gathered through ongoing consultation with key stakeholders and follow-up contact with individual short-listed invitees in the Upper Hunter Valley region.

### 2. 3.1 Preliminary Consultation with Key Stakeholders

Preliminary consultations commenced in mid-April 2005 with the NSW Minerals Council and the Wanaruah Local Aboriginal Land Council. Follow-up consultations were then held with key representatives from exploration and mining companies, individual Wanaruah Aboriginal groups and organisations and government agency service providers with interests in the Upper Hunter Valley region.

The purpose of initial consultation was to:

- introduce the Department, the consultancy team members and the project;
- provide information about the rationale, objectives and proposed format of the workshop;
- solicit initial responses to the idea of the workshop;
- identify potential issues to be addressed at the workshop;
- identify protocols and procedures necessary to obtain a comprehensive list of contact names and details for possible invitees; and
- establish ongoing lines of communication between the consultancy team and the key stakeholder bodies involved.

### 2. 3.2 Workshop Participation

Experience at earlier workshops in the Working in Partnership series suggested that the Muswellbrook workshop would benefit from more extensive representation from:

- the full range of Wanaruah organisations and groups in the region, especially those Traditional Owner representatives who, as registered native title claimants, are or will typically be in the “front-line” of negotiations with exploration and mining companies;
- exploration and mining companies with a presence and active involvement in the Upper Hunter Valley region; and
- government agency service providers with a presence in and responsibilities for the Upper Hunter Valley region.

Preliminary feedback from potential invitees in the Upper Hunter Valley region emphasised that, within these three groups, it was important to ensure levels of participation which would accurately reflect the broad range of community, industry and government perspectives, and provide a foundation for meaningful and constructive discussion. For example:

- Indigenous people stressed the importance of securing attendance by senior management in industry and government, insisting that more junior representatives lacked the authority necessary to influence industry and government policy.
- It became clear that it was important to ensure that all individual family groups within the Wanaruah boundary were represented at the workshop.
- Representatives from exploration and mining companies drew attention to the importance of accurately reflecting differences within the industry, in terms of company size, longevity, access to resources, policies and experience.



In finalising the shortlist of invitees, particular weight was given to the above issues. Other criteria considered included:

- Interest in and willingness to participate in the full program;
- Experience in negotiations and other partnership-building activities between the Wanaruah people and the exploration and mining sector;
- In the case of exploration and mining companies, their level of current and proposed activity in the region;
- In the case of the Wanaruah people, their level of experience and/or interest in dealing with mining/exploration companies; and
- In the case of Government agency and service providers, their capacity to contribute constructively to key issues for discussion in the workshop program.

Potential invitees from all identified Wanaruah organisations and groups, exploration and mining companies, and government departments and service providers with involvement in the Upper Hunter Valley region were approached individually and/or through appropriate intermediaries (e.g. Wanaruah Aboriginal Land Council, the New South Wales Minerals Council, other governmental contacts). Once initiated, follow-up contact was maintained with invitees in the lead-up to the workshop itself.

A complete list of workshop participants is provided in **Appendix A** to this Report.

### **2. 3.3 Venue**

The venue chosen for the Muswellbrook workshop was the John Hunter Motel located in the township of Muswellbrook. This location was considered most central for attendees, and offered ease of access for the Traditional Owners, as many reside in Muswellbrook or the nearby township of Singleton.

### **2. 3.4 Social Function**

A social function was organised for the first night of the workshop. The function was held at and catered for by the John Hunter Motel and consisted of a barbecue supper and beverages. This offered participants the opportunity to unwind and interact on an informal basis.

### 3. WORKSHOP OUTCOMES

The proceedings and outcomes of each of the scheduled workshop sessions are summarised in this section. A more detailed record of the information produced from each session is contained in **Appendices B and C** to this Report.

#### 3.1 Introductions and Scene Setting

The workshop opened in a spirit of goodwill, with Mr Barry French, a highly respected elder of the Wanaruah People extending a warm and generous welcome to all participants on behalf of the Traditional Owners of the area. Mr French encouraged all participants to work together to develop a better understanding of each other's backgrounds and perspectives.

*"We need to respect ourselves in order to receive respect in this process..."*

Mr Barry French  
Traditional Elder  
Wanaruah People

Mr David Abbott Assistant Manager, Resources Development Branch of the Department of Industry, Tourism and Resources started the workshop proceedings by offering a short explanation of the purpose and history of the Working in Partnership Program and the workshop series. Mr Abbott explained that regional workshops formed the cornerstone of the Working in Partnership Program and that the Department was willing to conduct follow-up meetings in the Upper Hunter Valley region if it was considered beneficial to enhancing partnership outcomes.

Short presentations were then delivered by Mr Barry McTaggart, Chief Executive Officer of the Wanaruah Local Aboriginal Land Council, Mr Peter Smith, Director Environment and Development with the NSW Minerals Council, Mr Peter Downes, from the Department of Infrastructure, Planning and Natural Resources (Upper Hunter Aboriginal Cultural Heritage Trust), Ms Maxine Naden, Cultural Heritage Officer, with the NSW Department of Environment and Conservation and Mr Anthony Seiver, Acting Senior Policy Officer, Heritage and Natural Resources from the NSW Department of Aboriginal Affairs.

Barry McTaggart applauded the conduct of the workshop as he believed that not enough time was spent getting together to know each other. He explained that his initial reaction when approached by DIT&R was to say "thank goodness someone has taken the initiative". Barry outlined the main function of the Land Council as one designed to help preserve and protect the Aboriginal cultural heritage in the area.

He wanted it known that the Land Council staff were a genuine bunch of people who were not out to stop or hinder projects. The constituents of the Land Council care for their culture and heritage and want to preserve it so that people can enjoy and share in this rich culture and heritage for generations to come.

Barry also explained that the Land Council and all Aboriginal people want to work with the rest of the community and not against them and their endeavours, assuring participants that while he is in a position of influence, he will do all that he can to make this a harmonious and workable relationship, provided that they are given a fair go.

Barry concluded by stating that his door was always open and wanted people to feel free to discuss any proposal at anytime with them.

*"It often saddens me that on occasions, the miners or developers view the Aboriginal people as a hindrance to their projects, rather than a valued stakeholder..."*

*"...there is not enough time spent getting together to know each other..."*

Mr Barry McTaggart  
Chief Executive Officer  
Wanaruah Local Aboriginal Land Council

Peter Smith commenced his presentation by explaining that minerals industry activity and interests span from exploration, project planning, project approval and development, through to project construction, operation, and closure.

In the exploration stage, the mining company needs access to land to explore for minerals. This requires “communication”- both regarding what is sought by the exploration activity and what is sought by those whose lands are being accessed. Peter stressed that such communication was needed to build understanding.

***“With understanding, trust is built. Trust and understanding make for solid and productive relationships that feature honest and open communication between people...”***

Mr Peter Smith  
Director Environment and Development  
NSW Minerals Council

The nature of communications and relationships evolve as exploration evolves to project proposals, which in turn, could evolve to actual mine construction and operation. Different amounts of knowledge, certainty and commitments apply to the different stages of this land access and mining development process. This appears to be true for all stakeholders, even though these expectations and capabilities for certainty in communications among stakeholders may not always be in step.

Peter noted that many in attendance at the workshop were currently involved in various relationships with numerous mining companies and various types of partnership. Some of this interaction was voluntary while some had been established by external processes such as the planning and approval process.

According to Peter, industry has learnt by experience, by feedback and by guidelines. He explained that the cumulative experience of the industry is generally made up of many sequential project-by-project activities and that this workshop provided a useful basis to consider issues in a separate light - away from the project context.

Peter felt that at this point in time, it appeared to be a good opportunity to stop, take stock, and look at issues and opportunities and to network – with an eye for the future. He concluded by encouraging all attendees to “put in their two bob’s worth”, so that the greatest value can be gained from the workshop – that being, the priceless value of developing trust and understanding as we collectively explore new ways to better work in partnership.

Peter Downes provided a background discussion on the Upper Hunter Valley Aboriginal Cultural Heritage Trust presenting an overview of the Trust and outlining its aims, objectives and shortcomings.

Peter explained that the Upper Hunter Valley Aboriginal Cultural Heritage Trust came about after three different groups of people came together to achieve their own ends.

Aboriginal people wanted to protect their cultural heritage, have others value it, and to go beyond the common misconception that cultural heritage equals archaeology.

Exploration and mining companies wanted greater certainty in approvals and to know where they could and could not mine. They wanted to reduce the time and expense taken for Environmental Impact Statements, but also promote an element of “good corporate citizenship” in the process.

State Government Departments wanted to spend less time assessing development applications while carrying out their jobs of protecting Aboriginal cultural heritage and concurrently approving mining developments.

***“My hope is to see that in the future, better cultural heritage outcomes might be developed for all people in the Upper Hunter Valley to gain a better understanding and knowledge of Aboriginal cultural heritage”.***

Mr Peter Downes  
Department of Infrastructure, Planning and Natural Resources  
(Upper Hunter Aboriginal Cultural Heritage Trust)

The catchment area covered by the Trust is the same as that covered by the Wanaruah Local Aboriginal Land Council.

The Trust is a legal entity with a deed that controls its activities and performs two very different, but equally important roles:

1. To develop a Regional Aboriginal Heritage Study in the Upper Hunter Valley Aboriginal Cultural Heritage Trust region that provides a framework for Aboriginal cultural heritage management, or to help manage Aboriginal cultural heritage better.
2. To provide benefits to the communities of the Upper Hunter Valley region.

Peter explained that coal mining companies contribute money to the Trust by paying \$50,000 for each new mine in the region and that the National Parks had made its first contribution of \$50,000. These funds are then used to pay consultants to undertake the Trust's work.

Peter advised that the Trust had completed its first objective in 2004 and explained that because of gaps identified in the baseline study process, it was yet to meet its second objective. Peter is keen to move quickly on this, and was hoping to gain the views of the Aboriginal community at this workshop.

Ms Maxine Naden opened her presentation by explaining that she saw herself firstly, as an Indigenous person and then as a public servant, and that her actions or decisions are influenced by this. Maxine's key points were to reaffirm that new Cultural Heritage Guidelines had been developed by the State, and that all stakeholders should use the workshop as a venue or avenue to make comment upon the new Guidelines if they hadn't done so already. Maxine explained that this workshop was not to be measured as consultation by the State, or used to undermine or circumvent any efforts by the State. Maxine also reaffirmed the importance of acknowledging how the land and waterways were associated with dreaming stories and cultural learning that is still passed on today among Aboriginal people throughout Australia and how this cultural knowledge links Aboriginal people with who they are, and where they belong – so, to protect Aboriginal heritage, we can't just look after sites in parks, or artefacts in museums.

Mr Anthony Seiver presented an overview of the "Two Ways Together" approach adopted by the State outlining that it involved a three stage management planning process, commencing with a Community Plan, which then feeds into a Regional Plan, which then feeds into a State-Wide Plan.

Anthony further explained that under the Two Ways Together approach, Aboriginal people and government agencies were seeking to work together and in so doing, accept joint responsibility for the planning and delivery of solutions that meet community needs. The overall objectives of the Plan were to:

- develop committed partnerships between Aboriginal people and Government; and
- improve the social, economic and cultural and emotional wellbeing of Aboriginal people in New South Wales.

Anthony emphasised that to achieve these objectives it will require: changing the way Government works with Aboriginal people; enhancing the skills and capacity of Aboriginal communities and individuals; achieving real and measurable improvements for Aboriginal people in health, education, economic development, justice, housing and infrastructure, families and young people; and supporting and affirming Aboriginal peoples' culture and heritage.

*"Two Ways Together reinforces the commitment of the New South Wales Government to Aboriginal self-determination, and expresses respect for the diverse cultures of Aboriginal peoples in NSW".*

Mr Anthony Seiver  
NSW Department of Aboriginal Affairs

These presentations, designed to provide an overview of the current situation in the Upper Hunter Valley region, raised a number of themes that would recur throughout the two days of workshop discussions.

The opening presentations also set the scene for a group discussion of the meaning of “partnership”. Consensus was then reached on a general working definition, as the basis for subsequent workshop discussions.

All participants agreed that effective partnerships were effectively:

*“...all about trust, commitment and leadership at every level, vision, respect, the long-term view, resolving conflicts, flexibility, clear and effective strategies, sustained competitive advantage, ownership, empowerment, attitude, innovation, removing hidden agendas, teamwork, people, suppliers, customers, customers customers, suppliers’ suppliers, communication, hard work, making/taking time (a lot of it), cooperation, respect, compromise, interdependence, sharing everything (information, strategy, vision, people, ideas, risk), imagination, creativity, initiative, lateral thinking, friendship, under-compromising, over-delivering, unravelling/managing complexity, getting the basics right the first time every time, exceeding requirements and expectations and achieving world class”. (T Lendum, *The Strategic Partnership Handbook – A Practical Guide for Managers*, McGraw Hill Book Company Australia, 1997, p 3.)*

***“..I feel that it is important that people work together in partnership...”***

Mr Barry French  
Traditional Elder

## 3.2 Problem Analysis and Issue Search

Following morning tea on Day 1 participants were divided into their respective stakeholder groups for the purpose of engaging in a partnership problem analysis and issue search. Three groups were formed, of approximately equal size: one Indigenous group, one exploration and mining group, and one Government agency service provider group.

The aim of this session was to provide participants with the opportunity to identify obstacles to successful partnership building that their stakeholder group encounters in the region, and to report these back to and discuss them with other stakeholders.

The full details of group reports are reproduced in **Appendix B**.

The following key problems and issues were identified during this discussion.

### 3.2.1 Diversity of Indigenous Groups/Representation

One of the major problems identified by the Wanaruah people was that they needed to come together with one voice, or at least resolve their issues through mediation or conflict resolution. It was noted that there were many local Indigenous organisations being consulted and it was felt that some of these organisations were not always the right people to consult.

This was also considered problematic for the other stakeholders in that it increased the risks, created greater uncertainty and had the potential to lead to mistrust within the broader Indigenous community. This has, and continues to be a major issue for the Wanaruah Local Aboriginal Land Council. The community is unsure whether the right groups or individuals are being consulted on cultural heritage matters leading to a lack of confidence in the cultural heritage clearance procedures.

For the Wanaruah people as a whole, this becomes problematic in the context of negotiations with the mining/exploration industry.

### 3.2.2 Cultural Heritage Procedures

All groups found that cultural heritage procedures and regulations were confusing due to the number of government agencies involved, the number of groups that were consulted and the heavy archaeological approach adopted by the regulations.

The Indigenous group felt that changes in legislation had made it difficult for Indigenous people to identify what assistance was available and what criteria they have to meet.

*“..Aboriginal people need to be able to access land, to renew their cultural learning. And they have to be involved and consulted in the conservation of our natural environment ...”*

Ms Maxine Naden  
NSW Department of Environment and Conservation

On the broader issue of policy, they complained that the policy that came from legislative changes involved little community consultation or input and that ‘Red Tape’ makes it difficult for the community to approach government for information - in local, state and federal government contexts.

Indigenous people highlighted that they are only involved in mining through the cultural heritage process, and once this process was completed, they were no longer involved or consulted. They also expressed concern that the cultural heritage process, if not managed properly, can lead to the legal desecration of important heritage sites resulting in heritage being lost forever in favour of mining.

Exploration and mining companies highlighted the importance of being able to identify and consult the right people and explained that numerous cultural heritage items were currently being inappropriately stored on mine sites because such items are not able to be stored at the museum. They felt strongly that all items should be appropriately stored, returned to the sites once it is safe to do so, or returned to the Indigenous community for safe keeping.

Companies explained that due to the nature of mining, it was never going to be impact free and that a balance was needed. They also acknowledged that interaction between companies and the Indigenous communities needed to be broader than cultural heritage issues and that there was a need for a long-term vision, building of sustainable communities and an increase in Indigenous participation in the workforce.

All groups unanimously supported the establishment of a Cultural Heritage Centre, built, owned and operated by the Wanaruah people for the benefit of the whole community.

Government and service agency provider representatives echoed their frustrations regarding the current number of agencies involved in the process, and felt a lead agency needed to clearly be identified to cover all aspects.

### 3.2.3 Education and Employment

The Indigenous group felt that education, employment in the form of apprenticeships, TAFE courses and scholarships were limited in number in the Upper Hunter Valley region and they also did not have access to information on all the relevant state and federal government programs. The group further highlighted the need to develop pre-employment training programs to assist Indigenous people in the process of identifying career options that lead to permanent employment and suggested that this type of training should be implemented at the high school level.

The government group supported the concerns of the Indigenous group highlighting the need for mining companies to increase their commitment to Indigenous education, employment and other economic benefits which lead to better job outcomes for the community.

### 3.2.4 Sustainability

A number of areas that could contribute to greater sustainability were highlighted by all groups. In particular:

- the creation of more “permanent employment opportunities” allowing for genuine wealth creation to occur rather than a reliance on statistical outcomes;
- the development of mining industry traineeships and pre-employment workshops that assist potential indigenous job applicants in writing up resumes, developing interview skills etc., as possible ways to increase Indigenous community participation in work;



- acknowledgement that current job application procedures and processes were not sensitive to cultural differences: e.g. some mining companies were moving towards online application procedures, which require applicants to have access to the internet and knowledge of how to use it;
- the development of comprehensive regional agreements between all parties (local government, mining industry and Indigenous communities) to deal with broader regional issues of cultural heritage, employment, training and business development for Indigenous people;
- the development of cross-cultural training to increase awareness of Indigenous issues in the context of the mining industry and to include the participation of management, mine workers who worked on-site and company contractor employees; and
- greater coordination between all levels of government including, local, state and federal government departments.

There was a general recognition among the different Indigenous representatives that the community was currently fragmented, and that unity was required.

The Indigenous group acknowledged the difficulties external organisations (such as mining companies and government) faced in dealing with the fragmented nature of their group and highlighted the need for dispute resolution processes and procedures to be developed. The Wanaruah people generally agreed that this process may require the assistance of an independent facilitator to bring the different parties together.

*“..if things are to work,  
we must walk  
together...”*

Mr Victor Perry  
Wanaruah People

It was felt that there were too many Indigenous groups working solely in the area of cultural heritage and that there was a need for diversification into other employment and business opportunities.

The Indigenous group also felt strongly that the terms and conditions used in the current process for cultural heritage identification were largely being dictated by archaeologists.

### 3.2.5 Understanding of Each Stakeholders Perspectives and Issues

A fundamental issue raised by exploration and mining companies and the Indigenous group was their respective lack of understanding and respect for each other’s situation and culture.

- The Indigenous group highlighted a need for better understanding and respect by companies for Indigenous people’s employment and business aspirations, cultural heritage, the significance and importance of land in Indigenous culture, and the protocols which operate within Indigenous communities (as to who should be consulted, in what contexts, etc);
- Miners and explorers acknowledged their need for an improved understanding of the significance of Aboriginal culture, but also highlighted the need for the Wanaruah groups to understand the “exploration and mining culture”.

*“...we in the industry need  
to look beyond just cultural  
heritage when building  
relationships with  
Indigenous communities...”*

Mr Jeremy van de Bund  
Rio Tinto Coal  
Australia Pty Ltd

In particular, Indigenous groups needed to be aware that whilst mining companies have the potential to make substantial profits in the long term, the risk involved in the early stage of the mining process (especially at exploration) is significant, with operating budgets being relatively small. The importance of deadlines within the mining culture also required recognition – industry representatives highlighting that they have contractual obligations which have to be met within certain timeframes.

### 3.2.6 Regulatory Frameworks

Exploration and mining company representatives raised concerns relating to ongoing changes in legislation, government policy and community expectations, highlighting that these changes resulted in companies constantly having to deal with 'changing goal posts', i.e. different standards and expectations. During the exploratory phases, companies are attempting to reduce their risk, and these changing expectations add to that risk. Exploration and mining companies also felt that the current regulatory framework for exploration meant that it was archaeology-heavy, which was costly.

### 3.2.7 Community Consultation

Exploration and mining company representatives acknowledged that there had been a lack of community consultation and agreed that consultation needed to be continuous and not restricted to certain phases of the mining process. Companies further acknowledged the importance of building relationships and efficiently disseminating information relating to projects but highlighted the current risk involved, given the many different Indigenous groups currently claiming representation.

The different levels of government also acknowledged the importance of community consultation in the Upper Hunter Valley and explained that because of limited resources and the large number of Indigenous groups, effective consultation with all Indigenous groups was costly and made consultation difficult. The government group also felt that companies needed to go beyond gaining consent for mining activities, suggesting that they should take an active role in preserving Indigenous culture and in educating the wider community about its significance. They also felt that the impact that mining has on communities meant that the industry had a greater responsibility for community well being.

## 3.3 Core Wants and Needs

Following an explanation of the key stages in the mining process, the second session scheduled for the afternoon of Day 1 involved an analysis of the core wants and needs of each stakeholder group at each stage in the process. The purpose of this session was to encourage the stakeholders to move from the first session's focus on current impediments to partnership building, to a more constructive focus on identifying positive preconditions to the formation of successful partnerships. After the preliminary whole group discussion about the key stages in the mining process, it was agreed that these core wants and needs could best be organised against four broad stages of the process outlined in the diagram below:



With the key stages in the process identified, participants were divided into their individual stakeholder groups to analyse their core wants and needs, relevant to partnership building, at each stage in the process. A summary of this analysis is presented below with a full transcript of group results reproduced at **Appendix C**.

The Indigenous group's general concerns related to the following:

- Opportunities for employment and business development;
- Continuous contact with the companies from exploration through to mine closure;
- Acknowledgement of the cultural differences and attachments to the land;
- Shared information on new cultural sites discovered through archaeology studies and participation in the management of these sites; and
- Capacity building and wealth generation.



The exploration and mining group's general concerns related to the following:

- Expedient access to land;
- Knowing exactly who to consult with and defining boundaries of the community in which they intend to operate;
- Defining stakeholder protocols and developing such protocols to enhance communications; and
- Managing project deadlines and budgets and reducing risks.

The Government agency service provider group's general concerns related to the following:

- Responsible development of State resources;
- Increased exploration and investment;
- Partnership development;
- Land access for explorers/miners;
- Protection of cultural heritage;
- Protection of native title rights and interests;
- Better provision of education for Indigenous communities;
- Greater opportunity for employment; and
- Developing effective communication protocols.

### 3.3.1 Exploration Stage

At this stage of the mining process, explorers need access to land and secure exploration rights, so as to proceed in a timely and cost-effective fashion. Traditional Owners require effective identification and protection of their cultural heritage and opportunities for involvement in planning and decision making associated with the project.

It seems that the exploration process would proceed more effectively for all parties if the following needs could be met:

- Traditional Owner groups and the explorers with whom they are or will be dealing should have established sound relationships, preferably well in advance of the desired date of commencement of the exploration process. Early cultural awareness training for explorers should be considered.
- Explorers should have anticipated and budgeted for the reasonable costs of native title and cultural heritage negotiations, and should have undertaken background research (where appropriate, with assistance from government and service agencies such as Land Councils) as to the appropriate Traditional Owner groups and representatives to contact, and relevant cultural protocols.
- Traditional Owners should have engaged in preliminary capacity-building which provides them with good business awareness and an understanding of the resources industry and the activities, budgets and timelines associated with the exploration process.

Where appropriate, they should have had the opportunity to undertake formal training, and should have access to adequate professional advice.

- Relevant government departments and/or service agencies should have assisted both parties to negotiations to understand their respective rights and obligations under the exploration process (eg, by distributing relevant information, holding forums, etc).
- All parties to the process require a stable environment in which to carry out their negotiations and associated activities. Frequent changes in legislation and government policy are inimical to this.

### 3.3.2 Project Feasibility Stage

Issues raised during the workshop can be addressed and minimised if the stakeholders follow these suggested actions:

- The exploration and mining companies indicated that they were conscious not to raise the community's hopes at this stage, as many exploration projects do not make it to feasibility stage. However, companies should maintain open and effective lines of communication with the Traditional Owners – in particular, the latter must be kept informed of progress and of any company decisions that have the potential to impact upon their traditional lands.
- Relationships between the relevant Traditional Owner groups and the company involved must be valued and developed leading up to any decision to mine or not to mine. Regardless of the decision the company makes, there is a need to be conscious of other potential prospects in the area, and therefore, establishing and maintaining sound working relationships with the Traditional Owner groups makes good business sense. Companies need also to acknowledge the power and swiftness of “word of mouth” among Indigenous people throughout Australia and note that their mining activities and approach to working with Traditional Owners can be quickly transferred to other regions throughout the country. Companies must try to understand the history of each Traditional Owner group they come into contact with, respect the pride and dignity of the people and seek to provide outcomes that are appropriate, fair and reasonable.
- Relevant Government departments and support agencies must continue to support and resource Traditional Owner groups and mining companies during this stage. Traditional Owners generally need capacity-building and assistance in supplying mining companies with relevant information (eg, by maintaining a skills database). At the same time, mining companies need to minimise costs given that exploration budgets are generally very tight.
- Where relevant mining impact studies (environment and other) are to be conducted, relevant Traditional Owner representatives should be consulted and involved in appropriate planning and decision making activities that may impact upon their traditional lands.

### 3.3.3 Project Development Stage

If the mine proceeds to development, the following further requirements – which should have been anticipated and planned for at earlier stages – should be addressed:

- Relevant aspects of the cultural heritage management plan and native title agreement (ideally already in place) should be implemented effectively.
- Realistic employment and business opportunities should be identified and appropriate employment and business skills audits need to be conducted.
- Personnel at all levels of the mining company and associated contractors should undertake localised cultural awareness training, to ensure awareness of relevant issues and sensitivity towards social problems.
- Relevant Government and service provider agencies must continue to assist the process by supporting ongoing capacity-building programs, conducting skills audits, negotiating (with Traditional Owners and company representatives) joint business development and training opportunities that lead to permanent jobs for Indigenous people at all levels relevant to the project.

### 3.3.4 Project Commissioning Stage

By this late stage of the process, the foundations for an effective partnership should be firmly in place. However, even at this stage close attention is required to the following factors:

- There must be an ongoing commitment on the part of the mining company to its cultural awareness training program, and to maintaining sound relations with the Indigenous communities.

- Relevant agreements must be being implemented and performance outcomes regularly monitored. Where possible, targets should have been set (eg, Indigenous employment, business, cultural heritage and environmental outcomes) and regular reviews should be undertaken of the extent to which these are being met and, where they are not being met, efforts should be made to identify the reasons for this and possible remedial action that might be taken. To this end, it would be advisable for companies to implement Indigenous Issues management plans.
- Traditional Owners should receive appropriate training support and career development opportunities to ensure that they can compete for positions at all levels at the mine site.
- At this stage of proceedings, the mine's life has been determined, and therefore detailed planning and consultation should begin relevant to mine closure and post-mining land use, rather than leaving it to the last few months of mine life. Planning for mine closure should have been incorporated as an integral part initial environmental impact studies with key land rehabilitation and restoration strategies identified in advance and successfully implemented throughout each stage of the project.

### 3.4 Successful Partnership Case Studies

The first session scheduled on the morning of Day 2 involved the presentation of successful partnerships. Participants were invited to deliver short presentations detailing their past or present involvement in partnership projects in the Upper Hunter Valley region or elsewhere. Presentations were delivered by:

#### *Daniel Archer - Roche*

Daniel Archer spoke about the positives of localised Indigenous employment and the strategies being developed by Roche to overcome the perceived barriers to increased participation of Indigenous people in the mining industry.

Daniel posed the following question to the audience - "Why should companies create local employment opportunities?"

In Roche's experience, it creates a stable and loyal workforce, not to mention the local goodwill which can return immeasurable benefits to the company.

Daniel identified the following industry myths relating to Indigenous people:

- Indigenous employees are not reliable;
- Indigenous employees are not stable; and
- Indigenous employees do not respond to advertisements.

*"Companies tend to build negative attitudes toward Indigenous employment, because they fail to understand and explore some of the myths..."*

Mr Daniel Archer  
Roche

He stated that none of these myths have proven to be true. Indigenous employees are highly stable, reliable and will respond to job vacancies if recruitment strategies are appropriately designed to reach Indigenous applicants. Companies must consider the reasons for application rates from Indigenous applicants, such as their past success rates in applying and other built up "perceived" barriers.

Daniel identified psychometric testing as a tool that has been used by many companies over recent years and indicated that as a tool, although useful to some, it may not be appropriate when it comes to the successful recruitment of Indigenous people.

Daniel explained that in Roche's experience, psychometric testing was generally not an accurate tool for testing Indigenous people's aptitude for being competent in a particular job. It was also considered that the test could well be culturally biased and, therefore, not a good indicator for predicting whether or not an Indigenous person will fit into a workforce culture. Daniel concluded his presentation by providing an example of an Indigenous grader driver who graded a football field using his eye and when the field was later surveyed it was found to be up to the standard of that of a surveyor - yet this person would have definitely failed psychometric testing.

**Carl Bagnall, David Murrie - Mt Arthur Coal Pty Limited**  
**Laurie Perry – Wanaruah Business Operator**

The second presentation was conducted by Carl Bagnall, Senior Environmental Co-ordinator of Mt Arthur Coal Pty Ltd, Laurie Perry, a local Wanaruah person and business operator who has been working in partnership with Mt Arthur Coal, and David Murrie, Human Resources Manager, Mt Arthur Coal Pty Limited.

Carl began the presentation by paying respect to Bret Jenkins who had initially set up programs with the Indigenous community. The company created temporary and long-term job opportunities for local Indigenous people and had since established a local Indigenous Land Management Team.

As a result of the workshop, Carl acknowledged that his company should now also look at introducing cross cultural awareness programs.

Laurie provided an overview of his involvement with Mt Arthur Coal explaining that it all started with a small fencing contract at the mine. This was extended to dog baiting and weed control and eventually his company then started to

*“I had some trepidation about this meeting, but have been genuinely surprised by the extent of goodwill shown by all parties – it has been a long time coming...”*

move into rehabilitation work at the mine site. Laurie admitted that he possessed limited skills in these areas but he relied on the knowledge of other skilled and knowledgeable people and simply learnt from them.

Laurie explained that since starting his own business partnership he now has the confidence to approach and secure jobs with other companies. Laurie currently employs 16 other local Indigenous people, many of whom are family. The business experiences some problems, but most of these problems are related to the general rigours of running a small business, eg risk assessments, OH&S requirements and tax.

Mr Carl Bagnall  
Mt Arthur Coal Pty Ltd

Both Laurie and Carl highlighted the critical partnership success factors as being open with each other, maintaining ongoing and honest dialogue, and having a single point of contact with whom to deal.

David explained that some 3 years ago, their production was raised from 3 million tonnes to 12 million tonnes per annum and, at that time, he was asked to look into why the company was not receiving job applications from local Indigenous people.

*“We can’t stop mining, but we can manage it – that is the mindset we must have...”*

After a review of the recruitment strategies, he decided to approach the local Land Council directly with vacancies and also decided to look at changes in the application process. David explained that the company receives over 10,000 applications per year and that psychometric testing was not the only tool they use for assessing a person’s ability to undertake work with them. Like Roche, David explained that they are still working on ways to increase recruitment numbers of Indigenous people at their mine site and he felt that this process may well be enhanced as a result of the formation of the Mt Arthur Coal Aboriginal Liaison Working Group.

Mr Laurie Perry  
Local Wanaruah Business Operator

### 3.5 Regional Partnership Challenges

In the final session of the workshop, participants were divided into two groups, each comprising a mix of representatives from the three stakeholder groups - Traditional Owners, explorers and miners, and Government agency service provider representatives.

The groups were asked to consider the prospect of developing an effective partnership arrangement and discuss possible future actions that would need to be taken, subsequent to this workshop.

Each group was asked to move beyond the short-term problems and issues to focus on achieving their collective long-term priorities in response to the following questions:

*If a regional partnership model, structure and process were to be developed in the Upper Hunter Valley region to enhance outcomes for ALL stakeholders:*

- *Who could be involved?*
- *What models, structures and processes currently exist and how can they be enhanced to better support partnerships in the region?*
- *What communication strategy or process needs to be developed to sustain effective partnerships in the region?*
- *What could be our mutual Vision and Strategic Goals and Priorities over the next five (5) Years?*
- *What could be our Operational Priorities over the next Twelve (12) months?*
- *What initiatives could we work together on and mutually CELEBRATE?*
- *What could constitute an effective, efficient, accountable and culturally appropriate and community sensitive decision making process?*
- *What are the resource implications for a regional partnership model/structure?*

The respective groups' responses have been combined and are presented below.

### ***Communication Issues and Structures***

- All stakeholders at this workshop should be involved in future partnership building processes in the Upper Hunter Valley region.
- Government facilitation is needed to get the different Indigenous groups together.
- A central body is needed that has the support of all Indigenous people and is subdivided into different areas of interest such as culture and heritage, employment and economic benefits, etc.
- The single representative group needed a strategic plan and direction aiming to improve Indigenous work participation rates, etc.
- A heritage trust was suggested as a means of improving outcomes for Indigenous people in the area of culture and heritage.
- Communication between all stakeholders in the mining process needed to commence early and be continuous.
- There should be joint participation in processes that involve community consultation – supported by earlier participation of Indigenous people in exploration activities.
- There is a need to improve information dissemination from archaeology studies and to ensure that findings of these studies are presented to the Indigenous community and possibly used for community education in schools, etc.
- Communication models and processes between mining companies, Indigenous communities and government already existed, but they needed to be improved.
- There should be joint participation and a continued role for any existing communication models.
- Modify the structure of the Upper Hunter Valley Aboriginal Cultural Heritage Trust.

### ***Operational priorities over the next 12 months***

- Faster decision making processes within the Indigenous community and better communication strategies to be developed.
- Finding common goals for mining and Indigenous groups: ie, the need for workers in the mining industry against a general skills shortage could represent an opportunity for greater local Indigenous participation.

- Improved governance for the Wanaruah people – ie, using an independent facilitator to help resolve issues, and training in corporate governance for Indigenous community leaders.
- Simple induction processes to include all or most mines in the area.
- Determine custodianship of the land.
- General alignment between outcomes of the Working in Partnership program with government policy and legislation.
- Unified Aboriginal community, via independent facilitation.
- One Stop Shop, which could be a Cultural centre.
- Greater access to capital.
- Skills audits, mentoring programs and industry partnering initiatives.
- Council of Wanaruah Elders formed.
- Increased cross cultural training at all mine sites.

### ***Mutual Goals for next 5 years***

- The construction of a Cultural Heritage Centre for community education, incorporating sites, materials and information accessed during mining.
- Develop a one stop shop for mines to approach on a range of issues – ie, one body representing the Indigenous community on mining related issues.
- Increased Indigenous participation in work, including traineeships, apprenticeships, permanent employment and business opportunities.
- Improved Indigenous education in areas of literacy and numeracy, business skills, and increase in traineeships and scholarships.
- Information on government programs and consolidation of the various government programs for Indigenous communities.
- A process of cultural heritage assessment that leads to more balanced outcomes. The focus needed to move from the scientific (archaeology) aspects to social aspects.
- Diversifying work opportunities from mining to other areas that will enable a sustainable Indigenous community post-mine closure.
- The development of an Employment Strategy with long-term outcomes.
- Diversification of opportunities, skills and employment.
- The creation of economic sustainability for the Indigenous community.
- Long-term successful partnerships.

### ***Things to mutually Celebrate***

- A Regional Partnership that actually works.
- A Cultural Heritage Centre ie, keeping Place.
- Mutual goals and priorities.

### ***Resource Implications***

- A facilitator (or mentor) to keep partnership focussed on long-term vision.
- Role models in government, industry and community.
- The support of the Minerals Council and government.
- Better access to government grants and programs.

### 3.6 Regional Partnership Committee

At the end of the workshop, the participants agreed to form a committee to further consider the issues previously highlighted. The committee will be a fluid committee that will allow representatives to participate in issues of interest.

The committee includes representatives from the Indigenous community, the local exploration and mining companies and the relevant government organisations. Those who volunteered to participate in the initial committee are as follows:

	NSW Department of Primary Industries		New South Wales Minerals Council
	Anglo Coal		Department of Infrastructure, Planning & Natural Resources
	Mt Arthur Coal Pty Ltd		Wanaruah Business Operator
	Department of Environment & Conservation		Upper Hunter Valley Wonnarua Council Inc
	Yarrowalk		Mobile Welding Services
	Wanaruah Local Aboriginal Land Council		Muswellbrook Shire Council
	Muswellbrook Coal Company Ltd		Wanaruah People
	Wonnarua Nation Aboriginal Corporation		Rio Tinto Coal Australia
	Combined CHVA Corporation		Ungooroo Aboriginal Corporation
	Wanaruah Local Aboriginal Land Council		Xstrata
	United Coal Australia		

As well, there were a number of people nominated for the Committee in their absence, and DITR will follow-up directly with these people to see if they or another representative of their group or agency wish to participate. There may also be other organisations that will be invited to participate in order to maintain the broadest representation of stakeholders in the region.

## 4. MAKING PARTNERSHIPS REAL

The Muswellbrook Working in Partnership workshop exposed a number of essential issues that need to be addressed if partnerships are to be successful in the region. The following provides a summation of these issues, with recommendations for possible action.

### 4.1 Developing Mutual Awareness, Knowledge and Understanding

The development of effective training programs by all stakeholders will enhance mutual awareness, knowledge and understanding within each group.

The effective development and ongoing delivery of such programs will ensure that relationships are developed, nurtured and maintained, that confidence in and respect for each other is developed, and that greater certainty is secured for all parties involved in each key stage in the mining process.

From an exploration and mining company perspective, training should, as a minimum, seek to develop awareness, knowledge and understanding within Traditional Owner groups by:

- explaining the key stages in the exploration and mining process and discussing company requirements at each stage;
- explaining the company's approach to working with Indigenous communities;
- presenting relevant information relating to projects;
- providing relevant information relating to the company's history, structure and decision-making processes; and
- promoting the importance and significance of, and demonstrating a commitment to, working in partnership.

From a Traditional Owner perspective, training should be provided for persons engaged at all levels of mining, exploration and associated contracting companies, and should, as a minimum, aim to:

- provide an insight into traditional through to contemporary Indigenous culture, heritage and society;
- provide an insight into the historical problems and issues that impact upon Indigenous people in the region, and/or the specific Traditional Owner group;
- explain Traditional Owner communication requirements and protocols;
- highlight Traditional Owner strategic priorities and aspirations; and
- promote the importance and significance of, and demonstrate a commitment to, working in partnership.

From a government and service agency perspective, training for other key stakeholders should, as a minimum, aim to:

- highlight and explain government programs and support options relevant to projects;
- provide updated information relating to relevant legislative changes;
- provide information and advice on how to access relevant support or assistance; and
- promote the importance and significance of, and demonstrate a commitment to, working in partnership.

### 4.2 Establishing and Maintaining Relationships

The importance of establishing and maintaining relationships at the regional level should not be underestimated. Good relationships between explorers and miners, government agencies and Traditional Owners need to be developed as early as possible in the process.

Effective relationship building processes will ensure that:



- potential project problems and issues are identified and resolved early on;
- key people in the process are identified and factored into relevant negotiations from the outset;
- opportunities for mutual trust, confidence, understanding and respect are established early; and
- certainty for all stakeholders is created.

### **4.3 Establishing a Functional Regional Partnership Committee**

The establishment and appropriate resourcing of a functional Regional Partnership Committee should enhance communication and general awareness and understanding among all stakeholder groups.

An effective Regional Partnership Committee should not seek to displace or attempt to replicate the functions of existing organisations within the region. Rather, it would attempt to:

- provide leadership and strategic direction for all stakeholder groups;
- provide basic advice, information and direction to individual stakeholder groups seeking assistance;
- disseminate information to all stakeholder groups promoting the importance and benefits of working in partnership throughout the region; and
- identify and actively promote successful partnerships throughout the region; and
- serve as a forum for enhancing and developing relationships based on goodwill.

### **4.4 Addressing Resource Disparity**

The disparity of resources between Traditional Owner groups and explorers/miners must be acknowledged to ensure that partnerships succeed in the region. A genuine acknowledgement of, and an effective, responsible and consistent response to this problem requires commitment from government, as well as industry, but will significantly contribute to better partnership outcomes.

As in other regions throughout Australia, it is often assumed in the Upper Hunter Valley that Traditional Owner representatives can travel to and from meetings relating to exploration or mining at their own expense. This is not always the case, and contrasts with the situation of other stakeholders whose costs can be borne by the organisation they represent.

From an Indigenous perspective, the basic human dignity of the Traditional Owner group needs to be respected in the mining process. So too must there be an acknowledgment that individual socio-economic circumstances differ greatly from one Indigenous person/group to the next. However, as a basic minimum, where Traditional Owner representatives are required to attend a negotiation meeting, their genuine requirements should be enquired after, and they should be entitled to enjoy the same or similar conditions in terms of travel, accommodation, meals, remuneration and allowances, to those enjoyed by other stakeholder representatives.

### **4.5 Defining and Articulating Key Stages in the Process**

It is important that the key stages in the exploration and mining process are clearly defined and articulated. An appropriate definition and articulation of the key stages in the process – particularly amongst Traditional Owner groups – should contribute to greater clarity, strategic insight and focus, enhanced decision-making processes and general understanding among all stakeholders.

### **4.6 Meeting Time/Project Deadlines**

Problems associated with meeting project deadlines can and should be resolved through the implementation of effective training programs and through early relationship building. Difficulties in meeting timelines will be better anticipated and addressed if stakeholders' differing attitudes to time are acknowledged.

From an industry and government perspective, a significant premium attaches to the core business values of accountability, effectiveness and efficiency in project management.

It is important for the Traditional Owner group to acknowledge this requirement, and to continue to develop business-minded approaches when dealing with these stakeholder groups.

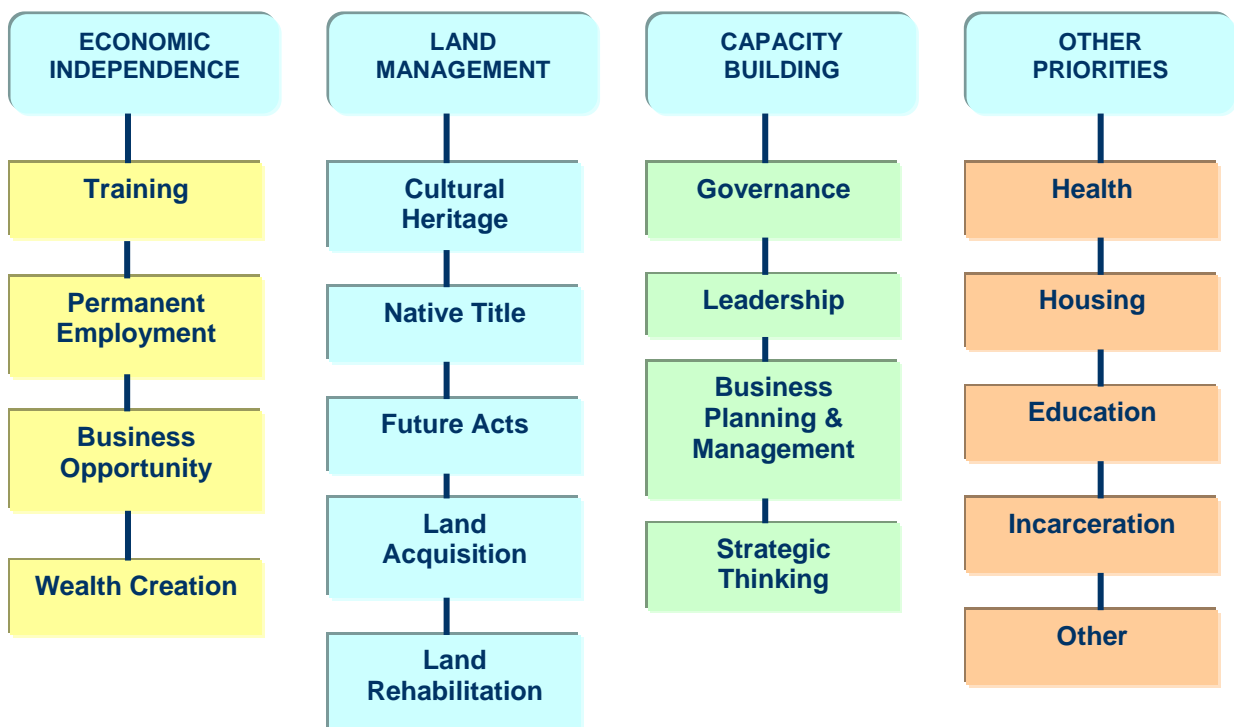
Similarly, in order to understand the perspective of Traditional Owners, other stakeholders must comprehend and accept the manner in which historical events have impacted upon individual Indigenous groups. For example:

- The geographical displacement of Indigenous people from their traditional lands, and their subsequent formation of historical connections to other areas, has complicated issues of group-identification, and often makes more onerous the time and cost commitments required of Traditional Owners in attending meetings.
- Traditional Owner groups face a significant challenge in having to adapt to changing circumstances, procedures and attitudes to time, many of which are inconsistent with cultural traditions and processes.
- There have been and still are limited opportunities for Traditional Owners to develop knowledge and skills in time and project management.
- Individual Traditional Owners often carry significant responsibilities requiring them to attend to cultural business within their group.

In this respect, it is important that exploration, mining and government stakeholders respect the cultural circumstances and situations that confront individual Traditional Owners. In particular, they should continue to develop their respective capacities to deliver culturally appropriate and community-sensitive outcomes, while simultaneously promoting the importance of business-minded approaches being adopted by Traditional Owner groups.

#### 4.7 Traditional Owner Strategic Goals and Priorities

The identification of Traditional Owner strategic goals and priorities will significantly enhance their capacity to lead, plan, organise and control activities within their respective groups in accordance with standard business management practices. In turn, it will significantly enhance their capacity to negotiate realistic outcomes with industry, and to operate within reasonable timeframes and budgets. While not exhaustive, the diagram below is used as an example and attempts to identify four broad strategic areas of importance for Traditional Owner group.



The process of identifying Traditional Owner group strategic goals and priorities will also assist exploration, mining and government stakeholders by providing clarity and by assisting them collectively to identify opportunities where each can contribute to the achievement of Traditional Owner and wider Indigenous strategic goals and aspirations.

In particular, this process will help to ensure that industry and government/service agency stakeholders do not replicate each others' efforts, yielding more cost-effective and relevant stakeholder outcomes.

It should also assist the Wanaruah people as a whole, in the important process of developing a unified approach to working with industry and government agencies.

## Appendix A Workshop Participants

### Wanaruah Representatives

NAME	ORGANISATION
Mr Barry Anderson	Lower Wonnarua Tribal Consultancy Pty Ltd
Mr Scott Franks	Yarrawalk
Mr Barry French	Wanaruah Local Aboriginal Land Council
Mrs Helen French	Wanaruah Local Aboriginal Land Council
Mr Robert Lester	Wonnarua Nation Aboriginal Corporation
Mr John Mathews	Combined CHVA Corp (CCHVAC)
Mrs Margaret Mathews	Combined CHVA Corp (CCHVAC)
Mr Barry McTaggart	Wanaruah Local Aboriginal Land Council
Ms Rene Molineaux	St Clair Singleton Aboriginal Corporation
Mr T Murray	
Mr Alan Paget	Ungooroo Aboriginal Corporation
Mr Laurie Perry	Upper Hunter Wonnarua Council Inc
Mrs Rhoda Perry	Wonnarua Elders Council
Mr Victor Perry	Upper Hunter Wonnarua Council Inc
Ms Janelle Risby	Wanaruah Local Aboriginal Land Council
Mrs Barbara Van Vliet	Valley Culture
Mr Graham Ward	Ungooroo Aboriginal Corporation

### Industry Representatives

NAME	COMPANY
Mr Daniel Archer	Roche Mining
Mr Carl Bagnall	Mt Arthur Coal Pty Limited, Hunter Valley Energy Coal, BHP Billiton
Ms Georgina Beattie	NSW Minerals Council Ltd
Mr Nigel Charnock	Hunter Valley Coal Corporation, Mt Owen Operations
Mr Ben Clibborn	Beltana Longwall Mining (Xstrata)
Mr Colin Davies	Camberwell Coal
Mr Mark Howes	Muswellbrook Coal Company Ltd
Mr Val Istomin	Xstrata Coal NSW
Ms Tracey Messer	Anglo Coal
Ms Mary Anne Murray	United Coal Xstrata
Mr David Murrie	Mt Arthur Coal Pty Limited, Hunter Valley Energy Coal, BHP Billiton
Mr David O'Brien	Beltana Longwall Mining (Xstrata)
Ms Lucy Roberts	Xstrata Coal NSW
Mr Stephen Schmidt	Mobile Welding Services
Mr Peter Smith	NSW Minerals Council Ltd
Mr Jeremy van de Bund	Rio Tinto Coal Australia
Mr John Watson	Ravensworth Operations No 1 Colliery

## Government Agency Service Provider Representatives

NAME	ORGANISATION
Mr David Abbott	Department Industry, Tourism and Resources
Mr Ian Abbott	Department of Primary Industries
Mr Steve Brereton	Department of Environment & Conservation
Mr Dave Brown	NSW National Parks & Wildlife Service
Mr Peter Downes	Department of Infrastructure Planning & Natural Resources
Mr Jay Kickett	Office of Indigenous Policy Coordination
Ms Phillipa McDermott	Department of Employment and Workplace Relations
Ms Monique McDonald	Department of Primary Industries - Mineral Resources
Mr Glen Morris	NSW National Parks & Wildlife Service
Ms Maxine Naden	Department of Environment & Conservation
Ms Lynda Payne	TAFE NSW Hunter Institute
Ms Lee Pearson	Department of Infrastructure Planning & Natural Resources
Mr Ron Powell	Department of Education, Science and Training – Indigenous Education
Mr Bruce Reddan	Department Primary Industries - Mineral Resources
Mr Anthony Seiver	Department of Aboriginal Affairs
Ms Samantha Spicer	Muswellbrook Shire Council
Mr Paul Strutynski	Department of Employment and Workplace Relations
Ms Jennifer Underwood	Singleton Shire Council
Mr Will Willis	Hunter Area Consultative Committee
Ms Jan Whyte	Department of Education and Training
Mr Shakeel Yusuf	Department Industry, Tourism and Resources

## Appendix B Problem Analysis and Issue Search

<p><b>Indigenous Group</b></p> <ul style="list-style-type: none"> <li>❖ Lack of unity between local Indigenous groups.</li> <li>❖ Perception that policies and procedures have been disregarded in community consultation.</li> <li>❖ Lack of trust and mutual respect among groups.</li> <li>❖ Nepotism in organisations.</li> <li>❖ The need for conflict resolution or mediation.</li> <li>❖ There needs to be a greater recognition or respect paid to Traditional Owners by all stakeholders.</li> </ul> <p><b>Cultural Heritage</b></p> <ul style="list-style-type: none"> <li>❖ 25 groups undertaking cultural heritage clearances.</li> <li>❖ Where do we go?</li> <li>❖ Archaeologists dictate to groups (with use of section 6).</li> <li>❖ Regional Agreement required.</li> <li>❖ The need for Cross Cultural Training in companies.</li> <li>❖ Companies need to involve Indigenous stakeholders early in the project and maintain relationship right through.</li> <li>❖ Companies should ensure they are dealing with the correct stakeholders.</li> <li>❖ Many companies not liaising with the local Land Council.</li> <li>❖ Lack of co-ordination between government departments, appears to work at local level, but unsure at higher levels.</li> <li>❖ Government policies not understood by Indigenous community. Lack of proper consultation.</li> <li>❖ Varying quality of information and information from Indigenous groups makes it difficult, e.g. surveys.</li> <li>❖ Are surveys culturally appropriate?</li> <li>❖ Lack of government systems and procedures in Indigenous community.</li> <li>❖ Large number of \$ gone into studies (\$20m in Upper Hunter Valley); most \$ goes to non-Indigenous consultants.</li> <li>❖ Lots of trained people in Indigenous community, but little commitment from miners to employ locals.</li> <li>❖ Indigenous community concerned that the government lacks a long-term commitment to cultural heritage.</li> <li>❖ Government has a top down approach to consultations.</li> <li>❖ Indigenous community takes a bottom up approach.</li> <li>❖ Government needs to know key Indigenous groups and individuals.</li> <li>❖ Greater co-ordination between the various levels of government, local, state and federal.</li> <li>❖ Consultation is a problem for all levels.</li> <li>❖ Indigenous need to push their case in consultations.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Better leadership, will improve consultations.</li> <li>❖ Heritage consultant fees and structure does not support extensive consultations.</li> <li>❖ Indigenous community need develop skills in presenting their views, i.e. in reports.</li> <li>❖ Career paths into the industry are unclear.</li> <li>❖ Closed industry for family members.</li> <li>❖ The mining industry relies on a broad network of suppliers, therefore opportunities could be sourced outside the mining companies.</li> </ul> <p><b>Miners and Explorers Group</b></p> <ul style="list-style-type: none"> <li>❖ The regulatory framework is heavily Archaeology driven and open to interpretation, thus leading to group dissatisfaction.</li> <li>❖ The number of Indigenous groups in the Hunter Valley makes it hard for miners/explorers.</li> <li>❖ Changing goal posts.</li> <li>❖ Timeframes from exploration to mine commissioning can be long.</li> <li>❖ Lack of industry collaboration.</li> <li>❖ Uneven/unrealistic expectations – miners sometimes expected to fill government role.</li> <li>❖ Occasional cynicism.</li> <li>❖ Need to involve Indigenous stakeholders at an early stage, and maintain that contact throughout the project.</li> <li>❖ Need to use resources to get better outcomes.</li> <li>❖ Increasing costs and complexity of the stakeholder engagement process.</li> <li>❖ Perception of a lack of suitably skilled workforce among Indigenous groups.</li> <li>❖ Lack of knowledge and information sharing between parties.</li> <li>❖ Lack of a long-term, shared vision.</li> <li>❖ Industry is reactive, rather than pro-active.</li> <li>❖ No sustainability focus with current opportunities (fund establishment?)</li> <li>❖ Cultural Heritage is just one issue to be addressed; Industry needs to recognise this.</li> <li>❖ Mobilising stakeholder consent and social capital.</li> <li>❖ Dealing with differing perceptions within the community, and an inequitable approach.</li> <li>❖ Resource ownership needs to be understood by the community (rests with the Crown for all Australians).</li> <li>❖ Land Ownership and access issues impact upon exploration.</li> <li>❖ Cultural Heritage Assessment is a requirement of legislation.</li> <li>❖ Government gives permission.</li> <li>❖ Public and Community expectations often raised unrealistically during exploration (for instance, in the gold mining industry 1 in 1000 exploration projects leads to a mine)</li> <li>❖ Need to tap into existing knowledge and existing strategies.</li> <li>❖ Relationship building should be a continuous process.</li> <li>❖ Industry needs certainty in community consultations, i.e. who, how, when and what.</li> </ul>
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<p><b>Miners and Explorers Group cont...</b></p> <ul style="list-style-type: none"> <li>❖ Lack of Community consultation protocols</li> <li>❖ Community and Industry expertise availability and allocation.</li> <li>❖ Deteriorating certainty.</li> <li>❖ Level of assessment required.</li> <li>❖ Legacy issues, i.e. poor past performance in community relations.</li> <li>❖ Dealing with a history of managing precedents.</li> </ul> <p><b>Feasibility</b></p> <ul style="list-style-type: none"> <li>❖ This is where company is building confidence in resource, i.e. go or no go.</li> <li>❖ Activity increases.</li> <li>❖ Majority barriers to project via risk approach (difficult to quantify cultural heritage risk)</li> <li>❖ Building/maintaining reputation capital.</li> <li>❖ Sustaining operations and community wealth.</li> <li>❖ Identification of infrastructure needs, i.e. water, workforce.</li> <li>❖ Identification of community opportunities.</li> <li>❖ Mining industry to consider establishing a "trust" fund for Indigenous community development.</li> <li>❖ Mining companies or Minerals Council to lobby government for legislative changes to assist Indigenous communities (perhaps, broader group could lobby together with a united voice).</li> <li>❖ Indigenous employment everybody's business.</li> </ul>	<p><b>Government Group</b></p> <ul style="list-style-type: none"> <li>❖ There is a range of government departments dealing with cultural heritage, DEC, DAA, DIPNR and DEST.</li> <li>❖ Lack of education opportunities for scholarships and trades.</li> <li>❖ Agencies need to come together with all stakeholders</li> <li>❖ Sustainable opportunities, including employment.</li> <li>❖ Need support for pre-employment training.</li> <li>❖ Perception that government policies are just red tape and designed to hide things from Indigenous people.</li> <li>❖ There needs to be a local government presence in future meetings.</li> <li>❖ There is a need for Cross Cultural Training in some agencies and mining companies.</li> <li>❖ Community consultation is a government priority (not clearly understood by Industry or Community)</li> <li>❖ Diverse and large number of groups to deal with.</li> <li>❖ Difficulties with communication/dialogue.</li> <li>❖ Lack of data on Indigenous sites/heritage to make decisions.</li> <li>❖ Limited resources (or scatter gun approach)</li> </ul>
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## Appendix C Core Wants and Needs Analysis

<p><b>1. Exploration Stage</b></p> <p><b>Miners and Explorers group</b></p> <ul style="list-style-type: none"> <li>❖ Expedient access to land to explore</li> <li>❖ Establishment of relationships (e.g. through cultural heritage survey work)</li> <li>❖ Clearance of areas of interest</li> <li>❖ Time and cost efficiencies (operation is at its highest risk, therefore lowest budget)</li> <li>❖ Protection of Traditional Owner interests (e.g. cultural heritage)</li> </ul> <p><b>Government and service agencies group</b></p> <ul style="list-style-type: none"> <li>❖ Responsible development of State resources</li> <li>❖ Increased exploration and investment</li> <li>❖ Partnership development</li> <li>❖ Parties need security of tenure</li> <li>❖ Land access for explorers/miners</li> <li>❖ Protection of cultural heritage</li> <li>❖ Protection of native title rights and interests</li> <li>❖ Better provision of education for Indigenous communities</li> <li>❖ Greater opportunity for employment</li> <li>❖ Communication protocols must be in place</li> </ul> <p><b>Indigenous Group</b></p> <p><b>Pre-exploration stage</b></p> <ul style="list-style-type: none"> <li>❖ Effective capacity building in commercial operations – including training in business culture, project management and processes                         <ul style="list-style-type: none"> <li>➢ Understanding of resources industry</li> <li>➢ Understanding of native title protection conditions and other procedures associated with exploration process</li> <li>➢ Leadership training</li> <li>➢ Joint training funding: government and mining companies (using service providers e.g. Universities/TAFE)</li> <li>➢ Coordinated by one group (e.g. Land Council)</li> </ul> </li> </ul>	<p><b>Exploration stage</b></p> <ul style="list-style-type: none"> <li>❖ Ability to comply with native title protection condition process and cultural heritage agreements</li> <li>❖ Access to qualified representatives/advice</li> <li>❖ Protocols for negotiations and plans in place for compliance with cultural heritage requirements</li> <li>❖ Miners need to:                         <ul style="list-style-type: none"> <li>➢ Have budget in place for TO's to meet with all relevant parties (including transport costs) and obtain legal/professional advice</li> <li>➢ Find out from NNTT who applicants are – be prepared to contact directly</li> </ul> </li> <li>❖ Government needs to:                         <ul style="list-style-type: none"> <li>➢ Distribute information to TOs about new cultural heritage legislation</li> <li>➢ Listen to TOs and respect rights before changing/making laws</li> </ul> </li> <li>❖ Miners and TOs need to set common levels of payment for cultural heritage activities</li> </ul>
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## 2. Project Feasibility Stage

### Miners and Explorers group

- ❖ Certainty of land access and Traditional Owner approval to mine
- ❖ Develop relationship through cultural heritage and native title agreements
- ❖ Identify Traditional Owner group capacities
- ❖ Effective government inputs (resourcing and support/capacity-building for Indigenous communities, databases for region, timely intervention)

### Government and service agencies group

- ❖ Responsible development of State resources
- ❖ Royalties
- ❖ Employment
- ❖ Promote development of educational pathways through to mining employment
- ❖ Mining companies to actively engage Traditional Owner groups
- ❖ Indigenous business development
- ❖ Protection of native title rights and interests
- ❖ Partnership development

### Indigenous group

- ❖ Maintenance of regular communication between miners and Traditional Owner group – being kept informed of progress

## 3. Project Development Stage

### Miners and Explorers group

- ❖ Certainty of schedule and budget
- ❖ Cementation of relationship
  - Cultural heritage management plan work done expediently
  - Cultural awareness training for all
  - Implementation of other aspects of cultural heritage and native title agreements (e.g. training/capacity building)

### Government and service agencies group

- ❖ Employment
- ❖ Investment
- ❖ Safety and health regulation
- ❖ Protection of environment and cultural heritage
- ❖ Indigenous business development
- ❖ Protection of native title rights and interests
- ❖ Infrastructure and regional development
- ❖ Tenure

### Indigenous group

- ❖ Open and honest communication
- ❖ Active involvement of Traditional Owner groups
- ❖ Cultural awareness training at all levels of the company
- ❖ Respect for people and culture - reflected in company policy and procedures
- ❖ Capacity building programs for employment and business
- ❖ Training opportunities that lead to permanent employment both at the site and in other sections of the company
- ❖ Indigenous managers
- ❖ Ongoing commitment and respect for cultural heritage and environment
- ❖ Goodwill
- ❖ Awareness and sensitivity toward social problems

## 4. Project Commissioning Stage

### Miners and Explorers group

- ❖ Ongoing relationships via:
  - further cultural heritage management plan implementation
  - ongoing cultural awareness training, etc
- ❖ Implementation of mining agreements
  - Real employment
  - Traineeships resulting in jobs
- ❖ Community development
- ❖ A rationalization of OH&S induction tickets.

### Government and service agencies group

- ❖ Employment
- ❖ Royalties
- ❖ Protection of environment and cultural heritage
- ❖ Responsible mining methods
- ❖ Indigenous business development
- ❖ Protection of native title rights and interests
- ❖ Infrastructure and regional development
- ❖ Mine planning for closure and post-mining land use

### Indigenous group

- ❖ Guaranteed permanent employment opportunities
- ❖ Real business opportunities
- ❖ Ongoing respect for people, cultural heritage and environment
- ❖ Ongoing localised cross-cultural communication programs delivered at every level within the company
- ❖ Ongoing capacity building programs
- ❖ Compensation or equity

## Appendix D Participant Workshop Evaluation – Summary

Working in Partnership Muswellbrook Regional Workshop 3 <sup>rd</sup> and 4 <sup>th</sup> June 2005												
The following is a table of results from participants' evaluation sheets about the workshop. There were 16 respondents.												
		Strongly Agree	%	Agree	%	>Neutral	Neutral	%	Disagree	%	Strongly Disagree	%
Workshop Objectives	The objectives of the workshop were clear to me and relevant to my role in my organisation.	7	44%	8	50%	94%		0%		0%		0%
	The structure and format of the workshop allowed the objectives to be achieved.	5	31%	10	63%	94%	1	6%		0%		0%
Working with Others	As a result of the workshop, I have a better understanding of the things other groups see as important in developing partnerships.	10	63%	5	31%	94%	1	6%		0%		0%
	I met a number of people at the workshop that I will probably contact or deal with again	8	50%	7	44%	94%	1	6%		0%		0%
	The information kit (case studies) provided will be useful in demonstrating to others some of the examples of mining companies working in partnership with Indigenous communities	5	31%	10	63%	94%	1	6%		0%		0%
Organisation & Format	The workshop was well organised and the time spent on each session/topic was about right.	5	31%	8	50%	81%	2	13%		0%		0%
	The time allowed for meeting with and talking to others was about right	4	25%	10	63%	88%	1	6%		0%		0%
	The facilitators (Grant and Michael) encouraged discussion and the sharing of ideas	12	75%	3	19%	94%	1	6%		0%		0%
	The social function was worthwhile and a good chance to network with others		0%	13	81%	81%	2	13%		0%		0%
Workshop Conclusions	The results of the workshop are something I will be able to talk to others about and use to build partnerships in the future	6	38%	8	50%	88%	1	6%		0%		0%
<b>TOTAL</b>		<b>62</b>		<b>82</b>			<b>11</b>		<b>0</b>		<b>0</b>	<b>0</b>

*'We all ultimately want the same things'*

**'There are opportunities, but the priority is to have the groups sort out what they need'**

*'Take time to build relationships and hear the others' concerns'*

**'Work together'**

*'A few important things need to be achieved'*

**'Need to revisit each site's Indigenous relationships'**

*'Communication, identification of issues, understanding others' concerns'*

**'Caring, sharing, respecting'**

*'Communication'*

**'Follow up'**

*'Aboriginal groups and mining companies can work in partnership. There is a will for this to work'*

**'Future opportunities'**

#### Participants Comments

Working in Partnership  
*the Mining Industry and Indigenous Communities*

Muswellbrook, NSW Workshop 3<sup>rd</sup> and 4<sup>th</sup> June 2005