

REPORT

WORKING IN PARTNERSHIP

the Mining Industry and Indigenous Communities

Townsville, Qld Workshop

Thursday 9th and Friday 10th June 2005

Prepared for

Department of Industry Tourism and Resources

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CONTENTS

1.	INTRODUCTION	4
1.1	Background	4
1.2	Townsville Working in Partnership Workshop	5
1.3	Purpose of this Report.....	5
2.	WORKSHOP OVERVIEW	6
2.1	Workshop Theme, Aims and Expected Outcomes	6
2.2	Methodology	7
2.3	Workshop Planning	7
2.3.1	Preliminary Consultation with Key Stakeholders	8
2.3.2	Workshop Participation.....	8
2.3.3	Venue	9
2.3.4	Social Function	9
2.3.5	Participant Feedback.....	10
3.	WORKSHOP OUTCOMES	11
3.1	Introductions and Scene Setting.....	11
3.2	Working Definition of Partnership	16
3.3	Problem Analysis and Issue Search.....	17
3.4	Core Wants and Needs	18
3.4.1	Exploration Stage	18
3.4.2	Project Feasibility Stage	19
3.4.3	Project Development Stage.....	19
3.4.4	Project Commissioning Stage.....	20
3.4	Reflections on Day One Proceedings.....	20
3.5	Successful Partnership Case Studies	21
3.6	Regional Partnership Challenges	25
4.	MAKING PARTNERSHIPS REAL	28
4.1	Regional Partnership Advisory Committee Functions	28
4.2	Diversity of Indigenous Representation and Participation	28
4.3	Establishing and Maintaining Relationships	29
4.4	Developing Mutual Awareness, Knowledge and Understanding.....	29
4.5	Defining and Articulating Key Stages in the Process	30
4.6	Meeting Time/Project Deadlines.....	30
4.7	Addressing Resource Disparity	31
4.8	Sustainable Education, Employment and Business Opportunities.....	31
4.9	Traditional Owner Strategic Goals and Priorities.....	32
5.	CONCLUSION	33
Appendix A	Workshop Participants.....	34
Appendix B	Combined Problem Analysis - Issue Search, Core Wants and Needs.....	36
Appendix C	Regional Priorities – Where To from Here?.....	38
Appendix D	Participant Workshop Evaluation – Summary	40

1. INTRODUCTION

1.1 Background

The *Working in Partnership – the Mining Industry and Indigenous Communities Program* was launched by the Australian Government on 3rd August 2001. The program is administered by the Department of Industry, Tourism and Resources (DITR) 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.¹

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 DITR 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, six workshops have been conducted:

- Alice Springs, NT, June 2002
- Kalgoorlie, WA, March 2003
- Port Hedland, WA, May 2003
- Rockhampton, Qld, April 2004
- Cloncurry, Qld, June 2004
- Muswellbrook, NSW, June 2005.

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 Townsville workshop represents the seventh in the series of workshops conducted throughout Australia.

¹ 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); L Tedesco *et al*, *Indigenous People in Mining*, Australian Bureau of Agricultural and Resource Economics, 2003.

1.2 Townsville Working in Partnership Workshop

In April 2005, DITR commissioned Grant Sarra Consultancy Services to conduct two workshops, one in the New South Wales Upper Hunter Valley region and the second in North Queensland region, as a continuation of the program.²

The Grant Sarra Consultancy Services 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 – Consultant.

Following consultation with representatives of the Queensland Department of Natural Resources & Mines, Townsville and Charters Towers were discussed as possible locations for the second workshop. It was considered that North Queensland was an ideal region within which to hold the workshop, because of the high level of exploration activity currently occurring in the area. After discussions with the two Native Title Representative Bodies for this region, the North Queensland Land Council and Central Queensland Land Council, Townsville was selected as the most appropriate workshop location, primarily because of its convenience for the majority of potential workshop attendees.

As with previous workshops in the series, it was agreed that the workshop would be attended by representatives from the various Traditional Owner groups, mining and exploration companies, and relevant Government agencies with interests in partnership building between Indigenous communities and the mining industry in the North Queensland region. Experience at previous workshops suggested that a workshop attendance of around 50-60 people would be ideal. The expectation was that the workshop could be used to agree upon and advance initiatives similar to those which had stemmed from the other Queensland workshops held in Rockhampton and Cloncurry in 2004.

The Townsville workshop was held on Thursday 9th and Friday 10th June 2005.

1.3 Purpose of this Report

The purpose of this report is to provide:

- an overview of the Townsville workshop, including its methodology, theme, aims and expected outcomes, structure and activities;
- details of workshop outcomes; and
- suggestions that may enhance future partnerships in the 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 North Queensland region are not to be taken as necessarily applicable to other regions throughout Australia.

² In November 2004, 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 and Indigenous communities, assisted by relevant government agencies and service providers, exploring possibilities for partnership building, in a context in which they:

- recognise that they have much to learn from each other; and
- acknowledge 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 Townsville workshop had as its central aim the provision of a neutral regional forum, in which key stakeholders from the mining and exploration industry, Indigenous Traditional Owner groups, and key government agencies and service providers could meet to discuss issues and work towards solutions relevant to the support of local partnerships in the North Queensland region.

Like earlier workshops in the program series, the workshop was not designed as a capacity-building or information-dissemination exercise, and was not, therefore, structured around formal presentations from guest speakers or invitees. Nor was the workshop aiming to develop "solutions" to regional problems which would be implemented and funded by government.

Rather, in keeping with the fact that the workshop facilitators and the DITR representatives 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 continue to develop and direct at a local level, wherever possible making more effective use of existing resources, but with appropriate assistance and direction from Commonwealth and State government agencies.

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

- continue to promote positive interactions and enhance relationships between Indigenous Traditional Owner groups, exploration and mining companies and key government 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

The program itself does not provide the "magic bullet" solution to the issues...

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

2.2 Methodology

In keeping with the workshop aims and the approach taken at earlier workshops in the program series, the Townsville workshop was designed to maximise the time available for participant discussion of key issues. Following an acknowledgement of Traditional Owners, 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. A mix of small group work and whole group discussions was included, as appropriate. 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 Townsville workshop:

- Advice provided by the DITR and the Queensland Department of Natural Resources & Mines;
- Background research conducted by the consultancy team;
- Experience obtained from past workshops in the Working in Partnership series; and
- Information obtained through ongoing consultation with key stakeholders, and follow-up contact with individual short-listed invitees, in the North Queensland region.

2.3.1 Preliminary Consultation with Key Stakeholders

Preliminary consultations commenced in mid April 2005 with the Queensland Resources Council, Queensland Department of Natural Resources & Mines, the North Queensland Aboriginal Land Council and the Central Queensland Aboriginal Land Council.

The purpose of these initial consultations was to:

- introduce 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 Townsville workshop would benefit from representation from:

- the full range of Traditional Owner groups within the region who, as registered native title claimants and/or cultural heritage custodians for their country, will typically and appropriately be in the "front-line" of negotiations with mining/exploration companies;
- as many mining and exploration companies with active involvement in the North Queensland region as possible; and
- all those government agencies and service providers who might meaningfully assist in the partnership-building process within the region, whether from a local, State or national base.

Feedback from past workshops in the series has indicated that, within these groups, it is important to ensure levels of participation which accurately reflect the broad range of community and industry perspectives, and provide a foundation for meaningful and constructive discussion. For example:

- Indigenous people typically stress the importance of securing attendance by senior management within industry and government, insisting that more junior representatives lacked the authority necessary to influence industry and government policy;
- All stakeholders recognise the need to ensure fair and comprehensive representation of all those Traditional Owner groups possessing an interest in the relevant area, however difficult this might be to achieve;
- Representatives from mining and exploration companies have drawn attention to the importance of accurately reflecting differences within the industry, in terms of company size, longevity, access to resources, policies and experience; and
- Government agency and service providers have stressed the importance of securing representation which can link people and thereby assist in developing a much-needed, co-ordinated service delivery approach.

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 Indigenous people and the mining/exploration sector;
- In the case of mining/exploration companies, their level of current and proposed activity in the region;
- In the case of Traditional Owners, their level of experience or interest in dealings with mining or exploration companies; and
- In the case of government departments and service agencies, their capacity to contribute constructively to key issues for discussion in the workshop program.

Traditional Owner group representation was restricted to those groups with active and/or potentially active mining or exploration interests on their country. Industry representation was similarly limited.

Unfortunately, the development of a short-list of potential invitees for the Townsville workshop occurred within a tightly compressed timeframe, due to the last minute decision not to proceed with workshops originally planned for locations in South Australia. For this reason, it was necessary for the consultancy team to rely heavily upon the services of the two Native Title Representative Bodies for the North Queensland region, the North Queensland Land Council and the Central Queensland Land Council, in identifying and approaching relevant Traditional Owner representatives. The Capacity Development Officers for both bodies, Ms Shenda Evans and Mr David Mailman (respectively), worked diligently and under considerable pressure to contact Traditional Owners and to assist in arranging travel and accommodation requirements.

Considerable assistance was also provided by Ms Frances Hayter from the Queensland Resources Council and Dr Geoff Dickie, Steve Alutt, Damien Morrisey, Nicholas Burn, Renee Percival and Brett Mackie from the Department of Natural Resources & Mines in identifying potential invitees from the mining and exploration sector.

Once short-listed, invitees from all identified Traditional Owner groups, mining and exploration companies, and government departments and service agencies were approached either individually or through appropriate intermediaries. In the case of Traditional Owner groups, privacy legislation required that, in practice, contact could only be initiated by the relevant Native Title Representative Body within whose region the group's country is situated, as NTRBs are not authorised to distribute the contact details of individual Traditional Owners to third parties.

Follow-up contact was maintained with invitees in the lead-up to the workshop, particularly for the purpose of arranging travel and accommodation requirements, and for finalising the workshop agenda.

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

2.3.3 Venue

The venue chosen for the Townsville workshop was the Players' Lounge at the Dairy Farmers Stadium. Home to the North Queensland Cowboys NRL club, the Stadium features a spacious conference facility, on-site catering, and a fun atmosphere, and proved an excellent venue for hosting the workshop.

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 Brothers League Club, situated next door to Dairy Farmers Stadium. The informal and relaxed setting offered participants the opportunity to unwind and interact on an informal basis mid-way through the workshop proceedings.

2.3.5 Participant Feedback

At the conclusion of all Working in Partnership workshops, participants are provided with the opportunity to provide written feedback by completing a workshop evaluation form.

Just under 40% of the Townsville workshop participants completed the evaluation form available to them. Full details of the responses are provided in **Appendix D** to this Report.

As in previous workshops, the comments received were overwhelmingly positive. 95% of respondents agreed that the objectives of the workshop were clear and relevant to their interests, with 100% agreeing that the workshop structure allowed those objectives to be achieved.

90% of respondents indicated that, through the workshop, they had obtained a better understanding of the issues confronting other stakeholder groups in developing partnerships. As a networking exercise, too, the workshop was a success. 90% of respondents stated that they had met a number of people at the workshop with whom they would stay in contact or deal with again.

Importantly, 100% of respondents said that the results of the workshop were something they would be able to talk to others about and use as a basis for building partnerships in the future.

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 respect, with Lead Workshop Facilitator, Grant Sarra extending an acknowledgement to the Traditional Owners of the Townsville region. One minute's silence was observed in memory of Elders and others who had passed on.

Mr Michael Sheldrick, Manager, Resources Development Branch of the Department of Industry, Tourism and Resources, commenced the workshop proceedings by offering a brief introduction to the purpose and history of the Working in Partnership Program and the workshop series. Mr Sheldrick explained that regional workshops formed the cornerstone of the Working in Partnership Program and that the Department was willing to lend its support to assist with the conduct of follow-up meetings in the North Queensland region if this was considered appropriate by workshop participants.

Elaborating on Mr Sheldrick's introduction, Mr David Abbott, Assistant Manager, Resources Development Branch of the Department, spoke about the outcomes that had been generated from previous workshops in the series. Mr Abbott explained that the workshops held in Rockhampton and Cloncurry in Queensland in 2004 had resulted in the identification, by workshop participants, of a number of key problems and issues that needed to be addressed at the regional level. The decision had been taken, at each of these workshops, to form regional committees – the Central Queensland Regional Partnership Forum and the North West Regional Partnership Group, respectively. Both committees now meet four times a year to discuss regional issues and share information about what is happening in their respective regions; processes around mining; and opportunities for training, employment and business development that arise out of the mining process. Ongoing assistance with the organisation of these meetings and support for initiatives endorsed by the regional committees is provided by the Department of Natural Resources & Mines, Queensland in conjunction with DIT&R.

Mr Abbott emphasised that renewed Commonwealth funding for the Working in Partnership program over the next four years will further assist these groups to grow, secure broad representation across their regions, and achieve meaningful outcomes for all stakeholders. The Townsville workshop was, Mr Abbott explained, an opportunity for interested stakeholders in the North Queensland region to involve themselves in a similar process, if this proved to be an avenue endorsed by the workshop participants.

Presentations were then invited from Dr Geoff Dickie, Special Adviser Mining and Native Title, Native Title & Indigenous Land Services, Department of Natural Resources & Mines and Mr Ian Kuch, Chief Executive Officer, North Queensland Land Council. Mr Kuch explained that Mr Russell Belleair, Chief Executive Officer of the Central Queensland Land Council, was unfortunately unable to attend the workshop due to other commitments, but had sent his apologies and well wishes to the group. The purpose of these presentations was to provide participants with an overview of the current situation in relation to progress towards partnership building between miners, explorers and Traditional Owners in the North Queensland region.

Dr Geoff Dickie – Special Adviser Mining & Native Title, Department of Natural Resources & Mines

Dr Dickie acknowledged the Traditional Owners of the region and thanked all Traditional Owner and industry representatives who had taken the time to attend the workshop. He pointed out that the notion of "partnership" had for some years now been advanced by the Queensland Government as its main policy in reaching out to Aboriginal communities. It was, Dr Dickie suggested, important to clarify the notion, as an aspiration for the following two days of workshop proceedings.

As Dr Dickie explained, "Partnerships Queensland" is a policy governing the delivery of major services to Indigenous groups in areas such as health, education, employment, housing, social services and the like. One of the key areas of concern to Indigenous people is, of course, land and natural resource management. In relation to this issue, which has been extensively discussed at negotiation tables, a number of regional groups have been established throughout the State to address land and resource management concerns in the major catchment areas. In each of these areas, the State Government is dealing and working in partnership with Aboriginal groups.

"Mining presents an opportunity for something "above the basics" to be returned to the Aboriginal community..."

Dr Geoff Dickie
Special Adviser Mining and Native Title, Native Title & Indigenous Land Services, Department of Natural Resources & Mines

Mining is an important element in the equation of land and resource management issues. For this reason, there are a number of specific partnership-type programs that the State has introduced to bring together the mining industry and Aboriginal groups.

The North Queensland region (including the area extending west to Georgetown) is an area which does not support a great deal of current, large-scale mining activity. Nevertheless, it is an area which has a very rich history of mining, and a very active mining exploration program. In the short term, then, the industry and Aboriginal groups will be focussing mostly upon exploration-related issues in their discussions.

Most workshop participants with experience in this context would have encountered the current process adopted by the State for the granting of exploration permits. This process involves the use of the so-called "expedited procedure" under the *Native Title Act 1993* (Cth), under which

exploration permits are granted by the State without the need for a prior negotiated agreement between Traditional Owner groups and explorers, but subject to the Native Title Protection Conditions. These conditions are designed to protect Aboriginal Cultural Heritage and respect Native Title rights and interests in accordance with relevant Commonwealth and State legislation.

As more and more mining companies are realising, even at the exploration stage, it is important to develop relationships between Aboriginal groups and potential miners as an investment for the future. If the project proves viable, then when more intense negotiations are required at the pre-production stage, a strong foundation already exists for the critical discussions to take place.

In this regard, the State acknowledges that support must be given to Aboriginal groups to deal with miners. To this end, the State Government has put in place a program to fund a full-time position for a Capacity Development Officer with each of the Queensland Native Title Representative Bodies (Land Councils), to assist Traditional Owners in dealing with future act proponents. Additional funding has also been provided to assist with related infrastructure requirements. These initiatives are an integral part of the encouragement that the State Government is giving to individual Traditional Owner groups to build up their existing capacity to interact and negotiate with mining companies and, thereby, to build ongoing business partnerships with them.

In Dr Dickie's opinion, the Working in Partnership program provides another forum to supplement this process. Dr Dickie stated that he was personally very pleased with the way that the program has developed in the Rockhampton and Mount Isa areas, and expressed his hope that an ongoing working group arrangement could be effected in the North Queensland region as well. He concluded his presentation by observing that mining presents an opportunity for something "above the basics" to be returned to the Aboriginal community – that is, for Aboriginal groups to share directly in some of the additional wealth that is created by the industry, and that would otherwise flow exclusively to the mining companies and the State.

"The State recognises that, in order for the exploration process to operate efficiently, it is vital that industry, government and Aboriginal groups work together at the relevant stages of the process."

Dr Geoff Dickie
Special Adviser Mining and Native Title, Native Title & Indigenous Land Services, Department of Natural Resources & Mines

Ian Kuch – Chief Executive Officer, North Queensland Land Council

Mr Kuch opened his presentation by pointing out that a precondition to the concept of partnership building between the mining industry and Aboriginal Australians had been the recognition of native title. Prior to the High Court of Australia's decision in *Mabo v Queensland (1992) 175 CLR 1* and, in particular, to the enactment of the *Native Title Act 1993* (Cth), mining companies had rarely approached Traditional Owners with a view to negotiating agreements for access to country – despite the fact that Aboriginal people had long maintained that they should be consulted on such matters.

“Prior to the High Court of Australia’s decision in Mabo v Queensland (1992) 175 CLR 1 and, in particular, to the enactment of the Native Title Act, mining companies had rarely approached Traditional Owners in Queensland with a view to negotiating agreements for access to country...”

Indeed, Mr Kuch observed, the complex cosmology of Aboriginal Australians, which respects the sacredness of the whole of the land and embraces a continuing responsibility to care for country, is to a large extent at odds with the aims of the mining industry. Mining is, by its very nature, an extractive industry which inevitably damages the landscape that Aboriginal people are traditionally obliged to protect.

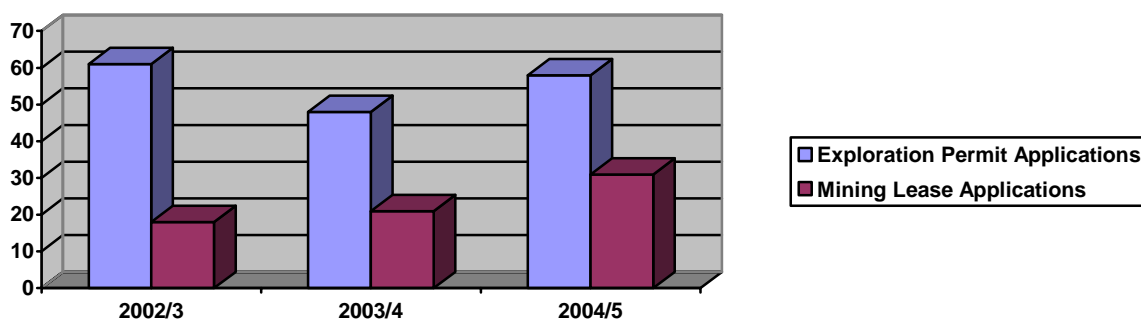
Mr Ian Kuch
Chief Executive Officer
North Queensland Aboriginal Land Council

Despite this, Mr Kuch maintained, there is a widely accepted need, at a practical level, to “get on” with the mining process in the modern native title context. Confusion is sometimes engendered by the diversity of rights that exists between Aboriginal people in different jurisdictions in Australia. For example, under the *Aboriginal Land Rights Act 1976* (Cth), Traditional Owners in the Northern Territory have long held the right to veto mining and exploration on their traditional lands; such a right is not held by other Indigenous Australians under the *Native Title Act* or State legislation. Nevertheless, Traditional Owners in other States do hold some procedural rights under native title and cultural heritage legislation, and miners/explorers must comply with these requirements.

For example, under the notification process provided for by s 29 of the *Native Title Act*, Traditional Owners have the opportunity, quite rightfully, to be involved in the negotiation process with a mining company from the very beginning of a proposed mining project, and thereby to derive benefits from mining activity on their traditional lands.

Mr Kuch indicated, with reference to the volume of mining and exploration activity in the region represented by the NQLC, that although the volume of such activity was relatively small as a proportion of the total number of Future Act Notices received by the Land Council, the workload associated with the administration of notifications relating to exploration permit applications was considerable. This is particularly so because three different procedural regimes continue to operate in Queensland in relation to such applications, depending upon the date on which the application was lodged. In relation to the first two such regimes – the old expedited procedure process under the Commonwealth legislation and the Alternative State Procedures under the Queensland mining legislation – agreements had to be negotiated between explorers and Traditional Owners before the exploration tenement could be granted. Under the new Native Title Protection Conditions, however, this is no longer the case.

Future Act Notices (Mining & Exploration) Received by NQLC 2002-2005



In addition, Mr Kuch commented, the number of mining lease applications had been steadily increasing over the previous three years. This indicates, he suggested, that current exploration activity is yielding returns. At the same time, each mining lease application attracts the right to negotiate under the native title process, creating the imprimatur for all parties to sit down and negotiate outcomes.

At the same time, Mr Kuch explained, the increasing volume of full-blown mining negotiations was placing a growing burden on the Land Council, particularly as the bulk of mining activity is located in central and western regions of North Queensland – a considerable distance from the Land Council's Cairns office.

The aim of the NQLC has been to develop good relationships with Traditional Owners. There is also a growing realisation, amongst all stakeholders, of a need for better relationships between Aboriginal people and industry. To this end, the NQLC, through its membership of the Queensland Indigenous Working Group, has a Memorandum of Understanding in place with the Queensland Resources Council. This MoU, which has very recently been updated, specifies protocols for interaction between miners and the native title-holding community. The MoU accepts that miners need to be socially responsible in their dealings with the most disadvantaged social group in the country.

Mr Kuch emphasised that Native Title Representative Bodies simply do not have the resources to litigate freely. For this reason, there is a strong focus upon the making of regional agreements. This is reflected in the fact that the NQLC has been involved in developing, authorising and registering model Indigenous Land Use Agreements (ILUAs), which together deal with a large number of mining/exploration applications in the NQLC's area. These agreements are of two sorts: first, agreements based upon the Queensland government's Statewide Backlog ILUA for Exploration Permit Applications, which deals exclusively with the conditions upon which native title holders will consent to the grant of exploration permits; second, the Small Mining ILUA (developed in conjunction with the Queensland Small Miners' Association), which deals with both exploration and mining. Mr Kuch indicated, however, that in terms of larger-scale mining activities, the NQLC's preference is still for individual agreements or ILUAs to be negotiated between the relevant native title holding community and the mining company concerned at the time of the mine being commissioned.

Mr Kuch explained that the two model ILUAs set the minimum conditions on which explorers/miners can go onto Aboriginal country. The advantage of the model ILUA approach is that a particular miner/explorer can simply opt into the existing ILUA, rather than having to negotiate an individual agreement from scratch. The ILUA conditions are fairly good, and at a national standard. Mr Kuch maintained that the only way that the NQLC can realistically manage the heavy volume of exploration activity expected in the region was through the use of model ILUAs of this kind.

“...there is a widely accepted need – at a practical level – to “get on” with the mining process in the modern Native Title context...”

There is also a growing realisation, amongst all stakeholders, of a need for better relationships between Aboriginal people and industry...”

Mr Ian Kuch
Chief Executive Officer
North Queensland Aboriginal Land Council

Nevertheless, Mr Kuch indicated, the NQLC would like to see explorers/miners talking to the NQLC at the first available opportunity – before even sending out a Future Act notification – because it is best to start the native title process early, in order to achieve the best possible understanding about mutual aspirations. He encouraged miners and explorers to consult with the NQLC, on the basis that, as the Native Title Representative Body for the region, it is the body to talk to in order to get the best advice as early as possible.

Whilst the making of agreements is the Land Council's major activity, the implementation of agreements is another matter. This often involves more effort, and is an area where Native Title Representative Bodies may well need assistance from mining proponents, as they do not possess unlimited resources. Mr Kuch noted that both Rio Tinto and the Minerals Council of Australia had recently supported NTRBs' claims for greater resources to facilitate their important functions.

Mr Kuch drew attention to the fact that, although the handling of future act notifications is a very important activity for the Land Councils, the NTRB's main aim will always be to

carry native title claims in its region through to consent determination and to set up Prescribed Bodies Corporate, representing the registered native title holders, to manage the declared native title rights and interests. In this regard, Mr Kuch said, the NQLC was very proud of having achieved three consent determinations in its region, including the Bar-Barrum and Western Yalanji determinations, these being the southernmost determinations to date in Queensland.

In future, Mr Kuch suggested, miners and explorers should be dealing primarily with Prescribed Bodies Corporate, rather than the NTRBs. The aim of the Land Council's Capacity Development Officer is to work to achieve such an outcome.

In conclusion, Mr Kuch said that he would encourage mining companies to look at the specific needs of those Aboriginal people affected by their proposed development, with a view to identifying their individual requirements. For example, if people in a particular community live in terrible housing, mining companies can assist by working to transfer the skills needed to build new housing to the local community. In order to develop lasting partnerships, mining companies must be socially and economically responsible in their dealings with Traditional Owners and the wider Aboriginal community, and take on board their aspirations.

Responses to the Presentations

After the opening presentations concluded, workshop participants were invited to ask questions of the presenters, and an animated discussion quickly ensued. Several of the questions raised issues that would be revisited many times during the course of the workshop proceedings. These included:

“...explorers must accept that the costs of compliance with Native Title and Cultural Heritage procedures and associated dealings with Traditional Owners are – just like the cost of fuel, water, etc – a necessary “cost of business...”

- *The difficulties that are presented by the typically limited annual budgets that exploration companies have, to fund individual exploration projects.*

The suggestion was made that Native Title Representative Bodies would perhaps do better, in terms of generating a greater cashflow and other outcomes for Traditional Owners, to take it upon themselves to encourage exploration – for example, by advertising those features (e.g. no objections; one-off payments; expedient access to land) which should make it attractive for mining companies to undertake exploration work within their respective regions.

Mr Ian Kuch
Chief Executive Officer
North Queensland Aboriginal Land Council

Mr Kuch took the suggestion on board, emphasising that the Land Councils are always interested in investigating creative solutions to problems. However, he insisted that explorers must

accept that the costs of compliance with native title and cultural heritage procedures and associated dealings with Traditional Owners are – just like the cost of fuel, water, etc – a necessary “cost of business” in the exploration context.

- *Issues about the authority of Land Councils to speak for and negotiate dealings on behalf of Traditional Owner groups within their respective regions*

The point was raised that not all Traditional Owner groups rely upon their Native Title Representative Body to represent them and/or fund them in their dealings with mining and exploration companies. Some groups, such as the Birri People, prefer to handle such negotiations themselves and are able to fund this process from existing mining activity and associated businesses run by them on their country.

In response, Mr Kuch explained that dealing with the Land Council and dealing direct with Traditional Owners groups were not mutually exclusive options for miners and explorers looking to progress development in an area. Although the Land Council encourages miners and explorers, looking to commence activities in a region for the first time, always to speak to the relevant Native Title Representative Body first, the Land Council fully recognises that some

Traditional Owner groups have the capacity and willingness to negotiate directly with miners and explorers, and fully supports their right to do so.

It was suggested that there was a need to reflect closely on the most appropriate model for engaging Traditional Owners and Traditional Owner groups, within any capacity-development process. It may well be, for example, appropriate to formulate models of representation that are more closely aligned to traditional decision-making processes.

- *Confusion amongst explorers/miners about who are the “correct” people to be dealing with*

The workshop participants accepted that occasionally, there may be some contention within an area, amongst Aboriginal people themselves as to who are the Traditional Owners possessing the authority to speak for country affected by a proposed development.

It was suggested by one industry representative, however, that with the new Queensland Cultural Heritage legislation (including the recently gazetted Duty of Care Guidelines)³ and the State Government’s approach to the handling of exploration permit applications, it is very hard for explorers *not* to know who the right Indigenous people are to approach.

3.2 Working Definition of Partnership

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

All participants agreed that effective partnerships were:

“...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.

³ See the *Aboriginal Cultural Heritage Act 2003* (Qld) and associated Duty of Care Guidelines, published at <http://www.legislation.qld.gov.au/> and http://www.nrm.qld.gov.au/cultural_heritage/pdf/duty_of_care_guidelines.pdf.

3.3 Problem Analysis and Issue Search

Following an explanation of the key stages in the mining process sessions 3 and 4 were combined in the afternoon of Day 1. With the key stages in the process identified, participants were divided into their individual stakeholder groups and asked to analyse their respective problems and issues and to consider their core wants and needs, relevant to partnership building, at each stage in the process. It was agreed that an honest analysis of the problems and issues could be then be followed by an equally honest assessment of stakeholder core wants and needs at each of the broad stages outlined in the diagram below:



The purpose of this session was to encourage each stakeholder group to identify impediments to partnership building, and to then move to a more constructive focus on identifying positive preconditions to the formation of successful partnerships.

A summary of this analysis is presented in the following sections of this report with a full transcript of group results reproduced at **Appendix B**.

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

- The need to acknowledge and deal with the right people (Traditional Owners) in the process;
- Guarantees for permanent employment and viable business development opportunities;
- The need for companies to keep Traditional Owners informed and to maintain open, honest and continuous communications (more than just an "hello, goodbye") from exploration through to mine closure;
- Sharing information through more effective consultation processes;
- Building trust among all stakeholder groups;
- Acknowledging Traditional Owner resource requirements in the process;
- Maintaining ongoing respect for cultural heritage and the environment; and
- Economic sustainability through effective capacity building and wealth generation.

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

- Expedient access to land;
- Creating certainty during each stage in the process;
- Knowing exactly who to consult with and defining boundaries of the community in which they intend to operate;
- Ensuring that Mining Lease and other agreements were in place – establishing a known process;
- Maintaining credibility and trust with Traditional Owner groups;
- The need to understand the differences between small and large companies, particularly in relation to exploration; and
- Managing project deadlines and budgets and reducing risks.

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

- Project timeframes;
- Responsible development of State resources;
- Maintaining responsible approaches and ensuring legislative compliance toward cultural heritage and environment;
- Increased exploration and investment;
- Enhancing partnership development;
- Land access for explorers/miners;
- Protection of Native Title rights and interests;
- Better provision of education for Indigenous communities;
- Greater opportunities for employment; and
- The need for ongoing education and training among all stakeholder groups to enhance outcomes.

3.4 Core Wants and Needs

The following core wants and needs identified at the Townsville workshop are consistent with those that have been previously raised at other workshops conducted in the Working in Partnership series throughout Australia.

3.4.1 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 providers 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. As several industry representatives commented, there are still difficulties created by the multiple procedures that remain in place for the granting of and consequent conduct of activities on exploration tenements (the relevant procedure is determined by the date on which application was made for the exploration tenement).

In Queensland, the Alternative State Procedures operate in tandem with the Native Title Protection Conditions, and this continues to generate some confusion, although the position is gradually becoming clearer as more and more current tenements shift over to the NTPCs and people become increasingly familiar with the operation of these conditions.

3.4.2 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” (in Queensland – the Murrie Grapevine) 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 service providers 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.

3.4.3 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 Cultural Heritage Management Plan and Native Title Agreements (ideally already in place) should be implemented effectively.
- Realistic employment and business opportunities should have already been identified with appropriate employment and business skills audits completed.
- 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 agencies and service providers 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.

3.4.4 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 Reflections on Day One Proceedings

The opening session on Day 2 of the workshop involved a reflection upon the first day's proceedings. Participants raised a number of questions arising out of the Day 1 discussions, and this engendered a constructive dialogue between Traditional Owner and industry representatives.

Les Stringer opened the discussion by explaining that, in his capacity as workforce manager at the Newmont Pajingo mine, he was sometimes called upon to make decisions concerning the appropriate action to take when Indigenous employees at the mine site breached company workplace policy, e.g. by repeatedly being late for work (the company generally applies a "three strikes you're out" policy to unexcused breaches of workplace rules). Les said that he found this a very difficult situation, because he was often accused, by different people, of being both too tough and too patronising in his treatment of Indigenous employees. Les asked the Traditional Owner representatives present at the workshop for their opinions on the issue – putting the matter acutely, did they wish Indigenous employees to be treated the same as non-Indigenous members of the workforce, or differently from them, on the basis that special considerations govern the situation of Indigenous employees and require that appropriate allowances be made?

"...I have been accused of being both too tough and too patronising in my responses to Indigenous employees I would very much like to know what people at this workshop think about this issue"

Mr Les Stringer
Newmont Pajingo

A number of Traditional Owner representatives responded to Les's question. The consensus was that although in principle all employees should be treated equally, some allowance had to be made for the fact that a significant number of Indigenous employees face a massive transition in moving from long-term unemployment to the work culture of the mine site. This is compounded by the many differences that Indigenous employees experience between Aboriginal culture and that of the workplace. For example, it is a major part of Indigenous culture to remain close to one's extended family, and this makes it notoriously difficult for young people to leave home for lengthy periods to work in a distant location.

For these reasons, there is a need for initiatives such as a "probationary" period, leading up to full-time employment, during which period Indigenous employees are mentored to support their shift into the work place. There is also a need for continuing case-by-case monitoring of the situation of individual Indigenous employees.

On this topic, Bull Yanner, Superintendent at the Century Zinifex Mine and a Gangalidda Traditional Owner, was able to offer some interesting insights from his own experience in supervising and mentoring Aboriginal employees at the mine site in north western Queensland. Bull told the workshop that there are currently 130 Indigenous people employed at Century, and that these employees receive intensive round-the-clock support from Indigenous superintendents employed by Zinifex. What is required, Bull explained, is a high level of individual attention, from people who have the time and understanding necessary to identify what the problem is with a particular employee, and to offer that employee the support required to work the problem through.

"...at the end of the day, it's all about equity, but at the same time we need to understand that individual situations must be approached case by case..."

At the same time, a number of workshop attendees pointed out that mining companies also need to accept the genuine cultural commitments and responsibilities that Aboriginal workers may have. Rather than seeing these as impediments to productivity, workplace understanding of and respect for such family and community obligations can be promoted as part of the cultural diversity within the workforce, making the work place a healthier, more attractive and more socially responsible environment for everyone.

Mr Jim Hill
Jirandali People

On a related theme, several comments were also made concerning the rationale for providing training for Indigenous employees. Bull Yanner and Lloyd Jones (Gulf Communities Agreement Manager, Century Zinifex Mine) emphasised that training is not an end in itself; rather, industry and government needs to provide training opportunities which have genuine direction. It is important to train Aboriginal people in areas of community need and want. For this reason, community consultation is necessary to formulate training direction.

In a similar vein, Jim Hill, member of the Djurandali/Ngawun Traditional Owners, commented that there must be a component included, in all training packages for Indigenous employees engaged in mining, that yields skills of benefit back to the community. Skills such as money management and business/enterprise training will endure within the community as a lasting legacy, long after the life of the mine is over.

Geoff Dickie reiterated these sentiments. In his view, two things are essential to genuine partnerships between the mining industry and Traditional Owners:

1. industry and government must listen to the community, to find out what the community needs; and
2. there must be a sharing of resourcing and responsibility for service delivery, and a willingness on the part of the community to participate in this regard (e.g. by actually delivering some of the supported services, and/or by accepting responsibility for decision-making as to how mining resources are to be utilised within the community).

3.5 Successful Partnership Case Studies

The next session of Day 2 of the workshop proceedings was devoted to a showcasing of successful partnerships either within the North Queensland region or of relevance to that area. Three separate case studies were presented by workshop attendees.

1. Newmont/Pajingo Mine – Working with the Birri and Kudjala People.

A case study in relation to Newmont's Pajingo mine was presented by Les Stringer (Newmont Pajingo representative), Patrick Walsh (Birri People) and Allan Huen (Kudjala People).

As Les explained, the foundation for the partnership between Newmont, the Birri and Kudjala people was laid in the form of a native title agreement negotiated with the Birri and Kudjala Peoples (as Traditional Owners for the relevant area) at the time of the granting of Newmont's Doongara mining lease in 2000.

As Les frankly acknowledged, up until this point, Traditional Owner groups were not involved in the mining business.

From Les's perspective, there had been a number of positive outcomes associated with the Agreement and its implementation:

- employment opportunities had been provided for Aboriginal people – Indigenous employment is running at 10-12% of total employment at the mine, with approximately 7-8% Traditional Owner employment;
- two Cultural Heritage officers had been on staff for several years (Allan Huen and Michael Congoo, representing the Kudjala and Birri Peoples respectively);
- the procedures put in place to implement the findings of the original cultural heritage surveys conducted in 2000 have proved fairly robust, albeit with some modifications made along the way, in the light of experiences; and
- Newmont has had working on site, at different times, three different contracting companies all run by the Birri or Kudjala people.

At the same time, Les acknowledged, there had been several “negatives”, and there was still a lot to learn. In particular:

- there have been problems with the administration of the agreement (decisions are taken by consensus, by a Committee constituted by two Birri, two Kudjala, and two Newmont representatives);
- dispute resolution within the framework of the agreement has not worked very well; and
- because the communities affected by the agreement are widely spread, problems have been encountered in communicating back to the communities issues raised by the administration of the agreement.

The perspective of the Traditional Owners involved with the agreement was similar.

Allan Huen explained that the Kudjala people were generally happy with the way that the agreement had operated, and with the state of their relationship with Newmont. Their main concerns have always been cultural heritage and employment, and these are being adequately addressed by the agreement in place.

Patrick Walsh on behalf of the Birri people identified a number of “positives” stemming from the partnership between the agreement parties:

- the first three Indigenous apprentices were finishing this year, with two more starting shortly (under the agreement, two apprentices – one Birri and one Kudjala – are funded to start their training every year);
- two Year 11/12 scholarships and one tertiary scholarship are funded annually;
- five experienced Indigenous underground operators are now in secure employment, having never worked before starting positions under the terms of the agreement; and
- rehabilitation of the quarry site has been undertaken by Traditional Owners, together with a vegetation audit – both supplying Traditional Owners with training in auditing and rehabilitation work.

Patrick explained that an important step in getting employees ready for permanent employment at the mine was the operation, by the Birri and Kudjala Traditional Owners, of their own labour hire companies. Each company has five or six Indigenous employees working for it. The labour hire work is used as an opportunity for the Indigenous organisations to provide training to their employees, arrange their operators' tickets, and to introduce them to the culture of working at the mine site. The companies make use of an Indigenous trainer and assessor, who is qualified to train the Indigenous workers in machine operation, etc.

On the “down” side of the agreement, Patrick reiterated Les's concerns about the agreement's mechanisms for dispute resolution and decision-making by the Committee. Because the Committee requires consensus for all its decisions, if all members do not agree on a particular issue, paralysis ensues – and had done repeatedly, on a number of key matters, over several years.

On another cautionary note, Patrick also mentioned that because the agreement itself is confidential, contractors performing work for Newmont do not see the terms of the agreement, and there are consequently some difficulties in securing their compliance with terms that have been inserted for the benefit of Traditional Owners.

2. Century Zinifex Mine

The case study in relation to Zinifex's Century mine was presented by Lloyd Jones (Manager, Gulf Communities Agreement) and Bull Yanner (Superintendent at Century, and member of the Gangalidda Traditional Owners).

Lloyd prefaced his remarks by emphasising that, as the second-largest zinc mine in the world, the Century Zinifex operation was unique in Australia in many respects. Nevertheless, he said, although smaller operations may not be in a position to implement all the initiatives that Century Zinifex does, they may be able to use and/or develop some of the relevant ideas for their own ends.

By way of background, Lloyd explained that the Gulf Communities Agreement (GCA), in relation to the Century mine, was signed in 1997 between Pasminco Century Mine Ltd (later acquired by Zinifex) and the four Traditional Owner groups with native title rights in the areas directly affected by mining activities: the Waanyi, Mingginda, Gkuthaarn and Kikatj peoples.

The key objectives underlying the GCA had always been employment, education and training. In the early days, Lloyd explained, Century had "gone in hard" with government and delivered as much training as possible to Indigenous people in the area. The problem soon became apparent, however, that there were no permanent jobs for the training recipients to take up, and this quickly created dissatisfaction.

"...Century went hard with Government and trained everyone – but there were no jobs..."

Mr Lloyd Jones
Zinifex

The lesson learnt from this experience was, of course, that those administering the GCA had to be much more careful about the design and delivery of training for Indigenous people under the agreement. To this end, an Employment and Training Committee was established. The Committee now meets quarterly and has input into the direction of employment and training initiatives funded by the agreement. Today, Zinifex ensures that it funds only as many trainees as there are jobs available.

Lloyd was proud of the fact that all of Zinifex's contractors are subject to rigorous requirements to employ and train Indigenous people, and to offer Indigenous organisations employment and business opportunities (e.g. contracts for laundry/cleaning services, road maintenance and crushing). Indeed, contractors are usually targeted for the delivery of apprenticeships for Indigenous trainees. In 2005, a total of 20 apprentices have been taken on as part of the company's program.

As Lloyd acknowledged, this in turn puts a heavy workload onto Zinifex's Indigenous superintendents, such as Bull, who take charge of the mentoring of the new recruits.

As a Traditional Owner, Bull frankly admitted that overall, he had mixed feelings about the mining operation. The mine had been good, in the sense that it provided material wealth and opportunities that were empowering for many local Indigenous people in the context of modern society.

The mine had been bad, however, in the fundamental sense that, for the Waanyi people in particular, the land affected by the mining operation itself was being utterly destroyed environmentally. In the greater scheme of things, it could be said that they were not getting that much in return for such a large sacrifice.

In addition, Bull explained, the work culture of the mining operation had at times made it difficult to reinvigorate local Aboriginal tradition and culture. For example, the extended commitments required of Aboriginal men as part of traditional annual ceremonies had been impeded because of work obligations. In response to this problem, Zinifex was now trying to introduce a cultural leave policy, which would extend the current provision for three weeks' annual leave to six weeks.

Asked by one workshop participant to reflect on the question of what, if anything, Bull would wish to see done differently, if the opportunity arose to return to the beginning and to renegotiate the GCA all over again, Bull identified the following points:

*"...are some jobs ever enough
for the destruction of country..."*

- the GCA should include more Traditional Owner groups from the Gulf region – as Bull explained, the mining operation impacts indirectly, as well as directly, on all twelve of the Traditional Owner groups in the Gulf, yet the GCA was signed only with the four groups whose native title rights were directly impacted by mining and compensation is provided only to those four groups; and
- the agreement could be more stringent in a number of areas.

Mr Bull Yanner
Zinifex

Overall, however, Bull emphasised that the GCA management was currently very strong. With six Aboriginal people working in the Gulf Communities Support Team, and Lloyd Jones as their manager, the right people were in place to do the work required, and this was proving a successful combination.

3. Tarong Mine, South-East Queensland

Although not located in the North Queensland region, the Tarong mine was discussed by Dr Geoff Dickie (of the Department of Natural Resources & Mines) as a case example illustrating the importance of and opportunities provided by community engagement in distributing returns from mining to the community.

As Geoff explained, Rio Tinto Coal has been working for some time on a community engagement program in relation to its Tarong mine. As part of this program, annual funds have been earmarked for return to the community. A substantial amount of money is involved, as the mine is a large and successful coal operation. The company leaves the decision on how to use the money up to the local community, which is based around Cherbourg.

The community recently reached a decision on the use of the mining revenue which, Geoff said, demonstrates the value of such a cooperative procedure. The only dialysis unit in the district was located at Kingaroy, which is a not inconsiderable distance away by road. The community wanted to see if it could obtain a dialysis unit for Cherbourg itself. It got in touch with Queensland Health, who explained that it did not have the budget to meet the full cost of situating a unit in Cherbourg. In response, the community offered one of its annual mining revenue payments, to meet the shortfall. An arrangement was struck with the State Government under which Queensland Health will provide the recurrent funding required to maintain the machine in operation, while the local Aboriginal community provides the start-up money necessary to build the requisite infrastructure and set up the unit.

At the same time, Geoff noted, the matter had inadvertently raised another issue – of considerable embarrassment to the Department of Natural Resources & Mines – the resolution of which would provide additional, knock-on benefits to the community. When testing was being done to set up the dialysis unit for operation, it was discovered that the water quality in Cherbourg was inadequate to service the unit. For this reason, the Department of Natural Resources & Mines has been forced to provide further funding which will improve the overall water quality within the Cherbourg community.

3.6 Regional Partnership Challenges

The second workshop session on day 2 was devoted to a consideration, by mixed stakeholder groups, of challenges and possible actions required to progress the partnership process at a regional level.

Participants were asked to consider the prospect of developing an effective partnership arrangement and to 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 North Queensland 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 regional partnership model/structure?*

A summary of this discussion is presented with a full transcript of group results reproduced at **Appendix C**.

At the end of the Townsville workshop, the participants agreed to form a committee to further consider the problems, and issues and partnerships solutions within the region. It was agreed that the committee would 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 relevant government organisations with interests in the region. Those who volunteered to participate in the initial committee are as follows:

NAME	ORGANISATION	NAME	ORGANISATION
Marita Budden	Jirrbal People	Darren Kynuna	Mbara Ngawun People
Nick Burn	Department of Natural Resources & Mines, Townsville	John Lynch	Citigold Corporation Ltd
Betty Cashmere	Jirrbal People	David Mailman	Central Queensland Land Council
Val Coates	Charters Towers Workplace Learning Program	Renee Percival	Department of Natural Resources & Mines, Townsville
Alex Cooper	Native Title & Indigenous Land Services, Department of Natural Resources & Mines, Brisbane	William Santo	Gudjala People (Gudjala Traditional Owners' Aboriginal Corporation)
Shenda Evans	North Queensland Land Council	Brian Tiedt	Xstrata Coal
Ron Furnell	Rocsol Pty Ltd / Kitchener Mining Ltd	Patrick Walsh	Birri People
Jacinta Haire	Kagara Zinc	TBA	Department of Employment and Workplace Relations
Jim Hill	Djurandali/Ngawun People	Virginia Wyles	Central Queensland Land Council
Richard Hoolihan	Gugu Badhun People TIIPCEED		

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.

It was suggested, that in addition to the participants at this workshop, other exploration and mining companies, key government agencies and service providers and others from relevant industries, such as tourism and pastoral groups should also be invited to participate in future workshops and/or partnership initiatives.

The following additional broad suggestions relating to the future of the regional committee and partnership initiatives in the North Queensland region are presented as follows:

- The Regional committee should remain fluid, thus allowing representatives to participate in discussions and dialogue relevant to their interests;
- Ensure that the right people are involved ie, identify appropriate representatives from each group who can speak and make decisions on behalf of their stakeholder group;
- The need to develop a long-term vision and maintain a focus on producing "Real Outcomes;"
- Traditional Owner groups and miners need to develop and maintain sound relationships with pastoralists;
- Relevant information generated by the committee needs to be disseminated to all stakeholders in a timely and efficient manner.
- Meetings should be held on a quarterly basis;
- Participants must be prepared to share information and knowledge;

the mining industry and Indigenous Communities

- Ground rules for the committee need to be established early and include a basic respect for each other, common goals, being open and honest and underpinned by transparent communication processes;
- Participants must take responsibility for what they say and do;
- Promoting mutual benefits available to Traditional Owners, miners and the broader community;
- The need for effective planning procedures to be developed;
- Ensuring that regional specific arrangements are established;
- Continue to use DITR's Working in Partnership program and ensure the involvement of all key Commonwealth and State government agencies and the Queensland Resources Council;
- The need to develop a Regional Communication Plan for internal and external communications, distribution of information before and after meetings, public relations and marketing etc;
- The need to streamline processes and procedures to enhance partnership outcomes;
- Consider other mining models, from around Australia that could work in the North Queensland region;
- The need to develop a Government "One Stop Shop" to provide support, advice and funding assistance; and
- The need to improve legislative processes to facilitate better relationship among all stakeholders.

All attendees who nominated to participate were of the opinion that a committee of this nature could be of valuable assistance in the region and were therefore committed to a subsequent meeting at a convenient time and location to further consider, discuss and progress the above suggestions.

4. MAKING PARTNERSHIPS REAL

Like previous workshops held throughout Australia, the Townsville Working in Partnership workshop exposed a number of critical issues that need to be addressed if partnerships are to be successful in the North Queensland region.

The following provides a summation of these issues, with suggestions for consideration.

4.1 Regional Partnership Advisory Committee Functions

An effective Regional Partnership Advisory Committee should seek to enhance communication, general awareness and understanding among all stakeholder groups and 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;
- identify and actively promote successful partnerships throughout the region; and
- serve as a forum for enhancing and developing relationships based on goodwill.

4.2 Diversity of Indigenous Representation and Participation

Perhaps the most difficult problem that confronts exploration and mining companies and government agencies in the exploration and mining process is their ability to identify key people to consult or conduct general business negotiations within each Traditional Owner group.

In many instances, this also becomes problematic for some Traditional Owner groups who either feel that their interests are not properly represented in negotiations, or they are being completely left out of discussions relating to exploration and mining activity on their traditional lands. While this workshop could not be expected to solve this problem, it is worth noting that the problem of identifying key Indigenous people in the process is a direct result of history. In particular, past government policies and practices which led to the dispersal of Indigenous people from their traditional lands continues to impact upon present-day Indigenous people in the exploration and mining process.

The reality for exploration, mining and government stakeholders is that they need to be patient, understanding and respectful of each Traditional Owner group's background, situation and circumstance and continue to develop processes that are culturally appropriate and community sensitive.

Native Title Representative Bodies can be of valuable assistance to exploration, mining and government stakeholders in the early stages of the process, however, it also needs to be recognised that some Traditional Owner groups have developed the capacity and a willingness to negotiate directly with miners and explorers.

In either case, in order to establish an effective partnership with the Traditional Owner groups, explorers, miners and government agencies should use all available avenues, and remain focused on establishing and building the relationship with the Traditional Owner groups, as a whole, while maintaining a respect for the individual positions and rights of each group to use, or not use their respective NTRB.

4.3 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 Owner groups 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.

Once again, it is important that exploration, mining and government stakeholders understand the range of historical factors that have impacted upon the current cultural, social and economic position of individual Traditional Owner groups. In particular, they should continue to develop their respective capacities to deliver culturally appropriate and community-sensitive outcomes, while simultaneously promoting the importance of developing business-minded approaches among Traditional Owner groups.

4.4 Developing Mutual Awareness, Knowledge and Understanding

A fundamental issue often raised by exploration and mining companies and Indigenous groups is their respective lack of understanding and respect for each other's situation and culture.

- The Indigenous groups often highlight 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 often acknowledge their need for an improved understanding of the significance of Aboriginal culture, but also highlight the need for the Indigenous groups to understand the "exploration and mining culture".

In particular, Indigenous groups need 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 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 at 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.

4.5 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 – can contribute to greater clarity, strategic insight and focus, enhanced decision-making processes and a better general understanding.

4.6 Meeting Time/Project Deadlines

The importance of meeting project deadlines within the mining culture also requires recognition – industry representatives often highlight their contractual obligations which have to be met within certain timeframes while Indigenous groups often complain about the lack of flexibility and sensitivity attached to timeframes.

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 Traditional Owner 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.

From a company and government perspective, this process can be enhanced through more effective internal strategic planning and community consultation processes being adopted – ie, plan well in advance and ensure that early consultation with prospective Traditional Owner groups is conducted, maintain a consistent presence of key personnel (people who are honest and can gain respect and trust) on the ground, and strive to build relationships that are culturally appropriate, community sensitive and built on mutual respect, honesty and trust.

From a Traditional Owner perspective, this process can be also be enhanced through more effective strategic planning processes and a recognition that a business-minded approach to negotiations is required to ensure that realistic outcomes are achieved – ie, planning well in advance, ensuring that strategic priorities for land management, employment, training and business development are identified and formalised, establishing culturally appropriate communication protocols and ensuring that all communications are inclusive of the entire group.

In all cases, it needs to be recognised that, in addition to managing the important project planning parameters of Time, Quality and Cost, effective and efficient project management also requires sensitivity, trust and respect among all stakeholders to build partnerships and produce mutually agreed outcomes. Partnerships of this nature will be significantly enhanced if all parties enter negotiations without any pre-conceived ideas or misconceptions toward the other parties.

4.7 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 North Queensland region 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 are 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. In this respect, there must 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 negotiation meetings or participate in ongoing partnership building processes relevant to specific exploration or mining projects, 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.

4.8 Sustainable Education, Employment and Business Opportunities

A number of areas that could contribute to greater sustainability are often 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 are not sensitive to cultural differences: e.g. some mining companies are moving toward online application procedures, which require applicants to have access to the internet and a 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 exploration and 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.

4.9 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 the 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 assisting them to collectively 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 agency and service provider stakeholders do not replicate each others' efforts, yielding more cost-effective and relevant stakeholder outcomes.

It should also assist the Traditional Owner groups as a whole, in the important process of developing a unified and business-minded approach to working with industry and government agencies.

5. CONCLUSION

The Working in Partnership program continues to promote and create awareness of issues that affect all stakeholders in the North Queensland region. There is, however, a clear need for follow-up activities to be conducted at the regional level. In particular, for regional partnerships between the mining and exploration industry and Traditional Owner groups to develop and succeed, each of the challenges explored in this Report need to be considered and addressed, and a coordinated approach adopted to attain this outcome.

In this regard, an opportunity exists for a Townsville Regional Partnership Advisory Committee to take up responsibility for developing further regional initiatives which respond to these challenges.

Since the conduct of the workshop, DITR has established links with the key government representatives who may serve on such a Committee, and has conducted further talks with these representatives with a view to supporting an ongoing regionally-based program embracing the partnership theme. The Committee's initial task will be to define its own mandate and role relevant to the region, and to specify criteria for monitoring its own performance. DITR has indicated a strong willingness to support and guide the Committee in keeping with the objectives of the Working in Partnership Program for the development of long-term and effective partnerships between Indigenous communities and the exploration/mining industry. Some financial support may be required for the Committee to establish a profile in the region, and to begin the process of implementing initiatives which will carry the partnership-building process forward from this point.

Appendix A Workshop Participants

Traditional Owner Representatives

NAME	ORGANISATION
Marita Budden	Jirrbal
Allan Buller Jr	Gugu-Badhun
Allan Buller Sr	Gugu-Badhun
Beryl Buller	Gugu-Badhun
Janet Busch	Tagalaka
Betty Cashmere	Jirrbal
Michael Congoo	Birri
Ronald Gordon	Birri
Valma Green	Muluridji
Jim Hill	Djurandali/Ngawun
Richard Hoolihan	Gugu-Badhun
Allan Huen	Kudjala
Darren Kynuna	Mbara-Ngawun
Raelene Madigan	Wakamin
Janette Owens	Tagalaka
Michael Prosser	Birri
William Santo	Gudjala
David Walsh	Birri
Eddie Walsh	Birri
Patrick Walsh	Birri
John Wason	Bar-Barrum
Bull Yanner	Gangalidda

Industry Representatives

NAME	COMPANY
Ron Furnell	Consultant Geologist, Rocsol Pty Ltd (Kitchener Mining NL)
Jacinta Haire	Kagara Zinc Ltd
Lloyd Jones	Zinifex Century Mine
John Lynch	Citigold Corporation Ltd
Joe Potter	Consultant (Xstrata Coal)
Lee Ryan	Resolute Mining
Les Stringer	Newmont (Pajingo Mine)
Brian Tiedt	Xstrata Coal
Steve White	Consultant (Xstrata Coal)

Government Agency and Service Provider Representatives

NAME	ORGANISATION
David Abbott	Sustainable Mining Resources Development Branch, Department of Industry, Tourism & Resources
Pauline Ahmat	Department of Education, Science & Training
Nigel Baker	Cultural Heritage Coordination Unit, Department of Natural Resources & Mines, North Region
Nick Burn	Department of Natural Resources & Mines, Townsville
Robert Cedar	Department of Aboriginal and Torres Strait Islander Policy
Alexis Clifford	Department of Education, Science & Training, Indigenous Education Programs
Val Coates	Charters Towers Workplace Learning Program
Alex Cooper	Native Title & Indigenous Land Services, Department of Natural Resources & Mines, Brisbane
Geoff Dickie	Native Title & Indigenous Land Services, Department of Natural Resources & Mines, Brisbane
Shenda Evans	North Queensland Land Council
Diana Innis	Queensland Health
Simone Jackson	Department of Aboriginal and Torres Strait Islander Policy
Ray Kent	Department of Employment & Workplace Relations, Townsville
Ian Kuch	North Queensland Land Council
Brett Mackie	Department of Natural Resources & Mines, Rockhampton
David Mailman	Central Queensland Land Council
Andrew Malcolm	Queensland Health
Les Morris	Australian Indigenous Security Services
Damien Morrissey	Expedited Procedure Unit, Department of Natural Resources & Mines
Renee Percival	Department of Natural Resources & Mines, Townsville
Barbara Prien	Department of Education, Science & Training, Indigenous Education Programs
Melda Sagigi	Department of Education, Science & Training
Tom Saunders	Mining Registrar, Department of Natural Resources & Mines
Michael Sheldrick	Sustainable Mining Resources Development Branch, Department of Industry Tourism & Resources
Pat Williamson	Department of Employment & Workplace Relations, Mt Isa
Virginia Wyles	Central Queensland Land Council

Appendix B Combined Problem Analysis - Issue Search, Core Wants and Needs

<p>1. Exploration Stage</p> <p>Indigenous Group</p> <ul style="list-style-type: none"> ❖ Need to acknowledge the right people (Traditional Owners). <p>Cultural Heritage</p> <ul style="list-style-type: none"> ❖ Lack of consultation. ❖ Respect. ❖ Protocols. ❖ Communication (applicants signing off instead of bringing project and other information back to the whole group). ❖ Money – Not willing to pay the costs for meetings/cultural work. ❖ Lack of informative consultation. ❖ Lack of trust between parties relating to boundary issues. ❖ Ignorance and arrogance. <p>Miners and Explorers Group</p> <ul style="list-style-type: none"> ❖ Need for prompt access against set timelines. ❖ Need for certainty. ❖ Requirement for a known process – Regime, NTA including Claimant representation- ASAP. ❖ Fixed costs ❖ Encouragement for exploration ❖ Unrealistic expectations. ❖ Need to recognise the differences and capacities between small and large explorers. <p>Government Group</p> <ul style="list-style-type: none"> ❖ Timeframes/delays. ❖ Education/Awareness (Promotion) ❖ Dealing with misconceptions. ❖ Complex processes. ❖ Communication/Consultation. ❖ Policies/Guidelines through legislation. ❖ Expectation of Government ie, funding. ❖ Overlap of claims. ❖ Compliance issues. ❖ Capacity or Lack of Capacity. ❖ Relationships. <ul style="list-style-type: none"> > Native Title Groups > Land Councils ❖ Departmental (Silos). <ul style="list-style-type: none"> > Inter > Intra ❖ Environmental Protection. 	<ul style="list-style-type: none"> ❖ Cultural Heritage ❖ Staffing issues ❖ Resources <p>2. Feasibility Stage</p> <p>Indigenous Group</p> <ul style="list-style-type: none"> ❖ Need to be kept informed of project progress. ❖ Maintaining open lines of communications. <p>Miners and Explorers Group</p> <ul style="list-style-type: none"> ❖ ML Grant lined up (State government to facilitate). <ul style="list-style-type: none"> > Native Title Agreement > Cultural Heritage Agreement > Environmental Impact Study ❖ Need to establish, understand and align community expectations with company's ability to deliver (Small mines versus Big mines). ❖ Need to maintain ongoing relationships through Cultural Heritage and Native Title processes <p>Government Group</p> <ul style="list-style-type: none"> ❖ Legislative checklists. ❖ Maintaining communication. ❖ Ongoing education and training. ❖ Partnership development. <p>3. Project Development Stage</p> <p>Indigenous group</p> <ul style="list-style-type: none"> ❖ Open and honest communication. ❖ Financial resources to keep Traditional Owners at the table. ❖ Statutory obligations. ❖ Royalties/compensation. ❖ Indigenous Land Use Agreements established. ❖ Employment (Long Term Permanent). ❖ Active involvement of Traditional Owner groups. ❖ Business opportunities ❖ 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
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<p>Indigenous group cont...</p> <ul style="list-style-type: none"> ❖ Training opportunities that lead to permanent employment. ❖ Education. ❖ Ongoing commitment and respect for cultural heritage and environment ❖ Social Impacts (Health). ❖ Respect for ongoing environmental concerns and impacts. ❖ Technology. ❖ Economic sustainability. ❖ To be treated equally in all aspects of the process. <p>Miners and Explorers group</p> <ul style="list-style-type: none"> ❖ Certainty of schedule and budget ❖ Granted MLs with agreements in place <ul style="list-style-type: none"> ➢ Implementation Agreement ➢ Employment contracts ➢ Traineeships/education programs ➢ Communication mechanisms ➢ Cultural Heritage monitoring ➢ Community project development ❖ Ongoing community support. <p>Government and service agencies group</p> <ul style="list-style-type: none"> ❖ Infrastructure for services ❖ Continue relationships. ❖ Negotiated agreements. ❖ Contribute to long term economic sustainability. ❖ Clear tenure. ❖ Empowerment. <p>4. Project Commissioning Stage</p> <p>Indigenous group</p> <ul style="list-style-type: none"> ❖ Guaranteed permanent employment opportunities. ❖ Real business opportunities. ❖ No broken promises. ❖ Ongoing localised cross-cultural communication programs delivered at every level within the company. ❖ Ongoing capacity building programs. ❖ Compensation/equity/royalties. ❖ Open and honest communication lines to be maintained. ❖ Ongoing Cultural Heritage – Keeping Place for items found during mining process. 	<p>Indigenous group cont...</p> <ul style="list-style-type: none"> ❖ Securing employment by using appropriate people to deal with Traditional Owners. ❖ No real benchmarks have been established in the past. ❖ Requirement for all contractors to comply with companies Indigenous policies. ❖ Need for resources by Traditional Owners to stay involved in the process. ❖ Mines to have penalty clauses established in appropriate policy and procedures. ❖ Involving Traditional Owners in the process of writing Cultural Heritage Plans. ❖ Benefits need to transfer to communities. ❖ Sponsorship of Indigenous activities. ❖ Continuous community consultation. ❖ Development of Enterprise Infrastructure. ❖ Self determination. <p>Miners and Explorers group</p> <ul style="list-style-type: none"> ❖ Ongoing relationships via: <ul style="list-style-type: none"> ➢ Claimants ➢ community ❖ Ongoing implementation of mining agreements <ul style="list-style-type: none"> ➢ Committee/Administration/Audits ❖ Unimpeded mining/production – No Stop Work Orders. ❖ Establish and maintain a good company reputation. <p>Government and service agencies group</p> <ul style="list-style-type: none"> ❖ Royalties. ❖ Longevity. ❖ Legislative compliance. ❖ Responsible mining methods. ❖ Environmental rehabilitation. ❖ Positive publicity
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Appendix C Regional Priorities – Where To from Here?

<p>Communication Issues and Structures</p> <ul style="list-style-type: none"> ❖ All stakeholders at this workshop, plus others, should be involved in future partnership building processes in the North Queensland region – Traditional Owner groups; Mining companies; Local Government Authorities; Pastoral groups; State and Commonwealth Government agencies including: Education and Employment agencies; Archeologists; Non-Government Organisations including: Native Title Representative Bodies and Cultural Heritage Bodies; and Toursim Industry groups. ❖ Plain English communication is required. ❖ Ensure that right people are consistently involved. ❖ Less involvement of Lawyers in the process. ❖ Being fully informed. ❖ Identify appropriate representatives who can speak and make decisions for their stakeholder group. ❖ Mutual understanding of Equitable and sustainable. ❖ No jargon or use of Acronyms. ❖ Traditional Owners and miners to maintain relationships with pastoralists. ❖ Disseminate information to ALL stakeholders. ❖ Being prepared to share knowledge. ❖ Regular open forums. ❖ Independently funded ❖ Quarterly meetings. ❖ Wider community attendance (depending on \$) ❖ Better organised. ❖ Contact list for all groups. <p>Ground Rules</p> <ul style="list-style-type: none"> > Respect for each other. > Listen, appreciate and understand each person's interests and needs. > Develop common goals/beneficial outcomes to work to. > Aim to develop better relationships. > Open, honest and transparent communication processes. > Take responsibility for what is said and done. <ul style="list-style-type: none"> ❖ Continue to use DITR's Working in Partnership Program and involve all key Commonwealth and State agencies, Queensland Resources Council. ❖ Invite other Working in Partnership Committees throughout Australia to share ideas. ❖ 10 point plan for Pastoral arrangements (State Government). ❖ Consider other mining models from that could work in the region. ❖ Miners homestead – perpetual leases. ❖ More effective timelines. 	<p>Vision/Issues</p> <ul style="list-style-type: none"> ❖ Long-term Vision required. ❖ Maintaining a focus on the delivery of "Real Outcomes". ❖ Working together. ❖ Promoting the mutual benefits available to communities and miners. ❖ Developing relationships between Traditional Owners and mining companies. <p>Operational Priorities in the next 12 months</p> <ul style="list-style-type: none"> ❖ Yes, we want a committee. ❖ Need for a twelve month plan to establish focus and specific goals. ❖ Identify reporting and performance measurement mechanisms. ❖ Develop realistic targets and milestones for the region. ❖ Regional specific arrangements established. ❖ Mutually celebrate our rewards. ❖ Better communication leading to more effective engagement. ❖ Determine resource requirements. ❖ Measure and evaluate performance. ❖ Develop early education programs that identify ways to deliver real outcomes. ❖ Develop a register of "Skilled People" ❖ Establish relationships that bring down barriers. ❖ Enhanced focus on apprenticeships /training. ❖ Identify mutual values and aspirations. ❖ Work toward sustainable partnerships in the region. ❖ Improve governance. ❖ Develop leadership. ❖ Improve marketing and education processes. ❖ Set and achieve clear Goals. ❖ Develop a Regional Communication Plan. <ul style="list-style-type: none"> > <i>Internal and External communications.</i> > <i>Distribution of information before and after regional meetings.</i> > <i>Positive publicity.</i> > <i>Confidentiality.</i> > <i>Respect for Intellectual property.</i>
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Mutual Goals for next 5 years

- ❖ Streamlining processes to eliminate bottlenecks.
- ❖ Traditional Owner Business Models established.
- ❖ Develop a Government "One Stop Shop" to provide advice and funding.
- ❖ Improve legislative processes to better facilitate working relationships between ALL stakeholders.
- ❖ Commitment to reciprocal awareness and education ie, Indigenous culture and mining industry.
- ❖ Maintaining relationships.
- ❖ More effective/viable commercial agreements.

Things to Mutually Celebrate

- ❖ Regular meetings.
- ❖ Working together.
- ❖ Regional achievements and updates.

Resource Implications

- ❖ How do we access and where do we get resources from?
- ❖ Time, money and people.
- ❖ Set up and resource a Regional Body.

Appendix D Participant Workshop Evaluation – Summary

Working in Partnership Townsville Regional Workshop 9 th and 10 th June 2005												
The following is a table of results from participants' evaluation sheets about the workshop. There were 20 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	6	30%	13	65%	95%	1	5%		0%		0%
	The structure and format of the workshop allowed the objectives to be achieved	7	35%	13	65%	100%	0	0%		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	11	55%	7	35%	90%	2	10%		0%		0%
	I met a number of people at the workshop that I will probably contact or deal with again	9	45%	9	45%	90%	2	10%		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	6	30%	11	55%	85%	2	10%		0%		0%
Organisation & format	The workshop was well organised and the time spent on each session/topic was about right.	4	20%	13	65%	85%	2	10%		0%		0%
	The time allowed for meeting with and talking to others was about right	6	30%	13	65%	95%	1	5%		0%		0%
	The facilitators (Grant and Michael) encouraged discussion and the sharing of ideas	13	65%	7	35%	100%	0	0%		0%		0%
	The social function was worthwhile and a good chance to network with others		0%	15	75%	75%	1	5%		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	8	40%	12	60%	100%	0	0%		0%		0%
	TOTAL	70		113			11		0		0	

'We need to find ways to build relationships and move forward'

'Early and effective relationships between TOs and companies (is) essential'

'Where do we go from now'

'Building partnerships to meet the needs of community as a whole'

'The benefits of community engagement and information sharing'

'Need for some better interaction between partners'

'Aboriginal people want training and employment in agreement making'

'Working in partnerships is the only way forward'

'Partnership'

'Sharing / real partnerships'

'Better communication'

'Communication'

'Diversity of groups and need for good community strategies across the sphere'

Participants Comments

Working in Partnership
the Mining Industry and Indigenous Communities

Townsville, QLD Workshop

9th and 10th June 2005