# **WORKING IN PARTNERSHIP**

the Mining Industry and Indigenous Communities

# Illawarra Workshop Report

Prepared for

# **Department of Industry Tourism and Resources**

20 Allara Street Canberra City, ACT 2601

Monday 3<sup>rd</sup> July 2006

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#### 1. INTRODUCTION

# 1.1 Background

The Working in Partnership – the Mining Industry and Indigenous Communities - Program was launched by the Commonwealth Government on 3<sup>rd</sup> August 2001. The program is administered by the Department of Industry, Tourism and Resources and primarily 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 continues to occur between the exploration and mining industry and Indigenous communities throughout Australia. In so doing, it seeks to build on relevant research which has been conducted in relation to sustainable mining practices.<sup>1</sup>

Since the program's inception, the Department has developed, and continually updates 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 may be used to provide support for partnership initiatives.

The information kit can be accessed by contacting the Department directly or through their Indigenous Partnerships Program website, at: http://www.industry.gov.au/indigenouspartnerships

The program has also involved the conduct of a series of regionally based workshops in key areas of interest throughout Australia. To date, workshops have been conducted in Alice Springs in 2002, Kalgoorlie and Port Hedland, Western Australia in 2003, Rockhampton and Cloncurry in Queensland in 2004 and Muswellbrook in the NSW Hunter Valley and Townsville in Queensland in 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 Illawarra workshop held in Wollongong represents the eighth in the series of workshops conducted throughout Australia.

# 1.2 Working in Partnership – Illawarra Workshop

In January 2006, the DITR commissioned Grant Sarra Consultancy Services to conduct two workshops in NSW, one in the Illawarra region followed by a second workshop in the Central West region of NSW, as a continuation of the Working in Partnership Program.

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 at <a href="http://www.naturalresources.org/minerals/CD/docs/mmsd/australia/finalreport/Indigenous.pdf">http://www.naturalresources.org/minerals/CD/docs/mmsd/australia/finalreport/Indigenous.pdf</a>); The Allen Consulting Group, Indigenous Communities & Australian Business: From Little Things, Big Things Grow, 2001 (available online at <a href="http://www.bca.com.au/content.asp?newsid=87347">http://www.bca.com.au/content.asp?newsid=87347</a>); 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 <a href="http://www.csrm.uq.edu.au/docs/brereton\_2002\_1.pdf">http://www.csrm.uq.edu.au/docs/brereton\_2002\_1.pdf</a>); L Tedesco et al, Indigenous People in Mining, Australian Bureau of Agricultural and Resource Economics, 2003.

The Grant Sarra Consultancy Service's 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 Projects Coordinator Dugalunji Aboriginal Corporation; and
- Michael May, Research and Workshop Assistant.

Following consultation with the NSW Minerals Council and industry, it was agreed that the Illawarra workshop could be of substantial interest to the four mining companies operating in the region. Subsequent consultation with the NSW Aboriginal Land Council, Local Aboriginal Land Councils and representatives from various Traditional Owner groups and other Indigenous groups and organisations, mining operations and relevant government agencies with interests in the region, indicated that the workshop could attract around 40-50 participants.

It was also agreed that the workshop could be used to investigate a broad range of potential partnership initiatives that could enhance future outcomes for all stakeholder groups in the region.

The Illawarra workshop focused primarily on the area encompassed by the Wodi Wodi <sup>2</sup> Aboriginal peoples of the Illawarra region and included the mining companies currently operating in the region.

The Illawarra workshop was held on Thursday 18<sup>th</sup> and Friday 19<sup>th</sup> May 2006 at the Wollongong Golf Club, Corrimal Street, Wollongong.

#### 1.3 Purpose of this Report

The purpose of this report is to provide:

- an overview of the Illawarra workshop, including: theme, aims, methodology and structure;
- details of workshop outcomes; and
- suggestions that could be used to enhance future partnership initiatives in the Illawarra region.

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

For this reason, the suggestions provided in this report to enhance future partnership initiatives in the Illawarra region are not to be taken as necessarily applicable to other regions throughout Australia, although many of the issues and principles discussed are very similar, if not the same, to some of those that have been raised in previous Working in Partnership workshops.

<sup>&</sup>lt;sup>2</sup> Wodi Wodi is also spelt as Wadi Wadi.

#### 2. ILLAWARRA WORKSHOP OVERVIEW

### 2.1 Theme, Aims and Expected Outcomes

#### Theme

The central theme of the Illawarra workshop was the desirability of mining companies, Indigenous groups and organisations and relevant government agency service providers to explore 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 workshop had as its central aim the provision of a neutral regional forum, in which all stakeholder groups could meet to discuss regional problems and issues and consider regional solutions relevant to the support of local partnerships.

Experience in previous Working in Partnership forums has shown that there are invariably a number of initiatives, programs and projects underway in regional areas, but the linkages and networks that might optimise the benefits and outcomes for the broad range of stakeholders are not always present nor functional. A major benefit of the Working in Partnership Regional Workshops is that they provide a neutral and somewhat informal vehicle for these additional connections to be made, and the emphasis is on solutions "from within" the region and its stakeholders.

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

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

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

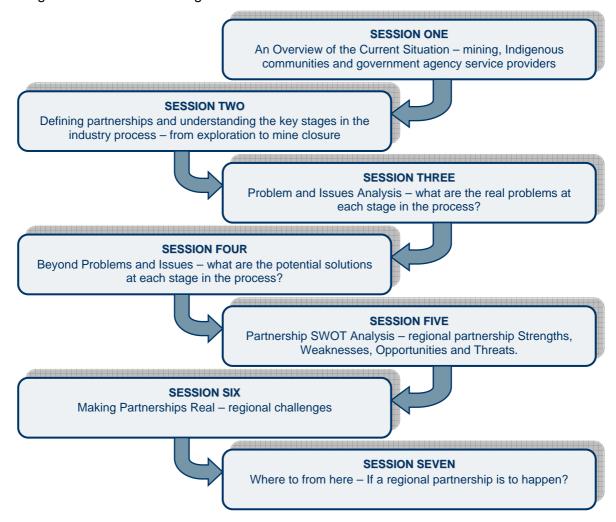
All participants were encouraged to move their focus beyond short-term problems to the long-term mutual benefits offered by partnership relationships. The intention was to direct stakeholders' efforts beyond debate towards a constructive dialogue addressing the six main themes of the Working in Partnership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

- > Employment
- Education and Training
- Business Opportunities

- Cultural Awareness
- Capacity Building
- > Economic Empowerment

## 2.2 Methodology

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



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

### 2.3 Workshop Planning

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

- Advice provided by the Department of Industry, Tourism and Resources;
- Advice provided by the NSW Minerals Council and companies operating in the region;
- Advice provided by the Illawarra Community-Based Working Group;
- Advice provided by the NSW Aboriginal Land Council and Local Aboriginal Land Councils;
- Background research conducted by the consultancy team;
- Experience obtained from past workshops in the Working in Partnership series;
- Information gathered through ongoing consultation with key stakeholders and follow-up contact with individual short-listed invitees in the Illawarra region;
- The official National Native Title Tribunal maps and registers of native title claims, ILUA's, native title determinations and non-claimant applications including: NNTT PDF maps showing claim, determination, and ILUA boundaries as at 31 December 2005 in the State of NSW and ACT;
- Resources and staff in relevant NSW Government Departments, including:
  - official publications and fact sheets concerning mine sites in NSW;
  - NSW Department of Environment and Conservation: The History of Aboriginal people of the Illawarra Region 1770-1970, 2005;
  - NSW National Parks and Wildlife Service: Aboriginal Cultural Heritage Standards and Kit – Working Draft, September 1997; and
  - Department of Environment and Conservation: Interim Community Consultation Guidelines, December 2004.
- Relevant recent Media Releases from the NSW Government concerning mining exploration, cultural heritage issues and native title;
- Web sites, prospectuses and other published information from mining and exploration companies currently active or proposing activity in the designated catchment area;
- Recent academic and government publications concerning negotiations and agreement-making between Australian Indigenous communities and the mining industry; and
- The Final Reports from the previous DITR Working in Partnership Workshops at Alice Springs, Kalgoorlie, Port Hedland, Rockhampton, Cloncurry, Muswellbrook and Townsville.

## 2.3.1 Preliminary Stakeholder Consultation

Preliminary consultations commenced in early March 2006 with the NSW Minerals Council and the NSW Aboriginal Land Council. Follow-up consultations were then held with key representatives from exploration and mining companies, individual Aboriginal groups and organisations, Local Aboriginal Land Councils and government agency service providers with interests in the region.

The purpose of initial consultation was to:

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

#### 2.3.2 Workshop Participation

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

- the full range of Indigenous organisations and groups in the Illawarra region, especially those Traditional Owner representatives who, as registered native title claimants, are or will typically be in the "front-line" of negotiations with exploration and mining companies;
- mining companies (and their consultants) with a presence and active involvement in the Illawarra region; and
- government agency service providers with a presence and active involvement in Illawarra region.

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

- Indigenous people stressed the importance of securing attendance by senior management in industry and government, insisting that more junior representatives lacked the authority necessary to influence industry and government policy.
- It became clear that it was important to ensure that all individual family groups within the Illawarra region were represented at the workshop.
- Representatives from mining companies drew attention to the difficulties associated with identifying and consulting with representative Indigenous people and a need to highlight the importance of accurately reflecting differences within the industry, in terms of company size, longevity, and access to resources, policies and experience.
- Government agencies stressed the importance of maintaining a consistent understanding and approach to community consultation in the region by ensuring the direct involvement and participation of key representatives from the Illawarra Community-Based Working Group at the workshop.

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

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

Potential invitees from all identified Traditional Owner and other Indigenous groups and organisations, mining companies, and government departments and service providers with involvement in the Illawarra region were approached individually and or through appropriate intermediaries (e.g. Local Aboriginal Land Councils, Illawarra Community-Based Working Group, the NSW Minerals Council, and other government contacts). Once initiated, follow-up contact was maintained with invitees in the lead-up to the workshop itself.

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

#### 3. WORKSHOP OUTCOMES

# 3.1 Introductions and Scene Setting

The workshop was opened in the spirit of good will, with Mr Grant Sarra, the lead facilitator acknowledging and paying respect to the original inhabitants of the Illawarra region – both past and present.

Mr David Abbott, Coordinator of the Working in Partnership Program, of the Department of Industry, Tourism and Resources offered a short explanation of the purpose and history of the Working in Partnership Program and the workshop series. David explained that regional workshops formed the cornerstone of the Working in Partnership Program and that the Department was willing to conduct follow-up meetings in the Illawarra region if this was considered by workshop participants to be beneficial to enhancing partnership outcomes.

Short presentations to provide an overview of mining and Indigenous relationships in NSW and Australia in general were then delivered by Ms Georgina Beattie, Deputy Director Environment and Community, NSW Minerals Council and Grant Sarra.



Georgina explained the role of the NSW Minerals Council as the representative body for the mining industry in New South Wales. She explained that the key issues facing the mining industry included access to land, advocating for appropriate legislation, and striving for best practice in the of community. environment and Indigenous relations.

Georgina gave a brief explanation of the different stages of the mining process and then concluded by relating her past experience in the Working in Partnership Program at the Hunter Valley workshop, held in June 2005.

She explained that as a result of that workshop, the Indigenous groups in that region had come together to produce a document which set out their key priorities and in response, the mining companies had come together to prepare a commitment statement to an Indigenous partnership.

Georgina explained that while the plans set down in both documents will take time to progress they do provide real steps toward important outcomes and also provide the community and the industry with a clear set of goals to work toward.

Grant Sarra provided a general overview of the state of mining and Indigenous community relations throughout Australia and explained that while there are many instances where partnerships were working very well there were also instances where partnerships were not progressing well at all. He highlighted that exploration and mining companies and Indigenous communities need to recognise that they remain on a steep learning curve when it comes to understanding each other's positions, aspirations and needs. In this respect, partnership processes that seek to deliver fair and reasonable outcomes and enhance mutual understanding and respect, make sound business sense.

These discussions set the scene for a group discussion of the meaning of "partnership" at each stage of the exploration/mining process. Consensus was then reached on a general working definition, as the basis for subsequent workshop discussions.

All participants agreed that successful partnerships were effectively:

"...all about trust, commitment and leadership at every level, vision, respect, the long-term view, resolving conflicts, flexibility, clear and effective strategies, sustained competitive advantage, ownership, empowerment, attitude, innovation, removing hidden agendas, teamwork, people, suppliers, customers, customers' customers, suppliers' suppliers, communication, hard work, making/taking time (a lot of it), cooperation, respect, compromise, interdependence, sharing everything (information, strategy, vision, people, ideas, risk), imagination, creativity, initiative, lateral thinking, friendship, under-compromising, overdelivering, 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)

## 3.2 Problem and Issue Analysis

After lunch on Day 1, participants were divided into their respective stakeholder groups for the purpose of engaging in a partnership problem and issue analysis.

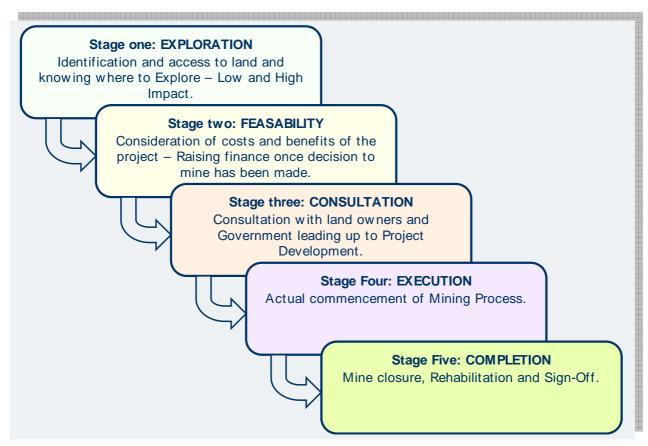
Three groups were formed, of approximately equal size: one Indigenous group, one industry group, and one government agency service provider group.

Peter Riley, Manager Exploration, Illawarra Coal, in collaboration with Grant Sarra, presented the following broad outline of stages <sup>3</sup> in the industry process as a guide for



each group to consider during their respective problem and issue analysis.

<sup>&</sup>lt;sup>3</sup> (In general, the broad stages for exploration and mining in NSW are defined as: Exploration, [Feasibility], Planning and Approval, Development, Operations and Mine Closure).



Each group was asked to consider their specific problems and issues at each broad stage in the process. The aim of this session was to provide participants with the opportunity to identify obstacles to successful partnership building that their stakeholder group encounters in the region, and to report these back to and discuss them with other stakeholders.

The following key problems were discussed in some detail during the group feedback session. A full summary of the workshop problems and issues are presented in **Appendix B**.

#### 3.2.1 Communication

A critical problem raised by all parties was the need for improved communication.

Indigenous stakeholders highlighted the diverse range of groups representing their interests in the area as being a major problem which significantly inhibits the process of bringing different factions together to consider and discuss sensitive cultural and environmental issues. For instance, it was often difficult to bring together representatives from all groups because of personal differences between their representatives.

This group also identified a lack of quality communication with the mining industry in the past and suggested that on previous occasions, Indigenous people had been misled in the process.

The mining industry and the government groups both identified difficulties in determining who to talk to from the Indigenous community. This was a particular problem for the mining industry because in order to move forward on an individual project, mining companies must have certainty.

The government group pointed out that by consulting with a number of Indigenous stakeholders, they did not intend to offend any particular group or groups – rather, they engage in this wide consultation because they are required to in compliance with relevant legislative requirements.

#### 3.2.2 Education and Employment

The Indigenous group identified the need for mining companies to compensate for the profit made out of their land by providing permanent employment for their people. They stressed that long-term employment is what is important, as this helps to further build relationships between the stakeholders and also provides Indigenous people with much needed skills and financial security.

Mining companies acknowledged that community employment was desirable, but pointed out that they could not provide the skills-training required for such positions, and suggested that government could play a bigger role in providing the necessary training. In this regard, the Indigenous group raised a difficulty in determining which skills the mining industry required.

In addition to ensuring compliance with relevant legislative requirements in relation to environmental and cultural heritage management, Government agencies emphasised that they were also keen to participate in processes that ensure that more effective outcomes for education, employment and training (as well as cultural heritage assessment) can be achieved for all stakeholder groups.

#### 3.2.3 Understanding Stakeholder Perspectives and Issues

The Indigenous group highlighted a lack of understanding and respect for their cultural heritage within the exploration/mining process, as evidenced by their relatively small role in decision making. They also stressed the need to understand that different community groups have



different priorities. For some Indigenous groups and organisations, the priority is solely to protect cultural heritage; while for others, access to education, employment and business opportunities were more important.

The Indigenous group recognised, however, that in order to further their employment, education and business aspirations, they also need to take steps to understand the business realities of the mining industry.

Mining representatives admitted that they sometimes find it

difficult to understand cultural heritage issues. For instance, one company representative raised the difficulty they had in understanding cultural heritage that is not represented by physical objects.

The industry group further explained that there were often conflicting cultural heritage views and values held among various Indigenous groups and



also felt that there was a lack of government facilitation and arbitration.

The industry group agreed that there was a need for industry members to increase their education about, and general knowledge and awareness of, Indigenous culture and cultural heritage issues. However, they also stressed the importance of Indigenous communities developing their own awareness and understanding of industry's perspective – in particular, the realities of commercial life, particularly in relation to tight deadlines and the need for certainty, especially over the long periods of time involved in mining projects.

With respect to employment, the industry group acknowledged the aspirations of the Indigenous group, but explained that some industry jobs are highly skilled. Because these positions require specific formal qualifications, industry will generally not be in a position to provide the necessary training to skill Indigenous people up to the desired performance levels required for such jobs on a site. In addition, such opportunities were often few and far between, given the nature of the industry in the region (i.e. new positions have tended to become available only as and when a person leaves a job after many years).

#### 3.2.4 Environmental Assessment

The Indigenous group highlighted their ongoing concerns relating to the potential destruction of sites of significance and also discussed the difficulty of responding to Environmental Impact Statements due to a lack of resources, the enormous amount of paperwork and detail involved and the skills required in this process.

Many felt that it was impossible to reply to the complicated documents within the designated time period without adequate levels of funding and skill. They also stressed that appropriate Indigenous people should have a greater involvement and participation in the EIS process.

#### 3.2.5 Cultural Heritage Assessment

Industry and Indigenous groups both expressed concerns relating to current Cultural Heritage Assessment processes in the region. As mentioned previously, industry often found it difficult to determine who they should consult with among the various Indigenous groups and felt that this caused too much uncertainty and delay.

The Indigenous group raised the issue of wage disparity between Indigenous consultants and outside consultants such as archaeologists, and explained that their involvement and cultural knowledge and understanding in cultural heritage assessment processes were of equal importance.

The group was also of the opinion that there was a need to establish a standard Cultural Heritage assessment rate which recognised the traditional knowledge, qualifications and experience of local Indigenous people and allowed for additional costs such as administration, insurance and other reasonable related costs to be incorporated.

It was also suggested by several participants that a Regional Aboriginal Cultural Heritage Advisory Committee could be established to provide ongoing advice and direction to the Minister for the NSW Department of Environment and Conservation.

## 3.3 Beyond Problems and Issues – Moving to Solutions

In the last session of Day 1, participants were divided into three groups to consider and discuss possible solutions to the problems and issues identified in the previous session. Each group contained an even mix of the three stakeholder groups.

The following section provides a summary of the key solutions considered and discussed at the workshop with a full list presented in **Appendix C**.

# 3.3.1 Principal Traditional Owner Body

Workshop participants agreed that there was a need to establish a Principal Body to act as a central point of contact, assist in the identification of Traditional Owner and other Indigenous groups, enhance coordination and communication (particularly in relation to cultural heritage and environmental assessment work) and to generally work more closely with government and industry.

It was also agreed that such a body would need to be



representative of the community. Participants felt that this body could align with, and be coordinated as part of the existing Illawarra Community-Based Working Group with some additional support, direction and assistance from the appropriate government agencies.

#### 3.3.2 Cross Cultural Communication and Industry-Based Training

Workshop participants agreed that there was a need to develop a local Cross Cultural Communication Program and an Industry-Based Program to enhance the mutual understanding and respect between each of the stakeholder groups.

#### 3.3.3 Employment, Training and Capacity Building Programs

Workshop participants acknowledged the concerns and aspirations of Indigenous people to: secure realistic permanent employment (reducing reliance upon subsidised opportunities); develop their capacity to compete more effectively for employment and business opportunities generated through industry; and deal more efficiently with such procedures as Environmental Impact Statements.

It was suggested by participants at the workshop that government and industry needed to adopt a more proactive and coordinated approach in areas of employment, training and capacity building to ensure that Indigenous people could actively participate and benefit as a result of industry activity in their region.

#### 3.3.4 Industry, Government and Indigenous Consultation Guidelines

Given the concerns mentioned previously in this report relating to problems associated with Cultural Heritage and Environmental Assessment work, and additional concerns raised by participants during the workshop relating to general consultation in the region and the ongoing confusion surrounding land access procedures associated with different forms of tenure (mining lease land, private land, Indigenous land and Crown land), it was suggested that regional-specific industry, government and Indigenous consultation guidelines needed to be developed to create a better understanding and certainty among all stakeholder groups affected by mining in the region.

#### 3.3.5 Breaking the Welfare Cycle

Several participants at the workshop suggested that through an effective regional partnership process there was an ongoing opportunity to continue to encourage government to contribute fair and reasonable distributions of moneys other than welfare payments – e.g. mining royalties - directly toward industry and Indigenous-related initiatives, in an attempt to break down the welfare cycle that often impedes progress in Indigenous communities throughout Australia.

# 3.4 SWOT Analysis – Strengths, Weaknesses, Opportunities and Threats

After morning-tea on Day 2 participants as a whole were asked to conduct a brief analysis of what they considered to be their collective regional strengths, weaknesses, opportunities and threats. The following suggestions were recorded:

#### **Strengths**

- Growing mutual awareness of problems;
- > Recognition of common problems;
- Willingness to work together;
- Both industry and the community have shared interests in the land economic and environmental;
- Untapped local labour force;
- Proactive industry; and
- ➤ Good existing infrastructure TAFE, University, Community-Based Working Group.

#### Weaknesses

- Division/conflict;
- Lack of understanding from both sides;
- Differing agendas;
- > Native Title confusion; and
- Lack of education and skills.

### **Opportunities**

- Mutual benefits all parties want education and training;
- Willingness to talk about issues:
- Decreasing Indigenous disadvantage;
- > Identification and preservation of cultural sites; and
- Better utilisation of government programs

#### **Threats**

- Mining industry recession in the future;
- Complacency;
- Losing relationships due to staff turnover;
- Not talking to the right people;
- Changing goalposts;
- Government/legislation change; and
- > Inability of community to change.

### 3.5 Regional Priorities

Following the SWOT analysis, session participants, as a whole, were asked to conduct a brief analysis of what they considered to be their regional priorities leading into the next twelve months. The following priorities were recorded:

- Continue the dialogue keep the partnership process going;
- Heal divisions within Indigenous community;
- Preserve heritage sites and the environment generally;
- Develop a structured Indigenous community approach;
- Secure access to land for industry;
- ➤ Increase capacity of community to operate effectively governance, accountability and efficiency;
- Address economic disparity (sitting fees, cultural monitor fees);
- Maintain the goodwill; and
- Better utilise government resources.

As most participants identified the need to continue the discussions which had developed during the Workshop, the focus turned to the next step forward. It was agreed that a follow-up meeting should be arranged to consider the report findings and to discuss future directions and process.

Participants then considered who should be present at this meeting. The Indigenous community feared that too large a group may be difficult to operate, while industry representatives indicated that to have support from their management, they would need solid results. It was felt that this would best be achieved with small groups and then, once there was support from management, larger discussions could be facilitated.

It was feared, however, that failing to allow all people to get involved from the beginning would run the risk of alienating people at an early stage. It was also agreed that any future groups should be focussed around existing structures such as the Community-Based Working Group.

There was discussion about the need for "local leadership" to progress initiatives in the Illawarra region. David Abbott from DITR reminded participants that the Working in Partnership Program could assist with this aspect but that the success of a regional partnership, and in particular, the ongoing planning and management of regional expectations and priorities, must be driven locally.

To address all of the issues raised above, the group agreed to have a follow-up meeting for all interested parties after the release of Workshop report. This meeting would determine a process to move forward in the short to medium term.

It was agreed that a follow-up meeting would be scheduled to take place within four weeks of the Illawarra Workshop Report being distributed.

#### 4 CONCLUSION - MAKING PARTNERSHIPS REAL

The Illawarra Workshop, among other things, was designed to promote and create awareness of the problems and issues that affect all stakeholders in the Illawarra region.

Like other regions throughout Australia, there is, however, a clear need for follow-up activities to be conducted at the regional level. In particular, for a regional partnership between the industry, government and Traditional Owner and other Indigenous groups and organisations to develop and succeed, each of the problems and issues identified in this Report needs to be considered and addressed, and a coordinated approach adopted to attain this outcome.

In this regard, an opportunity exists, as a result of the workshop, for an Illawarra Regional Partnership Advisory Committee to be established to take up responsibility for developing further regional initiatives which respond to these problems and issues.

At the workshop, DITR offered to support the development of such a Committee. However, it was also stressed that such support could only be offered in the short to medium term, primarily to assist in the establishment of an Illawarra Regional Partnership process – should this be deemed appropriate for the region.

Judging from the outcomes flowing from previous workshops in the series, the short to medium term support offered by DTIR is particularly useful and important in the early stages of developing an effective regional partnership arrangement. However, it is important to recognise that the ongoing success of such a partnership approach requires a genuine and pro-active commitment from all relevant stakeholders at the regional level to ensure the effective and efficient planning and management of problems, issues and expectations.

Should a regional Committee be formed in the Illawarra region, its initial task will be to define its own mandate and role, and to specify criteria for monitoring its own performance.

This is necessary to ensure that the Committee is guaranteed the level of support required 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.

The Illawarra workshop, like previous workshops, exposed a number of basic problems and issues that need to be addressed if partnerships are to be successful in the region. The following provides a broad summation of issues that could be considered by a regional Committee in the Illawarra region.

# 4.1 Developing Mutual Awareness, Knowledge and Understanding

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

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

From an individual mining company perspective, training should, as a minimum, seek to develop awareness, knowledge and understanding among Traditional Owner and other Indigenous groups and organisations 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 decisionmaking processes; and
- promoting the importance and significance of, and demonstrating a commitment to, working in partnership.

From the perspective of Traditional Owner and other Indigenous groups and organisations, training should be provided for persons engaged at all levels of mining and exploration, and by 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;
- explain Traditional Owner and other Indigenous communication requirements and protocols;
- highlight Traditional Owner and other Indigenous 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 and policy changes;
- provide information and advice on how to access relevant support or assistance; and
- promote the importance and significance of, and demonstrate a commitment to, working in partnership.

# 4.2 Establishing and Maintaining Relationships

The importance of establishing and maintaining relationships at the regional level should not be underestimated. Good relationships between explorers, miners, relevant government departments, service agencies and Indigenous groups and their representatives need to be developed as early as possible in the process.

Effective relationship-building processes will ensure that:

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

# 4.3 Establishing a Functional Regional Partnership Advisory Committee

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

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

- provide leadership and strategic direction for all stakeholder groups on regional matters relating to employment, training and business development strategies, and cultural heritage and environmental assessments:
- provide basic advice, information and direction to individual stakeholder groups seeking assistance;
- disseminate information to all stakeholder groups promoting the importance and benefits of working in partnership throughout the region; and
- identify and actively promote successful partnerships throughout the region.

## 4.4 Addressing Resource Disparity

The disparity of resources between Indigenous groups and industry must be acknowledged and rectified 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.

For example, it is often assumed that Indigenous representatives can travel to and from and attend meetings relating to exploration or mining at their own expense. This is not always the case, and contrasts with the situation of other stakeholders whose costs can be borne by the organisation they represent. Addressing this disparity is essential in order to forge stronger relationships.

# 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 Indigenous groups – should contribute to greater clarity, strategic insight and focus, enhanced decision-making processes and general understanding among all stakeholders.

#### 4.6 Meeting Time/Project Deadlines

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

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

It is important for Indigenous groups to acknowledge this, and to continue to develop a business-minded approach when dealing with these stakeholder groups.

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

- The geographical displacement of Indigenous people from their traditional lands, and their subsequent formation of historical connections to other areas has complicated issues of group-identification, and often makes more onerous the time and cost commitments required of Indigenous representatives in attending meetings.
- Indigenous groups are faced with 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 Indigenous people to develop knowledge and skills in time and project management.
- Individual Indigenous people often carry significant responsibilities requiring them to attend to cultural business within their group.

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

# 4.7 Indigenous Strategic Goals and Priorities

The identification of strategic goals and priorities among individual Indigenous groups and organisations in the Illawarra region 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.

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

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

# Appendix A Workshop Participants

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Dawn Bell	
Rueben Brown	Korewal Elouera Jerrunarugh People
Alan Carridge	Northern Illawarra Aboriginal Collective
Glenda Chalker	Cubbitch Barta People
Richard Davis	
Chris Illert	Northern Illawarra Aboriginal Collective
Roy Kennedy	Tent Embassy
Zina Ainsworth	Illawarra Coal
Neville Baker	ERM Australia
Georgina Beattie	NSW Minerals Council
Bruce Blunden	Illawarra Coal
Gary Brassington	Illawarra Coal
Margaret Campbell	Illawarra Coal
David Clarkson	Centennial Coal
Tony De Santis	Metropolitan Mine
Roseanne Moore	Illawarra Coal
Danny Lester	Aboriginal Employment Strategy
Peter Riley	Illawarra Coal
Jamie Reeves	Biosis Research
Matthew Richardson	Biosis Research
Sanjay Sharma	NRE Gujarat
Wendy Tyrrell	Illawarra Coal
David Abbott	Department of Industry, Tourism & Resources
lan Abbott	Department of Primary Industries
Renee Allen-Narker	Department of Planning
Jim Bell	Department of Corrective Services
Robert Burgess	NSW Aboriginal Land Council
Crispin Butteriss	Premier's Department
Ronda Cruse	Illawarra Aboriginal Corporation (Community Centre) Cultural Centre/Keeping Place
Kim Denniss	CDEP - Community Development Employment Project
Leon Donovan	Office of Indigenous Policy Coordination
Judith Egan	Department of Primary Industries – Mineral Resources
Brendon Fitzgerald	Illawarra Business Advisory Service
Barry Ivanoff	Department of Employment & Workplace Relations
Stuart Johnson	Department of Industry, Tourism & Resources
Katie Lawrence	Department of Industry, Tourism & Resources
Colin Markham	Former NSW Parliamentarian
Sharralyn Robinson	Wollongong City Council
Annelies Voorthuis	CDEP - Community Development Employment Project

# **Appendix B** Workshop Problem and Issues Analysis

#### **Industry Responses**

- It is difficult for industry and consultants to determine who they should consult with which is part of the bigger problem – difficult for industry to consult with anyone outside the industry.
- Different understanding relating to cultural heritage which leads to uncertainty for business – what do they have to deal with i.e. heritage that is not represented by physical objects is difficult for industry to understand and different Indigenous community groups appear to have different values for cultural heritage.
- Timing issues unnecessary delays holding up project - Indigenous communities need to understand that there are timeframes and that they are sometimes unavoidably short. Government imposed timelines on consultation process – out of control of industry and Indigenous Communities.
- Access to land issues i.e. different requirements for Government owned, private owned and Indigenous community owned land. Industry needs to secure access to land.
- Lack of government facilitation and arbitration when issues arise. Government bodies aren't always clear on what their role is. Government says problems are industry problems, which is true, but there is a need for facilitation.
- Project feasibility Environmental Impact Stage – business outcomes and certainty is a big deal. Need to understand ALL issues associated with a project. Government expectations are sometimes not in line with community requirements which create tension that needs to be resolved.
- Expectation for employment some jobs are highly skilled – industry cannot provide the training. Also, not clear whether there is an expectation for employment.
- Heritage site work personal safety financial costs associated with site work. Insurance requirements who is responsible for whom, marrying those ideas with requirements of industry.

- Once a site of cultural significance is identified what needs to happen next – i.e. inconsistent advice given by different community groups - here, government needs to help arbitrate these issues.
- Project development (i.e. once approved, being developed) many years between all of the steps. Long time-frame because community values change, that causes problems because things take so long. i.e. agreeing on things in the 70s (at exploration stage) by the time it comes to actually do the mining (maybe 90s), community has changed its values. Makes life difficult from a business point of view.
- Expectations of financial contributions if there are such expectations, what are they - and what are the ways to make such contributions beneficial to the community as a whole?

#### **Government Responses**

- Communication issues: Identifying the right people to speak with i.e. traditional versus historic connection - Who to contact - fragmentation in community (factions).
- How to make contact get dialogue happening.
- > Mining company adherence to regulations.
- Need to respect Aboriginal heritage.
- Cultural heritage versus opportunity for all Aboriginal people.
- > Education/re-education concerning Indigenous communication.
- > Environmental Impact Studies:
  - Archaeological reports (who involved/interaction with community or lack of it).
- Need to look at how we work together:
  - Government organisations what are the respective roles of the Department of Aboriginal Affairs, Local Land Councils, and other Aboriginal organisations.
- Political, Ministerial change.
- Potential outcomes for Aboriginal people:
  - Access agreements/approval if Aboriginal land;

- Heritage;
- Negotiation.
- Staff turnover takes time to build trust, rapport.
- Stereotyping in Aboriginal community.
- Community arrangements.
- Expectations for jobs and other benefits to community.
- Development of skills technical roles in mines (skill development required).
- Mining companies need to see benefit of cultural change, improve project design/operation (hard message to sell).
- Cultural awareness to overcome stereotyping.
- Jobs people often need skills development. At same time, cultural differences make this difficult. So, hopefully, it would be good to make this a standard practice.
- Indigenous people need a chance to have an important say in decision making.

#### **Indigenous Responses**

- Inconsistency in dealing with cultural heritage land (whether it be private land or crown land). We recognise the difficulty in determining who the Traditional Owner and other Indigenous groups are and would be keen to create a central group that can become a contact point.
- Need Indigenous people in key roles in the mining companies. Different stories being told – industry doesn't fully disclose matters.
- Need to develop skills so that Indigenous people can fill roles.
- Need more time to respond to documents

   also need resources and trained people
   so that they can adequately respond.
- Need respect and recognition.
- Need bigger role in decision making in environmental.
- If given consent, make sure that compliance is maintained.
- Aboriginal community not knowing what education is needed.

- Need to clarify who the groups are better coordination of the groups. Suggestion that land rights registrar opens up his books so that groups are identified through Aboriginal ownership.
- Registrar should perhaps have several meetings so that conflicting groups can be heard – cultural sensitivity (certain people won't go to meetings if they know that certain other people are going to be there).
- Need to change attitudes in communities i.e. beyond the welfare mentality.
- > Different issues for different groups (cultural heritage versus training).
- Need an involvement throughout process.
- > Need to be given information freely.
- ➢ Issue of how mining industry and government behave – i.e. with respect to Environmental Impact Studies not asking whether it should happen and merely asking how it should happen.
- > 30 day time period to reply to Environmental Impact Studies is insufficient.
- Concern about environmental issues:
  - Destruction of sites:
  - Environment.
- Need openness between all groups and open communication.
- Indigenous acknowledge different groups have different objectives.
- Need to maintain industry links with community throughout the 'process'.
- No consultation in early stages prior to exploration.
- "Breaking into industry" Indigenous people don't know who to contact.
- Difficult to gain skills and therefore employment.
- Also need involvement at later stages of projects.
- > Sitting fees and disparity i.e. government and industry people get paid to come to these forums.

# **Appendix C Workshop Solutions**

#### **Group 1 Solutions**

- > Identification of Native Title groups:
  - Establish a Register of Native Title groups;
  - One credible group or register sites groups – Department of Environment and Conservation linked with local government lists.
- Cultural Awareness Training to focus on local country and developing mutual understanding and respect.
- > Investigation processes:
  - Australian Museum a good model;
  - Value added process/best practice;
  - Consultation about consultation process
     community based work group subgroup could be involved but would need support.
- Negotiation panel needs to be one body and consist of a representative community forum of Aboriginal groups.
- Enhanced coordination and capacity building.
- Notice need adequate time for participation in environmental studies.
- > Employment in the mining industry:
  - Two Ways Together;
  - Training and education mine specific;
  - Permanent employment opportunities for Indigenous people – Traineeships, Cadetships and scholarships to build a future, meaningful roles;
  - Opportunities for Aboriginal, government and industry partnerships –in response to industry needs and skills shortages;
  - Employment recognition of legitimate cultural obligations i.e. funerals attendance.
- > Cultural Heritage Assessment work:
  - To cover administration costs, including insurances;
  - Disparities between Aboriginal people/archaeological professionals;
  - Negotiate a consistent price Work Choices;

- Use of trained Site Officers that are credible to Aboriginal community;
- Establish a standard Cultural Heritage assessment rate that recognises traditional knowledge, qualifications and experience.
- Establish an Aboriginal Cultural Heritage Advisory Committee to advise Department of Environment and Conservation's Minister and provide feedback on issues and changes required in legislation/policy/practice.

#### **Group 2 Solutions**

- Consultation being clear on why and how?
  - Suggest re-opening register of Traditional Owners under Aboriginal Land Rights Act 1984;
  - National Native Title Tribunal;
  - Educational programs for Indigenous people about processes;
  - Government education for industry regarding consultation with Indigenous groups;
  - Coordinate Traditional Owner and other Indigenous groups.

#### Access

- Develop an educational package for land owners to understand rights and responsibilities regarding access for mining and Indigenous people.
- Timing and capacity to respond to Environmental Impact Studies:
  - Allow for presentation to Indigenous groups and question and answer sessions of Environmental Impact Studies;
  - Greater input into fieldwork for Environmental Impact Studies will also help identify the intangible as well as tangible values better.
- Input into protection of valuable places and sites.
- Industry protocols for consultation and agreements.
- Better government Guidelines needed for community consultation.

- Effective cross-cultural training for industry, government and Indigenous communities delivered by local Indigenous people.
- > Education: How Indigenous community can access employment in the industry:
  - List priorities around mining projects i.e. employment opportunity, environment, develop proper strategies for training, industry traineeships and consider sponsoring of Aboriginal community for Aboriginal awareness of own culture.
- Contributions/compensation i.e. royalties or equity opposed to compensation back to Indigenous community – breaking the welfare mentality.
- Sitting fees investigate government/industry options for travel etc Sponsorship:
  - Payments to whom in community;
  - Guideline for industry to be clear over which meetings/sitting should be covered:
  - Payment to registered groups (will this cause division?).
- Consistency in payment for services by industry.

#### **Group 3 Solutions**

- Problem: Lack of employment.
- Industry needs to understand the Aboriginal culture including disadvantage and previous damage done.
- Aboriginal community define employment objectives.
- > Industry provide employment opportunities.
- Commitments.
- > Cultural awareness is a two-way street.
- Pre-vocational training needed especially for positions identified by industry.
- Knowing who to talk to in Communities, Government and the multiple Aboriginal organisations and groups.
- Indigenous employment strategy (corporate).
- Room for 'cleanskins' within industry i.e. recycling employees, need for specific skill sets (target graduate groups).
- Working in partnership with community based groups i.e. CDEP/CBWG to identify positions and potential employees.

- Proactive approach to employment opportunities required:
  - Both skilled and unskilled;
  - Mining company to take initiative;
  - Government to provide mechanism and or consultation:
  - Aboriginal community to take initiative.
- Government should form a principal body as a single point of contact for mining companies with government facilitation of this group.
- Government/CDEP sponsorship (from industry groups) for putting together information. Also do marketing so industry groups are aware of other government groups and opportunities.
- Industry advocate to State/Commonwealth governments that portion of royalties go towards Aboriginal Community employment programs - with Industry acting as a spokesperson the for Aboriginal community (a type of partnership).
- Association with Industry at any level will probably have a positive effect for future generations.
- Links to other industries i.e. drilling companies.
- Industry groups can possibly steer other associated companies towards CDEP for expanded opportunity base.
- No magic bullets so need to allow time for cultural awareness to develop with the view to breaking the cycle.
- > Equality and social issues.
- Communication and time major issues:
  - Facilitate community group getting organised so as to communicate/represent more effectively;
    - Possibility of becoming a Sub-Group of Wollongong community based working group.
- > Consultation required about the consultation process.
- Aboriginal cultural awareness training facilitate respect and understanding in the workplace. People on the ground level probably have little understanding of the cultural issues.

- Breaking the cycle mining industry sons follow fathers footsteps so jobs stay in family.
- Industry protocols required for consultation and agreement – what should happen and when. Also helps to provide realistic expectations upfront. Discussion of standard practice consultation guides – none for government – might be better to develop region specific guidelines.
- Employment recognise where Aboriginal people are coming from i.e. not everybody wants to be a coal miner.
- Communities need to define employment objectives for themselves. Need

- commitment from both sides to make that happen. Cultural awareness: two way street.
- Cyclical nature of mining employees who lose their job at one company move to another company.
- People at the workshop need to get to know each other better especially industry Human Resource Management people.
- Employment strategy to acknowledge specific skill sets required by industry.
- > WIP Community need to work together.
- Proactive approach required from mining companies in identifying opportunities.

# **Appendix D** Participant Evaluations

The following is a table of results from participants' evaluation sheets about the workshop. There were 17 respondents.												
	The objectives of the workshop were clear to me and relevant to my role in my organisation.	5	29%	12	71%	100%		0%		0%		0%
	As a result of the workshop, I have a better understanding of the things other groups see as important in developing partnerships.	8	47%	9	53%	100%	0	0%		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	2	12%	10	59%	71%	5	29%		0%		0%
	The time allowed for meeting with and talking to others was about right	3	18%	14	82%	100%	0	0%		0%		0%
	The social function was worthwhile and a good chance to network with others	0	0%	12	71%	71%	1	6%	1	6%		0%

167 responses out a possible 170

# **Appendix E** Participant Comments

- Talk together early and continually and then act together
- Some organisations have disproportionate say in Indigenous affairs
- Respect and understanding
- There are groups out there to help with Aboriginal affairs. We can do proactive things
- Partnerships
- Need to work together
- Partnerships can be formed but (to) be successful requires hard work, respect, openness, inclusivity etc
- By understanding each other and working together we can set and achieve common and mutually beneficial goal(s)
- Communication
- Value add to existing guidelines for Indigenous community engagement
- Keep going
- Continue the dialogue
- There are enormous prospects for working in partnership
- Excellent work
- More was achieved than I thought would be

#### **Participants Comments**

Working in Partnership- The Mining Industry and Indigenous Communities

Illawarra, NSW Workshop Thursday 18<sup>th</sup> and 19<sup>th</sup> May 2006