

WORKSHOP REPORT

WORKING IN PARTNERSHIP

Mining and Indigenous Communities

Rockhampton,
Queensland

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Prepared

for

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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 3rd August 2001. The program is administered by the Department of Industry, Tourism and Resources and seeks to promote long term partnerships between Indigenous communities and the exploration and mining industry.

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

The information kit can be accessed by contacting the Department directly or through the program website: <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, three workshops have been conducted, with the first being held in Alice Springs in June 2002, and the second and third in Kalgoorlie and Port Hedland in March and May 2003, respectively.

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.

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 Rockhampton Working in Partnership Workshop

In January 2004, the Department commissioned Grant Sarra Consultancy Services to conduct two workshops in Queensland as a continuation of the program.

Grant Sarra Consultancy Services conducted the first Queensland workshop in Rockhampton on the 16th and 17th April 2004. Rockhampton was chosen as the location for the first Queensland workshop primarily because of its central location relative to Queensland's Bowen Basin coal deposits and associated mining and exploration activity. A second workshop has been scheduled for the North West Queensland area in June 2004.

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

- Grant Sarra, Project Director and Lead Facilitator - Grant Sarra Consultancy Services;
- Dr Sally Sheldon, Project Manager and Facilitator - School of Law, Queensland University of Technology; and
- Michael May, Workshop Administrator - School of Law, Queensland University of Technology.

1.3 Purpose of this Report

The purpose of this report is to provide:

- an overview of the Rockhampton 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 Rockhampton region are not to be taken as necessarily applicable to other regions throughout Australia.

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, government/community service providers and Indigenous communities to explore partnership building:

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

Aims and expected outcomes

The Rockhampton workshop had as its central aim the provision of a neutral regional forum, in which key stakeholders from the mining and exploration industry, Indigenous communities and service agencies could meet to discuss regional issues and work towards regional solutions relevant to the support of local partnerships.

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

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

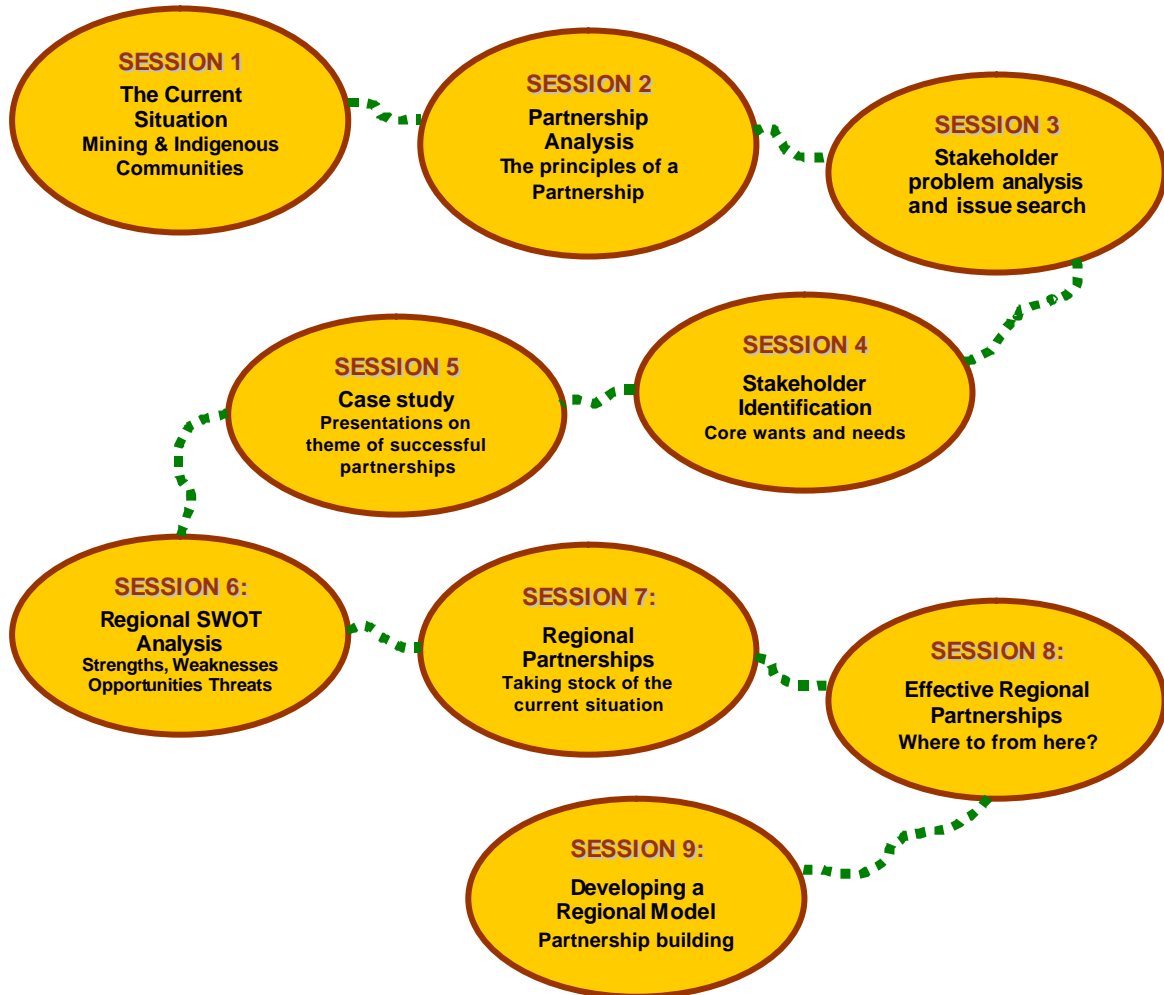
- continue to promote positive interactions and enhance relationships between Indigenous Traditional Owner groups and exploration and mining companies;
- generate open and honest self-reflection and dialogue relating to partnership-building;
- identify regional factors that inhibit partnership arrangements;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

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

- Employment
- Education and training
- Business opportunities
- Cultural awareness
- Capacity building
- Economic empowerment

2.2 Methodology

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



Sessions were ordered to allow discussion to develop as naturally as possible, while being channelled in a progressively more constructive direction which was focused on achieving the workshop aims. 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 Rockhampton workshop:

- Advice provided by the Department of Industry, Tourism and Resources.
- Background research conducted by the consultancy team.
- Experience obtained from past workshops in the Working in Partnership series.

- Information obtained through ongoing consultation with key stakeholders, and follow-up contact with individual short-listed invitees, in the central Queensland region.

2.3.1 Preliminary Consultation with Key Stakeholders

Preliminary consultations commenced in the final week of January 2004 with the Gurang Land Council Aboriginal Corporation, the Central Queensland Land Council Aboriginal Corporation, the Queensland Resources Council and relevant government departments and service agencies.

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 ourselves and the key stakeholder bodies involved.

2.3.2 Workshop Participation

Experience at earlier workshops in the Working in Partnership series, where attendance by mining/exploration industry and Traditional Owner representatives had been relatively restricted, suggested that the Rockhampton workshop would benefit from more extensive representation from:

- the full range of Indigenous communities in the region, especially those Traditional Owner groups who, as registered native title claimants, are or will typically be in the “front-line” of negotiations with mining/exploration companies; and
- mining and exploration companies with active involvement in the central Queensland region.

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

- Traditional Owner representatives stressed the importance of securing attendance by senior management in the mining and exploration industry, insisting that more junior representatives lacked the authority necessary to influence company policy.
- Representatives from mining and exploration companies repeatedly drew our attention to the importance of accurately reflecting differences within the industry, in terms of company size, longevity, access to resources, policies, experience, etc.

In finalising the shortlist of invitees, particular weight was given to such 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 communities 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 Indigenous groups, their level of experience and/or interest in dealing with mining/exploration companies.
- In the case of government departments and service agencies, their capacity to contribute constructively to key issues for discussion in the workshop program.

Potential invitees from all identified Traditional Owner groups, mining/exploration companies, and government departments and service agencies with involvement in the region were approached individually and/or through appropriate intermediaries (e.g., Land Councils, the Queensland Resources Council, other governmental contacts). Once initiated, follow-up contact was maintained with invitees in the lead-up to the workshop itself.

Of the 16 Traditional Owner groups which were approached in relation to the workshop, all sent one or more representatives to attend. In addition, the representatives of a further Traditional Owner group – the Bidjara people from central western Queensland – attended the workshop on the second day.

Eleven of the 17 government departments, service agencies and related organisations approached in relation to the workshop sent representatives to participate. It should be noted that the Central Queensland Land Council Aboriginal Corporation was invited to attend the workshop, but was unable to do so.

Of the 14 mining and exploration companies approached in relation to the workshop, 11 expressed interest in receiving a formal invitation, but only seven were ultimately able to send representatives to participate. The major factor cited by mining and exploration companies for their inability to attend was the non-availability of staff on the designated days, due to other business commitments. The Queensland Resources Council was also unable to send a representative to the workshop, but indicated it may be prepared to send a representative to the second Queensland workshop scheduled for the north-west in June 2004, depending upon the outcomes yielded at Rockhampton.

In addition, because a number of mining industry representatives were only able to attend the first of the two days of the workshop, the level of industry representation on the workshop's second day was low. This attracted a number of negative comments by Traditional Owner representatives, who viewed the non-attendance as something of a slight. Nevertheless, despite the relative under-representation of industry, the second day's workshop proceedings were particularly fruitful and the lower level of industry attendance did not adversely affect the overall workshop outcomes.

Indeed, a number of mining industry representatives volunteered to serve as members of the Rockhampton Regional Partnership Advisory Committee which was proposed in the final session of the workshop.

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

2.3.3 Venue

The venue chosen for the Rockhampton workshop was the Dreamtime Cultural Centre. Located in a natural bushland setting just off the Bruce Highway, on the northern outskirts of Rockhampton, it has been operated since 1988 by the local Darumbal people.

The centre boasts some of the best conferencing facilities in the Capricorn region. With motel room accommodation and external entertainment areas also located on site, adjacent to the museum, information displays and art galleries, Dreamtime was an ideal 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 Dreamtime Cultural Centre and consisted of a barbecue supper and beverages. The informal setting and relaxed atmosphere offered participants the opportunity to unwind and interact on an informal basis.

2.3.5 Participant Feedback

At the conclusion of the workshop, participants were provided with the opportunity to provide written feedback by completing a workshop evaluation form.

31% of workshop participants completed the evaluation form available to them.

The comments received were overwhelmingly positive. 82% of respondents either 'agreed' or 'strongly agreed' that the workshop was well run and worthwhile. Over 90% of respondents indicated that, through the workshop, they had developed a better understanding of the issues facing other stakeholder groups.

As a networking exercise, too, the workshop was a success. 95% 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.

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 in certain sessions is contained in Appendices B, C and D to this Report.

3.1 Introductions and Scene Setting

The workshop opened in a spirit of goodwill, with Mrs Hatfield, of the Darumbal People, extending a warm and generous welcome to all participants on behalf of the Traditional Owners of the area.

Mr John Hartwell, Head of the Resources Division of the Department of Industry, Tourism and Resources, started the workshop proceedings by offering a short explanation of the purpose and history of the Working in Partnership program and the workshop series. In response to questions from the audience, John clarified that the program itself was not designed as a “magic bullet” solution to the issues that would be discussed over the two days of the workshop. Rather, the program’s aims would be achieved if the workshop facilitated constructive discussion and consideration of these issues, and fed back the outcomes to participants and the general public through the final report.

Short presentations were then delivered by Mr Tony Johnson, Chief Executive Officer of the Gurang Land Council Aboriginal Corporation, and Dr Geoff Dickie and Mr Bruce Weribone, from the Native Title and Indigenous Land Services Division of the Queensland Department of Natural Resources, Mines and Energy.

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

In particular, the presenters cautioned that it is necessary to move beyond a loose and fashionable use of the term “partnership”. Between them, they identified the following prerequisites to outcomes that might approach the model of a genuine partnership between miners/explorers and Indigenous communities:

- Mutual willingness and ability (including adequate resourcing) to participate in the partnership process.
- Education of both parties about relevant issues (in particular, the culture of the negotiation partner).
- The forging of a genuine relationship between the parties.
- Mutual honesty and respect, as a basis for effective communication between the parties.

In the view of Gurang Land Council, what is required of the mining industry at this point in time in the region is a preparedness to use new negotiated agreements associated with the native title process to address the following key principles:

- Recognition of Traditional Owners as custodians of country.
- Acknowledgment of Traditional Owners’ cultural heritage obligations.
- Provision for training opportunities.
- Provision for wealth-creation options.

- Provision of more holistic means of improving community skills and facilities (e.g., construction of preschools or other infrastructure).
- Facilitation of the return of land to Traditional Owners over the course of, and at the end of, the life of the mine.

At the same time, it was acknowledged that the following reciprocal obligations rest with Indigenous communities:

- Particular individuals within traditional communities must make a commitment to and accept responsibility for the conduct of negotiations on behalf of the community.
- Individual communities must put aside their differences in the face of the challenge of negotiating with industry and government.
- Communities must support their nominated representatives by displaying and maintaining unity in negotiations.

These opening presentations set the scene for a group discussion of the meaning of “partnership”. 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.)

3.2 Problem Analysis and Issue Search

After morning tea on Day 1 participants were divided into stakeholder groups for the purpose of engaging in a partnership problem analysis and issue search. Five groups were formed, of approximately equal size: three Traditional Owner groups, one mining/exploration group, and one government/service agency group.

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

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

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

3.2.1 Resourcing

One of the most serious issues identified by the three Traditional Owner stakeholder groups, and echoed by the observations of the government/service agency group, was inadequate resourcing.

For Indigenous communities, this becomes a problem in the context of negotiations with the mining/exploration industry when Traditional Owners:

- lack funding to attend meetings and follow up on meeting outcomes;
- lack the commercial and legal knowledge and/or access to the professional business and legal advice necessary to represent their position clearly and accurately in negotiations with industry; and
- lack the resources to meet costs associated with the carrying out of cultural heritage work and other work associated with finalising and implementing agreements.

At the same time, inadequate resourcing of Traditional Owner groups presents a problem for industry – in particular, for smaller exploration companies who lack the budget to meet the full costs of negotiations with the Traditional Owner groups with whom they wish to deal.

3.2.2 Lack of Empathy

Another fundamental issue raised by exploration and mining companies and Traditional Owner groups was their respective lack of understanding of and respect for each other's situation and culture.

- Traditional Owner groups highlighted a need for better understanding and respect by companies of Indigenous cultural heritage, the significance and importance of land in Indigenous culture, and the protocols which operate within Indigenous communities (as to who should be consulted, in what contexts, etc).
- Miners and explorers acknowledged their need for an improved understanding of the significance of Aboriginal culture, but also highlighted the need for Traditional Owner groups to understand the “exploration and mining culture”. In particular:
 - Indigenous communities need to be aware that although 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.
 - Deadlines are also important within the mining culture. Companies have contractual obligations which have to be met within certain timeframes.

3.2.3 Timelines

All groups found that compliance with timelines presented a problem.

- Exploration and mining companies stressed the importance of meeting timelines in their business activities. As such, the failure of Traditional Owner groups to comply with timelines was a frequently mentioned problem.
- Traditional Owner groups found timelines to be a problem, but in their case because of their restrictiveness – particularly when compounded by a lack of resources and commercial knowledge on their part.
- Government and service agency representatives also expressed concern that the timelines imposed by industry were often too restrictive and that this acted as an impediment to the negotiation process.

3.2.4 Decision-making Capacity

All parties highlighted problems associated with the decision-making capacity of people involved in the negotiation process.

- Traditional Owner groups complained that exploration and mining companies often send to negotiations lower level employees who must later confer with senior management within their companies before final decisions could be made. The groups felt that this stifled the negotiations and was also disrespectful of the elders who take up valuable time to be present.
- Exploration and mining companies highlighted difficulties that emerge when younger members of Traditional Owner groups are involved in negotiations. Because younger members sometimes adopt different positions from their elders, this approach can cause divisions which have the potential to make negotiations even more difficult and time consuming.
- The importance of elders in the decision making process was acknowledged, however, the equal importance of all members of the applicant group being consulted for their opinions was also highlighted. Traditional Owner groups expressed concerns that exploration and mining companies continually attempt to limit the number of people involved in the negotiation process and that this approach restricted their capacity to make decisions within their group in accordance with cultural communication protocols.
- Exploration and mining companies and Traditional Owner groups all acknowledged difficulties in determining which government agencies should be involved in the negotiation process, and at what stage. They were of the view that complicated divisions within the government bureaucracies make it difficult to find the right person from the right department to deal with.

3.3 Core Wants and Needs

The first session scheduled for the afternoon of Day 1 was an analysis of the core wants and needs, relevant to partnership building, of the three key stakeholder groups: Traditional Owners, miners/explorers, and government and service agencies. The purpose of this session was to encourage the stakeholders to move from the first session's focus on current impediments to partnership building, to a more constructive focus on identifying positive preconditions to the formation of successful partnerships.

After a preliminary whole group discussion about the key stages in the mining process, it was agreed that these core wants and needs could best be organised against four broad stages of the process: Exploration, Project Feasibility, Project Development and Project Commissioning.



In the course of this discussion, two further stages were highlighted as being very important – particularly from the perspective of Traditional Owner groups – and needed to be factored into the equation. These were:

- Pre-Exploration – focusing on preliminary capacity-building.
- Post-Mining – including decommissioning and rehabilitation of the mine site.

Participants were then divided into their respective stakeholder groups to analyse their core wants and needs in respect of each stage of the mining process.

The full details of this analysis are reproduced in Appendix C.

3.3.1 Exploration Stage

At this stage of the mining process, explorers need access to land and secure exploration rights, so as to proceed in a timely and cost-effective fashion. Traditional Owners require effective identification and protection of their cultural heritage and opportunities for involvement in planning and decision making associated with the project. It seems that the exploration process would proceed more effectively for all parties if the following needs could be met:

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

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

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

3.3.2 Project Feasibility Stage

Relative to this stage of the mining process, the stakeholder groups identified the following additional requirements:

- Open and effective lines of communication must be maintained between miners and Traditional Owners – in particular, the latter must be kept informed of progress and company decisions.
- Relationships between the relevant Traditional Owner groups and the mining company involved must be further developed. This can occur through the finalisation of cultural heritage management and native title agreements which provide certainty and security for both parties, and through miners actively engaging with Traditional Owner groups to ascertain capacities relevant to future employment and business opportunities.

- Government and support agencies must continue to support and resource Traditional Owner groups in terms of capacity-building, and assist in supplying mining companies with relevant information (e.g., by maintaining a skills database).

3.3.3 Project Development Stage

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

- Relevant aspects of the cultural heritage management plan and native title agreement (already in place) should be implemented effectively.
- Personnel at all levels of the mining company and associated contractors should undertake cultural awareness training, to ensure awareness of relevant issues and sensitivity towards social problems.
- Government and service agencies must continue to assist the process by supporting ongoing capacity-building programs, joint business development and training opportunities that lead to “real jobs” for Indigenous people at all levels relevant to the project.

3.3.4 Project Commissioning Stage

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

- There must be an ongoing commitment on the part of the mining company to its cultural awareness training program, and to maintaining good relations with affected Indigenous communities.
- Relevant agreements must be being implemented. Where possible, targets should have been set (e.g., re Indigenous employment) 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.
- Traditional Owners should receive support in the appropriate management of compensation payments or equity returns.
- Detailed planning and consultation must begin relevant to mine closure and post-mining land use.

3.4 Selected Case Studies – Keys to Successful Partnerships

The second and final session scheduled for the afternoon of Day 1 involved the impromptu presentation of case studies by workshop participants who had positive experiences of partnership building in the region. This session had to be postponed to the morning of Day 2 of the workshop, because many Traditional Owner representatives wished to attend a protest against the federal government’s decision (announced that morning) to abolish ATSIC. The protest had been organised for 4pm on the Friday afternoon in the Rockhampton city centre.

Holding the session at the outset of the Day 2 proceedings allowed the final day of the workshop to start on a positive note. A lively discussion was stimulated by short presentations from a number of participants:

- Steve White, recently appointed a consultant to Xstrata Coal (along with Joe Potter), spoke about their experiences six months into their new jobs. Steve explained that their appointment was part of a concerted effort by Xstrata to bring a new culture into the organisation since Xstrata's takeover of MIM.

Steve identified the key to progress in partnership building as residing in a deeper mutual understanding, by miners/explorers and Traditional Owners, of their respective cultures and the factors driving them. In particular, Steve stressed:

- Miners/explorers needed to comprehend the severity of the impact which mining has upon land, in the eyes of Indigenous people.
 - At the same time, Indigenous people must understand that mining and exploration companies have their own culture – albeit one which is not as deep or long-living, and which deals with “mundane” matters such as costs and time-schedules.
 - Partnership is not possible without a pre-existing relationship. There is no point in meeting for the first time with Traditional Owners, to negotiate an agreement, with an important project deadline already looming. Companies should be identifying those areas in which they may carry out activities up to five years in advance, and should be using the opportunity this creates to get to know the Indigenous communities which will be affected, so as to avoid compressed timeframes for negotiations.
 - There is a present tendency to involve legal advisers at too early a stage of negotiations. This leads to a defensive and adversarial approach to negotiations, and the expenditure of unjustifiable amounts on legal advice.
- Marie Kemp (from the Ghungalu people), Rod Jarro (Kangoulu people) and Lloyd Jensen (Curragh Queensland Mining), spoke about the Indigenous Land Use Agreement they had recently negotiated in relation to Curragh's new mining development near Blackwater.

Lloyd commented that both he and his organisation had learned a great deal from the process. In Marie's assessment, the key to the success of the process lay in two factors:

- A change of personnel at Curragh Queensland Mining. Lloyd's appointment as manager at Curragh brought with it a change of attitude. Lloyd had authority to make decisions, and did not quibble over non-essential matters.
 - The use of a professional facilitator, employed by the Ghungalu people, to assist the negotiation process.
- Megan McCollum, from Australian Premium Coals, commented on the importance of miners and explorers being represented, in negotiations, by people who have authority to make decisions on key issues.

Megan noted that smaller companies are able to develop a closer working relationship with Traditional Owner groups and sometimes had a shorter chain from decision maker to the person on the ground.

3.5 SWOT Analysis – Strengths, Weaknesses, Opportunities and Threats

The second session on Day 2 involved the whole group engaging in a regional “SWOT” analysis, designed to identify:

- Where the region is already strong in its capacity to build and sustain partnerships
- Where the region’s current weaknesses reside in relation to partnership building
- What opportunities currently exist to strengthen further the region’s capacity for partnership building
- What factors may threaten regional efforts in this direction.

The full record of this analysis is reproduced in Appendix D. The analysis consolidated many of the issues and ideas which had been raised in earlier workshop discussions. In doing so, it served as a useful platform for the final workshop session.

3.6 Recommendations for Future Action – Formation of a Regional Partnership Advisory Committee

In the final session of the workshop, participants were divided into three groups, each comprising a “mix” of stakeholders (Traditional Owners, miners/explorers and government and service agency representatives). The groups were asked very generally to consider whether they could agree upon recommendations for further action to be taken, subsequent to the workshop, to foster partnership building in the region.

3.6.1 Individual Group Recommendations

All three groups reported back with strikingly similar recommendations:

- **Group 1** recommended the establishment of a small regional committee, comprising three representatives from each of the stakeholder groups in attendance at the workshop (Traditional Owners, miners/explorers and government/service agencies). The task of the committee would be to organise consultations with all regional stakeholders, and to produce a regional Mission Statement.
- **Group 2** similarly recommended the establishment, within three months, of a small regional committee, comprising representatives from each of the three stakeholder groups. The committee’s task would be to determine the feasibility of conducting two or three regional forums per year, the first to be held within six months. The purpose of the forums, which would be quite inclusive in their composition, would be to invite stakeholders (again, from each of the three stakeholder groups) to discuss specific issues of regional concern (e.g., new legislative/policy developments), host special presentations to educate all groups, and facilitate networking. In this way, the three key issues which had emerged in this workshop – understanding, information and capacity-building – could be continuously addressed at a regional level.

- There was some uncertainty within **Group 3** as to whether the formation of a regional committee might duplicate the role currently played by the Mining Unit at Gurang Land Council. One option might be to develop Gurang's facilities, or even to develop new facilities, as a regional resource or information centre – perhaps with funding contributions from mining companies with interests in the region. However, the Group resolved that if, instead, a regional committee were formed, its task would be to meet regularly with the aim of sharing information between stakeholders in the region. The committee would arrange for the regular distribution of newsletters and other relevant information to interested parties. However, the committee's charter would be limited to facilitating partnership building; it would have no primary decision-making role. For the committee to work, it would have to be transparent in its operations (holding public meetings, the minutes of which would be recorded and distributed), and individual Indigenous communities would have to commit to supporting their chosen committee representatives.

3.6.2 Workshop Resolution – Formation of a Regional Partnership Advisory Committee

The recommendations of the three individual groups were discussed by the whole group, and it was decided that a Regional Partnership Advisory Committee should, indeed, be formed.

Twelve participants volunteered to serve as interim Committee members.

- | | |
|---|---|
| ❖ Donna Aston (Kanolu people) | ❖ Michelle Maloney (Director, Future Dreaming) |
| ❖ Madonna Barnes (Iman people) | ❖ Denny McCowan (BHP Billiton, Peak Downs Mine) |
| ❖ Marie Kemp (Ghungalu people) | ❖ Philip Obah (Wadja people) |
| ❖ Ian Lloyd (ATSIS Rockhampton) | ❖ Joe Potter (Xstrata Coal) |
| ❖ Brett Mackie (Department of Natural Resources, Mines & Energy, Rockhampton) | ❖ Les Tilley (Fitzroy Basin Elders) |
| ❖ David Mailman, snr (Bidjara people) | ❖ David Wragge (Department of Education, Science & Technology, Rockhampton) |

4. REGIONAL CHALLENGES TO PARTNERSHIP BUILDING

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

4.1 Developing Mutual Awareness, Knowledge and Understanding

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

Training delivered to Traditional Owner groups should seek to develop awareness, knowledge and understanding of exploration and mining companies 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.

Training should also be provided for persons involved in the project 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, the training provided for other key stakeholders should, as a minimum, aim to:

- highlight and explain government programs and support options relevant to projects;
- provide updated information relating to relevant legislative changes;
- provide information and advice on how to access relevant support or assistance; and

- promote the importance and significance of, and demonstrate a commitment to, working in partnership.

4.2 Establishing and Maintaining Relationships

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

Effective relationship building processes will ensure that:

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

4.3 Establishing a Functional Regional Partnership 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 Regional Partnership Advisory Committee should not seek to displace or attempt to replicate the functions of existing organisations within the region. Rather, it would attempt to:

- provide leadership and strategic direction for all stakeholder groups;
- provide basic advice, information and direction to individual stakeholder groups seeking assistance;
- disseminate information to all stakeholder groups promoting the importance and benefits of working in partnership throughout the region; and
- identify and actively promote successful partnerships throughout the region.

4.4 Addressing Resource Disparity

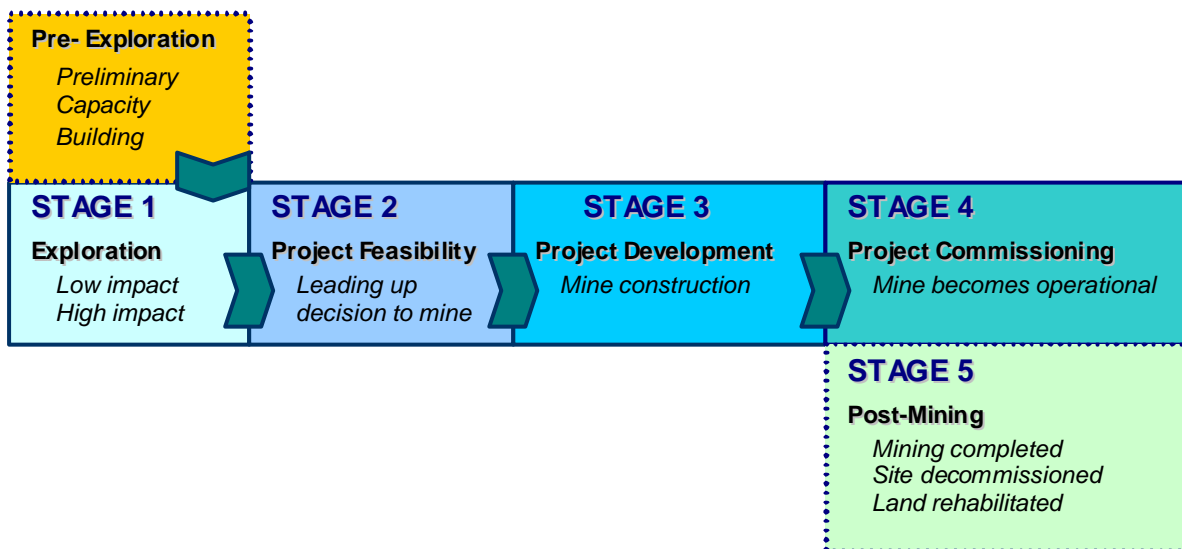
The disparity of resources between traditional owner groups and miners/explorers must be acknowledged and rectified to ensure that partnerships succeed in the region. A genuine acknowledgement of, and an effective, responsible and consistent response to this problem requires commitment from government,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

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

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

4.5 Defining and Articulating Key Stages in the Process

It is important that the key stages in the exploration and mining process are clearly defined and articulated. The diagram below, while acknowledging that there are a range of additional specific elements and functions attached to each stage, identifies the broad but basic stages which need to be considered.



An appropriate definition and articulation of the key stages in the process – particularly amongst Traditional Owner groups – should contribute to greater clarity, strategic insight and focus, enhanced decision-making processes and general understanding among all stakeholders.

4.6 Meeting Time/Project Deadlines

Problems associated with meeting relevant 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 Traditional Owner 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 traditional owners, other stakeholders must comprehend and accept the manner in which historical events have impacted upon individual Indigenous groups. For example:

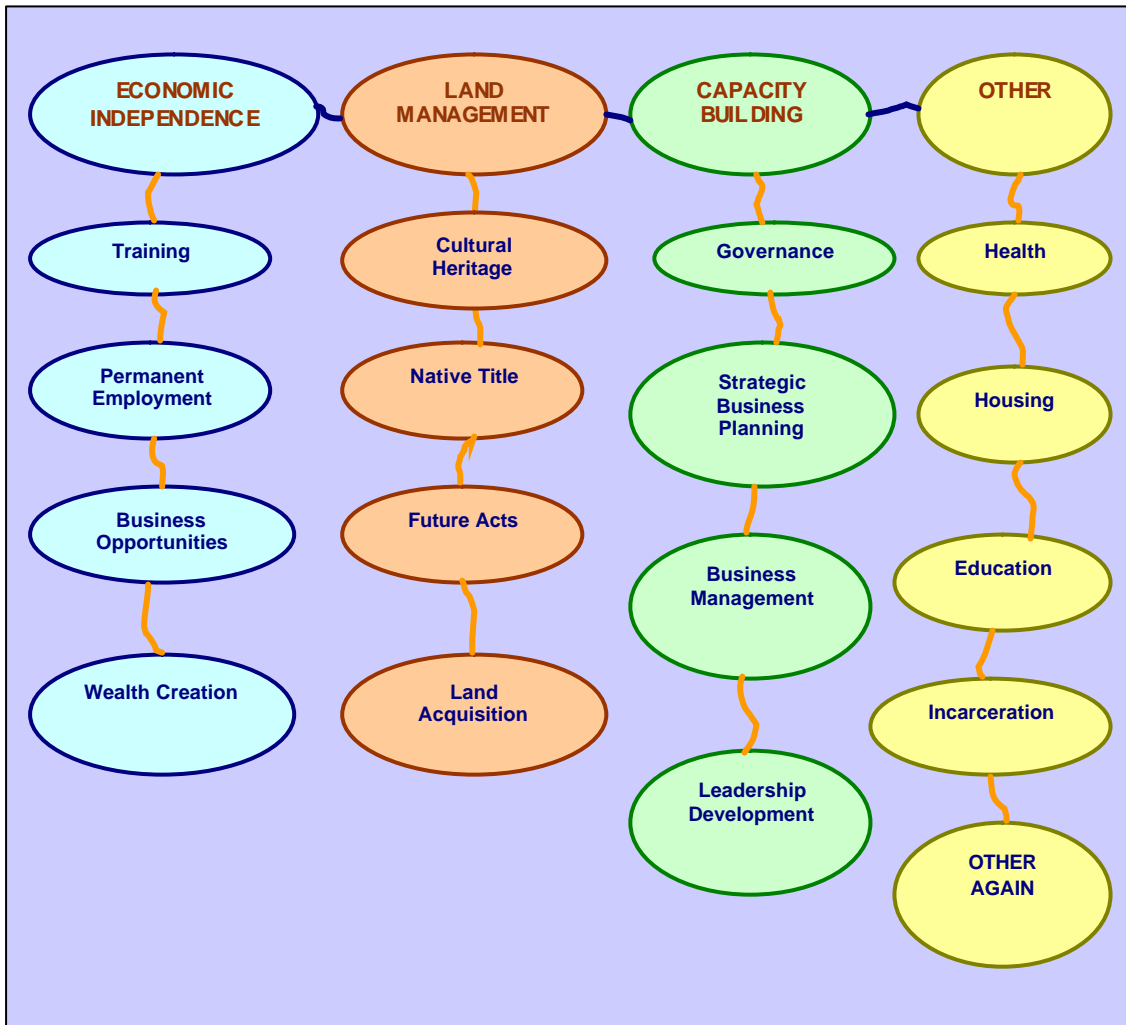
- The geographical displacement of Indigenous people from their traditional lands, and their subsequent formation of historical connections to other areas, has complicated issues of group-identification, and often makes more onerous the time and cost commitments required of Traditional Owners in attending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

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

4.7 Traditional Owner Strategic Goals and Priorities

The identification of strategic goals and priorities among individual Traditional Owner groups 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 strategic areas of importance for Traditional Owner groups.



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

5. CONCLUSION – MAKING PARTNERSHIPS REAL

The Working in Partnership program continues to promote and create awareness of issues that affect all stakeholders in the 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/exploration industry and Traditional Owner groups to develop and succeed, each of the challenges explored in Part 4 of this Report needs to be considered and addressed, and a coordinated approach adopted to attain this outcome.

In this regard, an opportunity exists for the Rockhampton Regional Partnership Advisory Committee, formed at the conclusion of the workshop, 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 will sit on the Rockhampton Regional Partnership Advisory 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, and to specify criteria for monitoring its own performance. The nature and extent of any involvement which DITR will have in the ongoing life of the Committee is as yet undetermined, but requires clarification in the near future. 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.

Appendix A Workshop Participants

TRADITIONAL OWNER REPRESENTATIVES

Name	Group
Kevin Albury	<i>Garingbal & Kara Kara</i>
Donna Aston	<i>Kanolu</i>
Madonna Barnes	<i>Iman</i>
Lindsay Black	<i>Fitzroy Basin Elders</i>
Kerry Blackman	<i>Port Curtis Coral Coast</i>
Lois Blackman	<i>Port Curtis Coral Coast</i>
Norman Brown	<i>Barada Barna Kabalbara & Yetimarla</i>
Frank Budby	<i>Barada Barna Kabalbara & Yetimarla</i>
Norman Clark	<i>Kanolu</i>
Mal Collinge	<i>Djakunde & Jangarie Jangarie</i>
Kim Dale	<i>Ghungalu</i>
Des Dodd	<i>Wulli Wulli</i>
Jim Gaston	<i>Jangga</i>
Norman Goltz	<i>Kanolu</i>
Rod Jarro	<i>Kangoulu</i>
Colin Johnson	<i>Port Curtis Coral Coast</i>
Richard Johnson	<i>Gooreng Gooreng</i>
Margaret Kemp	<i>Ghungalu</i>
Marie Kemp	<i>Ghungalu</i>
Cliff Kina	<i>Kangoulu</i>
David Mailman (jnr)	<i>Bidjara</i>
David Mailman (snr)	<i>Bidjara</i>
Michelle Maloney	<i>Ghungalu (adviser and director Future Dreaming)</i>
Steven Martin	<i>Kanolu</i>
Philip Obah	<i>Wadja</i>
Lynette Oran	<i>Kanolu</i>
Wally Oran	<i>Kanolu</i>
Ross Sauney	<i>Wiri</i>
Gracelyn Smallwood	<i>Birri</i>
Les Tilley	<i>Fitzroy Basin Elders</i>
Deborah Tull	<i>Gangulu</i>
Fergus Waterton	<i>Iman</i>
Cedric Williams	<i>Gooreng Gooreng</i>

MINING AND EXPLORATION INDUSTRY REPRESENTATIVES

Name	Company
Ross Broadley	<i>Anglo Coal (Callide Mine)</i>
Russell Dunn	<i>Specialised Native Title Consultants (consultant to Rio Tinto Coal)</i>
Colin Gilligan	<i>Anglo Coal (Moura Mine)</i>
Lloyd Jensen	<i>Curragh Qld Mining</i>
Bill Koppe	<i>Anglo Coal</i>
Megan McCollum	<i>Australian Premium Coals</i>
Denny McCowan	<i>BHP Billiton (Peak Downs Mine)</i>
Shaun Milfull	<i>BHP Billiton (Goonyella Riverside Mine)</i>
Trevor Noyce	<i>New Hope Exploration</i>
Joe Potter	<i>Xstrata Coal (consultant)</i>
Kevin Smith	<i>Curragh Qld Mining</i>
Peter Walker	<i>Rio Tinto Coal (Hail Creek Mine)</i>
Steve White	<i>Xstrata Coal (consultant)</i>
Kim Wilson	<i>Specialised Native Title Consultants (consultant to Rio Tinto Coal)</i>

GOVERNMENT AND SERVICE AGENCY REPRESENTATIVES

Name	Organisation
David Abbott	<i>Department of Industry Tourism & Resources</i>
Allan Ahmann	<i>Department of Employment & Training, Rockhampton</i>
Noel Barker	<i>DNRME, Mining Registrar, Rockhampton</i>
Jeremy Bell	<i>Gurang Land Council Aboriginal Corporation</i>
David Brereton	<i>Centre for Social Responsibility in Mining, University of Queensland</i>
Warren Coffey	<i>Department of Employment & Workplace Relations, Townsville</i>
Beverley Coleman	<i>Native Title & Indigenous Land Services, Department of Natural Resources Mines & Energy, Brisbane</i>
Geoff Dickie	<i>Native Title & Indigenous Land Services, Department of Natural Resources Mines & Energy, Brisbane</i>
Peter Dowling	<i>Central Highlands Development Corporation</i>
David Gollan	<i>Department of Employment & Workplace Relations, Brisbane</i>
Carol Gorton	<i>Department of Employment & Training, Rockhampton</i>
Jim Grundy	<i>Department of Natural Resources, Mines & Energy, Rockhampton</i>
John Hartwell	<i>Department of Industry Tourism & Resources</i>
David Hatfield	<i>Department of State Development & Innovation</i>
Tony Johnson	<i>Gurang Land Council Aboriginal Corporation</i>
Paul Kah-Nutt	<i>Central Queensland Area Consultative Committee</i>
Ian Lloyd	<i>ATSIS, Rockhampton</i>
Brett Mackie	<i>Department of Natural Resources, Mines & Energy, Rockhampton</i>
Christine Malone	<i>Department of Education Science & Training, Rockhampton</i>
Johnathon Malone	<i>Gurang Land Council Aboriginal Corporation</i>
Damien Morrissey	<i>Mining Registrar, Brisbane</i>
Michael Sheldrick	<i>Department of Industry Tourism & Resources</i>
Edward Smallwood (snr)	<i>ATSIC Chair, Townsville</i>
Allen Smith	<i>ATSIS Rockhampton</i>
Bruce Weribone	<i>Department of Natural Resources, Mines & Energy, Brisbane</i>
David Wragge	<i>Department of Education Science & Training, Rockhampton</i>

Appendix B Problem Analysis and Issue Search

Traditional Owner Group 1

- ❖ Lack of industry respect for cultural heritage – need worker induction
- ❖ Legislative and industry timelines too restrictive
- ❖ Need greater resources to meet legal/cultural heritage/agreement responsibilities (e.g., explorers have a “tight” budget, TOs have no budget)
- ❖ Situational disadvantage – no access to professional advisers, expert business/legal advice
- ❖ Difficulty in finding TO representatives up to challenge of negotiation (education, personality, etc)
- ❖ Often insufficient assistance to TO groups to attend meetings and follow up on issues/tasks after meetings
- ❖ Lack of understanding of processes – challenge of straddling two cultures
- ❖ Need to establish good faith in negotiations – get past hidden agendas (e.g., playing TOs against each other)
- ❖ Queensland government will back miners before TOs
- ❖ Most negotiation processes are conducted in an adversarial way
- ❖ When respect and adequate resources are provided to TOs a good and positive working relation is possible
- ❖ Poor communication
- ❖ Government talks to registered native title applicants only
- ❖ Getting adequate compensation, land (secure tenure), real jobs as part of negotiated package

Traditional Owner Group 2

- ❖ No respect for elders - younger members or negotiators bypassing signatories and elders
- ❖ Lack of respect and understanding from mining companies of cultural awareness and protocols
- ❖ Mining companies have a major responsibility to ensure that they are dealing with the right people
- ❖ Miners should fund connection reports etc. prior to work being done
- ❖ Mining companies to be made accountable to the claimant group and community over what they do and who they deal with
- ❖ Miners to ensure adequate resources and information provided to the elders and the wider claimant group
- ❖ Mining companies stop dictating the terms of negotiations
- ❖ Need for more generous gestures from miners (e.g., re employment)
- ❖ Increased rights to attend cultural heritage surveys
- ❖ Any negotiations should include discussions on cultural heritage, royalties and other benefits
- ❖ Mining groups should ensure they work through the TO claimant groups before they fund consultants
- ❖ Address disparities in payments to professional consultants and TOs for involvement in field work

Traditional Owner Group 3

- ❖ Lack of industry respect about culture and Murri issues
- ❖ Time frame for negotiations
- ❖ No budget/lack of finance
- ❖ Need for further professional development of TOs and/or access to professional staff
- ❖ Lack of face to face consultation – companies sending junior people to negotiate, who do not have power to make decisions
- ❖ Limited representation at negotiations imposed on TOs by companies
- ❖ Non-compliance with ILUA provisions by companies
- ❖ Inequality of negotiations – lack of fairness to TOs in position under State government laws/predestined outcome
- ❖ Need for representation of and by TOs on Boards of Directors
- ❖ Need for TO share in equity (as a percentage of the profit or loss)
- ❖ Need acknowledgement that mining often traumatic event for TOs

Miners and Explorers Group

- ❖ Claim overlaps
- ❖ Group divisions – don't know who to talk to (especially re cultural heritage)
- ❖ Uneven/unrealistic expectations – miners sometimes expected to fill government role
- ❖ Occasional cynicism
- ❖ Lack of awareness of distinction between explorers and miners
- ❖ Challenges created by Traditional Owner displacement from country
- ❖ Timeline adherence
- ❖ Lack of commercial expertise
- ❖ Ideological advisors to Traditional Owners (focused on rights not outcomes)
- ❖ Organisational capability

Government and Service Agencies Group

- ❖ Funding for all parties
- ❖ Inflexibility in government policies
- ❖ Lack of communication between agencies, and between agencies and Indigenous communities
- ❖ Full information not available in negotiations
- ❖ Complex bureaucratic requirements
- ❖ Relationships between Indigenous groups and Land Councils
- ❖ Level of State involvement
- ❖ Need for long term objectives but a short term negotiation
- ❖ Coordination of projects and contractors to provide longer term employment
- ❖ No cooperation between mining companies for provision of employment
- ❖ Educational standards in schools
- ❖ Develop skills base
- ❖ Skilled positions not readily available in central Qld for Indigenous workers in existing operations
- ❖ No work readiness programs
- ❖ Too many issues in negotiations
- ❖ Engagement protocols (government and non-government)
- ❖ Not enough time allowed by companies for negotiations

Appendix C Core Wants and Needs Analysis

EXPLORATION STAGE

MINERS AND EXPLORERS GROUP

- ❖ Access to land to explore
- ❖ Establishment of relationships (e.g. through cultural heritage survey work)
- ❖ Clearance of areas of interest
- ❖ Time and cost efficiencies (operation is at its highest risk, therefore lowest budget)
- ❖ Protection of Traditional Owner interests (e.g. cultural heritage)

GOVERNMENT AND SERVICE AGENCIES GROUP

- ❖ Responsible development of State resources
- ❖ Increased exploration and investment
- ❖ Partnership development
- ❖ Parties need security of tenure
- ❖ Land access for explorers/miners
- ❖ Protection of cultural heritage
- ❖ Protection of native title rights and interests
- ❖ Better provision of education for Indigenous communities
- ❖ Greater opportunity for employment
- ❖ Communication protocols must be in place

TRADITIONAL OWNERS GROUP

Pre-exploration stage

- ❖ Effective capacity building in commercial operations – including training in business culture, project management and processes
 - Understanding of resources industry
 - Understanding of native title protection conditions and other procedures associated with exploration process
 - Leadership training
 - Regional training modules 12-18 months part-time
 - Delivered by group of trainers to TO groups
 - Joint funding: government and mining companies (using service providers e.g. Universities/TAFE)
 - Coordinated by one group (e.g. Land Council)

Exploration stage

- ❖ Ability to comply with native title protection condition process and cultural heritage agreements
- ❖ Access to qualified representatives/advice
- ❖ Protocols for negotiations and plans in place for compliance with cultural heritage requirements
- ❖ Miners need to:
 - Have budget in place for TO's to meet with all relevant parties (including transport costs) and obtain legal/professional advice
 - Find out from NNTT who applicants are – be prepared to contact directly
- ❖ Government needs to:
 - Distribute information to TOs about new cultural heritage legislation
 - Listen to TOs and respect rights before changing/making laws
- ❖ Miners and TOs need to set common levels of payment for cultural heritage activities

PROJECT FEASIBILITY STAGE

MINERS AND EXPLORERS GROUP

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

GOVERNMENT AND SERVICE AGENCIES GROUP

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

TRADITIONAL OWNERS GROUP

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

PROJECT DEVELOPMENT STAGE

MINERS AND EXPLORERS GROUP

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

GOVERNMENT AND SERVICE AGENCIES GROUP

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

TRADITIONAL OWNERS GROUP

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

PROJECT COMMISSIONING STAGE

MINERS AND EXPLORERS GROUP

- ❖ Ongoing relationships via:
 - further cultural heritage management plan implementation
 - ongoing cultural awareness training, etc
- ❖ Implementation of mining agreements
 - Real employment
 - Traineeships resulting in jobs
- ❖ Community development

GOVERNMENT AND SERVICE AGENCIES GROUP

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

TRADITIONAL OWNERS GROUP

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

Appendix D Regional SWOT Analysis – Whole Group

Strengths

- ❖ Recognition of interdependence
- ❖ Networks, friendships
- ❖ Shared knowledge, expertise and responsibility
- ❖ Breadth of perspectives
- ❖ Personal, financial and cultural security
- ❖ Instances of Traditional Owner unity
- ❖ Traditional Owner knowledge of culture
- ❖ Acknowledgement by upper management in mining sector of importance of partnerships
- ❖ Existing education/training capacities
- ❖ Range of government programs
- ❖ Intergovernmental process
- ❖ Researching/data basing capacities (e.g., university sector)
- ❖ Opportunities
- ❖ Change in attitudes
- ❖ Dedication to improvement
- ❖ Open and honest communication
- ❖ Commitment, flexibility, empathy, sincerity, respect, grace, trust

Weaknesses

- ❖ Uneven playing field – lack of education/skills and shortage of resources in Indigenous communities (for seeking expert advice, information, etc)
- ❖ Mutual lack of cultural understanding
- ❖ Lack of access to project information, precedent agreements – contributing to misinformation, ignorance and fear
- ❖ Instances of division between Traditional Owner groups – and industry exploitation of division
- ❖ Unnecessary legal involvement in negotiations (i.e., from earliest stages of discussions)
- ❖ Inconsistency in dealings with Indigenous communities by government, industry
- ❖ Absence of coordinating structure in mining/exploration industry
- ❖ Lack of control within industry organisations (e.g., over mining contractors)
- ❖ Lack of knowledge of government programs
- ❖ Instances of lack of coordination in government programs
- ❖ Repeated changes in government policies/laws
- ❖ Demographics (isolation, etc of Indigenous communities)
- ❖ Lack of strategic thinking
- ❖ Lack of trust and confidence
- ❖ Greed, jealousy, prejudice and other destructive attitudes
- ❖ Fear of change/entrenched attitudes
- ❖ Reactive culture
- ❖ Failure to accept responsibility
- ❖ Poor communication, lack of consultation

Opportunities

- ❖ Recognition of Indigenous people as Traditional Owners – enhanced self-esteem, dignity
- ❖ Identification and preservation of cultural heritage (e.g., museums/ collections on country) → rebuilding pride in culture, healing
- ❖ Increased access to and opportunities to protect land
- ❖ Indigenous community development – improved access to resources – education, employment, equality
- ❖ Wealth generation – e.g., enterprise development, joint ventures (sharing returns)
- ❖ Empowerment to build a better future
- ❖ Indigenous participation in decision-making
- ❖ Development of better organisational structures
- ❖ Enhanced credibility (both industry and Indigenous)
- ❖ Ability to influence policy development
- ❖ Shared capacity-building
- ❖ Sharing of knowledge
- ❖ Greater mutual understanding
- ❖ Forging of relationships, regional networks/profiles
- ❖ Reduced risks and costs

Threats

- ❖ Breakdown of communication
- ❖ Misinformation and lack of information
- ❖ Lack of resources (particularly for Traditional Owner groups)
- ❖ Mistrust, dishonesty
- ❖ Lack of understanding
- ❖ Lack of respect
- ❖ Lack of effective implementation of goals
- ❖ Complacency/inaction, pessimism
- ❖ Lack of structure/frameworks for partnership
- ❖ Inflexibility
- ❖ Constantly changing personnel
- ❖ Closure of companies
- ❖ Use of compulsory acquisition procedures to obtain access to land
- ❖ Abuse of procedures
- ❖ Red tape
- ❖ Reliance on litigation
- ❖ Changes in laws and policies
- ❖ Destruction of cultural heritage, sites