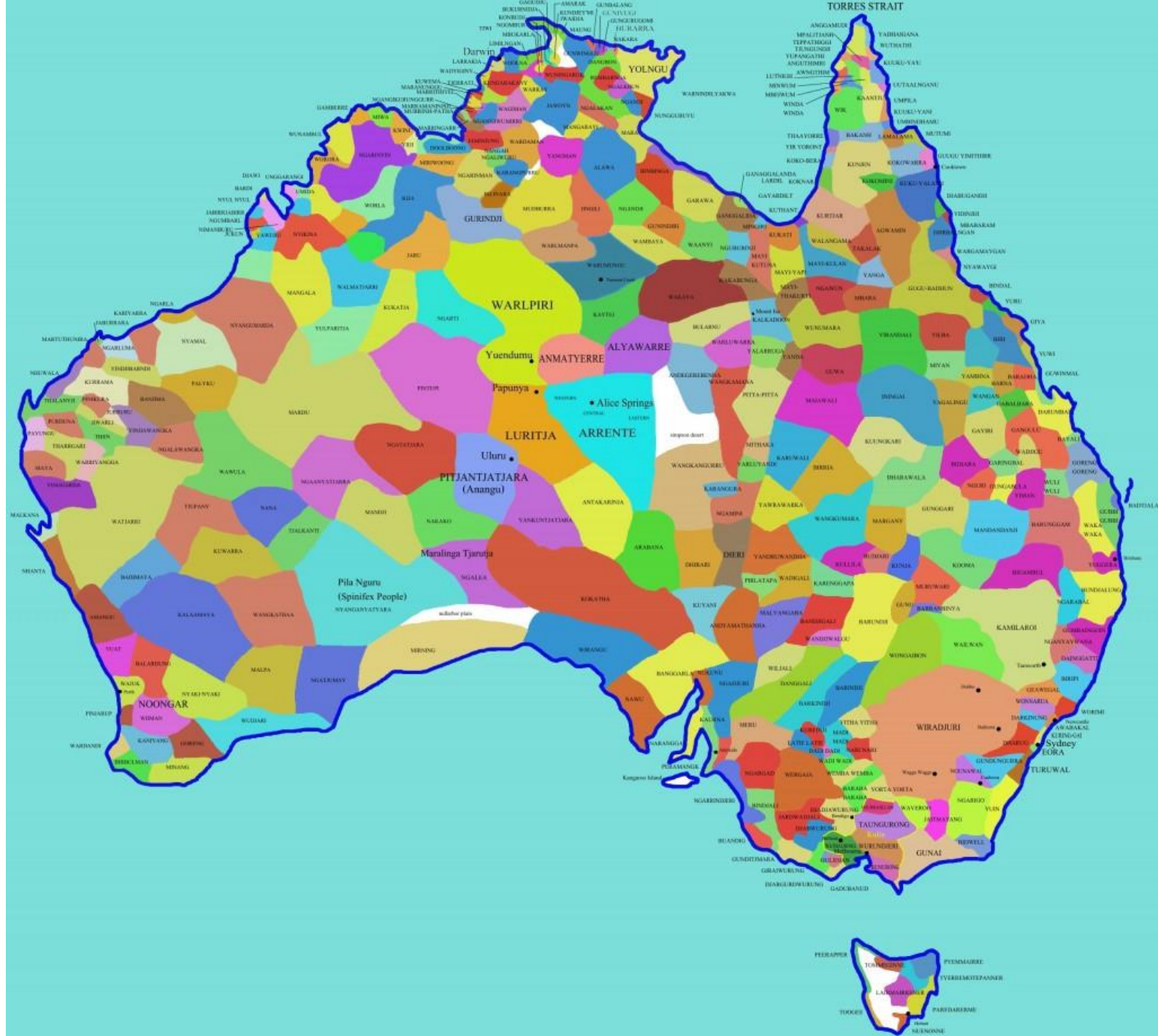


*Indigenous communities and small mining operations
in remote Australia:
The impact of scale on relationship
building and engagement*







Indian Ocean

Darwin

Wyndham

Derby

NORTHERN
TERRITORY

Katherine

Tennant
Creek

Alice
Springs

QUEENSLAND

Mount Isa

Cooktown

Cairns

Townsville

Rockhampton

Bundaberg

Brisbane

Gold Coast

SOUTH
AUSTRALIA

Port Hedland

Karrantha

WESTERN
AUSTRALIA

Kalgoorlie

Geraldton

Perth

Fremantle

Albany

Port Augusta

Adelaide

Bourke

NEW
SOUTH
WALES

Sydney

Newcastle

Canberra

Wollongong

AUSTRALIAN
CAPITAL
TERRITORY

Melbourne

Geelong

Traralgon

Mount Gambier

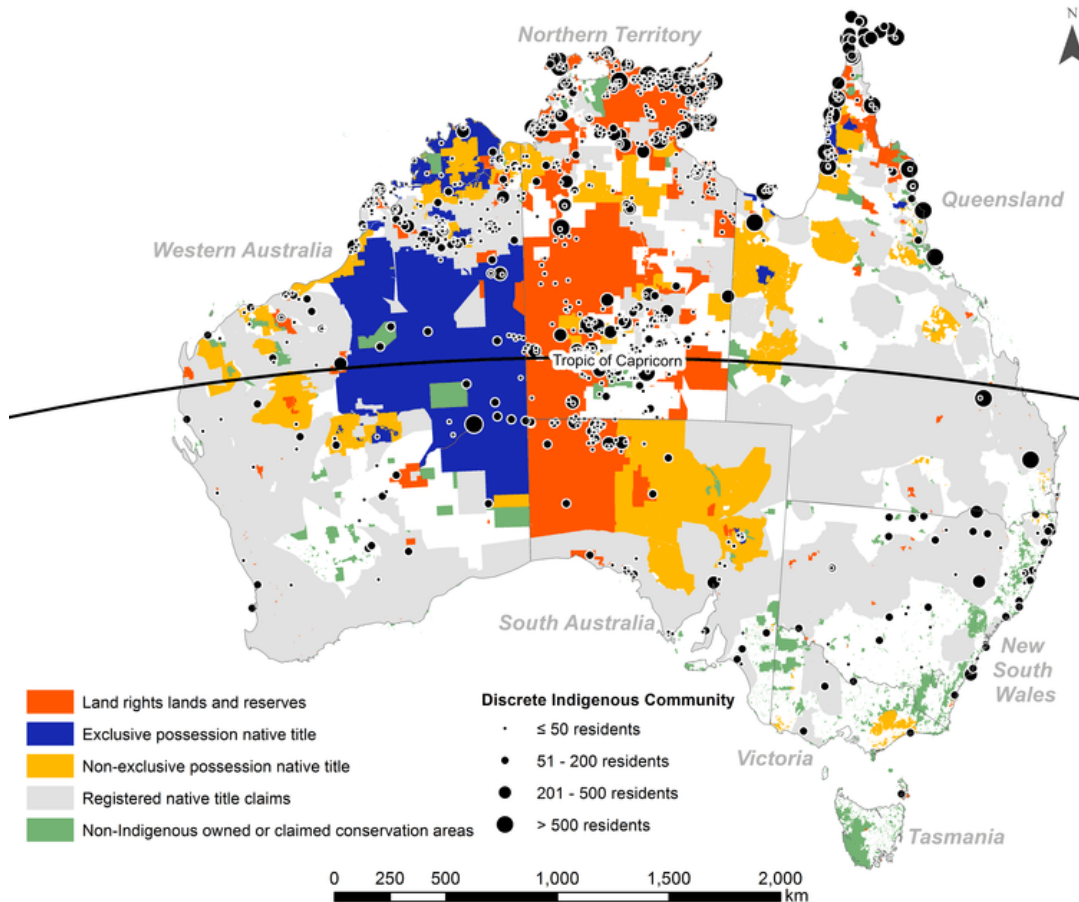
Launceston

TASMANIA

Hobart

Indian Ocean

Planning and the Indigenous Estate in Australia



1. Indigenous Planning has always existed.
2. Indigenous people have had to respond to the institutionalised application of colonial practices – where the primary aim has been to eradicate Indigenous people.
3. Since the introduction of the Native Title Act 1993 - Australian Indigenous people now own much of northern Australia under land rights and native title laws and account for 48 per cent of the 3 million km² of land north of the tropic of Capricorn (Altman 2014). However, if all native title claims were successful, as much as 70 per cent of Australia could be under some form of Indigenous title. This also suggests that all future development in Northern Australia will need to be carefully negotiated with Indigenous land owners.
4. For planning to be Indigenous – it must be undertaken according to the Indigenous analyses, frameworks, values and processes (Matunga 2013).
5. We have two systems of law and custom in Australia – but need a process that allows us all to deal with each other more respectfully.

Study Area





Ngukurr



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Leichhardt's

ROPER BAR CAMPGROUND

\$15 PER ADULT PER/NIGHT.

\$10 PER SENIOR PER/NIGHT.

\$10 PER CHILD AGED 5-16 YRS. PER/NIGHT.

- PAYMENT MUST BE MADE ON ARRIVAL AT THE STORE. IF ARRIVING LATER THAN 6 PM. PAYMENT CAN BE MADE NEXT MORNING AT THE STORE FROM 8 AM. IF LEAVING EARLY THERE IS A DEPOSIT BOX AT THE STORE LEFT SIDE OF LEFT GATE. "Thank you and enjoy your stay!"
- PLEASE NOTE REGISTRATION NUMBERS ARE TAKEN ON ARRIVAL.....



CAMPGROUND Manners

GENERATOR TIMES. 7 AM. - 9 PM.

CAMPING TAKE UP ONE SPACE & LEAVE ROOM FROM YOUR NEIGHBOUR, (NOT A TREE EACH FOR VEHICLE, VAN & BOAT.)

WATER PLEASE HAVE A T CONNECTION TO USE YOUR HOSE IF CONNECTING TO VAN. (AVAILABLE AT THE SHOP FOR RENT.) LEAVE SPRINKLERS ON IF GOING. YOU MAY MOVE, BUT DO NOT TURN OFF.

ALCOHOL TO BE CONSUMED ONLY IN CAMPGROUND NOT ON RIVERBANK, ROPER CROSSING OR BOAT RAMP.

PLEASE DON'T TOUCH ANY GAS OR WATER FITTINGS BELONGING TO CAMPGROUND. (Any issue on this please phone store on 89754992.)

NO TOILET CASSETTE FROM CARAVAN OR CAMPER TO BE EMPTIED INTO THE TOILETS.

ANY BARRA FRAMES TO BE REMOVED AWAY FROM CAMPGROUND. WE WILL BE PLACING RE-CYCLING BINS IN CAMPGROUND FOR YOUR USE.

Leichhardt NT



Mining Value to NT



More than 80 percent of the value of minerals extracted in the Northern Territory comes from mining on Aboriginal-owned land, amounting to more than \$1 billion a year.

Approximately 30 percent of Aboriginal land is under exploration or currently under negotiation for exploration.



Overview of NT Governance System

- Pre Native Title Act
 - Land Rights and ownership (Northern Territory) held by Northern Land Council on behalf of the Traditional Owners.
 - Sub surface mineral rights held by the government
 - Under the Land Rights Act, Aboriginal landowners have the right to say "yes" or "no" to mining and minerals exploration on their land.
 - Justice Woodward said in the findings of his Royal Commission into Aboriginal Land Rights: “I believe that to deny Aborigines the right to prevent mining on their land is to deny the reality of their land rights.”
-

BUT....

According to S42 (8):

Where the Land Council consents to the grant of the licence, the Minister shall determine, in writing, whether he or she also consents to the grant, and shall notify the applicant and the Land Council, in writing, accordingly, within 30 days, or such other period as is prescribed.

This means that the Minister holds the right to over ride decisions made by the Northern Land Council (on behalf of the Traditional Owners).





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A matter of Scale?

- Assessment process for large and small scale resource developments.

Major Project Status

Major Project Status is awarded to projects that are significant, complex and have strategic impact.

Major Project Status is generally sought by private sector proponents as confirmation of NT Government support for the project.

The objectives of the Major Project Status are to:

- secure private sector investment to broaden and deepen the NT economy
- support private sector proponents, particularly investors that are new to the NT through government processes
- drive timely and efficient delivery of government services to the project.

For the project proponent, the benefits include whole of government coordination, assistance in identifying and coordinating regulatory approvals and facilitation of engagement with the Australian Government through a central and single point of contact.

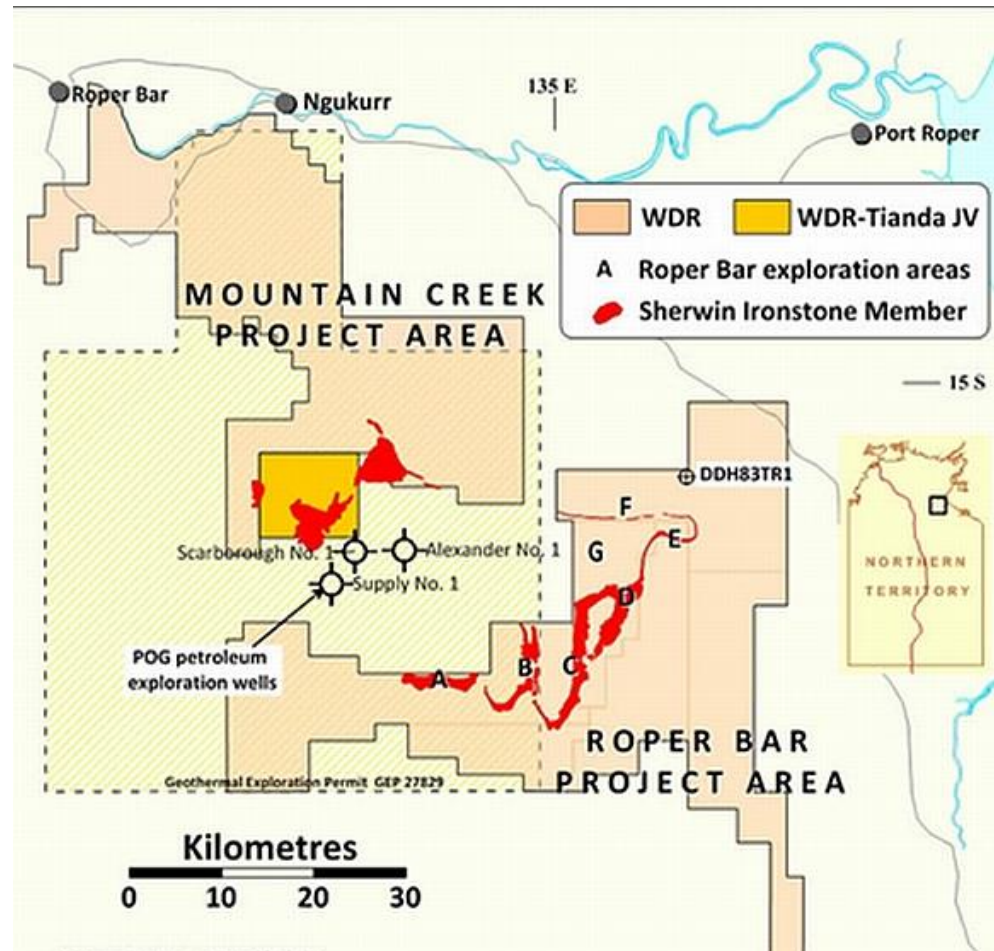
The benefits of major projects for the NT include:

- local business engagement in the project
 - attraction of new business to the NT
 - skills development and jobs for Territorians
 - expansion of the investor pool.
-

Darwin INPEX



Western Desert Resources: Roper Bar





Small Scale Mining

Positive -

- should be more localised - using local labour and local supplies
 - more direct access to the decision makers
 - more opportunities for local involvement in environmental monitoring
 - more flexible - able to change the relationship as time progresses
 - often small projects by small companies are their only projects, not just another of many - so more care given to local engagement
-

Small Scale Mining

Negative

- usually riskier (or they would be really big)
 - often less experience in negotiating benefit agreements etc
 - often involve transfers of ownership (so new stakeholders all the time)
 - don't get as much government attention (which could be good, as well)
 - have fewer resources to invest in both the negotiating process and in benefits
 - often shorter term projects, so harder to develop long term benefits
-

Concluding

- While both Western Desert Resources and Sherwin Iron were both given 'Major Project Status' they were in fact both small scale operations that went 'belly up' very early in the downturn.
 - The real point is that we think that small projects involve fundamentally different parameters for local decision making and benefit sharing.
 - While there are some political and legal acknowledgements of this (eg 'major projects' vs others), we don't think there is a body of research which enables us to develop good ways of supporting Indigenous engagement in small projects.
-

C U in the Northern Territory in 2019

