



INDIGENOUS RELATIONS

ENGAGEMENT STRATEGY

MAY 2004

1. INTRODUCTION
2. THE BUSINESS CASE FOR INDIGENOUS RELATIONS
3. STRATEGIC ENGAGEMENT
 - 3.1 Leadership
 - 3.2 Operations and community
 - 3.2.1 Cross-cultural understanding
 - 3.2.2 Agreement making capacity
 - 3.3 Organisations and institutions
 - 3.4 Government

1. INTRODUCTION

The purpose of this engagement strategy is to:

1. Set the strategic direction for the Minerals Council of Australia (the Council) to engage with Indigenous people, communities and their representatives;
2. Provide a framework to guide the Council in the development of its Indigenous related policies and programs and relevant aspects of its three year Business Strategy, one year Business Plan and related Project Plans; and
3. Establish a nationally consistent foundation from which minerals companies can develop and maintain mutually beneficial and sustainable relationships with Indigenous people, communities and their representatives.

The scope of the strategy extends to national issues and State and Territory issues of national significance. In relation to state issues of national significance the Council will work collaboratively and in partnership with the relevant State or Territory Minerals Council or Chamber.

2. THE BUSINESS CASE FOR INDIGENOUS RELATIONS

The business case for establishing sustainable relationships between the minerals industry and Indigenous people, communities and their representatives is founded in:

- The intersection between Aboriginal ownership or management of land, and mineral resources, for example:
 - Approximately fifty percent of land in the Northern Territory is Aboriginal freehold under the *Aboriginal Land Rights (Northern Territory) Act 1976*, and approximately ten percent is subject to Native Title claim under the *Native Title Act 1993* (NT Act);
 - Approximately eighty percent of land in Western Australia is subject to Native Title claim under the NT Act;
 - Approximately sixty percent of land in Queensland is subject to Native Title Claim under the NT Act;
 - Sixty percent of Australian minerals operations have neighbouring Indigenous communities; and
 - Between 1995 and 2015, approximately half the gold produced worldwide has or will come from Indigenous peoples' lands.
- The recognition and protection of Indigenous heritage and the relevant requirements placed on mineral operations;
- Industry's on going social licence to operate and the operational risk management with respect to neighbouring communities;
- The significant long term opportunities in accessing a willing and able local labour force from neighbouring Indigenous communities;
- The considerable advantages of accessing an existing local labour force over establishing new mining towns and/or fly in fly out operations;
- The contribution to work force diversity by increased Indigenous employment; and
- Enhancing industry's sustainable development outcomes through value added contributions to the local communities in which industry operates.

The values reflected in the Council's 'Community Relations Statement' and 'Indigenous Relations Statement' provide the foundation for engagement. This values based foundation, combined with the overwhelming business case clearly sets the imperative for strategic engagement between the minerals industry and Indigenous communities and their representatives.

3. STRATEGIC ENGAGEMENT

3.1 LEADERSHIP

The Council considers leadership to be the key pillar in creating effective engagement between the minerals industry and Indigenous people, communities and their representatives. The Council is committed to enhancing the leadership engagement and will promote opportunities for engagement between minerals industry leaders, including members of the Council's Board and Full Council, and Indigenous leaders from across Australia.

The Council recognises that leadership must be constant, and demonstrated in the broadest sense. To reflect this, the Council will promote industry leadership on Indigenous engagement at all levels and at every opportunity.

3.2 OPERATIONS AND COMMUNITY

The minerals industry has always had a strong focus on fostering collaborative and productive relationships with its neighbouring communities and is strongly committed to developing and maintaining mutually beneficial and sustainable relationships with Indigenous communities.

The Council recognises there is significant common ground between mineral operations and Indigenous communities. The intersection encompasses industry's focus on its environmental, social and economic contribution at the local level and the aspirations of Indigenous communities to fully engage in the wider economy. This common ground is the driver for minerals operations linkages into neighbouring Indigenous communities. These linkages are highly diversified, but key amongst them are education, training, employment, contracting, joint ventures and facilitation of diversified business development.

Industry recognises the establishment of linkages is a complex task. To achieve improved outcomes the Council will promote and facilitate the establishment of an enabling environment through cross-cultural understanding and agreement making.

3.2.1 CROSS-CULTURAL UNDERSTANDING

Specific areas of focus with regard to developing and enhancing cross-cultural understanding in the minerals industry centre on increasing awareness and understanding of:

- The diversity of Indigenous cultures and customs;
- The business case for engaging with Indigenous communities;
- The poor socio-economic circumstances of many Indigenous communities and the potential role minerals companies can play in facilitating a transition from welfare dependency towards wealth creation; and
- Community development, and business and enterprise diversification models that can facilitate the establishment and maintenance of sustainable communities.

Specific areas of focus for developing and enhancing cross-cultural understanding in Indigenous communities will be on increasing awareness and understanding of:

- Minerals industry operations, including the international, national and local business environments in which companies must compete;
- The potential impacts and potential opportunities that minerals operations can create and provide at both the local and regional levels; and
- The role of government in setting and applying regulations to minerals operations.

3.2.3 AGREEMENT MAKING CAPACITY

The Council is committed to enhancing mutually beneficial and sustainable relationships for minerals operations and Indigenous communities, and considers effective programs to build cross-cultural understanding and agreement making capacity critical to this outcome. Indeed, there is significant overlap between improving cross-cultural understanding and enhancing capacity to negotiate agreements. However, recognising that it is also necessary to enhance capacity in other areas, the Council will promote or participate in programs that will:

- Enhance communication and negotiation skills;
- Enhance dispute and conflict management skills;

- Enhance corporate and cultural governance skills; and
- Enhance community and social relations skills.

3.3 ORGANISATIONS AND INSTITUTIONS

The Council will seek to build on existing and establish new partnerships with nationally recognised Indigenous organisations and institutions. The key determinate to the Council's participation will be whether or no there is a strategic fit between the activities of both parties.

The Council will participate in the key Indigenous related fora, including:

- The Federal Court's 'National Native Title User Group';
- The Attorney General's 'National Native Title Consultative Forum'; and
- The 'Garma Indigenous Culture Festival and Forum'.

The Council will promote the activities of these partner organisations and will in turn seek promotion of Council activities, particularly at the leadership level.

3.4 GOVERNMENT

The Council will work proactively with all stakeholders, and in particular government on key Indigenous policy and legislative matters. The Council will advocate policies and legislation that:

- Provides appropriate recognition of, and protection for Indigenous rights and interests;
- Establishes a flexible framework of clear and reasonable requirements of industry; and
- Includes appropriate timeframes for proper reviews of legislation.

The Council's participation on legislative matters will focus on the key Indigenous related legislation, including the *Native Title Act 1993* (NT Act), the *Aboriginal Land Rights (Northern Territory) Act 1976* (ALR Act), and the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act).

The Council will advocate for a greater focus on alternatives to legislative and litigious processes.