

# MINING AND NATURAL RESOURCES

## National

MIM chief executive Nick Stump warned that the future of Australia's biggest export industry, the mining industry, was under threat due to uncertainty on the land validation issue. In WA only two mining licences had been issued since the Native Title Act was enacted. MIM hope to develop the Ernest Henry copper mine near Cloncurry and the Enterprise Deeps copper mine at Mt Isa. *(WA, 4 Feb, p30)\**

The Minerals Council told Mr Howard that at least 10 planned mines worth potentially billions of dollars would be shelved unless the Federal Government resolved native title uncertainty. The names of the mines were not revealed. *(Age, 4 Feb, pA5)\** However the Minerals Council said that extinguishment of Native Title was not the mining sector's preferred response to the Wik decision and distanced itself from the stance taken by the National Farmers Federation. *(NTN 4 Feb, p6)\**

Private sector analyst, Access Economics, found 26 projects - including a pulp and paper mill, 17 proposals for mining and minerals processing and eight industrial and infrastructure developments - were in limbo following environmental or Aboriginal objections late in 1996. This made up 12% of projects listed as under consideration and was up on the September figure but was lower than at any other time in the past 15 years. *(Aus, 7 Feb, p4)*

In a four page feature article the Business Review Weekly looks at the negotiating policy and style adopted by RTZ-CRA which has dropped the adversarial approach and broken ranks with state and federal governments. *(Business Review Weekly, 10 Feb, pp18-21)*

The Commonwealth Minister for natural resources in a press release warns against a repeat of the Century Zinc 'failure'. *(Press release 15 Feb)*

Noel Pearson discussing the Cape York Heads of Agreement and regional agreements in a feature article says the regional agreement process is supportive of economic and regional development. *(CM 15 Feb, p26)*

CRA has established an Aboriginal Foundation to develop further its partnership with Aboriginal communities. CRA has selected Lois O'Donoghue as one of three Aboriginal trustees of the Foundation which will have an annual budget of \$1.1 million. It is seeking submissions from Aboriginal organisations seeking funding for arts, sport, health and education projects. *(Aus, 19 Mar, p23)*

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## Northern Territory

The government announced that legislation will be introduced to preserve miners' priority rights to reapply for tenure against rival companies if leases were found to be invalid. *(Aus, 20 Feb, p4)*

The Northern Land Council believes hundreds of Territory mining

exploration leases were in doubt because the NT Government had ignored the future provisions of the Native Title Act and issued grants over pastoral leases since 1994 on the assumption that native title had been extinguished. (*NTN, 12 Mar, p16*)

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## **Western Australia**

The Tjupan Ngalia people and gold explorers from the north-eastern goldfields have reached an agreement which has been lodged with the National Native Title Tribunal. The agreement is the first of its kind lodged with the NNTT and guarantees that there will be no further objections to exploration in return for recognition of significant sites and employment opportunities for claimants. (*WA, 6 Mar, p10*)

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## **Kintyre**

The WA Government is set to approve a uranium mine at Kintyre bordering the Rudall River National Park. Western Desert Aborigines are strongly opposed to the mine going ahead. Martu people oppose uranium mining for health reasons, but say they will allow other mining if they can control where and when it occurs. (*WA, 8 Mar, p6*)

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## **Murrin Murrin**

Anaconda Nickel's project which was stopped in December 1996 cannot resume until an agreement is reached on heritage and cultural matters. (*WA, 11 Mar, p27*)\*

Talks between Anaconda Nickel and 16 native title claimants broke down over a rumoured \$1 million a year payment demanded by a claimant group. Claimant groups are dissatisfied with the remaining claimant group, which represents the Bibila-Lungutjarra and Goolburthunoo people, and claim they stand to lose up to \$200 million in benefits over the mine's life. (*WA, 26 Mar, p10*)

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## **Queensland**

4,601 mining tenures have been issued in Queensland since January 1, 1994 when the Native Title Act came into being; the leases were issued on the assumption that pastoral and other leases extinguished Native Title. (*Fin R, 3 Feb, p8*)

Southern Pacific Petroleum NL and Central Pacific Minerals NL believe their title to the Stuart oil shale mining lease is secure and that it is 'highly unlikely' a native title claim would be made. (*CM, 4 Feb, p21*)

Opposition Leader, Peter Beattie, claimed northern Queensland's mining industry was choking on the State Government's freeze on mining leases which was a 'gross over reaction' to the Wik decision. Queensland Mining Council has previously warned the freeze would cripple the livelihoods of more than 200 small miners reliant on the regular release of short term permits. (*Cairns Post*, 7 Feb, p5)

Union Mining NL Managing director Mr Rob Murdoch said it was unable to access reserves and could run out of gold-bearing ore by July 7; the inability to access the reserves was due to the Queensland Government freeze on renewal of mining leases. (*Fin R*, 28 Feb, p38)\*

The Queensland Government is moving to partially lift its freeze on land dealings in a bid to ease growing frustrations among miners and businesses. (*CM*, 1 Mar, p3)

The Queensland Government is set to lift its freeze on land dealings by introducing a system of indemnities against native title compensation claims. (*Aus*, 11 Mar, p2) The Courier-Mail's editor believes large scale development in Queensland is still going on despite the freeze. Negotiations between mining companies and Aborigines are proceeding although nothing can be finalised without state government approval. (*CM*, 11 Mar, p12) Mr Borbidge will announce the lifting of the freeze on land dealings but the proposed indemnity plan in which large companies would partially indemnify the Government against future compensation claims by native title holders has been rejected by the Queensland Mining Council. (*Aus*, 13 Mar, p5)\* Hundreds of approvals allowing some development on leases were beginning to be processed after the lifting of the freeze. The two month freeze was criticised by the opposition as unnecessary but Mr Borbidge said the Government made no apology for its conservative and cautious approach which had tied up more than 1400 applications. (*CM*, 14 Mar, p2)\*

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## **Savage Resources**

An agreement has been reached between Aborigines and Savage Resources to protect cultural sites. An agreement for compensation has not been reached with the owner of the property on which the Comet site is situated near Emerald. The pastoralist said the mining company is being discriminatory in not disclosing settlement details. (*CM*, 3 Mar, p3)

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## **Ely**

Cape York Aboriginal groups representing the Mapoon and Napranum people will sign an agreement with Alcan South Pacific (Alspac) allowing mining of the Ely bauxite. The agreement will provide royalties to communities around the Embly River region, north of Weipa. (*CM*, 10 Mar, p1) Government approval for the mine was still needed and Premier Borbidge was believed to be concerned that precedents could be set. (*CM*, 11 Mar, p2) Cape York Land Council solicitor, James Fitzgerald, believes the terms of the agreement are 'fair and reasonable' and that one

of the reasons for the successful negotiations was that the company had an open mind: 'They had been used to dealing with native title in a sensible way from their Canadian experiences.' Following the agreement the Cape York Land Council was now involved in negotiations with Comalco on another agreement. (*CM, 12 Mar, p17*)

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## **Ernest Henry**

MIM Holdings Ltd announced that the Koutha Aboriginal Corporation and the Gulf Transport Company had jointly won the \$15 million contract to haul ore concentrate from MIM's Ernest Henry copper gold mine near Cloncurry to Mt Isa. ATSIC chairman Gatjil Djerrkurra hailed the development as a means to economic independence and something for all indigenous communities to emulate. (*ATSIC Press release 13 Mar*) and (*CM, 13 Mar, p2*)\*

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## **Century Zinc Mine**

A framework of an agreement in the Century Zinc negotiations is expected to be reached by the February 13 deadline. (*Aus, 3 Feb, p17*)

The Aboriginal claimants to the Century Zinc project will consider the draft agreement and depending on the meeting could formally sign off on the agreement tomorrow; CZL and the Qld government have stressed that unless an agreement is reached a \$60 million social and economic package offered to the claimants may be withdrawn. (*Aus, Feb 12, p 21 and 23*)

Aboriginal groups remained divided over the Century Zinc negotiations a day before the deadline for the agreement which would provide for a sale of the mine to Pasminco Ltd if settlement is reached (*SMH, 13 Feb, p12*)\* and compensation, employment and other benefits to Aborigines. The talks collapsed with only four of twelve claimants signing before the midnight deadline. The Managing Director of Century Zinc said that whilst the number of claimants highlighted problems with the NTA, the company remained committed to negotiation (*Age, 15 Feb p5*)\*. Alan Kohler saw the process as 'fixable' and rejected Mr Borbidge's view that the failure of the CRA deal means the process is unworkable (*SMH, 15 Feb, p86*). The editorial of the paper saw the outcome as disappointing but 'not the end' with the only threat to the mine proceeding coming from politicians wishing to 'pursue their own agendas' (*SMH, 15 Feb, p38*).

Pasminco remain hopeful that the reaching of agreement this year will allow the project to go ahead (*Ad, 17 Feb, p30*)\* which it says would avoid a temporary closure of a Netherlands smelter. (*DT, 17 Feb, p50*). The managing director of CRA said that weaknesses in the native title process have been exposed by the delays and a six month limit on claims should be made. (*SMH, 19 Feb, p35*)\*. ATSIC leaders and Aboriginal groups met in Mt Isa to revive the agreement, the meeting closing short of six signatures and Chairman of ATSIC's Mt Isa's Regional Council calling for changes to the NTA requiring more stringent proof of claimant credentials (*CM, 19 Feb, p2*).

The National Native Title Tribunal announced plans for a preliminary conference in the next two to three weeks to determine whether the mine can go ahead (*Aus, 18 Feb, p21*) whilst ATSIC decided not to fund legal action by Aboriginal groups to further delay the project (*Age, 20 Feb, p9*). The Carpentaria Land Council received advice that money was available during negotiations but not if action was initiated against Pasminco (*Age, 20 Feb, p9*). Claimants in support of the project following a meeting in Doomadgee called on the Prime Minister to amend the NTA to allow for the project to go ahead with a majority of claimants' support (*W Aus, 22 Feb, p8*). Waanyi and Mingginda people told the Prime Minister that a 'clear majority' of Aborigines in the area favoured the mine project calling for NTA amendments relating to claimant status (*Press release, 25 Feb*), (*Fin R, Feb 26, p10*).

The ATSIC board may demand six native title claimants who have refused to sign the CZL agreement to sign the agreement. Elder of the Waanyi people, Ms Jane Karkadoo, said Government intervention was the only hope for the stalled mining development. (*Age, 28 Feb, pA9*) ATSIC will bring 12 claimants together in Brisbane after the ATSIC board held talks with the groups separately. (*WAus, 1 Mar, p2*) Hopes for a negotiated settlement faded after one of the claimants who had originally approved the development changed his mind. (*Age, 1 Mar, pA3*) Gulf Aboriginal communities could lose almost \$90 million as a result of the failure to reach agreement; although the matter is being arbitrated by the National Native Title Tribunal, two previous arbitration cases in WA failed to award compensation to native title claimants. Based on the unimproved capital value of the Century mine, native title claimants could receive as little as \$37,690. (*CM, 5 Mar, p1 and 2*) A National Native Title Tribunal panel will begin arbitrating the Century Zinc claims on March 20 with a deadline of August 21. The panel comprises former Supreme Court Justice Mr Paul Seaman QC, former South Australian Attorney General Mr Chris Sumner and ANU Research Fellow Ms Diane Smith. (*W Aus, 8 Mar, p59*)

The possibility of an agreement, which stalled recently with opposition from six claimants, has been revived with a four day meeting process to reconsider the compensation package. The mining company has stated it is open to reconsideration. (*Aus, 19 Mar, p4*)

NNTT hearings were adjourned following uncertainty surrounding ATSIC funding for legal representation for claimants. (*CT, 21 Mar, p3*)

Queensland Government rejected a call from ATSIC Commissioner Mr Sugar Ray Robinson, to resurrect a \$30 million compensation offer to Aborigines saying that the matter was now in arbitration. Mr Robinson believes that all claimants will now sign the agreement. (*WAus, 29 Mar, p3*)

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## **South Australia**

A Parliamentary Select Committee has recommended part of the Yumbarra Conservation Park be re-proclaimed for mineral exploration (*Ad, 21 Mar, p6*). The decision, to extend areas in the park available for exploration, has been opposed by conservationists and the Australian Democrats. The Committee said the proposal had the support of several

Aboriginal groups.

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## **Gawler Craton**

Perth based gold explorer Desertstone have been forced to suspend drilling at the Gawler Craton while it negotiates with Aboriginal groups over site access . (WA, 5 Mar, p45)

Resolute Resources and Dominion Gold have signed an agreement with the Maralinga Tjarutja people to begin exploration on the western portion of the Gawler Craton. The agreement gives the traditional Aboriginal owners a 10 per cent free-carried interest in the joint venture. Their 10 per cent share of development costs would be paid from gold production if a decision to mine was made. (WA, 10 Mar, p32)\*

A large geological structure called the Musgrave Block in the north-west of South Australia has become the new focus for Australian exploration companies. Any upsurge in exploration will depend on agreement with Pitjantjatjara Council which controls access since title was given to them in 1981. There are hopes that negotiations will result in new regulations to accelerate access negotiations. Current procedures allow only one applicant at a time to negotiate with the Pitjantjatjara Council. (Ad, 11 Mar, p19)

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## **NSW**

### **Eastern Gas Pipeline**

The treasurer, approving the project, said construction plans could be delayed by land claims. (Illawarra Mercury, 20 Feb, p4)\*

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## **GENERAL NATIVE TITLE ISSUES**

### **National**

The Dunghutti agreement, the first successful native title claim on the mainland, is expected to be endorsed by the Federal Court in the next few weeks. Although the agreement is not a binding legal precedent, lawyers believe it is likely to become a guide for Aborigines on the monetary value of the compensation they can expect for native title rights of a similar nature; in the Dunghutti case the amount was 150 per cent of the freehold value of the land. (Fin R, 3 Feb, p1 and 8)

At a conference on racism Senator Herron said the government was in 'a listening mode' on the idea of a national treaty and the significance of a document of reconciliation. He played down the option of extinguishment as legal advice suggested that legislative extinguishment would require large compensation payments (Ad, 22 Feb, p13). The idea of a treaty was