

Exploring Country

A guide to making an exploration and mining agreement





Painting of Lake Surprise

Ms Janet Long Nakamarra – Lake Surprise

Janet's impression of Lake Surprise (2004), featured as a snapshot image on the front and back covers, conveys the intricacy and unique beauty of the remote Territory landscape.

Janet is a Warlpiri woman, born at Anningie Station, northwest of Alice Springs in the Tanami Desert Region. Janet has collected stories of the Walpiri elders for the book *Walpiri Women's Voices*, and has worked as an interpreter for elders in land claims and has assisted remote students for the Batchelor Institute.



Pukamani Poles – Tiwi Islands

The Pukamani Poles pictured throughout this handbook were sourced from the Tiwi Islands 300-year commemorative celebration, held in 2005.

Pukamani Poles are unique to the people on the Tiwi Islands. They are carved with traditional tools and painted using natural ochres. The spiritual poles are placed around ceremony and burial grounds.

“**the department**”, as referred to throughout this handbook, is the Department of Primary Industry, Fisheries and Mines.

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Welcome to the Northern Territory

The Territory is a place of natural and Aboriginal world heritage. The mining industry works within this landscape, making a major contribution to outback Australia.

The Territory Government places a high priority on working with the Aboriginal Land Councils to increase Aboriginal participation in the exploration and mining industry. By working together with the Aboriginal Land Councils and the local people, these opportunities can be sustained and expanded.



Hon. Kon Vatskalis MLA
Minister for Mines and Energy

The development of business partnerships between industry and the Aboriginal people is a good way to bring benefit to everyone. Exploration and mining companies are realising the value of developing Aboriginal partnerships, particularly in terms of engendering trust, exchanging knowledge and as a source of local labour.

There are plenty of stories in the Territory about great partnerships between Aboriginal people and exploration and mining companies. You will find some of these stories in the following pages, including long-term sustainable employment programs, recurrent short-term projects, enterprises and a range of initiatives to support communities.

The Territory is open for business and this handbook will help you find the right people for your successful exploration and mining venture.



Photograph: An 'on-country' meeting between traditional owners, the Central Land Council and exploration company representatives discussing a proposed exploration program.

DISCLAIMERS

While all care has been taken to ensure that information contained in this handbook is true and correct at the time of publication, the Northern Territory of Australia gives no warranty or assurance, and makes no representation as to the accuracy of any information or advice contained in this publication, or that is suitable for your intended use. No serious business or investment decisions should be made in reliance on this information without obtaining independent or professional advice in relation to your particular situation.

Note: Aboriginal and Torres Strait Islander readers are warned that this publication may contain images of deceased persons.

Photograph: An 'on country' meeting between traditional owners, the Central Land Council and exploration company representatives, discussing a proposed exploration program.

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“Success breeds success. Indigenous workers provide models for others to follow. Negative stereotypes are replaced by success stories.”

- David Ross, Director, Central Land Council at the Indigenous Economic Development Forum 2005

There is no doubt that the Northern Territory is unique. It has some of the least explored and most prospective regions for mineral and petroleum exploration in Australia. Much of the land is Aboriginal freehold land or subject to native title.

The Territory has the largest Aboriginal population of any Australian state with Aboriginal Territorians accounting for over one third of the total population. Generally, Aboriginal communities are in remote areas, where people maintain a traditional culture and strong ties to the country.

To some extent, mining, transport, tourism, pastoral and primary industries have opened up communities, bringing economic growth and employment.

However, the majority of people living in remote areas of the Territory remain disadvantaged compared to the rest of the population, particularly in the areas of health, education, housing and employment.

Making agreements with Aboriginal people satisfies legal obligations and brings opportunities to Aboriginal Australians.

In the Territory, Land Councils represent the traditional Aboriginal landowners in exploration and mining. A major focus is to ensure that any enterprise on Aboriginal land produces long-term benefits and sustainable economic outcomes for Aboriginal people.

This handbook is designed to assist those commencing exploration and mining in the Territory. It lists useful resources and provides information about Australian and Territory legislation, Aboriginal Land Councils and services provided by the Northern Territory Department of Primary Industry, Fisheries and Mines.

Above all, this booklet tells the stories of Aboriginal communities and companies working together.

Bootu Creek - A Productive Partnership

“It’s important to plan real jobs for Aboriginal people and to allow time for selection and training.”

- Barry King of the Northern Land Council Employment Branch

The development of the Bootu Creek mine is a good example of how working relationships with Aboriginal people pays dividends.



Agreement to mine manganese at Bootu Creek, on Banka Banka Station north of Tennant Creek, was negotiated within nine months. This rapid turnaround was the result of the partnership between the operating company, OM Holdings Limited, and the Northern Land Council. This partnership makes a commitment to Aboriginal employment and enterprise in the construction and production phases of the mine.

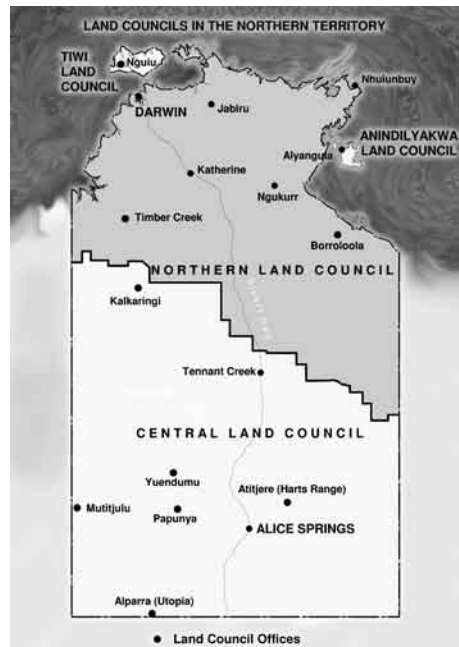
The Northern Land Council represented the local people in negotiating an agreement to construct a mine, an airstrip, gravel extraction pits and a 65 km transport corridor that will link the mine to Darwin port facilities via the Alice Springs to Darwin railway.

The Northern Land Council works with companies to plan Aboriginal employment projects. These projects include the Alice Springs to Darwin railway, the Lyons Residential Housing Development, the Bradshaw Army Training Ground and Darwin’s Waterfront Development.

TERRITORY LAND COUNCILS

Communication with Aboriginal people is via the designated Land Council. There are four Land Councils in the Territory: the Northern and Central Land Councils cover the Territory mainland; the Tiwi Land Council covers the Tiwi Islands, north of Darwin, and the Anindilyakwa Land Council covers Groote Eylandt in the Gulf of Carpentaria.

All Territory Land Councils have statutory powers under the Aboriginal Land Rights Act, to represent and perform certain functions on behalf of the traditional Aboriginal landowners. The Northern and Central Land Councils are also recognised Native Title Representative Bodies, under the Native Title Act. Land Councils are keen to do business with explorers. Good partnerships created during the exploration phase are helpful when it comes to negotiating a mining proposal.



“Aboriginal people have more to give than access to land. We have land and we have labour. Both are important economic assets. Both are under-used. The future prosperity of the Territory depends to a significant extent upon the competitiveness of its workforce. The long-term future prosperity of all of the businesses operating in the Territory is dependent upon the capacity of the local community to fill job opportunities.”

- Norman Fry, CEO, Northern Land Council, 2005 South East Asia Australia Offshore Conference

“Aboriginal landowners must walk with you through the biodiversity and conservation legislation.”

- John Hicks, Executive Secretary, Tiwi Land Council

Northern Land Council - Top End Country

The Northern Land Council has long and extensive experience in representing Aboriginal people and operates a number of regional offices across the Top End.

It represents approximately 30,000 Aboriginal people, living in northern townships, communities and outstations. The Northern Land Council will assign officers to regional areas to work with you during the course of your project.



Alan Timms and Ashley McCoy of the Northern Land Council

Tiwi Land Council - The Sands of Time with Matilda Minerals

The Tiwi people have lived with the land for thousands of years and continue this tradition today, through a number of enterprises covering tourism, aquaculture and forestry. Inaugural consent was recently given to Matilda Minerals Limited to mine high-grade zircon-rich mineral sands in the Tiwi Islands.

John Hicks, Executive Secretary of the Tiwi Land Council, believes that mining offers the Tiwi people a chance to reaffirm their reliance upon the use and management of their land.

Matilda's operations on the Tiwi Islands provide at least 15 full-time local jobs. The Tiwi people are already participating in training in various mining extension activities, such as road-building, port facilities, rehabilitation nurseries and cartage. A private Tiwi College, to be opened in 2007, will focus on training and education related to land management.

Bruce Maluish, Managing Director (operations), Matilda Minerals, regards the company's partnership with the Tiwi people as fundamental to the final success of the mining operation:

“As a result of the partnership we have with the traditional land owners on these islands, the turnaround time for the title process has been really quick and smooth.”

Central Land Council - Desert Country

The Central Land Council is a strong organisation that has celebrated 30 years representing Aboriginal people living in Central Australia. Ninety delegates from regional communities form the Council, who represent some fifteen language groups.

Mining Officers are assigned to regions and consult with traditional Aboriginal landowners and affected communities. They schedule on-county meetings, arrange site clearances, and monitor work programs. They have developed on-the-ground knowledge of local communities and support groups, such as Indigenous Ranger Programs and interpreter services.



Dana Bohning and Samantha Schooner of the Central Land Council

“The Central Land Council’s vision is for Aboriginal people to participate meaningfully in society and be part of the wider economy while keeping distinct identities and strong culture.”

- David Ross, Director, Central Land Council, 2004 Inaugural Global Sustainability Conference

Anindilyakwa Land Council - Matters Of Trust With GEMCO



Liaison Officer Thomas Amagula and Anthropologist Jackie Rawles from the Anindilyakwa Land Council.

“If we can get the young people on the island to realise how important education is, they will have a very good life here on their land. Sport plays a big part in this and we’re trying to get a strong regional competition going.”

-Thomas Amagula, Liaison Officer, Anindilyakwa Land Council.

Groote Eylandt Mining Company (GEMCO) has operated a manganese mine at Alyangula for over 40 years. In recent times, the relationship between the company and the local Anindilyakwa community has developed into a partnership with a strong business focus.



Recently, the Anindilyakwa Land Council won the right to tender for any work offered by the mine. The Council has established the Groote Eylandt and Bickerton Island Enterprises (GEBIE) and is training the local people, with the support of GEMCO, to carry out a range of civic duties, including business development, waste management, office skills and landscaping.

The GEBIE focus is on providing pre-vocational skills, including life and literacy skills. GEMCO have a Memorandum of Understanding with the Council to employ local Aboriginal people and provide maximum opportunity for sustainable Indigenous businesses.

Thomas Amagula, Liaison Officer for the Land Management Unit of the Council says:

“Communication is much better than it used to be. There are plenty of local people who have grown up with the company, received a good education with help from GEMCO, and are now making their careers with GEMCO.”

GEMCO also led a tour of Aboriginal leaders to Canada and the Americas to observe how other Indigenous groups manage the benefits derived from their lands. It was clear that a long-term focus on education is the key to sustaining wealth and prosperity for future generations.

“The Territory’s capability in regional know-how includes a commitment to developing world-class geoscientific data to underpin exploration and mining in the Territory.”

- John Carroll, Chief Executive, Department of Primary Industry, Fisheries and Mines.



John Carroll, Chief Executive, Department of Primary Industry, Fisheries and Mines.

Northern Territory Government

The Territory Government has a strong regional focus, ensuring health, education and public services are accessible across the Territory. A high percentage of professional people live and work in the Territory, many having developed extraordinary skills and ingenuity working across cultures and delivering services to the bush.

Department of Primary Industry, Fisheries and Mines

The Department of Primary Industry, Fisheries and Mines works to increase Aboriginal employment and enterprise across industry and within the department.

The Indigenous Employee Network won the Public Service Commissioner Awards for Equity and Diversity in Advancing Indigenous Employment Initiatives in 2005.

To increase community participation, the department holds Board of Management meetings in regional towns and Aboriginal communities. Mining companies are encouraged to hold similar meetings on-country.

During a Board of Management meeting at Gunbalanya (Oenpelli) in Arnhem Land, the Chief Executive, John Carroll, commissioned local artist Gabriel Maralngurra to celebrate the visit and tell the story of the Binniji (local people) and their land, in a painting that now hangs in the department’s boardroom.



Research Trainee Donna-Lisa McDonald and Environmental Scientist Michael Knox receiving the award.



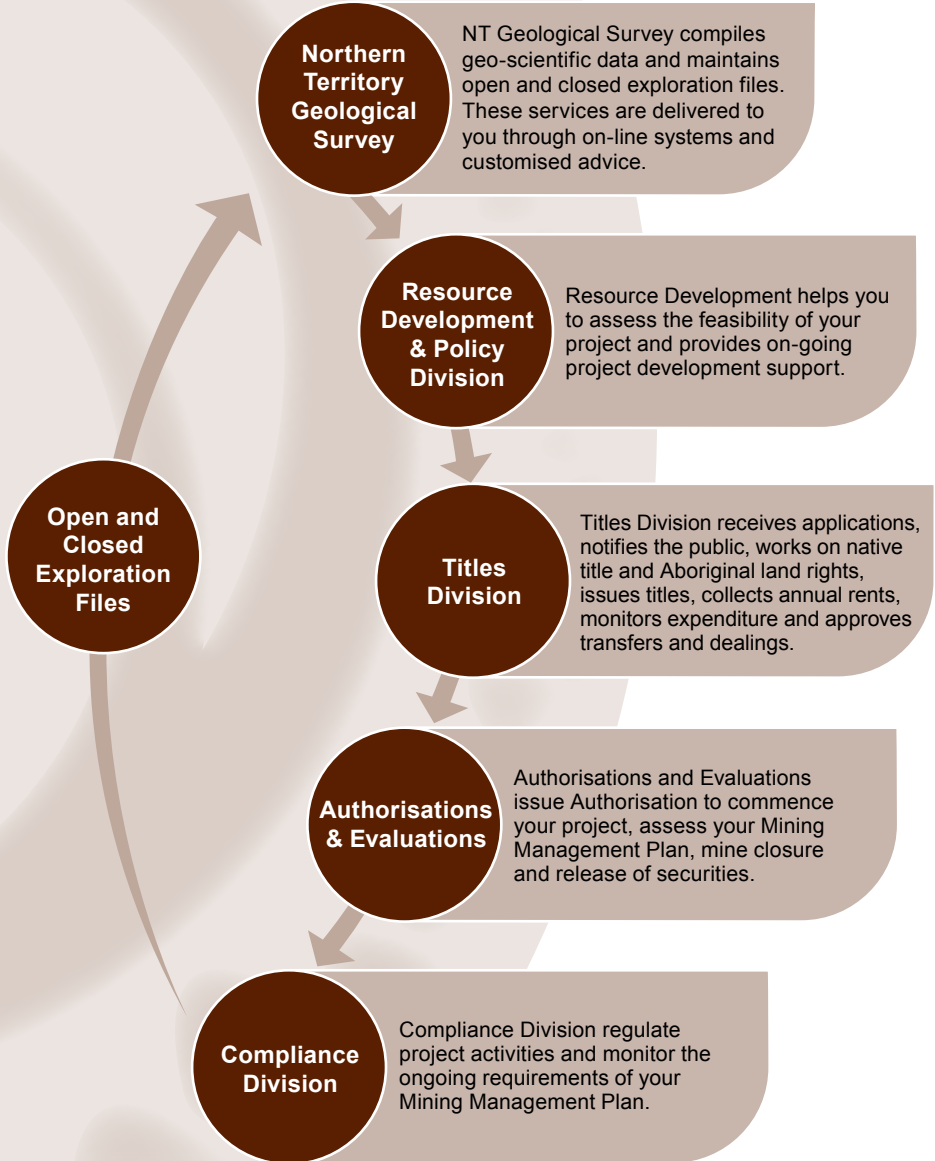
Art by Gabriel Maralngurra celebrating the Board of Management visit to Gunbalanya.

MINERALS AND ENERGY

The department's Minerals and Energy staff can help you plan and secure your project. Minerals and Energy support services are grouped as follows:



*Richard Sellers
Executive Director
Minerals and Energy*



Northern Territory Geological Survey

NT Geological Survey compiles geo-scientific data and maintains open and closed exploration files. These services are delivered to you through on-line systems and customised advice.

Resource Development & Policy Division

Resource Development helps you to assess the feasibility of your project and provides on-going project development support.

Titles Division

Titles Division receives applications, notifies the public, works on native title and Aboriginal land rights, issues titles, collects annual rents, monitors expenditure and approves transfers and dealings.

Authorisations & Evaluations

Authorisations and Evaluations issue Authorisation to commence your project, assess your Mining Management Plan, mine closure and release of securities.

Compliance Division

Compliance Division regulate project activities and monitor the ongoing requirements of your Mining Management Plan.

Open and Closed Exploration Files

Mining, Petroleum and Mining Management Acts

In the Territory, mineral exploration and mining is regulated through the Mining and Mining Management Acts. The Mining Act governs the application process, grant and management of exploration and mining titles.

The Mining Management Act authorises and monitors exploration and mining activities, enforcing health, safety and environmental standards.

Before any fieldwork can be carried out, other than low level reconnaissance, it is necessary to submit a Mining Management Plan detailing proposed activities. Once all requirements (including assessment under the Northern Territory Environmental Assessment Act) are satisfied and the Mining Management Plan is accepted, the department issues an Authorisation. Approved activities cannot officially commence until the underlying exploration or mining title is granted.

Onshore petroleum exploration permits and production licences are regulated by the Petroleum Act and are assessed under the Northern Territory Environmental Assessment Act, prior to operational approval.



“AAPA have 25 years of experience working with the custodians of the land to protect, identify and record sacred sites.”

- Jeff Stead, CEO, Aboriginal Areas Protection Authority

Protection of Sacred Sites

Protection of sacred sites is a major consideration, when negotiating agreements for exploration and mining. Sacred site clearances are required before starting or revising any field program. Generally, the nature of exploration requires a number of site clearances to be carried out in the course of a project, especially those covering large areas of country and those affecting various Aboriginal groups.

The Northern Territory Aboriginal Sacred Sites Act is administered by the Aboriginal Areas Protection Authority (AAPA).

AAPA can issue an Authority Certificate through direct consultation with the traditional custodians, or on the basis of an agreement between the mining company and custodians. An Authority Certificate sets the conditions for entry or work programs on, or near sacred sites, and provides a statutory indemnity from prosecution.

Land Council's will often engage in sacred site consultations with traditional Aboriginal landowners and this process will usually be incorporated into any agreement.

AAPA maintains a public register of sites. You can apply for an inspection of the register.

It is an offence to enter or desecrate a sacred site, whether or not it is shown on the AAPA Register.

AAPA has the power to prosecute, with regards to the desecration of a sacred site and breaches of an Authority Certificate.

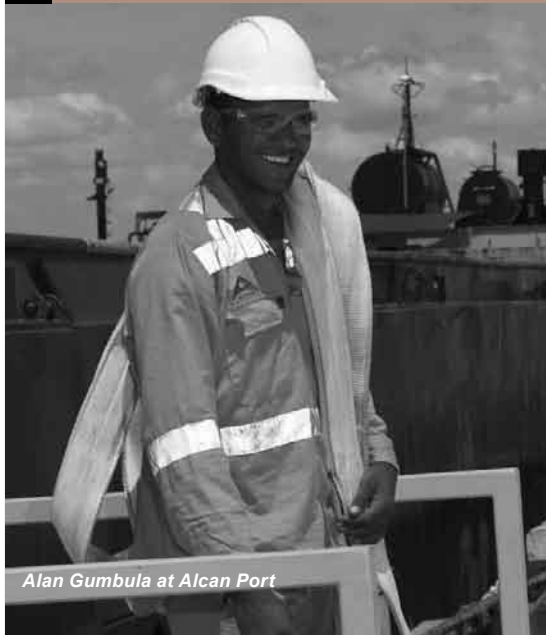
Sacred Sites Protection within Agreements

Arrangements to protect sacred sites during exploration and mining programs are generally made in the agreements. It is important that the Project Manager is involved in negotiating field arrangements with Land Councils and that the agreements provide clear operational instructions to field staff.

“Alcan places great value and importance on its partnerships with the Traditional Owners of northeast Arnhem Land and is committed to increasing Indigenous economic independence through local employment programs and strategies.”

– Alistair Fields, Vice President, Alcan Pacific

Alcan and the Yolgnu People of Arnhem Land



Alan Gumbula at Alcan Port

Alcan Gove operates a bauxite mine and alumina refinery on the Gove Peninsula, in remote northeastern Arnhem Land. The mine was established in the late 1960s and marked a significant chapter in the history of native title in Australia.



Today, Alcan enjoys a productive partnership with the Yolgnu people.

As part of the on-going commitment to the Yolgnu people, Alcan operates an Indigenous training school known as YNOTS, with the support of the Department of Employment and Workplace Relations. YNOTS has a strong focus on developing vocational competencies, such as operating mining and earthmoving machinery, office administration, vocational numeracy, literacy, stevedoring, landscaping and fencing.

The YNOTS program incorporates an Indigenous labour pool that carries out contract works within the community. The labour pool ensures a smooth transition from training to “real work” through cross-cultural sensitivity, flexible work practices and pastoral care for employees.

Land Tenure in the Northern Territory

There are two main categories of land tenure in the Territory. Outside of townships, approximately 50% of the land is covered by pastoral leases and is quite possibly subject to native title. The remaining 50% is Aboriginal freehold land and is subject to the Aboriginal Land Rights (Northern Territory) Act. The status of the land and the type of project you are planning will determine how your project proceeds.

Native Title Overview

The Native Title Act applies to the whole of Australia, unless parallel State or Territory schemes have been established. The Northern Territory follows the Commonwealth native title provisions.

The National Native Title Tribunal was established to administer the Act. Its functions include:

- Registration tests of native title claims and Indigenous Land Use Agreement applications
- Maintaining national registers for native title, native title claims, and Indigenous Land Use Agreements
- Providing a mediation and arbitration function for exploration licence and mining lease applications
- Providing general native title assistance that includes Agreements.

Under the Native Title Act, there is no absolute right to refuse an exploration or mining title application. Native title claimants and holders have procedural rights that include the 'right to negotiate'.

Generally, the Land Councils represent the native title claimants and holders in the 'right to negotiate' process for exploration and mining projects. Separate agreements are required for both exploration and mining.

Fast-Track Exploration

The 'right to negotiate' process has two streams: the 'expedited' (fast-track) procedure for lower-level projects, such as mineral exploration, and the normal 'right to negotiate' procedure that applies to mining.

Generally, the Territory Government considers the fast-track provision to apply to mineral exploration in the Territory.

The Territory successfully uses the fast track procedure. Very few objections are lodged by the native title parties, resulting in a minimum turnaround time from application through to grant.



Right to Negotiate Procedure

The 'right to negotiate' process gives native title claimants a 'right to negotiate' about the conditions in a proposed mining and petroleum (exploration or production) project. This process usually requires the execution of two agreements, termed the 'ancillary agreement' and the 'tripartite deed'. The government is not a signatory to the 'ancillary agreement', which normally contains the commercial arrangements.

The 'tripartite deed' must be signed by all parties, (native title claimant, grantee and government) and must be executed for a title to be granted. Titles Division have sample 'tripartite deeds', with instructions on how to execute the deed.

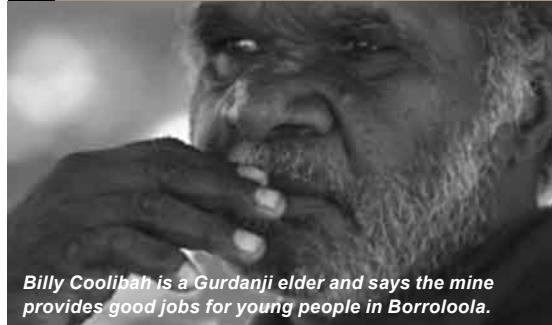
The 'right to negotiate' process is subject to the concept of negotiations in 'good faith' in order to reach an agreement.

Indigenous Land Use Agreements

Indigenous Land Use Agreements are an alternative way to make agreements under the Native Title Act. Indigenous Land Use Agreements are essentially a contract between the signatories. They can be for short or long periods, and can cover a combination of current applications, granted titles, and future proposals. They may also cover a host of Indigenous issues including training and employment programs. Indigenous Land Use Agreements are well suited to joint ventures, larger projects covering both exploration and mining, or for a group of small operators.

To grant titles under an Indigenous Land Use Agreement, the agreement must be registered. Registration involves a three month notification period, which may need to be factored into a project proposal.

Partnership at McArthur River



Billy Coolibah is a Gurdanji elder and says the mine provides good jobs for young people in Borrooloola.

The McArthur River Mine, operated by Xstrata Zinc, was established before the recognition of native title in Australia. The mine has been operating for many years in the Borrooloola region and has seen several generations of local Aboriginal people working on site. It has a dedicated community relations division that runs a number of community and employment programs.



The employment program was developed in consultation with the Territory Government and the business sector. The program includes vacation employment, which targets the middle to senior secondary schools years, through to post-school programs, including apprenticeships, traineeships, university scholarships and on-the-job training.

Xstrata also plays an important role in the local community, with contributions to the construction of a local swimming pool, sponsorship of health screening programs and support towards the recruiting of a permanent doctor for the Borrooloola Community. Xstrata also provides a tertiary nursing scholarship at Charles Darwin University and assistance to other young people in the community who wish to pursue careers in the health industry.

McArthur River Mine are forming a Community Reference Group to be chaired by John Moriarty AM, a respected Indigenous business leader. The group will act as an interface between the McArthur River Mine and the Borrooloola, King Ash Bay and Sir Edward Pellew Island communities. Government and other community organisations will also be invited to participate.

Voluntary Agreements

Where there is no registered native title claim at the end of the title notification period, the department can grant the title.

However, the grant of title without an agreement is subject to sacred site legislation and additional conditions to protect native title rights and interests. These conditions require you to call a meeting of all land owners/occupiers to explain your work program.

Where there is no agreement, the department encourages discussion with the Land Council regarding Aboriginal interests in the associated area.

Aboriginal Land Rights Overview

The Aboriginal Land Rights (Northern Territory) Act 1976 is Commonwealth legislation, but only applies to the Northern Territory. It gives groups of Aboriginal traditional landowners' ownership of their lands under freehold titles that are held in trust.

The main features include:

- Communal freehold land title
- Inalienable title (not subject to loss or sale), leasing arrangements operate
- The right to refuse (suspend) exploration licence and petroleum permit applications for periods of up to five years.

The Act has a major emphasis on community consultation

and informed group consent. The mining provisions allow for on-country meetings and give the applicant the opportunity to explain their exploration proposal. It is important that applicants are well prepared and it helps to work closely with the Land Council that arranges the meeting.

Land Councils generally prefer to schedule meetings in the field season, normally from April to November. It is good practice to present your proposal in a clear and simple manner, with the use of visual aids such as maps. It is also useful to have some knowledge about local cultural protocols.

Land Rights Agreements

Grants of exploration and mining interests on Aboriginal freehold land are subject to agreements made with the relevant Land Council. Agreements cover a range of matters including work programs, sacred site protection procedures, compensation and environmental protection, and record the Land Council's consent. Agreements must be negotiated with the relevant Land Council, who in turn obtain the consent of the traditional Aboriginal landowners. Solicitors acting for the department check agreements to make sure they comply with the Act.

It is possible for partial consent to be given, which results in exclusion zones over the exploration title area.

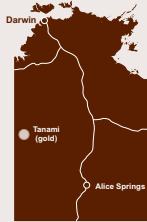


On Terms of Trust in the Tanami



Brendan Hayes, one of the first prevocational students currently working in the Gold Room.

Newmont Australia Limited is a good example of a holistic approach to making agreements. The company has built its capability and reputation by ensuring good relations with the traditional Aboriginal landowners of the Tanami and with the Central Land Council. It sees this as critical to the future of its operations.



Through an ongoing program of workplace training and community development, Newmont has developed a strong and productive partnership with the local Walpiri people. The benefits are evident for both parties.

Newmont has a consistently strong level of Aboriginal employment – around an average of 20% of the total workforce for the last five years. This employment occurs across traineeships, semi-trades, mill operations, catering and drivers/operators.

An additional result of the partnership between the company and the local community is the generally quick turnaround for new exploration agreements in the region. As a result of the company policy of zero racial intolerance and two way cultural learning for every employee, the workforce achieves a high level of harmony and productivity.

Newmont's training program is competency based and offers a mix of skills, covering basic computing, senior first aid, work organisation, driver, crane and forklift licences, and building trades. It is supplemented with numeracy and literacy tuition, and mentoring from a community member. Retention rates are outstanding, as most trainees complete the program and continue a career with Newmont. Trainees graduate to a full wage when a position becomes vacant, promoting a sense of real job placement.

“Aboriginal staff are trained and mentored to help them assimilate into a working commercial environment. We also work with the broader Walpiri community contributing to commercial art ventures and sponsoring local community, sporting and cultural events.”

By its nature, exploration in remote areas of the Territory presents challenges, when it comes to developing employment and business partnerships with local communities. Typically, exploration in the Territory is spread over a very wide area, often distant from townships. The Aboriginal people in communities throughout the Territory are acquiring a range of skills and knowledge relevant to the exploration industry, including general field work, performing site clearances and sample handling.

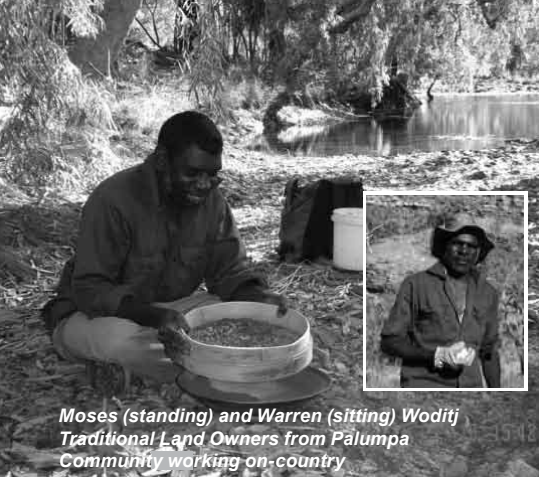
Companies that have had significant success in employment and business partnerships with Aboriginal people regard the work done in this early exploration phase as essential for success in their future ventures.

Training Tailored For You

Appropriate training, ranging from working literacy and numeracy, occupational health and safety, and the use of GIS and GPS equipment, are some of the skills that companies require for field operations. Quickly sourcing trained locals who are ‘work ready’ can be challenging in the remote areas.

Training organisations such as the Charles Darwin University, Batchelor Institute, private training providers and local community councils can also assist. For example, Batchelor Institute specialises in Aboriginal tertiary and vocational education, and can provide tailored and culturally appropriate training on-site (minimum class numbers apply). Aboriginal companies such as CDE Capital can provide trained crews and on-the-job training and mentoring.

**Rio Tinto Exploration
- Diamonds in the Rough**



Moses (standing) and Warren (sitting) Woditj Traditional Land Owners from Palumpa Community working on-country

Rio Tinto Exploration Pty Ltd's Yamarra Diamond Program is a good example of how planning and consistency can reap rewards, when it comes to building partnerships with Aboriginal people.



The Yamarra region is in the Daly River–Port Keats Aboriginal Land Trust area. Rio Tinto identified this area as having good prospects for diamond exploration. Rio negotiated with the Northern Land Council and the Yamarra communities. The Yamarra work program involved stream sampling over a wide area and employees were recruited from each of the communities affected.

Greg Hartshorn, Rio's Project Geologist for the Territory, is adamant that engaging local people is the way to go:

“Early stage exploration programs are short in duration, but our exploration runs more smoothly when we have good working relationships with the local communities. If we are lucky enough to make a discovery and move towards a mining proposal then this initial relationship and trust we have built up from day one is important for the next step.”

“For the local Aboriginal people, gaining some experience on the job is the ideal. The work brings some money into the community, but also gives the local people a better idea of how our company works.

Arafura Resources - Sample of Success



Aboriginal Field Assistants at Nolan's Bore

“With Aboriginal employment in the Territory, it is really important to provide support like transport to and from work. Everything works more smoothly if you're flexible and guide your employees closely and patiently.”

- John Goulevitch, Exploration Manager, Arafura Resources

Arafura Resources NL

(Arafura) has an agreement with the Central Land Council for an exploration program at Nolan's Bore in Central Australia.



Aboriginal field assistants were employed by Arafura, through the local Anmatjere Community Council, for a two month drilling program in 2005. The Council sourced employees and managed all the employment arrangements, including supplying work clothing, providing tax and banking details, carrying out police and health checks, and drug and alcohol testing.

For its part, Arafura carried out all on-the-job safety and induction programs, including radiation safety. The Aboriginal employees came from the Ti-Tree, Alyuen and Tilmouth Communities, and worked as field assistants involved in sample and core handling and processing.

According to John Goulevitch, Arafura's Exploration Manager, the Aboriginal employment program helped to build ties with local communities. Mr Goulevitch stresses the importance of supporting the local people before and during the work program.

Sharing the Costs - Reaping the Benefits

Working with other companies to share costs and pool resources can be a good way to achieve results. In scheduling on-country meetings and other field activities, Land Councils always attempt to share the costs between companies.

The Extractive Industry Association and Northern Land Council provide a good example of how joint benefits can be gained. The Extractive Industry Association, representing some 40 members, are negotiating with the Northern Land Council for the extraction and quarrying of materials over the greater Darwin area. Negotiations will include annual contributions toward scholarships for Aboriginal education.

The Association's members hold annual clean-up days to build a stronger community profile.

Mining Industries - Aboriginal Enterprise

With the remoteness of many operational locations, mining and exploration costs can rise. Equipment is expensive to transport and employees need to be transported and accommodated. Companies using local or regional Aboriginal businesses and labour tend to fare better in the longer term than those that do not develop these business partnerships.

The Northern Territory Industry Capability Network (NTICN) maintains a comprehensive capability register that includes Aboriginal owned and operated businesses. Companies seeking goods and services can contact the NTICN for free advice on Aboriginal and non-Aboriginal Territory based businesses.

Partnership Solution - Undurana Camel Farm and Santos



Mr Anslam Impu

The Undurana Camel Farm in Central Australia is an example of a cooperative partnership between oil and gas company Santos and the traditional Aboriginal landowners. This unique partnership is providing an innovative solution to long-term environmental and socio-economic problems.

An estimated 600,000 feral camels roam throughout the Territory, causing extensive environmental damage. While the camel population continues to grow, it has taken the vision of one local man, Anslam Impu, to turn the negative to a positive. With the support of Santos, Mr Impu has realised his dream of setting up a camel farm.

The farm, which took three years to construct, covers nearly 350 square kilometres. It includes mustering yards constructed at the local Tjuwanpa outstation resource centre, watering points and loading facilities. The camels will be farmed and sold to interstate and international markets.

Santos, which operates the nearby Mereenie oil and gas fields, agreed to partner the local people to develop the camel farm as part of an Indigenous Land Use Agreement.

There are a number of very successful Aboriginal owned and operated businesses located throughout the Territory. These businesses cover tourism, health, employment, education, catering, art, mining and construction, and other initiatives concerning pastoral or environmental projects.

For example; Kungka's Can Cook is an Aboriginal owned and operated business that supplies catering to local and remote areas of the Territory. The business caters for small and large events, including meetings, functions, ceremonies and festivals. They encourage healthy eating, can meet any special dietary needs and incorporate specialty bush-tucker foods. Meals can be prepared on-site or delivered.

CDE Capital has extensive experience and a strong personal commitment to employing and training Aboriginal people in the mining industry. Syd and Jenny Rusca developed CDE in partnership



Joe Kidd CDE Capital member and plant operator at Coyote mine site

with Yuendumu Mining. The company is now known as CDE Capital. Training and employment has covered a wide variety of projects, from open cut mining and major road developments to sub divisions, tailing dams and airstrips. Labour, equipment, mining construction and operations can be supplied. The "hands-on" approach adopted by the Ruscas has strengthened and stabilised the employment of Aboriginal people in the mining industry.

CONCLUSION



The Northern Territory can be a challenging environment for exploration and mining, but equal to those challenges are the rewards – in financial, social and cultural terms. By developing business partnerships with the Aboriginal people and getting to understand how they see the land, you give yourself a much greater chance of doing well while you are here. Before, during and after your operational

activities, the Territory Government provides assistance and guidance. The Land Councils are your link to the local communities and a potentially invaluable source of assistance and local knowledge.

Use this handbook to help speed up your venture into the Territory, and make use of the resources described in these pages.

Tips for a Workable Agreement

- Agree on the purpose and outcome of the negotiations to avoid misunderstandings.
- Include and check all the necessary details in the agreement. For example, specify the title type and number, and the original applicant's names (transfers only occur post-grant). Check that all details are correct, and avoid copying and pasting.
- Ensure all Australian and Territory legal requirements are identified, agreed and followed.
- Consider future developments, eg further titles, work program changes, implications for any transfers, joint venture agreements and farm-outs.
- Include time-frames and mechanisms to resolve delays.
- Consider the needs of other affected persons, such as other landholders and pastoralists. For example, is there road access? Will you be able to negotiate an access route, or access to water?
- Think laterally about the terms of agreements and benefits that can be offered and achieved.
- Manage and rationalise title areas, excise sensitive or non prospective areas and consider the option of combining multiple Aboriginal groups.
- Allow realistic lead-times, taking into account the time required for:
 - negotiating an agreement allowing for field seasons
 - government title and environmental approvals
 - work program clearances employing Aboriginal people (selection, training, and tax requirements).
- Keep agreements as simple as possible; for example, lodge separate applications over native title and Aboriginal freehold land.



Neil Scriven, Dorothy Close and Geoff Eupene

Tips from the Locals

Neil Scriven, Tony Hosking, John Earthrowl and Geoff Eupene are independent geologists working and living in the Territory.

Tony believes it's important for explorers to provide local on-the-job training.

John stresses the need to recognise local kinship systems and adopt flexible working arrangements like job sharing.

Geoff is a veteran in the field and says that, when working with Aboriginal people, it's important to respect the significance of Aboriginal culture.

Neil pioneered the first native title exploration agreement in the Territory and is committed to seeing Aboriginal people build equity in mining ventures.

MINING ACT			
Title Type	Nature of act	Term	Provisions / Comments
Exploration Licence (EL)	Explore for minerals, including surface sampling, drilling, digging pits and trenches.	6 years. Renewable for further 2 periods of 2 years	Section 13-37 - Must be reduced in area over time - Max 500 blocks in size - Annual rent paid in advance - Yearly reports required against approved program
Mineral Lease (ML)	The mining of minerals including the removal and treating of tailings. Minister's discretionary approval for other purposes relating to mining.	Life of mine, renewable	Section 54-81 - Must be surveyed but Minister may authorise occupation.

PETROLEUM ACT			
Title Type	Nature of act	Term	Provisions / Comments
Exploration Permit (EP)	Explore for petroleum. Including seismic surveys and drilling.	5 years Renewable for further 2 periods of 2 years	Section 16-30 - Max 200 blocks - Annual rent paid in advance - Yearly reports required against approved program
Production Licence	To recover petroleum.	Max 25 years renewable	Section 44-57 Must be a permittee or licensee Max 12 blocks

MINING MANAGEMENT ACT			
Substantial Disturbance			
<p>Substantial disturbance requires the operator to seek an Authorisation under the Mining Management Act. Examples of substantial disturbance include but are not limited to:</p> <ul style="list-style-type: none"> land clearing earthworks, excavating, trenching etc underground works: tunnels, pipelines etc, water works: dams, canals, alternation of water courses and shore lines. extraction of resources: surface, underground, etc stockpiling of materials: ore, waste materials etc exploration works: seismic lines, drilling, camp establishment etc blasting: underground or surface. <p>If an activity impacts on sensitive environments, is of a large nature and involves other major stakeholders, the Mining Management Plan may need additional assessment outside of the department.</p>			

LINKS TO GOVERNMENT ORGANISATIONS**Department of Primary Industries
Fisheries and Mines**

Minerals and Energy Titles Division:
Phone (08) 8999 5322
Web www.nt.gov.au/dpifm/Minerals_Energy

Northern Territory Geological Survey:
Phone (08) 8999 5281
Web www.minerals.nt.gov.au/ntgs

Authorisations and Compliance Division:
Phone (08) 8999 5197

Office of Indigenous Policy Coordination

Land Rights Legislation and Program Section:
Phone (08) 8936 6494
Web www.oipc.gov.au

Indigenous Coordination Centre:
Toll Free 1800 079 098
Web www.indigenous.gov.au/icc

National Native Title Tribunal

NNTT Northern Territory:
Phone (08) 8936 1600 or Toll Free 1800 640 501
Web www.nntt.gov.au

Aboriginal Areas Protection Authority

Northern Territory: Phone: (08) 8981 4700
Web www.nt.gov.au/aapa

**Department of Business, Economic and
Regional Development**

Indigenous Business and Industry Services:
Phone (08) 8999 6912
Web www.nt.gov.au/dberd

Indigenous Mining Enterprise Task Force:
Phone (08) 8999 5058
Web www.imetf.com

Department Employment Education and Training

Indigenous Education Division:
Phone (08) 8901 5612
Web www.deet.gov.au/education

**Department of Employment and
Work Place Relations**

Community Development Employment Program:
Phone (08) 8931 4344
Web www.workplace.gov.au/cdep

Bank of IDEAS: Phone (08) 6293 1848
Web www.bankofideas.com.au

Indigenous Business Australia

Northern Territory:
Phone (08) 8936 6494 or (08) 8944 5566
Web www.iba.gov.au

Indigenous Business Development Program:
Toll Free 1800 804 754

Australian Taxation Office

ATO National Aboriginal and Islander Resource
Centre: Phone 13 10 30
Web www.ato.gov.au

LINKS TO LAND COUNCILS

Northern Land Council:
Phone (08) 8920 5100
Toll Free 1800 645 299
Web www.nlc.org.au

Central Land Council:
Phone (08) 8951 6211
Web www.clc.org.au

Tiwi Land Council:
Phone (08) 8981 4898
Web www.tiwilandcouncil.net.au

Anindilyakwa Land Council:
Phone (08) 8987 6710

LINKS TO INDUSTRY

Northern Territory Minerals Council:
Phone (08) 8981 4486
Web www.ntminerals.org.au

Northern Territory Extractive Industry Association:
Phone (08) 8981 7761

Northern Territory Industry Capability Network:
Phone (08) 8922 9422
Web www.nticn.com.au

Northern Territory Chamber of Commerce:
Phone (08) 8936 3100
Web www.chambernt.com.au

**LINKS TO TRAINING/EDUCATIONAL
ORGANISATIONS**

Batchelor Institute of Indigenous Tertiary Education:
Phone (08) 8946 3814
Web www.batchelor.edu.au

Charles Darwin University:
Phone (08) 8946 6666
Web www.cdu.edu.au

Aboriginal Resource and Development Services:
Phone (08) 8987 3910
Web www.ards.com.au

BEC Indigenous Governance Improvement Program:
Phone (08) 8922 9529
Web www.becnt.com.au

Group Training NT Indigenous Remote:
Phone (08) 8980 0670
Web www.gtnt.com.au

**LINKS TO EMPLOYMENT SUPPORT/
NETWORKS**

Tangentyere Job Shop:
Phone (08) 8951 4222
Web www.tangentyere.org.au

Indigenous Construction Association:
Phone (08) 8922 9666

YNOTS: Phone (08) 08 8987 2233
Web www.ybe.com.au/ynots.htm

CDE Capital:
Phone (08) 8988 9288
Web www.centraldesertenterprises.com.au