

Negotiating with Miners

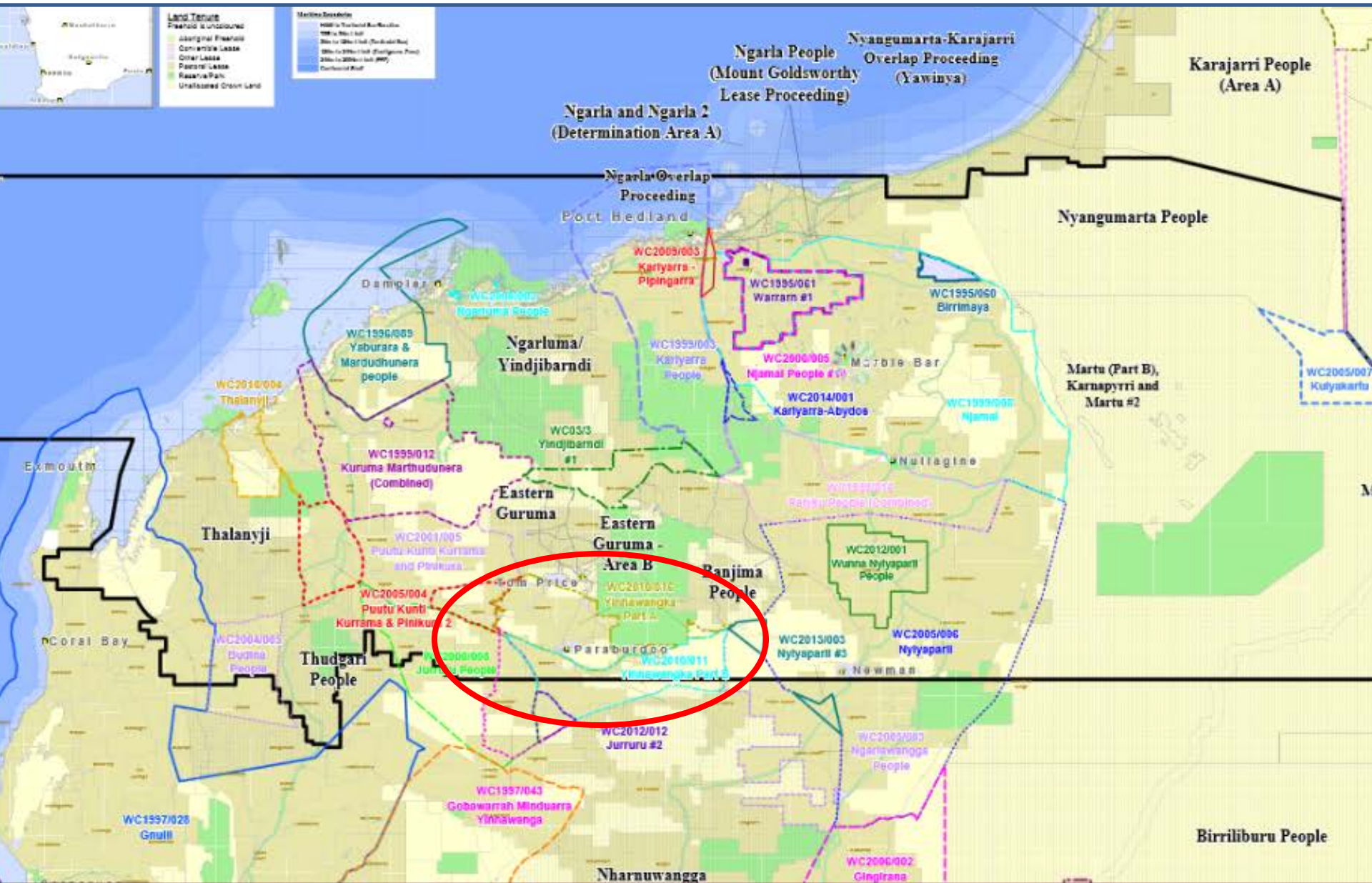
Pilbara Experiences

**Roma Butcher, Elder, negotiator and
corporation director**

&

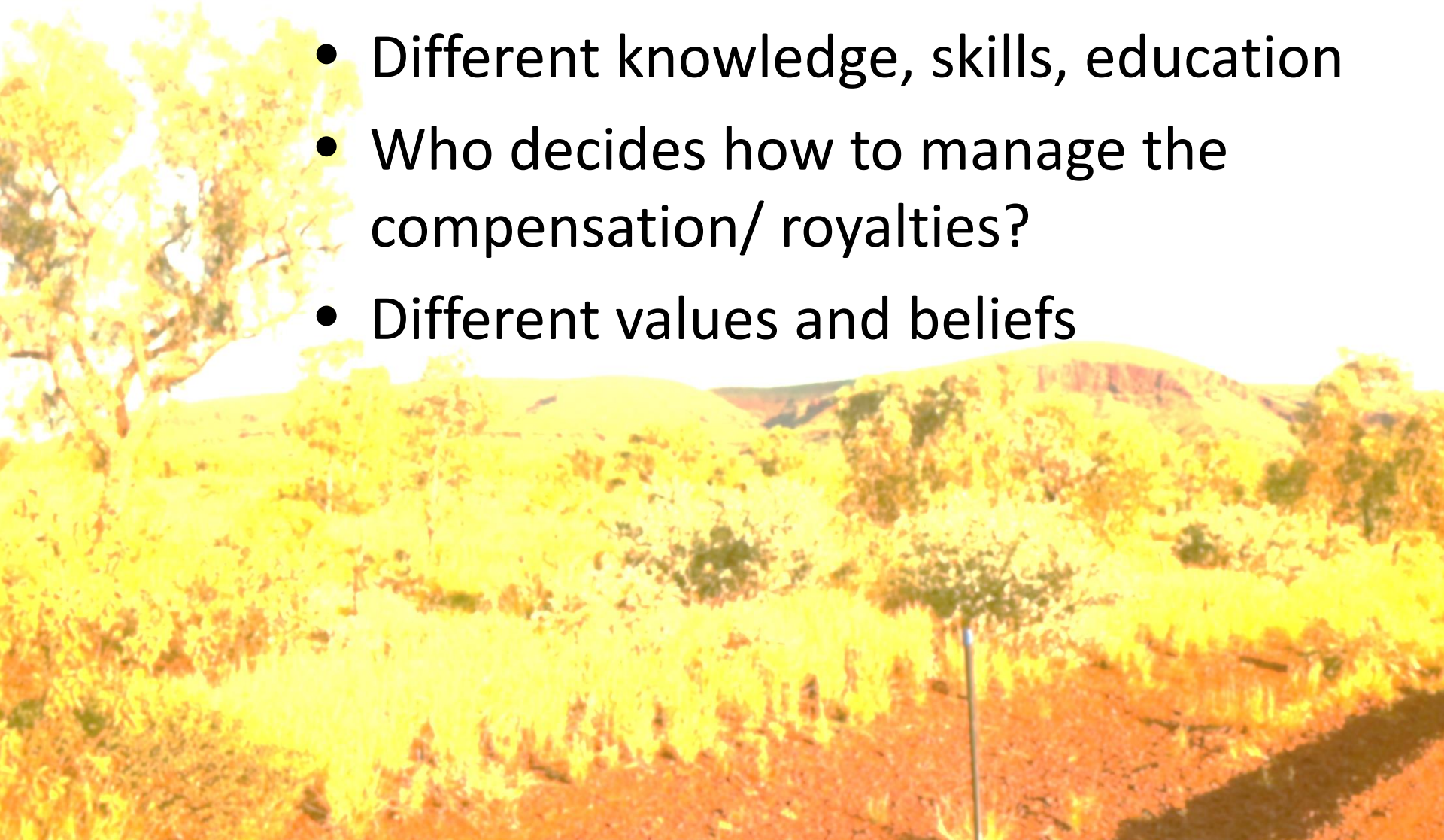
Cath McLeish, lawyer

Yinhawangka Country



What are negotiations like?

- Different knowledge, skills, education
- Who decides how to manage the compensation/ royalties?
- Different values and beliefs





Some history

- 1960s-70s
- Mabo
- Changes
- These days

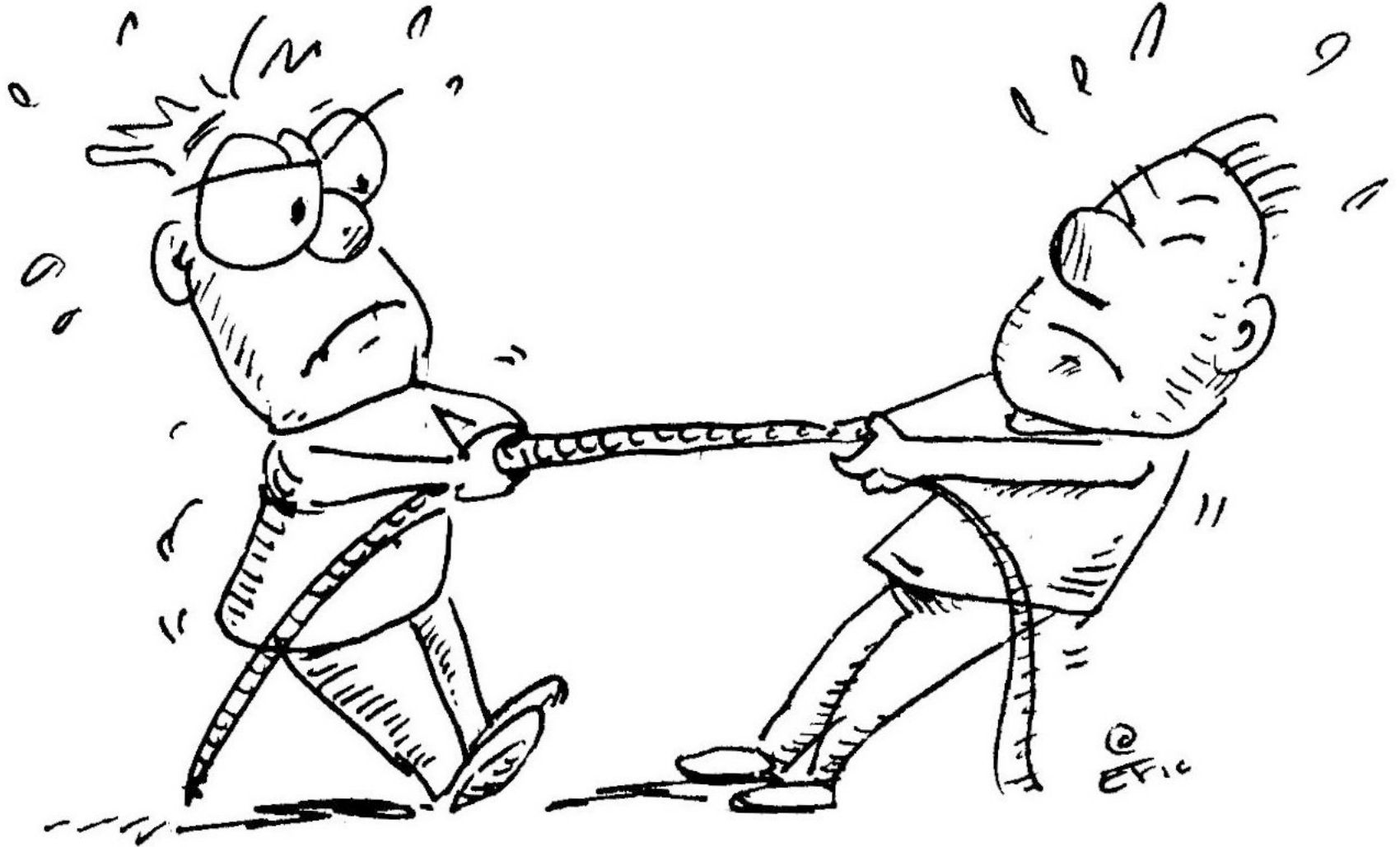


Overview

- What is our bargaining position?
- Prioritising & strengthening our position
- Trading away the country? Protecting country
- Living with mining



What is our bargaining position?



Against:

- No veto
- S.35 of the Native Title Act
- No arbitration over compensation
- Resources

For:

- Other legal rights (heritage, environment, mining approvals)
- Corporate social responsibility & public reputation
- Timely approvals for finance and the share market (the gold rush factor)
- Experience

Strengthening our position

- Knowing our own priorities
- Knowing the company's priorities
- Economic assessments
- Public information
- Effective meetings: a united front
- Careful drafting
 - Definitions eg claim group or native title holders
 - Process and funding for ongoing advice

Protecting Country

- Prioritise
- Build in exclusion zones
 - Eg rivers
 - Cultural sites
- Build in future consultation
 - Surveys
 - Consultation
 - Before government permit applications
- Build in research, recording, education
 - Ecological knowledge
 - Family visits to country
 - Cultural awareness training

Living with mining

- Employment
 - Is this an objective?
 - Audit / register
 - Dedicated liaison role
 - Targets
- Joint ventures
- Running corporations and trusts
- Implementation – an ongoing workload and cost