Reference No. 92

Summarising: O'Faircheallaigh (1995), *Mineral development agreements negotiated by Aboriginal communities in the 1990s*
Responsibility for the preparation of this research summary rests with the authors of the MCEETYA report *Education, Training and Indigenous Futures: CAEPR Policy Research 1990–2007* and not the original author(s) of the summarised material.

Title of Research:
Mineral development agreements negotiated by Aboriginal communities in the 1990s

Research Publication:
CAEPR Discussion Paper No. 85/1995

Name of Researcher(s):
C. O’Faircheallaigh

Time period:
1992–1994

Geographic location:
Northern Territory and Queensland

Methodology:
This research is based on an analysis of five resource development agreements signed between mining companies and Aboriginal communities.

Aims
This research aims to analyse the broader contexts in which mining agreements were negotiated in 1992-1994, and assess the purpose and content of those agreements.

It aims to identify some general trends in such agreements, and provide some criteria for evaluating the political and economic ramifications of such agreements.

Selected findings and insights:
Aboriginal stakeholders were, in general, in favour of mining enterprises on their land. This was largely due to the potential economic development and employment opportunities they saw in such enterprise.

- As such, employment and training opportunities were central Indigenous priorities built into a range of mining and exploration agreements. These were not, however, a priority that was met in all agreements. Some mining companies actively developed pathways to employment through training and supervisory schemes, while others refused to guarantee Indigenous employment in their operations, much less develop training programs.

Mining agreements and the benefits they delivered varied greatly. The study provides some basic criteria for evaluating such agreements:

- To what extent does the agreement reflect an effective mobilisation of whatever bargaining power is available to Aboriginal people?
- To what extent does the agreement meet community aspirations?
- To what extent does the agreement serve to establish precedents which influence the broader negotiating environment?
One of the more training oriented agreements (The Cape Flattery-Hope Vale Agreement in Qld.) addressed concerns that a high proportion of its workforce had been concentrated in mining and milling and had largely been excluded from skilled jobs in maintenance as well as from administration and management. In addition, no women had been employed at the mine. The Agreement that was reached:

- contained extensive provisions in relation to employment and training, designed in particular to extend the range of opportunities available to Indigenous people;
- contained an employment preference for members of the traditional community and introduced an affirmative action policy in regard to the provision of employment opportunities for women;
- included specific undertakings about provision of apprenticeships (two a year until a total of eight are provided, with this level to be maintained thereafter), and about college or university bursaries; and
- included undertakings to establish training programs and promotion processes designed to ensure that employees have the opportunity to attain all positions at the mining operation, including senior management positions.

However it would seem that more generally training provisions did not play a major role in agreement negotiations, especially in regard to notions of long-term sustainable development in the region and the creation of wider employment opportunities. Furthermore, there were instances where State or Territory governments accepted such responsibilities on behalf of mining interests to ensure mining development.

Educational implications:

Indigenous people clearly see mining operations on their land as a significant opportunity to open up new pathways to employment, training and community development. Agreements between Indigenous stakeholders and mining companies are integral to enshrining such principles and priorities, though this can only seemingly be guaranteed when such agreements are negotiated within a legislative framework (as is now the case). [pathways]

The research does not indicate the extent to which any education and training undertakings were being met. Nevertheless several agreements do suggest the range of training options that can be included within an agreement and which are drawn from the aspirations of the local Indigenous community.

Where State or Territory governments accept such education and training responsibilities, as has been the case in several agreements, Indigenous communities are reliant upon sometimes other ‘arms’ of that government (e.g. education departments) to implement undertakings about which they had not been directly involved during negotiations or which they did not see as priorities compared to other service delivery needs across their State or Territory. This may lead to a potential breakdown of expected education and training provision. [coordination]

Relevance:

Domain 5: Pathways to training, employment and higher education

Education and training content in native title, Indigenous land use and heritage agreements

Related papers: