



Planning vital to agreement

Native Title and You

By National Native Title Tribunal
President **GRAEME NEATE**

ON October 25 I addressed the Minerals Council of Australia's annual Sustainable Development Conference, delivering a presentation on native title and sustainable agreement-making. Sustainability in this context is an agreement that brings about lasting positive change for Indigenous communities.

Although it is widely accepted that the best way to deal with native title issues is to negotiate agreements tailored to suit the circumstances of local parties, there needs to be greater focus on what makes an agreement last in the months and years after the signatures have dried.

The durability of an agreement between exploration and mining companies and traditional owners is

likely to be enhanced when the parties are focused on achieving long-term outcomes for Indigenous people.

In 2003, the Tribunal commissioned researchers to identify key issues in the implementation of native title agreements. They found that most of the literature on effective agreement-making appeared to be more concerned with 'closing the deal' rather than what happened next.

The researchers made various suggestions for negotiating sustainable agreements. For example, negotiations should take into account factors relevant to Indigenous communities. Agreements need to consider the existing social and economic structures of Indigenous communities and the existing organisations (such as native title representative bodies and prescribed bodies corporate) that may need to be involved in the agreement.

Exploration and mining companies need to build relationships with Indigenous communities and their representatives, as these relationships may provide the framework for flexible practices that are not formally recorded in an agreement.

Another suggestion was to include

employment and training where appropriate.

Although a lot of work in the exploration and mining industry is specialised, there are indications that the industry believes it can contribute to creating a sustainable future by helping people gain skills that will give them long-term employment in the resources industry.

A key factor to the ongoing success of an agreement is an effective implementation plan.

These are just some of the suggestions that came from the research. The full report, 'Implementation and resourcing of native title and related agreements' can be found on the Tribunal website – www.nntt.gov.au.

There are many challenges to agreement-making regarding native title issues, but Indigenous people and the resources sector have demonstrated that agreements can be reached to satisfy the interests of all involved.

The National Native Title Tribunal stands ready, willing and able to assist parties so that, where possible, just and enduring agreements can be made.



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– NNTT President Graeme Neate

