

Stronger Partners Stronger Futures (Department for Energy and Mining)



South Australia has rich mineral resources. The most prospective areas in the state for minerals are located on native title land.

In 2014, the Department for Energy and Mining (DEM) became aware of practical challenges faced by native title groups and the mineral exploration industry in facilitating land access for mineral exploration.

Maximising access to those areas with the greatest mining potential is key to supporting sustainable exploration and mining operations. This needs to be done through a framework that recognises native title rights and interests, Aboriginal heritage and mineral exploration.

DEM recognised, very early, the need to engage respectfully and genuinely with native title groups as part of an approach that commits to better land access for sustainable exploration.

The approach

As a starting point, DEM convened two independently facilitated forums with the minerals exploration sector and native title lawyers to explore possible improvements to Part 9B of the *Mining Act 1971*. Both groups agreed that the system could be improved, but there were different views about what this improvement will look like.

In 2016, the Stronger Partners Stronger Futures program (SPSF) was launched. The program aims to develop an improved system for mineral exploration in South Australia that addresses the rights and interests of all parties.

The inception of this program was key in designing DEM's engagement strategy. The strategic goal was for native title groups, explorers and their representatives to work together to identify and make improvements to the operation of the Part 9B system through:

1. Developing a leading practice regulatory framework
2. Strengthening collaboration and relationships based on improving understanding, respect and early engagement
3. Developing new policy approaches to support stakeholders and improve certainty in the operation of the native title system and to promote efficient agreement making

To maintain a joined-up approach, DEM adopted a tiered consultative framework:

1. Engagement was undertaken at multiple levels and was inclusive of all sectors, including:
 - native title groups,
 - mineral exploration companies,
 - legal representatives,
 - peak representative
 - bodies for industry and native title groups,
 - Aboriginal heritage organisations,
 - Aboriginal policy advisors and
 - State and Commonwealth government agencies.

- Engagement was undertaken in person and ‘on country’, and supported by a dedicated website. Each stage of the process was documented and stakeholders were kept up to date at all times. Technical experts from DEM attended each consultation to clarify the current status of mineral exploration in the area.
- A Steering Committee, comprising representatives of government, native title groups, explorers, cultural heritage professionals and relevant peak bodies, was established to oversee, monitor the progress and provide guidance on the SPSF program.

To date, program participants include representatives from 17 native title groups, and 41 mining and/or exploration companies.

What went well?

In October 2017, DEM convened the Co-designing the Future Workshop (Workshop) in Port Augusta to discuss the common issues faced by native title groups and exploration and mining companies, when working together under Part 9B.

83 people representing 16 native title groups, the minerals sector, the National Native Title Tribunal, the South Australian Chamber of Mines and Energy, South Australian Native Title Services Ltd, and State and Commonwealth government agencies attended the Workshop. This was the largest ever meeting recorded of these parties to discuss openly issues relating to mineral exploration and native title in South Australia.

The workshop resulted in a comprehensive audit of what was and wasn't working for people involved in managing exploration. A process to progress key issues through DEM was also established.

Through this consultation, the original focus on Part 9B of the Mining Act was re-prioritised to address the gap for managing early exploration whilst considering Aboriginal heritage and native title interests.

These issues were explored in 2019 through the release of three Discussion Papers eliciting 17 submissions from explorers, native title groups, legal representatives and peak bodies.

Key challenges

‘Our challenge was to work collaboratively with each party while recognising their differences. We wanted to develop a greater understanding of each other and in doing so, explore the issues and concerns affecting them to create solutions that will work for all.’

Positive outcomes

Through genuinely engaging stakeholders and listening to their concerns, DEM was able to improve relationships between native title groups, their representatives and DEM.

Native title groups now approach DEM with questions and concerns with mining and exploration matters, and DEM attends peak body meetings more regularly.

What would we do differently?

Selecting stakeholder specific tools of engagement is key to a successful strategy. Given the scope of the program and the distribution of interested parties, a project dedicated website was selected as a tool to provide information and collect feedback.

Although participants did access the website, none engaged on line as expected. This may suggest that there was a preference to engage face to face or that people were not ready to make their comments public.

DEM addressed this issue by releasing the Discussion Papers for comment in a more targeted manner.