

PRECIOUS LAND STONES

Towards Enduring Social & Economic Frameworks for
Remote Indigenous Communities, within the Australian
Mining Industry

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Written Thesis



0.0_ABSTRACT

This research paper concerns the relationship between indigenous Australian communities and mining corporations through the formal agreements between them. The paper seeks to explore the social & economic implications of these agreements. To address the historical subjugation of indigenous group, the paper seeks to identify key factors which can lead to more enduring positive social & economic outcomes for these remote communities.

The paper investigates these key ideas by examining the Argyle Diamond Mine in the Kimberley Region of Western Australia as a central case study. Through an analysis of the physical site, along with two key associated agreements: *The Good Neighbour Agreement 1980* & the *Argyle Participation Agreement 2004*. In addition, the contextual factors which influence the creation & implementation of both agreements are examined, along with the social & economic repercussions within the community.

The conclusion drawn from this analysis points to several key considerations for future agreements. Such as legislative reform, more robust community engagement/financial frameworks and greater transparency & accountability. Whilst also revealing the complex interrelationship between the actors operating within the discourse, both economically & socially.

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1.0 INTRODUCTION

1.1 Indigenous Subjugation & Colonial Conquest

The indigenous Aboriginal peoples of Australia have occupied the mainland of the country for over 65,000 years.¹ Over this vast amount of time Aboriginal people have developed an incredibly sophisticated connection to the physical land of Australia. That is reflected in all facets of their culture, society, spirituality and survival. However, since the European colonisation of Australia in the late 18th century, Aboriginal people have been systematically and forcibly displaced from their land.² Initially in the colonial pursuit for pastoral and agricultural land and in more recent decades in the discovery of valuable resources for extraction.³ Given their connection to the land this displacement is deeply traumatic and is exacerbated further by the racial prejudice experienced by Aboriginal people historically. In recent decades there has been greater progress in acknowledging and addressing this prejudice across Australian society. However, it must be acknowledged that the plight of Australia's indigenous minority is a hugely complex issue that spans across many aspects of Australian life; be it in politics, industry or society and that 'resolving' these issues cannot solely be achieved by one sector along, including the built environment. However, this paper will choose to focus on the primary industry of mining as one prevalent sector where this conflict operates, while also exploring the potential benefits resource extraction could have for indigenous and remote communities.

¹ National Museum of Australia, "Evidence of First Peoples," October 27, 2022, <https://www.nma.gov.au/defining-moments/resources/evidence-of-first-peoples#:~:text=Aboriginal%20people%20are%20known%20to,came%20to%20be%20in%20Australia.>

² Muswellbrook Shire Council, "History: Colonisation 1788-1890," Working With Indigenous Australians, June, 2020, http://www.workingwithindigenousaustralians.info/content/History_3_Colonisation.html.

³ National Museum of Australia, "Kings and the Expansion of the Pastoral Frontier," Accessed October 30, 2023. <https://www.nma.gov.au/explore/features/aboriginal-breastplates/pastoral-expansion>.

⁴ International Monetary Fund, "World Economic Outlook Database," April 2023. <https://www.imf.org/en/Publications/WEO/weo-database/2023/April/weo-report?c=512,914,612,171,614,311,213,911,314,193,122,912,313,419,513,316,913,124,339,638,514,218,963,616,223,516,918,748,618,624,522,622,156,626,628,228,924,233,632,636,634,238,662,960,42>.



Figure 01: By Author, *Timeline of Key Indigenous Legislation*, Timeline, 2023.

1.2 The History of Resource Extraction in Australia

The primary industry of mining has been a prominent part of Australia's colonial history, playing a major role in the country's transition from distant penal colony to one of the world's largest economies.⁴ The discovery of rare minerals and resource deposits such as gold in the mid-19th century, not only brought wealth but also population growth and immigration to Australia.⁵ In the early 2000s renewed commodity demand in the Asia-Pacific region driven mostly by China's rapidly growing economy and industry, created an unprecedented demand for raw commodities such as iron-ore for steel production. As one of the country's major trading partners in the Asia-Pacific

⁵ Wikipedia Contributors, "Mining in Australia," Wikipedia, Accessed September 13, 2023. https://en.wikipedia.org/w/index.php?title=Mining_in_Australia&oldid=1175191980.

region, this sparked the current mining boom in Australia.⁶ Contributing greatly to the country's continued economic growth. However, as China's economy has begun to shift away from resource-intensive manufacturing, demand has slowed resulting in a fall in commodity prices and consequently mining profits.⁷ In addition to these economic shifts, mining companies are also facing new problems with the extraction of the minerals themselves, as mining sites begin to mature and older sites begin to close due to economic unviability. In addition, as the industry moves towards almost half a century of operation. The impact the sector is having not only spatially, but also on remote communities and indigenous people is become more prevalent and more dire.⁸



Figure 02: China vs Australia Annual GDP Growth % Edited. World Bank, *Annual GDP Growth*, Data Graph, Our World in Data, 2023.

1.3 The Implications of Resource Extraction on Remote Indigenous Communities

Australia is a vast and mostly unpopulated country, despite being the world's sixth largest by land area⁹ and roughly equivalent in size to the contiguous United States, it contains over ten times less population (306 million verses 26 million).¹⁰ The state of Western Australia (the epicentre of Australian mining) alone is the world's second largest country subdivision with a land area of approximately 2.6 million square kilometres¹¹. It is due to this sheer size and sparsity that historically and up to the present-day remote communities have struggled with serious service and infrastructure scarcities. Although resource extraction has brought great mutual benefit to Australia through increased wealth, the physical sites of this extraction are often situated in remote areas far outside urban centres and deep within the country's interior. Due to the sparsity of resources, infrastructure and population, these areas feel the greatest effects from these industries, whether they be positive or negative. Australia's 26 million inhabitants¹² are concentrated around a few major coastal cities. With a minority Aboriginal population representing only 3.7%¹³ of this total. However, due to a variety of systemic and voluntary factors the majority of this indigenous population

⁶ Groundhog, "Top 4 Challenges Facing the Mining Industry," Accessed 10 September 10, 2023. <https://groundhogapps.com/top-4-challenges-facing-the-mining-industry/>.

⁷ Groundhog, "Top 4 Challenges Facing the Mining Industry."

⁸ Dan Hatch, "What's the impact of mining on Indigenous communities," MPI, May 19, 2021, <https://www.mpirecruitment.au/news/whats-the-impact-of-mining-on-indigenous-communities>.

⁹ Geoscience Australia, "Australia's size compared," October 4, 2023, <https://www.ga.gov.au/scientific-topics/national-location-information/dimensions/australias-size-compared#:~:text=Australia%20is%20the%20planet's%20sixth,is%20the%20world's%20largest%20island.>

¹⁰ World Population Review, "Lower 48 States," Accessed October 17, 2023, <https://worldpopulationreview.com/state-rankings/lower-48-states>.

¹¹ Geoffrey Migiro, "The World's Largest Country Subdivisions," World Atlas, October 15, 2019, <https://www.worldatlas.com/articles/the-world-s-largest-country-subdivisions.html>.

¹² Australian Bureau of Statistics, "National, state and territory population," June 15, 2023, <https://www.abs.gov.au/statistics/people/population/national-state-and-territory-population/dec-2022#cite-window1>.

¹³ Australian Bureau of Statistics, "Estimates of Aboriginal and Torres Strait Islander Australians," June 30, 2023, <https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/estimates-aboriginal-and-torres-strait-islander-australians/30-june-2021#cite-window1>.

¹⁴ Australian Bureau of Statistics, "Estimates of Aboriginal."

¹⁵ Peter H. Rogers, *The Industrialists and the Aborigines: A Study of Aboriginal Employment in the Australian Mining Industry* (Sydney: Angus and Rovertson, 1973), xiv.

reside in the country's most remote areas, and it is here in places such as the Kimberley Region of WA.¹⁴ Where they frequently outnumber white Australians in areas of mining development¹⁵ and it is these communities which must contend with the spatial, social and financial effects of the mining industry directly.

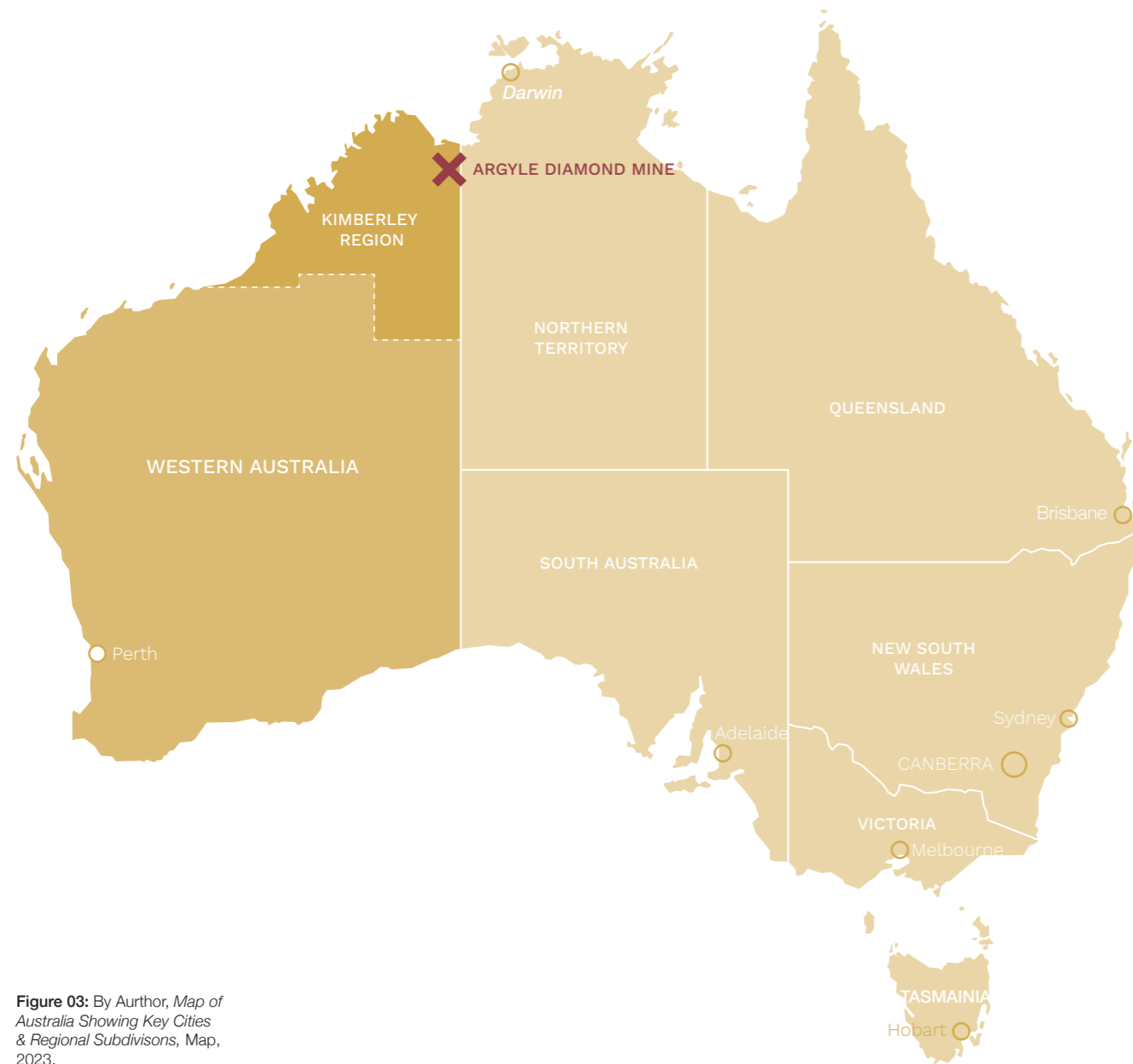


Figure 03: By Aurthor, *Map of Australia Showing Key Cities & Regional Subdivisons*, Map, 2023.

1.4 Economic Frameworks For Sustaining Remote Indigenous Communities

In Australia mining companies in return for the right to conduct their operations, pay government levies, leasing tax and sometimes also royalties

to Aboriginal communities. These taxes and royalties are often linked to a percentage of profits and/or the market value of the commodity in question.¹⁶ However, with market and operational factors reducing profits, this will likely result in less government funding to support effected communities and lessen the financial capital that can be leveraged from mining companies by communities. To put it briefly; at the same time resource extraction continues, the financial means for which communities can utilise to combat the social and economic effects of mining will only continue to diminish. Highlighting the increasing urgency of developing effective capital investment frameworks. In the context of this paper and its core topic of mining, 'economic frameworks' refer to agreements between government authorities, mining companies and communities for the remediation of physical, financial and social effects caused by resource extraction. These agreements play a vital role in both sustaining these communities during the extraction phase, but also securing their future longevity post extraction.

¹⁶ Rogers, *The Industrialists and the Aborigines*, 20-21.

2.0_RESEARCH QUESTION

2.1 Research Question

What are the key factors of resource extraction agreements with remote indigenous communities that lead to positive and enduring economic and social outcomes in an Australian context.

2.2 Research Delimitation

In order to contain the scope of this paper, I have chosen to focus on the adjacent settlement to the mine site as the intensity of investment is generally higher and as a consequence the economic outcomes and effects are more identifiable and pronounced.

3.0_PAPER STRUCTURE & EMPIRICS

3.1 Paper Structure

To address my research question this paper will use a case-study-based analysis. The primary case study being the Argyle Diamond Mine (ADM), 1985-2020 in the East Kimberley region of WA and its two corresponding community agreements: *The Good Neighbour Agreement 1980 (GNA)* and the *Argyle Participation Agreement 2004 (APA)*. The selection of this site, which includes the nearest town of Kununurra has been made for a series of reasons. Firstly, these agreements sit at either extreme of the spectrum from controversial to best practice when it comes to successful social and economic support frameworks for remote indigenous communities. Secondly, as this mine has stopped operation in recent years this case study presents the entire extraction timeline, that of pre-extraction, during extraction and post-extraction. Thirdly, these agreements and their effects function across multiple scales (national, regions and local) and deal with both the social and economic infrastructures of remote indigenous communities. These agreement frameworks will be judged not only on the contextual factors which influenced their establishment, but more importantly on their successful implementation (or otherwise).

3.2 Empirics

The empirics I will be using to investigate the topic will comprise a combination of primary and secondary sources. In terms of primary resources, I will be relying on statistical data to provide objective analysis of economic trends and demographic indicators. In addition, I will also be using the first-hand accounts from Adam Shears, a WA Mine Surveyor who has been working in the industry for approximately 4 years. Adam who is currently working as a contractor at the St Ives Gold Mine in Kambalda, WA. Will help to provide diversity and dimension in relation to the experiential aspect of working within the industries and the overarching trends he has observed, as he is not directly linked the ADM or the specific community Kununurra. Regarding secondary sources, I will use a collection of anthologies, reports and books, which discuss and analyse the topic of resource extraction in its relation to remote indigenous communities. Along with the social and economic infrastructures that have been developed to manage the relationship between the two. These texts which have been written by renowned indigenous and non-indigenous academics/activists, who are deeply familiar with this topic area.

4.0_ANALYSIS

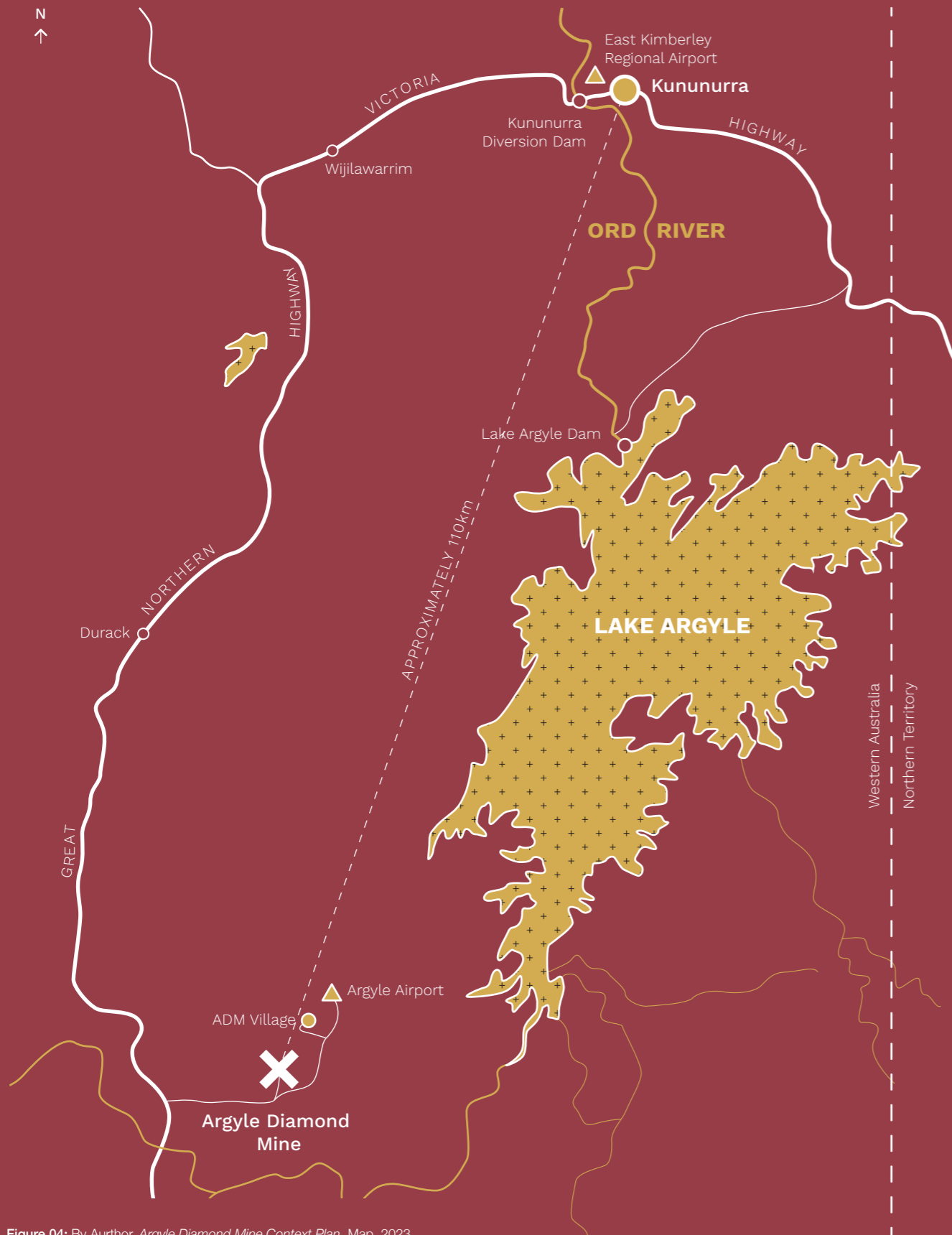


Figure 04: By Aurther, Argyle Diamond Mine Context Plan, Map, 2023

4.1 Economic Effects & Outcomes on Remote Communities: Kununurra, Western Australia

When attempting to developed sustainable economic frameworks for mining adjacent communities one must first understand the micro-economic consequences resource extraction operations can have on these communities, to combat their effects. To this end this paper will be using the town of Kununurra, approximately 110km north of the ADM to identify these effects and outcomes. Kununurra which is located in the eastern portion of the Kimberley region 45km from the Northern Territory (NT) board, has a population of approximately 4,500 residences.¹⁷ Located in Australia's north, well within the Tropic of Capricorn the region is classified as a semi-arid climate, with a distinct yet erratic wet and dry season.¹⁸ It is these climatic conditions that eventually lead to the town's establishment in 1961. Upon the speculation that agriculture could be established to create a 'food basket' for the region.¹⁹ In 1958 the Ord River Irrigation Scheme began in earnest, with the first stage diversion dam being completed in 1963, with the town itself being official established in 1961 as the main site for housing workers on the project. By 1968, the main dam was completed forming the nearby Lake Argyle.²⁰ However, due to a number of larger climatic phenomenon, the region is far less suited to agriculture compared to other locations around the world at a similar latitude.²¹ Agricultural success was mixed, due to a variety of factors, least of all the town's remoteness which increased transport cost and made it more difficult to compete with other markets.²² It is not until the late 1970s when diamonds are discovered in an area referred to by local indigenous people as Barramundi Gap, approximately 110km south of Kununurra does mining enter the picture.²³



¹⁷ Australian Bureau of Statistics, "Kununurra: 2021 Census All Persons QuickStats," Accessed October 26, 2023, <https://www.abs.gov.au/census/find-census-data/quickstats/2021/UCL515020>.

¹⁸ Wikipedia Contributors, "Kununurra, Western Australia," Accessed October 30, 2023, [https://en.wikipedia.org/wiki/Kununurra,_Western_Australia#:~:text=especially%20estrilid%20finches.-,Climate,tropical%20savanna%20climate%20\(Aw\)](https://en.wikipedia.org/wiki/Kununurra,_Western_Australia#:~:text=especially%20estrilid%20finches.-,Climate,tropical%20savanna%20climate%20(Aw).).

¹⁹ Aussie Towns, "Kununurra, WA: Eastern Entrance to the Kimberley Region," Accessed October 30, <https://www.aussietowns.com.au/town/kununurra-wa>.

²⁰ Aussie Towns, "Kununurra, WA."

²¹ Real Life Lore, "Why 95% of Australia is Empty," June 4, 2022, Educational Video, 00:30:46, https://www.youtube.com/watch?v=TnB_8Zm9IPk&ab_channel=RealLifeLore.

²² Asianometry, "Australia's Water Project Failure: An Economic Breakdown," October 8, 2021, Educational Video, 00:13:22, https://www.youtube.com/watch?v=mjij38rc2DI&ab_channel=Asianometry.

²³ Ritchie Howitt and John Douglas, *Aborigines & Mining Companies in Northern Australia* (Chippendale: Alternative Publishing Cooperative, 1983), 47.

Figure 05: Site Plan of Kununurra ca. 1992, note the nature course of the Ord River prior to the construction of the diversion dam.

State Records Office of WA, Item 0990 - Kununurra Sheet 2 [Tally No. 504593], Scanned Map, 2015.

²⁴ Rio Tinto, *Sustainable Development Report: Argyle Diamonds 2015*. Perth: Argyle Diamonds Ltd, 2015

²⁵ Marcia Langton and Odette Mazel, *The Resource Curse Compared: Australian Aboriginal Participation in the Resource Extraction Industry and Distribution of Impacts* (Abingdon: Routledge, 2012), 33.

²⁶ Langton and Mazel, *The Resource Curse Compared*, 33.

²⁷ Richard M. Auty, *Sustaining Development in Mineral Economies: The Resource Curse Thesis* (London; New York: Routledge, 1993), 258.

²⁸ Langton and Mazel, *The Resource Curse Compared*, 24-25.

²⁹ Langton and Mazel, *The Resource Curse Compared*, 25.

³⁰ Australian Bureau of Statistics, "Kununurra: 2011 Census All persons QuickStats," Accessed October 27, 2023, <https://www.abs.gov.au/census/find-census-data/quickstats/2011/UCL515019>.

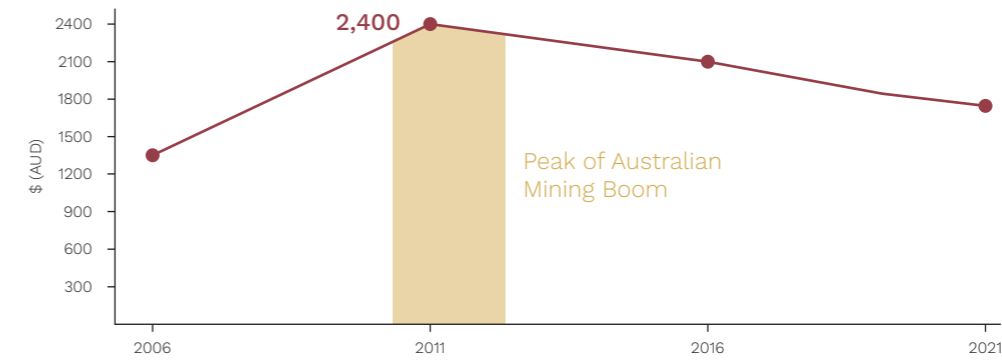
³¹ Australian Bureau of Statistics, "Kununurra: 2021 Census All Persons."

In a 2015 Rio Tinto (the owner of the ADM) report, the company describes the consolidation of two staff accommodation sites, directly adjacent to the mine into the one Argyle Village site.²⁴ Boasting dining, gym, sport and cinema facilities. In addition, the mine site is somewhat self-sufficient in terms of infrastructure, with its own airport. However, it still relied on Kununurra for more substantial infrastructure such as hospital care. On the contrary the financial reliance of the town and as an extension the surrounding community on the mine can be seen as far more substantial. This tendency during the operational phase of mines for communities to become highly dependent on royalties from mining leases is a prevalent phenomenon across the country. This however places these communities in a very financially vulnerable position.²⁵ An issue that has been identified by the Minerals Council of Australia (MCA) and its members, who have expressed their concern about this emerging trend. Particularly, in the post extraction phase of mining, where local and regional economies due to a lack of diversification face severe financial impacts.²⁶ It has also been suggested by Professor Richard Auty that the:

*Sustainable development of mineral economies lies in successful diversification into competitive non-mining tradeables. The mineral sector should not be regarded as the backbone of the economy; instead, it should be viewed as a bonus with which to accelerate economic growth and healthy structural change.*²⁷

However, this economic diversification can be difficult to achieve in remote communities and is actually made more challenging due to the presence of mining operations. This phenomenon is sometimes referred to as 'the resource curse', as the indigenous Australian activist and academic Marcia Langton describes; that commodity booms tend to make the export of other good aside from mineral less competitive, due to inflated currency exchange rates impacting other non-mining industries.²⁸ This economic distortion can also lead to localised inflation. Increasing the cost-of-living and housing prices, due to the inundation of highly paid labour.²⁹ This phenomenon can also be clearly observed in Kununurra. In the 2011 Australian Census, the town's population peaked at almost 4,600 people, which also coincides with the height of Australia's mining boom in the early 2010s. At this peak the median monthly mortgage repayment was \$2400AUD, which was 20% and 25% higher than the state and national average respectively.³⁰ In the most recent 2021 census the year following the ADM's closure this figure has dropped to \$1,738AUD, which sits below both the state and national average (\$1,842AUD & \$1,863AUD respectively).³¹ This data clearly illustrates the localised inflation that occurred in Kununurra during the ADM's peak operational years. Kununurra is somewhat of a unique case amongst the typology of 'mining settlements' as it had an established non-extraction industry prior to mining operations commencing. However, this makes it ideal for exploring and identifying the effect that mining has on other supporting sectors such as agriculture, an industry already struggling with

its own internal issues as described previously. In 2001, census data shows that approximately 248 people were employed in the agriculture & forestry industry within the town.³² By 2011, this number had almost halved to 140 people³³ and remains at near-identical levels in the most recent 2021 census ten years later.³⁴



³² Australian Bureau of Statistics, "Kununurra: 2001 Census All persons QuickStats," Accessed October 27, 2023, <https://www.abs.gov.au/census/find-census-data/quickstats/2001/UCL514200>.

³³ Australian Bureau of Statistics, "Kununurra: 2011 Census All Persons."

³⁴ Australian Bureau of Statistics, "Kununurra: 2021 Census All Persons."

³⁵ Asianometry, "Australia's Water Project Failure," 00:05:21.

Figure 05: Graph showing median monthly mortgage repayments.

By Author, Data Graph, Source: Australian Bureau of Statistics, 2006, 2011, 2016, 2021.

Hence, a correlation can be drawn between the performance of the two industries – as mining boomed, agriculture declined, and its continued growth remains stunted. There are likely numerous reasons for this, but one might argue that labour force demands for expanding and developing agricultural operations in the town was a key factor. With potential new labour in the sector demanding higher salaries to meet inflated cost-of-living-prices caused by the influx of mine workers. In turn farmer operators would likely not have the financial means to meet these increasing salary demands, due to their own stagnating profit margins as a result of their own high operational costs.³⁵ It can be identified in this example the economic effects and outcomes that the mining industry manifests in these remote mining-adjacent communities such as Kununurra. As it created very specific

Figure 06 (below): Ord River agriculture production.

Farmlandgrab.org, *Original_Ord*, Aerial Image, November 10, 2017, <https://www.farmlandgrab.org/27646>.



Figure 07 (below): Satellite image of the Argyle Diamond Mine.

Nearmap. "Satellite Image of East Kimberley Region, WA," accessed October 31, 2023, <https://apps.nearmap.com/maps/#/@-16.7135225,128.3946951,14.42z,0d/V>.

Figure 08 (opposite):

Photograph showing the scale of the ADM. Note the large mine trucks at the bottom of the pit for scale.

Laurel MacDonald, *Argyle Diamond Mine*, Photograph, Flickr, October 7, 2011, <https://www.flickr.com/photos/laurelmacdonald/6219632352/in/photolist-atBf1y-2jvaKXR-2FKyFV-h7eF59-XQyDcf-5Qk7Eb-XTiVfD-XTiV4r-oNDS77-8oTquQ-XTiURT-6YwUud-XTiWDF-Y6EsK4-9PFDHh-WSaaEK-Y6Eshv-fw3iFy-bVsjTC-WSa8wB-WSaakX-4wk2R9-4UDddW-Y6Et6e->



2kjTAff-2kXd3nn-6pAsEh-4ZAUno-2kXJSJU-9uYQaL-fLr4T3-79Eg1R-gY7q3B-5CxnDm-3aivfm-8qnVLR-tsvqUw-fSW9sz-2j6BSyD-YkiRQ-2kXd4m6-2j6BSRN-2j6zip3-9WzFh2-3bWUf-h7euS4-8m9jxT-bDZAAI-YkiTs-oKjic4.

economic circumstances for the town. But it also effected other industries, which might otherwise have been more well positioned to support and sustain the community in post-extraction, if not for the economic distortion caused during extraction.

4.2 Economic Frameworks for Supporting Remote Indigenous Communities

Economic frameworks between mining companies and indigenous communities play a vital role in sustaining communities both during extraction, but also in securing their future longevity post extraction. The following sections will focus on analysing the contextual influences, structure and outcomes of the two key case study agreements that relate to the ADM, those being: *The Good Neighbour Agreement, 1980 (GNA)* & *The Argyle Participation Agreement, 2004 (APA)*. Through this analysis the intention is to uncover the key factors that lead to these agreement's success and/or failure, to help better inform future agreements.

4.3 The Argyle Diamond Mine, 1985 – 2020 (ADM)

In late 1979 the mining company Conzine Riotinto Australia Pty Ltd (CRA) first discovered commercially viable quantities of diamonds in the East Kimberley, in an area known to local indigenous people as Barramundi Gap.³⁶ The ADM,

which would eventually be established on the site, would not only become the world's largest diamond mine, but would also supply over 90% of the world's rare red, pink and blue diamonds.³⁷ In the early stages of exploration promises were made by CRA to consult local indigenous landowners. However, only a few informal meetings were set-up and all eventual requests from Aboriginal communities to cease excavation were ignored by the company.³⁸ CRA was ultimately granted permission to destroy three sacred areas including Barramundi Gap to establish the mine site. They achieved this by applying for a section 18 exemption through the *WA Aboriginal Heritage Act 1972*.³⁹ This clause allows companies to appeal directly to the Minister of Mines for an exemption to damage sacred indigenous sites. Under this process traditional owners do not have the right to appeal against any decisions made, and ironically it is only the applicant i.e., the mining company themselves who reserve the right to appeal.⁴⁰ However, through the determination of traditional owners an economic agreement was eventually signed to provide some form of reparation to effected communities. It is clear however that the state government through the Section 18 process ultimately held the power to block the development of the mine and the destruction of the sacred sites, had there been stronger leadership and conviction to do so. In addition to this CRA assumed a bias role of authority in the situation, from which they could exploit and dictate favourable agreement terms for themselves.



³⁶ Howitt and Douglas, *Aborigines & Mining Companies in Northern Australia*, 47.

³⁷ "Supply of Pink Diamonds: Introducing the Argyle Mine," Australian Diamond Portfolio, accessed October 30, 2023, <https://www.diamondportfolio.com.au/investor-centre/market-information/pink-diamonds-from-the-argyle-mine/>.

³⁸ Howitt and Douglas, *Aborigines & Mining Companies in Northern Australia*, 47-48.

³⁹ Kim Elizabeth Doohan, "Making Things Come Good: Aborigines and Miners at Argyle," PhD Thesis (Macquarie University, 2006)

⁴⁰ ABC News, "Rio Tinto Continued to Lay Explosives at Juukan Gorge After Concerns Raised | 7.30," October 2, 2020, 00:06:25, https://www.youtube.com/watch?v=sp-kYR4EqSPo&t=307s&ab_channel=ABCNews%28Australia%29.

⁴¹ Kim Doohan, Marcia Langton and Odette Mazel, *From Paternalism to Partnership: The Good Neighbour Agreement and the Argyle Diamond Mine Indigenous Land Use Agreement in Western Australia* (Abington: Routledge, 2012), 234.

⁴² Doohan, Langton and Mazel, *From Paternalism to Partnership*, 234-235.

⁴³ Doohan, Langton and Mazel, *From Paternalism to Partnership*, 234.

⁴⁴ Doohan, Langton and Mazel, *From Paternalism to Partnership*, 234.

⁴⁵ Doohan, Langton and Mazel, *From Paternalism to Partnership*, 234.

⁴⁶ Doohan, "Making Things Come Good."

⁴⁷ Doohan, Langton and Mazel, *From Paternalism to Partnership*, 237.

⁴⁸ Doohan, Langton and Mazel, *From Paternalism to Partnership*, 237.

4.4 The Good Neighbour Agreement, 1980 (GNA)

The GNA signed on the 26th July 1980 in Perth by four Indigenous representatives, the managing director of the ADM and the WA, Minister for Mines.⁴¹ The agreement which was largely motivated by CRA's own self-interest in being perceived as a 'good corporate citizen', was concluded behind closed doors with the details of the agreement not being made public, legal representation not properly established and the involvement of any independent third-party not included.⁴² However, later statements revealed the terms of the agreement between the indigenous signatories and the CRA, included the acceptance of mining activities within the leased area.⁴³ In return the ADM agreed to an initial lump sum payment of \$200,000AUD, with additional yearly contributions of \$100,000AUD to some select local indigenous communities for the life of the mine.⁴⁴ However, to put things into perspective in the neighbouring state of the NT, their Aboriginal land rights laws in comparison accords far more substantial negotiation rights to traditional owner in return for land access, resulting in considerably higher financial compensation for indigenous communities.⁴⁵ Due to the insignificant financial contribution, the GNA was perceived as an insincere attempt at formulating an effective cross-cultural discourse with local indigenous communities, and rather it was seen as merely an instrument for securing general social and cultural approval for the mine's continued operation. By offering a perception of economic independence and surface level community development.⁴⁶ As Langton describes; these agreements often offer utterly insufficient funding in acts of paternalism to placate Aboriginal interests.⁴¹ With the goal of compromising the ability of local Aboriginal communities to source recurrent capital and funding from other government agencies, thus negating ongoing community development and attempts towards self-determination and economic independence.⁴⁷ Furthermore, these agreements often precluded any Aboriginal decision making or control and were explicit in absolving companies from any legally binding obligations to local communities.⁴⁸ The example of the ADMs *GNA 1980* illustrates how the absence of robust legal frameworks and strong government leadership. In the fact that there is a loophole in the *WA Aboriginal Heritage Act 1972* and that the government did not block the application when given the chance. Paved the way for the ADM to assume local authority and exert control over indigenous communities through financial leverage and dependency, enabling them to extort land access agreements for resource extraction from these communities.

4.5 The Argyle Participation Agreement, 2004 (APA) – Argyle Diamond Mine ILUA

In 1998 a new General Manger was appointed by ADM by the name of Brendan Hammond. Hammond was initially brief to explore the possibility of extending the mine's operational life, through the transition to underground mining verses the existing open cut method. Hammond also instigated a

major review of the mine's operation, including its relationship with local indigenous communities.⁴⁹ As Ted Hall a local Miriuwung man who was involved extensively in the dialogue with ADM in the late 90s recounts:

*He (Brendan) seen that Aboriginal people (and) traditional owners, living in 3rd world conditions in their own country...He might of woke up one night and said what am I going to leave behind, we're getting all these riches out of this country, but what exactly are we leaving behind for the people.*⁵⁰

To begin the long and difficult process of not only developing and implementing a new agreement but also regaining the trust and faith of alienated indigenous communities. ADM initiated several key actions, firstly it sought independent anthropological advice on proper engagement strategies with indigenous communities. One major component of which was the principle of informed consent of traditional owners and the establishment of clear protocols and frameworks within the engagement process.⁵¹ Secondly, ADM commissioned a report in preparation for the development of the APA, regarding the social and demographic issues facing the communities in the Eastern Kimberley.⁵² In an interview with Carol Anne Martin (Member of Parliament for the Kimberley, 2001-2013) she describes the findings of the report:

*(It) showed that Aboriginal people lived in abject poverty. Whereas on one hand you had obscene opulence at the mine. People on hundreds of thousands of dollars a year income and at the other end of it twenty thousand dollars a year income.*⁵⁴

Thirdly, ADM voluntarily and with no legal obligation to do so engaged the Kimberley Land Council (KLC) for guidance and support in developing a process for negotiate with all local surrounding indigenous communities, a step it failed to take in the prior GNA.⁵⁵ The mine was also extremely transparent with the KLC; opening up their financial books to discussion how much the mine was earning, and in turn how much it could afford to give tradition owners.⁵⁶ With this strong new leadership, which held the conviction to make sincere and meaningful progress towards a new relationship with local indigenous communities. ADM had clearly learned from the shortcomings of the GNA through their transparency, informed indigenous representation and the inclusion of independent third parties. Whilst making a sincere effort to empower and listening to traditional owners, which opened the door for meaningful change in a new agreement.

In 2004 after three years of negotiation the Argyle Diamond Mine ILUA (also known as the Argyle Participation Agreement - APA) was registered in accordance with the *NTA 1993*.⁵⁷ The agreement which was over 360 pages in length outlined several objectives, most interesting of which was the allocation of a portion of mine profits into trust funds. 80% of this allocation

⁴⁹ Doohan, Langton and Mazel, *From Paternalism to Partnership*, 237.

⁵⁰ Chloe Cassidy and Leah Purcell, director. *Diamonds in the Rough*, CTV Productions, Network Ten (Australia), EnhanceTV, 2008, 46mins, https://search.lib.latrobe.edu.au/primo-ex-lore/fulldisplay?docid=Al-malu21200635410002146&context=L&vid=LATROBE&lang=en_US&tab=default_tab.

⁵¹ Cassidy and Purcell 2008, 00:15:13.

⁵² Doohan, "Making Things Come Good," 258.

⁵³ Cassidy and Purcell 2008, 00:16:37.

⁵⁴ Cassidy and Purcell 2008, 00:17:03.

⁵⁵ Doohan, Langton and Mazel, *From Paternalism to Partnership*, 240.

⁵⁶ Cassidy and Purcell 2008, 00:18:30.

⁵⁷ Doohan, Langton and Mazel, *From Paternalism to Partnership*, 242.

⁵⁸ Doohan, Langton and Mazel, *From Paternalism to Partnership*, 243.

⁵⁹ Rio Tinto, *Sustainable Development Report, Argyle Diamonds: Innovation Brings Rewards*. Online: Argyle Diamonds Ltd, 2007.

⁶⁰ Doohan, Langton and Mazel, *From Paternalism to Partnership*, 244.

⁶¹ Doohan, Langton and Mazel, *From Paternalism to Partnership*, 246.

⁶² Michael West and Suzanne Smith, "Diamonds are Not Forever: Indigenous Communities Grapple With End of the Mining Boom," ABC News, June 27, 2017, <https://www.abc.net.au/news/2017-06-28/indigenous-communities-end-of-mining-boom/8657418>.

⁶³ West and Smith, "Diamonds Are Not Forever."

⁶⁴ West and Smith, "Diamonds Are Not Forever."

⁶⁵ West and Smith, "Diamonds Are Not Forever."

would go into charitable trust to be invested into community development for future generations in the broader East Kimberley region. With the stipulation that this money could not be used until after the mine's closure.⁵⁸ The other 20% paid annually went into the Gelganyem Discretionary Trust, which has the specific role of distributing profits between the seven groups of traditional owner groups within the mine area and had a similar goal of improving health and education standards, along with business development.⁵⁹ As Langton describes:

... (The trust is) structured so that there is potential for the local Aboriginal people to participate in the regional economy through enterprise development, rather than mere accumulation and distribution of payments as is the standard with previous agreements.⁶⁰

Since its implementation the APA has been praised as setting a new standard in formalising relationships between resource companies and local indigenous groups in Australia under the terms of the *NTA 1993*.⁶¹

4.6 The Post-Extraction Legacy in the East Kimberley

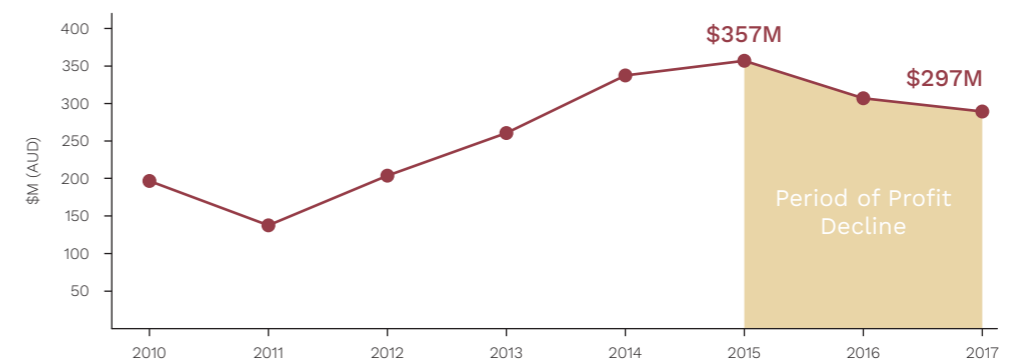
During the operational phase of resource extraction – a time of great economic upturn. It often becomes difficult to discern whether these agreements which have been so carefully put into place, will in fact provide the enduring benefit and support that they set out to deliver. Perhaps the great test for these economic frameworks is their ability to support remote communities in their post-extraction self-sustainability. In 2020 reaching the end of its economic viability the ADM was closed. In an article by Michael West & Suzanne Smith for ABC News, they describe that in the years leading up to the mine's closure local indigenous community groups were already expressing concerns of a very bleak outlook following the closure.⁶² Despite the success of the *APA 2004* and the millions of dollars of royalties that flowed into the various indigenous trust agreements. Poverty, education and social issues are still prevalent within the East Kimberley region.⁶³ Ted Hall, who helped broker the original APA, admits that the revenue leveraged from the mine has caused much infighting and disputes amongst indigenous community groups.⁶⁴ He also revealed that much of the wealth from the mine has been dwindled away on personal spending, speak to the greed that the wealth created within the community. Hall also explains that "Because it's a democratic system now: majority vote gets you into the council. We've had family members basically cutting each other off at the knee...to control the council, to control the community, to control the wealth."⁶⁵

West & Smith in their report highlight two major factors which have led to the dwindling trust revenue. The first being the declining profits of the mine, particularly the high cost involved with decommissioning the mine site. The other is the mismanagement of the funds and the devolving standard of

reporting.⁶⁶ They go further to explain that "where once there was ample spending on community projects, disclosed in detail, there is now almost none, and poor disclosure."⁶⁷ Furthermore, in 2013 there were amendments made to the Gelganyem Trust, that allowed spending on items of a 'personal nature' by beneficiaries, this accounted for almost 50% of the expenditure of the trust in that respective year's annual financial report.⁶⁸ Hall who signed off on those amendments admits that it was a mistake and that "we should have been investing in purchases of land...(to) develop and grow our businesses".⁶⁹ He goes on to say that the community was ultimately unable to capitalise on the royalty payments.⁷⁰ O'Faircheallaigh also weighs in on the discussion, stressing that the lack for transparency and accountability both upwards towards regulators and downwards towards constituents has also contributed to the failure.⁷¹ Particularly in the relation to the latter, he says "...How is somebody...whose second or third language is English (or someone who) may not speak English fluently at all, suppose to make sense of an auditor's report?"⁷² He suggests that:

*What we need to do is to find ways of making information available to the constituencies of these associations in a way that makes sense to them...That will then allow them to put immediate and timely pressure on, if there's an indication that something is going wrong.*⁷³

Finally, the sustainability fund that was mentioned previously, where 80% of allocated royalties are deposited which matures after the mine's closure, had also fallen considerably short of its project value of \$34 million. Reaching only approximately \$13 million in 2017.⁷⁴



⁶⁶ West and Smith, "Diamonds Are Not Forever."

⁶⁷ West and Smith, "Diamonds Are Not Forever."

⁶⁸ West and Smith, "Diamonds Are Not Forever."

⁶⁹ West and Smith, "Diamonds Are Not Forever."

⁷⁰ West and Smith, "Diamonds Are Not Forever."

⁷¹ West and Smith, "Diamonds Are Not Forever."

⁷² West and Smith, "Diamonds Are Not Forever."

⁷³ West and Smith, "Diamonds Are Not Forever."

⁷⁴ West and Smith, "Diamonds Are Not Forever."

Figure 09: Graph showing the annual export revenue from the ADM. Note the decline in revenue since 2015.

By Author, Data Graph, Source: Rio Tinto. *Argyle Diamonds: Sustainable Development Report 2015/2017*, Perth, 2015/2017.

It is clear from West & Smith's report that the envisaged economic stability following the mine's closure by ADM, the *APA 2004* and by indigenous communities surrounding Kununurra did not materialise. The eventual inability of the agreement to secure the community's longevity came in part from issues within the indigenous community itself: greed and a lack of transparency and communication. These issues are of course not unique to indigenous communities. But they are exacerbated by the scarcity and sparsity experienced by these communities in their day-to-day lives. The

⁷⁵ Ciaran O’Faircheallaigh, *Curse or Opportunity: Mineral Revenues, Rent Seeking and Development in Aboriginal Australia* (Abington: Routledge, 2012), 48.

⁷⁶ West and Smith, “Diamonds Are Not Forever.”

sudden influx of potential revenue-gain can create this short-sightedness at a community level due to the intense desire to obtain immediate economic relief. This tendency is sometimes referred to as ‘rent seeking’. As Langton describes, rent seeking is essentially, a preference to obtain one-off or reoccurring direct payments over other wealth generating and sustainable financial investments.⁷⁵ However, O’Faircheallaigh reminds us that, “these are people that often have very serious challenges in surviving from day-to-day. It’s difficult for them to see the sense of putting money aside for later...when they have some very serious problems that they’re trying to deal with right now.”⁷⁶

5.0_DISCUSSION

5.1 State Scale: Government Leadership & Legislative Reform

At the upper end of the physical scale is that of the state government, which each has their own individual heritage and indigenous laws. In the context of the ADM, it is the *WA Aboriginal Heritage Act, 1972*. Specifically, the infamous section 18 clause which has been mentioned previously in this paper. It is systemic changes here that would have a huge impact on safeguarding sites of indigenous significance across the state, from being destroyed to make way for resource extraction operations. There also needs to be a greater balance between private and government leadership in remote regions. With larger overarching social and economic planning. Currently, there tends to be a severe imbalance in leadership in regional areas between government and private enterprises. Often creating a ‘vacuum’ of responsibility. Which is often exploited by mining companies to gain leverage and dependency from local community, through financial incentivisation.

5.2 Regional Scale: Community Engagement, Financial Frameworks & Demographic Data

In the context of this paper, the next significant scale shift downwards would be that of the Kimberley region. Many lessons can be learnt from the ADM in how they successfully engaged this scale, specifically regarding the process they undertook in developing the APA. It could be said that to truly address regional issues, there first needs to be a full understand of the issue to begin with. In this way the APA set a new standard by:

- Seeking independent anthropological advice for engagement strategies with Indigenous groups.
- Commissioning a detail demographic report for the region by experts in the field.
- Involving third-party input from the KLC for advice and assistance with negotiations.

In this way the ADM established a clear picture of the region, a clear engagement framework/process and ensured informed consent from traditional owners. This helped to empower indigenous leaders in establishing their own self-determination. The other redeeming component of the agreement was the establishment of the Sustainability Fund & the Gelganyem Trust as a vessel for channelling royalty payments into enduring investments in lieu of cash payments. However, despite these positive developments there can still be lessons learnt from the shortcomings at the regional scale. It could be suggested that the same level of rigor that was used to determine

⁷⁷ West and Smith, "Diamonds Are Not Forever."

⁷⁸ West and Smith, "Diamonds Are Not Forever."

⁷⁹ West and Smith, "Diamonds Are Not Forever."

the initial demographic composition, should also be applied in understanding and measuring the effects and outcomes post-implementation of these agreements. To determine their effectiveness and adjust the agreement's structure where necessary.

5.3 Community Scale: Transparency & Accountability

At the community scale one can begin to see how these economic framework agreements manifest themselves, both spatially but also more interestingly – socially. As Hall describes the infighting within his own community resulting from the royalty payments:

That cash payment created a monster – that monster is greed and power.⁷⁷

This was possibly the most surprising and interesting finding for me through my research. I think there was a preconceived notion that indigenous community were extremely harmonious in how they dealt with common resources (such as money). However, considering the extreme scarcity of resources. It is understandable, that greed could manifest itself within the community as individual vie for control as Hall describes "...to control the council, to control the community, to control the wealth. He who holds the power...benefits".⁷⁸ This highlights that even with the most well formulated economic agreement, there are still the very dire reality within these communities to consider.

Figure 10 (below): Kununurra.

This Adventurous Age, Kununurra – the contrast of the irrigated areas, Photograph, Wordpress, August 22, 2007, <https://thisadventurousage.com/tag/kununurra/>.



In addition, transparency and accountability particularly in reporting seems to be a key factor at this scale. As highlighted by O’Faircheallaigh in the West & Smith report where he explains that, legal and technical documentation that are required to be sent to regulators such as the Australian Charities & Not-for-profits Commission (ACNC) have been neglected.⁷⁹ In addition to this O’Faircheallaigh speaks also on the downward translation of information, when he says:

It (the trust) does not focus on providing information downwards to the constituencies of these associations in ways that makes sense to them...What we need to do is to find ways of making information available...in a way that makes sense to them.⁸⁰

It seems like it is not only a matter of keeping these trusts accountable to their goals. But also, in making sure their beneficiaries understand the implications of any amendments and have the time and the understanding to respond appropriately.

5.4 Typological Scale: Post-Extraction Spatial Potentials

When examining the typology of mining towns themselves. As highlighted by previous chapters sustaining and supporting remote communities, specifically mining towns is a challenging undertaking. Academics and experts within the space point towards economic diversification as key. However, they also acknowledge the difficulty of achieving this in a post-extraction economy. Even for those in the industry it is difficult to see the transition of mining towns from one industry to another. When asking Adam Shears about this transition potential, he admit that:

...it would be hard to imagine a mining town transition successfully into being supported by another industry. As West Australia is so desolate, some of these towns were only created due to mining in the area. They are pretty much unhospitable places otherwise.⁸¹

In relation to Kununurra, the town presents a unique case. Firstly, the presence of a fully established agriculture sector and secondly, the physical distance from its adjacent mine site (more than two hours’ drive, one-way). Regarding the former, notwithstanding the inherent challenges of agriculture in such a challenging climate due to pests, disease and poor soil quality.⁸² The inflation effects of the mining industry have hindered this sector’s growth in the town. However, it is an established industry with established infrastructure which is more than can be said for most mining towns. So, there may be hope for a sustainable economic future for Kununurra, if the challenges of agriculture in the region can be overcome or another industry is developed. In relation to the physical distance between Kununurra and the ADM, as a result of the town’s prior establishment to that of the mine. When compared to other purpose built mine settlements this distance is quite large.

⁸⁰ West and Smith, "Diamonds Are Not Forever."

⁸¹ Adam Shears, interviewed by author, October 15, 2023

⁸² Real Life Lore, "Why 95% of Australia is Empty," 00:05:30.

⁸³ Shears, interviewed by author.

For example, Adam who works at the St Ives Gold Mine in Kambalda, WA says that it takes approximately 25 minutes to drive between the camp and mine.⁸³ When compared to Kununurra, due to this large physical separation from the ADM, the connection between the two has mostly been social and economic rather than spatial. It also means that much the mine's physical infrastructure is being dismantled and not reused, due to the remoteness, such as the worker's village.

Figure 11: Satellite Images, showing the operational Wandarrrie accomodation site adjacent to the ADM.

National Map, "Argyle Diamond Mine at the Intersection of Lissadell Rd & Wandarrrie Rd," accessed October 31, 2023.



Figure 12: Satellite Images, showing the deconstructed Wandarrrie accomodation site adjacent to the ADM.

Geoscience Australia Portal, "Argyle Diamond Mine at the Intersection of Lissadell Rd & Wandarrrie Rd," accessed October 31, 2023.



6.0 CONCLUSION

The mining industry in Australia although past its peak, will likely remain a prominent part of the country's economy and society in the coming decades. It is also clear that the industry of resource extraction continues to have huge ramifications on the regions they operate within, both spatially but also social and economically. Despite the implementation of agreements and frameworks to mitigate these associated impacts, there remains much progress to be made. This paper sought to explore and analyse these agreement frameworks to understand their social and economic implications, and to identify the key factors, which could help lead to more positive and enduring outcomes for local communities in future agreements. By ensuring more socially and economic sustainable futures for these groups. It has also become clearer the role that various actors operating within the discourse play both from the public and private sector, and how their influence spans across multiple scales. Most importantly however are how the interplay of these relationships influence the agreement and spatial outcomes of remote communities. The analysis of which has unlocked some key considerations for future agreements such as:

- Governmental leadership & legislative reform.
- Community engagement, financial frameworks & demographic data.
- Transparency & accountability at the community level.
- Identifying key post-extraction spatial potentials.

These key systemic changes must come from all associated actors within the space and there is still much more ground to cover in trust-building and reconciliation in these agreements.

6.1 Potential Diploma Project Departure Points

In terms of speculating on possible diploma project departure points, I can see many paths I could go down and a lot of potential in the subject area. Because the paper mostly operated at the regional scale, I don't necessarily think that I am tied to my case study site. But rather I could take what I have learnt from a systemic point of view and apply it to another site. Although the case study site is very interesting in and of itself. In terms of the typology, my initial thought was to address the mining towns themselves, but there is also potential in engaging with the physical mine site (particularly in a post-extraction scenario).

7.0_GLOSSARY OF KEY TERMS

⁸⁴ Wikipedia Contributors, "Aboriginal Heritage Act 1972," Wikipedia, July 31, 2023, https://en.wikipedia.org/wiki/Aboriginal_Heritage_Act_1972.

⁸⁵ "Defining Moments: Aboriginal Land Rights Act," National Museum Australia, December 8, 2022, <https://www.nma.gov.au/defining-moments/resources/aboriginal-land-rights-act>.

⁸⁶ "Native Title, Rights and Interests," Prescribed Body Corporate, accessed September 20, <https://nativetitle.org.au/learn/native-title-and-pbcs/native-title-rights-and-interests>.

⁸⁷ "About Indigenous Land Use Agreements (ILUAs)," National Native Title Tribunal, accessed September 20, 2023, <http://www.nntt.gov.au/ILUAs/Pages/default.aspx>.

⁸⁸ "About The KLC," Kimberley Land Council, accessed October 20, 2023, <https://www.klc.org.au/about-the-klc>.

⁸⁹ "About: Minerals Council of Australia," Minerals Council of Australia, accessed October 31, 2023, <https://minerals.org.au/about/>.

⁹⁰ "Corporate Body: Minerals Council of Australia (1995-)," Encyclopedia of Australian Science and Innovation, December 13, 2001, [https://www.eoas.info/biogs/A001658b.htm#:~:text=Minerals%20Council%20of%20Australia%20\(1995%20%2D%20\)&text=The%20Minerals%20Council%20of%20Australia,represents%20the%20Australian%20minerals%20industry](https://www.eoas.info/biogs/A001658b.htm#:~:text=Minerals%20Council%20of%20Australia%20(1995%20%2D%20)&text=The%20Minerals%20Council%20of%20Australia,represents%20the%20Australian%20minerals%20industry).

⁹¹ "Corporate Body: Conzinc Rio Tinto of Australia Ltd (1962-1997)," Encyclopedia of Australian Science and Innovation, June 20, 2001, <https://www.eoas.info/biogs/A000971b.htm>.

Western Australian Aboriginal Heritage Act, 1972 (AHA)

Is a law passed in 1972 by the Western Australian government to protect Aboriginal cultural sites. By default, the act protects all indigenous heritage sites in WA, regardless of if they are registered with the Department of Planning, Lands, and Heritage or not.⁸⁴

Aboriginal Land Rights Act, 1976 (ALRA)

Is an act passed by the Australian federal government in 1976, that gave the first legal recognition of First Nations peoples to their right to claim land rights on country where traditional ownership could be proven.⁸⁵

The Native Title Act, 1993 (NTA)

The Native Title Act is legislation passed by the Australian Parliament that recognises the rights and interests of Aboriginal and Torres Strait Islander people in land and waters according to their traditional laws and customs.⁸⁶

Indigenous Land Usage Agreement (ILUA)

An ILUA is a voluntary agreement between native title parties and other people or bodies about the use and management of areas of land and/or waters.⁸⁷

Kimberley Land Council (KLC)

Is a political land rights organisation established in 1978 by the Aboriginal people of the Kimberley region, with the goal of supporting native title claimants.⁸⁸

Minerals Council of Australia (MCA)

The Minerals Council of Australia is an industrial consortium which represents most of Australia's largest mining and resource extraction companies,⁸⁹ founded in 1995.⁹⁰

Conzinc Rio Tinto of Australia Ltd, 1962 - 1997 (CRA)

Conzinc Rio Tinto was a mining company founded in 1962, through the merger between Consolidated Zinc Pty Ltd, Broken Hill and the Rio Tinto Company. CRA was consolidated with Rio Tinto Limited in 1997.⁹¹

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