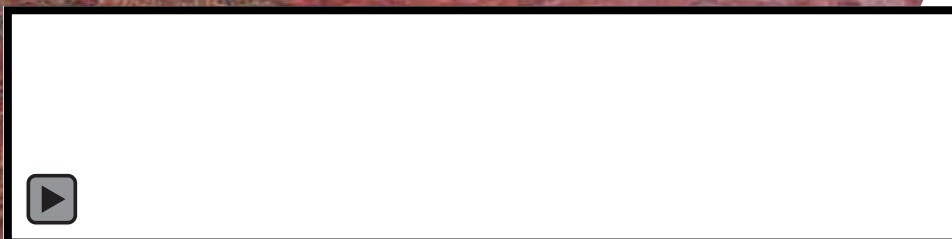




ENHANCING NATIVE TITLE AGREEMENT MAKING FOR MINERAL EXPLORATION

What does good agreement making look like?



AT THE DEPARTMENT FOR ENERGY AND MINING, WE'VE BEEN RESEARCHING BEST PRACTICE FOR MODERN AGREEMENT MAKING.

We've learnt that **cultural respect**, building **strong relationships** and developing **good processes** are key to achieving successful outcomes for native title groups, government and explorers alike.

But what does this look like in practice?



CULTURAL RESPECT

When it comes to **cultural respect**, native title groups shouldn't need to breach their laws and customs to access benefits.

The skills and knowledge of Aboriginal people should be recognised and respected in the agreement making process.

Timelines, information exchange and decision making should be culturally appropriate.

Meetings should be held on-country where possible, and discussions held in a culturally safe manner.



STRONG RELATIONSHIPS

Strong relationships form the foundation for modern agreement making.

By engaging and building relationships with native title groups during the agreement making process, we can provide opportunities for reconciliation, and create beneficial, long-lasting partnerships.

We've learnt that relationship building and engagement does not stop once an agreement has been signed.

Implementation is crucial, and must be driven by the spirit and intent of the agreement, rather than the legal implications of non-compliance.

To achieve this, agreement making should be based on a genuine relationship and trust between all parties.



GOOD PROCESSES

There are many benefits to having **good processes** in place, particularly when it comes to agreement making.

It is important that all negotiations are structured according to a relationship agreement.

Capability building where needed can help everyone to fully participate in the agreement making process.

The process should deliver on agreed commitments, with incentives for native title groups and explorers alike to ensure that commitments are upheld.

To empower participation, engagement should be based on each parties' strengths, recognising achievements along the way to mutually achieved goals.

A good process recognises the importance of consultation to ensure that change is understood and accepted by all parties.

Good governance systems, mutual accountability, implementation procedures and measures, capability, and resourcing should be built into each agreement.

Legal advisors should act as an enabler, and the native title group needs to be included in all discussions to ensure buy-in for the agreement across their group.



FINALLY, WE LEARNT THAT:

- independent facilitation
- voluntary participation
- good faith negotiations
- access to independent advice
- transparency when it comes to defining roles
- informed and inclusive participation before and during activity
- measuring progress towards agreed goals; and
- support for self determination

Are a few more factors that can contribute to successful outcomes in modern agreement making.

At the Department for Energy and Mining, we're committed to listening to you, and learning from you to enhance the native title agreement making process.

If you have any feedback, questions, or would like more information, please do not hesitate to contact us.

HEIDI CROW

Principal Policy Advisor
(Aboriginal Heritage and Engagement)

Phone (08) 8429 2561

Email Heidi.Crow@sa.gov.au

ANDREW MOLL

Principal Policy Advisor
(Native Title & Engagement)

Phone (08) 8429 2504

Mobile 0477 754 605

Email Andrew.Moll2@sa.gov.au

DEPARTMENT FOR ENERGY AND MINING

Resource Policy and Engagement Branch
Mineral Resources Division

Phone +61 8 8463 3000

Email DEM.minerals@sa.gov.au

energymining.sa.gov.au

Acknowledgement of Country

The Department for Energy and Mining acknowledges Aboriginal people as the First Nations Peoples of South Australia. We recognise and respect the cultural connections as the traditional owners and occupants of the land and waters of South Australia, and that they continue to make a unique and irreplaceable contribution to the state.

