

MEMORANDUM OF UNDERSTANDING BETWEEN QUEENSLAND INDIGENOUS WORKING GROUP AND QUEENSLAND RESOURCES COUNCIL

PARTIES

Queensland Indigenous Working Group and Queensland Resources Council.

PURPOSE

The purpose of this Memorandum of Understanding (MoU) is to:

- (a) set out the principles for on-going engagement between the Queensland Indigenous Working Group (QIWG) and the Queensland Resources Council (QRC);
- (b) identify potential topics and areas for discussion; and
- (c) provide a mechanism whereby, if the interests of the two parties are aligned, they can make joint submissions to the State Government.

BACKGROUND

- 1 QIWG is an unincorporated association whose members include representative Aboriginal and Torres Strait Islander bodies of Queensland pursuant to the Native Title Act 1993 (Cth) (NTA), ATSIC Regional Council Chairs, the Aboriginal Local Government Association of Queensland (ALGAQ), and other peak Indigenous bodies as determined. Its primary function is to advocate, promote and protect Indigenous interests in relation to State native title, cultural heritage and land and natural resource legislation and policy development.
- 2 QRC is a non-government organisation representing the interests of companies involved in exploration, mining, minerals processing and energy production. It is the resource industry's key policy-making body, working with all levels of government, interest groups and the community.
- 3 In the past, policy conflict between the mining industry and Indigenous people in Queensland has often been due to a lack of mutual understanding and resulted in little benefit to either party.
- 4 Conversely, where there is common ground and agreement in principle between Indigenous people and the mining industry in Queensland, there is increased scope for influencing State action to give effect to such agreement.
- 5 The QIWG and QRC acknowledge that transactions between individual mining companies and traditional owner groups do not fall within the ambit of the responsibility of the QIWG and QRC.
- 6 This MoU succeeds the MoU made between QIWG and QRC on the 30th of October 2003.

PRINCIPLES OF ENGAGEMENT

- 1 QIWG and QRC will meet every three months from the date of signing of this MoU. Extra meetings can be scheduled on an as needs basis. An agreed agenda will be distributed prior to each meeting. Chairing of the meetings will be done on an alternate basis. The Secretary of the meetings will be appointed for six months, also on a rotational basis, with the first secretary being QRC.
- 2 Meeting topics over the next twelve months are likely to include:
 - monitoring the practical application of the Native Title Protection Conditions in relation to mineral exploration;
 - identifying mutually acceptable solutions to any identified problems;
 - discussion of best practice where Indigenous groups and companies have developed original and progressive solutions in the negotiation of native title and cultural heritage agreements;
 - preparing a joint submission for the State of Queensland's proposed review of the Native Title Protection Conditions by the State; and
 - monitoring the practical application of the Aboriginal Cultural Heritage Act 2003.

- 3 The relationship between QIWG and QRC could also provide the opportunity for the introduction of mining companies and relevant representative Aboriginal bodies with mutual interests in land, outside the context of specific native title or cultural heritage negotiations.
- 4 QIWG and QRC will seek to jointly promote agreed positions to the State where appropriate.
- 5 QIWG and QRC may investigate the possible development of model generic arrangements, in relation to aspects of native title and cultural heritage.
- 6 QIWG and QRC may discuss related Indigenous economic and social development issues where appropriate.
- 7 QIWG will contribute to the development of the Indigenous component of QRC's education program.
- 8 QIWG and QRC recognise it is unlikely that there will always be consensus between their respective members in relation to the intersection of mining, native title and Indigenous cultural heritage issues. However, to the extent that consensus can be reached, the Parties will be in a strong position to recommend the exercise of State power, where necessary, to assist in achieving agreed outcomes.
- 9 Consequently, whilst the State should not regularly attend meetings between the QIWG and QRC, the State may be invited to participate in discussions of the kind referred to above as required.
- 10 QIWG and QRC recognise that they are both representative organisations, and that individual member organisations and companies will from time-to-time express different views to those of the QIWG and QRC. Members of either organisation are not bound by decisions of the QIWG and QRC.
- 11 QIWG and QRC will review this MoU annually. Any expansion or redefinition of its principles or operation will be made if required and agreed by the Chief Executives of each party.
- 12 This MoU is intended to record the Parties' understanding, and to engender goodwill between the Parties. By signing the MoU, the parties do not intend to enter into partnership or any other legally binding relationship.

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