



Yamatji Marlpa
ABORIGINAL CORPORATION

Mineralogy ‘fails to negotiate in good faith’ with Traditional Owners

The National Native Title Tribunal (NNTT) has found that mining giant Mineralogy Pty Ltd failed to negotiate in good faith with Kuruma Marthudunera (KM) native title group regarding an exploration license applied for within the KM’s registered claim area.

NNTT’s Deputy President Sosso handed down his decision on 17 April - only the third time the NNTT has found that a mining company has failed to negotiate in good faith.

The KM people have traditional rights to a large area of the Pilbara, south-west of Karratha. The majority of KM people now reside in Roebourne, Wickham, Onslow, Karratha or Tom Price and retain a strong connection to their country.

In order to negotiate effectively with mining companies, the KM people formed a Native Title Working Group in 2001. The Working Group engages actively with both industry and government to minimise any affects on the KM’s cultural heritage and the natural environment.

In making his decision, Member Sosso found that:

- when Mineralogy Pty Ltd attended a KM Working Group Meeting ‘its representatives... made no efforts to either engage with the representatives of the [KM group] or negotiate with them’;
- Mineralogy Pty Ltd ‘adopted an unduly confrontational approach when communicating with the [KM group’s] representatives’;
- Mineralogy Pty Ltd ‘failed to make any counter-proposals to the requests of the [KM group]’, in effect adopting a ‘take it or leave it’ approach; and
- Mineralogy Pty Ltd ‘overall...made no serious attempt to reach an accord with the [KM group]’.

Member Sosso concluded that the Mineralogy Pty Ltd had not fulfilled its requirement to negotiate in good faith with the Kuruma Marthudunera because ‘it adopted a rigid non-negotiable position based on a negotiating premise which itself failed to take account of the legitimate and long held concerns of the [KM group] concerning cultural heritage issues’.

Member Sosso noted that the Mineralogy Pty Ltd did not actively negotiate but merely ‘went through the motions’. Mineralogy Pty Ltd ‘not only failed to engage positively, but, further, exhibited an aggressive approach which was doomed to fail’.

There were ‘never any real negotiations’, said Member Sosso.

Notes for Editors

Yamatji Marlpa Aboriginal Corporation (YMAC) is the native title representative body for native title claims in the resource-rich Pilbara, Murchison and Gascoyne representative areas of Western Australia.

The organisation has a representative area of almost one million square kilometres and represents over 25 native title claims, all with their own language, culture and traditions.

YMAC is run by an Aboriginal Board and provides a range of services to its members including claim and future-act representation, heritage protection services, community and economic development and natural resource management.

For further information and interviews contact:

Amy Cargill, Public Relations and Communications Specialist

P 08 9268 7014 | M 0407 645 646 | acargill@yamatji.org.au | www.yamatji.org.au