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## **The State's Stakes at the Century Mine, 1992–2012**

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### **Introduction**

Century Mine, in the lower Gulf of Carpentaria region of far northwest Queensland, was once the third largest zinc mine in the world. It provides a distinctive example of the evolution of resource relations between governments, miners and local communities. It also evidences tensions in Australia between conceptions of the state's responsibilities to ensure economic development on the one hand and the well-being of regional populations, particularly Indigenous people, on the other hand. It is therefore a suitable empirical case for exploring the complex sociopolitical process that unfolds over time as multiple state actors engage with the private sector and remote regional communities, including Indigenous Australians, residents of regional towns and pastoralists. Reflecting upon his involvement in this project, the lead negotiator for the company described Century Mine as a classic example of the recent trend for 'social, environmental, cultural and heritage issues [to play] ... a significant part in the development of major projects, particularly in mining' (Williams 1996: 1).

Over a century ago, colonial interactions in Northern Queensland were characterised by considerable fighting and bloodshed between Aboriginal people and others, and on occasions between different Aboriginal groups in the regions. There were a number of massacres recorded and settler diseases also took their toll on the Aboriginal population

(Evans et al. 1975).<sup>1</sup> It was a period of dispossession as land was occupied by pastoralists who often proceeded to force the Aboriginal people away from their land and waterholes. The police presence in the area focused on controlling attacks on settlers and their stock, but provided little protection or justice for Aborigines. Early legislation enabled controls over the lives of the Indigenous people through the establishment of the Protectorate system that gave administrators the power to remove people to government ‘reserves’ and church missions. The violence, dispossession and confinement of different language communities and family groups into common, small settlements, together with repressive missionary and colonial administrative practices all contributed to substantial Indigenous social crises and economic marginalisation (Rowley 1970).

The legacy of this historical experience, and the physical distance from key population centres, contributed to the situation whereby in the 1990s, despite an abundance of natural assets, development in the lower gulf region, especially for Aboriginal residents, lagged behind that of most other regions of Queensland. This was due to a combination of factors: sparse population; remoteness from urban centres; poor transport, communications and other infrastructure. As well, for Indigenous people there was entrenched welfare dependency, weak governance institutions and tenuous relationships with various levels and agencies of government. The fact that these conditions persisted after the Century Mine project was underway calls into question a central tenet of long-discredited ‘trickle-down’ concepts of development (Arndt 1983) and Australian national development, namely ‘The proposition that large-scale natural resource development is unambiguously beneficial to all of the citizenry’ (Trigger 1998: 155).

The discovery of the Century deposit in 1990 on the Lawn Hill Station pastoral lease spurred further exploration in the region and highlighted two factors shaping the government’s role—the priority given to corporate interests as a foundation for regional development; and the historical record of officially denying and curtailing the rights of Indigenous people. In this chapter we argue that, because of distinctive sociopolitical conditions, these two motives spurred an unusually prominent state presence in the pre-approvals phase of the mine. However, after the initial operational years, the state became more absent and adopted a less direct role, with contracted agencies delivering many government-funded programs and Indigenous residents depending on the mine for many functions.

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1 See also Lewis, Chapter 8, this volume, for comparable accounts in the Northern Territory.

This temporal pattern in the state's active presence had consequences for the widely held expectation that locals should benefit from development of a mine and that the state will ensure that mines are designed and operated in a way that builds local capacities, creates long-term economic and social opportunities, strengthens local communities and preserves or rehabilitates local heritage and the environment (Altman 2014).

This chapter examines the changing presence of the state experienced in the lower gulf region of Queensland during the 20 years from 1992 when the High Court made its historic Mabo decision<sup>2</sup> and negotiation of the Gulf Communities Agreement (GCA)<sup>3</sup> commenced in earnest. Martin notes that the GCA's 'formal signing followed protracted regional negotiations, initially outside the ambit of the Native Title Act 1993 (Cth) ("the Act") and involving the broader Gulf Aboriginal community' (1998: 4). The 20 years under discussion covers the period of these negotiations, mine construction and commissioning and the production phase until the final (i.e. 15-year) review of that agreement as zinc production began to wane. The GCA is central to this case as the legislated mechanism for dealings between the signatories—namely the Queensland Government, the mining company and the designated 'Native Title Groups'.<sup>4</sup> This period, encompassing the major landmarks in the planning, commissioning and operating of this large mine, provides clear illustration of the leverage of diverse regional actors, both Indigenous and non-Indigenous groups of residents and various sections of government, to procure the state's active presence and state action in the region. It also reveals that initial active engagement by the state faded to less direct involvement after production was underway and royalties were flowing.

Our research investigates how the state presence was experienced and understood among Aboriginal people with respect to Century Mine and how that changed over time. We present the argument in three main sections, beginning by sketching the background to the Century case and

2 The Mabo decision was the first time that an Australian court accepted that the pre-existing laws and customs of original inhabitants prior to European colonisation constituted a form of land and water tenure recognisable in Australian law.

3 The Gulf Communities Agreement (GCA) is a legal contract intended to cement an ongoing relationship between three native title parties (Waanyi, Mingginda and Gkuthaarn-Kukatj), referred to as native title groups in the GCA; Century Zinc Mine; and the Queensland Government. It came into effect in 1997. It is a comprehensive agreement about land use and benefit sharing in the lower Gulf of Carpentaria, Queensland, Australia covering a range of issues including compensation payments, land tenure arrangements, employment and training, and environmental and cultural concerns.

4 Groups of Aboriginal people claiming a historic and cultural attachment to parts of the land and sea affected by the proposed mining lease and mine development.

the economic and Indigenous context. The main body of the chapter follows and details a sequence of phases of the state's role in two pertinent policy areas: regional economic development and Indigenous affairs. It makes considerable reference to the GCA as a significant formal expression of the state's 'presence' in the mining project since this agreement departed from the usual Indigenous benefit agreement configuration by including the Queensland Government as an active party rather than being confined to community and company undertakings (Scambary 2009).

The evidence to underpin this argument is drawn largely from secondary sources and from a series of studies conducted by the authors in the region during the period under review (1992–2012). These studies employed diverse qualitative methods and allowed us to examine aspects of the state–community–company relationships that rely on the memories and perceptions of those directly involved in historic events.<sup>5</sup> The final section of the chapter discusses the sequence of phases in relation to governance theories and concludes by noting the disparate views revealed about how present the state should be in a development like Century Mine and the critical, yet fragile, role that formal agreements can play in engaging the state and compelling its presence in mining-induced development—especially in peripheral localities.

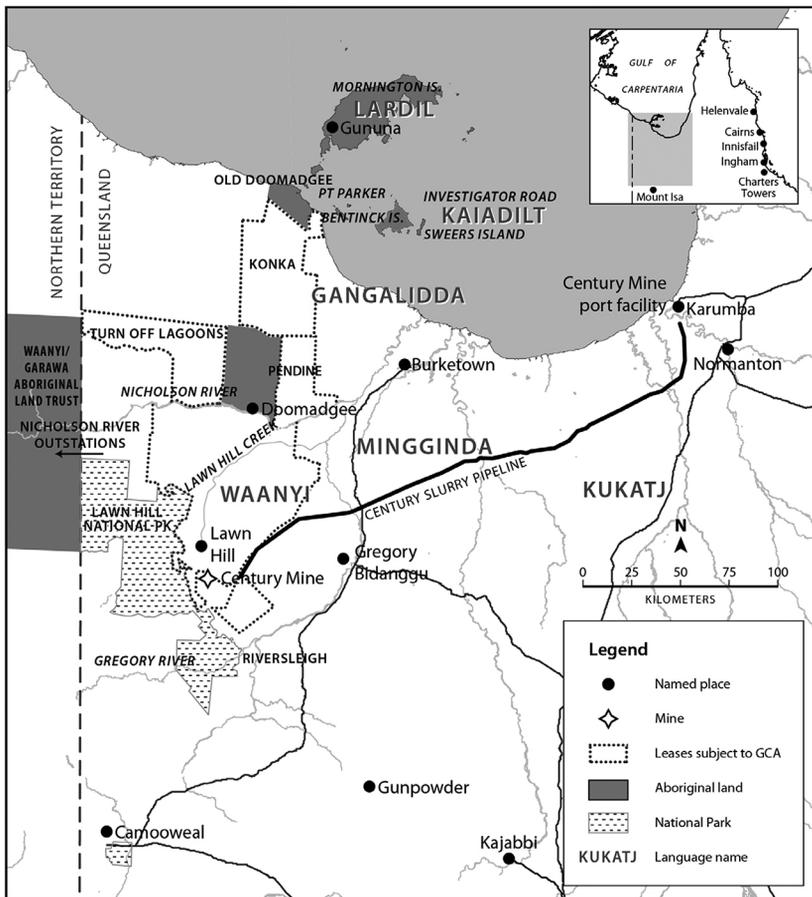
## Background

Century Mine and its associated infrastructure (including a slurry pipeline, port and processing facilities) are located approximately 250 km north-northwest of Mt Isa, Queensland, in the lower Gulf of Carpentaria, on traditional lands of the Waanyi, Mingginda, Gkuthaarn and Kukatj people (see Figure 9.1). As noted above, the remote, monsoonal, hot and sparsely populated region experienced from early colonial times a turbulent history of relationships between the traditional inhabitants and settlers and a state intent on various kinds of development. The main communities within the lower gulf fall within two kinds of local government areas comprising the Aboriginal shire of Doomadgee (formed in 2004 under a Deed of Grant

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5 For example, a roundtable in November 2014 hosted by the University of Queensland's Centre for Social Responsibility in Mining and MMG Century provided valuable historical details and insights. Eleven people who had played a prominent role in negotiating or implementing the GCA at various stages and who represented a mix of company, government and community perspectives attended the roundtable (proceedings and reflections of this roundtable are publicly reported by Brereton and Everingham 2016).

in Trust) as well as the surrounding shire of Burke and parts of adjacent shires of Mornington and Carpentaria. With the exception of the port town of Karumba, and a range of cattle stations located on pastoral leases, the constituents of the shires are predominantly Indigenous. The main communities are Doomadgee (more than 90 per cent Indigenous) and Mornington Island (more than 80 per cent Indigenous), each of which has a population of around 1,500; Normanton, a town of similar population where Indigenous people make up around 60 per cent of the population; and the smaller township of Burketown where about half of the total population of about 500 is Indigenous (QSG 2017). When referring to regional residents and regional communities, the chapter's focus is primarily the Indigenous population unless otherwise stated.



**Figure 9.1 Map of lower Gulf of Carpentaria, northwest Queensland**

Source: Scambray (2013: 189)

Prior to the construction of Century Mine in 1997, employment was mainly seasonal and non-Aboriginal pastoralists, the state government or mining companies controlled the majority of land. Road connectivity was poor, and communities could be cut off for months during the wet season. The entrenched socioeconomic disadvantage of the region at the outset subsequently proved a major obstacle to diversifying the local economy and meeting local aspirations for advancement. The company's lead negotiator at the time described the context as:

[L]ess than 50 people within a 100 km radius of the mine and only 700 in Karumba, the project will impact, if only indirectly, the communities at Doomadgee, Burketown, Normanton and on the Wellesley Islands. The project spans an area about the size of Tasmania with a population of only 7,000 people of whom some 80 per cent are Aboriginal. The area supports an active pastoral industry and a fishing industry in the Gulf, but job opportunities for most people are non-existent. (Williams 1996: 2)

In the lead up to Century's development, the Indigenous land rights movement in Australia was drawing to an apex, challenging the principle of *terra nullius*,<sup>6</sup> which had underpinned crown control of land and sub-surface resources. The concept of 'native title' was gaining attention, and ultimately legal weight in the High Court in *Mabo v Queensland (No. 2) 1992* (the 'Mabo decision'), and the Commonwealth law in the Native Title Act of 1993.<sup>7</sup> These developments provided a legal pathway for recognition of Indigenous groups' rights to land and waters. 'Native title' claims are based on the original laws and customs exercised by the groups of Indigenous inhabitants of Australia from a time preceding colonisation. If native title rights are determined to exist,<sup>8</sup> that group of Indigenous people are recognised as the 'native title holders' over the specified area. Where the continuity of 'law and custom', albeit in adapted form, cannot be demonstrated, or where certain types of legal land tenure have been historically established, then native title rights are deemed to be 'extinguished'.

6 *Terra nullius* is a legal principle whereby land is legally deemed to be owned by nobody. British colonisation and settlement of the Australian continent was based on this principle, which became the focus of several important legal cases in the late twentieth and early twenty-first centuries.

7 The Native Title Act, its amendments and other court cases established and refined a process whereby groups of Aboriginal or Torres Strait Islander Australians can submit and register a 'native title claim' for determination by the Federal Court.

8 The rights that can be determined to exist vary between groups, depending on their traditions, adaptation since settlement, colonial history and other factors. Some native title rights also have the potential to coexist with some other types of land tenure, including pastoral and mining leases.

One right endowed by the Act is the ‘right to negotiate’. This right requires that any party planning to undertake an activity that may impact native title rights (a ‘future act’) adheres to a three-month notification process, followed by a six-month (or longer) negotiation process with the native title holders (or registered claimants). Though this process is a regular feature of project development now (Trigger et al. 2014), at the time of Century’s development these procedures were new, controversial and untested. Against this background, intricate tripartite relationships emerged around Century Mine between the state, the mining company and local communities—with none of these parties being unified and homogenous entities. These relationships are institutionalised by, and in part governed by, the agreements and legislation that essentially represent contracts between the parties—notably the GCA and the *Century Zinc Project Act 1997* (Queensland). These both privilege parties to the agreement (in sometimes asymmetrical ways) and exclude participation by others such as NGOs or broader society (Ballard and Banks 2003; St-Laurent and Le Billon 2015).

The shifts in the government involvement with the mine and the region are interesting to consider in the context of the state’s role in the regulation and governance of an industry that is often hailed as presenting vital economic opportunities to Indigenous communities in regions with few other development options (Langton 2013). Rather than a dissociation between business and state/regulator interests, there were active links between state and company—including with respect to regional governance. This sort of relationship has prompted the claim that, in Australia ‘state and capital have formed an enduring alliance that marginalises Indigenous people’ (Altman 2009: 39).

In Australia’s federal system, the subnational states and territories play a critical role in determining whether and how mining development takes place. This level of government owns the mineral wealth in their territory, and controls the institutional and legislative settings of resource development including most business, environmental and social regulation. These subnational entities are also key providers of public services, education and infrastructure. This is especially the case in remote regions, such as northwest Queensland, with sparse populations and a low revenue base for local-level government, which is responsible for local waste management, utilities, public facilities and liveability. In such

locations, private companies such as mining corporations have been observed to assume some state responsibilities (Cheshire 2010; Cheshire et al. 2011; Bainton and Macintyre, Chapter 4, this volume).

While the construction and operation of the mine created significant employment opportunities for individuals and generated other benefits for communities in the region (such as improved infrastructure), after 15 years of mining, in 2012, health and education standards and infrastructure provision remained below Queensland and national levels. The communities—especially those with large Indigenous populations—faced ongoing social problems, including high rates of unemployment and welfare dependency (Everingham et al. 2014: 6).

## Sequence of Events

While the shifts in relationships and strategies of the parties are complex and contested, the state's activities over this period can be understood in three phases, each involving different actors, key developments and differing degrees of state presence. To a large extent, these phases mirror the mine life cycle as it progressed through exploration and feasibility to approvals and construction, through operational years to end of production (ICMM 2019). Each of these phases is typically characterised by different activities, local impacts and relationships with local stakeholders. Other factors associated with the phases included the five-yearly reviews mandated in the GCA, changes of company ownership, political developments and fluctuations in zinc prices. A pre-development phase (from 1992 to the 1997 signing of the GCA and passing of the Century Zinc Project Act) was primarily a period of negotiations and marked by intervals of intense engagement between various parties from all levels of government, Indigenous and non-Indigenous lower gulf residents, those with traditional links to the land there, and the mining company.<sup>9</sup> During this period, there was a strong presence of national and subnational state actors. The second phase, from 1997 to the first five-year review of the GCA in 2002, covers what was initially an intense

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9 This initial phase was conducted by the first of a series of five owning/operating companies (CRA-Rio Tinto). Pasminco assumed ownership after the GCA was signed, having reached an agreement to purchase in February 1997 that was conditional on the GCA being in place. Pasminco was not involved in the negotiations, except to assure the parties they would honour the agreement in full. After seven years Zinifex assumed control.

period of construction and early operation of the mine involving many of the same parties adopting strategies to implement their obligations, or achieve their aspirations under the GCA. This was also a period when direct state presence began to diminish and dissatisfaction with the lack of socioeconomic development emerged. The subsequent 10 years (2002–12) were the ‘big zinc’, mainly profitable years leading up to the 15-year review, a period of considerable turnover in actors involved but also of greater complacency from most parties and considerable distancing of various state agencies from active engagement. During this phase, the state’s actions were often at a remove from the region, involving indirect advancement of its priorities through other actors. Key developments during each of these phases need to be understood in their social, economic and political context and, in particular, in terms of public policy and the state’s position on two key issues: state–economy relations and Indigenous rights.

### **Phase 1 (1992–97): Pre-development, Negotiating Phase**

Century was a high-profile project, because of its scale, and because of the long-standing pro-business stance adopted by Australian governments in the prevailing minerals development policy at the time (Trebeck 2007). As well, the 1990s was the decade that saw planning and registration of the initial suite of Indigenous native title claims over areas of land and sea, including in the southern Gulf of Carpentaria in the wake of the High Court’s Mabo case (decided June 1992) and associated legal reforms recognising Indigenous rights. Century Mine came to be seen as an early test of the workability of the legislative response to the Mabo decision—the Commonwealth’s *Native Title Act 1993*—and particularly of its ‘right to negotiate’ provisions (Howlett 2010). These factors meant that there was not only a high level of media interest in the project, it also attracted unparalleled attention from both the Queensland and Commonwealth (federal) governments, advocates and opponents of the new native title regime, as well as other miners, a range of politicians and activists.

After the discovery of the orebody was announced (late 1990), there were preliminary discussions in communities as well as anthropological and archaeological surveys of the proposed site commissioned by both the Indigenous parties and the company. Once Century Zinc applied to the Queensland Government for a mining lease, and the *Native Title Act 1993*

was passed, negotiations between the company and Indigenous people were coordinated through the Carpentaria Land Council Aboriginal Corporation<sup>10</sup> and the United Gulf Regional Aboriginal Negotiating Team. The latter was the name adopted by a community group formed in the absence of a single representative body accepted by all Aboriginal interests. It involved members of the broad population of Aboriginal people living in the affected region, the Carpentaria Land Council, representatives of various local Aboriginal corporations, linguistic and territorial groups of traditional owners, and some of their advisors. At the time, the local communities, although inexperienced in dealing with large companies, had little trust in the mining industry. In fact there was considerable antagonism and concern that mining development was likely to be 'history repeating itself'<sup>11</sup> and that people would be further displaced from, and denied access to, their traditional lands. However, there was also considerable support for a mine given anticipation of jobs and training opportunities (Trigger 1997).

In 1994, the region's first native title claim was lodged on behalf of Waanyi people, over a small area known as the Camping and Water Reserve that was destined to be part of the mine development. Initially the claim was not accepted by the Registrar of the National Native Title Tribunal. The case was appealed as far as the High Court of Australia. A protest sit-in by Aboriginal people occurred in October that year at Lawn Hill National Park (subsequently named Boodjamala National Park), located adjacent to the small reserve and the proposed mine area. It was not until 1996 that the National Native Title Tribunal accepted the claim, as referred to them

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10 In Australia, Land Councils are key representatives of the interests of Indigenous people and are closely engaged with the traditional owners of a particular region. They are community organisations, generally organised by region, that are formed to represent the Indigenous Australians who occupied that particular region before the arrival of European settlers. Their functions and responsibilities vary somewhat in different Australian jurisdictions but central to them are consultation with Aboriginal people and assistance with claims to and management of traditional lands. In the case of the region affected by Century Mine, the Carpentaria Land Council Aboriginal Corporation was formally determined to be a Native Title Representative Body in 1994. However, the right to negotiate provisions and Century negotiations applied more broadly than to those seeking recognition of Native Title Rights and there were some internal divisions among parties, so the broader group, the United Gulf Regional Aboriginal Negotiating Team, became involved.

11 Besides the history of colonial appropriation of land and displacement of people from their ancestral territory, there were more recent experiences and observations that coloured perspectives. These included reports of irresponsible mining company actions in the neighbouring Northern Territory, and contemporary actions during exploration whereby the company interested in developing Century Mine used its superior financial power to purchase pastoral properties in the region despite awareness of Indigenous interest in acquiring them.

by the High Court, significantly strengthening the Aboriginal bargaining position in negotiations with the company. Indigenous positions ranged across outright opposition to the mine, outright support and a lurching between more qualified expressions of each of those stances (Blowes and Trigger 1999). There were challenges in the diverse interests of local Indigenous people, and the lack of experience and resources of their groups and organisations, to negotiate on an equal footing with a mining company or governments (see Blowes and Trigger 1999 for a detailed account of key factors influencing the relative bargaining positions and powers of the various parties to the negotiations). The federal and Queensland governments and the company all supported establishing the United Gulf Regional Aboriginal Corporation, which would constitute a formalised (incorporated) representative structure to act on behalf of all Aboriginal organisations, communities and individuals across the lower gulf region in negotiations and which could be a party to any agreement and bind those organisations, communities and individuals. It involved some 15 constituent organisations and was avowedly focused on the region as a whole and on all Aboriginal people affected, not exclusively those with a native title connection. The governments and company therefore contributed tens of thousands of dollars to assist the transformation of the United Gulf Regional Aboriginal Negotiating Team into this incorporated body, which would then expand the range of Indigenous voices, inform Aboriginal residents, communities and interests about the project and its impact and facilitate equitable participation. The negotiations were described by one Indigenous participant as a sequence of community meetings, ‘biting it off piece by piece and then taking it back to the mob. We never gave an answer on the spot’ (Anonymous roundtable participant, personal communication, November 2014).

During the 1990s in Australia, prevailing rationalities of government echoed economic liberalism, with its lauding of a ‘small state’ and market forces (Palmer 2008), new regionalism (Everingham et al. 2006) and the contractual state (Plant 2012). This was evident in Queensland politics with strong support for Century Mine, initially from the Goss Labor Government as part of the vision for a Carpentaria–Mount Isa mineral province (Trigger 1998). Despite its strong desire to see Century Mine proceed, the nature and level of the Queensland Government’s involvement in negotiations between 1992 and 1995 was unclear. Some reports claim that it remained in the background and stayed at arm’s length from the intense interactions the company had with native title claimants

and communities (Blowes and Trigger 1999), though others suggested it worked behind the scenes to encourage local and Indigenous support of the project (Howlett 2010). As progress stalled and confrontation mounted, the federal Minister for Aboriginal Affairs, Robert Tickner, intervened and appointed Hal Wootten (QC), of Aboriginal Deaths in Custody Commission<sup>12</sup> repute, to mediate between the company and Aboriginal communities—both native title claimants and other Indigenous residents. Another federal agency representing Aboriginal interests, ATSIC,<sup>13</sup> strongly supported the mine because it was convinced that if Century Mine proceeded it would prove that native title rights were not necessarily contrary to mining and economic development. Wootten's intervention achieved a resumption of negotiations.

In early 1995, the company requested that the Queensland Government initiate the 'right to negotiate' procedures as prescribed by the *Native Title Act 1993* (Williams 1996). However, the government declined to do so because of its view that native title had been extinguished by the pastoral lease history. It believed initiating the 'right to negotiate' procedures would create an unwelcome precedent for the future that could possibly prompt more claims (Howlett 2010). The mining company was more pragmatic in seeking a solution—eventually proposing, in July–August 1995, to the United Gulf Regional Aboriginal Corporation, an AUD60 million package of opportunities, cash payments and community investment in return for Indigenous support of the mine (Williams 1996: 12).

Once elected, in February 1996, Queensland Premier Borbidge enthusiastically maintained state support as he saw an operating Century Mine as a potential major achievement of his government, though he lacked specific plans for implementing his vision. Economic growth was seen as a greater imperative than economic redistribution and there was a winding back of welfare state commitments in favour of delegating delivery of state services through competitive, contractual arrangements (Palmer 2008; Plant 2012). To the Queensland Government, mining could provide a much-needed catalyst for socioeconomic development

12 This Royal Commission 1987–91 responded to concerns similar to those of the contemporary 'Black Lives Matter' movement about deficiencies in custodial care, both systemic and individual, and disproportionate rates of imprisonment for Indigenous Australians due to historical and social factors.

13 The Aboriginal and Torres Strait Islander Commission (ATSIC) (1990–2005) was established by the Hawke Labor Government as a national body of elected representatives through which Aboriginal and Torres Strait Islander Australians had a formal voice in the processes of government affecting their lives.

in this sparsely populated region distant from key manufacturing, service and agricultural centres and lagging behind the rest of the state on most indicators. Support for the mine at the federal level was similarly strengthened with a change of government in March 1996 to the Howard Liberal–National Coalition, which supported the market-oriented regime and championed an economic growth agenda.

After this series of political, legal and economic developments in late 1995 and early 1996, negotiations broke down and the Queensland Government presence peaked when recently elected Premier Borbidge offered to intervene. Discussion with a number of Aboriginal leaders in the region led to a ‘summit’ meeting to discuss the project and hear views firsthand in April 1996. Subsequent negotiations, facilitated by ATSIC, solidified the views of those Aboriginal representatives who regarded the mine favourably because of the foreshadowed benefits to be received. However, this became more muted when the Queensland Government publicly announced they would introduce special legislation to suspend Indigenous rights and allow the mine to proceed. Recognising the strong opposition to special legislation, and confident of a strong current of Indigenous support for the mine, the company asked the government not to proceed with that strategy and to accept the inevitability of the time-limited ‘right to negotiate’ process (Williams 1996). During this six-month period, the company sought to maintain a regional focus in the agreement (Blowes and Trigger 1999), though inevitably individual native title groups and their key spokespersons were focused on their particular interests and the possibility of negotiated benefits. Non-Indigenous residents of the region were not involved in the native title right to negotiate process.

The Queensland Government continued its close engagement with the appointment of ex-Governor General, Bill Hayden, to negotiate on its behalf while legal representation and anthropological advice, funded by ATSIC, was obtained for the claimant native title groups (namely Waanyi, Mingginda, Gkuthaarn and Kukatj peoples). A panel headed by the President of the National Native Title Tribunal, Justice French, was established and it appointed Rick Farley and Dr Mary Edmunds to mediate between the parties, though preparation of various positions took some months and negotiations really only commenced two months before the negotiation deadline. This negotiation, the first major one under the right to negotiate process, was being keenly followed by various interests in the Queensland and federal governments and the mining and pastoral

industries, as well as Indigenous interests. Much internal discussion in the Queensland Government resulted in the government's chief negotiator outlining its position and making an offer which included significant Queensland Government commitments with an anticipated value of AUD30 million. This package was enshrined in the eventual agreement and included: an upgrade of the road from Nardoo to Gregory, servicing the mine and communities of Burketown and Doomadgee (AUD15 million); a comprehensive regional social impact study (AUD1.8 million) with funds to address issues identified (up to AUD5.7 million); AUD3 million for an outstation development at Gregory; AUD2 million for training and vocational education; and a number of other items relating to cultural and social issues (GCA 1997: Schedule 1—see summary in Blowes and Trigger 1999).

On 13 February 1997, the last day of the six-month negotiating period provided for by the Native Title Act, the native title groups pressured the company and the government to increase their respective offers, though few concessions were forthcoming and not all native title claimants agreed to sign (Brereton and Everingham 2016: 8). Given the failure to reach an agreement that required all signatures from the Indigenous parties (a disappointment to the company, government and many in the native title groups) the company announced it would initiate the arbitration provided for under the Native Title Act (Williams 1996).<sup>14</sup> This represented a third stage in the pre-approvals phase. A visit to the region by the Chairperson of ATSIC, a well-attended public meeting in Doomadgee and a petition and delegation of pro-mining native title claimants to Canberra to meet with the prime minister (John Howard), the leader of the opposition (Kim Beazley) and Cheryl Kernot (who was the leader of the Democrats and their spokesperson on Aboriginal and Torres Strait Islander affairs and reconciliation) all focused on overcoming the deadlock. In March, the deputy chairperson of ATSIC, Ray Robinson, engaged in a series of meetings with the claimants, including non-signatories, while the Commonwealth Government also involved senior public servant (and ATSIC Commissioner), Charles Perkins. After further revising of positions, Robinson eventually produced a fully signed copy of the agreement for the company and

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14 Under the right to negotiate provisions of the Native Title Act, compulsory arbitration is instituted if negotiations reach an impasse after the designated notification of future acts and six-month negotiation period. The formality of the arbitration meetings added a new and disconcerting dimension and encouraged a greater willingness to sign.

Queensland Government to sign in May 1997 (Williams 1996: 22). Even before striking the agreement, the company was reported to be on site, constructing the pilot plant and employing hundreds of workers (Anonymous roundtable participant, personal communication, November 2014).

Shortly thereafter, the Queensland Government passed the *Century Zinc Project Act 1997* to enshrine its obligations. The wording of the Act reveals the Queensland Government's priorities: 'The project will improve the economy of Queensland and Australia' (Preamble, Clause 5); and 'The project will result in social and other benefits for all people of the mineral province' (Preamble, Clause 6). As well, Section 3 of the Act details the purpose as 'to facilitate certain aspects of the agreement made under the right to negotiate provisions of the *Native Title Act 1993* (Cwlth)'. It goes on to detail the government's commitments in terms of the mine, including compensated compulsory acquisition of land for mine infrastructure such as the pipeline and Karumba port and processing facilities and associated construction works. As well, it legislates for the Queensland Government to take over the development application by Bidunggu Aboriginal Land Trust proposing work at the Gregory outstation (which had gone to the relevant Shire Council/local government). These undertakings used state government powers to ensure land access and to smooth the way to granting leases under the *Mineral Resources Act 1989* (Queensland), such that they did not extinguish native title rights. Throughout Phase 1 (1992–97), there were active links between the company and a state government that was very sympathetic to a view of progress and regional development centred on mining expansion. This, in turn, fuelled active state government engagement with the region, primarily seeking to counter opposition to the mine and secure wide support for the project. Early efforts of both Century Zinc and the Queensland Government sought to confine the scope of the GCA to issues they regarded as flowing directly from the mine (Blowes and Trigger 1999: 109) and to maintain a distance between the mining company and the state government on the one hand and more nebulous issues of culture, welfare and social development on the other hand. This functioning of agreements to maintain power relationships and create distance between the state and other actors including 'affected Aboriginal peoples with territorial claims' has been remarked upon in Canada too (St-Laurent and Le Billon 2015).

## Phase 2 (1997–2002): Early Operations

The Century Mine project was envisaged by all parties to the GCA as providing a means to reduce welfare dependency among Aboriginal people in the region. The state is responsible for welfare, with the Commonwealth providing social security payments and state-level governments providing much of the vital education, health and basic infrastructure that citizens need. Some of these responsibilities may take some years to fulfil, as do, for example, the subsequent consequences of educational opportunity.

With the signing of the GCA and the passing of the Century Zinc Project Act, there was an initial period that mining company participants describe as ‘frenetic activity’ on behalf of the mining company to begin production (Everingham and Keenan 2017). This involved construction of the mine, port, pipeline and infrastructure. For example, the company spent some AUD26 million to upgrade (though not seal) the continuation of a Queensland Government road from Gregory to the mine. In addition, the company funded a 220-KV transmission line from Mt Isa to the mine, with the understanding that it would be extended to Burketown, Gregory and Doomadgee (by the state-owned electricity authority of the time). The various construction and commissioning activities culminated in the first shipment of zinc concentrate in 1999. This was despite the company facing technical challenges, such as the propensity for the zinc concentrate to spontaneously combust in stockpiles and transport ships. Initially Century Zinc was diligent in ensuring the ‘GCA was the bible’ (Brereton and Everingham 2016: 15). In particular, they invested heavily in employment and training and signed a memorandum of understanding with the Queensland Department of Employment and Training. This demonstrated that the mine adopted a strategic approach to the GCA despite the socioeconomic constraints, with education and skill levels in the Indigenous communities proving significant hurdles to broadening access to employment opportunities. The company also moved promptly to implement some other parts of the GCA—notably returning partial title to pastoral holdings to Indigenous stewardship. For the major holding in this respect, the Lawn Hill and Riversleigh stations, a staged transfer was envisaged with initial joint management by a pastoral holding company set up under the GCA. These properties were seen as providing opportunities for Indigenous pastoral enterprises, cultural renewal on country, employment and training (Everingham et al. 2014).

Some state actors, likewise, engaged intensively at the outset of this period. Federally, ATSIC was active in establishing the institutional framework envisaged in the GCA. Considerable effort was invested in establishing the committees, Gulf Aboriginal Development Corporation, Aboriginal Development Benefits Trust and pastoral company specified in the GCA. For instance, Century Environment Committee, Century Education and Training Committee, Gulf Aboriginal Development Corporation, and Century Liaison and Advisory Committee were established with ATSIC facilitation after the GCA came into effect. As specified in the GCA, these bodies had varying membership of representatives from the mining company, government, native title groups and regional Aboriginal residents. After the withdrawal of ATSIC's direct support, however, many of these bodies were dormant by the turn of the century (Martin 2009). For instance, the Gulf Aboriginal Development Corporation did not hold an annual general meeting between 2001 and 2008 and the Century Liaison Advisory Committee, after only five meetings, did not reconvene until 2012. By 2002, the draft Five Year Review Report noted a need for renewed effort in institutional development—an early warning sign that the complicated governance structures of the GCA had not been sufficiently embedded. This was particularly true of the Gulf Aboriginal Development Corporation, which was noted as having a poorly defined role and lacking adequate financial resources after the start-up injection of funds to fulfil dual roles of administering GCA funds and furthering native title group rights and interests (Martin 2009). As a creature of the GCA, this corporation lacked capacity, influence and legitimacy with the disparate groups whose interests it was to further, and who were unused to working together for common goals (Everingham and Keenan 2017: 19). Just as the government and company struggled with the new native title regime and unclear legal and tenure issues, the Aboriginal groups had no familiarity with or experience of the new order and had not established decision-making processes aligned with the *Native Title Act 1993* (Martin et al. 2014).

The Howard Coalition Government that had come to power federally in 1996 did not enthusiastically embrace the GCA and held a less sympathetic view of Indigenous affairs than prevailed in the Hawke-Keating years. This was particularly evident in 1998 with the 'practical reconciliation' policy<sup>15</sup> (Gunstone 2008), and revision of the native title

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15 Rather than even limited recognition of Indigenous rights and aims of structural change, this policy rejected 'symbolic' measures and defined government priorities as efficiently addressing the substantial socioeconomic disadvantage experienced by many Indigenous people in health, education, housing and employment, often through contracting out public services in these areas.

policy regime—particularly the *Native Title Amendment Act 1998* (Cth). The latter implemented much of prime minister Howard’s 10-point plan that would curtail rights, including the right to negotiate about mining. As well, a Ministerial review of the Native Title Representative Bodies was proposed, and changes foreshadowed to encourage the negotiation of binding, voluntary agreements as an alternative to formal native title agreements (Altman 2009).

In the wave of initial enthusiasm for the mine, the Queensland Government, for its part, was galvanised to action as well, notably spending AUD15 million to upgrade and seal the road from Nardoo west to Gregory, and initiating the training that was intended to overcome low skill levels and lead to mining employment. It has been suggested, though, that investments in infrastructure and vocational training benefited the mine and Queensland as a whole, as much as advancing prospects of local Indigenous people (Howlett 2010). The local land council later observed that the interest groups they represented presumed that agreement commitments were additional to the government’s responsibility for funding human capital development of its citizens:

What needs to be highlighted is what proportion of the State’s commitments constituted normal government service delivery ... which should have been provided in any event ... [and] commitments by the State which have been more about serving the primary interests of developing the Century Mine rather than benefitting the Gulf Communities generally. (CLCAC 2002: 49)

In fact, the Queensland Government itself observed ‘an apparent trade-off’ in targeting their education spending between the dual goals of their commitments to both supporting Century Mine by maximising trained labour available to them, and enhancing the broader human capital and skills in the Aboriginal population of the region (QSG 2002). It remained clear, five years into the GCA, that both the company and the state maintained a, possibly naïve, vision that ‘The GCA can be a significant stimulus to regional development and the creation of a more diversified and robust post mining economy in which Aboriginal people have a much higher participation rate’ (Pasminco et al. 2002).

The GCA anticipated early vigorous engagement by identifying some immediate ‘wins’ while other initiatives needed staged progression. Among the latter were the outstation commitments—and notably development of an outstation resource centre. Development of this centre and a policy

on outstations were to be coordinated by Queensland's Department of Family, Youth and Community Affairs (Office of Aboriginal and Torres Strait Islander Affairs). However, there was criticism that there had been no action beyond a report and no attempt to align with federal (ATSIC) initiatives on outstations (CLCAC 2002). Such long-term commitments are always vulnerable to changes, not least to shifts in government policies, contrasting state and national priorities and turnover of personnel.

As a consequence of such changes, the GCA did not maintain a prominent status with the Queensland Government, and the government's active presence in this region, 2,000 km away from the state capital and locus of most development, faded. The initial road works, training and other investments in infrastructure and service provision (whether as Queensland Government obligations or under the GCA) were rarely delivered through an approach that favoured local enterprise development or boosted regional capacity. The benefits of some initiatives dissipated, and others never gained traction. In part, this related to insufficient attention to institutional capacity building and to the state relying on the Gulf Aboriginal Development Corporation as the voice of the various Indigenous rights holders. This was despite the fact that the draft document reporting the initial review of the GCA in 2002, supposedly produced according to Terms of Reference drafted by the Queensland Government, the company, and the Gulf Aboriginal Development Corporation itself, as representative of the Native Title signatory groups, described this body as 'no longer effectual' (Pasminco et al. 2002: 9). The draft report of that review also noted:

Implementation of the Queensland commitments is substantially complete except for land transfers at Karumba, the Gulf Area Social Development Fund (GASDF) Trust implementation as part of the Social Impact Assessment initiative, ongoing initiatives in training support, and environmental information provision (following on from the Multiple Use Strategic Plan). Approximately 90 percent of the \$30.29 million commitment has been allocated or committed, with substantial additional funding provided to training initiatives. (Pasminco et al. 2002: 4)

These generally positive conclusions were contested by many in the region. For instance, the Carpentaria Land Council, in response, and claiming to represent the interests of the Waanyi people, was scathing in its criticism of government and company. Their report, prepared as part of the five-year review of the GCA, claimed:

The State's failure to conduct the SIA [social impact assessment] has been a glaring failure in the agreement. Not only is it a failure of implementation, but it has been a breach of the Agreement which has had serious ramifications for the Waanyi Native Title Group whose members are among the most disadvantaged in the Gulf Region. (CLCAC 2002: 1)

The Carpentaria Land Council further claimed that this meant that:

[S]trategies to prevent the corruption of indigenous cultures, strategies to re-affirm cultures and enhance lifestyles and initiatives in relation to health, employment, education and other social indicators have lagged behind and that this has been especially disadvantageous for the Waanyi. (CLCAC 2002: 24)

Concerns were that various specifics were not complied with in the spirit or in the substance of the agreement. Queensland's initiatives are classified as commitments under the GCA, intended to benefit the native title holders and the Aboriginal communities and 'to demonstrate its commitment to the project and its good faith to the Native Title Groups' (GCA 1997: Schedule 1, Clause 11). However, some initiatives, such as road upgrades and investment in power supply served commercial interests of the mine and native title holders were only 'peripheral' beneficiaries.

A related concern was that the Queensland Government's undertaking to conduct a social impact assessment (SIA) was to serve as the basis for a framework for monitoring, assessing and responding to social change in the region. The native title parties to the agreement understood the Queensland Government to be committing to a major exercise over three years (1998–2001) costing AUD1.8 million to assess the social situation and potential impacts of the Century project, so as to develop a community development strategy to mitigate potential negative effects and enhance potential positive impacts (GCA 1997: Schedule 1, Clause 24). Though the draft five-year review reported that half of the allocation was spent, local stakeholders were adamant that a study had not occurred. This perceived breach of the GCA obligations with respect to the SIA (Schedule 1 Clauses 23–30), also led the native title groups to reject the establishment of a Gulf Area Community Social Development Trust Fund without an SIA since, 'Targeted, planned economic development according to a sound strategy cannot be undertaken without the SIA' (CLCAC 2002: 39). A major complication was that AUD3.5 million of the AUD5.76 million earmarked in Schedule 1 of the GCA for

'social impact projects' was channelled, in 2001, through the Northwest Queensland Community Benefits Strategy (as the first distribution of funds meant to address shortcomings identified in the promised SIA). The grants went to projects in Mt Isa, Cloncurry and other parts of what the Queensland Government regarded as the northwest minerals province that were outside of the affected lower gulf communities. This reflected the government's position from the outset that this was a 'regional agreement', with their definition of 'regional' being the whole northwest minerals province centred on Mt Isa rather than being confined to the lower gulf region (The Right Mind 2008). However, in the eyes of local people the spending had been strongly influenced by the Mt Isa-based local Member of the Legislative Assembly and benefited the core of his electorate rather than the periphery in the lower gulf (Anonymous roundtable participant, personal communication, November 2014). There was strong opposition to him having any future role in distribution of trust funds and to the funds having a broader geographical focus than the affected native title groups (CLCAC 2002). The vexed question of the extent to which Indigenous people have benefited from mining in Australia has been frequently raised in the context of the Century Mine and in other cases (Martin et al. 2014).

Cracks had begun to appear in the tripartite relationship as well. These were particularly evident in November 2002 when Waanyi people and other Aboriginal supporters from the region occupied the worker's camp and canteen at the mine site, staging a multi-day protest. Triggering issues included the lack of employment or other economic advancement opportunities for local Aboriginal people afforded by mining on their traditional land, and implementation of the GCA including the Queensland Government's commitments in the agreement. Other concerns were focused on the storage of stone tools and artefacts that had been displaced by the mine and a general lack of sensitivity about cultural issues on site (Martin 2019: 157). Then Queensland premier, Peter Beattie, is quoted as suggesting native title was part of the problem:

Native title and all those issues has produced bugger all for Indigenous people and frankly not a lot for the mining industry. And that's why we have embraced a number of strategies involving negotiated outcomes to get results both for the mining industry, the State of Queensland and for Indigenous people. (Townsend 2002)

This reveals the Queensland Government's intent for the mining company and itself to benefit, and also suggests a preference for bilateral partnerships and contracts over the multilateral arrangements of the GCA. One notable memorandum of understanding (MOU) between the company and the government (specifically the education provider, TAFE Queensland) related to the employment and training obligations. This sort of issue-specific, bilateral arrangement in preference to working through the agreement and its structures and processes aligns with notions of the 'contractual state' (Plant 2012). Once the mine was in production, governance structures formed and immediate obligations fulfilled, the Queensland Government distanced itself from the mine and region and was described as passive and extraneous (The Right Mind 2008). Having established what it saw as the enabling conditions, it assumed a background role leaving GCA mechanisms and the market to proceed with implementation. Both the Queensland and federal governments engaged in strong, cross-government, pro-mining advocacy (Howlett 2010). Through policies such as 'practical reconciliation' and the Community Development Employment Program adopted in 1998, they expressed consistent propositions about responsibilities of government, the private sector and citizens. These favoured mainstreaming service delivery to Indigenous Australians and encouraging their economic participation. Such policies resonated with sections of the Indigenous communities of remote North Queensland (e.g. see Pearson 2000).

### **Phase 3 (2002–12): The 'Big Zinc' Years**

In ensuing years, governments maintained an emphasis on 'steering' development (Peters 2000) to maximise the opportunities mining provides to Indigenous people, especially through employment, often in partnership with the private or non-government sectors. For example, there was an MOU between the Australian Government and the Minerals Council of Australia, reached in 2005, to increase Indigenous employment and training (Martin et al. 2014). The Queensland Government and the Queensland Resources Council formed a similar MOU in 2007. As well as public-private partnerships, partnerships between levels of government or various government departments also burgeoned. During this phase, a shift occurred as the focus of government partnerships, joint initiatives and agreements extended beyond the initial emphasis on employment creation and training to encompass areas of community development such as health, education, infrastructure and

governance, as well (Martin et al. 2014). Most prominently, this related to the National Indigenous Reform Agenda when, in 2007, the Council of Australian Governments committed to 'Closing the Gap' in opportunities and outcomes between non-Indigenous and Indigenous Australians. This program originally had six targets and eight strategic areas for action that were subject to a suite of multi-year partnership agreements between the state and federal governments. From 2008–09, the Federal Government channelled AUD8 billion in funding over 10 years into these bilateral partnerships, which especially targeted remote areas like the northwest of Queensland where the gaps were most pronounced (QSG 2009).

Just before such reforms provided new impetus, the Ten-Year Review of the GCA had very similar messages to those surfaced five years earlier in the first review of the implementation of the GCA. The recommendations highlighted the need to improve communication between parties, especially from the government (The Right Mind 2008). As well, the reviews emphasised the critical requirement for effective Aboriginal institutions—eligible bodies, the Gulf Aboriginal Development Corporation, and committees including Century Liaison Advisory Committee—observing that there was insufficient investment in the relevant organisations to ensure they were strong and their capacity developed. While not underestimating the complexities of achieving such capacity development, and without minimising efforts particularly among Indigenous employees and committee members over the years, for much of this phase some institutions were dormant if not dysfunctional. In the state's eyes, these governance failures were a broader issue. This was illustrated in prime minister Howard's justification for dismantling ATSIC by asserting: 'We believe very strongly the experiment in elected representation for Indigenous people has been a failure' (Anon. 2004). With the abolition of ATSIC, the Indigenous supporters of the mine had lost a key federal supporter. The Queensland Government's attention similarly waned. Reflecting on the government's activity during the period 2002–07, the 10-year review of the GCA, halfway through this phase, noted, with respect to Schedule 1:

Whilst the [Queensland] Government might have been engaged at the beginning of this agreement ... The Government corporate memory, commitment and will to leverage the Agreement to build leadership and management, to improve regional development through carefully planned linkages from mining activities to regional development have been all but forgotten. (The Right Mind 2008: 22)

The review noted the stalling of key government commitments under the GCA—to the SIA, the Bidunggu outstation and fostering a Men's Business Association—as well as neglect of its responsibility to provide infrastructure and undertake regional coordination of training and other regional development initiatives. These issues had ramifications for the tripartite relationships. For instance, Bidunggu became reliant on the goodwill of the mining company for asset maintenance and some operational needs (such as diesel generator fuel).

In fact, over this third phase, there was no further progress reported on any of the government's obligations under Schedule 1 of the GCA that had already been highlighted as lagging at the five-year review. While this neglect may indicate challenges with less feasible elements in the GCA, it also encourages the inference that the Queensland Government directed attention to new objectives (such as Closing the Gap targets). Hence, the economic self-sufficiency and community development initially envisaged as accompanying the mine were not fully realised and programs outlined in the GCA languished (The Right Mind 2008; Everingham et al. 2013). Most parties to the GCA appeared to become defensive and reactive during this phase. For instance, the company reverted to a more internal focus and to appeasement and opportunistic tactics rather than former proactive, strategic approaches. Even the 2009 determination of Waanyi native title to the Lawn Hill and Riversleigh pastoral properties resulted in only cautious advancing of the phased transfer of control (Everingham et al. 2013). One view is that reactive approaches did not encourage strong Aboriginal organisations with the capacity to leverage full advantage from state-sanctioned mining, but encouraged a self-interested approach by the native title groups as responsible for their own participation in the economy and their own social circumstances rather than the state bearing any collective responsibility for their well-being (Trebeck 2007). However, we also note research across the region that has depicted internal drivers of self-interest and competition among Indigenous parties (Trigger 1988, 1997). Outcomes from mining then are best understood as a complex mix driven by customary norms and the circumstances of relations with the state and the company.

Significant changes in policies of the Queensland and federal governments reinforced the state's arm's-length position with respect to service provision and greater reliance on contracted service providers, including corporate actors, to fulfil governance requirements. For example, after a review found

significant flaws and ineffectiveness in the Community Development Employment Program, that program was discontinued from July 2009 and replaced by the Remote Jobs and Communities Program. This more recent program aspired to greater emphasis on job readiness and genuine employment outcomes. However, judging by 2011 Census figures and 2015 Closing the Gap reports, it was slow to evidence any improvement in the lower gulf region (Brereton and Everingham 2016; QSG 2017).

This was unfortunate since education and employment were key targets set in 2008 in the National Indigenous Reform Agreement. Mid-2008, the Rudd Government established the National Indigenous Health Equality Council, and in subsequent years additional Closing the Gap targets were added to strengthen the focus on equity with respect to health, education, employment and community safety. Many of the national partnership agreements supporting these action areas, arguably 'marketise' the delivery of services to remote Indigenous communities at the same time as supporting Indigenous aspirations for participation in the market economy. This ambivalence in the policy agenda undermines state support for the kinds of benefits envisaged in the GCA.

Other developments over this decade similarly affected the relationships between company, communities and government and reveal the Queensland Government increasingly acting at a distance, through others, to achieve its goals while itself taking a 'hands off' approach to governance in the lower gulf. However, it was no longer feasible to rely on the corporate party to the GCA for continuity and implementation, since this period saw a sequence of changes of ownership and staff turnovers with seven general managers and four companies between 2002 and 2012.<sup>16</sup> As well, the mining operation faced technical challenges that consumed its attention. For instance, during a storm in 2007, the Wununa barge, used to tranship ore from the Karumba processing plant to the bulk export carriers offshore, had to be temporarily abandoned at sea, threatening the company's licence to operate. While that was an unwelcome prospect in 2007, by 2012 viable reserves were becoming depleted and the company sponsored a closure SIA with a view to ceasing production within five years, when they anticipated the mine would reach the end of its 'economic life'. This was accompanied by a scaling down

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16 Corporate owners of Century Mine: CRA/Rio Tinto: 1990–97; Pasminco: 1997–2004; Zinifex: 2004–08; OzMinerals (a merger of Oxiana and Zinifex) 2008–09; MMG 2009–12.

(and some redirecting) of training and employment activities and eventual elimination of the ‘community liaison officer’ roles which had primarily supported those efforts in relation to Indigenous residents of the region.

The third phase, in sum, was characterised by gathering momentum of the federal rhetoric of practical reconciliation, the championing of economic liberalism and market-based economics as the route to regional development, and strategic partnerships with industry and service providers. This was particularly evident between 2005 and 2007, when the Howard Government controlled both houses of federal parliament. This less present, more distant, state was variously embraced and criticised by some regional residents and some within all parties to the GCA.

## Discussion and Conclusion

The Queensland Government viewed mining as the ideal avenue to development and closing the gap in the remote northwest, a region where the state’s capacity to directly achieve economic outcomes for the Indigenous majority is limited. Accordingly, Century Mine was a key driver of development, environmental impacts and sociocultural circumstances of residents in the lower gulf for 20 years. It was, for some years, the largest private employer of Indigenous people in Queensland (Miles et al. 2005). Perhaps its most striking achievements were maintaining 15–20 per cent Indigenous employment through direct employees and the contractor workforce, providing training opportunities in a region where these are in short supply and significantly increasing revenue to the region. For example, average household and individual incomes improved, and household material assets such as white goods and vehicles became more widespread. As the 15-year review of the GCA concluded, these were essentially narrow, individual benefits so ‘the main regret of native title groups is that there have not been more such changes’ (Everingham et al. 2013: 41).

In this region, as elsewhere, national economic growth and Queensland economic prosperity have provided temporary benefits for locals but have historically failed to deliver broad and lasting benefits to mining-affected areas (Eriksen 2018). Mining-affected communities now demand of the state a new balance between state economic priorities and local interests. In Century Mine’s case, the finale is yet to come, with the years since 2012 seeing dramatic shifts in the leverage and the aspirations of the major

parties all of whom have seized upon a 'stay of execution' as the closure of the mine has been averted. The mine ownership transferred in early 2017 to a smaller company with 'economic rehabilitation' plans. The Indigenous parties see renewed hope of active participation in environmental aspects of this economic lifeline to the region, while the Queensland Government grapples with the spectre of large mine closures in northwest Queensland and the need for regional resilience and revitalisation (Macguire 2019). However, in the period under review, initial expectations were not met. The very real achievements such as employment and financial benefits were unevenly distributed and the aspiration that two decades of mining could overcome decades of regional disadvantage proved overly ambitious.

Century Mine proceeded after a highly contentious negotiation process, in a historically troubled and disadvantaged region (Blowes and Trigger 1999). The GCA, to an extent, reflects Indigenous and regional dissatisfaction with various levels of government as much as it is an expression of hope for a better future. The negotiations about the mine came to represent the initial trial of the Commonwealth Government's 'right to negotiate' procedure contained in the *Native Title Act 1993* (Howlett 2010). Hence, there was unusually intensive government engagement in the pre-approvals negotiation and planning about the mine, and the Queensland Government was involved as a party to the GCA. However, within five years of the mine receiving the 'green light', a group of Waanyi people and their peers staged a sit-in to express their discontent with the progress and outcomes of the GCA. This was, in part, a consequence of the state leaving market forces to deliver its commitments, rather than adopting a more engaged role as a party to the agreement. Relevant sectors of government became less present and proactive soon after the mine began operating, and adopted a more arm's-length strategy with limited government intervention and institution-building in line with national regional policy (Tonts and Haslam-McKenzie 2005). As elsewhere in Australia, this region was losing jobs, services, public amenities and infrastructure rather than developing a thriving regional economy and tackling socioeconomic disadvantage. The economic injection stimulated by the mine provided a partial distraction from this underlying trend, but was not a sustainable antidote.

The state monopolises regulatory powers with respect to mining—but with Century mine, as in other cases, such regulations have at times encouraged a minimalist compliance approach. Governments have proven to be a weak link in moving from the historical, exploitative model of

mining development to delivering the promise offered by the sustainable development approach that mining peak bodies advocate (IIED 2002). Australian governments' overriding rationality appeared to regard economic growth as a precursor to social justice and they demonstrated primary responsiveness to politico-economic imperatives at state and national levels while maintaining a distance from local socioeconomic, structural and cultural issues.

There are regular examples in the literature of forms of private regulation and governance—with both direct and arm's-length involvement of the state (Moon et al. 2011; Raschke et al. 2013). This has been observed to result in non-government actors, including mining companies, filling a governance void where state capacity is weak (Cheshire 2006, 2010; Eversole and Scholfield 2006; Cheshire et al. 2011). Wilson and colleagues even conceptualise private actors as 'meta-governors', steering the various actors (Wilson et al. 2018). Their analysis of the role of corporate actors in such arrangements suggests they shape social and economic agendas. Corporations operating in Australia may not experience the same level of pressure as corporations operating in countries like Papua New Guinea and similar developing economies to take on traditional state responsibilities (see, for example, Bainton and Macintyre, Chapter 4; Skrzypek, Chapter 2; and Burton and Levacher, Chapter 10, all this volume); nevertheless, where states are not fulfilling regional development mandates, the boundaries between state and private roles are blurred. It is difficult to distinguish government from company responsibilities with the state's steering being more assumed than scrutinised. What has been termed 'governance without government' (Rhodes 1996) can also be interpreted as a strategic withdrawal and implicit delegation of the state's active agency to self-managing, non-government actors largely free of state interference. Rather than these being 'stateless' spaces, with a passive state playing a limited role, they can be understood as spaces where the state takes 'action at a distance' to pursue its ends indirectly, through the actions of others, in this case a mining corporation. This has sometimes been described as cost-shifting from the state to mining companies (Martin 2009). The approach can also be criticised on the grounds of 'steering' and small government being an inadequate response to the policy challenges in regions like the lower gulf—where one corporate development project is insufficient to drive the transformation and reform needed to ensure desirable long-term socioeconomic outcomes.

There are multiple narratives of Century Mine during the 1992–2012 period. As Ballard and Banks (2003) argue, the state, community, company and ‘fourth estate’ of NGOs, each with their own matrix of relationships, interact in a network of roles and interests. The uneven distribution of benefits is but one of the imbalances evident in this case. The state’s story is a celebratory one of economic development. In contrast, for many residents and traditional owners of the lower gulf, the salient threads of the story relate to rights, relationships to land and unmet expectations as state and private sector interests and roles converged. The Century Mine case illustrates conflicting notions of the extent to which the state should actively intervene in regional development, which reflects unresolved questions about the state’s role in an era of governance (Rhodes 1996). Likewise, there are multiple ways to interpret the contestations over development in remote Indigenous Australia, and persistent tensions characterising resource relations in far northwest Queensland. The case also illustrates the significance of temporal dimensions, with the state alternating between presence and absence in the affected region. Periods of ‘absence’ frequently involved an indirect ‘presence’ through the mining company’s actions. As well as the fluctuations over time, there were varying spatial limits to the state’s presence, with the remotely located Century Mine communities experiencing mostly absence. These spatial and temporal influences varied as the mine moved through its project life cycle, as political changes brought new policy imperatives for Indigenous affairs, regional development and economic prosperity and as diverse actors within or beyond the state exerted an influence. The GCA proved to be an ambitious instrument, yet in some respects flawed in that it was unable to carry the sole responsibility for ensuring all parties contributed to regional advancement. Nevertheless, the case demonstrates that, in peripheral mining localities, agreements such as the GCA can play a critical role in engaging the state and compelling its presence.

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