House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs

Inquiry into Indigenous Businesses

Submission by Rio Tinto Limited

INQUIRY INTO INDIGENOUS BUSINESSES

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INTRODUCTION

Rio Tinto is presenting a submission to the Inquiry because of the Company's Aboriginal and Torres Strait Islands policy which commits it to assisting indigenous people to attain economic independence. This may be through direct employment and the development of small businesses which can contract to our mining operations as well as the broader community in the mining area.

Rio Tinto has been involved in indigenous small business development at several levels in some Business Units over a thirty year period with mixed results.

Recently the company has embarked on a different type of arrangement of joint venture developments with newly formed Aboriginal enterprises. These are usually associated with outcomes from Land Access Agreements. As part of an overall package Rio Tinto is providing business development and employment for the Traditional owners and the local Aboriginal and Torres Strait Islands people.

Rio Tinto is conscious that for most indigenous people with whom the Company works this is relatively uncharted territory and few people have experience in the establishment of new enterprises and in managing and developing a small business.

Some Rio Tinto mining operations have been in place for more than 20 years and the Company wants to be able to continue to work and contract with local indigenous businesses well into the next century. Indigenous unemployment is at an unacceptably high level and the Company has a commitment to work with indigenous people to provide employment. The challenge for all stakeholders and in particular for indigenous people is to ensure that the many employment opportunities now emerging in contracting to the resource sector can be filled by appropriately skilled indigenous people.

This submission provides an overview of the Group's Australian interests and the range of indigenous businesses Rio Tinto has assisted in developing. Included is a case study of the recently established Gumala Enterprises Pty Ltd which is an example of indigenous people, Rio Tinto and Federal and State government agencies working together to establish an enterprise that should bring long term economic independence to Aboriginal people.

Rio Tinto raises for the Inquiry's attention the Company's concerns about how these fledging indigenous enterprises will succeed in the long term as truly independent operations. Few indigenous people have experience in operating a small business and mainstream research into the business sector indicates that most small businesses fail.

This paper includes a number of recommendations which Rio Tinto believes can improve efficiency in the use of the resources, both funding and personnel, to achieve the objectives of all of the stakeholders.

1. Overview of Rio Tinto

Rio Tinto is the world's largest mining group. Its Australian origins go back to 1905 when the Zinc Corporation (the forerunner of CRA Limited) was established. Since 1995 CRA has been united with UK-based group RTZ, and together they have become Rio Tinto. The Rio Tinto Group has activities in 40 countries around the world employing some 51,000 people.

Rio Tinto has three large mining activities in remote parts of Australia. Each of them interacts with local Aboriginal communities. The mines are, in order of age, the Comalco Minerals and Alumina bauxite mine at Weipa on Cape York, the Hamersley Iron mining province in the Pilbara and the Argyle diamond mine in the Kimberley region. In addition there are coal, gold, salt, gypsum, exploration, research and development and representational activities in Australia. Rio Tinto directly employs approximately 12,000 people across Australia. Many thousands of people are also employed indirectly through contracts in construction, catering, shipping and transport.

Outside Australia the Group also mines copper, zinc, borax, uranium, titanium dioxide and talc. Significant secondary processing also occurs for most commodities.

The Group's strengths are in the diversity of its range of world class competitive mineral resources. Rio Tinto focuses on developing long-life mines capable of sustaining competitive advantage and delivering superior returns to shareholders over many years.

In 1996 Rio Tinto's Group sales were nearly US\$8.4 billion and net earnings were nearly US\$1.1 billion. Wherever it operates, Rio Tinto works within the relevant laws and regulations of host countries and often performs to a higher standard. Rio Tinto believes mining and processing should be carried out with proper concern and regard for the environment, for local communities and for employees' health and safety.

In 1997 Rio Tinto was organised, on a world wide basis, into commodity groups. The individual operations within these groups are commonly referred to as Business Units.

2. Rio Tinto working with Indigenous people

Historically, Aboriginal people were not given a lot of attention in the establishment and development of mines. Of the mines mentioned above only the most recent, Argyle, had a detailed agreement with Aboriginal people before development. In recent times the Century Zinc and Yandicoogina mining agreements and the Walgundu exploration agreement have established new standards in dealings between Aboriginal people and a mining company.

Working with Aboriginal people has become a core activity of Rio Tinto but it is important to see this from the proper perspective. In Australia the Group has dealt with freehold and leasehold owners of property for many years and issues of access, land disturbance, compensation and community development have been a normal part of business.

The Group deals with a variety of indigenous people in other parts of the world and it recognises traditional ownership and often quite complicated connections to land. Rio Tinto corporate accountability has developed under the banners of "corporate citizenship" and "good neighbours". When a project has been developed near an existing community, training and subsequent employment have been provided as a matter of course.

What has to be said is that these practices were not universally applied in Australia where the near community was Aboriginal.

To support recent activities and address the Company's history, Rio Tinto developed an Aboriginal and Torres Strait Islands People's policy which is based upon recognition and respect.

Rio Tinto recognises that Aboriginal and Torres Strait Islands people in Australia have been disadvantaged and dispossessed. They have a special connection to land and waters and they have native title rights recognised by law.

The Rio Tinto Policy



Rio Tinto respects Aboriginal and Torres Strait Islands peoples' cultural diversity, their aspirations for self sufficiency and their interest in land management.

Each Business Unit employs people specifically in the community relations area with an emphasis on Aboriginal relations. These employees are committed to implementing the Group's policy whilst meeting the business unit's commercial imperatives. The following section outlines the work achieved through the Business units.

3. Rio Tinto promoting indigenous employment and economic independence

Comalco Minerals and Alumina - Weipa

Of the existing Rio Tinto sites, this has the longest association with Aboriginal people.

In 1995 Florence Charger from Napranum Aboriginal Community Council (NACC) and Sandy Callope from Napranum Aboriginal Corporation (NAC) made an excellent presentation at a conference on 'Doing Business with Aboriginal People'. They outlined the evolution of the Comalco-Napranum relationship with its failures and successes over the past 35 years.

They went through the period of the Comalco-Aboriginal community-State Government coalition called The Weipa Aboriginal Society. Money was spent, most of it wisely. The NAC has replaced this and now it stands independent - "owning the decisions and taking responsibility for the consequences" as Sandy Callope said.

Mainstream Aboriginal employment at Weipa has been relatively high over the years. Several small businesses, such as block making, pastoral, saw milling, landscaping and sand mining, are well established.

Currently Comalco and the Cape York Land Council (CYLC) are negotiating an agreement. The CYLC is representing the communities of Mapoon, Napranum and Arukun and the traditional owners of the Weipa peninsula, the Malakoola people. Part of the draft agreement focuses on economic development and assistance with business development for Aboriginal people.

Hamersley Iron - Pilbara

Hamersley Iron Pty Limited is a major iron ore miner in the eastern Pilbara. Approximately four years ago the Business Unit was determined to improve the way it related to the many Pilbara communities - in particular the Aboriginal community.

Considerable consultation was undertaken with the senior people in the area. As a result the Company's efforts were directed towards training, employment, child education and new business creation. To support this process Hamersley created a new organisation - the Aboriginal Training and Liaison (ATAL) Group - based at Karratha. Working with the local Aboriginal communities and utilising a small enterprise consultant, several successful independent small businesses have been established.

These include

- a waste recycling plant
- seed collection for rehabilitation work
- weed spraying
- drillhole plug manufacture
- fencing
- house and garden maintenance
- bush medicine
- cross cultural training

ATAL was an Award winner for Indigenous Business Development at the National Reconciliation Convention in May 1997.

In 1995 Hamersley Iron commenced negotiations to access land for a mine at Yandicoogina. The company conducted extensive consultations and established an inclusive negotiations process. Through agreement of the relevant elders an independent mediator was appointed to help draw together a negotiating team from representatives of the Bunjima, Niapaili and Innawonga peoples. They formed the Gumala Aboriginal Corporation.

The Yandicoogina Agreement, which was signed in May 1997, provides for economic development and employment as part of the package. One recent outcome has been the establishment of Gumala Enterprises Pty Ltd which has negotiated several joint ventures that will provide contract employment for local Aboriginal people in earth moving, equipment hire and catering. Hamersley Iron is a joint venture partner in the earth moving business and has mentored the discussions for the other projects. (see Case Study page 8)

Argyle Diamond Mines - East Kimberley

The Argyle Diamond Mines Business Unit operates its mine and alluvial recovery near Kununurra. In the earliest days of development, Argyle established a Community Relations section that has maintained a close association with local Aboriginal communities.

Today approximately 10% of the mainstream workforce are Aboriginal people with commuters from surrounding towns and Perth. The all Aboriginal Construction and Maintenance Services crew competes successfully with outside contractors and now does all the road building, road maintenance, concrete batching and skip collection for the site. This group also acts as a training ground for entry to the mine's operations workforce. There is currently a high demand for such people.

The local communities of Mandangala, Woolah and Warmun have all had assistance from Argyle in small business development and building of infrastructure. There is increased emphasis on long term ventures that have no dependence on the mine.

Of special interest is a cross cultural awareness programme jointly developed by Argyle Diamond Mines and the Daiwul Gidja Culture Group Corporation from Warmun Aboriginal Community. Through a range of unique culture based tours and training programmes, Daiwul is achieving cultural awareness, respect and better communications between Aboriginal and non Aboriginal people of the East Kimberley region, both in the workplace and the wider community.

Initially developed for the Argyle workforce, the two day *"Lirrkarn Kerrem"* (meaning "teaching people to understand") programme caught the attention of other mineral and exploration companies, as well as government agencies in the region. In Rio Tinto the course is regarded as 'best practice' and the model is being successfully applied at other sites. The majority of mine staff has completed the programme.

In addition to the training programmes planned for Argyle and other local companies and agencies, Daiwul intends to enter the tourist market this year, enabling it to survive as an independent, economically viable enterprise. Rio Tinto is in discussions with the Western Australian Chamber of Minerals and Energy aimed at sponsoring attendance of Western Australian school teachers at *Lirrkarn Kerrem* courses. This is seen as a positive step towards reconciliation.

Daiwul Gidja were finalists in their category of the Awards at the National Reconciliation Conference in May.

Apart from this business, Argyle has assisted in the development of several independent small businesses in the region. These include

- plant hire
- seed suppliers
- art and culture centre
- pastoral enterprise
- community stores
- landscaping and fencing contractors.

Rio Tinto Coal - Hunter Valley

Rio Tinto Coal is a Business Unit with three major open cut coal mines in the Hunter Valley of New South Wales. An area near Muswellbrook being considered for a potential new mine contains a 40 hectare parcel of land that is the subject of the Wanarua native title claim.

Discussions are at an early stage involving Rio Tinto Coal, the claimant group, the local land council, two other Aboriginal groups, the NSW Aboriginal Land Council and the National Native Title Tribunal.

Discussions have been held with the Wanarua Tribal Council about advice on business planning to increase employment outcomes for Aboriginal people in the Hunter Valley.

Pacific Coal - Mackay

Pacific Coal is considering a new project at Hail Creek that concerns a large, open cut, coking coal deposit about 85km west of Mackay. The majority of the Aboriginal people with traditional association to the area lives in and around Mackay or in Brisbane. The Birri Gubba Aboriginal Corporation (BGAC) was incorporated in 1994 and seeks to regain access to traditional lands, to preserve and enhance understanding of their cultural heritage and to develop economic independence.

Negotiations on an agreement between the Birri Gubba and Pacific Coal are underway and there is a commitment to Aboriginal employment and economic development as part of the package.

Rio Tinto Exploration

Rio Tinto's geologists, geophysicists and field technicians work in small teams in remote parts of every state and territory and are most often the first company contact with Aboriginal people.

The work teams in exploration are small and highly skilled. In several areas the exploration team has trained local Aboriginal men as field technicians and they have worked as team members during the field seasons.

A small but interesting programme is under way in east Arnhem Land, at the town of Ngukurr.

In conjunction with Greening Australia Rio Tinto funded dust suppression planting with the provision that an Aboriginal manager and employees be engaged on the projects. This has been supported from the Rio Tinto 'corporate centre' and is a significant auxiliary to exploration work in the area.

Considerable effort has gone into cross cultural training and equipping people for appropriate contact with Aboriginal people. Each February a two week induction programme for the new year's recruits to Rio Tinto Exploration is held and an important part of this programme is the section on Aboriginal relations and cross cultural awareness.

Rio Tinto Aboriginal Foundation

Our Business Units spend considerable sums of money in projects associated with Aboriginal development, apart from direct employment payments. In addition the Rio Tinto Aboriginal Foundation in its first full year of operation has allocated \$1.1 million to health, sport, cultural and education programmes as part of a continuing commitment to support initiatives that enhance the status and welfare of Aboriginal and Torres Strait Islands people.

4. Rio Tinto's Joint Venture Business with Gumala Enterprises. A Case Study

The recent decision by Hamersley Iron to develop a joint venture business with Gumala Enterprises Pty Ltd is a major commitment by Rio Tinto to indigenous economic independence. The following case study outlines the process and the outcomes being achieved for indigenous people.



Hamersley Iron Pty Limited, a wholly owned subsidiary of Rio Tinto, had been undertaking negotiations with people from three different language groups in the Pilbara to gain access to the potential Yandicoogina mine site. The recognised traditional owners of this land were the Bunjima, Niapaili and Innawonga people.

The Yandicoogina Agreement that was finalised in May 1997 provided for a Trust to which payment would be made to traditional owners. The package also made a commitment to economic and business development for the Aboriginal people. The people of the three language groups formed themselves into the Gumala Aboriginal Corporation for the purposes of the negotiations with Hamersley Iron. This group also formed the basis for discussions about employment and business development.

Hamersley Iron could see that employment would be available with the new mine construction site and was committed to providing some opportunities. Hamersley has been very proactive in working with Gumala to ensure success. There would be no accolades for either Gumala, Hamersley or the Government if the opportunities for employment were not realised.



As Gumala was a fledging organisation, with no staff, Hamersley initially was involved in mentoring the process of establishment. Hamersley provided resources to assist in structuring organisational systems and procedures and provided access to office space and housing. They also gave introductions to contractors and potential business partners and developed links to government bodies that had the resources to assist with the organisation and business development.

The result has been a three way, concerted effort by Gumala, Hamersley and the Government through the Office of Aboriginal Economic Development in the WA Department of Commerce and Trade, ATSIC and DEETYA. In a little more than six months Gumala Enterprises Pty Ltd (GEPL) has been established and entered into three joint business ventures associated with the construction of the Yandicoogina iron ore mine. Although the business has started with a small number of employees it is expected that these businesses will provide employment opportunities for up to 50 indigenous people with the development of business management skills as an integral part of the process.

The businesses are:

Gumala Construction A joint business venture with Hamersley Iron Aboriginal Training group that provides contract earthmoving services to the principal construction contractor. The core earthmoving equipment was provided by Hamersley as a deferred sale and additional equipment was purchased through ATSIC's Indigenous Business Incentive Program (IBIP).

Three Hamersley staff and four operators have been dedicated to the business during the first months of operation providing skills transfer and ensuring the business is fully functional. The business commenced operations in November 1997 and has completed the first contracts to agreed standards, on time and on budget. They also were recognised as the safest team on the construction site.

Gumala Hire This is a joint business venture with an established equipment hire company. This new company will provide site services to the Yandicoogina project contractors and establish a business for Gumala to become long term providers of equipment and plant maintenance in the Pilbara.

Gumala Catering and Services This is a joint business venture with a leading catering and camp management company that will manage three construction camps.

All businesses are managed by a joint Management Committee and have skill transfer as an integral part of each Agreement. DEETYA has committed four years of funding to ensure indigenous people take up management positions within the companies.

All three businesses have contracted work for the eighteen month mine construction period. The objective is that Gumala Construction will have reached a position where it can become a stand alone business attracting work from the operational phase of the Yandicoogina mine and as well other work in he Pilbara. The other two businesses, having established a strategic alliance, will also have the potential to win other contracts.

Hamersley Iron is committed to Rio Tinto's Aboriginal policy of building sound relationships with Aboriginal people beyond the transient mining activities. Hamersley Iron and Gumala are participating in the development of a future where Aboriginal people of the Pilbara will move steadily towards economic independence while ensuring the maintenance of traditional and cultural responsibility for the land.

5. Rio Tinto Working with Government

Policies and Programmes utilised

The Gumala Enterprises case study demonstrates the way in which Rio Tinto has worked with local indigenous people, Federal and State Government agencies and effectively utilised existing programmes to develop partnerships to increase indigenous employment and economic independence. Each of the Company's Australian based Business Units has the capacity to develop similar projects. It will be critical to ensure that the current programmes are adequately funded to enable indigenous people to capitalise on these opportunities.

The current ATSIC programme for Indigenous Business Incentive Programmes (IBIP) has worked well, particularly in relation to the initial establishment of the Hamersley Iron joint venture. It is our understanding that the commercial branch of ATSIC provides the resources to the State government departments of ATSIC. They undertake an assessment of a business project. This is done either via agents through a State government as in Western Australia or through independent accountants such as Deloittes in Queensland. Once a positive assessment is provided funding can be approved.

Rio Tinto found that there were some difficulties at the assessment stage because of the novelty of the proposals and because the assessors did not have extensive experience in the resource sector. Generally the process was well coordinated and delivered in a timely fashion.

- DEETYA Training for Aboriginals and Torres Strait Islander Programme (TAP) funding has been an important part of developing an integrated package for Gumala Enterprises. DEETYA has agreed to fund a 4 year training package that covers provision of a business development manager and training for skills transfers.
- The Community Development Employment Programme (CDEP) has been a useful base on which to build several small businesses. The Napranum Aboriginal Corporation in Napranum, has worked with Comalco and utilised some CDEP workers to build up viable long term business operations in block making and timber milling.

Issues of concern

• Lack of effective coordination on planning/budgeting issues.

Business timetables are different to those of government programmes. Government programmes are funded annually and businesses plan for expenditure over much longer periods of time. It is difficult to find compatible ground in working to achieve long term strategies with Aboriginal people when government funding is short term and guidelines change according to new policy directions. An ability to respond quickly to business opportunities and emerging employment is important. A Business Unit may take some time to negotiate access to land with local Aboriginal people to develop a new mine, however once the Agreement is reached and the decision to proceed is made, there is very little time between approval and commencement of a project. Leaving access to funds until the next Federal Budget year would mean the loss of significant employment and contract opportunities.

 Lack of effective communication between Government and Industry.

Until recent years the mining industry has been spasmodic in its communications with governments on Aboriginal community relations issues. In Rio Tinto's case, there was rarely any contact on indigenous matters. However, with our increasing involvement with local Aboriginal communities, our community relations staff have been asked to assist these communities in gaining access to government infrastructure funds for community development, education and training. These staff have not always found this to be a rewarding experience.

Some regional offices of government agencies have not worked effectively or creatively to look at ways of combining resources to assist indigenous in remote locations. The government expectation has been that the mine should provide all assistance in welfare and building infrastructure rather than looking of ways in which to forge a partnership. A more outcome focussed relationship needs to be developed between industry, government and local indigenous people at the regional level.

• Government staff inexperienced in business development.

In the past government departments have focused on the delivery of welfare services. Provision of advice on small business development has been outsourced and there are relatively few people within the public sector able to provide independent business advice to assist indigenous people.

• Lack of skills base and knowledge of how business works.

Most Aboriginal people in remote Australia have not had the opportunity to involve themselves in mainstream commerce and therefore do not have the skills or the knowledge of how business works. Training and mentoring for business establishment and development will be essential as will access to literacy and numeracy training. Lack of access by Aboriginal businesses to adequate commercial legal advice, accounting services, taxation and business planning expertise.

Especially in remote Australia these services are not available. Access to general banking, insurance and financial institutions is also non existent. The development in recent years of adequate telecommunications infrastructure has made access to these services easier. However professional services of the kind required are still not available to many Aboriginal people.

There is an issue of the cost of the services and a lack of funds to pay commercial fees. Government should provide funding and resources to enable indigenous people to access high quality legal and commercial independent advice. Consideration could be given to employing staff at the regional level who have business experience to assist in the development of indigenous businesses.

Resources largely targeted at community businesses

While many of the business opportunities have focussed on community involvement there needs to be access to funds and support for smaller family businesses and independent contractors so that people build up a broader economic base that can survive beyond the life of the mine.

6. Future Policy Directions

Maintenance of funding support for joint ventures and enterprise development by Federal and State government

Given the recent success that Rio Tinto has seen with the establishment of Gumala Enterprises Pty Ltd the Company would like to ensure that funding to the Indigenous Business Incentive Programme is continued. Similarly funding under the Training for Aboriginals Programme through DEETYA should be maintained. Clearly each individual State and Territory has a responsibility to ensure an additional role in economic development and it may be appropriate that they can act as local agencies to encourage access and coordination of these resources.

A stronger business focus and more experienced business operators within government may ensure speedier resolution of applications.

Strategic planning and budget support over a 3 to 5 year timeframe

Funding over 3 to 5 years is an important part of the development for access to enterprise funding. Resources need to be funded on a longer cycle than on a year to year basis. Commercial operations such as those in the mining industry run over very long timeframes and require certainty that support and funding will be available for longer periods of time than on annual basis.

Increase Indigenous Business Incentive Programme funding

Funding to the IBIP should be increased to enable opportunities to be developed. Rio Tinto is considering joint venture business proposals with

local indigenous people in each Business Unit. It is a concern that funds, may be restricted and business ventures put on hold until funds and appropriate personnel are available to process the applications.

Sharing good practice

Rio Tinto would like to be involved in structured communication with senior bureaucrats and indigenous stakeholders regarding implementation and procedures for accessing funding for indigenous economic development.

Future policy direction should be guided by the sharing of good practice with all stakeholders to support and develop indigenous economic independence. This best practice should be supported by both industry and government. At present Rio Tinto actively encourages its contractors and their sub contractors to explore avenues that lead to commercially beneficial arrangements with Aboriginal communities and businesses. Government could assist in the widening of this process to other business interests.

Flexibility for delivery of programmes to meet the needs of different groups

Not all indigenous communities want to be involved in joint venture arrangements. While the mining industry does provide opportunities, commodity prices do not always mean that mines continue for the full period of its planned operation. The commitment to employment development should be both on operations related to mining specifically in its initial phases and on sustainable long term businesses.

Individuals and families are units that are interested in small enterprises but they find it difficult to raise capital to start business ventures. Access to low interest loans, seeding funding, business advice and training will be important to enable family units to develop sustainable businesses.

Mainstreaming indigenous businesses

In the long term, indigenous businesses must be seen as part of the mainstream commercial community. However, there is some responsibility on the part of the stakeholders to ensure the infrastructure and training has been provided before expecting the business to compete fully within the wider marketplace.

If indigenous businesses are to operate successfully in a fully commercial environment they will need continuing support from appropriately qualified people to ensure that the businesses develop beyond their initial three year operation. Assistance should be provided to link indigenous business into mainstream business networks to access information and new markets. It is essential that some mechanism be developed to ensure indigenous people are provided with support to develop their small business and to be mentored into the next phases of their operation to ensure long lasting economic independence

7. Recommendations

- Increase funds for IBIP programme and continue to fund DEETYA TAP
 programmes
- Commit funding for a 3 to 5 year period to assist planning and implementation of the joint venture opportunities.
- Establish a reference group on indigenous business development to provide advice on policy and feedback and monitor programme implementation.
- Consider a placement of government officers in industry to gain expertise in business developments.
- Provide continuing access to funds and professional advice for individuals and family units.
- Link indigenous businesses into mainstream business networks and industry associations.
- Provide training, mentoring and information about business to indigenous small business operators.

CONCLUSION

Rio Tinto is keen to be involved in the aspirations of indigenous people to be self-sufficient. We are developing considerable experience in working in consultation with our Aboriginal stakeholders towards this goal. We feel that we can extend the efficacy of the work by cooperating with the various, appropriate government agencies to greatly increase the probability of success of their programmes. This is not stated from any position of patronage but rather in the recognition that Rio Tinto is generally in long term ventures and can provide an environment in which there is time for stable businesses to be achieved and maintained.

There is a need for improvement in the processes of the Company, governments and indigenous communities. If this is realised by all of these parties at all levels then there will be accelerated gains for the benefit of all.