



<b>Title</b>	Mining Policy
<b>Policy Number</b>	NLC 116
<b>Approved</b>	Chief Executive Officer, 17 November 2020
<b>Policy Owner</b>	General Manager Land & Law
<b>Trim Number</b>	E2020/20064
<b>Next scheduled review</b>	16 November 2022

## 1 Introduction

The Northern Land Council (**NLC**) has statutory functions and duties under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth.) (**ALRA**) and under the *Native Title Act 1993* (Cth.) (**NTA**) and legal obligations to fulfil in respect of agreements with third parties (**Proponents**) in relation to mining.

*Mining* means the exploration for, or production of, minerals and petroleum substances.

## 2 Policy Objective

The objectives of the policy are to provide guidance to NLC workers to ensure that, among other outcomes:

- a) decisions made at NLC consultations are upheld by processes consistent with the principle of Free Prior and Informed Consent (**FPIC**); and
- b) NLC complies with all relevant laws in the discharge of its functions and duties.

To achieve the policy objective the NLC may engage interpreters, cultural advisors, scientists, lawyers, anthropologists and other experts as necessary to ensure that information provided to Indigenous Peoples in relation to mining is objective, factually correct, culturally appropriate, and takes in to account all relevant traditional, scientific and other knowledge.

## 3 Policy Statement

### Neutrality

The NLC maintains a neutral position in relation to mining. This means that NLC workers do not seek to direct or otherwise influence people to either consent, support, refuse consent or object to mining proposals and associated activities.

### United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and FPIC<sup>1</sup>

FPIC and other principles that underpin the aspirations and expectations of the NLC and its constituents

<sup>1</sup> Ref: Article 32, UNDRIP. The International Finance Corporation's Performance Standard 7 (IFC PS7) describes FPIC processes and elements.



in relation to mining are enshrined in the UNDRIP. In relation to mining the NLC upholds the requirement for FPIC, including the requirement for informed consultation with, and meaningful participation of, Indigenous Peoples.

Although there is no universally accepted definition, FPIC is broadly acknowledged to require and recognise:

- the need for factual information;
- the importance of capacity;
- the right to withhold consent; and
- the need for an enforceable legal agreement to predicate a consent decision.

### **Environment**

The NLC works collaboratively with Indigenous Peoples and proponents toward the goal of preventing environmental harm from mining, including in relation to sacred sites and other cultural aspects. The NLC encourages Proponents to utilise the best available science and technology and employ leading practice governance, planning and consultation processes to work collaboratively with Indigenous Peoples to minimise the environmental impacts of mining.

### **Independence**

NLC decisions about the allocation of resources and information provided to Indigenous Peoples in relation to mining are made independently regardless of funding arrangements.

## **4 Policy Interpretation and Implementation**

The General Manager Land and Law is responsible for interpreting the policy, assisting the relevant work areas in its implementation and making policy recommendations to the Chief Executive Officer (**CEO**). Any changes to the policy must be approved by the CEO prior to those changes being effective.

The General Manager Land & Law is accountable for ensuring that the policy is implemented.

All inquiries and correspondence in relation to the policy are to be directed to the:

General Manager Land & Law  
Northern Land Council  
GPO Box 1222  
Darwin NT 0801  
By email: [Peter.Kilduff@nlc.org.au](mailto:Peter.Kilduff@nlc.org.au)

## **5 Version History**

Version	Approved Date	TRIM Number
Original	17 November 2020	E2020/20064