

# "What does Closure even mean?" at Century Mine: Multiple companies, mine closure trajectories and disputation

Alec Doomadgee<sup>1</sup>

Sarah Holcombe

Waanyi native title holder and chairman of the Waanyi PBC (2014 – 2024), Australia

University of Queensland, Australia

## Abstract

During the peak of its operation, Century mine, in Australia's western Queensland, was the third largest lead, zinc and silver mine in the world. The mine has had a turbulent history. It was resisted by the indigenous Traditional Owners, and then an uneasy truce followed, with an unprecedented agreement struck between the (then) company, the state government and Traditional Owners. Over a period of only 16 years the mine has been owned by 6 different companies, each with different approaches to working with Traditional Owners. This article will focus on the most recent period from the perspective of the current Chair of the *Waanyi* Native Title Proscribed Body Corporate (PBC), Alec Doomadgee. This recent period includes a declaration of 'closure' by MMG (Minerals and Metals Group) Corporation, with promises made that Traditional Owner businesses would have opportunities for mine-site rehabilitation. This was quickly followed by the purchase of the operation by another company, who renamed it New Century. The business model of this new junior company – which focuses on re-mining tailings and also rehabilitation – seems to directly compete with *Waanyi* PBC interests, while mine expansion is also planned. There has been an increase in conflict and rivalry during this latest period, with disputes and lateral violence amongst Traditional Owner groups.

**Keywords:** mine closure, native title, Waanyi, lateral violence, disputation

## Résumé

Au plus fort de son exploitation, la mine Century, dans l'ouest du Queensland australien, était la troisième plus grande mine de plomb, de zinc et d'argent au monde. La mine a connu une histoire mouvementée, marquée par la résistance des propriétaires traditionnels, suivie d'une trêve précaire et d'un accord sans précédent entre l'entreprise (de l'époque), le gouvernement de l'État et les propriétaires traditionnels. En 16 ans seulement, la mine a appartenu à six entreprises différentes, chacune ayant une approche différente de la collaboration avec les propriétaires traditionnels. Cet article se concentrera sur la période la plus récente et suivra le point de vue de l'actuel président de la corporation *Waanyi* Native Title (la personne morale chargée de défendre les droits fonciers autochtones), Alec Doomadgee. Cette période récente comprend la déclaration de "fermeture" par la société MMG (Minerals and Metals Group), ainsi que la planification et les promesses associées concernant les opportunités que la réhabilitation du site minier offrirait aux

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<sup>1</sup> Alec Doomadgee, *Waanyi* native title holder and chairman of the Waanyi Prescribed Body Corporate (PBC) (2014 – 2024), Australia. Dr Sarah Holcombe, Principal Research Fellow, University of Queensland, Australia. Email: [s.holcombe@uq.edu.au](mailto:s.holcombe@uq.edu.au). Thanks to Simon Batterbury, David Brereton, Arn Keeling and Rebecca Hall for their insightful comments in the review of this article. This work is part of a five-year initiative on community consultation and consent supported by the BHP Foundation and implemented by Landesa in partnership with RESOLVE, Conservation International and the University of Queensland. In Sarah Holcombe, Arn Keeling & Rebecca Hall (eds.) Special Section on "Self determination in mine closure and mine site transition across nations." *Journal of Political Ecology*, 2025

entreprises des propriétaires traditionnels. Cette opération a toutefois été suivie peu après par le rachat de l'exploitation par une autre société, qui l'a rebaptisée New Century. Le modèle d'entreprise de cette nouvelle entreprise junior – qui se concentre sur le retraitement des résidus miniers et la réhabilitation – semble entrer directement en concurrence avec les intérêts de la corporation *Waanyi*, et prévoit également une expansion de la mine. Bien qu'il y ait déjà eu par le passé des disputes et des violences latérales entre les groupes de propriétaires traditionnels, les conflits et les rivalités se sont intensifiés au cours de la période actuelle.

**Mots clés:** Fermeture de mine, titre foncier autochtone, *Waanyi*, violence latérale, dispute

## Resumen

Durante su época de mayor actividad, la mina Century, situada en Queensland occidental de Australia, fue la tercera mina de plomo, zinc y plata del mundo. La mina ha tenido una historia turbulenta con la resistencia de los Propietarios Tradicionales<sup>2</sup> a la mina, seguida de una tregua incómoda y un acuerdo sin precedentes entre la (entonces) empresa, el gobierno estatal y los Propietarios Tradicionales. En un periodo de sólo 16 años, la mina ha sido propiedad de seis empresas distintas, cada una con enfoques diferentes para trabajar con los Propietarios Tradicionales. Este artículo se centrará en el periodo más reciente, y se basará en la perspectiva del actual presidente de la corporación de títulos nativos *Waanyi*, Alec Doomadgee. Este periodo reciente incluye la declaración de "cierre" por parte de la Corporación MMG (Minerals and Metals Group) y la planificación y promesas asociadas en relación con las oportunidades que la rehabilitación del sitio minero ofrecería a las empresas de los Propietarios Tradicionales. Sin embargo, poco después otra empresa compró la operación y la renombró como New Century. El modelo de negocio de esta nueva empresa junior – que se centra en la rehabilitación y la extracción de relaves – parece competir directamente con los intereses de *Waanyi* PBC, al tiempo que también planean expandir la mina. Aunque en el pasado existieron algunas disputas y violencia lateral entre grupos de Propietarios Tradicionales, en este último periodo se ha producido un aumento de los conflictos y la rivalidad.

**Palabras claves:** Cierre de mina, título nativo, *Waanyi*, violencia lateral, disputa

## 1. Introduction

This article examines the impacts of a large lead, zinc and silver mine in a remote region of the Gulf of Carpentaria, Queensland, Australia. It is a personal account of the trajectory of engagement by the two most recent mining companies running the Century mine site with Indigenous people, the *Waanyi*, and their Country (territory), during their plans for mine closure and reopening. The mine is less than 150 km south of the community of Doomadgee, the closest township, and the ancestral community of the first author. There is entrenched disadvantage affecting the lives of *Waanyi* people in their hometown, which has 1,500 residents, 90% of whom are Indigenous. The much larger town of Mt Isa is 315 km to the south (Figure 1).

Structural racism affecting Indigenous communities in Australia has been named by public and academic commentators (see ABC News 2022 a,b; ABC Four Corners 2022). This region is no exception. It forms an important background to the events and the struggles that we report on here. As we were recording a first interview for this article between the authors, Alec Doomadgee and Sarah Holcombe in July 2022, a Coronial Inquest was underway by the Queensland Department of Health in Alec's hometown of Doomadgee in relation to the preventable deaths of 3 young *Waanyi* women from rheumatic heart disease (ABC News 2022b; Canberra Times 2022). This is a health condition that is rarely found in the non-Indigenous population in Australia, and is entirely preventable. The article is not about *Waanyi* health, but

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<sup>2</sup> El término 'Propietarios Tradicionales' se emplea en Australia para referirse a los pueblos indígenas que poseen vínculos primarios y responsabilidades sobre ciertas áreas de tierra y agua, así como sobre los sitios culturales y espirituales que se encuentran en ellas. Este término tiene diversas aplicaciones en todo el país y proviene del término legal 'Propietarios Aborígenes Tradicionales', establecido en la Ley de Derechos sobre la Tierra Aborigen (NT) de 1976. Esta ley define a los pueblos aborígenes como aquellos con una conexión espiritual común con sitios específicos en un área de tierra, sobre la cual tienen responsabilidades espirituales primarias. A menudo, estos pueblos se conocen coloquialmente como 'TOs.'

the structural racism within the health system that has been uncovered by the Inquest is also reflective of entrenched disadvantage in other contexts of the lives of *Waanyi* people.

In the mid-1990s when the Century mine was first being considered, there were high hopes that it would have a largely beneficial impact. The negotiated outcome of the mine's establishment, the Gulf Communities Agreement (GCA) signed in 1997, was precedent-setting and ambitious. Two of the seven aspirations in the Agreement were to: "remove the native title groups and other members of communities from welfare dependency and...promote economic self-sufficiency" and "to ensure that the standard of health, employment rates, education opportunities and other social indices of [the] groups [and] communities is comparable to ordinary Australian standards" (in Everingham *et al.* 2013: 7). Anthropologist David Martin stated, however, that; "It is clearly unrealistic to expect a single development such as Century to address the accumulated socio-economic disadvantages of the whole region, although many Aboriginal people in the Gulf region continue to hold this view" (1998: 5).

The mine commenced open pit production in 1999 and during its first 16 years of operation, the production of lead and zinc made it one of the largest in the world, and the largest of its type in Australia. The mine has had multiple owners over its lifetime. In chronological order, these companies were: CRA (now Rio Tinto); Pasminco; Zinifex; Oz Minerals; MMG, New Century and now Sibanye-Stillwater. This flux in ownership has impacted each incoming company's engagement with the GCA Agreement, and it remains a particular issue in this current stage of mine-life.

There have been numerous publications and reports about the Century mine over the last two decades (see for instance Trigger 1997b, Brereton & Everingham 2016), including work released in 2013 for MMG in preparation for the then-anticipated end of production in 2016. This focused on the social aspects of closure (Everingham *et al.* 2013). Likewise, under the GCA the company is obliged to undertake a 5 yearly review of the implementation of the agreement, and to date there have been three reviews. The third, at that time understood as the final review before closure, dealt with the 2008-2013 period (Everingham *et al.* 2013).

A recent article by Everingham *et al.* (2021) discusses the socio-politics of the life of Century mine in terms of three phases.

Phase 1 was the Pre-Development and Negotiation Phase (1992-1997)

Phase 2 was Early Operations (1997-2002)

Phase 3 was the 'Big Zinc Years' (2002-2012) when production was at its peak.

Since 2012, when the Everingham *et al.* article ceases its focus, we can add two more phases. These are Phase 4 which includes closure by the then company MMG who announced the "completion of mining" in 2015.<sup>3</sup> The current Phase 5 – from 2017 – saw a re-opening of the mine to re-mine the tailings, which the company (New Century) who purchased the mine from MMG referred to as "economic rehabilitation." This phase has included mine expansion, with a focus on progressive rehabilitation. It is the periods from 2015 covering "closure" and the subsequent re-opening that are the focus of this article. This is also the period where Doomadgee – the lead author – has the most immediate experience. As Doomadgee states, he is not a supporter of the industry, but as the mine exists and is on his Country there was a need to step up and support his family and his people in the best way he felt he could.

Indeed, since our discussions and during the finalization of this article, another company, Sibanye-Stillwater has taken over New Century. Whereas New Century was a 'junior miner', Sibanye-Stillwater is a large multinational based in South Africa. The information presented in the article does not relate to this more recent period. Nevertheless, given the insights and experiences shared from phases 4 and 5, it would be valuable to do a follow-up study to see if this change in corporate ownership has impacted on practices and relationships 'on-the-ground.'

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<sup>3</sup> See MMG media release <https://www.mmg.com/media-release/mining-completed-at-mmg-century-mine-d70/>

We begin by briefly discussing the collaborative method we used, followed by Doomadgee tracing how he came to be in his current role and what drew him back to his Country. One of the major themes running through his story is the disputes between different Aboriginal groups and the way in which Doomadgee's positionality is informed by this lateral violence. We then trace the mine site transitions over the history of the mine, with a focus on the more recent period of Doomadgee's involvement. Trying to keep up with mine site transitions, through the different owners and their approaches to engaging with the Gulf Communities Agreement (GCA), is especially challenging. A barometer of this engagement has been the levels of Indigenous employment as each company transits through. We end the article with a discussion of the most recent activities which include the work of *Waanyi* Rangers and the challenges encountered in working in mine site rehabilitation.

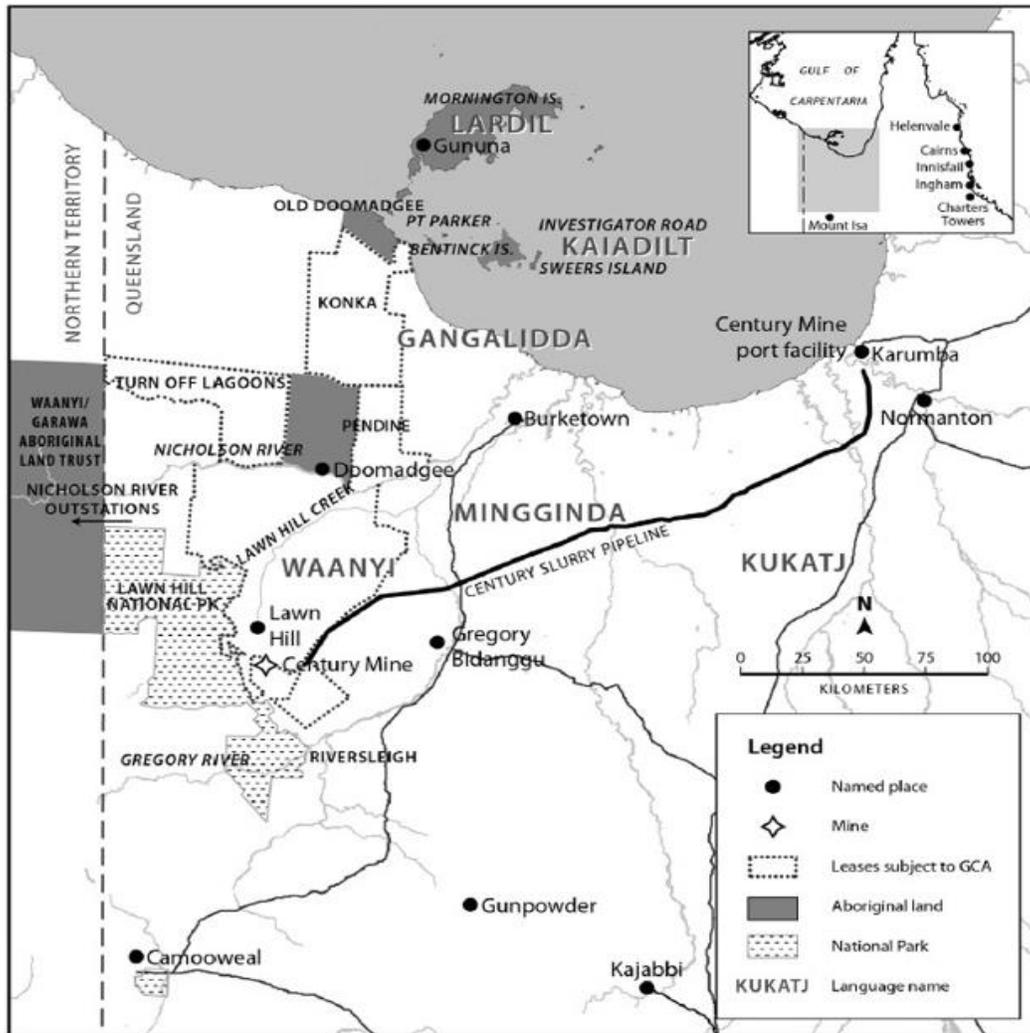


Figure 1: Regional map of the Gulf of Carpentaria, Queensland. The Century mine is centre-left. Source: Scamby 2013: 189

## 2. Collaborative method (Holcombe)

This article draws from a series of interviews recorded via Zoom between Doomadgee and Holcombe over an 8-month period between July 2022 and July 2023, and follow-up phone conversations

to check the veracity of the material. Holcombe curated the interviews and drew out the themes from the discussion that structure the narrative. She has provided the wrap around context and has written some sections to shed more light on the core issues, to more fully engage with Doomadgee's perspective and experience. However, Alec Doomadgee's voice is the dominant one. We have signposted the sections to clarify authorship, as Holcombe for instance undertook analysis subsequent to the interviews to provide further background.

This collaboration, like the others in this Special Section, was originally driven by the *Indigenous Exchange Forum: Transitions in mine closure* project. As part of this project Holcombe visited the Doomadgee community in mid-2021 to meet with *Waanyi* Traditional Owners and, working with Ngarluma videographer Tyson Mowarin – we made the film *Waanyi Voices: Century mine* (Mowarin & Holcombe 2022). Lead author Doomadgee features in the film with other *Waanyi* and family members, while the interviews with him and others were also included in the subsequent report (Holcombe *et al.* 2022).

So as not to distract from Doomadgee's voice in the sections that are narrated by him, Holcombe has provided further context in the footnotes. We have also included an Appendix with an organizational map over-viewing the structure of the Gulf Communities Agreement (GCA), as this is a complex arrangement.

### 3. Positionality and how I came to be in my current role (*Doomadgee*)

I was about 21 years old when the mine was first being considered. I recall in 1993 a cultural camp with the anthropologist John Dymock and the senior men, for an ethnographic survey of the mining lease. The main period of negotiation was in 1997 and my dad, my stepfather, was a very strong *Waanyi* and *Garawa* lawman called Don George. As the senior lawman he led the cultural clearances for the mine site and the negotiations. He was married to my mother. I'm the oldest son of Noreen George, and Don George took me in as his son, as I'm the son of a white man. My mother worked on pastoral stations as a teenager, the missionaries sent her to work there as a slave girl. And that's where I come from. I'm a product of that practice. And my stepfather married my mother in the late seventies, early eighties, and I was part of the *Waanyi Garawa* Land Trust, land rights movement. When I was only three or four years old my dad and mom walked off Doomadgee mission and out to *Jibar* and the *Waanyi* land trust was formed (in the neighbouring Northern Territory).<sup>4</sup> My people moved to re-occupy their Country again, as this became Aboriginal land (Trigger 1982, 1997a). This is just some background to my involvement and I guess my history with the *Waanyi* people and my connection to that country.

I've only been raised as an Aboriginal person by my mother, who's a full blood *Gangalidda* woman and that's how I was raised as an Aboriginal person; I didn't know any different and that's all I knew. And so I realized that in the early stages of my involvement in the mine that the color of my skin made me apprehensive about getting involved and being the voice for my dad. But my (step)dad explained to me that I was his son and that the reason I got the education was to ensure that the Government had less reason to take me away. Up until 1970 they were scared that the Doomadgee missionaries, who were the fundamentalist Brethren church, were going to take me from my mother and father because of the fear of my skin, my half caste skin, whatever you want to call me. But they were taking half caste kids up to that stage, which became known as the 'stolen generation' (Read 1999). That was not too long ago. When I finally went to school, you know, I was in year seven and I was like a sponge I soaked up everything I could. So my dad explained that you know, one of the reasons we put you in school was to keep you with us.

To be honest, I really didn't want to get involved in the mine because I'm not a real big fan of mining. And because of my bloodlines, I also get attacked quite a bit, so I was cautious about getting involved. So that I need to explain it; to say this out loud because it's something that really is detrimental to Aboriginal

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<sup>4</sup> This area became the successful Nicolson River *Waanyi* Garawa land claim over the Nicolson River pastoral lease (a pastoral property is a large ranch, see footnote 27) that borders Queensland – now the *Waanyi* Garawa Land Trust. The Northern Territory is the only jurisdiction in Australia that has legislated the Aboriginal Land Rights Act (1976) where successful land claims can be converted to inalienable freehold Aboriginal title. This title confers a form of free prior and informed consent (FPIC) for the Traditional Owners on any development on their land trust.

peoples' advancement and it's also detrimental to the negotiations with the real enemy. And so, I realized early on the need to be a little bit more moderate with each other. This lateral violence is a big issue; as Aboriginal people drag each other down (Whyman *et al.* 2023). This happens quite a bit in every society; stifling and obstructing any real fighting chance of making the real change that's needed.

In 2013 I started getting calls and whispers [I was in Sydney at the time] about the Gulf Communities Agreement (GCA) and what was going on up there, and that the mine was about to close. And all the promises in the Agreement had not been delivered. A lot of people were calling me, even those who had been causing lateral violence against me, calling me asking me to return and help them. These are all Aboriginal mob, I was getting phone calls from people in Normanton, people in Mt Isa, calling me saying "we need you to come home." And my mom kept ringing saying "look my son, if you don't come home and help save the *Waanyi* native title corporation it will go into administration." Or basically she didn't use that word "administration." She says "it's gonna be finished up", and "the native title that dad fought for, with dad's name on it – there will be no more native title." And that's that, that's what sold me. It was a tearful sort of phone call from my mom about dad's memory and that I had to come home and help.<sup>5</sup>

I first became formally involved as a Board member for the *Waanyi* Prescribed Body Corporate (PBC) in mid-2014. And I was elected to my current role as Chair of the *Waanyi* PBC three years later mid-2017. So I'm now in my second term as Chairman.<sup>6</sup>

#### 4. The Century mine as a cultural place (*Doomadgee*)

The Century mine is in spiritual Country. It is and was surrounded by Dreaming sites. I know this idea of Dreaming as *Wangala*. I have grown up knowing that the *Wangala* is the great keeping place of our spirits, its where we go to the spirit world. The *Wangala* is the Great Spirit World where our ancestors go to sit around a campfire and embrace our mob. It's also where we encompass our spirit animal. This spirit animal takes two forms: it's here on Country while we're here in flesh and blood, which we know as Dreaming stories in the land, and then you return to it again when you pass [die] – it guides you in your next journey, kind of like an afterlife. So the Dreamings are with us on Country and beyond, in the spirit world. My totem or my spirit animal is the *lidargi*, the red tail black cockatoo. Mom buried my placenta when I was born at the *lidargi* dreaming site on the *Waanyi* Garawa land trust (in neighboring NT), and this is because when I was on the way to being born my mum saw the *lidargi* and it guided her. This is how totems are bestowed. My proper name, or bush name, also comes from Country after the wedgetail eagle, the *Jarrbilikgala*, after a site near Lawn Hill.

There's two main Dreamings for the mine site area; the dingo is one of the main stories – the *Bajangu* dog [*Warrgi* in the *Waanyi* language] and you rarely see dingos around there anymore. And the other one up in the Constance ranges is the big Goanna dreaming – the *Wanjurla* [*Jumburuna* in the *Waanyi* language] dreaming. And we hardly see goannas around there anymore. We used to go out there all the time to a place called Muswellbrook and there were goannas everywhere when I was a kid, everywhere! It's obvious that the country is sick, 'cause you rarely find goannas around there anymore.

Let's be honest – there's a massive hole in the ground (Figure 2), it will never be fully rehabilitated to its original glory. There's no way you're going to bring back the 10-mile waterhole, the *Jaminy* ground, which is a ceremony men's ground – that's been destroyed. There's no way you're going to bring back all the red ochre they've dug out of the pit, that's been dug up and put somewhere else. There's no way you are

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<sup>5</sup> Native title is the recognition that Aboriginal and Torres Strait Islander people have rights and interests to land and waters according to their traditional law and customs as set out in Australian Law. It is an Australia-wide legislation and is governed by the Native Title Act 1993 (Cth). The Act overturned the colonial doctrine of *terra nullius* (land belonging to no one) that facilitated British invasion.

<sup>6</sup> PBCs manage native title rights and interests on behalf of their native title holders. After a positive native title determination, the PBC will become the main contact point for people wanting to engage with the native title holders or do business on their Country, including local and state or territory governments, mining companies and other individuals or entities. As this article goes to publication Doomadgee is no longer the Chair of the PBC.

going to bring back Discovery Hill or No Name Hill which were two massive hills that were sacred sites that got destroyed.

The mine uses water from the aquifers. As a kid I can remember the two major rivers the *Ganalanja* (Nicholson) River and the *Bidangu* (Gregory) River. They used to run all of the time – as a pandanus [native palm] oasis – all the way to Burketown [approx. 250 km north]. Now they are only seasonal. Over the last twenty years they have really changed.



Figure 2: Century mine photo taken in approx. 2015. Source MMG

## 5. Early days leading to the Gulf Communities Agreement (GCA) (*Doomadgee*)

In the early days when the mine was first proposed, there was no consultation with our mob and that sparked an uproar from all of our mob and protests. One thing about the Gulf Country, we're Gulf warriors up here, don't push us too much or we'll stand up, we don't muck about.

Gangalidda leader and then CEO of the Carpentaria Land Council (regional representative body), Murrandoo Yanner, played a pivotal role in this early period:<sup>7</sup>

[We] had a lot of concerns about the mine and didn't want it initially, so held them up for 8 years. *Waanyi* didn't want it – but they won some people over with their bribes, threats. So, in the Agreement we started talking about things such as protecting cultural heritage, protecting the environment, not leaving any mess, minimizing any social impacts – including us being marginalized. Was the first agreement under the Native Title Act...held a social media campaign, held them up in court – repealed the EIA [environmental impact assessment] and SIA [social impact assessment] – dragged it on for years (in Holcombe *et al.* 2022: 32).

They fought against the mine for a long period of time until they got backed into a corner, where they either negotiate or its going to be pushed through anyway. A lot of promises were made during this early part of it. You know, there was celebration around how great the GCA was because it was pre-native

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<sup>7</sup> See also <https://www.clcac.com.au/native-title/our-story/02>

title. This was before the native title legislation actually was enacted. So it was a win for collaboration, to actually have a significant agreement with such a huge multinational international company like CRA [now Rio Tinto], and then Pasminco – as the original Agreement signatories.

This was a big deal: that Aboriginal people pulled this off. And as a kid in the early days, I was in my early twenties, I didn't understand all the finer points of it all. I knew that my dad and our family wanted us to get over there and fight and, stop the mine from destroying sacred sites. Once the agreement was signed back in the late nineties, about 97-98 they then went onto the construction phase of the mine from 1996 to 2000.

There was a range of benefits negotiated for three language groups, sometimes referred to as "tribes" by Aboriginal people. Though the perspective and focus of this article is the *Waanyi* – as they are the native title holding group for the Country where the mine was developed (see the map Figure 1). The Country of the *Mingginda* and the *Gkuthaarn-Kutatj* is where the slurry pipeline traverses on its way to the Port Facility at Karumba in the Gulf of Carpentaria to begin its transport by ship to international ports. While the *Gangalidda* are *Waanyi* northern and north-western neighbors. These other groups are also part of the Agreement, the GCA.

The original GCA has royalty funds coming in every year around February, which then involves a dispersion of royalties out to different groups. It was to provide \$AUS60 million in royalties over the 20-year mine life and the bulk of this is channeled through two special purpose organizations – the Gulf Aboriginal Development Company (GADC) and Aboriginal Development Benefits Trust (see also Martin 2009: 104-108).<sup>8</sup> Since 2019 the *Waanyi* native title corporation is now one of those groups that get some of those annual funds. But we had outgrown the GADC and it was not operating transparently, its fair to say it was corrupt. In 2021, the GADC was dissolved at a big meeting in Burketown (regional town). The structure of it, as well as its management had become untenable. It was set up prior to native title determinations and included other language groups that had nothing to do with mine site – which as you know is on *Waanyi* land.

The royalty funds are spread out very thinly to a fair few people. And most of the time, it's all gone by May, after two months, it's all gone. 'Cause there's such a great un-met need up there, in the *Waanyi* communities, especially my community of Doomadgee. But at the end of the day, it's a small amount. It's a minuscule amount compared to what the state government gets or what the mining company gets. And when you consider the abject poverty in the lower Gulf region and, and the constant need for financial assistance it doesn't go far. It's not sustainable and it's not something that can be a long-term fix for all the ingrained social issues and problems and health problems and, you know, housing problems and employment problems that we face up there.

I think we need to look to mine closure and rehabilitation of the Country as an answer for our mob. But before I get onto that, I'll revisit some of the challenges that we have had – faced with multiple companies, the agreement implementation and ways in which we've tried to resolve this.

## 6. A precedent-setting Agreement and the role of the state (*Doomadgee*)

There has been a lot said about how great it was that we negotiated an agreement prior to the native title legislation, which legislated for agreement making.<sup>9</sup> I realize that it was a big deal that we managed to pull it off with a big multinational company like Rio Tinto, or CRA as it was then. But it wasn't just with the company. Because this was planned to be such a big mine, the Queensland state government also got involved. Then conservative liberal premier [state governor] Rob Borbidge was involved in the early stages and enforced that the mine had to go ahead. They pretty much said that in an open meeting where they stated that if we didn't change, if we didn't support what was going to happen, their mine was going to go

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<sup>8</sup> See Appendix 1 for the Gulf communities agreement structure, per Martin 2009: 105.

<sup>9</sup> A key part of the Native Title Act (1987) is the right to negotiate that it offers native title claimants and native title holders. Indigenous land use agreements (ILUAs) are a negotiated outcome and there are now more than 520 in Australia (Agreements, Treaties and Negotiated settlements database).

ahead anyway; they would just change the legislation to enforce it, which is what they did. So the state is also a party to the agreement, but since the GCA has been signed the state government hasn't followed through any of their promises.

One of these broken promises was a failure to conduct the Social Impact Assessment (SIA) as an early outcome of the Agreement. As the Carpentaria Land Council who has been trying to keep them on their toes stated back in 2002, not only was this "a failure of implementation, but it was also 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" (see CLCAC 2002: 1, in Everingham *et al.* 2021: 298). Such an SIA would have provided a baseline against which to assess the impact (positive and negative) of the GCA on the beneficiaries over the long term. That one was never done at the beginning of the Agreement says to me that the state was never that serious about mining as an opportunity for my people, as this also would have provided us more leverage to fully understand our needs.

Since I've been the chairman of the *Waanyi* Native title corporation, the last eight years, I've had no interaction with any state member or a representative from a government department through any formal mechanism. There is, to my knowledge, no point of contact for *Waanyi* people or the *Waanyi* representative body, which is the native title corporation with the state government.<sup>10</sup> There's no consistent point of contact to deal with regarding the mining agreement. There's no point of contact to deal with in regards to holding the Gulf community's agreement accountable to what's written in it, the contract isn't worth the paper is written on because they're making it up as they go.<sup>11</sup> This is partly because the Agreement, the GCA, hasn't kept pace with the successful native title claims and – in my case – the need for formal representatives for the new *Waanyi* PBC to be a member of the various committees. These committees include the environment committee, the liaison and advisory committee and the employment and training committee. This is unlike the mining company, even the new one – they have a dedicated staff member for community engagement.<sup>12</sup>

## 7. Post agreement disputation, confrontation and Native Title difficulties 2002-2013 (Doomadgee)

In 2002 there was a blow-up against the company at that time because a lot of the artifacts that my dad had collected over a long period of time – during all of the sacred site surveys and work clearances – were not returned to us. They also wouldn't pay some of the early compensation that that been negotiated. So for the first five years when the contract was signed, they didn't pay any compensation. This issue was also combined with our worry about the artifacts – the sacred objects and stone axes, and stone knives and things that were used for a culturally sacred ceremonies – were in a box under one of the bosses' desks onsite at the mine. They were collected and saved before the mine went ahead. My dad, along with some other, senior lawmen and ceremony men that had a lot of cultural knowledge and wisdom around the Country cleared all that area where the mine is. A lot of the sacred objects were picked up, as they worked with archaeologists and anthropologists.

So in 2002 my dad rang me up and said, "look, I need you to come home there, there's a lot of stuff going on." So I came home and we staged a protest over at the mine site. And, the main trigger that instigated this protest was the fact they wouldn't give these artifacts back. So we went over and it took us

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<sup>10</sup> A recent edited volume *Absent presence* (Bainton & Skrzypek 2021) focuses on the role of the state in resource extraction. As the editors note, "The most prominent theme running through the volume, and the most common way in which the absence of the state is manifest, is the failure of the state to fulfil its responsibilities (both stated and perceived)" (2021: 24).

<sup>11</sup> As long ago as 1998 David Martin noted that "there has been a major absence in the region of cohesive, well-resourced and sophisticated organizations to articulate Aboriginal land and economic interests (1998). See also Bainton & Skrzypek (2021).

<sup>12</sup> O'Fairchallaigh has written extensively about the importance of agreement implementation and the need for effective governance structures – as this is where even the best agreement can fail. He also finds that state support is critical if agreements are to be effective monitoring instruments (2020).

two days by sleeping in the kitchen over there to get those artifacts back. And they were handed back to us. Murrandoo Yanner tells the story, he is a real good storyteller (see also Sydney Morning Herald 2002).

One of the promises was that they were going to build a heritage center or a cultural keeping place for these artifacts. And that was 20 years ago. I might point out that that still hasn't been built. So what happened then was during the protest they removed all the artifacts and put them over at the nearby Budjamulla National Park in rooms over there. And, you know, I left the region after the 2002 protests in 2003, I moved to Brisbane with my following my career to work in radio.

For me, the next most significant event was when my dad passed in 2007. He was the one of the lead claimants for the *Waanyi* Native title claim and he filed the native title claim, he and Henry Aplin who's my co-chair on the current *Waanyi* prescribed body corporate (PBC) who worked really closely with us. And it wasn't until 2009 that the Native title got determined, so sadly Dad wasn't still here to celebrate.<sup>13</sup> The mining lease extinguishes the native title – so we couldn't claim it over the lease as the mining lease pre-dated the Native Title Act. The native claim covers the area surrounding the lease and took over 10 years to win.<sup>14</sup> This is despite that fact that the Preamble of the *Century Zinc Project Act 1997: S.7* states that:

...it is important that any native title should not be extinguished by the grant of a right to mine or the acquisition of land or interests in land by the project and it is not intended to prevent native title claims being pursued. (*Century Zinc Project Act 1997*)

We've been talking with native title lawyers for almost a decade about running a compensation claim for extinguishment of native title, like the precedent setting Timber Creek claim in the NT, but we haven't managed to get it off the ground.<sup>15</sup>

## 8. Mine site transitions: The goal posts keep being moved (*Doomadgee*)

Prior to my involvement, there's probably been about five different companies that have gone through before I come on board. I firstly dealt with MMG, the big multi-billion-dollar mining company owned by the Chinese. But there are challenges to holding each new company to account in terms the targets they to meet for employment and, there are expectations that need to be met within the Agreement. So, you've got the same Aboriginal mob there all the time, but you've got these different companies cycling through.

MMG had money to spend and to throw at any problem and they undertook the Social Impact Assessment (SIA) for mine closure and the last Review (Everingham *et al.* 2013). In my business with them in the early days, around 2014 into 2016, they were fine with money. And then they sold the company off to this little Aussie company called Raging Bull, now known as New Century Resources, they're a different kettle of fish. Their excuse is always, "we don't have the money" or "we're trying to make profit" or "we're not a big company." So they're always pushing the blame to the previous owners. So my dealing with, I guess the transition of different owners on the mining company, is that they all like to point the fingers at each other.

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<sup>13</sup> In December 2010, the Federal Court made a determination recognising the native title rights and interests of the *Waanyi* People. The determination covers 1,730,081 hectares and recognises exclusive possession over the *Bidunggu* Land Trust area and non-exclusive possession over a number of pastoral properties, reserves and *Boodjamulla* (Lawn Hill) National Park.

<sup>14</sup> See the Carpentaria Land Council Aboriginal Corporation (CLCAC) history of the claim and court cases: "The *Waanyi* High Court Challenge." <https://www.clcac.com.au/native-title/our-story/03>

<sup>15</sup> A precedent was the Timber Creek High Court decision in the Northern Territory granting compensation for native title losses in 2019 (Isdale & Fulcher 2019).

The lack of employment with the new company is a really major issue. They've completely ignored the employment targets of the Agreement, and we can't seem to shift this. In the past, before my time, I'm aware that the mine was one of the most significant employers of Aboriginal people in any mine in Australia (Barker & Brereton 2004, Scambary 2009: 176).<sup>16</sup> But this new company seems to have a very different business model.

Now they are talking about expanding the mine. So it's not about closure, and rehabilitation even, but they're actually doing some thinking of expanding the mine and going underground. So talk of closure is not even part of the discussion anymore. Their website now has 2050 as closure, so this isn't even a discussion anymore and originally this company was only re-mining the tailings to get to a tidy and cheaper closure. Yet – according to New Century's website, "a comprehensive plan of work is also in place to progressively take the mine site, the pipeline and the port facility to full closure over a long-term period through to 2050."<sup>17</sup>

The goal posts keep being moved and the plan keeps changing. And for some reason we can't lock these fellows into a proper plan on what they're doing. We haven't seen one mine closure plan at all. We've asked on many occasions. My legal advisor has never seen one, there's never been any mine closure plan. There's also never really been any I guess formal documentation or contract around rehabilitation. There's always been wishy-washy rehabilitation talks.

## 9. A contract signed in the blood of Country (*Doomadgee*)

One of the first major initiatives I tried to get off the ground when I first started as *Waanyi* PBC Chair was in 2017, as the first on-site work for the new company (New Century). They wanted us to build a buttress wall to help hold up Magazine Hill (men's sacred site).<sup>18</sup> This is because it was compromised and was going to fall in due to apparently all the previous companies cutting too close to the southern wall of the open mine-pit. Then that work program turned into a mining services agreement. And the only way I could try and hold them accountable for rehabilitation was to try and tie the rehabilitation into that same contract. And I'm looking at the bigger picture of how I get jobs for my mob on site. And that was the only carrot that they dangled in front of me.

I'm still sitting on the contract from 2018 that hasn't been activated. And the promise of that contract was telling me that there were going to be 200 jobs for Aboriginal people in the lower Gulf region that was going to pull my people out of poverty. All it's done is create division amongst First Nations people and given my own people the ammunition to throw rocks and stones at me to blame me and point fingers at me that I was the one doing the wrong thing. And it's very sad, but it's a tactic of the white system and the governments to cause people to hate on each other, instead of looking at the bigger picture of what we're trying to achieve or what the system is doing to us.

They signed that contract with *Waanyi* People's blood on it. They fingerprinted that contract with Red Ochre from the dirt that they dug out of that mine pit. And I ensured that they did that under tribal law because our Law means something – it doesn't keep changing like whitefella law does. Asking the company to sign in ochre was very symbolic. I did it because it came to me from our spirits. My father and the old people came to me in a dream when I was out on Country sleeping, when I slept on Magazine Hill with my brothers. And the spirits told me I needed to remember the blood of this country that welled up in 2001 when the miners hit a big body of red ochre in the pits. And the dream was to use that ochre to sign any

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<sup>16</sup> Possibly the most successful element of the GCA in the early days was the average 15-20% employment of local Indigenous people at the mine in the early 2000s. At that time this employment ratio eclipsed the national average of 4.6% Indigenous employment in the mining industry (see Scambary 2009: 176-177).

<sup>17</sup> See the New Century website: Economic Rehabilitation. <https://newcenturyresources.com/century-mine-project/economic-rehabilitation>

<sup>18</sup> A very contentious site that has also caused division within the native title group in relation to whether and how to protect it.

contract with the Company because it's the blood of our country, the blood of our ancestors and the blood of the Dingo dreaming. When we went to Melbourne with our elders and our law people, and myself and Henry Aplin on behalf of the *Waanyi* people signed those contracts, we made sure that we used the red ochre to mark those contracts. And so did the CEO of New Century at the time.

And knowing that I was sitting there with people who seemed to have had no intention of pulling through on the contract anyway. To date that still has not been activated and moved forward. But I feel that it was probably a tactic of them and the government, whoever else involved, you know, to make us feel like something was going to happen, but it never did happen. Just holding us off long enough so they can keep doing what they're doing and never getting to what we always wanted, which was the rehab contract: rehabilitation of country spiritually, physically, mentally psychologically, you know culturally that's what I was always talking about, but it got side-tracked.

## 10. The business model of New Century: some background (*Holcombe*)

Our operations at Century in North-West Queensland continue to achieve improved environmental outcomes while delivering mined land rehabilitation. (New Century Sustainability Report 2022)

Rehabilitation is at the core of the new company's business model. Their renaming of the site "New Century" points to the re-positioning of the site. The Raging Bull group of companies was the initial purchaser of the 'closed' site from MMG, bringing their "experience in metallurgical processing and environmental management to target the reprocessing of tailings, achieving an economic return whilst remediating historic mine sites" (MMG 2017). Raging Bull were not miners. They indicate that they are focused on 'economic rehabilitation'.<sup>19</sup> They claim to be Australia's largest tailings re-treatment operation.<sup>20</sup> The company's website provides useful clues to their business logic.

They indicate that the restarting of operations at Century was initially via tailings reprocessing which also then allows much of the scheduled rehabilitation to be achieved through new cash flow generating site activities. In the case of the Century tailings deposit, after reprocessing of the tailings has occurred, the material is being relocated back into the existing open pit, which eliminates the need for capping of the tailings dam on surface. They also indicate that:

...the reprocessing of tailings and encapsulation within the open pit also provides a significant reduction in the overall footprint of disturbance of the Century mining operations and therefore is expected to allow for a progressive reduction in the total financial assurance required for the site. (New Century Resources 2023)

The Company states that their "value proposition is the integration and management of: tailings and waste rock management and storage, tailings retreatment, water management and treatment, and progressive closure planning" (New Century Resources 2023). They also state that at the end of a mine's life, the significant task to rehabilitate the mine becomes a cost burden. Consequently, "Closure" is one of the fastest growing divisions in mining generally, due to a significant number of large mines coming to the end of

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<sup>19</sup> See the MMG media release (2017): "Century Bull is a privately owned Australian specialist in 'economic rehabilitation' associated with the Raging Bull Group of companies. Raging Bull is already established in Queensland through its involvement in the Mount Morgan Tailings Rehabilitation Project (as joint partner with Carbine Resources Limited) on behalf of the Queensland Government."

<sup>20</sup> See <https://www.sibanyestillwater.com/business/new-century-resources-australia/>

their mine life. The company is explicit about the fact that their particular expertise presents a significant opportunity for them, as they state:

...to utilise its track record at Century, IP [intellectual property] and expertise to establish a ...tailings management division...[in order] to provide value-add by delivering a net environmental benefit in the reprocessing and rehabilitation of tailings... allow[ing] our clients to focus on their core operations, with these 'non-core' activities competently outsourced. (New Century Resources 2023)

Could this overlap in business interests – with the core focus on forms of progressive rehabilitation – be an underlying reason that the company has not sought *Waanyi* workers in the rehabilitation work? The environmental credentialing of the company relies on the reduction of the mine-waste through the re-mining of this 'waste' and the concurrent progressive rehabilitation. As they also indicate on their website under 'environmental rehabilitation', sections of the evaporation dam and other areas around the site that have been ripped and seeded as part of their final rehabilitation are experiencing strong regrowth.<sup>21</sup> It would appear, therefore, that core elements of New Century's business model compete with the business interests of the *Waanyi* PBC. Could this be why the mining services contract was not forthcoming? An ABC report from 2018 quotes the company when they state:

We'd love to get involved with many rehabilitation projects, that is our strategy and that is our skill set... the more work that is done in the space enables us to tighten up our proposals and our plans and maybe we can acquire those projects and facilitate the rehabilitation process. (ABC Rural News 2018)

## 11. Indigenous employment (*Doomadgee and Holcombe*)

At this point, it's worth remembering that Century mine *was* one of the largest employers of Aboriginal people of any Australian mine when it was in full operation. The success of the early employment initiatives has been closely researched (see Barker & Brereton 2004, Parmenter & Love 2007). In 2004, a research paper on Aboriginal employment at the Century Mine found that it employed a higher proportion of local Aboriginal people than most other remote mining operations in Australia (Barker & Brereton 2004). Since the mine first became operational, Aboriginal employees accounted for between 15% and 20% of the total workforce. The mine was also recruiting at a rate of around 50 new Aboriginal employees a year.

Indeed, the GCA had a range of programs to support Employment and training.<sup>22</sup> Under Schedule 2 of the GCA, Century agreed to fund initiatives such as a prevocational traineeship and apprenticeship transition program and literacy and numeracy training for trainees and employees. They also committed to provide support for Aboriginal employees and potential recruits through a Community and Stakeholder Relations team, as well as Community Liaison Officers.

However, as we write, New Century employs very few Indigenous people, and as far as Doomadgee is aware, no *Waanyi* people. According to the New Century Sustainability report (2021: 33), 4 staff out of 273 were Indigenous. No information is provided about where these 4 Indigenous staff were from. They also had no Indigenous board members or Indigenous people in senior management positions (New Century 2021: 33). The company's 2022 Sustainability report indicates that they have achieved their Indigenous employment target with an increase from 1.4%: "Indigenous participation in the New Century workforce

<sup>21</sup> See <https://newcenturyresources.com/environment>

<sup>22</sup> See <https://database.atns.net.au/agreement.asp?EntityID=446>

to 2.6% in the previous reporting period" (New Century 2022: 23).<sup>23</sup> Such a target is not aligned with the proportion of Indigenous people in the Mount Isa region (where the mine is located) at 21.5%, and nor does it take into account the regional town of Doomadgee, which has an 89.3% Indigenous population, nor with the Australia wide proportion of 3.2% (Australian Bureau of Statistics "QuickStats" 2021).

As Doomadgee explains; one of the reasons he has been told that the current company are not employing local Aboriginal people is because they are not doing standard mining. Their operations are hydraulic mining, where they use water to reprocess the ore from waste dumps – the 'big zinc' – as they reprocess the tailings.

In addition, according to Doomadgee, because of these new technologies they apparently can't employ First Nations people. But – as he said in early 2023 –

I guarantee you this New Century resources out in the marketplace on their share prices and all their media PR stuff that goes out tells you, they make claims that they're very First Nations friendly that they're employing First Nations people. I can tell you right now with my dealings with them, they've not employed anybody through us. They've not come to the *Waanyi* native title body to get employees. They've not even spoken to us about any local people in the lower Gulf. The last time they did was back in the early days when they gave us a care and maintenance contract, one of the first contracts that I negotiated with them. This care and maintenance contract only lasted about eight months. And we got about two Aboriginal people jobs from the local area on the contract. When that contract was up and nothing, except the contract we signed in 2018, which made the big promise of 200 jobs right now, as we speak, there is no Aboriginal people from the lower Gulf communities working at Century zinc mine. There is no Aboriginal person from the *Waanyi* tribe that I know of. I have knowledge of that have a position on site, have contracts on site or in positions of power on site, none at all. Zero.

As Doomadgee also says in 2023: "they've been doing tailings now for almost four or five years and in that time, they couldn't train up First Nations people? We currently run a training contract through the *Waanyi* joint venture company with funds provided from Century mine and the state government, but not once that they come to us and say, can you train up in hydro mining so we can have *Waanyi* workers on site, not once! And we've asked that question, we've asked it numerous times and they've not come near us. They are not meeting the GCA employment targets."

## **12. The Gulf Communities Agreement (GCA) and major assets: Riversleigh and Lawn Hill pastoral stations (*Doomadgee*)**

Another important part of the story of the mine is the current state of play with the major assets that we were supposed to acquire under the agreement. For me – this is where I always saw the long-term future. The two pastoral leases that cover much of our Country are Riversleigh and Lawn Hill. Under the GCA each different *Waanyi* group got to nominate or elect a representative for themselves to be on the Lawn Hill Riversleigh pastoral board, established under the GCA.<sup>24</sup> The board was also comprised of company people from the mine and one white person from the state government. When it first was signed, 51% was owned

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<sup>23</sup> Also in the 2022 Sustainability report, it is stated that: "The Company was recognized for its community-based training and development initiatives and the outcomes that have been delivered since the restart of operations in 2018. Also recognised was the *Waanyi* Joint Venture, a partnership with the *Waanyi* Registered Native Title Prescribed Body Corporate, which delivers training and development initiatives throughout the Gulf Region."

<sup>24</sup> Pastoral Leases (PLs) are a land apportionment arrangement used in both Australia and New Zealand where government-owned Crown Land is leased out to graziers for the purpose of livestock grazing on rangelands. PLs can be equated to the extensive ranching on public land in the USA. They do not give all the rights that attach to freehold land: there are usually conditions which include a time period, and the type of activity permitted. Such leases cover about 44% of mainland Australia, mostly in arid and semi-arid regions and the tropical savannahs.

by the mining companies because they had more interest in mining in the region.<sup>25</sup> And 49% was owned by *Waanyi* people. And they got a say on that board that went on for the first 10 years. After 10 years, the shares had to transfer to 51% ownership to the *Waanyi*. And 49% stays with the company. After 20 years, under the GCA these two major assets were supposed to be transferred to *all* the *Waanyi* people. And the fall-out from what *did* happen will be discussed shortly.

However, a complicating factor was that when the GCA was signed in 1998, there was no Native Title. So there was no *Waanyi* prescribed body corporate (PBC); no mothership for the *Waanyi* people to govern them until 2009. Then, when the *Waanyi* native title corporation was established and born – the PBC that was set up as a legal requirement therefore became the representative body for all *Waanyi* people. This is because its open membership is answerable to the *Waanyi* people. It's for the people by the people.

The GCA should really have been re-negotiated under the new PBC; to accommodate this new system of governance. This has since become a major issue with pre-existing organizations that have competing memberships. This issue has escalated in the last year, as we write this article, and the fall out can really only be explained in terms of the lateral violence we perpetrate on each other.

### 13. Enabling lateral violence as a tactic of the state & industry (*Doomadgee and Holcombe*)

A body of research by social anthropologists (David Trigger 1997a,b, David Martin 2009, & Ben Scambary 2013) has found that disputation amongst local Indigenous landowning groups has been a significant issue from the very beginning of the mine. As Scambary states; "since the signing of the GCA, and the subsequent construction of Century mine, Indigenous parties to the agreement remain factionalized in relation to the agreement, its associated structures, the mine and each other" (Scambary 2013: 187). Martin also found that "schisms within 'tribes' and 'families' are often reflected in the establishment of new organizations, each claiming to reflect legitimate traditional based authority and to represent the interests of the particular group" (1997: 156).

Divisions within the *Waanyi* Nation have been created by the native title processes and appear to have been exacerbated by New Century the latest company, as we write. Though the native title group – the *Waanyi* PBC – is legally the representative body of the whole group, there were disagreements within the leadership group prior to Doomadgee's new role as Chair in 2017. As a result, Doomadgee effectively inherited disputation, and as a relative newcomer organization to those already established to interface with the mine – the role of the PBC has not been universally recognised within the *Waanyi* Nation. Legally, however, the PBC – as the native title representative body (NTRB) – has a statutory requirement (per S.202 of the NTA) to be "broadly representative." One particular group that was established prior to the *Waanyi* PBC is still very active and effectively competing with them is *Waanyi* Advancement Limited (WAL). WAL was incorporated at about the same time as the GAC was being negotiated.<sup>26</sup>

As Doomadgee states from his perspective however, the mining company is "also perpetrating mixed messages and disseminating information to create division amongst First Nation people and doing things that are dividing and conquering the mob." There's a couple of big things that have happened, including the sale of the Lawn Hill and Riversleigh pastoral company (AgProperty Central 2018).<sup>27</sup> This sale has caused a lot of problems amongst *Waanyi* people and the local tribes in the lower Gulf region.

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<sup>25</sup> This is a common strategy by industry – so they can shore-up the potential of future exploration and mining, while still running the pastoral station.

<sup>26</sup> See the AusCompanies website: <http://www.auscompanies.com/en/14084081452/WAANYI-ADVANCEMENT-LIMITED>

<sup>27</sup> See AgProperty Central (2018): "The 1997 GCA created the Lawn Hill Riversleigh Pastoral Holding Co (LHRPHC) with ownership of the 539,000ha pastoral properties currently split between mining company New Century Resources (formerly Century Mine- 49pc) and *Waanyi* Advancement Limited (51pc). The mining company made a commitment to the *Waanyi* people that it would return 100pc ownership of Lawn Hill and Riversleigh to *Waanyi*." "The 100pc acquisition of the cattle stations is the most significant event to happen to *Waanyi* and will provide a permanent source of jobs for the Indigenous people in the Gulf," said *Waanyi* elder, Eunice O'Keefe in a statement.

These two pastoral companies – on *Waanyi* Country – were assets that were promised in the GCA for the *Waanyi* people. And the *Waanyi* PBC was the appropriate representative body to sell the remaining shares to.

Instead, New Century sold it to a *Waanyi* family group (WAL) and these people are running it as their own private business, rather than as should have happened, to the *Waanyi* PBC as the representative body. Legally the PBC is the governing body for all the *Waanyi* people and we would give them all the opportunity to have their say on *their* asset. Returning these pastoral leases was used as a sweetener to get our old people to sign off on the GCA contract historically. They used it say 'you signed this contract – the GCA – and we'll give you these pastoral companies.' So you can run your own stock and run these companies as your own business – as a whole, not one group, not one family. And the way they set it up was they formed what is known as WAL (*Waanyi* Advancement Limited 2018).

This group's on-line presence is very limited and the website, though headlining activity such as community and culture – does not have content at the time of writing in 2024.<sup>28</sup> As a private company, unlike a PBC, there are no accountability or transparency measures required and there is no visibility over who the particular *Waanyi* beneficiaries are. Also as an aside, and not directly related to New Century but nonetheless part of the cut and thrust of the regional political economy, was the issue of the sale of the Adels Grove tourist facility.<sup>29</sup> WAL also bought that place as well. A major concern about these shared assets going to what is effectively a private family company is that there are no accountability measures in place for WAL, whereas for PBCs there are annual reporting processes and accountability structures. This is very disappointing to know that only a few families are benefiting when there should be hundreds of potential beneficiaries

There seems little doubt that the Century mine has exacerbated inter-familial and inter-group conflict in this region, as *Waanyi* family groups compete for the mines' extractive capital. In Australia (and Canada), "lateral violence" has been understood as a consequence of colonization, where the term refers to displaced violence directed inward toward one's own community rather than toward the oppressor (Clark & Glover 2019). The concept of 'extractive violence' not only resonates with the obvious impacts of the mine on the environment, but also as applying to people. As Sehlin MacNeil, drawing on Galtung's theory of violence, states "extractive violence must be considered in a context of cultural and structural violence" (2024: 225).

#### 14. The Rangers and the future (*Doomadgee*)

So in light of the really negative outcomes for the *Waanyi* mob after the sale of Lawn Hill Riversleigh Pastoral Company and the purchase of Adels Grove, I thought okay, I've still got the *Waanyi* name that we can use for a Ranger group that we are planning on establishing. So we go to register the name '*Waanyi*', we find that it's already owned by somebody else. It's copyrighted by somebody else. So we couldn't even use the name!

So, I sat down with our old people, including Len Cubby, who's an important custodian and *Waanyi* owner of the Lawn Hill region. And I spoke to him about his stories and he was telling me how his mother died from arsenic poisoning there at the foot of Lawn Hill station where the pastoral company is and how his big brother also died of arsenic poisoning. He called it strychnine poisoning, hidden in the flour that was handed out to blackfellas in those days by the pastoralists (see Wallis 2022).<sup>30</sup> And he called the proper

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<sup>28</sup> See the WAL website <https://waanyiadvancement.com/>

<sup>29</sup> The *Waanyi* PBC was working towards the purchase of the Adels Grove because that's where their home base was going to be – as the headquarters for the *Waanyi* people. The PBC had plans to build an arts and cultural center and a keeping place. But WAL also got in and purchased this place. Adels Grove "occupies an area of some 30 hectares (80 acres) and extends from Lawn Hill Creek at one end to Louie Creek at the other (See <https://wugudaji-adelsgrove.com.au/history/>) See also the newspaper report: North West Star (2021) and ABC North West Queensland (2021).

<sup>30</sup> Both arsenic and strychnine were known to be used to murder Aboriginal people and both were commonly found on pastoral properties from the 1840s; arsenic originally for sheep dip (kills mites that cause 'scab') and strychnine was used to poison dingos. According to Wallis "Death on the Australian colonial frontier was typically inflicted by

name for that Country – to reclaim it from the whitefellas. It's called *Ngumari* for the Lawn Hill region. And I looked at him and he said there was a place where they used to nail Aboriginal people's ears up on the wall there at the Lawn Hill station, there was 40 pairs of ears there. So he also told me that story. And I just looked, I said, "wouldn't it be powerful if we named our Ranger programs as a way to free the souls of our old *Waanyi* people: the souls of those 40 sets of ears that were nailed to the wall?" (see also Roberts 2005: 232).<sup>31</sup>

So the elders and all of us came up with a decision that we would name our ranger program the *Ngumari Waanyi* Rangers in honor of the *Waanyi* people that lost their lives at the foot of the pastoral company (see ABC News 2021). Hopefully with the name comes recognition of the responsibility and respect for healing; healing amongst the people, healing the country, healing the land, and certainly healing towards a better future for everybody. So when the Ranger name was agreed upon and our elders and our old people and our law people agreed that it'll be called the *Ngumari Waanyi* Rangers.

So we established the Ranger group and we created a new logo, which has one of the big dreaming stories for *Waanyi* Country, the *Jarrbikgala* which is the wedge tail eagle. We've got the big wedge tail eagle flying over the Lawn Hill Gorge up at *Boodjamulla* (Lawn Hill Gorge) National Park, where the *Boodjamulla* Gorge is. So it was very iconic of the region to have that big eagle up there overlooking *Waanyi* Country. We established it and made an agreement with the Carpentaria Land Council and the *Gangalidda Garawa* Rangers, which was established and run by Murandoo Yanner over a period of 15 years. So they've got real expertise and knowledge and wisdom in how to establish these programs.<sup>32</sup> And, you know, it's been a really beautiful journey to watch grow and happen. And in 2021 we employed our first ranger, which is the coordinator and then in 2022 we then employed three other *Waanyi* Rangers.

The state government has made a commitment to fund us further (Queensland Government 2023). So we are in a position to grow our ranger program and we're in the process of setting up our headquarters at Gregory Downs. And this is a really important strategic asset (*Waanyi* Native Title Aboriginal Corporation Strategic Plan 2020-2025).

## 15. Discussion and conclusions

This article has not drilled down to analyze the benefit streams of the GCA. But what appears clear is that a relatively small subset of *Waanyi* people have benefited disproportionately in terms of major landholdings and associated business enterprises. Arguably, it is better that these pastoral landholdings are in the hands of some *Waanyi* people, rather than no *Waanyi* people – but the collective ideal has not been met, and on-going lateral violence has resulted from these inequities.

The presence of the mine over the decades has disrupted affiliations and relationships, caused contestation and lateral violence and this has not waned with the native title determination. Rather, the pre-existing organisations – including under the GCA – appeared to compete with the new PBC, just as the new company (New Century) appears to do, due to its alternative business model. According to the New Century's 2022 Sustainability report, they were recognized for their "leadership in sustainability and transparency... had demonstrated clear leadership amongst [their] peers with a comprehensive and structured approach to ESG" (New Century Resources 2022). We suggest that while New Century's green

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Europeans at the end of a gun, or by Indigenous peoples at the end of a spear or waddy. However, after seven White men were hanged for their part in the mass murder of at least 28 Wirrayaraay people at Myall Creek on the Gwydir River in NSW on 10 June 1838, there was an incentive for such killings to become more clandestine." Poisoning was one means by which this aim was realized (Wallis 2022).

<sup>31</sup> The historian Tony Roberts, describes how at on Lawn Hill station, established in 1875 by Frank Hann and Edward Edkins, substantial numbers of Aboriginals were shot by the Native Police, by Hann himself, and by Jack Watson who worked for him. In 1883, a visitor to neighbouring Lilydale station, near present day Riversleigh, wrote dispassionately in their diary: 'Mr Watson has 40 ps of black's ears nailed around the walls, collected during raiding parties after the loss of many cattle speared by the blacks.' Two years later, Hann himself wrote: 'The police have shot, so Lamond told me, around this run alone, over 100 blacks in three years...' (Roberts 2005: 232).

<sup>32</sup> See <https://waanyipbc.org/training>

credentials may indicate entrepreneurialism, their engagement with the most important *Waanyi* representative body – the PBC – was uninspiring, and speaks to competition rather than partnership.

During our discussions and the writing of this article we learnt that the last review of the GCA was in 2013, but under the Agreement it needs to be reviewed every five years. However, with the planned closure by MMG and the later intervention by the small disruptor company, Raging Bull (now New Century), this review had fallen off the radar. As we write, a 10-year review would be required and it could be an important exercise to take stock and determine the social, cultural, political and economic impact of the mine. What would be particularly interesting would be to track the mobility of those who did work for the mine. The most recent (2013) review of the GCA found that:

Century has been a major provider of jobs to local Indigenous people living in the region or outside. It has thereby contributed individual and household economic benefits and also fostered a pool of experienced labour available to the wider regional economy. Best estimates are that more than 900 GCA community members have been employed at Century over the life of the mine. While many of these employees had previous experience in the workforce, for many others Century has provided their first experience of participating in mainstream employment...Despite these positive findings, there are perceptions of inequities with respect to securing employment, training opportunities, promotions and pay rates. These include concerns that employment opportunities have not been proportionately spread across the communities and the intended beneficiaries of the GCA. The primary residence of 37% of GCA employees is in the Gulf communities and almost one-third of these (13%) live in the largest centre, Normanton. Only 6% live in Doomadgee with smaller numbers from other towns and the majority living outside the Gulf. (Everingham *et al.* 2013: 15-16)

Underlying these figures is also internal contestation and disputation within and between groups. David Trigger noted that social relations amongst Indigenous people can be a major determinant of outcomes of engagement with large scale resource development (1997b: 110). Personal and intergroup politics have been a decisive factor in this region's engagement with the opportunities and possibilities of mining.

As O'Faircheallaigh and Rodon have reminded us recently, the signing of an agreement – such as a mining land use agreement or Indigenous land use agreement – does not in itself allow the benefits that it may encompass to be realized, including employment and training, and cultural heritage protection. Effective implementation over the life of the agreement is essential (O'Faircheallaigh & Rodon 2024: 154). It is clear that implementation of the GCA has been inconsistent, and the latest company appears to have disregarded it – at least in terms of the employment and training targets. This issue of multiple companies existing over the life of the mine reflects the global marketplace: the political economy of mining. Yet, from an Indigenous perspective, any agreement is only as 'good' as the company who must implement it.

Likewise, the GCA is a very unusual agreement as the state (of Queensland) is a party to it. However, from Doomadgee's perspective and experience – the state has played a very limited role in supporting agreement implementation. Given the high expectations embedded in the agreement – and the great needs of the beneficiaries – this seems to be a major public policy failure. As O'Faircheallaigh found, a consistent issue with implementation is lack of resourcing; the inputs required for achieving agreement outcomes – funding, personnel and the attention of decision-makers – need to be accounted for throughout the life of the agreement (O'Faircheallaigh & Rodon 2024: 154).

As is the case with the Argyle diamond mine also discussed in this Special Section (Dowell & Holcombe 2025), consent was not obtained to construct the mine. Free prior informed consent (FPIC) was not part of the conversation. And in the case of Century when there was strong and concerted opposition from local Traditional Owners – the state "publicly announced that they would introduce special legislation to suspend Indigenous rights and allow the mine to proceed" (Everingham *et al.* 2021: 291). Though this didn't happen, this threat showed the state's hand. The company instead pursued the time-limited (6 months) right to negotiate strategy. As a result, in this period – knowing the mine would proceed anyway –

Traditional Owner groups had to scramble to negotiate an agreement that included better environmental and heritage protections, and employment and training provisions. This 1996 negotiation process was described by the fledgling regional Indigenous representative body as a "David and Goliath battle" (Carpentaria Land Council Aboriginal Corporation 2002). This power differential, established early on, has run as a continuous thread through the history of the mine and speaks to the political ecology of mining.

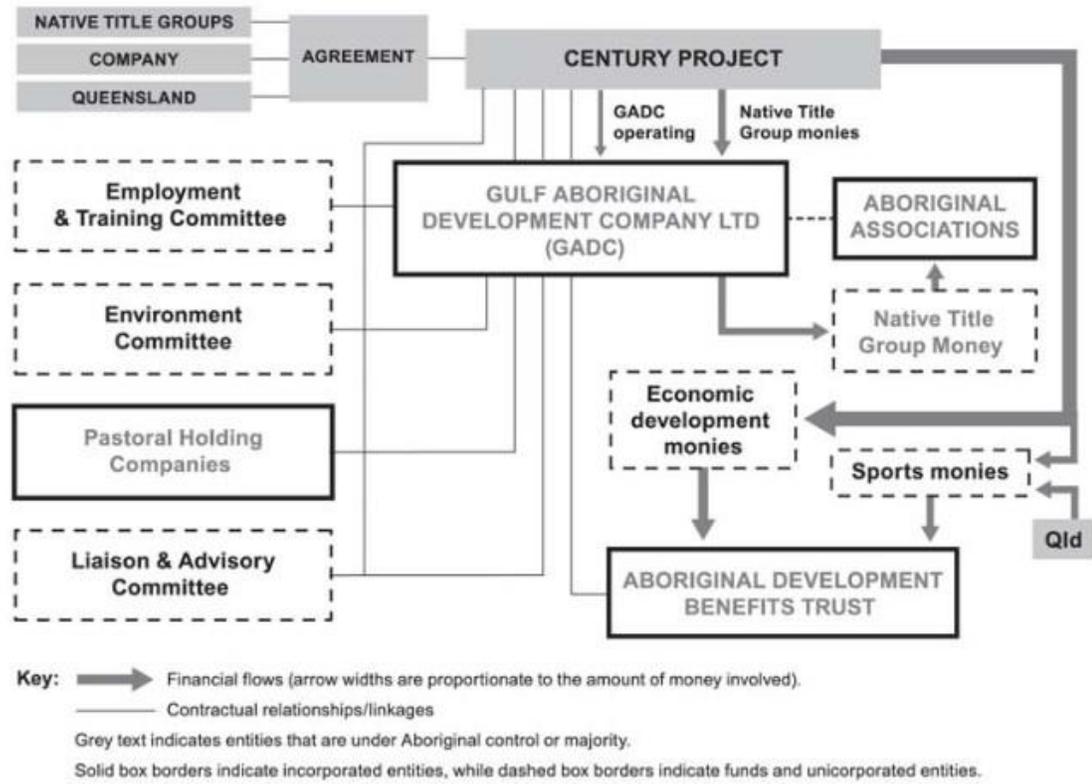
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**Appendix 1: Gulf Communities Agreement (GCA) structure**



Source: Martin (2009, p 105)