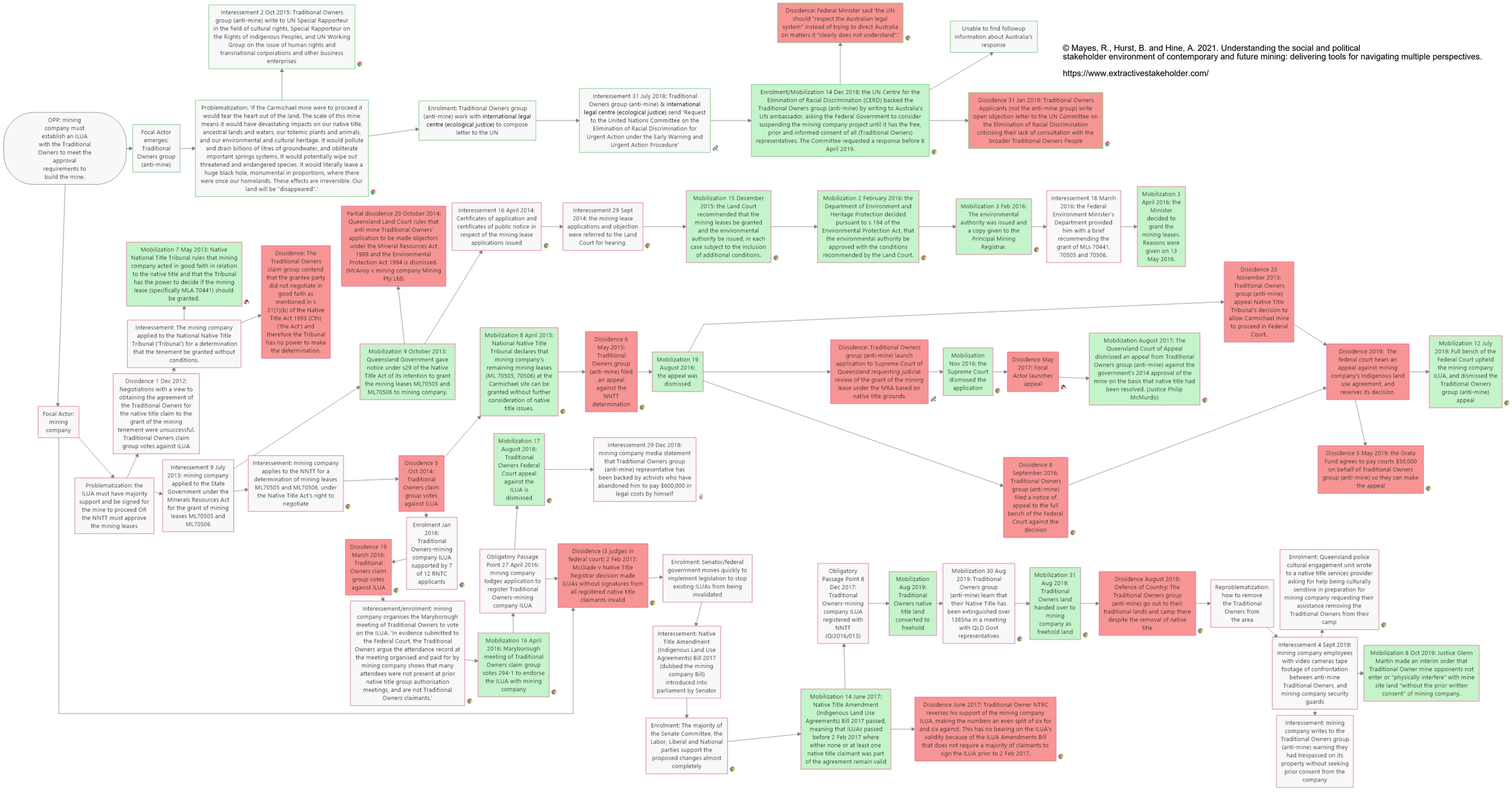
OPP: mining company must establish an ILUA with the Traditional Owners to meet the approval requirements to build the mine.
Focal Actor emerges: Traditional Owners group (anti-mine)
Problematization: 'If the Carmichael mine were to proceed it would tear the heart out of the land. The scale of this mine means it would have devastating impacts on our native title, ancestral lands and waters, our totemic plants and animals, and our environmental and cultural heritage. It would pollute and drain billions of litres of groundwater, and obliterate important springs systems. It would potentially wipe out threatened and endangered species. It would literally leave a huge black hole, monumental in proportions, where there were once our homelands. These effects are irreversible. Our land will be "disappeared".'
Interessement 2 Oct 2015: Traditional Owners group (anti-mine) write to UN Special Rapporteur in the field of cultural rights, Special Rapporteur on the Rights of Indigenous Peoples, and UN Working Group on the issue of human rights and transnational corporations and other business enterprises
Enrolment: Traditional Owners group (anti-mine) work with international legal centre (ecological justice) to compose letter to the UN
Interessement 31 July 2018: Traditional Owners group (anti-mine) & international legal centre (ecological justice) send 'Request to the United Nations Committee on the Elimination of Racial Discrimination for Urgent Action under the Early Warning and Urgent Action Procedure'
Enrolment/Mobilization 14 Dec 2018: the UN Centre for the Elimination of Racial Discrimination (CERD) backed the Traditional Owners group (anti-mine) by writing to Australia's UN ambassador, asking the Federal Government to consider suspending the mining company project until it has the free, prior and informed consent of all (Traditional Owners) representatives. The Committee requested a response before 8 April 2019.
Dissidence: Federal Minister said 'the UN should "respect the Australian legal system" instead of trying to direct Australia on matters it "clearly does not understand".'
Unable to find followup information about Australia's response
Dissidence 31 Jan 2019: Traditional Owners Applicants (not the anti-mine group) write open objection letter to the UN Committee on the Elimination of Racial Discrimination criticising their lack of consultation with the broader Traditional Owners People
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https://www.extractivestakeholder.com/
Focal Actor: mining company
Problematization: the ILUA must have majority support and be signed for the mine to proceed OR the NNTT must approve the mining leases
Dissidence 1 Dec 2012: Negotiations with a view to obtaining the agreement of the Traditional Owners for the native title claim to the grant of the mining tenement were unsuccessful. Traditional Owners claim group votes against ILUA
Interessement 9 July 2013: mining company applied to the State Government under the Minerals Resources Act for the grant of mining leases ML70505 and ML70506
Interessement: The mining company applied to the National Native Title Tribunal ('Tribunal') for a determination that the tenement be granted without conditions.
Mobilization 7 May 2013: Native National Title Tribunal rules that mining company acted in good faith in relation to the native title and that the Tribunal has the power to decide if the mining lease (specifically MLA 70441) should be granted.
Dissidence: The Traditional Owners claim group contend that the grantee party did not negotiate in good faith as mentioned in s 31(1)(b) of the Native Title Act 1993 (Cth) ('the Act') and therefore the Tribunal has no power to make the determination.
Interessement: mining company applies to the NNTT for a determination of mining leases ML70505 and ML70506, under the Native Title Act's right to negotiate
Mobilization 9 October 2013: Queensland Government gave notice under s29 of the Native Title Act of its intention to grant the mining leases ML70505 and ML70506 to mining company.
Partial dissidence 20 October 2014: Queensland Land Court rules that anti-mine Traditional Owners' application to be made objectors under the Mineral Resources Act 1989 and the Environmental Protection Act 1994 is dismissed. (McAvoy v mining company Mining Pty Ltd)
Interessement 16 April 2014: Certificates of application and certificates of public notice in respect of the mining lease applications issued
Interessement 29 Sept 2014: the mining lease applications and objection were referred to the Land Court for hearing.
Mobilization 15 December 2015: the Land Court recommended that the mining leases be granted and the environmental authority be issued, in each case subject to the inclusion of additional conditions.
Mobilization 2 February 2016: the Department of Environment and Heritage Protection decided pursuant to s 194 of the Environmental Protection Act, that the environmental authority be approved with the conditions recommended by the Land Court.
Mobilization 3 Feb 2016: The environmental authority was issued and a copy given to the Principal Mining Registrar.
Interessement 18 March 2016: the Federal Environment Minister's Department provided him with a brief recommending the grant of MLs 70441, 70505 and 70506.
Mobilization 3 April 2016: the Minister decided to grant the mining leases. Reasons were given on 13 May 2016.
Dissidence 5 Oct 2014: Traditional Owners claim group votes against ILUA
Enrolment Jan 2016: Traditional Owners-mining company ILUA supported by 7 of 12 RNTC applicants
Mobilization 8 April 2015: National Native Title Tribunal declares that mining company's remaining mining leases (ML 70505, 70506) at the Carmichael site can be granted without further consideration of native title issues.
Dissidence 6 May 2015: Traditional Owners group (anti-mine) filed an appeal against the NNTT determination
Mobilization 17 August 2018: Traditional Owners Federal Court appeal against the ILUA is dismissed
Interessement 29 Dec 2018: mining company media statement that Traditional Owners group (anti-mine) representative has been backed by activists who have abandoned him to pay $600,000 in legal costs by himself
Dissidence 19 March 2016: Traditional Owners claim group votes against ILUA
Interessement/enrolment: mining company organises the Maryborough meeting of Traditional Owners to vote on the ILUA. 'In evidence submitted to the Federal Court, the Traditional Owners argue the attendance record at the meeting organised and paid for by mining company shows that many attendees were not present at prior native title group authorisation meetings, and are not Traditional Owners claimants.'
Obligatory Passage Point 27 April 2016: mining company lodges application to register Traditional Owners-mining company ILUA
Mobilization 16 April 2016: Maryborough meeting of Traditional Owners claim group votes 294-1 to endorse the ILUA with mining company
Dissidence (3 judges in federal court) 2 Feb 2017: McGlade v Native Title Registrar decision made ILUAs without signatures from all registered native title claimants invalid
Enrolment: Senator/federal government moves quickly to implement legislation to stop existing ILUAs from being invalidated
Interessement: Native Title Amendment (Indigenous Land Use Agreements) Bill 2017 (dubbed the mining company Bill) introduced into parliament by Senator
Enrolment: The majority of the Senate Committee, the Labor, Liberal and National parties support the proposed changes almost completely
Mobilization 14 June 2017: Native Title Amendment (Indigenous Land Use Agreements) Bill 2017 passed, meaning that ILUAs passed before 2 Feb 2017 where either none or at least one native title claimant was part of the agreement remain valid
Dissidence June 2017: Traditional Owner NTRC reverses his support of the mining company ILUA, making the numbers an even split of six for and six against. This has no bearing on the ILUA's validity because of the ILUA Amendments Bill that does not require a majority of claimants to sign the ILUA prior to 2 Feb 2017.
Obligatory Passage Point 8 Dec 2017: Traditional Owners-mining company ILUA registered with NNTT (QI2016/015)
Mobilization Aug 2019: Traditional Owners native title land converted to freehold
Mobilization 30 Aug 2019: Traditional Owners group (anti-mine) learn that their Native Title has been extinguished over 1385ha in a meeting with QLD Govt representatives
Mobilization 31 Aug 2019: Traditional Owners land handed over to mining company as freehold land
Dissidence August 2019: Defence of Country: The Traditional Owners group (anti-mine) go out to their traditional lands and camp there despite the removal of native title
Reproblematization: how to remove the Traditional Owners from the area
Enrolment: Queensland police cultural engagement unit wrote to a native title services provider asking for help being culturally senstivie in preparation for mining company requesting their assistance removing the Traditional Owners from their camp
Interessement 4 Sept 2019: mining company employees with video cameras tape footage of confrontation between anti-mine Traditional Owners, and mining company security guards
Mobilization 8 Oct 2019: Justice Glenn Martin made an interim order that Traditional Owner mine opponents not enter or "physically interfere" with mine site land "without the prior written consent" of mining company.
Interessement: mining company writes to the Traditional Owners group (anti-mine) warning they had trespassed on its property without seeking prior consent from the company
Mobilization 19 August 2016: the appeal was dismissed
Dissidence: Traditional Owners group (anti-mine) launch application to Supreme Court of Queensland requesting judicial review of the grant of the mining lease under the MRA based on native title grounds
Mobilization Nov 2016: the Supreme Court dismissed the application
Dissidence May 2017: Focal Actor launches appeal
Mobilization August 2017: The Queensland Court of Appeal dismissed an appeal from Traditional Owners group (anti-mine) against the government's 2014 approval of the mine on the basis that native title had been resolved. (Justice Philip McMurdo)
Dissidence 23 November 2015: Traditional Owners group (anti-mine) appeal Native Title Tribunal's decision to allow Carmichael mine to proceed in Federal Court.
Dissidence 8 September 2016: Traditional Owners group (anti-mine) filed a notice of appeal to the full bench of the Federal Court against the decision
Dissidence 2019: The federal court hears an appeal against mining company's Indigenous land use agreement, and reserves its decision.
Mobilization 12 July 2019: Full bench of the Federal Court upheld the mining company ILUA, and dismissed the Traditional Owners group (anti-mine) appeal
Dissidence 5 May 2019: the Grata Fund agrees to pay courts $50,000 on behalf of Traditional Owners group (anti-mine) so they can make the appeal