
Community Futures, Legal Architecture: Foundations for Indigenous Peoples in the Global Mining Boom

Edited by Marcia Langton and
Judy Longbottom

First published 2012
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

Simultaneously published in the USA and Canada
by Routledge
711 Third Avenue, New York, NY 10017

A Glasshouse Book

Routledge is an imprint of the Taylor & Francis Group, an informa business

© 2012 Marcia Langton and Judy Longbottom

The right of Marcia Langton and Judy Longbottom to be identified as authors of the editorial material, and of the authors for their individual chapters, has been asserted by them in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

Trademark notice: Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging in Publication Data

A catalog record for this book has been requested

ISBN 978-0-415-51821-5 (hbk)

ISBN 978-0-203-12311-9 (ebk)

Typeset in 10/12 Sabon by Saxon Graphics Ltd, Derby



Printed and bound in Great Britain by
CPI Antony Rowe, Chippenham, Wiltshire

Contents

<i>Acknowledgements</i>	ix
<i>List of contributors</i>	xi

Introduction	1
MARCIA LANGTON	

PART I

Impacts, strategies and choices: the resource extraction industry and the economic and social status of indigenous and local peoples	21
---	-----------

1 The resource curse compared: Australian Aboriginal participation in the resource extraction industry and distribution of impacts	23
---	-----------

MARCIA LANGTON AND ODETTE MAZEL

2 Curse or opportunity? Mineral revenues, rent seeking and development in Aboriginal Australia	45
---	-----------

CIARAN O'FAIRCHEALLAIGH

3 Measuring indigenous outcomes from mining agreements in Australia: the role of applied demography	59
--	-----------

JOHN TAYLOR

4 Papua New Guinea: conflicts, customary landholding and resource exploitation	77
---	-----------

GEORGE YAPAO, LEE GODDEN AND STEVEN PETTIGROVE

5 Mining companies as agents for social development: the case for more effectual corporate-community investments	95
---	-----------

ANA MARIA ESTEVES

PART II

**Agreements, taxation and natural wealth
accounts: distribution, preservation and
economic development 109**

- 6 Legal forms and their implications for long-term relationships
and economic, cultural and social empowerment: structuring
agreements in Australia 111

MAUREEN TEHAN AND LEE GODDEN

- 7 Five principles for managing Timor-Leste's natural resource
revenue wisely 133

JEN DRYSDALE

- 8 The development forum in Papua New Guinea: evaluating
outcomes for local communities 147

COLIN FILER

- 9 Tax law and policy for indigenous economic development
in Australia 163

MIRANDA STEWART

- 10 Native title agreements, taxation and economic development in
Australia 181

LISA STRELEIN

- 11 The income tax-exempt charitable structure as a vehicle for
holding Australian native title interests: some lessons from
New Zealand 195

FIONA MARTIN

PART III

**Economic development for local and indigenous
people: case studies of the dynamics among states,
corporations and local communities 211**

- 12 Turning a benefit agreement into practical development:
a case study of a Papua New Guinea development foundation 213

TIM OFFOR AND BARBARA SHARP

13	From paternalism to partnership: the Good Neighbour Agreement and the Argyle Diamond Mine Indigenous Land Use Agreement in Western Australia	231
	KIM DOOHAN, MARCIA LANGTON AND ODETTE MAZEL	
14	Engaging communities in resource development initiatives in Timor-Leste	251
	DEMETRIO DO AMARAL DE CARVALHO AND LISA PALMER	
15	To be destitute or to benefit: corporate social responsibility and mining in South Africa	269
	HENK KLOPPERS AND WILLEMEN DU PLESSIS	
	<i>Index</i>	285