

Grace Marshall

Astron Corporation's Donald Mineral Sands project has been granted major project status by the Commonwealth earlier this month and the Federation of Victorian Traditional Owner Corporations is calling on the State Government to implement legislation to involve Traditional Owners in the planning and the benefit-sharing of critical minerals mining. The Federation is the Traditional Owner-led body advocating on statewide issues of significance for Traditional Owner groups, and Kaley Nicholson is the CEO. Good morning, Kaley.

Kaley Nicholson

Morning, how are you guys?

Grace Marshall

Well, thank you. So, mining has significant impacts, and will continue to have, on Country and the Traditional Owners of that Country. Why aren't they being included in these conversations?

Kaley Nicholson

Yeah, I think that's a very important question.

At the moment what's happening is a, you know, a series of conversations and promises that have been made to ensure that there's legislation in place to include Traditional Owners at the table around these very important mines, and what we're seeing is actually government approving mines and giving the green light without the legislation in place and that's a real issue.

Grace Marshall

And the State of Victoria has had significant windfall from mining, and as far as we're aware they've not shared any of that money with Traditional Owner groups, is that correct?

Kaley Nicholson

Yeah, that's exactly right. You know, Government has made billions of dollars over the years and is set to earn billions of dollars more and all the while this is off, you know, essentially what was stolen land through colonisation. The legislation needs to be put in place as soon as possible to ensure that this wrong of the past can be righted and that Traditional Owners have a fair and equitable benefit from what is essentially going to be development or destruction across the entire state.

Grace Marshall

Do you think it's contradictory as we work towards Treaty in Victoria to then be mining on traditional Country and not talking with Traditional Owner groups about that mining and those projects?

Kaley Nicholson

Yeah, I think at the moment, you know, there's a lot of conversation but without the legislation in place that, you know, essentially it all just relies on goodwill and so, you know, if I were to take a cynical view it would seem as though Government's trying to have their cake and eat it too. We're calling on the Government to, you know, end, cease issuing licences until the legislation is in place so that, you know, fair and equitable negotiations and agreements can be put in place and made.

Grace Marshall

So, you are calling on the Victorian Government, and you look after and I guess advocate for Traditional Owner groups around the state of Victoria. You work with or you're directed by seven member corporations. Is Barengi Gadjin Land Council one of those?

Kaley Nicholson

No, they're not actually a member, but all of our work is designed to serve the interests of Victorian Traditional Owners, you know, at various points across their journey of recognition.

So, you know, there are areas of Country where there aren't a recognised Traditional Owner group in place and there are areas where there are strong Traditional Owner groups that have been in place for decades now and so, you know, we don't speak on behalf of any individual, specific Traditional Owner group, but our work is designed to make sure that we're strengthening the position of Traditional Owners to access their collectively held rights across Country.

Grace Marshall

And has the State Government had any response with you? Are they in conversation or talks with you at the moment?

Kaley Nicholson

Yeah, we've had a series of ongoing discussions and workshops with the Victorian Government. What we've seen or what is particularly concerning is that these promises have been made and work is underway and yet we're seeing fast-track status being given to mines without that legislation being put in place.

Grace Marshall

And how long will that legislation take? Like, if this mine is already being granted this status, what are we looking at here? Will this be going for quite some time, this mine, before that legislation comes into place if it does?

Kaley Nicholson

It's possible, you know, unless we see Government uphold the commitments that they've made in, you know, in a fast timeline, it's possible that these mines could get off the ground and mining could start to, could commence without Traditional Owners being at the table.

Grace Marshall

And does your work involve actually just protesting against mining in general or is it to work within the mines that have already been granted this status?

Kaley Nicholson

So, we actually don't work with any mines or protest anything. We work at a strategic level, and our primary aim is to work on legislation, reform, consensus-building, positioning Traditional Owners to advocate in a more strategic and collective way.

Grace Marshall

And what are the feelings from the TOs? What are you hearing from them?

Kaley Nicholson

I think at the moment, TOs in general are supportive of critical minerals mines. You know, we understand that this is an important part of the economy, but also the transition to renewable energies and batteries and all those sorts of things. And so, you know, there is a maturity there in terms of the understanding of what these mines will do. But there is a real concern that these mines, you know, being given green light ahead of any agreements being in place, that essentially the economy will progress without Traditional Owners being involved and that's a real risk.

Grace Marshall

Yeah, it is. My guest this morning is the Federation CEO, Kaley Nicholson.

Kaley, so we know from the Yoorrook Justice Commission that we've heard that the state collected \$287.4 billion in gold royalties since 1851, but no royalties or revenue distributed to Traditional Owner groups. Is that something that we're looking at repeating here?

Kaley Nicholson

I think it's a very real potential. You know, critical minerals, like I said, are a very important part of the transition to renewables and green energy. And so, you know, there's every chance that that could happen again. And we can't just keep continuing to make the same mistakes of the past. You know, Victoria is a beautiful, progressive, amazing state and we should be really proud of everything that we've done to advance the rights of Victorian Traditional Owners.

And if we don't get this legislation in place, there's a risk to that reputation and there's a risk to that, you know, genuineness of that commitment.

Grace Marshall

And are they speaking with you, or the State Government, or any of these mining companies, speaking with you or the Traditional Owners about the rehabilitation of land once those mines pause or decommission, they stop mining?

Kaley Nicholson

That will be an important part of the conversations once agreement-making and conversations progress. And so, at the moment, all of the Traditional Owners that we speak to are highly concerned with making sure that mining takes place in a way that minimises damage and then at the end of a mine's life cycle that the land can be revitalised as well and hopefully be, you know, returning to an even healthier status than it was when the mine commenced.

Grace Marshall

And where are you currently at the moment with these conversations? What are we waiting on? Are we waiting on a government response to the Federation or, you know, are you still advocating or writing to the ministers?

Kaley Nicholson

Yeah, we're at the moment we're in conversation with the Minister, with Resources Victoria and we've got some very firm commitments in place. But what we don't have is a communicated timeline as to when this legislation will be passing through and essentially put into place.

Grace Marshall

Well, thank you so much for your time this morning, Kaley. We are interested in those updates as they come through.

Kaley Nicholson

Thank you very much for the opportunity.

Grace Marshall

That's Kaley Nicholson. She's the CEO of Federation of Victorian Traditional Owner Corporations, and they're calling on the State Government to implement legislation to involve Traditional Owners in the planning and benefit-sharing of critical minerals mining and they're the Traditional Owner-led body. They advocate on statewide issues of significance to Traditional Owner groups. It is a quarter to nine.