

From: Brendan Daniels <[REDACTED]>
Sent: Wednesday, 30 July 2025 2:35 PM
To: Native Title
Subject: Response To NTFA Discussion Paper 2025

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Dear Sir/Madam,

I am the leaseholder for prospecting lease [REDACTED], located within the Barnong Conservation Reserve in the Shire of Yalgoo. I wish to respond briefly to concerns that I have in regard to the NTFA Discussion Paper.

The first issue that I have is that I entered into an agreement with the Yamatji Nation through the Department of Energy, Mining, Industry Regulation and Safety (DEMIRS) in order to get approval for a Program Of Works (POW), simply to use powered hand tools.

Whilst this POW application was in process, the WA government created the Barnong Conservation Reserve. This means that we are unable to access our lease in ANY way, shape or form until the Department of Biodiversity, Conservation and Attractions develops an approval process for access/works. This approval process requires ministerial approval for any successful application. At this date, there are NO indications as to when this entirely new process will be formulated. I have been in constant contact with DBCA since this issue arose, but am still no closer to a resolution. Now I am expected to deal with a third layer of government red tape in order to work my lease.

I note that the mining industry in WA generates approximately 25% of our state's GDP, and that mining contributes approximately 9% of our national GDP. As a nation we are in a period of economic contraction. These are simple facts, and not up for debate.

My second issue refers to paragraphs 212 and 213 - specifically regarding bad faith negotiations. An associate is an environmental officer for a major mining company. She spent 18 months and significant resources to develop a suitable plan that was amenable to the native title holders. She attended the final stage with her supervisor where the agreement was to be signed with the tribal representatives. Nothing was signed until a briefcase exchanged hands, and then the agreement was signed without as much as a cursory glance.

Another associate with 30+ years in iron ore, nickel and gold mining has recounted several similar tales. It appears that with sufficient financial inducement, certain people will sign anything, regardless of the legality.

My concern is that major industry players could conceivably use this technique to force out smaller independent miners. Simply pay the titleholders to withhold permission to force the independent to either sell or hand back their lease. This very same approach has been used by property developers and corrupt local governments - force the little guy to sell for pennies on the dollar, and then the property is promptly rezoned for a financial windfall. There needs to be an enforcement code with real teeth to stamp out such 'under the table' dealings, and with penalties that make it financially uneconomic to consider.

My final concern relates to funding. If the federal government is paying for this program, then I have no objection. However I do not believe that placing additional financial burdens on smaller industry players is either fair or reasonable. Large mining companies may be able to shoulder these costs, but it will force smaller players and independents out of our industry.

In summary, I have no issues with, or objections to, placing reasonable protections on areas of cultural significance, but I also believe that our industry deserves reasonable protections.

Sincerely,
Brendan Wignall
30/07/25