

State of the Indigenous estate:

Background information for identifying and evaluating opportunities for economic development on Indigenous lands

Interim report

North Australian Indigenous Land and Sea Management Alliance Limited

May 2019







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ISBN 978-1-922437-17-4

Acknowledgements

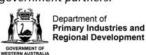
The author/s acknowledge the financial support of the Cooperative Research Centre for Developing Northern Australia and the support of its investment partners; the Western Australian, Northern Territory and Queensland Governments. We also acknowledge the financial and in-kind support of the project participants.

NAILSMA would also like to acknowledge project partners; The Northern Land Council and The Nature Conservancy. We also acknowledge the invaluable contributions of project participants; Western Yalanji Aboriginal Corporation, Normanby Aboriginal Corporation, Waanyi & Garawa Rangers (NLC), and Nyamba Buru Yaruwu Ltd.

The CRCNA acknowledges the support of our government partners.









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1. Introduction

Despite ownership and native title interests in large areas of land and adjacent rivers and seas in northern Australia, Indigenous people remain marginal participants in the commercial economy. Historical and contemporary determinants of low levels and quality of economic participation remain intractable, and recent policy in northern development has done little to address Indigenous interests, except to reiterate perceptions of Indigenous lands and culture as barriers to orthodox development (NTG 2014; Australian Government 2015; Russell-Smith et al. 2019).

However, the most decisive barriers have been created or perpetuated by non-Indigenous society, including chronic under-investment in knowledge, physical infrastructure and resident human capital. Reliance on trickle-down economics, despite dependence on investment that requires returns predominantly to overseas or southern Australia interests, of associated with sourcing of most inputs from outside the region (Stoekl 2013; Gerritsen et al. 2019) means that opportunities for local people to capture real and enduring benefits from orthodox development are absent or very limited. They emerge slowly and uncertainly, if at all.

Present policy and practice perpetuates treatment of Indigenous landholders as passive recipients of development propositions from external interests, requiring them to make quick decisions based on limited information on specific projects without support to consider plausible alternatives.

This study to which this report contributes is designed to support Indigenous landowners and their communities to become active participants in northern development; in ways that genuinely advance their interests. It builds on the work of Indigenous leaders from across northern Australia to construct a framework for proactively considering land use options and, where the best available information and analysis identifies the most favourable options, inviting external investment (NAIEP 2013).

In this report we consider the present state of the Indigenous estate, including the nature and condition of lands and natural resources, present uses and their socioeconomic and biophysical implications, and the economic development aspirations of landowners and their communities. We identify gaps and barriers to realisation of those aspirations, and, as context for other parts of the study, look for pathways to avoid or overcome barriers.

2. Scale of the Indigenous estate

Longstanding Australian law has recognised Indigenous ownership and related interests covering much of north Australia's lands and coastal seas. And many claims remain outstanding. The extent of interests is indicated in Figure 1. In the area of the north's tropical savannas, where much of the present speculation about opportunity in agriculture and other resource development is focused, 28% (of 1.9 million km²) or about 53 million ha is owned by Indigenous people. But that asset has yet to generate much economic activity for the people who own and live on it.

Still less have Indigenous people been able to influence development decisions on lands in which they have non-exclusive native title interests, which extends over most of the remaining 72%. In general, real increments in well-being have not been realised because present processes mostly address compensation for rights and benefits recognised as lost (e.g. belated reimbursement for what was taken), rather than new, additional benefit.





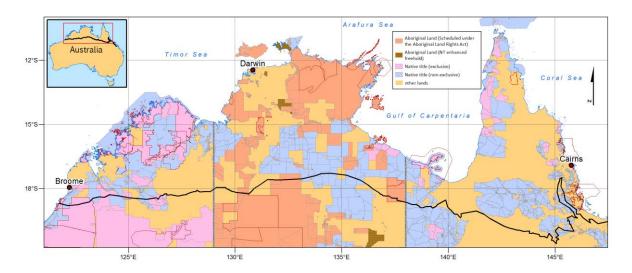


Figure 1 Indigenous interests in land in northern Australia. Source: Russell-Smith et al 2019 derived from information accessed from the Native Title Tribunal January 2017.

Explanations offered for this disconnect between land ownership and socio-economic well-being are many: they range from blaming Indigenous landowners for inhibiting development, criticisms of the performance of land councils who work on their behalf; through the inherent unsuitability of much Aboriginal Land – as leftovers from past government allocation of resource-rich lands to non-Indigenous interests – for orthodox development; to the absence or weakness of infrastructure and distance to markets in remote regions where much Indigenous-owned land is located.

We regard as spurious those arguments blaming local people and their institutions for development weakness in their regions (e.g. NTG 2014). However, there is no doubt that identifying opportunities for suitable and hence sustainable northern development and then implementing them is challenging, as exemplified by the many north Australian failures, especially in agriculture (Woinarski and Dawson 2002; Cook et al. 2009), many of which happened before significant Indigenous land ownership was achieved.

A history of failure demands increased emphasis on careful analysis and evidence-based decision-making. Technical difficulties in fostering regional development are exacerbated by the operating methods of established northern industries that link weakly to other local economic activity (Stoeckl 2007), often because they source most labour and other input from outside the regions (Stoeckl 2012). Recognising real opportunities and obstacles in northern regional development and their potential to produce real local benefits – particularly on Indigenous land and for Indigenous people - requires much greater effort than exercises in scapegoating, or reliance on a few large, externally driven projects and a belief in trickle-down that runs counter to well-documented experience (Fleming et al. 2015).

With support from the Australian Government, Indigenous leaders from across northern Australia have developed a framework for better focusing effort on the development needs and aspirations of Indigenous landholders (NAIEP 2013). A key component is to increase familiarity with and to work through issues associated with development options. Exposure to information on the



resources that may be present on their land and commercial interest in those resources is an essential foundation.

Quality and relevance of that information is often low, as recognised in belated studies to catch up on such basic requirements such as mapping of soils and characterising surface and groundwaters (e.g. the Northern Territory's Mapping the Future program). It follows that present efforts to inform landholders will be imperfect but improve with time as needs are better understood. The value of this initial broad scale analysis in respect of Indigenous lands is therefore chiefly heuristic: to identify the array of key opportunities and issues and to position landholders to review their aspirations and sharpen their capacity to ask relevant questions of information holders, especially in government, and to interact productively with development proponents.

3. Characterising the Indigenous estate

Some key features of the Indigenous estate are set out in the following series of maps and tables.

3.1 Geology and landforms

Landforms

Topographic relief across most of northern Australia is relatively subdued and has relatively little direct influence on spatial patterns of rainfall, with the exception with the eastern coast and the associated Wet Tropics. This means that there are few good sides for deep surface water impoundments. Elevated evaporation rates at high temperatures and during long low humidity dry seasons and often unsuitable soils increase water losses and so compromise utility of shallow dams.

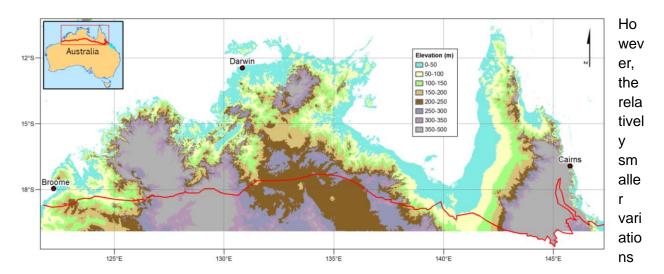


Figure 2 Topography in northern Australia

in elevation compared with some other regions do not mean that the area is uniformly accessible. Low relief in areas of high recurring or sporadic rainfalls means that large areas are subject to prolonged seasonal or less predictable flooding.





The Indigenous estate is confined mostly to lower elevation regions, but also includes areas of rocky, broken terrain that are unsuitable for large agricultural ventures (e.g. the Arnhem Land Plateau). Patchiness of favourable sites increases the costs of infrastructure to support development or to move product of any sort (see Whitehead and Oliver 2014 in regard to prospectivity for shale gas development).

Soils

Broad scale mapping of soils is mostly too coarse to inform selection or design of individual developments based on soil quality (Figure a), but, in combination with data on water availability, can provide some perspective on regions and situations most likely to present opportunities.

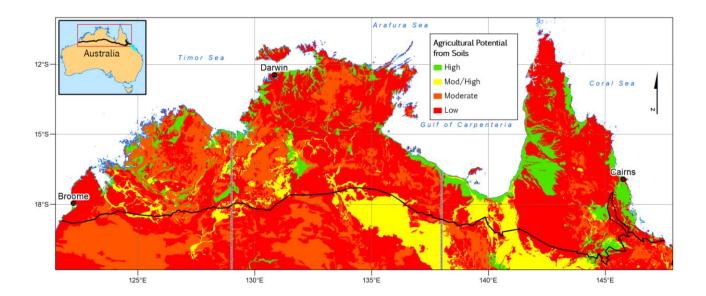


Figure 3 Agricultural soil potential of northern Australia

At this scale, the most favourable soils are poorly represented on lands to which Indigenous people hold exclusive title, although there are some significant areas of intermediate suitability.



4. Existing land uses

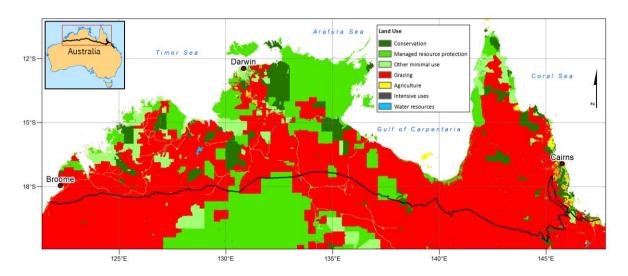


Figure 4 Broad categories of land use in northern Australia

4.1 Conservation and tourism

Compared with other land uses, Indigenous lands are disproportionately assigned at least notionally to conservation, where protected area management law may bar or discourage other commercial or non-commercial land and resource use. North Australian governments vary in the extent to which they have recognised Indigenous ownership of conservation areas, but irrespective of ownership there is an expectation that these areas will continue to be used at varying levels of intensity for commercial tourism and other public forms of individual or group recreation. Indigenous participation in management and operation of the conservation and tourism lands they own is variable and often low, even where putative "joint management" arrangements are longstanding (NAILSMA 2014).

An increasing proportion of north Australia's recognised protected areas estate is made up of Indigenous Protected Areas which are managed by local people, with modest support from the federal and sometimes state governments. The rapid uptake of these opportunities (NAILSMA 2014), despite relatively modest employment and other opportunities, illustrates the particular interest of landholders in work that contributes to maintenance of connections to land, sustaining the customary economy and meeting cultural obligations (NAIEP 2013; Gerritsen et al. 2019); as well as delivering economic benefits. The capacity to maintain those values is important to build confidence that the impacts of other forms of development can be managed to protect locally critical values.



4.2 Pastoralism

It is unsurprising that recovered Indigenous lands are mostly unsuitable for commercially productive pastoralism. Historically, pastoral use has been the most important vehicle for displacing Indigenous people, alienating their rights in land, and in contemporary society, resisting reassertion of those rights (Pedersen and Phillpot (2019).

Nonetheless, many Indigenous people have participated in the pastoral industry and value the related activities and skills (see Indigenous development aspirations below). Non-commercial opportunities may be available at smaller spatial scales than those typical of present pastoral operations, and chiefly for local supply of meet and/or training and other social benefits rather than access to national or international markets. Indigenous landholders with commitments to place cannot access the capital gains through land sales that substitute for operating profits in many pastoral locations.

Employment in pastoralism is constrained by the economic weakness of most north Australian operations and increasing mechanisation and automation of the "on country" activities most valued by Indigenous landowners. Economic returns and potential employment from expanded pastoral activity on marginal lands is likely to be very low and make little contribution to total regional and Indigenous employment needs which continue to grow rapidly (Russell-Smith and Whitehead 2015).

4.3 Mineral extraction

Mining activity is by nature patchy in space and time and increasingly automated, reducing demands for labour mostly to highly skilled workers who, for obvious reasons, cannot be found on demand in remote regions. Mining may drive regional investment in supporting infrastructure that can support other activity. However, the temporary presence of mines often dislocates existing economies to produce more local costs than benefits, especially for Indigenous people (Langton and Mazell 2008).





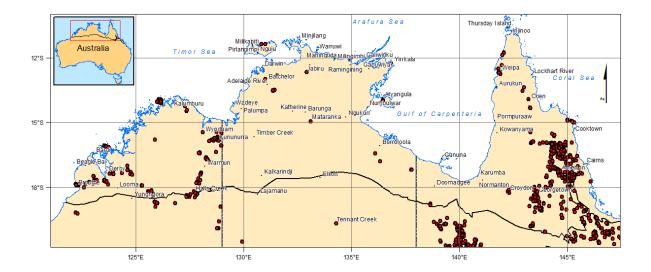


Figure 5 Sites of significant mines in northern Australia

Petroleum and gas

Even more than mineral extraction, petroleum and gas extraction involve technically-challenging operations and calls for specialised skills that cannot reasonably be expected to be "on call" in regional workforces when projects merge. It follows that most human and physical resources will be imported, reducing opportunities to capture benefits locally. Specific planning will be needed to optimise local engagement and ensure that benefits at least equivalent to local dislocations and costs are realised. This may involve support for work that indirectly supports a local oil or gas development by enhancing capacity to manage biophysical, socio-economic or cultural impacts (see PES below).

5. Aspirations and options

In 2016 NAILSMA summarised statements from Indigenous organisations and leaders about development aspirations, including local preferences for development types. Subsequent review indicates no substantial shifts except perhaps deepening differences of opinion over the potential for "fracking" (see summaries in Pepper 2018).

5.1 Approaches to land development

This summary focuses on recurring Indigenous emphases on approaches to development and conditions necessary to achieve sustainable benefits. Themes and short summaries of related argument put in related statements, follow:



• Strong support for economic development on Aboriginal lands

All statements emphasise Aboriginal commitment to achieve economic benefit from ownership of lands and seas and to interact positively with the contemporary national economy. This utilitarian perspective differs from the origin and design of Australian land rights law: to satisfy spiritual place-based connections to lands and maintain customary use. That history has complicated delivery of economic benefits because ownership of or even favoured access to resources on the land did not accompany title.

• Determination that development should not damage cultural integrity

Aboriginal connection to place and cultural imperatives to maintain the condition of lands and waters demand that developments are well-designed to minimise damage and, in particular, avoid compromising the ability of landholders to discharge traditional obligations to their country.

Demand for active participation in economic and land use policy-making on any issue affecting Aboriginal rights associated with lands and seas

Aboriginal interests and perspectives are too often ignored or minimised in policy development. In some cases rights are threatened, to permit land uses to be determined by relevant industry or to achieve benefits for others.

Recognition of variation in the fit of some development options to socio-cultural norms

Poorly-designed and weakly managed mineral extractions that grossly alter landscape morphology, pollute waters and prevent or inhibit harvests of fish or wildlife have substantially damaged interests of Aboriginal landowners and custodians (NTEPA 2013, 2014; ERIAS Group 2015). In general, it will be easier to meet cultural obligations to land under development types that offer flexibility in specific location and scale, permitting design to avoid conflicts (see for example Kiesecker et al. 2010). However, no industry sectors have been excluded from consideration by peak Aboriginal organisations. Indigenous groups have been keen to offer services to the mining industry and others have established their own mining company. Aboriginal landowners do not seek exclusion of soundly-managed extractive industries from Aboriginal lands.

Preference for local assessments of development opportunity over responses to external demands

Independent of sectoral foci, Aboriginal organisations seek ways to work through development options with landowners, in advance of specific project proposals. Benefits of localised but whole-of-country (e.g. Smyth 2011 on clan estate) planning processes are:

- ° increased capacity to engage productively in development, gained from assessments of options
- ° orderly assessment of options, less influenced by strong advocacy from proponents or opponents of individual developments

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- tests of feasibility of stated local development preferences and greater awareness of alternatives
- preparedness to more quickly and effectively deal with individual proposals whether externally or internally-originated, as they arise
- identification of landholder-determined constraints in advance of detailed proposals, minimising surprises
- ° clarity about landholder commitment
- ° reduced likelihood of post-development dispute

Rejection of the view of communal land ownership as barrier to development

Aboriginal peak organisations and recent government reviews agree that satisfactory mechanisms are available and working in practice to secure loans through leases on Aboriginal tenures. Longer leases are fungible (see summaries in Wensing et al. 2016). Nonetheless it is self evident that communal ownership of land can complicate and prolong decision-making for large projects, when, in accordance with international and national law, many individuals and multiple groups must have the opportunity to consider and give free and informed consent. Rather than seek to impose arbitrary time constraints on consultation processes, it may be more productive to expose relevant landholders to options and their implications prior to demands to consider externally identified propositions. The Indigenous Prospectus offers a framework for doing this. Pre-project consultation of the sort that will accompany land use/development planning can help compensate for inadequate time frames and processes adopted for environmental assessment. Adequate time and/or more intensive support to fully inform, consult and understand Aboriginal views of impacts can help reduce risks of unreasonable rejection or post-approval disputes.

• Continued interest in partnership, despite dismay at failure to couple Aboriginal economic development to northern development planning

Given the scope of Aboriginal rights and interests in northern lands, it is extraordinary that architects of the White Paper showed little interest in coupling core initiatives to measures to foster Aboriginal participation. Nonetheless, documents reviewed show that Aboriginal organisations continue to promote cooperation with government and industry on development, but in ways that improve free, prior and informed engagement.

Concern at denial of rights in natural resources needed to support economic development of land

Urging development of Aboriginal lands, while allocating to others the essential, publicly-owned resources like water that originated at least in part on those lands, is regarded as inequitable. Aboriginal organisations and communities continue to press for recognition of rights in such resources as an essential accompaniment to rights in land and as critical drivers of development opportunity, as well as maintenance of land condition (NAILSMA 2009).



Interest in emerging industries including offsets

Accelerated rates of development of any sort will generate obligations to offset unavoidable damage to environmental or social values. The long-standing practice of extractive industries and regulatory agencies has created large areas of country requiring rehabilitation post-mining. Aboriginal people have proven capacity to deliver "repair" and services at competitive prices and remain keen to develop enterprises based around these opportunities. Government plays a critical role here in setting ground rules for offset obligations and standards for demonstrating achievement.

• Suitable development as support for land management and cultural integrity

Aboriginal people have embraced work using their lands to generate products (carbon credits and boutique conservation outcomes) of limited direct interest to landowners. They have done this to access benefits in social cohesion through enterprise, employment and the well-being that comes with proper discharge of customary obligations to land (Russell-Smith et al. 2013). Aboriginal organisations embrace diversity of commercial land use — going beyond environmental and cultural - because if well planned and managed, similar or greater benefits can be delivered on matters of direct concern to traditional owners. For example, intensive use of the relatively small areas most favourable for horticulture or other production might provide income for better management of much larger undeveloped areas. Provided TOs are engaged in planning and implementation, capacity to protect sacred sites and other values can be improved rather than weakened. Potential for orthodox and emerging commercial land uses to reinforce each other to enhance resilience of landscapes as well as their dependent communities should be considered in all development proposals.

High quality development and strong commitment to cultural values and their integrity need not be in conflict. Increased incomes and enhanced self-reliance can empower people to also meet cultural commitments through more resilient communities with real influence over their futures. Integrated, positively reinforcing arrangements cannot be achieved by leaving planning and decision-making mostly to individual developers or government. Aboriginal landowners must take decisive roles in land use planning on their estates, and also in connected landscapes where management decisions affect shared resources like water.

Land management and favourable pathways for enterprise and workforce development

Synergy of culturally-informed land management work and other orthodox enterprise extends to benefits to individuals. Participation develops work-readiness and an array of other skills transferable to other work situations. Organisations administering such programs are exposed to the disciplines needed to manage any business.

• Apparent government disinterest in obvious opportunities for Aboriginal enterprise

As noted above, Aboriginal landowners are particularly well-positioned and strongly committed to delivery of important land and resource management services. Federal and Territory procurement policies require agencies and contractors to work with Aboriginal businesses and employees (for examples CoA 2015 and NTG 2016). Yet related policy settings fail to join the dots between these positions. Even long-established jointly-managed national parks remain staffed predominantly by non-Indigenous imports (NAILSMA 2014a);



proposals for Aboriginal people to deliver commercial fire management services in which they have demonstrated high levels of expertise and above-target performance are resisted or delayed (NAILSMA 2014b). Federally, greenhouse gas offsets have been redesigned in ways that inhibit Aboriginal participation (NAILSMA 2014c); and recently, offsets previously agreed with government under applicable law and policy were delayed and attempts made by industry to abandon them altogether, without reaction from the (then) Territory government¹. Given unambiguous "Aboriginal Affairs" policy statements about support of Aboriginal enterprise it is puzzling that no coordinated effort has been made to exploit these immediate and relatively simple opportunities through directing work to Aboriginal organisations with traditional connections to relevant areas. Doing this under contracts with strong performance criteria would be entirely compatible with current procurement policies.

Recognition of the need for high quality planning

As well as ill-matched policy, practical barriers to Aboriginal economic participation are many: lack of landowner and community knowledge of opportunities and constraints; poor access to relevant technical information and analysis; need for stronger organisations and governance arrangements; difficulties in accessing capital; and distance from markets exacerbated by weak remote and regional infrastructure. Collectively they are daunting, with few simple or cost-free solutions. Some are foundational and must be addressed early and systematically if solutions to the other issues are to work. Improving knowledge of opportunity among landholders and communities is not only foundational, but also achievable at relatively low cost. Costs that will be offset in part by greater effectiveness in addressing other constraints. And unlike rounds of training weakly connected to timely application of skills, engagement in systematic planning for plausible goals helps accrue and share knowledge, build motivation and secure commitment.

Need for remote area investment in infrastructure and basic services

Public investments in infrastructure meet need as well as foster opportunity. Need in and around most remote communities is well documented. Less well understood are opportunities for regional development that may improve the case for significant infrastructure upgrades. As noted above, high quality assessments culminating in estate level or larger scale development plans will assemble a significant part of the evidence base for selecting optimal infrastructure investments.

Recognition of need for improved governance systems to support development

As well as identifying options matched to present interest and capabilities, an important component of sustainable developments is to consider pathways to additional opportunities requiring experience, workforce development and more robust institutions. As with many other components of the development challenge, more robust governance systems will often be best built on reinforced and enhanced existing arrangements rather than starting from scratch. But in all cases it is essential that existing governance systems are reviewed to ensure that they can cope with new demands, especially in business management.

1 http://www.abc.net.au/news/2016-03-31/inpex-joint-venture-seeks-to-dump-federal-environmental-rojects/7289310



5.2 Preferences for particular development options

In addition to general statements about issues in economic development, most Aboriginal organisations have put interests in particular development options. Often they are offered in response to promptings from external interests like researchers or government agencies: in other cases, assembled by local Aboriginal organisations. In a sample including a particular comprehensive set of investigations by an Aboriginal-owned horticultural business (Andren 2011, 2013; CentreFarm 2014a,b,c; TopEndFarm 2014; Warchiver et al. 2012a,b; Warchiver and Douglas-Hill 2013), key features of these expressions of aspiration, are:

- sectors of interest, in approximate order of frequency raised in this sample, include:
 - tourism:
 - land management, often identifying Ranger work;
 - horticulture, often small scale;
 - pastoralism, often small scale;
 - commercial wild harvest, especially of feral animals;
 - fisheries, including aquaculture;
 - various minor construction and maintenance services, especially fencing and roadworks;
 - forestry, usually around harvesting of natural stands rather than establishing plantations;
 - manufacturing only in regard to furniture-making and minor processing of bush products;
 - extractive industries were infrequently raised, and most around construction and maintenance services to mines or small scale quarrying to provide gravel and sand; and
 - a few references to cropping including hay production.
- most involve working on country, using renewable resources present on country
- frequently-raised options are those in which informants have direct experience, because they are or have been in the past available in the remote areas in which they live
- options to which people have direct exposure are mostly of low intensity, like extensive pastoralism or tourism: for intensive uses like horticulture, experiences are often small scale
 - informants raising horticulture often referred to small domestic gardens used to meet local domestic needs or service small local markets
- benefits from these options are most often expressed in terms of local employment, especially for the young, rather than incomes (royalties) for landholders
- frequent references about connecting activities to each other, often placing land and sea Rangers at the centre
- options identified by Aboriginal informants often differed from those identified by people doing consultations for those locations.



5.3 Implications

Many statements from Aboriginal organisations identify mismatches between policies and forms of government support, exacerbated by rigidities inherent in management of public programs. They also acknowledge a need to better articulate aspirations and Aboriginal perspectives on the array of development opportunities and then to offer real commitment.

Valuable work has been done to help guide decisions about investment of funds from converting Aboriginal interests in land (Indigenous Investment Principles National Working Group 2015) to incomes. However, there is no equivalent guidance about approaches to the initial decision to invest land in development: that is, how best to make the more complex decisions to convert land interests to financial benefits; and to minimise the costs of changes in land condition and weakened local control over management.

This may explain why many landowner statements of preferred activities appear to be weakly shaped by knowledge of markets or, in the case of horticulture and pastoralism, the relative suitability (e.g. soil types, forage types) of local landscapes for the activity. This is unsurprising because the senior landholders often consulted have rarely been required to consider or had access to information about the contemporary competitiveness of alternative uses, and hence their attractiveness to other investors.

These observations and interpretations from this may be contestable in some of their detail, but a general conclusion that land-owners require much better access to information and analysis tailored to their needs can hardly be disputed. These and other issues will be reviewed during further consultation.

Obviously government and industry can play important roles to ensure that analysis of opportunity is technically sound and expectations about levels of public support and investor interest are realistic. That role may include setting standards for planning at large scales and quality of outputs that will influence access to public resources and warrant the cost of industry engagement and shape other policy settings.

If Aboriginal landholders are supported to work through options for sectors in which they are interested, and to articulate outcomes in high standard written plans, would-be investors will be well-informed about what will be welcomed and where difficulties may arise. Those same plans can inform and facilitate regulatory assessments by addressing the ways in which local people see themselves avoiding or managing impacts of land use change in ways that satisfy them.

These benefits can be consolidated by:

- supporting professional information management and technical analysis, as offered to resource explorers and extractors, to other sectors and situations, especially in agriculture;
- supplementing this service with additional effort to assist Aboriginal landowners and their organisations to work through options and rigorously test ideas;
- avoiding fads and boosterism while encouraging exploration of genuinely favourable options;



- setting standards for planning outputs that will influence resource allocation recognising the interests of Aboriginal landholders and warrant treatment as credible by industry; and
- assisting Aboriginal landholders and their organisations to achieve those standards.

Existing institutions like land councils are not designed, authorised or resourced to run long programs exposing landholders to the full array of opportunities that may arise, despite this knowledge being necessary to ensure full, prior and informed consent, as required under national and international law. Analysis and discussion of a single proposition without consideration of alternatives and context - often all that is practicable under externally-triggered land access processes and environmental impact assessments - cannot reasonably be characterised as fully informed. There is a pressing need to invest in systems for Aboriginal landowners to thoroughly test ideas, wherever they originate. A suitable vehicle is the planning process inherent in the Indigenous Prospectus.

A strong community role in planning futures can help identify workable solutions to otherwise intractable conflicts (Chambers 2003). But planning can be done effectively only within a coherent and supportive policy and practice framework.

Some related issues are considered in the regional-scale examples to follow.

6. Some local perspectives

6.1 Gulf of Carpentaria Northern Territory

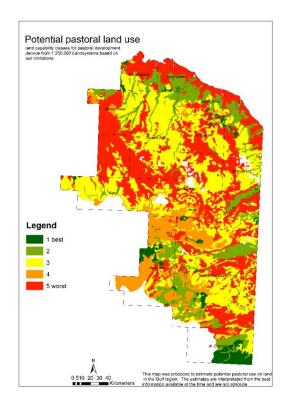
and Land Tenure 3reenbank Narwinbi AL Seven Emu Pungalina Garawa AL1 Vollogorang Legend Calvert Hills Native Title Aboriginal Land Trust Native Titles Land Tenure Aboriginal Crown Lease Perpetual Pastoral Benmara Waanvi-Garawa AL7 50 100 150 200 km

The NT Gulf: Native Title Determination Area

Figure 6a Waanyi and Garawa land tenure (green cross-hatched) and surrounding tenure







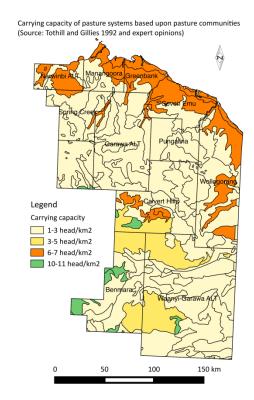


Figure 6b (i)Pastoral land type (left) and recommended carrying capacity (right) on Waayni and Garawa land interests. Most of the Waanyi-Garawa holdings are in the lowest carrying capacity class.





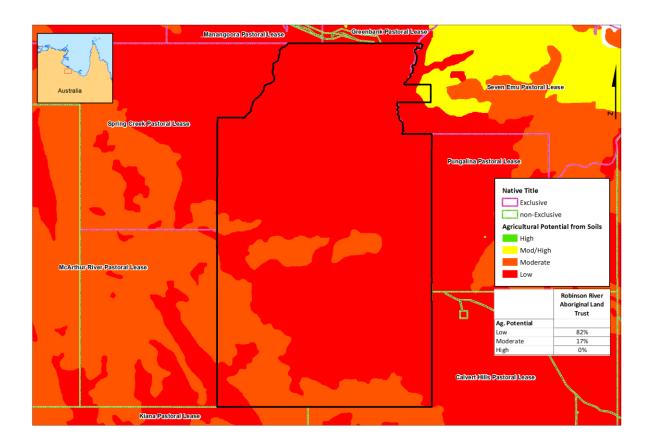


Figure 6c Broad-scale land capability for the Garawa Land trust's Robinson River Block (Garaw ALT in Figure 6a). Most of the area, as with other holdings, is rated in the lowest class of agricultural potential.





6.2 North Queensland

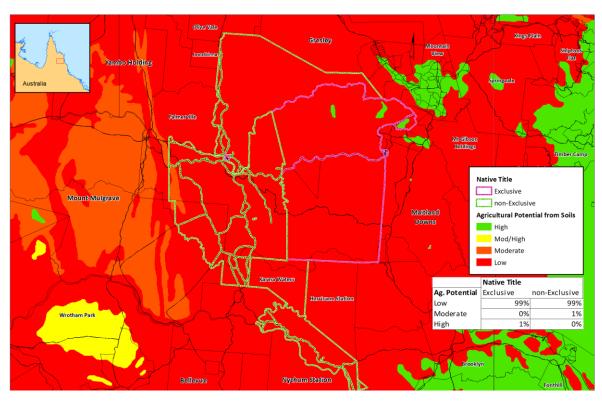


Figure 7 Broad scale land capability for Western Yalanji lands. Most of the area is in the lowest category for agricultural potential, although there are a few small patches of high potential.





6.3 Kimberley

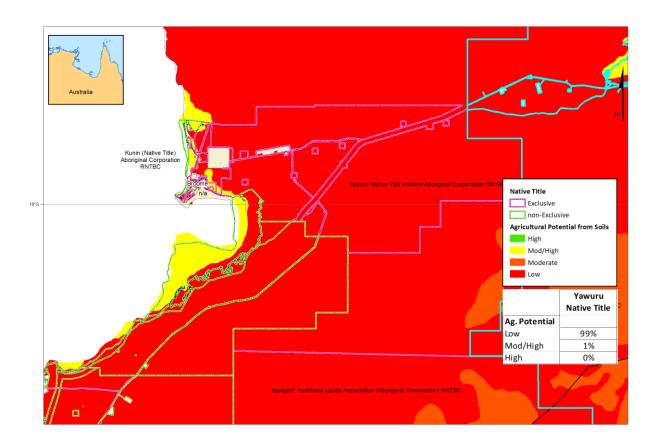


Figure 8 Broad scale land capability for the Yarawu lands.



7. Next steps

The project will now focus on development of Land Use Plans for project participants. The exact way the work will be organised will be settled locally and so might be different in different places, depending on how much work you have already done. But we think that there will often be several parts. When landowners have decided or one or more options they want to think about in more detail, experts on finances will also be called on to help work out whether you can really make money and keep a business going. The sort of organisation you will need to manage business and use money to get the maximum benefit will also be considered.



References

- Andren, L. (2011). FINAL REPORT: Ngukurr Region Economic Development Opportunities. STAGE 1: Natural Resource Assessment. REPORT for Northern Land Council on behalf of Yugul Mangi Aboriginal Development Corporation and Numbulwar Homelands Council Association. December 2011. Centrefarm Aboriginal Horticulture Corporation Pty Ltd. 155 pp.
- Andren, L. (2013) Feasibility Study. Horticulture Operation at Wudjuli Lagoon. Report for Northern Land Council and Yugul Mangi Aboriginal Development Corporation. January 2013. TopEnd Farm, Alice Springs. 63 pp.
- CentreFarm (2014a) West Arnhem Feasibility Study Options. CentreFarm Aboriginal Horticulture Pty Ltd, Alice springs. 4 pp.

- CentreFarm (2014b) East Arnhem Land Regional Economic Scoping Study. February 2014 CentreFarm Aboriginal Horticulture Pty Ltd. 93 pp.
- CentreFarm (2014c) Darwin Daly Region Scoping Study for Regional Economic Development. June 2014. CentreFarm Aboriginal Hortilculture Pty Ltd. 69 pp.
- CoA (2015) Commonwealth Indigenous Procurement Policy (IPP) 1 July 2015. Commonwealth of Australia, Canberra. 49 pp.
- Cook, G. 2009 Chapter 6: Historical perspectives on land use development in northern Australia: with emphasis on the Northern Territory. 6.1-6.30 CSIRO (Ed.) Northern Australia Land and Water Science Review: Full Report, Canberra. CSIRO Sustainable Agriculture Flagship and Northern Australia Land and Water Taskforce, Canberra.
- ERIAS Group Pty Ltd (2015) McArthur River Mine Independent Monitor Environmental Performance Annual Report 2014. Report to the Minister for Mines and Energy and Department of Mines and Energy. October 2015. Melbourne. 315 + attachments
- Fleming, D. A., Measham, T. G. & Paredes, D. 2015 Understanding the resource curse (or blessing) across national and regional scales: Theory, empirical challenges and an application. *Australian Journal of Agricultural and Resource Economics* 59 624-639
- Indigenous Investment Principles National Working Group (2015) Indigenous Investment Principles
 Indigenous Business Australia, Canberra. 32 pp.
- Kiesecker J, Copeland H, Pocewicz A & McKenney B (2010) Development by design: blending landscape-level planning with the mitigation hierarchy. Frontiers in Ecology and the Environment, 8, 261-266
- Langton, M. & Mazel, O. 2008 Poverty in the midst of plenty: Aboriginal people, the resource curse and Australia's mining boom. *Journal of Energy and Natural Resources Law* 26 31-65
- NAIEP 2013 An Indigenous prospectus for participating in the sustainable development of north Australia. North Australian Indigenous Experts Forum on Sustainable Economic Development. Second Forum. Kakadu National Park, Northern Territory, Australia 30 April 2 May 2013. Report to the Northern Australia Ministerial Forum. North Australia Indigenous Land and Sea Management Alliance, Darwin. 78 pp.



- NAILSMA (2009) A Policy Statement on North Australian Indigenous Water Rights: Issued November 2009. North Australian Indigenous Land and Sea Management Alliance and the Indigenous Water Policy Group, Darwin. 3 pp.
- NAILSMA 2014a Beyond respect: a central role for Indigenous people in Australian land and sea management. Paper prepared for the VI IUCN World Congress on Protected Areas. North Australian Indigenous Land and Sea Management Alliance Ltd, Darwin. 28 pp.
- NAILSMA (2014b) Restoring Bininj fire management in Kakadu National Park to reduce greenhouse gases: A savanna burning project to reduce greenhouse gas emissions and support Bininj to manage country, through Bininj working with the Park. North Australian Indigenous Land and Sea Management Alliance, Darwin. 17 pp.
- NAILSMA (2014c) Emissions Reduction Fund: Submission on the Green Paper. North Australian Indigenous Land and Sea Management Alliance Ltd, Darwin. 23 pp.
- Northern Territory Government 2014 Submission by the Northern Territory Government to the Joint Select Committee on Northern Australia Inquiry into the Development of Northern Australia. February 2014. *Northern Territory Government, Darwin*.15 pp.
- NTEPA (2013) Section14 Investigation Report Mt Todd Gold Mine Uncontrolled Discharge February 2013. Northern Territory Environment Protection Authority, Darwin. 30 pp.
- NTEPA (2014) Redbank Copper Mine: Environmental Quality Report. Northern Territory Environment Protection Authority, Darwin. 57 pp.
- Northern Territory Government (2016) Remote Contracting Policy. Department of Local Government and Community Services, Northern Territory Government, Darwin. 2 pp
- Pedersen, H & Phillpot, S. 2019 North Australian history dispossession colonisation and the assertion of Indigneous rights. Pp In 35-52 Russell-Smith, J; James, G.; Pedersen, H. & Sangha, K. K. (Eds.) Sustainable land sector development in northern Australia: Indigenous rights, aspirations and cultural responsibilities. CRC Press, Baton Rouge.
- Pepper, J. R. 2018 Final Report of the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory. March 2018. Scientific Inquiry into Hydraulic Fracturing in the Northern Territory, Darwin. 505 pp.
- Russell-Smith J, Cook G, Cooke P, Edwards A, Lendrum M, Meyer C, Whitehead P, Yibarbuk D. (2013) Managing fire regimes in north Australian savannas: applying customary Aboriginal burning approaches to contemporary problems. *Frontiers in Ecology and Environment*, 11, E55-63.
- Russell-Smith J, James G, Pedersen H & Sangha KK (Eds.) 2019 Sustainable land sector development in northern Australia: Indigenous rights, aspirations and cultural responsibilities. CRC Press, Baton Rouge. 226 pp.
- Russell-Smith, J. & Whitehead, P. 2015 Re-imagining fire management in fire-prone northern Australia. Pp 1-20 In Murphy, B.; Edwards, A.; Meyer, C. & Russell-Smith, J. (Eds.) Carbon Accounting and Savanna Fire Management. CSIRO Publishing, Melbourne.



- Smyth, D. (2011) Guidelines for country-based planning. Smyth and Barnhdt Consultants, Atherton. 27 pp.
- Stoeckl, N. 2007 Using surveys of business expenditure to draw inferences about the size of regional multipliers: a case-study of tourism in Northern Australia. *Regional studies* 41(7) 917-931.
- Stoeckl, N. 2012 Comparing multipliers from survey and non-survey based IO models: an empirical investigation from northern Australia. *International Regional Science Review* 35 367-388.
- TopEndfarm (2014) West Arnhem Land Scoping Study Regional Economic Development Centrefarm Aboriginal Horticulture Pty Ltd. 95 pp.
- Warchivker, I.; Andrén, L. & Douglas-Hill, C. (2012a) Borroloola Barkly Region Scoping Study for Regional Economic Development. December 2012. Centrefarm, Alice Springs. 95 pp.
- Warchivker, I.; Lange, V.; Price, N.; Douglas-Hill, C. & Andrén, L. (2012b) Victoria River District Economic Development Opportunities. STAGE 1: Scoping Study REPORT for Northern Land Council. December 2012.TopEndFarm for Centrefarm Aboriginal Horticulture Ltd, Alice Springs. 76 pp.
- Warchivker, I. & Douglas-Hill, C. (2013) Katherine Region Scoping Study for Regional Economic Development. May 2013. TopEndfarm/Centrefarm, Alice Springs. 105 pp.
- Wensing E (2016) The Commonwealth's Indigenous land tenure reform agenda: whose aspirations, and for what outcomes? Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra. 84 pp
- Whitehead PJ (2012) Indigenous livelihoods: background paper. North Australian Land and Sea Management Alliance, North Australian Land and Sea Management Alliance, Darwin. iii, 153
- Whitehead, PJ & Oliver, B. 2014 Development by Design: opportunities in northern Australia and the potential role of Indigenous people, with particular emphasis on the Northern Territory. A scoping study for The Nature Conservancy. Working Paper 01/2014. North Australian Indigenous Land and Sea Management Alliance, Darwin. 435 pp.
- Woinarski, J. & Dawson, F. 2002 Limitless lands and limited knowledge: coping with uncertainty and ignorance in northern Australia. 83-115 Handmer, J. In Norton, T. & Dovers, S. (Eds.) Ecology, uncertainty and policy: managing ecosystems for sustainability, New York. Prentice-Hall, Harlow England, New York.