

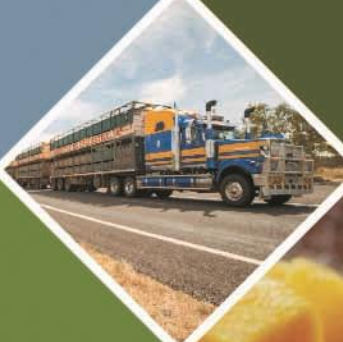
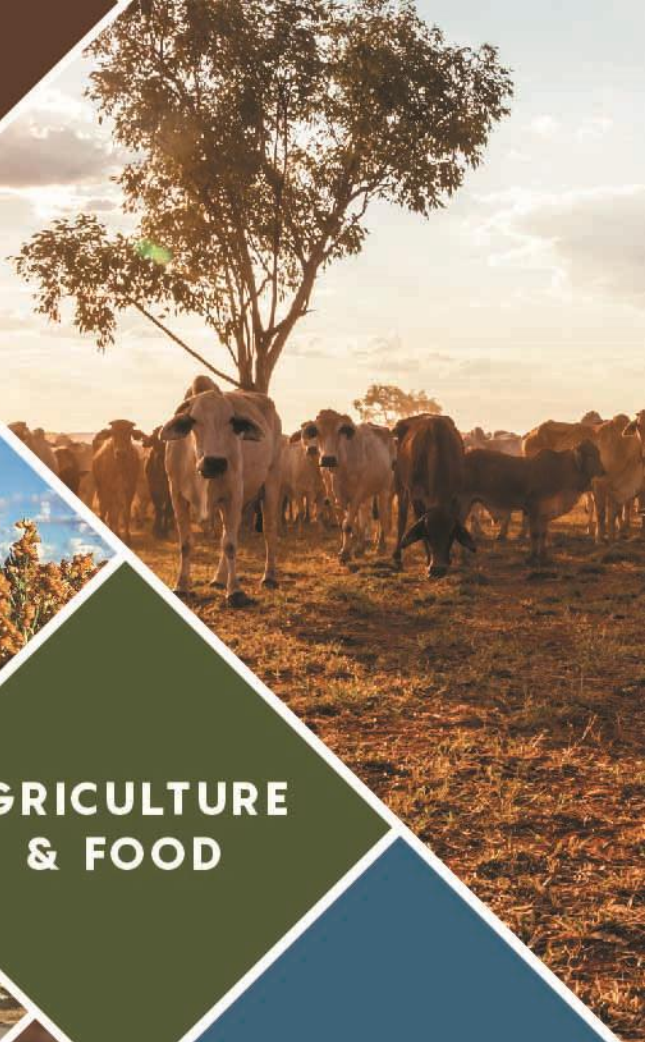
**NORTHERN HEALTH  
SERVICE DELIVERY**



**TRADITIONAL  
OWNER-LED  
DEVELOPMENT**



**AGRICULTURE  
& FOOD**



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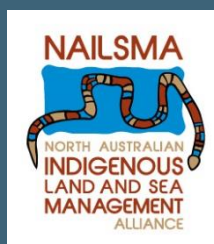
## **Business on Country: land use diversification on the Indigenous estate**

Introduction and summary

Ronald Archer, NAILSMA

October 2020

**CRCNA**  
DEVELOPING NORTHERN AUSTRALIA



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## Acronyms

BoC	Business on Country
CRCNA	Cooperative Research Centre for Developing Northern Australia
CSIRO	Commonwealth Scientific and Industrial Research Organisation
IRG	Indigenous Reference Group
NAIEF	North Australian Indigenous Experts Forum
NAIEP	North Australian Indigenous Experts Panel
NIAA	National Indigenous Australians Agency
WoC	Working on Country



## Introduction

Economic development of northern Australia has pre-occupied southern Australians since European settlement. Episodic bursts of enthusiasm - driven by reports of easily accessed riches from “unused” resources in vast, productive but nonetheless putatively un-peopled landscapes - have alternated with longer periods of disinterest and neglect. The views and interests of permanent, principally Indigenous, residents of the north have not much influenced these cycles.

Australians rediscovered the north yet again early in the 21<sup>st</sup> Century, during severe droughts that drove awareness of unsustainable pressures on the agricultural lands and water resources of southern Australia. Deeper drought, uncontrollable wildfires and disastrous but entirely predictable failures in water management may have reinforced those views and renewed calls to hasten development of northern lands and/or turn “wasted” northern waters to the south.

The flawed assumptions that have driven recurring failures of various grand northern development schemes are too well chronicled<sup>i,ii</sup> to warrant repetition here, but recent shifts in assessments of agricultural potential imply greater willingness to risk new mistakes and their attendant economic, social and environmental costs for the lands and peoples of the north. In 2009 achievable growth in groundwater-irrigable land in north Australia was estimated at 20,000-40,000 ha. New surface water dams were treated as undesirable given few topographically suitable sites (for deep storages) and high rates of evaporation<sup>iii</sup>. Estimates done by the same organisation (CSIRO) a few years later for the 2015 White Paper on northern development were much bigger: groundwater could support 100,000-150,000 hectares of irrigation and dams over 1.0 million ha<sup>iv</sup>. A 30-fold increase cannot be attributed to improved information, but to changed assumptions about risk and the acceptability or otherwise of further failures and related impacts<sup>v</sup>.

Given this long history of recurring optimism and repeated disappointment, northern Australia’s landowners must consider options for commercial use of their lands and waters most carefully. Indigenous landowners have obligations to make well-informed decisions because:

- many of the land use changes of the sort now being strongly promoted require effectively irreversible change in the land and the resource uses it can sustain;
- traditional owners most often have neither the intention nor legal right to sell their lands, and little or no financial backing, leaving no avenues to escape or rectify bad decisions;
- obligations to protect values extend beyond the landowners and their families to include other community members who have rights to access and use traditional lands for customary purposes;
- obligations to country and their living and non-living attributes are codified in traditional law, which owners are bound to honour;
- economic and spiritual dependence on natural and cultural values requires that the condition of these key assets is maintained over the very long term; and



- many traditional owners have experienced damage to the physical or functional integrity of land, waters or resources caused by externally dictated commercial uses that have effectively alienated country from continued customary use.

To advance properly informed, landholder-driven development that gives proper weight to these obligations, North Australia's Indigenous leaders have framed a preferred approach to assessing options and attracting and managing preferred development to make the best use of their assets<sup>vi,vii</sup>. NAILSMA has built on this work to produce a Business on Country proposition<sup>viii</sup> that sets out the commitments needed from First Nations landowners, government and industry to enable sustainable development on north Australia's vast Indigenous estate.

This project seeks to apply elements of these conceptual frameworks to several specific sites in northern Australia. In this work we seek to address questions like:

- what are recurring issues in land use based economic development in the North and how do these effect developments on Indigenous held lands?
- what issues are specific to Indigenous groups and their lands?
- how are Indigenous people trying to engage in local, regional and wider economies and what opportunities (new and re-considered) are attractive to them?
- how can Indigenous groups be better equipped and supported to contribute to and flourish in the northern economy, in ways that take advantage of unique characteristics and mitigate erosion cultural values?

These and other questions are addressed in the attached reports covering each of the participating landholder groups and in restatements of the Business on Country concept and practices that draw on them.



## Approach

Business on Country aims to position traditional landholders to invite investment when they are satisfied that they understand the options available to them. It proposes government and industry collaboration with interested landholders to plan and prepare local “prospectuses” that set out their development interests and the conditions under which they invite public and private co-investment.

A major contributor to the confidence to take this critical step is the extraordinarily productive land management program, Working on Country (WoC): which has been described as “one of the best and most effective programs across the whole spectrum of Indigenous environmental, cultural heritage, health, housing or education”<sup>ix</sup> and “a critical resource and focal point ... providing economic development, building community capacity and social capital”<sup>x</sup>. Business on Country is most likely to succeed when it embodies similar principles and practice, especially:

- leadership by relevant First Nations people;
- access through local First Nations authority that demonstrates landholder commitment;
- effective support from First Nations organisations, including land councils and native title bodies;
- technical support from relevant arms of government and industry, providing access to the best available information and analysis, including land capability, natural resources, and related economic and financial issues;
- support to build institutional capacity for managing operations and incomes, in part through the BoC planning process;
- ensuring that cultural values are fully considered;
- incorporating traditional knowledge and land management and resource use practice; and
- making links with other government and non-government programs to foster synergies.

Under prevailing conditions of contracting government agency and research budgets; government and industry rhetoric about red, green or black tape; reduced respect for heritage values; and an apparent distaste for process that allows time for considered decision-making; building stable, open-ended partnerships dependent on trust and confidence are difficult. Given limited resources, processes are unavoidably iterative: advances can only be made incrementally as resources allow and at a pace determined by local landholders. Such processes have no pre-determined endpoint.

Some landowners may be willing to make decisions about preferred options and take steps towards implementation while many uncertainties remain, especially if they have previously built some land management capability through WoC. They may choose to build management of those uncertainties and related risks into the conditions they set and the agreements they reach with investors or developers. Others may choose to delay consideration of commercial development until after they have resumed active management of their lands and established related governance arrangements long enough to test their capacity to manage the challenges associated with more acute land use change. In either case, strong systems for managing risk and review of performance and need for operational or other change will be essential safeguards.

This project recognises that all participants bring unique perspectives and circumstances, including existing information and analysis that will influence their attitudes and modes of participation, so



that the components of the "ideal" BoC process actually engaged will also vary.

## What is the purpose for this project?

NAILSMA has been contracted through the CRCNA to research and develop the Business on Country framework with the overarching purpose of 'enhancing prosperity and resilience in Indigenous communities.'<sup>xi</sup>

NAILSMA's unique capability prosecuting this dual theme is in recognising that enhancing 'prosperity' involves both local values (understood in the complex of social, cultural and estate manifestations) and mainstream economic values (also a complex of features). Similarly, the treatment of 'resilience' involves synergies amongst core local values (authority, identity, knowledge, connection to country) with strategic partnerships, organisational capacity, good governance, effective investment.<sup>xii</sup>

It is recognised that historical approaches to land use have been narrow and have marginalised Indigenous cultural and economic values, often resulting in minimal participation (and usually jobs, not business) in the regional economy and fragile, inappropriate enterprise structures. Addressing this requires the exploration of a diversity of land use opportunities that speak to local values and offer multiple income sources. As the CRCNA emphasises, diversified land use opportunities must not be at the expense of Indigenous rights.

The BoC approach facilitates the infusion of cultural values, rights and interests into Indigenous business creation and activity. There is a tendency for Indigenous land-based enterprise to prioritise activities that return core social and cultural values over purely income earning ones in the first instance. Activities such as traditional-style fire management are foundational, around which other land use options may be supported and in turn provide support. This approach articulates at a local level the advice for policy makers developed at a global scale out of the North Australian Indigenous Experts Forum (NAIEF - see below).

Recognition and respect for values and rights as a mainstay for Indigenous prosperity in the northern economy is a key tenet of the *Indigenous Prospectus for Northern Australia*, developed through the NAIEF.<sup>xiii</sup> This innovative forum and the Experts Panel (NAIEP) that advised the ministerial forum of the day (NAMF) articulated clear and powerful collective messages about Indigenous engagement in the northern economy:





### **Statement of Indigenous priorities**

[The] Indigenous Experts Panel proposed that NAMF take a role in Indigenous-identified priorities to enable genuine Indigenous participation in northern development. Those priorities relate to:

**Governance:** institutions for exercising rights in land and resources with full transparency and accountability.

**Cultural and customary law and knowledge:** proper recognition and exercise of authority and leadership.

**Land tenure reform:** coherent treatment of native title and associated rights in resources.

**Environmental services:** fostering involvement of Indigenous people in natural resource management for commercial delivery of environmental and social benefits.

**Markets:** more comprehensive markets in ecosystems services, including carbon, water and biodiversity.

**Health and well-being:** dealing with history of trauma and dislocation and recognising contributions to well-being additional to physical health.

The NAIEP was not re-funded after 2013 but the directives have been echoed since, including in the North Australian Indigenous Development Accord, activated by Prime Ministerial signature in December 2019.<sup>xiv</sup> The NAIDA is a cooperative agreement amongst the governments of Australia, Queensland, Northern Territory and Western Australia. The Joint Activities committed to in the accord are largely reflected in this CRCNA supported BoC diversification project, though arguably, interpreted from the ground up.

### **Intergovernmental Agreement – Northern Australia Indigenous Development Accord**

Joint Activities:

- JA 1. Fostering jobs, fostering labour participation, entrepreneurship and business acumen – Rangers fee-for-service
- JA 2. Access to capital and international markets – Northern Hub System
- JA 3. Infrastructure to support Indigenous economic development – Infrastructure planning and investment
- JA 4. Activate the economic value of land, water, sea and cultural resource rights – land use planning and water reforms
- JA 5. Institutional arrangements that work to activate, accelerate and optimise Indigenous economic development across northern Australia – Regional Collaboration Areas
- JA 6. Knowledge management systems and research and development to support Indigenous commercial end-users – Research roadmap and plan

*Excerpt from the Northern Australia Indigenous Development Accord 2019*



NAILSMA's work as secretariat to the NAIEF, close association with the NAIEP and more recently, close relationship with the Indigenous Reference Group (IRG) advising the National Indigenous Australians Agency (NIAA), has served to guide and inform this CRCNA supported project from a global (trans-north) perspective. This access to advice and direction from Indigenous leadership has obviated the need for a separate, project-level leadership group.

Translating the global to the local level has meant this CRCNA Business on Country project, incorporating a Participatory Action Research approach that responds to local nuances, acts on opportunities that arise to deliver tangible benefit along the way and can adapt (non-linear) local development pathways.

The key outputs prescribed for this project give practical expression to its purpose in furthering resilience and prosperity: State of the Indigenous Estate summary; expanded partnerships; estate mapping, improved Land Use Plans; trial estate prospectuses; complementary communications and other materials; education and training opportunities within the project.

### **Project contribution to improved Indigenous prosperity and resilience in North Australia**

This project draws from and adds value to existing Indigenous engagement approaches. The Business on Country strategy document summarises an approach to capture unique qualities of local groups (often disregarded in development planning) with improved engagement incorporating best practice principles from Australian and international experience. The CRCNA experience has influenced and reinforced BoC content by identifying or reinforcing several key issues for Indigenous landholders' full participation in northern development:

1. Priority for putting in place the land management fundamentals, preferably prior to or in conjunction with commercial development
  - permitting development with confidence in capacity to manage unwelcome or unanticipated impacts
2. Need for coordination and integration of activity
  - participants often had well developed statements of intent/ambition which had led to individual studies which were too infrequently related to each other, operated to incompatible time frames or had no obvious path to implementation
3. Difficulties in maintaining momentum
  - desktops on bookshelves dying through lack of or insufficient means for follow-up
  - the obligation to build plausible pathways for implementation into all development propositions



4. Interest in propositions that build capacity and exposure in low cost, low risk (financial, organisational) ways even though prospects of individual profitability may be relatively low
  - e.g. fire projects that produce modest incomes but develop new individual and organisational capacity and can be readily integrated with established compatible activity
  - as contribution to building confidence and ambition
5. Need for processes and structures to integrate local propositions with other regionally relevant activities or infrastructure proposals, to enhance viability
  - Indigenous enterprise owners tend to seek synergies within and around their local enterprise clusters
  - cooperation with familial neighbours rather than competition is the norm.
6. Matching enterprise concept, implementation process and project governance with land tenure and rights
  - understanding that land tenure is not a priori a barrier to Traditional Owner or Native Title holder led enterprise
  - considering alternate partnership, PES or ILUA based arrangements on lands not controlled by the group (e.g. for expansion of pastoral or fire projects onto neighbouring properties).
  - considering the ways in which greater social and cultural benefits can be achieved from access to other lands (including through economic advantage)
7. Reaffirming that core social and cultural values should be enhanced through proposed developments
  - Indigenous groups invariably seek to strengthen local culture and social values through activities on customary lands. Most mainstream enterprise scoping and planning lacks critical socio-cultural measures of success and ability to address and work with potential compromise in this interaction of cultural futures with business.
  - BoC allows for and is able to introduce monitoring and evaluation as a local management tool to keep track of the promotion and impact on core values and interests.
8. Recognising local authority, ownership and control
  - BoC assumes local ownership and control but not immediate capability to take up opportunity. Capability gaps are discussed, and measures explored to fill them (e.g. training, hardware needs, interim management components and strategic partnerships)
  - BoC assumes an allocation of tasks and responsibilities between the group and others with applicable skills and applies a risk assessment (formal or informal)
  - local governance systems (particularly in respect of TOs) are respected and supported, including local means of navigating conflict – This can lead to longer timescales for planned outcomes and planning changes, but project governability is often strengthened as a result.



9. Recognising differences between community understanding and intent and mainstream views of viable development in some sectors: sometimes involving improved local access to goods and services while covering costs, rather than commercial-scale operations
  - pastoralism or horticulture as small-scale operations maintaining skills
  - extractive industry (gravel and sand) for local use in road and track maintenance and local building works.
10. Recognising and dealing effectively with differences in experience and prior planning work that determine readiness and confidence to determine preferences and invite investment
  - obligation to consider initial investments in capacity-building that lack immediate links to commercially viable businesses but are achievable and compatible with larger aspirations.
11. Accepting requirements for flexibility to accommodate diversity of potential combinations of local aspirations, capacity, existing and plausible partnerships, regional and local infrastructure etc.
  - no room for formulaic, over-prescribed approaches
12. Accepting weakness of readily accessible data for assessing land capability, match to compatible regional activity and development trajectories and regional infrastructure
  - requiring additional investments in land and resource inventory and time to reduce uncertainty and risk



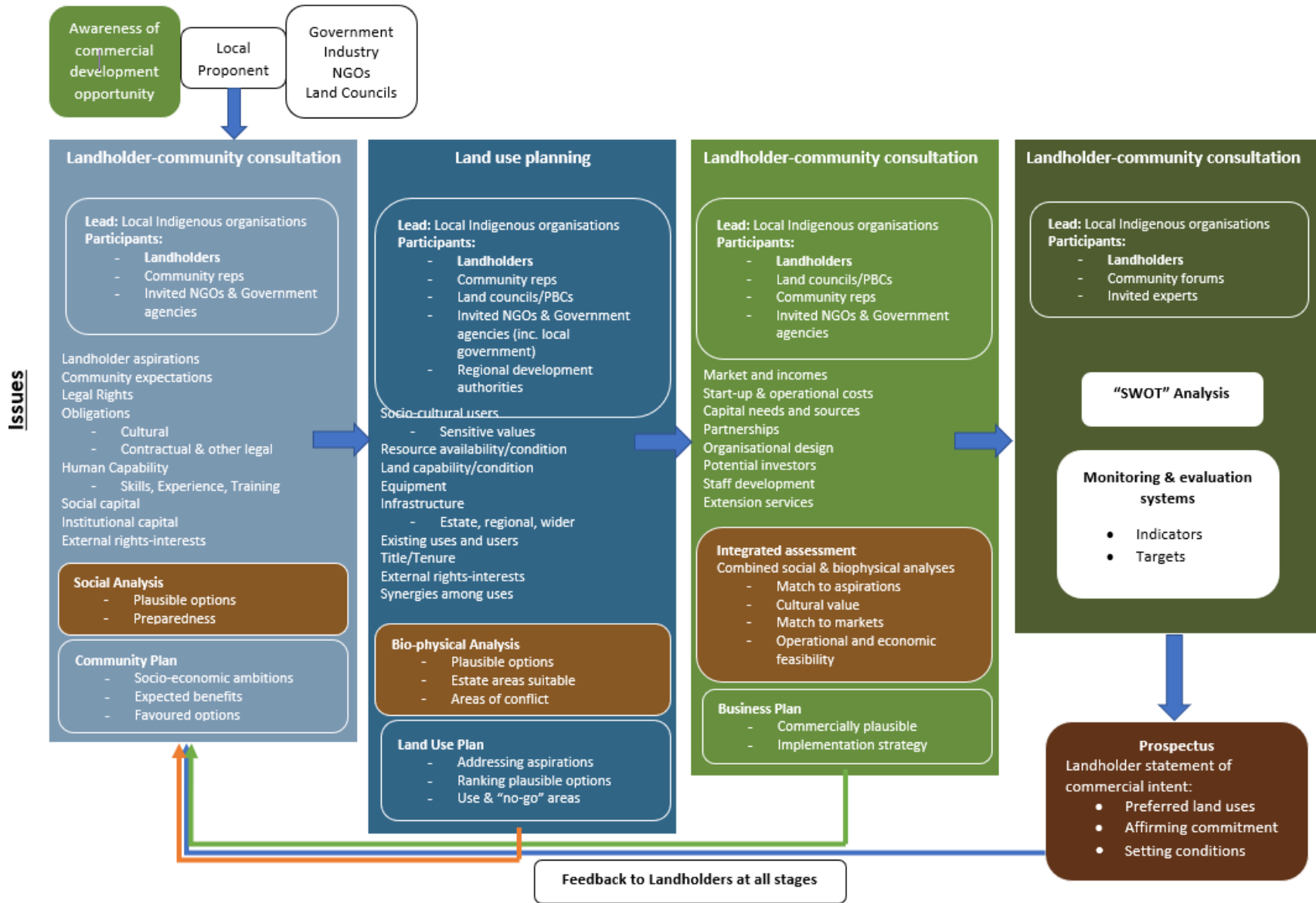


Figure 1 Business on Country flowchart



## Research outputs and publications

### [Business on Country strategy](#)

The BoC framework for land use diversification on the Indigenous estate summarises the process and outcomes of this project. An important characteristic of Indigenous land and sea use opportunities and interests are their all-important site-based unique characteristics and the much broader features that characterise most communities across the north - colonial history, relative poverty, political marginalisation, land dispossession, connection to customary lands, extensive familial networks marrying kin, spirit and *country*, sophisticated traditional knowledge systems etc. This BoC strategy speaks to both the unique and common features that must be captured in advancing prosperity and resilience in North Australia.

### [State of the Indigenous Estate](#)

Provides background information on the scale, biophysical characteristics, land uses, aspirations and preferences for development in the north of Australia. The SotIE also gives a snapshot of agricultural potential in the regions piloted in this project. Whilst broad brush, the SotIE is a backdrop to the development of Land Use Plans that follow.

### [Land Use Plans and prospectuses](#)

Land use plans translate the broad view of agricultural and other land use potential into the social, cultural and economic realities of specific sites. They are not exhaustive nor definitive compilations of land use potential and interests but rather an expression of complex rights, needs and interests contextualising serious commitment to economic and community independence. Indigenous groups respond well to facilitators who recognise this and to therefore to communications and other tools that resonate with these core motivations.

A prospectus was drafted for three of the four pilot sites – the Yawurru project site has not progressed to prospectus stage. These are important statements of commitment by project owners/participants to pursue identified development trajectories and a sense of readiness to invite investment from government and the private sector in terms that align with their way of seeing and doing things. At this stage the draft prospectuses are aimed at the local community as critical investors of social and cultural capital, as well as toward potential financial investors.

- [Waanyi and Garawa LUP and draft prospectus](#)
- [Western Yalanji LUP and draft prospectus](#)
- [Normanby LUP and draft prospectus](#)

### [Engagement and communications tools](#)

Some basic communications tools were developed during this CRCNA project to help Indigenous people in the pilot sites grasp the BoC framework concept, explicitly establish the local ownership of process and outcomes and to help identify roles and responsibilities of the various parties. An example of a monitoring tool for Indigenous proponent and facilitator to track project performance



is provided showing how key performance indicators can be adapted to reflect the progress and impact on local values.

## Recommendations

These suggestions are directed to **all parties concerned in progressing the Indigenous led development agenda**, to support the creation of Indigenous-led enterprise on lands in which Indigenous people have formal and traditional interests. They are based on insights gained or reinforced during CRCNA-supported work and linked where appropriate to previous NAILSMA analyses and statements.

In our view they can underpin a more overt Indigenous Focus in development planning and practice. There is positive opportunity to foster structured engagement of the north's Indigenous leaders in the governance arrangements, programmatic structures and priorities within the CRC.

1. To optimise community support and commitment and hence prospects of success, **recognise in evaluation criteria** that projects should, in addition to plausible socioeconomic benefits, advance capacity to heal and maintain traditional lands and cultural connections with them.
2. To increase capacity to consider and develop commercial opportunities with Indigenous proponents and enhance the stability of agreements for commercial developments - including **promoting recognition** with government and private investors **of the contribution that established land management capabilities make to business confidence and performance**.

In all NAILSMA's numerous consultations with Indigenous landowners and their communities, there has been no instance where fostering land management capacity prior to or in conjunction with commercial development was not a high priority. Review of Indigenous submissions to the northern development process also found this to be a dominant concern<sup>xvxi</sup>.

3. In conjunction with orthodox commercial developments, **foster development of systems for payment for ecosystem services** to meet demands for development offsets and other services in both compliance and voluntary markets.

North Australian Indigenous land managers are well-positioned to grow substantively the depth and breadth of an emerging international ecosystems service economy. Traditional owners could partner others in a long-term approach to the development of this sector. The Northern Australia Indigenous Development Accord (the Accord<sup>xvii</sup>) commits the federal and northern state/territory governments to develop more fee for service arrangements to public and private buyers. This area of activity is a proven pathway for building capacity to enter the market economy. Many Indigenous estates are large and diverse enough to permit both mainstream developments and contributions to ecosystem and environmental services to co-exist (see NAIEF 2012<sup>xviii</sup>).

4. **Ensure that proposals for orthodox or presently mainstream development types are subject to the same level of diligence in analysis and interrogation of**



**plausibility as novel or unfamiliar uses** and that socio-cultural issues that will influence performance and durability are given proper weight in decision-making.

Risks of failure of even well-known orthodox, favoured development types inserted into unfamiliar and weakly understood socio-cultural settings are likely to be high: rapid adaptation to demands that are poorly matched to or entirely incompatible with existing views of acceptable activities and practice is implausible in any culture.

5. In supporting Indigenous initiatives in orthodox developments, such as pastoralism, **consider risk-averse implementation strategies** that emphasise, where plausible, incremental capitalisation that does not assume ultimate commitment to large scale or highly intensive operations.
6. **Acknowledge that expressed preferences for development types are often based on prior related employment as well as match of activities to traditional use and practice**, rather than full local evaluation of optimal economic or business opportunities in contemporary circumstances.

Prior experience, especially among older traditional owners and community members, will often be based on less intensive or small-scale, past (dated) practice rather than the demands of modern profit-making enterprise. Working through the match of commercial realities to expectations is a critical obligation. Where connections can be made to existing knowledge and skills, participation, commitment and rate of development of new skills are likely to be greater<sup>xix</sup>.

7. **Develop formal frameworks** to support groups exploring options for development to coordinate and integrate activities **to connect with credible implementation pathways**: all proposals for examination of options should include obligations to identify sources of and modes of accessing technical and all other support needed to realise favourable opportunities, emphasising opportunities to create synergies by linking potentially complementary new and existing activities.

The *White Paper on Developing Northern Australia* proposed pilot programs to support Indigenous-led development. The Accord commits to identify agreed Regional Collaboration Areas. Well-designed and properly supported pilots could in themselves offer implementation pathways for investment-ready sites, as well as testing and refining innovations in effective planning and implementation. These pilots could be evaluated by the IRG for wider application and as a key part of a process for structured Indigenous engagement with ongoing policy and program development and research and development prioritisation for northern Australia.

8. **Develop options to facilitate Indigenous landowner access to development funding** that offer equity in developments without alienating land or otherwise compromising communal ownership.

Plausible implementation pathways must include mechanisms for Indigenous landowner access to capital. The NLC and CLC have developed (through ALSEDA) frameworks for accountable application of a mix of public and private funds to development on Indigenous lands, including leases offering security acceptable to banks<sup>xx</sup>. *A Northern*





*Australian Guarantee Fund* or the like may be an appropriate vehicle for testing and generating confidence in these arrangements<sup>xxi</sup>. The pilots and regional Collaboration Areas should include examination of such arrangements.

9. In supporting **developments on Indigenous lands dependent on access to related resources** - like water - governments must develop complementary policies regarding preferential Indigenous access to resource allocations.

There are several strategic policy issues yet to be resolved regarding rights related to land, water, sea country and carbon<sup>xxii,xxiii</sup>. Governments need to progress consideration of these issues in partnership with the north's traditional owners and other stakeholders. This can help create a more stable and less conflictual environment for investment in northern Australia. The Accord commits to development of an "advice paper" on land use planning and water reform but does not cover carbon or marine resources.

10. New activities that **build on prior investments in physical and social capital** and are well matched to existing capabilities and activities that are highly valued in potential development sites should be strongly weighted in decisions about development investment.

All interests in northern and Indigenous development should look for opportunities to coordinate and match external support to maximise bolstering of existing activity, minimise risk and avoid duplication. They should look for synergies locally and regionally to bolster enterprise resilience.

11. **Support local people and their organisations to manage tensions between consolidating existing work and shifting focus to new opportunities** favoured by external interests that offer new funding.

12. Government and non-government investors in Indigenous development and private investors must work to **improve alignment of support** for their favoured options to ensure they are (1) acceptable and accessible to Indigenous landholders, and (2) offer genuinely credible opportunities (biophysically, socially and commercially).

There appears at present to be one area of close congruence among government- or NGO-favoured options, Indigenous preferences and preparedness, and operational plausibility (biophysical, social and commercial). That is, in environmental services (encompassing IPAs, WoC, carbon, threatened species management etc). Better regional planning backed by complementary policies in industry support and human development is needed to expand and strengthen areas of alignment.

As proposed by the IRG, this process would also be facilitated by a single development support interface to facilitate traditional owner led development. Complex and fragmented development support systems are a major impediment to building effective pathways from ideas and commitment to successful implementation. A properly resourced and dedicated approach to facilitating and brokering coordinated support for Indigenous-led development may be required. The federal government has undertaken to "scope" an Indigenous Employment and Enterprise Hub System. The IRG will play a critical role in ensuring that such hubs are designed to engage effectively with landowners and their communities.



13. To foster Indigenous-led development, **focus on governance arrangements** (existing or new – formal and informal), as drivers and key mechanisms for ensuring local ownership and control and sustaining performance. Capability building and development pathways need to address specific (enterprise) and generic (decision-making) institutions.

14. **Support inclusion of ongoing extension services** in the roles of the proposed Hubs.

These may develop out of successful enterprises with capacity to assist neighbours and others (e.g. ALFA Ltd). They may be established as regional forums (ANGIC, Kimberley Indigenous Cattleman’s Association KIMSS) or trans-regional service providers (NAILSMA, ALSEDA). Capability may exist within Land Councils. It’s desirable that the service providers are relatable and experienced practitioners themselves.

15. **Support development of Participatory Action Research (PAR)** and management tools (such as Monitoring and Evaluation, ‘money story’, training and career pathway frameworks) relevant to Indigenous businesses (i.e. deal properly with social and cultural goals and interests).



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