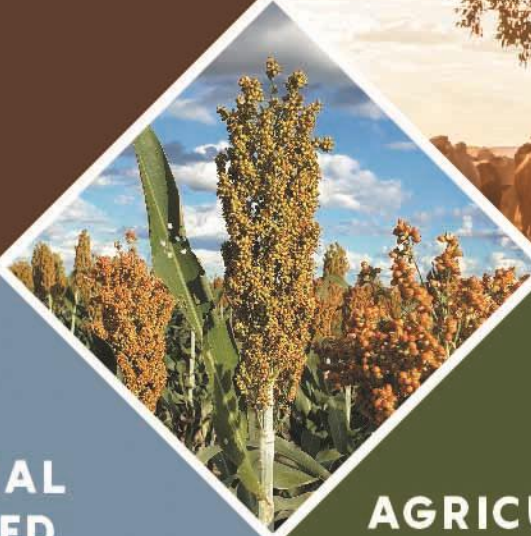


# NORTHERN HEALTH SERVICE DELIVERY



## TRADITIONAL OWNER-LED DEVELOPMENT



## AGRICULTURE & FOOD

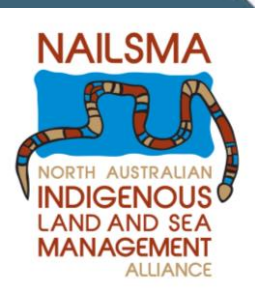


# Business on Country diversification strategy – for enterprise, economic development and health and productive lands and seas

Growing benefits from land ownership, use and management

March 2020

North Australian Indigenous Land and Sea Management Alliance





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## Acronyms

ACCU	Australian Carbon Credit Unit
ALRA	Aboriginal Land Rights (Northern Territory) Act
ATSIC	Aboriginal and Torres Strait Islander Commission
BoC	Business on Country
CDEP	Community Development Employment Program
CDP	Community Development Programme
CRC	Cooperative Research Centre
CRCNA	Cooperative Research Centre for Developing Northern Australia
ES	Ecosystem Services
ILSC	Indigenous Land and Sea Corporation
IPA	Indigenous Protected Area
IRG	Indigenous Reference Group
M&E	Monitoring and Evaluation
MFND	Ministerial Forum on Northern Development
NAIEF	North Australian Indigenous Experts Forum
NAIEP	North Australian Indigenous Expert Panel
NAILSMA	North Australian Indigenous Land and Sea Management Alliance
NAMF	North Australia Ministerial Forum
NRM	Natural Resource Management
WoC	Working on Country



## 1. Executive Summary

Indigenous people have repeatedly demonstrated (through clear statements and positive actions) that they seek to lead their own economic and social development based through leveraging the ownership of lands and sea. The last 40 years, through a range of land rights and native title processes, Traditional Owners have increasingly secured rights and interests across some 78% of the Northern Australian landscape.

Traditional owners have, however, been equally clear that developments should be determined and designed to also maintain important cultural and social values. Reconciling socioeconomic aspirations with cultural obligations challenges all societies and is particularly difficult when many landowners have only recently regained land access after long displacement and had little or no prior exposure to the array of land use options that may be available.

The Australian Government's White Paper for northern development points to some of the issues confronting Indigenous landholders, industry and government in recognising and responding to Indigenous peoples' needs and expectations for socioeconomic development based on land ownership. It does not, however, offer a comprehensive policy or practical responses to supporting Indigenous-led development aspirations. In particular, it does not deal with the pressing need for Indigenous landholders to be supported to build strong new governance systems, drive their own planning and to gain access to the quality technical, financial and business information and analysis required for good option analysis and decision making, enabling industry and government partnerships to progress favoured forms of development.

With support from the Australian and northern State and Territory governments, a panel of Indigenous experts (the Indigenous Reference Group) has developed a new Northern Australian framework for decision-making and articulating development aspirations under the rubric of an 'Indigenous Prospectus'. Some governments, however, have sought to use related terminology to promote commercial access to Indigenous lands, but without committing to the many critical components of the full process set out by the Indigenous Reference Group.

This 'Business on Country Diversification Strategy' sets out the principles, improved practices and actions needed from Indigenous landowners, industry, government and relevant NGOs to close the land development gap. In particular, it sets out how Indigenous interests can structure their interactions with industry and government to facilitate joint examination of sustainable land use and commercial options that improve net well-being, to establish productive pathways to realisation, and foster necessary complementary actions from government and industry.

Key principles and practice for Business on Country, derived from a comprehensive review of policies and programs that have worked well, especially the federal government's critical Working on Country program, include:

- Strengthening the strategic leadership shown by local people
- Establishment or strengthening of local governance systems
- Accessing support arrangements for genuine real landholder engagement
- The genuine application of traditional knowledge
- Effective support from Indigenous organisations, including properly-resourced land councils and native title bodies
- Commitment to facilitated technical support from relevant arms of government and industry
- Full consideration of cultural values through activities like cultural mapping

- Further securing Indigenous land and sea country under self-management

The changes required as the preconditions for success through an effective BoC strategy are:

1. In principle commitment from government and industry peak bodies to progressing the BoC strategy;
  2. Wide agreement and adoption of engagement protocols for facilitating Indigenous economic participation;
  3. Support for Indigenous-led land use and development planning in three phases: understanding opportunities and landholder aspirations, working through options to test plausibility, and making commitments;
  4. Identifying and implementing substantial pilot projects;
  5. Reviewing and refinement of program design, including monitoring and evaluation tools meaningful to Indigenous participants;
1. The full implementation of the strategy at scale, including long term funding commitments; and
  2. Continuing to strengthen land tenure arrangements to support Indigenous ownership and control.

Immediate commitment to a number of substantial pilot projects across northern Australia will be a critical catalyst, with this strategy informing interactions among parties to secure Indigenous-led land development.



## 2. Introduction

Restoration of ownership and resource rights in lands and seas is a critical yet insufficient step towards improved well-being for Australia's Indigenous people. The steady erosion of Indigenous authority over and knowledge of their land and sea country through dispossession has had a crippling impact on Australian society, demanding but not yet achieving effective redress. Returning land assets and customary resources to Traditional Owners is a key ingredient in self-determination and in the more equitable nation-building partnerships. Participating in and helping grow the national economy and regional resilience is strongest where people can bring or use their assets as a matter of free, prior and informed choice.

Land ownership has yet to drive significant change in the socioeconomic status of most of northern Australia's Indigenous population, despite the considerable wealth generated in northern landscapes. Industries active in northern Australia often import labour, services, equipment and consumables from other parts of Australia or overseas and, in the process, export benefits. Reliance on economic trickle-down has failed regional and Indigenous Australians (Gerristen et al. 2019)<sup>1</sup> and prevailing policy and practice will continue to fail (Welters 2010)<sup>2</sup>. Aboriginal people emphasise their determination to earn incomes from the use and management of traditional lands. But they have been equally determined to decide for themselves what forms of development best meet their needs and obligations. They are not prepared to be confined to rushed responses to external proposals that they have played no role in designing and that permit no serious consideration of alternatives. They are especially interested in exploring options that are likely to capture more of the benefits locally and minimise impacts on land condition, existing land uses and capacity to meet traditional obligations.

In 2012, a North Australian Indigenous Experts Panel articulated a Framework for Indigenous Futures which set out development aspirations, together with proposals for policy change and processes needed to foster economic participation. Recognising a lack of engagement from government and industry, they subsequently recast their arguments to propose an 'Indigenous Prospectus for participating in sustainable development of north Australia', with the shift in language intended to emphasise Indigenous interest in commercial use of their lands (NAIEP 2012<sup>3</sup>; NAILSMA 2013<sup>4</sup>). Drawing on the vision and approach articulated by the North Australian Indigenous Expert Panel (NAIEP)—and the large Indigenous forums (NAIEF) that informed their work—NAILSMA has continued to support members of the Panel to pursue their commitments to:

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<sup>1</sup> Gerritsen, R, Whitehead, P. J. & Stoekl, N. 2019 Economic development across the north: historical and current context of possible alternatives. In 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. pp 53-84.

<sup>2</sup> Welters, R. 2010 Atypical labour markets require atypical policy solutions. In Gerritsen, R. (Ed.) *North Australian political economy: Issues and agendas*. Charles Darwin University Press, Darwin. pp. 55-69.

<sup>3</sup> NAIEP 2012. Indigenous futures and sustainable development in north Australia. Towards a framework for full Indigenous participation in economic development. North Australian Indigenous Land and Sea Management Alliance Ltd, Darwin. Pp 47.

<sup>4</sup> NAILSMA 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. Knowledge series, Issue: 019/2013. Forum Report. *North Australia Indigenous Land and Sea Management Alliance, Darwin*.



- ‘Inform governments about the development needs and aspirations of Indigenous north Australians, while protecting what (we) value most;
- Promote and contribute to governments’ policy reforms, aimed at fulfilling (our) development needs and aspirations;
- Establish a framework to effectively and transparently manage future interactions with governments and private sector interests to leverage Indigenous investments in northern development for socioeconomic outcomes and sustainability.’ (NAILSMA 2013, p. 3)

Support has taken various forms, organised within a NAILSMA-funded project for Business on Country. In work with a number of landholder groups supported by the ILSC and the Cooperative Research Centre for Developing Northern Australia (CRCNA), NAILSMA has taken the opportunity to consolidate and apply the principles and processes framed by NAIEP. This document, structured as a ‘Business on Country Diversification Strategy’ adopts the NAIEF vision for resilient and prosperous communities, drawing socioeconomic benefits from and for the better use and management of their lands.

The strategy is, of necessity, multi-faceted and requires a plan for and approaches to many inter-related activities. Although focused on the planning and actions that Indigenous landowners can take themselves to foster favourable land development, it must also respond to the powerful enabling or disabling effects of government policy and industry practice on regional development in general, and Indigenous socioeconomic futures in particular. Consequently, the strategy also identifies changes in policy and practice by other parties to foster positive and productive interactions with Indigenous landowners and their communities, as well as the commitments required from Indigenous participants to enable complementary responses from these potential partners. This documents therefore incorporates related background material, including some discussion of present policy settings, to show why change is critical, and includes:

- a brief discussion of contemporary approaches to northern development and barriers to full and meaningful Indigenous participation;
- the significance of relationships with country and the contribution of caring for country capabilities to development and investment ‘readiness’ among Indigenous landowners;
- application of principles from the most successful government programs to a Business on Country diversification strategy designed specifically to overcome barriers to participation;
- the specific activities to be organised and coordinated during BoC work;
- complementary actions required from Indigenous landholders, government and industry to make the BoC diversification strategy work effectively; and
- pathways to achieve full implementation of collaborative local and regional development programs responsive to Indigenous needs and views.



## 2.1 Northern development and Indigenous participation

The presently dominant theme in northern development, as framed in the 2015 White paper<sup>5</sup>, is to push existing orthodox land and resource uses harder, faster and further: intensify pastoralism; take up more agriculture and in particular, irrigated agriculture; and faster extraction of minerals and gas, less constrained by heritage and environmental safeguards. Despite frequent failures in agriculture<sup>6</sup>, the marginality of much northern land for pastoralism<sup>7</sup>, and the destructive legacies wrought by poorly operated and inadequately regulated mines<sup>8</sup>, there appears to have been little appetite for innovation: or for serious exploration of a diversity of options and views.

However, Indigenous interests in land and resource development are inherently about diversification. While seeking new commercial uses to improve livelihoods, Indigenous landowners will not abandon existing traditional land uses and the benefits and obligations that go with them. New uses must be added to existing ones and so chosen or designed to operate in compatible ways. Ideally, they will generate employment opportunities suited to the interests, skills and experience of present working-age Indigenous people, as well as new entrants (Welters 2010).

A particularly unfortunate by-product of a narrow focus of the White Paper is the absence of measures to support Indigenous land interests to identify favourable options and then pursue a mix of land uses that can work well together. Contrary to White Paper pre-occupations, important issues are not so much about the willingness of Indigenous people to consider commercial uses, including those pressed in the White Paper, but rather the best approach to working through options to create confidence that other important values and uses can be maintained.

Despite the overt separation of commercial business development imperatives from conservation policy and practice, government conservation initiatives have supported some critical building blocks for Indigenous engagement in planning for and taking up new commercial land uses. Respected Ranger groups and their supporting organisations have achieved levels of performance and stability that are hard to match in remote sites. The value of these institutions and skills goes well beyond monitoring and managing environmental change. They offer some of the structures, skills and leadership, for business-mindedness needed by community groups to consider, understand, accept and manage the risks associated with enterprise development. They are the foundation for willingness to consider and then confidently take up additional challenging and ambitious enterprise.

Formally recognised traditional owners and custodians are, by the very design of land rights and native title laws, those who were most committed to staying close to their lands, accepting obligations to their estates and so retaining the authority to discharge them. Without trusted land

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<sup>5</sup>Australian Government (2015) *Our North, Our Future: White Paper on Developing Northern Australia*. Commonwealth of Australia, Canberra. 192 pp.

<sup>6</sup>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.

<sup>7</sup>Russell-Smith, J. & Sangha, K. K. (2018) *Emerging opportunities for developing a diversified land sector economy in Australia's northern savannas*. The Rangeland Journal, 40,315-330. <https://doi.org/10.1071/RJ18005>.

<sup>8</sup> QAO 2013 Environmental regulation of the resources and waste industries Queensland Audit Office, Government of Queensland, Brisbane. 69 pp.

management capability within their communities, Aboriginal landholders with customary rights—who because of their commitment to their lands have operated for most of their lives outside the mainstream—are less likely to have the confidence to embrace change affecting the cultural legacy in the land they have long struggled to regain and protect. Working on Country has helped build some of the institutional and human capital (such as management skills, information resources and decision-making processes, re-familiarisation with cultural lands) needed for landowners and their communities to work together to identify space for enterprise. This human and social capital is required to reconcile the cultural and environmental obligations with socioeconomic aspirations, such that they may be mutually supportive.

The confidence built on restored land management capability has enabled north Australia's Indigenous leadership to take the important steps outlined above: to set down in documentation of the Indigenous Prospectus proposition, and establish locally preferred approaches to inviting investment for and shaping the design of commercial developments on their lands. This approach, exemplified in the work of NAILSMA and sometimes called a Culture-based Economy (Armstrong et al. 2006)<sup>9</sup>, aligns with internationally recognised Indigenous rights and protocols such as Free, Prior and Informed Consent/decision making.

On its own, an Indigenous declaration of willingness to engage seriously in land development is insufficient. A diversification strategy is needed to bridge the gap between landowner intent and the capacity to negotiate productively with potential partners and then make sound investment decisions. (In)compatibility between industry expectations and Indigenous social and cultural custodianship of traditional lands and sea, especially in divergent perceptions of risk(s)<sup>10</sup>; equity and local ownership in enterprise(s); and overcoming physical infrastructure deficits on and around Indigenous lands are among the many complex issues that landowners must consider, but for which there are presently no or patchy mechanisms and tools for facilitating decision-making. McKellar et al. (2015)<sup>11</sup> emphasise the importance of 'interventions that aid and support learning ... in facilitating the land-use transition' even in the much simpler situation where change involves landowners already part of the mainstream economy.

A BoC diversification strategy should help broaden and deepen Indigenous skills (including Traditional knowledge based)<sup>12</sup>; promote synergies between livelihood and cultural and environmental prosperity<sup>13</sup>; promote effective governance of Indigenous business; and so, contribute significantly to the resilience of the rural and remote economies of the North<sup>14</sup>.

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<sup>9</sup>Armstrong, R., Morrison, J. & Yu, P. 2006 Indigenous land and sea management and sustainable business development in northern Australia. *International Indigenous Business and Entrepreneurship Conference, Albuquerque, New Mexico. Albuquerque, New Mexico.* 9 pp.

<sup>10</sup>Herbert-Cheshire, L. & Higgins, V. 2004 From risky to responsible: expert knowledge and the governing of community-led rural development. *Journal of Rural Studies* 20 289-302

<sup>11</sup>McKellar, L., Bark, R. & Watson, I. 2015 Agricultural transition and land use change: Considerations in the development of irrigated enterprises in the rangelands of northern Australia. *Rangeland Journal* 37: 445-457

<sup>12</sup>McGuire, M., Rubin, B., Agranoff, R. & Richards, C. 1994 Building development capacity in non-metropolitan communities. *Public Administration Review* 54: 426-433.

<sup>13</sup>Hunt, J. & Campbell, D. 2016 *Translating Aboriginal land rights into development outcomes: factors contributing to a successful program in Central Australia.* Centre for Aboriginal Economic Policy Research, Australian National University, Canberra. 15 pp.

<sup>14</sup>Opare, S. 2007 *Strengthening community-based organizations for the challenges of rural development.* *Journal* 42: 251-264 .

### 3. Northern development and the Indigenous Prospectus: Background to the diversification strategy

As noted in the Introduction, in the years leading up to the White Paper, a North Australian Indigenous Experts Panel, and the large Indigenous forums it coordinated, provided comprehensive Indigenous input to a North Australia Ministerial Forum (NAMF) on issues in northern development<sup>15</sup>. One of the important foci of that advice was a proposal for estate owners to examine development options with technical and analytical support from government or industry: and then—subject to satisfactory understandings of the benefits, costs and risk—to invite investments to develop their estates. The NAIEP drafted their over-arching strategy to advise the NAMF, called the Indigenous Prospectus<sup>16,17</sup> and foresaw the critical complementary component, that is being developed as the Business on Country strategy.

The dual aim is to invite partnership with Government, industry and others to an Indigenous-led, well-considered, strategic development approach which supports landowners not only to chart preferred directions themselves but also to respond in a timely and informed way to external proposals. Subject to effective implementation of the strategy, owners will have at least some prior exposure to issues around development options, how benefits might be delivered and impacts mitigated and whether other options were aligning better with local aspirations. An Indigenous Prospectus is a key product from a comprehensive local Business on Country process.

Some government actions have invoked a distorted version of the Prospectus idea, under which government agencies determine what industry is to be favoured, take over Indigenous lands<sup>18</sup> and issue invitations to invest on landowners' behalf<sup>19</sup>. Such impositions, relegating traditional owners to passive roles, are not only undesirable because they are so far at odds with Indigenous aspirations, rights and interests, but similar approaches in the past contributed to catastrophic failures in agricultural development and forestry driven by agency boosterism around marginal proposals<sup>20</sup>

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<sup>15</sup> NAMF comprised resources and development Ministers from the WA, NT, Qld and federal governments.

<sup>16</sup> The term prospectus is used here in the manner of not-for-profit organisations, rather than as prescribed under the Corporations Act.

<sup>17</sup> NAIEP (2012) Indigenous futures and sustainable development in north Australia. Towards a framework for full Indigenous participation in economic development. North Australian Indigenous Land and Sea Management Alliance Ltd, Darwin. 47 pp.

<sup>18</sup> NTG (2014) Submission by the Northern Territory Government to the Joint Select Committee on Northern Australia Inquiry into the Development of Northern Australia. Northern Territory Government, Darwin. 15 pp.

<sup>19</sup> Land Development Corporation (2017). Tiwi Islands INVESTMENT Prospectus, Land Development Corporation, Darwin. 23 pp.

<sup>20</sup> Alford, B. (1989) *The Douglas / Daly region: A history overview from 1900*. Unpublished manuscript (cited in DIPE 2003 Draft conservation plan for the Daly Basin bioregion. Department of Infrastructure Planning and Environment, Darwin. 79 pp).



#### 4. Business on Country is not 'Business as usual'

A new comprehensive, coherent and purpose-designed approach to doing business on country is required because the fundamentals of many potentially relevant existing government and non-government programs do not include the key features that

comprehensive studies from many different disciplines identify as essential in local and regional development<sup>21, 22, 23, 24, 25, 26, 27</sup> and in particular lack the quality of alignment that is critical to success<sup>28</sup>. An entirely new and creative Business on Country strategy is needed to avoid shackling by multiple, sometimes contradictory programs that fail to recognise the unique opportunities and challenges of the north.

In brief, key actions that need to be facilitated by a BoC strategy are to:

- familiarise Indigenous landholders and their communities with opportunities for socioeconomic development based on land ownership and other rights;
- understand and document landholder aspirations for commercial land use;
- present the BoC framework as a vehicle for understanding opportunities and constraints and critical evaluation of options and match to aspirations;
- provide access to the best available information and analysis across all dimensions of commercial use of land and resources;
- work through that information and analysis with landholders and other Indigenous interests to prepare land use plans that identify areas available for development;
- for favourable options, develop landholder-endorsed plans for implementation that include conditions for the development;
- begin building necessary institutions for governance;
- where sought by landholders, inform potential investors and seek their involvement; and
- negotiate agreements that explicitly acknowledge and manage the benefits and risks of proposed developments as understood by landowners and managers.

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<sup>21</sup>ACFID 2017 Stories of Change through Effective Development Practice. ACFID Aboriginal and Torres Strait Islander Community of Practice 2016 Forum Summary Report. *Australian Council for International Development, Canberra*. 10 pp.

<sup>22</sup>Austin, B. J. & Corey, B. 2012 Factors contributing to the longevity of the commercial use of crocodiles by Indigenous people in remote Northern Australia: a case study. *Rangeland J.* 34 239-248.

<sup>23</sup>Alexandra, J. & Stanley, J. 2007 Aboriginal communities and mixed agricultural businesses: opportunities and future needs. *Rural Industries Research and Development Corporation, Canberra*. 52 pp.

<sup>24</sup>Bandias, S., Fuller, D. & Holmes, S. 2012 Aboriginal Economic and Human Development in the Northern Territory of Australia: To Work or Not to Work. A Clash of Non-Indigenous Beliefs. *Economic Papers: A journal of applied economics and policy* 31 50-62.

<sup>25</sup>Bennett, N., Lemelin, R., Koster, R. & Budke, I. 2012 A capital assets framework for appraising and building capacity for tourism development in aboriginal protected area gateway communities. *Tourism Management* 33:752-766.

<sup>26</sup>Campbell, D. & Hunt, J. E. 2013 Achieving broader benefits from Indigenous land use agreements in Central Australia. *Community Development Journal* 48 197-214.

<sup>27</sup>Ingamells, A., Holcombe, S. & Bultjens, J. 2011 Economic development and remote desert settlements. *Community Development Journal* 46 436-457.

<sup>28</sup>Dale, A. & Newman, L. 2010 Social capital: a necessary and sufficient condition for sustainable development? *Community Development Journal* 45: 5-21.



The following sections frame the components of a BoC Diversification strategy and how to engage Indigenous Australians across Northern Australia with it to further their local aims and encourage observance of its principles and favoured practice by potential partners. The discussion also focuses on how the BoC connects with preparing prospectuses and what supported is needed from Federal, State and Territory governments and the private sector.

#### 4.1 Core features of a Business on Country strategy

A successful Business on Country strategy will need to achieve a similar level and quality of landowner and land manager ‘buy in’ as Working on Country. WoC has been successful because it embraces well-established principles for effective community (e.g. ACFID 2017) and regional development involving Indigenous peoples<sup>29</sup>. BoC and WoC can work most effectively together to support Indigenous peoples’ capacity to return to, reside on and care for their traditional country. Some of the critical features and principles of WoC that must also inform the application of the BoC strategy include:

- continuity of focus, effort and funding;
- sustained, high-quality support for local participatory planning and action;
- strong local influence over targets and methods;
- local decisions about Indigenous roles, emphasising connections with country or unambiguous authority from landholders;
- access to traditional land management experts;
- recognition and alignment of obligations of Indigenous participants with customary law and practice;
- facilitated access to mainstream scientific resource management expertise;
- experienced personnel in participating government agencies who understand the practical issues and benefits of adjusting to local needs;
- strong local communications, especially among traditional owners, rangers and other land and resource users; and
- connections with other local institutions, including business and educational institutions.

An important underlying facilitator of WoC was that, as an environmental program, respect for natural and cultural heritage—that is so important to Indigenous landowners and managers—was often ‘built-in’. That alignment will be weaker in some development programs, so it needs to be constructed and rigorously applied in explorations of development options. Experience indicates that traditional owners are prepared to seek ways to accommodate significant change if it does not threaten fundamental beliefs or put at risk highly valued or ‘dangerous’ features of landscapes and their management. However, obviously all other parties need to respect those fundamentals. For example, sacred or otherwise highly valued sites must be protected from disturbance, irrespective of the potential economic benefits from doing otherwise.

Working through such sensitive issues (considering compromise around cultural values to accommodate enterprise for example) demands the same clarity of focus, long term commitment and administrative flexibility that the federal government brought to bear with WoC. Good working arrangements amongst landholders, policymakers and investors will be difficult to achieve within

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<sup>29</sup>Lee, E. & Eversole, R. 2019 Rethinking the regions: Indigenous peoples and regional development. *Regional Studies* 53:1509-1519



the BoC framework without the broader strategic re-alignment of relevant government agencies and diverse industry players, including industry peak organisations moving beyond resistance or outright antagonism to the exercise of Indigenous rights. For traditional owners who will be risking their lands, reputations and authority, stakes will be much higher than in conservation programs. Higher stakes demand acceptance and scrupulous observance, among all participating, of high standards to govern interactions with traditional owners.

#### 4.2 Principles of Indigenous engagement for economic participation

Positive, productive interactions can be fostered by agreeing on protocols for engagement on northern development. Principles for such protocols which are embodied in the vision and goals and related statements from the NAIEF and NAIEP, as interpreted and reframed by NAILSMA for the BoC, should include:

- (1) Relevant political jurisdictions agrees that northern development and Indigenous socioeconomic development must be pursued together and so agree to foster full and meaningful Indigenous participation in all related planning, programs and projects.
- (2) Northern development programs and projects always address employment and enterprise targets for Closing the Gap by fostering new and sustaining existing Indigenous livelihoods.
- (3) Indigenous aspirations will not be assumed or circumscribed by other parties. Indigenous people will be supported to plan future use of their estates and, in respect of external proposals, participate in early planning, policy development, project design and implementation.
- (4) Obligations in international and Australian law for full prior and informed consent are interpreted to include:
  - participation of recognised Indigenous interests in program and project design wherever there is potential to impact positively or negatively on Indigenous interests
  - financial and in-kind support to Indigenous organisations or individuals to meet reasonable costs in fostering access to all relevant information and analysis.
- (5) Government agencies and industry proponents seeking to access Indigenous lands ensure landowner participation in planning and project design as early as possible.
- (6) Governments recognise that incentives, structures and processes for promoting northern development must be considered as legitimate by Indigenous people and their organisations.
- (7) Governments actively support the building of robust Indigenous institutions capable of engaging positively with industry and government at all relevant levels.
- (8) Governments and industry acknowledge that most Indigenous organisations were not created for planning of accelerated northern development, and so require additional financial and technical support to secure meaningful participation.
- (9) Participating Indigenous individuals and organisations will accord high priority to related work, engage in good faith, recognise the legitimate interests of other participants and collaborate



to secure positive national, regional and local outcomes while securing Indigenous benefits and protecting rights and values.

- (10) Indigenous knowledge is relevant to all aspects of land, water and other resource use. Parties will seek to apply Indigenous knowledge and practices in development planning, design and operation, especially in protection of Indigenous-identified values.
- (11) Processes and formulae for allocating and accessing water and living resources will acknowledge contributions of Indigenous lands and their managers to quality and productivity of lands and waters, and the obligations this creates to meet Indigenous needs.
- (12) Where development proposals directly compromise suitability of Indigenous lands for maintaining Indigenous use and culture, rights extend to withholding consent permanently.
- (13) Indigenous landholders will have first opportunity to generate environmental offsets for resource extraction, agricultural or other developments damaging important values, especially Indigenous-identified values.
- (14) All jurisdictions will formally adopt these protocols and ensure that their agencies and staff apply them in good faith to all activities affecting Indigenous people.
- (15) State and territory government or industry access to federal funds, subsidies or other incentives for northern development programs or projects require binding agreement to apply these principles in all interactions with Indigenous landowners.

Government endorsement of these or equivalent principles in framing the way BoC should work will do much to reassure traditional owners and their communities, provide clarity for industry, and help address the trust deficit that presently mars many interactions.

#### 4.3 Operationalising Business on Country at scale

The BoC strategy and its practice framework have direct application to a number of formal processes for advancing northern development. Examples include regional development plans conducted or sponsored by any level of government; establishing development precincts for one or more industries; regional infrastructure planning; and strategic environmental assessment to set parameters for development precincts or very large individual projects.

Ideally, support for BoC will not await such triggers but be rolled out systematically across regions or on specific application from individual Indigenous estates and their owners. Application of the BoC strategy should be taken up as soon as possible for any government or industry-backed process for regional development planning or where major project status has been assigned. This will not only better support Indigenous landowners and Native Title holders but dramatically improve government and industry engagement outcomes and accountability.

Application of the BoC strategy encompasses several linked activities (Table 1) and, where sought by landowners, culminate in a Prospectus inviting investment and specifying the conditions under which investment will be welcomed.



Table 1: Elements of the Business on Country (BoC) Diversification strategy and summary of its essential features.

<b>Element</b>	<b>Purpose</b>	<b>Essential features</b>
<b>Awareness</b>	<ul style="list-style-type: none"> <li>• increase awareness of the socioeconomic benefits that land ownership may create</li> <li>• present the BoC strategy and application framework</li> <li>• alert local people to emerging development options or potential for land-use change that may affect their interests</li> </ul>	<ul style="list-style-type: none"> <li>• subject to endorsement in principle by the government</li> <li>• early notice of opportunity or development initiatives allowing landholders and communities to consider the nature of their involvement</li> </ul>
<b>Protocols for Indigenous economic participation</b>	<ul style="list-style-type: none"> <li>• set down commitments required from industry, government and Indigenous landholders</li> </ul>	<ul style="list-style-type: none"> <li>• based on principles for good engagement and community development practice, as well as the additional obligations set out here</li> </ul>
<b>Land use and development planning</b> - Phase 1 understanding opportunities and aspirations	<ul style="list-style-type: none"> <li>• familiarise landowners and their communities with BoC processes</li> <li>• document aspirations and local understanding of options and interest in them</li> </ul>	<ul style="list-style-type: none"> <li>• initiated and conducted by local Indigenous individuals and organisations, demonstrating a commitment to follow through</li> <li>• supported by modest external funding where required</li> </ul>
- Phase 2 testing options	<ul style="list-style-type: none"> <li>• fill data gaps, deepen and expand participatory analysis</li> <li>• settle landholder-favoured and endorsed options</li> </ul>	<ul style="list-style-type: none"> <li>• active, organised support accessible to all landowners who have shown serious interest</li> <li>• supported by an Indigenous economic development fund</li> </ul>
- Phase 3 making commitments	<ul style="list-style-type: none"> <li>• refine and document plans and landholder-endorsed preferences in Prospectus form</li> </ul>	<ul style="list-style-type: none"> <li>• accessed by formal landowner application</li> <li>• assessed by Indigenous advisory groups</li> <li>• substantial funding support, preferably through an Indigenous economic development fund</li> </ul>
<b>Pilot projects</b> - Implementation	<ul style="list-style-type: none"> <li>• implement favourable land development plans</li> <li>• test processes for engagement and support</li> </ul>	<ul style="list-style-type: none"> <li>• precedence for Indigenous proposals completing Phase 3</li> <li>• plans endorsed by government-backed by statements of intent from relevant industry</li> <li>• preferably supported by an Indigenous economic development fund</li> </ul>
<b>Complementary downstream programs</b>	<ul style="list-style-type: none"> <li>• improve the alignment of regional development and industry support programs to Indigenous needs</li> <li>• refine BoC methods</li> </ul>	<ul style="list-style-type: none"> <li>• covering capacity building, business planning, access to finance, marketing, compatible infrastructure investments</li> <li>• clear rights in water and carbon</li> </ul>





<b>Element</b>	<b>Purpose</b>	<b>Essential features</b>
<b><i>Indigenous coordination and advisory groups</i></b>	<ul style="list-style-type: none"> <li>• promote and help apply for the program across northern Australia</li> <li>• review the program and propose improvements</li> </ul>	<ul style="list-style-type: none"> <li>• decision-making roles grow with the program</li> <li>• initial roles include the ranking of applications for the support of Phases 2 and 3</li> </ul>
<b><i>Monitoring, evaluation and reporting systems</i></b>	<ul style="list-style-type: none"> <li>• facilitate review and adaptation</li> <li>• assure landholders that cultural obligations to lands, seas and communities are met</li> <li>• report to public and private investors</li> </ul>	<ul style="list-style-type: none"> <li>• include measures of values identified as important by local people</li> <li>• avoid oppressive oversight and micro-management</li> <li>• costs contained to avoid compromising financial viability</li> </ul>
<b><i>Prospectus</i></b>	<ul style="list-style-type: none"> <li>• summarise the opportunity and present analysis to the extent permitted by resourcing</li> <li>• establish the areas potentially available for development and conditions under which investment is sought</li> </ul>	<ul style="list-style-type: none"> <li>• not a prospectus in the sense of the Corporations Act, but a more or less detailed expression of interest in securing investment in a specified development opportunity.</li> </ul>



In this outline, we do not seek to specify Business on Country processes in full detail. Nonetheless, we consider that in general, the following steps will be necessary, adjusted in different settings to take account of previous work and the preferences of local leaders and landowners. A phased approach may be useful to demonstrate landholder, government and industry commitment and so build confidence and trust among parties.

### *Phase 1*

- familiarisation of communities and their organisations with the potential of commercial land use to reinforce and add to existing work on country by increasing incomes from living on and managing land;
- presentation of the BoC program and conditions for participation and adjustment to local circumstances
- (self-)identification of local organisations with the interest and capacity to incorporate BoC in their activities;
- application for initial funding for a desktop analysis of potential development options, both internally driven and likely to originate outside the community (e.g. mining);
- data aggregation and initial desktop analysis of relevant biophysical data available for target areas;
- indicative maps of sites potentially suitable for development, no-go areas and areas raising known conflicts or management risks;
- documentation of process and preliminary conclusions; and
- use of these materials to seek feedback from relevant agencies and determine local interest and conditions for proceeding further.

### *Phase 2*

- on landholder instructions, seek funding to develop a land-use plan for the nominated area dealing with natural and cultural heritage issues, and development options and their implications;
- on approval, employment of a planner or coordinator with a budget sufficient to develop the plan with contracted expertise and, crucially, local employment of knowledge custodians;
- engage government and industry to support analysis of options;
- acquire new data needed to support planning, including (in all situations) cultural mapping;
- complete draft integrated land-use plan;
- obtain the endorsement of the land-use plan by landholders and community; and
- submit the land-use plan to the funding source to complete Phase 2.

### *Phase 3*

- Commonwealth, State or Territory Government review of the robustness of plan and endorsement of its suitability as a platform for decisions involving public investment;
- the formal statement of commitments made by interested landowners and other Indigenous people to facilitate favoured development
- government/landowner agreement of an implementation schedule, including commitments for support through compatible enterprise support or infrastructure programs;
- engagement of relevant industry;
- framing conditions applying to developments on those sites and the related obligations of developers;
- design of monitoring systems covering values important to all parties and compliance with conditions and capable of informing review and management response; and
- issue of the development and land management plan within a 'Prospectus' setting out the



landowners' intentions and inviting co-investments.

Formal expressions of government confidence in local or broader scale plans (in Phase 3) is an important feature of the process because it will facilitate access to other relevant enterprise development programs and influence decisions on infrastructure.

#### 4.3.1 Business on country and the Indigenous Prospectus

When BoC is applied to initiatives that require development licences or permits held by or available to only one entity (e.g. mineral or petroleum exploration), then landholders will not be in a position to invite investment or choose among potential investors. However, when the opportunity has been recognised and worked up by landholders, they may choose to present their view and analysis of the opportunity through a Prospectus.

The Prospectus concept, as developed by NAIEP, is intended to operate at a range of spatial scales. An overarching (e.g. large regional) Indigenous Prospectus may set out the sort of benefits that Indigenous investors seek from their lands and waters; the types of uses they may favour; the ways that co-investors can benefit; the conditions under which investments will be sought, accepted and secured; the need for change in government policy; and related strategies and plans needed to realise significant benefits from full Indigenous participation in northern development.

At estate sales, a Prospectus will provide enough information for potential investors to enter negotiations with traditional owners around particular proposals or projects. It may set out the particular outcomes (or products) the landowner proponents are seeking, how they will be created, the scale of benefits estimated to be achievable, and some indication of costs. It will show how investors can become involved, conditions for involvement the way investments would be used, the returns they might expect and the timeframes over which they will be delivered. It will nominate those who have the authority to speak about the use of country. Risks will be clearly acknowledged, and ways of managing them outlined.

At all scales exploring options systematically and comprehensively and reaching agreement on Prospectus content will be substantial undertakings, dependent on sustained support from many actors. In all cases, a Prospectus on a subject as complex, diverse and contested as Indigenous participation in northern development will obviously differ in some important ways from a more routine invitation to invest:

- benefits sought from both Indigenous and some non-Indigenous investors may often go beyond the strictly financial;
- potential investors are likely to be diverse and may include industry, philanthropic NGOs, environmental NGOs and all three levels of government;
- clarity about expectations of co-investors may be hard to achieve given greater diversity of roles and perspectives;
- benefits and costs may be estimated relatively imprecisely, adding to risk;
- some benefits (e.g. in capability and confidence) and types of investments (e.g. in access to land) may be difficult to value in regions with little or no established private economy; and

- the level of risk may be higher because uncertainties in northern development are greater than in regions with a longer development history and more favourable infrastructure.

A key function of the Prospectus process will be to increase understanding about Indigenous expectations within industry and government; and the interactions around Prospectus-making to also increase Indigenous understanding of the expectations of others, especially potential investors and the matters that influence their decisions. Clearly, this will require close engagement among interested parties and skilled analysis of the levels of shared understanding and hence the nature and calibre of shared risks.

#### 4.4 Operationalising the Business on Country strategy – a framework for applying the tools locally

In addition to strong protocols covering ethical and productive approaches to engagement, the following features will be critical in a productive BoC process that addresses existing barriers and is effective in building confidence among potential external investors and Indigenous landowners as co-investors.

##### *Indigenous-led development*

- (1) Participation requires an application from Indigenous land and sea management organisations acting with the agreement of relevant landowners: no obligation to participate.
- (2) Explicit recognition and respect for Indigenous values and obligations among those seeking or promoting access to land.
- (3) Unquestioned commitment to the protection of sacred sites and other special areas and phenomena identified by a landholder or community-recognised Indigenous authority.

##### *Knowledge generation, management, sharing and application*

- (4) Open access to all relevant information and analysis held by government on natural and cultural values, resources and economic opportunities relating to the sites under consideration.
- (5) Commitment to gather new biophysical and cultural heritage and economic or market information, where essential for credible planning.
- (6) Application of Indigenous knowledge, values and obligations to design and delivery of on-country projects.
- (7) Support to Indigenous landholding and land management groups to aggregate, store and analyse locally-collected and thematic data from other sources on natural and cultural heritage.

##### *Planning for development*

- (8) Integrated consideration and framing of natural and cultural heritage conservation plans and land use/economic development plans.
- (9) Application of a whole-of-country approach to planning to ensure that plans are informed about the activities and interests of neighbours and take account of impacts on those interests.
- (10) Funding for participatory planning, expert scientific, engineering and technical analysis and advice, for financial and business development analysis and advice in planning processes and preparation of documents.



### Governance

- (11) Dedicated Business on Country support within the government.
- (12) Funding for Business on Country guaranteed for at least five years and preferably a decade.
- (13) Government commitment to consider business opportunities without arbitrary restriction, including the development of national frameworks for payment for environmental services, which have already proved important in driving Indigenous participation in commercial enterprise.

### Review and continuous improvement

- (14) Robust processes for participatory review, including stop, review and re-design milestones.

The reasons for requiring these features are mostly self-evident, but here we highlight some of the most critical.

#### 4.4.1 Long-term commitment

In their proposals to NAMF around the Indigenous Prospectus, NAEP and NAIEF recognised the need for a decade-long program (NAILSMA 2013) with substantial funding to support an inherently long term yet locally intensive process. Since then, despite lack of federal government action, there has been some positive regional recognition of the utility of institutionalising the ‘real’ Prospectus concept. For example, the Northern and Central Land Councils have worked on mechanisms to attract and secure investments in development proposed by Aboriginal landholders, and the NT Government has urged federal support<sup>30</sup>. They have coordinated work on approaches to financing Indigenous development initiatives (e.g. the ALSEDA model, see [http://www.centrefarm.com/cms/file\\_library/Other/Other\\_102.pdf](http://www.centrefarm.com/cms/file_library/Other/Other_102.pdf)), as sought through the Prospectus. In the short term, this sort of recognition may be important to facilitate access to government technical and other expertise.

There is also an associated obligation to create real prospects for opportunities identified by landowners and assessed as viable to attract investors. There is a long history of research on options for community development creating expectations but stimulating no further action: sometimes because there was no prior or concurrent study of the plausibility of orthodox business options under prevailing market conditions, or no agreed process for developing novel options to the point where industry investors could seriously consider them<sup>31</sup>. Getting beyond proof of concept and other preliminaries will require longer-term policy, institutional and financial commitment.

#### 4.4.2 Complementary government actions

Government (all levels), industry and Indigenous people share interests in seeing land used for socioeconomic benefit where it can be done in environmentally and socially sustainable ways. That

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<sup>30</sup> NTG (2017) *Our Economic Future: Increasing Private Sector Investment to Grow Territory Jobs*. Northern Territory Economic Development Framework. Department of Trade, Business and Innovation, Darwin. iv + 42 pp.

<sup>31</sup> Smyth, D. & Whitehead, PJ 2012 *Reflections on developing and researching Indigenous livelihoods on country; Discussion paper*. North Australian Indigenous Land and Sea Management Alliance Ltd, Darwin. 35 pp.

common interest will be most efficiently realised if all parties are positioned to participate fully and equally. This will require that Indigenous groups have access to the same quality of technical and financial analysis as the other parties.

Fundamental requirements are access to good information on issues such as land capability and competent technical and financial analysis. Indigenous organisations mostly lack the resources for the level of analysis to permit fully informed decisions and confidently invite co-investment in specific areas. Robust and enduring partnerships between resource inventory and management and business support agencies in government and Indigenous organisations will be essential to support joint analysis of the information they hold for competent land use planning at all spatial scales.

This strategy is based on the assumption that the Federal Government will facilitate such access through bilateral agreements with the States and Territories. However, it is desirable that the States and Territories move quickly to make access to publicly-funded research and analysis freely available to Indigenous landholders and support effective application: just as they celebrate doing for mineral and petroleum explorers and extractors<sup>8</sup>.

The Federal Government has established an Indigenous Reference Group (IRG) to support the Ministerial Forum on Northern Development (MFND) to 'ensure the northern development agenda was inclusive of Indigenous interests'<sup>32</sup>. A potentially useful additional step has been taken with the Northern Australian Indigenous Development Accord<sup>33</sup>, to which the Federal, Queensland, Western Australian and Northern Territory Governments are parties. The Accord's headline targets (objectives and outcomes sought) are entirely consistent with this BoC strategy, and include:

- mainstreaming consideration of Indigenous interests in policy and programs;
- fostering labour participation, entrepreneurship and business acumen;
- establishing knowledge management systems and doing research to support Indigenous commercial end-users;
- attracting infrastructure investment to support Indigenous economic development;
- facilitating access to capital and domestic and international markets;
- activating the economic value of land, water, sea and cultural resource rights; and
- creating institutional arrangements that activate, accelerate and optimise Indigenous economic development.

However, firm commitments in the Accords' associated action plan are modest, involving at least one additional fee for service arrangement for Indigenous Rangers per jurisdiction. More substantive commitments relevant to BoC are subject to future advice from working groups and separate approval. If ultimately honoured, these sorts of commitments could cover much of what is needed to drive a successful BoC program.

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<sup>32</sup> Canavan, M 2017 *First Nations peoples critical to developing northern Australia*. 11 December 2017. Joint media release with the Minister for Indigenous Affairs, Senator the Hon Nigel Scullion.

<sup>33</sup> Intergovernmental Agreement – Northern Australia Indigenous Development Accord. December 2019. Accessed at <https://www.niaa.gov.au/sites/default/files/publications/northern-australia-indigenous-development-accord.pdf>



There is a great need to make cross-portfolio connections to adjust other relevant Federal and State programs in disciplines like business planning and enterprise development. As noted elsewhere, success in making working connections will be critical to overcome recurring failures to bridge gaps between good ideas and their realisation. Specific institutional arrangements must be formalised to drive real integration rather than rely on empty rhetoric around the joined-up government. The failure to make important cross-portfolio links was striking in the performance of an earlier version of the Ministerial Forum when its members declined to consider issues identified by the NAIEP that fell outside their immediate portfolio responsibilities.

#### 4.4.3 Complementary actions from industry

Industry associations and similar organisations obviously possess detailed knowledge of their sectors' needs and the potential to invest in activities on Indigenous lands. Such knowledge would be invaluable to Indigenous landholders and managers in framing their approaches to future land use. In addition, industry can influence government to ensure that Indigenous interests are invited to participate in and can influence the framing of favoured development directions. It is desirable that industry do more to understand and incorporate the interests of Indigenous landholders as potential partners, in dealings with governments as well as Indigenous communities. Industry associations could do much to facilitate their access to Indigenous lands by supporting landowners to work through options.

#### 4.4.4 Indigenous Land Use Planning

Indigenous landowners have been most often engaged in formal land-use planning for conservation, often supported by government. Related processes are variously referred to as caring for country, healthy country planning, whole-of-country planning or country-based planning<sup>34</sup>. Ironically, given apparent Federal Government commitment to “opening up” Aboriginal land to development (for example in the White Paper on Developing Northern Australia), there has been little or no organised support to plan for land-based commercial activity. A planning guide and related flowchart used in the early application of the framework are at Appendices 1 and 2. There is a large gap to be filled by Indigenous planning<sup>35</sup> and planners. To complete thorough land-use planning well, they will need access to land resource and economic information and analysis with support to interpret and apply inputs in ways that are relevant to their values and aspirations. The BoC strategy is critically dependent on systematic support in these areas.

An organised and properly resourced Indigenous Land Use planning initiative to support local Indigenous groups nation-wide, facilitated by a group of Indigenous leaders and landowners (perhaps a working group to the IRG) is required. However, as noted above, the best-laid plans may lead to nothing but disillusionment if there are no mechanisms to take up good opportunities in a reasonable time. Present business support schemes are poorly matched to the timeframes

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<sup>34</sup> Smyth, D. 2011 *Guidelines for country-based planning*. Prepared for Queensland Department of Environment and Resource Management (DERM). Smyth and Barnhdt Consultants, Atherton.

<sup>35</sup> defined by Matunga 2017 as ‘Indigenous people making decisions about their place .... using their knowledge (and other knowledges), values and principles to define and progress their present and future social, cultural, environmental and economic aspirations’.

and types of support needed to achieve Indigenous involvement. Industry will need incentives to invest time and effort under unfamiliar conditions. Commitment to facilitate Indigenous land use planning must be accompanied by funding to support, initially, implementation at a substantial number of trial sites.

Although we have emphasised land use planning as essential in most situations, some applications of BoC may have a different emphasis. For example, where small individual enterprises can be more profitable if costs of critical facilities (e.g. for processing of bush foods) or governance structures (e.g. in aggregating carbon credits across smaller estates) can be shared. Here effort will be directed to governance structures and the legal and financial advice they require. Access to support organised through the BoC strategy and its operational framework should be available to groups seeking such support to improve viability.

## 5. Trialling Business on Country

We regard BoC as an indispensable part of a 21<sup>st</sup> Century northern Australia agenda, requiring a substantial policy shift from *ad hoc* support for speculative projects or declining sectors that have too often blighted northern development. Given the significance of the effort, we recognise the utility of staged introduction and rigorous testing of process and progress. Whilst local application of BoC principles and framework have been undertaken and are continuing in several CRCNA supported pilots, more pilots in other jurisdictions are needed and the broader (national and sub-national scale) BoC strategy is yet to be put before governments and industry for negotiation and roll out.

The White Paper includes some propositions about ‘work with willing communities and jurisdictions to pilot land reform projects’. Whilst the formal motivation for proposing such pilots was to test land reforms, primary objectives included, *inter alia*:

- expanding economic activity on pastoral land;
- resource assessments of Indigenous pastoral land; and
- providing better information for business and Indigenous landholders.

The Business on Country Diversification Strategy offers structure to the pilot idea. A critical White Paper commitment is that ‘pilots will be supported by willing communities, **not undermine Indigenous land rights** [our emphasis]... and offer economic (and possibly other) gains to communities’. The implied rejection of a discriminatory view that Aboriginal culture and social life is a barrier to development is particularly welcome. Pilot projects should focus entirely on opportunities for the development of Indigenous lands under Indigenous leadership, free of ‘land reform’ baggage.

At least, in theory, existing sources of funding for many BoC actions may be available through government or philanthropic NGOs, but lead times are often long and outcomes sought by funders not always closely matched to real and present needs. Demonstrating performance through individually-funded pilots may make a case for specific funding for more general application of the BoC approach.





## 5.1 Developing “Pilots”

As part of the BoC development project with the CRCNA, the strategy was applied to direct work at several sites in Cape York and the Gulf of Carpentaria. These early BoC trials were focused on the specific circumstances and aspirations of the Indigenous proponent groups but will also work towards clarifying and addressing so far as possible more generic challenges known from experience to commonly plague Indigenous project proponents and their partners. The pilots showed, for example: the need to fill gaps in opportunistic funding arrangements (e.g. where multiple funders support only small parts of the activity and often incompletely through different time frames); lack of clarity and experience around appropriate enterprise governance arrangements; the need to develop and apply local management of project partners (i.e. because they are invariably uncoordinated and often competitive); the need for clear, concise and timely information (particularly, but not only, in the many circumstances where English is a second language).

Despite such difficulties, some important lessons have already emerged or have been reinforced in the BoC trials. Among the most significant of these are obligations to:

- build confidence through active participation in a thorough analysis of the costs and benefits of different land use options;
- provide the continuity and commitment needed to build and maintain trust;
- begin building robust governance systems for enterprise development as part of the process of planning and decision-making, rather than thinking about them only at the end;
- understand and respect local history because it will illuminate both opportunities and barriers;
- avoid the lure of ‘silver bullets’ and other fads through good research and planning;
- communicate effectively in modes and styles designed specifically to suit the various audiences engaged;
- employ a new or adapted ‘money story’ explanatory model from the start, to ensure money flows, financial obligations, planning and reporting are understood;
- build on existing institutions and look for synergies with existing activity while avoiding excessive complexity and multiple dependencies that may create fragility;
- ensure that partners and collaborators accept roles to support local understanding and decision-making for mutual benefit, rather than acting solely on their own agendas;
- assure capacity to manage all of the positives and negatives of on-country development, including environmental and cultural impacts competently;
- assess the role of commercial environmental services additional to whatever other developments may be available, to assure traditional owners that their obligations can be met; and
- design monitoring and evaluation systems to respect local uniqueness as well as capturing measures common across the broad geography of First Nations enterprise development.

These preliminary applications of BoC have confirmed the value of the approach.

### 5.1.1 Monitoring and evaluation systems

All formal pilots should support the gathering of information on outcomes of interest to all parties. Some key actors will obviously emphasise the financial returns on their investment which they will assess to their own criteria, but there are other critical information needs. Landholders will need to



be satisfied that their obligations to lands and seas and to other members of their community have been met; the government will want to report socioeconomic and other gains from the investment of public funds. Design of and financial support for monitoring and reporting systems should be agreed by parties as early as practicable in the BoC process and, in keeping with core BoC principles project owners must drive or be central to the development of measures of success. Land and project owners need an appropriate monitoring and evaluation (M&E) tool and process to help them judge and review their project to embed authority, control and management of risk. Purpose-built M&E frameworks will need to fit with local scheduling, skills and capability as much as possible.

## 6. What next?

Implementing BoC offers a vehicle for taking government commitments in the White Paper and subsequent administrative steps beyond vague and distant possibilities. Accelerating progress in ways that are consistent with existing policy settings can be achieved by:

- identifying and committing sources of funding for a meaningful number of land use planning and development pilots across northern Australia;
- seeking expressions of interest from Indigenous landholders and their organisations for participation in land development pilots, free of expectations regarding land tenure reform testing the BoC
- considering the need (if any) for land reform within the context of specific development propositions that emerge from the BoC process and so have the support of individual landholders or landholder groups; and
- subject to evaluation of pilots, using that experience to inform the development of an ongoing program, with the ultimate goal of attracting participation from all Indigenous land interests in northern Australia.

NAILSMA and its partners will continue to apply and refine the BoC strategy and operational framework and promote its application. But the single most important catalyst for accelerated socioeconomic development based on Indigenous landholdings will require federal government commitment to a substantial, realistically-funded set of pilots that 'sample' the range of situations across which a comprehensive BoC and effective program will need to operate.

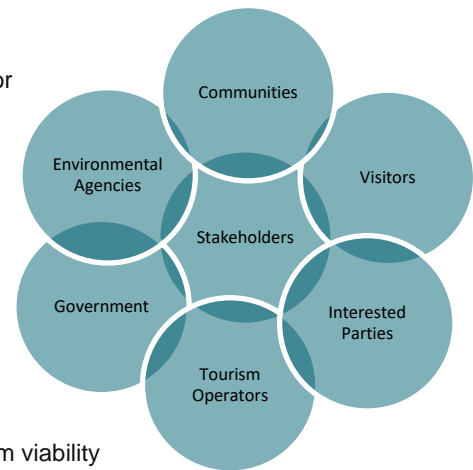


## Appendix 1

# Business On Country Planning Stages

## 1. Initial Engagement

- ❖ Who are the people involved? Identify the key stakeholders
  - Stakeholders can be identified by reading reports, talking to people or formally seeking interested parties
- ❖ Have the Traditional Owners (TO) and associated parties been contacted by a third party or interested investor?
- ❖ What are your concerns?
  - For example, damage to sacred sites, removal or injury to flora and fauna
- ❖ Begin examination of strengths of the community
- ❖ What makes your community unique?
- ❖ Ensure there is commitment and interest in the project to ensure long term viability



## 2. Development of Vision and mission statement

- ❖ **What do you want to do with your country in the future and how would you like people to use it?**
- ❖ **Key views or aspirations**

Building on from core values discussed in the initial engagement. Identify **key views or aspirations** that together make up a shared vision. A set of principles to guide local Natural Resource management decision-making and activities with other stakeholders.

Our Story:  
'Who we are and why it is important to take care of this country?'

- ❖ **Mission Statement**
  - A statement that recognises the limits of what the plan will do. To be carefully discussed to ensure it is understood by all people involved.

## 3. Background Research

- ❖ **Identify need for external consultants**
- ❖ **People and culture:**
  - History
  - Cultural heritage
    - Clan Groups
    - Sacred Sites
  - Demography
- ❖ **Environmental:**

One of the best ways to visualise this is to create a timeline of the area's environmental, cultural and human history



- Rarity and culturally important environmental factors
- Flora
- Fauna
- Water resources
- Mineral Resources
- ❖ **Economic**
- ❖ **Political**
- ❖ **Land tenure and ownership**
  - Is the land under Native Title or Aboriginal Land Rights (Northern Territory) Act (ALRA)?
    - Has it been leased to the government?
  - Pastoral Leases
  - Indigenous Protected Area (IPA), National Parks or Conservation Areas
- ❖ **Policy and legal environment (policies, acts, legislation, agreements):**
  - State
  - Territory
  - Federal
- ❖ **Governing and administrative arrangements:**
- ❖ **IP and Copyright arrangements/requirements**
- ❖ **Arrangements you need to do business**
  - e.g. will you have an ABN or enter your business under an existing umbrella corporation?
- ❖ **Governing bodies**
  - How will your corporate and board structure work?
- ❖ Any legal issues identified?
  - Assessment of existing (include local, regional, state/territory and national)
- ❖ To be developed



*If necessary, explore other pathways that enable stronger local decision making and control over Natural Resource Management, and that can facilitate negotiation and collaboration with other groups and organisations.*

- ❖ **Current land use:**
  - Indigenous customary use
  - Pastoral use
  - Agriculture
  - Mineral extraction

**For example:**

Establish a steering group made up of TO and convene a working group representing each family. Consider the importance of flexibility by breaking into men's/women's groups during workshops to encourage discussion and accommodate avoidance relationship restrictions.





- Oil and gas extraction
- Water use
- Commercial harvest of living resources
- Fishing
- Conservation activities
- Fire management
- Feral animal and weed management
- Tourism

❖ **Potential land-use change on site:**

- Agriculture
- Pastoralism
- Mining
- Oil and gas
- Tourism
- Forestry
- Conservation/National Park/Reserve
- Carbon Farming (ecosystem services)



## **4. Planning Stage**

- ❖ Goal-setting
- ❖ Strategies to achieve goals
- ❖ Development and team-building strategies, streamline methods of communication
- ❖ Focus on community strengths, identify and refine natural and cultural assets
- ❖ Actions to take
- ❖ Bring in external consultants
- ❖ Identify communication routes and methods
- ❖ Build partnerships with key stakeholders
- ❖ reiterate vision
- 

Once the background research has been conducted into the strengths and attributes of your country/community, you have something to base your plans on.

❖ **Intersections of values (cultural/natural) and drivers of change**

*Undertake an assessment of current and prospective land use activities and analyse the extent of their feasibility in relation to land capacity and bottom-up determined social, cultural and environmental benefits.*

*Look at spatial patterns of contemporary and prospective land use and the intersection of heritage values (enviro/cultural assets) and land use developments.*

❖ **Enterprise demands and options**

*Explore different development pathways towards a diversified, sustainable land sector that enhances culture and livelihoods for local Indigenous peoples. For instance, building on new carbon farming projects and related ecosystem services (ES) economies to create local investment, employment and business opportunities. Examine key business opportunities by looking at:*

- Previous, current and aspirational local projects
- challenges/constraints
- Opportunities:
- Potential investment
- Industry engagement
- Service providers (councils, education etc.)
- Businesses

❖ **Target Areas**



*Identify different target areas that articulate how the Traditional Owner's priorities and aspirations will be achieved. Included in this step is to workshop ways in which TO groups can sustainably manage (e.g. the protection of sacred sites) their country themselves without the constraints of government.*

***This is best done through a workshop which looks at key aspects of the country and opportunities for development they may bring.***

- ❖ E.g.
  - Sacred sites
  - Tourism
  - Looking after Country
  - Employment & training



*Explain in further detail each of the identified target areas in relation to the following:*

- ❖ **We are concerned about**
  - E.g. Sacred sites getting damaged
- ❖ **We want to see**
- ❖ E.g. Family working on the land and protecting sacred sites
- ❖ **Strategies to achieve our vision**
  - E.g. Building collaborative partnerships, training & education, business opportunities, funding opportunities, research

## **5. Development and Consultation Stage**

- In this stage, the ideas discussed during planning will be put into action. During this stage, it is important to keep focussed and not deviate from your core vision of what you want your country to become. The following points may come up during this stage:
  - ❖ **Reiterate the vision**
  - ❖ **Strengthen stakeholder partnerships identified during the planning**
    - E.g. local Land Council, Aboriginal heritage and sacred sites authorities
  - ❖ **Bring in external consultants if required for things like mining or agriculture**



It is best to get a second opinion before proceeding to avoid damage to both reputation and natural areas.

Information sharing during this stage is key. Make sure lines of communication are secure and easy to follow. Keep all documents secure and easily accessible. Develop the strategies you need to reach your goals and vision

## 6. Next Steps

Further develop your strategy to make your vision a reality.

Use your vision statement as a guide for this, so you don't lose track

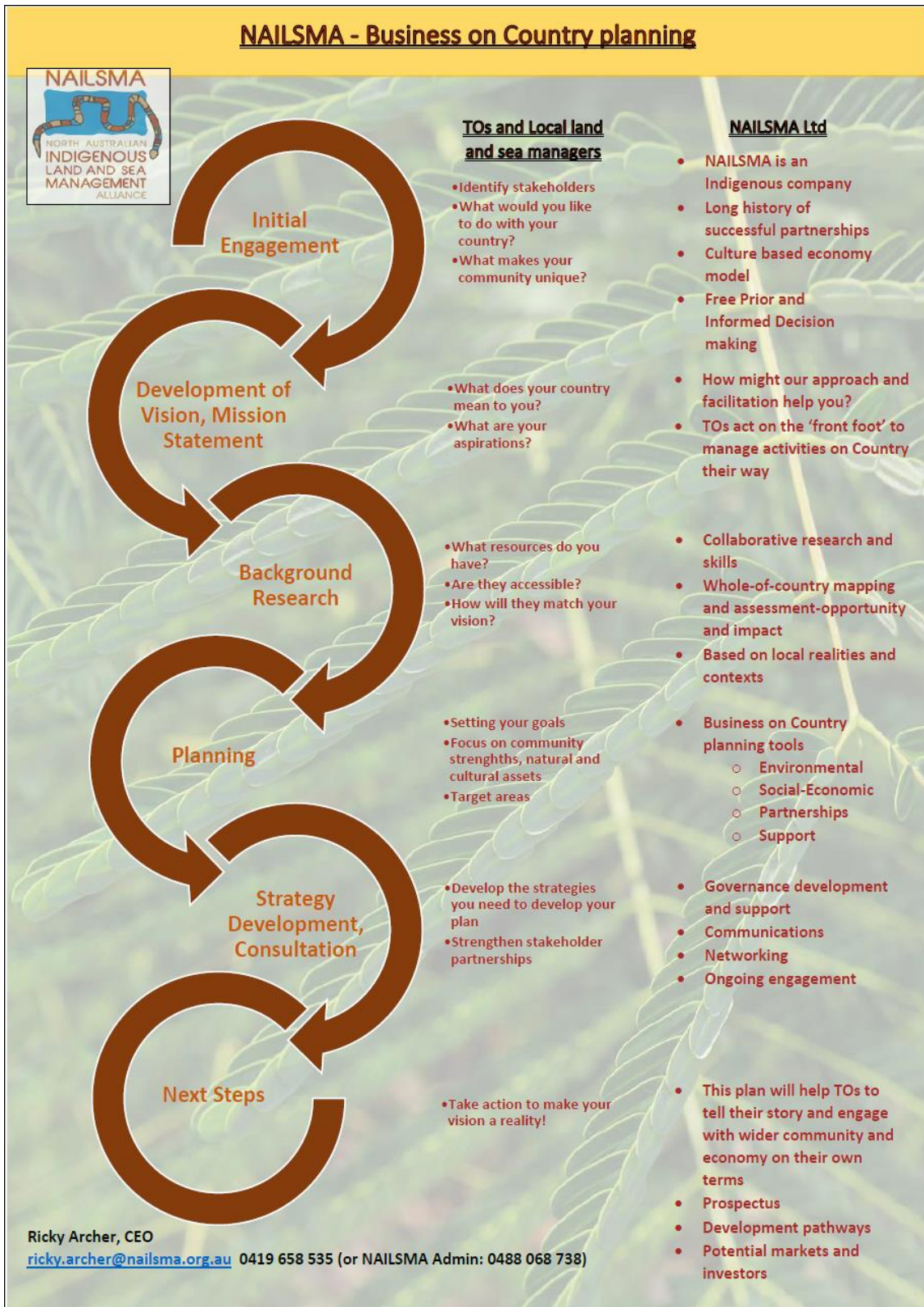
This step is a conclusion to your planning and should result in a definitive statement of action which outlines what you will be doing with your country. It is a summary of what you have done, what's worked and hasn't worked, what you aspire to do and what opportunities are to be explored. This will result in a 'mini-prospectus', presented in a useful, easy-to-read format.







**Appendix 2**



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