

ATTACHMENT A

Office of Northern Australia submission to the Joint Standing Committee on Northern Australia, Inquiry into Opportunities and challenges associated with land rights, native title and other land-related agreements (together with payments, benefits and access arrangements under these agreements) for the purpose of engaging Traditional Owners in the economic development of Northern Australia

This attachment sets out the work undertaken through the *Our North Our Future: White Paper on Developing Northern Australia* and in the Department of Industry, Innovation and Science portfolio that supports Indigenous economic growth and engagement with Traditional Owners.

***Our North, Our Future: White Paper on Developing Northern Australia* initiatives**

The White Paper outlines a vision of a strong north where northern Australia's great potential is unlocked, with benefits flowing to all Australians. It is a 20-year implementation schedule that involves 51 measures, backed by government investment of over \$6 billion. All measures are designed to maximise economic development across northern Australia for everyone, including Indigenous Australians. Forty of the 51 measures have been delivered with 14 of these measures specifically focused on enabling Indigenous people to access the opportunities presented through the northern economic agenda. Information on these initiatives is detailed below.

Pilot land reform projects in the north

There are 11 pilot land reform projects in northern Australia that aim to support innovative changes to land use arrangements to simplify and boost investment. This includes diversified country-based enterprise opportunities, implementing Indigenous economic aspirations, enabling agricultural enterprise through improved water management, supporting planning, investment and business activities on Aboriginal land and in remote communities, direct management of Indigenous lands, supporting home ownership and other economic activity.

For example, CSIRO is working with three case study communities to develop investment-ready prospectuses that can establish and sustain land and water-based Indigenous enterprise on Indigenous lands.

These innovative pilots are designed to test new approaches for land administration that support economic diversification and increased activity. The Department of the Prime Minister and Cabinet will provide further information on the pilots in their submission.

Responsible agency: Department of the Prime Minister and Cabinet

Aspiration to finalise native title claims within a decade and more efficient native title processes

The *Native Title Legislation Amendment Bill 2019* was introduced into the Australian Parliament on 21 February 2019. The Bill amends the *Native Title Act 1993* and the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, and will give native title

holders greater flexibility around their internal decision-making processes, improve processes relating to native title claims resolution and agreement-making, and better support the sustainable management of native title post-determination.

Responsible agency: Attorney-General's Department

Capacity building of native title corporations

Changes to Prescribed Body Corporates (PBCs) assist native title holders to achieve stronger economic outcomes from their native title interests, including direct funding for native title corporations to manage native title on behalf of native title holders.

Responsible agency: Department of the Prime Minister and Cabinet

Options for exclusive native title

The Australian Government and northern jurisdictions removed legal barriers to bankable interests on exclusive possession native title land while retaining underlying native title.

Existing processes allow native title to be used for economic purposes, including leasing (supported by state governments and native title holders).

Responsible agency: Department of the Prime Minister and Cabinet

Land Administration and Township Leasing

Township leasing and associated land administration arrangements are enabling decisions to be made in commercial timeframes to attract investment and build economic activity in towns on Aboriginal land, thereby creating economic opportunity and encouraging local decision making. These leases support housing investment, community and economic development, and home ownership in communities and towns where this was previously difficult or in some cases impossible.

Responsible agency: Department of the Prime Minister and Cabinet

New models to manage native title funds for development

Proposals are being developed for legislative reform of the *Native Title Act 1993*, including; to improve the efficiency of native title processes. The determination of native title can provide a valuable income stream for Indigenous people through Indigenous land related payments. These funds can be instrumental in supporting Indigenous economic independence, including business development and job creation.

Responsible agency: Department of the Prime Minister and Cabinet

More business friendly information on different land tenure arrangements

Austrade has developed web-based, business-friendly, investor-focused digital guides on land tenure and native title systems and engaging with Traditional Owners in northern Australia. Austrade has also implemented a broader engagement strategy for Indigenous businesses and proponents that help foreign investors engage with Traditional Owners and assist them to develop projects on their land. Austrade and the Office of Northern Australia used the second Northern Australia Investment Forum in Cairns, in 2017, for international investors to engage with Indigenous project proponents and discuss opportunities.

Responsible agency: Austrade

Pursue a set of principles and actions to improve the security, bankability and efficiency of pastoral land

Pilot land reform projects across northern Australia provide frameworks for jurisdictions to work with Indigenous communities, the Australian Government, and other stakeholders to identify potential pastoral tenure improvements. This initiative was rolled into the northern land reform pilots referred to earlier in this document.

Responsible agency: Department of the Prime Minister and Cabinet

Northern Australia Investment Forum and Northern Australia Value Proposition

The Australian Government's Northern Australia Investment Forums in 2015 and 2017 promoted secure investment in northern Australia to international investors and delivered a Northern Australia Value Statement. A key component of the 2017 Forum was on investors partnering with Traditional Owners and Indigenous businesses. The Forum provided high-quality information to investors on Indigenous land ownership and businesses, including food, agriculture, tourism, and mining opportunities.

A northern Australia value statement has been developed to assist prospective investors and industry to understand the opportunities for development in northern Australia including a strengths-based description of Indigenous land, water and business interests. This publication is titled *Northern Australia: Emerging Opportunities in an Advanced Economy*.

Responsible agency: Austrade

Expanding Entrepreneurs' Program to include Tourism

The Northern Australia Tourism Initiative was launched in 2016 to provide management advice (through the Entrepreneurs' Program) and business support services (through the Australian Small Business Advisory Service) to eligible businesses in the northern Australia tourism industry. The Entrepreneurs' Program – Northern Australia Tourism Initiative – was originally scheduled to conclude on 30 June 2019, the Minister for Industry, Innovation and Science extended the Initiative until 31 December 2019. The extension allows the department to evaluate the overall effectiveness of the program. The Initiative provides tourism businesses in northern Australia with practical support to build management and business capability, improve their performance, grow and be more internationally competitive.

The Entrepreneurs' Program is the Australian Government's flagship initiative for small and medium business competitiveness and productivity. The program offers practical support for businesses including from advisors with relevant private sector experience, co-funded grants to commercialise new products, processes and services, funding to take advantage of business improvement and growth opportunities connection and collaboration opportunities. Small and medium businesses (including Indigenous Corporations) wishing to join the program are required to meet a number of eligibility criteria including an annual turnover between \$1.5 million and \$100 million. This threshold has been lowered to \$750 000 for businesses in the growth sectors in remote northern Australia. Only a small number of businesses in the Entrepreneurs' Program have identified as Indigenous owned. To identify as Indigenous is optional in the programs application process

Responsible agency: Department of Industry, Innovation and Science

A Cooperative Research Centre for Developing Northern Australia (CRCNA)

The CRCNA is a ten-year, \$75 million initiative which supports industry-led collaborative research projects where the north has particular strengths, such as in agriculture, food and tropical health. Projects include collaborative research in food and agriculture, northern Australia health service delivery, and Traditional Owner-led business development in food and agriculture or northern Australia health service delivery.

Responsible agency: Department of Industry, Innovation and Science

Increased Indigenous Ranger biosecurity activities

Expansion of this program has almost doubled the number of ranger groups undertaking this work and provides employment opportunities for Aboriginal and Torres Strait Islander communities. There are now 69 Indigenous Ranger Groups assisting with biosecurity and surveillance across the north.

Responsible agency: Department of Agriculture and Water Resources

Improve protection and cut red tape around Indigenous cultural heritage

The Australian Government is seeking a more efficient system that safeguards cultural heritage without discouraging investment by potentially reforming the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, including considering the introduction of a system to accredit appropriate state and territory Indigenous heritage protection regimes.

Responsible agency: Department of the Environment and Energy

Employment targets for Indigenous Australians for road projects (and other relevant expenditure) funded through the White Paper

Roads projects funded under the White Paper are required to establish Indigenous procurement targets. A framework to set Indigenous employment and procurement targets for road projects delivered through the Northern Australia Roads Program, and the Beef Roads Program has been agreed to. The Framework has been successfully implemented, with Indigenous targets having been agreed and applied on all approved northern Australia road infrastructure projects to date.

Responsible agency: Department of Infrastructure, Regional Development and Cities

Reforms to the Remote Jobs and Communities Program to allow participants to work in local businesses

The Community Development Program (CDP) allows any organisation or business to place CDP job seekers in their workplace to build job seekers' skills and experience. Employers are eligible to take up financial incentives to employ job seekers in local businesses over the long term.

The Government is working to ensure large infrastructure projects in northern Australia maximise opportunities for Indigenous businesses and the local Indigenous workforce.

Responsible agency: Department of the Prime Minister and Cabinet

Recommending that the Joint Select Committee on Northern Australia be made a standing committee

The Joint Select Committee on Northern Australia was made a standing committee in

September 2016. The Joint Standing Committee is conducting this Inquiry and has conducted an Inquiry into Opportunities and Methods for Stimulating the Tourism Industry in Northern Australia.

Responsible agency: Department of Industry, Innovation and Science

Department of Industry, Innovation and Science portfolio activities

The Department of Industry, Innovation and Science delivers a range of programs that support growth and productivity across Australian industry, including but not limited to opportunities associated with land rights, native title and other land-related agreements. These programs include:

Australian Institute of Marine Science (AIMS)

AIMS is Australia's tropical marine research agency, providing large-scale and long-term research that helps governments, industry and the wider community to make informed decisions about managing Australia's marine estate. AIMS is a Commonwealth statutory authority established by the *Australian Institute of Marine Science Act 1972*.

AIMS recognises that traditional custodians of sea country are significant stakeholders in their research. AIMS has an Aboriginal and Torres Strait Islander partnership, collaborating with a number of Indigenous groups and individuals. This builds on the strong historical relationships that AIMS has with Traditional Owners and aligns with the updated 'AIMS Strategy 2025'. While not specifically focused on economic development opportunities, the partnership is complementary and has the following goals:

- incorporate Indigenous partnerships in the governance of AIMS
- establish and foster strong, mutually beneficial relationships with relevant Indigenous groups and individuals with an interest in sea country management
- improve marine science capacity and capability in AIMS and among Indigenous people by undertaking projects together
- increase the employment of Aboriginal and Torres Strait Islander people in marine science-related fields (including support for pathways to employment).

Major Projects Facilitation Agency

The Major Project Facilitation Agency assists major projects to understand and address their Commonwealth regulatory approvals. Major Projects, particularly those located in regional and remote areas, have significant capacity to directly influence the economic and social outcomes of local Indigenous populations through education and training, employment and upskilling, use of locally-based services and supplies, joint ventures or tenders with Indigenous businesses and organisations and investment in road infrastructure that can improve access to schools, hospitals and shops.

One example is the INPEX Ichthy's LNG project in Darwin. It has employed more than 1400 Aboriginal and Torres Strait Islander peoples, engaged more than 60 Aboriginal and Torres Strait Islander-owned businesses across scopes of work valued at more than \$125 million, provided specific Aboriginal and Torres Strait Islander recruitment and retention training, and is funding an Aboriginal and Torres Strait Islander scholarship program. INPEX has entered into a partnership with the Indigenous Land Council to

manage a \$34 million Savanna Fire Management program, creating significant work opportunities. INPEX has set up a \$24 million fund for the Larrakia people - the Traditional Owners of the land on which the LNG plant has been developed - to deliver more educational and employment opportunities for years to come.

Northern Australia Infrastructure Facility (NAIF)

As detailed in the Submission, the NAIF provides loans or alternate financing mechanisms, which may be on concessional terms, for infrastructure development in northern Australia. Each project must have an Indigenous Engagement Strategy (IES) which sets out objectives for Indigenous participation, procurement and employment that reflect the Indigenous population in the region of the proposed project. NAIF assesses each IES individually; monitoring and reporting requirements are agreed with each proponent and include mechanisms to address any issues during implementation and appropriate accountability. Having an IES does not preclude the proponent from having any other necessary approvals, such as ILUA's or Land Access Agreements. The IES can be accessed at <http://naif.gov.au/wp-content/uploads/2018/11/Final-IES-Guideline-November-2018-.pdf>

NAIF can also engage with Indigenous led proponents or those partnering with Indigenous communities on project opportunities across northern Australia.

Offshore Resources

In 2001, the High Court of Australia held that native title can exist offshore within the limits of Australia's territorial sea, and that offshore native title can only be non-exclusive in these areas. The *Native Title Act 1993* dictates that native title parties must be provided with the same procedural rights as other parties who hold non-native title interests in the offshore area. The 'right to negotiate' provisions in the *Native Title Act 1993* do not apply offshore.

The Commonwealth *Offshore Petroleum and Greenhouse Gas Storage Act 2006* requires that offshore petroleum operations be carried out in a manner that does not unduly interfere with native title rights and interests. The Australian Government consults with the National Native Title Tribunal as part of the annual acreage release. Organisations are encouraged to initiate their own consultation and build relationships with Indigenous people in the area.

Offshore petroleum operations and the seven offshore LNG projects operating in northern Australia provide significant economic benefits to Indigenous Australians such as employment, training, education, and procurement and business contracts for Indigenous businesses. Offshore oil and gas operators also have broader strategies in place to engage with and support Indigenous development and capacity building as part of their external relations activities. These strategies cover a range of initiatives, including engagement and provision of governance support to local Indigenous groups, community sponsorships, pathways to jobs, support for cultural and heritage activities, and community consultation. Specific activities include:

- Chevron operates the Gorgon and Wheatstone LNG projects in north-west Western Australia and provides Aboriginal employment opportunities through its Education to

Employment Framework. The Framework offers a pipeline of opportunities to Aboriginal people from entry level through to experienced hires, including an Aboriginal schools scholarship program, traineeship program, cadetship program, apprenticeship program and graduate development program.

- Darwin LNG, operated by ConocoPhillips, has supported the West Arnhem Land Fire Abatement Project (WALFA) since 2006. WALFA is a carbon offset program; Indigenous rangers use traditional knowledge and modern technology to undertake land management in west Arnhem Land in the Northern Territory. WALFA provides over 300 Indigenous jobs per year and protects local wildlife and rock art sites.
- Offshore oil and gas operators also engage with and support Indigenous development and capacity building as part of their external relations activities. This includes engagement and governance support to local Indigenous groups, community sponsorships, pathways to jobs, support for cultural and heritage activities, and community consultation.

AusIndustry

AusIndustry is the national service delivery arm of the Department of Industry, Innovation and Science, connecting Australian businesses and business intenders across the country with information, advice and services to help them start, run, innovate and grow.

AusIndustry delivers a range of Australian Government programs to help boost business competitiveness, job creation and economic growth. Examples include:

- Australian Small Business Advisory Services – Northern Australia Tourism Initiative: delivered on behalf of the Department of Jobs and Small Business, this program helps small business advisory service providers in northern Australia deliver low cost advice and information to tourism small businesses and intenders
- Regional Managers: AusIndustry has a national network of Regional Managers who provide advice and assistance to businesses across regional Australia. In 2018, AusIndustry and the Office of Northern Australia jointly appointed a Regional Manager for northern Western Australia. A priority for this region is connecting Indigenous businesses to government programs and services and business opportunities. The WA position is boosting AusIndustry's existing presence in north Queensland and the Northern Territory.

Geoscience Australia

Geoscience Australia (GA) is exploring opportunities with the Indigenous Reference Group (IRG) to improve Indigenous communities' capabilities to use location information for economic development, including improved access to information and training.

Some landholders feel constrained in realising the economic potential of their land, at times, with limited access to mapping data sets that help describe the environment, infrastructure and services for their land. Multiple landholders and communities lack access to the technology and training to apply this information to best use their land.

Some large primary producers or developers (for example mining, construction, and agriculture) are at times not completely aware of the extent of Indigenous interests or sensitivities in areas that have been released for resource exploration or infrastructure development.

GA's Exploring For The Future program (EFTF) is delivering new geoscience information (data and reports) about the mineral, energy and groundwater resource potential across northern Australia. The pre-competitive information is freely available and can help identify areas of potential interest and de-risking exploration investment by industry. It builds a baseline of geoscience knowledge to inform decisions made by communities, industry, researchers and government.

In collaboration with Northern Territory, Western Australia and Queensland government agencies, the program has employed cultural monitors to undertake site inspections ahead of program field activities.

- In early 2018, EFTF undertook a project in the East Kimberley region of Western Australia to assess groundwater resources. To support this project, EFTF engaged two Indigenous people from a local Kununurra recruitment agency. The employees were upskilled by GA to carry out scientific sample analysis and processing.
- In 2017, the program set up ten new laboratory based roles designed to upskill Indigenous job seekers in Alice Springs. The trainees carried out soil sample processing between April and September 2017. This was set up in partnership with local Aboriginal not-for-profit company, the Centre for Appropriate Technology.

GA is currently in discussion with Native Title Representative Bodies on how the EFTF data can be used in future land use decisions and how the EFTF program can continue to access land for survey purposes. GA has produced Land Access Policies, Procedures and Guidelines to assist staff to respectfully engage with Traditional Owners and land holders. Nationally, GA has entered into contracts valued at \$4,677,000 with Indigenous suppliers since September 2015; \$1,087,000 was spent in northern Australia.

IP Australia

IP Australia is looking at options to increase economic opportunities for Indigenous businesses and communities through better protection and management of Indigenous Knowledge. This includes traditional practices, customs, techniques, know-how, land management, knowledge of plants and animals, language, symbols, designs and other cultural expressions.

There is a gap between traditional cultural norms around how Indigenous Knowledge is protected and the way in which such matters are protected under existing laws relating to intellectual property (IP) and trade practices. This gap can make it difficult for Indigenous communities to commercialise their knowledge and culture where appropriate, or to prevent others from inappropriately doing so. IP Australia commenced a consultation process on this issue in September 2018. IP Australia also has the Dream Shield suite of products (publication and videos) that provide a guide to protecting IP for Aboriginal and Torres Strait Islander people.

CSIRO

CSIRO's project work in the area of northern Australian Indigenous economic development includes:

Economic Mapping of Indigenous Lands - developing Indigenous land and water enterprise opportunities in Northern Australia

This project is a partnership between CSIRO, the National Native Title Council (NNTC), the Department of the Prime Minister and Cabinet, and local and regional Indigenous corporations in three northern Australia locations. The goal is to learn more about building Indigenous capabilities to attract investment to emerging on-country Indigenous corporations and enterprises. For each case study chosen through the NNTC, the partners are co-developing the scientific and Indigenous knowledge, and building the business opportunity information needed to attract investment. 'How-to-guides' showing the necessary inputs for building Indigenous on-country enterprises will also be developed. The three year project started in late 2017. CSIRO has significantly co-invested in the project, including through a dedicated postdoctoral fellow. Griffith University Film School is assisting with community and investor-oriented project communications.

Aboriginal and Torres Strait Innovation Alliance Partnership Agreement

CSIRO has a partnership with the University of Queensland Business School to support the design and piloting of an Aboriginal and Torres Strait Islander Innovation Alliance (ATSI Innovation Alliance). Guided by a Steering Committee of Indigenous experts and entrepreneurs, the Alliance will develop methods to enable the Indigenous-led discovery of innovations that have the potential to help reinvent and create new Indigenous-led industries in Australia.

Integrated Analysis for Sustainable Regional Development: Northern Australia

This project is part of the Government's commitment to supporting northern Australian development and will demonstrate integration-driven insights for a region of northern Australia and developing methods for potential application to other regions and economic sectors around Australia. The study region is the four catchments surrounding Darwin as used in the Northern Australian Water Resource Assessment (NAWRA).

- Agricultural activity will be an initial focus but will extend to the opportunities for a conservation based economy.
- Northern Australia provides a suitable test case with important cross domain linkages, but less complex industry dynamics (particularly in agriculture) than many other regions of Australia, and established high quality biophysical data assets such as produced by NAWRA.
- There has been significant investment to understand the biophysical characteristics of regions in northern Australia and their suitability for various uses. However, this data has not been integrated with economic, infrastructure, social, cultural and environmental aspects to provide a cross-portfolio system-level assessment of economic opportunities.
- The project is being extended to specifically address Recommendation #13 of the Indigenous Reference Group to the Ministerial Forum on Northern Australia "*Ensure appropriate services to support business development by land holders resulting from improved understanding of the economic potential of their land and water rights,*

including improved access to government data, research and development for Indigenous end-users to better understand economic development opportunities from land, water and sea assets, including from Northern Australia White Paper initiatives”.

The project will work in partnership with Indigenous organisations to start to resolve some of these constraints, and provide insights tailored for Indigenous communities.

- The project is being conducted for the Department of the Environment and Energy within the Physical Environmental Analysis Network Hub (PEAN) of the Department of the Prime Minister and Cabinet’s Data Integration Partnership for Australia (DIPA) and will run until June 2019.

Guiding non-government investment in Indigenous cultural and natural resource management enterprises

Indigenous cultural and natural resource management (ICNRM) generates many economic, social, and environmental benefits. Significant investment by Indigenous communities and government have enabled rapid growth in the sector. However, ICNRM remains vulnerable to policy changes, inadequate resourcing, and a lack of diversity in funding. There is a growing need to frame ICNRM and its services in terms that will expand and diversify non-government investment and thereby ensure its long-term future. Using Indigenous led and co-developed participatory methods, this project will support non-government investment in ICNRM by:

- investigating why non-government funders invest
- identifying what investors need from performance and impact assessment
- showcasing the multiple benefits of ICNRM
- assisting ICNRM practitioners to highlight their value in investor-friendly ways.

The project will enable conversations between ICNRM investors and practitioners, aligns investor assessment needs to reduce management workload, and provide advice, tools and recommendations to guide future investment. The project is funded by the Northern Australia Environmental Resources Hub of the Department of the Environment and Energy’s National Environmental Science Program.

Astronomy (including the Square Kilometre Array)

The Murchison Radio-astronomy Observatory (MRO) is located in the Shire of Murchison in the Mid-West Region of Western Australia. The MRO is located on land subject to the Native Title Claim of the Wajarri Yamatji (native title has been recognised by the Federal Court and the determination process being finalised).

To enable the grant of the MRO Crown Lease an Indigenous Land Use Agreement (ILUA) was negotiated and registered in November 2009. The ILUA has provided a range of financial and non-financial benefits to the Wajarri Yamatji, including:

- A financial payment into Wajarri Yamatji general and charitable trusts
- Contracting and employment opportunities at the MRO site and also at the MRO Support Facility in Geraldton
- Educational benefits including mentoring and visits to the site by students at the Pia Wajarri Remote Community School
- Cultural recognition including naming rights at the MRO, displays of Wajarri Yamatji culture/history and art.

The Square Kilometre Array

The Square Kilometre Array (SKA) is a large multi radio telescope project proposed to be built in Australia and South Africa. It will be constructed on the MRO and the Boolardy Pastoral Lease (that surrounds the MRO). A new ILUA is currently being negotiated for the SKA and will provide further financial and non-financial benefits to the Wajarri Yamatji.