

# An Indigenous Prospectus for Northern Development: Effective engagement, resilient communities, secure futures

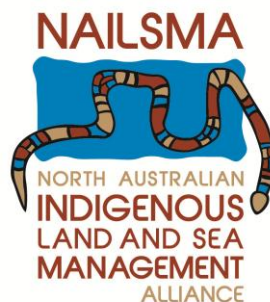
A submission to

**Parliament of Australia: Joint Select Committee on Northern Australia**

Prepared by:

**North Australian Indigenous Land and Sea Management Alliance Limited**

March 2014



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## **The Joint Select Committee on Northern Australia's Terms of Reference**

The Committee to consider policies for developing the parts of Australia which lie north of the Tropic of Capricorn, spanning Western Australia, the Northern Territory and Queensland, and in doing so:

- examine the potential for development of the region's mineral, energy, agricultural, tourism, defence and other industries;
- provide recommendations to:
  - enhance trade and other investment links with the Asia-Pacific;
  - establish a conducive regulatory, taxation and economic environment;
  - address impediments to growth; and
  - set conditions for private investment and innovation;
- identify the critical economic and social infrastructure needed to support the long term growth of the region, and ways to support planning and investment in that infrastructure.

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## Executive Summary

North Australia's Indigenous population, especially of working age, is rapidly increasing. But in the north, the mainstream (non-Indigenous) and Indigenous economies operate more or less independently. New approaches are needed if the benefits of accelerated northern development are to reach Indigenous communities. This submission proposes an Indigenous prospectus for economic development to ensure active participation of Indigenous landowners and communities in all aspects of northern development.

With the right approach, Indigenous Australians can be major investors in northern development through established interests in nearly 40% of northern Australia's land in the tropical savannas plus non-exclusive native title interests in an approximately equivalent area.

A new approach must include decisive steps to align Indigenous aspirations with national goals and governments' obligations to encourage best practice in development. Achieving alignment will in turn require that Indigenous people in northern Australia have real opportunities to influence the design and implementation of high-level policies and objectives for future northern development rather than just responding to agendas they play no part in shaping.

The best option to drive a strong coherent Indigenous agenda is a credible and independent Indigenous agency to work with all governments, Indigenous leaders and research and industry advisory groups, to create and implement policies for northern development.

The North Australian Indigenous Land and Sea Management Alliance Limited (NAILSMA) is uniquely placed as a research and services company that has amassed a decade of experience delivering complex and multi-faceted initiatives that coordinate across the north of Australia in partnership with governments, other research institutions and universities, key land-holding groups, private, corporate and industry institutions to improve prosperity for Indigenous and other residents.

NAILSMA has successfully assisted the work of the Northern Australia Land and Water Taskforce (NALWT) and the Northern Australian Ministerial Forum (NAMF) through facilitation of the Indigenous Experts Panel and convening of associated northern forums. NAILSMA's partnership and collaboration with Indigenous communities can be institutionalised in a professional, transparent and sustainable manner where the foundations are established for the benefit of all sectors and communities across north Australia.

Through NAILSMA's work over the past decade, Indigenous people have called for:

- urgent participation in mainstream economic decision making and flow-on opportunities;
- reduction of their reliance on welfare;
- reinvigoration of local economies;
- taking up and developing jobs at all levels across a broad spectrum of local and regional industries; and
- creation of opportunities that are designed to attract localised Indigenous labour through improved
  - education;
  - training; and
  - recognition of their unique cultural practices.

Any future for sustainable land and sea management in the north that realizes this rationale must be built on a comprehensive approach that involves the Indigenous community, governments, private, corporate and philanthropic sectors. To consolidate this approach for northern development, where Indigenous people are key partners and drivers of change, will require substantial infrastructure and operational investments. The notion in the 2030 Vision for Developing Northern Australia's (2030 Vision) for a high-level Strategic Partnership must include Indigenous leadership to enable best practice program delivery of northern development agendas and be aligned to Closing the Gap in Indigenous Disadvantage (Closing the Gap).

It is on this premise that NAILSMA calls on the Parliament of Australia - Joint Select Committee on Northern Australia (the Committee) to support an operational framework for an Indigenous Prospectus for Northern Development (see Figure 1). A Prospectus would provide full participation of Indigenous people across all stages of northern development planning and implementation, through measures ranging from the continuation of the successful Indigenous Experts Forum, through to the development of an Indigenous Land Use Planning Program and an associated Indigenous Economic Participation Fund.

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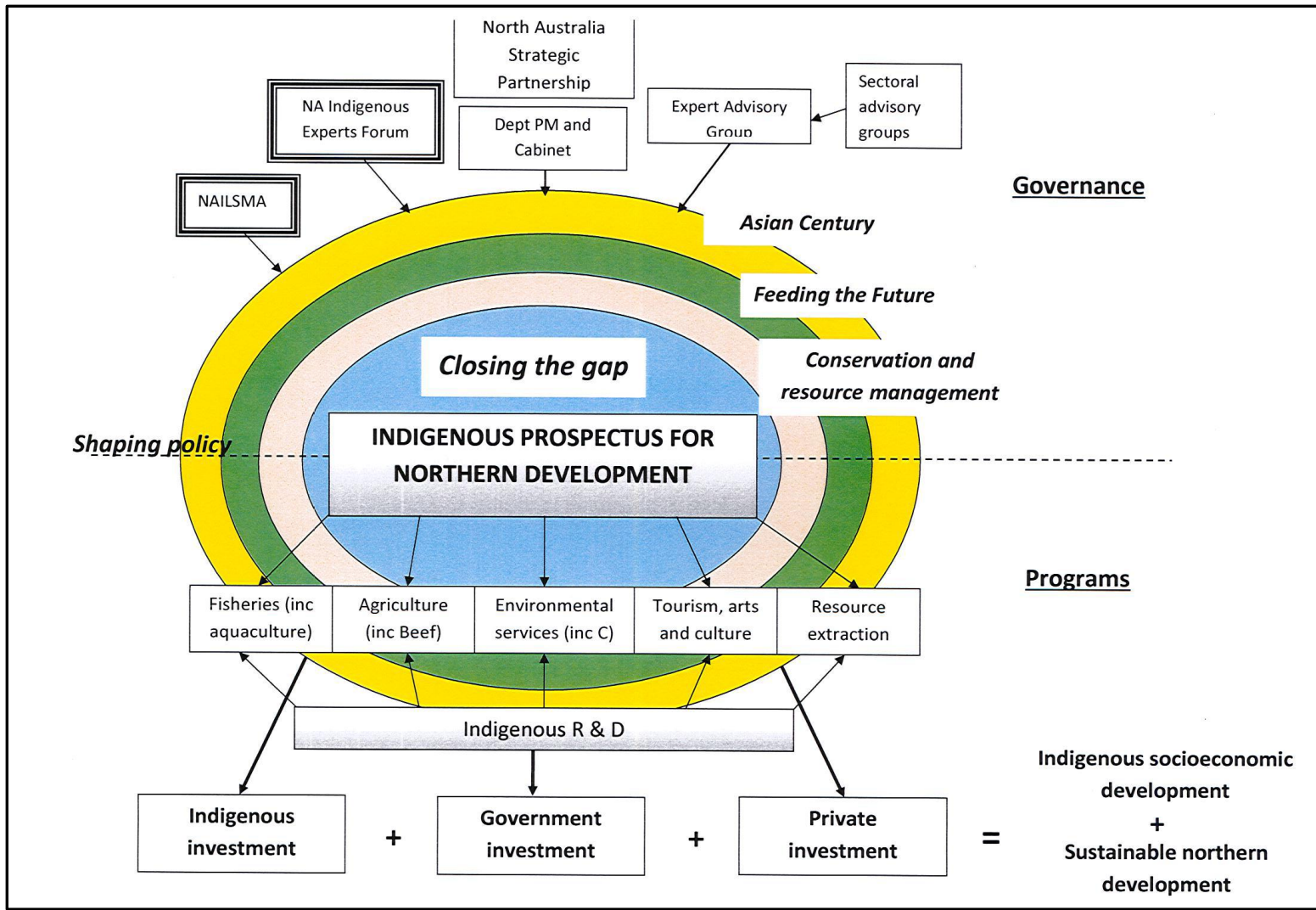


Figure 1: Operational Framework—Indigenous Prospectus for Northern Development

## Background

NAILSMA's submission is underpinned by principles of the UN Declaration on the Rights of Indigenous Peoples (2007), Garma International Indigenous Water Declaration (2008), North Australian Indigenous Experts Water Futures Forum Mary River Statement (2009), Policy Statement on North Australian Indigenous Water Rights (2009), and The National Indigenous Sea Country Statement (2012). These statements share the fundamental principle of free, prior and informed consent to proposals that are likely to affect Indigenous rights and interests, and accordingly central involvement in management and decision-making over their estates. Our submission also draws attention to existing commitments under Closing the Gap policies and both the Australia in the Asian Century White Paper (2012) and the 2030 Vision.

Based on the principles above, our submission is therefore concerned with a north Australian Indigenous development framework based on marked Indigenous participation and Indigenous-led action. This view takes into account past experiences of Government's northern development agendas (NALWT, NAMF) and NAILSMA's ten years of experience in coordinating research and policy programs toward strengthening the positions of north Australian Indigenous investors.

While it is recognised that developing an overarching policy framework for northern development that improves the prosperity of the northern community will require exceptional Indigenous leadership abilities, NAILSMA's aptitude and community support is also recognised as bringing this to fruition (NAILSMA 2013a). Of most relevance is NAILSMA's recent experience in hosting the North Australian Indigenous Experts Forum on Sustainable Economic Development (Indigenous Experts Forum) under an agreement with the Office of Northern Australia through the Department of Regional Australia, Local Government, Arts and Sports.

Under this arrangement, the Indigenous Experts Forum formed in November 2011 to provide robust advice to NAMF and senior officials on Indigenous interests in core policy issues relevant to sustainable economic development of northern Australia. NAILSMA brought together from across the north a collective of Indigenous interests participating in a range of land use and management industries to make up the Indigenous Experts Forum (NAILSMA 2012a & 2013b).

The emerging relationship with NAMF was seen by the Indigenous Experts Forum as an opportunity to develop workable and creative partnerships that could produce institutional change as a basis for resilient communities through reliable prosperity for all people in north Australia. To support the progress of the Indigenous Experts Forum, NAILSMA identified the critical need to assemble the Indigenous Expert Panel, a small leadership group that convened twice a year, to broker knowledge and support leadership to the broader Indigenous Experts Forum. The Indigenous Expert Panel was crucial to bringing expertise and knowledge in fields relevant to NAMF agendas for sustainable development of north Australia, such as environmental health, industry, social capital, resource management, land tenure and planning. Under the auspices of NAILSMA, the Indigenous Expert Panel advanced strong policy advice to NAMF (NAILSMA 2013b).

From this experience, our submission addresses the Committee's TOR overall, in presenting tangible solutions to better position Indigenous peoples interests and values in policy and processes for

northern development. In particular, NAILSMA's mandate from the Indigenous Experts Forum is to provide government the following requirements:

1. Establish a framework to effectively and transparently manage future interactions among Indigenous communities, governments and private sector interests as the way to leverage Indigenous investments on Indigenous terms. The framework is built on these principles:
  - a. Traditional Owners and native title holders are meaningfully recognised as key investors and contributors to northern development.
  - b. Indigenous people are central to promoting and contributing to governments' policy reforms pertaining to northern development through leadership and governance measures.
2. Provision of an Indigenous Prospectus for participation in the sustainable development of northern Australia to:
  - a. Set out Indigenous community aspirations to participate in and share the benefits of future developments in the north and the conditions under which they, as landowners may consider co-investment in the commercial use of their lands.
  - b. Identify options for investment, and seek co-investment from industry, NGOs and governments, particularly in the agricultural, pastoral, fisheries, environmental services, tourism, arts and cultural sectors.

## Vision

*'The interdependence of Indigenous and non-Indigenous peoples within the north Australian landscape necessitates a relationship of equality, expressed as a united purpose founded upon mutual respect.*

*The rights embodied in the United Nations Declaration on the Rights of Indigenous Peoples, as endorsed by the Australian Government and reaffirmed at the Rio+20 Forum (20-22 June 2012, Brazil), are fundamental toward building resilient communities and toward enhancing and enriching a reconstructed relationship focussed on improving social, cultural and economic policies for reliable prosperity.*

*As Australia's first peoples, we are the custodians of our lands, waters and resources on behalf of the whole nation. Our Traditional Knowledge systems and beliefs contribute significantly to the nation's development and are essential to our own self-determination and well-being. For us, our connections to country, family and culture are paramount. In much of this we have common ground, but we have yet to give new expression for a common equitable future.*

*Our vision is for a future where our custodial responsibilities are distinguished as a national asset, and our associated rights are central to all decisions affecting north Australian communities' lands, waters and resources, for the greater benefit of all Australians. Our unique and enduring values are allowed to enhance the entire Australian society and create a prosperous future built upon our own self-determined economic development strategies.'*

*North Australian Indigenous Experts Forum (NAILSMA 2012a)*

The consistent objective of Indigenous people in the north is to guarantee an enduring partnership with governments and industry to ensure Indigenous people's cultural, social and commercial aspirations are taken up in policy and programs to successfully reduce the widely apparent disadvantage of Indigenous people in contemporary Australian society. Fundamental for any future Strategic Partnership in the north is the meaningful partnership of Indigenous people as serious investors, commitment of all parties to principles of support, equity and transparency, and measures of success tied to tangible, Indigenous-determined outcomes for communities.



## Setting the Framework

Our submission to the Committee is predicated on the Indigenous Experts Forum's vision, and sets to challenge governments' antiquated approaches to engaging Indigenous people by presenting a constructed paradigm for how business is conducted in the north.

From the most recent context, the 2009 NALWT report set out a vision for Indigenous people as leaders and key beneficiaries of northern development. Notwithstanding support for the establishment of the Indigenous Experts Forum in 2012, governments' treatment of opportunities to foster full participation of Indigenous people has yet to be realised (NAILSMA 2013c). There is strong and ongoing consensus across the region that Indigenous people continue to be marginalised from economic decisions and opportunities that ultimately impact on the lives of existing and future generations of Indigenous people (NAILSMA 2012a & 2013b).

NAMF, which was established in 2011 to build on the work of the NALWT, was unable to respond effectively to the Indigenous Experts Forum's calls for necessary change across portfolios (NAILSMA 2013c). Concerning matters within portfolio responsibilities, agency engagement with relevant Indigenous groups has been weak, with a tendency to treat Indigenous interests as a side issue rather than an opportunity. Major policy developments such as the Asian Century (2012) and its subordinate initiatives have sent mixed messages: on the one hand promoting environmental credentials, Indigenous culture, and equitable access to development benefits as critical issues for better access to Asian markets, but on the other treating environmental and Indigenous matters as issues to be managed rather than embraced and positively supported.

In its deliberations, the Indigenous Experts Forum concluded that present structures and processes, which attempt to fit Indigenous interests to frameworks developed by and for other interests, are not working and arguably cannot work (NAILSMA 2013a). Indigenous people must take a much stronger position and determine the conditions under which they will invest their land, knowledge and futures in commercial ventures and, just as critically, the conditions that co-investors will need to meet to gain access to Indigenous assets.

The Indigenous Experts Forum emphasised fundamental core issues of ongoing limitations to and capacity for Indigenous people to participate meaningfully as equal partners with governments and industry in research and development agendas, but resolved to continue working with NAMF beyond its term (concluded 1 June 2013) to further Indigenous participation as set out in the vision of the NALWT report (NAILSMA 2013a). NAMF acknowledged constraints, but remained impassive to consolidating any tangible solutions beyond subsidiary items for pastoral projects and generic rhetoric to closing the gap on Indigenous health and education without concepts to measure these co-benefits in future northern development programs.

NAILSMA argues:

- a. The need to develop a commercial framework to assist Indigenous interests for engaging with investors, development proponents and governments, internationally, nationally and across all jurisdictions of northern Australia;
- b. The need for constructive collaboration among all interests responsible for representing Traditional Owner and native title holder interests across northern Australia;
- a. Establishing measures to ensure that real benefits accrue and change the social circumstances for Indigenous communities and their wellbeing;

- b. Indigenous peoples' interests across northern Australia are extensive, and decision-making in relation to development proposals affecting their assets are very much the domain of those particular peoples;
- c. Cultural considerations and connectivity between land and water are integral to considerations about the free, prior and informed consent of Indigenous people;
- d. Support for a leadership group to guide the future relationships and participation in the various industries building upon connections and protocols emerging out of existing engagements;
- e. Proposals for northern development must involve the participation and inclusion of the Traditional Owners who permanently live in north Australia; and
- f. Indigenous people are not passive agents in determining the future of northern Australia but call upon governments, industries and others to respect and acknowledge the uniqueness of northern Australia and its peoples and their inclusion in decisions that ultimately affect their land and resource interests.

Based on these principles and in the context of the 2030 Vision, our submission challenges the Government in setting a new paradigm for a Strategic Partnership for northern development. We recommend to the Committee that any policy options going forward should be framed around an Indigenous Prospectus to better position Indigenous communities in northern development, and the continuum of the Indigenous Experts Forum in any future Strategic Partnership (NAILSMA 2013a).

## An Indigenous Prospectus for Northern Development

Our submission for a Prospectus focuses on the development interests that have been clearly articulated by Indigenous people across northern Australia as a fundamental driver of future policy settings and subsequent investments into the vast Indigenous estate across the region (NAILSMA 2013a & 2012b). In particular, it tests the 2030 Vision for Northern Development's policy option for a Northern CRC by presenting an Indigenous paradigm for research and policy development.

The notion of a Prospectus is predicated on Indigenous people's investment status and free, prior and informed consent to subscribe to northern development agendas. It would be developed as a tool to better communicate with skilled investors within a framework investors are used to, but differ to the generic prospectus model because it is inclusive of social and cultural indicators for 'doing business' rather than purely commercial focus.

Despite having significant legal title, common law coexisting interests in the majority of the region and comprising a rapidly growing portion of the population of the region, Indigenous people remain marginalised from regional development agendas and continue to face enormous development and participatory challenges (NAILSMA 2012b). We refer the Committee to the separate submission from Russell Smith and Whitehead (2014) for detailed demographic statistics and associated literature.

Indigenous people are key investors and contributors to northern development through their recognised status as owners and managers of key infrastructure, land and water assets and local Traditional Knowledge; law and cultural obligations to the sustainable management of their land and waters necessary to the development opportunities; and their participation as a locally accessible labour component of development.

During its term, NAMF examined impediments of land tenure to development process and policy (CSIRO et al 2013). NAILSMA recognises that land tenure in northern Australia provides both opportunities and challenges for investment and unequivocally asserts that:

- a. Indigenous landholders and managers are potential major investors in northern development;
- b. Advancing the 'bankability' of land tenure without the loss of existing rights will enhance leveraging assets toward Indigenous peoples economic determination and participation in the broader development agenda;
- c. The land tenure Indigenous people currently enjoy should not be treated as a problem for third party investors to northern Australia; and
- d. The issue of 'bankability' highlights the need for a fund that would assist Indigenous people to participate in northern development opportunities.

We also refer the Committee to the separate submission that vigorously rejects any notion that existing rights [e.g. the Aboriginal Land Rights (Northern Territory) Act 1976] are impediments to development (Northern Land Council 2014).

Delivery of an Indigenous Prospectus for northern development would require parallel and innovative investment from industry and government to improve the bankability of Indigenous land title (see Figure 1). This arrangement, if properly managed, would promote security of co-investments by government, NGOs and industry.

The Prospectus would set out the benefits that Indigenous investors seek from their lands and waters, the ways that co-investors can also benefit, the conditions under which investments will be sought and accepted, the role that government should play in framing supportive policy in all its areas of responsibility, and the strategies and plans needed to realise national benefits from full Indigenous participation in northern development. Over time, a range of programs and related policy would be developed for particular sectors (e.g. mosaic agriculture, tourism) and regions.

Key elements of the Prospectus frame Government, industry and Indigenous people's shared interests in seeing land used for socio-economic benefit where it can be done in environmentally and socially sustainable ways (see Figure 1). Those common interests 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 all other parties;
- Building human resources and other capability across the north to ensure fair participation in northern development planning and project implementation as a long term undertaking.
- Identifying Indigenous groups with developing ideas who, with focused support, may be positioned to make sound early decisions to seek co-investment.
- Supporting an Indigenous Land Use Planning Support Program and associated Fund for those situations where Indigenous landowners, government and industry agree that conditions favour sustainable development.

We refer the Committee to Russell-Smith & Whitehead's 2014 submission for examples of creating land management enterprise activities through a variety of environmental services, and draw particular attention to the exemplary case of carbon sequestration (see Attachment One of this submission). Contributing to those relatively unorthodox industry exemplars are Indigenous industry interests in:

- Fisheries;
- Water management (see Attachment Two);
- Tourism;
- Land use mapping (pertaining to training and application of world class geospatial mapping systems designed to provide Indigenous landowners and managers the tools to make free, prior and informed consent on the use of their lands and territories essential for northern development);
- Land use diversification (particularly pertaining to pastoral and developing potential of a range of primary industries – refer also to the separate Northern Land Council submission relevant to its Indigenous Pastoral Program);
- Education;
- Traditional Knowledge (transference and complement with western science);
- Governance and Accountability capacity;
- Youth Leadership; and
- Women in business.

We also refer the Committee to the separate Northern Land Council Submission (2014) which views government's over-reliance on any one particular sector to development as presenting a number of

risks, and suggests that a vibrant and productive Northern Australia, underpinned by a Sustainable Livelihoods Approach, will feature economic activity in a number of diverse industries.

Finally, we refer the Committee to the suite of projects delivered under the Northern Australian Water Futures Assessment (NAWFA) Cultural and Social Program (Greiner et al, 2012; Roberts 2012; Smyth & Whitehead, 2012; Sullivan & Stacey 2012; Watts 2012 & Whitehead, 2012). Although these projects focused on reflection, consultation and evaluation of the status of Indigenous livelihoods in relation to northern development, they enabled key recommendations for its progression (NAILSMA, 2012b).

### ***Indigenous Land Use Planning Support Program***

An Indigenous Land Use Planning Support Program is necessary to advance socioeconomic development in northern development processes. A Program of core policy projects would draw on the same community support as the successful development of land and sea management ranger groups, but have a strong commercial focus (see Figure 1 & NAILSMA 2013a).

The Program will:

- empower Indigenous people to develop land use plans, including pilot projects, capable of attracting co-investment;
- design projects for implementation at scales large enough to test their contribution to well-defined and measurable outcomes;
- build on existing tools such as those developed through NAILSMA programs that provide capacity to collect, manage and map data to support local decision making (see Attachment 3);
- negotiate conditions for Indigenous community, government and industry investments in those projects;
- implement and conduct formal joint review by Indigenous groups, government and industry; and
- apply lessons to other Indigenous-identified opportunities in north Australian jurisdictions.

### ***Indigenous Economic Participation Fund***

An Indigenous Economic Participation Fund is necessary to provide the resources needed to drive Indigenous economic development as a centrepiece of northern development, recognised as pivotal in the Asian Century (2013; see also NAILSMA 2013a).

We envisage that a Fund with the scale necessary to make a significant difference would provide support for:

- expanded and strengthened roles for Indigenous participation, based on the Indigenous Experts Forum model, and key entities such as the Office of Northern Australia and NAILSMA, to facilitate land use plans and development proposals with Indigenous groups;
- new and improved sectoral working groups with full Indigenous participation;
- skilled and readily accessed technical and administrative support;
- several major initiatives to develop and implement (as pilots) options for Indigenous land development in key sectors;

- strong processes for review of performance and adaptation to embed lessons learned in both Indigenous organisations and government agencies; and
- enterprise development that brings old and new generations together, generates high levels of skills, equal opportunity in employment and economy, and promotes additional benefits – across Indigenous cultural and customary values.

A Board, such as the Indigenous Experts Forum, would play a primary role in managing the use of the Fund in parallel to development and coordination of Program project objectives and outcomes contributing to the broader Prospectus.

### ***Structures and processes***

To consult on, support design and carry through early mover projects within an Indigenous Land Use Planning Support Program, we propose:

1. Permanent Indigenous working groups on Agriculture (including pastoralism), Fisheries (including wild fisheries and aquaculture), Tourism and Carbon, Water and other Ecosystem Services constituted under the authority of any future Strategic Partnership or equivalent.
2. Technical support for these groups from relevant Commonwealth, State and Territory agencies, including formal and informal access to expert advisors to the Strategic Partnership, equivalent to the NAMF Expert Advisory Panel.
3. Support for the Indigenous Experts Forum, or equivalent, to develop a work program for these groups, with timetables and milestones, to be carried out under its supervision and culminating in contributions to the Prospectus.
4. Formalisation of the role of an Indigenous Experts Group or Panel as the Indigenous equivalent of the Expert Advisory Group, including obligation to provide Indigenous perspectives on all matters put to the Experts by the Strategic Partnership.
5. Indigenous Experts Forum accountability to the Strategic Partnership for delivery of pilots under the program and other outcomes from the various working groups; and
6. Formalisation of roles of other government portfolios relevant to northern development through nomination of senior agency staff (head of Policy group level or higher) from relevant departments of the Prime Minister and Cabinet, Regional Development, Small Business, Agriculture, Environment and Industry and others as necessary, to a Policy Coordination Panel as a component of the Expert Advisory Group with obligations to align social and natural resource management policy to facilitate the Indigenous Land Use Planning Support Program and implementation of its outcomes.

These working groups and their interactions with communities will play essential roles in reorientation to reduced dependency and active deployment of land and other resources to create sustainable livelihoods. Accordingly, these obligations will feature strongly in the Terms of Reference for the working groups.

In summary, any future governance arrangement must include Indigenous participation to fully appreciate community interests in northern development agendas. An Indigenous leadership group must be convened and provided with:

- Terms of reference including the capacity to:
  - Create and manage an Indigenous Land Use Support Program;

- Plan and trial best options;
  - Create and manage an associated Indigenous Economic Participation Fund to deal with tenure bankability for development opportunities for Indigenous peoples; and
  - Maintain a role in selecting, building and reviewing trials.
- Support, together with relevant government and industry agencies, for an Indigenous Livelihoods Research and Development Consortium that delivers a research agenda determined by Indigenous people (NAILSMA 2012b & 2013a).

## Concluding remarks

The ability to develop resilient and successful Indigenous engagement is fundamentally crucial to delivering reliable prosperity for communities through northern development agendas.

The existing constructive participation by Indigenous peoples throughout many and varied industry sectors must be recognised and incorporated into both engagement and development processes at all levels within the national commercial sector. Pathways to navigate across and between all political jurisdictions of northern Australia must be investigated, as must methods for dealing with international interests to support greater independent participation.

While our proposed framework for northern development represents significant public outlays, it has been designed to ultimately increase Indigenous participation in the planning, management and delivery of services to rural and remote northern Australia with a strong focus on employment creation. An underlying assumption is that building local capacity, governance and accountability systems will not only significantly lead to local autonomous capacity, but also to better delivery of services through partnerships. It will be critical to move beyond rhetorical assumptions and policy approaches towards an approach that embraces Indigenous social, cultural and environmental aspirations alongside economic development objectives, using genuine partnerships with the Indigenous community.

It is timely to consider the many successful Indigenous enterprises that exist against a backdrop of enormous resourcing challenges. At the same time we also need to take stock that across the region, a majority of rural and remote Indigenous communities continue to be reliant on public sector overlays, with little to no development opportunities being available outside of mining and pastoralism. Supporting existing successes during times of change and examining and enhancing both orthodox and unorthodox development opportunities that engage local communities in diverse economies, as proposed in this and Russell-Smith & Whitehead's 2014 submissions, should be a strong feature of any future developments.

NAILSMA recognises that any future for sustainable land and sea management must be built on a comprehensive approach that involves the Indigenous community, governments, private, corporate and philanthropic sectors. NAILSMA views that new business models and partnerships are vital to the sustainable development of the north as articulated in its vision based on a *culture-based economy*.

The culture-based economy considers the need to enhance engagement and productivity in existing industries whilst developing emerging opportunities such as carbon farming, water trading, biodiversity and niche environmental services. This approach values people and their connection to country and their unique cultural imperatives. Business (enterprise) is a fundamental pillar to achieving prosperity and resilience in the northern community.

Over its years of operations, NAILSMA has successfully facilitated many large and complex forums, workshops and project-related engagements across northern Australia on a range of issues of regional, national and international significance. Traditional Owners, Indigenous organisations, representative bodies and others have participated and continue to engage with NAILSMA through the Board, and NAILSMA's project and policy work. The work of NAILSMA has been informed by these events and respective outcomes, and the organisation itself has been shaped by this input. Effective participation and engagement has been a key ingredient to the success of NAILSMA's work.



An organisation like NAILSMA, operating across the Top End of Australia, is embraced by the Indigenous community as an essential forum that drives Indigenous development at a strategic and policy level. Since 2003, NAILSMA has emerged as a critical and credible Indigenous institution that has grown an unmatched ability to deliver on a broad range of complex initiatives central to the future of northern Australia. NAILSMA has been at the forefront of strategic Indigenous policy on issues such as Indigenous rangers, northern development, biodiversity, carbon farming research and business development, marine management, river and coastal research, climate change impacts, Indigenous Knowledge, data capture and water policy and planning. Through this history of engagements and achievements, NAILSMA is well matched to delivering outcomes for Indigenous communities against any future framework for northern development agendas.

## Attachment One: Carbon bio-sequestration case study

Over the past decade, NAILSMA has conducted the most comprehensive engagement with Indigenous people and their agencies in the north's history. The organisation has provided a high level of Indigenous leadership on issues of national significance that include:

- Indigenous engagement in northern development;
- Rangers and Indigenous Protected Area investments;
- Indigenous Knowledge;
- Indigenous water policy;
- Indigenous water planning;
- Marine turtle and dugong management;
- Sea country planning; and
- Indigenous entry into the emerging carbon market.

NAILSMA's work leading the development of the savanna burning CFI methodology has been unmatched by any other Indigenous institution in the north, involving communities directly to develop an outcome that is applicable across the whole of the north. Its in-depth feasibility assessment estimates that 200 FTE remote jobs abating over 1 MtCO<sub>2</sub>-e annually of greenhouse gas pollution could be achieved from a pan-northern approach to carbon farming. In the Northern Territory, 450,000 tCO<sub>2</sub>-e of emissions reductions per annum is achievable in 3 years, generating employment for 100 FTE in remote locations at a cost of \$12m. Overall this would achieve:

- Creation of 200 new jobs for rural and remotely located Indigenous and other land managers;
- Abatement of 1-1.8 MtCO<sub>2</sub>-e per annum from better fire management;
- Sequestration of 1.9-6 MtCO<sub>2</sub>-e per annum from better fire management;
- Avenues for significant corporate sector investments across all northern jurisdictions;
- Delivery of significant additional co-benefits such as social, cultural and community development;
- The foundation to secure additional environmental service markets where orthodox enterprise development has failed; and
- A focus on priority regions in select fire-prone savanna sites.

Work has been underway for over 4 years to establish new enterprise opportunities using the CFI, biodiversity and diversification of land uses suitable for the tropical north. In addition, NAILSMA is commencing development of new CFI methodologies that seek to deal with lower rainfall savanna burning, higher rainfall bio-sequestration of carbon, and lower rainfall bio-sequestration of carbon in collaboration with industry leaders Australian Agricultural Company and the Indigenous Land Corporation, in addition to local Indigenous groups and pastoral leaseholders.

Urgent implementation remains absent across six large savanna fire project areas (totalling about 30 million ha) under development from Cape York, through the Gulf of Carpentaria, across Arnhem Land and Kakadu in the Top End, through the Daly River and into the Kimberley. A staged approach would be planned with commencement in the Northern Territory, where tenure agreements are achievable with local capacity being greatest across the Western Top End, Central Arnhem Land and the Gulf of Carpentaria regions.

These regional operations are designed to deliver major biodiversity benefits, including protection of ecological communities in the north comparable with those of the Arnhem Plateau, which were listed as endangered in 2011 alongside social, employment and enterprise benefits.

We also refer the committee to Russell-Smith & Whitehead's 2014 submission for further comments.

## Attachment Two: Water management and policy case study

Northern Australia is increasingly becoming part of the critical debate on global food security as demonstrated by the Australian Government's policy papers Asian Century White Paper (2012) and Feeding the Future (2012). These strategic papers place north Australia on the cusp of a momentous economic and social change; however, there are immense challenges to northern development and water as a resource is central to its potential success.

The NAILSMA Water Resource Management Program (2006-12) has been at the forefront of examining Indigenous water policy and management. Coordinating across State and Territory jurisdictions, it facilitated an agreed national vision for water reform that is both equitable for and inclusive of Indigenous people. This pioneering work informed National Water Commission (NWC) position statements for Indigenous access to water resources and water management in northern Australia (2012) advocating:

- the need for improved consultation and capacity building with Indigenous communities in water planning and management;
- incorporation of Indigenous social, spiritual and customary objectives in water plans;
- regional Indigenous self-determination and decision making for cultural and environmental water values in water plans;
- State and Territory governments to implement approaches to provide water for Indigenous economic development, highlighting Strategic Indigenous Reserves for systems that aren't fully allocated; and
- the continued support of independent Indigenous water policy groups to provide advice and leadership across jurisdictions.

Northern development processes remain non-compliant to the National Water Initiative and do not meet NWC position statements, nor do they contribute to the COAG's Closing the Gap priorities.

NAILSMA has advanced key Indigenous community policy positions through its research and policy programs including:

- Legal recognition of Indigenous peoples' traditional ownership through possible amendments to legislation;
- Ensuring that cultural rights include a cultural water allocation in legislation, policy and planning processes;
- Ensuring commercial rights by including an equitable Indigenous allocation from the consumptive pool for commercial purposes (Strategic Indigenous Reserve);
- Ensuring that there is an allocation that regulates overuse of the consumptive pool; and
- Ensuring that Indigenous traditional owners and native title groups will be jointly engaged with State and Territory water agencies in the planning and ongoing management of water resources.

The key attribute of the NAILSMA Water Program was its ability to operate across multiple scales of water interests and jurisdictions. The program incorporated a diversity of Indigenous members, building their capacity and participation in water planning processes. Through inclusive, participatory, clear and strategic implementation, the Water Program has impacted the incorporation of Indigenous interests into water planning across local, state and national scales in a

model way. It has left a strong and rigorous foundation for Indigenous representatives and organisations to progress the policy, such as the Strategic Indigenous Reserve (SIR), at local, state/territory and national levels into the future (refer to the First Peoples Water Council Policy Position: <http://www.nwc.gov.au/nwi/position-statements/indigenous-access>).

Whilst policies are yet to be practically implemented in economic activities by Indigenous users, the NAILSMA Water Program overall has made major steps in creating the conceptual and practical bases on which policy can be founded. For example, the SIR is ‘something that could be delivered and defensively argued’ with ‘well founded and substantial positions on water being put to government by Indigenous people’. These achievements mark substantial progress towards securing future Indigenous economic interests in water, but further approaches are needed.

On closing, the Indigenous Water Program made the following recommendations:

1. A pan-North Australian group that is driven by and for Indigenous interests in water (and land) management policy for economic, environmental, cultural and social and political considerations be continued existing in some form given the current political, economic and environmental policy and management context in North Australia, which fits criteria of the land use and planning program and this submissions call for industry related working groups.
2. The SIR policy for supporting allocation of water from any planned consumptive pool, for Indigenous economic development be implemented in water planning processes and a key policy of Northern Development strategies.
3. The increased capacity, awareness and knowledge about water management achieved through the NAILSMA Water Program is extended to other developing catchment groups tackling big issues of northern development.
4. Ongoing proactive protection and enhancement of NAILSMA partnering with industry, research institutes, governments and local representative bodies is essential to support and progress future participation of Indigenous communities in water use and development activities.

## Attachment Three: I-Tracker program case study

NAILSMA's I-Tracker Program has brought together land managers from across north Australia to develop standardised data collection and mapping tools to support land and sea management activities locally, nationally and internationally.

I-Tracker has proven to be the best approach to quantify the public investment into land and sea management across northern Australia, with I-Tracker data collection tools developed for a vast range of marine, coastal and terrestrial activities, including but not limited to threatened species monitoring, fire management, feral animal and weed control, river and water health, biodiversity surveys, bio-security and fisheries surveillance and cultural site management.

I-Tracker training and support provided to Indigenous ranger groups across WA, NT and QLD provides a cost-effective method to monitor and report on scientific and land management activities on the Indigenous estate. The I-Tracker Program develops and uses standardised, credible and transparent processes that are publicly available, and utilises the expertise of land and sea managers, scientists, and government and non-government partners. Our applications utilise freely downloadable CyberTracker software ([www.cybertracker.org](http://www.cybertracker.org)) and our I-Tracker applications are freely downloadable from the NAILSMA website ([www.nailsma.org.au](http://www.nailsma.org.au)).

Provision of ongoing I-Tracker services provides Indigenous ranger groups with training and support to monitor and report on land and sea management activities to inform local and regional planning necessary for northern development. NAILSMA services include providing remote technical support, maintaining and updating core I-Tracker resources, materials and applications, delivering on-ground training to Indigenous ranger groups, and developing I-Tracker tools to support specific initiatives such as the Learning on Country Program in north-east Arnhem Land.

Through the I-Tracker Program, NAILSMA also provides established best practice models of research partnerships that facilitate cross-cultural understandings of biodiversity management as being critical for the successful management of north Australia's land and seas. A good example of I-Tracker's role in this area is presented through NAILSMA's participation in the National Environmental Research Program. NAILSMA leads Theme 5.1 of the northern hub of NERP, which includes case studies focussed on threatened species and freshwater monitoring. These collaborative research projects also involve scientists and Indigenous communities (see [http://www.nerpnorthern.edu.au/sites/default/files/managed/projects/nerp\\_project\\_summary\\_5.1\\_fa\\_web.pdf](http://www.nerpnorthern.edu.au/sites/default/files/managed/projects/nerp_project_summary_5.1_fa_web.pdf)).

These research partnership opportunities give Indigenous rangers access to specialist knowledge, training and equipment, and capacity to develop innovative approaches to monitor environmental values and indicators identified through community-based environmental planning processes. On-ground work in locally-based research projects builds capacity and skills, documents local environmental circumstances, and assists Indigenous communities to implement their own management plans. The data collected through joint research projects also increases baseline scientific knowledge of the north Australian environment, and lays the foundation for Indigenous communities to participate in northern development activities generally.

Experience in the I-Tracker program over the last five years has shown that the needs of ranger groups in relation to accessing data are changing rapidly and vary greatly from group to group. In addition, the availability of data, where data is housed, permissions to access these data vary greatly

from state to state and can be difficult to find without expertise in this area. Additional expertise is then required to convert data to usable formats including CyberTracker.

In response to these issues, NAILSMA has developed an in-house mapping and data service for I-Tracker participants. The service can:

- provide advice and access to available spatial data sets;
- prepare data for use (e.g. extracting relevant information from a data set);
- convert data so it can be imported into CyberTracker;
- provide advice and training on how to integrate patrol data with other data layers and maps;
- help access base data for matters of national and international environmental significance;
- assist in developing reports; and
- assist in uploading data to government databases.

I-Tracker is a core NAILSMA business focus. The I-Tracker Program has proven its ability to support the growing workforce of Indigenous rangers with providing access to scientifically robust methods and technological advances that are directly relevant to participatory and active management on the ground to meet priorities for northern development. I-Tracker seeks to expand its role in the geospatial mapping services area and the development of a central data repository. It will also maintain and expand ties to important initiatives such as Learning on Country Program that facilitate avenues for education and training that leads to jobs.

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