

# **National Indigenous Australians Agency (Deed Number CERP DEED005)**

## **Evaluation of Land Tenure Pilot Projects**

**Final Report  
29<sup>th</sup> September 2021**



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## Acronyms

AAC	Ashburton Aboriginal Corporation
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
ALT Estate	Aboriginal Lands Trust Estate
BGAC	Baniyala Garrangali Aboriginal Corporation
BLMC	Baniyala Land Management Corporation
BNLA	Baniyala Nimbarrki Land Authority Aboriginal Corporation
COAG	Council of Australian Governments
CDEP	Community Development Employment Projects
CSIRO	Commonwealth Science and Industrial Research Organisation
DSDSATSIP	Department of Seniors Disability Services and Aboriginal and Torres Strait Islander Partnerships (QLD)
EAC	Ewamian Aboriginal Corporation
IAS	Indigenous Advancement Strategy
ICBF	Indigenous Community Benevolent Fund
ILUA	Indigenous Land Use Agreement
Karajarri TLA	Karajarri Traditional Lands Association
IBA	Indigenous Business Australia
NIAA	National Indigenous Australians Agency
NNTAC	Nguddaboolgan Native Title Aboriginal Corporation RNTBC
NNTC	National Native Title Council
NTH	Native Title Holder
NTRB	Native Title Representative Body
ONA	Office of Northern Australia
ORIC	Office of the Registrar of Indigenous Corporations
PBC	Prescribed Body Corporate
RNTBC	Registered Native Title Body Corporate
TO	Traditional Owner
TSRA	Torres Strait Regional Authority
WYAC	Western Yalanji Aboriginal Corporation RNTBC

## Terminology

Certain terms and phrases have evolved since The Measure commenced and are often interchangeably. For the purposes of this report, we use the following terms:

<b>ALT Estate</b>	Crown land reserved for the use and benefit of Aboriginal People in Western Australia. In Western Australia, the Aboriginal Lands Trust (ALT) is constituted under the Aboriginal Affairs Planning Authority Act 1972. The ALT is a significant landholder with responsibility for approximately 10 per cent of the state's land mass. This land comprises different tenures including reserves, leases and freehold properties. The ALT is seeking to divest much of the estate back to Aboriginal people through land tenure reform processes.
<b>Country-based Planning</b>	A process in which Indigenous peoples identify their aspirations and strategies across the whole of their traditional territories, unconstrained by the tenures that are recognised by governments.
<b>Development</b>	Development refers to a focus on creating opportunities, in consultation with Indigenous Australians, through education, job creation and economic development'.
<b>Indigenous</b>	A person who is Aboriginal and/or Torres Strait Islander, who identifies as Aboriginal and/or Torres Strait Islander and is accepted in their community as Aboriginal and/or Torres Strait Islander.
<b>Innovation</b>	Pilots sought to demonstrate innovative development and land tenure arrangements on Indigenous land. These are based on community aspirations including Indigenous led exploration of economic development opportunities. They also test ideas that can be shared across Indigenous communities.
<b>Pilot</b>	Through The Our North, Our Future: White Paper on Developing Northern Australia, the Commonwealth committed to deliver a series of pilot projects that aim to demonstrate innovative land tenure arrangements on Indigenous Land. A pilot offers a way for the Commonwealth to work with communities and other stakeholders to develop projects that can meet local aspirations. It is also hoped that approaches from individual models can be shared leading to further uptake.
<b>The Measure</b>	The White Paper outlines 52 measures. This phrase is used to refer to the Land Tenure Reform Pilots Measure under the Government's white paper for developing Northern Australia.
<b>Township Leasing</b>	Leasing arrangements that cover an entire Township with sub-leases administered currently under either the Executive Director of Township Leasing (EDTL) model or the Community Entity model.
<b>Reform</b>	The term 'reform' means the exploration of opportunities which demonstrate innovative use of Indigenous land, including exploration of potential growth sectors for northern Australia.

## Overview of Report Structure

The structure of this Final Report is as follows:

- The **Executive Summary** provides an overview of the report, findings and recommendations.
- The **Introduction and Context** sets the scene for this final report and provides background that is important in understanding the framework for the project.
- The **Overview of the Land Tenure Reform Pilots** gives the rationale for the six Pilots selected and funded by the Commonwealth as well as a summary of the recipient, jurisdiction, objectives and status of each Pilot.
- The **Overview of the Evaluation** outlines the framework and methods used to undertake the project and the limitations.
- The **Key Activities and Outcomes of Pilots** details findings and lessons learnt against the key short and medium term outcomes and where possible assesses potential for longer term outcomes to be realised.
- The **Recommendations and Conclusion** examines learnings that are transferrable, reflections on the utility of Pilots and key recommendations going forward.
- There are four Appendices providing information related to and supporting the project and include:

Appendix A:	Land Tenure Pilot Snapshots
Appendix B:	Documents Reviewed
Appendix C:	Stakeholder Organisations Consulted
Appendix D:	Stakeholder Consultation Tools
Appendix E:	Map of evaluated pilot projects (accessible version)
Appendix F:	Outcomes flowchart (accessible version)
Appendix G:	Pilot stakeholder categories (accessible version)

# 1 Executive Summary

## 1.1 Introduction

The Our North, Our Future: White Paper on Developing Northern Australia<sup>1</sup> was published in June 2015 and sets out the Commonwealth's whole-of-Government platform for realising the development potential for Australia's north over a 20 year timeframe.

Through the White Paper, the Land Tenure Reform Pilot Measure (the Measure) delivered a series of Pilot projects (Pilots) which sought to demonstrate innovative land tenure arrangements on Indigenous land, and to identify more diverse opportunities for economic development. These were to be based on community aspirations and implemented under existing land tenure arrangements. The Commonwealth's aim in funding the Pilots was to demonstrate practical next steps to achieve economic development and to highlight the benefits of land tenure reform.

A pilot approach was considered a way for the Commonwealth to work with communities and other stakeholders to develop projects. It was also hoped that individual Pilot models could be shared more widely, adapted and rolled out where there was local community support, including from Indigenous stakeholders and businesses.

The NIAA commissioned this evaluation of the Land Tenure Pilots. The core purpose of the evaluation was to assess the success of the Pilots in contributing to the policy goals of the White Paper, and to inform ongoing decision-making about implementation of economic development opportunities under the White Paper.

This evaluation examined all six Pilots undertaken under the Measure:

- Pilot One - KRED Enterprises - Long term, secure and tradeable land tenure.
- Pilot Two - KRED Enterprises - Economic development on broad acre Indigenous Land.
- Pilot Three - Indigenous Community Benevolent Fund (ICBF) Inc - Banyala land management.
- Pilot Four - Torres Strait Regional Authority - Maa tenure resolution.
- Pilot Five - QLD Government - Tenure resolution in Mossman Gorge 'Kickstart Home Ownership'.
- Pilot Six - CSIRO - Developing Indigenous land and water enterprise opportunities.

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<sup>1</sup> Commonwealth of Australia, 2015. Our North, Our Future: White Paper on Developing Northern Australia. Licensed from the Commonwealth of Australia under a Creative Commons Attribution 3.0 Australia Licence. The Commonwealth of Australia does not necessarily endorse the content of this publication.

## 1.2 Evaluation Objectives

The objectives of this evaluation were to:

- Consider the six Pilots and their effectiveness of testing ideas toward land tenure reform and developments in the north and the degree to which they develop model approaches for future application.
- Examine the capacity for Pilots to achieve short term outcomes and contribute to medium and long term outcomes around increasing Indigenous opportunity for development, consistent with key aspirations.
- Document new insights:
  - from across the funded Pilots about land tenure reform; and
  - about delivering an effective pilot program.
- Identify ways the NIAA may leverage the evaluation findings to promote future land tenure reform in other contexts and to educate other communities.

The evaluation also aimed to inform the development of educational material (a document) for other communities interested in pursuing development initiatives or on-country enterprises.

## 1.3 Methodology

The evaluation used a theory of change methodology to assess impacts. The program logic identified relevant outcomes (short to long term) that the Pilots were expected to achieve and/or contribute to. Pilot outcomes were mapped to the program logic to understand the key focus of the Pilots and how they contributed to achieving land tenure and economic development opportunities. The evaluation also tested key assumptions regarding pathways for land tenure reform, including an assessment of the key barriers and enablers based on the reported lessons learnt.

The evaluation employed a case study approach to understand the mechanisms of land tenure including understanding community and stakeholder perspectives. Each Pilot explored the extent to which land tenure reform was feasible within the jurisdictional context.

The evaluation methods comprised:

- Semi-structured interviews with Pilot stakeholders.
- Review of project documentation from Pilots (including quantitative and qualitative information) and administrative data review of Pilot documentation.
- A literature review to inform the background and policy context for the Pilot measure.

### Limitations

A number of limitations around data availability and scope of works impacted on the capacity to evaluate the Pilots including:

- The Pilots were selective case studies across jurisdictions and did not necessarily reflect all the potential options for economic development.
- The Pilots were only recently completed or still underway so their longer term impacts could not be fully understood.
- The project documentation was written by the proponents and this evidence was not independently verified.
- The Coronavirus pandemic led to restrictions on travel which impacted on the capacity to undertake face-to-face engagement with community stakeholders involved.

## 1.4 Key Findings

The Pilot projects enabled investigations into economic development opportunities and the possible land tenure options to support them. All Pilots achieved their intended scope of agreement with the NIAA, noting that one Pilot (Pilot Six) is expected to be completed by the end of 2021. Pilot funding enabled engagement with local communities on development opportunities, technical investigations (scientific as well as legal) and contributed towards an improved knowledge base for development on Indigenous land in the areas of technical assessment, market research and land tenure agreement making.

Where relevant, Pilots recommended pathways to support development within existing tenure contexts and legislative frameworks. The Pilots also contributed toward learnings on how to develop Indigenous Land Use Agreements (ILUAs) including how to negotiate them and creating relevant templates. The table below summarises the Short to Medium Term Outcomes against the range of criteria shown:

	Pilot	Title	Scoping Expanded Options for Economic Development	Consultation and Engagement in Exploring Options	Tenure Options Identified and Explored	Information about Indigenous Land Holdings prepared (i.e prospectus)	Produce New Insights and Lessons	Entering New Agreements – business/land tenure
1	KRED Enterprises	Long term, secure and tradeable land tenure	YES	YES	YES	Not Applicable	YES	Not Applicable
2	KRED Enterprises	Economic development on broad acre Indigenous Land	YES	YES	Not Applicable	YES	YES	Not Applicable
3	Indigenous Community Benevolent Fund (ICBF)	Baniyala land management – Stage 1 and Stage 2	YES	YES	YES	Not Applicable	YES	Not Applicable
4	Torres Strait Regional Authority	Moa tenure resolution	YES	YES	YES	YES	YES	YES
5	Queensland Government	Tenure resolution in Mossman Gorge	YES	YES	YES	Not Applicable	YES	YES
6	CSIRO	Indigenous land and water enterprise opportunities	YES	YES	YES	YES	YES	YES

The Pilot projects proved an effective mechanism to explore developments, however their lifespan beyond the Pilot stage and progression toward on ground implementation appears reliant on sustainable project governance and funding. The evaluation highlighted that securing investment and/or Government funding, will be necessary to support the implementation of the Pilot projects explored. Our consultations indicated that, in some cases, grant recipients expected more government support towards project implementation.

The Pilots revealed the complex nature of land tenure agreement making as well as the importance of practical supports for Indigenous communities in business management and home ownership (where it meets community aspirations).

The Pilots enabled the exploration of nine development opportunities: three agricultural, four tourism and two which focused on town planning and infrastructure development.

A series of recommendations have been developed to inform the future Northern Australia White Paper process and to maximise the learnings and benefits from Pilots. They include strategic advice for future Indigenous economic development projects, ensuring the benefits of lessons learnt are distributed to interested communities and consideration of the broader context.

## 1.5 Evaluation Recommendations

Based on our findings set out above **we make the following recommendations on how to leverage the evaluation findings to promote innovation and economic development on Indigenous lands in Northern Australia.**

**Continue supporting project approaches to further develop options for Indigenous people involving land tenure.**

**Recommendation 1:** The Northern Australia White Paper should support building further strategic approaches to economic development which can benefit multiple communities (Refer to Key Finding 4).

**Recommendation 2:** Future Northern Australia White Paper measures should continue to support the development of Indigenous economic development projects including the following best practice processes:

- a) Promote and provide access to appropriate funding options.
- b) Support communities and organisations to develop robust project proposals that meet project criteria/guidelines.
- c) Support access to required technical expertise and partnerships and collaborations that can promote innovative development options.
- d) Support frameworks that promote long-term implementation e.g. prospectuses or investment pathways (Refer to Key Findings 8 and 12).
- e) Explore land tenure projects supportive to economic development within jurisdictional contexts.

### Share the Lessons Learnt

**Recommendation 3:** Future Northern Australia White Paper measures should include mechanisms and processes to share lessons learnt in projects including:

- a) Build in a progress milestone to document lessons learnt (Refer to Key Findings 8 and 12) and require participants to participate in future evaluations (identified in Project or Grant Head Agreements).
- b) Develop a report and summary sheet on lessons learnt and make this available to relevant communities and run workshops or information sessions for interested parties (Refer to Key Finding 11).
- c) Where appropriate share template agreements developed in support of economic development activity on Aboriginal land (eg. Indigenous Land Use Agreements) (Refer to Key Finding 10).
- d) Where appropriate, develop and share core principles/approaches for developing project prospectuses for innovative developments on Indigenous land (scope includes agreed definitions, key values, design and shared language) (Refer to Key Finding 9).

### Further Create the Right Conditions/Context to Support Future Development Opportunities.

**Recommendation 4:** NIAA should continue to support capacity building activities of Prescribed Body Corporates (PBCs) in the priority areas of governance, resources, skills, expertise and knowledge in order to facilitate capacity to undertake development on Indigenous lands.

**Recommendation 5:** NIAA to support home-ownership options where it is consistent with local aspirations. Working in collaboration with IBA and Housing Departments (Commonwealth and Local) to promote practical support and education on home ownership for community members where relevant (Refer to Key Findings 13).

### Conclusion

The Pilots highlight the extensive capacity and skills needed to sufficiently explore developments within varying land tenure contexts inclusive of local knowledge, community-led approaches and technical skills (science, legal and financial).

The Pilots provided a useful mechanism for exploring a range of economic development options, involving different land tenure approaches. The Pilots explored a range of issues, and tested different approaches, covering a reasonable scope. The evaluation highlighted that implementation of developments explored through some of the Pilots is unlikely due to factors such as changes in governance, lack of funding or the inability to secure suitable land arrangements.

Several new governance mechanisms were demonstrated through the Pilots which reflected significant cooperative approaches and underpinned foundational work needed to ensure options were viable and suitable for the local communities.

The outcomes and reported learnings from the Pilots highlight approaches for supporting the viability of future projects, such as:

- Strategic, integrated approaches to planning on country.
- Access to technical support for the exploration of land asset-based opportunities, under-pinned by Indigenous-led science.
- Capacity building, strategic planning and governance support for PBCs and/or project corporations to support the Pilot.
- Producing information on Indigenous land holdings in a manner which embeds community values and language in prospectus development.

The Pilots highlighted some challenges associated with progressing development on Indigenous owned land.

The Pilots shared learnings on possible tenure pathways to support developments within existing contexts and legislative frameworks. The Pilots also contributed towards learnings regarding how to develop ILUAs including how to negotiate them and the required templates.

The evaluation highlighted that securing investment and/or Government funding, will be necessary to support the implementation of projects explored.

## 2 Introduction and Context

### 2.1 Background

In 2015 the Australian Government released the Our North, Our Future: White Paper on Developing Northern Australia (Referred to as the White Paper), which outlined the Government’s plans to promote economic development opportunities in Northern Australia<sup>2</sup>.

A strong north means a strong nation. Even though over one million people live in the north — all of the Northern Territory and those parts of Western Australia and Queensland above the Tropic of Capricorn — it accounts for over half of our sea exports (Ports Australia, 2014). Thriving and diverse exports in minerals, energy, agriculture and tourism underpin our national income.

Commonwealth of Australia, 2015. Our North, Our Future: White Paper on Developing Northern Australia (PDF).

The White Paper highlights five industry pillars for further exploration based on the strengths of the Northern region and their potential for growth:

- Food and agribusiness.
- Resources and energy.
- Tourism and hospitality.
- International education.
- Healthcare, medical research and aged care.

The Office of Northern Australia (ONA) within the Department of Industry, Science, Energy and Resources leads policy development and implementation of the White Paper.

NIAA has responsibility for implementing three measures of the White Paper designed to promote “simpler land arrangements to support investment”. This includes the PBC Capacity Building, Township Leasing and Land Tenure Reform Pilot. The Land Tenure Reform Pilot (the Measure) seeks to demonstrate innovative land tenure arrangements on Indigenous land, that can facilitate more diverse opportunities for economic development away from just pastoralism and mining development.

Northern Australia covers 40 per cent of Australia’s land mass and ‘sits at the intersection of the two great regions of global economic and population growth — Asia and the Tropics’<sup>3</sup> (Refer Figure 1 for map of Northern Australia).

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<sup>2</sup> Department of the Prime Minister & Cabinet, Northern Australia White Paper, Evaluation Strategy – Land Tenure Reform Pilots initiative, 30 August 2018 authored by Social Ventures Australia (SVA).

<sup>3</sup> Commonwealth of Australia, 2015. Our North, Our Future: White Paper on Developing Northern Australia. Licensed from the Commonwealth of Australia under a Creative Commons Attribution 3.0 Australia Licence. The Commonwealth of Australia does not necessarily endorse the content of this publication.

**Figure 1 - Northern Australia**



Northern Australia is home to 30 per cent of Australia's Indigenous population. Supporting Indigenous entrepreneurs and businesses is a priority and opportunities are being opened up for Indigenous Australians to benefit economically from their land<sup>4</sup>.

Indigenous Australians have native title rights to significant parts of northern Australia including 94% of Western Australia, 62% of Queensland and 30% of the Northern Territory<sup>4</sup>.

Innovation is considered essential to underpinning investment and development and the 'White Paper' establishes a platform 'to try new ways of using land to promote economic opportunity'.

*'This means increasing the value of land for all — to create a native title regime that has a greater focus on economic opportunity for Indigenous Australians, to increase individual property rights in township areas for willing Indigenous communities, and to develop pastoral leasehold into a simpler and broader form of tenure'.<sup>4</sup>*

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## 2.2 Overview of the Land Tenure Reform Pilots

Selected pilots were sought that had commercial application or economic benefit and where possible employed Indigenous people. They also needed to be based around community-led initiatives with the potential to leverage other investments from the Australian Government or other stakeholders to support their sustainability.

The following factors were considered as demonstration of an innovative pilot model:

- Support community-led approaches.
- Align with the potential sector strengths of the Northern region.
- Offer a way for communities and government to work together to develop projects that can meet local aspirations.
- Individual models can be shared more widely, adapted and rolled out over time in other places. This includes where there is support by the local communities, including Indigenous and business stakeholders.
- The model demonstrates some practical next steps and shows the benefits of land tenure reform for Indigenous and non-Indigenous investors and stakeholders.

Joint proposals from Indigenous groups, government and proponents were encouraged<sup>5</sup>.

Eleven Pilots were selected by NIAA and received grant funding. These projects were located across Queensland, Northern Territory and Western Australia. They covered land tenure exploration as well as economic development options such as tourism activities, agricultural and pastoral operations and land planning and infrastructure. Six Pilots were selected for evaluation and a detailed description of the intended purpose and activities of each Pilot is shown in Table 1.

Note that Pilot Six was still underway at the time of the evaluation and will be completed in late 2021 (Refer Appendix A).

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<sup>5</sup> Potential pilots were assessed on:

- The nature of the project for which funding was sought including its location, timeframes, outcomes and if relevant, where the project sits within any larger development proposal. The NIAA also considered the commercial application of the pilot and how it potentially provides for economic benefit.
- The status of prior research and development undertaken and the potential prospect of achieving full operational status.
- Project cost, timeframe and the overall value for money of the pilot.
- The degree to which the pilot demonstrates innovation in tenure and land use and its originality from previous or current activity.
- The anticipated benefits to business and Indigenous communities.
- The transferability of the lessons learnt through the pilot and their applicability to other regions.
- The degree of consultation with and 'buy-in' from relevant stakeholders / participants and communities

**Table 1 - Land Tenure Reform Pilots**

Ref	Recipient and Location	Pilot Title	Pilot Purpose	Core Pilot Activities
1	KRED Enterprises Kimberley, Western Australia	Land Tenure Model and Home Ownership	Develop a <b>Township leasing model</b> to provide private, secure and tradable tenure within Kimberley Aboriginal communities.	<p>To research if the Northern Territory township leasing model can apply in Kimberley Aboriginal communities.</p> <p>To identify the advantages and disadvantages of the Northern Territory township leasing model.</p> <p>Explore two land tenure models which incorporate elements of the Northern Territory township leasing model which are suitable for Western Australia.</p>
2	KRED Enterprises Kimberley, Western Australia	Development of Broad Acre Indigenous Land – Frazier Downs Agriculture Project and Bardi Jawi Tourism Project	Identify the <b>land use aspirations</b> of the Bardi Jawi and Karajarri native title holders over their determined native title lands and waters. Then identify an <b>appropriate land tenure framework</b> to support the proposed land uses.	<p>Draws on the outcomes Pilot One, which sets out pathways for private tenure. Explores 3 economic development opportunities:</p> <p>Expansion of a tourism business in Gumbanan - on Bardi Jawi native title lands and Ardyaloon Community.</p> <p>Extension of the Ardyaloon hatchery business (also within Ardyaloon Community)</p> <p>An irrigated agriculture for livestock fodder and a bush foods project - within the Frazier Downs pastoral lease.</p>
3	Indigenous Community Benevolent Fund (ICBF) Inc East Arnhem, Northern Territory	Baniyala land management – Stage 1 and Stage 2	Supported ICBF Inc to assist the Baniyala community to establish a <b>land owner corporation</b> and undertake land planning in order to seek a delegation of certain Northern Land Council (NLC) <b>land management powers and functions</b> .	<p><i>Stage 1:</i></p> <p>Establish a land owner corporation</p> <p>Undertake land planning</p> <p>Seek a delegation of certain NLC land management powers and functions</p> <p><i>Stage 2:</i></p> <p>Establish the secretariat of the BNLA and relationship with NLC.</p> <p>Build land management capacity and corporate governance of BNLA.</p> <p>Employ a Town Manager.</p>
4	Torres Strait Regional Authority Torres Strait, Queensland	Moa tenure resolution	This project supported the Torres Strait Regional Authority to develop a <b>new land administration system</b> on Moa, the second largest Island in the Torres Strait.	<p>Model community led tenure on Moa.</p> <p>Provide the tenure and processes for social and economic development.</p> <p>Enhance community cohesion between Traditional Owners and historic residents.</p> <p>Develop and test new tenure resolution methodology.</p>

Ref	Recipient and Location	Pilot Title	Pilot Purpose	Core Pilot Activities
5	QLD Government Mossman, Queensland	Tenure resolution in Mossman Gorge - Kickstart Home Ownership	Supported the Queensland Department of Aboriginal and Torres Strait Islander Partnerships to facilitate <b>tenure reform and infrastructure upgrades</b> in Mossman Gorge, Queensland.	The subdivision of two land parcels comprising the Mossman Gorge Community.  Municipal infrastructure upgrades/development.  Infrastructure transfer to Council for the delivery of municipal services.  Engage an external Project Manager.
6	CSIRO Cross jurisdiction, Queensland and Western Australia	Developing Indigenous land and water enterprise opportunities	Supported a CSIRO economic mapping research project that tests pathways for providing scientific information and investment support to broaden the <b>commercial development of natural resources on Indigenous land</b> .	Support the CSIRO economic mapping research project.  CSIRO worked with three communities. <ul style="list-style-type: none"> <li>• Ewamian Aboriginal Corporation (EAC) in Qld - the Talaroo Tourism Project.</li> <li>• Ashburton Aboriginal Corporation (AAC) in Western Australia - diversifying Indigenous pastoral operations.</li> <li>• Western Yalanji Aboriginal Corporation (WYAC) in Qld – support of development aspirations and analysis of the demand for Indigenous tourism.</li> </ul>

As a component of the White Paper process, it is important to evaluate the outcomes of the Land Tenure Pilots including the key outcomes achieved, relevant lessons learnt and the potential future directions<sup>6</sup>. This will help inform the future program of the ONA in relation to further economic development from an Indigenous perspective.

<sup>6</sup> <https://www.industry.gov.au/data-and-publications/our-north-our-future-white-paper-on-developing-northern-australia>. Accessed on 4 June 2019.

## 3 Overview of the Evaluation

### 3.1 Evaluation Purpose

The purpose of the evaluation was to assess the outcomes of Pilots in contributing to the policy goals of the White Paper, and to inform future implementation options. This evaluation examined the implementation of Pilots which included practical case study examples across Western Australia, Northern Territory and Queensland and/or broader investigations (Pilot Six) (Refer Figure 2 for location of Pilots).

- Pilot One - Long term, secure and tradeable land tenure (Western Australia).
- Pilot Two - Economic development on broad acre Indigenous Land (Western Australia).
- Pilot Three - Banyala land management (Northern Territory).
- Pilot Four - Moa tenure resolution (QLD).
- Pilot Five - Tenure resolution in Mossman Gorge 'Kickstart Home Ownership' (QLD).
- Pilot Six - Developing Indigenous land and water enterprise opportunities (Cross jurisdictional).

The Pilot timeframes varied from one year to beyond four years duration, with initial investments commencing from May 2016. Five Pilot projects are completed and one is still in progress (Pilot Six).

The Pilot emphasis was on testing ideas and feasibility rather than full implementation of development activities. This was sought to be achieved through Pilots that were able to:

- **Test the feasibility** of land tenure model approaches to expand economic development opportunities on Indigenous land, extending from pastoral and mining and explore the potential benefits of economic diversification.
- Be relevant across **different jurisdictional contexts** and institutional settings, including Indigenous owned, pastoral and land subject to native title.
- Capture **lessons learnt and more general learnings** to apply to other contexts, including learnings for policy and legislative reform.

Where practical Pilots extended to the implementation of such approaches, for example, the municipal infrastructure development incorporated as part of Pilot Five.

The purpose of this evaluation was to understand how well the Pilots were able to achieve the requirements above, e.g.

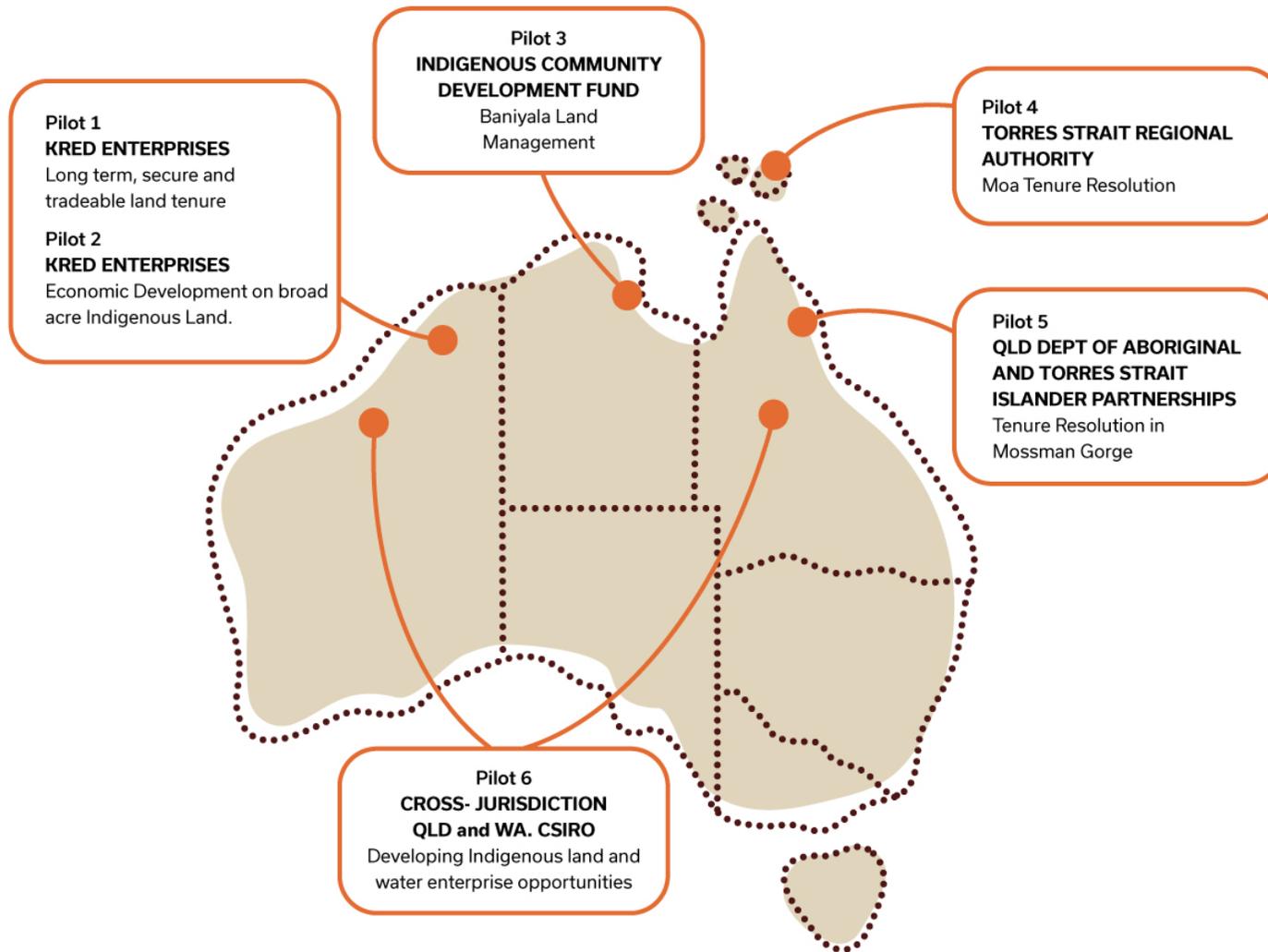
- Capacity to test feasibility of land tenure Pilots across different jurisdictions and identify suitable pathways.
- Capacity to capture lessons learnt, within the context and more broadly.

The evaluation will contribute toward a whole-of-Government evaluation of the White Paper and forms part of the NIAA's Annual Evaluation Work Plan for the Indigenous Advancement Strategy<sup>7</sup>.

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<sup>7</sup> Australian Government. National Indigenous Australians Agency. 2020-21 Annual Evaluation Work Plan. Indigenous Advancement Strategy.

**Figure 2 - Pilot Projects Evaluated**



## 3.2 Evaluation Scope

The scope of this evaluation and Yaran's agreed statement of work was to:

- Consider the six Pilots and how the projects will help develop model approaches for land tenure reform, potentially applicable to broader Indigenous stakeholders subject to Native Title.
- Examine the capacity for Pilots to achieve key outcomes around increasing Indigenous opportunity for development, consistent with key aspirations.
- Document new insights:
  - from across the funded Pilot Projects about land tenure reform; and
  - about delivering an effective Pilot program.
- Identify ways the NIAA may leverage the evaluation findings to promote future innovative land use activities in other contexts and to educate other communities.

The evaluation also aimed to inform the development of educational material (a document) for other communities interested in pursuing similar initiatives. This includes setting out the key insights, lessons learnt and other relevant information for communities interested in pursuing on-country enterprises.

Key potential users of the evaluation include, Pilot recipients, Communities, the ONA, key internal stakeholders, the NIAA Land Branch within the Economic Policy and Programs Group and the Office of Town Leasing (OTL).

The evaluation project with the NIAA commenced in July 2019, with research taking place post ethics approval in May 2020.

## 3.3 Methods and Limitations

### Ethical Approach and Cultural Sensitivity

The evaluation was guided by the Indigenous Advancement Strategy (IAS) Evaluation Framework which aims to generate high quality and ethical evidence to inform decision-making on Commonwealth-funded policies and programs affecting Indigenous Australians. The IAS Evaluation Framework holds the Commonwealth to the highest standards of ethical evaluation practice. The Framework commits all evaluations to test the extent to which IAS programs and activities:

- build on strengths to make a positive contribution to the lives of current and future generations of Indigenous Australians.
- are designed and delivered in collaboration with Indigenous Australians, ensuring diverse voices are heard and respected, and
- demonstrate cultural respect towards Indigenous Australians.

Evaluations are guided by a set of best practice principles as outlined in the Framework under four broad criteria: relevant, robust, credible and appropriate.

Yaran's team is committed to ensuring ethical and appropriate consultation is undertaken on all projects. Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) ethics approval was granted for this research (advised on 1st May 2020).

In addition to the ethical clearance, Yaran took practical steps to increase the cultural sensitivity of the evaluation consistent with the principles of the IAS evaluation framework. Rick Callaghan, Project Director is an Indigenous man, and he:

- Reviewed all documents (including methodologies, interview guides, reports etc) prior to use or submission to the client.
- Ensured that non-Indigenous evaluators involved in the project were knowledgeable about culturally sensitive evaluation.
- Attended all Community consultations and the majority of the interviews to ensure that the opinions of Indigenous stakeholders were portrayed with a high level of accuracy.

### Overview

This Evaluation uses a theory of change methodology with the program logic identifying relevant outcomes (short to long term) that the Pilots would achieve and/or contribute to. The evaluation also tested key assumptions regarding pathways for land tenure reform, including testing for key barriers and enablers.

Each Pilot was essentially a case study, exploring the extent to which land tenure reform was feasible, and able to be applied with the specific context.

### Measure Logic Model

The Land Tenure Pilots Measure Logic Model (presented in Figure 3) visually represents<sup>8</sup>:

- The **key activities and outputs** expected from the reform Pilots identifying the key Pilots and their core activities.
- The **short, medium and Long term outcomes** that the Pilot contributes to.

The Pilots were anticipated to directly contribute to short term outcomes, both local level and system level outcomes including:

- **Local level outcomes** - In the short term, the logic model shows that the Land Tenure Reform Pilots are intended to expand options for development on Indigenous land by identifying economic opportunities and tenure options and producing improved information on Indigenous land-holdings.
- **System-level outcomes** - At the 'system-level', the Pilots are intended to produce new lessons and insights, which are documented and shared in the short-term. In the medium term, it is expected that the lessons and insights gained from the Pilots will influence future decisions.

Whilst Pilots were not anticipated to achieve medium and long-term outcomes within their timeframe, there was consideration of how:

- Indigenous landholders can better leverage their land assets for economic benefits.
- Indigenous landholders can more freely pursue their own economic, social and cultural development priorities.

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<sup>8</sup> Social Ventures Australia, 2018. Department of the Prime Minister & Cabinet Northern Australia White Paper Evaluation Strategy – Land Tenure Reform Pilots initiative.

The assumptions underpinning the program logic model include local level and system level assumptions;

#### ***Local-level assumptions***

- The Pilots require identification of appropriate economic development activities by participants.
- That land tenure options could support the economic development activities identified.
- That Pilots were representative of innovation in land tenure arrangements and development concepts within the relevant jurisdiction.

#### ***System-level outcomes assumptions***

- That there are other communities with similar characteristics to the target communities where insights and lessons from the Pilots can be applied.
- Insights and lessons from the Pilots are captured in a format that is relevant and appropriate for other stakeholders.

The evaluation framework and methodology notes that if these assumptions do not hold it presents risks to the success of the measure<sup>9</sup>. In particular, the Pilots were implemented in challenging geographic, historical, policy and economic contexts. The literature suggests it is important to acknowledge these challenges in assessing the success of economic development initiatives<sup>9</sup>.

#### **Measuring and Assessing Land Tenure Pilot Outcomes**

The Land Tenure Pilots tested approaches to expand economic development opportunities and were evaluated based on the following key questions/points of enquiry which relate to different stages of the program logic model (Refer Figure 3):

- 1. To what extent did the Pilots deliver the core activities as required?*
- 2. How well were the local communities and stakeholders engaged into the reform Pilots to ensure their aspirations were taken into account?*
- 3. To what extent were economic development options scoped to provide a basis for implementation?*
- 4. To what extent did the Pilots capture the lessons learnt and more general learnings to apply in other contexts?*
- 5. What was the impact of Land tenure agreement making on the ability to pursue new development opportunities?*
- 6. Did any of the Pilots achieve realistic options for economic development within new areas and improved community outcomes?*

To understand and map pathways needed to achieve land tenure outcomes Pilots were required to identify enablers and barriers to land tenure reform as part of their reported learnings and experiences.

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<sup>9</sup> Department of the Prime Minister & Cabinet Northern Australia White Paper Evaluation Strategy – Land Tenure Reform Pilots initiative 30 August 2018

### 3.4 Data Collection and Analysis

Data for the evaluation was collected through:

- Semi-structured interviews with stakeholders to confirm the experiences of implementation and lessons learnt.
- Desk-top review of Pilot documentation from grant recipients. Pilot reports provided details on outcomes achieved and lessons learnt.
- A literature review to inform the background and policy context for the Pilot measure (Refer Appendix B).

#### Overview of Data Collection

##### Pilot Document Review

The purpose of the document review for each project was to draw on the Pilot agreements, scope, methodology, implementation experiences as well as lessons learnt as reported by Pilot recipients.

The scope of work required that these reports were taken on face value. Whilst stakeholder interviews were used to confirm implementation experiences and lessons learnt, it was beyond the scope of the evaluation to interrogate or verify all program data provided.

##### Literature review

The literature summary, prepared as part of the evaluation methodology, was reviewed to inform the contexts to the Pilots <sup>10</sup>.

##### Semi-Structured interviews

Semi-structured interviews were utilised to consult stakeholders on their experiences of the Pilots and the lessons learnt.

Primary data was collected from Pilot stakeholders through focus groups (where possible) with Pilot recipients. A list of stakeholders consulted through these semi-structured interviews is included at Appendix C.

The semi-structured interview guide is presented in Appendix D.

We adopted a systematic approach to the collation and synthesis of information which was collected and driven by the evaluation questions and program logic.

The data collected was synthesised and analysed to inform the achievement of the outcomes within the program logic and to test the assumptions using a theme based analysis. Where possible results were triangulated together to improve validity.

To ensure the integrity, consistency and robustness of the collation of information, an evidentiary matrix was utilised. This evidentiary matrix is a simple structural mechanism that requires each team member participating in the desktop work to match key pieces of information to the evaluation questions, to document the information source and to state the basis for the relevancy of the information to the evaluation question.

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<sup>10</sup> Social Ventures Australia, 2018. Department of the Prime Minister & Cabinet Northern Australia White Paper Evaluation Strategy – Land Tenure Reform Pilots initiative.

## Limitations

A number of limitations around data availability and scope of works impacted on the capacity to evaluate the Pilots including:

- The Pilots were selective case studies across jurisdictions and did not necessarily reflect all the potential options for economic development.
- The project documentation was written by the proponents and this evidence was not independently verified.
- The Coronavirus pandemic led to restrictions on travel which impacted on the capacity to undertake face-to-face engagement with community stakeholders involved.
- We experienced difficulty in gaining permission from stakeholders for interviews in some cases.
- The Pilots were undertaken fairly recently or not completed at the time of the evaluation, and thus their long term impacts and benefits could not be fully gauged.

All Pilots reported on progress and outcomes according to the Terms of their Head Agreement, however Yaran had trouble in securing participation of some stakeholders in post-Pilot interviews. There is opportunity to include requirements and budget allowance for participation in independent evaluation processes within the Pilot Head Agreements. This is critical to securing stakeholder participation in Government evaluations and to providing the support needed for research ethics clearance.

**Figure 3 - Land Tenure Reform Pilots Logic Model**

INPUTS	PARTICIPATION	COMMONWEALTH ACTIVITIES AND OUTPUTS	PARTICIPANT ACTIVITIES AND OUTPUTS
<p>\$6.8 million over four years (excluding \$2 million to Austrade (DFAT) not included in this assessment)</p>	<p><b>Primary beneficiaries:</b> Indigenous land holders and their communities across northern jurisdictions</p> <p><b>Secondary beneficiaries:</b> Government, investors and businesses in northern jurisdictions</p>	<p><b>Prime Minister and Cabinet</b></p> <ul style="list-style-type: none"> <li>Responsible for overarching coordination and implementation of the pilot projects, including assessing pilots against guidelines, contract management, outcomes monitoring and supporting distribution of findings.</li> </ul> <p><b>Office of Northern Australia</b></p> <ul style="list-style-type: none"> <li>Responsible for overall implementation of the Northern Australia White Paper</li> </ul>	<p><b>KRED Enterprises:</b> Report on models for long term, secure and tradable land tenure in the Kimberley (W.A)</p> <p><b>KRED Enterprises:</b> Report on economic development and tenure reform on broad acre Indigenous land in the Kimberley (W.A)</p> <p><b>Queensland Government Department of Aboriginal and Torres Strait Islander Partnerships:</b> Mossman Gorge tenure reform and infrastructure upgrades (QLD)</p> <p><b>Torres Strait Regional Authority:</b> Moa Island tenure resolution (QLD)</p> <p><b>Indigenous Community Benevolent Fund:</b> Establishing the Banyala Landowner Corporation (N.T)</p> <p><b>CSIRO:</b> Economic mapping and business development services on three sites in Northern Australia</p> <p><b>Northern Territory Government:</b> Registering interests in Aboriginal land (N.T)</p>

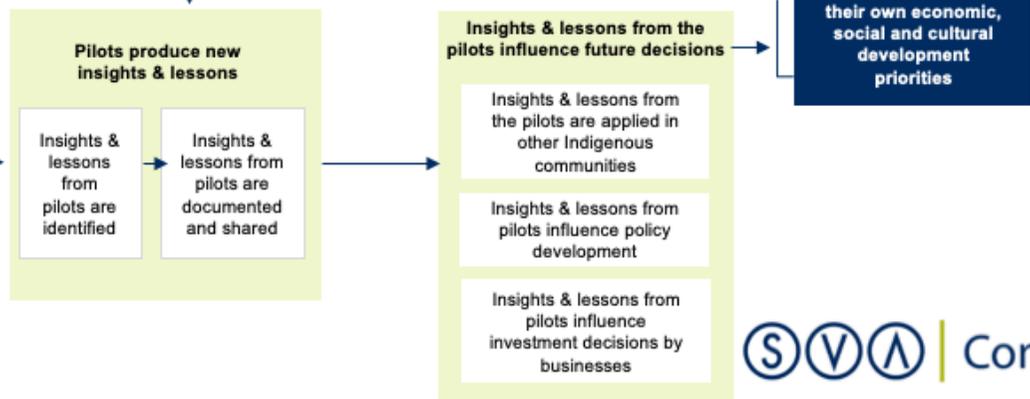
# Outcomes



**Local-level outcomes**



**System-level outcomes**



## 4 Key Activities and Outcomes of Pilots

### 4.1 Pilot Activities Achieved

#### Extent of Delivery of Pilot Activities

**Key Finding #1 – Pilots delivered the core activities as required and covered a reasonable scope to test innovative approaches (Refer Table 2).**

Pilot activities were relatively diverse and included:

- Key investigations into the feasibility of different land tenure options and economic development opportunities, including development of investment prospectuses for projects.
- Building community and organisational capacity to take on land tenure responsibilities.
- Development of specific land use agreements and community agreements.
- Mapping, sub-division and provision of infrastructure.
- Development of municipal management agreements.

An analysis of Pilot outcome and progress reports against the Pilot Head Agreements, highlights that the Pilots delivered the core activities expected. Overall, the Pilots covered an appropriate scope and breadth of activities suitable for an initial Pilot process reflecting activities that built human and technical capacity. Pilots tested innovation in land tenure arrangements and development concepts within different jurisdictional contexts and documented their experiences and lesson learnt. Table 2 summarises the core activities achieved across the six Pilots.

**Table 2 - Core Activities Achieved**

Ref	Recipient and Location	Pilot Title	Tasks Accomplished
1	KRED Enterprises	Land Tenure Model and Home Ownership	<ul style="list-style-type: none"> <li>• Study and report into Aboriginal land tenure and economic development in Western Australia completed.</li> </ul>
2	KRED Enterprises	Development of Broad Acre Indigenous Land	<ul style="list-style-type: none"> <li>• Investigated land use aspirations with native title holders.</li> <li>• Developed interim frameworks for 4 commercial projects on Bardi Jawi and Karajarri lands.</li> </ul>
3	Indigenous Community Benevolent Fund (ICBF) Inc	Baniyala Land Management	<ul style="list-style-type: none"> <li>• Governance capacity building of the BNLA (Strategic Corporate Plan, Budget, Land Management Strategy).</li> <li>• Cadastral mapping (commenced not finalised).</li> <li>• Prepared and sought a delegation of certain NLC land management powers and functions.</li> <li>• Established a Secretariat of the BNLA.</li> <li>• Employed a Town Manager.</li> </ul>
4	Torres Strait Regional Authority	Moa tenure resolution	<ul style="list-style-type: none"> <li>• Cadastral mapping of the area.</li> <li>• Development of an inter-community “Moa Tenure Resolution Accord”.</li> <li>• Development of a suite of executable ILUAs – 45 in total: 19 for the Kubin community and 26 for the St Pauls community.</li> </ul>
5	QLD Government	Tenure resolution in Mossman Gorge	<ul style="list-style-type: none"> <li>• Completed subdivision of the two land parcels.</li> <li>• Municipal infrastructure constructed or improved - roads, sewerage, water, storm water, power.</li> <li>• Infrastructure maintenance transfer to the Douglas Shire Council.</li> </ul>
6	CSIRO	Developing Indigenous land and water enterprise opportunities	<p>Working across three case study enterprise developments, the following has been completed:</p> <ul style="list-style-type: none"> <li>• Technical assessments (literature and scientific studies).</li> <li>• Co-design or a draft prospectus for each case-study.</li> <li>• Exploration and refinement investment and/or partnership opportunities.</li> </ul>

## 4.2 Summary of Outcomes Achieved – Short to Medium Term

This section examines the key outcomes achieved by the Pilots consistent with the program logic-including local and system wide outcomes. The Pilots all covered the early stages of the program logic including expanded options for economic development in consultation with communities and generating insights and lessons.

A summary of outcomes, which are detailed in this section, are presented in Table 3. Further detail on outcomes for each Pilot is presented in the Pilot summaries in Appendix A.

**Table 3 - Summary of Pilot Outcomes – Short to Medium Term**

	Pilot	Title	Scoping Expanded Options for Economic Development	Consultation and Engagement in Exploring Options	Tenure Options Identified and Explored	Information about Indigenous Land Holdings prepared (i.e prospectus)	Produce New Insights and Lessons	Entering New Agreements – business/land
1	<b>KRED Enterprises</b>	Long term, secure and tradeable land tenure	YES	YES	YES	Not Applicable	YES	Not Applicable
2	<b>KRED Enterprises</b>	Economic development on broad acre Indigenous Land	YES	YES	Not Applicable	YES	YES	Not Applicable
3	<b>Indigenous Community Benevolent Fund (ICBF)</b>	Baniyala land management – Stage 1 and Stage 2	YES	YES	YES	Not Applicable	YES	Not Applicable
4	<b>Torres Strait Regional Authority</b>	Moa tenure resolution	YES	YES	YES	YES	YES	YES
5	<b>Queensland Government</b>	Tenure resolution in Mossman Gorge	YES	YES	YES	Not Applicable	YES	YES
6	<b>CSIRO</b>	Indigenous land and water enterprise opportunities	YES	YES	YES	YES	YES	YES

## Scoping Economic Development Opportunities

### Local Level Outcomes

#### Key Finding #2 – All Pilots scoped expanded options for economic development in consultation with local communities.

The Pilots identified and explored a variety of options for economic development on Indigenous land based on local aspirations and sector opportunities (Refer Table 4). Through extensive stakeholder engagement and asset research, the Pilots presented a range of opportunities for innovative, locally supported developments. Developments across the sectors of tourism and agriculture were explored as well as general township development options.

Economic opportunities were scoped in the format of business case documentation and approved by community stakeholders (Pilot Two) and prospectus documentation (Pilot Six). *Note: At the time of the evaluation some prospectus documents were still being developed (Pilot Six).* Scoping of development options adopted different formats and there is opportunity to provide guidance material and standards for prospectus documentation for future projects.

**Table 4 - Types of Development Options Explored**

<b>Agriculture (3 projects)</b>	<b>Tourism (4 projects)</b>	<b>Town Development/Municipal Services (2 projects)</b>
<ol style="list-style-type: none"> <li>1. Karajarri Irrigated Lands – Pilot Two</li> <li>2. Production of Nyumi-Nyarri – Pilot Two</li> <li>3. Diversifying Pastoral Operations on Peedamulla – Pilot Six</li> </ol>	<ol style="list-style-type: none"> <li>1. Gambanan Tourism Proposal – Pilot Two</li> <li>2. Ardyaloon Hatchery Proposal – Pilot Two</li> <li>3. Taloroo Tourism Project – Pilot Six</li> <li>4. Tourism Study in Northern QLD – Pilot Six</li> </ol>	<ol style="list-style-type: none"> <li>1. Baniyala Community Land Planning – Pilot Three</li> <li>2. Mossman Gorge Land Subdivision and Services – Pilot Five</li> </ol>

To support expanded options for economic development a range of activities were undertaken. The scope of each Pilot varied, yet exploration took place through a range of approaches including community and stakeholder engagement, scientific research into land asset opportunities and professional support to investigate legal and administrative options for project developments and land agreements. This background research contributes to an improved knowledge base on potential tourism, agriculture and infrastructure-based developments on Indigenous lands. Further detail on explorations undertaken is provided in the Pilot summaries in Appendix A.

## Presentation of Relevant Information

### **Key Finding #3 – Development of investment prospectuses or business case proposals was achieved for relevant Pilot projects to support economic development approaches**

Key benefits of the investment prospectuses included improved understanding of what is economically viable, understanding of the business opportunity at both a local and broader level and requirements to scope projects appropriately including community aspirations.

### **Key Finding #4- The CSIRO Pilot (Pilot Six) developed a cross-stakeholder approach to support the articulation of economic development opportunities on Indigenous lands.**

The approach included oversight of the project by the Project Steering Committee (composed of the NIAA, NNTC and CSIRO representatives and regional and local Indigenous organisations) and the establishment of Prospectus Working Groups for each of the Pilot case studies. The steps to develop case-study enterprise options and investor communication pathways were supported by case-study specific research agreements which enabled the safe sharing of Indigenous and commercial-in-confidence knowledge to support collaborative assessments of the existing assets. The Pilot Six model represents a thorough approach, including wrap-around support from the CSIRO and various stakeholders, to support the scoping of opportunities. This will provide a knowledge base for the development of future project guidance material.

Investment business cases or prospectuses will be developed for seven of the development initiatives explored (four tourism-based projects and three agriculture projects as detailed in Table 5).

Four business case studies were developed as part of Pilot Two:

- Karajarri Irrigated Lands.
- Production of Nyumi-Nyarri.
- Gambanan Tourism Proposal.
- Ardyaloon Hatchery Proposal.

Pilots One and Two reported in their interview that significant grass roots engagement was achieved to advance a Cultural Centre Project, which was presented and approved by community stakeholders (receiving two levels of committee approval).

Stakeholder feedback highlighted the importance of providing guidance and setting minimum standards for activity (economic development) on Aboriginal land.

*‘There needs to be minimum standards for activity (economic development) on Aboriginal land’.*  
– Pilot Stakeholder Interviewee

Pilot Six (CSIRO) provides a potential example approach for developing standards and prospectuses for development on Indigenous lands. Pilot reports thoroughly document an extensive engagement approach to develop an agreed language and structure for each prospectus. This involves ensuring local aspirations are clearly articulated noting that ‘an agile approach responding to case study partner and wider feedback on the content and design is important’<sup>11</sup>. This process has required

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<sup>11</sup> Barber, M., Kong, T.M., & Robinson, C. (Eds.) (2020) Completion of the scientific and technical assessments for country-focused enterprises and of the survey of national Prescribed Bodies Corporate. Progress Report VII

considerable time and consultations which have been impacted by the Covid pandemic. Hence this Pilot timeframe has been extended to the end of 2021. Pilot Six is working with three Indigenous communities to co-develop prospectuses that could attract appropriate sustainable enterprise investments based on the natural and cultural resources on each Indigenous estate. Three prospectuses are under development:

- Taloroo Tourism Project (EAC).
- Diversifying Pastoral Operations on Peedamulla (AAC).
- Tourism Study in Northern QLD (WYAC).

*'The research team and project partners interpret a 'prospectus' as a way of inviting partnerships, in this case partnerships with Indigenous Traditional Owner or custodian corporations. The final prospectus documents will outline the major features, attractions, services and/or business opportunities of a selected place or area to prospective investors, patrons, clients, members or purchasers. The enterprise pursuits are not limited to wealth-generation opportunities, but also development that can lead to capacity building and employment on-country, or other development aspirations deemed appropriate by the Indigenous corporations in the case studies'.*  
*Pilot Stakeholder Report*

The following general benefits of exploring development opportunities were highlighted through the evaluation:

- Improved understanding of the asset base by participating Corporations/communities. In one Pilot this helped to avoid the costs of pursuing developments which are not economically viable.

*'The biggest opportunity realised has been avoided costs in investments that are potentially not viable' – Pilot Stakeholder Interviewee*

- Improved knowledge and capacity of businesses to understand about country.
- Broader sector-based understanding through review of demand, especially in the case of Pilot Six which contributed towards a study into 'a review of demand for Indigenous cultural tourism and natural environment-based tourism within Tropical North Queensland'.

*'The pilot has substantially improved Corporation understanding of their asset base. There is improved knowledge and capacity with regard to understanding their country from a business perspective' – Pilot Stakeholder Interviewee*

- Information and learnings for tourism-based developments across Australia.
- Support to investigate financial aspects of projects.
- Broader community benefits including a sense of achievement from the exploration process.

The Pilots highlight the opportunity for process guidance (with reference to Government support across development stages) for Indigenous organisations seeking to undertake development projects. In the case of Pilot Six, it revealed opportunity for the CSIRO to support Indigenous organisations with the technical and research assistance to assess the productivity and economic potential of Indigenous assets. Pilot Six has leveraged the CSIRO's capability to ensure corporations and landowners have access to scientific advice regarding land asset potential. It has combined disciplines across CSIRO and improved brokering expertise.

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of the project: Economic mapping of Indigenous land and natural resources - from land assessment to investment prospectus. Report to National Indigenous Australians Agency. CSIRO Land and Water.

*'The pilot has helped leverage (organisation) capability to ensure corporations and landowners have had access to the best advice available regarding land asset potential. It has combined disciplines across (organisation) and improved 'brokering expertise for this group of people'.  
– Pilot Stakeholder Interviewee*

Based on community feedback in the exploration of some projects, it is evident that exploring development options needs to be founded on community aspirations and a holistic approach which goes beyond purely financial imperatives. A more holistic approach is represented in Pilot Six, which builds the Indigenous as well as scientific evidence for on-country enterprises. This is also backed up by the literature which introduces the concept of broader country-based planning described as “a process in which Indigenous peoples identify their aspirations and strategies across the whole of their traditional territories, unconstrained by the tenures that are recognised by governments”<sup>12</sup>.

*'All three case study partners wanted their prospectuses to be effective in communicating to grant or capital providers who do not seek a financial return. This includes both potential government and philanthropic sources. As a result, for the purposes of developing the prospectuses, 'investors' and 'investment' were further defined as inclusive of these kinds of funders. Although not the primary target, potential key repeat structural customers for corporation products and services were also considered as a potential audience for the prospectuses'. – Pilot Stakeholder Report*

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<sup>12</sup> Hill, R., P.L. Pert, J. Davies, C.J. Robinson, F. Walsh, and F. Falco-Mammone (2013) Indigenous Land Management in Australia: Extent, scope, diversity, barriers and success factors. Cairns: CSIRO Ecosystem Sciences. Accessed at <http://www.agriculture.gov.au/SiteCollectionDocuments/naturalresources/landcare/submissions/ilm-report.pdf>

## Community and Stakeholder Engagement

**Key Finding #5 – Community and stakeholder engagement and consultation was integral to all Pilots and achieved cross partner governance, community buy-in and engagement, technical feedback and advice.**

**Key Finding #6 – Community consultation takes time and there is a need to manage raised community expectations. Consultation needs to be targeted to key decision points and take into account engagement history otherwise there is risk of consultation fatigue.**

In relation to consultation, a suite of engagement methods were used to support the consideration of community aspirations across projects, including:

- Establishment of partnership governance committees to oversee Pilots.
- Establishment of Committee's or Working Groups at a task level such as project prospectus development.
- Representation at respective Corporation Board and member meetings.
- Consultation meetings or workshops.
- Technical and/or investigation support to the Pilots inclusive of field trips.
- Written correspondence.

'Consultation methods aimed to enable free expression, not only in relation to the models of land tenure suggested but also in relation to any land tenure issues'.  
– *Pilot Progress Report*

'At the local level, consultation and negotiation was the backbone of the process from the selection of the case studies and pilot progress to date. This was ensured through multiple workshops, field trips and consultation organised with the case study communities and local experts'. – *Pilot Progress Report*

Mapping of the categories of stakeholders involved across the suite of Pilot initiatives ranged across community, business, research and government stakeholders as illustrated in Figure 4. Further detail on engagement undertaken with local communities and stakeholder organisations is presented in the Pilot summaries in Appendix A.

**Figure 4 - Categories of Stakeholders Engaged across the Pilots**



Community and stakeholder engagement achievements realised through the Pilots included:

- Examples of effective cross-partner governance and committees for Pilot initiatives.

*‘The project terms specified that the provider must work collaboratively with the NNTC and with key Indigenous representatives. A Project Steering Committee (PSC) was established for this purpose. Representatives have been added throughout the process to enable appropriate inputs into the project as well as to ensure proper engagement of the case study communities.’*

*‘This committee and the thorough consultation process have allowed a flexible approach where opportunities have been identified and included in the project’.*

– Pilot Progress Report

- Community buy-in and motivation through exploration of the development option.

*‘There’s more pride. It’s brought the local stakeholders closer together’ – Pilot Stakeholder Interviewee*

- Feedback and advice from related sectors such as the finance sector.

Due to the importance of the relationship between the projects and communities involved, there was considerable effort within the projects to engage with community on local aspirations, communicate key aspects of the proposed development/project and provide decision points for the community and stakeholders. A review of reported Pilot consultation activities highlights that comprehensive engagement processes were undertaken and contributed towards Pilot outputs such as the scoping of developments and/or agreements.

Pilot processes overall highlighted the resources and extensive time required to gain community buy-in and ensure projects are driven by local aspirations and goals. Details of timeframes are provided in the Pilot summaries in Appendix A. Yaran notes that some projects exceeded allocated funding or required additional funding throughout the process. One project has also continued beyond the original Pilot timeframe and is still in progress.

The suite of Pilot consultation experiences highlight a range of lessons learnt in relation to engaging with communities, including:

- The need for considerable time to engage with community and provide decision points for the Traditional Owners.
- There is a risk of raising the expectations and hopes of the communities, which may have adverse implications should the projects not be fully realised.
- To take into account previous community engagements to minimise the risk of creating 'consultation fatigue' in the community.
- Changes to local community governance did lead to some Pilot project delays.

#### Entering New Agreements – Business / Land Tenure

##### Local Level Outcomes

**Key Finding #7 – New Agreements were attributed to three of the six Pilots with one project delivering a range of ILUA templates, another resulting in a new municipal management agreement, and another project contributing (in part) toward a new land management agreement for one of its case study partners.**

**Key Finding #8- Developing agreements involves community based decision making and therefore requires sufficient PBC or Project Organisation capacity, knowledge and access to professional support (technical/legal).**

The requirement for land tenure and/or management agreements varied across the Pilots and jurisdictions. The Pilots provided a platform to research and explore land tenure and business options through to actual drafting of new agreements. Execution of new agreements was not necessarily an outcome expected within the project timeframes. The key agreement exploration activities encapsulated within the scope of the Pilots included:

- Legal research into tenure options to support the developments proposed.
- Consultation and liaison with regional bodies (land management corporations) government at State and Commonwealth levels.
- Drafting of legal applications for delegation of certain land management functions (under S28A of the Land Rights Act).
- Developing agreements for infrastructure maintenance.

- Developing tenure resolution methods and model tenure agreements.

Actual achievement of new land tenure, management and/or ownership agreement was evident in three Pilots, providing a platform for pursuing new development opportunities:

- Pilot Four (Moa Tenure Resolution) - Developed and tested new tenure resolution methodology and template documentation, including ILUA templates. The intra-community and cross-community consultation resulted in the development of a suite of tenure resolution ILUAs which reflect the spirit of community engagement between both the Mualgal people and the St. Paul's community on Moa Island communities.

‘These ILUAs addressed the goals of the pilot for sustainable and integrated Tenure and Native Title resolution. Through the pilot consultations, ten executable ILUAs were developed along with 45 potential lease entitlements across the Kubin and St. Pauls communities’.

‘Mechanisms in the form of a range of proponent activities that resolve current and foreseeable tenure issues, assist in the provision of economic development, provide public infrastructure and home ownership’. – *Pilot Progress Report*

- Pilot Five (Tenure Resolution in Mossman Gorge) - Entered into a municipal management and infrastructure maintenance agreement with the local Council enabling the municipal infrastructure development to be pursued.
- Pilot Six (Developing Indigenous Land and Water Enterprise Opportunities) - A new infrastructure opportunity had been secured by one Corporation with multiple grants while another has signed a new land tenure agreement with the Pilot being attributed, in part, to building confidence and ability for the Corporations to go through this process.

Two Pilots undertook extensive research into potential land tenure/management options (Pilots One and Three) to support their developments, yet did not result in new agreements:

“Having a structured long-term project about infrastructure has had the added benefit of easing some social issues in the community”.

“aside from the physical changes there's been tangible level of motivation to advance the community” – *Pilot Stakeholder Representative*

- Pilot One (Long term, secure and tradeable land tenure) explored options for private, secure and tradable tenures for the Kimberley Aboriginal communities using the Northern Territory's ‘Township Leasing regime’, as a reference point. Pilot reports document the lessons learnt which would need to be addressed for future reform.
- Pilot Three (Baniyala Land Management - Northern Territory) did not result in land management delegation (under S28A of the Land Rights Act). The exploration of alternate approaches to pursuing private housing are now proposed, including the Township lease pursuant to section 19A of the Act or an Indigenous Housing Corporation.

Stable and sustainable governance of PBCs appears to be fundamental to support agreement making. Land tenure or management agreements can be complex and long-term and stable governance aids stability of knowledge throughout the process. Governance vulnerability is also reflected in the 2019 Prescribed Body Corporate survey (referenced as a supportive study to Pilot

Six) which investigated the administrative, governance and economic capabilities of PBCs nationally<sup>13</sup>.

‘47% of PBCs ranked wealth and business opportunity creation as an important purpose in the running of their PBC. This innovation and drive to create strong economic participation is heavily evident in the sector, highlighting the key areas of growth as farming and fishing, hospitality services, and financial services and investment. However, in the 2019 survey of PBCs provided clear and consistent responses to the challenges they face and the needs they have, citing a lack of resources, skills, expertise, and knowledge as foundational challenges’. – 2019 PBC Survey<sup>9</sup>

### 4.3 System Level Outcomes Achieved

#### System Level Outcomes

**Key Finding #9 – Pilots Two and Six produced business case and prospectus development methods which are transferable to other regions.**

**Key Finding #10 – Pilot Four (Moa Resolution) provides a suitable framework for establishing an Indigenous Land Use Agreement for other communities.**

**Key Finding #11 – Pilots reported lessons learnt at Pilot completion. There is an opportunity to document and share lessons across development phases.**

**Key Finding #12 – There is potential to provide guidance and examples of strategic phases of economic development on Indigenous lands.**

#### Produce New Insights and Lessons

Pilot learnings have been reflected in Pilot reports to the NIAA. The summary details of lessons learnt for each Pilot are presented in Appendix A ‘Pilot Summaries’ in the ‘Pilot Outcomes and Lessons Learnt’ sections.

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<sup>13</sup> National Native Title Council, Australian Institute of Aboriginal and Torres Strait Islander Studies, Commonwealth Scientific and Industrial Research Organisation, 2020. Report on the 2019 Survey of Prescribed Bodies Corporate (PBCs).

## Sharing Lessons Learnt

The following information dissemination approaches are noted for Pilot Six (the longest study of all the Pilots undertaken):

- The CSIRO film collaboration with Griffith University is designed to further augment the communication potential of the projects explored through Pilot Six, 'particularly testing the relationship between written and audio-visual materials in prospectus design and community engagement'.
- The final phase of Pilot Six is yet to be completed and will be documenting lessons from these case-study efforts and other initiatives that have focused on supporting Indigenous-led economic development on Indigenous estates.
- The project has been part of national and international presentations about CSIRO's Indigenous enterprise development portfolio.

The combination of these approaches for sharing lessons, support the Pilot measure assumption that insights and lessons would be captured in formats appropriate to other stakeholders.

'Guided by the case study partners and the Project Steering Committee, the team will work to distil key lessons arising from the wider project that can be shared with other Indigenous groups who are eager to build the (Indigenous and scientific) evidence for on-country enterprises. Along with supporting context provided by the PBC survey, this will enable the production of a 'how to guide' which will be a key focus in the next stage of the project'. – *Pilot Progress Report*

In relation to developing the conditions for development, the Pilots provide some key learnings and examples for other regions:

- The business case and prospectus development methods and structures developed in Pilots Two (KRED) and Six (CSIRO) may be transferable as examples to other regions (subject to the approval of key stakeholders).
- The development of the Moa Tenure Resolution Accord and ILUA framework in Pilot Four (Moa Tenure Resolution), were also tools of potential broader applicability. It provided a benchmark regarding innovations in resolving land tenure and native title issues as they relate to Indigenous and non-Indigenous communities on the Island of Moa including how the consultation involved can be run. The Pilot provides a model for how ILUA's may be developed in other communities.
- A review of demand for Indigenous cultural tourism and natural environment-based tourism within Tropical North Queensland (Pilot Six) has been completed, providing valuable learning for cultural tourism developments across Australia.

The pilot provided 'processes for economic and social development, certainty and enhanced community cohesion between Traditional Owners and historical residents, modelling community led new tenure resolutions including ILUA templates'. – *Pilot Progress Report*

### **Lessons Learnt - Project Structures and Guidance**

The six Pilots revealed that there are various stages at which development projects and Indigenous land agreements require support and that communities will vary in their readiness to deliver projects dependent on previous land planning, asset research undertaken and land tenure status. There is the potential to provide guidance and examples on the strategic phases which may be involved and the associated Government Departments or organisations available to assist project organisations and communities in scoping and delivering projects.

The Pilots highlight that solid and sustainable governance of relevant PBCs or Indigenous Corporations is essential to long-term planning and investment for economic development of Indigenous Lands. The PBC survey (a value-add of Pilot Six) has enabled a self-assessment of aspirations, capacities, needs and opportunities of PBCs which provides a wider context to the capacity development needed to support Indigenous economic development.

Access to funding or investment was a factor in some Pilots not proceeding. There is opportunity for Indigenous Investment grants to align with areas of opportunity identified through the Pilots.<sup>14</sup> Yaran notes that since the commencement of this evaluation, the NIAA has released the Indigenous Tourism Fund to help individual businesses and community organisations invest in developing new products, equipment, business planning and marketing in the tourism sector.

### **Lessons Learnt - Advancing Economic Development Options**

Whilst the scope of Pilot funding agreements had been met, Yaran notes from the stakeholder consultations, that the opportunities of some Pilots have not been fully realised since Pilot completion. Whilst the Pilot funding only intended to support the progression of ideas and not become the critical funding source for initiatives, recipients highlighted the importance of sufficient support to enable the completion of Pilot projects.

Stakeholder feedback highlighted that implementation of innovation projects explored is unlikely to be realised without further financial assistance. It was considered that the implementation of economic development projects is dependent on funding support with the following points raised by stakeholders:

- KRED Pilots One and Two - The report development was funded yet development of the projects was not funded and funding for implementation would need to happen for the full project opportunities to be realised. The extensive consultation raised the expectations/hopes of community stakeholders involved. It is Yaran's understanding that since completion of the Pilot, the tourism projects have not been further pursued.
- Pilot Four (the Moa Tenure Resolution) recommends continuing to explore the ILUA models that have been developed throughout the project and incorporating compensation as a central factor within the ILUA model. Support to progress the Moa Tenure Resolution Accord is also needed.

A number of projects exceeded allocated funding or required additional funding throughout the process. One project has also continued beyond the original Pilot timeframe and is still in progress.

Therefore, not all Pilots could demonstrate their financial and governance reliability and short-term implementation of some projects explored is unlikely without this resolved.

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<sup>14</sup> Wunan Foundation Inc. 2015. Empowered Communities: Empowered Peoples Design Report

### Lessons Learnt - Securing Finance

Pilots One and Two (KRED Enterprises) exposed some of the barriers to seeking loans or investment for projects on Indigenous Lands. The Pilots highlight that certainty is key for the financial sector. This certainty which will be achieved entirely by implementation of the proposed KRED Legislative Model and satisfied to a great extent by the ILUA Model.

### Lessons Learnt - Towards Home Ownership

Pilot feedback from the Moa Tenure Resolution (Pilot Four), highlights the need for practical support and services to facilitate business start-ups and home ownership once the threshold tenure barriers are resolved. Including assistance with business planning, business management support, addressing regulatory barriers and red-tape and sharing entrepreneurial experience.

Practical assistance is needed for prospective homeowners to learn about the responsibilities and cost of ownership (home maintenance costs, insurances, rates etc.), financing the cost of purchase, risks involved in mortgaging etc.

In one Pilot, it was reported that home ownership was not reflective of local community aspirations.

‘The NTH desire to have community housing return to the direct control of the local NTH was more important than their aspiration of individual home ownership.’ *Pilot Progress Report*

### Lessons Learnt – Applying a Pilot Model

The continuation of Pilots would provide a mechanism to support the exploration of projects to develop Indigenous owned lands. However, the success of a Pilot approach would be strengthened through key criteria such as:

- Supporting longer term Pilot timeframes enabling the timing and resource needed for community engagement, technical exploration of asset-based developments and land tenure reform negotiation (where applicable).
- Supporting Pilots which are informed by a strategic community land planning/exploration process inclusive of social, environmental and economic considerations.
- Support of cross -sectoral partnership Pilots with community representation as well as technical expertise (legal, science and/or financial), backed up through a proposed Pilot governance model.
- Demonstrated linkages to potential investment and/or funding pathways for the project sectors being explored (note: conversely government can support these linkages through recognition of Pilots in funding programs).
- Established mechanisms and Key Performance Indicators for Pilot recipients to share Pilot learnings with other communities at key milestones.

## 4.4 Progress Toward Longer Term Outcomes

### Local Level Outcomes – Longer Term

**Key Finding #13 – Practical assistance is needed for prospective homeowners to learn about the responsibilities and cost of ownership (home maintenance costs, insurances, rates etc.), financing the cost of purchase, risks involved in mortgaging etc.**

**Key Finding #14 – Organisational capacity, sustainable governance and securing investments and/or government funding, is integral to supporting the implementation of projects explored.**

**Key Finding #15 – All Pilots developed a technical (land asset understanding) as well as community knowledge base which may inform future developments on the lands explored.**

Whilst Pilots were not anticipated to achieve medium and long-term outcomes within their timeframe, Yaran noted progress toward long-term outcomes where evidence was available with consideration of the following aspects:

- Indigenous landowners can better leverage their land assets for economic benefits.
- Indigenous landholders can more freely pursue their own economic, social and cultural development practices.

The Pilots cover a broad spectrum of activities at various stages of project development. The breadth of Pilots selected across different jurisdictions enabled a range of ideas and approaches to be tested which can contribute to developing guidance material for other communities. In relation to achieving the longer term outcomes of realising economic development options, all projects developed a technical (land asset understanding) as well as community knowledge base upon which future developments on Indigenous lands can benefit. However, the implementation of developments was impacted in two Pilots, one due to lack of funding and changes in organisational governance and another due to expected land agreements not being achieved. The evaluation highlighted that land tenure compensation and securing investments and/or government funding, is integral to supporting the implementation pathway projects explored.

The following improved outcomes and progress toward longer-term outcomes were confirmed:

### Indigenous Employment – New Roles

- Pilot Three engaged one Indigenous employee to advance the Banyala Land Management project.
- Pilot Five engaged four Indigenous employees through the construction contractor and the local community was engaged to manage work providing consulting services and surveys.
- Pilot Six resulted in a new part time position at the NNTC as well as casual engagement of Board Members across the three participating Corporations. Although there is currently no direct Indigenous employment within the CSIRO core team, at the time of consultation, five new positions were being created, with an affirmative action process to be used to encourage Indigenous employment.

### **Infrastructure Development**

- A new infrastructure opportunity had been secured by one Corporation with multiple grants (attributed to Pilot Six) and another Pilot extended through to completion on ground works (Pilot Five).

### **Housing**

- Pilot Four enabled an ILUA to permit social housing upgrades and development. Pilot documents report 26 applicants for a '99 year' home ownership leases.
- Pilot Five achieved improvements in development and home ownership in the short-term. Pilot Five has noted there is one, possibly two home occupants that have taken up homeownership in Mossman Gorge, whereas before the Pilot, there was no homeownership among home occupants. Since commencement, this Pilot has seen the responsibility of municipal infrastructure transferred to the Douglas Shire Council.

### **Advocacy**

- The KRED Pilot report has since been used in an 'Expression of Interest' application to the Western Australia Government for the bush foods project and is used for lobbying and advocacy purposes.

## 5 Recommendations

Based on our findings set out above **we make the following recommendations on how to leverage the evaluation findings to promote innovation and economic development on Indigenous lands in Northern Australia.**

### Continue supporting project approaches to further develop options for Indigenous people involving land tenure.

**Recommendation 1:** The Northern Australia White Paper should support building further strategic approaches to economic development which can benefit multiple communities (Refer to Key Finding 4).

**Recommendation 2:** Future Northern Australia White Paper measures should continue to support the development of Indigenous economic development projects including the following best practice processes:

- a) Promote and provide access to appropriate funding options.
- b) Support communities and organisations to develop robust project proposals that meet project criteria/guidelines.
- c) Support access to required technical expertise and partnerships and collaborations that can promote innovative development options.
- d) Support frameworks that promote long-term implementation e.g. prospectuses or investment pathways (Refer to Key Findings 8 and 12).
- e) Explore land tenure projects supportive to economic development within jurisdictional contexts.

### Share the Lessons Learnt

**Recommendation 3:** Future Northern Australia White Paper measures should include mechanisms and processes to share lessons learnt in projects including:

- a) Build in a progress milestone to document lessons learnt (Refer to Key Findings 8 and 12) and require participants to participate in future evaluations (identified in Project or Grant Head Agreements).
- b) Develop a report and summary sheet on lessons learnt and make this available to relevant communities and run workshops or information sessions for interested parties (Refer to Key Finding 11).
- c) Where appropriate share template agreements developed in support of economic development activity on Aboriginal land (eg. Indigenous Land Use Agreements) (Refer to Key Finding 10).
- d) Where appropriate, develop and share core principles/approaches for developing project prospectuses for innovative developments on Indigenous land (scope includes agreed definitions, key values, design and shared language) (Refer to Key Finding 9).

### Further Create the Right Conditions/Context to Support Future Development Opportunities.

**Recommendation 4:** NIAA should continue to support capacity building activities of prescribed body corporates in the priority areas of governance, resources, skills, expertise and knowledge in order to facilitate capacity to undertake development on Indigenous lands.

**Recommendation 5:** NIAA to support home-ownership options where it is consistent with local aspirations. Working in collaboration with IBA and Housing Departments (Commonwealth and Local) to promote practical support and education on home ownership for community members where relevant (Refer to Key Findings 13).

## 6 Conclusion

The six Pilot projects enabled an exploration of land tenure innovation and economic development options across the Queensland, Northern Territory and Western Australian jurisdictions of northern Australia.

The Pilots highlight the extensive capacity and skills needed to sufficiently explore developments within varying land tenure contexts inclusive of local knowledge, community-led approaches and technical skills (science, legal and financial). Funding made available through the Pilots enabled research and progression toward nine developments (3 agricultural projects, 4 tourism based projects and 2 town/municipal services based developments).

Pilots can be an effective mechanism to encourage thorough exploration of developments and test a variety of approaches. However, to support the momentum of the White Paper it is important that future projects have potential longevity through community support and potential linkages to investment and/or funding pathways. This longevity would support a practical platform for ongoing sharing of lessons learnt and inspire developments across other communities.

Through the selection and exploration of innovative projects, the outcomes and reported learnings through the Pilots highlight some principles worthy of consideration for all future developments, such as:

- Support for strategic, integrated approaches to planning on country.
- The importance of technical support for the exploration of land asset-based opportunities, under-pinned by Indigenous-led science.
- Capacity building and governance support for PBCs and/or project corporations.
- Producing information on Indigenous land holdings in a manner which embeds community values and language in prospectus development.

The Pilots highlighted some challenges associated with progressing development on Indigenous owned land. Where relevant, Pilots recommended pathways to support development within existing tenure contexts and legislative frameworks. The Pilots also contributed toward learnings for ILUA tenure resolution methodology and template documentation.

The evaluation identifies opportunities to maximise the benefits of future projects and to enhance confidence for recipients through approaches which: embed sufficient timeframes and funding for exploration; are informed through strategic community land planning; support cross -sectoral Pilot partnerships with access to technical expertise (legal, science and/or financial), and demonstrate linkages to potential investment and/or funding pathways.

## APPENDICES

### Appendix A: Land Tenure Pilot Snapshots

This Appendix provides further details on the nature of each of the six land tenure Pilots.

For each Pilot the following is summarised:

- A strategic snap-shot of Pilot strengths.
- Pilot Summary Details – The recipient, value, target communities, current status of land tenure and the Pilot outcome goals.
- Pilot Innovation – The details of the Pilot and the innovation in tenure and/or land use and engagement proposed through the project. Including how the Pilot intended to be transferable.
- Pilot Delivery – Summary details of how the Pilot was executed, including engagement approaches.
- Pilot Outcomes and Lessons Learnt – The Pilot outcomes as well as lessons learnt based on the document review and semi-structured interviews.

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#### PILOT ONE – KRED ENTERPRISES PTY LTD - LONG TERM, SECURE AND TRADEABLE LAND TENURE

##### Pilot Summary Details

A summary of key points to note regarding this Pilot are shown in Table 5 and key Pilot strengths noted were:

Key pilot strengths:

- The pilot enabled a comprehensive study of Aboriginal land tenure and economic development in Western Australia.
- Two potential tenure models were explored and presented for the Western Australia context:
  - Legislation Model - legislative reform which will permit precise replication of the Northern Territory's township leasing model.
  - Indigenous Land Use Agreement (ILUA) Model – Developing ILUAs which invoke the non-extinguishment principle to allow tenure to be created which will not extinguish native title.
- The Pilot achieved broad consultation on opportunities and barriers associated with both models with Native Title Holders, State agencies, Indigenous Business Australia (IBA) and the Financial Sector

**Table 5 - Pilot One KRED Enterprises Key Points**

<b>Grant Recipient-</b>	KRED Enterprises Pty Ltd
<b>Timeframe</b>	Start - May 2016. End – June 2017
<b>Target Communities</b>	Selected Aboriginal Communities within the Kimberly region of Western Australia, namely <ul style="list-style-type: none"> <li>• Ardyaloon</li> <li>• Djarindjm and Lombadina</li> <li>• Bidyadanga</li> </ul>
<b>Pilot Outcome Goals</b>	<ul style="list-style-type: none"> <li>• Analyse private tenure leasing models.</li> <li>• Test how an Northern Territory model may apply in the Kimberley.</li> <li>• Identify gaps in policy, legislation and governance.</li> <li>• Prepare a report on different models of land holding and administration.</li> </ul>
<b>Land Tenure / Use Innovation Objective</b>	To provide private, secure and tradable tenures for the Kimberley Aboriginal communities using the Northern Territory’s ‘Township Leasing regime’, as a reference point. Investigate challenges in the Western Australia legislative context.

**Pilot Innovation**

KRED Enterprises was engaged through the Pilots Program to investigate options of land tenure models and frameworks to create commercial and home ownership opportunities for Aboriginal communities. KRED was the Karajarri Traditional Lands Association representative in relation to the Pilot. This Pilot focused on the Kimberley Aboriginal communities with the aim of providing private, secure and tradable tenures for these communities without diminishing their native rights and interests. The project used the Northern Territory’s ‘Township Leasing regime’, as a reference point and its scope included assessment of gaps in policy, legislation and governance analysis.

This project involved the Kimberley Native Title Holders (NTHs), the Bardi Jawi and the Karajarri NTHs <sup>15</sup>. Native Title representatives in the region include:

- The Kimberley Land Council - the Native Title Representative Body (NTRB) for the Kimberley region.
- The Bardi and Jawi Niimidiman Aboriginal Corporation - manages the native title rights and interests on behalf of the Bardi and Jawi people.
- The Karajarri Traditional Lands Association - manages the native title rights and interests of the Karajarri people.

The scope of this Pilot was to explore tenure options which could support economic development and home ownership in the Kimberley region in consultation with Pilot stakeholders, including:

- NTH’s.
- Western Australia Government Agencies, regional organisations, IBA, Australian Human Rights Organisation.

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<sup>15</sup> KRED Enterprises – Land Tenure Model and Home Ownership Project 1 Final Report November 2017

- The Financial Sector.

Two models of land tenure were developed and submitted to the NTHs:

- The ILUA Model: Tenure creation which provides long term, secure and potentially tradeable tenure without extinguishing native title and without the requirement of legislative reform.
- The Legislation Model: Legislative reform which will permit replication of the Northern Territory's Township Leasing model.

The history of interaction with Indigenous peoples has influenced the legislative context of Western Australia<sup>16</sup> and has led to significant differences in the legislative regimes with other States and Territories, especially between Western Australia and Northern Territory. In this context, there are several challenges to Land Tenure that were identified to be investigated through the Pilot as shown in Table 6.

**Table 6 - Pilot One Land Tenure Issues to be Investigated**

Land Tenure Issue Facing Pilot	Context	Level of Priority/Potential Impact of Pilot
Western Australia specific history in relation to Aboriginal people	History of relations between Government and Indigenous communities can explain Western Australia legislative context which is less beneficial for Indigenous people than in Northern Territory.	Middle/long term
Kimberley region on ALT Estate	Most communities in the Kimberley are situated on the ALT Estate - Divestment of ALT Estate process commenced by Government but abandoned. Regional priority for NTH.	Regional priority for NTHs. If not resolved, likely to hinder consultation progress and implementation phase
Non-extinguishment of native title	NTH opposition to surrender native title rights and interests regardless of the option suggested.	Fundamental requirement
Western Australia legislation context	Northern Territory model, which is relevant to NTH interest, is not immediately possible in Western Australia (lack of Aboriginal title).	Long term change needed
Land tenure funding	Availability of funding for implementation and management of the models which does not imply extinguishment of Northern Territory rights.	Fundamental to support implementation & on-going management

<sup>16</sup> Aboriginal Land in Western Australian - KRED Enterprises – Land Tenure Model and Home Ownership Project 1 Final Report November 2017

## Pilot Delivery

The consultation phase with Bardi Jawi and Karajarri NTHs, to investigate the land tenure model and home ownership, was held between July 2016 and September 2017 and included: KARAJARRI TLA, Bard Jawi PBC, KLC, an individual NTH, Ardyaloon, Lombadina and Djarindjin Community Councils. During this phase, both land tenure models developed by KRED were explained and NTH views were sought. The discussion focused on:

- The form of tenure appropriate to be issued following divestment of the ALT Estate.
- Native title holder aspirations for community land use.
- What would be an appropriate entity to hold tenure.

The Pilot report gives voice to most of the people consulted noting mixed opinion.

During the consultation meetings, KRED ensured that NTHs understood the Pilot purpose, process and context; progress updates were also provided. Native title holders were also informed about the outcomes of consultations with external parties, approvals, report findings and any endorsements received.

Consultation methods aimed to enable free expression, not only in relation to the models of land tenure suggested but also in relation to any land tenure issues. A range of concerns were raised in relation to Government programs and consultation processes as well as perceived impediments to land tenure models such as the need for strategic and cultural mapping and planning and the inability of many residents to service a loan.

A number of organisations provided technical support to investigate legal and administrative options through the project including related issues raised by NTHs. The supporting stakeholders included Western Australia Governmental agencies, regional organisations, IBA, Australian Human Right organisations.

Support to investigate financial aspects of the project including financial options for homeownership were also provided by the Financial sector including: Bankwest, Commonwealth Bank, Westpac, ANZ Bank, IBA, Rabobank, Indigenous Land Corporation and National Australia Bank. KRED again conveyed issues raised by native title options.

## Pilot Outcomes and Lessons Learnt

*'This has been the most comprehensive study of Aboriginal land tenure and economic development in Western Australia'. (Pilot Recipient Representative)*

This Pilot has been completed and grant funds have been entirely allocated, with the following performance targets specified in the Head Agreement and Project Schedule met<sup>17</sup>:

- Appropriate connection with Indigenous communities and relevant local services to facilitate engagement and involvement in funded activities.
- Feedback documented including a report with the relevant information on Northern Territory and Western Australia tenure regimes, advantages and drawbacks analysis and identification of gaps in policies and options to address them.

The Pilot finished by the Agreed due date, at the end of 2017 and a final report was submitted.

A summary of the Pilot outcomes achieved against the land tenure issues investigated is shown in Table 7.

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<sup>17</sup> Australian Government – Department of Prime Minister and Cabinet. Head agreement for Indigenous Grants dated 06.05.16

**Table 7 - Pilot One Outcomes Achieved Against Land Tenure Issues**

Land Tenure Issue Facing Pilot	Measures applied during Pilot	Pilot Suggestions	Stakeholders
Western Australia land tenure context	Investigation of land tenure model supported by new legislation enabling replication of the Northern Territory Township Leasing model	Promotion of 'beneficial legislation' in Western Australia	NTHs Government
Kimberley region on ALT Estate	NTH Consultation Recommendation: The State to create legislation that transfers the ALT held lands to a RNTBC or other suitable entity	Raise awareness on behalf of NTH	NTHs Government
Non-extinguishment of native title	Investigation of 2 options of land tenure models that consider both constraints (Township Leasing model/tenure creation) while keeping native title: ILUA model – short term Legislation model – middle/long term	Advocate for the priorities of NTH	NTHs Government
Land tenure funding	Investigation of funding options Northern Territory's Township Leasing model reviewed to identify relevant system (especially for homeownership) Financial sector consultation (limited opportunities to raise capital for home ownership on tenure)	SWOT analysis (Strengths, weakness, opportunities, threats)	NTHs Government Financial sector

Outcomes sought from this Pilot included enabling economic development through the Western Australia land tenure process and a right to negotiate under land tenure agreements.

The Pilot reports indicate that the objectives of the Pilot had been met in relation to agreements, consultation and the provision of expert advice on expanding land use and enterprise development. The consultation process involved a range of NTH representatives as well as Government agencies and financial experts. The summary of the discussions disclosed within the KRED progress reports confirm that these different stakeholders were extensively involved and contributed largely to the Pilot design and development. It was reported that extensive consultation raised the expectations and hopes of the communities, which may have adverse implications should the projects not be realised. It should be noted that Yaran was unable to ascertain individual Pilot stakeholder feedback on the KRED process undertaken and associated reports.

**Lessons Learnt - Overarching Implications for Future Reform**

The Legislation Model investigated through the Pilot, would permit the Township Leasing model to coexist with native title, with the land being held by a traditional and culturally appropriate body (an equivalent model to the community entity Township Leasing model first introduced in the Northern Territory in 2017). This option would require legislative reform and should permit replication of the Northern Territory's Township Leasing model in Western Australia.

The land tenure model that uses Indigenous Land Use Agreements (ILUAs) appeals to the non-extinguishment principle to allow tenure to be created while keeping native title. Although legislative change might support the implementation of this option, it can be implemented as it is.

The Pilot highlighted that the following support and funding would be required to support future reform:

- Financial support:
  - The financial compensation process is a central factor for ILUA model.
  - Ensure a relevant and stable legal/policy context for models to be implemented and for investments to occur (certainty is key for the financial sector).
- Cultural and social support:
  - Ensure native title rights and interests are considered in any assessment of appropriate levels of compensation (non-extinguishment of native title is a fundamental requirement, linked to social identity).

The KRED Pilot highlights the following gaps and lessons learnt which would need to be addressed for future reform:

- Policy and legislative gaps:
  - Freezing of divestment of ALT Estate is likely to block the Pilot including the consultation phase.
  - State funds are not currently available to advance the implementation of either model (a position that might reflect policy rather than law).
  - The current Western Australia State Government policy implies that NTHs will not be compensated for the creation of secure tenure in Aboriginal communities or on native title lands, other than by way of the grant of the tenure itself.
- Relationship between land tenure and economic development:
  - Lack of tenure alone is not prohibitive to fundraising - Native title rights and interests do not require extinguishment for loans to be appropriately secured.

The KRED Pilot reports highlight that the Indigenous landholders would require the following resources and capacity to pursue land tenure reform and economic development:

- Any model adopted in Western Australia must be supported by appropriate funding and support for implementation and on-going management.
- Ensure a legal and policy context of trust/confidence; a key factor for the financial sector – This might be fulfilled completely by implementing the Legislative Model and to a significant extent with the ILUA Model.
- Native title holders expressed a strong desire to use native title lands to generate income and access to home ownership (finance is required for these aspirations).
- Appropriate investment from both the public and private sectors enhanced by the Commonwealth and COAG vision for a thriving Northern Australian economy should be prioritised.

## PILOT TWO – KRED ENTERPRISES PTY LTD - ECONOMIC DEVELOPMENT ON BROAD ACRE INDIGENOUS LAND

### Pilot Summary Details

A summary of key points to note regarding this Pilot are shown in Table 8 and key Pilot strengths noted were:

Key pilot strengths:

- Investigated land use aspirations with native title holders.
- Explored and developed interim frameworks for 4 commercial projects on Bardi Jawi and Karajarri lands, based on existing forms of tenure in the short term.
- Consultation with community, a range of government agencies and the financial sector was accomplished.

**Table 8 - Pilot Two KRED Enterprises Key Points**

<b>Grant Recipient</b>	KRED Enterprises Pty Ltd
<b>Timeframe</b>	Start - May 2016. End – June 2017
<b>Target Communities</b>	Kimberley: <ul style="list-style-type: none"> <li>• Frazier Downs Station/Karajarri Traditional Land Association Aboriginal Corporation RNTBC lands.</li> <li>• Land in which the Bardi Jawi have an interest.</li> </ul>
<b>Pilot Outcome Goals</b>	Progress land tenure reform to support economic development and simpler more efficient investment. To prepare a report on options to progress tenure reform and economic development.
<b>Land Tenure / Use Innovation Objective</b>	To provide private, secure and tradable tenures for the Kimberley Aboriginal communities using the Northern Territory’s ‘Township Leasing regime’, as a reference point. Investigate challenges in the Western Australia legislative context.

### Pilot Innovation

KRED was awarded a grant by the NIAA to progress land tenure reform and to support economic development in a way that will benefit businesses and Indigenous communities of the Karajarri and Bardi Jawi NTHs. This Pilot was aimed at identifying the Traditional Owner aspirations in relation to the Frazier Downs Station, the Karajarri Traditional Lands Association, Aboriginal Corporation governed lands and land where Bardi Jawi have an interest. The Bardi Jawi NTHs are the Traditional Owners of the lands that include the Northern part of the Dampier Peninsula and the waters within the Buccaneer Archipelago. The Karajarri NTHs are the Traditional Owners of the lands around the Bidyadanga Community (formerly known as La Grange Mission) south-east of the town of Broome. The Bardi and Jawi Niimidiman Aboriginal Corporation RNTBC manages the native title rights on behalf of the Bardi and Jawi people, and the Karajarri Traditional Lands Association RNTBC manages the native title rights of the Karajarri people<sup>18</sup>. Although the Bardi Jawi and Karajarri NTHs hold

<sup>18</sup> Kimberley Land Council – Native Title Map. <https://www.klc.org.au/native-title-map> September 2019

native title rights over most of their traditional lands and waters, they hold no land tenure, except for the Karajarri who hold tenure over Frazier Downs Station.

This Pilot expanded on the outcomes of Pilot One which suggested two pathways for land tenure. Despite the difficulties described in Pilot One in relation to native title and its incompatibility with the Western Australian land tenure system, Pilot Two focused on commercial activities that can be developed on existing forms of tenure in the short term. Commercial activities identified, included:

- The expansion of a tourism business in Gumbanan on Bardi Jawi native title lands and Ardyaloon Community.
- The extension of the Ardyaloon hatchery business within Ardyaloon Community.
- An irrigated agriculture for livestock fodder and a bush foods project within the Frazier Downs pastoral lease.

Various organisations were involved in this Pilot, including Bardi Jawi and Karajarri NTHs, Department of Land and the Department of Aboriginal Affairs, State Government, Financial Institutions, Broome Shire IBA and other non-Indigenous stakeholders.

### Pilot Delivery

Consultation revealed that Bardi Jawi and Karajarri NTHs have significant aspirations for home ownership and commerce however they currently hold no tenure upon which to pursue these opportunities<sup>19</sup>. Tenure issues investigated by KRED highlighted regional tensions arising from the incompatibility of Western Australia’s land tenure system with native title, identified in Pilot One as well as Governmental policies which are considered to have misunderstood the respective social organisation of the Bardi Jawi and Karajarri people. In addition to land tenure issues, other factors such as low employment levels, low income, remoteness and lack of economic opportunities are suggested considerations for long term economic development.

Despite the challenges, KRED reported four commercial proposals which can be implemented immediately. Table 9 summarises the Pilot outcomes achieved against the land tenure issues to be investigated.

**Table 9 - Pilot Two Outcomes Achieved Against Land Tenure Issues**

Land Tenure Issues	Specific barriers	Measures put in place during the Pilot to Address Issue
Barriers to achieving NTH economic aspiration	Lack of available land tenure and access to capital funding was the most common barrier mentioned by NTHs to achieve their objectives.	Appropriate land tenure framework was developed. Governmental agencies and financial sector were consulted. KRED identified capital to expand businesses without the requirement of tenure as security.
Barriers for home ownership	Risk of native title extinguishment and lack of control. Difficulty to service a loan and to afford maintenance cost.	The ILUA and Legislation Models discussed earlier in this report (Cf. Pilot One) provide options for tenure to be created for appropriate home ownership.

<sup>19</sup> KRED Enterprises 2017 - Project 2 Development of Broad Acre Indigenous Land – Frazier Downs Agriculture Project and Bardi Jawi Tourism Project – Final Report

<b>Land Tenure Issues</b>	<b>Specific barriers</b>	<b>Measures put in place during the Pilot to Address Issue</b>
Lack of land tenure	Resolution required to implement the long-term social and economic aspirations of the RNTBCs.	State Government informed of issues.
Inability to use land tenure subject to native title to raise capital	Resolution required to implement the long-term social and economic aspirations of the RNTBCs.	Options to support economic development and home ownership were investigated with financial sector stakeholders and a Memorandum of Understanding was developed with an international investor.
On-going governance issues with the Community Councils	Resolution required to implement the long-term social and economic aspirations of the RNTBCs.	A proposed holistic framework to manage governance issues was adopted during the duration of the Pilot.
Land administration (ILUAs cost, land use agreements management)	Resolution required to implement the long-term social and economic aspirations of the RNTBCs.	State Government informed of issues.
A lack of adequate relevant resources available to the RTNBC.	Resolution required to implement the long-term social and economic aspirations of the RNTBCs.	State Government informed of issues.
Risk for Gumbanan project of being stymied	Risk related to cultural mapping.	Cultural and strategic mapping to take place to ensure appropriate sub-lease between Ardyaloon and Gumbanan.
'Consultation fatigue'	Years of consultation without implementation of consultation-feedback.	State Government informed of issues.
Tenure alone may be insufficient to raise finance	Must be complemented by appropriate governance, policy and business capacity development as well as the development of a market.	State Government informed of issues.
Length of administrative process	Divestment process and both suggested Models will need at least a couple of years to be implemented.	Identified interim tenure solutions with capital to expand small businesses without the requirement of tenure as security.
Financial sector awareness of native title issues	There is an apparent lack of awareness about Native Title with reference to tenure and security, within the financial sector.	Capacity building of the financial sector in relation to tenure and security; especially in relation to mechanisms to manage financial risk associated with lending for enterprise on native title lands.

### **Pilot Stakeholder Consultation and Negotiation**

The consultation phase with Bardi Jawi and Karajarri NTHs was held by KRED between February 2016 and October 2017. KRED engaged with the Bardi Jawi and Karajarri NTH at their respective RNTBC Board and member meetings, to seek their views on land use aspirations, opportunities for commercial ventures and preferred tenure options to support these. They also considered NTH aspirations for social and other economic uses. During the consultations, the Bardi Jawi NTH identified principles for appropriate tenure which were shared by the Karajarri. The NTHs also identified some key strategies for a successful framework for long-term economic development. KRED included in its report the choices expressed by the NTHs, including details of the form of tenure to be issued, the method in which the land would be used once tenure was granted and the body most appropriate to hold that tenure. In the short-term, the Directors of the Bardi Jawi PBC and the KARAJARRI TLA supported using the interim tenure solutions to implement the proposals.

The NTHs (NTHs) engaged included KARAJARRI TLA, Bard Jawi PBC, KLC, Individual NTH, Ardyaloon, Lombadina and Djarindjin Community Councils. The NTHs raised a range of issues in relation to land tenure and especially the need for divestment of the ALT Estate as well as a categorical refusal of native title extinguishment. Tension between corporate (non-native title) governance and cultural (native title) governance was also mentioned.

KRED noted a 'Consultation fatigue' as NTHs had been consulted extensively without concrete actions or outcomes. This has resulted in scepticism in relation to whether outcomes of the project would be implemented and a reluctance to participate until the Government demonstrates action on previous issues raised. The KRED report gives voice to the majority of the people consulted and exposes differing views.

KRED engaged the Department of Land and the Department of Aboriginal Affairs' expertise in developing the land tenure pathway, and options for land tenure reform were considered. KRED engaged with numerous financial sector representatives to seek appropriate financing which could support NTH in their commercial aspirations. They engaged with the Broome Shire, IBA and other non-Indigenous stakeholders in seeking their experience in relation to tenure pathways and interim solutions.

Governmental agencies and financial sector stakeholders consulted included:

- Western Australia Government Agencies, regional organisations, IBA, Australian Human Right Organisation, Parliament of Australia. They provided technical support to investigate legal and administrative options. KRED reported issues raised by NTH throughout the consultation.
- Financial sector: Bankwest, Commonwealth Bank, Westpac, ANZ Bank, IBA, Rabobank, Indigenous Land Corporation, National Australia Bank, Outback Spirit Foundation, Boston Leisure & Tourism, North Regional TAFE, Upah & Co. They brought support and insight to investigate financial options for home ownership and business development.

### Pilot Outcomes and Lessons Learnt

The Pilot has been completed and funds have been entirely spent. The timeframe provided by the Australian Government Agreement was met including the delivery of the final report by the end of 2017<sup>20</sup>. KRED has met the following performance targets specified in the Agreement and Project Schedule<sup>21</sup>.

- Appropriate connection with Indigenous communities and relevant local services to facilitate engagement and involvement in funded activities.
- Feedback and other validation reported including a report with the relevant information.

The objectives of the Pilot have been met with regard to agreement making, consultation and the provision of expert advice on expanding land use and enterprise development. The consultation process involved a range of NTH representatives as well as Government agencies and financial organisation experts. The previous section describes how the consultations were undertaken, and the summary of the discussions disclosed within the KRED report attachments, confirm that these different stakeholders were extensively involved and contributed largely to Pilot design and development. KRED details the outcomes outlined in the Agreement as follows:

- Identification, mapping and documentation of NTH aspirations in relation to the Pilot sites.
- Identification of viable commercial opportunities.
- Identification and suggestion of appropriate land tenure frameworks substantiated by Governmental agencies, financial sector advice. Long term and short-term land tenure frameworks are provided and justified. The report includes methodology and budget to implement them.

### Overarching Implications for Future Reform

The KRED Pilot reports highlight the following options for further exploration:

- The NTH desire to have community housing return to the direct control of the local NTH was more important than their aspiration of individual home ownership.
- KRED CEO has found an investor and a Memorandum of Understanding has been signed to assist NTHs to access capital for development.
- Private sector investment has been identified for a significant part of the bush foods and fodder project - the report has been used as an “Expression of Interest” application to the Western Australia Government.
- Discussions took place with investors in relation to the application of investment funds within the Karajarri and Bardi Jawi areas for tourism, agricultural, pastoral and infrastructure purposes.
- A key example of a successful business located on secure tenure (being freehold land) is the Kooljaman Resort which is the largest tourism business currently operating on the Dampier Peninsula and is jointly owned by the Ardyaloon and Djarindjin Communities

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<sup>20</sup> Australian Government – Department of Prime Minister and Cabinet. Head Agreement for Indigenous Grants dated 06.05.16

<sup>21</sup> Australian Government – Department of Prime Minister and Cabinet. Head Agreement for Indigenous Grants dated 06.05.16

The KRED Pilot highlights the following gaps and lessons learnt, which would need to be addressed for future reform:

- Regional tension is inherent due to the incompatibility of Western Australia's land tenure system with native title as well as Governmental policies which misunderstood the respective social organisation of NTHs.
- 'Consultation fatigue' and loss of confidence in Government actions due to NTH having been consulted extensively without concrete outcomes, particularly in relation to the divestment of ALT Estate.
- There is a need to increase financiers' awareness of the intricacies of native title with reference to tenure and security.
- In addition to land tenure issues, economic development can be hindered by low employment levels, low income, remoteness and lack of economic opportunities.
- Other gaps identified through the Pilot include:
  - Lack of land tenure
  - Inability to use land tenure subject to native title to raise capital
  - On-going governance issues with the Community Councils
  - Land administration barriers
  - RTNBC's lack of adequate resources
  - No funding for project development and implementation

The Pilot highlights that the Indigenous landholders would require the following resources and capacity to pursue land tenure reform and economic development:

- Cultural and strategic mapping and planning to assist RTNBC in its statutory land use functions. This will include economic and future land use planning and, land access management and is relevant for the divestment of ALT Estate and the issue of subordinate interests by the RNTBC once underlying tenure has been granted to it.
- Reconciliation, clarification and understanding of the governance roles between the Community Councils and the Bardi Jawi PBC and KARAJARRI TLA, which is also essential for the divestment of ALT Estate.
- The creation of new form of tenure which complements native title - Either through the ILUA or the Legislation Models.

To Yaran's knowledge, the economic development projects proposed have not progressed since the completion of the Pilot reports.

## PILOT THREE – BANIYALA LAND MANAGEMENT – STAGES 1 AND 2

### Pilot Summary Details

A summary of key points to note regarding this Pilot are shown in Table 10 and key Pilot strengths noted were:

Key pilot strengths:

- Governance capacity building of the BNLA (Strategic Corporate Plan, Budget, Land Management Strategy).
- Cadastral mapping (commenced not finalised).
- Prepared and submitted delegation under S28A of the Land Rights Act.
- Established a Secretariat of the BNLA.
- Employed a Town Manager.

Table 10 - Pilot Three Baniyala Land Management Corporation Key Points

<b>Grant Recipient</b>	Indigenous Community Development Fund
<b>Timeframe</b>	Start – May 2016. End – June 2019
<b>Target Communities</b>	Baniyala Aboriginal Community
<b>Pilot Outcome Goals</b>	<p>Stage 1:</p> <ul style="list-style-type: none"> <li>• To assist the Baniyala community to establish a landowner corporation and undertake land planning, to seek a delegation of the NLC land management powers and function (under s28A of the Aboriginal Land Rights (Northern Territory) Act 1976).</li> <li>• To provide a demonstration for other Aboriginal communities.</li> </ul> <p>Stage 2:</p> <ul style="list-style-type: none"> <li>• Prepare the application for delegation under S28A of the Land Rights Act to the best standard possible.</li> <li>• Establish the secretariat of the BNLA and relationship with NLC.</li> <li>• Build land management capacity and corporate governance of BNLA.</li> <li>• Employ a Town Manager.</li> </ul>
<b>Land Tenure / Use Innovation Objective</b>	<p>To inform land management and local decision making in the Northern Territory.</p> <p>To seek a delegation of the NLC’s land management powers and function.</p>

### Pilot Innovation

A Pilot grant was awarded to the Indigenous Community Development Fund - “ICDF” to coordinate and lead the Baniyala Land Management Corporation (BLMC) Project. This project involved two stages.

- Stage 1 - Creation of an Aboriginal and Torres Strait Islander Corporation, develop necessary corporate structures and governance, and begin land management and planning processes to prepare the Corporation for applying for delegation.
- Stage 2 - Submit application for delegation (under S28A of the Land Rights Act) establish secretariat of the Corporation and working relationship with the NLC, build capacity for land administration and governance for the Corporation, and developing capacity of the Baniyala Garrangali Aboriginal Corporation and employment of a Town Manager.

As this project was the first of its kind, it was hoped this would provide a demonstration for other Aboriginal communities of the requirements and steps to inform land management and local decision making in the Northern Territory.

This Pilot aimed to support the Baniyala community in North East Arnhem Land, Northern Territory to establish a landowner corporation, and undertake land planning in order to seek a delegation of the NLC’s land management powers and functions. The NLC exercise power and functions in relation to land management of Baniyala lands under the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) (the ‘ALRA’). The NLC exercise these functions and powers on behalf of the traditional Aboriginal owners. The traditional Aboriginal owners of Baniyala have expressed their wish to manage their land directly.

The Government has introduced amendments to the Land Rights Act to repeal s.28A. The work completed through the Pilot is applicable to supporting a township lease under s.19A of the Land Rights Act should the community seek to pursue this option.

### Pilot Delivery

Various stakeholder organisations as shown in Table 11 were engaged throughout this Pilot to help achieve the desired outcomes.

**Table 11 - Pilot Three Stakeholder Organisations**

Stakeholder	Engagement
DHCD	Township survey; land use management framework.
DIPL	Township survey; land use management framework.
DLA Piper	Pro bono support for BNLA and Baniyala Garrangali Aboriginal Corporation (BGAC) rulebook.
Grant Thornton	Pro bono support for BNLA governance, delegation application.
LHAC	Support for development of Baniyala town plans.
MEP	Funding for BGAC Business Manager; coordination of BGAC activities; local employment programs.
NLC	Negotiations regarding the devolution of powers to the BNLA to make land use decisions.
Northern Territory Department of the Chief Minister	Strategic support for Baniyala and regional economic development plans.

Stakeholder	Engagement
Northern Territory Department of Trade, Business and Innovation	Funding and strategic support for Baniyala and regional economic development planning.
ORIC	Primary guidance on the process and requirements for registering the BNLA; training for BNLA and BGAC Directors.
PMC	Scheduled reports and routine discussions as determined by the contract manager and the Project Manager.
Prime Minister's Indigenous Advisory Council	Strategic support for development of homelands.
Westpac Bank	Assisting in investigating options regarding an Indigenous Housing Corporation.

As the Pilot project manager, the ICDF proposed to work together with the Traditional Owners of Baniyala to address land ownership and management issues. To deliver on this Pilot the ICDF:

- Established BNLA - an Aboriginal and Torres Strait Islander corporation that represents the Traditional Owners of Baniyala.
- Supported the BNLA to be in the best position possible to meet the requirements of application of delegation under s28A of the *Aboriginal Land Rights (Northern Territory) Act 1976 (CTH)*.
- Developed the required documents for the BNLA including Strategic Corporate Plan, Budget, Land Management Strategy and a rulebook representing the view of the people of Baniyala and surrounding homelands, on how they will make local land administration decisions using both Australian and traditional law.
- Worked with the BNLA to ensure their application for delegation met all requirements and is at the best possible standard.
- Assisted in the establishment of a Secretariat of the BNLA and a working relationship with NLC with the aim of effectively administering the land and develop the potential for private housing and other economic activity on Baniyala lands if delegation is agreed by the NLC.
- Supported the BNLA to build capacity for land administration and corporate governance.
- Provided support for reimagining and strengthening the BGAC to perform the function of a 'town council' to administer development controls, manage revenue from leases and local business activity, and improve town services.

Initial stakeholder consultation started in mid 2016. It was understood that to meet the objectives of the project, the Traditional Owners of Baniyala needed to fully understand the decisions they were making in relation to the acceptance of new responsibilities.

Early meetings involved collaborative consultation with the traditional Aboriginal owners and community members of Baniyala, and with relevant entities including Office of the Registrar of Indigenous Corporations (ORIC), the NLC and various other Governmental departments and local enterprises. This consultation and negotiation led to the successful completion of the first stage of the Baniyala Land Management Project- the establishment of the Baniyala Nimbarrki Land Authority. Stage two of the Baniyala Land Management Project continued extensive consultation with traditional Aboriginal owners and community members of Baniyala, and relevant stakeholders.

## Pilot Outcomes and Lessons Learnt

### Implementation Experiences

Consultation allowed the following project objectives to be achieved:

- Application for a delegation of the NLC's land management powers and function (under s28A of the Aboriginal Land Rights (Northern Territory Act) 1976).
- Establishment of a Secretariat of the BNLA and working relationship with the NLC.
- Land administration and governance capacity building of the BNLA.
- Developed capacity of the BGAC and employment of a Town Manager.

Only one deliverable was not achieved, being a complete cadastral survey of Baniyala township, and BHA boundary, and registration of subdivision. Due to funding issues, the final stage of the survey was delayed with the ICDF to directly manage negotiations with the Northern Territory Government and the surveying contractor.

Although one deliverable was not achieved, elements provided in the final report highlight that the Pilot outcomes specified in the Project Schedule have been achieved. This is demonstrated by the following points:

- Number and proportion of Indigenous people employed in the delivery of this project.
- Extent of compliance with the specific information, terms and condition detailed in the project schedule (Refer to details in the Pilot Expectation section).

One local Indigenous person was employed through the Pilot <sup>22</sup>. The Pilot Project reports detail various recommendations and considerations for reform, including:

- Recommended reform and stakeholder role clarification in the negotiation of delegation under s28A
- The exploration of alternate ways private housing can be provided to the Baniyala community and be replicated elsewhere. These include the Township Lease pursuant to section 19A of the Act or an Indigenous Housing Corporation.<sup>23</sup>

The Pilot shares various learnings to support future development including: building capacity for land administration and governance of the BNLA and BGAC and establishing legal administrative frameworks with experienced entities and which are clearly understood by community members.

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<sup>22</sup> Baniyala Land Management Corporation Project (4-37US5YC) Final Performance Report- May 2016 – April 2018

<sup>23</sup> Indigenous Community Development Fund Limited- Project 4-816ONDL Baniyala Land Management Corporation Lessons Learnt 20/09/2020

## PILOT FOUR – MOA TENURE RESOLUTION

### Pilot Summary Details

A summary of key points to note regarding this Pilot are shown in Table 12 and key Pilot strengths noted were:

Key pilot strengths:

- Cadastral mapping of the area.
- Development of an inter-community “Moa Tenure Resolution Accord”.
- Modelling and development of a suite of executable ILUAs – 45 in total: 19 for the Kubin community and 26 for the St Paul’s community.
- Enhanced community cohesion between Traditional Owners and historical residents through consultative process.

**Table 12 - Pilot Four Moa Island Tenure Resolution Project Key Points**

<b>Grant Recipient</b>	Torres Strait Regional Authority.
<b>Timeframe</b>	Start – May 2016. End – December 2017.
<b>Target Communities</b>	<ul style="list-style-type: none"> <li>• Moa Island NTHs and Historical Residents.</li> <li>• Kubin (Mualgal People, NTH).</li> <li>• St. Pauls Community.</li> </ul>
<b>Programme Outcome Goals</b>	<ul style="list-style-type: none"> <li>• Model community-led tenure resolution on Moa Island.</li> <li>• Provide the tenure and processes for economic and social development.</li> <li>• Provide certainty and enhance community cohesion between Traditional Owners and historical residents.</li> <li>• Develop and test new tenure resolution methodology and template documentation, including ILUA templates.</li> </ul>
<b>Land Tenure / Use Innovation Objective</b>	To develop innovations in resolving land tenure and native titles issues in relation to the Mualgal people and the St. Paul’s community on Moa Island in the Torres Strait.

### Pilot Innovation

Historic consultation has revealed that Mualgal native titleholders and the St. Pauls Communities of Moa Island in the Torres Strait, have significant aspirations for home ownership and economic development. A current lack of financial and practical support is a barrier, stopping the communities from achieving these aspirations. Through this Pilot Project, the Torres Strait Regional Authority was funded to progress land tenure reform and to support social and economic development and cohesion in a way that will benefit the Traditional Owners- the Mualgal people and the historic residents of the St. Pauls Community.

The Torres Strait Regional Authority is the Native Title Representative Body for the Torres Strait, including Moa Island<sup>24</sup>. The Mualgal (Torres Strait Islanders) Corporation manages the native title rights and interests on behalf of the Mualgal people and the St. Pauls community. The Mualgal native title claim was one of the first successful native title determinations made after the High Court decision in Mabo. In 1999 the Federal Court determined that exclusive native title rights existed over much of the island.

Moa is the second largest island in the Torres Strait. Post-colonial history gave rise to the division of Moa Island into two communities- Kubin and St. Paul's community. The Island is unique in that it is divided into two Deed of Grants in Trust recognising the traditional (Kubin) and historical interests (St Pauls) of each community, held by the Torres Strait Islander Regional Council as trustee. The estimated population on Moa Island is 446 people, with 95% of whom identify as Aboriginal and/or Torres Strait Islander<sup>25</sup>. Of the 446, 248 reported as living in the St. Pauls Community and 198 in Kubin Community<sup>26</sup>.

In 2002 the Mualgal #2 determination was lodged and over a four year process it was agreed to recognise the Mualgal peoples native title rights to exclusive possession of land and non-exclusive use of water and things within it for person, domestic and non-commercial communal needs. This extends to over 80 uninhabited islands in the Torres Strait (in conjunction with another claim, Badu & Moa People #2)<sup>27</sup>.

The Island's central location within the region increases its potential for economic development, transportation, and as a distribution hub. Currently in this area Public Administration and Safety are the main industries of employment on Moa Island with Education and Training, Retail, Construction and Healthcare also providing employment opportunities. Some small-scale employment enterprises such as community stores and art also offer employment opportunities.

### **Pilot Delivery**

The Pilot Project explored tenure options which could support economic development and home ownership on Moa Island.

TRSA was granted funds to progress The Moa Tenure Resolution Project, which sought to develop innovations in resolving land tenure and native title issues as they relate to Indigenous and non-Indigenous communities on the Island of Moa in the Torres Strait. The proposed Pilot outcomes included:

- Model community-led tenure resolution on Moa Island in the Torres-Strait.
- Provide the tenure and processes for economic and social development now and into the future (including commercial use and private home ownership under leasehold or freehold).
- Provide certainty and enhance community cohesion between Traditional Owners and historical residents.
- Develop and test new tenure resolution methodology and template documentation, including ILUA templates.

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<sup>24</sup> Native Title Tribunal- Representative Aboriginal/Torres Strait Islander Body Areas  
[http://www.nntt.gov.au/Maps/RATSIB\\_map.pdf](http://www.nntt.gov.au/Maps/RATSIB_map.pdf) April 2020

<sup>25</sup> Census 2016

<sup>26</sup> Census 2016

<sup>27</sup> Native Title, Prescribed Bodies Corporate- Mualgal (Torres Strait Islanders) Corporation RNTBC  
<https://www.nativetitle.org.au/find/ptbc/3369>

Pilot stakeholders included the:

- Mualgal NTHs and St. Pauls Communities.
- The National Native Title Tribunal.
- Islanders Board of Industry and Service.
- Local and State Government.
- Mualgal (Torres Strait Islanders) Corporation.
- Department of Home Affairs.

Table 13 summarises the Pilot outcomes achieved against the land tenure issues to be investigated.

**Table 13 - Pilot Four Outcomes Achieved Against Land Tenure Issues**

Land Tenure Issues	Comments	Measures put in place during the Pilot to Address Issue
Barriers to achieving economic aspiration	Lack of available commercial opportunities and access to practical and financial support were common barriers mentioned by NTH to achieve their objectives.	Identified appropriate land tenure framework. Consulted with Governmental agencies and financial sector. TSRA identified opportunities for potential businesses.
Barriers for home ownership	Lack of available access to practical and financial support were common barriers mentioned by NTH to achieve their objectives.	The ILUA provides options for tenure to be created for appropriate home ownership.
Traditional Boundary Mapping on hold	Recent court decisions require provisions of mapping provided causing hold in completion of mapping.	DNRM indicates mapping available in 2019 and upon receipt, traditional boundary mapping program will be revisited.
Tenure alone may be insufficient to raise finance	Must be complemented by appropriate governance and policy as well as leadership and business skills and development of a market.	Raised this issue with the State and Local Government.
Compensation Settlements	Comprehensive Native Title Settlement proposed but placed on hold due to "Timber Creek" matter.	Discussion with QRBA resolved that any settlement should be progressed on regional basis but no longer actioned under this project.

### Pilot Stakeholder Consultation and Negotiation

The Mualgal NTHs and the St. Pauls Community were engaged to seek their views on land use aspirations, opportunities for commercial ventures and preferred tenure options to support these. This project was initiated through a community decision made at a meeting at Moa in September 2015 and May 2016.

The National Native Title Tribunal (NNTT) was engaged at an early stage to undertake cadastral mapping and facilitate the intra-community and cross-community consultation. Senior Traditional Owners of the Mualgal People and representatives of the St Paul's community successfully participated in extensive intra-community and cross-community consultation and inquiry to carefully consider each of the desired outcomes. The consultation process resulted in the development of an inter-community Accord and ILUAs, which met the goals of the project for sustainable and integrated Tenure and Native Title resolution mechanisms.

During these sessions very specific information was provided by community members about their land use aspirations. If a need for new tenure options or changes to the statutory features/requirements that apply to existing tenure options was identified, it was suggested that the project should include submissions to policy makers about any specific needs for tenure reform.

Practical support was identified as required to help facilitate start-up businesses and home ownership. This included business planning and management support with the help of IBIS and TSRA Economic Development. Assistance with home ownership such as education regarding responsibilities and costs of ownership and financing the costs of purchase, were possible with assistance from TSRA Economic Development.

### **Pilot Outcomes and Lessons Learnt**

#### **Implementation Experiences**

This Pilot successfully achieved two main outcomes in the form of:

1. a "Moa Tenure Resolution Accord"; and
2. a suite of tenure resolution ILUAs.

These ILUAs addressed the goals of the Pilot for sustainable and integrated Tenure and Native Title resolution. Through the Pilot consultations, ten executable ILUAs were developed along with 45 potential lease entitlements across the Kubin and St. Pauls communities.

Mechanisms in the form of a range of proponent activities that resolve current and foreseeable tenure issues, assist in the provision of economic development, provide public infrastructure and home ownership.

This Pilot has been completed and grant funds entirely allocated. In late 2017 there was verbal advice from the TSRA that the project had been suspended due to the Mualgal PBC election (February 2018) and that activity funds overspent by \$48,000, which was absorbed by the TSRA.

The objectives of the Pilot have been met with regard to providing processes for economic and social development, certainty and enhanced community cohesion between Traditional Owners and historical residents, modelling community led new tenure resolutions including ILUA templates. The consultation process involved a range of Mualgal and St. Pauls community representatives as well as Government agencies. These different stakeholders were extensively involved and contributed largely to Pilot design and development.

#### **Overarching Implications for Future Reform**

The Pilot identified options for further exploration, including:

- Continuing to explore the ILUA models that have been developed throughout the project. The ILUAs allow for future economic development, home ownership, construction, maintenance and long-term lease for Island inhabitants, beneficial infrastructure, and the expansion of retail and shopping facilities for both communities.

- Progress the Moa Tenure Resolution Accord which provides the framework in which future ILUAs will be developed such that a mechanism for sustainable economic development may be undertaken with cross community support reflective of the Targets for Closing the Gap enunciated in the National Indigenous Reform Agreement.

The Pilot identified various gaps and lessons learnt in relation to the relationship between land tenure and economic development.

The Pilot reports recommend the following capacity building, ongoing support and funding by Government:

- Ensure compensation as it is a central factor for the ILUA model.
- Practical support and services are needed to facilitate business start-ups and home ownership once the threshold tenure barriers are resolved. This includes:
  - Assistance with business planning (IBIS and TSRA Economic Development may be able to assist).
  - Business management support, addressing regulatory barriers and red-tape and sharing entrepreneurial experience.
  - Practical assistance is needed for prospective homeowners to learn about the responsibilities and cost of ownership (home maintenance costs, insurances, rates etc.), financing the cost of purchase, risks involved in mortgaging etc.

## PILOT FIVE – TENURE RESOLUTION IN MOSSMAN GORGE – KICKSTART HOME OWNERSHIP

### Pilot Summary Details

A summary of key points to note regarding this Pilot are shown in Table 14 and key Pilot strengths noted were:

Key pilot strengths:

- Completed subdivision of the two land parcels.
- Municipal infrastructure constructed or improved - roads, sewerage, water, storm water, power.
- Infrastructure transfer to the Douglas Shire Council.

**Table 14 - Pilot Five Kickstart Home Ownership Key Points**

<b>Grant Recipient</b>	Remote Indigenous Land and Infrastructure Program Office, Department of Aboriginal and Torres Strait Islander Partnerships – Queensland.
<b>Timeframe</b>	Start – May 2017 – 30 <sup>th</sup> April 2019.
<b>Target Communities</b>	Mossman Gorge Community.
<b>Program Outcome Goals</b>	To support subdivision to create individual lots to support home ownership and business opportunities for the Mossman Gorge Community.
<b>Land Tenure / Use Innovation Objective</b>	To achieve subdivision on land tenure (2 lots) to allow for home ownership and economic development.

### Pilot Innovation

The Mossman Gorge Community’s land tenure had been described as being similar to the Northern Territory Town Camps (Urban living areas). That is the entire community is on a single lot of land (2 in the case of Mossman Gorge) with the local authorities providing municipal services. The small Indigenous organisation responsible for the community recovers costs from residents to deliver services including the collection rubbish and the management of all internal infrastructure including roads and water, power and sewage reticulation<sup>28</sup>.

The Office of the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP), was the recipient of the grant, to deliver the Kick Start Home Ownership Program. The project was initiated in 2013 in partnership with the then Cairns Regional Council but was delayed due to the de-amalgamation of the then Cairns Regional Council and the Port Douglas Shire Council in 2014. Renegotiations with the Port Douglas Shire Council resulted in an extended project scope and a short fall of funds. Commonwealth Government funding contribution in 2017 supported the project in the Mossman Gorge Community as a collaboration between DATSIP, the Bamanga Bubu Ngadimunku Aboriginal Corporation and the Douglas Shire Council.

<sup>28</sup> Kickstart Proposal Kickstart Home Ownership (Agreement ID: 2-DQNXQC)

The key aims of the Kickstart project were to<sup>29</sup>:

- Divide Mossman Gorge Community land into individual lots to facilitate the community's aspirations for home ownership.
- Ensure consistent tenancy arrangements across the state (Queensland).

This work was identified as a community priority in the Mossman Gorge Accord (Local Implementation Plan)<sup>30</sup>.

The project involved:

- The subdivision of the two land parcels comprising the Mossman Gorge Community.
- Subdivision works were intended to include an upgrade of municipal infrastructure including existing roads, sewerage reticulation and pump station, water reticulation, storm water services and power reticulation infrastructure and other works.
- Subsequent transfer of ongoing responsibility for this infrastructure to the Douglas Shire Council.

### Pilot Delivery

The Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) was responsible for the delivery of the Kickstart Home Ownership Project in the Mossman Gorge Community in collaboration with the Bamanga Bubu Ngadimunku Aboriginal Corporation and the Douglas Shire Council.

Pilot stakeholders included the:

- Bamanga Bubu Ngadimunku Aboriginal Corporation.
- The Mossman Gorge Community.
- The Douglas Shire Council.
- The Queensland Department of Communities Child Safety and Disability Services.
- Queensland Department of Housing and Public Works.

### Pilot Outcomes and Lessons Learnt

*'Having a structured long-term project about infrastructure has had the added benefit of easing some social issues in the community'.*

*'aside from the physical changes there's been tangible level of motivation to advance the community' (Pilot Recipient Representative)*

The Kickstart Home Ownership Project reflected a community, State Government and Commonwealth Government partnership which delivered tangible community outcomes. Outcomes included:

- The Pilot Project has resulted in the completed subdivision of the two lots and the provision of individual tenures as well as infrastructure enabling individual home ownership.
- Funding recipients reported a community driven approach toward the land tenure subdivision, involving extensive Pilot stakeholder consultation and negotiation and a partnership approach across Government agencies.

<sup>29</sup> Kickstart Program Report. Department of Aboriginal and Torres Strait Islander Partnerships Office 2015

<sup>30</sup> Kickstart Home Ownership (Agreement ID: 2-DQNXQC)

- Municipal infrastructure including existing roads, sewerage reticulation and pump station, water reticulation, storm water services and power reticulation infrastructure and other works and subsequent transfer of ongoing responsibility for this infrastructure has been transferred to the Douglas Shire Council.
- The project, where possible, supported Indigenous employment and training. Four Indigenous employees were engaged through the construction contractor. The local community were engaged when possible to manage other works, provide consulting services and undertake cultural heritage surveys.
- The Pilot proponents reported other 'indirect benefits', including:
  - Community connections.
  - Activation of community 'common areas' through the subdivision.
  - Facilitation of indirect social benefits to the community.
  - An improved sense of pride and sense of community cohesion.

The knowledge is transferable dependent upon the land/lease arrangement. In this case the land was owned (and or leased) by the Aboriginal corporation at the commencement of the Pilot.

#### **Overarching Implications for Future Reform**

There were various challenges encountered during the project which resulted in significant development, legal and governance learnings:

- The Council de-amalgamation impacted on the project including increased costs to State Government and necessitating the grant provided through The Measure.
- Delays were experienced due to earlier decisions (by the Cairns Regional Council) not being binding for the new Council (Douglas Shire).
- Transparent agreements for the ongoing maintenance responsibility of subdivided land are essential, noting that the Pilot experienced uncertainty in maintenance agreements due to Council de-amalgamations.

## PILOT SIX – DEVELOPING INDIGENOUS LAND AND WATER ENTERPRISE OPPORTUNITIES

### Pilot Summary Details

A summary of key points to note regarding this Pilot are shown in Table 15 and key Pilot strengths noted were

Key pilot strengths

- Detailed exploration and technical assessments across 3 case studies.
- Effective research into land and natural asset opportunities, through Indigenous-led science.
- Co-design approach and principles established for project prospectus development.

**Table 15 - Pilot Six Tenure Resolution in Developing Indigenous Land and Water Enterprise Opportunities - Key Points**

<b>Grant Recipient</b>	CSIRO - Commonwealth Science and Industrial Research Organisation.
<b>Timeframe</b>	Start - May 2017 – current (still in progress).
<b>Target Communities</b>	CSIRO is working with three communities: <ul style="list-style-type: none"> <li>• Ewamian Aboriginal Corporation (EAC) in Queensland.</li> <li>• Ashburton Aboriginal Corporation (AAC) in Western Australia.</li> <li>• Western Yalanji Aboriginal Corporation (WYAC) in Queensland.</li> </ul>
<b>Programme Outcome Goals</b>	Adults into work. Viable Indigenous businesses. Economic and social benefits for Indigenous people.
<b>Land Tenure / Use Innovation Objective</b>	The Pilot scope was to develop investment-ready prospectuses that can assist with attracting capital to establish and sustain Indigenous enterprise on Indigenous lands.

### Pilot Innovation

CSIRO was awarded a grant under the Measure to coordinate and lead the ‘Developing Indigenous Land and Water Enterprise Opportunities Project’ with support from the National Native Title Council (NNTC). The project involved three Indigenous communities (3 case studies) in Queensland and Western Australia and aimed to enhance opportunities for Indigenous economic activity in Northern Australia.

The Pilot scope was to develop investment-ready prospectuses that can assist with attracting capital to establish and sustain Indigenous enterprise on Indigenous lands. For this purpose, CSIRO with the support of NNTC, worked with the three case study communities to ensure that the prospectuses are based on the natural and cultural resources of each Indigenous estate. Based on the land assessment and community development mapping, the final prospectus documents (yet to be completed) aim to outline the major features, attractions, services and business opportunities to potential investors, buyers, patrons, clients, or members. In addition to the prospectus, CSIRO offered the recipient of the case studies, a technical assessment of the natural resources and a review of their market conditions. These elements were then used to guide them to identify their

priorities as well as test investor interest in enterprise opportunities. Each case study has its specific scope elements:

- Case study 1: CSIRO offered their expertise to support EAC in relation to the Talaroo tourism project including legal review and soil capability assessment, hydrogeological and geophysical surveys of the hot springs.
- Case study 2: CSIRO supported AAC to explore opportunities for diversifying Indigenous pastoral operations. This approach includes consideration of the natural and cultural heritage on Peedamulla, and especially issues in relation to the soil erosion that is threatening the freshwater marsh.
- Case study 3: CSIRO co-ordinated specialists who could provide the technical assessments to support WYAC's development aspirations in the area of economy infrastructure, environment and country, including the analysis of the demand for Indigenous tourism in northern Queensland.

### Pilot Delivery

The overall project has been overseen by a Project Steering Committee. The Committee is composed of the NIAA, NNTC and CSIRO representatives, and was expanded later on in the Pilot to include five regional and local Indigenous organisations.

In order to combine the Prescribed Body Corporate (PBC) surveying effort into a single instrument, the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) collaborated with the project team and CSIRO. Griffith Film School (GFS) also collaborated on a film project based on the Ewamian Aboriginal Corporation (EAC) case study<sup>31</sup>.

The project deliverables mentioned in the Project Schedule<sup>32</sup>, included three stages:

1. the selection of three Indigenous communities to show case the spectrum of land and water-based enterprise options and opportunities,
2. the development of process and tools to identify, establish and operate commercial enterprises drawing on evidence base, and involving the creation of prospectus,
3. and the lessons learnt from the case studies that can provide insights for other northern communities.

The first stage of the project has been completed, and three cases studies have been initially identified in partnership with NNTC and in consultation with DPMC. A change occurred for the third case study mid-2018 which explains the late start of the WYAC case study.

The second stage involved the investigation and identification of development aspirations for the community. The decision-making process has been accompanied by the review of the existing evidence in the literature as well as technical assessment for the selected enterprises options. Depending on the case study, this phase of each project is either completed or underway.

The third stage, involving developing case-study enterprise options and investor communication pathways, has started and regional assessments of natural resource potential including on-site testing and workshops with local experts have begun.

The prospectuses which should bring together the previous steps of the project are in the design and consultation phase.

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<sup>31</sup> NIAA-NNTC-CSIRO Project Progress Report – July 2019

<sup>32</sup> Project Schedule-General Grants Jobs Land and Economy Programme. Department of the Prime Minister and Cabinet-Australian Government June 2017

## Pilot Outcomes and Lessons Learnt

*'the biggest result so far has been avoided costs in investments that are potentially not viable'.*

*'The Pilot has helped corporations to understand their country from a business perspective'.  
(Pilot Recipient Representative)*

Although the project is not finalised, elements provided in the CSIRO progress reports show that the program objectives,<sup>33</sup> are currently on track to be achieved. This is demonstrated by the following review of the Pilot progress reports:

- Extent of compliance with the specific information, terms and condition detailed in the project schedule.
- Appropriate connections made with Indigenous communities and relevant local services to facilitate engagement and involvement in funded activities.
- Service delivery quality requirements met at this stage, especially concerning the stakeholder's consultation and engagement.
- Progress reports highlight the implications of case study asset assessments for the type of plans that the partners have in mind for land and water enterprises, as well as ongoing progress with respect to a national survey of the economic development needs and interests of PBCs.
- A review of demand for Indigenous cultural tourism and natural environment-based tourism within Tropical North Queensland has been completed, providing valuable learning for cultural tourism across Australia.

Pilot recipient representatives reported the following outcomes:

- The Pilot has improved Corporation understanding of their asset base. There is improved knowledge and capacity with regard to understanding their country from a business perspective.
- One Corporation has secured a substantial new infrastructure opportunity through multiple grants.
- Another Corporation has signed a new tenure. The Pilot was attributable in part to promoting confidence and ability to go through this process.
- The biggest opportunity realised has been avoided costs in investments that are potentially not viable.
- The Pilot has helped leverage CSIRO capability to ensure corporations and landowners have access to the best advice available regarding land asset potential. It has combined disciplines across CSIRO and improved brokering expertise for Indigenous communities.
- There has been strong endorsement from the community Boards and agreement about the CSIRO work.

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<sup>33</sup> Project Schedule-General Grants Jobs Land and Economy Programme June 2017. Department of the Prime Minister and Cabinet-Australian Government

## Overarching Implications for Future Reform

The lessons learnt, including the findings from each case study provide valuable insights for other northern communities interested in pursuing on-country economic enterprises, will be detailed in the final Pilot report. The initial insights provided by the case studies as well as the PBC survey (in collaboration with AITSIS), include the following:

- CSIRO Progress Report VI provides a review of demand for Indigenous cultural tourism and natural environment-based tourism within Tropical North Queensland. This work is based on a review of the academic literature and data provided by Tourism Research Australia (TRA) (a branch within the Tourism Division of Austrade) which provides valuable insights for those seeking to invest in tourism operations. The report notes that there is a far greater market for natural environment-based opportunities than for Indigenous cultural tourism opportunities; however, there does appear to be some benefits from combining the two market segments. The data indicates significant overlap in the visitor base for the two segments, and this is supported by the literature which has clearly identified that the appeal of Indigenous cultural tourism attractions increases when such attractions are nature based, outdoors and located within a natural environmental setting.
- The PBC survey broadens the case study insights by showing key opportunities and challenges on enterprise development across Australia. The 2019 survey secured the participation of 58 PBCs and was the first national survey to engage such a wide range and number of PBCs across Australia. The primary aim of the survey was to generate a national-scale dataset that could support an understanding of the current state of the PBC sector, inform policy and program development and provide a baseline to identify future change. The survey provides valuable insights for developing the business capacity of PBCs and supporting their role in economic development. Cultural services (76%) and environmental services (64%) were by far the most commonly chosen kinds of work done by PBCs. The next nearest category reported was social services (26%). The future economic aspirations of PBCs are diverse with the majority highlighting cultural services (including cultural heritage, cultural programs and art production) and environmental services (land and sea management, carbon and biodiversity) as business aspirations<sup>34</sup>.
- The Pilot highlights the potential for the CSIRO to re-configure its ability to advise landowners and to provide a 'trusted advisor' role for Indigenous land developments.
- The PBC survey has assisted to raise the profile of the NNTC and build their partner capacity. It provides an ongoing role for the NNTC to influence the scale of the study findings for other communities across Australia.

The CSIRO proposes that final prospectus documents will outline the major features, attractions, services and/or business opportunities of a place to prospective investors, buyers, patrons, clients, or members. The enterprise pursuits are not proposed to be limited to wealth-generation opportunities, but also development that can lead to capacity building and employment on-country, or other development aspirations deemed appropriated by the Indigenous communities in the case studies.

Since commencement of the Pilot, understanding of the Corporations asset base has improved, as has the knowledge and capacity with regard to country from a business perspective.

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<sup>34</sup> National Native Title Council, Australian Institute of Aboriginal and Torres Strait Islander Studies, Commonwealth Scientific and Industrial Research Organisation, 2020. Report on the 2019 Survey of Prescribed Bodies Corporate (PBCs).

The next Pilot steps will include completing the technical assessments for each of the case studies to support enterprise development decision-making, and the co-development of investment prospectuses to assist engagement with potential investors, business partners, capital providers and key customers.

Pilot Six is still in progress to deliver final prospectuses for each case study as well as a 'how to' guide for enterprise development. At the time of the stakeholder consultation, Pilot Six had established working groups and consulted extensively on the development of prospectuses across the three case studies. The COVID pandemic has made the consultative process required challenging and completion of the Pilot is expected in late 2021.

## Appendix B Documents Reviewed

### General

- Australian Institute of Aboriginal and Torres Strait Islander Studies 2012. Guidelines for Ethical Research in Australian Indigenous Studies.
- Australian Government. National Indigenous Australians Agency. 2020-21 Annual Evaluation Work Plan. Indigenous Advancement Strategy.
- Commonwealth of Australia, 2015. Our North, Our Future: White Paper on Developing Northern Australia. *Licensed from the Commonwealth of Australia under a Creative Commons Attribution 3.0 Australia Licence. The Commonwealth of Australia does not necessarily endorse the content of this publication.*
- Department of the Prime Minister and Cabinet, 2016. White Paper on Developing Northern Australia – Land Tenure Reform Pilots. Department Approaches Organisation Selection Strategy.
- Department of the Prime Minister and Cabinet, 2016. Our North, Our Future: White Paper on Developing Northern Australia. Identifying land tenure projects – information and guidance.
- Department of the Prime Minister and Cabinet, 2019. PMC-NTP-18/12 Our North, Our Future: White Paper on Developing Northern Australia. Collaborative Evaluation, Research and Planning Panel Request for Quotation SON3329485.
- Orr M, Kenny P, Gorey IN, Dixon T, Mir A, Cox E, Wilson J. 2009. Aboriginal Knowledge and Intellectual Property Protocol: Community Guide. 2nd Edition. Ninti One Limited, Alice Springs.
- Social Ventures Australia, 2018. Department of the Prime Minister & Cabinet Northern Australia White Paper Evaluation Strategy – Land Tenure Reform Pilots initiative.
- Zuckermann, Ghil'ad et al. 2015. ENGAGING – A Guide to Interacting Respectfully and Reciprocally with Aboriginal and Torres Strait Islander People, and their Arts Practices and Intellectual Property. Australian Government: Indigenous Culture Support.

### **Pilots 1 and 2 KRED Enterprises - Economic development on broad acre Indigenous Land, Western Australia / Pilot Two - Long term, secure and tradeable land tenure, Western Australia.**

- Commonwealth of Australia 2015. Head Agreement for Indigenous Grants between the Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and The Trustee for KRED Enterprises Charitable Trust.
- The Trustee for KRED Enterprises, 2016. Project Schedule and Workplan. Development of broad acre Indigenous land. Bardi Jawi Tourism Project.
- The Trustee for KRED Enterprises, 2016. Project Schedule and Workplan. Development of broad acre Indigenous land. Frazer Downs Agricultural Project.
- KRED Enterprises Pty Ltd, 2017. Final Report. Project 2 Development of broad acre Indigenous land. Bardi Jawi Tourism Project.

### **Pilot Three - Baniyala land management – Stage 1, Northern Territory / Baniyala land management – Stage 2, Northern Territory.**

- Australian Government- Department of the Prime Minister and Cabinet. Project Schedule-General Grants Jobs and Economy Program 06/05/16.
- Australian Government- Department of the Prime Minister and Cabinet. Project Schedule-General Grants Jobs and Economy Program 04/05/18.

- Australian Government- Department of the Prime Minister and Cabinet. Variation of Agreement 27/01/2017.
- Baniyala Land Management Corporation Project (4-37US5YC) Final Performance Report- May 2016 – April 2018.
- Commonwealth of Australia 2015. Project Schedule for the Jobs Land and Economy Program, executed by the Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and the Indigenous Community Benevolent Fund Inc. Baniyala Land Management Corporation Stage 1.
- Commonwealth of Australia 2015. Project Schedule for the Jobs Land and Economy Program, executed by the Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and the Indigenous Community Benevolent Fund Inc. Baniyala Land Management Corporation Stage 2.
- Dias, A. Blue Mud Bay: What you need to know about Aboriginal people's hope to control intertidal zone, June 2017, <https://www.abc.net.au/news/2017-06-01/what-you-need-to-know-about-blue-mud-bay-decision/8573420>
- Dhimurru Aboriginal Corporation- Understanding Yolngu Sea Country (<http://www.dhimurru.com.au/sea-country.html>)
- Indigenous Community Development Fund Limited- Project 4-816ONDL Baniyala Land Management Corporation Lessons Learnt 20/09/2020
- Morphy, F., Morpy, H. (2016) Thwarted aspirations: The political economy of a Yolngu outstation, 1972 to the present
- Northern Land Council <https://www.nlc.org.au/about-us/our-role>
- 2016 Census, East Arnhem Land, [https://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/quickstat/LGA71300](https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/LGA71300)
- 2016 Census, Yipara, [https://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/quickstat/ILOC70600305](https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/ILOC70600305)

#### **Pilot Four - Moa tenure resolution, QLD.**

- Commonwealth of Australia 2015. Head Agreement for Indigenous Grants between the Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and the Torres Strait Regional Authority, QLD.
- Commonwealth of Australia 2015. Project Schedule for the Jobs Land and Economy Program, executed by the Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and the Torres Strait Regional Authority, QLD.
- Commonwealth of Australia 2015. Variation 1 to Project Agreement, executed by the Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and the Torres Strait Regional Authority, QLD.
- Torres Strait Regional Authority. Final Report. MOA Tenure Resolution Project.
- Torres Strait Regional Authority. Executive Summary. MOA Tenure Resolution Project Purpose.

- 2016 Census Quickstats, Australian Bureau of Statistics (Accessed online 22 May 2020) [https://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/quickstat/SC31885](https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/SC31885).
- Australian Government- Department of the Prime Minister and Cabinet. Project Schedule-General Grants Jobs and Economy Program 03/03/2015.
- Australian Government- Department of the Prime Minister and Cabinet. Variation No. 1 to Project Agreement 14/06/2017.
- Kubin (Moa), Aboriginal and Torres Strait Islander People, Queensland Government (Accessed online 22 May 2020) <https://www.qld.gov.au/atsi/cultural-awareness-heritage-arts/community-histories/community-histories-k-l/community-histories-kubin>.
- Native Title, Prescribed Bodies Corporate- Mualgal (Torres Strait Islanders) Corporation RNTBC <https://www.nativetitle.org.au/find/pbc/3369>.
- Native Title Tribunal- Representative Aboriginal/Torres Strait Islander Body Areas (Accessed online 22 May 2020) [http://www.nntt.gov.au/Maps/RATSIB\\_map.pdf](http://www.nntt.gov.au/Maps/RATSIB_map.pdf).

#### **Pilot Five - Tenure resolution in Mossman Gorge, QLD.**

- Commonwealth of Australia 2015. Head Agreement for Indigenous Grants between the Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and the Department of Aboriginal and Torres Strait Islander Partnerships, QLD.
- Commonwealth of Australia 2015. Project Schedule for the Jobs Land and Economy Program, executed by the Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and the Department of Aboriginal and Torres Strait Islander Partnerships, QLD.
- Commonwealth of Australia 2015. Variation to Head Agreement for Indigenous Grants between the Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and the Department of Aboriginal and Torres Strait Islander Partnerships, QLD.).

#### **Pilot Six - Developing Indigenous land and water enterprise opportunities, Cross Jurisdictional.**

- Barber, M., Kong, T.M., & Robinson, C. (Eds.) (2020) Completion of the scientific and technical assessments for country-focused enterprises and of the survey of national Prescribed Bodies Corporate. Progress Report VII of the project: Economic mapping of Indigenous land and natural resources - from land assessment to investment prospectus. Report to National Indigenous Australians Agency. CSIRO Land and Water.
- Barber, M., Kong, T.M., & Robinson, C. (Eds.) (2019) Planning for land and water enterprises and identifying national Prescribed Body Corporate economic development needs and interests. Progress Report VI of the project: Economic mapping of Indigenous land and natural resources - from land assessment to investment prospectus. Report to National Indigenous Australians Agency. CSIRO Land and Water.
- Commonwealth of Australia 2015. Project Schedule for the Jobs Land and Economy Program executed by the Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and Commonwealth Science and Industrial Research Organisation.
- Commonwealth of Australia 2017. Variation 1 to Project Agreement, executed by the Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and Commonwealth Science and Industrial Research Organisation.

- Commonwealth of Australia 2018. Variation 2 to Project Agreement, executed by the Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and Commonwealth Science and Industrial Research Organisation.
- Commonwealth of Australia 2018. Variation 3 to Project Agreement, executed by the Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and Commonwealth Science and Industrial Research Organisation.
- National Native Title Council, Australian Institute of Aboriginal and Torres Strait Islander Studies, Commonwealth Scientific and Industrial Research Organisation, 2020. Report on the 2019 Survey of Prescribed Bodies Corporate (PBCs).
- Robinson, C., Kong, T.M., Barber, M., Lyons, I., Taylor, A., Taylor, J., Prior, S., Hudson, D., Sonneman-Smith, S., Grogan, B. and Murison, J. (2019) Implications of case study asset assessment for potential enterprise options and national Prescribed Body Corporate economic development needs and interests. Progress Report V of the project: Economic mapping of Indigenous land and natural resources - from land assessment to investment prospectus. Report to National Indigenous Australians Agency. CSIRO Land and Water.

## Appendix C: Stakeholder Organisations Consulted

	<b>Stakeholder Organization</b>	<b>Consultation Date</b>
1	CSIRO	16th November 2020
2	Department of Seniors Disability Services and Aboriginal and Torres Strait Islander Partnerships	30th November 2020
3	Baniyala Pilot Representative	4th February 2021
4	KRED Enterprises	29th March 2021
5	Office of Northern Australia	20 <sup>th</sup> September 2021

## Appendix D: Stakeholder Consultation Tools

# Consultation tool for the Land Tenure Pilots Initiative Evaluation – Pilot Proponents

Version 1

26 June 2019

Scope: Formative and summative evaluation

Interviews will cover all four evaluation objectives:

1. Understanding implementation to date
2. Assessing collaborative practice
3. Observing and attributing outcomes to date (short and medium term)
4. Assessing potential for future impact (longer term outcomes)

Name of organisation that interviewee is representing:

Interviewee name:

### Pre-amble

We have been engaged by the Department of Prime Minister and Cabinet National Indigenous Australians Agency to undertake the Evaluation of the Land Tenure Pilots Initiative. You have been identified as a stakeholder for this evaluation. We are seeking your input specifically in relation to the implementation of the Pilot that you are associated and its current progress.

The information and views you provide to us will not be reported on or shared with any other stakeholder in a way which identifies you. You will have an opportunity to review the notes from this consultation should you choose to do so.

*Note: the items listed below are to guide the discussion only.*

### Section 1 – Introduction

- 1 Can you tell me about your current role?
- 2 How long have you been in this role?
- 3 Do you have any questions about the evaluation before we proceed? (*Note to interviewer: the interviewee should have received standard information about the evaluation – confirm this and make sure you have a copy with you.*)

### Section 2 – Awareness of and involvement in Land Tenure Pilots Initiative

- 4 When were you first aware of the Land Tenure Pilots Initiative?
- 5 What is your understanding of the purpose of the Pilots Initiative and what attracted to become involved?
- 6 Do you have any general observations about the Policy objectives?

### Section 3 – Planning and implementation of the Pilot

- 7 Were you involved in the initial decision to submit an application to be a Pilot site? If so, could you discuss the following:
- What was your role in this process?
  - Who else was involved and what factors were considered in deciding to apply to be a Pilot site?
  - What were your initial expectations of being a Pilot site (effort required, activities to be undertaken and the potential benefits)?
  - Did you have everything you needed to make an application or did you require other information, resources or support to make an application?
- 8 Were you involved in the detailed planning for the Pilot and if so, could you discuss the following:
- What was your role in this process?
  - Who else was involved and were there any challenges during the planning phase?
  - If another community contemplating being a Pilot site were to ask you for your advice, what advice would you give them and why?
- 9 Did your plan vary from what was in your application? If so, what and why?
- 10 What were the primary aims of the Pilot? What new options (for land tenure, or economic development) was it seeking to identify or develop? In what respects were these options new or innovative?

### Section 4 – implementation experiences and outcomes/impacts

- 11 At what stage are you at with the implementation of your plan? Please discuss the following:
- Has implementation proceeded according to plan? If so, what has changed and why?
  - Are you considering changing any aspects of the plan? If so, what and why?
  - Have any of the key stakeholders changed? If so, who and why?
  - Any other comments about the progress with the implementation?
- 12 What has happened since the commencement of the Pilot?

## Consultation tool for the Land Tenure Pilots Initiative Evaluation – Territory and Commonwealth Governments, peak body representatives

Version 1

26 June 2019

Scope: Formative and summative evaluation

Interviews will cover all four evaluation objectives:

- Understanding implementation to date
- Assessing collaborative practice
- Observing and attributing outcomes to date (short and medium term)
- Assessing potential for future impact (longer term outcomes)

Name of organisation that interviewee is representing:

Interviewee name:

### Background:

We have been engaged by the Department of Prime Minister and Cabinet to undertake the Evaluation of the Land Tenure Pilots Initiative. You have been identified as a stakeholder for this evaluation. We are seeking your input specifically in relation to the implementation of the Pilot that you are associated and its current progress.

The information and views you provide to us will not be reported on or shared with any other stakeholder in a way which identifies you. You will have an opportunity to review the notes from this consultation should you choose to do so.

*Note: the items listed below are to guide the discussion only. While they should be explored to the extent possible, they are not intended to exclude relevant lines of inquiry.*

### Section 1 – Introduction

1. Please tell me about your current role?
2. How long have you been in this role?
3. Do you have any questions about the evaluation before we proceed?

### Section 2 – Role with respect to the Pilots Initiative

4. What is your role in relationship to the Pilots Initiative?
5. When did you first become involved and has your role with respect to the Pilots Initiative changed?

### **Section 3 – Planning and implementation of the Pilots Initiative and/or individual Pilots**

6. What role did you have to play in the initial implementation of the Pilots Initiative and/or individual Pilots?
7. Did the implementation proceed as plan; if not why not and what are the consequences for the Pilots if any?
8. What has happened since the commencement of the Pilot?
9. What lessons could be learnt from this implementation?

### **Section 4 – Supports provided to Pilots**

10. Have you provided any direct support to a community that contemplated becoming a Pilot? If so, what was the nature of the support and over what period of time?
11. Did the community ask for any other support that was not able to be provided or did it obtain support from any other organisation? If so please describe context and the nature of support?
12. Is any other type of support required by Pilot sites, if so, please describe and discuss?

### **Section 5 – implementation progress and impacts**

13. Have you any exposure to the implementation of Pilots, if so, then discuss the following:
  - Has implementation proceeded according to plan? If so, what has changed and why?
  - Are any changes being considered to any aspects of the plan? If so, what and why?
  - Have any of the key stakeholders changed? If so, who and why?
  - Any other comments about the progress with the implementation?

#### ***Exploring impacts and outcomes***

14. Have any of the following changed since the start of the Pilot:
  - Understanding of use of land and assets in the town
  - Communication with service providers, regional councils, government agencies
  - Relationships with external organisations doing work in the Town
  - Control of what happens in the Town
  - Other changes that may have impacted on the community
15. Have any of the following changed since the start of the Pilot:
  - Income into the community
  - Investments in the community (new, modified, or existing investments closed down)
  - Home ownership
  - Community cohesion
  - Other changes within the community
16. Are you aware of examples where the Pilot has influenced government / businesses (either directly or indirectly)? Do you think the Pilot may have further influence in the future?
17. Has the Pilot met your expectations, if so how if not why not?

18. Do you think the outcomes of the Pilot will be sustainable over the coming years? What ongoing support may be required to sustain these outcomes?
19. Have there been any adverse impacts arising from the Pilot? Please describe and what could be done (or could have been done) to avoid these issues?

**Section 6 – other comments**

20. From your understanding, what are the key elements / innovations involved in these Pilots? How significant are these Pilots, in the context of land tenure and economic development in Indigenous communities?
21. Are there any other opportunities to enhance the Pilots Initiative or do you have any other comments about the implementation of the Pilots Initiative?

**Appendix E: Pilot projects evaluated map on page 16 (accessible version)**

Pilot Program	Pilot Details
Pilot 1	KRED Enterprise (Western Australia) <ul style="list-style-type: none"> <li>• Long term, secure and tradable land tenure</li> </ul>
Pilot 2	KRED Enterprises (Western Australia) <ul style="list-style-type: none"> <li>• Economic development on broad acre Indigenous Land</li> </ul>
Pilot 3	Indigenous Community Development Fund <ul style="list-style-type: none"> <li>• Banyala Land Management</li> </ul>
Pilot 4	Torres Strait Regional Authority <ul style="list-style-type: none"> <li>• Moa tenure resolution</li> </ul>
Pilot 5	Qld Department of Aboriginal and Torres Strait Islander Partnerships <ul style="list-style-type: none"> <li>• Tenure resolution in Mossman Gorge</li> </ul>
Pilot 6	Cross-jurisdiction Queensland and Western Australia CSIRO <ul style="list-style-type: none"> <li>• Developing Indigenous land and water enterprise opportunities</li> </ul>

## Appendix F: Outcomes flowchart on page 23 (accessible version)

### Outcomes

#### Short Term Outcomes

##### *Local Level Outcomes*

- Pilots Expand options for economic development on Indigenous land.
  - Participants identify options for economic development on Indigenous land.
  - Participants identify tenure options on Indigenous land.
- Pilots lead to improved development in target communities.
  - *Developing new opportunities*
    - Businesses and government propose new investments on Indigenous land, due to reduced risks and transaction costs.
    - Indigenous landholders engage in new planning activities that reflect their priorities.

##### *System Level Outcomes*

- Pilots Expand options for economic development on Indigenous land.
  - Participants produce information about Indigenous land holdings.

**Pilots** produce new insights & lessons.

- Insights & lessons from pilots are identified.
- Insights & lessons from pilots are documented and shared.
- Insights & lessons from the pilots influence future decisions.
  - Insights & lessons from the pilots are applied in other Indigenous communities.
  - Insights & lessons from pilots influence policy development.
- Insights & lessons from pilots influence investment decisions by businesses.

#### Medium Term Goals

##### *Local Level Outcomes*

- Pilots lead to improved development in target communities.
  - *Entering new agreements*
    - Indigenous land holders negotiate agreements with government and businesses.
    - Indigenous land holders enter alternative land tenure arrangements.
  - *Improved development*
- Indigenous land owners pursue new development opportunities that are viable, sustainable, diverse and consistent with their priorities.

##### *System Level Outcomes*

- Indigenous landholders can more freely pursue their own economic, social and cultural development priorities.

## **Long Term Outcomes**

### ***Local Level Outcomes***

***Indigenous landholders can better leverage their land assets for economic benefits.***

### ***System Level Outcomes***

- Indigenous landholders can more freely pursue their own economic, social and cultural development priorities.

## Appendix G: Pilot stakeholder categories on page 32 (accessible version)

Type of Stakeholder	Stakeholder
Community	<ul style="list-style-type: none"> <li>• Native Title Holder and Community Councils/ Representation Bodies</li> </ul>
Legal	<ul style="list-style-type: none"> <li>• Legal Profession</li> </ul>
Business	<ul style="list-style-type: none"> <li>• Indigenous Corporations</li> </ul>
Sector Based	<ul style="list-style-type: none"> <li>• Private entities</li> </ul>
Financial Sector	<ul style="list-style-type: none"> <li>• Banks</li> <li>• IBA</li> </ul>
Local Government	<ul style="list-style-type: none"> <li>• Local Governments/ Shire</li> </ul>
State Government	<ul style="list-style-type: none"> <li>• Planning</li> <li>• Aboriginal and Torres Strait Islander Department</li> <li>• Land Management</li> <li>• Department Housing</li> <li>• Social Services</li> </ul>
Commonwealth Government	<ul style="list-style-type: none"> <li>• Commonwealth</li> <li>• NIAA</li> <li>• IBA</li> <li>• Australian Human Rights Association</li> <li>• National Native Title Tribunal</li> </ul>
Regional Organisations	<ul style="list-style-type: none"> <li>• Land Corporations</li> <li>• Regional Authorities</li> </ul>
Research/Education	<ul style="list-style-type: none"> <li>• AIATSIS</li> <li>• Universities</li> <li>• Educational Establishments</li> </ul>