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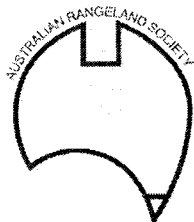
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# NEW DIRECTIONS FOR THE INDIGENOUS LAND CORPORATION IN LAND ACQUISITION AND MANAGEMENT

*Allan Padgett*

Indigenous Land Corporation, Floor 7, 216 St Georges Terrace, Perth, WA 6000

## ABSTRACT

The Indigenous Land Corporation (ILC) is undergoing a period of substantial change in policy and practice. A recent stocktake of ILC purchased properties clearly demonstrates that ownership of land does not necessarily equate to benefits to people. Though the significance of the return of 'country' and the tangible and intangible social and cultural benefits accruing to Indigenous owners are not denied, the capacity of landowners to derive real economic benefit has often been subservient to getting the land in the first place. Much of this can be explained in political terms but that debate is not for this short paper to engage in. A congruence between existing regional planning involving strategic partnerships with native title representative bodies and ATSIC regional councils is being coupled with a shift toward more rigour in assessing applications. Leading from this research and policy-driven behaviour, a critical focus on sustainability, capacity-building and real benefits to people is driving the ILC toward more pragmatic practices.

## INTRODUCTION

### Legislative Background

The Indigenous Land Corporation (ILC) is an independent statutory authority established to assist Aboriginal and Torres Strait Islander people to acquire and manage land to provide economic, environmental, social or cultural benefits for themselves and future generations. To assist in achieving this the ILC receives an annual drawdown from the Aboriginal and Torres Strait Islander Land Fund Reserve (the Land Fund).

The establishment of the Land Fund was the second part of the Commonwealth's three-tier response to the High Court's 1992 decision in 'Mabo'. The first part was the enactment of legislation to provide a process for the recognition and protection of native title (*Native Title Act 1993*) and the third was a proposed package of social justice measures, broadly described as the 'Social Justice Package'.

The ILC came into existence on 1 June 1995 with the commencement of the *Land Fund and Indigenous Land Corporation (ATSIC Amendment) Act 1995*, which repealed part 10 of the Native Title Act and amended the *Aboriginal and Torres Strait Islander Commission Act 1989* by inserting into the Act a new Part 4A. The ILC was established as an independent authority with land acquisition and land management functions. In policy terms, the 2001-2006 National Indigenous Land Strategy, Regional Indigenous Land Strategies (for example, Western Australia) and Subregional Overviews of Land Needs (for example, the Goldfields) both define policies and strategies, and drive the focus of day-to-day operations.

### National Property Stocktake

Since its inception the ILC has purchased approximately 150 properties. A majority of the area if not of the number of purchased properties, lies within the rangeland regions of Australia. Indigenous peoples' use of the rangelands varies from traditional activities to more contemporary activities including the management of pastoral properties. An internal 'stocktake' over the past year or so of ILC purchased properties has assisted in identifying issues for Indigenous landholders in relation to their properties, and ways in which the ILC can improve its services to landholding individuals and corporations. A major outcome of this national audit is the institution of a remedial program in order to improve both infrastructure and property management skills.

## **DISCUSSION**

### **Proposed New Program Structure**

In the past the ILC has purchased land based on a proponent group's cultural, historical and contemporary attachment to the land. This included where possible the inclusion of traditional owners, in recognition of extinguishment of native title by, for example, grant of inconsistent tenure, or impairment by same, or by loss of connection, for example through forced removal & the effects of economic expansion.

The ILC Board is considering a move to an application-based system based on the four output areas stated in the ATSIC Act, these being economic, environmental, cultural and social, with a conscious focus on moving away from acquiring land for purely cultural purposes toward a more active focus on achieving social, economic and environmental outcomes. The proposed program structure will require Indigenous groups to identify their primary purpose for land acquisition, without derogating from subsidiary uses of the land in the other three output areas. It is expected that this strategic focus on a primary purpose will enable groups to concentrate on the development of a primary enterprise that is more likely to generate direct benefits. Proposals under the new social program, such as the development for example of regional 'time out' centres for drug-affected Indigenous youth, might operate through collaborative efforts with state and federal agencies, in order to complement the skills and funding able to be accessed through ILC staff and funds.

### **Partnerships and Benefits**

In addition to deriving benefit from the land, a proponent group must demonstrate how they will cover the costs of land ownership and the ongoing operational costs of any enterprise on the land. The ILC will operate in partnership with Indigenous land owners to develop capacity in corporate governance and land management including training for directors of Indigenous corporations and/or businesses, identification of alternative enterprise opportunities, and development of marketing expertise. Indigenous groups and/or individuals who demonstrate active partnerships with other funding and land management agencies, where sustainable outcomes are likely, and where benefit to people is clearly demonstrable, are more likely to gain ILC support toward acquisition of properties and development of particular enterprises.

### **Pre-Acquisition Planning**

This new direction in the ILC's approach to land acquisition and land management has been realised as a result of many land purchases in the past not meeting peoples' aspirations, and sometimes leaving people with a piece of land that was more of a liability than an asset. The primary reasons behind this dysfunction would appear to be that insufficient emphasis was placed on property and business planning prior to purchase and that the expectations of Indigenous landowners were not met - or perhaps changed - after the acquisition of land.

The purpose of a significantly enhanced focus on pre-acquisition planning is to add more rigour to the overall process, meaning that proponents will have a greater responsibility to complete necessary planning and training, and are able to demonstrate they have the capacity to manage the land upfront. This does not mean that groups with limited capacity will be excluded from the acquisition process but alternatively, they are likely to be required to participate in particular training with the support of the ILC's Extension, Education and Training Strategy (EETS) unit, in order to alleviate skills deficits.

## **ILC RESTRUCTURE**

The ILC has had significant changes in its most senior ranks over the past 12 months, including the appointment of an Indigenous Chairperson with extensive commercial experience, a General Manager with broad government and private enterprise experience, and an Indigenous Deputy General Manager with substantial on-ground experience in administration, housing, native title and land matters. A sweeping review of the ILC's organisational structure resulted in the creation of new directorates

focusing on 'Land, Policy and Capacity Building', 'Business Planning' and 'Special Projects'. Concurrently, new senior roles were identified as necessary for each divisional office (for example, Perth), including specialist capacity building officers, business planning officers and extension, education and training officers. The effect of all of this very positive change has been: to enhance internal and external capacity; to encourage and facilitate strategic partnerships in funding cooperative land management initiatives; to generate discussion and policy review on how to best meet the objectives of the ILC (and therefore of Government), and to translate this into practice; and in summary, to provide durable and transparent benefits to Indigenous clients.

## **PROPOSED ECONOMIC ACQUISITION PROGRAM**

The ILC Board is considering a new program which is focused on providing substantial economic benefit to Indigenous Australians through the acquisition and grant of land and the establishment or continuation of *commercially viable and sustainable businesses*. The meaning of sustainable in this context is that the business will not require recurrent ILC funding, removing owners of the land-business conjunction from dependency and thus encouraging the development and transfer of business skills and capacity within Indigenous proponent groups. The focus on commercial viability will be up-front, and will be a threshold test that must be demonstrated prior to significant ILC engagement.

## **CURRENT LAND MANAGEMENT PRACTICE**

None of the above is meant to imply that the ILC is not already operating with high degrees of success in assisting Indigenous groups to acquire and manage land, in developing strategic alliances and partnerships, and in focusing its efforts on achieving sustainable benefits. The message is that we will get better.

### **Existing Partnerships**

Some examples of existing practice and current activity include: working with land-holding groups to develop 'solutions packages' aimed toward establishing productive land-based enterprises, including on pastoral leases; encouragement and facilitation of regional alliances, for example Goldfields Indigenous Primary Producers Aboriginal Corporation (GIPPAC) and Southern Rangelands Indigenous Land Use Strategy (SRILUS); formal partnerships already in place, such as an agreement with the Northern Territory Government to provide matching funding over three years in order to restore the commercial viability of various pastoral leases, and for a forecast but not yet approved plan for the ILC to engage with the Western Australian Department of Agriculture and the Kimberley Aboriginal Pastoralists Association (KAPA) in providing pastoral management support services to Kimberley Aboriginal pastoralists; working with state agriculture departments in the deployment of Commonwealth funds through FarmBis funding; partnerships with Environment Australia, state conservation agencies and native title representative bodies in relation to management of Indigenous Protected Areas; encouraging Indigenous groups to seek funding and advice from Indigenous Business Australia and ATSIC's business development arm; and recent appointment of the ILC by the Western Australian Government to both the "Economic Monitoring Requirements" and 'Aboriginal Access and Living Areas' Pastoral Industry Working Groups.

### **Current Community-Based Planning**

The following comments arising from recent planning workshops with a particular Western Australian community illustrate the commitment and aspirations of Indigenous landholders seeking to improve their lot through partnership with the ILC and collaboration with other agencies: 'The core of our vision is for ... to be operating as a quality cattle enterprise with our young people running the business within ten years'; 'We want our young people to begin their management education by learning under someone else for at least five years. They must work on the property and learn the new ways of the pastoral industry'; 'We want to see our young people working for themselves and for their community'; 'We are also committed to maintaining good representation and good relationships with Government agencies'; and 'Above all, our vision is to bring the kids back, educate them, train them and create a future for them in our own country'.

## CONCLUSION

The aim of this brief overview of the ILC's new directions in land acquisition and land management has been to illustrate a renewed intention and vigour by Indigenous groups, the ILC and partner agencies in working to ensure that Indigenous landholders achieve tangible and sustainable benefits from their properties and related enterprises. It is not facile to propose that this type of collaborative, conscious and focused effort will begin to make economic independence, individual and community health, and insertion into the real economy by engagement in productive, long-run enterprise development, finally happen.