



Australian Government

20 years of
the Indigenous
Land Corporation

LAND

PEOPLE, LAND, OPPORTUNITY



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Warning: Aboriginal and Torres Strait Islander readers are warned that this publication contains images of people who have died.

Note on text: This short history is based on publicly available documents, in particular the successive annual reports of the Indigenous Land Corporation.

Note on photos: All photographs are the property of the Indigenous Land Corporation except where otherwise attributed in the accompanying captions.

Fold out photo, inside front cover: A controlled burn on the ILC's Fish River property, NT. The Fish River Fire Project links traditional burning practices with the latest satellite imagery and mapping technologies and provides training and employment for Indigenous Australians on country. Traditional pattern or mosaic burning is used to protect the country from devastating wildfires.

Photo on page iv: Spectacular landscape near Home Valley Station, an ILC tourism business and training base in the east Kimberley, WA.

Photo on pages vi–vii: Trainees at the National Indigenous Training Academy, Ayers Rock Resort, NT.

Photo on pages viii–ix: Mustering at Crocodile/Welcome Station, near Laura, north Queensland.

Photo on pages x–1: Olive, a worker at Burnna Yurrul Aboriginal Corporation (BYAC), a not-for-profit company based in Perth, WA, that provides services to Indigenous Australians. BYAC has its own contracting company that hires out labour and plant/equipment to the mining, oil and gas and civil contracting industries in Western Australia.

Photo on page 10–11: Merriman Shearing School, near Brewarrina, NSW.

Photo on pages 48–9: Eucalyptus flowers on water at Fish River Station, NT.

Fold out photo, inside back cover: A waterhole on Banka Banka Station, NT.

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1995

The Native Title Act added huge symbolic weight to the Mabo decision. ... But [its] application was limited to those people who were able to prove a continuing association with their land. Many [Indigenous peoples] were ... dispossessed of their land in earlier periods and many remain on the margins of this country's economic, social and cultural life. ...

It is [because of] the essential importance of land in the resolution of outstanding issues between this nation and its indigenous peoples that this Bill was introduced as a separate and distinct element of the government's response to Mabo.

Prime Minister Paul Keating, on legislation for the Land Fund and ILC, 28 February 1995
[Second Reading, Land Fund and Indigenous Land Corporation (ATSIC Amendment)
Bill 1994, House of Representatives Hansard]

2015

Over much of this extensive, sparsely populated and environmentally vulnerable continent, Indigenous people are the natural custodians, managers and workforce. The Indigenous estate now covers up to 30 per cent of Australia. Over 20 years the ILC has been applying patient capital and its own growing experience and expertise to the challenges of managing this estate.

Dr Dawn Casey, ILC Chairperson, September 2015



CHAIRPERSON'S FOREWORD



In 2015 the Indigenous Land Corporation (ILC) is celebrating its 20th anniversary. A central purpose in publishing this short account of the last 20 years is to remind people, and especially young Indigenous Australians, of the origins of the ILC, and of the Land Account that funds its operations.

In June 1992 the High Court recognised native title to land in the *Mabo* judgment. After this historic judgment, a national settlement was negotiated between government and a group of senior Indigenous leaders. A Land Fund (now called the Land Account) was set up to provide some land justice for the many Indigenous Australians who were unlikely to benefit from another part of the settlement, the *Native Title Act 1993*. The Land Account was not charity from the Australian Government, but part of a legally and politically complex agreement, providing partial compensation for the dispossession of Aboriginal and Torres Strait Islander peoples since 1788.

Use of the Land Account was not given to any existing agency. Instead, a separate entity was set up—the Indigenous Land Corporation—to be the conduit for revenues flowing from the Land Account to Indigenous peoples. The ILC was created with two legislated purposes: to assist Indigenous Australians to acquire land and to help manage Indigenous-held land. Land has always been at the heart of Indigenous Australians' struggle for recognition and rights. The ILC was therefore given a profound responsibility.

The first ILC Board was led by David Ross, a member of the group that had negotiated the native title settlement. This Board was concerned above all with buying land and handing it over quickly to Indigenous groups, and secondly with defining a new and longer term approach to the management of Indigenous land. The Board prioritised the purchase of land that had cultural significance. Increasingly and inevitably, the ILC was drawn into commercial operations—it bought significant properties with business attached or where there was a requirement to run businesses, as on pastoral leases. It also inherited the responsibility to fund many, often marginal, Indigenous pastoral operations acquired and maintained under previous programs. The ILC also recognised that Indigenous groups needed the capacity to manage their land before ownership was transferred. Many corporations granted properties in the early years of the ILC encountered problems in gaining benefits from their land.

The legislation governing the ILC requires that the corporation operate its programs to benefit Indigenous Australians; these benefits can be ‘cultural, social, environmental or economic’. The ILC has always had to perform the complex task of balancing these various types of benefit, which are both interconnected and at times in tension. As this history shows, the ILC has always been conscious of its core statutory responsibilities, but its priorities have shifted subtly in response to a number of influences: consultation and engagement with Indigenous peoples, internal operational developments, the character of its Boards, the influence of governments, and other factors—in particular, changes in Indigenous peoples’ land-related capacity and needs.

Where the first Board had to build an agency from scratch, the next Board, led by Sharon Firebrace, began to review and reconsider the ILC’s strategies. This accelerated under the Board led by Shirley McPherson. This Board undertook a stocktake of properties acquired, and began a major property remediation plan. Strong emphasis was placed on Indigenous economic development, and on ensuring benefits from projects. The ILC itself became a vehicle of Indigenous benefit, with the Board investing substantially in ILC-run pastoral and tourism businesses, on land owned or leased, as a base for Indigenous training and jobs. The rules for land purchase and grant became more rigorous, and more acquisitions were made in urban areas. At the same time cultural, social and environmental benefits were being actively pursued. The ILC has played a part in the establishment of Indigenous Protected Areas, now making up more than one third of Australia’s National Reserve System. In 2011 the ILC commenced early dry season burning at Fish River in the Northern Territory. The Fish River Fire Project was the first such project to be approved under the Australian Government’s Carbon Farming Initiative and the first savanna burning project to sell credits generated by Indigenous Traditional Owners.

The current Board has been able to utilise the infrastructure of businesses built by former Boards, including the ILC’s most ambitious purchase, Ayers Rock Resort, to keep up the momentum in rolling out Indigenous training and jobs, particularly in remote Australia, and in developing innovative land management projects that mobilise traditional Indigenous ecological knowledge for economic and other rewards.

Significantly, the current Board has wanted to revisit and strengthen the legislation governing the Land Account and the ILC. The Board developed and released for consideration by all political parties a Draft Stronger Land Account Bill in March 2014, which was largely adopted and introduced to the Senate by the Australian Greens in June 2014. The measures in the Stronger Land Account Bill have a number of purposes, the most important being to protect and strengthen the Land Account and to make sure its revenues can be used only for land-related purposes—that is, to lock in the terms of the original compensation settlement after the *Mabo* judgment. The reforms proposed reflect a range of considerations: a renewed consciousness of the Land Account’s origins, the ILC’s years of experience in working with its legislation, the current Board’s strong focus on accountability and corporate governance, as well as consideration of the likely future land needs of a growing Indigenous population. The ILC continues to urge the Australian Government and Parliament to enact the Stronger Land Account Bill because it embodies sensible, practical and necessary reforms.

This year the ILC relaunched the Training to Employment Program as *Our Land Our Jobs*. *Our Land Our Jobs* is operated by the ILC’s tourism and pastoral subsidiaries and provides training resources on a scale not matched by other employers in rural and remote Australia. Trainees benefit from accredited training integrated with the operation of businesses, combined with mentoring and life skills support. Graduates are guaranteed the offer of a job in an ILC business or another enterprise. *Our Land*



Our Jobs works to break the cycle of training for training's sake, producing graduates with the skills and personal capacity to succeed in their chosen industry.

To deepen our outreach to Indigenous Australians, this year the ILC also made major changes to the way it operates its land acquisition and land management programs. The *Our Land Our Future* arrangements aim to triple our investment in land-based projects. In locations and regions across Australia, Indigenous groups are striving to realise a vision for their future, based on land, culture and their own governance and decision-making. The ILC will talk to these groups at any time, and if their land-based project ideas are likely to work, the ILC will support them with funding and its own expertise, and help to engage third-party investors.

These new delivery arrangements are consistent with powerful themes that have been advanced in Indigenous policy over many years—their most recent expression being the Indigenous-generated report to government *Empowered Communities: Empowered Peoples* (March 2015). Indigenous groups need to lead their own development, based on locality and culture. Governments including Indigenous-controlled Commonwealth entities such as the ILC should not come bearing prescriptive programs, but should be guided by local Indigenous aspirations and position themselves as facilitators of wider networks of support.

Strengthening Indigenous connection to land for its own sake does not just advantage Indigenous Australians, whose cultures are essentially local, but also advances the national interest. Over much of this extensive, sparsely populated and environmentally vulnerable continent, Indigenous people are the natural custodians, managers and workforce. The Indigenous estate now covers up to 30 per cent of Australia. Over 20 years the ILC has been applying patient capital and its own growing experience and expertise to the challenges of managing this estate. The ILC has more than proved the wisdom of the original legislators in setting up a uniquely independent, Indigenous-directed corporation delivering benefits over the longer term and specialising in that core and defining characteristic of Indigenous identity—land.

Finally, I should explain that this short history is about the institution of the Indigenous Land Corporation. It is based on publicly available materials, and deals with the ILC's Boards, policies and achievements. The ILC's central themes are 'People, Land, Opportunity'. The ILC was established to help provide opportunity, but people and their connections to land are the animating forces of our work. Though the sources of this narrative have limited its scope, it must be emphasised that the ILC's many Indigenous partners and beneficiaries are the most important people in our story.



Dr Dawn Casey PSM, FAHA

Chairperson

September 2015







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A NATIONAL SETTLEMENT

On 3 June 1992 in the *Mabo* judgment the High Court of Australia effectively overturned long-held assumptions about Australia's past and set in motion legal and political developments of immense importance to Indigenous Australians.

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ORIGINS: THE MABO JUDGMENT

On 3 June 1992 in the *Mabo* judgment¹ the High Court of Australia effectively overturned long-held assumptions about Australia's past and set in motion legal and political developments of immense importance to Indigenous Australians.

The judgment recognised in Australian common law that Aboriginal and Torres Strait Islander peoples' traditional title to land—'native title'—had survived the British settlement of the continent. It had been assumed, and found in a previous judgment², that the land of Australia belonged to no one—was *terra nullius*—when Britain began its colonisation of Australia in 1788, despite the obvious presence of Aboriginal and Torres Strait Islander peoples. The *Mabo* judgment also found that recognition of continuing native title would be highly conditional, and that native title had been extinguished by many of the titles granted to other Australians by successive Australian governments.

Indigenous Australians hailed the *Mabo* judgment as a major symbolic victory, an astounding breakthrough in a long struggle to reclaim lost country; however, the implications of the judgment alarmed some other Australians. The Australian Government, headed by Prime Minister Paul Keating, had to move quickly to accommodate native title within Australia's legislative framework. According to the Prime Minister, this was not just a practical necessity but an opportunity to advance reconciliation

between Indigenous and non-Indigenous Australians.³

The Government held discussions with many interest groups, and in October 1993 entered intense negotiation with a group of Indigenous leaders including Lowitja O'Donoghue⁴, chairperson of the Aboriginal and Torres Strait Islander Commission (ATSIC), and representatives of major Indigenous land councils. Prime Minister Keating has since described this negotiation as unprecedented in Australian history—Indigenous peoples' being 'brought fully and in an equal way to the centre of national executive power'⁵.

The negotiations called for give and take on both sides. A three-part settlement was agreed, although the third part, a Native Title Social Justice Package, fell by the wayside.⁶ The first part of the settlement was the *Native Title Act 1993*, legislated in December 1993. This validated past grants of land to settlers and provided a means of claiming any surviving rights to native title (imprecisely defined at this stage), as well as other rights.

The Land Fund—now officially known as the Land Account⁷—was the second part of the settlement. The Indigenous negotiators were highly conscious of the needs of Indigenous Australians whose traditional country had already been overlaid by the land titles of other Australians. This was reckoned to be a majority of the Indigenous population. The Land Account therefore provides a mechanism for some compensation for the dispossession of Aboriginal and Torres Strait Islander peoples since 1788

(though nowhere near as generous as the 'just terms' compensation available to Australian citizens when their land is resumed by government).

The Land Account was established with legislated appropriations over ten years, to build a capital base, after which the Account's own income would support the operations of a new statutory authority created at the same time as the Land Account—the Indigenous Land Corporation.

LEGISLATING THE LAND ACCOUNT

The Land Account was initially established by Part 10, Section 201 of the *Native Title Act 1993*, a section repealed through the Land Account's own legislation. The first version of this legislation, the ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994, entered Parliament in June 1994 and became the subject of a Senate inquiry and marathon debate on the floor of the Senate. In all, 121 amendments were proposed in the Senate with 67 finally agreed. In February 1995 the Government introduced a new Bill, the Land Fund and Indigenous Land Corporation (ATSIC Amendment) Bill 1994, accepting only 21 of the amendments recommended by the Senate inquiry. The Bill passed into law in March 1995, and the new Act commenced on 1 June 1995.

As Prime Minister Keating explained in his Second Reading speech in

1 *Mabo v Queensland (No2)* (1992) 175 CLR 1

2 *Milirrpum v Nabalco Pty Ltd* (the 'Gove land rights case') was the first litigation on native title in Australia.

3 Prime Minister Keating said in his Redfern Park Speech (December 1992): 'Mabo is an historic decision—we can make it an historic turning point, the basis of a new relationship between Indigenous and non-Aboriginal Australians'.

4 Then known as Lois O'Donoghue. She adopted her Aboriginal name after leaving her government role.

5 PJ Keating, Lowitja O'Donoghue Oration, Don Dunstan Foundation, University of Adelaide, 31 May 2001.

6 Both ATSIC and the Council for Aboriginal Reconciliation consulted widely and presented reports on what the Native Title Social Justice Package should contain; these were handed to Prime Minister Paul Keating in the first half of 1995. His Government was defeated in March 1996.

7 The Land Fund set up by the original legislation is now referred to as the Land Account, the terminology used in the ATSI Act. The change from Fund to Account was the result of amendments in 1999 to the *Financial Management and Accountability Act 1997* (FMA Act) following the Commonwealth's adoption of accrual budgeting and reporting from 1 July 1999. From 1 July 2014, the FMA Act was replaced by the *Public Governance, Performance and Accountability Act 2013*, with similar provisions governing Special Accounts.



February 1995, explicitly rejected was an amendment that ‘would require the ILC to take into account, in a completely unspecified way, the educational, health and similar needs of Indigenous communities when deciding where to acquire land’. This was seen as shifting the ILC’s focus away from its ‘fundamental objective of building an Indigenous land base’.

*The purpose of the Government’s Bill is unambiguous. It is to enable Indigenous people to acquire land and to manage and maintain it in a sustainable way, to provide economic, social and cultural benefits for themselves and for future generations of their peoples ... The Bill is not directed at anything else on the policy or program agenda ...*⁸

The ILC was given two important functions: to acquire properties for Indigenous Australians on the open market and within a reasonable time grant title to Indigenous corporations, and to assist in managing Indigenous-

‘The purpose of the Government’s Bill is unambiguous. It is to enable Indigenous people to acquire land and to manage and maintain it in a sustainable way, to provide economic, social and cultural benefits for themselves and for future generations of their peoples ...’



held land across Australia, however it was acquired. The ILC was to be a specialist land agency, with no precedent in the history of Commonwealth Indigenous Affairs administration. With its own source of funding and an Indigenous-controlled and independent board, the ILC was given what Prime Minister Keating called ‘discretion and flexibility’—the freedom to look for longer term results, at arm’s length from short-term budgetary or electoral cycles.

The Land Account and ILC were originally established through amendments to the *Aboriginal and Torres Strait Islander Commission Act 1989* (ATSIC Act). With the abolition of ATSIC in 2005, provisions relating to the Land Account and ILC were incorporated into the new *Aboriginal and Torres Strait Islander Act 2005* (ATSI Act).

ABOVE LEFT: Eddie Koiki Mabo and four others initiated action in the High Court in May 1982 seeking confirmation of their traditional land rights on Mer (Murray Island) in the Torres Strait. Mabo did not live to see the final decision handed down from the High Court. Ten years after the case was first heard, he passed away at the age of 55. Five months later the High Court ruled in the plaintiffs’ favour, rejecting the notion of *terra nullius* in Australian law. 3 June is now celebrated as Mabo Day. Photo: Newspix

ABOVE: Some of the Indigenous negotiators of the native title settlement with Prime Minister Paul Keating in October 1993: (from left to right) Noel Pearson, David Ross (back), Lowitja O’Donoghue, ATSIC Chairperson (front), Darryl Cronin and Darryl Pearce. Photo: Newspix

8 This and other quotations in this section are from the Prime Minister’s Second Reading Speech, Land Fund and Indigenous Land Corporation (ATSIC Amendment) Bill 1994, House of Representatives Hansard, 28 February 1995.

1982

May

Eddie Mabo and four others initiated action in the High Court seeking confirmation of their traditional land rights.

1992

3 June

High Court handed down the *Mabo* decision recognising native title.

1993

27 April

Mabo Ministerial Council began meetings with Indigenous representatives.

3 August

Indigenous gathering at Eva Valley, NT, criticised the Government's proposed legislation in response to the *Mabo* judgment.

8 October

Indigenous leaders including Lowitja O'Donoghue, ATSIC Chairperson, held a media conference saying they were unhappy with the Government's approach. This was followed by more intense negotiations between the Government and a group of Indigenous leaders brought together by ATSIC.

18 October

Cabinet endorsed the Government's response to the *Mabo* judgment, including native title legislation, a land acquisition fund and a social justice package.

19 October

Lowitja O'Donoghue announced that an agreement had been reached: 'The decision is historic not because we have gained from the Prime Minister an agreement to everything we sought. We have been willing to compromise in the interests of a truly national settlement.'

16 November

Bill for a Native Title Act entered Parliament.

21 December

Native Title Act passed the Senate.

24 December

Native Title Act received Royal Assent.

Chronology of events leading to the establishment of the Land Fund/Account and ILC

1994

1 January

Native Title Act came into effect and provided for a Land Fund (s.201).

10 May

Minister for Aboriginal and Torres Strait Islander Affairs, Robert Tickner, announced the commitment of \$1.46 billion over ten years to the Land Fund.

30 June

First reading of the ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994 in the House of Representatives.

30 August

Second reading of the Bill.

20 September

Bill read a third time and passed to the Senate.

28 November

Senate established the Select Committee on the Land Fund Bill to consider proposed amendments.

1995

9 February

Senate committee reported, making numerous recommendations for amendment.

28 February

New Bill, Land Fund and Indigenous Land Corporation (ATSIC Amendment) Bill 1994, introduced to the House of Representatives while the former Bill was still being debated in the Senate.

1 March

Motion to read the first Bill a third time in the Senate failed.

21 March

Land Fund and Indigenous Land Corporation (ATSIC Amendment) Bill 1994 was read a third time in the Senate and so passed unamended.

29 March

Bill received Royal Assent.

30 May

Minister Tickner announced the ILC Board.

1 June

Land Fund and Indigenous Land Corporation (ATSIC Amendment) Act 1995 commenced, establishing the ILC. Assets of the Land Fund under the Native Title Act were transferred to the Land Fund, now managed by ATSIC.

5–6 June

Inaugural ILC Board meeting.

SHADES OF DISPOSSESSION

Almost all Australian land was once occupied by and sustained Indigenous peoples. Local groups had an intimate knowledge of the resources and needs of the localities in which they lived. Ownership of land was sourced in connection to the Ancestors who had created the land. Indigenous spirituality and the laws that governed Indigenous societies were grounded in the land.

Contemporary Australia was built on Indigenous dispossession. The Land Account and the ILC were set up to compensate for dispossession, at least in part. Complete redress was impossible. The ILC's land acquisition function is directed most strongly at addressing dispossession: buying titles to land on the open market and granting them to Indigenous groups, land that through the processes of settlement has been alienated from its Traditional Owners.

The post-Mabo negotiations were marked by a division among Indigenous interests about whether Indigenous people in so-called 'settled Australia'—areas such as the capital cities, south-eastern and eastern coastal Australia, south-west Western Australia—should receive special treatment under the legislation setting up the Land Account as they were the 'most dispossessed' and least likely to have their native title recognised through the Native Title Act. The Government rejected this idea as unworkable, and left it to the ILC to determine through its own policies for whom it would purchase land.

Dispossession has been a complex phenomenon. In the nineteenth century, after disease and warfare had drastically reduced the Aboriginal population, many Aboriginal groups in the most intensely settled areas of Australia were moved into reserves or missions. They formed attachments



ABOVE: Home dance on Mer (Murray Island), Torres Strait Qld, 1898. Alfred C Haddon (photographer), AIATSIS Pictorial Collection, from the *We all stand on sacred ground* exhibition, July–September 2015.

TOP: Mulgrave River people with the Bellenden Ker Range in the background, Mulgrave River, Babinda, Qld, c1900. Cairns Historical Society (depositor), AIATSIS Pictorial Collection, from the *We all stand on sacred ground* exhibition, July–September 2015.



to land that would not have been their ancestors' traditional territory. These reserves could themselves be revoked by government—this happened widely in eastern Australia. Other Aboriginal groups lived on the fringes of mainstream society, camping on riverbanks or other public land. Loss of connection to traditional land meant the loss of language and much cultural knowledge. Dispossession was compounded by assimilation policies that separated children from their families. In many jurisdictions Indigenous peoples were also subject to various laws, policies and practices that denied them basic rights as Australian citizens.

A similar though less intense process took place in remote Australia. Large parts of 'outback' Australia were overlaid with pastoral leases—titles to use, but not own, the land to run cattle or sheep. Many

Aboriginal groups in northern and central Australia became a labour force in the cattle industry, though the industry did enable them to stay on their traditional country and maintain culture. In the last decades of the twentieth century this source of employment was eroded through industry restructuring and the granting of equal wages. At the same time government programs purchased pastoral leases, often on more marginal land, for Aboriginal groups.

Large tracts of remote land were also 'reserved' for its Indigenous inhabitants, particularly in the Northern Territory, usually land that had been judged unsuitable for any form of agriculture—for example, the wetlands of Arnhem Land and the deserts of the western Northern Territory. The modern land rights movement began in 1963 when the Yolngu people of north-east Arnhem

Indigenous leaders at the Day of Mourning and Protest, 26 January 1938, the 150th anniversary of British settlement. This was the first organised national Indigenous political demonstration. A Proclamation of the Day of Mourning was issued, signed on behalf of the Aborigines Progressive Association, protesting the 'seizure of our country' and 'callous treatment of our people' and presenting demands for full citizen rights. Left to right: William Ferguson, Jack Kinchela, Isaac Ingram (child), Doris Williams, Esther Ingram (child), Arthur Williams Jr (child), Phillip Ingram (child), unknown, Louisa Ingram holding daughter Olive, Jack Patten. In 1998 the ILC purchased the central Sydney building in which this protest was held, the then Cyprus Hellene Club, to protect it from threatened development.



Prime Minister Gough Whitlam pours a handful of Daguragu soil into the hands of Vincent Lingiari (1908–88) at Wattie Creek, NT, in August 1975. The occasion was the handover of a Crown lease to Lingiari's Gurindji people. In 1966 Vincent Lingiari became a national figure when he led the walk off of Aboriginal employees at Wave Hill Station, initially to protest poor working conditions and very low wages. The protesters established the Wattie Creek Camp and demanded the return of some of their traditional land, transforming the eight-year strike from an employee-rights action to a land rights protest. The Gurindji were later granted inalienable freehold title over the land gained in 1975 under the *Aboriginal Land Rights (Northern Territory) Act 1976*. This Act was developed by the Whitlam Government and legislated by the Fraser Government. Photograph by Mervyn Bishop. Collection: Museum of Applied Arts and Sciences, Sydney. Produced with the permission of the Commonwealth of Australia.

Australian governments began to enact Indigenous land rights legislation in the 1960s, though the interests granted through this legislation have varied. The Commonwealth's *Aboriginal Land Rights (Northern Territory) Act 1976* has resulted in almost half of the Northern Territory becoming Aboriginal land under inalienable freehold title.

Land sent a petition to the Australian Parliament protesting (unsuccessfully) a unilateral decision to resume part of their reserve for bauxite mining. In 1971 they took their grievance to the courts but the principle of *terra nullius* (later overturned by the *Mabo* judgment) was affirmed by the Supreme Court of the Northern Territory.⁹

During the twentieth century missions and government ration depots were established across northern and central Australia to which formerly nomadic Aboriginal groups were attracted. These formed the core of the largely Indigenous townships that now dot remote Australia. Other groups went to live in, or transit through, 'camps' in or near mainstream towns. By the 1970s the pressures and conflicts of life in these composite communities, where multiple clan and language groups were likely to live uneasily together, led many family groups to return to their traditional land to set up outstations—or 'homelands'—where they could be closer to country and culture. Today, Indigenous Australians make up around a quarter of the population of remote Australia, though only around 3 per cent of the national population.

Australian governments began to enact Indigenous land rights legislation in the 1960s, though the interests granted through this legislation have varied. The Commonwealth's *Aboriginal Land Rights (Northern Territory) Act 1976* has resulted in almost half of the Northern Territory becoming Aboriginal land under inalienable freehold title. Large tracts of arid northern and western South Australia have also been granted to its Aboriginal owners. Land rights legislation is limited in Queensland—deeds of grant in trust were awarded to major communities in the 1980s and some land transfers are permitted under two 1991 Acts. Land rights legislation is all but non-existent in Western Australia, where native title has become the main vehicle for recognition of Indigenous interests in land. In more intensely settled States, land rights legislation has transferred ownership of some former reserves and other significant places. Under New South Wales legislation, Indigenous groups can, under certain conditions, claim Crown land.

Land rights have been a legislative response to Indigenous dispossession. Native title came from the common law, the other strand of law based on judicial decisions that co-exists with statute law.

9 The 'Gove land rights case', see footnote 2.



Native title is grounded in Indigenous tradition, though claims to native title are subject to processes in the Native Title Act. The recognition of native title has greatly expanded Indigenous rights, and further complicated the picture of dispossession. Determined native title rights have proved to be variable. In some cases native title amounts to exclusive possession—for example, for the Spinifex people (Pila Nguru) in vast areas of very remote Western Australia who have ‘a right to possess, occupy, use and enjoy the land, including the right to live on the land’.¹⁰ For many claimant groups, native title processes have proved slow and onerous, though the rate of determination of claims has been accelerating in recent years. Settlement of native title claims by negotiation has depended on the willingness of other

parties to participate. An increasing acceptance of Indigenous interests has, however, led to the prospect and reality of native title in areas of Australia that would not have been anticipated in the first years after the *Mabo* judgment. Victoria’s *Traditional Owner Settlement Act 2010* provides the best example of an alternative native title settlement process in Australia.

From the outset, the ILC also had a statutory land management function, which related to all Indigenous land. The land management function had the ILC dealing, of necessity, with Indigenous groups who already owned land. Land management addresses other forms of dispossession, including, through lack of funds or capacity, an inability to realise the full potential of land owned by Indigenous peoples.

Indigenous demonstrators protest the re-enactment of the First Fleet entering Sydney Harbour during the Bicentenary celebrations, Sydney, NSW, 1988. Courtesy of Fairfax Syndication.

¹⁰ Extract from the National Native Title Register, WCD 2000/003; date of effect: November 2000.





20 YEARS OF INDIGENOUS BENEFIT

Over 20 years the ILC has responded to Indigenous land needs with four National Indigenous Land Strategies. ILC Boards have been led by David Ross (1995–99), Sharon Firebrace (1999–2001), Shirley McPherson (2001–11) and Dawn Casey (2011–15), although memberships of these Boards have overlapped.

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Over 20 years the ILC has responded to Indigenous land needs with four National Indigenous Land Strategies. ILC Boards have been led by David Ross (1995–99), Sharon Firebrace (1999–2001), Shirley McPherson (2001–11) and Dawn Casey (2011–15), although memberships of these Boards have overlapped.

FIRST YEARS: 1995–99

The ILC began operations on 1 June 1995, with David Ross as Executive Chairman and administrative support from ATSIC. The very first Board was largely made up of those who had helped to negotiate the Mabo settlement: with David Ross, previously of the Central Land Council¹¹, were Peter Yu (ILC Deputy Chair) of the Kimberley Land Council, Noel Pearson of the Cape York Land Council, ATSIC Chairperson, Lowitja O'Donoghue, and ATSIC Commissioner Steve Gordon. The Board met for the first time on 5–6 June 1995. The initial focus was on the purchase of land, as land management remained an ATSIC responsibility until 1 July 1997.

The ILC's new land acquisition and land management responsibilities, wrote David Ross in the first (1994–95) annual report, brought 'difficult and complex challenges'¹². The need for land was expected to be vast and 'land management' was at this stage difficult to define. At the same time, specialisation provided the scope to develop an unprecedented depth of experience and expertise in Indigenous land matters.

The ILC was launched into a highly charged political environment, already evidenced by the drawn out passage of the Land Account legislation. The Labor Government that established the Land Account and ILC was succeeded in March 1996 by a Coalition Government under Prime Minister John Howard. In his 1997–98 annual report, David Ross

National Indigenous Land Strategies

Under its legislation, the ILC is required to develop, table in Parliament and publish a three-to-five year National Indigenous Land Strategy (NILS) to guide its operations and let Indigenous Australians know how it is going to work with them.

Since 1995 there have been four principal NILS documents, though each individual NILS has been subject to review and revision.

- 1. 1995–2001** The 'ILC's foundation document' was tabled in Parliament in May 1996, after consultation with Indigenous communities, agencies and organisations. It focused on the acquisition of culturally significant land: 'while commercial or economic aspects of a land purchase proposal are considered important, the key criterion for acquisition of land by the ILC should be the cultural significance of the land'.
- 2. 2001–06** The second NILS reflected a shift in focus 'from purely acquisition to long-term sustainable land use planning, including a new emphasis on economic development'.
- 3. 2007–12** These trends were reinforced in the third NILS, and the emphasis on Indigenous training and employment, particularly in the agricultural and tourism industries, strengthened. This NILS incorporated more rigorous monitoring of the achievement of Indigenous benefits, to ensure alignment between program delivery and the ILC's legislated purpose.
- 4. 2013–17** The fourth NILS continues to support Indigenous economic development, training and employment, but has also rebalanced the ILC's priorities towards social, cultural and environmental matters. It includes the ILC's first Native Title Policy.

The ILC is also required to prepare Regional Indigenous Land Strategies (RILS). The ILC Board early decided that the ILC's 'regions' would be the six States and the Northern Territory, given the central role of the States/Territory in land-based policy and legislation and the differing colonial histories that had produced different patterns of Indigenous dispossession. In practice these large 'regions' have been broken down for the purposes of more detailed ILC land-needs planning at the sub-regional level.

noted the 'deteriorating relationship between Indigenous peoples and the Commonwealth'. The main issue was the Howard Government's intention to amend the *Native Title Act 1993*, particularly in light of the *Wik* judgment (December 1996)¹³ which drastically extended the reach of potential native title (see page 38). The ILC participated in the National Indigenous Working Group on Native Title, an alliance of Indigenous organisations opposed to the Government's Ten Point Plan to amend the Native Title Act. The long stand-off ended in a compromise in 1998 brokered

by Senator Brian Harradine which resulted in the Government's dropping some proposed amendments.

In this environment the first ILC Board was determined to grasp 'the opportunity and responsibility to bring a new and strategic approach to land acquisition and management for Indigenous people'. In doing so, it had to establish an operational base, define its own policies and make them known to its Indigenous constituency, and deal with its various inheritances. These inheritances included the Indigenous-held land that had been acquired under

¹¹ David Ross returned to the Central Land Council and is currently its Director.

¹² Quotations throughout this text are from the respective annual reports of the Indigenous Land Corporation, unless otherwise attributed.

¹³ The *Wik Peoples v Queensland and Ors* (1996) 121 ALR 129 determined that native title could survive on land subject to a pastoral lease.

previous programs and through various pieces of land rights legislation, then comprising some 15 per cent of the Australian land mass, as well as the land acquisition and management programs of ATSIC and its predecessors. These had been only small, under-resourced parts of larger operations.

In every State and Territory the legacy of Australian history meant that dispossession had been compounded by the relocation of Indigenous people. The ILC's first policy was to acquire land of 'cultural significance' with title granted to corporations representing Traditional Owners—that is, those with inter-generational ties to particular land based in Indigenous tradition. The concept of Traditional Owner is widely respected across Indigenous Australia, and the term came into wide use after legislation of the *Aboriginal Land Rights (Northern Territory) Act 1976*. However, Traditional Owners could be far more difficult to identify in highly settled areas of Australia and privileging Traditional Owners potentially disadvantaged other Indigenous people with long historical associations to particular land.

In defining cultural significance, the first National Indigenous Land Strategy distinguished between traditional, historical and contemporary significance.

For example, a parcel of undeveloped land in a densely-settled coastal region may have traditional values (the descendants of the prior owners continue to identify with the land); historical values (three or four generations of displaced Indigenous people may have used the land and developed an association with it in that way); and contemporary value (as, for example, the last remaining pocket of comparable land in a closely settled area which is likely to be available on the open property market in the foreseeable future). [ILC Annual Report, 1995–96]



LEFT: At the launch of the first National Indigenous Land Strategy, May 1996: ILC Chairman, David Ross (left) with the Minister for Aboriginal and Torres Strait Islander Affairs, Senator John Herron.

BELOW: The first land acquired by the ILC, the former West Swan Primary School, was granted to Manguri Land Enterprises at an on-site ceremony in November 1996. From left to right: Dean Collard, Manguri director; ILC Chairman, David Ross; and ILC General Manager, John Wilson.



This nuanced definition of cultural significance was designed to cater for the different land needs of dispossessed Indigenous peoples across Australia.

The ILC began with a 'flexible approach' to land acquisition. Groups were invited to plan for and register their land needs, and state these within a regional context, and to approach the ILC with land acquisition proposals.

Thus began a substantial ILC investment, continuing to this day, in planning underpinned by consultation, surveys and formal research. To inform the initial Local Lands Needs Planning Process, the ILC began engaging with Indigenous communities and organisations to gather

information on existing Indigenous land, expressed land needs, patterns of ownership, environmental issues and attitudes to traditional ownership. For a number of years achieving successful planning was to prove an operational challenge, requiring the commitment of more and more resources. Planning information was supplemented by general geographical information, as well as information on agencies, programs and initiatives, at every level of government as well as in the private and non-government sectors, that could serve ILC objectives. An enduring theme in the ILC's history has been the need to help its Indigenous clients in accessing services and support from other sources.

RIGHT: At the Julallan grant, near Albany, WA, November 1997, one of ten grants made in 1997–98: Glen Colbung, chair of the Walitj Mia Mia Aboriginal Corporation with ILC Chairman, David Ross. The property is now a thriving farm.

FAR RIGHT: Chris Daniell, station manager at Myroodah Station, WA, now part of the West Kimberley integrated cattle businesses managed by ILC subsidiary National Indigenous Pastoral Enterprises. Myroodah was one of a number of Kimberley pastoral leases purchased by the first ILC Board.



Given the corporation's small scale, the ILC could not have an extensive regional network. In 1995–96 the Board set up a head office in Adelaide, responsible for policy, coordination and corporate services. Over 1996 three divisional offices were established: Central Divisional Office, in Adelaide, covering South Australia, the Northern Territory, Victoria and Tasmania; Eastern Divisional Office, in Brisbane, covering Queensland, New South Wales and the Australian Capital Territory; and Western Divisional Office, in Perth, covering Western Australia. The Divisional Offices engage with Indigenous communities and are responsible for the administration of the land acquisition and land management programs. In 1997–98, David Ross reported that the ILC was now a 'fully functional Commonwealth authority'. Since 1999 the ILC has also had a small Canberra office.

The lack of numerous staff on the ground meant that the ILC had to situate itself from the outset within a network of relationships. Important partners were major Indigenous organisations: ATSIC, land councils, Native Title Representative Bodies (the bodies recognised under the Native Title Act to represent the interests of native title claimants).

Over its 20 years of existence, the ILC has developed its operations against a shifting government policy and program background, involving two Labor Governments and two Coalition Governments. It has worked with Australian Government policies across diverse areas: not just Indigenous affairs, but equally (if not more) importantly, primary industries, 'northern development', regional development, land management, heritage protection, environmental management and climate change. Just as significant have been the policies and legislation of the seven ILC 'regions': the States and the Northern Territory.

The first guidelines on ILC decision-making principles were published in August 1996, and the ILC concluded its first land purchases in the same financial year. The first property bought was the former West Swan Primary School, in the Swan Valley near Perth. It was purchased on behalf of Manguri Land Enterprises Inc and granted to that organisation in November 1996.

In 1997–98 the ILC defined its objective as achieving, over time, 'a representative land base for the maximum number of self-defined family, clan or language groups in each regional area'. It reported substantial progress on land acquisition,

reflected in 30 property purchases. The policy was to grant the properties quickly, within one year if possible, to take advantage of stamp duty exemptions provided in the ILC's legislation.

Granting of land was often complicated by the range of interests in a particular piece of land. The ILC sought to work with competing interests, and encourage negotiation on the final structure of the land-holding body. Grant times began to decrease as the Local Land Needs Planning Process required consideration of future ownership structures before acquisition. The ILC sought to ensure a range of interests was accommodated through agreements for shared access to and/or management of the land. Nevertheless, in 2000–01 the ILC reported that 'the number, range and persistence of disputes over the nature, extent and variety of traditional and historical relationships to land' continued to be a major obstacle to grant. This was the case in settled areas and on more extensive remote properties that were home to a number of traditional groups.

From July 1997 the ILC took over the land management function from ATSIC, having considered its policy approach to land management in the preceding two years. The ILC published



ILC land acquisitions and grants

FY	Acquired	Granted
95–96	-	-
96–97	15	4
97–98	30	10
98–99	54	26
99–00	30	30
00–01	18	16
01–02	9	15
02–03	10	2
03–04	8	4
04–05	21*	1
05–06	8	4
06–07	13	3
07–08	7	7
08–09	8	10
09–10	2	14
10–11	5	12
11–12	4	4
12–13	4	5
13–14	4	4
14–15	1	14

*15 acquired from ATSIC

its First Land Management Policy for the 'transitional period' of 1997–99. The policy distinguished between cultural/social/environmental (the main focus) on one hand, and economic on the other. The ILC wanted to establish clear, long-term objectives for Indigenous-held land, in contrast to the more piecemeal approach dictated by a previous shortage of government funds for Indigenous land management. The policy was 'solutions-based', with funding to be based on a comprehensive assessment of land owners' needs and aspirations. The ILC has a statutory obligation to operate according to sound business principles (section 191F(1) of the ATSI Act). The land management function, however, brought with it responsibility for numerous marginal pastoral enterprises maintained under ATSIC programs (85 per cent of ATSIC land management funding had gone to such properties). The ILC was facing a considerable economic and environmental challenge:

Most Indigenous-held land could be characterised as land that non-Indigenous people never wanted, or land that, because of inappropriate use, became non-productive and ceased to have value for its non-Indigenous owners. The majority of indigenous-held land lies in areas which are ecologically fragile, and historically have been of no or, at best, marginal economic value. Much of the land is remote, sparsely populated and has little or no infrastructure of any kind ...

A large proportion of Indigenous-held land lies within that vast geographic area (nearly 75 per cent of the Australian continent) referred to as 'the Rangelands', which is essentially 'unimproved' land under pastoral leasehold tenure, used for grazing livestock. [ILC Annual Report, 1997–98]

The ILC inherited responsibilities for rangeland country at a time of upheaval in rural industries, particularly the pastoral industry. Pastoralism was being transformed from a labour-intensive to a capital-intensive industry, characterised by increased investment, aggregation of holdings and the need for greater material, technical and operational skills on the part of primary producers. In this process, Indigenous properties were particularly vulnerable since they were most likely on marginal land with low-skilled owners who could not relocate.

The First Land Management Policy recognised this reality and distinguished ‘A properties’ (the few that were commercially viable), ‘B properties’ (potentially viable) and ‘C properties’ (never viable, but needing support for alternative, non-commercial uses). The ILC had to engage with the beneficiaries of ATSIC programs, explain its new policies, deal with their expectations, and manage the winding down of unprofitable enterprises. The ILC did not want to go on providing recurrent ‘deficit funding’ to businesses that would otherwise fail.

The ILC was being taken, reluctantly at first, into the commercial space. The initial preference had been to buy land ‘bare’; however, the ILC would inevitably acquire properties of cultural significance with commercial operations attached. The first was Mogila Station, purchased in June 1997. Located north-east of Goodooga in far northern New South Wales and traditional country of the Yuwuaaliyaay people, Mogila was home to the historic Mogila Merino Stud.¹⁴ To continue the property’s commercial operations, the ILC incorporated Mogila Merino Stud Pty Ltd as a subsidiary, and developed the ‘Mogila Model’. Under this model the ILC would purchase title to the land, but set up a subsidiary to buy the plant, equipment and livestock as well as lease the land to run the business. The



TOP: Mogila Station was granted to Traditional Owners at a ceremony in June 1998. Left to right: Ross Scott, board member of the then ILC subsidiary, Mogila Merino Stud Pty Ltd; Murray Chapman; Johnny Lamb of the Pulkurru Aboriginal Corporation, Goodooga, NSW, which had proposed the purchase of the property. Murray Chapman was the first and so far only Indigenous General Manager of the ILC (1998–99).

ABOVE: Traditional Owners celebrate the grant of land at Mount Clarence, near Coober Pedy, SA, in August 1998. Left to right: Jack Crombie and David Brown with ILC Chairman, David Ross.

14 An associated and equally significant property, Currawillinghi Station across the border in Queensland, was purchased in 1998–99 and granted in 2000 to Ngurampaa Ltd.

By 1998–99 the ILC concluded that it had ‘a significant responsibility to develop a commercially-successful and independent Aboriginal-owned, managed and operated land based enterprise sector.’

ILC would provide an interest-free loan to the subsidiary to cover the latter’s expenses. The loan would be paid back from operational profits, with the ILC retaining some management control until the loan was repaid. The Mogila Model was employed at two further sheep stations purchased in 1997: Mount Clarence, near Coober Pedy, SA, a run-down property acquired on a ‘walk in, walk out’ basis, and Cardabia, north of Carnarvon, WA.¹⁵

In its submission to the parliamentary Inquiry into Indigenous Business (initiated December 1997), the ILC emphasised that it ‘cannot be a major player in the economic development arena, nor should it be ... the ILC’s primary function is to address dispossession through the restoration of an Indigenous land base’. The ILC also commented that enterprises based solely on commercial models are not always suitable in Indigenous Australia.

By 1998–99, however, the ILC concluded that it had ‘a significant responsibility to develop a commercially-successful and independent Aboriginal-owned, managed and operated land based enterprise sector’. To underpin this new direction the Board began to consider training strategies to increase the number of Indigenous managers and technical staff. In June 1998 the Board agreed to incorporate a subsidiary company, Land Enterprise Australia

(LEA), to focus on the commercial side of land management. LEA would manage the small number of businesses acquired by the ILC, help to assess and restructure existing Indigenous pastoral enterprises, and assist communities wanting to establish commercial operations. However, no assets were transferred to LEA, and the company was dissolved in a major restructuring of the ILC in 2001–02.

In 1997–98 the ILC entered into its first service agreements with the Northern Land Council (NLC) and Central Land Council (CLC) in the Northern Territory¹⁶—the NLC and CLC would be service providers in the land management program. Also in the Northern Territory the ILC was negotiating a joint funding agreement for the control of *Mimosa pigra*, an invasive weed, on Indigenous land. The agreement, signed in September 1998 and initially providing ILC funding of \$480,000 over five years, was described as ‘a milestone for the ILC’:

... it is a regional agreement, covering many groups of traditional owners; it involves both Government and Indigenous parties; and it ensures that, through training and development, the landowners will build the capacity to manage the land in the future. [ILC Annual Report, 1998–99]



Before and after *Mimosa pigra* clearing. *Mimosa pigra* is a woody invasive shrub originating from tropical America that infests wide areas of the coastal floodplain in the Northern Territory. The dense infestations kill off native vegetation, restrict access to water, cultural sites and other natural resources, and inhibit the operation of the cattle industry. Assisting in the rehabilitation of Indigenous-held land, including the clearing of *Mimosa pigra*, has been an important part of the ILC’s work.

15 The subsidiary companies for Mount Clarence and Mogila were wound up in 2002. Both properties’ business assets were granted to Traditional Owner groups. Cardabia continues to be leased by the ILC and remains part of the ILC-managed pastoral estate, now running cattle.

16 The NLC and CLC are statutory bodies established under the *Aboriginal Land Rights (Northern Territory) Act 1976* to assist and represent Traditional Owners in claiming and managing Aboriginal land. Both are also Native Title Representative Bodies. Around half of the Northern Territory is Aboriginal land, and most of the rest is subject to native title interests.



The ILC had to look to structural and regional issues, beyond the land-management needs of any single property. Most Indigenous pastoral properties were not integrated into the livestock supply chain in northern Australia. No one property could economically produce the number or quality of cattle required for market—cooperative solutions were required.

In Western Australia the ILC entered into a service agreement with the Kimberley Aboriginal Pastoralists Association. Around a quarter of the pastoral leases in the Kimberley were owned by Indigenous interests, and the

ILC purchased five properties late in the term of the first Board, including the 402,000-hectare Myroodah/Luluigui Station and Roebuck Plains Station (see page 36). In contrast to most Indigenous-owned pastoral properties, Roebuck Plains was well-situated on the coast near Broome, with a high carrying capacity. The property was seen as ‘the linchpin of a new strategy to assist Aboriginal pastoralists in the Kimberley in the development of a cooperative approach to herd management and marketing’. In June 1999 a Kimberley Aboriginal Beef Strategy was approved by the ILC Board, and a steering group

set up. This strategy failed to gain traction, however, and in 2003 the ILC entered into an agreement with the State Department of Agriculture and Food to provide pastoral extension services to Indigenous-held properties in the Kimberley (see page 23).

In the face of these challenges the ILC was developing a more comprehensive and longer term National Land Management Response, based on consultation and in-depth research to ground the policy in the broader context of rural and regional economic and environmental management.



Indigenous trainees at Roebuck Plains Station in the Kimberley, WA.
Photo: Newspix

The clear message from the Federal Government, and the focus of the ILC Board, has been on opportunities for land purchase and land management activities that generate economic activity for the Indigenous landholders.

1999–2001

In May 1999 David Ross's appointment as Executive Chairman ended. Minister Herron appointed Sharon Firebrace to chair the ILC, and appointed four new ILC Directors. Coalition Governments prioritise Indigenous economic development as a means of overcoming Indigenous disadvantage, rather than a purely 'land rights' approach. In 1999–2000, the new Board reported:

The clear message from the Federal Government, and the focus of the ILC Board, has been on opportunities for land purchase and land management activities that generate economic activity for the Indigenous landholders. To break the cycle of welfare dependency of many of Australia's Indigenous population, ILC activity that can lead to skill development, wealth creation and especially job creation is becoming a priority. [ILC Annual Report, 1999–2000]

The same report recorded the piloting of an Extension, Education and Training Strategy embracing six levels of training.

The refreshed Board reviewed the ILC's land acquisition and land management activities, developing the second National Indigenous Land Strategy for 2001–06. The review found that land

ownership in itself was not always a benefit and could in fact be a liability if the land owner did not have the capacity to manage the property. The new NILS reflected a shift from 'purely acquisition to long-term sustainable land use planning'. An application process for land acquisition and management projects was introduced. The new NILS also addressed criticism that the ILC had not catered adequately for the land needs of urban-based Indigenous Australians.

In August 2000 the ILC first signed on to a Top End Land Management Training and Employment Strategy, involving multiple partners. Managed by the Northern Land Council, the strategy provided accredited training and supported ranger teams across major communities in the Top End of the Northern Territory for natural-resource management and control of feral animals and invasive weeds. It also enabled groups to use their skills for contract work on non-Indigenous properties. A later collaboration with the Central Land Council and other parties supported ranger teams in Tennant Creek and Ntaria (Hermannsburg). Ranger activities in the Northern Territory are now supported under the Real Jobs Program (see page 27) and other ILC land management projects.

ATSIC

For its first ten years the ILC co-existed with the Aboriginal and Torres Strait Islander Commission—or ATSIC.

ATSIC was legislated in 1989 and began operations in 1990 as a radical new model combining an Indigenous elected arm with management of many of the Commonwealth's Indigenous programs. The aim was to involve Indigenous Australians in the processes of government that affected their lives. Indigenous elected officials on Regional Councils and the ATSIC Board made decisions on policy and funding, and acted as advocates of Indigenous interests regionally and nationally. ATSIC's administration ran many smaller Indigenous programs as well as the most significant (in funding terms): Community Development Employment Projects (CDEP). CDEP was a special Indigenous employment scheme through which community members' notional unemployment benefits were pooled to fund wages for work on community projects. At its height CDEP had around 35,000 participants across Australia.

ATSIC was a partner in many ILC projects. The ILC accessed CDEP labour, ATSIC's business funding scheme or other programs. ATSIC's Regional Councils were an important forum for ILC consultation and planning on sub-regional land needs.

ATSIC's role effectively ended at 30 June 2004; it lost government funding and its programs were dispersed to other Commonwealth agencies. ATSIC was abolished by legislation in March 2005. CDEP was progressively abolished by both Coalition and Labor Governments. Its current successor in remote Australia is the Community Development Programme, and, in urban and regional Australia, *jobactive*, the mainstream job-services program.

2001–11

Shirley McPherson was appointed to chair the ILC in August 2001, and the process of taking stock and adjusting policy gathered pace. The Board began revising the National Indigenous Land Strategy and other corporate documents. An audit was commissioned of ILC-acquired properties, both land held and land granted. Completed in 2002, the audit looked at the properties' physical state, their managers' capacity, the reasons for their purchase, and the aspirations of the groups who had proposed the purchases. The findings highlighted some unintended consequences of the focus on cultural acquisitions: numerous properties had fallen into disrepair, or were being handed back to the ILC because their owners lacked the capacity to manage them.

In 2002–03 a major Property Remediation Program began after around three-quarters of the properties were identified as requiring work. The ILC invested more than \$10 million in remediation activities across 94 properties, ending in 2008–09, with \$8.4 million spent on works to put properties in 'good order'. The program also addressed urgent health and safety issues on properties, and provided funding for property management planning and capacity building for title holding bodies.

A new Board committee began considering the needs of Indigenous people living in cities and regional centres. There were increasing applications for urban property, usually from Indigenous service-delivery organisations seeking better premises for their operations. In 2005–06 the ILC reported that almost half the land purchased in the previous three years had been urban.





LEFT: In November 2001 the ILC completed a significant acquisition in southern Tasmania: Murrayfield, the largest property on Bruny Island. Murrayfield is now an important ILC pastoral business, managing biodiversity and Aboriginal heritage in the context of fine wool and lamb-meat production. The 1320 hectares of native vegetation on Murrayfield provide vital habitat for endangered species, including the forty-spotted pardalote, the swift parrot and eastern quoll.

ABOVE: Tiga Bayles, General Manager of the Brisbane Indigenous Media Association (BIMA), in front of the purpose-built radio station and media training facility constructed on land acquired by the ILC in West End, Brisbane. The land was purchased in 2007 and granted in 2013.



New guidelines for land acquisition and management were developed, together with a revised NILS. Land could be acquired under four program streams: economic, social, environmental and cultural. Projects should be able to deliver ‘achievable and sustainable’ benefits under these four streams, with land owners aware of their responsibilities and obligations. The ILC also began to lease properties to Indigenous corporations, allowing it to monitor how owners managed the land for local benefit, before the properties were divested. Economic acquisitions on behalf of proponent groups continued to be problematic—the businesses may not be sustainable, and owners may not have the skills to run them. The Board imposed a short moratorium on such acquisitions. Divestment periods were lengthened to enable the ILC to undertake a proper assessment of potential owners’ capacity.

The ILC now focuses more strongly on identifying the capacity of the land and the capacity and commitment of applicants before land is purchased. In ensuring both that the land is suitable for meeting the applicants’ needs and that the applicants have the skills to properly manage the

land and the activity, the ILC is confident future acquisitions will prove viable and sustainable over time. [ILC Annual Report, 2002–03]

A Capacity Development Unit was established within the ILC in December 2002. The unit was charged with reaching out to the ILC’s Indigenous clients via Capacity Development Coordinators and networking with key government agencies, including training providers such as TAFE and the FarmBis Program, funded by the Commonwealth and run by the States/Territories. Pilot projects had commenced under the Extension, Education and Training Strategy encompassing areas such as corporate governance, management, operational skills and personal development.

Land management projects evolved, and divided into two categories. The majority remain small scale and provide funding to improve individual properties or for property-management planning. Regional land management projects are more collaborative, encompassing larger tracts of land and more extensive structural, commercial and environmental challenges. These latter



ABOVE LEFT: Laynhapuy rangers removing a ghost net in north-east Arnhem Land, NT. Extensive community-generated projects have been supported with ILC land management funding including the Carpentaria Ghost Nets Project, established in 2004 by Indigenous communities on the Gulf of Carpentaria concerned about the amount of marine debris washing up on their shores.

ABOVE: Jamaal Witchen and Marcus Laurie take part in an introduction to pastoral training program at Bohning yards, Alice Springs, NT. The Indigenous Pastoral Program has been assisting Indigenous land holders in the Northern Territory to develop viable enterprises while sustainably managing their land. This collaborative program supports a variety of activities: accredited training, natural resource audits, the development of property and business management plans, the construction of infrastructure on properties, the purchase of plant, equipment and stock, and the negotiation of new grazing licences.



projects have required the building of relationships within regions and across industries with government agencies and other bodies to access knowledge, support and funding. Over the last 20 years the ILC has become a participant in numerous regional and industry forums, such as the State/Territory-based farmers' federations or pastoralists and graziers' associations, natural resource management committees, government advisory groups or steering committees, native title forums and land-related cooperative research centres.

In January 2003, the ILC entered into an initial three-year agreement with the Western Australian Department of Agriculture and Food for the Kimberley Indigenous Management Support Services to promote commercial pastoral activity across Indigenous-owned stations. In 2006–07 a similar agreement was initiated for the Pilbara.

These partnerships were later rolled into the Indigenous Landholder Service, provided by the Department of Agriculture and Food with funding from the ILC, delivering extension services and land management funding across Western Australia and to around 70 Indigenous-owned properties.

In 2003–04 the ILC became the major investor in the Indigenous Pastoral Program, a joint project with the NLC, CLC and Northern Territory Government (and later other parties including the Northern Territory Cattlemen's Association and Commonwealth Department of Employment) to bring more Indigenous land into production. The program has brought more than 24,000 square kilometres under improved management, with an additional 100,000 head of cattle.

Regional land management projects are more collaborative, encompassing larger tracts of land and more extensive structural, commercial and environmental challenges.



ABOVE: Guide training at Home Valley Station, the ILC's first venture into tourism. Home Valley Station is a pastoral-based resort in spectacular landscape in the east Kimberley, WA, now managed by ILC subsidiary Voyages Indigenous Tourism Australia.

RIGHT: Indigenous stockmen (and children) on Warrigundu Station, near Mataranka, NT. The enterprise encompasses two land use agreements, on Hodgson Downs (Alawa Aboriginal Land Trust) and part of Eley Station (Mangarrayi Aboriginal Land Trust). The station offers employment and training opportunities to residents of the local Minyerri community. Export-quality weaner steers bred at Warrigundu are transferred to Gunbalanya for fattening.



ILC businesses were seen as the developing ground for an ‘untapped workforce’— Indigenous people living in rural and remote areas who could potentially fill jobs in the pastoral, tourism and mining industries.

2004–05 was the ILC’s tenth year, and the first year in which there were no direct appropriations to the Land Account. The year saw the abolition of ATSIC and passage of the new *Aboriginal and Torres Strait Islander Act 2005*. The ILC inherited 15 ATSIC properties, as well as ATSIC’s Regional Land Fund. The two positions on the ILC Board that had been appointed by ATSIC (and thus were independent of government) were now appointed by the Minister.

The ILC increasingly prioritised training and employment, underpinned by an expanding ILC pastoral estate and the development of ILC tourism enterprises. A subsidiary, National Indigenous Pastoral Enterprises (NIPE) Pty Ltd, was incorporated to employ labour on ILC-run businesses. During this period the Board initiated what it called ‘strategic’ land acquisition and management: the ILC would acquire certain properties without an application from a proponent group, responding to opportunities identified for Indigenous benefits in particular regions or industries. In 2004–05 one property was purchased on this basis, a small area adjacent to Roebuck Plains Station with extensive cattle yards—‘a strategic purchase to enable expansion of the ILC’s Roebuck Plains cattle operation and to hold cattle from Indigenous-held pastoral leases in the Kimberley, prior to live export’. The ILC subsequently invested close to \$2 million to redevelop the yards as a fully commercial, accredited export cattle business.

Strategic land acquisition projects enabled a longer term approach with correspondingly longer times for divestment. The ILC’s own pastoral operations had grown, making it ‘Australia’s 19th largest cattle producer’. Studies to investigate the tourism potential of various ILC and other Indigenous-held properties began. The Board decided to invest in Home Valley Station, a 247,000-hectare pastoral lease on marginal land in the Kimberley with important Aboriginal cultural sites. Home Valley would become an adventure tourism destination and base for Indigenous training in agriculture and hospitality, as well as a working cattle station.

In 2005–06 the focus on training and employment continued, with programs operating at Home Valley Station and Crocodile/Welcome Stations in Queensland. The ILC was now operating ten businesses, eight based on cattle, and six at a mature stage of development.

In 2006 the ILC Board made its most significant urban acquisition, the site and historic buildings of the former Redfern Public School in Sydney. This was part of a broader ILC strategy to acquire land to address the disadvantage of city-based Indigenous Australians. The inner-Sydney suburb of Redfern had long been associated with its Indigenous community, a community with many social problems arising from poverty and alienation. The ILC Board first began considering a project there

after the ‘Redfern riots’ of February 2004.¹⁷ The Redfern Public School site would be the subject of a major ILC-funded development to construct what was then called a ‘National Indigenous Development Centre’—now the National Centre of Indigenous Excellence—to run sporting, educational and cultural programs to benefit Indigenous young people both from the local area and across Australia.

In 2006–07 the number of ILC-operated businesses increased to 13. Hodgson Downs Station (Waliburru) in the Roper River region of the Northern Territory was leased from Traditional Owners as the base for a cattle business. ILC businesses were seen as the developing ground for an ‘untapped workforce’— Indigenous people living in rural and remote areas who could potentially fill jobs in the pastoral, tourism and mining industries. Chairperson McPherson reported in 2007–08 that ‘ILC activities predominantly focused on the delivery of education, training and employment outcomes from Indigenous owned and managed land’. A new NILS was developed for the years 2007 to 2012, reflecting these priorities and providing for more rigorous monitoring of the benefits achieved. The ILC began calling for applications once a year for projects focusing on socio-economic benefits, allowing it to better assess the relative merit of proposals. Indigenous groups could apply for cultural and environmental acquisitions any time they became available.

17 The riots followed the death of 17-year-old cyclist ‘T.J.’ Hickey in what many local Aboriginal people believe was a police chase. The police deny this.



ABOVE: Roebuck Export Depot, adjacent to Roebuck Plains Station, near Broome, WA, is capable of handling 8000 cattle at any one time. The ILC Board decided to invest in the establishment of an export depot after the closure of a previous facility in Broome. The yards contribute to the sustainability of all cattle operations, Indigenous and non-Indigenous, in the north-west of Western Australia.

ABOVE RIGHT: The ILC invested in Gunbalanya Station and Meats after an approach from the community. ILC subsidiary National Indigenous Pastoral Enterprises manages the two businesses. The community benefits from jobs, income, training and improved food security, and the Traditional Owners receive lease income.

In November 2007 a new Australian Government was elected, initially under Prime Minister Kevin Rudd and later Julia Gillard. The Government built a new Indigenous Affairs platform: ‘Closing the Gap’, based on set targets for overcoming disadvantage and agreements with the States and Territories. The ILC participated in Closing the Gap through managing the construction of a boarding hostel for remote Indigenous students in Weipa Qld, on land gifted by a mining company (‘education’ was added to the ILC’s priorities in the NILS 2007–12).¹⁸

In 2008–09 the ILC continued to invest in the upgrade of infrastructure on land where it conducted its commercial

businesses, incorporating residential training facilities. At Gunbalanya in the Top End of the Northern Territory, after an approach from the community, development began of a small abattoir and grazing business. Both enterprises were designed to provide training, employment and an economic base for the community of more than 1000 people. Gunbalanya would receive cattle from other ILC and Indigenous businesses, for finishing on the fertile floodplains or for processing through the meatworks. In July 2009, in the West Kimberley, WA, the Roebuck Export Depot opened, capable of handling 8000 head at any one time. By now the ILC was managing around 94,000 head

18 This project was fully funded by the then Department of Families, Housing, Community Services and Indigenous Affairs. Education is not named as a priority in the current NILS 2013–17.



across Australia. The corporation had 15 commercial businesses, ten on ILC land and five on leased land, with six fully operational and nine under development.

The Training to Employment—or T2E—Program was being rolled out on 12 ILC-run businesses, with supplementary funding from the Australian Government’s Indigenous Employment Program. In October 2008 the Board allocated \$9 million over three years to expand the model, and \$8.6 million in June 2011 for a further three-year extension, including the setting up of a shearing training school at Merriman Station, a property acquired near Brewarrina in northern New South Wales. ILC trainees are provided with

board, wages, and training integrated into the operation of the businesses.

Since 2008–09, the ILC has managed a Commonwealth-funded Real Jobs Program for the Northern Territory to create sustainable Indigenous employment in environmental management and the pastoral industry. This has involved working with the land councils and significant regionally-based Aboriginal organisations, as well as the Northern Territory Cattlemen’s Association. In the same year the ILC entered a multi-year agreement with the Kimberley Land Council and Western Australian Government agencies to help train and employ rangers across the Kimberley region.

A Cape York Indigenous Land Economic Development Project was initiated in 2009–10, in partnership with Balkanu Cape York Development Corporation and six Aboriginal land trusts, to help identify income generating opportunities on Indigenous land on Cape York.

Over the last 20 years the ILC has also entered into various agreements with the South Australian Government and the major Indigenous land-owning bodies in that State for environmental management and pastoral training, including the North West Indigenous Pastoral Project currently under development.



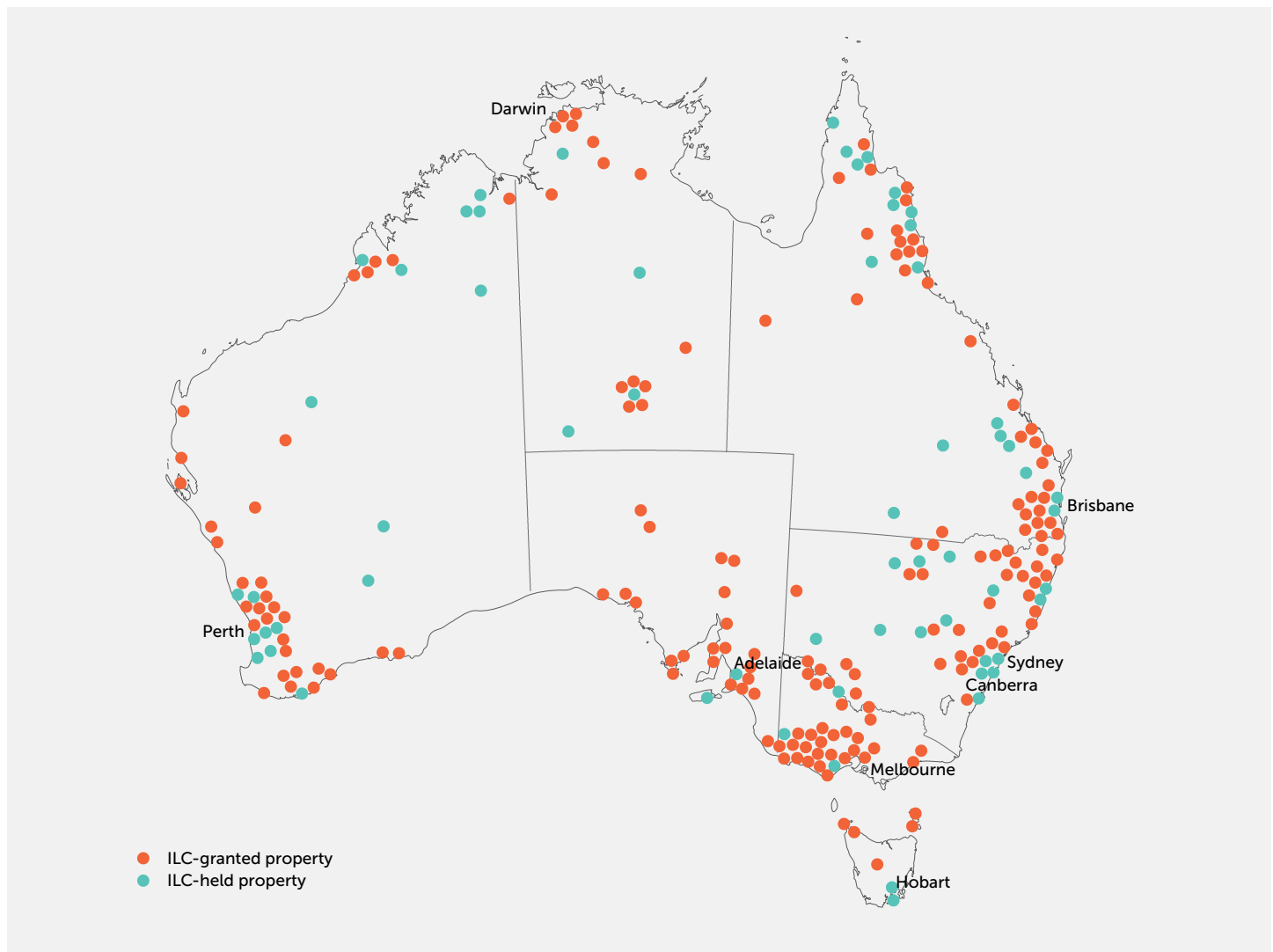
TOP: Developed by the ILC on the site of the former Redfern Public School, the National Centre of Indigenous Excellence (NCIE) works under direction of NCIE Ltd, a wholly owned subsidiary of the ILC, providing programs for young Indigenous Australians from across the country in the pathways of learning and innovation, health and wellness, sport and recreation, and arts and culture.

ABOVE: At the opening of the NCIE in 2010: with NCIE staff are ILC Chairperson, Shirley McPherson (fourth from left), ILC Director Sam Jeffries (third from left) and Sol Bellear, elder of the Redfern community (seventh from left).

By 2009–10 eight of the 15 livestock enterprises¹⁹ were fully operational, all with residential training facilities. After an approach from the local Indigenous community, an 8-hectare parcel of former sugar-cane land was acquired adjacent to the Mossman Gorge near Cairns in Far North Queensland, for the development of a cultural tourism hub that would employ local people.

In Sydney the ILC's development at the Redfern Public School site was proceeding. A subsidiary company, National Centre of Indigenous Excellence Ltd, was established in 2008 to run the three-part facility: the sports and recreation centre; the hostel and conference rooms; and office space for NCIE management and the tenants and partners that would operate programs out of the premises. The NCIE opened for business in early 2010, and has become a respected institution in Redfern and nationally, visited by some 5000 Indigenous young people each year.

19 One, Urannah, via Collinsville, Qld, has since ceased to operate.



Properties acquired and granted by the ILC to 30 June 2015

2010–11 was described by Chairperson McPherson as a ‘watershed year’. The ILC reported impressive and increasing training and employment results. Around 70 per cent of ILC projects were collaborative, sourcing funding from other parties. Gunbalanya Station and Meats was opened by Minister Macklin in November 2010. Through various collaborations, the ILC was involved in managing 180,000 head of livestock across Australia, directly or indirectly. Cattle businesses were being integrated for improved profitability. Steers bred on Myroodah Station in the Kimberley were transferred for fattening and export to Roebuck Plains Station where the live export facility handled more than 54,000

cattle (from ILC and other properties) in 2010–11. In Queensland, construction began on the Mossman Gorge Centre.

In the Northern Territory, the ILC acquired Fish River Station in partnership with the Australian Government National Reserve System, the Nature Conservancy and Pew Environment Group. This 180,000-hectare property in the Daly River district south of Darwin is home to a nature reserve of national significance. The ILC, with Traditional Owners, manages the property for its environmental and cultural values. Fish River also became a testing and demonstration model for a new way of managing Indigenous land for

economic benefit, mobilising traditional Indigenous ecological knowledge to generate carbon credits. Across northern Australia, early-season savanna burning by Traditional Owners contributes to greenhouse-gas abatement by preventing intense and destructive late-season wildfires.

In this year the ILC also made its largest single investment. After two years of consideration, the ILC acquired Ayers Rock Resort for in excess of \$300 million. The resort, developed by the Northern Territory Government in the early 1980s, lies at the gateway to the Uluru-Kata Tjuta National Park in Central Australia. It is its own township (Yulara), with accommodation

RIGHT: An aerial view of Ayers Rock Resort, the gateway to Uluru, NT, purchased by the ILC in 2010–11. ILC subsidiary Voyages Indigenous Tourism Australia has overseen major refurbishments at the resort and deepened the tourism experience by engaging people from nearby communities to share local Aboriginal stories and culture. A National Indigenous Training Academy established at the resort hosts Indigenous trainees from around Australia. Indigenous participation at Ayers Rock Resort (staff, trainees and contractors) now stands at 32 per cent.



ranging from basic to luxury as well as housing for the town's residents. The resort purchase began in 2010 and was completed in May 2011 in partnership with local Indigenous corporation, Wana Ungkunytya.²⁰

The Board saw many opportunities in this acquisition: 103 square kilometres of highly symbolic land was returned to the Indigenous estate, the resort would become a 'hub to revitalise Indigenous tourism across Australia', and a National Indigenous Training Academy would assist 'Indigenous job creation across a wide variety of industries, skills and professions in a region where Indigenous unemployment was entrenched'. In buying the resort, the ILC also acquired an associated trust fund, the Mutitjulu Foundation, established by the previous owners in 2003 to raise money for projects in local Aboriginal communities. The ILC created a wholly owned subsidiary, Voyages Indigenous Tourism Australia Pty Ltd, to own and operate the resort.

Shirley McPherson wrote that 'there was no better example of [the ILC's] strategic approach' than the acquisition of Ayers Rock Resort. The then Australian Government had concerns about the purchase²², though the Minister could not direct the ILC Board not to proceed.



²⁰ Wana Ungkunytya held an option to purchase the resort; its members include many Traditional Owners.

²¹ Publicly available material on the Ayers Rock Resort purchase can be found on the ILC website.



The ILC and the National Reserve System

The National Reserve System has been built up since the 1990s to help protect for future generations a representative sample of Australia's diverse range of flora, fauna and ecosystems.

Indigenous Protected Areas—or IPAs—now make up more than one third of the National Reserve System. Initially trialed in 1997, IPAs enable Indigenous land owners to be paid to manage their land for its environmental and heritage values. From October 2006 the ILC embarked on a formal three-year partnership with the Commonwealth Department of the Environment, providing \$7 million for the development of at least ten new IPAs. By 2009–10, 19 additional areas had been declared since the commencement of ILC IPA projects, and increased land management funding was flowing to declared IPAs. A number of properties purchased by the ILC have been declared IPAs by their new Indigenous owners. There are now more than 35 IPAs across Australia's pastoral rangelands.

The ILC has collaborated with other parties in acquiring four properties in association with the National Reserve System, including Fish River Station in the Northern Territory (see page 29), a significant nature reserve acquired in 2010. Two properties were acquired in 2011: Tallaroo Station on western Cape York in Queensland, the base of the Ewamian rangers operating in the Staaten River Basin, and Mawonga Station in western New South Wales where Ngiyampaa Wangaaypuwan Traditional Owners help to manage heritage sites as well as critical habitat for 23 threatened species. Gowan Brae in Tasmania, a diverse and largely pristine 6750-hectare property on the border of the Tasmanian Wilderness World Heritage Area, was acquired in 2012 and granted in 2013.

LEFT: Gowan Brae in central Tasmania is a 'virtually uninterrupted cultural landscape', according to Clyde Mansell, chair of the Aboriginal Land Council of Tasmania, here pictured with Jane Hutchinson from the Tasmanian Land Conservancy. Gowan Brae was a collaborative purchase, granted to the Aboriginal Land Council of Tasmania in 2013.

2011–15

Dr Dawn Casey was appointed Chairperson of the ILC in October 2011, when Shirley McPherson's term ended. There was also a major refresh of the ILC Board, with three new Directors appointed. A further two new Directors were appointed in 2013 to replace outgoing Board members.

Many directions set by the previous Board were maintained. The Western Cape Residential Campus in Weipa was completed. The Mossman Gorge Centre opened its doors to tourists in June 2012, with 66 Indigenous people employed (90 per cent of the workforce). Training to Employment has become a central part of the ILC's operations, based at training centres established on ILC tourism and pastoral properties, with

trainees guaranteed a job offer on completion in an ILC or other enterprise.

Major regional land management partnerships continue, including the Indigenous Landholder Service across Western Australia and the Real Jobs Program and Indigenous Pastoral Program in the Northern Territory. The Pastoral Futures Program is a spin-off from the latter project, beginning in 2013–14, to link Indigenous young people to opportunities in the pastoral industry while they are still at school. ILC-run pastoral businesses support these regional initiatives, providing training grounds and key links in the wider livestock supply chain. The integration of ILC-operated cattle businesses has continued in Queensland, Western Australia and the Northern Territory.

The current Board has placed high importance on accountability. The Board's own governance, and that of the ILC's subsidiaries, has been progressively reviewed and reformed. The ILC's three tourism businesses are managed by wholly owned subsidiary Voyages Indigenous Tourism Australia. Pastoral businesses have been consolidated under National Indigenous Pastoral Enterprises, now a fully functioning company with its own board, giving it more operational flexibility, including the ability to partner in commercial ventures with third parties. The Training to Employment Program was relaunched in January 2015 as *Our Land Our Jobs*, with the two subsidiaries given direct responsibility for implementing the ILC Board's employment and training strategies.



Mossman Gorge Centre: visitor reception, catering and a Dreamtime walk (opposite). This Indigenous eco-tourism hub is the gateway to Mossman Gorge in Far North Queensland. It began as the dream of Roy Gibson and the local Kuku Yalanji community who saw an opportunity in the thousands of tourists visiting the gorge and Daintree country each year. The ILC worked with the community over many years, from 2009 to 2012, to plan and build the centre, which received 240,000 visitors in its first year of operation.



ILC/NIFE agricultural operations

Property	Area in hectares	Status	Cattle numbers at end 2014–15*
Queensland			
Bulimba, via Chillagoe	294,740	Leased	6,250
Crocodile/Welcome, via Laura	124,800	Owned	5,000
Merepah, via Coen	186,000	Owned	7,200
Mimosa, via Gayndah	3,806	Owned	700
Mindanao/Somerset/Tiamby, via Banana	4,409	Owned	2,070
Western Australia			
Cardabia, via Coral Bay	199,808	Leased	3,230
Myroodah, West Kimberley	401,944	Owned	23,720
Roebuck Plains, via Broome	283,493	Leased	23,960
Roebuck Export Depot	100	Leased	
Northern Territory			
Banka Banka West, via Tennant Creek	147,500	Owned	2,640
Gunbalanya Station	80,000	Leased	3,060
Gunbalanya Meats		Leased	
Warrigundu and Strangways, via Mataranka	419,200	Leased	11,900
Tasmania			
Murrayfield, Bruny Island	4,097	Owned	11,300 sheep

* Stock numbers vary from season to season and are rounded in the above table.

The new Board also ushered in some changes of emphasis. A revision of the National Indigenous Land Strategy for 2013–17 was based on wide consultation and resulted in some rebalancing of the ILC's priorities.

While stakeholders expressed their support for land-based programs to continue to focus on economic development and training to employment outcomes, there was also strong support for cultural, social and environmental outcomes. ... The Board considers that applications focusing on the goal of ensuring access to and protection of land with cultural and/or environmental significance are critical in ensuring the ILC achieves its outcomes ...
[Chairperson's introduction, National Indigenous Land Strategy, 2013–17]



A NAILSMA ranger takes part in a controlled burn. The shift from predominantly late dry-season wild fires to early dry-season controlled fires results in fires burning at lower intensities, due to lower fuel loads. This reduces the area burnt and the amount of fuel consumed, reducing the emissions released from fires including methane and nitrous oxide.

Indigenous groups were invited to apply to acquire land under two streams: 1) social and economic, and 2) cultural and environmental, though new program arrangements launched in 2015 have since removed the application process for larger projects (see page 44).

A distinct Environment, Carbon and Heritage team was established within the ILC, and opportunities arising from carbon markets have been embraced. The Fish River Fire Project became the first savanna burning project in Australia to be declared an Eligible Offsets Project under the Carbon Farming Initiative. It was also the first such project to offer carbon credits for sale on the open market. Three out of four years of Fish River-generated credits were purchased by Caltex Australia, and have provided revenue for land management, training and jobs on the property. The Merepah Fire Project on an ILC pastoral business on Cape York has sold more than 30,000 carbon credits to date. The ILC collaborates with NAILSMA Ltd—the North Australia Indigenous Land and Sea Management Alliance—in assessing and helping to realise business opportunities for Indigenous land holders in carbon abatement and ecosystem services. Early dry season burning now contributes to the management of significant ecosystem processes in northern Australia. Numerous projects across the Kimberley, Top End and Cape York, on both conservation and productive areas, enable Indigenous owners to manage fire for environmental benefit and be paid for ecosystem services. The feasibility of extending early dry season burning to the mulga landscapes of central and western Australia is being actively investigated by NAILSMA Ltd, funded by the ILC and the Department of the Environment, with support from the Western Australian Department of Parks and Wildlife.

In June 2012 the Board released a draft of its first Native Title Policy. This was finalised and released with the new NILS in June 2013— 'the first



time we have formally enunciated our position'. The policy positions the ILC to make a 'constructive contribution in the settlement of targeted native title claims', as well as offer much needed land management assistance to bodies representing native title holders. In 2012–13 the ILC was asked to contribute to the native title settlement involving the Victorian Government and the Dja Dja Wurrung Clans Aboriginal Corporation. In 2013–14 and 2014–15



around 30 per cent of the ILC's land management funding has been allocated to Native Title Representative Bodies and Prescribed Bodies Corporate—or PBCs, the local bodies established under the Native Title Act to hold determined native title.

In recent times the ILC has renewed the emphasis on its statutory responsibility to grant the properties it owns, including those on which its subsidiary businesses

operate, and is seeking closer and longer term relationships with Traditional Owners and others associated with land. In 2014 an iconic ILC property, Roebuck Plains Station, was formally transferred to the body representing Yawuru Traditional Owners. At the same time the property's cattle operations were leased back to the ILC for 15 years.

Rangers employed at the ILC-managed Fish River Station, NT, part of Australia's National Reserve System. A partnership involving government, the ILC and conservation organisations created this landmark conservation model. The ILC holds the land in trust, awaiting grant to a corporation representing Traditional Owners. For Aboriginal people in the remote Daly River region, the property has created conservation jobs, controlling weeds and feral animals, caring for threatened species and managing fire.



Roebuck Plains Station

On 2 September 2014, ownership of an important ILC property, Roebuck Plains Station, was transferred to the Yawuru people. On the same day the cattle operations were leased back to the ILC for 15 years, so the property could go on being managed as part of the ILC's integrated Kimberley agricultural business, comprising Roebuck Plains Station, the Roebuck Export Depot and Myroodah Station.

Roebuck Plains Station was purchased in 1999, after a decision of the first Board. Bought on behalf of the Yawuru Traditional Owners, Roebuck Plains was also a strategic acquisition—the property was productive, well situated and intended to agist cattle from ILC and other Aboriginal-owned properties in the Fitzroy Valley for fattening and marketing. The ILC took over management of the property in July 2000, but reported problems in forming a suitable group for divestment. In the years that followed the ILC made major investments in the station. Fencing, yards, watering points and other infrastructure were improved, together with the quality and size of the herd. A small adjacent property was purchased in 2004–05 which became the base for a live export depot opened in July 2009. New staff accommodation and a small residential training facility

were constructed. Roebuck Plains has become one of the top cattle stations in Australia, supporting almost 23,000 head in 2014–15. In the same year, the export depot handled around 70,500 cattle, 40,000 for export and 30,500 for the domestic market.

Following acquisition by the ILC, Roebuck Plains Station was claimed under the Native Title Act by the Yawuru Traditional Owners. The claim was determined in 2006, giving the Yawuru underlying exclusive possession native title co-existing with the operations of the pastoral lease.

With the grant of Roebuck Plains Station, Traditional Owners will benefit from rental income as well as being able to use the property for cultural activities, ecological management, tourism and horticulture. Part of the property will be managed in future as an Indigenous Protected Area, supported by ILC land management funding. The IPA arrangements will see the ILC and Yawuru cooperating to protect important environmental values on the property while operating a commercial cattle enterprise.

The arrangements at Roebuck Plains Station are a model of the way the ILC wants to work with other Indigenous land owners across Australia.

ABOVE: Roebuck Plains Station and associated land was granted to Yawuru Traditional Owners in September 2014. Behind the banner are Patrick Dodson, Chairman of Nyamba Buru Yawuru Ltd (second from left) and ILC Chairperson, Dawn Casey (fourth from left). Mr Dodson described the transfer of title as 'a momentous milestone in our journey to rebuild the Yawuru nation ... [and] the beginning of a new and exciting story of innovative development and management in partnership with the ILC'.

RIGHT: Mawonga Station, near Hillston, NSW, was purchased in 2011–12 in collaboration with the Commonwealth Environment Department on behalf of Winangakirri Aboriginal Corporation. Mawonga is a Western Lands lease property, where native title has been extinguished. The property has important rock art sites, and was acquired for its cultural and environmental values.



The ILC and native title

The Land Fund and ILC were established as a result of the recognition of native title, and the ILC has had to define a role for itself alongside the operation of the system set up by the *Native Title Act 1993*. Though the Land Fund was designed primarily to assist those unlikely to benefit from the Native Title Act, the two have been fundamentally connected. Native Title Representative Bodies and other land-related groups have been important ILC allies and partners. Native title processes are now the main engine of increase in the Indigenous estate, covering up to 30 per cent of the Australian land mass, where the ILC has statutory land management responsibilities. Over recent years the resolution of claims has accelerated, a trend likely to continue²², and other parties including governments are increasingly willing to recognise and accommodate Indigenous interests.

This was not always the case. In December 1996, the *Wik* judgment found that native title could survive on land subject to a pastoral lease. It would co-exist with pastoral rights. The judgment renewed an anxious national debate about native title, and brought the National Indigenous Working Group on Native Title (including the ILC) into conflict with the Howard Government. The Working Group's position emphasised the need to accept Indigenous interests, the benefits of co-existent rights, and the value of negotiation as a means of providing certainty in relation to contested country.²³ The Government's proposals for 'broad-based legislative

extinguishment of native title' would, according to ILC Chairman David Ross, increase the ILC's task exponentially. In the event the Government compromised in 1998, and a substantially amended Bill making changes to the Native Title Act was passed. Among other things, these amendments made mediation and agreement-making more central to the Act. The *Wik* judgment also raised the question whether the ILC should give lower priority to purchasing pastoral-lease land. The Board decided to continue to consider such proposals, as native title remained subject to the rights of the pastoralist.

In his last report David Ross expressed disappointment at the continuing failure to recognise the legitimacy of Indigenous interests.

The ILC considers that continued opposition at various levels by State, Territory and Commonwealth agencies to the appropriate recognition of Indigenous interests in land will pose a considerable operational challenge if allowed to persist. [ILC Annual Report, 1998–99]

Over the years there has been a complex interaction between ILC policy and practice and the workings of the native title system. Governments have reviewed and amended the Native Title Act many times, most often seeking to streamline its processes and remove sticking points (this process continues).²⁴ Numerous decisions in the Federal Court and High Court have helped to clarify the situations where native title can be found to exist (or not), as well as the content of native title rights.²⁵ Where they have

been found to exist, native title rights have proved to be variable: ranging from conditional rights of access to, in certain situations, exclusive possession rights. From time to time the ILC has purchased properties that have been the subject of unsuccessful native title claims—they include Weilmoringle and Orana Station and Mawonga Station in the Western Division of New South Wales—though the ILC has not had a deliberate policy to purchase land for this reason.

A more productive alternative to litigation, for both native title claimants and other parties, has been the use of negotiated settlements. Native title issues are resolved by agreement among the parties, rather than determined by a court. These agreements often include a package of benefits for claimant groups.

The ILC Board's first formal Native Title Policy (June 2013) supported agreement-making and positioned the ILC to provide assistance through its land acquisition and management programs 'where a proposed native title settlement will facilitate a full and final resolution of claims and improve the quality of native title outcomes for Indigenous parties'. The ILC's support would not extend to mediation or negotiation, and would always be conditional on the ILC's own policies and legislative responsibilities. The ILC assisted in the Dja Dja Wurrung settlement in central Victoria finalised in March 2013 under the Victorian *Traditional Owner Settlement Act 2010*, which provides a framework for out-of-court settlements in that State. The Dja Dja Wurrung settlement resolved native title claims over more than 266,000 hectares of Crown land,

22 Trends noted in recent annual reports of the Aboriginal and Torres Strait Islander Social Justice Commissioner and the Federal Court.

23 National Indigenous Working Group on Native Title, *Coexistence—Negotiation and Certainty: Indigenous Position in Response to the Wik Decision and the Government's Proposed Amendments to the Native Title Act 1993*, April 1997.

24 Amendments to the Native Title Act regulations in 2011 identified the ILC as a potentially default Prescribed Body Corporate (PBC) in circumstances where a native title group has been unable to form such a body within 12 months of a native title determination, or where an existing PBC is placed in liquidation. So far these provisions have not been used.

25 Three important test cases arrived at the High Court in 2002. *Ward* (Miriuwung Gajerrong) clarified the extent of native title rights, and issues of extinguishment, on pastoral leases (circumscribing findings in a more expansive Federal Court judgment). *Anderson* found that native title had ceased to exist on leases granted under the New South Wales *Western Lands Act 1901*, covering almost half of the State. *Yorta Yorta* found that Aboriginal groups in heavily settled Australia—the Yorta Yorta live in a region of the Murray River in Victoria and New South Wales—did not have the continuing connection to land under traditional custom required to support their legal claim to native title.



about 3 per cent of all Crown land in Victoria, and provided a \$9.65 million settlement package to the Dja Dja Wurrung Aboriginal Corporation. The ILC purchased culturally significant land and provided land management funding as its contribution to the package.

The ILC most often works in post-settlement or post-determination arrangements, providing land management assistance to small Indigenous native title holding bodies. As the number of native title determinations has grown, Prescribed Bodies Corporate (PBCs) have become increasingly important. They are crucial to unlocking the benefits of native title for local people, but currently receive little or no funding from government, and face considerable capacity challenges.²⁶

In February 2014, in the *Adnyamathanha* case, the Federal Court considered the operation of section 47A of the

Native Title Act, finding that a number of pastoral leases in northern South Australia that were purchased and granted by the ILC came under this part of the Act, enabling the revival of 'exclusive possession' native title for the Adnyamathanha people, though subject to the terms of the pastoral lease in place. It also highlighted the revival of native title on other properties held and/or granted by the ILC, including Roebuck Plains Station and Kooma land in south-west Queensland. These properties had not been acquired in order to revive native title, through the subsequent native title determinations have increased the benefits flowing to Traditional Owners. Following the *Adnyamathanha* decision, the ILC has reaffirmed its policy of acquiring and managing land for a range of Indigenous benefits, and will have regard to the operation of section 47A of the Native Title Act in assessing these benefits.

Lake Condah, part of the Budj Bim National Heritage Landscape listed in 2004. Lake Condah Indigenous Protected Area covers 1700 hectares of significant wetlands and stony rises next to the historic lava flows of Mount Eccles National Park in south-west Victoria, the traditional country of the Gunditjmarra. The ILC has purchased and granted five properties in the area. In 2007 the Federal Court of Australia delivered a consent determination recognising the Gunditjmarra's native title rights over almost 140,000 hectares. They include rights to access, camp on, use and enjoy the land and water, to take resources of the land and water and to protect places and areas of significance. These interests are non-exclusive and sit alongside the broader community's right to enjoy these places.

²⁶ Deloitte Access Economics, *Review of the Roles and Functions of Native Title Organisations*, March 2014. This report found (p.2) that most PBCs 'struggle with the capacity to meet their regulatory responsibilities and pursue wider community aspirations ... this gap between capacity and aspirations continues to be a source of consideration frustration and distress among native title holders'.

Current ABMUSIC students (left and right) step out with Clontarf 'old boys' during the handover of Clontarf College, an historic property in the heart of Perth gifted to the ILC by the Christian Brothers in 2013. ABMUSIC is one the Indigenous corporations based at the ILC's Clontarf Campus.



In 2013 the Christian Brothers organisation in Perth gifted to the ILC a valuable inner-city property, the land and historic buildings of Clontarf College, founded in 1901 on the banks of the Canning River. Since 1986 it has housed the Clontarf Aboriginal College, and since 2000 been the base of the Clontarf Foundation.²⁷ The Clontarf College site is managed by the ILC as a multi-use campus that also accommodates a number of Indigenous service-delivery organisations.

In September 2013 a Coalition Government was elected under Prime Minister Tony Abbott, with a commitment to maintaining the national effort on Closing the Gap. There was a streamlining of many Indigenous programs and, in December 2013, Minister Scullion began a review of the ILC and another statutory authority established under the ATSI Act, Indigenous Business Australia (IBA).²⁸ It was widely assumed, from the review's terms of reference and the Minister's own statements as Opposition

spokesperson for Indigenous Affairs, that the review had been set up to pave the way for a merger of the ILC and IBA, to form a single agency focusing on Indigenous economic development.

Both agencies made submissions opposing amalgamation, citing their fundamentally different purposes and history. IBA has a commercial focus, and operates like a bank, largely making loans for Indigenous home ownership and business development. The ILC has a broader remit, to acquire and manage land for a wide range of purposes—social, cultural and environmental as well as economic. IBA is required to make a return on investments; the ILC can apply more patient capital over the longer term. Above all, the ILC Board pointed out, the ILC uses revenue from the Land Account, a compensatory mechanism originating in the native title settlement. The Board feared that any amalgamation of the two agencies would lead inevitably to Land Account moneys being used, sooner or later, for purposes other than those originally legislated.

The report by consultants Ernst & Young on the ILC/IBA Review (February 2014, released May 2014) recognised this danger, and also recommended against amalgamating the ILC with IBA.²⁹ The Government has not announced a formal response to the ILC/IBA Review, though Minister Scullion told the *Australian* newspaper in October 2014 that changes to current arrangements were 'not under consideration'.³⁰

The ILC/IBA Review raised the prospect that Land Account revenues could be diverted to non-land-related uses. In response to this perceived threat, the ILC Board developed an Exposure Draft Bill to amend the ILC's legislation: the Aboriginal and Torres Strait Islander (A Stronger Land Account) Amendment Bill.³¹ This was released on 24 March 2014, and on the same day endorsed in principle by a group of senior Indigenous leaders including a number who had negotiated the original native title settlement and were on the first ILC Board: David Ross, Lowitja O'Donoghue and Noel Pearson.

27 The Clontarf Foundation is a not-for-profit organisation that seeks to improve the life skills, education and employment prospects of young Indigenous people across Australia through participation in football.

28 Senator the Hon Nigel Scullion, Minister for Indigenous Affairs, media release, 'Review into Indigenous Business Australia and the Indigenous Land Corporation', 2 December 2013.

29 Ernst & Young, *Review of the Indigenous Land Corporation and Indigenous Business Australia*, 17 February 2014, pp.20–1.

30 *Australian* (Patricia Karvelas), 'Indigenous merger set aside', 24 October 2014.

31 Dr Dawn Casey, media release, 'Indigenous Land Corporation proposals look to future Indigenous generations', 24 March 2014.



ABOVE: Yirrkala rangers manage the land and sea in the Laynhapuy Indigenous Protected Area in north-east Arnhem Land, NT. The rangers are supported by the Real Jobs Program, a collaborative program managed by the ILC and funded by the Australian Government to create employment in the land-management and pastoral industries in the Northern Territory.



LEFT: ILC Directors and Indigenous leaders met at Old Parliament House, Canberra, on 24 March 2014 to discuss legislative changes to strengthen and protect the Land Account. Back (from left to right): Deputy Chairperson, Ian Trust, Director Graham Atkinson, Patrick Dodson, Kirstie Parker, Director Neil Westbury, Aden Ridgeway, David Ross, Tom Calma. Front (from left to right): Chairperson Dawn Casey, Lowijta O'Donoghue, Director Alison Page, Director Olga Havnen. Noel Pearson was also at this meeting.

The Draft Bill advanced five areas of legislative reform, the most important being to strengthen and protect the purpose of the Land Account. In June 2014 legislation based on the ILC's Draft Bill was introduced into the Senate by the Australian Greens, and subsequently sent for inquiry by a Senate committee. Submissions to the inquiry were overwhelmingly supportive of the Stronger Land Account Bill and came

mostly from significant Indigenous organisations representing extensive Indigenous constituencies across Australia. The majority report of the Senate committee recommended in March 2015 that the Bill not proceed, despite wide Indigenous support for it. The current ILC Board remains committed to pursuing the important and practical reforms embodied in the Stronger Land Account Bill.



Aboriginal and Torres Strait Islander (A Stronger Land Account) Amendment Bill

In summary, the Stronger Land Account Bill, if legislated, would:

1. Include a stronger purpose for the Aboriginal and Torres Strait Islander Land Account, specifying that the Land Account is a compensatory mechanism recognising past injustices and dispossession and acknowledging the special relationship Aboriginal and Torres Strait Islander peoples have with their lands
2. Prevent the Land Account from being utilised for any purpose other than the land-related benefit of Aboriginal and Torres Strait Islander peoples
3. Strengthen Indigenous control over the Land Account and the ILC by:
 - > requiring the Minister to consult with a new Indigenous Nomination Committee before making appointments to the ILC Board
 - > strengthening the provisions that allow the ILC Board to give advice to Ministers on how the Land Account should be managed
 - > introducing a protective mechanism that requires Parliament to consult with Aboriginal and Torres Strait Islander peoples before making any changes to legislation relating to the Land Account
 - > strengthening the ILC’s status as an independent, Indigenous-controlled entity.
4. Introduce strong new measures requiring the ILC to comply with the highest standards of corporate governance, transparency and accountability including:
 - > limiting tenure and reappointments for Board members
 - > introducing stronger disclosure requirements for the ILC Chair and Board members
 - > strengthening the ILC’s Audit and Risk Management Committee including ensuring it is managed by an independent chair
 - > introducing provisions for a new Code of Conduct for ILC Board members and staff
5. Put in place a measure to ensure the Land Account grows over time, so it can continue to meet the expanding land acquisition and land management needs of future generations of Aboriginal and Torres Strait Islander peoples.



The previous Board's decision to purchase Ayers Rock Resort has been the source of considerable concern, and some public controversy. The resort has been progressively revalued—now standing at some \$50 million below the purchase price—and earnings have not met the optimistic forecasts that were used to justify the acquisition. The repayment of the significant debt taken out to fund the purchase will require the reallocation of land acquisition and land management funds away from projects and opportunities elsewhere in Australia.

Following the first downward revaluation in June 2013, the ILC Board refreshed the board of its Voyages subsidiary³² and initiated a comprehensive external review both

of the acquisition process and of future strategies to manage ownership of the resort.³³ In November 2013, the ILC made its first call for a parliamentary inquiry to open the original transaction up to greater public scrutiny.³⁴ To date, this and other requests for an independent public inquiry have been refused by the Australian Government.³⁵

Despite the financial implications of the purchase for the ILC, the Board remains committed to ensuring that Ayers Rock Resort continues to operate effectively and to provide benefits to Indigenous peoples. Around 150 Indigenous people from around Australia have graduated from the National Indigenous Training Academy established at the resort, and the resort employed around 310

Merriman Station, a working sheep property purchased by the ILC near Brewarrina, NSW, houses a shearing school that prepares young Indigenous people to work in the wool industry. The Merriman Shearing School provides a two-week pre-vocational course followed by a 13-week practical training program covering shearing skills, workplace safety, wool handling, animal husbandry, fencing and life skills. The course has high completion rates, with the vast majority of graduates finding work in the industry.

32 Dr Dawn Casey, media release, 'New Indigenous tourism board appointed', 24 October 2013.

33 Dr Dawn Casey, media release, 'Report criticises Ayers Rock Resort purchase', 18 December 2013.

34 Dr Dawn Casey, media release, 'Ayers Rock Resort inquiry call', 18 November 2013.

35 Dr Dawn Casey, media release, 'Cormann reversal "inexplicable and incomprehensible"', 3 March 2015.



Indigenous people (around 20 per cent of the workforce) during 2014–15, where the previous owners had employed two. More than \$9 million has been provided to support these jobs during the term of the current Board. While the circumstances surrounding the acquisition have been questioned, the current ILC Board is proud of Voyages’ achievements and fully supports its efforts to make Ayers Rock Resort a success.

Against the background of these more public events, the ILC was developing important reforms to the delivery of its land acquisition and land management programs, launched on 31 March 2015 as the *Our Land Our Future* Program. The new program arrangements are more flexible, featuring open timelines, simplified processes and a commitment to working in partnership with Indigenous groups to develop projects that deliver sustainable benefits over the longer term. For larger projects the ILC is urging land holding groups to bring forward land-based ideas and proposals so they can be developed collaboratively, with the ILC bringing expertise and, where necessary,

facilitating co-investment and third-party involvement. Applications for smaller land management projects are now accepted at any time, with applications assessed regularly. *Our Land Our Future* will go on strengthening the ILC’s role as a key facilitator and innovator in Indigenous land management, helping land owners to realise the full potential of the Indigenous estate while developing their own capacity and decision making.

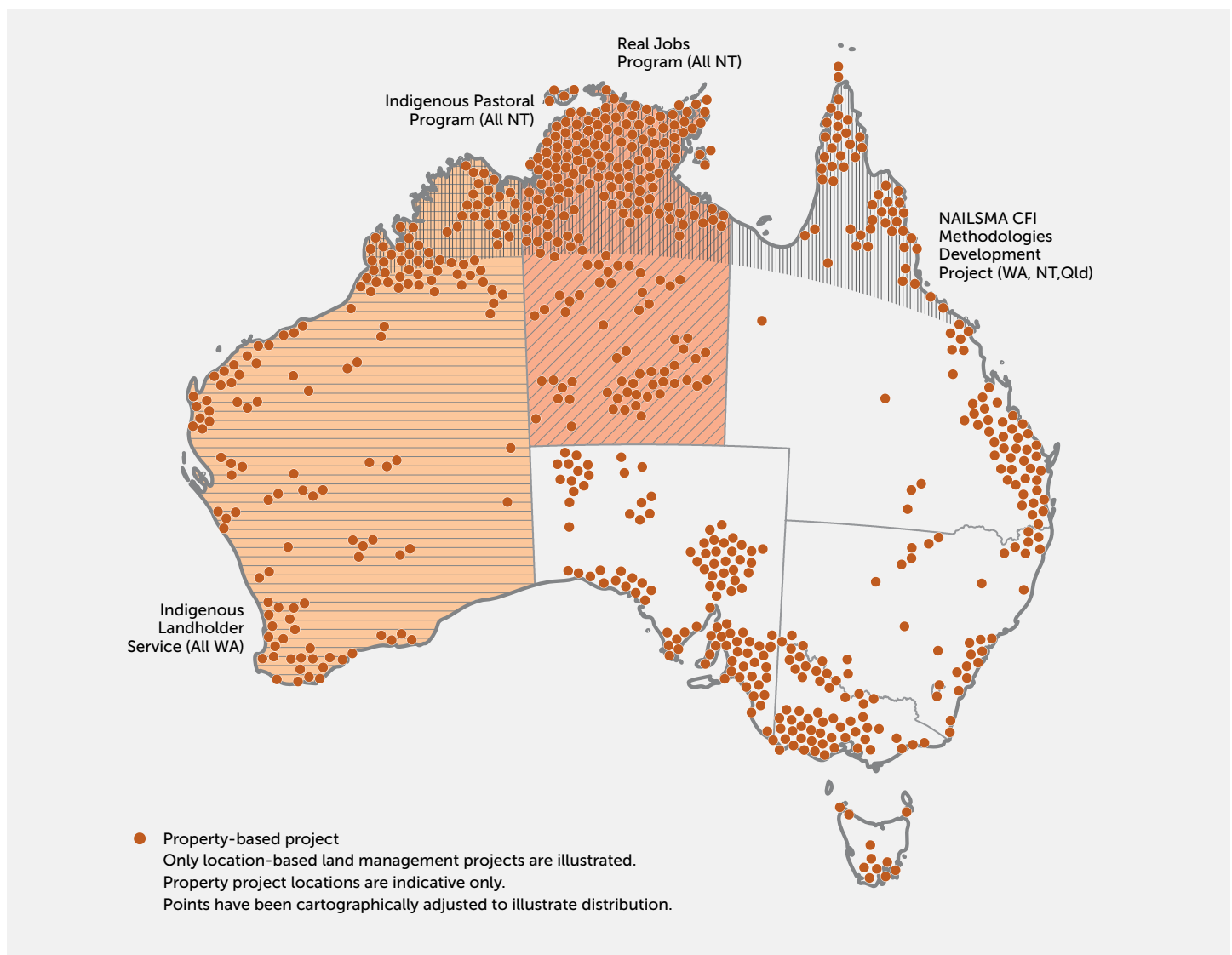
Realising these aspirations will depend on two things: the continuing existence of a dedicated Land Account, and an independent Indigenous-controlled ILC Board with the discretion to invest patiently over the longer term.

Above all, the current ILC Board sees itself as a guardian of the Land Account, working to ensure both that governments of all persuasions keep faith with the intentions of those who fought for and legislated the Land Account in the 1990s and that those making decisions about use of Land Account revenues act in the very best interests of Indigenous Australians.

ABOVE LEFT: Kalano Farm, near Katherine, the only commercial tomato grower in the Northern Territory, is adding other vegetables to its production. Land management assistance from the ILC is enabling the Kalano Community Association to increase employment at the farm. This is one of many Indigenous horticultural projects that have been supported over the life of the ILC.

ABOVE: Gallang Place is the only provider of Indigenous-specific counselling and mental-health training services in Queensland. The ILC’s land acquisition program enabled Gallang Place to move from rented premises through the purchase and refit of this building in Cannon Hill, Brisbane.

Our Land Our Future will go on strengthening the ILC’s role as a key facilitator and innovator in Indigenous land management, helping land owners to realise the full potential of the Indigenous estate while developing their own capacity and decision making.



ILC land management projects completed or implemented before 30 June 2015



LEFT: Les Wallam (left), executive director of Woolkabunning Kiaka Inc (WKI), and Syd Jackson, ex-AFL great, at Roelands Mission, near Bunbury, WA. Both are former residents taken from their families to live at the mission run by the Churches of Christ. The ILC purchased Roelands in 2006 on behalf of former residents. Many mission buildings have been restored and facilities such as a commercial kitchen added. The property now hosts training, conferences and school camps, and WKI has ambitious plans for its future. Photo: West Australian Newspapers Ltd

RIGHT: An Indigenous guide at Wattleridge, near Guyra, NSW. The property, with traditional art and axe-grinding sites, was purchased by the ILC and granted to Banbai Ltd for environmental and cultural management.



Indigenous heritage places

The ILC has brought into the Indigenous estate many significant Indigenous places—places with both traditional and historical resonance. At times properties have been acquired because government heritage legislation has provided insufficient protection.

Properties with sacred or cultural sites have been purchased and granted. These have included the Karnte block, an important women's sacred site on the outskirts of Alice Springs, Udiella Springs near Derby, WA, Wattleridge near Guyra, NSW, and a property at Blanchtown, SA, rich in burial sites, middens, camping sites, tool scatters and scarred trees. In Victoria the ILC has purchased and granted part of the Sunbury earthen rings, the Mount Rothwell stone arrangement (Wurdi Youang), north of Geelong, and the Mount William axe quarry, the source of once widely traded greenstone axes. In 2010 the ILC purchased an area excised from Banka Banka Station, near Tennant Creek, NT, to secure Aboriginal access to 59 significant sites in a region where ceremonial knowledge and practice remain strong. Crocodile and Welcome Stations, via Laura, Qld, were acquired in 2002 primarily for their significant 'Quinkan' rock art sites, and have since been developed as part of the ILC's Queensland pastoral network.

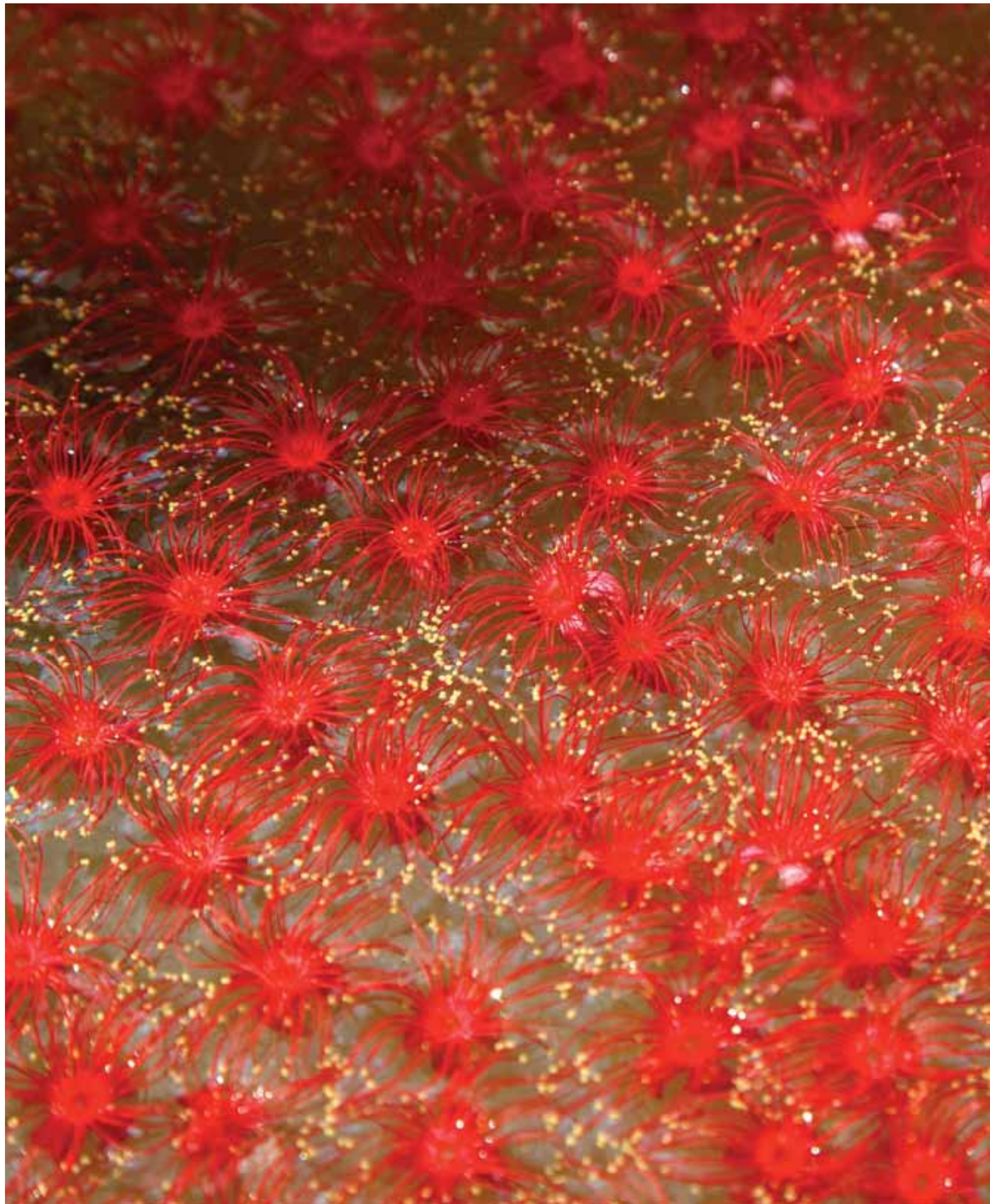
Murrayfield, the ILC pastoral property on Bruny Island in Tasmania, was the birthplace of Truganini (c. 1812–76), the woman considered the last Aboriginal Tasmanian (Palawa) of full descent.

Since 2002 the ILC has made a series of acquisitions in the Budj Bim National Heritage Landscape (recognised July 2004) in the Lake Condah region of south-west Victoria. This is a geologically unique area of ancient lava flows rich in traditional Aboriginal sites including the remains of engineered wetlands with eel and fish traps and remnant stone houses, the only examples of substantial Aboriginal settlements to survive from pre-contact times. Five properties have been granted to Gunditj Mirring Traditional Owners, who have also successfully claimed native title over their country.

Cultural places include those that are associated with Indigenous history since 1788—for example, Modder River Station on Cape Barren Island, Tas., purchased in 1997 and granted to the Aboriginal Land Council of Tasmania in 2010. Part of the Corranderrk Aboriginal Station, a former reserve near Healesville, Vic., was purchased in 1998 on behalf of the Wurundjeri people. In 1998 the ILC acquired the Cyprus Hellene Club in central Sydney. The building, the site of the Day of Mourning and Protest on

26 January 1938, the 150th anniversary of the arrival of the First Fleet, had been under threat of development. In 2005 the ILC inherited from ATSIC the former Black Theatre property in Redfern, Sydney, a groundbreaking urban Indigenous cultural site in the 1970s and 1980s. After a community survey, the ILC constructed a three-storey, multi-purpose office building to house Indigenous organisations including a purpose-built radio station and training facility for Gadigal Information Service which broadcasts Koori Radio.

Properties associated with the Stolen Generations have also been added to the Indigenous estate, providing some healing and reconciliation for those taken to these places. They include Roelands Mission, near Bunbury, WA, to which an estimated 500 Aboriginal children were removed between the 1940s and the mid-1970s. After acquisition, Roelands received land management funding to restore some of its buildings for commercial use as a conference centre and gathering place. Sister Kate's Home in Perth was purchased on behalf of former residents, and developed into an aged accommodation and healing centre, with funding from multiple sources. In 2013 the Sister Kate's site was granted to the Sister Kate's Children 1934–1953 Aboriginal Corporation.





CORPORATE MATTERS

The Aboriginal and Torres Strait Islander Land Account is the foundation of the ILC's independence and its ability to invest over the longer term.

THE
HERE

THE LAND ACCOUNT

The Aboriginal and Torres Strait Islander Land Account is the foundation of the ILC's independence and its ability to invest over the longer term.

In the 1994–95 Federal Budget it was announced that \$1.46 billion (in 1994 values) would be allocated to what was then called the Land Fund over ten years, beginning with \$200 million in that year. The capital of the Land Account was built through successive Budget appropriations. From 1995–96 until 2003–04, \$121 million was appropriated annually to the Account, the appropriation increasing each year by an inflationary index pegged to the Land Account's initial 1994 value.

For the first ten years of its operation, the ILC received a set amount from the Land Account, indexed annually. The first official drawdown of \$25 million occurred on 29 June 1995. Until 30 June 1997, ATSIC also received income from this source, as it retained the land management function for two years after the establishment of the ILC. From 1997–98 the drawdown was \$45 million indexed.

When annual Budget appropriations ceased in 2004–05, it was intended that the ILC would fund its operations from the 'realised real return' on Land Account investments. However, the definition of 'realised real return' in the ATSI[C] Act was flawed. The ILC's income from the Land Account became highly volatile and uncertain, and the ILC approached government seeking a means to secure a more stable income stream. Since 1 July 2011 amendments to the ATSI Act have provided a minimum guaranteed annual payment from the Land Account to the ILC of \$45 million, indexed annually by the Consumer Price Index. The amendments also provided for additional payments to be made to the ILC where the actual capital value of the Land Account exceeds the real capital value.

The Land Account itself is not the responsibility of the ILC; it has been managed by a succession of central Indigenous Affairs agencies, under delegation from the Minister for Finance. Overarching financial legislation, currently the *Public Governance, Performance and Accountability Act 2013*, sets rules for investment of Land Account moneys, with investments largely restricted to low yielding government-issued bonds and deposits with a bank. The ILC is represented on a Consultative Forum that can express its views on the investment policy of the Land Account to the Minister for Finance.

In addition to amounts from the Land Account, the ILC has had its own cash reserves. In 2007–08 the ILC received no money from the Land Account, but had \$223 million invested at June 2008. Reserves and income from investments supported ILC operations and programs in years when little or no income flowed from the Land Account. The purchase of Ayers Rock Resort was partly funded by (and greatly diminished) ILC reserves. Annual expenditure on land acquisition and land management is now based on revenues from the Land Account, less the amount required to service the debt from the purchase of Ayers Rock Resort. Any profits from business operations are invested into the businesses.

The Stronger Land Account Bill (see page 42) contains a measure that would enable the Land Account to increase in real terms, so its revenues are increased to serve the expanding land needs of Indigenous peoples. The ILC is holding other conversations with government on this issue.

SUBSIDIARIES

Over its history, the ILC has had various subsidiaries established under section 191G of the ATSI Act. Subsidiaries can perform only the legislated functions of the ILC itself.

The ILC currently has three wholly owned subsidiaries:

- > **National Indigenous Pastoral Enterprises Pty Ltd**, which manages the ILC's 14 pastoral businesses (see the table on page 33). NIPE is one of the largest beef-cattle producers in Australia, with a herd of up to 100,000 head. The businesses run on 2.15 million hectares of Indigenous-held land, most of which had not been productively used before ILC investment. Indigenous people make up around three quarters of NIPE's total workforce.
- > **Voyages Indigenous Tourism Australia Pty Ltd**, which owns and manages Ayers Rock Resort and manages the ILC's other tourism assets: Home Valley Station and Mossman Gorge Centre. Voyages' vision is to be the leading Indigenous tourism operator in Australia, focused on recruiting, training, employing and retaining Indigenous Australians in real jobs. The Mutitjulu Foundation is part of Voyages.
- > **National Centre of Indigenous Excellence Ltd**, which manages the ILC-owned property in Redfern, Sydney.

Moneys received by the ILC from the Land Account

Financial year	Amount (\$m)	Mechanism
1994–95	25	Set amount indexed
1995–96	24.1	Set amount indexed
1996–97	25.1	Set amount indexed
1997–98	48.3	Set amount indexed
1998–99	49.7	Set amount indexed
1999–2000	50.7	Set amount indexed
2000–01	51.8	Set amount indexed
2001–02	52.6	Set amount indexed
2002–03	53.6	Set amount indexed
2003–04	54.7	Set amount indexed
2004–05	4.0	'Realised real return'
2005–06	23.8	'Realised real return'
2006–07	96.4	'Realised real return'
2007–08	0.0	'Realised real return'
2008–09	44.8	'Realised real return'
2009–10	0.0	'Realised real return'
2010–11	45.0	Fixed amount
2011–12	51.3	\$45m pa, CPI indexed + top up
2012–13	65.9	\$45m pa, CPI indexed + top up
2013–14	52.5	\$45m pa, CPI indexed + top up
2014–15	49.9	\$45m pa, CPI indexed (no additional payment)

GOVERNANCE

The Board of the ILC is uniquely independent of government—the Minister appoints the Board but he/she cannot direct the Board. The ILC Board has seven members, of whom five must be Indigenous Australians including the Chairperson. The Board originally had two members appointed from ATSIC: the ATSIC Chairperson and another Commissioner. Since the legislative abolition of ATSIC in 2005, all Directors are now appointed by the Minister. The two 'ordinary' members (who may or may not be Indigenous) must have experience in business or financial management.

Chairs

David Ross (1995–99)
 Sharon Firebrace (1999–2001)
 Shirley McPherson (2001–11)
 Dr Dawn Casey PSM, FAHA (2011–15)

**Directors
(in alphabetical order)**

Graham Atkinson (2011–
 David Baffsky AO* (1999–2013)
 Geoff Clark (Chairperson, ATSIC) (1999–2005)
 Gatjil Djerrkura OAM (Chairperson, ATSIC) (1996–99)
 Kevin Driscoll CBE, OBE* (1998–2011)
 Lisa Gay* (2013–
 Yvonne Goolagong-Cawley MBE, AO (2007–11)

Stephen Gordon (ATSIC Commissioner) (1995–2005)
 Max Gorringer (2005–11)
 Olga Havnen (2011–
 Norma Ingram (2001–07)
 William (Sam) Jeffries (2004–13)
 Penelope Morris* (1995–97)
 Lowitja (then Lois) O'Donoghue AC, CBE, DSG (Chairperson, ATSIC) (1995–96)
 Alison Page (2013–
 Noel Pearson (1995–97)
 Lois Peeler (1998–2001)
 Clem Riley (1999–2004)
 Ian Trust (2005–
 Neil Westbury PSM* (2011–
 Lawrie Willett AO* (1995–97)
 Peter Yu (1995–99)
 * Non-Indigenous

General Managers/CEOs

The ILC's administration is headed by a statutory office holder appointed by the Board.

John Wilson (1995–98)
 Murray Chapman (1998–99)
 John Wilson (1999–2001)
 David Galvin (2001–12)
 Bruce Gemmell (interim CEO, 2012–13)
 Michael Dillon (2013–

Ministers for Indigenous Affairs

The Hon Robert Tickner MP, Labor (1990–96)
 Senator the Hon John Herron, Coalition (1996–2001)
 The Hon Philip Ruddock MP, Coalition (2001–03)
 Senator the Hon Amanda Vanstone, Coalition (2003–06)
 The Hon Mal Brough MP, Coalition (2006–07)
 The Hon Jenny Macklin MP, Labor (2007–13)
 Senator the Hon Nigel Scullion, Coalition (2013–

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Note on the extent of the Indigenous estate

In this publication Indigenous-held land is presented as covering up to 30 per cent of Australia. This figure is based on a paper given by Jon Altman and Francis Markham at the National Native Title Conference, June 2013, entitled 'Values Mapping Indigenous Lands: An Exploration of Development Possibilities'. The figure is widely accepted in academic circles. The figure includes non-exclusive-possession native title.