



## National Indigenous Land and Sea Strategy (NILSS)

### Consultation Paper

#### Introduction

The National Indigenous Land and Sea Strategy (NILSS) is the Indigenous Land and Sea Corporation's key policy document, setting the key strategic directions of the ILSC for up to five years.

The NILSS being developed in 2019 is also the first to include water, and the first for the ILSC following the legislative change to extend its remit beyond land to include fresh and salt water. At the same time, the ILSC will be updating its Regional Indigenous Land and Sea Strategies (RILSS).

We are looking for your input, through meeting with us face-to-face and/or through the submission process. Your views will help us ensure that our strategy for delivering economic, environmental, social and cultural benefits best meets your needs and the needs of Aboriginal and Torres Strait Islanders across Australia.

We recognise that many of you may have attended consultation sessions or provided submissions on changes to the legislation, and/or on the recent revisions of the ILSC's strategic policy documents. We thank you for any previous input you have provided, which will continue to be included in the new NILSS and RILSS.

This short paper sets out the context of the NILSS and provides some questions to help guide your input. These questions (at the end of this document) are a guide only – please provide any input you may have that you consider relevant to the development of the NILSS and RILSS.

#### The ILSC

The ILSC was established in 1995 as the Indigenous Land Corporation (ILC) and is governed by the *Aboriginal and Torres Strait Islander Act 2005* (ATSI Act).

Under the ATSI Act, the functions of the ILSC are to:

- a) acquire interests in land and water related rights for the purpose of divesting those interests to Indigenous entities; and,
- b) manage Indigenous held interests in land and water related rights.

In fulfilling these functions the ILSC must create social, cultural, economic and environmental benefits for Indigenous Australians with a legislatively mandated priority towards social and cultural benefits.

## The ILSC and water

Through changes to the ATSI Act coming into effect on 1 February 2019, the former Indigenous Land Corporation became the Indigenous Land and **Sea** Corporation. The change in name acknowledges the addition of water rights and interests to the ILSC's scope of work.

The expanded purpose of the ILSC enables the ILSC to assist Aboriginal and Torres Strait Islander peoples and corporations to realise the economic, social, cultural and environmental benefits that the return and effective management of country, including fresh and salt-water, can bring. The inclusion of fresh and salt-water country also recognises the ongoing connection of Aboriginal and Torres Strait Islander people to waters within the Indigenous Estate.

The ILSC's functions in 'water' will be similar to its functions in relation to land and may include:

- the acquisition of water-related rights and the return of these rights to Aboriginal or Torres Strait Islander corporations;
- the provision of assistance (grants, loans or loan guarantees) to Aboriginal or Torres Strait Islander Corporations to acquire water-related rights;
- undertaking management activities in relation to 'Indigenous waters' (an expression defined in the Bill) and water, or waters, in which the ILC has water-related rights; and
- the provision of assistance (grants, loans or loan guarantees) Aboriginal or Torres Strait Islander Corporations to assist in management activities in relation to indigenous waters.

"Water-related rights" relate to both salt and fresh water country and can include:

- any **licence, concession, permit, access entitlement or allocation** in relation to water that may be obtained under water management legislation in the States and Territories.
- The right to take resources from waters –
  - **fishing licences or permits** (whether for a commercial purpose or otherwise)
  - **aquaculture rights**
  - **marine licences or certificates; and**
  - **tourism-related permits.**
- The changes do not create any new rights – they allow the ILSC to assist Aboriginal and Torres Strait Islander corporations in the acquisition and management of water-related rights under existing laws

## The National Indigenous Land and Sea Strategy (NILSS)

The ILSC's key legislation, the ATSI Act, requires the ILSC to replace its existing National Indigenous Land Strategy and Regional Indigenous Land Strategies (NILS and RILS) with National and Regional Indigenous Land **and Sea** Strategies (NILSS and RILSS), taking account of its expanded purpose.

The NILSS is the key policy document for the ILSC, setting out our three-to-five year strategic direction. This 2019-22 NILSS will be the ILSC's first strategy in relation to fresh and salt-water country. The NILSS will guide the performance and functions of the ILSC through identifying the relationships, strategies, opportunities and program mechanisms that the ILSC will use to meet its obligations under the ATSI Act.

The RILSS, in turn, provide further detail on these strategic directions for each of the RILSS regions (Northern, Desert, South west and South east Australia).

In recognition of the expected addition of water to the ILSC's functions, the current NILS and RILS (<http://www.ilsc.gov.au/Home/About/Publications>) already have some water-related directions and strategies. The NILSS and RILSS will go further – providing more direction on where the ILSC will be looking to invest in *country* (inclusive of land and waters) to achieve benefits for Indigenous Australians.

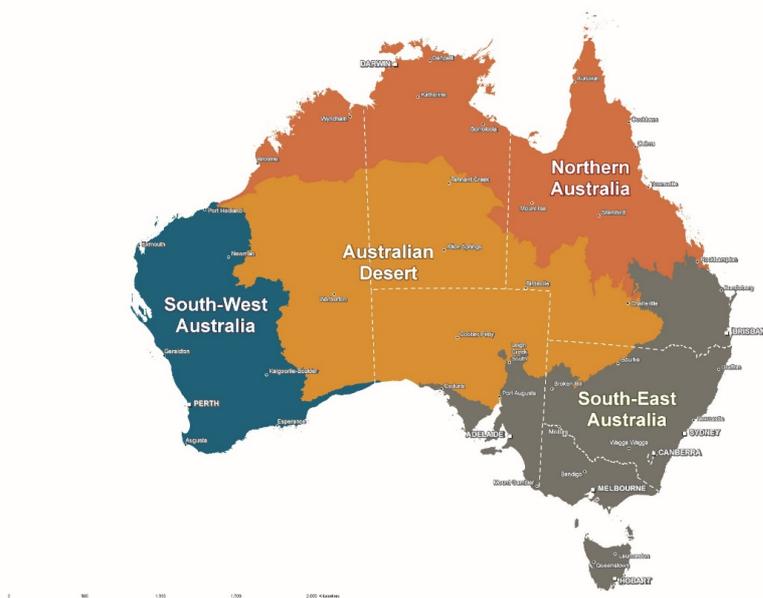
### Regional Indigenous Land and Sea Strategies (RILSS)

The RILSS provide an additional, layered framework for the interpretation and implementation of the NILSS. Each RILSS will provide more detail on the ILSC's overarching strategy, in the context of the region in question.

During the last NILS/RILS update process, the ILSC restructured its regional outlook, moving away from the state and territory-based view to focus on regional similarities. This led to the adoption of the following RILSS regions:

- **Northern Australia** — includes northern Western Australia, the northern areas of the Northern Territory and North Queensland. The climate, environment and general economic-development opportunities in northern Australia differ significantly from the rest of Australia. For example, savanna burning for emissions reduction is viable in this broad region and not in others.
- **Desert Australia** — includes the desert regions of Western Australia, northern South Australia, south-west Queensland and north-west New South Wales. As with the Northern Australia region, Australia's desert regions are unique and projects benefit from economies of scale. There is value in considering the opportunities arising in these areas in their own right.
- **South-West Australia** — includes the southern coastal areas of Western Australia west from the South Australian border across to Perth and north to Port Hedland. This region has diverse opportunities in agriculture, rehabilitation associated with resource extraction and urban-based industries.
- **South-East Australia** — includes southern South Australia, all of Victoria and Tasmania, most of New South Wales and south-east Queensland. The mostly temperate regions of south-eastern Australia are more heavily populated and urbanised than the other eco-regions, with more intensive and diverse agricultural operations and greater employment and training opportunities in professional and service industries.

### Map: RILSS regions



## Where to from here?

The ILSC is looking to its primary stakeholders, Aboriginal and Torres Strait Islander peoples, communities and corporations to direct the development of the NILSS and RILSS.

With the ILSC's limited resources, its existing stakeholder demand for land based projects and the scope of opportunity presented by the extension into fresh and salt-water country, the ILSC will need to align its strategic focus with the aspirations of stakeholders, through consultation.

Public consultation on the NILSS is currently underway – your feedback on this consultation paper and input will help us to develop the NILSS as well as the RILSS for each region.

The consultation includes a public submission process and forums in capital cities/regional centres in each RILSS region. The ILSC is hoping to partner with Aboriginal and Torres Strait Islander Corporations in hosting consultation forums; if you would like to nominate to co-host, or for further information on the dates, locations and the submission process, please contact the ILSC on [NILSSconsultation@ilsc.gov.au](mailto:NILSSconsultation@ilsc.gov.au).

For consultation session times and venues as they are decided, please see the ILSC website - <http://www.ilsc.gov.au/> - and monitor our social media platforms:

[www.facebook.com/IndigenousLandandSeaCorporation](http://www.facebook.com/IndigenousLandandSeaCorporation) or [www.twitter.com/IndigLandSea](http://www.twitter.com/IndigLandSea)

## Questions to guide consultation

What kind of water-based projects offer the most opportunities to Aboriginal and Torres Strait Islander groups in your region? E.g aquaculture, fishing, tourism, water entitlements

Bearing in mind the limited resources of the ILSC, what role can it play to best support Aboriginal and Torres Strait Islander groups to achieve benefits from *country* in your region? This may include supporting networking, advocacy, capability development, information sharing, or direct funding support.

What other sources of funding for water-related rights and interests are there in your region? How can the ILSC best work with these other sources?

What are the key networks relating to water interests in your region; how would you recommend the ILSC best engage with these networks?

What are the current roadblocks to support for water-based activities, and how might the ILSC help you to overcome these?

The ILSC is looking at its program mechanisms as part of its extended remit – how can we best ensure that our operations and assessment processes best meet the needs of your organisation going forward?

Do you have existing strategies or plans relating to fresh or salt-water country? Are you willing to share these with the ILSC to feed into the development of the NILSS and RILSS?