



CULTURAL ACQUISITION PROGRAM

PROGRAM GUIDELINES

1. VISION

Address dispossession and ensure that Indigenous people obtain cultural benefits through acquisition of culturally significant land for traditional owners and those with traditional, historical and contemporary links.

2. TERMINOLOGY

Land: Any areas of land (including beds and banks of inland waters) that are on the landward side of the sea's low water mark.

Culturally significant land: Land that derives its significance from customs, laws and traditions pre-dating colonial occupation, land that has since acquired significance for specific Indigenous groups due to association with historical circumstances, or from contemporary links.

Sustainable land uses are:

- Land uses that pursue sound land and environmental management, so that the land is cared for and not degraded by the activity;
- Activities and projects that are economically viable, that is they must not require on-going ILC funding to survive and operate; and
- Land uses that are actively supported by landowners, and are consistent with the primary aspirations of the community and other Indigenous people who are directly affected.

A Property Management Plan: Describes how the proposed activities will fit into the broader, long-term operation of the property. A property management plan identifies the:

- Applicant's vision and strategies for the land;
- Applicant's human resources (including members' skills and training needs);
- Property's physical assets (details natural resources and physical infrastructure, including an analysis of what land and infrastructure can support); and
- Financial structure (including basic operating costs, broader enterprise goals and the capacity to repay any loans).

Sound land and environmental management: Land management activity that maintains, repairs, improves or protects the land, does not result in degradation or damage to the land and is consistent with any relevant industry best practice.

3. CULTURAL ACQUISITION PROGRAM

3.1 RELATIONSHIP TO OTHER PROGRAMS

The functions of the ILC are in addition to the roles and functions of other agencies. Therefore, the ILC is committed to ensuring its Cultural Acquisition Program does not duplicate the programs of other agencies established under Australian, State or Territory laws.

3.2 PROGRAM OBJECTIVE AND PLANNED OUTCOME

The Cultural Acquisition Program objective is:

To acquire culturally significant land for traditional owners and those with traditional historical and contemporary links over time.

This objective is principally measured by the planned outcome:

An increase in the cultural benefits obtained by Indigenous people as a result of land acquisition.

3.3 DELIVERY OF PROGRAM: APPLICATION AND ASSESSMENT PROCESS

Under the Cultural Acquisition Program the ILC will consider acquiring property for the purpose of grant to Indigenous corporations where it is determined that the application meets the program criteria and will deliver sustainable benefits to Indigenous people. Other options available to the ILC include making grants of money or guaranteeing loans.

Assistance may be provided directly to Indigenous groups or through joint arrangements with government and non-government agencies.

The ILC will use one of these options outlined above where it has determined that, on the basis of the relative merits of the application, regional consultation and limited funds, it is a priority.

Further, the following specific priority consideration applies:

- Employment of Indigenous people and the use of goods and services provided by businesses owned or controlled is maximised.

Broadly, the steps in the Cultural Acquisition Program process are:

3.3.1 APPLICATION

Access to the program is through application. Assistance can only be considered following receipt by the ILC of a fully completed application form including all necessary attachments. Applications must include a detailed Property Management Plan. Until such time as the ILC is satisfied that an application form is complete, the ILC will not consider an application to have been made. Applicants must demonstrate that they have met all criteria.

3.3.2 ASSESSMENT PROCESS

- The ILC assesses the application according to the program criteria.
- Incomplete applications will be returned to the applicant for completion.
- The ILC may seek further supporting evidence from applicants where required.
- The relevant ATSIC Regional Council or Native Title Representative Body may be asked to comment on applications.
- Further investigation of an application will be based on merit.
- The ILC will provide the applicant with an explanation if an application does not fulfil the criteria.
- The ILC will conduct a field assessment and land workshop with applicants.
- When an application has adequately addressed criteria set out in these guidelines, the ILC Board considers and approves the application and the ILC will attempt to acquire the property.

3.4 ELIGIBILITY REQUIREMENTS

The following eligibility requirements apply:

- Grants of land, guarantees or grants of money for the purchase of land may only be made to Aboriginal and Torres Strait Islander corporations.
- The application must clearly state how the use of the land aims to address dispossession and deliver cultural benefits.

3.5 PROGRAM CRITERIA

The Cultural Acquisition Program will apply the following criteria when assessing applications.

3.5.1 STRATEGIC

- The primary purpose must be clearly established as cultural and address cultural needs.
- The land need is identified as a high priority in the region.
- The application clearly demonstrates how it will provide benefits.
- It would be beneficial for the application to have the support of the relevant ATSIC Regional Council and Land Council or Native Title Representative Body.

3.5.2 SPECIFIC

- The group has a Property Management Plan that is agreed, achievable, sustainable and consistent with sound land management principles.
- The suitability of the land for the stated land use is demonstrated.
- The application identifies funding sources to meet costs associated with land ownership, land use and land management activities.
- Where the application is a joint arrangement, Indigenous applicants have clearly demonstrated an interest in the land and will be actively involved.
- The capacity and commitment of the applicant to own the land and undertake the proposed land uses is demonstrated.
- The applicant has demonstrated that no disputes exist which could undermine good corporate governance amongst its membership.
- The application allows for traditional owners to be members of the title holding body and access for all traditional owners and if applicable those with historical and contemporary links.

3.5.3 REGIONAL

The application must demonstrate that the cultural land need and proposed benefits:

- Are only achievable through ILC assistance and are not achievable under the programs of other agencies.
- Cannot be met or provided by Indigenous land already held in the region.

3.6 LEASE PRIOR TO GRANT

For successful applications, after the ILC acquires the land, it may grant a lease to the intended title holding body for a period of up to three years. This lease is legally binding on the parties and describes the terms and conditions governing the responsibilities of these parties. The lease will require the intended title holding body to demonstrate their capacity to manage the property through an agreed work plan and reporting requirements. The ILC may determine funding conditions on a case-by-case basis.

When the title holding body has demonstrated the appropriate capacity, the ILC may grant the land.

3.7 REPORTING AND MONITORING

Where the ILC owns the land prior to grant and applicants control activity on the land, they will be required to provide the ILC with reports that include:

- The progress of the scheduled work plan.
- Details of benefits that have been received.

3.8 DEFAULT

If during the term of the lease the applicant demonstrates a lack of capacity, the ILC has the right to terminate the lease and may subsequently dispose of the land.

3.9 GRANT ARRANGEMENTS

Before proceeding with a grant, the applicants must satisfy the ILC that they have addressed the following issues:

- Traditional owners must ordinarily control the title holding corporation.
- The access rights of traditional owners to sites of significance are guaranteed by an agreement, and where appropriate, access is provided to people with historical and/or contemporary links to the land.