



LAND MANAGEMENT PROGRAM PROGRAM GUIDELINES

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1. VISION

Indigenous landholders enjoy long term and sustainable cultural, social, environmental and economic benefits from their land through land management support.

2. TERMINOLOGY

2.1 Land Management: the managed use, care, or improvement of land. Land management activities includes:

- Carrying on a business that involves the use, care or improvement of land;
- Providing the following services in relation to the above;
 - Management, clerical, administrative or financial services;
 - Technical, professional or advisory; or
 - Similar services;
- Providing environmental management services; and
- Providing training that relates to the carrying on of a business or in the managed use, care and improvement of land.

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.

Small enterprise: An entity engaged in the market economy, but where the main aim is to make a sustainable livelihood from their land rather than obtain significant profit and total support sought is for less than \$250,000.

Commercial enterprise: A significant business operation where people engage in the land-based production of goods and/or services that requires considerable business expertise and is geared toward substantial profit making.

2.2 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 relevant industry best practice.

2.3 Sustainable land uses are:

- i) Land uses that pursue sound land and environmental management, so that the land is cared for and not degraded by the activity;
- ii) Activities and projects that are economically viable, that is, they must not require on-going ILC funding to survive and operate; and

- iii) Land uses that are actively supported or endorsed by landowners, and are consistent with the primary aspirations of the community and other Indigenous people who are directly affected.

2.4 *Project Plan*: A plan that defines clear goals, achievable and sustainable outcomes and is agreed.

For each strategic initiative, a particular type of project plan is required. These are defined below.

2.4.1 *Planning Project Outline (for Group Based Planning)*: A project outline identifies what will be done during the planning session, how the planning session is to be done and what the outcomes will be.

2.4.2 *Property Management Plan (for Cultural, Social and Environmental Enterprise Development)*: Describes how the proposed activities will fit into the broader, long-term operation of the property. A PMP identifies the:

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

2.4.3 *Business Plan (for Economic - Small or Commercial - Enterprise Development)*: An outline of proposed operational and management strategies the business intends to implement. The plan must detail what it wants to achieve, how to do it, and the proposed outcomes of the business. A business plan identifies the:

- i) Applicant's vision and strategies for the business;
- ii) Human resources (including management and responsibilities; employment; Occupational Health, Safety and Welfare; and training);
- iii) Property's physical assets (details natural resources and physical infrastructure, including what activities the land and infrastructure can support);
- iv) Business assets (including plant and equipment; licences; livestock); and
- v) Financial structure (market strategy, production factors, risk analysis, cash flows, capital reinvestment, working capital and the capacity to repay loans).

2.4.4 *Strategic Project Plan (for Regional Development)*: A plan to deliver sustainable benefits and economic opportunity to a region while caring for the environment using sound land management principles. A Strategic Project Plan identifies:

- i) Activities of the project that are provided in a project description;
- ii) Achievable and sustainable goals for the project;
- iii) Project objectives that are achievable;
- iv) Actions to achieve sustainable benefits and economic opportunity;
- v) Specific benefits that Indigenous people will derive from the project;
- vi) Sustainable outcomes resulting from the project;
- vii) A detailed budget including funding and resources to be contributed by other organisations;
- viii) A work schedule detailing actions, responsibilities, resources and timelines; and

- ix) A reporting and monitoring regime that is agreed to by all parties.
- 2.5 *Enterprise*: Any land use or activity, including non-profit activities, that consist of, or relate to, the managed use, care or improvement of land that provide cultural, social, environmental or economic benefits.
- 2.6 *Group Based Planning*: Any planning process that is conducted to assist applicants to identify and clearly define achievable goals and enhance the ability of the group to deal with the problems they face.

3. LAND MANAGEMENT PROGRAM

3.1 RELATIONSHIP TO OTHER PROGRAMS

The functions of the ILC are in addition to the roles and functions of other agencies.

The Land Management Program is an integral partner of the ILC's four land acquisition program streams and as such under the Land Management Program applicants must identify their primary purpose namely, economic, environmental, social or cultural.

3.2 PROGRAM OBJECTIVE AND PLANNED OUTCOME

The Land Management Program objective is:

To assist Indigenous people to manage their land in order to obtain cultural, social, environmental and economic benefits from such land by building capacity for self-reliance and supporting enterprises that deliver sustainable benefits.

This objective is principally measured by the planned outcome:

An increase in the cultural, social, environmental and economic benefits obtained by Indigenous people as a result of land management.

3.3 DELIVERY OF PROGRAM: APPLICATION AND ASSESSMENT PROCESS

The ILC may support land management activities in relation to all Indigenous held land if the activities meet the program criteria, will deliver sustainable benefits to Indigenous people and landholders actively support and have agreed to the activities.

Land management assistance may be provided to approved applicants through either directly carrying on, or arranging for the carrying on, of land management activities. If the ILC determines that these mechanisms are not practical, the ILC may provide assistance by granting money, making loans, or through other commercial arrangements.

ILC assistance may be provided directly to Indigenous landholders and managers or through arrangements with other agencies or corporations.

Therefore in delivering assistance, the ILC may undertake, or make agreements with third parties to undertake, land management activities under agreement with landholders where the terms of management are acceptable to both to the Indigenous landholders and managers, and the ILC.

The ILC will assist Indigenous people to make full use of the funds and programs available from other agencies and be involved in the provision of technical and professional advice, information and training.

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

Further, the following specific priority considerations apply:

- In having regard to the merits of competing claims, the ILC will give particular weight to supporting land management on land acquired by the ILC;
- A low priority will be given to applicants who have been assisted under one of the program streams in the land acquisition program, and/or who subsequently change their primary purpose, for a period of three years from the date of that assistance; and
- Employment of Indigenous people and the use of goods and services provided by businesses owned or controlled by Indigenous people will be maximised.

The ILC will support land management activities under the following strategic initiatives.

Group Based Planning – The ILC will support group based planning to assist applicants to identify and clearly define achievable goals for the use of their land.

Enterprise Development –The ILC will assist applicants to develop viable and sustainable enterprises (including “not for profit” enterprises) on their land.

Regional Development – The ILC will contribute to regional development processes to ensure that benefits accrue to local Indigenous landholders.

The following initiatives are support services provided by the ILC to Indigenous landholders. These services do not include directly funding other organisations to undertake co-ordination and research activities on behalf of the ILC or Indigenous landholders.

Co-ordination - The ILC will provide applicants with information on co-ordination, available funding, and support programs in their region. The ILC will co-ordinate the delivery of services with other agencies to achieve maximum benefit for local Indigenous landholders.

Research – The ILC will undertake research to ensure that applicants benefit from land management and enterprise opportunities available to them.

Broadly, the steps in the land management 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 identifying the strategic initiative, the primary purpose and include all necessary attachments. A project plan must be attached detailing:

- A Planning Project Outline for Group Based Planning;
- A PMP for cultural, social or environmental Enterprise Development;
- A BP for economic (small or commercial) Enterprise Development; and
- A Strategic Project Plan for Regional Development.

Until such time as the ILC is satisfied that an application form is complete, the ILC will consider an application not 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 eligibility requirements and the program criteria.
- Incomplete applications will be returned to the applicant.
- 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.
- Where it is determined that the activities adequately address criteria set out in these Guidelines, the ILC may proceed to develop a Land Management Package.

3.4 ELIGIBILITY REQUIREMENTS

The following eligibility requirements apply to all applications for land management assistance:

- The land management activities are in relation to Indigenous held land and meet the definition of land management as defined in the Act;
- The activities directly involve landholders;
- Land management activities must be actively supported and agreed to by landholders and consistent with the aspirations of the community and other Indigenous people who are directly affected; and
- Landholders will enter into an agreement with the ILC in relation to carrying out the activities.

3.5 PROGRAM CRITERIA

The Land Management Program will apply the following criteria when assessing applications.

3.5.1 STRATEGIC

- The primary purpose for the land must be clearly established as cultural, social, environmental, or economic;
- Land is essential to the activity; and
- The proposed land management activities will deliver sustainable environmental, social, cultural and/or economic benefits.

3.5.2 SPECIFIC

- The Project Plan defines clear goals, achievable and sustainable outcomes and is agreed;
- The activities pursue sound land and environmental management practices;
- The activities are viable in the long term, within the capacity of the applicant and will not require recurrent funding from the ILC;
- Indigenous people have clearly demonstrated an interest in the activities and will be actively involved. This is a priority in arrangements;
- The land can support the proposed land management activities; and
- The commitment and capacity of the applicant to carry out and sustain the land management activities is demonstrated.

3.5.3 REGIONAL

The application must demonstrate:

- The proposed benefits are only achievable via ILC assistance, and are not covered by the programs of other agencies.

ECONOMIC - SMALL OR COMMERCIAL CONSIDERATIONS

If the applicant states, or if the ILC determines that the primary purpose is economic, the applicant will need to address the following small or commercial criteria in addition to the eligibility, strategic, specific and regional criteria.

All applications for support in excess of \$250,000 must meet the commercial criteria. Applicants for support for less than \$250,000 will need to meet either the small enterprise or the commercial criteria as determined by the ILC. Generally, simple applications will be required to meet the small business criteria. More complex applications will need to meet the commercial criteria.

3.5.4 SMALL ENTERPRISE CRITERIA

- The financial return on the activities is acceptable to the ILC, that is, it at least achieves a break even point and will be able to pay for maintenance and replacement of business assets and operate without the need for recurrent funding from the ILC or other public funding or subsidies;
- The security offered for any loans or giving of any guarantee by the ILC must be acceptable to the ILC;
- The proposed management structure and the applicant's experience and training and development plan is acceptable to the ILC;
- The applicant will be fully involved in the business;
- The level of risk in the activities is identified and is acceptable to the ILC; and
- The application is for a land-based business.

3.5.5 COMMERCIAL CRITERIA

- The application is for a land-based business that is commercially viable and demonstrates sound business fundamentals;
- The ILC may take an equity share in the business;
- The application may encompass an arrangement with the ILC and/or another party where the parties may have an equity share in the business;
- The application demonstrates that sound business, technical and managerial skills exist. These may be provided through the arrangement;
- Applicants must be actively involved in the business, that is, the ILC will not support passive investments;
- The activity will deliver sustainable benefits to a broad range of people including employment and significant social and cultural benefits;
- The business plan is acceptable to the ILC and it defines the management structure, as well as a mentoring, training and development schedule together with an assessment of risk;
- The business is capable of servicing a debt; and
- The applicant's experience is acceptable to the ILC.

3.6 CONDITIONS OF FUNDING

For successful applications, support will be formalised by a contract between the ILC and relevant parties (landholders, agencies, organisations, etc.). The contract will be legally binding on the parties and describe the terms and conditions governing the responsibilities of these parties.

The ILC may determine funding conditions on a case-by-case basis. Applicants and landholders will be required to enter into an agreement, which will include a work plan, with the ILC in relation to the activities to receive funding. Funding includes any money transferred to a body as a grant or loan, or a loan guarantee.

3.6.1 GRANTS

In making grants, the ILC may specify conditions on the:

- Purposes for which the money may be spent;
- Period within which the money is to be spent;
- Acquittal of money spent; and
- Giving of information in relation to the grant.

3.6.2 LOANS

The ILC may make a loan of money on terms and conditions that must relate to the:

- Purposes for which the money may be spent;
- Period within which the money is to be spent;
- Acquittal of money spent;
- Giving of information relating to the loan;
- Repayment of the loan;
- Payment of interest (including interest on interest); and
- The loan security, if the loan is secured.

3.6.3 LOAN GUARANTEES

A guarantee is subject to such terms and conditions as the ILC determines.

3.7 REPORTING AND MONITORING

The ILC will require recipients of land management support to provide reports that may include the following:

- The progress of the scheduled workplan;
- Matters required by any grant, loan, or loan guarantee conditions; and
- Details of benefits that have been received.

3.8 DEFAULT

The land management agreement will provide that where its terms and conditions are breached the ILC has the right to terminate the land management agreement.