

# 7. Managing Land and Seas

The two major responsibilities of the Land Councils have always been to claim land back and to assist Aboriginal people in the management of their land. Though the number of outstanding land claims still means that significant resources must be directed to claiming land back, the long-term future is with the management and development of Aboriginal land. Since the sunset clause came into effect in June 1997, no more claims have been lodged by the NLC and the organisation is shifting its focus to the management of land and seas and the development of appropriate multiple land use strategies.

Land and seas management at the NLC can be divided into two categories: first, Integrated Conservation and Development which focuses on the conservation, management and utilisation of natural resources by Aboriginal people. The Natural Resources branch, particularly through its Caring for Country Unit, is the major focus of this aspect of resource management incorporating capacity-building, land management planning and sustainable use of resources. Jointly managed national parks are another aspect of Aboriginal-directed resource management in the NLC region.

The second category is Doing Business which is largely the management and facilitation of commercial and mining proposals for Aboriginal land. Such proposals are generally from developers or business interests who wish to gain access to Aboriginal land for commercial reasons. The NLC's role is to seek the consent (or otherwise) of traditional owners to such proposals and ensure that a fair and appropriate agreement is made for the use of Aboriginal land. Such agreements are among the few options Aboriginal people have for improving their economic circumstances and developing a sound economic base for the future.

For both types of land and seas management, the NLC works to ensure that traditional owners are fully involved in planning and decision-making over their land, that traditional law is respected and sacred sites protected.

## 7.1 Integrated Conservation and Development

### 7.1.1 Caring for Country

The approach of the NLC through its Caring for Country Unit (CFCU) is to work collaboratively with a range of Aboriginal and non-Aboriginal agencies to build local capacity to institute effective management of land and sea resources. The role of the CFCU is to broker delivery of appropriate advice, education and training and resourcing for Aboriginal land and sea managers. Effective control of weeds, fire and feral animals continue to be the core issues of land management on Aboriginal land in the NLC area. This year also saw the establishment of a sea program.

A key element of the CFCU approach is to recognise the need for application of two kinds of knowledge - western science-based knowledge and Indigenous traditional knowledge. Science-based knowledge is critical in dealing with issues such as invasive weeds for which there are no traditional prescriptions. Indigenous knowledge is critical in other areas such as fire management, although Aboriginal land managers are increasingly finding science-based technology, such as satellite fire mapping, useful.

#### Linkages and partnerships

CFCU continued to develop partnerships both between the NLC and other agencies and between community-based land management groups and appropriate agencies.

The North Australian Indigenous Land and Sea Management Alliance (NAILSMA) is strengthening. Currently an agreement between the Northern Land Council, the Kimberley Land

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Council and Balkanu Cape York Development Corporation, it is envisaged that the core membership of NAILSMA will expand to include Indigenous land management agencies right across the tropical savannas. Support for its development is coming from a number of agencies, particularly the CRC for Tropical Savannas Management.

Greening Australia and CFCU have continued their partnership in the Aboriginal Landcare Education Program which is based at Greening Australia. The strong collaboration with the Australian Quarantine and Inspection Service's North Australian Quarantine Strategy (AQIS NAQS) resulted in the CFCU receiving a Quarantine Certificate of Commendation.

Other agencies involved in close collaboration with CFCU include the Parks and Wildlife Service and the Bushfires Council of the NT Department of Infrastructure, Planning and Environment (DIPE), the Weeds Branch of the NT Department of Business, Industry and Resource Development (DBIRD) and CSIRO.

The NLC is represented on the board of the Key Centre for Tropical Wildlife Management and the Centre for Tropical Wetland Management (both based at NTU), the CRC for Tropical Savannas Management, the Landcare Council of the NT and the Advisory Committee of the National Centre for Tropical Wetland Research.

### **Funding**

Partnerships with the Indigenous Land Corporation (ILC), the Commonwealth Department of Employment and Workplace Relations (DEWR) and NT Department of Employment, Education and Training (DEET) have been essential to developing resourcing of community-based land management across the Top End.

Significant program support has been received from the World Wide Fund for Nature (WWF).

Community-based programs have been very successful in gaining resources from the five-year Natural Heritage Trust (NHT) since its inception in 1997. However, uncertainty prevails as NHT 1 comes to an end with negotiations still to take place between governments over NHT 2.

A range of community-based land and sea management programs were assisted by 16 pilot projects funded from the Aboriginal Benefits Account (ABA) from allocations under s.64(4) of the ALRA. Guidelines for the establishment of a longer-term Land and Sea Management Fund are still awaiting Ministerial approval (see section 8.2.9).

### **Community-based land and sea management programs**

The development of a loosely formalised natural resource management structure on Aboriginal lands built on small community-based land management programs continues. The CFCU and its partner agencies provide support to these groups as they build their capacity to deal with specific land and sea management issues.

New community-based land and sea management programs are joining the network – this year saw the institution of the Thamurrurr Rangers at Wadeye and the Ngatpuk Land Management at Bulgul – and ever more communities are requesting assistance. Major gaps in CFCU work exist in the Rangelands (Victoria River District, Katherine and Gulf Regions) especially on former pastoral leases.

A very successful Indigenous Rangers Conference that drew more than 300 participants from Top End ranger programs and other areas around Australia as well as neighbouring countries was hosted by Nanikiya Munungirritj and the Dhimurru Rangers at Gulkula in north-east Arnhem Land in August 2001. Networking and vision-sharing provided by this series of annual conferences is helping to drive the developing Top End Aboriginal land management structure.

Applications are pending for an Employment and Training Coordinator and Small Enterprise Development Officer for the CFCU to support the land and sea management programs.

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## **Caring for Sea Country**

During 2001/02 a Caring for Sea Country Strategy was developed by the NLC in response to the rapidly increasing number of planning and management issues associated with coastal and marine estates. These issues included concerns by traditional owners and managers regarding sacred site protection, illegal fishing and access to Aboriginal land, by-catch waste and pollution, destruction of marine mammals and their habitats, and failed Aboriginal-Government consultative mechanisms. Given that almost 85% of NT coast is now Aboriginal land, the establishment of a dedicated NLC Sea Country Program was of critical importance.

The Program was established in January 2002. The objectives are to:

- Assert and promote the cultural and economic sea rights of indigenous traditional owners.
- Ensure the strategic participation of traditional owners in sea country planning and policy.
- Establish and maintain an Indigenous sea country network.
- Achieve greater participation of Aboriginal people in marine-based commercial and labour market activities.
- Achieve greater Indigenous participation in Sea Country Research and Monitoring.
- Manage and implement the Caring for Sea Country Strategy.

Newly defined sea country-oriented partnerships and linkages have been negotiated with the World Wide Fund for Nature, Australian Institute for Marine Science, the Northern Territory Government and the National Oceans Office.

The Sea Country program is currently involved in supporting existing sea ranger programs, and is actively facilitating innovative marine management and commercial proposals, based on capacity building. The outcomes will result in greater Aboriginal participation in sea country management, and ultimately the formation of an Aboriginal-controlled, marine-based commercial sector.

Another major goal of the program is to promote a formal and recognised role for sea rangers in relation to the NT Government's enforcement agencies. A Fisheries Compliance Certificate 2 is currently being developed as part of building the capacity of traditional owners working as rangers to participate in enforcement monitoring and reporting activities.

### **Weed management**

Community groups continued to build their capacity to deal with the rampant floodplain weed *mimosa pigra* (mimosa). A five-year (from 1998) mimosa aerial control agreement between the NLC, Indigenous Land Corporation (ILC), Department of Primary Industries and Fisheries (DPIF) and the White Eagle Aboriginal Corporation (WEAC) continues to be enhanced by several agreements (from 2000) with the ILC to fund community-based on-ground operations. Funding assistance from DEWR and DEET is also very important to these programs.

The spread of mimosa is being effectively contained by Aboriginal community-based programs in its eastern-most and western-most extremes which happen to fall on Aboriginal land. This work is therefore of national significance. The CFCU Wetlands Officer sits on the National Mimosa Advisory Committee.

As community-based programs start to deal effectively with mimosa the land management programs are broadening into holistic strategies that deal with other weeds and land management issues as well as looking for ways of earning income to put back into land management such as through enterprise development.

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## **Fire management**

The historical shift of Aboriginal people from traditional estates into missions and settlements continues to affect fire management across Aboriginal lands. Because of access difficulties there are a number of areas of land as big as Kakadu National Park which have not been resettled in the outstation movement over the past 30 years. The lack of fire management in those areas presents a major problem.

Fire projects supported by the Bushcare component of the Natural Heritage Trust have assisted development of strategic plans for fire management. The CFCU, in collaboration with five community-based Aboriginal land management agencies, the Bushfires Council of the NT and the CSIRO, continues to seek funding for the Arnhem Land Fire Abatement (ALFA) Project which proposes to achieve dramatic reduction in greenhouse gases by a return to more traditional burning regimes characterised by significant early and strategic burning within an area of about 60,000sq km. It is the late hot dry season fires that cause most damage to vegetation and also produce most greenhouse gases.

While the ALFA project remains unfunded the CFCU continues to assist community groups in Arnhem Land build their capacity with the assistance of funding from the ILC and DEWR.

Major potential for dispute or litigation exists due to lack of fire management on Aboriginal-owned lands in the Vernon Region (Darwin hinterland) and former pastoral leases within the Rangelands.

## **Feral animal management**

Due to a lack of staff resources the CFCU has had difficulties instituting feral animal control activities. Feral animals in the region include large vertebrates (buffalo, horses, donkeys, pigs), the cane toad and ants. The implication of feral animals for Aboriginal landowners is significant – they have the potential to impact upon traditional land uses and limit the development of enterprises based upon sustainable utilisation of wildlife resources. However, the issue is complex for many Aboriginal landowners where large vertebrates are often seen as a resource, both commercially (through harvesting) and as subsistence food.

A number of ant species are in the process of invading the Top End. The big-headed ant (*Pheidole megacephala*) and the ginger ant (*Solenopsis geminata*) are found in most major centres of the Top End. The big-headed ant has already invaded bush sites near Darwin, and is having a major environmental impact. The ginger ant is very closely related to the fire ant (*Solenopsis invicta*) that is the focus of a \$150 million eradication program in Queensland. Another very serious pest ant, the crazy ant (*Anoplolepis gracilipes*), has also been discovered in north-east Arnhem Land.

Community-based rangers have an important role in raising landowner awareness of the seriousness of environmental damage by feral animals. Rangers will also have roles in assisting landowners to better control pests or undertake pest control for landowners as instructed.

The CFCU has been raising awareness of the ant issue with barge companies and Aboriginal community groups. Funding is being sought to undertake scoping research on the crazy ant infestation. If left unmanaged, crazy ants have the potential to spread rapidly across northern Australia through transportation on vehicles and road freight.

## **Women in Land and Sea Management**

Women's involvement in Ranger Programs in the NLC region continues to expand rapidly. All ranger groups, bar two, have active participation from women rangers who include themselves in all aspects of the ranger work from spraying weeds to protecting sacred sites. Women have also been enthusiastic participants in the development of family culture camps for all age groups conducted in the school holidays.

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In June 2002 Kakadu Aboriginal women rangers hosted a very successful Ngalmuka Land Management Conference with over 100 women attending, sharing ideas and encouraging each other. Two resolutions were passed, calling for the establishment of fully resourced Women's Ranger programs in the Ngukurr and Borroloola regions.

The Women's Land Management Facilitator has received other requests for the formation of new ranger groups and these will be addressed over the next year.

### **Conservation and utilisation of Indigenous knowledge**

NAILSMA has identified the need for research to support the conservation of Indigenous knowledge as an urgent priority for Indigenous land management. It is becoming increasingly apparent that Indigenous ecological knowledge is seriously endangered across North Australia and developing strategies to conserve that traditional knowledge is an urgent task for Aboriginal communities.

NAILSMA, through the CFCU, has received funding from the CRC for Tropical Savannas Management and WWF to institute a coordinating program across northern Australia. The CFCU and some of its partner agencies have a number of on-ground projects designed to assist the conservation of Indigenous knowledge in situ. However, many more are needed.

It is critically important that both Territory and Australian Governments honour their commitment (Objective 1.8 of the National Strategy for the Conservation of Biological Diversity) to recognise and ensure the continuity of the contribution of the ethnobiological knowledge of Australia's Indigenous peoples to the conservation of Australia's biological diversity.

### **7.1.2 Parks**

The NLC is involved in the joint management of Kakadu National Park, Nitmiluk (Katherine Gorge) National Park, Garig Gunak Barlu National Park and Cobourg Marine Park. During 2001/02 the NLC stepped up its focus on Parks with the appointment of a Senior Project Officer Parks.

#### **Kakadu National Park**

The NLC administers the Kakadu, Jabiluka and Gunlom Aboriginal Land Trusts and associated leases. These leases are currently overdue for scheduled reviews. Concerted action is planned in 2002/03 to facilitate the completion of the scheduled reviews.

The SPO Parks, and other NLC staff as appropriate, attend Board of Management meetings in an advisory capacity and facilitates negotiations with the Commonwealth relating to the traditional owners' interests in the management and operations of the Park.

Consultations in relation to the development of a new Plan of Management for the park will commence in September 2002. The NLC will be liaising with park management and actively participating in associated consultative meetings. The current Plan is due to expire in March 2004.

#### **Garig Gunak Barlu National Park / Cobourg Marine Park**

The NLC administers the Cobourg Aboriginal Land Trust in relation to Garig Gunak Barlu National Park and the Cobourg Peninsula Aboriginal Land Sanctuary and Marine Park Act.

The SPO Parks, and other NLC staff as appropriate, attend Board of Management meetings in an advisory capacity and facilitates negotiations with the Northern Territory relating to the traditional owners' interests in the management and operations of the park.

Significant differences between traditional owners and the Northern Territory on several important issues effectively stalled progress on the development and adoption of a new Plan of Management for Garig Gunak Barlu National Park during 2001/02. Productive discussions between the parties toward the end of the year provide an optimistic outlook for the finalisation of the Plan of Management in 2002/03.

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The Chair of the Cobourg Peninsula Sanctuary and Marine Park Board and the NLC recently prepared a submission to the NT Government seeking support to transfer fisheries regulatory powers to the board.

### **Nitmiluk (Katherine Gorge) National Park**

The NLC administers the Jawoyn Aboriginal Land Trust in relation to the Nitmiluk (Katherine Gorge) National Park Act.

In response to an approach from the NLC offering service and support, the Nitmiluk Board of Management has indicated that regular participation in Board of Management meetings by NLC representatives is not required at this time.

A new draft Plan of Management for the Park was released for public comment in 2001/02.

### **Tjuwaliyn (Douglas) Hot Springs Park & Umbrawarra Gorge Nature Park**

During 2001/02 the NLC has facilitated consultations designed to finalise joint management arrangements for these Parks between the Wagiman traditional owners and the Parks and Wildlife Commission of the NT.

### **Dhimurru Indigenous Protected Area**

The NLC has provided ongoing assistance to the Dhimurru Indigenous Protected Area initiative aimed at finalising a collaborative conservation agreement between Dhimurru Land Management Aboriginal Corporation and the Parks and Wildlife Commission of the Northern Territory under Section 73 of the *Territory Parks and Wildlife Conservation Act*.

## **7.2 Doing Business**

Aboriginal land is private land held for the benefit of Aboriginal landowners as a group and those other Aboriginal people who have traditional interests there.

The Land Council's roles concerning a business or commercial enterprise on Aboriginal land are to:

- assist Aboriginal people to carry out commercial activities (including resource development, the provision of tourist facilities and agricultural activities);
- negotiate land use agreements on behalf of Aboriginal people;
- ensure that Aboriginal culture, traditions and law are respected and followed; that the relevant Aboriginal people make informed decisions; and
- ensure that commercial and resource use agreements are fair.

The *Aboriginal Land Rights (NT) Act 1976* requires that the Land Council be satisfied that the traditional owners of the land in question understand the nature and content of any land use agreement which is entered into on their behalf and that they agree to it. Affected Aboriginal communities and groups must also have a reasonable opportunity to express their views to the Land Council and the Land Council must be satisfied that the terms and conditions of any land use agreement are reasonable.

As in all its functions in respect to Aboriginal land, the Land Council has a duty to consult with and have regard to the interests of traditional owners and other Aboriginal people with interests in the land. The Land Council is not permitted to enter into business arrangements in such a way that it can make a profit or a loss.

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## **Leases and Licence Agreements**

Under the Land Rights Act the NLC has the statutory responsibility to consult with traditional owners over any proposal concerning the use of land trust land. If the traditional owners consent to the proposal a licence agreement or lease is prepared and entered into by the proponent and land trust. The licence agreement details the terms and conditions upon which the business will be conducted and includes such things as a term, the area involved and benefits for the traditional owners.

In practice, the process of entering into a land use agreement or joint venture for Aboriginal land takes time and requires considerable information and consultation, including financial disclosures, business plans and environmental impacts.

Aboriginal land is seldom held or controlled by a single person or a single family. The definition of “traditional owners” includes all Aboriginal persons who are “entitled to forage as of right” over the area. This means that the process can be lengthy. However, it ensures compliance with the law, financial security, security of tenure and a genuine and lasting relationship with the Aboriginal landowners concerned.

## **7.2.1 Mining and Exploration**

### **Exploration on Aboriginal Land**

During 2001/02 18 major Exploration Licence Application (ELA) meetings and four smaller ELA consultations were held dealing with 43 ELAs. Of these, 12 were approved by the traditional owners of which 11 were approved by Full Council; one had some anthropological questions remaining which have now been resolved and will go to the next Full Council. Negotiations have commenced on 10 ELAs, three ELAs are still under consideration by the traditional owners and 18 were placed in moratorium. It should be noted that most of the 18 ELAs refused have been refused in the past and have thus gone through at least one moratorium cycle. However, several of the approved ELAs have previously been refused.

An additional 17 meetings were held dealing with work programs and royalty issues. Thirty-four other field meetings were attended dealing with existing Exploration Licences (ELs) and various mines (Ranger, Jabiluka, Gove, Woodcutters and the Brown’s development). The increase in these meetings was caused by an increase in the intensity of the Brown’s project and increased environmental concerns at Ranger and Jabiluka.

At present consent is current for 63 ELs covering approximately 29,000 square kilometres of Aboriginal land. Forty-two ELAs covering approximately 17,000 sq km are currently under negotiation. The smaller area compared with 2000/01 has been caused by the relinquishment of a number of large ELs and these have been replaced with a slightly greater number of ELs of much smaller size. The relinquishment process is part of the regime established under the NT’s *Mining Act 1980*.

### **Ranger, West Arnhem**

Discussions on the agreements required under section 41 of the *Atomic Energy Act 1953* and section 44 of the Land Rights Act continue. Various concerns with the environmental performance at the mine and the associated publicity have resulted in the scheduling of a Senate Inquiry and a NT Government independent review of environmental monitoring and reporting procedures. The NLC has insisted that Energy Resources of Australia, the mine operator, adopt the AUS/NZ ISO 14001 standard of environmental audit in order to better monitor and manage environmental issues. NLC staff continue to monitor environmental management at the mine.

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## Processing Licence Applications

The laws governing the granting of exploration licences and permits on Aboriginal land in the NT are the Northern Territory *Mining Act 1980* and the *Aboriginal Land Rights (Northern Territory) Act 1976*.

An exploration licence or exploration permit, which allows the holder to explore for minerals or hydrocarbons, cannot be issued by the NT Minister for Mines and Energy unless the applicant and the Land Council have entered into an agreement.

The procedure for processing exploration applications is as follows:

- (1) **Exploration Licence Application** – The mining company applies to the NT Department of Mines and Energy (DME) for a licence or permit.
- (2) **Consent to negotiate** – The Minister for Mines and Energy grants the mining company ‘consent to negotiate’ with the Land Council.
- (3) **Traditional owner identification** – The Land Council identifies the appropriate traditional owners for the area under application.
- (4) **Application for consent** – The mining company must submit its application including exploration proposal to the Land Council within three months, otherwise the application is deemed to have been withdrawn. The exploration proposal must describe all aspects of the exploration activity including possible impact on the environment and the social impacts. The Land Council ensures that the proposal provides adequate information for traditional owners to make a decision.
- (5) **Consultation** – The Land Council organises a meeting of appropriate traditional owners at which the applicant presents its proposal. (With the consent of the traditional owners, the applicant may also attend subsequent meetings.) A representative of the Minister for Aboriginal Affairs may also attend the meeting.

The traditional owners have the right to instruct the Land Council to refuse consent to an exploration proposal that affects their land. Refusal freezes the application for five years (moratorium), after which the same company may re-apply.

Alternatively, traditional owners may instruct the Land Council to negotiate an agreement with the company. Negotiations are pursued in consultation with the traditional owners. The Land Council can only enter into an agreement with the approval of the traditional owners of the area under application and the Minister for Aboriginal Affairs.

### **Jabiluka, West Arnhem**

Environmental concerns at the mine have resulted in the operator also adopting the AUS/NZ ISO 14001 standard. A major review of water management at the mine site is in progress and is expected to be completed during 2002. While the mine has been mothballed, NLC staff continue to monitor environmental management.

### **Nabarlek, West Arnhem**

Rehabilitation of the closed Nabarlek uranium mine is continuing and some of the methods introduced during 2000/01 appear to be showing some promise. The NLC continues to cooperate with Gunbalanya community and Pioneer Concrete in this work.

### **Woodcutters Mine, Tortilla Flats**

Consultants have been engaged to investigate the best methods to deal with the problem of acid mine drainage at the site before rehabilitation commences. These investigations are proceeding and it is hoped that they will be concluded in time to undertake the bulk of the land-forming during the dry of 2003. NLC staff continue to interact with the Woodcutters staff in planning this rehabilitation.

### **Rum Jungle, Batchelor**

Negotiations are still in progress regarding the hand-back of this area.

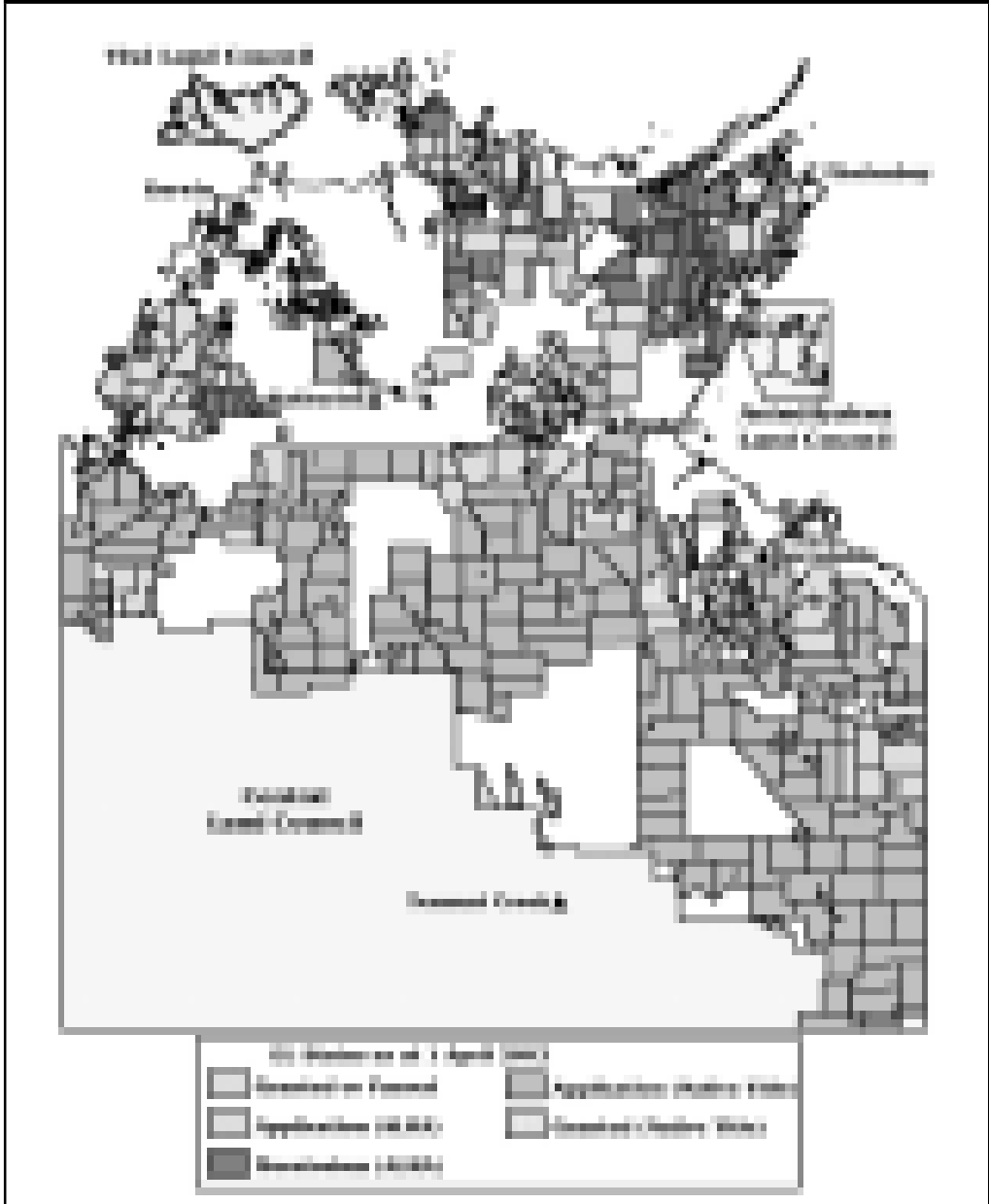
### **Brown's Project, Rum Jungle**

Discussions continue with Compass Resources regarding an agreement for this mining operation. At present both a feasibility study and the Environment Impact Statement are in progress and conclusion of this agreement requires the information from such studies. In the interim a Memorandum of Understanding between the parties has been prepared. The NLC has been engaged in sacred site clearances in the area, which are nearing completion.

**Figure 5: Exploration Licence Applications**

Aboriginal land with mining interests	0.45%	760km <sup>2</sup>
Aboriginal land on which ELAs granted or approved	17.18%	28,851km <sup>2</sup>
Aboriginal land with ELAs under negotiation	9.99%	16,785km <sup>2</sup>
Aboriginal land approved for reconnaissance	-	-
<b>TOTAL</b>	<b>27.62%</b>	<b>46,396km<sup>2</sup></b>
<b>Status</b>	<b>1 July 2001 to 30 June 2002</b>	<b>Cumulative total to 30 June 2002</b>
Application due	28	177
Deemed withdrawn	23	217
Lapsed	1	42
Applications received (proposals submitted)	27	366
Under consideration by traditional owners	3	N/A
Negotiations in progress	10	N/A
Refused by NLC	18	171
Number of consents given to the grant of exploration licences	12	89

## Map 4: Mining and Exploration



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## **Gas Pipelines**

### **Epic Energy/Nabalco – Proposed Mataranka to Nhulunbuy Gas Pipeline**

The NLC has provided community education, identified the Aboriginal interests in the proposed pipeline route, held consultations with all landowning groups, negotiated a reconnaissance permit and facilitated helicopter and on-ground reconnaissance of the proposed route by Nabalco Pty Ltd (Alcan Gove Pty Ltd from 1/7/2002) and Epic Energy Ltd.

As a result the NLC knows what land is being considered, who speaks for that land, and that all groups have expressed some interest in continued discussions. Nabalco and Epic have gained valuable information on the physical and biological nature of their preferred route, and have confirmed that construction of a pipeline is technically feasible.

As there has been no guarantee that Timor Sea gas (particularly from the Sunrise project) will be brought to Darwin the future of the Epic/Nabalco Mataranka/Nhulunbuy project has been uncertain. The NLC has continued to deal with the proposal but, at the request of the proponents, at a reduced funding level since January 2002 and with no provision for action in relation to sacred site survey or commencement of negotiations in relation to any proposal. The NLC advised the proponents that such project 'slow-down' will directly compromise any capacity for commencement of construction within their projected time lines if the gas comes on shore.

Finalisation of the proposed route corridor was compromised in June 2002 when Epic Energy's project coordinator, the NLC's Project Manager and a senior Aboriginal traditional owner were tragically killed in a helicopter crash while performing aerial survey work.

The NLC has commenced recruitment action with a view to re-establishing project management capacity early in 2002/03.

### **Epic Energy – Proposed Darwin to Moomba Gas Pipeline**

Epic Energy has proposed construction of a gas pipeline from Darwin south to Daly Waters and then south-east across to the Queensland border. The pipeline route would then proceed south to Moomba through Queensland and South Australia.

Epic Energy has indicated that if no decision is made in relation to gas to Darwin from the Sunrise project before July 2002, then it is likely Epic Energy will withdraw. The NLC has had some preliminary discussions with Epic about this proposal. The NLC has also completed an initial anthropological study for the Darwin to Mataranka section. However, due to the ongoing uncertainty further work on the Mataranka to Queensland section has been placed on hold.

### **Woodside Petroleum - "Black Tip" gas pipeline proposal**

This pipeline proposal would take gas from the Black Tip field in the Bonaparte Gulf via pipeline with landfall at Wadeye (Pt Keats), across the Daly River Aboriginal Land Trust and then north of Mataranka for possible supply to Nabalco in Nhulunbuy.

Preliminary consultations have been held, and Aboriginal landowners have agreed to some preliminary helicopter reconnaissance. The NLC has also facilitated some initial fauna survey work associated with part of the proposed route and anthropological survey work along the proposed route.

### **Phillips Petroleum - LNG plant at Wickham Point**

The NLC was involved in a native title agreement between Larrakia interests and Phillips to resolve compulsory acquisition of the site and access for the offshore pipeline. The core outcomes for the Larrakia were employment and contractual benefits.

During 2001/02 the NLC reviewed Environmental Impact Statement documents and provided submissions, including to the current Public Environmental Report.

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## **Methanex – Gunn Point Methanol Plant proposal**

The NLC was involved in preliminary negotiations for over 12 months with Methanex associated with a proposed methanol plant at Gunn Point east of Darwin. However, the company could no longer wait for confirmation of gas supply to Darwin and withdrew its proposal in late 2001.

## **7.2.2 Alice Springs to Darwin Railway**

Since renewed efforts to complete the Alice Springs to Darwin rail link began in the mid-1990s the NLC and Central Land Council have represented traditional Aboriginal owner groups affected by the railway corridor. Anthropological work conducted by the NLC in 1996/97 identified the specific traditional Aboriginal owner groups within its jurisdiction with ties to the proposed railway route, which covers a distance of 1,000 kilometres in the NLC's area.

From 1997/98 negotiations took place to develop a single Indigenous Land Use Agreement (ILUA) between the Land Councils – on behalf of traditional owners – and the Northern Territory Government to secure land tenure for the railway corridor. This covered land subject to native title claim as well as land already owned by Aboriginal groups.

Financial closure for the railway project occurred on 20 April 2001, with the Asia Pacific Transport Consortium winning the tender to build and operate the railway. The consortium's construction arm, ADrail, is currently building the railway while another subsidiary of the consortium, Freightrail, will operate the railway once construction is completed.

### **Project Management**

As part of the ILUA the NLC receives funding from Asia Pacific to operate its railway unit, whose duties include ensuring contractual agreements are met and overseeing the Indigenous training and employment process. The unit comprises four officers: a Project Coordinator, a Field Liaison Officer, an Administrative Officer and an Employment and Training officer. The Unit is monitored by an NLC Management Team, which meets on average every two months to discuss issues and progress on the railway project.

The NLC has maintained a good working relationship with ADrail as well as with the Australasian Railway Corporation, which is made up of the Northern Territory and South Australian Governments. The NLC has also met all deadlines for site clearances well in advance, ensuring any potential problems have been addressed before construction commenced on any section of the railway.

### **Training and Employment**

From the NLC's perspective the great success of the railway project so far has been the employment and training of significant numbers of NLC constituents. One of the NLC's prime goals during the negotiation of the ILUA was to maximise Indigenous participation on the railway project, and the Railway Unit's work has succeeded in achieving an estimated 30% participation rate across the whole project.

As at June 30 the NLC had achieved:

- 120 Aboriginal people in employment.
- 52 Aboriginal people in access training courses, of which 23 went on to gain employment.
- 550 Aboriginal people on its employment database.

With the construction phase due to reach its peak in July 2002, there is an expectation that the NLC could double these outcomes by the completion of the project in early 2004.

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## **Future Opportunities**

The railway employment outcome has stimulated the NLC to develop an expanded concept of the employment and training unit into its regions. A Steering Committee has been established to advance this initiative and seek the necessary resources from both government and private sector sources.

The NLC is strategically placed within the Top End to fulfil an Indigenous employment and training function, given its role in negotiating most of the major infrastructure and development projects on behalf of traditional owners. The Land Rights Act and the Native Title Act give the NLC the statutory right to negotiate agreements with governments and private companies for the benefit of Aboriginal people in its jurisdiction, and employment opportunities can be part of these agreements.

### **7.2.3 Pastoral Enterprises**

Aboriginal people have a long and successful association with the pastoral industry. Under the Land Rights Act, traditional owners have been able to claim back traditional country over which they had acquired the pastoral lease.

Discussions with the Indigenous Land Corporation concerning resource issues for pastoral property acquisition, pastoral land management and service delivery are ongoing. Within these discussions, the NLC has been keen to emphasise the importance of developing multiple uses for former pastoral lands.

In 2001/02 the NLC made substantial progress on a strategic development plan for Aboriginal-owned properties in the Roper Valley region. The Roper Valley Steering Committee – which includes NLC and ILC representatives along with senior traditional owners and NT Government staff – commissioned and received a consultant's report identifying economic opportunities for Indigenous people living in the area.

A four-day workshop was held at Ngukurr in April 2002 to consider the report, with authors Paul Mitchell and Tim Cummins on hand to answer questions. Development options considered included bush tucker harvesting, aquaculture projects and tourism as well as more traditional pastoral activities. The Steering Committee is now developing Action Plans for each of the local and regional land use ideas.

### **7.2.4 Tourism**

Under the Land Rights Act the NLC has the statutory responsibility to consult with traditional owners over any proposal concerning the use of land trust land. If the traditional owners consent to the proposal a licence agreement or lease is prepared and entered into by the proponent and Land Trust. The licence agreement will detail the terms and conditions upon which the business will be conducted and includes such things as a term, the area involved and payments to be made to the traditional owners.

Figure 6 identifies tourist activity on Aboriginal land trust land outside national parks, and refers to activity either operating under licence or subject to negotiation. Tourism activity can be grouped into major niche categories of scenic/cultural, safari hunting and sport fishing. The majority of these operations currently function on the basis of high yield from a relatively small client base. A fourth category of transit access has been a recent development.

### **7.2.5 Community Stores**

Community stores are major income-generating operations on Aboriginal land. For many communities, this is the main area of commercial enterprise, the main commercial source of income in the community and an important source of employment and training in commerce.

**Figure 6: Tourism ventures under licence or negotiation**

<b>Operator</b>	<b>Area</b>	<b>Type</b>
Kakadu Air	Mikinj Valley/Injalak Arts	Scenic/Cultural
Lord's Safaris	Mikinj Valley/Injalak Arts	Scenic/Cultural
Injalak Arts and Crafts Association	Injalak Arts and Craft Centre	Retail/Cultural
Magela Cultural and Heritage Tours	Mikinj Valley	Scenic/Cultural
Guluyambi Cruise	East Alligator	Scenic/Cultural
Umorrduk Safaris	Coopers Creek	Scenic/Cultural
Dhimurru Aboriginal Corporation	Nhulunbuy Recreation Areas	Scenic/Cultural
Reuben Cooper	Wilgi	Scenic/Cultural
Palmhunt Pty Ltd	Peppimenarti	Scenic/Cultural
Far Out Adventures	Elsy Station	Scenic/Cultural
Peter Ellis	Balbarini	Scenic/Cultural
Russell Guest 4x4 Safaris	Ruined City / Barapunta / Nhulunbuy	Transit/Cultural
Guides to Adventure	Ruined City / Barapunta / Nhulunbuy	Transit/Cultural
4WD Escape	Barapunta / Nhulunbuy	Transit/Cultural
Willis's Walkabout	Jasper Gorge/Stokes Range	Bushwalking/Cultural
Davidson's Arnhemland Safaris	Mt Borrodaile	Scenic/Cultural/Hunting
Papillon Pty Ltd	Weemol	Scenic/Cultural/Hunting
Davidson's Arnhemland Safaris	Momob	Buffalo/Pig Hunting
Bawinanga Aboriginal Corporation	Maningrida area	Buffalo/Pig Hunting
Territory Buffalo Hunts	Balma / Baygurrirtj / Gangan area	Buffalo Hunting
Gulin Gulin Buffalo Company	Bulman area	Buffalo Hunting
Australian Big Game Safaris	Walker River / Harris Creek area	Buffalo Hunting
Safari North	Ngukurr area	Buffalo Hunting
Jawoyn Association	Snowdrop area	Buffalo Hunting
Wild Animal Resources	Buckingham Bay	Buffalo Hunting
Davidson's Arnhemland Safaris	Nth Goulburn Island	Goat Hunting
Territory Buffalo Hunts	Nth Goulburn Island	Goat Hunting
Australian Big Game Safaris	Nth Goulburn Island	Goat Hunting
Australian Big Game Safaris	King River/Illiwan Swamp	Pig Hunting
Tropical Hunting Safaris	Coopers Creek	Pig Hunting
Greg Trouchet	Port Keats area	Sport fishing
Bawinanga Aboriginal Corporation	Liverpool River and Tomkinson Rivers	Sport fishing
Lance Butler	Minjilang area	Sport fishing

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The NLC has been actively involved in negotiating land use agreements for community stores which ensure transparency, social responsibility and the return of profits to the community from which they are derived.

Model leasing arrangements with the Arnhem Land Progress Association (ALPA) stores at Galiwinku, Gapuwiyak, Ramingining and Milingimbi have been finalised. The NLC continued its review of distribution arrangements in 2001/02 and maintained discussions with community stores across the Top End with a view to putting further model leasing arrangements in place.

### **7.2.6 Barge Landings**

In 1998 Perkins Shipping signed land use and access agreements with the Arnhem Land Aboriginal Land Trust for continuing use of the barge landing and cargo handling areas that service Galiwinku, Gapuwiyak, Milingimbi and Ramingining communities. Similar agreements were signed in 2000 for Maningrida, Minjilang and Warruwi.

In early 2000, Gulf Freight Services began operating across the top of Arnhem Land, from Darwin to Gapuwiyak. Land use and access agreements were negotiated and finalised between traditional owners and Gulf Freight Services at Minjilang, Warruwi, Maningrida, Milingimbi, Ramingining, Galiwinku and Gapuwiyak.

No new agreements were concluded in the 2001/02 financial year.

### **7.2.7 Telecommunications**

The extension of telecommunications services in remote and rural Australia has led to a great deal of activity on and across Aboriginal land by Telstra. As a result, Telstra continues to provide funding for the salary of an officer at the NLC to carry out the consultations and clearances required on Aboriginal land to allow access for Telstra and its sub-contractors.

The clearances and work program for Telstra in the period of this Annual Report are:

Radio System upgrades	5
Site Visits (Permission for maintenance work)	25
Clearances for Phone Installations	114
Work Permit Applications	115
Land Use Agreements	3

### **7.2.8 Marine Resources and Fisheries**

Four major legal cases impact upon the rights of traditional owners to their marine estates. These cases are discussed in detail elsewhere in this report.

- Beagle Gulf Area Land Claim  
see section 6.2.1
- Croker Island Seas Case (native title)  
see section 9.2.1
- Miriuwung and Gajerrong Case (native title)  
see section 9.2.1

#### **Marine Agreements**

All existing marine agreements continue including pearl farming agreements adjacent to Croker Island and the English Company Islands. The NLC is progressing applications by Tiwi and Broome Pearls to access pearl farming in three bays in west Arnhem. The Cobourg Peninsula Sanctuary and Marine Park Board continues to negotiate with Paspaley Pearls in regard to new sea leases in the Garig Gunak Barlu National Park.

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The two existing crabbing agreements have been extended at Blue Mud Bay and several sports fishing agreements continue in north-east and north-west Arnhem Land with an agreement at Croker Island finalised.

The NLC and the Amateur Fishermen's Association NT continue to meet regularly to address issues and to continue building a more positive relationship.

### **McArthur River Closure**

The NTG has closed the McArthur River to commercial barramundi fishing. The NLC facilitated a meeting between a delegation of Traditional owners and the Fisheries Minister early in 2002 as part of the decision making process. Two of the commercial barramundi licences are held by the Mabunji Aboriginal Resource Association and a traditional owner licensee respectively. When announcing the closure the NT Fisheries Minister committed resources to a regional management plan and a sea ranger program as well as developing protocols for recreational and commercial fishers.