



**New South Wales
Aboriginal Land Council**
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House of Representatives Standing Committee on Indigenous Affairs
Committee Secretary
PO Box 6021
Parliament House
Canberra ACT 2600

Dear Dr Kilian Perrem,

**Submission to the House of Representatives Standing Committee on Indigenous Affairs Inquiry:
Pathways and Participation Opportunities for Indigenous Australians in Employment and Business**

The NSW Aboriginal Land Council (NSWALC) is the peak body representing Aboriginal peoples across NSW and with over 23,000 members, is the largest Aboriginal member-based organisation in Australia. The Aboriginal land rights network has unique, first-hand knowledge of the challenges and opportunities facing Aboriginal peoples and has developed and continues to develop a range of innovative opportunities for overcoming these barriers.

NSWALC and our network of 120 Local Aboriginal Land Councils right across New South Wales are statutory institutions with public accountability and functions to acquire and manage lands, to protect and promote Aboriginal culture and heritage, and to foster the best interests of all Aboriginal people.

NSWALC is focused on building a better future for Aboriginal people by unlocking the full potential of our three greatest assets; the land we have reacquired, our culture and heritage, and our people. We want to change the narrative from welfare to self-sufficiency by securing our fair share of the growing NSW economy.

The Land Rights Network is the key vehicle to address the needs and aspirations of Aboriginal communities and is the framework for achieving self-determination in NSW.

This enclosed submission provides responses to the terms of reference of the inquiry

Please do not hesitate to contact Executive Director, Land, Legal and Strategy, Stephen Hynd on [REDACTED]

Kind regards,

[REDACTED]
James Christian P SM
Chief Executive Officer
NSW Aboriginal Land Council

Date: 30 JANUARY, 2020.

ALWAYS WAS ALWAYS WILL BE ABORIGINAL LAND

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NSW Aboriginal Land Council

Submission to the House of Representatives Standing Committee on Indigenous Affairs

Pathways and Participation Opportunities for Indigenous Australians in Employment and Business

January 2020

RECOMMENDATIONS

Recommendation 1: Aboriginal community-controlled organisations and governance structures, including Local Aboriginal Land Councils, should be the foundation of any Government strategies / initiatives to support employment, build human capital and Aboriginal businesses. Such strategies must be designed and delivered in partnership with peak Aboriginal organisations and Aboriginal communities.

Recommendation 2: That Government adopt a life-course approach that recognises the interaction between economic development, educational attainment and other social and cultural determinants.

Recommendation 3: That Government value and invest in Aboriginal community-controlled organisations/services to enhance economic participation and provide pathways to employment; prioritising services that provide Aboriginal-led employment, training, mentoring and professional development solutions to Aboriginal people.

Recommendation 4: That Government acknowledge and address the structural inequities that have contributed to the disproportionate disadvantage experienced by Aboriginal communities in their future policy frameworks.

Recommendation 5: That Government undertake in-depth, geographic specific analysis to identify growth industries and regions where there are labour market opportunities in conjunction with peak Aboriginal organisations and relevant communities.

Recommendation 6: That Government work with peak Aboriginal organisations to develop employment programs that meet the needs of Aboriginal job seekers and assist Aboriginal people in navigating the employment service system.

Recommendation 7: That Government invest in pre-employment support, retention and career progression strategies delivered by Aboriginal community-controlled organisations.

Recommendation 8: That Government support and invest in opportunities for Aboriginal people and Aboriginal landowners, including Local Aboriginal Land Councils, to participate in the creation of sustainable land-based economic development projects, including land and fire management, water management and renewable energy.

Recommendation 9: That Government support the commercialisation of bush food by Aboriginal people, including legislative and policy reform to recognise, respect and protect legal rights to Country and knowledge.

Recommendation 10: That procurement policies prioritise Aboriginal controlled organisations/services to deliver services to Aboriginal people, including in the area of health, aged care, out of home care, education and vocational training sectors.

Recommendation 11: That there is greater accountability for agencies and business to meet their procurement targets.

Recommendation 12: That Government, in its role in the National Closing the Gap framework, hold state governments to account and create an enabling environment for Aboriginal people to actively connect with and own, manage/use their land, water and resources for economic and social and cultural wellbeing.

Recommendation 13: That Government recognise the diversity of the Aboriginal business sector, and support a wide range of Aboriginal businesses, including Aboriginal social enterprises.

Recommendation 14: That the role of Government shift from delivering systems predicated on disadvantage, to facilitating the aspirations, priorities and self-determination of Aboriginal peoples.

Recommendation 15: Government should continue to incentivise the private sector to engage and work with Aboriginal businesses.

Introduction

The NSW Aboriginal Land Council (**NSWALC**) is the peak body representing Aboriginal peoples across NSW and with over 23,000 members, is the largest Aboriginal member-based organisation in Australia. The Aboriginal land rights network has unique, first-hand knowledge of the challenges and opportunities facing Aboriginal peoples and has developed and continues to develop a range of innovative opportunities for overcoming these barriers.

NSWALC and our network of 120 Local Aboriginal Land Councils right across New South Wales are statutory institutions with public accountability and functions to acquire and manage lands, to protect and promote Aboriginal culture and heritage, and to foster the best interests of all Aboriginal people.

NSWALC is focused on building a better future for Aboriginal people by unlocking the full potential of our three greatest assets; the land we have reacquired, our culture and heritage, and our people. We want to change the narrative from welfare to self-sufficiency by securing our fair share of the growing NSW economy.

The Land Rights Network is the key vehicle to address the needs and aspirations of Aboriginal communities and is the framework for achieving self-determination in NSW.

Our organisation is working to secure land and water rights, cultural protection, social wellbeing and economic development. Our key strategic initiatives to pursue economic independence and prosperity for our people aim to:

- Create jobs and enterprise opportunities for Aboriginal people;
- Increase the supply of quality, affordable housing for Aboriginal people; and
- Work with Local Aboriginal Land Councils (**LALCs**) to unlock the value of their land.

This submission focuses on the six areas identified in the terms of reference of the House of Representatives Standing Committee on Indigenous Affairs inquiry into opportunities for employment and economic development for Indigenous Australians.

Employment pathways available to Indigenous Australians

Building on and supporting Aboriginal community-controlled organisations is key to developing employment pathways for Aboriginal people. Aboriginal organisations and Aboriginal business are large employers of Aboriginal people, as well as a major source of education, training and professional opportunities.

Working with Aboriginal community controlled organisations to identify key issues and develop and implement local approaches tailored to the actual needs of the community, is fundamental to achieving social and economic change in Aboriginal communities.¹ In line with international standards and best practice models, NSWALC recommends that the Aboriginal community controlled sector is supported to provide employment, training, mentoring and professional development opportunities of Aboriginal peoples.

NSWALC is a member of the NSW Coalition of Aboriginal Peak Organisations, which is comprised of five other peak Aboriginal community controlled organisations, including the NSW Child, Family and Community Peak Aboriginal Corporation, Link-Up NSW, Aboriginal Education Consultative Group NSW, Aboriginal Legal Service NSW/ACT and the First Peoples Disability Network.

¹ Cornell cited in Sean Brennan. 2004. Could a Treaty make a Practical Difference in People's Lives? The Question of Health and Wellbeing. The Treaty Project Issues Paper No. 4. UNSW, Gilbert + Tobin Centre of Public Law available at

http://library.bsl.org.au/jspui/bitstream/1/560/1/Could_a_treaty_make_a_difference.pdf

NSW Coalition of Aboriginal Peak Organisations, as a member of the National Closing the Gap Coalition, is working with the Federal and NSW Government's to design the new Closing the Gap Framework. A whole of government approach, developed in partnership with peak Aboriginal organisations and Aboriginal people, and based on a genuine commitment to action, investment and capacity building, must be the foundation of any approach to building human capital.

The Government needs to acknowledge that a range of social and cultural determinants impact on Aboriginal peoples' access to economic development opportunities and engagement in employment. The Government must adopt a life-course approach that recognises the interaction between economic development and educational attainment and other social and cultural determinants. The Government must also recognise the value of Aboriginal community-controlled support services in enhancing economic participation and providing a pathway to employment and invest in these Aboriginal-led services.

Barriers to employment for Indigenous Australians, including access to employment and training

Historically, government policies excluded Aboriginal people from the economy. Aboriginal people were denied the right to own their own homes and businesses that would have enabled intergenerational wealth creation.² A further barrier to Aboriginal peoples' wealth creation was that up until the early 1970s, many Aboriginal and Torres Strait Islander people's wages were managed by Australian governments. The amount of money owed to Aboriginal people because of these policies is estimated to be in the hundreds of millions of dollars.³ These structural inequities must be acknowledged and addressed in any future policy frameworks.

In addition to the barriers described above, a further significant barrier is the fact that while there are many training and employment initiatives for Aboriginal job seekers most of these are not contributing to improved employment outcomes because they are poorly designed and implemented. The deficiency in courses that just provide "training for training sake" is well documented.⁴

To improve these outcomes, employment, training and development programs should be linked to geographic specific analysis of industry and employer needs, particularly in regional and remote communities, where there are less employment opportunities. In depth, geographic specific industry analysis has the potential to assist in identifying growth industries and regions where there are labour markets opportunities. A strategy to undertake this regional analysis should be developed with peak Aboriginal organisations and relevant communities who are familiar with the social and cultural contexts and the capabilities and needs of potential employees. There is evidence that well conducted needs assessment, holistic wrap around support and flexible curriculum design and delivery, improves completion rates for those from disadvantaged backgrounds.⁵ Research has also found that on-site employer sponsored accredited training has higher completion rates (70%) than other types of training programs.⁶

² Keen, I, 2010. Indigenous Participation in Australian Economies: Historical and Anthropological Perspectives. Canberra: Australian National University, page 1

³ Banks, Robin, Stolen Wages: Settling the Debt. Australian Indigenous Law Review 12 (2008): 55–67, page 58; Gundstone, A., 2009. Indigenous Stolen Wages and Campaigns for Reparations in Victoria. Indigenous Law Bulletin, 8 (12), 3-7 available at <https://www.austlii.edu.au/au/journals/ILB/2014/16.pdf>

⁴ SVA Consulting, 2011, Working it out: Case studies of success in transitioning long-term unemployed Indigenous Australians into sustainable employment, GenerationOne

⁵ Windley, G 2017, Indigenous VET participation, completion and outcomes: change over the past decade, NCVER, Adelaide.

⁶ As above

Options for reform of employment services and programs should support the Aboriginal community-controlled sector and ensure that this sector is appropriately funded to allow for training, mentoring and professional development.

Government employment programs and opportunities to build upon effective initiatives

Poorly targeted, designed and implemented employment initiatives and programs have significantly hindered employment outcomes for Aboriginal peoples across Australia. To improve the efficiency and delivery of employment opportunities and outcomes for Aboriginal peoples, there is a need for governments to work with peak Aboriginal organisations to develop employment programs that meet the needs of Aboriginal job seekers and assist them in navigating the employment service system.

The current structure of the employment service system has led to competition among employment service providers and a focus on those job seekers most likely to secure a job and remain in employment. As a result, many Aboriginal job seekers are not provided with the support they need to gain a job and stay in employment. Under Job Active, support ceases once participants have been employed for 26 weeks. Moreover, while the Employment Fund for Job Active participants is there to provide tailored support and to assist job seekers in being job ready (for example, to purchase work boots, clothing etc), many Job Active providers are reluctant to provide the funding.⁷ Research on examples of successful employment programs that have helped transition long-term unemployed Aboriginal and Torres Strait Islander people into sustainable employment, found that investment in pre-employment support and retention and career progression strategies were vital.⁸

As discussed above, the Coalition of Peak Aboriginal Organisations is currently working with the State and Commonwealth Government on the new Closing the Gap Framework. One of the suggested reform areas is for mainstream services to improve their services for Aboriginal and Torres Strait Islander people. One way that mainstream services could improve the services they provide to Aboriginal peoples is to employ more Aboriginal staff. To provide a culturally safe work environment for Aboriginal staff, research suggests that it is important to incorporate Aboriginal values, knowledge and practices into mainstream service delivery.⁹ A study in New Zealand looked at incorporating Māori values in the workplace.¹⁰ The study found adopting Māori values gave Māori staff a greater sense of belonging and wellbeing, which in turn positively impacted on the organisation by reducing staff turnover and increasing production and profit margins.¹¹

Furthermore, NSWALC's new employment entity, NSWALC Employment and Training, will be an Aboriginal Vocational Training and Employment Centre provider incorporating Aboriginal cultural values in its practices and operation. The majority of the staff are Aboriginal, and the entity will provide holistic wrap around support to Aboriginal job seekers to ensure they obtain and remain in employment.

⁷ Personal correspondence – see also Employment Fund website

<https://docs.employment.gov.au/documents/employment-fund-general-account-guideline>

⁸ SVA Consulting, 2011, Working it out: Case studies of success in transitioning long-term unemployed Indigenous Australians into sustainable employment, GenerationOne

⁹ The Power to Persuade, 2019, Black Swans Make Better Policy. Available at:

<http://www.powertopersuade.org.au/blog/black-swans-make-better-policy/30/10/2019>.

¹⁰ Jolly, M., et al (2014). Kia Aki: Encouraging Māori Values in the Workplace. 1st ed. Christchurch: University of Canterbury. Available at:

<http://www.maramatanga.co.nz/sites/default/files/14INT05%20-%20Monograph%20Internship%20UC.pdf>

¹¹ As above

Gaps and opportunities in the workforce and future growth sectors that could result in employment and enterprise options for Indigenous Australians

Culture and land-based opportunities

The important role that culture could play in realising Aboriginal economic prosperity needs further support. For instance, there are a range of emerging opportunities for Aboriginal peoples and Aboriginal landowners to participate in the creation of sustainable land-based economic development projects, including land and fire management, water management and renewable energy. For example, many LALCs have existing land and sea ranger programs that could be expanded to employ additional Aboriginal people, and more LALCs could be supported participate in the initiative.¹²

The recent large-scale bushfires and water crisis particularly in NSW, highlight the need for more traditional and localised land and water management practices. Working in partnership with Aboriginal people, for example, to embed cultural burning practices into land management, will not only provide employment opportunities for Aboriginal people, it will support improved fire and environmental management.

Likewise, the current water management and shortage issues in NSW are unacceptable and urgent action is needed to ensure the health of our waterways are restored. Further opportunities to support employment of Aboriginal people while improving land, water, natural resource and environmental management include:

- Employing Aboriginal people as land and water managers, including the development of live-in, on-Country courses for and delivered by Aboriginal people
- Increasing the number of programs that value of Aboriginal management practices and promote cross-cultural exchange and learning in land and water management
- Capacity building and engagement programs within Aboriginal communities linking water and land management with education and employment opportunities
- Scholarships for Aboriginal people to undertake specialist land, water and natural resource management degrees
- Expansion of existing land, sea and river ranger programs, and river keeper programs to increase the skills and participation of Aboriginal people in a broader range of land and water management activities
- Expansion of “working on Country” programs

In addition to natural resource management there are a number of key opportunities relating to tourism and the arts (including dance and theatre) that could be further supported. Aboriginal cultural tourism is a rapidly growing industry, which Government can support through strategies such as promotion, approved supplier endorsement, and assistance with protection of intellectual property rights associated with cultural enterprise.

The Commonwealth Government’s recently announced Indigenous Tourism Fund is a welcome initiative, however, it is important that this Fund is available across all areas.¹³ The largest Aboriginal population is in NSW, with a large number residing in greater Western Sydney and the Central Coast, areas that are becoming increasingly popular areas for domestic and international tourists.¹⁴ Funding

¹² For example, see <https://ministers.pmc.gov.au/scullion/2018/new-indigenous-ranger-program-la-perouse-and-botany-bay>

¹³ One of the questions asked as part of the consultation on the Indigenous Tourism Fund is should it be limited to Indigenous tourism businesses in regional and remote areas?

¹⁴ NITV, 2019. Data shows Sydney’s Indigenous population growing rapidly. NITV News Available at: <https://www.sbs.com.au/nitv/nitv-news/article/2019/06/06/Australia-sydney-aboriginal-indigenous> and

considerations could consider additional challenges for tourism operators, such as operating in regional and remote areas, as well as different funding categories for different types of tourism ventures based on an analysis of market need and opportunity. It is also important that grassroots community control of Aboriginal culture and cultural knowledge is respected and supported. Within the Aboriginal Land Rights Network there are a number of examples of successful Aboriginal tourism businesses that could be showcased and built upon, such as the Worimi LALC-owned adventure business 'Sand Dune Adventures', which won an Australian Gold Tourism Award, as well as Unkya LALC Eco Tours, and Mutawintji's LALC's cultural tours.¹⁵

Another area of emerging opportunities for Aboriginal people is the bush-food sector. A recent symposium highlighted how the bush food market in Australia is currently valued at \$20 million annually, but Aboriginal people make up only 1-2% of the market.¹⁶ Government could assist in supporting Aboriginal people and Aboriginal businesses to flourish in this sector by ensuring the protection of Aboriginal cultural knowledge in the growing and harvesting of bush foods. The commercialisation of bush food should be driven and controlled by Aboriginal people and legal rights to Country and knowledge recognised and respected.

Future growth opportunities

There are a number of major infrastructure development projects, such as the Western Sydney City deal, that can be leveraged to provide employment opportunities for Aboriginal people. Western Sydney is projected to grow by more than 1 million people over the next 20 years so the potential for Aboriginal businesses and job seekers to benefit from this activity is high. The NSW Government has committed \$108bn to government infrastructure construction projects over the next 10 years. The overall scale of the investment will require a considerable increase in the resources required for the construction, operation and maintenance stages of these projects. This represents a significant opportunity to maximise Aboriginal employment and subcontracting required under government procurement policies.

A key aim of the NSWALC Enterprise program is for Aboriginal people in NSW to have opportunities to achieve their fair share of the economy. NSWALC has been funded by the Commonwealth Government to establish the Yarpa Indigenous Business and Employment Hub in Western Sydney.¹⁷ The Hub is working to build the capacity of Aboriginal businesses to participate in the NSW economy, particularly in infrastructure. Under our Enterprises and Employment initiatives we intend to partner with employment and labour hire services to improve job placements and outcomes for Aboriginal people. Another way is through direct employment of Aboriginal people in our new NSWALC enterprises: NSWALC Employment, NSWALC Housing and NSWALC Construction and Land Development. These projects are designed to fill current service gaps and leverage existing initiatives to take full advantage of infrastructure investment in Western Sydney. NSWALC Employment is also intending to support Aboriginal employment in other areas of jobs growth, such as the health care

Destination NSW. 2020. Tourism. Available at: <https://www.destinationnsw.com.au/tourism/facts-and-figures/regional-tourism-statistics/central-coast> and <https://www.destinationnsw.com.au/wp-content/uploads/2019/11/western-sydney-visitor-profile.pdf>

¹⁵ Destination Port Stephens. 2018. Sand Dune Adventures win gold at the Australian Tourism Awards. Available at: <https://www.portstephentourism.com.au/sand-dune-adventures-win-gold-australian-tourism-awards/>

¹⁶ First Hands Solution. 2019. National Indigenous Bushfood Symposium. Available at: <https://www.firsthandsolutions.org/bushfood-symposium>.

¹⁷ See Yarpa website <https://www.yarpa.com.au/>

and aged and disability sector, which are expected to grow by 16% and 47% nationally over the next five years.

Opportunities for reforming procurement policies

While the Commonwealth and the NSW Government's support of Aboriginal businesses through their procurement policies is welcome, there are opportunities for improvement to ensure the intentions of the policies are met. A key area of concern is ensuring that contracts are awarded to genuine Aboriginal owned businesses. In this regard, we are pleased to see that Supply Nation has been given additional resources to certify that companies and venture partners have majority Indigenous ownership.¹⁸ To ensure legitimacy, NSWALC believes consultation with Aboriginal peak organisations and communities is also required.

There also needs to be more accountability for agencies and businesses that fail to meet Aboriginal participation targets. For example, a 2019 review of the NSW Government's Aboriginal Procurement Policy found the share of contracts awarded to Aboriginal businesses fell slightly in the previous financial year, from 0.44 to 0.43 per cent - despite a small increase in the overall number of contracts won by Aboriginal companies. Redirection of funds to support initiatives in Aboriginal communities is one approach, however this approach risks companies simply building a "fail" cost into their pricing when submitting tenders. Additional approaches could be considered, such as financial penalties, disqualification from tendering for future contracts, and public reporting similar to the Victorian model.¹⁹

It is also important that Aboriginal service providers are recognised for their expertise in providing services to Aboriginal people, particularly in the health, aged care, out of home care, education and vocational training sectors. If the procurement policies are to be effective then there needs to be acknowledgement that Aboriginal controlled organisations/businesses are often the most appropriate and effective organisations/businesses to deliver services to Aboriginal people.²⁰ Victoria and Queensland have increased investment in community controlled organisations and introduced procurement policies that prioritise Aboriginal community controlled organisations.²¹ There should be similar strategies to connect Aboriginal community controlled organisations and businesses with procurement officers in every government department or agency.

It is recommended that state governments investigate the feasibility of introducing procurement and/or employment participation targets at a local government level. Local governments often have smaller scale operations which could provide an easier entry point for smaller Aboriginal businesses to win and complete contracts, for example, gardening/landscaping, cleaning contracts etc. They can also have an impact in regional areas where state and federal government procurement has less of a footprint.

¹⁸ Stephen, E., 2018. Indigenous Procurement Policy: minister finally cracks down on 'black cladding'. The Mandarin, Available at: <https://www.themandarin.com.au/99579-delayed-action-minister-cracks-down-on-companies-gaming-the-indigenous-procurement-policy/>

¹⁹ Victoria Department of Premier. 2017. Initiatives to Support Aboriginal Businesses and Employment. Available at: <https://www.premier.vic.gov.au/economic-initiatives-to-support-aboriginal-businesses-and-employment/>. y

²⁰ Lewis, N, Weston, R, Burton, J, et. al 2019. The Family Matters report 2019. Available at: <https://www.familymatters.org.au/wp-content/uploads/2018/11/Family-Matters-Report-2018.pdf>

²¹ As above

Reforms to increase Aboriginal land ownership and facilitate Aboriginal economic self-determination

In NSW, there are many land and planning reforms that could be implemented to deliver better outcomes for Aboriginal communities. Key among these is increasing the amount of lands owned by Aboriginal people and facilitating economic self-determination by unlocking the potential of these lands.

While land tenure and planning legislation are more directly the remit of State governments, there are ongoing issues that warrant further attention. The Federal Government, as a member of the National Closing the Gap Coalition, could play a role in supporting the development of land and economic targets that measure the extent to which governments are helping to create an enabling environment for Aboriginal peoples to actively connect with and own, manage/use their land, water and resources for economic and social and cultural wellbeing.

In NSW, for example, there has been long term criticism of the NSW Government for the growing backlog of undetermined Aboriginal Land Claims, made under the *Aboriginal Land Rights Act 1983* (NSW). The land claims mechanism is key to returning land to Aboriginal people for social, cultural and economic outcomes. There are currently approximately 36,800 land claims outstanding. Auditor-General reports from 2007 to the present, Reports from the NSW Ombudsman, and NSW Parliamentary Inquiries, have all highlight issues with the NSW Government's management of the land claim determination mechanism, with little more than 12,396 claims since the ALRA commenced.²² It is worth noting that only 3,248 of those processed claims have been granted.

Furthermore, the disproportionate impact experienced by Aboriginal Land Councils in respect to land use planning decisions has been recognised for decades. As early as 1980, the NSW Legislative Assembly Select Committee on Aboriginal people stated: "*the Aboriginal people of New South Wales suffer discrimination from various Government decision-makers in relation to land development and planning*". More recently, several government reviews and parliamentary inquiries have similarly recommended reforms including the 2016 NSW Parliamentary inquiries into Economic Development in Aboriginal and Regional Planning Processes.

There has, however, been some progress on NSW Government's planning system reforms and initiatives to better facilitate the objectives of the *Aboriginal Land Rights Act*. Many of these improvements to the planning system are relatively new, so will require further review, but have the potential for significant flow on benefits not only for Aboriginal economic development, but for regional economies more generally. If LALCs are able to more easily facilitate economic development from their landholdings, they will be able to contribute greatly to their local and regional economies.

The experience of successful enterprises initiated and owned by Indigenous Australians

In discussing Aboriginal enterprises, it is important to recognise their diversity.²³ A key focus of the Commonwealth Government's Indigenous Business Sector strategy is its Indigenous Procurement Policy. However, not all Aboriginal businesses are able to, or want to, tender for government

²² For example, the 2016 NSW Parliamentary Inquiry into Aboriginal Economic Development, NSW Audit Office reports over the past decade, and NSW Ombudsman reports.

²³ Foley, D. 2006. Indigenous Australian entrepreneurs: not all community organisations, not all in the outback. CAEPR discussion paper no.279/2006. Canberra: Centre for Aboriginal Economic Policy Research, The Australian National University. Available at http://caepr.anu.edu.au/sites/default/files/Publications/DP/2006_DP279.pdf and Foley D 2013. Jus Sanguinis: the root of contention in determining what is an Australian Aboriginal business. Indigenous Law Bulletin, Austlii. Available at <http://www.austlii.edu.au/au/journals/ILB/2013/39.pdf>

contracts. Similarly, the \$25 million Indigenous Enterprise fund, should be repurposed to support a wider range of Aboriginal businesses, including social enterprises.²⁴

Due to the lack of employment options in many remote communities, Aboriginal social enterprises are becoming more common. The benefit of social enterprises over other models is that they not only help to create jobs, they also strengthen social capital. Staff training, development and fair salaries are seen by many Aboriginal social enterprise operators as opportunities to deliver socioeconomic benefits to their communities.²⁵ It is therefore clear that “success” can be interpreted differently depending on what the businesses aims and objectives are.

Through its LALC Business Enterprise program, NSWALC is helping to support a range of different business initiatives. These include the purchase of a bus to help with transport within the community and generate income for the LALC, the establishment of a café and op-shop and the purchase of a 751-hectare property for an agribusiness. As part of the process of identifying and exploring different business opportunities NSWALC is fostering a business minded approach to recognising potential business opportunities.

The LALC Business Enterprise program works with a number of different agencies to assist LALCs with their business enterprises and have been successful in leveraging funding to help LALCs realise their business aspirations. For example, NSWALC’s loan to the LALC to establish a café and op shop reduced the risk for other lenders and the LALC was able to obtain additional funding to make their dream a reality. To date the business is operating successfully and has already paid off its interest-bearing loan. The program is seeing success stories and receiving positive feedback from many participating LALCs.

The involvement of Government departments and agencies in facilitating business opportunities for Indigenous Australians

The role of government must shift from delivering systems predicated on disadvantage, to facilitating the aspirations, priorities and self-determination of Aboriginal peoples.²⁶ Governments must be prepared to move into an enabling and innovative space to support Aboriginal self-determination, and long-term partnerships.

NSWALC, through its LALC Business Enterprise program and other initiatives, has developed a partnership with the Indigenous Land and Sea Corporation. NSWALC is keen to build on this partnership to develop a strategy specific to support the aspirations of the Aboriginal Land Rights network.

NSWALC has recently entered into a partnership with the Commonwealth Government to develop a NSWALC Fishing Fund to support Aboriginal people in NSW to remain in or enter the fishing industry.

²⁴ Aboriginal Peak Organisations Northern Territory, 2017. Fair work and strong communities: Proposal for a Remote Development and Employment Scheme. Available at: http://www.amsant.org.au/apont/wp-content/uploads/2017/07/RDES-Report_Online.pdf

²⁵ Anderson, R. B., Dana, L. P., & Dana, T. E. 2006. Indigenous land rights, entrepreneurship, and economic development in Canada: "Opting-in" to the global economy. *Journal of World Business*, 41(1), 45-55.

²⁶ Australian Institute of Health and Welfare: J. Hunt, 2013. Issues paper no.5 CTG Clearing House ‘Engaging with Indigenous Australia – Exploring the conditions for effective relationships with Aboriginal and Torres Strait Islander communities’ available at <http://www.aihw.gov.au/uploadedFiles/ClosingTheGap/Content/Publications/2013/ctgc-ip5.pdf>

NSWALC is keen to work together with other agencies to support Aboriginal people to pursue opportunities in the wild harvest and aquaculture industries.

The recent pledge by sixteen of Australia's largest corporations to spend an extra \$3 billion over the next five years on deals with Aboriginal business owners is a positive move and the Government should continue to incentivise the private sector to engage and work with Aboriginal businesses.²⁷



²⁷ Elmas, M., 2019. Entrepreneurs welcome \$3 billion pledge to help Indigenous business boom. Smart Company, Available at: <https://www.smartcompany.com.au/entrepreneurs/indigenous-business-supply/>