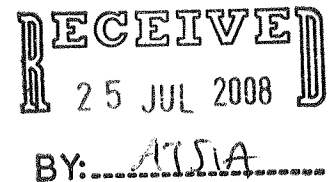


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18 July 2008

Dr Anna Dacre  
Committee Secretary  
Standing Committee on Aboriginal and Torres Strait Islander Affairs  
PO Box 6021  
Parliament House  
CANBERRA ACT 2600



Dear Dr Dacre,

### **Inquiry into developing Indigenous enterprises**

Thank you for your email dated 27 June 2008 asking for submissions to provide views into ways to develop Indigenous enterprises. I would like to address item 2 and 4.

#### **Item 2 Identify areas of Indigenous commercial advantage and strength**

Indigenous cultures contribute greatly to the Australian economy. Indigenous Australians should be recognised for their contributions and share the benefit from the use of their culture. Greater recognition of Indigenous cultural and intellectual property rights is recommended. See *Our culture our future*, <http://www.frankellawyers.com.au/media/report/culture.pdf>.

A National Indigenous Cultural Authority would benefit the interaction between Indigenous culture and industry.

#### **National Indigenous Cultural Authority**

A National Indigenous Cultural Authority (NICA) should be established to promote Indigenous cultural and intellectual property rights and to develop standards for appropriate use including royalties, cultural integrity and attribution.

The membership would be made up of Indigenous stakeholders. Collective administration benefits right holders and rights users. NICA could foster a marketplace that works with cultural respect using efficiency of scale to administer rights, standardise agreements, develop protocols, undertake public education, monitor exploitation and enforce rights.

NICA could facilitate negotiations, and like copyright collecting societies, distribute income to Indigenous stakeholders, supporting artistic endeavour, creating jobs and maintaining culture.

### **Rationale for National Indigenous Cultural Authority (NICA)**

NICA will give a collective voice for Indigenous culture – which to date has been absent.

Indigenous cultural expression and knowledge is supplied and used without a fee. If we charged a royalty on use, just like copyright and other intellectual property, the resulting income could be distributed, through NICA, to the traditional owners and communities, which in turn would support community development, and artistic and cultural development, and maintenance.

Under this system, corporations would give back to Indigenous communities what they now take for free. More art and culture would be performed, encouraged, and Indigenous people would find employment opportunities in not only arts and culture but in management, business, investment and as professional advisers to these industries including lawyers and accountants.

This system could promote the practice of culture and the business of culture at the same time.

Branding and authenticity trade marks and geographic indications should be explored as ways to maximise benefits for Indigenous Australia.

**Item 4 Whether incentives should be provided to encourage successful businesses to sub contract, do business with or mentor new Indigenous enterprises**

An Australian Indigenous Minority Supply Council (AIMSC) based on the US National Minority Supplier Development Council, Inc. (NMSDC) model would be of great benefit to Australia. It is a hand up, not a hand out. AIMSC is a proposed not-for profit organisation that will assist Indigenous business entrepreneurs enter into supplier contracts for service. It will give Indigenous entrepreneurs access to procurement doors of Australia's top corporates. The model has been successful in the US.

NMSDC recently celebrated its 35<sup>th</sup> anniversary. Its first year of operations produced more than US\$86 million in purchases from major corporations with minority owned businesses. In 2006, U.S. firms who were members of NMSDC, purchased in excess of US\$100.3 billion worth of goods and services from some 15,000 minority owned firms accredited with NMSDC.

Yours sincerely,

**Terri Janke**  
*Solicitor*