

**Legislative Council Standing Committee on State Development - Inquiry into  
Economic Development in Aboriginal Communities**

**Public Hearing – 26 February 2016**

**Questions taken on Notice**

**Question 1 - First question taken on notice:**

**The Hon. Greg Pearce MP to Mr Jason Ardler, Head of Aboriginal Affairs, Department of Education-**

**Mr ARDLER:** I would add in terms of the specific example of economic development Aboriginal Affairs now has a kind of lead agency role in terms of the coordination of policy response in this area. That is quite a new role and does come out directly from some of the work that we did when the ministerial task force was established that led to OCHRE. We obviously looked at a whole range of issues, one of which was economic development. The review that we did at the time indicated that a big part of the problem was the lack of coordination in this space. We found that we had a number of agencies operating a range of programs that were trying to address in one way or another economic and employment outcomes for Aboriginal people but what was missing was that overarching coordinated approach. That led directly then to Aboriginal Affairs being assigned that responsibility. We are trying to make improvements in that space.

**CHAIR:** That is very good. Would you mind taking it on notice to give the Committee some more detail on that coordination function and perhaps a couple of case studies?

**Answer:**

*OCHRE* the NSW Government's community-focussed plan for Aboriginal affairs identifies the role of Aboriginal Affairs as the NSW Government's lead agency for developing and establishing economic opportunities for Aboriginal people.

The key vehicle for providing economic opportunities will be a NSW Aboriginal Economic Prosperity Framework, which is a commitment under *OCHRE* that aims to:

- Set the strategic direction for NSW; and
- Coordinate the activities across government to improve alignment, address duplication issues and identify gaps for further investment.

In 2014 the draft NSW Aboriginal Economic Development Framework was developed. Following the 2015 election, a new direction was taken, that emphasised stakeholder involvement, a focus on economic prosperity and an intention to embed Aboriginal economic development policy within the mainstream economic reform agenda being driven through the NSW Government's State Priorities.

As part of its role in developing economic opportunities, Aboriginal Affairs manages Industry Based Agreement, (IBAs), which focus on building partnerships between government and industry to grow Aboriginal economic participation across key sectors. Aboriginal Affairs has IBAs with the NSW Minerals Council, the Civil Construction Federation and the Masters Builders Association that focus on Aboriginal economic participation through education, employment and enterprise development.

Aboriginal Affairs also has a solution brokerage function to ensure the coordinated resolution of long-standing issues that cut across Government, or are otherwise identified by the Secretaries Board. It requires NSW Government agencies to work together, and to collaborate with non-government organisations to recommend a way forward to resolving outstanding issues.

Solution brokerage has recently been used to establish the Aboriginal Community Land and Infrastructure Project led by the Department of Planning and Environment. This solution brokerage project is addressing long standing planning and zoning issues affecting land owned by Aboriginal Land Councils.

**Second question taken on notice:**

**The Hon. Greg Pearce MP to Mr Jason Ardler, Head of Aboriginal Affairs, Department of Education-**

**CHAIR:** If you look at the places we are visiting perhaps you could identify the team leader in one or two of those places who we can have a quick talk to when we get there to see how those sorts of things work.

**Answer:**

The Aboriginal Affairs contacts in the relevant areas are:

### **Third question taken on notice:**

**The Hon. Greg Pearce MP to Mr Jason Ardler, Head of Aboriginal Affairs, Department of Education-**

**CHAIR:** Without trying to burden you with extra work, would you take it on notice to give us an outline of how [the Murdi Paaki accord] ... process has worked?

**Mr ARDLER:** Absolutely.

### **Answer:**

The Murdi Paaki Accord negotiation consisted of three phases:

1. **The pre-negotiation phase.** The MPRA and NSW Government nominated who would participate in the accord negotiation process based on the community priorities.
2. **The negotiation phase.** NSW Government representatives and the MPRA negotiating panel participated in workshops to discuss the priorities, negotiate actions and draft the Accord.
3. **The signing phase.** This phase included several rounds of discussion to review the Accord, obtaining the endorsement of relevant Secretaries and the formal signing by the NSW Government and MPRA.

The Cultural and Indigenous Research Centre Australia (CIRCA), was engaged by Aboriginal Affairs to conduct an evaluation of the negotiation process for the Murdi Paaki Accord to identify its strengths and challenges, and to identify ways it might be improved. Consultations were conducted from 11 December 2014 to 23 May 2015. The evaluation approach included a document review, interviews and small-group discussions with representatives of the Murdi Paaki Regional Assembly (MPRA) negotiating panel, representatives of NSW Government departments and agencies taking part in the negotiations, and the independent facilitator.

### **Outcomes**

Overall, participants saw the Accord negotiation as a professional and transparent process that enhanced shared decision making. Participants felt that the majority of those involved in the negotiations did so in a responsive, collaborative and respectful manner. The evaluation suggests that a number of relationships between MPRA and NSW Government representatives, and between NSW Government representatives from different departments and agencies have been strengthened through the accord process.

### **Strengths**

Some of the strengths of the Accord negotiation process identified through the evaluation include:

- The strong leadership of the MPRA negotiating panel which had clear authority to make decisions on behalf of MPRA.
- Devoting adequate time and resources to support the MPRA in developing their priorities and statement of claim.
- Having an independent facilitator to assist the negotiations and ensure the negotiations were equitable.
- Aboriginal Affairs' role in coordinating and supporting the negotiations was valued.
- Having NSW Government agency and department representatives with the authority to make decisions on the spot was critical to the success of the Accord negotiation.
- NSW Treasury is currently scoping the design of a Flexible Funding Model which will further support innovation and holistic solutions.

### **Opportunities for Improvement**

- NSW Government representatives felt they required more time to consider responses to the statement of claim and provide feedback to the lead negotiator.
- The evaluation suggested that NSW Government agencies should allocate time and resources to ensure representatives can engage fully in the negotiations. The lead negotiator

should obtain the express authority of the Secretary to influence the negotiations so that senior representatives are fully involved and can think creatively.

- NSW Government agencies prepare for Accord negotiations by enhancing representatives understanding of LDM and confirming senior bureaucrats' commitment to the Accord.
- The NSW Government consider ways to improve the negotiation skills of regional alliances, including training and provision of an independent advisor during negotiations which will require additional resourcing.

#### **Fourth question on taken on notice:**

**The Hon. Mick Veitch to Mr Jason Ardler, Head of Aboriginal Affairs, Department of Education-**

**The Hon. MICK VEITCH:** Can you explain how the procurement processes of government work, which is sort of a part of OCHRE? There are a couple of sections in the Government's submission about this but how is that working in reality on the ground?

**Mr ARDLER:** Do you mean the procurement of goods and services?

**The Hon. MICK VEITCH:** Yes, government buying from Aboriginal businesses and Indigenous organisations.

**Mr ARDLER:** There are a number of policy levers around that in place and some of those are quite new. We do have now a procurement direction that allows for preferential procurement from Aboriginal businesses up to \$150,000 based on a single quote. We have got the strengthened Aboriginal Participation in Construction Guidelines that now require a proportion of spend for government-funded infrastructure works to be spent on Aboriginal economic participation, so there is Aboriginal participation in those. They are probably the main levers. We have seen figures reported by the Office of Finance and Services that would indicate that there are tens of millions of dollars now being spent by the State Government on procuring goods and services from Aboriginal businesses, which is encouraging. But in terms of further detail I would have to take that on notice.

#### **Answer:**

As indicated by Mr Ardler in his testimony, there are separate arrangements for construction procurement and general goods and services procurement.

#### ***Construction procurement***

The NSW Government Aboriginal Participation in Construction (APIC) policy is intended to support the NSW Government Plan for Aboriginal Affairs, OCHRE by contributing to the following policy aims of OCHRE:

- increasing school attendance and retention
- increasing student transitions from school employment or tertiary education
- increasing the number of Aboriginal people employed
- increasing the number of Aboriginal owned businesses.

The implementation of this policy will enable businesses in the construction sector to contribute to activities identified under the OCHRE industry based agreements and opportunity hubs.

The APIC policy commenced on 1 May 2015, replacing the 2007 Aboriginal Participation in Construction Guidelines. It applies to all relevant NSW Government construction contracts signed on or after the commencement date.

The APIC policy applies to all NSW Government departments, statutory authorities, trusts and other government entities (collectively referred to as 'agencies'). State owned corporations are encouraged to adopt aspects of the policy that are consistent with their corporate intent.

The APIC policy applies to all government construction projects that meet the criteria set out below. Construction includes building maintenance and civil engineering. Construction related support activities, such as financial, advisory, architectural and professional services may also be included where it is considered appropriate to achieve the policy goals.

Construction projects that are being undertaken jointly with the private sector are included in the APIC policy, as are projects undertaken on land not owned by the government or where the built asset will be owned by a non-government entity.

There are three categories of projects that are impacted by this policy:

Category 1: Projects nominated by an agency that are primarily directed to one or more Aboriginal communities. This includes projects where an Aboriginal community is the sole or predominant beneficiary, is a key user group or a predominant stakeholder.

Category 2: All other construction projects where the estimated value is over \$10 million.

Category 3: All other construction projects where the estimated value is over \$1 million.

The APIC policy uses a 'targeted project spend' and sets a percentage goal of expenditure on direct and indirect engagement with Aboriginal people and their businesses.

The targeted project spend is a percentage of the total estimated value of the contract that is spent to support Aboriginal participation. Individual agencies are responsible for setting the targeted project spend on each project, in line with the policy goals. Where an agency considers that the estimated value of the contract includes significant amounts of expenditure which are unrelated to design and construction, these may be discounted from the estimated contract value for the purposes of identifying the targeted project spend. Agencies may also set a higher targeted project spend if considered appropriate.

The APIC policy sets out the following long term goal and short term incremental goals.

This policy sets the following mandatory minimum targets.

| Category   | From 1 July 2016 | Long term goal |
|------------|------------------|----------------|
| Category 1 | 1.5 per cent     | 5 per cent     |
| Category 2 | 1.5 per cent     | 4 per cent     |
| Category 3 | 1.5 per cent     | 3 per cent     |

The NSW Procurement Board may vary these targets at any time and will adjust the mandatory minimum target percentage upwards towards the long term goal as they are progressively achieved. Agencies may also set the target using other criteria, such as employment and training levels provided they are broadly commensurate in value.

The Procurement Board may also exempt specific projects or classes of projects, including where agencies or contractors have contractual obligations arising from the participation or funding of a project by the Commonwealth Government.

The targeted project spend may be allocated to both directly and indirectly related expenditure by the contractor provided it meets certain spending allocation requirements. Expenses may be incurred from the date of the contract award and up to 12 months after the anticipated completion of the project.

Contractors must allocate at least 50 per cent of the targeted project spend to employment and education activities directly related to the project's planning, design or delivery.

Direct employment and education activities include:

- The employee-related expenses of Aboriginal people engaged in the planning, design and delivery of the project by the contractor.
- Expenses related to the engagement of Aboriginal people in the planning, design and delivery of the project through a recognised group training or labour hire company.
- Expenses related to the procurement of goods or services from recognised Aboriginal businesses by the contractor specifically to consult and engage with Aboriginal communities in the area where the project will be delivered.<sup>1</sup>
- Education expenses paid for by the contractor on behalf of Aboriginal people engaged in the planning, design and delivery of the project.
- Expenses related to the engagement of Aboriginal Land Councils, the NSW Indigenous Chamber of Commerce, Supply Nation or other Aboriginal community representative bodies nominated by the NSW Procurement Board.

Contractors may allocate up to 50 per cent of the targeted project spend to expenses that are indirectly related to the project, but that contribute to the education and employment goals outlined in OCHRE. Eligible indirect expenses are defined as:

- Expenses related to Aboriginal cultural awareness and mentoring programs operated for or on behalf of the contractor for the benefit of employees (whether or not engaged on the project), and for subcontractors and their employees engaged on the project.
- Expenses related to the procurement of goods or services from recognised Aboriginal businesses by the contractor in the planning, design and delivery of the project.
- Programs and bodies established for the purpose of delivering OCHRE's goals in the construction industry may seek approval from the Board. Spending on these approved programs and bodies may also be included as eligible indirect expenses by the contractor.

Contractors for all projects covered by the APIC policy must provide an Aboriginal Participation Plan to the contracting agency within 60 days of the contract being awarded. A Participation Report must also be provided to the agency when the project reaches 90 per cent completion which explains how the Participation Plan has been implemented. Participation Plans and Reports must be provided in the format prescribed by the Board.

Category 1 and Category 2 projects are also required to provide their Aboriginal Participation Plans and Participation Reports to the NSW Procurement Board for publication at the same time they are provided to the contracting agency. They will be published on the ProcurePoint website ([www.procurepoint.nsw.gov.au](http://www.procurepoint.nsw.gov.au)) and must remain on the site for at least two years from the conclusion of the project. Category 3 projects are exempt from these publishing requirements until 1 July 2016.

### ***General goods and services procurement***

The NSW Procurement Board has authority under the Public Works and Procurement Act 1912 to set procurement policies for NSW government agencies.

Procurement Board Direction 2013–04, *Scope for government agencies to support Aboriginal businesses*, deals with policy commitments under the NSW Government's Plan for Aboriginal Affairs, OCHRE.

The Direction states that a government agency may purchase goods and services valued up to \$150,000 (including GST) from a recognised Aboriginal business, provided:

- the supplier's rates for the goods or services are reasonable and consistent with normal market rates
- the agency obtains at least one written quotation.

Goods and services available through whole-of-government procurement arrangements are included in this Board Direction.



A 'recognised Aboriginal business' is defined as one which:

- is certified as an Indigenous business by Supply Nation (formerly the Australian Indigenous Minority Supplier Council), or
- is certified as an Indigenous business by the NSW Indigenous Chamber of Commerce, or
- meets the definition of an Indigenous enterprise under the definition used in the Australian Government's Indigenous Procurement Policy.

This Direction was originally issued by the NSW Procurement Board on 20 September 2013, and took effect from 1 October 2013 for a period of two years. It was reissued by the NSW Procurement Board for a further period of two years from 1 October 2015.

The Board Direction does not deal with the procurement of construction or infrastructure.

**Fifth question on notice:**

**The Hon. Mick Veitch to Mr Jason Ardler, Head of Aboriginal Affairs, Department of Education-**

**The Hon. MICK VEITCH:** Looking at examples of how a whole-of-government approach takes place, if I were to use the exercise of a couple of years ago when the Government developed regional action plans, what was Aboriginal Affairs' involvement in that exercise? Indigenous Australians have a very fair and equitable share of those regions and were participants in the process; I would like to know how you worked that.

**Mr ARDLER:** I would have to take part of that question on notice because I came into Aboriginal Affairs probably at the tail end of those processes. What I can say is that at the time there were both whole-of government regional action plans and there were also Aboriginal regional action plans under the Two Ways Together—our previous government policy. A lot of the feedback was that in many ways they were duplicating, we were getting the same things in both plans, and the intention was to streamline those. I guess today it would be largely through the Local Decision Making processes and making sure that the priorities of the community are articulated front and centre on the agenda of the Government's regional leadership groups at that level.

**Answer:**

The development of Regional Action Plans (RAPs) was a lengthy and complex process. The process involved multiple agencies, often working within different and complex legislative and administrative frameworks with regard to land use, planning and decision making.

A state-wide 'town hall meeting' consultation strategy was put in place under the government's State Plan Unit in the Department of Premier and Cabinet (DPC). Regional Action Plans (RAPs) were developed by the DPC regional staff in consultation with other state government agencies, local government and key regional stakeholders. Representatives from Aboriginal Affairs (AA), Aboriginal communities and peak bodies such as the NSW Aboriginal Land Council attended the 'town hall meetings'. This invitation process was through public notification in the local media, and in some of the regional meetings AA was engaged directly. This did not occur on a universal basis. However, AA was engaged in the same manner as all other government agencies in the refinement of ideas into the actions contained in the RAPs.

### **Sixth question taken on notice:**

**The Hon. Rick Colless to Jason Brouff, Manager Aboriginal Land Claims Department of Primary Industries –**

**The Hon. RICK COLLESS:** I am still a little bit confused about what happens at the end of the day. If a native title is granted, are they then given a freehold title to that land?

**Mr BROUFF:** No. Native title as a rule—and I have to confess that I am not a native title expert — usually has a different range of outcomes from it. I could provide a comparison to the Committee later that gives a direct comparison between the two pieces of legislation.

**The Hon. RICK COLLESS:** I think that would help us.

### **Answer:**

The 1992 *Mabo* decision of the High Court of Australia, and the subsequent Commonwealth *Native Title Act 1993* (NTA) resulted in fundamental changes to the administrative systems and policies dealing with Aboriginal land rights in Australia. Native title provides the recognition by the Australian legal system of the traditional laws and customary rights of Aboriginal and Torres Strait Islander people. Native title cannot be bought or sold. However, it is transferable by traditional law and may be surrendered to governments. When surrendered some form of compensation is usually negotiated.

The NTA commenced ten years after the commencement of the NSW *Aboriginal Land Rights Act 1983* (NSW ALRA), which had already provided land rights to the Aboriginal people of NSW for the loss and dispossession of their land. The operation of the two legislative frameworks affords the Aboriginal people of NSW with two means to assert certain rights. For some people this means activity and membership in both native title and land rights systems, but for others their membership may be exclusive to one or the other.

In the event where there is any inconsistency between the NTA and the NSW ALRA, the Commonwealth legislation overrides.

Whilst both the NTA and the NSW ALRA aim to provide rights and benefits to the Aboriginal people in NSW, they are conceptually different. Native title if granted is a pre-existing right. Native Title provides a system to regulate the recognition of native title rights where they can be shown to exist. The ability to successfully claim native title depends on being able to establish continuing rights derived from traditional ownership or custodianship. Native title claimants must establish that their connection to an area of land was, and continues to be, recognised under traditional law and custom. They must also establish that those traditional rights have not been taken away ('extinguished') by a government act granting inconsistent rights to someone else (eg a freehold grant or public work).

In contrast, the NSW ALRA enables land to be returned to Aboriginal people as a matter of redress for past dispossession and the loss of traditional rights. Certain Crown land held by the government may be claimed by Aboriginal Land Councils. When granted, land is transferred as fee simple freehold title vested in Aboriginal Land Councils. Generally, lands claimed and then granted under the NSW ALRA do not require cultural or traditional connection. Further, Aboriginal Land Councils may utilise their land like any other freehold land owner, including disposal by sale. Importantly, membership of Aboriginal Land Councils under the NSW ALRA also does not require proof of traditional or cultural connection. This does not mean certain members of Aboriginal Land Councils do not have cultural and traditional ties to land and practices, but generally membership is usually based on the residence of Aboriginal people. Whilst the membership criteria of Aboriginal Land Councils requires persons to be of Aboriginal descent and to be accepted by the Aboriginal

community, their membership does not require the ongoing proof of connection to land, customs and laws as required by native title claimants.

The table below provides a high level comparison of the fundamental differences between the two legislative regimes available to the Aboriginal people of NSW.

|  | <b>Connection</b>   | <b>Claimable Land</b>  | <b>Tenure &amp; Rights</b>   | <b>Determination</b>   |
|--|---|--|--|--|
| <b>Native Title Act</b><br>(Commonwealth)  | Native requires <u>ongoing</u> traditional connection to be established by claimants.               | Claims may be made over vacant Crown Land, National Parks, Forests, seas, inland waters (and certain leasehold). | Native title provides what is known as a 'bundle of rights' on cultural grounds that can co-exist with other interests. Certain procedural rights are also afforded. | The Federal Court determines native title.   |
| <b>Aboriginal Land Rights Act</b><br>(NSW) | Traditional connection or ownership is not required to make claims or become a land council member. | NSW Crown land not lawfully being used, occupied or needed for an essential public purpose.                      | Land granted to the Aboriginal Land Councils provides for fee simple alienable freehold title. Members hold voting rights on certain decisions.                      | The NSW Government determines land claims. The power is vested in the Minister administering the <i>Crown Lands Act 1989</i> . |

**A document, produced by the NSW Aboriginal Land Council, comparing Native Title with the NSW Aboriginal Land Rights Act is included as Attachment A**

**Seventh question taken on notice:**

**The Hon. Greg Pearce MP to Mr Jason Ardler, Head of Aboriginal Affairs, Department of Education-**

**CHAIR:** Is there a baseline report or an evaluation or something that you have done as the starting point for that work that you are doing? Is there an update report or something like that?

**Mr ARDLER:** A number of years ago there was a report undertaken on the status of environmental health infrastructure in the discrete communities, those 61 communities: what is the status of the water and sewerage, the roads, community halls, those sorts of things. We have certainly got an audit, effectively, about roads.

**CHAIR:** Could you let us have that?

**Mr ARDLER:** Yes.

**Answer:**

In 2007, the Environmental Health and Community Infrastructure Project, was initiated as part of the NSW Government's State Plan, *Increasing Opportunities and Improving Wellbeing of Aboriginal People*. In order to provide advice on the outstanding community infrastructure needs of the Aboriginal communities in NSW and to make recommendations in relation to funding strategies to address the needs a survey of 62 discrete Aboriginal communities was conducted.

The items surveyed included:

- Power;
- Garbage/Waste removal;
- Stormwater and drainage;
- Community meeting facilities;
- Telecommunications;
- Kerb and guttering, and footpaths;
- Emergency management; and
- Street and public space lighting;

The roads were also surveyed by the then NSW Roads & Traffic Authority (RTA) as part of a broader safety audit that was being undertaken. Water, Sewerage and Health hardware had been surveyed previously, and are currently being addressed through the Aboriginal Communities Water and Sewerage Program (ACWSP) and the Housing for Health Program.

The assessment of infrastructure and service level standards was based on a nearby comparable mainstream community with a similar population. The 2009 survey is known as the Environmental Health & Community Infrastructure Project of 62 existing Aboriginal Communities in NSW.

The 2009 survey found that the cost of operating and maintaining the existing infrastructure items was \$6,181,110 per annum. Additionally initial costs for backlog maintenance (\$5,103,813) emergency works (\$2,154,790) and capital upgrades (\$48,046,112) totalled \$55,308,715. Over 25 years based on the 2009 figures the total cost of operation and maintenance (\$154,527,750) plus the initial costs of upgrade (\$55,308,715) would be \$209,836,465.

Since the survey was conducted limited maintenance or upgrade of infrastructure in these communities has occurred, coupled with the lifecycle deterioration of these assets and significant

flood events the 2009 costings could not be relied upon to reflect the current funding need. Despite the need for the costings to be reviewed and escalated to reflect the situation in 2016 the survey provides a comprehensive baseline regarding the community infrastructure and service needs in the 62 discrete communities in NSW.

Recently the NSW Aboriginal Land Council subdivision program has demonstrated that Local Government is willing to accept the dedication of road the reserve infrastructure (verge, kerb and guttering, drainage, storm water management, street lighting and road pavement) if a community is able to be subdivided. However, Local Government planning requirements require a higher and more costly standard than a nearby comparable mainstream community. Dedication to Local Government would offer a sustainable solution as maintenance would then become the responsibility of the Local Government and no ongoing maintenance costs would be required.

**A copy of the 2009 Report is attached as Attachment B.**

**Eighth question taken on notice:**

**The Hon. Paul Green and the Hon. Greg Pearce MP to Mr Jason Ardler, Head of Aboriginal Affairs, Department of Education-**

**The Hon. PAUL GREEN:** My point is that this is not unusual, that you would be well-versed that there are State significant projects that basically get pulled out of the situation and put into a critical pathway because there are definite benefits to the State. So I cannot see why we would not have an Aboriginal land SEPP that could allow us to isolate those projects that are going to bring a huge benefit either to the local communities—

**CHAIR:** Perhaps Mr Ardler could take it on notice for a bit broader discussion and response to that.

**Answer:**

State Environment Planning Policies (SEPPs) are environmental planning instruments designed to address a specific environmental or planning issue or need of the State. The Government may make a SEPP with respect of any matter, if the Minister for Planning is of the opinion the matter is of State (or regional) environmental and/or planning significance.

As noted in Mr Ardler's response at the hearing, an Aboriginal SEPP is one possible option that establishes planning controls for Aboriginal land. Other possible approaches that could be considered are:

- streamlined approval processes for rezoning and subdivisions in 59 discrete Aboriginal communities mainly in rural, remote and regional areas of NSW;
- uniform standards for subdivision;
- an independent body to act as the consent authority for subdivision and rezoning (not local government councils);
- strategic consideration of the importance of the economic potential of land vested in Local Aboriginal Land Councils; and
- better consultation mechanisms for the state to engage with Aboriginal communities.

Any decision regarding the potential development of a SEPP and its possible contents specifically for Aboriginal owned lands is a matter for the Minister for Planning and the Department of Planning and Environment. Before recommending the making of SEPP the Minister for Planning is to take such steps, if any, as the Minister considers appropriate or necessary:

- (a) to publicise an explanation of the intended effect of the proposed SEPP and
- (b) to seek and consider submissions from the public on the matter.

### **Ninth question taken on notice:**

**The Hon. Paul Pearce to Jason Brouff, Manager Aboriginal Land Claims Department of Primary Industries –**

**CHAIR:** We are just about out of time so we will put some other questions on notice. On that very point, given your vast experience, on notice could you give us your views on how the process could be expedited and practical ways that that might occur? Also, how might it be possible to give priority to the properties that some of the land councils actually want dealt with earlier than in the strict historical order? That has come up quite a few times now. It seems to me a very simple thing to prioritise the ones that are economically, culturally or otherwise valuable. Could you please take that on notice?

**Mr BROUFF:** Yes. We have had that discussion with NSW Aboriginal Land Council.

### **Answer:**

The criteria for assessing the claimability of land under the *Aboriginal Land Rights Act 1983* is specific and does not provide the Minister administering the *Crown Lands Act 1989* discretionary power. Each Aboriginal Land Claims requires a comprehensive investigation around the status, use and potential need for the land. The investigation of any individual Aboriginal Land Claims can become complex and time consuming depending on the specific circumstances affecting the land under claim.

DPI - Lands has implemented a number of steps to assist in expediting the process including:

- Centralising the investigation process to create state wide standardisation and consistency.
- Streamlining the investigation report to focus on the critical factors in determining whether land is claimable.
- Ensuring that decisions made through the appeal process in case law established by the Courts are understood and considered as part of ongoing processes.
- Engaging with agencies (e.g. Local Government, RMS and infrastructure providers) referenced during to the investigation process to increase understanding of information requirements and improve evidence standards.
- Engaging closely with the NSWALC Land Rights Unit to discuss operational matters and where appropriate facilitate the withdrawal of Aboriginal Land Claims over land that is not claimable (eg freehold land).

### **Prioritisation of Aboriginal Land Claims by Local Aboriginal Land Councils (LALCs)**

Requests to prioritise the assessment of specific Aboriginal Land Claims are received from LALCs. At this point in time DPI – Lands is undertaking priority assessments for six different LALC's.

Notwithstanding this, the timeframe for assessment and determination can take between 6-8 months.

DPI – Lands works closely with NSWALC Land Rights Unit and has provided advice regarding the ability for LALC's to seek priority assessment for land under claim. It is understood that these requests typically relate to land identified by LALC's as part of a strategic review of land under claim that may provide more immediate benefit to the community if found to be claimable.



**Tenth question taken on notice:**

**The Hon. Greg Pearce MP to Mr Jason Ardler, Head of Aboriginal Affairs, Department of Education-**

**CHAIR:** Good. Mr Ardler, we see some very good figures in terms of outcomes: 50 per cent of Aboriginal people aged 20 to 24 have reached year 12. You are based in education, aren't you?

**Mr ARDLER:** Yes, we are.

**CHAIR:** I am very interested to see the figures that show us the numbers or the percentage of children who actually make it to year 12, perhaps taken from census—the percentage who start in kindergarten and make it to year 12—so that we can get some real indication of what the outcomes are. Mr Veitch has a couple of questions just before we finish.

**The Hon. MICK VEITCH:** This is a question that can be taken on notice.

**Answer:**

In 2015 apparent retention of Aboriginal students in NSW from Year 7 to Year 12 was 52.1 per cent. This represents an increase of 21.5 percentage points from a low of 30.6 per cent in 2006. The equivalent rate of retention for Aboriginal male students was 46.7 per cent, the highest since 2006. As a comparison, rates for all students and all male students in NSW were 78.2% and 74.6% respectively in 2015. Calculating retention from Kindergarten to Year 12 is not considered meaningful due to high levels of mobility amongst Aboriginal students and an increasing propensity for students to identify as Aboriginal over time.

A current evaluation of the Clontarf Academies program will include a rigorous estimate of the impact of the program on student retention. The evaluation report is expected to be finalised by the end of 2016. There are currently 651 students from 11 schools (all government schools) participating in the program. Note that the number of students from Endeavour High School participating in the program is not yet known, thus not included in the number of students quoted above.

### **Eleventh question taken on notice:**

**The Hon. MICK VEITCH:** This is a question that can be taken on notice. I am really keen to explore the industry based agreements [IBAs] a bit further so I will put some questions on notice. The construction and the civil construction IBAs talk about a survey. Is it possible to get a copy of the survey that was sent out for both of those IBAs?

**Mr ARDLER:** It should be. I am sure it went up on the websites of both organisations.

### **Answer:**

A key feature of the IBAs with both the civil construction and construction industry is an industry-wide survey to benchmark the extent and nature of Aboriginal participation, training and enterprise opportunities.

The Master Builders Association of NSW (MBA) conducted a survey in December 2014, with 183 responses received. The *Aboriginal Participation in Construction Industry Survey Report* (Attachment C) and the *Aboriginal Participation in Construction Survey* (Attachment D) outline the survey findings.

As a result of the survey the MBA identified additional products and services for its industry members, including the development of an Aboriginal Participation Plan, provision of a database of organisations that deliver the Aboriginal Culture Awareness Course, development of a database of job service providers and Aboriginal recruitment companies, and the establishment of a portal to link Aboriginal and non-Aboriginal commercial, residential and civil organisations, Aboriginal owned businesses, suppliers and candidates.

The NSW Civil Contractors Federation (CCF) conducted a survey in November and December 2015, with 100 responses received. The *Survey of Aboriginal Employment in the Civil Construction and Maintenance Industry Report* (Attachment E) provides a summary of findings and includes a copy of the survey as an addendum.

As a result of the survey the CCF identified additional products and services for its industry members, including increased communication with the industry on the IBA and Aboriginal Participation in Construction (APIC) Policy, development of an APIC audit tool to assist industry to comply with the Policy, and the provision of a policy template for members, which outlines strategies for attracting, employing and retaining Aboriginal employees.

**Twelfth question taken on notice:**

**The Hon. Greg Pearce MP to Ms Amity Durham, Executive Director, Department of Premier and Cabinet –**

**CHAIR:** Ms Durham, we see that a number of agencies are involved in the Aboriginal community space. Again on notice, could you give us a bit of a summary of the different responsibilities of the various agencies and how they are coordinated?

**Ms DURHAM:** Yes.

**Answer:**

Aboriginal Affairs coordinates a Senior Executive Committee (SEC) on Aboriginal Affairs Reform. It takes a whole-of-government perspective on the impact of multiple reforms on Aboriginal communities, which includes supporting the coordination and alignment of initiatives being led by different clusters. The SEC membership consists of Senior Executives from each cluster.

The *OCHRE* Program Control Group (PCG) provides coordination in relation to the implementation, reporting and evaluation of *OCHRE* across clusters with responsibility for specific initiatives. Membership consists of *OCHRE* Program Managers, drawn from clusters with carriage of *OCHRE* initiatives.

All NSW government agencies provide services to Aboriginal people and communities, as they do for all other residents of the State. Some agencies, such as FACS, Health and Education, because of the nature of their core business activities, are more heavily engaged in service provision to Aboriginal people and communities. The NSW Government's submission to the Inquiry provides an overview of activities across clusters which address the issue of economic development in Aboriginal communities. NSW acknowledges that there has been some criticism about the lack of coordination of service delivery to Aboriginal communities, as recently highlighted in the final report of the Standing Committee on Social Issues Service Coordination in Communities with High Social Needs.

The Ministerial Taskforce in Aboriginal Affairs heard this criticism when Aboriginal communities and other key stakeholders expressed a strong demand for effective co-ordination to prevent the duplication of government and non-government services. In response, *OCHRE* initiatives like Local Decision Making aim to address this through empowering communities to control and direct local service delivery. DPC supports the coordination of NSW government services through its Regional Coordinator network and Regional Leadership forums.



## Comparison of Land Rights and Native Title in NSW

In NSW there are two key mechanisms by which Aboriginal peoples can have their rights recognised in land – *Land Rights* and *Native Title*. While these systems are both about recognising and providing for Aboriginal peoples' rights, the two systems operate under two different laws and differ in the rights they can provide. Native title and land rights can sometimes exist in the same land. It is important that LALCs and Native title Claimants work together to obtain the best of both schemes.

|                             | Land Rights   | Native Title   |
|-----------------------------|---|--|
| <b>Law</b>                  | <i>Aboriginal Land Rights Act 1983 (NSW)</i> <sup>i</sup> ( <b>ALRA</b> )   | <i>Native Title Act 1993 (Commonwealth)</i> <sup>ii</sup> ( <b>NTA</b> )   |
| <b>How did it begin?</b>    | The New South Wales Aboriginal Land Council ( <b>NSWALC</b> ) was originally established in 1977 as an independent Aboriginal organisation to advocate for the recognition of Aboriginal land rights. Following recommendations from the 1978-1981 'Inquiry of the NSW Select Committee of the Legislative Assembly upon Aborigines' the ALRA was passed by the NSW Parliament in 1983. <sup>iii</sup>  | The <b>Mabo</b> High Court decision in 1992 was the first time that the Australian law recognised the rights and interests Aboriginal people have in land, under a traditional system of law and custom. The Commonwealth Parliament passed the NTA in 1993 which, among other things, provided a process for the determination of native title by the Federal Court of Australia ( <b>Federal Court</b> ).  |
| <b>Aim of the law</b>       | The ALRA was established to return land in NSW to Aboriginal peoples through a process of lodging claims for certain Crown lands. The ALRA establishes a network of Aboriginal Land Councils to acquire and manage land as an economic base for Aboriginal communities, as compensation for historic dispossession and in recognition of the ongoing disadvantage suffered by Aboriginal communities.<br><br>The preamble of the ALRA recognises that " <i>Land is of spiritual, social, cultural, and economic importance</i> " to Aboriginal peoples. | Native title is the legal recognition of the traditional communal, group or individual rights and interests which Aboriginal people have in land and water, where Aboriginal people have continued to exercise their rights and interests in accordance with traditional law and custom pre-dating European settlement.<br><br>The NTA seeks to address past injustice by providing a process to recognise and protect native title in addition to providing processes to reach agreements or provide compensation.<br><br>The NTA also provides a process to reach agreements with the government and other parties, such as farmers and miners, to have a say about acts which affect native title and to be compensated for extinguishment of native title which occurred after 1975. |
| <b>Who can make claims?</b> | Aboriginal Land Councils constituted under the ALRA can make claims. This includes NSWALC and the network of 120 autonomous Local Aboriginal Land Councils ( <b>LALCs</b> ). NSWALC is an independent, self-funded non-government organisation that has an elected governing council. NSWALC has functions to acquire and manage land and protect Aboriginal culture and heritage. LALCs have similar functions in respect to their boundary area.  | A native title claim is made on behalf of a native title claim group. The claim group is the group of Aboriginal people that claims to hold rights and interests in land and waters in accordance with traditional laws and customs. Nominated representatives, known as Applicants, are authorised by the claim group to make the application.  |



|  |  |   |
|--|--|---|
| <b>Is traditional connection required?</b> | No. Traditional connection to land does not need to be established for land to be granted to Aboriginal Land Councils under the ALRA.  | Yes. Native title will only be determined to exist where Aboriginal People have established to the Federal Court that they are the Traditional Owners for the particular area claimed. To be a Traditional Owner you must have maintained a continuing connection with the area through the acknowledgement and observance of traditional laws and customs and ongoing practice of rights and interests since before European settlement  |
| <b>Who are the claims lodged with?</b>     | The Registrar of the ALRA.   | The Federal Court.  |
| <b>Who are claims determined by?</b>       | The NSW Minister administering Crown Lands Act, currently the Minister for Trade and Investment and Minister for Primary Industries, decides whether land is claimable Crown land under the ALRA – if the land is claimable Crown land, it must be granted to an Aboriginal Land Council.  | The Federal Court determines whether native title exists and whether any native title has been wholly or partially extinguished. If all the parties to a native title claim agree, they can ask the Federal Court to make a determination by consent. In that case, there does not need to be a full Court hearing.   |
| <b>Who holds the rights?</b>               | In most cases the land is held by one of the 120 autonomous Local Aboriginal Land Councils (LALCs) across NSW. In some cases the land is held by the New South Wales Aboriginal Land Council.  | <b>Traditional Owners</b> who have been recognised as native title holders by the Federal Court of Australia. Native Title holders are required to form a corporation, called a Prescribed Body Corporate (PBC), to represent them as a group and to manage their native title rights and interests.  |
| <b>Rights</b>                              | <p>A successful determination of a land claim generally delivers <b>freehold title to land</b> which includes rights to certain minerals in the freehold land. This freehold can be dealt with via sale, lease, etc and the owner of the freehold land (the Aboriginal Land Council) has the same rights as other freehold owners, subject to compliance with the ALRA.</p> <p>LALCs can be granted lands that are to be managed as national parks or other form of reserve via a 'lease back' arrangement with the NSW Government, sometimes known as 'joint management'.</p> <p>Aboriginal Land Councils are also entitled to make agreements with other land owners or person in control of land to <b>access land for hunting, fishing and gathering</b>, and have rights to apply for access permits.</p> <p>Aboriginal Land Councils also have <b>consultation rights</b> in relation to Aboriginal culture and heritage, and have functions to protect and promote Aboriginal culture heritage.</p> | <p>A successful native title determination provides legal recognition of the traditional rights and interests Aboriginal people have in relation to land and water. Native Title is a <b>property right</b>, and may include rights to:</p> <ul style="list-style-type: none"> <li>• access and camp on an area,</li> <li>• visit and protect important places,</li> <li>• hunt, fish and gather food and bush medicine, and</li> <li>• in some cases, the right to possess, occupy, use and enjoy the area.</li> </ul> <p>A native title claim can also be successfully resolved through the negotiation of an agreement, such as an Indigenous Land Use Agreement (ILUA) or a <b>Section 31 Deed</b>. Agreements such as these are legally binding and may include rights in relation to employment, economic development, freehold land transfer and compensation.</p> <p>Where a native title claim has not yet been determined, but has passed the registration test applied by the National Native Title Tribunal, native title parties are entitled to certain "<b>procedural rights</b>", including the right to be notified and to negotiate about certain activities such as mining, mineral exploration and some developments.</p> |

|  |   |   |
|--|---|---|
| <b>What areas of land may be granted?</b>            | <p>Crown land that is not lawfully used or occupied, not needed or likely to be needed for residential purposes or an essential public purposes and is not the subject of a registered native title claim or determination can be granted.<sup>iv</sup> Land that is privately owned cannot be granted.</p> <p>Native title and land rights can sometimes exist in the same land.</p>   | <p>Native Title can be recognised in Vacant Crown land, National Parks, State Forests, Crown reserves, some types of non-exclusive leases, land covered by permissive occupancies &amp; licences, inland waters and the sea.</p> <p>With some minor exceptions, land that is privately owned cannot be subject to native title rights and interests because the exclusive interest in land extinguishes native title.</p>   |
| <b>How many claims have been successful in NSW?</b>  | As at 7 August 2012, approximately 36,000 Aboriginal Land Claims have been lodged since 1983 however almost 26,000 of these are yet to be determined. 2,473 successful land claims have been granted.   | In NSW to date two successful native title determinations have been made that native title exists and nine ILUAs have been registered. A number of s31 Deeds in relation to exploration, mining and development have also been reached. There are currently 27 native title applications which are yet to be determined in NSW.   |
| <b>Can the land be sold or otherwise dealt with?</b> | <p>Land rights land can be dealt with (ie sold, leased, subdivided etc) just like any other parcel of freehold land.</p> <p>Any dealing with land (ie a sale, lease, mortgage etc) by a LALC requires NSWALC approval. In some cases a dealing may also require a native title determination from the Federal Court before the land dealing can proceed.</p>  | If a PBC has consulted with native title holders and obtained their consent, a PBC can enter agreements to surrender, affect or otherwise deal with native title rights and interests, including on commercial terms.   |
| <b>More information</b>                              | <p><u><a href="#">NSW Aboriginal Land Council</a></u><br/> Phone: 02 9689 4444 (Legal and Land Rights Unit or Policy and Research Unit)<br/> Website: <a href="http://www.alc.org.au">www.alc.org.au</a><br/> NSWALC has developed a series of Land Claims Fact Sheets and resources available on the NSWALC website.</p> <p><u><a href="#">Local Aboriginal Land Councils</a></u>: Visit the 'Land Councils' page of the NSWALC website to find out about your Local Aboriginal Land Council.</p> <p><u><a href="#">Registrar of the ALRA</a></u><br/> Phone: 02 9562 6327<br/> Email: <a href="mailto:adminofficer@oralra.nsw.gov.au">adminofficer@oralra.nsw.gov.au</a><br/> Website: <a href="http://www.oralra.nsw.gov.au">www.oralra.nsw.gov.au</a></p> | <p><u><a href="#">NTSCORP Limited</a></u><br/> Phone: 02 9310 3188<br/> Freecall: 1800 111 844<br/> Email: <a href="mailto:ntscorp@ntscorp.com.au">ntscorp@ntscorp.com.au</a><br/> Website: <a href="http://www.ntscorp.com.au">www.ntscorp.com.au</a><br/> NTSCORP is the native title service provider for NSW and the ACT. NTSCORP has produced a range of Fact Sheets on native title available on their website.</p> <p><u><a href="#">National Native Title Tribunal</a></u><br/> Telephone: (02) 9227 4000<br/> Freecall: 1800 640 501<br/> Email: <a href="mailto:nswenquiries@nntt.gov.au">nswenquiries@nntt.gov.au</a><br/> Website: <a href="http://www.nntt.gov.au">www.nntt.gov.au</a></p> |

This document has been prepared by the New South Wales Aboriginal Land Council (**NSWALC**) for Local Aboriginal Land Councils (**LALCs**) and Aboriginal communities in NSW. NSWALC acknowledges the assistance of NTSCORP Limited (**NTSCORP**) in the development of this Fact Sheet. **Please Note:** While all care has been taken in the preparation of this document, the advice it contains should not be seen as a substitute for independent consideration of the issues and/or legal advice on this subject. This document is current as of October 2012.

<sup>i</sup> The *Aboriginal Land Rights Act 1983* (NSW) can be accessed on the NSW Legislation website at: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) under 'Browse' then 'A'.

<sup>ii</sup> The *Native Title Act* (Cth) can be accessed on the ComLaw website at: <http://www.comlaw.gov.au/Details/C2012C00273>

<sup>iii</sup> The NSWALC website provides a detailed history of the land rights movement in NSW: <http://www.alc.org.au/about-nswalc/our-history.aspx>

<sup>iv</sup> Section 36 of the *Aboriginal Land Rights Act* outlines the criteria for claimable Crown land.



## Aboriginal Participation in Construction Survey

### 1. Does your business adhere to an Aboriginal Participation Plan?

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| Yes                      | 28.0%            | 51             |
| No                       | 72.0%            | 131            |
| <i>answered question</i> |                  | <b>182</b>     |
| <i>skipped question</i>  |                  | <b>1</b>       |

### 2. If Master Builders NSW provided a service that would assist your organisation to establish an Aboriginal Participation Plan would you use it?

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| Yes                      | 58.3%            | 105            |
| No                       | 41.7%            | 75             |
| <i>answered question</i> |                  | <b>180</b>     |
| <i>skipped question</i>  |                  | <b>3</b>       |

### 3. Has your organisation trained its employees on Aboriginal Culture Awareness?

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| Yes                      | 17.2%            | 31             |
| No                       | 82.8%            | 149            |
| <i>answered question</i> |                  | <b>180</b>     |
| <i>skipped question</i>  |                  | <b>3</b>       |

### 4. If (NO) would you consider providing an Awareness Course (say for 2 hours) for your employees?

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| Yes                      | 56.5%            | 87             |
| No                       | 43.5%            | 67             |
| <i>answered question</i> |                  | <b>154</b>     |
| <i>skipped question</i>  |                  | <b>29</b>      |

### 5. Would you or an appropriate person in your organisation be available to mentor an Aboriginal individual who is considering setting up their own business or has recently

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| Yes                      | 40.9%            | 72             |
| No                       | 59.1%            | 104            |
| <i>answered question</i> |                  | <b>176</b>     |
| <i>skipped question</i>  |                  | <b>7</b>       |





#### 6. Do you employ Aboriginal people? (If No please proceed to Q12)

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| Yes                      | 29.0%            | 51             |
| No                       | 71.0%            | 125            |
| <b>answered question</b> |                  | <b>176</b>     |
| <b>skipped question</b>  |                  | <b>7</b>       |

#### 7. If your answer to Q6 was YES how many do you currently employ?

| Answer Options           | Response Average | Response Total | Response Count |
|--------------------------|------------------|----------------|----------------|
| Males (Total 403)        | 8.22             | 403            | 49             |
| Females (Total 174)      | 7.91             | 174            | 22             |
| <b>answered question</b> |                  |                | <b>50</b>      |
| <b>skipped question</b>  |                  |                | <b>133</b>     |

#### 8. What age brackets do your Aboriginal employees fall into?

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| Males Under 18           | 3.8%             | 2              |
| Males 18-24 years old    | 50.0%            | 26             |
| Males 25-34 years old    | 38.5%            | 20             |
| Males 35-44 years old    | 25.0%            | 13             |
| Males 45-54 years old    | 21.2%            | 11             |
| Males Older than 54      | 5.8%             | 3              |
| Females Under 18         | 0.0%             | 0              |
| Females 18-24 years old  | 15.4%            | 8              |
| Females 25-34 years old  | 11.5%            | 6              |
| Females 35-44 years old  | 7.7%             | 4              |
| Females 45-54 years old  | 5.8%             | 3              |
| Females Older than 54    | 3.8%             | 2              |
| <b>answered question</b> |                  | <b>52</b>      |
| <b>skipped question</b>  |                  | <b>131</b>     |

#### 9. Trades

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| Bricklaying              | 12.2%            | 6              |
| Carpentry                | 46.9%            | 23             |
| Civil Construction       | 16.3%            | 8              |
| Plumbing                 | 4.1%             | 2              |
| Roof Tiling              | 2.0%             | 1              |
| Shopfitting              | 4.1%             | 2              |
| Other (please specify)   | 44.9%            | 22             |
| <b>answered question</b> |                  | <b>49</b>      |
| <b>skipped question</b>  |                  | <b>134</b>     |





#### 10. Position Description

| Answer Options                          | Response Percent | Response Count |
|---|------------------|----------------|
| Labourers                               | 51.1%            | 24             |
| Apprentices / Trainees                  | 53.2%            | 25             |
| Contract Administrator                  | 10.6%            | 5              |
| Subcontractors                          | 12.8%            | 6              |
| Supervisors                             | 12.8%            | 6              |
| Project Managers / Project Coordinators | 8.5%             | 4              |
| Office Support Staff (Administrators)   | 17.0%            | 8              |
| Surveyor                                | 2.1%             | 1              |
| Other (please specify)                  | 19.1%            | 9              |
| <b>answered question</b>                |                  | <b>47</b>      |
| <b>skipped question</b>                 |                  | <b>136</b>     |

#### 11. Qualifications held by Aboriginal employees

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| Certificate II           | 18.4%            | 7              |
| Certificate III          | 50.0%            | 19             |
| Certificate IV           | 21.1%            | 8              |
| Diploma                  | 10.5%            | 4              |
| Advanced Diploma         | 5.3%             | 2              |
| Bachelor Degree          | 7.9%             | 3              |
| Other (please specify)   | 34.2%            | 13             |
| <b>answered question</b> |                  | <b>38</b>      |
| <b>skipped question</b>  |                  | <b>145</b>     |

#### 12. If No, please provide the 2 primarily reasons that discourages you from engaging an Aboriginal employee.

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| Reason 1                 | 99.1%            | 107            |
| Reason 2                 | 53.7%            | 58             |
| <b>answered question</b> |                  | <b>108</b>     |
| <b>skipped question</b>  |                  | <b>75</b>      |

#### 13. Are you aware of organisations to contact if your business would like to employ an Aboriginal person?

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| Yes                      | 43.3%            | 74             |
| No                       | 56.7%            | 97             |
| <b>answered question</b> |                  | <b>171</b>     |
| <b>skipped question</b>  |                  | <b>12</b>      |



**14. Would it assist you if Master Builders NSW created a database of job service providers and Aboriginal recruitment companies for easy access?**

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| Yes                      | 62.4%            | 106            |
| No                       | 37.6%            | 64             |
| <b>answered question</b> |                  | <b>170</b>     |
| <b>skipped question</b>  |                  | <b>13</b>      |

**15. Are you aware that there are incentives available to an employer for the employment of Aboriginal people i.e. apprentices, trainees, cadets, other positions?**

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| Yes                      | 49.1%            | 84             |
| No                       | 50.9%            | 87             |
| <b>answered question</b> |                  | <b>171</b>     |
| <b>skipped question</b>  |                  | <b>12</b>      |

**16. Is your business or company fully or partially registered as an Aboriginal organisation?**

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| Yes                      | 4.6%             | 8              |
| No                       | 95.4%            | 165            |
| <b>answered question</b> |                  | <b>173</b>     |
| <b>skipped question</b>  |                  | <b>10</b>      |

**17. Are you a**

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| Builder                  | 75.9%            | 132            |
| Subcontractor            | 12.1%            | 21             |
| Other (please specify)   | 12.1%            | 21             |
| <b>answered question</b> |                  | <b>174</b>     |
| <b>skipped question</b>  |                  | <b>9</b>       |



### 18. What is your trade sector?

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| Bricklaying              | 6.0%             | 9              |
| Carpentry                | 53.3%            | 80             |
| Concreting               | 7.3%             | 11             |
| Civil Construction       | 9.3%             | 14             |
| Plumbing                 | 3.3%             | 5              |
| Roof Tiling              | 2.0%             | 3              |
| Shopfitting              | 3.3%             | 5              |
| Other (please specify)   | 38.7%            | 58             |
| <b>answered question</b> |                  | <b>150</b>     |
| <b>skipped question</b>  |                  | <b>33</b>      |

### 19. What is your industry sector?

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| Civil                    | 13.3%            | 23             |
| Commercial               | 42.8%            | 74             |
| Residential              | 72.8%            | 126            |
| Other (please specify)   | 8.7%             | 15             |
| <b>answered question</b> |                  | <b>173</b>     |
| <b>skipped question</b>  |                  | <b>10</b>      |