

**Submission
No 10**

**INQUIRY INTO ECONOMIC DEVELOPMENT IN
ABORIGINAL COMMUNITIES**

Name: Mr Dominic WY Kanak

Date received: 12/10/2015

NSW Parliament
Economic Development in Aboriginal
Communities (Inquiry) October 2015,
state.development@parliament.nsw.gov.au

Dear NSW Parliamentary Inquiry ,

Please accept this Public Submission on
Economic Development in Aboriginal
Communities on the Terms of Reference:

1. That the Standing Committee on State
Development inquire into and report on
strategies to support economic development in
Aboriginal communities in New South Wales,
including but not limited to:

- (a) options for sustainability and capacity
building of NSW Aboriginal communities
into the future, utilising existing community
networks and structures
- (b) leveraging economic development
support, including provided by the
Commonwealth Government and the private
sector
- (c) establishment and sustainability of
Aboriginal owned enterprises.

SOVEREIGNTY:-

Sovereignty restoration in a contemporary form for current Descendants of former Dispossessed Aboriginal Torres Strait Islander Peoples should be the base rationale for Reconciling Economic Development in NSW as a means to restore this Country's First Peoples to a level of 'economy' equivalent to that which existed at 1770 and before 1788. This approach will ensure the widest and most efficient use of the Inquiry findings in relation to 'Term of Reference' ['ToR'] 1(a), (b) and (c).

As Sydney is where some Citizens see the 'Birthplace of Australia' and it is the geography upon which the NSW House of Parliament is built as well as the Sydney region now containing the Commonwealth Wentworth Electorate of the 'Innovation' Prime Minister, there exists an innovative window of opportunity to properly work with the Aboriginal Torres Strait Islander Community to advance Economic Development during the political alignment of connected similar Liberal and MultiPartisan political policy operating at

Local , State and Federal Prime Ministerial level.

Modern day discussions examine the context of Lieutenant (later Captain) Cook's secret orders (30June1768) :

"You are likewise to observe the Genius, Temper, Disposition and Number of the Natives, if there be any and endeavour by all proper means to cultivate a Friendship and Alliance with them, making them presents of such Trifles as they may Value inviting them to Traffick, and Shewing them every kind of Civility and Regard; taking Care however not to suffer yourself to be surprized by them, but to be always upon your guard against any Accidents. You are also with the Consent of the Natives to take Possession of Convenient Situations in the Country in the Name of the King of Great Britain: Or: if you find the Country uninhabited take Possession for his Majesty by setting up Proper Marks and Incriptions, as first discoverers and possessors." ,

as well as Lord (Earl) Morton's 'Hints to Captain Cook:

"Hints offered for the consideration of Captain Cooke, Mr Bankes, Doctor Solander and the other Gentlemen who go upon the Expedition on Board the Endeavour. To exercise the utmost patience and forbearance with respect to the Natives of the several Lands where the Ship may touch. To check the petulance of the Sailors, and restrain the wanton use of Fire arms. To have it still in view that shedding the blood of those people is a crime of the highest nature: they are human creatures, the work of the same omnipotent Author, equally under his care with the most polished Europeans perhaps being less offensive, more entitled to his favour. They are the natural, and in the strictest sense of the word, the legal possessors of the several Regions they inhabit. No European Nation has a right to occupy any part of their country, or settle among them without their voluntary consent. Conquest over such people can give no just title; because they could never be the aggressors.

They may naturally and justly attempt to repel intruders, whom they may apprehend are come

to disturb them in the quiet possession of their country, whether that apprehension be well or ill founded. Therefore should they in a hostile manner oppose a landing and kill some men in the attempt, even this would hardly justify firing among them, 'till every other gentle method had been tried." ,

so that current Parliamentary Inquiries can use this context of prior colonial Crown Administration and Royal Liberal good intentions gone historically wrong, as an opportunity to now Recognize and Support the "Genius" of Aboriginal Torres Strait Islander Peoples through innovative and empowering political policy so that that 1768 'Invitation to "Traffick" ' equates to Aboriginal Torres Strait Islander People's participation in the modern Australian Economy on an equal footing.

Present day liberal thinkers with positions of political power must own the unjust historical social consequences of where an original good Crown intention got lost in the translation of colonial expansion of the 17 & 1800s resulting

in a lack of sustainable economy in 21st Century Aboriginal Communities.

CAUTION: Economic Development not limited to LALCs:-

Even though the NSW Aboriginal Land Council network is well placed to deliver enterprise development, a comparison of Australian Bureau of Statistics Aboriginal Torres Strait Islander population counts and NSW Aboriginal Land Council Membership counts show that not all Aboriginal Community Members are Local Aboriginal Land Council ('LALC') Members and thereby mostly not formally able to participate in the deliberations of, and take advantage of, the direct links between Aboriginal Community Member - Local Aboriginal Land Council Member and Economic Development coupled directly with Aboriginal Land Council Membership. Disputes over denial of LALC recognition to become LALC Members involving Local Aboriginal Land Councils and Aboriginal Community Members, some with Traditional Aboriginal Native Title Claims, also shows that LALCs are not wholly representative of Aboriginal Torres

Strait Islander Community Members in need of the benefits of Economic Development. The differences of opinion in the dispute of Deerubbin LALC acceptance of Darug People into LALC Membership is a recent Sydney BlackTown Western Suburbs example. This and similar NSW scenarios should be covered by the Inquiry Report and a subsequent caution then applied to any strategies the Inquiry may recommend so as not to wholly limit future NSW Aboriginal Economic Development policy to a restricted tether solely with NSW Aboriginal Land Council organisational structures.

INNOVATION needs Co-ops and Organizational Diversity:-

If the ethos of 'Innovation' is being promulgated from the political leader of Our Country then in its application to ToR,1(b) "leveraging economic development support, including [that] sic provided by the Commonwealth Government and the private sector", and ToR,1(a) "options for sustainability and capacity building of NSW Aboriginal communities into the future",

Aboriginal aspirations for Economic Development must have access to a full spectrum of diverse organization models to support giving full vent to any aspirational combination of social, Community and Private enterprise in order to realise ToR,1(c), the "establishment and sustainability of Aboriginal owned enterprises." This Submission therefore raises the concern that the Commonwealth Indigenous Advancement Strategy Guidelines ['CIASG'] by Section 2.8.2 'Incorporation Requirement' ("All organisations receiving grant funding of \$500,000 (GST exclusive) or more in any single financial year through the Strategy will be required to: ..for an Indigenous Organisation, be incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*") is funnelling Aboriginal Torres Strait Islander (Indigenous) organizations into an organization structure that unnecessarily tethers Aboriginal Torres Strait Islander Economy Development to a limited choice of organization model with which to participate in the market. Such an organization structure funnelling is anti-competitive and entrenching

institutional prejudice towards Aboriginal Torres Strait Islander Communities.

It is therefore requested by this Submission that in response to ToR,¹ this Inquiry recommend that the range of organizational models available for the choice of Aboriginal Communities under the CIASG applying to NSW Communities be broadened to include Co-operative and other organizational models in order to be more conducive to a greater breadth of Economic Development expression empowering Aboriginal Torres Strait Islander Communities seeking to participate and 'Traffick' with, and in, the broadest possible market.

ECONOMIC DEVELOPMENT, not just Enterprise Development:-

Economic Development for Aboriginal Torres Strait Islander Communities should not be limited in policy concepts just to Enterprise Development. Measures for Economic Development should also include the sustainability and capacity building of NSW Aboriginal Communities by increasing the access and Public / Private participation of

Aboriginal Communities in NSW Local Government activities such as Crown and Public Land Management of Local Council municipal parks and environments. Increasing NSW Aboriginal Communities participation in these Local Municipal Council activities with supported Community and Professional Technical Officer training should be noted by this Inquiry as examples of Traditional Aboriginal Custodial responsibilities transitioning into modern Aboriginal CareTaker expressions of contemporary Sovereignty in Aboriginal Economy Maintenance and (re)Development.

RECONCILIATION, CoExistence & CoManagement:-

In the Spirit of Reconciliation, Co-Existence and Co-Management the example of Waverley Council's Resolution (Minutes of Operations Committee Meeting 7July2015, OC/5.2/15.07, Clause 3, pages 3 & 4) should be noted by this Inquiry as an example of where a Local Municipal Council has referred to the NSW Aboriginal Lands Council Economic

Development Policy for "consideration of any potential actions" that may relate to the Local Municipal Council's own Economic Development Strategy.

Another example to be noted by this Inquiry should be the action of CR John Wakefield as Mayor of Waverley Council in including at a 26 January 2012 Citizenship Ceremony the Formal acceptance from Mr Chris Ingrey, Chief Executive Officer of the La Perouse Local Aboriginal Land Council, of a copy of the S.A.C.R.E.D. Principles for Co-operation and Joint Action (Sydney-Newcastle Alliance for Culture Rights and Economic Development: 'SACRED'), a Strategy of the Sydney-Newcastle Aboriginal Land Council Region to foster a better working relationship between LALCs and Municipal Councils in the fields of Land Management, development and environmental planning, which was signed in the presence of the former NSW Parliament Aboriginal Affairs Minister, Mr Victor Dominello MP, at a formal Sydney Opera House endorsement Ceremony 30 November 2011 attended by this Public Submissioner._

REFERENCE LINKS:

Darug <> Deerubbin LALC Membership dispute:

<http://www.smh.com.au/nsw/feud-between-between-aboriginal-groups-reignites-over-deerubbin-land-20150212-13dlic.html>

S.A.C.R.E.D.

http://www.waverley.nsw.gov.au/__data/assets/pdf_file/0003/32745/Council_Minutes_-_13_December_2011.pdf

:see pages 15 & 16, Minutes of Waverley Council Meeting Tue13Dec2011 .

http://www.waverley.nsw.gov.au/top_link_pages/news_and_media/mayors_column/development_type_a_list/mayor_columns_2012/wednesday_1_february

:see Waverley Mayor's column Wed1Feb2012.

Commonwealth Senate Standing Committees on Economics, Inquiry, Cooperative, mutual and member-owned firms, Public Submission number 48:

http://www.apf.gov.au/Parliamentary_Business/Committees/Senate/Economics/Cooperatives/Submissions

Waverley Council Resolution re:NSWALC
Economic Devt Policy:

http://www.waverley.nsw.gov.au/_data/assets/pdf_file/0020/85106/Operations_Minutes_-_7_July_2015.pdf

Commonwealth Indigenous Advancement
Strategy Guidelines:

http://www.dpmmc.gov.au/sites/default/files/publications/ias_guidelines.pdf

:see Section 2.8.2, page 8.

Lieutenant(Capt)Cook's secret orders:

http://foundingdocs.gov.au/resources/transcripts/nsw1_doc_1768.pdf

Lord Morton's Hints to Capt Cook:

<http://treasure-explorer.nla.gov.au/closerlook/text-analysis-and-comprehension-2-10>

Happy to Help:-

I am Happy to Help this Inquiry further examine the issues raised in this Public Submission and can make myself available for further work to

advance the Inquiry's findings,
recommendations and implementations.

THAN..X..
Yours in Community,