

**Submission
No 28**

**INQUIRY INTO ECONOMIC DEVELOPMENT IN
ABORIGINAL COMMUNITIES**

Organisation: NSW Government

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

NSW Government submission

Key Acronyms used in this submission

ACLIP – Aboriginal Community Land and Infrastructure Project

AEPPF - Aboriginal Economic Prosperity Framework

ALA – Aboriginal Land Agreement

ALRA – Aboriginal Land Rights Act 1983

APIC – Aboriginal Participation in Construction

CCF – Civil Contractors Federation of NSW

IBA – Industry Based Agreement

ILUA – Indigenous Land Agreement

LALC – Local Aboriginal Land Council

LDM – Local Decision Making

MBA – Master Builders Association of NSW

MPRA – Murdi Paaki Regional Assembly

NPWS – National Parks and Wildlife Service

NSWALC – NSW Aboriginal Land Council

NSWICC – NSW Indigenous Chamber of Commerce

OCHRE - Opportunity, Choice, Healing, Responsibility, Empowerment

OEH – Office of Environment and Heritage

1. Introduction

The NSW Government submission is provided to assist the Committee to understand current policy initiatives and arrangements that support economic development in Aboriginal communities.

The submission has taken a wide lens to the issue of economic development. Economic development can be directly supported by Government policy, but is also dependent on addressing the underlying factors that enable, and prevent, economic and social participation.

Good governance, infrastructure and community investment, land use planning, and the recognition of culture, heritage and healing in public policy making are all factors that contribute to the economic development of Aboriginal communities.

Structure of the submission

This submission provides a cross section of NSW Government initiatives across the following issues and themes:

- Aboriginal policy in NSW and the role of Aboriginal Affairs
- development of an Aboriginal Economic Prosperity Framework
- partnerships with Industry
- Local Decision Making
- unlocking the economic potential of Aboriginal land
- creating economic opportunities through connection to country
- supporting capacity building in Aboriginal communities

NSW Government departments and agencies will be available throughout the Inquiry's proceedings to provide further information or clarification about existing or past government programs or initiatives, if required.

2. Snapshot of Aboriginal employment and economic development

NSW has the largest population of Aboriginal people in Australia. Key economic variables for Aboriginal people in NSW show that Aboriginal people continue to be underrepresented across a number of measures of economic development and participation.

Income and Labour¹

- **Employment** - In 2012-13, 45% of Aboriginal people aged 15-64 years in NSW were employed, compared with 76% of non-Aboriginal people. Nationally and in NSW Aboriginal people are about 50% less likely to be employed.
- **Self-employment** - In 2011, 8% of employed Aboriginal people in NSW were owner/managers or contributing family workers compared with 17% of the non-Aboriginal workforce. Between 2006 and 2011, there was a 33% increase in the number of Aboriginal employers.
- **Unemployment** - In 2011, the unemployment rate in NSW for Aboriginal people and non-Aboriginal people aged 18-24 years was 26% and 11.4% respectively; and for 15-64 years 17% and 5.8% respectively.

Education

- **Year 12 attainment** - In 2011-13, 57% of Aboriginal people in NSW aged 20-24 years had completed year 12 or higher, compared with 87% of the non-Aboriginal population.
- **Post-school education** - In 2013, 2,200 Aboriginal people commenced university in NSW, compared with 1,000 Aboriginal students in 2004. In 2011, 39% of Aboriginal people and 61% of non-Aboriginal people aged 20-64 had a post school qualification.

Wealth Creation

- **Housing and home ownership** - In 2011, 39% of Aboriginal households in NSW owned or were purchasing their home, compared with 67% of non-Aboriginal households. Forty percent of Aboriginal households own their own home, compared to 67% for non-Aboriginal people.
- **Household income** - In 2011-13, the median weekly household income for Aboriginal households in NSW was \$457, compared with \$890 for non-Aboriginal households.

¹ Information sourced from *Key Data – NSW Aboriginal People* published by Aboriginal Affairs.
http://aboriginalaffairs.nsw.gov.au/wp-content/uploads/2016/01/AA_KeyData7.pdf

3. Aboriginal Policy in NSW and the role of Aboriginal Affairs

Aboriginal Affairs, which is part of the NSW Department of Education, is the primary agency with responsibility for Aboriginal affairs strategy and program development in the NSW Government. Aboriginal Affairs works with Aboriginal communities to promote social, economic and cultural wellbeing through opportunity, choice, healing, responsibility and empowerment.

Aboriginal Affairs is focused exclusively on Aboriginal community wellbeing, bringing together the full range of Aboriginal peoples' social, economic and cultural rights and interests. Aboriginal Affairs also works to support a deeper understanding of Aboriginal communities, cultures and aspirations. To achieve this, Aboriginal Affairs has a number of key responsibilities:

1. Overseeing implementation of, and reporting on, OCHRE, the NSW Government's plan for Aboriginal affairs;
2. Setting whole-of-government policy and priorities in Aboriginal affairs;
3. Supporting local community governance and leadership development through implementing Local Decision Making (LDM);
4. Adopting the role of Solution Broker on systemic and cross-cluster coordination and policy integration issues;
5. Administering the *Aboriginal Land Rights Act 1983* and supporting the capacity of the land council network to deliver tangible economic, social and cultural benefits to Aboriginal people;
6. Developing an overarching Aboriginal Economic Prosperity Framework, and leveraging economic opportunities through industry-based partnerships and Aboriginal enterprises;
7. Developing a research and evaluation agenda to build the evidence base and support innovation in Aboriginal affairs policy; and
8. Promoting Aboriginal culture, language and cultural expression by Aboriginal people as a critical underpinning of identity, wellbeing and healing.

OCHRE (Opportunity, Choice, Healing, Responsibility and Empowerment)

OCHRE is the NSW Government's community-focussed plan for Aboriginal affairs. OCHRE's focus is:

- education and employment
- language and culture
- governance and accountability.

It was developed in direct response to the recommendations of the Ministerial Taskforce on Aboriginal Affairs in 2012. OCHRE is underpinned by a commitment to on-going monitoring and evaluation.

The independent evaluation of the OCHRE initiatives covering Industry Based Agreements (IBAs), Language and Culture Nests, Opportunity Hubs and LDM commenced in December 2015. This evaluation will be driven by the Aboriginal community and support continuous improvement and refinement so that the initiatives developed are evidence-based. The

evaluation will occur in three cycles over a 10 year period commencing with an evaluation of the implementation of the initiatives, moving to an evaluation of the outcomes and impacts.

OCHRE provides a solid foundation for further work with Aboriginal communities by:

- Developing a basis for increased Aboriginal economic participation, through education and employment initiatives.
- Integrating healing and culture as central elements within policy settings, and acknowledging the complexity of Aboriginal issues.
- Providing for local solutions tailored to local issues, ensuring that decision-making is inclusive of Aboriginal people at all levels of service delivery.
- Including land rights and planning reforms as a means to build capacity and improve asset accumulation.

Aboriginal economic development under OCHRE

OCHRE includes a suite of programs that directly support Aboriginal economic development, including:

- IBAs, which are agreements between peak industry bodies and the NSW Government to forge long term partnerships to increase Aboriginal employment and business opportunities in specific industries.
- LDM supports local leadership and governance by setting out a pathway for Aboriginal communities to have more control in the delivery and coordination of government services.
- Connected Communities aims to address the educational and social aspirations of Aboriginal students and all students living in a number of complex and diverse communities in NSW
- Opportunity Hubs aim to improve employment, job retention and enterprise outcomes for Aboriginal students in Years 5-12.
- Solution Brokerage under OCHRE establishes a new cross-government function for the Head of Aboriginal Affairs to bring together NSW Government agencies to work together with non-government organisations to find solutions to identified issues. This is underpinned by Premier's Memorandum *M2015-02-Solution Brokerage*.

In addition, there are a number of areas of NSW Government policy which are supported by the strategic direction established through OCHRE, including:

- Public sector employment: The NSW Government aims to increase the proportion of Aboriginal employees at all levels of the NSW public sector (including doubling the number of Aboriginal and Torres Strait Islander peoples in senior leadership roles by 2021).
- Public sector procurement: The NSW Government is working to increase procurement from Aboriginal owned businesses.
- Aboriginal land and natural resources: The NSW Government works with the NSW Aboriginal Land Council network and other key stakeholders to develop opportunities to improve the management and economic potential of Aboriginal owned land.

Supporting regional initiatives through Aboriginal Affairs

Aboriginal Affairs has four regions; Sydney/Newcastle Region, Greater Northern Region, Greater Western Region and Illawarra South East Region. Each regional team supports local Aboriginal economic development projects.

Sydney Newcastle Region

The Sydney Newcastle Region of Aboriginal Affairs has offices in Sydney and Newcastle. Staff in these offices are active in supporting a range of employment, business and land initiatives across the Sydney, Central Coast and Newcastle areas. For example, in the Hunter Valley Aboriginal Affairs is working to support a proposed Cultural Tourism and Small Business Forum. In Sydney, it is focussed on supporting consultations for the Aboriginal Centre of Excellence to be located in Western Sydney. Sydney Newcastle region is also working with a number of Local Aboriginal Land Council (LALC) and community organisations to develop their governance structures, as well as community and business interests.

Greater Western Region

The Greater Western Region has offices in Dubbo, Bourke and Broken Hill. The Dubbo office is developing local employment and enterprise opportunities in the mining sector through the Central West Aboriginal Mining Committee. In Broken Hill Aboriginal Affairs contributes to a number of projects in the remote Far West of NSW. These include a food security project in Wilcannia with the LALC. The project aims to make cheap and healthy food readily available to address community concerns over the limited options and high prices at the local supermarket and roadhouse.

Illawarra South East Region

The Illawarra South East Region is based in Batemans Bay. Regional staff work to support opportunities for development of LALC community and business interests. These include housing developments, tourism and commercial ventures. For example, Aboriginal Affairs is leading an interagency effort to support Eden LALC on the Bundian Way project. The Bundian Way project seeks to re-establish a cultural walk from the coast to the Snowy Mountains. The project is an Eden LALC cultural tourism venture that will create education and training, employment and other opportunities.

Greater Northern Region

The Greater Northern Region has offices in Tamworth and Coffs Harbour. Greater Northern Region staff are working with the Commonwealth Government to develop land management opportunities and the enterprise capacity of local Aboriginal organisations. The Region has also supported Aboriginal cultural tourism through working with Destination NSW to form the NSW Aboriginal Tour Operators Council (NATOC). A second tourism forum will develop a regional network to support and develop existing and future tourism businesses.

The Pacific Highway upgrades on the far north coast present opportunities for Aboriginal employment and enterprise. Greater Northern Region staff are working with Many Rivers (a not for profit micro finance organisation), the Department of Transport and others to identify and develop opportunities for local Aboriginal workers and businesses from major local

construction projects. Similar partnership development work is occurring on the Northern Tablelands with LALC's and the NSW Minerals Council.

3. Aboriginal Economic Prosperity Framework

Building on *OCHRE*, Aboriginal Affairs is working to better coordinate and support Aboriginal economic development across NSW. This work is informed by an understanding of the need to shift away from the traditional approach of addressing disadvantage. *OCHRE* is a deliberate attempt by the Government to shift the focus of Aboriginal policy away from a narrative of disadvantage to one of opportunity, advantage and empowerment. Aboriginal participation in the economy is essential. Aboriginal economies and the broader economy are mutually connected, and each benefits from the growth, strength and vitality of the other.

The *OCHRE* plan provides for the establishment of a NSW Aboriginal Economic Development Framework as a key initiative to support the realisation of the economic aspirations of Aboriginal communities. The framework has been renamed the Aboriginal Economic Prosperity Framework (AEPF) to reflect a greater focus on the issue of embedding Aboriginal economic prosperity in the NSW economic reform agenda. The AEPF will be a key mechanism for achieving Aboriginal economic prosperity in NSW, and will also contribute to the Government's priorities for economic growth in NSW.

The AEPF will be focussed on building opportunity through leveraging the existing economic assets of Aboriginal communities, and building on existing priorities and programs. It is part of the NSW Government's broader economic agenda for the State, including the Premier's personal priorities of job growth and improving public sector diversity. Central to the Framework is the recognition of cultural empowerment as key to improving outcomes for Aboriginal people.

The AEPF is currently being developed to improve the coordination of policy and program delivery. The Framework will also establish strong governance arrangements for implementation and accountability. Aboriginal Affairs has commenced consultation with key stakeholders on the development of the AEPF, and will continue to work with the government and non-government sectors to finalise the Framework.

Aboriginal Employment Strategy

The NSW Public Service Commission has put in place a sector wide Aboriginal Employment Strategy. This has been driven by the twin objectives of enabling the NSW public service to benefit from greater diversity, as well as opening up more opportunities for economic participation by Aboriginal people.

The NSW Public Sector Aboriginal Employment Strategy 2014–17 is a four year strategic plan that focuses on attracting and retaining Aboriginal staff at all levels, as well as supporting career development and progression. The key goal of the Strategy is to achieve a target of 1.8% for all salary bands, and ensure that this target results in Aboriginal people in senior roles, and not concentrated at lower bands as has been the experience in the past.

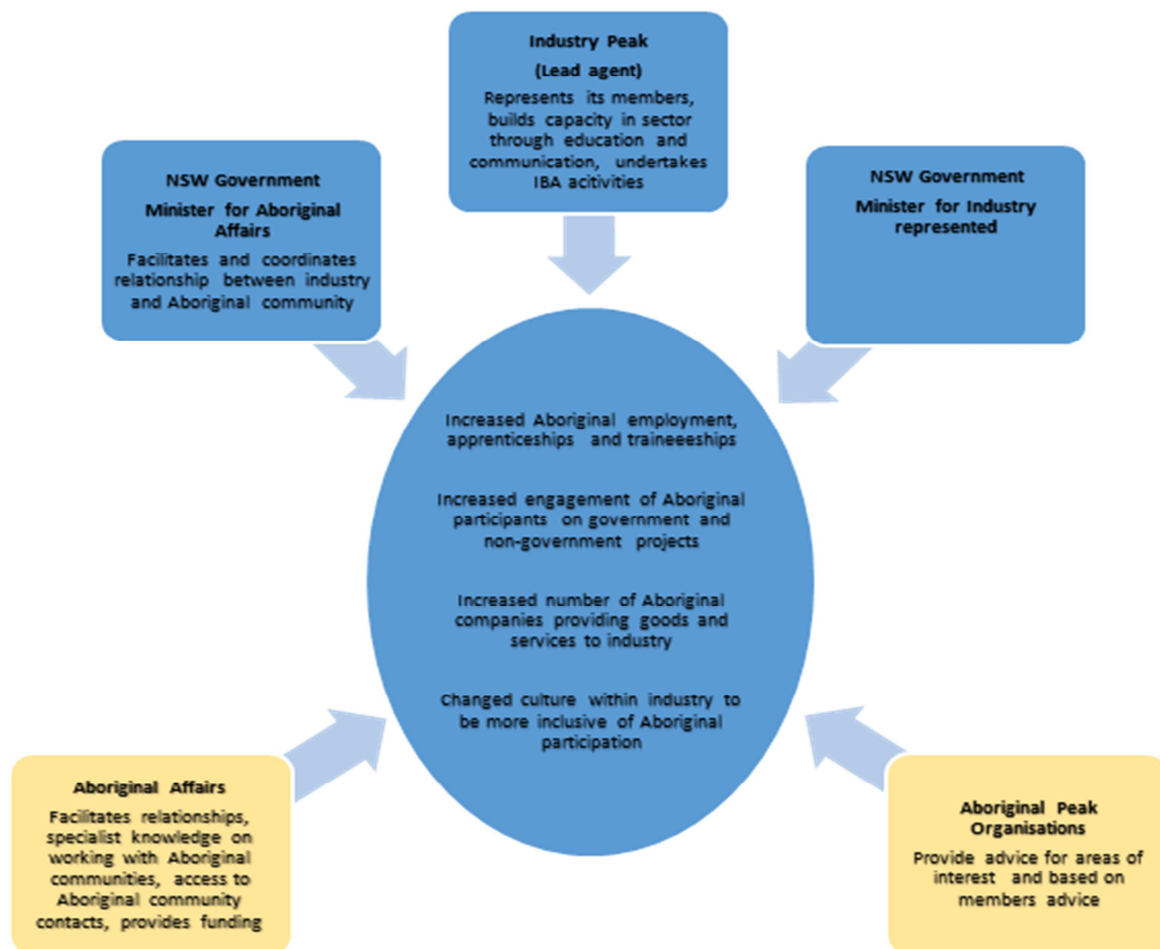
Building on this, the Premier of NSW has made the doubling of the number of Aboriginal people in senior leadership roles in the Government Sector a priority for the next ten years. The Aboriginal Employment Strategy will be a key element in achieving this goal.

Partnerships with Industry

IBAs are public commitments between peak industry bodies and the NSW Government to forge long term partnerships to increase Aboriginal employment and business opportunities in specific industries. IBAs are a key strategy under OCHRE to underpin improved economic participation outcomes for Aboriginal people and Aboriginal communities, by creating linkages with employment and business opportunities.

The NSW Government has entered into three IBAs since 2013, one each with the NSW Minerals Council (the Minerals IBA), the Master Builders Association of NSW (the Construction IBA) and the Civil Contractors Federation of NSW (the Civil Construction IBA).

Figure 1: Overview of Industry Based Agreements



Source: Aboriginal Affairs

Minerals IBA

Signed in June 2013, the Minerals IBA has continued well beyond its initial two year term. In its first term this IBA delivered trade and employment forums in the Hunter Valley and Central West regions and engaged industry members to develop strategies to increase Aboriginal procurement and employment. The next round of activities include closer links with Opportunity Hubs and building regional engagement. Importantly, the NSW Minerals

Council partnered with the NSW Indigenous Chamber of Commerce (NSWICC) to deliver on a number of Action Plan commitments including the Hunter Mining Forum in March 2015.

Construction IBA

The Construction IBA was signed in April 2014 with the Master Builders Association of NSW (MBA). The IBA has resulted in the employment of 16 Aboriginal apprentices and trainees. The MBA has developed an employment kit to attract prospective Aboriginal employees and to assist member organisations to employ Aboriginal people. A baseline survey of the membership to understand the barriers to employing Aboriginal people, and procuring from Aboriginal businesses, has also been completed. Supporting compliance with the Aboriginal Participation in Construction policy the MBA will develop a web portal to assist its members meet their obligations. The policy supports participation by Aboriginal people in Government construction projects through the setting of expenditure targets.

Civil Construction IBA

The Civil Construction IBA with the Civil Contractors Federation of NSW (CCF) was signed in February 2015. The Action Plan includes a baseline survey of Aboriginal participation and employment within the sector and the development of an industry engagement strategy to assist member organisations comply with the Aboriginal Participation in Construction policy (discussed below). The CCF has completed a baseline membership survey of Aboriginal employment across the sector and recognises the important contribution of Aboriginal employees in the sector through the annual CCF President's Award for the Aboriginal Employee of the Year.

Partnership with the NSW Indigenous Chamber of Commerce

In July 2014, a Memorandum of Understanding (MoU) was signed between the NSWICC and the Minister for Aboriginal Affairs. The MoU commits the NSWICC and the NSW Government to work together to support the development of Aboriginal businesses. This includes participating in IBAs and the development of the Aboriginal Economic Development Framework.

Utilising NSW Government procurement practices to support economic development

The NSW Government has made changes to its procurement practices, in recognition of the significant contribution that procurement policy can make to Aboriginal skills development and economic participation. These changes allow Government to leverage its significant purchasing power to support greater economic participation by Aboriginal businesses.

The NSW Government Aboriginal Participation in Construction (APIC) Policy is intended to support the objectives of OCHRE. The policy commenced in May 2015 and sets project expenditure targets for Aboriginal participation. Government construction projects worth over \$1 million, or that are directed towards Aboriginal communities, will have an initial target of 1.5% of project expenditure directed to Aboriginal employment, education and procurement activity. This target will become mandatory in July 2016 and will increase over time to a range of 3 to 5 per cent in the long term. Aboriginal Affairs is working with NSW Procurement on policy implementation and the development of a communication strategy.

In addition, Direction 2013-04: *Scope for government agencies to support Aboriginal businesses* improves supply opportunities for Aboriginal businesses by increasing the threshold for sourcing Aboriginal products with a single quote.

Staff can purchase directly from an Aboriginal business up to the value of \$150,000 after obtaining one or more written quotes and ensuring consistency with market rates. Goods and services available through whole-of-government procurement arrangements are included in this board direction. The supplier must be a recognised Aboriginal business (i.e. has appropriate Indigenous business certification or has an ABN and is at least 50% Aboriginal owned / operated).

This direction was reissued for a further two years from 1 October 2015.

Aboriginal Business Portal

The Aboriginal Business Portal was developed under OCHRE through a partnership between NSW Procurement (part of the Department of Finance, Services and Innovation, NSWICC, and Aboriginal Affairs). The Aboriginal Business Portal publishes a list of Aboriginal businesses in NSW. The Portal links private and public sector procurers with certified Aboriginal suppliers through an interactive database.

The NSW Department of Industry, as part of the range of services it delivers to support economic growth in regional NSW, provides an Aboriginal Business Development Service that aims to enhance the sustainability and growth potential of Aboriginal enterprises. Part of this service is the operation of a searchable directory of Aboriginal businesses.

Local Decision Making

Local Decision Making (LDM) supports local leadership and governance. It sets out a pathway for Aboriginal communities (represented by Aboriginal regional alliances) to have more control in the delivery and coordination of government services, and for government to support community identified priorities, including in the area of economic development.

LDM is being implemented across six locations in NSW:

- Far Western NSW - Murdi Paaki Regional Assembly
- Illawarra South East - Illawarra and Wingecarribee Local Decision Making Advisory Committee
- North Coast - Regional Aboriginal Development Authority
- Central West - Three Rivers Regional Assembly
- Central Coast - Barang Central Coast Aboriginal Community Organisations Network
- New England North West - Northern Region Aboriginal Alliance (NRAA)

LDM is underpinned by formally negotiated Accords identifying how community and Government will work together to address community priorities. Accords define the relationship between Government and community, and include agreed priorities, actions, timeframes, resources, responsibilities and ways to measure success.

The first LDM Accord was signed in February 2015 with the Murdi Paaki Regional Assembly (MPRA) in far western NSW. This Accord has identified economic development as a specific priority. Under the Accord, MPRA and the NSW Government will work in partnership to deliver business and employment opportunities; scope a regional tourism

strategy; engage emerging industries in the region and build an understanding of economic development in the region. The Accord also identifies employment, adult literacy and housing as priorities, all of which will underpin economic development in the region.

Financial modelling to support LDM Accords

NSW Treasury has developed an expenditure estimate model to help local communities understand existing government investment and priorities within their localities. This model has been developed to better inform Aboriginal Local Decision Making Boards engaged in and entering Accord negotiations. The model disaggregates all NSW Government expenditure into geographical areas, including specific funding provided to services on the ground, as well as an attribution of the costs of central functions of Government to the community. The model uses a range of service use intensity proxies and variables to derive an estimate and can identify spending by service categories mapped to the same definitions used by the Productivity Commission in its Indigenous Expenditure Report.

The provision of this information is designed to allow communities to better understand existing spending priorities. It also facilitates meaningful negotiations around how best to realign investment decisions to better match community aspirations against agreed priority areas articulated within LDM Accords. In providing the LDM Board with this information, NSW Treasury works closely with community leaders to assist in the interpretation and application of the data. The model has been initially made available as part of the negotiation of the MPRA Accord, and will be available to all LDM Boards involved in future Accord negotiations.

Solution Brokerage

The implementation of OCHRE is built upon a cross government approach, with agencies leading and supporting a range of specific initiatives. This approach is particularly important when addressing systemic issues that no one agency has a clear mandate to resolve. To reflect this, OCHRE established a new cross-government Solution Brokerage role for the Head of Aboriginal Affairs. The new role enables the Head of Aboriginal Affairs to bring NSW Government agencies together, and with non-government organisations, to find practical solutions to an identified issue. A Premiers Memorandum (M2015-02-Solution Brokerage) vests the authority to invoke this Solution Brokerage function.

To date Aboriginal Affairs has activated its solution brokerage role to address:

- Land access, use and development issues with Eden LALC
- The delivery of early childhood services with Murdi Paaki Regional Assembly
- The Aboriginal Community Land and Infrastructure Project (ACLIP).

Unlocking the economic potential of Aboriginal land

The *Aboriginal Land Rights Act 1983* (ALRA) is a statutory land rights regime that compensates Aboriginal people for historical dispossession of their lands. The ALRA recognises that land is of spiritual, social, cultural and economic importance to Aboriginal people, and is underpinned by the principle of self-determination.

The Lands division of the Department of Primary Industry (DPI-Lands) manages a program for the investigation of land claims under the Aboriginal Land Rights Act 1983 in respect of Crown land. Since 1983 about 11,200 claims have been determined and about 143,000 ha of land have been transferred to Aboriginal land councils.

The ALRA establishes the Aboriginal Land Council (ALC) network, made up of 120 Local Aboriginal Land Councils (LALCs) and the NSW Aboriginal Land Council (NSWALC), an independent statutory corporation which oversees the LALC network. Aboriginal Affairs administers the ALRA at the direction of the Minister for Aboriginal Affairs. This involves working with NSWALC and the Office of the Registrar of the ALRA to ensure compliance with the Act.

Vacant Crown land is claimable land under ALRA. If a claim is successful, the ALC receives freehold title to the land, subject to any native title rights and interests. The intent of these provisions is to have land granted that can be used, developed, leased or sold by ALCs to bring economic, social and cultural benefits to Aboriginal communities.

Amendments to the ALRA supporting the ALC network

The *Aboriginal Land Rights Amendment Act 2014* commenced operation on 1 July 2015 concluding the statutory review of the ALRA. The amendments are designed to support the development of the ALC network by:

- facilitating and encouraging ALCs to establish, acquire and manage business enterprises
- requiring due diligence and accountability processes in the establishment of enterprises
- allowing LALCs to enter Aboriginal Land Agreements with the NSW Government to settle land claims.

These new business enterprise provisions in the ALRA complement the NSWALC Economic Development Policy. The Policy, funded by a NSWALC budget commitment of \$16 million over five years (from 2014), has three key objectives:

- To facilitate Local Aboriginal Land Council business enterprise by providing funds, support, skill and resources for the development of sustainable businesses.
- To facilitate higher Aboriginal employment in NSW by linking people with programs and pathways to employment.
- To grow the economic base of the NSWALC business enterprise through business opportunities and prudent investment.

Aboriginal Land Agreements

The most recent amendments to ALRA include a provision (s36AA of the ALRA) for Aboriginal Land Agreements (ALAs). Prior to these amendments, land claims could only be resolved by individual determinations by the Crown Lands Minister. ALAs enable an alternative approach to the standard land claims process. ALAs are voluntary agreements made between the Crown Lands Minister and an ALC. Multiple claims can be settled by the one agreement. ALAs can cover a broad range of terms and conditions and are a negotiated settlement alternative to resolving claims on a case by case basis. The application of the ALA is in its early stages and will be developed through ongoing consultation by relevant NSW Government agencies with NSWALC.

Aboriginal Community Land and Infrastructure Project

The Aboriginal Community Land and Infrastructure Project (ACLIP) is being jointly progressed by Aboriginal Affairs and the Department of Planning to address long standing planning and zoning issues affecting LALC owned land. There are 61 discrete Aboriginal communities located on former Aboriginal reserves or missions, located mostly in rural and remote NSW. They comprise over 2,500 communally-owned properties housing over 6,600 Aboriginal people.

Land, housing and infrastructure in these communities was transferred to LALCs on passage of the ALRA in 1983 and most of the discrete settlements exist as single property titles. LALCs are often responsible for all infrastructure, including water and sewerage, stormwater drainage, roads, kerbing, guttering and footpaths, street lighting, community facilities, power and waste management. In most non-Aboriginal communities local councils usually provide such services. Much of this infrastructure was in a state of disrepair when title to the lands transferred to LALCs in 1983, and current LALC rental and other revenues are unable to cover maintenance or capital renewal costs.

ACLIP aims to address these legacy issues that relate to zoning and planning in discrete Aboriginal communities. The objective is to formalise subdivision processes for these existing residential communities. The project also intends to facilitate the transfer of services at an agreed standard to local councils, allowing for relevant municipal infrastructure to be maintained to the same standard as elsewhere. The project will also support greater social and economic opportunity from Aboriginal community land as a result of more flexible land tenure and zoning arrangements.

Outside of communities, the project also intends to investigate options for improving the economic potential of former Crown lands granted to LALCs which may be suitable for future residential, commercial or other forms of economic development. Some lands retain zonings such as open space, which reflect its previous Crown land status, but not its potential to contribute to economic, social or cultural outcomes for the LALCs. The overall quantum of land is significant, with around 127,000 hectares of former Crown lands being owned by LALCs.

The NSW Government is continuing to work on the ACLIP in consultation with NSWALC.

Resolution of Native title claims

Resolution of Native Title claims, under the Commonwealth *Native Title Act 1993*, is the responsibility of the Native Title Unit of the Department of Primary Industry. Government policy is to settle native title claims by consent determination, rather than by litigation. The majority of native title claim determinations in NSW are settled by consent. This means the outcome of a claim is agreed between the parties and not fully litigated before the Court. Speedy resolution of claims supports economic development outcomes for native title holders.

Indigenous Land Use Agreements

Indigenous land use agreements (ILUA) are an agreement about the management of public land in the area covered by the native title claim or where native title is held by Aboriginal people. ILUAs are limited to Aboriginal groups that have lodged native title claims.

Benefits of ILUAs to the Aboriginal community include but are not limited to:

- rights to land arising out of traditional law and custom such as cultural camping and hunting on the national parks reserves
- manage interaction between native title rights including hunting with firearms and public use of parks and working for the joint management of these rights and interests
- joint management established through statutory advisory committees, appointments of Aboriginal people
- Aboriginal employment, training and capacity building programs - ILUA include commitments to Aboriginal identified positions
- repatriation, management and protection of Aboriginal objects, sites, places and Areas
- business opportunities analysis and preferential contracts for work undertaken in ILUA areas.

Comprehensive claim resolution

In addition to a commitment to resolving claims by consent, subject to resourcing, the Native Title Unit supports comprehensive claims settlements. Comprehensive claim settlements are where there is a full and final resolution of both native title and compensation. This is done by having an ILUA dealing with compensation in place at the same time as the consent determination is made. This is not always possible, as one or both parties may not be able to resource the negotiation of the ILUA by the time the Court makes the consent determination. However, it remains the preferred approach and supports economic development outcomes for native title holders.

The Crown Solicitor represents the State in the negotiation of ILUAs, on instruction from the Native Title Unit of the Department. ILUAs provide compensation to native title holders for acts that affect native title. Compensation is often provided in diverse forms, all focused at contributing to economic development in Aboriginal communities. For example, ILUAs have provided for job creation and employment opportunities among other mechanisms for economic development. The native title unit is currently involved in negotiating ILUAs in relation to certain claims.

Creating economic opportunities through connection to country

The Office of Environment and Heritage (OEH) has in place a range of policies and programs that build on the fundamental connection of Aboriginal people and communities to country to create opportunities for employment, business development and improved well-being.

Environmental Trust - Protecting our Places Program

The NSW Environmental Trust has offered grants to Aboriginal organisations under its Protecting Our Places (POP) Program since 2002. The POP program assists Aboriginal

organisations and communities to protect land that is culturally significant to Aboriginal people and to support education projects about the environment and its importance in Aboriginal life.

The Trust currently allocates \$500,000 per year for the POP Program for grants of between \$2,000 and \$35,000. POP is currently being independently evaluated and subsequently the next round of the program has been postponed until evaluation recommendations have been considered by the Trust Board. It is envisaged that the next call for applications will be in early 2016. The Trust has awarded nearly \$4 million in grant funding to over 125 projects under the POP program since 2002. The program has also supported the restoration or rehabilitation of 358 hectares of Aboriginal owned land or sites of cultural significance.

The program is overseen by an independent Technical Committee and administered by a dedicated staff member (funded by the Trust). This staff member provides support to potential applicants and successful grantees to both assist Aboriginal people to become involved in the program, as well as to develop and deliver high quality projects. This position is an identified Aboriginal position.

Aboriginal Joint Management

The National Parks and Wildlife Service (NPWS) is committed to supporting and promoting Aboriginal people's cultural connections to Country and contributing to community well-being through joint management arrangements.

Aboriginal joint management arrangements can provide for social, economic and financial outcomes and opportunities for Aboriginal communities, including the development of new partnerships to enhance economic, social and well-being outcomes.

Aboriginal joint management agreements vary depending on different legislative requirements and processes. For example, some parks are included under the National Parks and Wildlife Act 1974 (NPW Act) to be returned to Aboriginal ownership, while others are joint management arrangements developed in response to native title claims made under the Commonwealth Native Title Act 1993.

In 2015-16, \$6.64 million has been allocated for Aboriginal joint management for commitments under existing agreements and progressing negotiations for new agreements. Part of this allocation will be used in the 2015-16 round of the Aboriginal Parks Partnerships program. In 2014-15, this program supported 42 priority partnership projects between Aboriginal communities and the NPWS for park management, Aboriginal co-management of parks, and other joint management projects such as the establishment of culture camps and cultural heritage surveys.

Through the Aboriginal joint management program, the NPWS and the local Aboriginal community are committed to working together to promote and benefit social, economic and well-being. This is done through the engagement and involvement of local Aboriginal people:

- in the management of places and areas of high cultural significance and to reduce impacts on those areas
- through employment initiatives to share cultural stories and connections (for example, through the signs and information provided by NPWS about the park)

- develop or improve local Aboriginal people's access and usage of the parks for cultural activities and other opportunities with the broader community such as cultural tourism
- in developing management plans, fire-management plans, weed and pest management plans and other plans for the park
- in guided Discovery tour programs on national park reserves
- in national park management, new proposals for commercial tour operations and research proposals
- for other employment, education or training opportunities for local Aboriginal people.

Aboriginal Ownership and Leaseback Agreements

Under Part 4A of the NPW Act, Aboriginal ownership and leaseback agreements provide for parks to be returned to a local Aboriginal land council to hold on behalf of the Aboriginal owners. The park is then leased back to the NSW Government under mutually agreed conditions, with lease payments spent on the care, control and management of the park.

A board of management is appointed and under the legislation; the care, control and management of the park is transferred from the Director General of NPWS (in practice the Chief Executive of the OEH) to the board. The Aboriginal owner majority board determines how the park will be managed and the NPWS maintains its management responsibilities in partnership with the board.

Benefits of leaseback arrangements to the NSW Aboriginal community include but are not limited to:

- parks returned in freehold to the land council
- leased back to Minister for Environment (30 years with 30 year renewal and ongoing)
- statutory boards of management - separate reporting entities to OEH (separate accounts, statements)
- boards of management - majority Aboriginal owners – have care, control, management of parks
- currently 42 Aboriginal members and 42 Aboriginal deputy members represented on boards of management
- rent paid by OEH – supervised by board, tied to management of park, community development
- commitments in leases to training, capacity building and employment on the national parks and reserves
- Aboriginal owners have statutory rights to access land for hunting, gathering, fishing, and cultural activities.

NPWS is working on developing relationships with boards of management and joint management committees to ensure that cultural tourism is identified as an opportunity for economic development within the parks that they jointly manage.

Supporting capacity building in Aboriginal communities

NSW Government policy recognises that greater economic participation, and economic development, relies on the building of capacity amongst Aboriginal people and communities across a range of areas, including education and training, business development and

growth, and strong and effective governance and leadership. While the NSW Government's focus, through OCHRE, is on opportunity and development, it recognises the challenges to full participation in the economy faced by many Aboriginal communities, and the importance of place based solutions.

Meeting the learning needs of Aboriginal students

The NSW Government's *Local Schools, Local Decisions* reforms recognise that targeted funding is needed to enable schools to be responsive to those students with more complex learning and support needs. As part of Local Schools, Local Decisions, every NSW public school with Aboriginal student enrolments will receive funding under the equity loading for Aboriginal background.

One of the goals of the Department of Education's Aboriginal Education and Training Policy is that Aboriginal and Torres Strait Islander students will match or better the outcomes of the broader student population. Closing this gap will strengthen the opportunities for educational achievement in Aboriginal students, which has a flow on effect to economic sustainability and growth in communities.

Principals will consult with staff, Aboriginal parents and carers and the local or regional Aboriginal Education Consultative Group to determine the best way to support the learning needs of their Aboriginal students and to achieve this goal.

The way schools use their funding will vary based on local needs. Some support will be for the entire school, and some will be for particular groups of students or individual students. Schools may choose to combine their Aboriginal equity funding with other funding sources to better support the needs of Aboriginal students.

Connected Communities

The Connected Communities Strategy commenced in 2012 and takes an innovative approach to addressing the educational and social aspirations of Aboriginal students and all students living in a number of complex and diverse communities in NSW. Connected Communities is being implemented in 15 schools in regional and rural NSW:

- Boggabilla Central School
- Bourke High School
- Bourke Public school
- Brewarrina Central School
- Coonamble High School
- Coonamble Public School
- Hillvue Public School
- Menindee Central School
- Moree East public School
- Moree Secondary College
- Taree High School
- Taree Public School
- Toomelah Public School
- Walgett Community School
- Wilcannia Central School

The strategy positions schools as community hubs that will facilitate a range of services from birth, through school, to further training and employment. The aim is to forge stronger partnerships between schools, the local community, government and non-government providers to maximise the immediate and longer term opportunities for young Aboriginal people.

A key goal of the Connected Communities strategy is that students will make a successful transition from school to work or further training or study. This aims to encourage achievement and a pursuit of personal and community improvement. This community focused and driven approach strongly supports economic development within communities.

Establishing a shared responsibility and commitment with the local community is key to achieving this goal. In each of the 15 Connected Communities schools, a local Aboriginal person has been recruited to act as a conduit between the school and the community. This position is known as the Leader, Community Engagement. They work to ensure that the community has a voice in decision making in the schools and is consulted about issues relating to the school.

Cultural connection and wellbeing

Another key element of the Connected Communities strategy is that schools conduct cultural awareness training for all staff and the Department of Education engages local Aboriginal community members through the Aboriginal Consultative Group Inc. (AECG) to facilitate the Connecting to Country cultural immersion program in the 15 schools and other NSW public schools.

The strategy also works directly to enhance community capacity. In 2014 the Minister announced \$8 million in funding over four years for the development of a Connected Communities Healing and Wellbeing framework. This includes a community component which will provide targeted training and development for Aboriginal people across a broad geographic area in rural/remote NSW. It will be sponsored to gain qualifications in youth work, counselling and psychology and subsequently employed in schools to support students and staff.

Opportunity Hubs

Opportunity Hubs aim to improve employment, job retention and enterprise outcomes for Aboriginal students in Years 5 to 12. Opportunity Hubs provide young Aboriginal people with clear pathways and incentives to stay at school and transition into employment, training or further education. Opportunity Hub providers work with Aboriginal young people, families and communities to help build expectations for success.

Local Aboriginal communities, education, training and industry training stakeholders contribute to the design and implementation of Opportunity Hubs. However all Opportunity Hubs share the following goals:

- increased participation and retention at school
- clearer pathways to employment, training and further education after school
- higher expectations of education achievement
- enhanced job readiness among young people
- increased industry exposure, opportunities and placements for young people
- educators, service providers, employers and community work together.

There are four Opportunity Hubs:

- Campbelltown Opportunity Hub provided by Marrickville Training Centre.
- Dubbo Opportunity Hub provided by TAFE Western Institute Dubbo College.

- Tamworth Opportunity Hub provided by Tamworth Aboriginal Land Council.
- Upper Hunter Opportunity Hub provided by the Aboriginal Employment Strategy Ltd.

State Training Services for Aboriginal People

The Aboriginal Services unit (ASU) of State Training Services in the NSW Department of Industry was created to support improvements in the vocational outcomes and wellbeing of Aboriginal people. The ASU manages a number of programs focused on improving access to employment and creating business opportunities for Aboriginal people. These include

- Smart and Skilled – Eligible Aboriginal students can be offered additional support and fee exemptions under the Smart & Skilled program. All approved Smart and Skilled training providers receive additional funding for Aboriginal students and for learners in regional and remote areas.
- The Aboriginal Enterprise Development Officer (AEDO) Program - a free program for Aboriginal people considering starting up their own business or expanding their current business. There are currently seven AEDO projects operating across NSW. The AEDO program aims to increase the confidence and expertise of Aboriginal people to become self-employed and to encourage an entrepreneurial culture within Aboriginal communities.
- The New Careers for Aboriginal People (NCAP) program - a free program for Aboriginal people seeking employment and training advisory support services. The NCAP program aims to increase the participation of Aboriginal people in the labour market by identifying, creating and supporting opportunities for sustainable education, training and employment.
- Elsa Dixon Employment Development program (EDEAP) provides funding to organisations to support Aboriginal education, employment and training by
 - subsidising the salary, development and support costs of Aboriginal employees in a public service agency or local council
 - funding innovative community projects
 - supporting work experience for aboriginal students in their final year of a degree or post degree course.

A total of 113 positions were funded in the 2015/16 funding round.

- The Way Ahead for Aboriginal People provides mentoring services for Aboriginal apprentices and trainees who need additional support in the workplace. Mentors are selected on the basis of their experience and acceptance within Aboriginal communities.

Aboriginal Centre for Excellence

The NSW Government has committed \$20 million to establish an Aboriginal Centre for Excellence in Western Sydney. Western Sydney is also an area of considerable population and economic growth, with a significant Aboriginal population. The region also has pockets of entrenched disadvantage and unemployment. A key objective of the proposed Aboriginal Centre for Excellence will be to deliver programs and services that support Aboriginal young people making the transition from the school environment into further education and employment.

The core target group for this centre would be the Aboriginal young people of Greater Western Sydney. The services to be provided and its location will be determined following

consultation with Aboriginal people, including community leaders and young people, and other relevant stakeholders in the region. Programs and services could include a focus on innovation, arts, culture, health, wellbeing, sport and recreation.

The first stage of this project was to undertake a consultation process with the community and other relevant stakeholders. These consultations took the form of community meetings, on-line surveys and use of social media, and were completed in early December 2015. The outcome of the consultations will inform the next stages of this initiative.