

**Submission
No 30**

**INQUIRY INTO ECONOMIC DEVELOPMENT IN
ABORIGINAL COMMUNITIES**

Organisation: The Greens

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Jan Barham MLC
The Greens

Legislative Council, Parliament House
Macquarie Street, SYDNEY 2000

Ph: 02 9230 2603 **Fax:** 02 9230 2766

Email: Jan.Barham@parliament.nsw.gov.au

Website: www.janbarham.org.au



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The Director
Standing Committee on State Development
Parliament House
Macquarie St
SYDNEY NSW 2000

via email: state.development@parliament.nsw.gov.au

To whom it may concern,

Submission to the Inquiry into Economic Development in Aboriginal Communities

Thank you for the opportunity to provide input to this important inquiry. I do so not only as the Greens NSW spokesperson on Aboriginal Affairs, but also as the spokesperson on Crown Lands, Housing, Family and Community Services, Ageing, Disability, Mental Health and Tourism. There are many issues affecting the economic development and self-determination of Aboriginal people in NSW across the whole of government and at all levels of government. It is essential that government supports the enhancement of self-determination to improve the cultural, social and economic lives, as well as addressing the current level of disadvantage, of Aboriginal people in NSW.

The opportunities for Aboriginal people to become economically independent have been the subject of many discussion papers, action plans and strategies but the challenge of delivering meaningful outcomes has been difficult and the outcomes less than satisfactory.

Evaluation of past services and programs

It is unfortunate that there has been a lack of evaluation of previous initiatives to provide guidance to government to successfully review and develop new programs. In light of this lack of evaluation, it would be useful to consider the future monitoring and review of services to establish clear reporting on outcomes and to ensure that this is done with a review of the process of government engagement with Aboriginal people. It is also vital that there is an understanding of the varying challenges in achieving economic development faced by urban, regional, rural and remote communities.

In considering the issue of Aboriginal economic development, it is necessary to recognise the impact of past government policies. The dispossession of Aboriginal people from their lands has had intergenerational impact including the trauma that passes on through the generations. The intergenerational trauma has made it difficult for Aboriginal people to develop culturally, socially and economically and is well documented in papers such as *Trauma, Transgenerational Transfer and Effects on Community Wellbeing* by Judy Atkinson, Jeff Nelson and Caroline Atkinson.¹

The lack of recognition and appropriate reparations fuels the ongoing disadvantage.

It is also vital to consider the current state of poor health and wellbeing for Aboriginal people, including life expectancy rates being approximately 10 years less than non-indigenous people as well as shocking levels of incarceration and child removal. All of these factors reduce the potential for success in self-determination and must be addressed.

In NSW there is an overriding need to address the disadvantage experienced by Aboriginal people that is evidenced in the statistics available, particularly when compared to state averages and includes:

- Low Aboriginal household incomes
- Low rates of employment and training, especially for Aboriginal youth
- Low levels of home ownership
- High levels of poverty

But there is also the need to consider the current state of social statistics, including:

- High rates of incarceration
- High rates of child removal
- High rates of substance dependence and abuse
- High rates of mortality and poor health

I note that the *Review of NSW Government Aboriginal Employment & Economic Development Programs – December 2011 – The Allen Consulting Group* identified the broad range of benefits that economic development and employment deliver at the individual, family and community level for Aboriginal people.

Box 1.1

ANCILLARY BENEFITS OF ECONOMIC DEVELOPMENT AND EMPLOYMENT

Successful economic development and employment programs can assist Aboriginal people attain and sustain jobs and their own business. As well as improved financial security and prosperity, sustainable employment and economic development brings substantial ancillary benefits for the individual concerned, their families and communities.

For individuals, such benefits were found to include:

¹ <http://aboriginal.telethonkids.org.au/media/54889/chapter10.pdf>

- improved physical health outcomes — increasing wealth is strongly correlated with an increase in life expectancy (up to a certain level);
- lower levels of adverse mental health outcomes, greater self-esteem and richer social interaction; and,
- opportunities for personal development.

For families, the benefits of sustainable employment and economic development may include:

- reduced reliance on income support, which can prevent long-term welfare dependency;
 - improved health outcomes;
 - reduced incidence of family breakdown and social alienation;
 - improved family interaction; • an improvement in early childhood outcomes;
- and,
- potential intergenerational effects in the cultivation of positive role models for children.

For communities, sustainable employment and economic development may help to: • address entrenched social disadvantage; • reduce criminal activity; • lower the levels of welfare dependency; • increase social cohesion; and, • decrease the levels of anti-social behaviour, including drug, substance and alcohol abuse.

Source: Productivity Commission (2011); Marmot and Wilkinson (2006).²

This is a relevant time to consider this issue in light of the recent *Closing the Gap Report 2016* which identified the failure to meet targets that provide for the self-determination and economic independence for Aboriginal people. The timing of this inquiry will also provide important input to the NSW Government's OCHRE commitment to the development of a NSW Aboriginal Economic Development Framework (AEDF).

Land Rights

As a priority, it must be recognised that the key issue in economic development for Aboriginal people is land and the vital role it holds in cultural and social wellbeing.

The resolution of land claims is a major factor in the realisation of economic outcomes and the state must review its role and commitment to the finalisation of claims. The history of removal and dispossession of Aboriginal people from their land was addressed in NSW with the establishment of the NSW *Aboriginal Land Rights Act 1983* (ALRA). The ALRA is a compensatory regime which recognises that land is of spiritual, social, cultural and of economic importance to Aboriginal people. The failure to deliver on the determination of claims made under the ALRA is in a shocking situation with the current number of outstanding claims at approximately 27,700. It should also be recognised that some of these claims were lodged decades ago. An additional factor is the delay in the transfer of finalised claims and the need for improvement in this area was identified in the relevant Auditor-General's 2014 financial audit report.³ I have raised questions in the parliament relating to the delays

² http://www.acilallen.com.au/cms_files/acgaborigineemploymentnsw2011.pdf

³ <http://www.audit.nsw.gov.au/news/volume-fourteen-2014-focusing-on-trade-and-investment>

in the transfer of approved claims.⁴ I note that although the Auditor-General's 2015 report⁵ found that the number of approved claims awaiting transfer had dropped from 287 to 220, these claims involved land valued at approximately \$742 million.

Despite the amendment of the ALRA in 2014 and efforts by the government to streamline the assessment and completion of claims it remains a major flaw in the progression of independence and self-determination for Aboriginal people and must be addressed as a priority.

As the Minister for Crown Lands, Niall Blair, said in response to a question in the Legislative Council on 25 May 2015 in relation to the ALRA:⁶

"The Act was introduced in 1983 with the objective of compensating Aboriginal people for past dispossession, dislocation and removal of land and to provide a basis for the economic development of Aboriginal communities."

Recommendations 1 – Land Rights:

1.1 Prioritise the resolution of land claims under the ALRA, including clarification of the processes and protocols for the negotiated settlement of claims as defined in the 2014 amendments to create voluntary Aboriginal Land Agreements.

1.2 Provide additional resources to the Land Claims division of Crown Lands to address the backlog of claims and the surveying of land.

1.3 Introduce an appeal option for claimants to apply to an arbitrator for review of unresolved claims.

Historical Wrongoings – Stolen Generations; Stolen Wages

The ongoing General Purpose Standing Committee No. 3 Inquiry into Reparations for the Stolen Generations in NSW has consistently received evidence of the impact of forced removals on individuals and communities. It has also consistently heard of the inter-generational impacts of this practice and how the trauma has limited the opportunities for Aboriginal people to achieve self-determination. The Stolen Generations and their descendants have been impacted by the forced removal practices that deprived them of the right to their culture and their identity and the opportunity for education.

There is also the issue of Stolen Wages, where many Aboriginal People were 'employed' but did not receive remuneration and this has impacted dramatically on their economic independence.

The issue of Stolen Wages continues to be raised in the Stolen Generations inquiry. Despite the state delivering the **Aboriginal Trust Fund Repayment Scheme (ATFRS)** during the period of 2004 to 2010, its finalisation has not resolved all outstanding claims and should be reinstated to provide repayment of the monies to those who were not able to access their wages during the operation period of ATFRS.

⁴ <https://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/V3Key/LC20150813024>

⁵ <http://www.audit.nsw.gov.au/publications/latest-reports/volume-twelve-2015-part-1-trade-invest-tafe>

⁶ <http://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/V3Key/LC20150528036>

I urge the committee to recognise the past practices of the State and the impacts for Aboriginal people and particularly the economic impact through the loss of opportunities for education and employment, trauma, disadvantage and disempowerment suffered and how this has contributed to the vulnerability of Aboriginal people. There is a need for reparations for the wrongdoings of the past and the provision of assistance and support in recognition of those impacts that have contributed to the disadvantage Aboriginal people have faced historically and currently.

Reparations – Healing Centres. In relation to historical wrongdoings and the need for reparations there is an opportunity to provide assistance to the development of Aboriginal enterprises that are able to assist with the support for members of the Stolen Generations and their descendants.

The model of Healing Centres is one that provides both an individual and community based healing and advancement as they address the intergenerational trauma experienced by Aboriginal communities.

The committee should consider the work undertaken by the Federally funded Healing Foundation.⁷ There are a number of Healing Centres across the country including the Gurehlgam Healing Centre⁸ located in Grafton. The centre provides a safe space and dedicated support for Aboriginal people and provides them with access to a range of services that support their healing.

Recommendations 2 – Historical Wrongdoings:

2.1 Support the resolution of reparations for members of the Stolen Generations and their descendants.

2.2 Reinstate the **Aboriginal Trust Fund Repayment Scheme (ATFRS)** regarding Stolen Wages and ensure that a widespread communications policy is developed and notification to persons who advised Government and others that they had missed the previous process.

2.3 Acknowledge the lost opportunities for education, employment and independence experienced by the Stolen Generations and the inter-generational impact and provide identified programs to support.

2.4 Support programs such as Healing Centres, Language and Culture programs that address the wrongdoings of the past, including the trauma, culture and healing that enable the reconnection with cultural rights that can provide the basis for economic opportunities and the resilience that is necessary to enable Aboriginal to gain employment.

Governance and Commitment

Sadly, despite decades of policies, plans and strategies to address economic self-determination for Aboriginal people there has been little progress. The challenge for government is to review and re-evaluate how it engages and develops strategies and delivers programs.

⁷ <http://healingfoundation.org.au/>

⁸ <http://www.gurehlgam.com.au/>

Program Evaluation. The lack of independent analysis of past programs may reveal insight into the failure of past programs and investment by Government to deliver economic outcomes. There is a widely held view that much of the previous funding allocated to programs was not aimed at developing the governance and capacity that is required for Aboriginal people to prosper. Instead, much of the funding was directed toward the employment of non-indigenous people to set up offices and develop programs that failed to respectfully engage with Aboriginal people to understand and provide what was needed to empower them to be independent and achieve long term gains.

Engagement and Cultural Awareness Training. The Government must commit to a new model of engagement with Aboriginal people. There is a need for trust and respect; this is essential for the successful delivery of programs and for the relationship between Government and the Aboriginal community. Government must prioritise cultural awareness training to ensure that the priorities and programs that are developed are acceptable and achievable. Programs need to consider the localised specific needs of a community and work with them to identify the capacity of those communities as well as their individual and collective needs. The focus of program development must be on long term planning. There must be recognition that the factors that have resulted in the high level of disadvantage currently are the result of long term policies and practices and to rectify the current situation they must be addressed in the long term. There are no short term fixes and therefore the commitment must be inter-generational.

The commitment to develop cultural guidelines for engagement must include the recognition of established Aboriginal governance, Sorry business, Men's and Women's business and the time frame for engagement. Too often I have heard that the process of engagement is inappropriate for Aboriginal people. The time, place and style of engagement must factor in cultural appropriateness and also the ability for people to attend. The lack of transport is often an inhibiting factor for Aboriginal people to be in attendance at government-organised meetings. Instead of Aboriginal people being required to attend a city or town based meeting it would be more appropriate for government to go Aboriginal communities and meet on country or in a place that is Aboriginal owned or operated. The location of meetings and the commitment to cultural awareness training pays respect and allows people to feel more empowered in the process.

Employment and Procurement. The Government should improve its commitment to, and targets for, Aboriginal training and employment, and increase its commitment to the procurement of Aboriginal goods and services. In light of historical circumstances the Government could and should determine criteria that provide a positive advantage for Aboriginal organisations in the awarding of contracts to support and facilitate economic development.

OCHRE and Local Decision Making. The Local Decision Making model proposed under the OCHRE program has the potential to deliver outcomes but the Government must also ensure that the assessment of Aboriginal issues is part of a whole of Government process for change. Governments have failed to include the needs and rights of Aboriginal people in broad state planning processes and this

must be addressed to secure the potential outcomes that are required to meet the goals of addressing Aboriginal disadvantage.

Department of Aboriginal Affairs offices and officers. The delivery of economic and social outcomes for Aboriginal people also requires government to provide the localised support that is required to assist in the implementation of long term self-determination. In this area it is essential that government continue to provide locally based officer or office and the employment of local people in the delivery of Aboriginal Affairs services. I note that in recent years there has been the closure of a number of offices in regional NSW, including Wagga Wagga, Walgett, Brewarrina, Taree and Queanbeyan and a the lack of a far north coast office or officer with the nearest being Coffs Harbour. It is essential that the government review the provision of services to facilitate the most effective delivery of State based programs and services.

Crown Land – Sale/Leasing. There is a general perception that the State has undermined the intention of the ALRA with an ongoing program to sell and lease Crown Land. This requires review and a renewed commitment to the objects of the ALRA.

It is noted that recent *Crown Lands Act* review failed to adequately address the rights of Aboriginal people. The review included options for the transfer of Crown Land to local government and other stakeholders which would deny Aboriginal people the right and the opportunity to claim land under the ALRA. Any future review or amendment of the legislation must ensure respectful engagement prior to its release or introduction to the Parliament.

Cultural Fishing Rights. The *Fisheries Management Act* was amended in 2009 to recognise the spiritual, social and customary significance to Aboriginal persons of fisheries resources and to protect and promote the continuation of Aboriginal cultural fishing. The operational provision, Section 21AA has not been commenced.. There have been prosecutions against Aboriginal people for fishing, which have resulted in great hardship for individuals, family and communities including fines and incarceration based on a lack of respect for their cultural rights. Historically, fishing was a major economic avenue for Aboriginal people, providing economic and employment outcomes but also cultural connection and learning. There must be resolution of this issue and consideration of the cultural, social and economic benefits that exist for Aboriginal people regarding fishing rights.

Recommendations 3 – Governance and Commitment:

- 3.1** Evaluate past programs for economic development to identify the successes and failures to inform to future programs
- 3.2** Develop a protocol / Statement of Commitment that identifies the engagement process with Aboriginal people across the whole of Government
- 3.3** Establish a protocol to clarify the engagement process with Aboriginal stakeholders across the whole of government, including for legislation, planning, infrastructure and policies and strategies that affect Aboriginal people.

- 3.4** Initiate Cultural Awareness training across the whole of Government and especially for those public sector employees who interact with Aboriginal people and ensure that it is locally specific
- 3.5** Increase the Government commitment to the procurement of Aboriginal services within the public sector, including local government
- 3.6** Increase the Government commitment to the training and employment of Aboriginal people within the public sector, including local government
- 3.7** Encourage local government to increase training and employment of Aboriginal people with the development of incentives by State Government
- 3.8** Increase the provision of Government offices and services across the state and review the closures since 2011 with a view to reinstate
- 3.9** Review the training and employment opportunities for additional offices / officers to assist local communities
- 3.10** Commence the provision S21AA of the Fisheries Management Act
- 3.11** Review the prosecutions that have been taken since 2009 and consider overturning and compensating Aboriginal people
- 3.12** Undertake an economic assessment of the cultural fishing sector in NSW

Planning Laws, Heritage Considerations and Natural Resource Management

In NSW there has been a lack of appropriate legislation to recognise and ensure protection of Aboriginal rights in the planning process. There has also been a lack of engagement with Aboriginal people in the assessment and determination of planning matters and strategic planning. A protocol or statement of commitment regarding engagement would enhance the relationship with the Aboriginal community and provide the necessary clarity regarding future legislative and policy reform.

Heritage. The lack of appropriate heritage and planning legislation that protects and preserves sites of cultural significance is highlighted by the fact that the Government continues to allow the destruction and impacts on sites of significance. The failure to legislate for the adequate protection and preservation of Aboriginal heritage is a disgrace but it also negates opportunities for economic development with the development of cultural tourism.

Local Government. With the lack of recognition of the rights of Aboriginal people in planning processes, this is particularly relevant at local government level. Some councils' fail to respectfully acknowledge Aboriginal cultural heritage and engage with Aboriginal people to ensure that heritage is a priority consideration on public and private land.

The state must encourage local government to focus more strategically on its role to include and engage with Aboriginal people in the delivery of local programs. There are councils that do not embed the respectful consultation that is required to ensure that Aboriginal issues of culture and heritage, land management and social needs are part of the overall strategic management.

Councils should be required as a priority to develop Cultural Heritage registers and planning instruments to ensure that consideration of impact on heritage is a priority in development applications. There should also be protocols established to require applicants, including councils to consult with the relevant Aboriginal people prior to

lodgement of applications or at least prior to the public exhibition of applications to avoid the destruction of heritage sites.

Opportunities also exist for the employment of Aboriginal people within local government to provide access to training and education that would support the capacity of local Aboriginal communities as well as offer councils the insight and connection that is needed to deliver localized outcomes. The State could provide direction and/or incentives for local government to meet targets for the employment, training, engagement and inclusion of Aboriginal people.

Natural Resource Management. There are many positive outcomes with existing Aboriginal involvement in natural resource management and many other opportunities that could be explored. The National Parks and Wildlife Service (NPWS) has been a major employer of Aboriginal people with the management of the State's reserve system. There are also a number of Land Councils that manage Indigenous Protected Areas (IPA)⁹ which are Aboriginal owned lands where the owners have entered into an agreement with the Australian Government to promote biodiversity and cultural resource conservation. These programs provide Aboriginal people with the skills and professionalism to establish businesses to deliver services to other organisations, businesses and the community in general.

The Government could provide initiatives to provide greater access to employment for the management of other public lands.

Local Government could also be encouraged to employ Aboriginal land managers and there are a number of Aboriginal organisations providing land management, bush regeneration and heritage assessment services. For instance, the Worimi Green Team¹⁰ operates within the Worimi Local Land Council and provides professional bush services, including regeneration, plant identification and weed control services.

Recommendations 4 - Planning Laws, Heritage Considerations and Natural Resource Management:

4.1 Embed a commitment to genuine engagement with Aboriginal people in the assessment and determination of planning matters and strategic planning into the state's planning framework.

4.2 Strengthen protections for Aboriginal cultural heritage.

4.3 Require all councils to adopt frameworks / Statements of Commitment for consultation with Aboriginal people and records of cultural heritage to ensure engagement and protection in local planning matters.

4.4 Promote local government strategies for Aboriginal employment and training.

4.5 Extend opportunities for Aboriginal people to be employed and engaged in natural resource management.

⁹ <https://www.environment.gov.au/land/indigenous-protected-areas>

¹⁰ <http://worimi.org.au/green-team/services/>

Inhibitors to advancement

For many Aboriginal people there are factors that reduce their potential to more actively engage with employment and economic development. Government must be aware and supportive of overcoming the barriers that reduce involvement in programs including:

- Education – literacy and numeracy
- Transport – lack of drivers licence, trade skills
- Outstanding fines
- Lack of financial and technological literacy
- Housing
- Release from incarceration – lack of opportunities /support
- Substance dependence
- Workplace and community based racism

All of these barriers should be addressed at a local level and considered as an opportunity to advance not only the individuals capacity to engage in economic and employment opportunities but to also enhance the wellbeing of families and communities to provide positive examples and outcomes.

The government must look beyond its existing approach to programs and support initiatives such as Just Reinvest NSW:¹¹

***Justice reinvestment** aims to address the underlying causes of crime and improve outcomes for both individuals and communities.*

Justice reinvestment is a smarter, cost-effective approach to criminal justice being implemented overseas and now in Australia to reduce mass imprisonment and strengthen capacity in local communities. Evidence shows that when justice reinvestment is implemented, less people go to jail meaning more money is available for reinvestment. Justice reinvestment addresses the underlying causes of why crime is occurring to improve outcomes for individuals and communities.

Housing. It is vital that housing is considered in the delivery of economic outcomes and the recognition that it provides the stability and security for employment and economic outcomes. The expenditure on housing for Aboriginal people should consider the opportunity for improved delivery that includes opportunities for the design and delivery of housing. There are models in other states that include the design and delivery of skills for the construction and maintenance of housing.

Recommendations 5 – Inhibitors to Advancement:

5.1 Support the principle of justice reinvestment and review the research and initiatives that provide for the reallocation of funding to diversionary programs and early intervention.

5.2 Support the localised approach of justice reinvestment to undertaken whole of community engagement and cultural capacity building.

¹¹ <http://www.justreinvest.org.au/about/home/>

5.3 Undertake a review of government expenditure on criminal justice and corrective services and how redirection of funds is able to deliver long term causes of criminal behaviour and therefore more cost effective and beneficial outcomes.

5.4 Review the delivery of Aboriginal housing as a key factor in the ability for economic engagement and opportunities for skills development and business models that increase the appropriateness and implementation of increased housing.

Social and Emotional Wellbeing and Business Opportunities

The social and emotional wellbeing of Aboriginal people is recognized in the UN Declaration of the Rights of Indigenous Peoples:

The 2007 United Nations Declaration on the Rights of Indigenous Peoples, endorsed by the Australian Government, articulates these rights:

“Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.” Article 23

“Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.” Article 24

The NSW Government has committed to various strategies, statements and frameworks but there are still increasing negative outcomes for Aboriginal people. This may be due to the time lag for the delivery of outcomes but it must also be considered whether the appropriate level of cultural awareness training for public sector staff is sufficient. Unfortunately I have been aware in my portfolio responsibilities of examples of inappropriate action and responses from public sector employees toward Aboriginal people. It also needs to be a focus of government to provide for the delivery of services by non-government Aboriginal entities. There must be a priority for the delivery of programs addressing the social and emotional wellbeing of Aboriginal people to be delivered by Aboriginal people and to ensure that non indigenous people are trained in cultural awareness.

- FACS Aboriginal Strategy 2013 - 2015¹²
- Aboriginal Cultural Inclusion Framework – ADHC 2011-2015¹³
- Aboriginal Policy Statement – ADHC 2010¹⁴

¹²

http://www.facs.nsw.gov.au/data/assets/file/0007/297871/3251_FACS_Aboriginal_Strategy_21_05_14.pdf

¹³

https://www.adhc.nsw.gov.au/data/assets/file/0005/239837/Aboriginal_Cultural_Inclusion_Framework_2011-2015.pdf

There are many areas of service delivery that include:

- Primary health
- Mental health
- Child protection
- Disability
- Ageing
- Home Care
- Housing

The delivery of increased Aboriginal services, including by Aboriginal owned and managed organisations, could dramatically improve the outcomes in the areas of social and emotional wellbeing.

The employment and economic benefit of Aboriginal-based social and health services would be substantial and also improve the achievement of positive outcomes. It is important to recognise that for many of these wellbeing indicators there are ever-increasing negative outcomes. The increased rate of poor health outcomes, incarceration and child removals are often attributed to the lack of culturally based programs that respond to the needs and circumstances of Aboriginal people. A lack of cultural understanding and community connections can result in tragic outcomes that can escalate to a crisis.

There are great opportunities for training and employment in these sectors and there should be a focus on the capacity building and opportunities for Aboriginal owned enterprises to be established to meet the need.

There are some excellent examples of Aboriginal owned and managed social services including the following:

- Booroongen Djugun Aged Care Facility is a unique residential Aged Care facility located in Greenhill, Kempsey on the Mid North Coast of NSW. The facility was officially opened in early 1997 and offers High Care Home, Hostel and Dementia Specific secure beds.¹⁵
- Guardian Youth Care (GYC) (based in Burwood) is an Aboriginal and Torres Strait Islander controlled, not for profit, residential out of home care provider. The program provides varying residential support options for both Aboriginal and Torres Strait Islander and non-Aboriginal children and young people between 12 and 18 years of age. GYC has been operating residential care homes in Sydney for over a decade and has cared for over 300 children and young people in that time.¹⁶
- Awabakal Disability Service (located in Newcastle/Hunter) aims to provide short to medium term support to young people who are living with a disability.

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https://www.adhc.nsw.gov.au/data/assets/file/0003/236829/870_ADHC_Aboriginal_Policy_Statement_WEB_R.pdf

¹⁵ <http://booroongendjugun.com.au/aged-care-facility/>

¹⁶ <http://www.guardianyouthcare.org.au/>

The service targets these people who are still living at home, in order to maximize their independence and community participation. Awabakal is registered as a service provider for the NDIS (National Disability Insurance Scheme). The NDIS is a way of providing community linking and individualised support for people with permanent and significant disability, and for their families and carers.¹⁷

Recommendations 6 - Social and Emotional Wellbeing and Business

Opportunities:

- 6.1** Develop an Aboriginal Workforce Strategy for Community Service Employment.
- 6.2** Invest in training for Aboriginal community services.
- 6.3** Assist in the development of business plans and training for Aboriginal organisations to service the community service sector.

Business Enterprise Support Agency

Discussions with some Aboriginal organisations have identified that there are opportunities for the delivery of services, but there are hurdles for some of the organisations to meet the challenges in establishing and meeting the regulatory and governance requirements. In some circumstances there is a myriad of legislative requirements that span all levels of government and assistance in the development of business plans and workforce management would assist in the success of new and existing ventures. Government could provide a support agency to assist such organisations to develop local enterprises that are able to the service demands of Aboriginal communities.

Cultural Awareness Training and Business Mentoring. There are also opportunities for mentoring programs from the private sector and if government was to promote and encourage such arrangements there may be significant benefit for the whole community.

In undertaking any such arrangement, it should be noted that the delivery of cultural awareness prior to any engagement is necessary and that the cultural training should be locally focussed and undertaken by local Aboriginal groups to identify the key localised cultural issues. The encouragement of cultural awareness training for businesses and community organisations would also create an economic opportunity for Aboriginal groups in relation to the training that would build the capacity and opportunities for greater understanding and more meaningful outcomes.

Recommendations 7 – Business Support Agency:

- 7.1** Establish a Business Support Agency to assist Aboriginal people to establish businesses.
- 7.2** Support the skills development in business, governance and reporting that is necessary for the success of business models.
- 7.3** Establish a business mentoring program by encouraging the business community to assist Aboriginal people in developing business skills.

¹⁷ <http://www.awabakal.org/services/disability-services>

Specific Programs – Arts, Culture and Tourism

I note that the Government has existing programs for Aboriginal Arts, Culture and Tourism but the delivery of outcomes is limited. To address the future potential of these important areas of economic development a review of the existing programs in consultation with Aboriginal people may reveal additional opportunities to increase positive economic impacts

Arts. There is great potential for economic development in the wide field of the arts. Aboriginal art, including visual, music, food and dance are widely appreciated and should be supported by the state by providing the training, employment and investment in initiatives that seek to present Aboriginal art and culture.

There are opportunities for small scale enterprises, including sole traders or small companies employing fewer than 20 people to deliver sustainable economic models. It should also be recognised that the internet offers unique options for the presentation and sale of works.

Tourism – the need for accreditation. It is well documented that Aboriginal cultural tourism is a major attractor for visitors, especially the overseas traveller and therefore a major source of economic development but also a source of conflict if not properly regulated.

Support for Aboriginal tourism should address the need for an accreditation system for cultural tourism. Currently, without any regulation some tourism operators impart opinions and offer cultural experiences that may impact on the beliefs and values of Aboriginal people and interfere in a negative way with sites of significance. A system of accreditation would provide the opportunity for any non-indigenous tourism operator to employ Aboriginal people to provide a cultural experience and promote the product as a culturally accredited experience. The other aspect is to ensure that the product provided is appropriately delivered by Aboriginal people who have connection and association with the area. A system of cultural awareness for all tourism operators would also support Aboriginal employment in this field.

Some initiatives for tourism development are limited due to the failure to address land rights and the transfer of land that would enable the development of cultural and tourism programs that are Aboriginal owned and managed.

It is clear there is great potential for economic gain from Aboriginal cultural tourism and the integrity of the industry relies on the 'product' being authentic.

Recommendations 8 – Specific Programs:

- 8.1** Increase the level of funding and support for training for the Aboriginal cultural tourism and arts business sectors.
- 8.2** Increase the level of funding support for the development of business plans and start-up funding for Aboriginal tourism and arts ventures.
- 8.3** Establish an Aboriginal Cultural Tourism Accreditation Scheme.
- 8.4** Increase promotion and support for Aboriginal art and tourism programs.

Conclusion

Again, thank you for the opportunity to make a submission to this inquiry. I believe it is a significant time to set in place a better future for Aboriginal people, one that respects their cultural and spiritual values and recognises the wrongdoings that have impacted on them. I also encourage members of the committee to read a recent publication by Professor Mark Moran, who leads the Development Effectiveness group at the Institute for Social Science Research, University of Queensland. 'Serious Whitefella Stuff – When solutions became the problem in Indigenous Affairs' identifies some of the key issues that address the effectiveness of government programs to address Aboriginal issues.

On the following pages, please find a brief case experience I have been involved with over many years in Byron Shire, along with a summary of the recommendations in this submission.

If you have any queries regarding the submission, please do not hesitate to contact me.

Yours sincerely,

Jan Barham MLC

The Greens NSW Spokesperson on Aboriginal Affairs

CASE STUDY - Arakwal Bundjalung People of Byron Bay

Over the last two decades I have worked with the local Aboriginal community in Byron Shire. Since 1994 I was closely involved with the Arakwal People in the process of developing an Indigenous Land Use Agreement (ILUA) ¹⁸ with the NSW Government that has provided enormous benefit to the community in the delivery of a wide range of outcomes, including economic. The ILUA was a process led by Elders who were very focused on the need to ensure long term economic and social outcomes as well as the cultural and ecological. I was their priority to embed in the agreement the opportunities for education, employment and economic outcomes. The ILUA was the first in Australia to deliver a range of outcomes that included the dedication of a co-managed National Park that secured training and employment as part of the establishment of the Arakwal NP. I was honoured, as mayor, to be included in that process which included the development of the Arakwal NP Management Plan.

The ILUA also transferred land in freehold that included a Crown Caravan Park that is now operated by the Arakwal Corporation. The return of the Elders' original home site, from where they had been removed and taken to Cabbage Tree Island Mission was transferred and the land is now being utilized for housing. In the longer time frame there is a plan for the development of a Cultural Centre on another site. The delivery of these outcomes is made possible by the freehold dedication of another piece of land that is able to provide the financing for these projects.

What has been clear in the establishment of this process and the realization of the intended outcomes has been the vital need to ensure that there is adequate training in governance for the Arakwal. The State has been able to provide training that assists the Arakwal NP Board members for their employment by the NPWS and also provided assistance for the development of business plans, and governance training. This approach has been successful and contains valuable lessons for the achievement of the goals of self-determination. The Arakwal NP is adjacent to the Cape Byron Reserve Trust and is the second most visited destination in NSW.

The Arakwal People's involvement in the management of all of the NPWS reserve lands within Byron Shire adds a level of management that provides the community, visitors and the State a well-recognised high standard that meets ecological and cultural responsibilities. The Arakwal also offer cultural tourism opportunities and have been the recipients of a number of Tourism NSW and Tourism Australia awards as well as an two IUCN awards including recognition of their Green List in 2014.

The International Union for the Conservation of Nature Green List of Protected Areas (IUCN Green List) is a new initiative to encourage, measure, celebrate and share the success of protected area excellence. National Parks and Wildlife Service has been working with IUCN representatives to pilot the Green List nomination process. There are currently three National Parks and Wildlife Service managed reserves accepted to the International Union for Conservation of Nature (IUCN) Green List of Protected Areas (GLPA):

¹⁸ <http://www.nntt.gov.au/ILUAs/Pages/default.aspx>

- [Arakwal National Park](#)
- [Cape Byron State Conservation Area](#)
- [Montague Island Nature Reserve](#)¹⁹

On the Environment NSW website there is information relating to these incredible achievements.

*Arakwal National Park and Cape Byron State Conservation Area meet the global standard of excellence in protected area management. This has been acknowledged the IUCN Green List committee following the provision of sufficient evidence to demonstrate sound planning, equitable governance, effective management and successful outcomes.*²⁰

What should not be overlooked is the value of high quality management of the State's reserve system to the reputation of NSW as a leader. There is also a vast contribution to the appeal of the destination in tourism terms. It is identified in the Visitor Economy Taskforce Report that the two priority attractions for overseas visitors are the natural environment and cultural experiences with Aboriginal people.

¹⁹ <http://www.environment.nsw.gov.au/parktypes/Green-List.htm>
²⁰ <http://www.environment.nsw.gov.au/parktypes/140800ArakwalGL.htm>

Summary of Recommendations

Recommendations 1 – Land Rights:

- 1.1** Prioritise the resolution of land claims under the ALRA, including clarification of the processes and protocols for the negotiated settlement of claims as defined in the 2014 amendments to create voluntary Aboriginal Land Agreements.
- 1.2** Provide additional resources to the Land Claims division of Crown Lands to address the backlog of claims and the surveying of land.
- 1.3** Introduce an appeal option for claimants to apply to an arbitrator for review of unresolved claims.

Recommendations 2 – Historical Wrongoings:

- 2.1** Support the resolution of reparations for members of the Stolen Generations and their descendants.
- 2.2** Reinstate the **Aboriginal Trust Fund Repayment Scheme (ATFRS)** regarding Stolen Wages and ensure that a widespread communications policy is developed and notification to persons who advised Government and others that they had missed the previous process.
- 2.3** Acknowledge the lost opportunities for education, employment and independence experienced by the Stolen Generations and the inter-generational impact and provide identified programs to support.
- 2.4** Support programs such as Healing Centres, Language and Culture programs that address the wrongdoings of the past, including the trauma, culture and healing that enable the reconnection with cultural rights that can provide the basis for economic opportunities and the resilience that is necessary to enable Aboriginal to gain employment.

Recommendations 3 – Governance and Commitment:

- 3.1** Evaluate past programs for economic development to identify the successes and failures to inform to future programs
- 3.2** Develop a protocol / Statement of Commitment that identifies the engagement process with Aboriginal people across the whole of Government
- 3.3** Establish a protocol to clarify the engagement process with Aboriginal stakeholders across the whole of government, including for legislation, planning, infrastructure and policies and strategies that affect Aboriginal people.
- 3.4** Initiate Cultural Awareness training across the whole of Government and especially for those public sector employees who interact with Aboriginal people and ensure that it is locally specific
- 3.5** Increase the Government commitment to the procurement of Aboriginal services within the public sector, including local government
- 3.6** Increase the Government commitment to the training and employment of Aboriginal people within the public sector, including local government
- 3.7** Encourage local government to increase training and employment of Aboriginal people with the development of incentives by State Government
- 3.8** Increase the provision of Government offices and services across the state and review the closures since 2011 with a view to reinstate
- 3.9** Review the training and employment opportunities for additional offices / officers to assist local communities

- 3.10 Commence the provision S21AA of the Fisheries Management Act
- 3.11 Review the prosecutions that have been taken since 2009 and consider overturning and compensating Aboriginal people
- 3.12 Undertake an economic assessment of the cultural fishing sector in NSW

Recommendations 4 - Planning Laws, Heritage Considerations and Natural Resource Management:

- 4.1 Embed a commitment to genuine engagement with Aboriginal people in the assessment and determination of planning matters and strategic planning into the state's planning framework.
- 4.2 Strengthen protections for Aboriginal cultural heritage.
- 4.3 Require all councils to adopt frameworks for consultation with Aboriginal people and records of cultural heritage to ensure engagement and protection in local planning matters.
- 4.4 Promote local government strategies for Aboriginal employment and training.
- 4.5 Extend opportunities for Aboriginal people to be employed and engaged in natural resource management.

Recommendations 5 – Inhibitors to Advancement:

- 5.1 Support the principle of justice reinvestment and review the research and initiatives that provide for the reallocation of funding to diversionary programs and early intervention.
- 5.2 Support the localised approach of justice reinvestment to undertaken whole of community engagement and cultural capacity building.
- 5.3 Undertake a review of government expenditure on criminal justice and corrective services and how redirection of funds is able to deliver long term causes of criminal behaviour and therefore more cost effective and beneficial outcomes.
- 5.4 Review the delivery of Aboriginal housing as a key factor in the ability for economic engagement and opportunities for skills development and business models that increase the appropriateness and implementation of increased housing.

Recommendations 6 - Social and Emotional Wellbeing and Business Opportunities:

- 6.1 Develop an Aboriginal Workforce Strategy for Community Service Employment.
- 6.2 Invest in training for Aboriginal community services.
- 6.3 Assist in the development of business plans and training for Aboriginal organisations to service the community service sector.

Recommendations 7 – Business Support Agency:

- 7.1 Establish a Business Support Agency to assist Aboriginal people to establish businesses.
- 7.2 Support the skills development in business, governance and reporting that is necessary for the success of business models.
- 7.3 Establish a business mentoring program by encouraging the business community to assist Aboriginal people in developing business skills.

Recommendations 8 – Specific Programs:

8.1 Increase the level of funding and support for training for the Aboriginal cultural tourism and arts business sectors.

8.2 Increase the level of funding support for the development of business plans and start-up funding for Aboriginal tourism and arts ventures.

8.3 Establish an Aboriginal Cultural Tourism Accreditation Scheme

8.4 Increase promotion and support for Aboriginal art and tourism programs.