

**Submission
No 22**

**INQUIRY INTO ECONOMIC DEVELOPMENT IN
ABORIGINAL COMMUNITIES**

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The Director
Standing Committee on State Development
Parliament House,
Macquarie Street
Sydney NSW 2000

Dear Director,

Submission: NSW Upper House inquiry into economic development in Aboriginal communities

Please accept the following submission to your inquiry that will address your terms of reference into strategies that support economic development in Aboriginal communities in New South Wales, including but not limited to:

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

I will provide a brief background of my own expertise to enable the readers to substantiate my professional standing.

Authors Background

I have a Masters and a Doctoral dissertation that reviews Indigenous Australian entrepreneurship, the first PhD in this area in Australia by an Indigenous Australian. My vocational experience includes a decade in middle to senior management in the commercial banking sector followed by 23 years experience in academia. Accordingly I am often referred to as Australia's most experienced Indigenous academic in the discipline of Indigenous Australian entrepreneurship and enterprise.

To illustrate my depth of experience in research regarding Indigenous Australian economic development the following are direct quotations from the Peer Assessment reports regarding the quality of my individual research expertise, taken from my most recent successful Australian Research Council rejoinder for Proposal IN160100011, titled 'Aboriginal Economic Development: Impact of Indigenous Chambers Commerce'. These comments were

Assessor 1. *"CI Foley holds much credibility in this field. His contribution to the field of Australian Indigenous business and economic engagement is significant, and his personal knowledge of the field is very strong"*.

Assessor 2. *“Outstanding: Of the highest quality and at the forefront of research activity in this space. Prof. Foley leads research in the space of Indigenous entrepreneurship and enterprise development in Australia”.*

Assessor 3. *“Professor Foley has done more than any other Australian researcher to develop the study of Indigenous businesses. He is an influential commentator on a central problem in that field: defining the category 'Indigenous business'. He has argued for a wider, more inclusive definition than that used by the Australian government in its agency Supply Nation. It is mark of the quality of his work that he has been reflexive about the politics of definition: he has pointed to the danger that a definition that maximises the potential membership of that sector and thus the membership of the lobby group Indigenous Business Council of Australia will be a definition that encourages opportunistic behaviour by businesses of minimal 'Indigenous' character. He has advocated the view that this risk is worth taking because he considers business partnerships involving mixed descent couples and businesses with less than 50 per cent Indigenous equity are worthy of targeted support because of their willingness to employ Indigenous Australians. Foley is thus not a detached observer external to the object that he is studying: his studies align with and thus help to validate contentious definitions of the objects of governmental patronage (and of study). His dissent from the Supply Nation definition makes his work important as a contribution independent of the Australian government”.*

Peer review such as this substantiates the depth of knowledge that I have attained within a key Indigenous Australian policy area that will be illustrated in the following submission.

Key Issue

Three key issues will be addressed;

1. the concept of what is an Aboriginal community,
2. history of Aboriginal economic development, and
3. the development of future policy based on what works

Key Issue One.

A key issue that arises from the terms of reference that could pose a problem in the development of this Standing Committee subsequent finding is the Committees use of the word *community*. Far too often non-indigenous people are under the impression that most if not all Indigenous Australian peoples reside in an abstract community. The concept of a community is often perceived within the colonial construct of the ‘mission’ structure. This is obviously incorrect. I refer to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs report tabled on Monday 20 October 2008, on the inquiry into developing Indigenous enterprises entitled *Open for Business: Developing Indigenous enterprises in Australia* and my own research which was referenced repeatedly within the Federal Parliaments report, *Indigenous Australian Entrepreneurs: Not Community and Not in the Outback* (Foley 2006). Indigenous Australians predominantly live within large regional towns or capital cities. The environs of Sydney as an example enjoy the single largest Aboriginal population in Australia of 54,434 people estimated by the Australian Bureau of Statistics (ABS) as at 2011 (ABS 2011a), almost as large as the entire Northern Territory Indigenous population of 68,850 persons in that same period (ABS 2011b). If we include the Blue Mountains and northern Illawarra and Newcastle - Central Coast regions the Aboriginal population of the Greater Sydney region actually exceeds the entire Indigenous population of the Northern Territory. The majority if not all Aboriginal people live in urban

existences, not in enclaves or ‘community’ developments solely occupied by Indigenous peoples.

The concept of ‘community’ however has many multifaceted applications. Indigenous entrepreneurs and enterprises can be community concerns within the definition of social entrepreneurship or they can stand alone, capitalistic enterprises consisting of sole traders, partnerships (often with non-indigenous) and registered companies which is the cutting edge of Indigenous economic development. Aboriginal people in business are not necessarily community based businesses, they can be members of a community but their enterprises are in the majority privately owned. Please ensure that the Standing Committee defines and acknowledges these differences as the distinction and resultant policy formation has a huge impact on any success in the economic development of Aboriginal people. Far too often we have seen policy in NSW on Indigenous economic development dissipate within government projects without specific goals, targets and outcomes, rather they fade away into ‘community’ initiatives such as the rhetoric NSW traditional owners have endured within Land Council legislation that precludes them.

Key Issue Two.

The Aboriginal and Torres Strait Islander Commission (ATSIC) recognised and recommended to the government the need for improving the economic and social status of Indigenous people in reducing poverty which would create benefits for all Australians two decades ago (ATSIC 1998) which followed the 1991 Royal Commission into Aboriginal Deaths in Custody that concluded Aboriginal and Torres Strait Island people are: ‘the most socially, economically and culturally disadvantaged group in Australian society’ (Commonwealth of Australia 1992: 1).

Indigenous Leaders also endorse the need for economic development and Indigenous enterprise. Mr. Gatjil Djerrkura, former ATSIC Chair in his opening speech on economic development at the conference ‘Doing Business with Aboriginal Communities’ in Alice Springs on February 24, 1998 summed up the need:

... why is economic empowerment necessary? ... We need to find a way out of welfare dependency. We need to find replacements for the traditional economic activities of the past ... our young people are growing in number and they will need something productive and meaningful ... we need to be participants, rather than bystanders ... we need to develop indigenous businesses and entrepreneurs (1998: 2).

The development of Indigenous businesses has been advocated as a possible means of escaping from welfare dependency (Foley 2005; Fuller, Dansie, Jones and Holmes 1999; Herron 1998) [and poverty]. Indigenous Australia needs economic development to achieve self-reliance on a path to self-determination (ATSIC 1998b; Djerrkura 1998; Foley 2005; Herron 1998).

As at June 30, 1996 the former federal government funded agency, the Aboriginal and Torres Strait Islander Commission’s (ATSIC) Business Funding Scheme’s loan portfolio was comprised of only 489 active loans (ATSIC 1997). The majority of these loans were to community based Aboriginal Corporations rather than to individuals. It should be noted that funding programs over the previous twenty years have resulted in little commercial success. A restructure of the ATSIC Business Development Program in 2002-2003 resulted in one hundred and twenty new loans totalling \$6.3m being funded with an increased number to

individuals and an increased emphasis on serviceability (ATSIC 2003). The number of commercially viable businesses supported by ATSIC increased from 489 in 1996 to 631 in June 2003 (ATSIC 2003). A large percentage of this loan portfolio however is without personal guarantees and is to what I would define as community based organisations.

Indigenous entrepreneurs as of 1996 were statistically few in number (Foley 2000) and the peak funding body then (ATSIC) as a policy invested in group/community based ventures over stand alone individual entrepreneurial pursuits (Foley 2005). With the demise of ATSIC in 2004 Indigenous Business Australia (IBA) took over the loan portfolio of ATSIC and adopted a more commercial 'bank' style attitude to lending based on securities and guarantees. Gone was the 'community' type economic funding as these were based on readdressing social issues from the negative aspects of colonisation rather than commercial serviceability and economic viability. To my knowledge there have been few if any ATSIC funded 'community' loans that were repaid due to the attitude within the Aboriginal community by many that 'whitey owes us' and being a community organisation there was no individual ownership of the debt. If the venture failed the individuals lost nothing personally.

Within Indigenous economic development programs since the Whitlam years there is an almost blanket understanding that communities (a loosely defined group of people, or possibly not defined at all: a mere administrative convenience) are targeted for funding whereas specific individual Indigenous entrepreneurs who are accountable individuals are often not considered in the equation or are rarely mentioned, as explained within the preamble of the Indigenous Business Review (IBR 2003: 7). I cannot stress enough that there are major differing distinguishing characteristics between community-based businesses and stand-alone ventures given their different structural associations and business objectives.

The IBR (2003) reinforced the shortcomings of community-centred commercial and economic development as mentioned previously for community ventures often lack appropriate governance mechanisms, so that cultural demands often determine the use of funds rather than prudent financial management (IBR 2003: 46–49). It is on this basis that the former Aboriginal and Torres Strait Islander Commercial Development Corporation (CDC) was widely criticised for forming partnerships with Indigenous communities rather than individuals (McDonnell 1999: 2).

The 1991 the Royal Commission into Aboriginal Deaths in Custody (Commonwealth of Australia 1991) criticised ATSIC's stringent commercial eligibility requirements, contrary to my previous statement which resulted in the establishment of the Indigenous Business Incentive Program (McDonnell 1999: 2). In contrast to the Royal Commission findings, the 2003 IBR report noted unsatisfactory due diligence by ATSIC staff in the monitoring of 'community' loans (IBR 2003: 28-9). Thus, a frustrating picture emerges regarding Indigenous economic development which continues in the current administration of the NSW Department of Aboriginal Affairs to the time of writing in their management of economic development within the OCHRE project. Despite the former NSW Minister for Aboriginal Affairs the Hon Victor Dominello working with a sound team in economic development within the Department of Aboriginal Affairs, his economic program under OCHRE (Opportunity, Choice, Healing, Responsibility & Empowerment) has been cancelled. Interestingly most if not all of these key staff are no longer employed there, one should ask why? The OCHRE project is holistic and contains clear outcomes yet economic development remains in the smoking mirror category of policy with no set targets or initiatives other than broad statements to date. The current Minister on her appointment not only ceased the implementation Victor Dominello's programs, the Department of

Aboriginal Affairs engaged more consultants at taxpayers expense after this issue had been fully consulted by Dominello and now a new plan is in draft. Interestingly key stakeholders in any Aboriginal Economic Policy Development such as the Minerals Councils, key academics such as myself or the NSW Indigenous Chamber of Commerce were not consulted, another question, why not?

The Minister for Aboriginal Affairs the Hon Leslie Williams and the Head of Department, Mr Ardler were not available for comment as they were in New Zealand searching for “what works” as advised by Ms Haylene Grogan, Director Policy and Reform.

Bureaucratic misjudgements have played a part in the failure of many Indigenous community-based businesses and commercial stand alone businesses due to the inability to act within commercial time-frames or pure ignorance of commercial undertakings. This is of concern because these failures inevitably reinforce negative stereotypes of Indigenous Australians— including the popular belief that Aboriginal people cannot manage their own financial affairs. To illustrate this, one example that highlights poor management by bureaucrats of a community-based organisation is the Warai pastoral enterprise on the Finnis River in the Northern Territory. I will purposely use a non-NSW example to ensure I do not highlight the possible incompetence of any individual NSW public servant.

The Warai pastoral enterprise received considerable funding from several government departments and agencies without adequate consultation and coordination between the government and community stakeholders. No research or planning was undertaken to ensure the existence of the necessary financial management tools to run a business (Fuller and Parker 2002: 100, 120 & 121). Despite ‘expert’ non-indigenous written consultants reports an extensive range of infrastructure was constructed for the community venture with little being done to ensure its ongoing success through the provision of adequate financial management skills, working capital or marketing plans that set out target profit margins. Did the consultants like so many since talk to the key stakeholders, no. Did they use as many non-indigenous consultants do, off the shelf business plans that have no relativity to the real situation, yes as advised by Dr Fuller (Foley 2005).

This Aboriginal enterprise floundered and did not achieved its potential due to poor planning and lack of synchronisation of basic commercial business practice. The community members did not have management ownership or sweat equity, and they did not have the necessary professional experience or education to manage such a lavish operation which turned out to be economically unviable.

Modern stock yards now sit rusting in the tropical sun as a symbol not of public service incompetence but rather as a cenotaph to the detractors and the shock jocks of the media industry against Aboriginal economic development.

Case study analysis of business failures such as Warai, highlight the lack of financial literacy, business management expertise and basic office administration skills within some Indigenous communities (Foley 2006). This is the key issue that needs to be addressed in my opinion by the Standing Committee. For without the provision of business infrastructure and the necessary financial and management skills, community-based businesses let alone individual commercial enterprises are being set up for failure.

This reflects negatively on both the Indigenous communities involved and the organisations that are created to assist them. Historically the IBR highlighted that ‘business development should be separated from social and welfare issues’ (2003: 41). In general Indigenous economic and entrepreneurial development has been hampered by funding practices that warrant greater attention to informed planning, coordination and quite frankly the use of

external consultants who do not talk to the key stakeholders and/or are contracted with a departmental agenda. Recently (as previously mentioned) the NSW Department of Aboriginal Affairs as an example employed a consultant to review the OCHRE project and economic development yet their activity within the Aboriginal community of NSW remains a mystery, so who did Tony Powers and Associates consult?

The frustration to the Aboriginal community is compounded when many government publications regarding Indigenous economic reform make reference only to Aboriginal 'communities'. There is little recognition of the socio-economic category of the individual Aboriginal entrepreneur. Even the Miller Report continually refers to community development when it is discussing the development of the urban individual (1985: 383-6). Historically the development and implementation of the Aboriginal Employment Development Policy (AEDP) was the most significant report in this area that followed the Miller Report. The AEDP does make some reference to the improvement of Indigenous socioeconomic participation through income equity, equality, economic empowerment, skills acquisition, labour mobility and employment diversification (Commonwealth of Australia 1994: xiv). The AEDP however falls short in its application to this discussion as it is primarily a labour market governed policy through its employment and training goals rather than approaching the concepts of self-employment (Finlayson 1995: 1).

To highlight the over contextualisation of the word 'community', Kevin Andrews, the former federal Minister for Employment and Workplace Relations made public his views on public service delivery in his speech entitled *The Business of Indigenous Affairs*. He used the term 'communities' five times in four successive paragraphs (Andrews 2005: 7). The former Minister did not directly address any issues related to individual Indigenous entrepreneurs. The individual Indigenous Australian business person needs to be recognised so that this vital area of Aboriginal commerce can be nurtured to allow the subsequent encouragement of new Indigenous enterprises.

The late Sir William McMahon in his 1972 *Statement on Aboriginal Affairs*, announced Aboriginal people 'should be assisted as individuals and if they wish as groups' (Andrews 2005: 3). Sir William correctly identified the need to provide assistance to individuals as did the former Prime Minister John Howard in his 2004 election policy:

... the Coalition's commitment to improving the circumstances of Indigenous Australians is based on: Focusing on individuals by encouraging self-reliance ... [and] Enhancing the capacity of ... individuals to manage their own affairs (Loughnane 2004: 6).

Former Prime Minister's McMahon and Howard acknowledged the importance of the individual, as does Indigenous leader Noel Pearson who stated:

...economic development requires individuals to come to the fore, to be mobile and not look in the communal for material sustenance' (2005: 2).

I implore that the Standing Committee understands and does not duplicate the literary rape of cultural integrity in the wanton use of 'community' when referring to the Indigenous inhabitants of NSW. Yes as Indigenous Australians we are members of clans, of language groups and of distinct skin groups, and yes we belong to many different and varied communities however economic development must begin with the building block which is the individual. They in turn provide for their partners children and siblings which are then the abstract community. Any economic development program must consider the individual first,

do not fall into the colonial mistake of casually referencing Indigenous Australians as ‘communities’.

Key Issue three: the development of future policy based on what works

NSW has been at the forefront of small business assistance. The small business development scheme commenced in NSW in the late 1990’s which included the New Enterprises Incentive Scheme is one example. For a time being this involved Indigenous mentors for the Indigenous small business targeted market however it soon collapsed and was ineffective due to poor staffing and attitudes of the non-indigenous senior management and non-indigenous field staff who to this day (in general) deflect enquiries from potential Indigenous small business operators to Indigenous Business Australia (IBA) or other agencies. I have even acted as a potential business person to experience this and once the manager of the Business Enterprise Centre (BEC) knew that I was Aboriginal they referred me to IBA even though they have an Indigenous business adviser in the Hunter.

Aboriginal businesses in NSW basically had only one Governmental alternative and that is deal with Indigenous Business Australia for business assistance or they can deal with the Indigenous Chamber of Commerce network. A grassroots, non-government funded organisation that provides assistance to its members and acts in an advocacy role.

IBA up until recently used a panel of business advisers for nascent entrepreneurs in the start-up stage. They look at providing Business Skills and Planning to enable the entrepreneur to:

- understand their chosen industry
- gain thorough research into and knowledge of the products and services offered by the applicant
- understanding of the target market, and
- an appreciation of the skills required in managing both the day-to-day and long term finances and operations of a business.

IBA staff purportedly work with the applicant to review individual circumstances and identify what further training, guidance or advice they may need. In addition they advertise that they provide Business Support to better develop the applicant’s research, vocational and management skills, then the greater the likelihood of business success (IBA 2016).

Applicants are encouraged to explore a range of training options, including formal courses, apprenticeships and traineeships, as well as mentoring and workshops, such as those offered by business.gov.au, TAFE, or other government/private agencies. Currently they advertise that in the future Indigenous Business Australia (IBA) may create its own business skills training initiatives and they ask you to register on their website (refer <http://www.iba.gov.au/business-ownership/starting-your-business/business-skills-and-planning/>) however the Prime Minister and Cabinets Office (PMC) had confirmed with the author on 9th February 2016 that PMC had already allocated over \$20m for this very task.

The IBA also is well known for its Business Planning through their panel on non-indigenous ‘experts’ utilising off the shelf business plans that often have little to no relationship to the accuracy of the enterprise however you need this to obtain access to IBA Finance. I base this on over 200 interviews and resultant case study analysis with current or previous IBA Indigenous clients.

Whilst IBA has a prudent track record they are well known among the Aboriginal community as a Clayton's Bank, if you want to waste countless hours dealing with consultants and repetition in dealing with minute questions with their staff who lack transparency and permanency, and it takes months in the business planning and often between 6 and 12 months in the business finance for an approval.

Another alternative for the NSW Indigenous community is to apply to commercial Banks, which is a negative experience unless you have collateral security (which most Indigenous Australians do not have), are prepared to face possible racist attitudes by bank staff and Banks do not provide support mechanisms for business development.

Apart from Angel Investors and the like the only organisations that has a track record in Indigenous small business promotion, development skills enhancement and advocacy is the NSW Indigenous Chamber of Commerce and the Mandurah Hunter Indigenous Business Chamber.

Future Policy development surrounding them has been shown to work. The Hon Victor Dominello and his then team of economic advisors thought so in OCHRE stage one where the NSW Chamber in partnership with the NSW Department of Aboriginal Affairs created a computer accessible Indigenous small business portal. The NSW Government supplied \$45,000 for the initial setup and has failed to provide any supportive funding in the maintenance of this important web based link between the NSW Indigenous business and industry. The portal provides easy access of information for industry procurement officers. It should be noted that this was established 12 months before the Supply Nation web link.

The NSW Indigenous Chamber of Commerce was established in 2011, Mandurah several years previously with the mandate to assist economic independence and autonomy for Indigenous entrepreneurs at the local and regional level and to encourage an entrepreneurial culture within local and regional Indigenous communities. There is a major difference between mainstream Business Chambers and Indigenous Business Chambers. Mainstream Chambers are networking organisations, while Indigenous Chambers provide this **AND** they actively foster trade, educate their members on business, advocate for Indigenous business owners locally and promote wealth creation (most Indigenous business owners are first generation business owners).

Indigenous Business Chambers are the capacity building arm of the sector. Supply Nation (formerly AIMSC) does not provide and capacity building support mechanisms. The Business Chambers work within the regions to feed the supply chain by building capacity and transferring critical skills to Indigenous Business Owners and their employees. This often leads to an increase of Majority Owned and Controlled Indigenous Businesses which the Chamber if applicable then refers to Supply Nation for Certification. Advocacy roles have included defending a member who was facing persecution off the Australian Taxation Office, an investigation with the Commissioner of Small Business highlighted incorrect actions by the ATO staff. If the Indigenous Chamber did not support this member not only would the Indigenous business be liquidated seven Indigenous single mothers would have been unemployed.

Indigenous Chambers of Commerce advocate for their members at the regional level and promote their engagement to Industry and Government. They also play an important role in educating Industry and Government procurement teams about the Local Indigenous supply of

goods and services in fostering new relationships between Indigenous and Non-Indigenous Companies which includes a MOU with the NSW Government, and numerous other industry agreements with the Minerals Council of NSW, Master Builders Association and others. Throughout the process the Business Chambers identify the needs and gaps within the member's individual business environment as well as any model and case studies which work well including government programs aimed at supporting the sector. Indigenous Business Chambers are the capacity building arm of the sector thus they should be a key factor in OCHRE stage 2 and any future economic development within NSW.

Recommendations

Indigenous Chambers of Commerce are grassroots organisations currently running on goodwill without government financial assistance duplication services that government cannot provide in a culturally viable environment. With suitable establishment funding Indigenous Chambers can be a sustainable fee for service and a paid business provider for organisations such as Indigenous Business Australia and a paid alternative to the current BEC (Business Enterprise Centre). The Indigenous Chambers are currently doing this very work and acting as go betweens when the IBA and BEC's fail. They need a sustainable income source.

Recommendation One: sustainable fee for service structures be provided to Indigenous Chambers so that they can improve their service to their members and the public.

The NSW Indigenous Chamber of Commerce has assisted the NSW Department of Aboriginal Affairs in the implementation of the economic development within OCHRE Stage One, the NSW Government should continue to support and develop the invaluable work of the Chambers.

Recommendation Two: the NSW Department of Aboriginal Affairs continue to fund the maintenance and marketing of the Indigenous Business Portal to an annual sum of \$50,000.

Literature has conclusively shown that Indigenous owned businesses statistically employ more Indigenous staff than non-indigenous businesses (Hunter 2014).

Recommendation Three: the Committee recommend policy to strengthen the procurement of goods and services from Indigenous owned businesses to enable more Indigenous people be employed within the growing cells of Indigenous business operations. In doing so the Indigenous Chambers of Commerce have an organisational and management input into these programmes with long-term funding for essential staff to monitor and develop Indigenous economic development.

Should the Committee seek and further information or justification please do not hesitate to contact the author,

Yours sincerely,

Professor Dennis Foley

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