



The Hon Sarah Mitchell MLC
Minister for Early Childhood Education
Minister for Aboriginal Affairs
Assistant Minister for Education

Mr David Blunt
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Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Blunt

David

Please find attached the Government response to the report entitled *NSW Government response to supplement to C2017-0118 FS Economic Development in Aboriginal Communities – NSW Government Response to the Standing Committee Report* by the Standing Committee on State Development for tabling in the Legislative Council.

Yours sincerely

Sarah Mitchell
Sarah Mitchell MLC

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Growing NSW's First Economy: Our Response

The NSW Government Response to the Standing Committee on State Development's Inquiry and Report into economic development in Aboriginal communities in NSW

INTRODUCTION

The Standing Committee on State Development's Report into economic development in Aboriginal communities in NSW made 39 recommendations to advance economic development, alleviate disadvantage and support sustainable Aboriginal communities in NSW. The Committee's recommendations focus on the need to:

- Drive reform through increased government leadership, accountability and policy coordination;
- Build the capacity and agency of Aboriginal people and communities through enhanced governance and skills; and
- Remove barriers to Aboriginal communities, realising the economic opportunities associated with their increased land access, management and ownership.

The Report highlights the need for leadership and for action to be taken now, particularly given NSW's unique advantages in tackling Aboriginal economic disadvantage:

- Our highly urban/regional Aboriginal population;
- Our potentially high rate of Aboriginal land access, management and ownership; and
- Our \$73 billion infrastructure investment over the next four years.

The work of the Committee makes a valuable contribution to driving economic prosperity for Aboriginal people and will be used to guide a targeted uplift in current efforts.

The majority of recommendations are supported by the NSW Government (see Appendix A), and are broadly consistent with existing policy directions, including *Growing NSW's First Economy: a Framework for Aboriginal Economic Prosperity*, released in December 2016.

OUR FOUNDATIONS

The Aboriginal economy is the first economy of NSW – for millennia Aboriginal people have managed natural resources sustainably, engaged in trade and built impressive intellectual property. Yet the impacts of colonisation and decades of government expenditure on Aboriginal social disadvantage have left Aboriginal people over-represented in indicators of poverty, marginalisation and ill-health, and under-represented in indicators for prosperity, opportunity and wellbeing.

The NSW Government is committed to ensuring the benefits of the strong NSW economy flow equally to its First People. Central to the NSW Government's approach to achieving this is the right of our First Peoples to determine their own economic future.

NSW has an ageing population and the proportion of working age people in NSW is due to fall from around 66% to 61% of the population over the next 20 years. The reduction in the size of the working-age population will not only increase the demand for skilled labour it will limit jobs and income growth. According to the Jobs for NSW Jobs for the Future report in NSW the ageing population could mean 370,000 fewer people in paid work and a gross state product of approximately \$6,000 less per capita.

The Aboriginal population is growing with around half under the age of 25, in comparison to the non-Aboriginal population. The young age of the Aboriginal population and their lower rates of employment and labour force participation mean that increasing Aboriginal economic participation is an economic opportunity and imperative for the NSW economy.

As the Standing Committee recognised, there are a considerable number of policies, programs and initiatives already in place supporting Aboriginal people to: improve education outcomes; transition from education and training to employment; secure sustainable employment; start and grow businesses; build on community land assets; and change the way services are delivered in Aboriginal communities. Many of these initiatives were discussed in the NSW Government submission to the Inquiry.

There are a suite of new initiatives that have been progressed since the release of the Committee's report and there are further opportunities to address the key themes emerging from the work of the Standing Committee.

Growing NSW's First Economy: a framework for Aboriginal economic prosperity, was released in December 2016. It recognises improving economic outcomes for Aboriginal people cannot happen in isolation of the broader NSW economy. In turn, building prosperity for the Aboriginal community will contribute to the growth of the NSW economy.

The framework builds on Premier and State priorities with a focus on: education and skills, jobs and employment, and economic agency. Together these provide a pathway for Aboriginal people from education (i.e. early childhood education and NAPLAN) to further learning (i.e. apprenticeships and scholarships), earning (i.e. public sector employment), and developing economic agency (i.e. home ownership, private rental, making it easier to start a business, and Aboriginal economic participation in all regional and district plans).

District and Regional Plans recognise economic potential and provide an effective mechanism to exploit local economic opportunities by building better alignment between the demands for, and supply of, Aboriginal employees and businesses. District Plans will identify Aboriginal economic, social and cultural priorities for the three designated metropolitan areas. Regional Plans will support Aboriginal people to gain economic benefit from their land and provide greater opportunities for economic independence.

The NSW Government is developing a new Aboriginal procurement policy which will complement the existing Aboriginal Participation in Construction (APIC) Policy and grow the Aboriginal business sector and Aboriginal employment.

The Infrastructure Skills Legacy Program will capitalise on the record infrastructure investment by requiring that for projects of over \$100 million, contractors must spend 1.5% of the total contract value to support Aboriginal participation. The Program has three demonstration projects – WestConnex, Lismore Base Hospital and Sydney Metro.

Training Services NSW is establishing a network of 29 Aboriginal identified positions across NSW which will strengthen and if necessary renew the current suite of initiatives, as well as work with industry and Aboriginal communities to help drive and support economic development and the skills needed to improve Aboriginal employment and economic prosperity outcomes.

OUR OPPORTUNITIES

The Aboriginal community is more prepared and ready to take up the opportunities being presented than ever before. The rate of Aboriginal people completing high school, going to university, working in senior roles and starting businesses is growing.

Despite this and all that is being done, the Standing Committee found economic outcomes for Aboriginal people in NSW are still poor. Aboriginal people have lower rates of: year 12 attainment (24%); post school qualifications (22%); employment (18%); and workforce participation (9.3%) than the non-Aboriginal population.

The work of the Standing Committee has been used to identify a number of areas where there is potential to accelerate the impact of existing efforts and capitalise on opportunities. These will be subject to further consideration.

Firstly, we need to realise the opportunities we have with the young and growing Aboriginal population, the NSW Government's infrastructure program and the commitment and drive to grow NSW's first economy from all levels of government and the corporate sector.

Secondly, the NSW Government has introduced a number of major policies supporting Aboriginal economic participation and create a demand for Aboriginal businesses, including the Aboriginal Participation in Construction Policy and a new Aboriginal procurement policy. A pipeline of Aboriginal employees and business needs to be developed and maintained to take advantage of these opportunities.

Thirdly, the Aboriginal community in NSW currently owns land valued at \$1 billion – and through the Aboriginal Land Agreement process established under the NSW Aboriginal Land Rights Act this is likely to increase substantially.

The NSW Government has an important role in working with the Aboriginal community to turn the land they own into a social and economic asset – with better integration and coordination of current land programs and services that support more productive land use, management and ownership by Aboriginal people in NSW.

Finally, the NSW Government's future planning must capitalise on each community and region's specific economic advantages and needs, through the alignment of demographic characteristics with Regional and District Plans and the Premier's priority focus on regional development.

Growing NSW's First Economy: Our Response

The NSW Government Response to the Standing Committee on State Development's Inquiry and Report into economic development in Aboriginal communities in NSW

Recommendation 1

That the NSW Government recalibrate its relationship with Aboriginal communities to empower individuals and encourage economic sustainability and prosperity, this includes developing a framework to ensure standards of good faith, and standards for meaningful engagement, with Aboriginal communities.

Response: Accepted

NSW Government initiatives such as OCHRE, Local Decision Making, Solution Brokerage, Aboriginal Land Agreements and the commitment to establishing a Stolen Generations Reparations Scheme are recalibrating the Government's relationship with Aboriginal communities. Underpinning this new relationship is a commitment to:

- Putting negotiation at the centre of all dealings
- Investing in government and community capacity to work in partnership
- Formal and enduring relationships, not just service transactions
- Building a foundation for social, economic and cultural prosperity.

Recommendation 2

That the NSW Government adopt a whole-of-government approach to Aboriginal affairs to ensure a coordinated and targeted response to address the critical issues within Aboriginal communities as a matter of urgency.

Response: Accepted

Improved coordination and collaboration is a critical component of OCHRE. This includes the cross-government Solution Broker role for Aboriginal Affairs, requiring NSW Government agencies to work with each other and to collaborate with non-government organisations to find practical solutions to issues no single agency has a clear lead mandate to resolve or have whole-of-government implications.

Recommendation 3

That Aboriginal Affairs be relocated in the Department of Premier and Cabinet.

Response: Noted

A whole of government authority envisaged by locating Aboriginal Affairs to the Department of Premier and Cabinet is being achieved through other means including internal and external governance mechanisms and Aboriginal Affairs' Solution Brokerage role and lead role for OCHRE.

Recommendation 4

That the Premier convene an advisory board on Aboriginal economic development comprising of key ministers, Aboriginal representatives and the broader community to test and identify Aboriginal objectives, programs, policies and spending, and to monitor outcomes.

Response: Accepted in principle

The NSW Government will consider the appropriate external and internal governance arrangements to oversee the implementation of Aboriginal economic prosperity reforms. This may include strengthen existing mechanisms.

Recommendation 5

That a high-level public sector interdepartmental committee be established, that:

- *comprises of secretaries and chief executive officers of government agencies*
- *is responsible for ensuring that Aboriginal policies are implemented, and integrated in all government activities*
- *has a key role in measuring outcomes and accountabilities of Aboriginal policies*
- *has set key performance indicators it must report on to the advisory board on Aboriginal economic development.*

Response: Accepted in principle

Internal government oversight will be provided by the NSW Economic Development Committee, comprising Deputy Secretaries from relevant clusters.

Recommendation 6

That Aboriginal Affairs release its current draft of the Aboriginal Economic Prosperity Framework for community consultation, and specifically engage with Aboriginal stakeholders to complete the Framework as soon as practicable.

Response: Accepted

The *Growing NSW's First Economy* Aboriginal Economic Prosperity Framework was released on 1 December 2016. It includes a dynamic set of targets to integrate Aboriginal economic participation into NSW Government Priorities across the life course. This approach was developed through targeted consultation, including with key Aboriginal and non-Aboriginal stakeholders.

Recommendation 7

That the NSW Government review its procurement policies to:

- *establish appropriate targets for including Aboriginal business in government supply chains*
- *determine how to better incorporate targets, accountability and evaluation frameworks to promote economic development in Aboriginal communities.*

Response: Accepted

In addition to the Aboriginal Participation in Construction (APIC) Policy, the NSW Government is developing a new Aboriginal procurement policy which will include measures that grow employment and support the development of the Aboriginal business sector.

Recommendation 8

That the NSW Government set a target for part of the \$73 billion infrastructure funds to be spent on Aboriginal businesses.

Response: Accepted

The NSW Government Aboriginal Participation in Construction Policy (APIC) requires contractors to meet a project spend target of 1.5% for Aboriginal participation on each relevant construction contract. The Government infrastructure investment is also being capitalised on through the Infrastructure Skills Legacy Program where projects over \$100 million, contractors must spend 1.5% of the total contract value of the project to support Aboriginal participation. The Program has three demonstration projects – WestConnex, Lismore Base Hospital and Sydney Metro.

Recommendation 9

That the NSW Government ensure Industry Based Agreements include rigorous accountability mechanisms and satisfactorily measure outcomes and regular public reporting of objectives and outcomes

Response: Accepted

To support local and regional economic participation outcomes, the NSW Government will trial a regional approach to Industry Based Agreements with two Aboriginal community alliances participating in Local Decision Making, which will include accountability and reporting (including annual) requirements.

Recommendation 10

That the NSW Government:

- *consider how procurement and other policies can positively interact with Industry Based Agreements to deliver Aboriginal economic development, and*
- *expand Industry Based Agreements into other industries including information technology and communications.*

Response: Accepted

Aboriginal Affairs and the Department of Finance, Services and Innovation will continue to work together to ensure procurement policies and Industry Based Agreements positively interact. The Industry Based Agreement industry bodies were an important stakeholder in developing the APIC Policy and are each working to increase industry awareness of APIC. They also focus on leveraging procurement and other policies to deliver the objectives of Industry Based Agreements. In line with Growing NSW's First Economy: Aboriginal Economic Development Framework, the Aboriginal procurement policy under development will also consider opportunities to work with major sectors to deliver Aboriginal employment and business development outcomes.

Recommendation 11

That the NSW Government ensure place-based, community-driven approaches are embedded as a key component of the development and implementation of initiatives to drive Aboriginal economic development.

Response: Accepted

Place based, community-driven solutions are a fundamental tenant of *OCHRE* and are now embedded in a range of NSW Government initiatives, including:

- Local Decision Making
- Solution Brokerage
- Regional Industry Based Agreements
- Aboriginal Land Agreements.

Recommendation 12

That Aboriginal Affairs continues to facilitate the operation of Opportunity Hubs.

Response: Accepted

Training Services NSW administers the Opportunity Hub program and the four (4) Hub contracts have been renewed until 31 March 2019. Aboriginal Affairs will continue to work with Training Services NSW to facilitate programs to assist young Aboriginal people transition from school to further education, employment and careers.

Recommendation 13

That the Department of Education include community-specific Aboriginal culture in school curriculums.

Response: Accepted

The importance of community specific Aboriginal cultural education is recognised in the Australian Curriculum and NSW Education Standards Authority syllabuses. Syllabuses developed in NSW from 2016 encourage schools to consult with local Aboriginal communities on the representation of Aboriginal protocols, histories and cultures in teaching programs. Public schools are also encouraged to work with their local NSW Aboriginal Education Consultative Groups to ensure community specific Aboriginal culture is embedded in teaching and learning programs.

Recommendation 14

That the NSW Government continue to support proven successful education and life skills programs, like that operated by the Clontarf Foundation, and take action to deliver programs that target Aboriginal girls and young women in schools and in vocational education and training.

Response: Accepted

The NSW Government is committed to supporting programs targeted at young Aboriginal women and men.

Recommendation 15

That the NSW Government, in collaboration with Aboriginal organisations, develop and implement a mentoring program for young Aboriginal women by female Aboriginal elders.

Response: Accepted in principle

Mentoring is already provided through the 'Sista Speak' program, a series of mentor-supported workshops that aim to inspire young Aboriginal girls in Years 7-9 to pursue their education, examine career options and work towards financial independence. The NSW Government will continue to explore opportunities to improve educational outcomes for all Aboriginal children.

Recommendation 16

That Training Services NSW continue to investigate, develop and implement stronger pathways between vocational education and training and meaningful employment opportunities for Aboriginal people.

Response: Accepted

Linking of education and training with employment is essential to grow Aboriginal economic prosperity. In addition to existing programs such as Smart and Skilled, Opportunity Hubs, Elsa Dixon Aboriginal Employment Program school-based traineeships, the New Careers for Aboriginal People program and the Infrastructure Skills Legacy Program in the first half of 2017 Training Services NSW will appoint 20 additional Aboriginal staff ensuring each of its regional offices will have three Aboriginal training coordinators to deliver front-line services in employment opportunities and development of career pathways for Aboriginal people.

Recommendation 17

That the advisory board on Aboriginal economic development investigate and identify the most appropriate government agency or body to be responsible for funding and service delivery of capacity building initiatives for Aboriginal organisations.

Response: Accepted

Capacity building is done by a number of different agencies and organisations, including Training Services NSW, Small Business Operations, TAFE NSW, the NSW Aboriginal Land Council and the NSW Indigenous Chamber of Commerce. However, the NSW Government will investigate

how these organisations and others can work together to ensure the effective coordination and delivery of capacity building initiatives.

Recommendation 18

That the NSW Government match dollar-for-dollar the NSW Aboriginal Land Council's \$16 million in funding for economic development opportunities for Indigenous enterprises, and that these funds be placed in a trust to be managed by the proposed advisory board on Aboriginal economic development.

Response: Noted

A significant amount of funding is allocated to efforts to foster Aboriginal economic prosperity by the NSW and Australian governments. However, it is recognised more must be done to build the pipeline of Aboriginal employees and businesses.

Recommendation 19

That Aboriginal Affairs undertake consultation with local Aboriginal land councils to investigate the possibility of amending the compliance requirements, particularly the investment options, for local Aboriginal land councils with significant funds under management.

Response: Accepted

Amendments to the *Aboriginal Land Rights Act 1983*, which commenced operation in July 2015 clarified the processes for Local Aboriginal Land Councils to establish and transfer assets to related corporate entities for the purpose of business enterprises. This enables Local Aboriginal Land Councils to engage in joint ventures with private partners and have the discretion to incorporate related entities under whichever legislation (State or Australian Government) that suits their purposes.

Recommendation 20

That the advisory board on Aboriginal economic development ensure the government agency or body identified in recommendation 17 facilitate training, skills development, networking opportunities, and other services to enhance the governance capacity of Aboriginal organisations.

Response: Accepted

Department of Industry will continue to facilitate training and skills development opportunities, and other services to enhance the capacity of Aboriginal people and businesses.

Recommendation 21

That the NSW Government commence a review of local Aboriginal land council governance, and as part of this review, investigate how to minimise potential conflicts of interests.

Response: Accepted

The five yearly statutory review of *Aboriginal Land Rights Act 1983* to be conducted in 2017 will provide an opportunity for the Government to consider measures to lift governance capacity in the Land Council network.

Recommendation 22

That the agency or body identified in recommendation 17 be responsible for brokering and facilitating partnerships between local Aboriginal land councils, other Aboriginal corporations and relevant private sector parties to assist with business and financial capacity.

Response: Accepted in Principle

Aboriginal Affairs and the Department of Industry are working closely together to support the growth of the Aboriginal business sector, through better targeted programs and the Industry Based Agreement with the NSW Indigenous Chamber of Commerce which aims to improve the accessibility and delivery of business support and development services for Aboriginal

enterprises.

Recommendation 23

That the NSW Government investigate whether UrbanGrowth NSW may be a suitable government body to support local Aboriginal land councils with land claims.

Response: Noted

An investigation is not required. Local Aboriginal Land Councils are free to access advice and support from any agency, including UrbanGrowth NSW.

Recommendation 24

That the NSW Government ensure resources are targeted at wraparound services for Aboriginal businesses to enhance the development of Indigenous enterprises across the State.

Response: Accepted

Training NSW is establishing a network of 29 Aboriginal identified positions across its regions to provide improved capacity to work with industry, and Aboriginal communities to help drive and support economic development and the skills needed to improve Aboriginal job outcomes and economic prosperity. These positions will work with Aboriginal Enterprise Development Officers and the Business Connect advisors to support Aboriginal businesses.

Recommendation 25

That the NSW Government develop alternative pathways for Aboriginal enterprises and local Aboriginal land councils to access funding sources.

Response: Accepted in Principle

The NSW Government will investigate ways to build the capacity of Aboriginal organisations to develop their own alternative funding pathways to access funding sources. Land Councils may be able to identify new funding sources by developing an economic development strategy coordinated through a regional or state body. The NSW Government has committed funds over a four year period commencing 2016-17 to build Land Council capacity to participate in Aboriginal Land Agreement negotiations.

Recommendation 26 and 27

That the Department of Industry-Lands promote the use of the Aboriginal Land Agreement process to encourage local Aboriginal land councils to engage with this process.

That the NSW Government provide resources for preparation and negotiation, for a period of five years, to ensure the best outcomes for Indigenous participants in the Aboriginal Land Agreements process.

Response: Accepted

The Department of Industry – Lands has engaged with Local Aboriginal Land Councils to promote awareness of and participation in Aboriginal Land Agreements, including attending regional briefing sessions organised by NSW Aboriginal Land Council.

The NSW Government has committed funds over a four year period commencing 2016-17 to develop Aboriginal Land Agreements, including funding to build the capacity of approximately 20 Local Aboriginal Land Councils to participate in negotiations.

This may include secondment program for NSW Government employees to work in Local Aboriginal Land Councils. Aboriginal Land Agreements are initially being implemented via a pilot in four local government areas – Tweed, Northern Beaches, Tamworth and Federation. Voluntary tripartite negotiations will take place between the NSW Government, the local council and the Local Aboriginal Land Council (and Native Title parties can also be invited).

Other Local Aboriginal Land Councils will be invited to participate in Aboriginal Land Agreement negotiations in the period 2018-2020 via an Expression of Interest process, targeted for the first

half of 2017 which will be widely promoted through the land council network.

Recommendation 28

That the NSW Government amend the processing system for Aboriginal land claims and Aboriginal Land Agreements to allow the prioritisation of sites with significant potential for economic development.

Response: Accepted

Land claims identified by Local Aboriginal Land Councils and NSW Aboriginal Land Council as having potential for economic development are currently prioritised for assessment by the Department of Industry – Lands. Information sessions and support to NSW Aboriginal Land Council and Local Aboriginal Land Councils on the Aboriginal land claim process are provided by the Department who also encourage Local Aboriginal Land Councils to prioritise lands with high strategic value.

Recommendation 29

That the NSW Government allocate additional resources, for at least five years, to reduce the backlog of Aboriginal land claims, and allow private solicitors to prepare and submit land claim applications to the Department of Industry-Lands.

Response: Accepted in principle

The backlog of land claims are being addressed through:

- Prioritising existing and new land claims according to potential for economic development, and
- Using the Aboriginal Land Agreement process to more strategically negotiate the bulk settlement of land claims.

Solicitors may already prepare and submit land claims if they are specially authorised by a Local Aboriginal Land Council.

Recommendation 30

That the NSW Government establish a ‘one-stop-shop’ that includes representatives from the appropriate agencies to facilitate the Aboriginal land claims and Aboriginal Land Agreement processes.

Response: Accepted in principle

Improving government services is a Premier’s Priority.

The NSW Government will explore options for better coordinating Aboriginal land services across government and making it simpler and easier for customers to access these services.

Recommendation 31

That the NSW Government explore issues of limited title with land council representatives with the aim of processing land claims expeditiously.

Response: Accepted

Issuing limited title when a survey is not required for subdivision or easement is already standard practice by Department of Industry – Lands, and is explored where appropriate.

Recommendation 32

That the Department of Planning and Environment continue to:

- *amend the regional planning processes to include consultation with local Aboriginal land councils and Aboriginal groups in the formation of regional plans, and establish new requirements concerning local environmental plans*
- *develop a solutions brokerage project focusing on Aboriginal community lands and infrastructure*
- *develop capacity building activities to encourage Aboriginal individuals and organisations to have a better understanding of the state's planning system including working with the University of Sydney to customise its Planning for Non-Planners course, potential cadetship positions and mentoring opportunities.*

Response: Accepted

The Department of Planning and Environment will continue to work in partnerships with other agencies and the Aboriginal community to leverage the planning process to grow Aboriginal economic prosperity. The Community Land and Infrastructure Project (ACLIP) will unlock the economic potential of Aboriginal land. District and Regional Plans contain specific directions that will enhance the potential for significant Aboriginal economic and cultural participation. A capacity building program which includes planning is being delivered to Local Aboriginal Land Councils.

Recommendation 33

That the NSW Government use the advisory board on Aboriginal economic development to develop and implement workshops for Aboriginal individuals and organisations that explain how to leverage land and water as an economic asset, and the impact of key planning legislation on this process.

Response: Accepted in principle

The NSW Government will seek advice from appropriate internal and external stakeholders regarding the development and implementation of capacity building courses and workshops for Local Aboriginal Land Councils and Aboriginal individuals. This may include supplementing or expanding the current courses: Aboriginal Land Agreement negotiations; Introduction to the NSW Planning System; and associated train the trainer courses.

Recommendation 34

That the Department of Planning and Environment review planning legislation to better accommodate the aspirations envisaged in the Aboriginal Land Rights Act 1983.

Response: Accepted

The Department of Planning and Environment is currently developing options for more effective planning of Aboriginal community owned land and possible policy, legislative reforms and processes that may be undertaken to address these barriers. Land swaps under Aboriginal Land Agreement will provide the potential for Local Aboriginal Land Councils to negotiate land acquisition outcomes that match their aspirations.

Recommendation 35

That the NSW Government provide resources to local Aboriginal land councils to support their participation in negotiations concerning the transfer of Crown land to local councils.

Response: Accepted

The Government has committed funds over a four year period commencing 2016-17 to develop Aboriginal Land Agreements, including build the capacity of approximately 20 Local Aboriginal Land Councils to participate in negotiations.

Recommendation 36

That the NSW Government develop and implement an awareness raising campaign targeting Aboriginal communities about their entitlements under the Aboriginal Land Rights Act 1983 and the Native Title Act 1998 (Cth).

Response: Accepted in principle

There are a number of government and non-government initiatives that raise awareness about Aboriginal land rights and Native Title. Ongoing work in this area will seek to improve coordination and targeting of awareness raising initiatives including through ACLIP. The Department of Planning and Environment is working with the NSW Aboriginal Land Council and Aboriginal Affairs on an ACLIP Communication Strategy that builds awareness of the NSW Planning system and its relevance to land rights and native title.

Recommendation 37

That the NSW Government consider adequately funding Prescribed Bodies Corporate, as is the case in other states.

Response: Accepted in principle

Capacity building for Prescribed Bodies Corporates is a matter for the Australian Government and in 2015 it announced \$20 million over four years for capacity building for Prescribed Bodies Corporates. The NSW Government will consider funding for Prescribed Bodies Corporates on a case by case basis through Indigenous Land Use Agreement negotiations.

Recommendation 38

That the Department of Planning and Environment investigate opportunities to develop a template for joint ventures between local Aboriginal land councils and local government.

Response: Accepted

There are significant opportunities for Local Councils and Local Aboriginal Land Councils to work together to increase economic opportunities for their communities. While commercial arrangements between Local Councils and Local Aboriginal Land Councils are a matter for those organisations, the Department of Planning and Environment will work with Aboriginal Affairs and Office of Local Government to further investigate this recommendation.

Recommendation 39

That the NSW Government proclaim section 21AA of the Fisheries Management Act 1994.

Response: Accepted in principle

Fishing is significant for many Aboriginal communities across NSW. Some communities have raised concerns about the ability of Section 21AA to deliver the desired outcomes.

In response, the NSW Government will be piloting local management plans that are developed in consultation with the Aboriginal Fishing Advisory Council and local communities. The Government will investigate proclaiming section 21AA once the outcomes of the pilot are known.