

## **Inquiry into procurement practices for government-funded infrastructure**

### **House of Representatives Standing Committee on Infrastructure, Transport and Cities**

#### **Introduction**

I would like to thank you for this opportunity to respond to your inquiry into procurement practices for government-funded infrastructure. In particular, this submission responds to part c. in the Terms of Reference: *challenges and opportunities to enhance Australia's sovereign industry capability, including for Australian owned business*. The focus is on improving rural and remote Australian infrastructure, with the main objective of closing the gap in inequality that persists between Aboriginal and Torres Strait Islander people and other Australians. The development of rural and remote Australia is a key determinant of health for Aboriginal and Torres Strait Islander landowners and residents. All development of rural and remote Australia by Federal, State, Territory and Local Governments must be done in genuine partnership with Aboriginal and Torres Strait Islander landowners and residents, as per the new National Agreement in Closing the Gap (Coalition of Peaks, 2020). This partnership must be based on shared decision making, with Land Councils and other relevant peak bodies that represent Aboriginal and Torres Strait Islander people at the table. This has not happened in the past and it is a key reason why policies to develop rural and remote Australia have not been as successful in the past as they could have been. I welcome the opportunity to discuss your inquiry and this submission and its recommendations with you.

#### **About the author**

Dr Adam Paul Heaton was awarded a PhD in education in 2014 at Charles Darwin University. The focus of his PhD was in Aboriginal Studies and Aboriginal Affairs, with a key emphasis on achieving pro-social and anti-racism outcomes. Adam was awarded a Bachelor of Arts (BA) in Aboriginal Affairs Administration in 2000, and with Honours and a Merit Award in 2007. He also completed his BA in Education in 2007, and is currently completing the Graduate Diploma in Strategic Leadership. He has worked for over 20 years in the Aboriginal Affairs, broader social services and education sectors. Over his career he has worked at numerous NGOs and Australian Government Departments of Social Services, Education, Employment, Health, Veteran's Affairs and Aboriginal and Torres Strait Islander Services (ATSIS) serving the Commission (ATSIC). Adam has published ten peer reviewed research papers and over forty submissions into Australian Government inquiries, in which he advocates for the rights of Aboriginal people and better outcomes for them. Adam has also authored books based on his experiences spearheading projects that assist over 500 children in remote communities in Africa.

#### **Recommendations**

That Federal, State, Territory and Local Governments in rural and remote Australia, in genuine partnership with Aboriginal and Torres Strait Islander landowners, communities and their representative organisations and residents,, invest in:

1. sustainable infrastructure, including roads, ports, marine infrastructure, dams, energy networks, water storage facilities, telecommunication and digital communication networks and renewable energy projects;
2. transportation and industry in the Torres Strait Islands, including shipping and fisheries;

3. safe, secure, sustainable and affordable housing for Aboriginal and Torres Strait Islander people, with the total amount of funding required identified in genuine partnership with Aboriginal and Torres Strait Islander community representatives;
4. training, employment and small business opportunities for Aboriginal and Torres Strait Islander people on Country, in pastoralism, tourism, construction and other industries;
5. training, accreditation and employment of local Aboriginal and Torres Strait Islander people as Environmental Health Workers as a way to provide jobs and optimise the health of Aboriginal and Torres Strait Islander communities;
6. local Social Impact Investment opportunities, on Country; and
7. the construction and upgrade of ACCO facilities in order that they may expand their reach into remote rural and remote Australia communities.

### **An introduction to the challenges**

Improving the health and wellbeing of Aboriginal and Torres Strait Islander people must be a priority in the development of rural and remote Australia. Social and environmental determinants of health, including business enterprises, employment, education and training opportunities, housing, community infrastructure (including waste management and recycling) and climate change mitigation strategies must be central to achieve this outcome.

There are a number of challenges the Australian Government must overcome to successfully develop rural and remote Australia and benefit its residents. The North Australian Indigenous Land and Sea Management Alliance (NAILSMA) identifies inadequate physical infrastructure, ineffective regional institutions, harsh climate and long distances to markets as being real challenges requiring real solutions (NAILSMA, 2019). Larrakia Nation Aboriginal Corporation (LNAC) point out that economic development opportunities across much of rural and remote Australia are limited by remoteness from basic services such as welfare and education, high cost of living, difficult climatic conditions, lack of access to professional expertise and inadequate housing. (LNAC, 2020)

Aboriginal and Torres Strait Islander communities face numerous other challenges. A high proportion of Aboriginal and Torres Strait Islander children are in contact with the child protection system, and mental health, drug and alcohol, and youth and adult criminal justice issues appear to be worsening (LNAC, 2020). Poor regional connectivity, limited access to digital technologies and few business and employment opportunities also impact many Aboriginal and Torres Strait Islander communities. This results in Aboriginal and Torres Strait Islander people facing great disadvantage, such as in the Torres Cape where 71.1 per cent of people are in the most disadvantaged quintile for relative socio-economic disadvantage (TCACA, 2020). Racial prejudice and discrimination also prevents many Aboriginal and Torres Strait Islander people, including in rural and remote communities, from experiencing a fair go that Australia boasts it provides for all her people (Heaton, 2019).

### **Opportunities for Aboriginal and Torres Strait Islander people and communities**

Closing the gap in economic inequalities must be a key outcome in the development of rural and remote Australia. As well as increasing opportunities for Aboriginal and Torres Strait Islander people to own land, meeting infrastructural needs and boosting economic activity is essential. However, at present, as the Torres Cape Aboriginal and Torres Strait Islander Council Alliance (TCACA, 2020) identify, there is little such investment from that the Australian Government on addressing disadvantage facing Aboriginal and Torres Strait Islander people in rural and remote regions.

### *Protection of land rights*

The development of rural and remote Australia must protect the land rights of Aboriginal and Torres Strait Islander people. To protect Aboriginal and Torres Strait Islander land rights, Federal, State, Territory and Local Governments must consider the interests of and genuinely consult with Traditional Owners when considering the interests of other Australians developers. Unless Aboriginal and Torres Strait Islander civic, business and cultural leaders are genuinely involved in decision-making processes pertaining to the development of rural and remote Australia, and Aboriginal and Torres Strait Islander people are equal beneficiaries of the economic, social and cultural dividends that result, initiatives will fail and rural and remote Australia will remain undeveloped (IRG, 2020).

Self-determination for Aboriginal and Torres Strait Islander people must be central to the development of rural and remote Australia, especially when there is a direct or indirect impact on traditional land and water. To ensure self-determination, it is imperative that there is strong representation from Aboriginal and Torres Strait Islander people on the committees or boards overseeing the numerous initiatives for developing rural and remote Australia, which include:

- the rural and remote Australia Infrastructure Fund (NAIF);
- the Northern Territory Aboriginal Contracting Framework (ACF);
- Local Decision Making (LDM) initiatives;
- Local Housing Solutions;

Business Solutions and Investment and Asset Management Services offered by Indigenous Business Australia (IBA);

- water infrastructure projects, including via the rural and remote Australia Roads Program;
- the National Water Infrastructure Development Fund; and
- the land management program Working on Country.

Aboriginal and Torres Strait Islander communities and other communities with high numbers of Aboriginal and Torres Strait Islander residents should enjoy the same quality of infrastructure as other Australian communities (LNAC, 2020). Unfortunately, often Aboriginal and Torres Strait Islander people and organisations in remote communities operate in geographic and/or service isolation from other organisations (TCACA, 2020), which is one factor that contributes to the perpetuation of inequality

Aboriginal and Torres Strait Islander peoples' cultural connections to homelands must be prioritised, which is pointed out in the National Indigenous Reform Agreement (NIRA). (10) To achieve this, greater support must be given to Registered Native Title Body Corporate (RNTBC) and other Native Title representative bodies to deliver equitable economic, social and cultural benefits to rural and remote communities (TCACA, 2020), Initiatives like *Business on Country* developed by the North Australian Indigenous Land and Sea Management Alliance (NAILSMA) is crucial to having government, industry and Aboriginal and Torres Strait Islander landowners commit to sustainable development on the vast Aboriginal and Torres Strait Islander-owned estate, for the socioeconomic benefit of local communities (NAILSMA, 2019).

### *Pastoralism*

Aboriginal and Torres Strait Islander people have historically played a key role in the development of rural and remote Australia's cattle and broader pastoral industry (Central Land Council, 2017). However, over the years, discrimination, the introduction of award wages, rural recession, low beef prices, increased fencing and technology and the introduction of road-trains and helicopter-mustering led to the unemployment of many Aboriginal and Torres Strait Islander people in the pastoral industry. While the Australian Government has invested in some pastoralism in rural and remote Australia since 1970 to reduce some of the socio-economic

disadvantage faced by Aboriginal and Torres Strait Islander people, much more needs to be done.

Despite difficulties in making a profit from cattle, Aboriginal and Torres Strait Islander people see the cattle industry as an economic opportunity in rural and remote Australia (NSW Government, 2019). Current economic opportunities for Aboriginal and Torres Strait Islander people within the pastoral industry include cattle companies that are commercial operations, grazing licences over Aboriginal land, pastoral contracting services, jobs on cattle stations and also harvesting feral cattle. The establishment of additional Aboriginal and Torres Strait Islander cattle companies through the acquisition of properties in pastoral potential areas is required, which would also build capacity to train and provide longer term employment to more Aboriginal and Torres Strait Islander people. There is a need for greater provision of business development assistance to Aboriginal and Torres Strait Islander individuals and groups wishing to establish pastoral contracting enterprises, and support programs to assist Aboriginal and Torres Strait Islander people gain employment on cattle stations.

It must be considered, however, that while pastoralism is often a desirable use of the land, including for local Aboriginal and Torres Strait Islander people, it is often inappropriate for a range of reasons, including native title and sacred site restrictions, land management considerations, unfavourable weather conditions, a lack of access to water, and no or limited housing for workers. Genuine, ongoing discussion and partnership between Aboriginal and Torres Strait Islander landowners and residents and Federal, State, Territory and Local Governments is required to ascertain the best use of land.

### *Community infrastructure*

Greater investment in sustainable infrastructure, including roads, dams, digital communication networks and clean and renewable energy projects, will help address infrastructure deficits across rural and remote Australia. Greater investment in carbon abatement initiatives would assist in improving the health and wellbeing of Aboriginal and Torres Strait Islander people in rural and remote Australia and the natural environment. While mining companies should make a contribution to local infrastructure, the federal government cannot expect the private sector to take responsibility for addressing gaps in public infrastructure like roads, ports and marine infrastructure, energy networks, water storage facilities and telecommunications networks. What is also limiting the full scope of investment opportunities is the lack of policy alignment between the Federal, State, Territory and Local Governments (TCACA, 2020),

### *Environmental Health*

In recent years there have been a number of national level initiatives that recognise the critical importance of environmental health issues, including the:

- Preventing Disease and Injury through Healthy Environments: Environmental Health Standing Committee (enHealth) Strategic Plan 2016-2020
- Department of Health's Expert Reference Panel on Aboriginal and Torres Strait Islander Environmental Health Action Plan 2019-23, and
- Implementation Plan for the National Aboriginal and Torres Strait Islander Health Plan 2013-23.

ACCOs would benefit from a greater investment in the training and employment of more Aboriginal and Torres Strait Islander workers, including Environmental Health Workers EWS. Aboriginal and Torres Strait Islander people in rural and remote communities would also benefit from the employment of more EHWs, as ACCOs would be able to further extend their service delivery reach into these communities. Aboriginal and Torres Strait Islander people should be trained, accredited and employed as EHWs by ACCOs and local governments to undertake essential environmental health services. This would build upon the strong work to date of EHWs

in full partnership with housing, construction and maintenance community controlled organisations.

The training, accreditation and employment of Aboriginal and Torres Strait Islander Rangers would also greatly assist in the protection of the natural environment and improving the health and wellbeing of local residents. The duties of Rangers include clearing backburning fauna to prevent or slow the out of control burning during a bushfire event. The need for this was particularly stark during the 2019-20 Black Summer.

### *Housing*

Housing in rural and remote regions of Australia is a crucial social as well as environmental determinant of health of local residents (Prüss-Üstün and Corvalán, 2006). Aboriginal and Torres Strait Islander people face a range of issues that prevent them from accessing housing that is affordable, adequate, safe and sustainable. Overcrowding is increasingly prevalent, making household members further susceptible to the burden of disease, psychological distress and other health and wellbeing issues (Shanaka and Bentley, 2017). The COVID-19 pandemic is a stark reminder of the importance of housing for maintaining health and slowing and stopping the spread of disease.

Significant Federal, State and Territory Government leadership and investment is urgently needed to address these critical issues. An important first step is an audit of the total amount of funding required to ensure acceptable quality and quantity of housing for Aboriginal and Torres Strait Islander people in rural and remote communities, which needs to be undertaken in genuine partnership with Aboriginal and Torres Strait Islander community representatives. The National Partnership on Remote Housing invests in remote Aboriginal and Torres Strait Islander housing, and has resulted in 850 jobs for Aboriginal and Torres Strait Islander people in Queensland. The large majority, 87 percent, of people employed on projects funded under the program were Aboriginal and Torres Strait Islander, far exceeding the target of 20 per cent set by the Australian Government.

### *Food and water management and security*

Environmental health risk factors impacting on the health and wellbeing of Aboriginal and Torres Strait Islander people in many communities in rural and remote Australia include water treatment and supply, damage to country, food and water insecurity (a lack of access to quality and healthy food and water), rubbish collection and disposal and sewage disposal (Prüss-Üstün and Corvalán, 2006). These risk factors make Aboriginal and Torres Strait Islander people compared to other rural and remote Australians more susceptible to diseases and infections, including bloodborne, gastrointestinal, vaccine preventable and vector borne diseases, and bacterial infections, with entrenched poverty exacerbating illness and premature death (Dillon, 2018).

Federal, State, Territory and Local Governments, in genuine partnerships with Aboriginal and Torres Strait Islander people, need to invest in solutions that ensure food and water security for Aboriginal and Torres Strait Islander communities. This must include ensuring their access to traditional foods and medicines.

### *Diversification of land use*

The diversification of land is imperative in developing rural and remote Australia, which necessitates genuine listening and actively responding to the expertise of Traditional Owners. The current use of land is often poorly matched to land capability, contributing to poor agricultural and economic performance and environmental damage. Not only do Aboriginal and Torres Strait Islander landholders need to be consulted, but also given access to the best available information to assist them in determining the most productive and sustainable use of land. The Aboriginal and Torres Strait Islander Reference Group to the Ministerial Forum on Northern Development point out that also required is genuine consultation and partnership between Aboriginal and Torres

Strait Islander landowners and other Australian developers, full participation of Aboriginal and Torres Strait Islander people, serious consideration of markets in environmental services, and significant funding of research into land use diversification. Tripartite agreements like Regional Deals have the potential to deliver genuine, long term economic and social benefits for communities and should become a key feature of the agenda for developing rural and remote Australia, particularly where Aboriginal and Torres Strait Islander local governments are involved.

### *Business ventures*

Funding is needed to support local delivery of business support services to assist new and existing businesses in remote Aboriginal and Torres Strait Islander communities through opportunities to leverage public sector investments. Employment opportunities in rural and remote communities need to be extended to local Aboriginal and Torres Strait Islander residents to enable them to remain in community and on Country. Funding is also needed to support business cases for small-scale business opportunities to help evaluate innovative new ideas and to attract commercial financing. Specific Australian Government funding would expand the \$1.4 billion annual gross regional product generated in the Torres Strait Islands, driven by mining, agriculture, tourism (including eco-tourism) and other industries.

It is essential to develop the capabilities of Aboriginal and Torres Strait Islander people and communities to establish and secure sustainable employment and enterprises. Greater Australian Government investment is required in initiatives that build upon the capabilities and creative aspirations of local Aboriginal and Torres Strait Islander residents seeking to engage with regional and broader economies.

### *Education and training*

Aboriginal and Torres Strait Islander landholders acknowledge there is a great need to increase the number of skilled local land managers working on their estates, but skills development is essential (NAILSMA, 2019). Programs and policies that bring local governments to the table as key delivery partners have the potential to develop skilled workforces in communities that can lead to opportunities for private sector business development. It is essential to increase employment opportunities in construction; while there has been considerable work experience opportunities for Aboriginal and Torres Strait Islander people in construction the acquisition of trade qualifications and ongoing employment in the sector remains low.

Aboriginal and Torres Strait Islander residents in remote communities are at a significant disadvantage in terms of not being able to access education, training and employment opportunities. Investment decisions should aim to improve the participation of Aboriginal and Torres Strait Islander people in education and training opportunities to close the gap in income disparity, with not only education and training but also employment opportunities provided on Country.

## **Conclusion and recommendations**

There is great need to move forward in a spirit of genuine partnership between Aboriginal and Torres Strait Islander people, other land owners and developers and government in rural and remote Australia. The development of rural and remote Australia provides opportunities to improve the health and wellbeing of Aboriginal and Torres Strait Islander people. It is imperative that all development be done in genuine partnership with Aboriginal and Torres Strait Islander landowners and residents. Within such partnership, Federal, State and Territory Governments must invest in:

1. sustainable infrastructure, including roads, ports, marine infrastructure, dams, energy networks, water storage facilities, telecommunication and digital communication networks and renewable energy projects;

2. transportation and industry in the Torres Strait Islands, including shipping and fisheries;
3. safe, secure, sustainable and affordable housing for Aboriginal and Torres Strait Islander people, with the total amount of funding required identified in genuine partnership with Aboriginal and Torres Strait Islander community representatives;
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6. local Social Impact Investment opportunities, on Country; and
7. the construction and upgrade of ACCO facilities in order that they may expand their reach into remote rural and remote Australia communities.

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