



NORTHERN LAND COUNCIL

Our Land, Our Sea, Our Life

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6 March 2020

Committee Secretary

House of Representatives Standing Committee on Indigenous Affairs

PO Box 6021

Parliament House

CANBERRA ACT 2600

Email: IndigenousAffairs.reps@aph.gov.au

Dear Committee Secretary,

Re: Inquiry into the Pathways and participation Opportunities for Indigenous Australians in Employment and Business

The Northern Land Council (NLC) thanks the House of Representatives Standing Committee on Indigenous Affairs for the opportunity to put forward our recommendations in the attached Submission to the Inquiry into the Pathways and participation Opportunities for Indigenous Australians in Employment and Business.

This is an important area of work and critical to systemic legislative and policy reforms to address the inequity and participation of Aboriginal people from remote Top End in the Northern Territory in employment and enterprise development opportunities.

Please contact Trish Rigby, Manager Policy and Stakeholder Engagement [REDACTED] if you have any questions relating to our submission.

Yours sincerely,

[REDACTED]
Marion Scrymgeour
CHIEF EXECUTIVE OFFICER

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**NORTHERN
LAND COUNCIL**

**Submission to the House of Representatives Standing
Committee on Indigenous Affairs:**

***Inquiry into the Pathways and Participation Opportunities for
Indigenous Australians in Employment and Business***

February 2020

**Date Referred: 23 October 2019
Reporting Date: 30 September 2020**

Introduction

Northern Territory context

The Northern Land Council (NLC) welcomes the opportunity to provide input to this Inquiry.

The unique profile of the Northern Territory (NT) and its Aboriginal population presents both challenges and opportunities for employment and economic development that are quite different from much of the rest of Australia. The NT is characterised by a sparse population scattered across a large area; rich, diverse and strong Aboriginal cultures; unique land tenure arrangements; extreme remoteness, often exacerbated by poor infrastructure; and a climate that leaves some areas inaccessible for weeks or months of the year.

At least 30 percent of the NT population is Aboriginal; three quarters of those live outside regional centres and almost 58 percent live in very remote areas.¹ More than 100 Aboriginal languages and dialects are spoken², with some 70 percent of Aboriginal people in the NT speaking a language other than English at home.³

Despite substantial investment by successive governments and despite the protections offered by strong connection to country and culture (which are associated with increased wellbeing), Aboriginal people in the NT continue to face substantial disadvantage compared to their non-Aboriginal counterparts. More than 50 percent of the Aboriginal population in the NT remains outside the labour force and in terms of closing the gap both literacy and numeracy and employment targets are not on track. This disadvantage creates significant barriers to employment and economic development, which in turn exacerbates disadvantage. In 2018, the employment rate was 49 percent compared to 75 percent for non-Indigenous Australians and has barely changed. The lack of infrastructure and limited opportunities for jobs in remote areas means unemployment rates are significantly higher in these areas, with an employment rate of around 35 percent in very remote areas compared to Indigenous employment in major cities around 59 percent.⁴

Employment and economic objectives cannot be viewed in isolation: Government policy aiming to meet such objectives must be placed in the broader context of social and economic disadvantage, but also consider the strengths of Aboriginal people and their country. It is essential to recognise the intrinsic links between education, employment, economic development, culture, connection to country and determinants such as health and housing. In particular, the importance of self-determination must be the driver for change. An Aboriginal-led policy agenda, with the principle of free, prior and informed consent at its foundation, will ultimately be far more successful than one which fails to fully engage Aboriginal people.

The rights provided under the *Aboriginal Land Rights (NT) Act 1976 (Land Rights Act)* and the *Native Title Act 1993 (Native Title Act)* offer untapped opportunity to address economic disadvantage in Aboriginal communities in the Northern Territory. Aboriginal people have freehold tenure over around 50 percent of the NT's land mass (including around 85 percent of its coastline to the mean low water mark), with much of the remainder subject to native title interests. However, a new policy framework is required to convert this potential into the effective inclusion of Traditional Owners in the economy and

¹ Australian Bureau of Statistics, *2016 Census Counts – Aboriginal and Torres Strait Islander Peoples (by Remoteness Area)*, <https://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/2075.0Main+Features202016?OpenDocument>

² NT Government, *Aboriginal languages in NT*, <https://nt.gov.au/community/interpreting-and-translating-services/aboriginal-interpretor-service/aboriginal-languages-in-nt>

³ Australian Bureau of Statistics, *2016 Census: Aboriginal and/or Torres Strait Peoples QuickStats*, https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/IQS7#languageLink

⁴ Australian Government, *Closing the Gap Report 2020* <https://ctgreport.niaa.gov.au/employment>

the job market, and ensure they derive economic and social benefits from their rights to land, water and resources.

Aboriginal people make up a significant and stable remote workforce but are often overlooked when major projects are considered on their own lands. Culturally appropriate education, including transition from school to employment pathways leading to sustainable, meaningful job design, and training programs are essential for overcoming barriers to employment and business. These initiatives must align with real employment opportunities in remote NT and be flexible enough to adapt to local needs. Skillset development should prioritise Aboriginal aspirations, designing roles for the person's skills and not the other way around to ensure communities have the opportunity to create their own futures.

Too often Aboriginal land tenure, law and culture, and rights and interests are treated as obstacles to business and employment rather than strengths and opportunities. The NLC's constituents are generally supportive of economic development that is culturally, socially, environmentally and economically sustainable. For many, the goal is Aboriginal-owned and controlled economic activities that provide local employment, social opportunity and long-term economic assurance. This requires policy and legislative frameworks that are consistent with the rights of Aboriginal people and that provide:

- access to capital;
- development and design of culturally appropriate training and employment pathways (particularly in remote communities and homelands);
- development of enterprise models that align with Aboriginal aspirations, values and culture, noting that these aspirations may or may not align with mainstream economic development practices and objectives; and
- effective engagement by government and other parties with Aboriginal people.

Because the majority of the NLC's constituents live in remote and very remote areas, where employment opportunities are currently very limited, this submission focuses on those areas.

About the Northern Land Council

The Northern Land Council (NLC) was established in 1973. Following the enactment of the *Land Rights Act*, the NLC became an independent statutory authority responsible for assisting Aboriginal people in the northern region of the NT to acquire and manage their traditional lands and seas.

The NLC represents more than 36,000 Aboriginal people and assists Traditional Owners⁵ by providing services in its key output areas of land, sea and water management, land acquisition, mineral and petroleum, community development, Aboriginal land trust administration, native title services, advocacy, information and policy advice. Relevant to this submission is a responsibility to protect the traditional rights and interests of Traditional Owners and other people with interests over the area of the NLC, which is constituted by more than 210,000 square kilometres of the land mass of the NT.

The *Land Rights Act* combines concepts of traditional Aboriginal law and Australian property law and sets out the functions and responsibilities of the Land Councils. Land Councils will:

- identify relevant Traditional Aboriginal Owners and affected people;
- ascertain and express the wishes and opinions of Aboriginal people about the management of, and legislation in relation to, their land and waters;

⁵ For the purposes of this submission, the term *Traditional Owner* will be used to include traditional Aboriginal owners (as defined in the *Land Rights Act*), native title holders (as defined in the *Native Title Act*) and those with a traditional interest in the lands and waters encompassing the NLC's region.

- consult with traditional Aboriginal owners and other Aboriginal people affected by proposals;
- negotiate on behalf of traditional Aboriginal owners with parties interested in using Aboriginal land or land the subject of a land claim;
- assist Aboriginal people carry out commercial activities;
- obtain Traditional Owners' informed consent, as a group;
- assist in the protection of sacred sites; and
- direct an Aboriginal Land Trust to enter into any agreement or take any action concerning Aboriginal land.

The NLC is also a Native Title Representative Body under the *Native Title Act*. In this capacity, the NLC also represents the Aboriginal people of the Tiwi Islands and Groote Eylandt.

NLC's vision is for a Territory in which the rights and responsibilities of every Traditional Aboriginal Owner are recognised and in which Aboriginal people benefit economically, socially and culturally from the secure possession of their lands, seas and intellectual property.

Recommendations

Recommendation 1: Indigenous Ranger Groups

- Extend the length of funding through 5 year contractual arrangements, to generate the stability required for a sustainable Indigenous land and sea management sector.
- Double funding for Indigenous ranger programs and Indigenous Protected Areas over the next five years, in addition to quarantined funding to cover costs for work health and safety requirements, remote infrastructure, assets, and administration.

Recommendation 2: Minerals and Energy Employment

- Resource Land Councils to work with proponents and landowners to maximise long-term benefits from mining agreements, encompassing employment and training strategies.
- Resource training and capacity building to enable Aboriginal landowners to take advantage of economic opportunities resulting from mine closure and rehabilitation.
- Legislate guidelines for mine closure plans that require the inclusion of cultural criteria, to be developed in consultation with Aboriginal landowners and agreed by Land Councils or Prescribed Body Corporates.

Recommendation 3: Education and Training

- Ensure sufficient flexibility in delivering education policies and programs, including curricula, to allow for local circumstances and needs.

Recommendation 4: Building Aboriginal Governance Capacity

- Systemic structural reform and investment to build strong Aboriginal Peak Organisations to engage Traditional Owners to lead, design and deliver governance programmes and service delivery in remote communities.

Recommendation 5: Community Development Program Reform

- Adopt the Aboriginal Peak Organisations of the Northern Territory's Remote Development Employment Scheme.

Recommendation 6: Establish Land Council Economic Development Unit

Resource the establishment of economic development units within Northern Territory Land Councils to:

- provide advice, referrals and assistance to aspiring Aboriginal businesses, and ongoing support to new enterprises;
- broker and market employment and business opportunities with industries and major developments;
- conduct research into opportunities for ecosystem services in the region, including carbon abatement and sequestration, biodiversity conservation, and feral animal management;
- investigate, set up, manage and monitor fee-for-service and economic development programs and services for Indigenous ranger groups.

Recommendation 7: NLC Regionalisation Strategy

- Champion and fund the Northern Land Council's 'Building the Bush' Regionalisation Strategy, as a necessary driver to engage Traditional Owners in the sustainable use of their lands and waters towards economic development outcomes that benefit communities and homelands.

Recommendation 8: Remote Housing

- Support the establishment of local housing service delivering corporations and related business opportunities, where identified, to develop and implement strategic organisational plans and resource ongoing functions of community housing service entity.
- Resource and support co-designed training, up-skilling and apprenticeships for local Aboriginal people to participate in recognised training and qualifications across a range of sectors.
- Ensure sufficient ongoing funding is made available to support Aboriginal people living on homelands to upgrade and maintain their properties

Recommendation 9: Growth Industries

- That the Commonwealth and Northern Territory Governments work with Aboriginal landowners to maximise employment and economic development opportunities from participation in the fishing sector, renewable energy industry and other community driven initiatives.

Recommendation 10: Expanding Indigenous Ranger Compliance

- Provide long term funding for the establishment of the NLC's Indigenous ranger surveillance and compliance program, an incident management hot desk and referrals process, in partnership with the NT Police and relevant agencies.
- In partnership with Indigenous ranger groups, industry and the Northern Territory Government, establish legislative, policy and economic frameworks that support the continuation of current Aboriginal carbon abatement projects and expansion of the Aboriginal carbon industry.
- Pursue the establishment of a core funding arrangement for all Indigenous land and sea management programs in partnership with the NT Government.

Recommendation 11: Remote Infrastructure Plan

- Work with the Northern Territory Government and Traditional Owners to undertake soil and water resource assessments, develop, resource and implement a remote infrastructure development plan, encompassing transport, communication and essential services.

Recommendation 12: Procurement and employment targets

- Encourage industry sectors to introduce Aboriginal procurement and employment policies and targets through policy, legislative or other means.

Recommendation 13: Access to finance

- Seek bipartisan commitment for a reform agenda to address issues of access to finance and fiscal policy.

Recommendation 14: Aboriginal Benefit Account Governance & Funding Reform

- Continue discussions and take advice from NT Land Councils regarding Aboriginal Benefit Account (ABA) reform, to rebalance decision-making power towards Aboriginal people and regional decision-makers.

- Delegate the approval process for small value s64(4) *Aboriginal Land Rights Act* grants to expedite project implementation.
- Reform government grant arrangements to enable longer term funding, local criteria, local assessment, transition and exit plans, and flexible, pooled funding.
- Ensure that Aboriginal people and/or Land Councils support funding applications relating to the Northern Territory.
- Ensure that all grants include a component for capacity building of local Aboriginal organisations and community members.
- Implement a more transparent application and approval process for IAS capacity building funding.

Addressing the Terms of Reference

1. Employment pathways available to Indigenous Australians

1.1 Aboriginal land and sea management

The ecological knowledge that Traditional Owners have of their country, together with the establishment of ranger programs and Indigenous Protected Areas, created an important employment sector and emerging economy in conservation and land and sea management.

Traditional Owners and Aboriginal rangers undertake biosecurity surveillance work that addresses many matters of environmental significance to the NT and Australia, including the protection of natural resources, cultural heritage, threatened plants and animals, maintenance and protection of World Heritage areas. Activities include invasive species control, fire management, beach and ghost net clearance, environmental monitoring, research collaborations, sacred site protection and managing visitor access and fisheries compliance.

There are 36 Indigenous ranger groups in the NLC's region, providing numerous benefits to Aboriginal people in remote communities in terms of employment, health and wellbeing and career progression. Ranger groups provide a key employment pathway in remote communities, with around 80% retention levels, a young workforce and a high demand exceeding the availability of funded positions. Rangers, both men and women, are highly regarded as important role models in their community and for schoolchildren.

Indigenous ranger groups need a commitment to long-term core program funding to ensure their stability. Despite the benefits of these programs being recognised through independent research, with praise from across the political spectrum, they are currently subject to three-year funding that concludes in 2021. Adequate funding for operational costs, assets (especially vehicles) and remote infrastructure (such as ranger bases, offices and coordinator accommodation), continues to be a key program risk impacting on the capacity of the rangers to meet work health and safety requirements and ongoing sustainability. With additional funding, there are opportunities for this well-established and

highly successful Aboriginal employment pathway model to be expanded to other government service sectors, as outlined in section 3.1, 4.2, 4.3.

Recommendation 1: Indigenous Ranger Groups

- Extend the length of funding through 5 year contractual arrangements, to generate the stability required for a sustainable Indigenous land and sea management sector.
- Double funding for Indigenous ranger programs and Indigenous Protected Areas over the next five years, in addition to quarantined funding to cover costs for work health and safety requirements, remote infrastructure, assets, and administration.

1.2 Minerals and energy

History reveals various sporadic examples of successful economic development outcomes for Aboriginal people within the broader success story that is the Australian minerals and energy sectors, however, more consistently a multitude of lost opportunities for both industry and Aboriginal people is exposed. In the majority of instances where the resources industry operates on Aboriginal land, the ability of Aboriginal communities, businesses and individuals to capitalise on and realise the potential benefits of this industry, such as income generation and service delivery, can be described as severely constrained.

In the Top End of the NT, employment opportunities for Aboriginal people in these sectors have been largely limited to boutique roles, such as cultural monitoring or entry level field assistants, yard hands or offsider type roles. Such opportunities are generally short-term, sporadic and lower paying, and uptake is poor. Some Aboriginal people are employed as plant operators in these sectors, but very few Aboriginal people are employed in professional positions.

Each stage of the minerals and energy resource development process (exploration and feasibility, construction, operations, mine closure and rehabilitation, and post-closure land use) affords opportunities for industry to engage with local Aboriginal businesses and labour. However, in many instances, the effective engagement of local Aboriginal people in the resources sector is diminished by the lack of foresight, coordination and strategic planning from industry and government to engender real economic development opportunities through Aboriginal employment strategies, targeted capacity building and other programs for Traditional Owners.

Effective strategies to deliver economic opportunities to Aboriginal communities through employment include:

- an Industry Aboriginal employment strategy and procurement process;
- conducting an audit to identify existing baseline qualifications and skills relevant to these sectors within Aboriginal populations in mining regions;
- designing targeted training programs (advance planning from the outset of a resource development project to identify potential employment opportunities across all aspects of the project well in advance of these opportunities becoming available);
- aligning course types and numbers of graduates in any training program with industry criteria;
- scheduling training so completion is synchronised with the timing of an employment opportunity as it becomes available; and

- training delivered by persons experienced in inter-cultural communication, with on-going support mechanisms in place, to ensure sensitivity to Aboriginal values and culture and to attain desirable completion rates

Case study: Kakadu Native Plants

The mine closure and rehabilitation phases of resource development projects potentially offer medium to longer-term employment opportunities that align with existing skillsets, values and interests of Aboriginal people (such as environmental stewardship), and also provide significant opportunities to achieve better closure-related outcomes.

As the Ranger Uranium Mine in Jabiru moves towards final rehabilitation there are significant opportunities to provide rehabilitation services. Kakadu Native Plants is a 100 percent Aboriginal owned and operated business that has successfully provided plants, undertaken rehabilitation works and carried out land management such as fuel reduction burns at the site. Although Kakadu Native Plants has been contracted to provide a significant number of trees and will be involved in sourcing, planting and management, the massive scale and short time line has meant the company does not have the capacity to take full advantage of the opportunity. A more staged approach to rehabilitation would have allowed Kakadu Native Plants to provide the required services utilising local resources.

To enable Aboriginal people and organisations to take advantage of opportunities resulting from mine closure, early and effective engagement of Aboriginal people in the closure planning process is required. Closure planning and the development of a realistic and satisfactory closure plan should be a legal requirement of all mine sites and be undertaken during the early phase of mine life. The guidelines should require establishing cultural criteria as a mechanism to ensure the opinions of Traditional Owners are considered in the closure process; and to establish a benchmark against which progress can be measured. Traditional Owners should be resourced to engage in closure planning with the support of Land Councils. The Ranger Uranium Mine provides an example of a mine closure plan with cultural criteria developed in consultation with Traditional Owners, with the support of an experienced linguist/translator, and as proposed by the NLC.

An investment in skills and capacity well in advance of closure is needed to enable Aboriginal organisations to take advantage of opportunities that arise from mine closure. Where practicable, undertaking progressive rehabilitation throughout mine life provides longer-term opportunity and at a scale that can be met with local resources.

Recommendation 2: Minerals and Energy Employment

- Resource Land Councils to work with proponents and landowners to maximise long-term benefits from mining agreements, encompassing employment and training strategies.
- Resource training and capacity building to enable Aboriginal landowners to take advantage of economic opportunities resulting from mine closure and rehabilitation.
- Legislate guidelines for mine closure plans that require the inclusion of cultural criteria, to be developed in consultation with Aboriginal landowners and agreed by Land Councils or Prescribed Body Corporates.

2. Barriers to employment for Indigenous Australians, including access to employment and training

The two key barriers to Aboriginal employment in remote areas of the NT are a lack of real jobs and the widespread social and economic disadvantage faced by Aboriginal people (including poverty, appalling health outcomes, inadequate housing and the highest rates of overcrowding in Australia, ongoing discrimination and trauma). Lack of recognition by mainstream organisations of Aboriginal cultural needs and obligations can also create further challenges and conflict in employment situations.

Policies and programs seeking to increase Aboriginal employment must include meaningful job design, resource and implementation strategies in this context.

2.1 Education and training

Full participation of Aboriginal people in the NT economy depends on culturally appropriate education and training, to ensure all young Aboriginal people have the opportunity to gain the awareness, confidence and skills they need, to equip them for the future.

To be effective in areas with a high proportion of Aboriginal residents and endemic disadvantage (such as the Northern Territory), curricula and delivery models must be flexible, with provisions allowing them to be modified. This would enable programs to respond appropriately and effectively to regional or local factors such as language, remoteness, infrastructure, cultural obligations and baseline indicators of unemployment, education, health and wellbeing and industry drivers.

Additionally, vocational training outcomes need to be aligned with employment opportunities across the range of industries operating in the Northern Territory.

Recommendation 3: Education and training

- Ensure sufficient flexibility in delivering education policies and programs, including curricula, to allow for local circumstances and needs.

2.2 Aboriginal governance and decision-making

The NLC maintains that Aboriginal control and traditional decision-making are the key to addressing the significant socio-economic disadvantage experienced in Aboriginal communities. Strong Aboriginal organisations are essential for sustainable Aboriginal-led development and employment – Traditional Owners need to be equipped to manage their lands and waters, and to make decisions about the social and economic development of their communities. This is supported by the findings of the Centre for Aboriginal Economic Policy Research, which identified governance capacity ‘as being a fundamental factor in generating sustained economic development and social outcomes’⁶.

Commonwealth and NT Government policies since 2007 – including the Northern Territory Intervention and structural changes to local government – have resulted in a loss of Aboriginal governance structures and community control. This shift in decision-making from communities to government institutions

⁶Hunt, J & Smith, D. E., *Ten Key Messages from the preliminary findings of the Indigenous Community Governance Project, 2005*, Centre for Aboriginal Economic Policy Research.

needs to be reversed, with not only a strengthening of governance at the Aboriginal corporation level, but the development of governance systems that empower Aboriginal communities and feed into their existing cultural structures. This will require increased capacity of Aboriginal organisations to provide appropriate services that support corporations in their financial and corporate governance.

Recommendation 4: Building Aboriginal Governance Capacity

- Systemic structural reform and investment to build strong Aboriginal Peak Organisations to engage Traditional Owners to lead, design and deliver governance programmes and service delivery in remote communities.

3. Government employment programs and opportunities to build upon effective initiatives

3.1 Community Development Program

Employment programs need to be co-designed to suit the distinctive circumstances of Aboriginal people in regional and remote areas, and lead to genuine work prospects. Despite widespread acceptance of the need to engage Aboriginal people in the design and development of programs that target them, we continue to see top-down approaches that invariably fail. This has been the case with the Commonwealth's Community Development Program, which – despite some 'tweaking' around the edges – continues to fail remote jobseekers, is punitive in nature and is in urgent need of comprehensive reform.

The Aboriginal Peak Organisations of the Northern Territory (APO NT), of which the NLC is a member, has consistently highlighted problems with the program, including that it is racially discriminatory. Issues identified include:

- the lack of Aboriginal community control or input into the program design, or delivery;
- the lack of emphasis on sustainable gains in employment, and inability to provide career pathways and long-term 'on the job' support;
- the program does not do enough to encourage enterprise development or stimulate job creation;
- the lack of flexibility in CDP implementation resulting in a complete inability to tailor arrangements to maximise positive outcomes in different regions and communities;
- the program is punitive and fundamentally fails to understand what drives change in remote Aboriginal communities;
- the program is focused on individuals at the expense of community development and engagement;
- there is a focus on short-term outcomes with no measurement of net gain to communities;
- Under CDP, most participants are required to do many more Work for the Dole hours than others in order to receive income support – meaning that participants are being set up to fail;
- the penalty regime is disproportionately impacting on remote Aboriginal people leading to food insecurity, greater poverty, and increased disengagement from the system entirely;

- thousands of CDP participants are locked into work at a rate well below award rates, with no work entitlements or protections and with little or no prospect of earning additional income or leaving income support;
- expensive and complex administrative and IT systems resulting in more time spent on compliance and reporting than on delivering outcomes, and preventing the employment of local people;
- appropriate assessment processes are simply not available in remote locations; and,
- department of Human Services systems, particularly participant access to Centrelink, are inadequate;

APO NT has proposed an alternative model, which is based on a community development approach and has been developed by Aboriginal organisations to suit the unique context of remote communities in the NT. The proposed Remote Development and Employment Scheme⁷ has two elements:

1. Program Design: A proposal for program design, including the range of opportunities and services that would be available to improve employment, participation and development in remote communities; and
2. Institutional Arrangements: A proposal for the ongoing implementation, governance and management of the scheme that would support partnerships between local communities and government, long term impact, ongoing learning, and Indigenous inclusion in program, design, implementation and evaluation.

In particular, the scheme will feature but is not limited to the following elements:

- Government funding to create 10,500 part time jobs in local Aboriginal organisations across CDP areas, working on specified projects and services. The funding would cover 20 hour per week jobs at the minimum wage and on costs. These would be ordinary jobs, paid at award wages with standard employment rights and conditions, including superannuation. The jobs would be open to local unemployed people (including youth leaving school). Any community based Indigenous organisation would be able to apply for ongoing funding to employ people. A training account would be available to enable skills development, including workplace literacy and numeracy.
- There would be 1500 new six to nine month paid training places for young people working in teams. These could be on environmental or similar projects. They would give young people leaving school an alternative to immediate entry into income support and full-time Work for the Dole.
- Unemployed people who are able to work but don't have one of the new jobs would have to do some sort of activity, but no more hours than people in non-remote areas. Local providers would have discretion as to when to recommend penalties, with community input into the rules. Local program providers would also be able to identify unemployed people who cannot work - for example because of poor health or family crisis. These people would have minimal requirements (for example a quarterly catch up interview).
- The current focus on 26 week job outcomes would be dropped in favour of a focus on getting more people into long term jobs across the community. The focus would be on making a net

⁷ APO NT's Remote Development and Employment Scheme (2017) can be found on the [Fair Work and Strong Communities website](#), where you can access the full proposal, a summary and an infographic.

improvement in employment rates, not on simply counting placements in what are often short term jobs.

- Local people would have a say in setting the objectives for the program and evaluating how it is going.
- At the national level the program would move to an independent body with an Indigenous led board. Regional governance bodies may also be established.

APO NT's Remote Development and Employment Scheme feature positive, enabling approaches, which invest in increasing the rate of unemployment payments and in creating more real jobs in remote communities for people to aspire to. It is time for meaningful government investment and change to ensure sustainable livelihoods for Aboriginal people.

Recommendation 5: Community Development Program Reform

- Adopt the Aboriginal Peak Organisations of the Northern Territory's Remote Development Employment Scheme.

4. Identify gaps and opportunities in the workforce and future growth sectors that could result in employment and enterprise options for Indigenous Australians

Control of land represents an economic opportunity for Aboriginal people. The NT landscapes are relatively intact from a cultural and biodiversity perspective, a situation that makes the region both unique and valuable internationally.

The NLC manages income revenue of an average \$50 million per year from land use agreements. Both the number and range of initiatives on Aboriginal land have been steadily increasing annually since 2012. As at the end of 2018-19, the NLC was managing 723 land use agreements (leases or licences) negotiated under section 19; an additional 63 agreements for mineral or petroleum tenements under the Part IV of the *Land Rights Act*; and a further 32 native title land use agreements under the *Native Title Act*.

Aboriginal corporations have an interest in nearly 21 percent of current section 19 land use agreements. Aboriginal participation is likely to increase, with 29 percent of the 413 outstanding section 19 expressions of interest being from Indigenous proponents.

4.1 Aboriginal enterprises

An increasing number of Traditional Owners from remote communities and homelands are interested in developing fee-for-service opportunities and enterprises on their country for long-term employment and income generation and local economic development. The building of roads and infrastructure, for example, offers opportunities for local businesses to provide resources such as gravel from their land, earth work and construction; while coastal communities see possibilities in sustainable Aboriginal-led fishing and tourism.

Many of these Traditional Owners have feasible ideas and aspirations but lack the necessary skills, capital investment and western business knowledge to turn them into reality. Support such as funding, training and mentoring may be available from various organisations, but there is no ‘one stop shop’ where Aboriginal people from remote areas are able to access advice and referrals to relevant services. Navigating this environment without assistance can be difficult and frustrating for Traditional Owners. The result is that most of these potential enterprises remain undeveloped.

Government business development entities play an important role in financing, building and supporting Aboriginal businesses in urban areas, where there are existing markets, services and infrastructure to support business establishment and growth. However, they are unable to provide the comprehensive support and assistance needed to develop and strengthen Aboriginal businesses in remote and very remote areas, where the majority of the NLC’s constituents live.

The NLC has stepped up its support for groups and organisations that lack resources, experience and networks by providing services that help them get through initial start-up hurdles such as funding; legal advice; accounting; computer services; access to standard industry training; links to strategic partners, advisory boards and mentors; and management team identification. This falls under the Land Council function ‘to assist Aboriginals in the area of the Land Council to carry out commercial activities’ (*Land Rights Act* s23, 1[ea]). However, many of these activities are currently unfunded or ‘invisible’, embedded in the delivery of other business activities.

The NLC recommends the establishment of dedicated economic development units within Land Councils. This would transform the ad hoc and informal support already provided into a comprehensive wrap-around service supporting Aboriginal commercial activities. There is also an untapped role to research new opportunities and establish environmental enterprises associated with ranger groups. Land Councils are best placed to provide the necessary support, as they have established, strong relationships with Traditional Owners; a network of staff operating across their jurisdictions; and experience and expertise in relevant areas.

The recent landmark introduction of Aboriginal Water Reserves in the NT highlights the need for such support. These reserves, which will soon be legislated, enable eligible Aboriginal groups to access water for their own commercial activities, partnering with non-Aboriginal businesses or trading. There are currently no systems or programs in place to ensure communities have the capacity and assistance they need to derive full benefit from this opportunity. The Northern Territory Government has recognised this need and is working with Land Councils on a plan to address it.

Recommendation 6: Establish Land Council Economic Development Unit

Resource the establishment of economic development units within Northern Territory Land Councils to:

- provide advice, referrals and assistance to aspiring Aboriginal businesses, and ongoing support to new enterprises;
- broker and market employment and business opportunities with industries and major developments;
- conduct research into opportunities for ecosystem services in the region, including carbon abatement and sequestration, biodiversity conservation, and feral animal management;
- investigate, set up, manage and monitor fee-for-service and economic development programs and services for Indigenous ranger groups.

4.2 NLC Regionalisation Strategy

The NLC has a very ambitious regionalisation strategy called 'Building the Bush' that we hope will help realise the full potential of developing the Aboriginal estate. Decentralising our services will provide for a stronger regional presence and an enable to better support Aboriginal communities.

One of the three strategic goals of the Strategy is economic development; this will require a locally recruited workforce, a focus on developing business capabilities in communities, supporting the establishment of employment and enterprises on Aboriginal lands, and improving socio-economic outcomes to 'close the gap'.

There is inadequate housing supply and existing offices are inadequate or non-existent to support the Building the Bush Strategy, therefore improved and expanded infrastructure is required locally. This will bring NLC, the peak representative organisation, closer to constituents (as well as proponents), and provide more efficient and locally responsive services, to drive better employment and business opportunities in the regions. Systemic change and partnership with governments is critical for the survival of the NLC, Aboriginal community controlled organisations and Aboriginal communities. While regionalisation will lead to long term cost-saving, it will require a significant initial start-up capital investment in infrastructure and operational costs.

Recommendation 7: NLC Regionalisation Strategy

- Champion and fund the Northern Land Council's 'Building the Bush' Regionalisation Strategy, as a necessary driver to engage Traditional Owners in the sustainable use of their lands and waters towards economic development outcomes that benefit communities and homelands.

4.3 Remote housing

The current roll-out of the remote housing program offers an outstanding opportunity for local employment that must not be lost. The current investment of \$1.1b over 5 years into new and upgraded homes in 73 remote NT communities (growth towns) and 17 Alice Springs Town Camps provides significant opportunity for training, employment and enterprise development across many industries for local Aboriginal people. This requires political and policy commitment to increase employment, procurement and business development outcomes in relation to housing and service delivery. The Northern Land Council is currently engaging with traditional owners and other stakeholders to determine their future aspirations and capacity to take on management of housing related service delivery and economic development through the NTG procurement process to benefit remote community residents. If agreed to, the establishment of Aboriginal Community Controlled Corporation or businesses provide ample opportunity for local Aboriginal people to be trained and employed in the building and construction of new houses, provision of repairs and maintenance services to existing homes and management of tenancies through property and tenancy management. In addition, many wrap around and supporting services and enterprises like fencing, plant nurseries, gardening services, cleaning businesses, municipal services could be developed.

The establishment of housing corporations and or enterprise must be sustainable and have the appropriate financial and governance structures, staffing and resources in place. The development and implementation of strategic and planned training pathways, employment options and appropriate

governance and management structures, must begin now if they are to be successful and evaluated at the end of the current National Partnership Agreement on Remote Housing in 2023. This will enable local Aboriginal people the time to gain appropriate qualifications and ensure structures are in place to support their aspirations. The Northern Land Council, is currently engaging with communities to identify organisations and or individuals that may be interested in tenancy and property management of housing and individuals that have an interest in business opportunities and where necessary upskilling and/or undertaking recognised training and apprenticeships to move into employment or business opportunities. If corporations are interested in taking on the transference of housing management and service delivery from Government, mentoring and financial support including capital start-up will be necessary to build capacities, to partnership with training, employment providers or businesses.

As highlight in recommendation 7, dedicated economic development units within the Land Councils could also assist in identifying and broker training and employment opportunities and pathways to support in the establishment of businesses to provide services to residents in communities and homelands. Such enterprises could include: furniture manufacture/supply; in home living care; gardening and landscaping, cleaning services; production and supply of manchester through Women's Centres; improving public amenity (with the support of local government) eg. planting of trees; removal of graffiti and other public improvement activities; municipal services; and many more. This will provide a range of services and employment opportunities for local Aboriginal people. Additional government resourcing will be required to support the establishment of local business initiatives with the assistance of economic development units.

Whilst the current investment into housing in the Northern Territory communities and Alice Springs Town Camps provides opportunity for employment and enterprise for Aboriginal people in growth towns, homelands must also benefit from and be serviced by any such organisations or be supported to gain employment or start up enterprise on their traditional lands. Government resourcing to agencies for the support of homelands will be necessary.

Recommendation 8: Remote Housing

- Support the establishment of local housing service delivering corporations and related business opportunities, where identified, to develop and implement strategic organisational plans and resource ongoing functions of community housing service entity.
- Resource and support co-designed training, up-skilling and apprenticeships for local Aboriginal people to participate in recognised training and qualifications across a range of sectors.
- Ensure sufficient ongoing funding is made available to support Aboriginal people living on homelands to upgrade and maintain their properties

4.4 Future growth sectors

Fishing

Some 85 percent of the Northern Territory's coastline is Aboriginal freehold land. The 2008 High Court 'Blue Mud Bay decision' recognised Aboriginal land ownership extends to the mean low water mark, giving Traditional Owners exclusive access rights to tidal waters over their land. To date, however, Traditional Owners have largely been unable to derive real benefits from these rights. After many years

of negotiations, the NLC is now working with the Northern Territory Government, industry and recreational fishing bodies to establish a new policy and legislative framework that will ensure economic and social outcomes from the Blue Mud Bay decision. This will include new opportunities for Aboriginal people to participate in the fishing industry and fishing tourism.

Renewable energy

The Northern Territory Government has identified the growth of the renewable energy industry as one of its three Climate Change strategic objectives. New economic and employment opportunities from this industry must be afforded to Aboriginal people, particularly those living in remote and coastal areas. The extensive Aboriginal estate may provide, for example, ideal locations for large-scale solar projects. One such project – a 10 gigawatt solar farm – has been proposed in the Tennant Creek area with associated infrastructure spanning from Alice Springs to Darwin. Smaller, local renewable energy projects may also offer employment opportunities, while improving service reliability for remote communities.

To realise opportunities in this emerging NT sector, the Commonwealth and NT Governments will need to adopt policies and programs that support renewable energy partnerships with Traditional Owners, and provide education and training to build the capacity of Aboriginal people to participate in the renewables economy.

Recommendation 9: Growth industries

- That the Commonwealth and Northern Territory Governments work with Aboriginal landowners to maximise employment and economic development opportunities from participation in the fishing sector, renewable energy industry and other community driven initiatives.

Land and sea management: new opportunities

The unique skills and knowledge of Aboriginal people present opportunities to expand into new, specialised, income-generating services in land and sea management.

Managing access to Aboriginal land and the occurrence of unauthorised and illegal activities is a high priority for the NLC. The NT Government recently passed legislation enabling Indigenous rangers to gain basic compliance powers under the *NT Parks and Wildlife Conservation Act*. This follows on from amendments to the *NT Fisheries Act* that enabled the appointment of rangers as fisheries inspectors. The NT Police and Water Police have limited resources to enforce *the Land Rights Act, Aboriginal Land Act (NT)* and *Fisheries Act* across the large expanse of their jurisdiction, particularly in more remote areas. The NLC is seeking to establish a ranger compliance program, in consultation with Traditional Owners and in partnership with these agencies. This will achieve multiple benefits for remote Aboriginal landowners, government and the broader community.

Traditional Owners and rangers have specialised skills and an intimate knowledge of their country, which puts them in an ideal position to manage land and sea country and propose place-based solutions. An area that may present untapped opportunities is climate change mitigation and adaptation, including monitoring the effects of climate change. Governments should invest in the expertise of Traditional Owners and Indigenous rangers and engage them to undertake relevant activities on country.

One example that is already happening is the Aboriginal carbon economy, a growing sustainable industry that provides economic opportunities, protects country and helps combat climate change. Indigenous ranger groups use traditional burning regimes to create early dry season fires (producing less carbon) in order to prevent large and intense fires later in the year. This generates carbon units that can be sold through the Australian Government's Emissions Reduction Fund. Savanna burning carbon abatement projects are underway or planned in a number of areas and are already one of the largest contributors to carbon abatement in the Northern Territory.

This new industry is a great example of what can be achieved when traditional and western sciences come together, and may provide a model that can be utilised for other activities. However, a strong commitment to the Aboriginal carbon industry is required. We urge the Commonwealth to recognise the value of this industry and work with the Northern Territory Government to support its expansion through effective legislative, policy and economic frameworks, as well as supporting research into new abatement methodologies utilising Aboriginal knowledge. In particular, the jurisdictions should work together to provide clarity regarding the development of carbon abatement projects on land subject to Native Title. If done well, this area of policy will have significant potential benefits for Aboriginal communities, through the participation of Traditional Owners and Indigenous ranger groups in the carbon offset economy. With the correct policy settings, including on carbon and biodiversity offsets, ranger employment could double or triple (noting the resourcing constraints identified in section 1.1).

Recommendation 10: Expanding Indigenous Ranger Compliance

- Provide long term funding for the establishment of the NLC's Indigenous ranger surveillance and compliance program, an incident management hot desk and referrals process, in partnership with the NT Police and relevant agencies.
- In partnership with Indigenous ranger groups, industry and the Northern Territory Government, establish legislative, policy and economic frameworks that support the continuation of current Aboriginal carbon abatement projects and expansion of the Aboriginal carbon industry.
- Pursue the establishment of a core funding arrangement for all Indigenous land and sea management programs in partnership with the NT Government.

5. The experience of successful enterprises initiated and owned by Indigenous Australians

In this section we provide two case studies of successful Aboriginal owned businesses in remote areas – one that has demonstrated its sustainability after operating for more than a decade, and one new enterprise. Both have received substantial enterprise development support from the NLC.

5.1 Bradshaw and Timer Creek Contracting & Resource Co. Pty Ltd.

The Department of Defence's Bradshaw Field Training Area, located near Timber Creek, is one of the Australian Defence Force's largest military training areas. The Bradshaw Partnering Indigenous Land Use Agreement (ILUA) has been in place since July 2003. The agreement provides NLC recurrent funding to support a dedicated Liaison Officer position, located in Timber Creek, to assist Traditional Owners with the implementation and monitoring of the ILUA.

Over the last decade, an emphasis has been placed on developing the capacity of Traditional Owners to participate effectively in cultural maintenance, business activities, training and employment, and promoting Aboriginal employment opportunities.

The NLC assisted Traditional Owners to establish their own business, Bradshaw and Timber Creek Contracting & Resource Co Pty Ltd, in June 2008. Since that time the Traditional Owners' business has taken advantage of the unique contracting opportunities presented by the Bradshaw agreement to take on a range of contracts or fee for service activities with the Department of Defence, US Marines Corp, Shire, NT Government and larger Defence contractors.

The business is 100% Aboriginal managed and operated, headed up by a board of six Aboriginal Directors who are all Traditional Owners within the Bradshaw and Timber Creek area. The NLC Bradshaw Liaison Officer has provided substantial support in both the business's establishment and ongoing operations. This role has been a key success factor for the enterprise, which now has an asset base valued at more than \$3 million and employs up to 12 full-time permanent local Aboriginal people, with an additional 10 local people engaged on a full-time casual basis in peak contracting periods. The company's activities include road projects, firebreaks, weed management, waste management, infrastructure installation and environmental monitoring.

The Australian Defence Force's commitment to the ILUA and local Aboriginal participation has also been critical to the company's success.

5.2 Project Sea Dragon and Legune Constructions Ltd.

In 2017, native title holders authorised an ILUA for stage 1 of Project Sea Dragon, a large-scale commercial prawn farm proposed to be built at Legune Station, near the border of the Northern Territory and Western Australia. The value of the investment is estimated by the proponent at \$1.45 billion and at full scale it will be the world's largest aquaculture development, producing 100,000 tonnes a year of black tiger prawns. The NLC has designated significant resources to monitoring implementation of the ILUA and ensuring that its benefits to native title holders are maximised.

In mid-2018, the NLC assisted native title holders of Legune Station with setting up their own company and the development of a consortium agreement with a Darwin-based civil construction company, Allan King & Sons Construction Pty Ltd, to deliver competitive bids for major Project Sea Dragon contracts. The consortium was established with the aim of creating employment, training and business development opportunities for local Aboriginal people, and particularly for the native title holders of Legune.

In September 2019, Seafarms Group Limited announced this consortium was awarded the first contract of work for the billion-dollar aquaculture grow-out facility at Legune Station. This contract was successfully completed; however, other opportunities have been limited as there have been delays in the start-up construction activity works, with the company not securing the funds to commence additional infrastructure activities. It is anticipated that further works will commence in the 2020 dry season.

6. The involvement of Government departments and agencies in facilitating business opportunities for Indigenous Australians

6.1 Investment in infrastructure

Adequate investment in infrastructure is essential in facilitating Aboriginal enterprises as well as broader Aboriginal engagement in economic development opportunities in remote areas. Roads and other transport facilities, communications technology and the provision of power and water provide the foundation for economic activities, yet are inadequate in many areas of the Northern Territory.

Recommendation 11: Remote infrastructure plan

- Work with the Northern Territory Government and Traditional Owners to undertake soil and water resource assessments, develop, resource and implement a remote infrastructure development plan, encompassing transport, communication and essential services.

6.2 Procurement policy

Procurement policy potentially presents a highly effective means of supporting Aboriginal businesses across the Northern Territory, but mechanisms must be put in place to ensure benefits are shared beyond larger urban centres. The Commonwealth Government's Indigenous Procurement Policy and targets – and the adjustments that have been made to these to improve results – are welcome, as is the Northern Territory's development of its own policy. Local suppliers should be mandated wherever possible, especially with regard to housing, roads and services in remote communities. Where there are no local suppliers, there must be a requirement for local Aboriginal employment. The private sector should also be encouraged to adopt strong Aboriginal procurement and employment targets, again utilising local suppliers for activities in remote areas. The development of land council business development units could support implementation of these policies and targets.

Recommendation 12: Procurement and employment targets

- Encourage industry sectors to introduce Aboriginal procurement and employment policies and targets through policy, legislative or other means.

6.3 Access to finance for Aboriginal commercial activities

Access to capital and finance, including loans and investment from partners, alongside financial planning support, is critical for Traditional Owners to realise their enterprise development ambitions and promote Traditional Owner led employment outcomes. A comprehensive review should be undertaken to identify policy reforms that would support this agenda, including the following:

- The NLC has been advised that the *Land Rights Act* allows for lenders to take security over mortgaged leasehold land. This gives owners of community held land holdings the capacity to access bank loans to develop their land and economy. However, in practice Aboriginal businesses that have a lease over freehold Aboriginal land are impacted when it comes to

lending, as it is viewed by lenders (including Indigenous Business Australia) that a section 19 land use agreement in a remote community does not hold the collateral that is required for lending purposes. This is an issue affecting small Aboriginal businesses, as distinct from leases for mainstream sectors (such as mining, agriculture, pastoral or aquaculture) where there is already an active economy and where leases are more easily accepted as collateral. This barrier needs to be addressed as a matter of urgency. Both government and the financial sector – and specifically lenders – should adopt policies that would see the principle of community land as a securable asset, implemented in practice.

- Concessional finance should be available to Aboriginal people, to help address inequities caused by their historical exclusion from the economy.
- Sound financial training and advice should be provided to Traditional Owners who are accessing finance.
- Fiscal incentives (rebates, subsidies, tax concessions) would encourage partnerships with Aboriginal groups for development on Aboriginal land.

Recommendation 13: Access to finance

- Seek bipartisan commitment for a reform agenda to address issues of access to finance and fiscal policy.

6.4 Funding reform

There is an urgent need for funding reform, to better direct Aboriginal resources to Aboriginal identified priorities. To support Aboriginal enterprises and employment, funding needs to be more flexible, over a longer term, less administratively onerous, and linked to local community development goals.

Aboriginal Benefits Account (ABA) reform

Management and decisions about the allocation of funds from the ABA – funds that are generated as a consequence of mining activity on Aboriginal land – should be made by Aboriginal people in the Northern Territory. Aboriginal control over the ABA has been recommended since at least 1984, when a review of the Aboriginals Benefit Trust Account commissioned by the Department of Aboriginal Affairs supported autonomous administration of the funds and found that ‘as a longer term objective, complete Aboriginal control of the ABTA is essential’.⁸

Indigenous Advancement Strategy (IAS) funding

The NLC has expressed and still holds concerns with the current structure and operation of IAS funding. In 2018-19, the Top End (Default PBC/CLA) Aboriginal Corporation RNTBC (TED PBC) unsuccessfully applied for PBC Capacity Building Grant Funding through the Commonwealth’s Indigenous Advancement Strategy (IAS). Specifically, funding was sought to pursue economic development opportunities and support community capacity building in three areas: carbon projects, community planning and development support, and the Elliott land development project, including to:

⁸ Pollack, D. 2018, ‘The political economy of the Aboriginals Benefit Account: Relevance of the 1985 Altman review 30 years on’, *Engaging Indigenous Economy: Debating diverse approaches*, ANU, Canberra, <http://press-files.anu.edu.au/downloads/press/p344543/pdf/ch181.pdf>

1. Employ a Project Officer and Lawyer to engage with native title holders and pastoralists to develop template carbon project ILUAs for native title land;
2. Engage a community planning and development officer to assist native title holders of Timber Creek, Borroloola and Legune (Project Sea Dragon – see Section 5.2 above) to design and implement their own community development projects; and
3. Engage external advisors to provide an economic feasibility study, and an anthropologist and a local Aboriginal person as a project officer for corporate establishment and governance capacity development at Elliott.

All of the above projects were expected to generate considerable employment opportunities for Aboriginal people. NLC officers sought direction and advice about the contents of their IAS submission from relevant departmental staff in Canberra and Darwin to ensure their application was appropriately targeted and supported. It took eight months for the then Minister to consider the TED PBC's application for funding. Ultimately, the application was rejected in full and no reasons for the decision were provided. A request for feedback was made but declined. Anecdotally, the NLC has heard of many other PBCs who have also sought unsuccessfully to obtain IAS PBC Capacity Building Grant Funding. Our collective experiences leave us disheartened as to how to assist PBCs to build their capacity and/or engage in economic development.

Recommendation 14: Aboriginal Benefit Account Governance & Funding Reform

- Continue discussions and take advice from NT Land Councils regarding Aboriginal Benefit Account (ABA) reform, to rebalance decision-making power towards Aboriginal people and regional decision-makers.
- Delegate the approval process for small value s64(4) *Aboriginal Land Rights Act* grants to expedite project implementation.
- Reform government grant arrangements to enable longer term funding, local criteria, local assessment, transition and exit plans, and flexible, pooled funding.
- Ensure that Aboriginal people and/or Land Councils support funding applications relating to the Northern Territory.
- Ensure that all grants include a component for capacity building of local Aboriginal organisations and community members.
- Implement a more transparent application and approval process for IAS capacity building funding.