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Inquiry into the Opportunities and Challenges of the Engagement of Traditional Owners in the Economic Development of Northern Australia

To Whom It May Concern

The Regional Implementation Committee (RIC) is a forum that was formally established in 2016, represented by eight Pilbara Traditional Owner groups and Rio Tinto, with the aim of promoting the wellbeing of Pilbara Aboriginal people through employment and wealth creation opportunities and to address the joint commitments made towards the Regional Standards of Employment and Training and Business Development, as contemplated in the Regional Framework Deed.

In 2017 the RIC commissioned Professor John Taylor to conduct an analysis of change in social indicators for Pilbara Aboriginal people from 2001 - 2016, around health; education, employment and training; participation in regional labour markets; housing; and crime and justice. The findings therefore provide a measure of the overall socioeconomic impact on Pilbara Aboriginal people over the course of the so-called mining boom.

The Report (RIC Report) was formally launch in November 2018 and provides detailed information that empowers the RIC in its strategic thinking and representation to industry, government and others as it seeks to advance social and economic development for Pilbara Aboriginal people.

As shown, some aspects of our lives improved, but the key message from this report is that in many respects outcomes are worse now than they were before the mining boom. As representatives of eight Traditional Owner groups in the Pilbara, we feel that this failure to 'raise all boats' on the back of massive government and private sector investment in our region is an indication that current systems of engagement with Traditional Owners are ineffective.

We, as the Traditional Owner representatives of the RIC would like to submit our Report and its supporting key findings as essential empirical evidence for the Inquiry in underlining the need for urgent action in regard to each of the Terms of Reference. Those matters that are particular concern to us are indicated below.

1. The current engagement, structure and funding of representative bodies, including land councils and native title bodies such as prescribed body corporates;

The difficulty that most Native Title Representative Bodies have in relation to proper engagement with all forms of Governments is our deficiency around a well-managed and co-ordinated approach to engage. That alone stops all hopes of a tangible and committed process that require resourcing, planning and delivery of services. Prescribed Body Corporates (PBC's) if not united will not be able to combat these challenges independently and that is why it is very important that many voice with a single weight will shift strong views, but it will also help when carrying momentum and clarity so that Governments are transparently willing to commit.

2. The role, structure, performance and resourcing of Government entities (such as Supply Nation and Indigenous Business Australia);

There is a serious appetite and desire being discussed around the Pilbara for an Indigenous Industry – these ideas become meaningless if Pilbara Aboriginal people are not supported and taken extremely serious. The same can be also be said about the entities established to assist Pilbara Aboriginal businesses, these entities cannot be critical to all situations and at the same time remain complacent to the views of tending to find fault. It would be a game changer to have the Supply Nation and Indigenous Business Australia (IBA) take a more productive, less-analytical approach. Risk is a part of success.

3. Legislative, administrative and funding constraints, and capacity for improving economic development engagement;

The stigma that raises uncertainty still hangs over the heads of Indigenous people in our everyday lives, where self-motivation to thrive and to be compatible has always been our challenge. What would be ideal is for the Government to set-up by means and purposes legislatively an Indigenous Business Incubator (IBI), to assist with incubation programs to allow private companies and municipal entities, public institutions i.e. colleges / universities access to some of the thought processes and ideas of Indigenous business and their philosophies / concept and designs in conjunction with the Indigenous social/cultural structures as comparison to mainstream. Commercial funding assistance could also be acquired through this framework, moving away from a capital style investment model such as the Indigenous bank structures that only lend according to the low risk and high return principles, where the IBI could act less as a lender and more of a mentor.

4. Strategies for the enhancement of economic development opportunities and capacity building for Traditional Owners of land and sea owner entities.

Based on the Pilbara, three major industries can co-exist - mining, agriculture and fisheries/aquaculture. The Pilbara Indigenous groups could benefit greatly by focusing on these areas in developing our economy and to further enhancing our capacity and capability to be apart of the business economies long game in providing recourses and products.

5. The principle of free, prior, and informed consent.

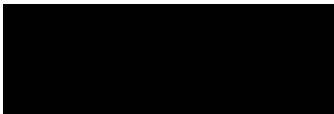
The principles of free, prior, and informed consent is the closest pledge that non-Indigenous people will ever get to understanding and valuing Indigenous peoples of the World. The United Nations Declaration of the Rights of Indigenous peoples (UNDRIP) gives the bare minimum of what is required to do agreements with Indigenous people on mining activities and any commercial land developments. The UNDRIP represents the views of every Indigenous group's that operates under a system of religious domain and cultural governance, and that the land cant be separated by a commercial ideology or from a business points of view. The principles of caring and sharing dictates the 'the principle of free, prior, and informed consent' in a way that commercial projects with the right intentions can become viable as long as Indigenous peoples have the rights to say "no". The position to reject any business proposal is sacred in that it recognises authority to allow further engagement to occur.

6. Opportunities that are being accessed and that can be derived from Native Title and statutory titles such as the Aboriginal Land Rights (Northern Territory) Act 1976

There is no real difference between these acts if Indigenous Australians around the nation are still facing hardship and managing difficulties in all areas of our social and cultural dysfunctional non-Indigenous system, which is opposite to the way we govern and administrate under our own law and cultural governance. The only change we want to recommend is the changing of Governments attitude when it comes to dealing with the matter of Native Title and Land Rights. We are not the enemy of the Nation or States – the process to become legally recognised is what was given to Indigenous Australians by our system of white law, which necessitated our separation from the crown and crowns obligations to us as citizens. Some serious reflection needs to take place to ensure that Governments act according to its fiduciary responsibilities ensuing that Governments acts in accordance to the United Nations Agreement on Human Rights and the Declaration of the Rights of Indigenous peoples.

We look forward to being involved in any Public Hearings should the Inquiry wish the RIC to participate.

Yours sincerely

A solid black rectangular box used to redact the signature of Michael Woodley.

Michael Woodley

On behalf of the Traditional Owner representatives of the Regional Implementation Committee

Represented by Banjima, Kuruma Marthudunera, Puutu Kunti Kuruma Pinikura, Ngarlawangga, Ngarluma, Niyiyaparli, Yinhawangka and Yindjibarndi Pilbara Traditional Owner groups.