



Australian Government
Indigenous Land and Sea Corporation



The ILSC GROUP

PEOPLE. COUNTRY. OPPORTUNITY.

9 December 2022

Joint Select Committee on Northern Australia
PO Box 6100
Parliament House
CANBERRA ACT 2600

northernaustralia.joint@aph.gov.au

Dear Sir/Madam

Re: Inquiry into Northern Australia Workforce Development

Thank you for the opportunity to provide a submission on behalf of the Indigenous Land and Sea Corporation (ILSC). The ILSC is a corporate Commonwealth entity under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) which first commenced as the Indigenous Land Corporation on 1 June 1995. It was established by the *Aboriginal and Torres Strait Islander Act 2005* (ATSIA Act) in response to the Mabo judgement (1992) and as such complements the *Native Title Act 1993* in the recognition of common law native title rights to land.

The ILSC welcomes this Inquiry and is pleased to provide a submission drawing on our 26 years of experience in engaging with First Nations Peoples across Australia. I note that this is one of several Parliamentary Inquiries and other consultations on broad Indigenous issues that are underway or recently completed, and this is also welcomed. The ILSC position is that the vision of this Inquiry and Government policy more broadly should look beyond Traditional Owners and encompass Indigenous Australians who are not recognised as such. It is critical to recognise that there are many Indigenous Australians who aren't recognised as Traditional Owners of their country and who will be crucial in the future development of Northern Australia.

I would like to bring to the attention of the committee the recommendations of the Indigenous Reference Group, established to advise the Northern Ministerial Council in the '[Northern Australia Indigenous Development Accord](#)' which sets out six Activities for implementation. These were designed after extensive review and consultation with governments, communities, industry and other stakeholders in northern Australia.

Indigenous land holders should be empowered to participate in local, national, international and cultural economies. The diversification of pastoral leases could unlock a range of opportunities for Indigenous economic development if done appropriately and involving Native Title Holders as co-designers and beneficiaries of development of the pastoral estate where non-exclusive Native Title is claimed or has been determined. Currently, returning country under Native Title or alternative legislation such as the *Aboriginal Land Rights Act (Northern Territory) 1976* and state and territory legislation only represents the beginning of the issues faced by Traditional Owners. Future Act negotiations and red tape that constrains land use to running cattle doesn't represent a true return of country or autonomy. There is a large gap in the capability and independence of Prescribed Bodies Corporate and closing this will reduce red tape and provide for more equitable benefits to flow to local groups.

The challenge of fungibility and access to capital being hampered by mainstream thinking around tenure and communal decision making further exacerbates the challenge. More work is needed to educate lenders of the

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opportunities, and to support them to develop financial products that can work in the absence of freehold tenure. In addition, this needs to be complemented by fully resourcing the settlement of Native Title Claims, in particular the resourcing for Prescribed Body Corporates (PBCs) to act on behalf of Native Title holders to ensure good governance and consequently to engage in development and create employment pathways.

The delivery of the report in August 2021 by the House Standing Committee on Indigenous Affairs, titled “*Indigenous Participation in Employment and Business*” also highlighted the opportunity for Indigenous engagement and participation in the international economy. The ILSC particularly supports one of the key recommendations to unlock opportunities for Indigenous economic development in Northern Australia, to include Indigenous interests in all future free trade agreements, including geographical inclusions and support for access to foreign direct investment.

The ILSC also sees the coordination of Australian Government investment across a range of programs and agencies as critical to the long-term success in developing Indigenous livelihoods and economies not only in Northern Australia but nationally. Key to this is ensuring that good opportunities are not lost to bureaucratic ‘mandate shifting’, where agencies pass the buck to another agency.

For First Nations Australians, caring for Country remains a foundational relationship. The monetisation of Caring for Country as a sector delivers livelihoods and underpins the ability for many people to remain on country. The potential for the Indigenous land and sea management workforce to support and expand the ‘green’ economy is enormous. This is particularly the case for the carbon economy, Caring for Country and renewable energy. All of these sectors represent opportunities for skilled jobs on and off Country for Indigenous Australians as well as balancing traditional customary care with economic development.

The ILSC is committed to working collaboratively with the NIAA and the Department of Climate Change, Energy, the Environment and Water (DCCEEW) on Indigenous rangers undertaking Indigenous led management of their country. While emphasising that Caring for Country extends beyond ranger and Indigenous Protected Area (IPA) funding, the ILSC welcomes the Australian Government's commitment to increase these streams of activity. The ILSC also sees an opportunity for the Australian Government to consider a complementary funding increase for the ILSC's Real Jobs Program. This would provide an opportunity to maximise the impact of the Australian Government's investment in Indigenous land and sea management and commitment to creating real jobs with the replacement of the Community Development Program.

Critical to ensuring the success of dealing with the issues I have outlined must be the prioritisation of self-determination for First Nations Australians. The ILSC is working towards to application of the principles of the UN Declaration on the Rights of Indigenous Peoples in its internal policy settings to support the realisation of self-determined Indigenous economies through the ownership and management of Country. Two recent inquiries have dealt with this issue, and it requires reinforcing at every opportunity: that Australian governments give effect to the UNDRIP by enshrining it in law and ensuring harmonisation across the state and territories. I also implore the committee to consider recommending the enlivening of the 'Northern Australia Indigenous Development Accord'.

Thank you again for the opportunity to contribute to this inquiry, please do not hesitate to contact Rebecca Hayden, General Manager Policy Strategy & Performance at the ILSC by email:

or phone to arrange a meeting or should you have any questions regarding the points raised in this letter.

Yours sincerely

Group Chief Executive Officer
Indigenous Land and Sea Corporation