



Australian Government

**Department of Agriculture,
Fisheries and Forestry**

Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs

Inquiry into economic self-determination and opportunities for First Nations Australians

Submission from the Australian Government
Department of Agriculture, Fisheries and Forestry

May 2024

Introduction and our role

The Department of Agriculture, Fisheries and Forestry (the department) works to enhance our agricultural, fisheries and forestry industries. We are at the forefront of key national and international debates on food supply chain, biosecurity, cost-of-living pressures, climate change, building economic resilience and maximising economic opportunities for First Nations Australians. Collectively, government departments have an opportunity to address historical and present-day inequities through genuine consultation, using the expertise of First Nations Australians on matters that affect them to drive economic and social opportunities.

Our commitment to empowering First Nations economic self-determination across Australia's agriculture, fisheries and forestry industries is focused on working in partnership with First Nations people and elevating First Nations voices in the sector through ongoing engagement.

We acknowledge that First Nations Australians hold an unceded connection with the land, waters and seas of this country, and hold aspirations for more sustainable, productive and profitable land- and sea-based economies. We aim to achieve this by pursuing First Nations agribusiness ownership and employment, encouraging the acknowledgement and use of Indigenous knowledges, activating the economic value of land and sea resource rights, strengthening the crucial role of Indigenous Rangers and other First Nations groups in Australia's biosecurity protection and expanding pathways for First Nations exporters to international markets. This will contribute towards the sector's goal to grow agriculture to a \$100 billion industry by 2030 by increasing productivity, facilitating market access and diversification, and will maintain our reputation for high quality and sustainable produce.

The department is delivering \$70.6 million from the 2024-25 Budget and 2023-24 Budget for First Nations outcomes for drought resilience, Indigenous agricultural product credentials, the Indigenous Ranger Biosecurity Program and the Climate Smart Agriculture Program. Under the Northern Australia Biosecurity Strategy, we are also delivering opportunities for First Nations school leavers to enter the biosecurity science workforce through internships and school leavers programs. Additionally, we've provided \$11.3 million of the five-year \$110 million Accelerate Adoption of Wood Processing Innovation to Indigenous businesses from the 2022-23 Budget. We are working with state and territory governments and First Nations Australians to develop a *National Statement on First Nations in Agriculture (National Statement)* to increase Indigenous economic inclusion and self-determination in the agriculture, fisheries and forestry industries. The department is also enhancing engagement with First Nations peoples across a range of priorities including: the Western Sydney Airport, Strategic Forest and Renewable Materials Partnership; National Institute for Forest Products Innovation; Future Drought Fund Consultative Committee; and the National Fisheries Plan.

Economic policy guided by the priority reforms of the National Agreement on Closing the Gap is central to achieving improved outcomes for First Nations people. By developing and implementing policies with First Nations people that support economic self-determination, there is a greater opportunity to contribute to improved outcomes of First Nations people, communities and businesses. Economic self-determination will also support the work of the

government and industry in promoting the growth of the agriculture, fisheries and forestry sectors and play a significant role in strengthening the economy in regional and remote areas.

The department looks forward to continuing to work in partnership with First Nations people, governments, industry and academia on First Nations land- and sea-based economic policy matters, including matters where we do not hold the levers but can mobilise for the policy cause. The department has made progress to enhance our presence within First Nations economic policy and there is great potential to work more collaboratively across government as we continue this journey.

Opportunities for, and barriers to training, employment and business development

While recorded participation in agriculture is relatively low, First Nations people make unique contributions that are not always reflected (Barnett et al. 2022). Data show that less than 1% of the agriculture workforce self-identifies as First Nations, although there is a higher prevalence of First Nations representation in employment in sectors such as sheep, beef, cattle and grain farming (ABARES 2023). This is likely to be reflective of the relative concentration of broadacre livestock farming in the north of Australia, where there is also a higher proportion of First Nations people and communities. According to the 2016 census, there are only 563 Indigenous business owners in the agriculture, forestry and fishing sectors (0.6% of all business owners in these sectors). First Nations enterprises can provide substantial benefits and higher social return through greater training and employment of First Nations people and investment back into respective communities (PwC Indigenous Consulting, 2018). The department continues to lead the Agriculture Workforce Working Group which brings together employer groups, unions, and the Australian Government to pursue solutions to a diverse range of agricultural workforce issues. The working group is progressing research to help better understand First Nations employment in agricultural industries and identify the drivers and barriers to improving representation. There is much greater potential for First Nations-led training, employment and business development across the agriculture, fisheries and forestry industries.

First Nations Australians own¹ 134 million hectares, equating to 17% of the land in Australia and including 22 million hectares of forest. The department continues to support the increase of economic and social opportunities for First Nations people in the forestry industry. As part of the Accelerate Adoption of Wood Processing Innovation Program, outlined in the 2022-23 Budget, \$11.3 million in grant funding has been awarded to First Nations businesses to enhance the sector's ability to supply more of Australia's wood demands into the future. The National Institute for Forest Products Innovation has been established to undertake forestry research and development and includes a specific First Nations position on the board. The Institute is anticipated to undertake research on participation in production forest management by First Nations people.

¹ Indigenous owned is freehold land or forest that is owned by Indigenous communities, or land or forest for which ownership is vested through other mechanisms.

In alignment with the *National Agreement on Closing the Gap*, the Indigenous Ranger Biosecurity Program (IRBP) demonstrates how Australian Government agencies can work in partnership with First Nations people and deliver biosecurity, environmental, cultural, social and economic development outcomes. IRBP fulfills an indispensable part in Australia's national biosecurity system. Indigenous Rangers bring unique traditional knowledge and skills to the biosecurity program in northern Australia, helping to bolster our early detection capability for exotic weeds and pests. In May 2023, the government announced the continuation of the IRBP with a funding profile of \$40.6 million over the next four years and \$12 million ongoing from 2027-28. Rangers, usually representing Traditional Owners, are well placed to detect changes *on country* and conduct activities across vast amounts of sparsely populated, hard-to-access land. In addition to supporting effective biosecurity in northern Australia, the IRBP contributes to broader social outcomes in remote communities including increased education, employment and economic opportunities.

A key pathway to achieving the \$100 billion agriculture sector by 2030 goal is growing and diversifying our reach into international markets, particularly for premium and unique or inimitable products. First Nations businesses can offer competitive advantages and premium prices. The government is already making an explicit commitment to increase First Nations business opportunities in international markets through trade. However, some native products, such as Australian bush foods, being regarded as novel in nature still have several technical market access restrictions into key export markets. The EU and UK being a good example where these restrictions exist. We continue to lower these barriers for First Nations businesses. For example, the UK Food Standards Agency (FSA) is currently assessing market access for Australian exports of wattle-seed, mountain pepper, pepper berry and lemon myrtle. But even with market access it is important for First Nations businesses to own their marketing advantage. Currently, there are no universally recognised credentials that authenticate a product is from a First Nations business or community, such a credential could provide a market advantage and assist in attracting premium prices for products. There are no specific laws to protect Indigenous Cultural and Intellectual Property or Indigenous Ecological Knowledge in Australia, however internationally, these rights, including in relation to genetic material, are addressed through various fora including the United Nations Declaration on the Rights of Indigenous Peoples, the Convention on Biological Diversity, the Nagoya Protocol and the World Intellectual Property Organization.

To increase the ability of First Nations people to demonstrate product authenticity, prove world-leading practices, and protect and verify claims about attributes of their Indigenous agricultural products, the department is supporting the development of the Indigenous Agricultural Product Framework (Framework) for Indigenous agricultural product credentials. The Framework, being led by the Indigenous Land and Sea Corporation, has the potential to deliver a range of economic and community benefits for First Nations people and communities in both domestic and export markets. To support opportunities for First Nations farmers, producers and processors, the department is providing \$1,580,000 in grant funding to the Noongar Land Enterprise (NLE) to pilot the uplift of export readiness for First Nations' businesses by using digital and paper-based traceability systems to meet export requirements and consumer demands. It will include 3 proof of concept designs to support the NLE become viable producers

and exporters of honey and wattle seed products. The research and insights from this pilot will assist other First Nations businesses to become viable producers and exporters.

On 6 October 2023, Agriculture Ministers agreed to prioritise working with First Nations peoples to develop the *National Statement*. This will lay the foundation for all Australian agriculture departments to pursue tangible, economically inclusive outcomes with a positive impact for First Nations individuals, businesses and communities within the agriculture, fisheries and forestry industries. The department is consulting with states and territories and First Nations Australians on the development of an impactful statement, with the capability to increase productivity, facilitate market access and diversification, and maintain our reputation for high-quality and sustainable produce.

Impediments to building the economic and social infrastructure required to support economic prosperity in the long term, including barriers to building the economic and social infrastructure required to support industry and business to expand and create jobs

To support effective economic self-determination and opportunities for First Nations people in agriculture, fisheries and forestry, it is necessary to understand the impediments and barriers to building economic and social infrastructure. This will better inform policy and program development to ensure long term economic prosperity and enable industry and businesses to expand and create meaningful jobs for First Nations people. Primary impediments include limited First Nations intergenerational wealth transfer, a shortage of industry engagement with experiences of exclusion and racism, difficulty accessing commercial finance and capital, limitations imposed by regulations, and a lack of infrastructure and services to develop industries in regional and remote areas.

Intergenerational wealth transfer has long underpinned the Australian agriculture sector with the family farm being the most common business structure. In the current Australian agricultural context, the high cost of land and high input cost environment, coupled with agribusiness being subject to the variable costs of weather and commodity market price cycles, has made intergenerational wealth transfer the primary method (outside large company structures) for new entrants to own and operate a farming business, as noted by (ABARES 2021, Naylor 2023). While there are successful First Nations agribusinesses, it is difficult to develop new agricultural enterprises when we consider that most First Nations people have been excluded from economic participation and displaced from their land. This has contributed to limited intergenerational wealth creation, further perpetuated by the current cost structures in the industry (Quinn 2023).

These impediments, along with limited agricultural industry engagement with issues affecting First Nations people, maintains the exclusion and racism that limits economic self-determination and participation in the industry. Recent sector research highlights experiences by First Nations producers with racial discrimination, which act as a barrier for First Nations people to enter and thrive within the industry (Cole 2024). This follows a well-documented history of systemic discrimination and lack of fair wages highlighted by the 1966 Wave Hill walk-off (Quinn 2023). With only 1% of the agricultural workforce identified as First Nations – a figure well below the population percentage – ongoing and active industry engagement with First Nations experiences is required to shift this low participation (National Farmers Federation & KPMG 2023).

Alongside limited intergenerational wealth transfer and industry engagement, is the difficulty First Nations people experience in accessing finance and capital to develop new business enterprises. First Nations people often have less access to lending from family and friends, and a lack of security and assets required to leverage mainstream funding. This is further compounded by difficulties experienced by emerging First Nations businesses to meet the lending criteria of commercial institutions (First Nations Capital 2021). Of note to an agricultural context, is the inability of First Nations people under land tenure arrangements to leverage their land as security to raise finance and capital like other mainstream agricultural businesses, and in a way that does not extinguish the underlying native title interest (Wensing E, 2016).

Limitations imposed by regulations can further impede First Nations economic self-determination and participation in the sector. Cultural fishing licences can prevent First Nations fishers from using their catch for economic purposes, despite First Nations people maintaining a long connection to fishing for food and economic trade. While the license conditions differ across state and territories, there is potential to connect cultural practices and fishery regulations more effectively across jurisdictions. For example, the New South Wales Aboriginal Fishing Rights Group is seeking amendments to the *Fisheries Management Act 1994* (NSW) to remove strict bag limits designed around non-First Nations recreational and commercial fishing, not cultural fishing (AIATSIS 2021). The partnership between Land and Sea Aboriginal Corporation of Tasmania, Indigenous Land and Sea Corporation and the Tasmanian Government for First Nations businesses to enhance abalone commercial operations demonstrates the importance of removing legislative limitations to unlock greater economic and social benefits for First Nations people (SBS 2022).

A lack of economies of scale limits infrastructure, services access, and accommodation (residential and commercial) in regional and remote areas continues to be a significant barrier to First Nations people in developing commercially viable enterprises. Factors such as location, access to markets and distance from major population centres, infrastructure, communications and services are all significant impediments in regional and remote areas (Ubris & Westpac, 2014). The significance of the Murray-Darling Basin in producing 40% of Australian agricultural produce is owed in part to its infrastructure connectivity and proximity to markets and major population centres (Murray-Darling Basin Authority 2023). Major opportunities have been identified across other areas of regional and remote Australia for agriculture development but,

this requires ongoing infrastructure and service investment to support connectivity and commercial viability (CSIRO 2020).

Options to unlock capital and leverage intellectual property, the Indigenous Estate and First Nations skills to elevate First Nations people as economic partners

Indigenous knowledges enhance access to global markets, ensuring that Indigenous enterprises are not just participants but key drivers in the domestic and international economic arenas. There is a wealth of Indigenous knowledges and assets to respect, draw on and embrace in whole-of-government priorities and the agricultural, fisheries and forestry sectors.

Australia has one of the most variable climates in the world. This can be seen in drastic changes in temperatures, long periods of drought, flood, catastrophic bushfires, and frequent extreme weather events. As climatic conditions become more unpredictable under rising global temperatures, the impacts from these events will become increasingly more complex and difficult to manage. First Nations people have managed Country for over 60,000 years through several significant climatic events including an ice age, interglacial periods, and severe droughts. First Nations people deep connection, responsibility and knowledge of Country and climate management is expressed through many formats today, such as cultural fire management, ranger programs and biodiversity restoration, alongside traditional farming operations (DCCEEW 2023, DAFF 2023).

There is growing reliance on Indigenous knowledges throughout rural Australia, particularly in regions that possess valuable biodiversity. First Nations voices and authoritative knowledge on these issues should be elevated and safeguarded across the land management sector to ensure their interests are embedded in the development of Australia's response to climate change and contribute to wider environmental and social benefits (DCCEEW 2023, DAFF 2023). Additionally, the work of Rural Research and Development Corporations (RDCs) in contributing to innovation in the agriculture industry could also be a further opportunity to encourage greater participation of First Nations researchers and research to reflect Indigenous knowledges and assets more effectively.

The department welcomes opportunities to explore how greater commercial and economic activation of collectively held land tenure can better support First Nations economic self-determination within the current legislative framework. This includes the upcoming review of the future acts regime within the Native Title Act by the Australian Law Reform Commission, as recommended in the final inquiry of the Joint Standing Committee on Northern Australia into the destruction of 46,000-year-old caves in Western Australia. Harnessing the commercial and economic value of land and sea interests on the terms of First Nations people could open

significant opportunities for greater First Nations inclusion in the agriculture, fisheries and forestry sectors.

Protecting Indigenous Knowledges

Indigenous knowledges are a living body that is developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity. First Nations people recognise the importance of their existing competitive advantages in their intimate knowledge of the land and the environment as a basis for economic independence and self-determination.

As noted by IP Australia, it is not possible to cover and protect all Indigenous Knowledges through intellectual property under current Australian legislation (House of Representatives Standing Committee on Indigenous Affairs 2018 and IP Australia 2022). Internationally, there has been significant progress on protecting Indigenous knowledge systems, with Australia well placed to engage with international initiatives, agreements and protocols, including the Nagoya Protocol. As a signatory to the Nagoya Protocol, legislative change across Australia is underway to align with the Protocol, and work with First Nations knowledge holders to preserve and maintain Indigenous knowledge and practices related to the sustainable use and conservation of biodiversity (CSIRO 2020). If fully implemented, the Protocol would enable traditional knowledges to be accessed with prior and informed consent or approval that establishes mutually agreed terms that recognises First Nations people's rights to use, enjoy and benefit from them.

However, greater focus on protecting Indigenous Knowledges is required to ensure people outside First Nations communities are prevented from acquiring intellectual property rights to Indigenous Knowledges and that First Nations people are empowered to control and use Indigenous Knowledges for economic benefits.

Recognising Indigenous Knowledges forms of creativity and innovation as protectable intellectual property aligning with the Nagoya Protocol, will enable First Nations people to have a say over their rights to make it possible to protect traditional multimedia against misappropriation and commercial exploitation to enable communities to control and benefit collectively from their traditional knowledge (WIPO n.d.). As noted by WIPO (2023), traditional knowledge innovations will benefit from patent, trademark and geographical indication protection, or be protected as a trade secret or confidential information.

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