



NSW Aboriginal Land Council

Submission to the NSW Productivity Commission

'Kickstarting the productivity conversation'

November 2019

RECOMMENDATIONS

Recommendation 1: Aboriginal community controlled organisations and governance structures including Local Aboriginal Land Councils should be a key foundation of any Government strategies relating to building human capital.

Recommendation 2: The Aboriginal community controlled sector should be supported to provide training, mentoring and professional development to Aboriginal people.

Recommendation 3: The NSW Government should develop a specific Aboriginal water policy to increase the involvement of Aboriginal people in the ownership and management of water.

Recommendation 4: The NSW Government should continue to develop tailored solutions to address the infrastructure and planning issues that Aboriginal communities experience, in partnership with NSWALC.

Recommendation 5: Any proposals for reform that impact on Aboriginal people must be developed in partnership with peak Aboriginal organisations and Aboriginal communities.

Introduction

The NSW Aboriginal Land Council (**NSWALC**) is the peak body representing Aboriginal peoples across NSW and with over 23,000 members, is the largest Aboriginal member based organisation in Australia. The Aboriginal land rights network has unique, first-hand knowledge of the challenges and opportunities facing Aboriginal peoples and has developed, and continues to develop a range of innovative opportunities for overcoming these barriers.

NSWALC is focused on building a better future for Aboriginal people by unlocking the full potential of our three greatest assets; the land we have reacquired, our culture and heritage, and our people. We want to change the narrative from welfare to self-sufficiency by securing our fair share of the growing NSW economy.

The Land Rights Network is the key vehicle to address the needs and aspirations of Aboriginal communities and is the framework for achieving self-determination in NSW.

Our organisation is working to secure land and water rights, cultural protection, social wellbeing and economic development. Our key strategic initiatives to pursue economic independence and prosperity for our people aim to:

- Create jobs and enterprise opportunities for Aboriginal people;
- Increase the supply of quality, affordable housing for Aboriginal people; and
- Work with Local Aboriginal Land Councils (**LALCs**) to unlock the value of their land.

This submission focuses on three of the six priority areas in the discussion paper:

- Building human capital for a modern and evolving economy;
- Reliable, sustainable and productive use of our water and energy;
- Planning for the housing we want and the jobs we need.

NSWALC submits that the discussion paper does not pay sufficient attention to the issues experienced by Aboriginal people in NSW and opportunities to work in partnership with us to improve outcomes for our communities.

A Deloitte report from 2014, which looked at the economic benefits of closing the gap in Indigenous employment outcomes found that the absolute value of the impact of closing the gap is largest in NSW (\$7.4 billion or 31% of the national total). This is due to the large Aboriginal population in NSW.¹ As part of its commitment to supporting the continued growth in the State's living standards, the NSW government must work with us to develop reforms appropriate to our communities.

Building human capital for a modern and evolving economy

Working with Aboriginal community controlled organisations to identify key issues and develop and implement local approaches tailored to the actual needs of the community, is essential in creating social and economic change in Aboriginal communities.² Aboriginal community controlled organisations are a major source of education and training for Aboriginal peoples as well as providing valuable employment opportunities. In line with international standards and best practice models, NSWALC recommends that the Aboriginal community controlled sector should be supported to provide training, mentoring and professional development of Aboriginal peoples.

¹ Deloitte (2017) Economic benefits of closing the gap in Indigenous employment outcomes
<https://www.reconciliation.org.au/wp-content/uploads/2017/11/Economic-benefits-of-closing-the-gap-in-Indigenous-employment-outcomes.pdf>

² Cornell cited in Sean Brennan. 2004. Could a Treaty make a Practical Difference in People's Lives? The Question of Health and Wellbeing. The Treaty Project Issues Paper No. 4. UNSW, Gilbert + Tobin Centre of Public Law

NSWALC is a member of the NSW Coalition of Aboriginal Peak Organisations (CAPO), which is comprised of five other peak Aboriginal community controlled organisations, including the Aboriginal Child, Family and Community Care State Secretariat (AbSec), Link-Up NSW, Aboriginal Education Consultative Group (AECG) NSW, Aboriginal Legal Service (ALS) NSW/ACT and the First Peoples Disability Network.

CAPO, as a member of the National Closing the Gap Coalition, is working with the Federal and NSW Government's to design the new Closing the Gap Framework. We note that the Closing the Gap Framework overlaps with a number of issues outlined in the discussion paper. CAPO is working at the State level to ensure the NSW Government enshrines self-determination to design better programs and deliver better outcomes for Aboriginal people. The recent announcement of a Premier's Priority to increase the number of Aboriginal young people reaching their learning potential is a positive step.³ However, a whole of government approach, developed in partnership with peak Aboriginal organisations and Aboriginal people, and based on a genuine commitment to action, investment and capacity building, must be the foundation of any approach to building human capital.

The Government needs to acknowledge that a range of social and cultural determinants impacting on Aboriginal peoples' access to economic development opportunities and engagement in employment. This will create more sustainable employment outcomes address issues of skills shortages and supply and demand of jobs for Aboriginal people. The Government must adopt a life-course approach that recognises the interaction between economic development and educational attainment and other social and cultural determinants. The Government must also recognise the value of Aboriginal community controlled support services which enhance economic participation and invest in these services.

NSWALC has undertaken research to assess the type of support Aboriginal peoples need to help them obtain and stay in meaningful work. Our research found there is considerable activity in the training and related employment sector which is targeted at supporting Aboriginal people. However, low training completion rates and the continuing high unemployment rate for Aboriginal people demonstrates that many of these initiatives are not achieving intended outcomes. Only 34.8% of Aboriginal Jobactive participants placed in work sustain their placement for 26 weeks, compared to 42.9% for the general population.⁴ In NSW Aboriginal VET completion rates sit at 26.7%, compared to 39.5% for non-Indigenous people.⁵

[Reliable, sustainable and productive use of our water and energy](#)

Aboriginal people must be central to water planning, management and governance arrangements to deliver better outcomes for current and future generations.

Land and water are essential to the spiritual, social, cultural and economic survival of our communities. NSWALC is committed to ensuring that lands and waters are well managed to protect the vital importance they hold to Aboriginal people. The ongoing water crisis in the Murray Darling Basin, and river systems across NSW, demonstrates the need to immediately re-think water management and to involve Aboriginal people in all aspects of water planning. Currently, Aboriginal water entitlements comprise less than 0.01 per cent of all water allocations. There is growing public

³ <https://www.nsw.gov.au/improving-nsw/premiers-priorities/increasing-the-number-of-aboriginal-young-people-reaching-their-learning-potential/>

⁴ Department of Employment Annual Report 2019

⁵ National Centre for Vocational Education Research, Indigenous VET participation, completion and outcomes: change over the past decade 2017

support for Aboriginal water rights with 70 per cent of Murray Darling Basin residents backing the reallocation of water to Aboriginal communities.⁶

Aboriginal worldviews and cultural obligations to care for Country do not generally separate land, water and other natural resources. The physical and spiritual health of Country, including water, reflects the spiritual and physical health of Aboriginal people. Many Aboriginal people in NSW hold Dreaming stories about native fish and riverine resources are still a vital food source for inland communities.

NSWALC believes that this connection to water by Aboriginal people should be recognised by the NSW Government. Currently the NSW Government has no Aboriginal water policy and has been left behind by other states such as Victoria and South Australia in this regard.

Going forward the NSW Government should develop an Aboriginal water policy to increase the involvement of Aboriginal people in the management of water. Relevant government departments should also set targets to employ Aboriginal water planners and managers at all levels. The policy could include capacity building and engagement programs within Aboriginal communities linking water and land management with education and employment opportunities.

[Planning for the housing we want and the jobs we need](#)

Jobs and housing are essential to Aboriginal peoples' full participation in the economy of NSW, and to realising the gains Aboriginal people have made from Aboriginal Land Rights. Government must improve the planning system so it can deliver better outcomes for Aboriginal communities, based on self-determination.

The disproportionate impact experienced by Aboriginal Land Councils in respect to planning decisions is not a new problem. It was recognised as early as 1980 when the NSW Legislative Assembly Select Committee on Aboriginal people stated: "*the Aboriginal people of New South Wales suffer discrimination from various Government decision-makers in relation to land development and planning*". More recently, several government reviews and parliamentary inquiries have similarly recommended reforms including the 2016 NSW Parliamentary inquiries into Economic Development in Aboriginal and Regional Planning Processes.

In recognition of these issues, the NSW Government has recently implemented a range of initiatives to ensure the planning system better facilitates the objectives of the *Aboriginal Land Rights Act*. These initiatives aim to:

- Address the legacy planning issues experienced by Aboriginal communities living on 61 former Aboriginal missions and reserves;
- Reform the planning system to unlock economic development on Aboriginal owned lands and facilitate the objectives of the *Aboriginal Land Rights Act*.

Improvements to the planning system will have flow on effects not only for Aboriginal economic development, but for regional economies more generally. If LALCs are able to more easily facilitate economic development from their landholdings, they will be able to contribute greatly to their local and regional economies.

⁶ Public attitudes to inequality in water distribution: Insights from preferences for water reallocation from irrigators to Aboriginal Australians, S. Jackson & D. Hatton MacDonald, R.H Bark
<https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2019WR025011>

Going forward, it will be important for the NSW Government to build on these important reforms and to continue to develop tailored solutions to address the infrastructure and planning issues that Aboriginal communities experience in partnership with us. Improved engagement and co-design with Aboriginal communities and organisations must be central to the future of these reforms.

More broadly, while we appreciate the desire for minimising red tape and “*forward looking regulation*”, we seek to ensure that there is appropriate balance in pursuing any such reforms. It is important that any reforms are framed to support the advancement of social, cultural and economic outcomes for Aboriginal communities. Furthermore, we do not support any reduction in avenues for Aboriginal people to protect Aboriginal cultural heritage and manage Country.

Thank you for the opportunity to provide this submission. Please contact the NSWALC Strategy and Policy Unit if you would like more information on 02 9689 4444 or policy@alc.org.au.