



**AIATSIS**

AUSTRALIAN INSTITUTE OF  
ABORIGINAL AND TORRES STRAIT  
ISLANDER STUDIES

Submission to the Federal  
Government's

Draft Indigenous Economic  
Development Strategy

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The Draft IEDS Guiding Principles suggest that the government plays a significant role only where markets fail. However, governments play a role wherever markets operate. Amartya Sen, Nobel prize winning economist points out that ‘The overall achievement of markets are deeply contingent on political and social arrangements’ (Sen 2000:142). Social equity and justice must underpin the processes of social and economic development in order to truly create the conditions of freedom. For example, the freedom to build intergenerational wealth is intimately tied to the freedom **from** discrimination. This extends from an individual to a collective basis.

The role of government, particularly federal government, then, is primarily facilitative, creating the conditions for the enjoyment of fundamental rights and freedoms and the space for innovation and industry to flourish. Historically in Indigenous affairs governments have failed in their role: they have created regimes of oppression; acted where they should not have and failed to act where they should. The tendency to occupy space in indigenous peoples’ lives perpetuates in many government programs.

### **Valuing Indigenous peoples’ choices**

The Draft IEDS Guiding Principles identify the importance of governments working collaboratively toward Indigenous economic development, firstly by genuinely engaging with Indigenous peoples. The Draft IEDS is, at times, overly paternal and adopts a top-down approach to identifying solutions and options for economic engagement. The IEDS could be improved by greater emphasis on how government will create opportunities and space for innovation and creativity resulting in on the ground solutions and options for development.

Genuine engagement with Indigenous peoples, on their own terms, is imperative to the principles of economic development understood in the context of wellbeing, because it is necessary to understand and value the choices that Indigenous peoples make about their economic development. If wellbeing is to be achieved then governments must be capable of understanding diversity in values and allowing peoples themselves to exercise power and make choices, for example about the preservation of certain traditions and cultural institutions. This may require more creative options, for example, for reform to housing and land tenure arrangements or community planning or business enterprise than we have been willing to invest in to date, moving beyond a fixed paradigm of what are the ‘right’ or ‘rational’ choices.

While the valuing of Indigenous peoples unique heritage is reflected in the Draft IEDS Guideline 4, AIATSIS understands that consistent feedback from the consultations is that Indigenous culture is not adequately incorporated into the framework. The importance of access to cultural institutions and cultural identity, including language for personal wellbeing and resilience is well

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## Context

The context setting for the Draft IEDS is thorough in its assessment of the disadvantages faced by Indigenous peoples. Whereas the 'areas of competitive advantage' section is undeveloped. The final IEDS would be improved by a greater attention to the details of these advantages. Relevant statistics are readily available, for example in relation to land holdings, the indigenous community organisation/not-for-profit sector, proximity of mining activities to local indigenous communities.

## Ongoing engagement

AIATSIS commends the commitment to genuine and ongoing engagement, including through Indigenous peoples' own representative organisations (draft IEDS: 8) as consistent with the principles of self determination. It is important to acknowledge however, that the language of genuine engagement indicates no specific level of consultation. In particular, the IEDS should aspire to the highest standards and compliance with international standards.

There has been a lack of effective engagement with Indigenous peoples by governments over the last decade and more (Hunt & Smith 2010). In this context it is important to recognise that government bureaucrats may lack capacity to effectively and genuinely engage in this way. AIATSIS has conducted extensive research in this area, in particular examining the value of facilitated engagement and process expertise, particularly in contexts of agreement making or dispute resolution. See for example the report of the Federal Court of Australia's Dispute Resolution and Conflict Management Case Study Project, *'Solid Work you mob are doing'* (Bauman & Pope 2009). Uptake of this research has been progressed to a limited extent within the Federal Court, Attorney General's Department and the FaHCSIA leadership programs, with an emphasis on building and utilising the cohort of Indigenous mediators and facilitators across the country.

The department may wish to discuss the outcomes of this research in devising action plans and evaluation and monitoring of the IEDS.

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AIATSIS is currently undertaking research in relation to community values about education and the impact on children's literacy, including the development of materials for use by schools and communities (Bambllett 2010). AIATSIS is also undertaking research into the representation of Indigenous people in mainstream education at high school level (Leane 2010). How Indigenous peoples are represented (whether through their presence or absence) in mainstream educational curricula is an important part of the broad infrastructure framework for Indigenous development.

Our education researchers will be looking at a comparative model of successful education emerging from Waikato in Aotearoa/New Zealand that jettisons the deficit model of indigenous education working with teachers to improve their relationships with Indigenous students research has shown the importance of classroom relationships to learning outcomes. This research augments arguments for greater teacher quality and support programs.

### **Indigenous participation in Research**

We applaud the recognition of the need to draw on Indigenous education leaders to improve tertiary participation (Draft IEDS: 10). The issues that create imperatives for action in relation to early childhood education are exacerbated as we progressively examine Indigenous peoples access to higher education and research, where educational attainment becomes a barrier to participation.

In just one example, AIATSIS has recently supported work on developing the Indigenous Archeologists Association to build Indigenous participation in the profession. Despite the obvious sympathetic relationship between the discipline and Indigenous peoples' connection to country, there is still not a single Indigenous person teaching archaeology in an Australian University.

Indigenous research investment is crucial for a number of reasons, including creating good evidence based policy, improving the inclusiveness of Australia's social institutions, inspiring further educational participation, garnering Indigenous innovation, among others. Improvements in Indigenous peoples access to and participation in innovation and research cannot be based on an expectation of natural flow through over the next 20-30 years from investments now in early education.

AIATSIS has developed programs that recognise the alternative pathways that Indigenous peoples may take to research and education and also recognises the important role that research can play in fostering lifelong and community wide learning. AIATSIS research programs are grossly underfunded, which undermines our ability to contribute to improved outcomes despite our expertise and unique role.

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### **3. Business and entrepreneurship**

#### **Indigenous Business**

The Draft IEDS correctly identifies a gap in the support provided under existing programs for the development of Indigenous business (Draft IEDS: 14). Existing services and advice from the Office of Registrar of Aboriginal Corporations (ORIC), for example, focus on governance (or, more narrowly, compliance) and do not address the need for operational advice and expertise. IBA support is focused on IBA investment opportunities and not on supporting Indigenous business more generally.

In the native title context AIATSIS has identified a need for greater access to advice on operational business planning, finance and administration and general organisational set up through to more complex organisational design. It should be acknowledged that government is often not best placed to provide such programs directly.

While there is value in ensuring mainstream business advice and support programs are accessible to Aboriginal and Torres Strait Islander entrepreneurs, there is also a need to consider areas where Indigenous business may need specialist advice. In particular, there is a need for greater understanding and acceptance of the role of cultural and community accountability and legitimacy in Indigenous business practice (where relevant) and how to build sustainable and profitable business without compromising the 'cultural bottom line'. Tied to proposals here for support programs and recognition, there should be an attention to models and practices of conducting business in a cultural and community context.

AIATSIS would question the reference in the draft IEDS to a role for the Indigenous Land Corporation in business development. The ILC was founded to provide access to land where native title has been extinguished or cannot be claimed. The IEDS should clarify the role of the ILC in providing communal land outcomes for traditional owners. However, recognition of the utility for such land transfers to have economic potential for the community and/or its members is useful though not necessarily imperative.

#### **Regional economic profiling and planning**

AIATSIS agrees that there is a role for government in conducting regional economic profiles (Draft IEDS:15) that could identify potential markets, competitive advantages and natural assets, that could assist in overcoming some of the barriers to business development that emerge from the additional burden of imagination. For example, to imagine new business ideas in areas where there are no markets or current competitors from which to assess opportunities, creates additional barriers to entry (see HORSCATSIA 2008).

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communities the provision of public housing is completely inadequate, yet the ambition of home ownership is being promoted. In light of unsuccessful commonwealth housing initiatives (such as SIHIP), a more realistic and workable priority would be to establish more effective working relationships between communities/native title holders and service providers (governments) in securing adequate public housing.

### **Protecting Indigenous peoples' unique assets**

It is pleasing to see a commitment in the Draft IEDS to clarifying, delineating and protecting the unique assets of Indigenous peoples (Draft IEDS: 16-17, 18). Where unique assets are unprotected, their economic value is undermined. The susceptibility of native title to extinguishment and the limited procedural rights available to protect native title are one example. AIATSIS commends the reference in the Draft IEDS to improving agreements and procedural rights for native title holders and claimants. The fear of Indigenous control over land is antithetical to the desire for economic development. Recent examples of native title land released in Broome and Alice Springs has in fact resulted in Indigenous peoples becoming property developers in their own right.

AIATSIS is participating in new research on possible models of community land trusts and individual tenure arrangements that may provide more creative hybrid models to reconcile ongoing Indigenous communal ownership or cooperative ownership with individual aspirations for secure tenancy or home ownership in Australia. This research builds on international models (Stephenson 2010).

The lack of protection for Indigenous intellectual and cultural property is another. AIATSIS recommends that the government revisit work conducted by AIATSIS Councilor, Ms Terri Janke in this area, in particular initiative toward and National Indigenous cultural authority.

### **Taxation of native title**

AIATSIS has conducted extensive research in relation to the taxation of native title payments in the context of treasury reform proposals (Strelein 2008). In relation to this we refer to our published research and AIATSIS submission to the Henry review: <http://www.aiatsis.gov.au/ntru/taxationtrusts.html>

## **5. Strengthening foundations**

### **Infrastructure and planning.**

AIATSIS acknowledges the grave need for improved infrastructure in Aboriginal and Torres Strait Islander communities and better access to infrastructure in regional and urban environments. However, AIATSIS is opposed to initiatives

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this research in developing their framework for evaluation and monitoring progress: [www.aiatsis.gov.au/research/seminars/2010/1](http://www.aiatsis.gov.au/research/seminars/2010/1).

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## Notes

<sup>1</sup> See for example the work of the Cooperative Centre for Aboriginal Health programs on the social determinants of health and social and emotional wellbeing: <http://www.crcah.org.au/>

<sup>2</sup> Heugh, K. and Skutnabb-Kangas, T. (eds), 2010. Multilingual education works: From the periphery to the centre. Delhi: Orient Blackswan; UNESCO. 2010. Why and how Africa should invest in African languages and multilingual education. Available at: [unesdoc.unesco.org/images/0018/001886/188642e.pdf](http://unesdoc.unesco.org/images/0018/001886/188642e.pdf)

## References

Bamblett, L., 'I will not waste my soul for this', presented to the Australia New Zealand History of Education Society's conference, Wagga Wagga, 6-9 December 2010.

Bauman, T., 'Speaking across difference: towards an 'intercultural' mediation and peace building native title praxis in Australia' in Bagshaw, Dale & Porter Elisabeth (eds). *Mediation in the Asia Pacific, Transforming Conflict and Building Peace*. Routledge: London and New York, 2009

Bauman, T. and J. Pope (eds) *'Solid Work you mob are doing': Report to the National Alternative Dispute Resolution Advisory Council by the Federal Court of Australia's Indigenous Dispute Resolution and Conflict Management Case Study Project*. 2009

Dodson, M., & L. Strelein, 'Australia's Nation-Building: Renegotiating the Relationship between Indigenous Peoples and the State' (2001) 24(3) *University of New South Wales Law Journal* 826

House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs (HORSCATSIA), *Open for Business: Developing Indigenous enterprises in Australia*, 2008

Hunt, J., & D. Smith, 'Indigenous Community Governance Project: Two year research findings' CAEPR Working paper no. 36/2007, pp xiv, xv.

Jorgensen, M. (ed) *Rebuilding Native Nations: Strategies for Governance and Development* (UAPress) 2007.