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SOUTH AUSTRALIAN GOVERNMENT
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ABORIGINAL EMPLOYMENT THROUGH CONSTRUCTIVE PARTNERSHIPS IN GOVERNMENT

The Indigenous Land Use Agreement (ILUA) Program does not purport, nor does it wish, to deliver all of the Government's programs. That is the business of the Government through its various departments and agencies. Neither does the ILUA program wish to manage funds to produce outcomes that are the business of other government agencies. The ILUA program merely wishes to highlight to this Forum the areas of joint interest between the ILUA team and the respective portfolios and to recommend that a partnership approach, based on close collaboration between the parties, will result in an efficient delivery of advantages to Aboriginal communities who are direct participants at ILUA negotiations.

This paper will present the current state of play in regard to cross-government involvement in the negotiation of Indigenous Land Use Agreements, and perhaps give a few pointers to the further development of effective partnerships

- within government,
- between government and Aboriginal people, and
- between government and industry

in particular in the area of sustainable employment and training outcomes for Indigenous people.

The State's Position in Negotiations

ILUAs are negotiated by the Attorney Generals Department on behalf of the State, in close and collegial liaison with other parties involved in the Statewide ILUA Negotiation process. The State is a party to all native title claims and will therefore be a party to all ILUAs that seek to resolve those claims.

The Statewide ILUA process is defined and directed by a collaborative body of stakeholders in native title claims known as the ILUA Main Table. This consists of the State, Aboriginal Legal Rights Movement, Local Government Association, South Australian Farmers Federation, South Australian Fishing Industry Council, Seafood Council and South Australian Chamber Of Mines and Energy. The focus of ILUA negotiations has been to develop common ground between parties to avoid taking the litigious path. The Main Table has approached the settlement of native title claims by identifying parties (different industry and Aboriginal claimant groups) who have common interests within sectors and reaching agreements between them, which may in some cases involve the extinguishment of native title or the withdrawal of claims over part of the claimed area in exchange for recognition of traditional rights and/or other benefits. In other cases, it may involve the negotiation of ILUAs coupled with consent determinations of native title rights. In this way a mosaic of ILUAs can settle a claim. The Mineral Exploration ILUAs negotiated access to land in exchange for a fee, payable to the local Aboriginal community and practical measures to protect and preserve

Aboriginal heritage. These ILUAs recognise the difficulty of offering skilled employment to Aboriginal people, or indeed to anyone, without an adequate level of training being provided.

Portfolio Policy Initiatives - Reducing the Gap between Aspirations and Employment

The Aboriginal and Torres Strait Islander Social Justice Commissioner recommended in his 2005 Native Title Report that one pathway to economic development for Aboriginal communities was “to align governments' policy approaches to broader Indigenous affairs portfolios with the processes of and outcomes from...agreements”, such as ILUAs and other non-litigious agreements made under the Native Title Act which manage to circumvent the litigation system by process of negotiation.¹ In taking a whole-of government approach to the administration and implementation of ILUAs, the State ILUA Negotiation Team has been conscious of other portfolio priorities, planned, written and delivered in line with the SA State Strategic Plan.

to this end, a number of key State Government Departments deliver programs with the potential for sustainable employment for Aboriginal groups. I will give just a few examples here.

The Department of the Premier and Cabinet (DPC) has articulated in the State Strategic Plan, under Target 6.1, the necessity to “reduce the gap between the outcomes for South Australia’s Aboriginal population” and those for the non-Indigenous population, across the full range of human services. The Department, specifically through its **Aboriginal Affairs and Reconciliation Division**, has a mandate to 'lead implementation of the South Australian Government's *Doing it Right* Policy Framework for Aboriginal Affairs,' with a particular emphasis on Aboriginal cultural heritage. The DPC vision is to 'advance the wellbeing of Aboriginal families and communities in South Australia and engage Aboriginal and non-Aboriginal South Australians in the achievement of Reconciliation.' The ILUA process in South Australia recognises that Aboriginal land and land use are embraced by Aboriginal cultural heritage (further north in SA the term “tjukurrpa” is widely used to symbolise traditional connection with the land, which is so much more than “ownership”, involving actual joint being/entity with the land and all that that implies).

Of particular relevance also to the work of the ILUA team, since it interacts closely with Aboriginal people at the coalface, are the human services of health, employment, and education, and so it will be relevant to examine here the priorities of portfolios concerned with the administration of these sectors.

The Department of Trade and Economic Development, in its draft Aboriginal Economic Development Strategy policy document *Pathways to Prosperity*, emphasises the need to engage with industry to promote and develop the capacity, self-reliance and employability of Aboriginal people. The ILUA process, by its very nature, involves close consultation and at times persuasive and constructive argument with all major industries, who, through negotiation, engage not only with government but with Aboriginal parties, principally through their representative body (the ALRM), but also on the ground with Aboriginal claimant groups and communities. This has also involved working with the other major portfolio engaged with industry and resources, the **Department of Primary Industries and Resources SA (PIRSA)**, which works across a range of industries to deliver income to South Australia

¹ Aboriginal & Torres Strait Island Social Justice Commissioner, 2005, *Native Title Report 2005* p 46

through this State's natural resource base. I will mention later an initiative focused on earlier by Stephanie - the new Minerals and Heavy Engineering resources centre, which will provide a focus and impetus for training of Aboriginal people in the mining sector.

It has been necessary since 1999, when the ILUA negotiation initiative started in South Australia, progressively to engage with major industries in order both to consider their interests in Aboriginal land claims and to negotiate benefits for the claimant groups. The industries involved in negotiation could potentially offer employment for Aboriginal people both as an incentive to settlement and as a real pathway to sustainable development. This three-way partnership – between Government, industry and the Aboriginal community – has grown increasingly stronger, with each partner in the discussion benefiting from the inputs and the outputs of the others. Minerals Exploration ILUAs recently concluded have acknowledged the difficulty in making skilled employment available as part of a package, but, in line with the spirit of the Right to Negotiate enshrined in the Mining Act and the provisions of the Aboriginal Heritage Act, have nonetheless provided for heritage clearance teams on individual sites and have acknowledged the importance of making employment available to members of a group, where there is capacity to do so. Furthermore, there is an acknowledgement that, as production becomes a feature of mining and petroleum-related activity, the industry can, together with the State, cooperate in the formation of training packages which would provide a pathway to employment in the mining industry for the local Aboriginal people.

The Department of Family and Community Services is concerned to break the cycle of poverty in Aboriginal South Australia, targeting youth and independent community decision-making, together with Aboriginal access to community housing in rural and remote areas. In order to involve Aboriginal claimant groups properly in the native title process, the ALRM holds regular consultations with claimants and their native title committees. Through these means, firm lines of communication have been established between Aboriginal communities – elders and youth alike – and the ILUA process. Young people are frequently well-represented on these committees, since, among other considerations, people are often required to travel long distances to meetings and thus require flexibility and resilience to do so.

The ILUA program, in response to the aspirations of Aboriginal claimant groups, has established regular communication with the **South Australian Housing Trust**. This has so far proven useful in providing a route to the provision of community housing in remote areas, where there is a need for Aboriginal claimant groups and their constituent communities to access accommodation for domestic and official purposes.

The Department of Further Education, Employment and Science and Technology (DFEEST), together with its sister **Department of Education and Children's Services**, encourages greater participation in the workforce of Aboriginal people through education and training and concentrates on improving relationships between Aboriginal families and government and NGO agencies servicing health, education and well-being. This is central to discussion on post-ILUA benefits packages emphasizing sustainable development for Aboriginal communities. DFEEST further promotes investment in the skills of Aboriginal people by industry and employers, ensuring that workers have the necessary skills to offer potential employers. The ILUA program, through its delivery of benefits as a necessary corollary of ILUAs, emphasises education and training as a strategy towards sustainable development for Aboriginal communities. TAFE SA, with its widespread regional network, is well placed to contribute to this sustainable education and training strategy. Through

delivery of these benefits to Aboriginal people at grassroots level, the ILUA process is able, with the involvement of relevant industry bodies, in partnership with the Government and other training providers, to ensure that any training package attaching to an ILUA is designed with economic participation outcomes in mind, either through direct employment or business development. But any planning at this level must of course involve the relevant Aboriginal groups: otherwise the resultant training has no chance of addressing the real, long-term, employment aspirations of the Aboriginal people whose sustainable development needs we are seeking to address. We have come across so many instances in this process of Aboriginal groups telling us of their passionate and committed needs that for us not to respond in these areas, as their government, would be to fail in our task.

A good example of the type of training I am addressing here would be a co-managed park arrangement, in line with the stated policies of **the Department of Environment and Heritage** (DEH). DEH is determined to recognise Aboriginal cultural heritage and assist to cooperatively manage parks, and these are frequently key areas in which, as the ILUA program has recognised, Aboriginal people themselves wish to be trained and employed. Aboriginal people have been managing land for many thousands of years, making this area particularly relevant to their employment. Where training pathways are needed towards a particular employment outcome, it has been the practice of DEH, and indeed of the ILUA team, to work closely with DFEEST and other training services. This is a sector in which more effective planning and commitment of resources must be promoted to ensure that the training delivered results in tangible and lasting employment and lifestyle outcomes.

The SA Tourism Commission is also engaged, through training mechanisms, in seeking to empower Aboriginal communities to create their own tourism-based initiatives. This strategy is in keeping with DEH measures to involve Aboriginal people in the management of their own land and can help to achieve, by means of an ILUA, a resolution of native title issues in certain areas.

The Department of Health (DOH) has declared one of its major aims as developing and implementing community supported programs and activities that build the resilience and capacity of families, in part by supporting collaborative community partnerships. DOH strategies aim at fostering knowledge, skills and resilience for individuals within the community structure by providing programs, activities and resources towards that end. The ILUA program endorses and has adopted this approach, by focusing on the need to promote skills development for participation in industry or other employment activities as part of a benefits package.

The Department of Water, Land and Biodiversity Conservation promotes the management of natural resources in South Australia, recognising that Aboriginal people managed the land successfully and sustainably for thousands of years prior to European settlement. A key goal of the NRM Act (2004), which is managed by DWLBC, is to deliver sustainable and integrated management and protection of SA's natural resources. The State NRM plan also supports Aboriginal communities in maintaining their cultural identity and practices, together with economic aspirations, through 'caring for country'². This strategy is very much in line with the DEH/ILUA joint effort, referred to previously, in enabling, through the ILUA process, Aboriginal people's management of and economic involvement with national parks.

² Government of South Australia, 2006, *State Natural Resources Management Plan 2006* p 42

These are the major state government portfolios that have a role in delivering services to Indigenous communities. **The Australian Government** is active in South Australia too, under the Overarching Agreement on Indigenous Affairs between the two Governments; particularly through the Office of Indigenous Policy Coordination of the Department of Families, Community Services and Indigenous Affairs; the Department of Employment and Workplace Relations; the Department of Education, Science and Training; the Department of Health and Ageing; the Attorney-General's Department; the Department of Communications, Information Technology and the Arts (DCITA); the Department of Environment and Heritage (DEH); the Department of Transport and Regional Services; and the Department of Industry, Tourism and Resources, the last of whom have funded this Forum today through the **Working in Partnership Program**. Each of these portfolios has responsibility for Aboriginal affairs in their particular area of interest, and is working in tandem with the SA Government to deliver priorities under the Overarching Agreement mentioned previously: in particular, through the important joint government initiative, the Aboriginal Task Force. As an example, the Commonwealth Attorney-General's Department is active in this State in regard to native title, and is involved in funding arrangements for each party to the ILUA process (except for ALRM and the State ILUA team); the Department of Environment and Heritage is involved both in natural resource management issues and in heritage matters in the State; DCITA funds projects in remote Australia which have a focus on telecommunications: an important theme for remote areas.

Whole of Government Partnership – What does it mean?

The challenge overall for government is to coordinate these portfolio approaches to ensure delivery in a way that is culturally and economically sustainable. There has been a tendency on the part of some governments in the past to deliver services to Aboriginal communities “from the top down”. Consultation, collaboration and negotiation at the planning stage *with those Aboriginal communities to whom services are to be delivered* will ensure that they are readily received and successful in the long-term. Otherwise, such services will be rejected as yet another example of paternalistic government. This has been one of the lessons learned by the State ILUA Team through its negotiations with Aboriginal groups as part of the Main Table exercise. Our experience has been that Aboriginal people themselves approach government cautiously as a major player which is hard to engage with and all too frequently makes important decisions which impact directly on individual and community lifestyles, but without consultation. There seems to be a marked perception that either government does not consult at all with Aboriginal people, or is extremely selective in those individuals who are the appointed spokespeople for their communities.

The State Government recognises and supports the current activity in the mining industry in this State, and acknowledges that South Australia is on the cusp of a mining boom. This escalation in mining is, however, coupled with a severe skills shortage in the industry in this State. There is a real opportunity at the moment for the training and employment of Aboriginal people in remote areas, to some extent, to fill the gap created by the expansion of mines in the State, which are currently forced to rely on the expensive provision of skills from metropolitan zones, frequently interstate or from overseas. It should be recognised that mining exploration ILUAs themselves create an opportunity for employment into the future, once a mine starts to produce, and the need for further skilled labour will of course increase exponentially.

The joint initiative of the Mining Industry and the State in creating a mining skills centre will go a long way towards addressing these needs, and, through the ILUA process, can establish a real pathway for Aboriginal people in remote centres which will contemporaneously address the labour requirements of mines in those areas. It must also be recognised that skills acquired as a result of these schemes must themselves be portable across a wide range of industries, including pastoral, tourism, fishing, light industry, business and so on. The ILUA Statewide process in South Australia will continue to be instrumental in linking industry initiatives with Aboriginal communities, and we would like to believe that the initiatives highlighted here by the resources industry and State Government will act as a model for future industry partnerships with Aboriginal communities in this State.

Thank you for listening, and I look forward to the progress of discussion throughout today and the resulting outcomes into the future.