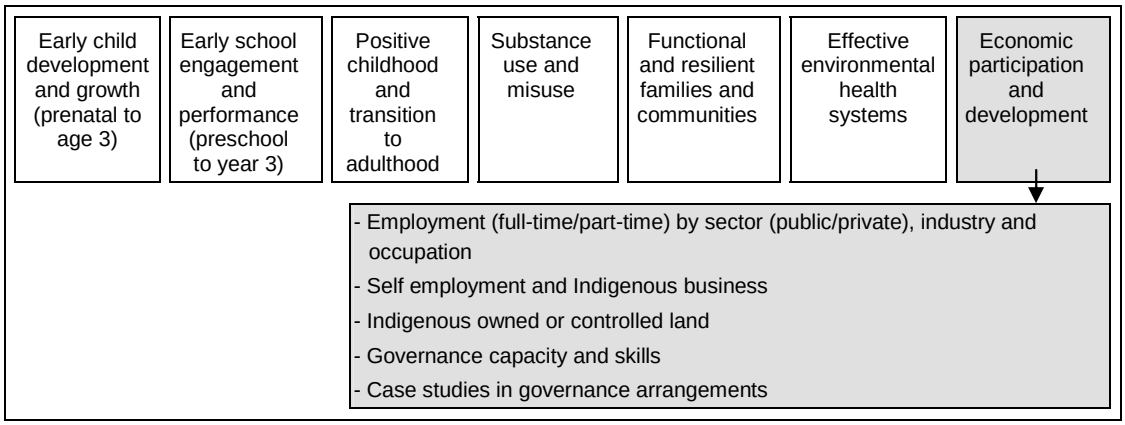
11 Economic participation and development

Strategic areas for action



The extent to which people participate in the economy is closely related to their living standards, and affects many aspects of their wellbeing. This Report examines economic participation and development through employment opportunities, influence over land and sea resources, and aspects of good governance and the capacity to govern.

Many aspects of work affect people's wellbeing, such as hours worked, job satisfaction and security, levels of remuneration, opportunities for self development and interaction with people outside the home. Having a job or being involved in a business activity not only leads to improved incomes for families and communities (which has a positive influence on health, education of children etc), it also enhances self-esteem and reduces social alienation.

Some issues associated with unemployment and labour force participation are discussed in section 3.5. This chapter examines in greater detail the types of employment undertaken by Indigenous people, including employment by full time and part time status, by sector, industry and occupation (section 11.1), and self employment and Indigenous business (section 11.2).

During consultations, Indigenous people said that land was important to them for a range of cultural, social and economic reasons. The extent to which a parcel of

Indigenous owned land yields economic benefits will depend on geographic factors such as climate, soil type and location, the strength of landowners' property rights, the skills and governance arrangements of landholding bodies, and the aspirations of the Indigenous landowners. Section 11.3 examines data on Indigenous owned and controlled land.

Although there was strong feedback during the consultations that governance was an important element of the framework, there are difficulties in finding appropriate indicators of governance. It has not been possible to develop meaningful quantitative indicators that could be reported consistently with comparable data across jurisdictions. It may be possible to improve quantitative reporting in future years.

In the 2003 and 2005 Reports, a proxy indicator 'Accredited training in leadership, finance or management' was included in the framework to report on capacity building in governance. Following feedback and comments from consultation on the 2005 Report, this indicator has been renamed 'Governance capacity and skills' (section 11.4). It complements the case studies in governance arrangements in section 11.5.

Attachment tables

Attachment tables for this chapter are identified in references throughout this chapter by an 'A' suffix (for example, table 11A.1.3). A list of attachment tables is in section 11.7. These tables can be found on the Review web page (www.pc.gov.au/gsp). Users can also contact the Secretariat to obtain the attachment tables.

11.1 Employment (full time/part time) by sector (public/private), industry and occupation

Box 11.1.1 **Key messages**

- The full time employment rate for Indigenous people increased from 44.5 to 52.2 per cent between 1994 and 2004-05, and the part time employment rate increased from 25.5 to 34.9 per cent over the same period (figure 11.1.6).
- In 2004-05, after adjusting for age differences:
  - Indigenous people in the labour force were more likely than non-Indigenous people to be employed part time (35.4 per cent compared to 27.7 per cent) and less likely to be employed full time (53.6 per cent compared to 68.5 per cent) (table 11A.1.2)
  - a higher proportion of Indigenous people than non-Indigenous people were employed in lower skilled occupations, including elementary clerical, sales and service workers and labourers, and related workers (25.6 per cent compared to 16.1 per cent) (figure 11.1.9).
- For Indigenous people in 2004-05:
  - full time employment decreased with remoteness, while part time employment increased with remoteness (figure 11.1.2)
  - CDEP participation comprised a significant proportion of Indigenous employment in remote and very remote areas, accounting for 63.5 per cent of Indigenous employment in the public sector and 47.6 per cent of Indigenous employment in the private sector (figure 11.1.7).

Employment is an important indicator of Indigenous economic participation. Outcomes commonly associated with employment include increased income levels, better health and improved education outcomes, leading to enhanced self esteem and increased social integration. A number of issues associated with unemployment and labour force participation are discussed in section 3.5. This indicator examines employment in more detail by full time and part time status, sector, industry and occupation.

The types of employment that people are engaged in may influence their wellbeing, by affecting remuneration and job satisfaction. Employment in certain industries and occupations could also provide an indication of people's skill levels and education attainments. High levels of part time employment could mask high levels of underemployment. Underemployment has been found to be particularly common among Indigenous employees (Hunter 2002).

Box 11.1.2 provides examples of some positive steps that have been taken to improve Indigenous employment outcomes.

Box 11.1.2 **'Things that work' — Improving Indigenous employment outcomes**

Moree Aboriginal Employment Strategy (NSW)

The Aboriginal Employment Strategy (AES) is a community strategy working in cooperation with key Aboriginal leaders and in partnership with government and the corporate sector. Originally driven by former Reconciliation Australia director, Dick Estens, in the cotton town of Moree in the north west of NSW, it aimed to create jobs for Aboriginal people to break down their reliance on welfare, create social stability and end a long history of racial trouble in the town.

By helping Aboriginal people into jobs, the project also became an instrument of social transformation, achieving a shift in self-perception and wellbeing of Moree's residents.

The project has dramatically increased Aboriginal employment in Moree and has been expanded to seven offices in NSW, four offices in regional NSW and three offices in Sydney.

- In 2005-06 AES found jobs for more than 500 Aboriginal people.
- In 2006-07, AES expects to secure more than 800 job placements for Aboriginal people.

The AES School Based Traineeship program targets Aboriginal students in the last two years of high school, offering part time traineeships during their schooling so students will have jobs to move into after high school. Partner organisations include banks and local councils.

- In 2006, 10 of the 12 Aboriginal students successfully completed the School Based Traineeship Program in the ANZ and Commonwealth banks in Sydney.
- In 2007, 81 Aboriginal School Based trainees commenced their two-year certificate II business services traineeship.

The AES has trainees located in NSW and WA and plans to expand this further to other states in Australia from 2008.

Source: (ABC 7.30 Report http://www.abc.net.au/7.30/content/2006/s1823591.htm; Reconciliation Australia http://www.reconciliation.org.au/i-cms.isp?page=145; AES unpublished).

The Accor Asia Pacific Corporate Leaders for Indigenous Employment Project

The Corporate Leaders for Indigenous Employment Project encourages private sector companies to generate job opportunities. It encourages them to use elements of the Australian Government's Indigenous Employment Programme to develop and tailor their Indigenous employment strategies to meet their business needs.

(Continued next page)

Box 11.1.2 (continued)

One example is Accor Asia Pacific, which won the Outstanding Organisation category at the Corporate Leaders for Indigenous Employment Awards for two consecutive years (2003 and 2004).

Accor's Indigenous Employment Program aims to encourage more Indigenous Australians to take up jobs in the tourism industry. Accor has developed a number of hospitality Job Start programmes with DEWR and Job Network for Indigenous job seekers registered with Job Network. The one-week programme gives a first-hand view of the hospitality industry and employer expectations, and is delivered with the support of human resource managers who can recruit applicants directly from the course. As a Registered Training Organisation, Accor is also able to give Indigenous employees the opportunity to complete a Certificate 2 or 3 in Hospitality Operations or a Diploma in Hospitality Management.

Accor has also extended its internal marketing, maintained a commitment to an Indigenous Employment Co-ordinator and the delivery of cross cultural awareness training, and ensured that culturally appropriate staff support services are available to Indigenous staff.

The Accor Indigenous Employment Program operates in over 90 Accor properties across Australia. In 2004 it recruited more than 100 Indigenous employees. Retention rates of Indigenous employees are the same as those of non-Indigenous staff and are in line with industry benchmarks.

Source: (DEWR: http://www.workplace.gov.au/workplace/Individual/IndigenousAustralians/; DEWR unpublished)

Sunraysia Area Consultative Committee Structured Training and Employment Project (Victoria)

The Sunraysia Area Consultative Committee (ACC) Structured Training and Employment Project (STEP) was established in 2003. Through a partnership between the Sunraysia ACC, the Department of Employment and Workplace Relations (DEWR) and the Mildura community, Indigenous job seekers in the local area are placed into work. The project focuses on achieving full time employment for Indigenous Australians in skilled or professional areas.

Since 1 July 2003, the project has placed 168 Indigenous people into work through two STEP consecutive contracts, with:

- 140 job placements achieved in the first contract (from 1 July 2003 to 30 June 2006)
- 28 job placements so far in the current contract (from 1 July 2006 to 30 June 2008).

(Continued next page)

Box 11.1.2 (continued)

The success of the project has been ensured by engaging local employers and generating private sector support of, and engagement with, the initiative.

In addition to job placements, the project also provides ongoing mentoring and job skills training to participants following their job placements, which increases retention rates. Cross cultural awareness training is also provided to employers.

Source: DEST (unpublished).

Port Hedland Regional Partnership Agreement: Minerals Council of Australia (WA)

The Port Hedland Regional Partnership Agreement is a commitment to bring about demonstrable improvements in Indigenous employment outcomes. Arising from a strategic partnership between the Australian Government and the Minerals Council of Australia, a five-year Memorandum of Understanding (MOU) was signed in June 2005.

The MOU established a platform for Government and industry to work with Indigenous people to build sustainable and prosperous communities in which Indigenous people could create and take up employment and business opportunities in mining regions beyond the life of the mines.

One of eight pilot sites for implementation of the MOU is Port Hedland, where activities focus on increasing employment and economic development outcomes for Indigenous people in the Pilbara region through a work readiness programme, creating employment opportunities through establishment of Indigenous business, and through education and training.

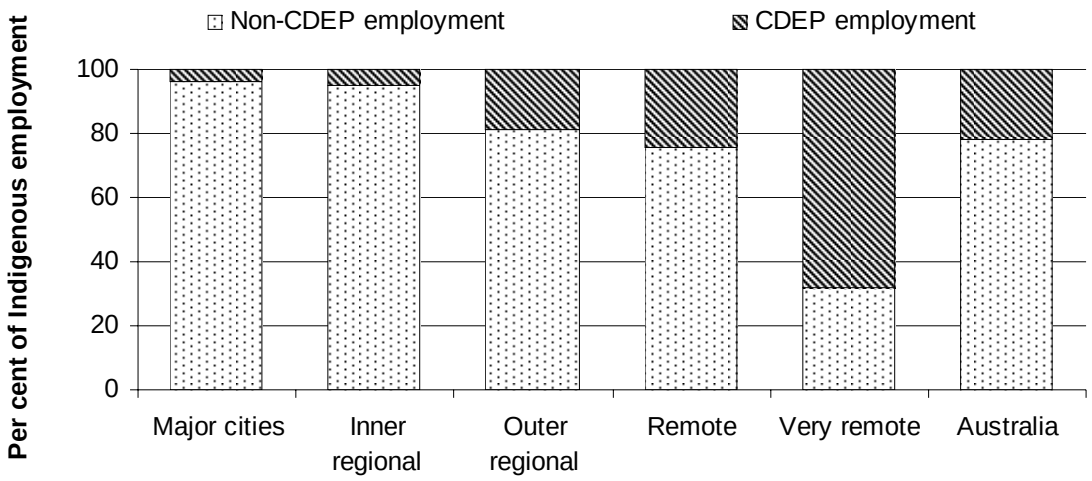
Source: DEST (unpublished).

The employment data in this Report are from several ABS surveys, including the 2004-05 National Aboriginal and Torres Strait Islander Health Survey (NATSIHS) and National Health Survey (NHS), the 2002 National Aboriginal and Torres Strait Islander Social Survey (NATSISS) and General Social Survey (GSS), and the 1994 National Aboriginal and Torres Strait Islander Survey (NATSIS).

The employment data used in this chapter are influenced by the Community Development Employment Projects (CDEP) program (see section 3.5 for more detailed discussion). The ABS classifies participants in CDEP as employed rather than as unemployed or not in the labour force. In 2004-05, the CDEP program accounted for 21.8 per cent of all Indigenous employment, ranging from 4.0 per cent in major cities to 68.0 per cent in very remote areas (figure 11.1). While CDEP employment and participation are beneficial for Indigenous people (Hunter 2004), there are greater economic and employment opportunities for Indigenous people, particularly in non-remote areas, in the mainstream economy.

Data in this Report are not affected by changes to CDEP introduced in July 2006.

Figure 11.1.1 **CDEP and non-CDEP employment as proportions of total employment, Indigenous people aged 18 to 64 years, by remoteness area, 2004-05[a]**



a Data are not age standardised.

Source: ABS NATSIHS 2004-05 (unpublished); table 11A.1.1.

The employment rates in this chapter are calculated as a proportion of the labour force unless otherwise specified. The labour force comprises those who are employed (including CDEP participants for Indigenous people) and those who are unemployed and looking for work.

Data for people aged 18 to 64 years are reported to enable comparisons of outcomes in 2004-05 with those in 1994 and 2002.

When comparing Indigenous and non-Indigenous employment rates in this Report, some data are age standardised to take account of the different age structures of the Indigenous and non-Indigenous populations. Where data are reported for Indigenous people only, or where age ranges are being compared, age standardisation is not required.

Indigenous and non-Indigenous comparisons are not possible for very remote areas, as data for non-Indigenous people in very remote areas were not collected in the 2004-05 NHS.

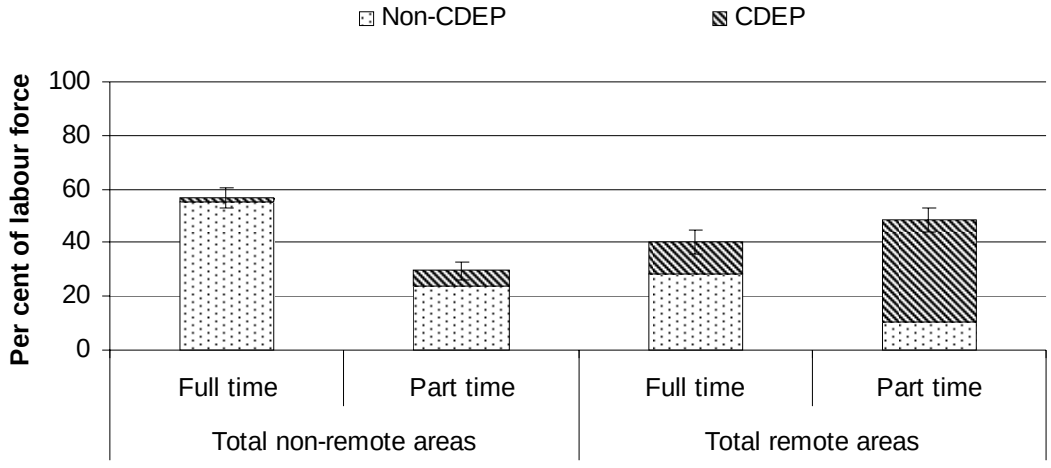
Employment by full time/part time status

Full time employment is defined as 35 or more hours of work in the reference week. Part time employment includes working for one hour or more during the reference week, but fewer than 35 hours.

After taking into account the different age structures of the Indigenous and non-Indigenous populations, in 2004-05:

- The rate of full time employment for Indigenous people was lower than that for non-Indigenous people (53.6 per cent compared to 68.5 per cent). The largest differences were in outer regional areas (55.9 compared with 68.8 per cent) and in major cities (58.8 compared with 69.2 per cent) (table 11A.1.2).
- Part time employment was more common for Indigenous people (35.4 per cent of the labour force) than for non-Indigenous people (27.7 per cent of the labour force).
- Indigenous people in major cities were more likely to be employed part time (33.5 per cent of the labour force) than non-Indigenous people (27.2 per cent of the labour force). There were no significant differences for other remoteness areas (table 11A.1.2).

Figure 11.1.2 **Full time and part time employment, Indigenous people aged 18 to 64 years, 2004-05**[a, b, c, d]



[a] Full time employment is defined as 35 or more hours of work in the reference week. Part time employment is defined as work for one hour or more during the reference week, but fewer than 35 hours. [b] Total non-remote includes major cities, inner regional and outer regional areas; total remote includes remote and very remote areas. [c] Error bars represent 95 per cent confidence intervals around each estimate (that is the total Indigenous employment rate, which includes CDEP and non-CDEP employment) (see chapter 2 for more information). [d] CDEP is a part time employment program, however, CDEP projects may have funding to provide 'top up' employment to some participants giving them an equivalent of full time work.

Source: ABS 2004-05 NATSIHS (unpublished); table 11A.1.3.

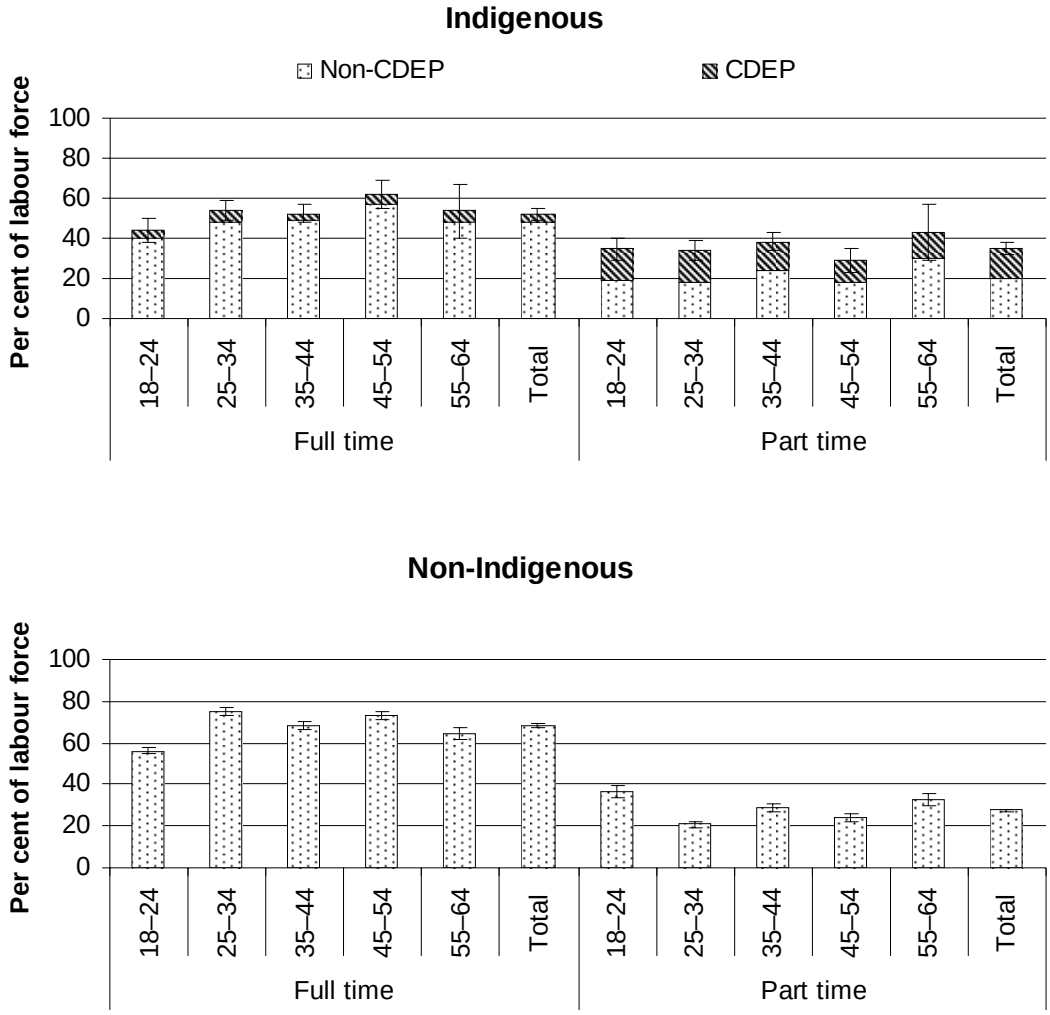
Indigenous data on full time and part time employment by CDEP participant status in the five remoteness areas have been aggregated into two broad categories, 'total remote' and 'total non-remote' (figure 11.1.2). Data on each single category of the five remoteness areas for Indigenous people have high standard errors which would limit the usefulness of such data. 'Total remote' comprises very remote and remote areas. 'Total non-remote' comprises major cities and inner and outer regional areas (see Glossary for detailed definitions of the remoteness areas).

CDEP employment was predominantly part time in 2004-05, as would be expected for a program designed to provide work for two days per week. Full time CDEP employment represents CDEP participants who were able to obtain extra 'top up' employment (on top of normal CDEP hours) to bring their total working hours up to full time. The part time nature of CDEP is particularly significant when considering data on remote area employment, which has a higher proportion of CDEP participation than in non-remote areas.

In 2004-05:

- The proportion of Indigenous adults in full time employment (including CDEP participation) decreased with remoteness (56.8 per cent for 'total non-remote areas' compared to 40.2 per cent for 'total remote areas') (figure 11.1.2).
- The proportion of Indigenous adults in part time employment (including CDEP participation) increased with remoteness (29.7 per cent for 'total non–remote areas' compared to 48.5 per cent for 'total remote areas') (figure 11.1.2).
- CDEP participation in 'total remote areas' accounted for about a third of full time Indigenous employment (11.7 out of 40.2 per cent) and over three quarters of part time Indigenous employment (38.0 out of 48.5 per cent) (figure 11.1.2).
- Rates of non-CDEP full time and part time employment were higher for Indigenous people living in total 'non-remote areas' than those living in 'total remote areas' (figure 11.1.2).

Figure 11.1.3 **Full time and part time employment, people aged 18 to 64 years, 2004-05**[a, b, c]



a Full time employment is defined as 35 or more hours of work in the reference week. Part time employment is defined as work for one hour or more during the reference week, but fewer than 35 hours. **b** Data are not age standardised. **c** Error bars represent 95 per cent confidence intervals around each estimate (for Indigenous data they are for the total Indigenous employment rate for each age group, which includes CDEP and non-CDEP employment) (see chapter 2 for more information).

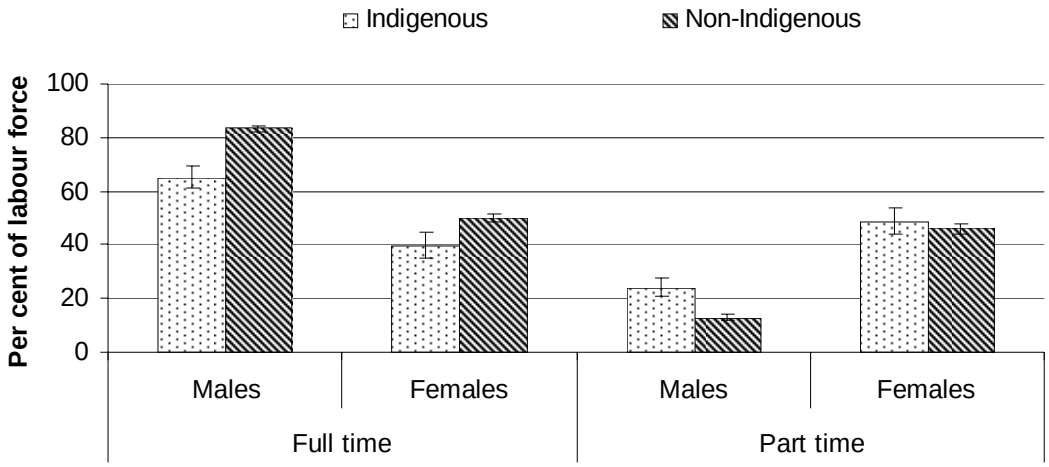
Source: ABS 2004-05 NATSIHS and NHS (unpublished); table 11A.1.3.

In 2004-05:

- Indigenous people aged 25 to 44 years were significantly more likely to be in part time employment and less likely to be in full time employment than non-Indigenous people in the same age range (figure 11.1.3).
- The full time and part time employment rates for Indigenous people aged 18 to 24 years and those aged 55 to 64 years were not statistically significantly

different to the rates for non-Indigenous people in the same age groups (figure 11.1.3).

Figure 11.1.4 **Age standardised full time and part time employment, people aged 18 to 64 years, 2004-05[a, b]**



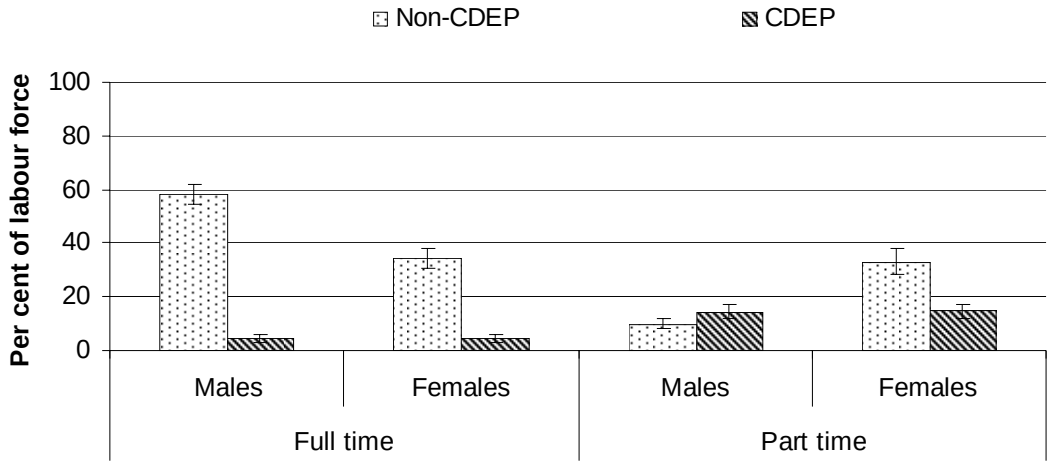
a Full time employment is defined as 35 or more hours of work in the reference week. Part time employment is defined as work for one hour or more during the reference week, but fewer than 35 hours. **b** Error bars represent 95 per cent confidence intervals around each estimate (see chapter 2 for more information).

Source: ABS 2004-05 NATSIHS and NHS (unpublished); table 11A.1.2.

After taking into account the different age structures of the Indigenous and non-Indigenous populations, in 2004-05:

- Indigenous men in the labour force were almost twice as likely as non-Indigenous men to be employed part time (24.2 per cent compared to 12.9 per cent) and less likely to be employed full time (65.3 per cent compared to 83.3 per cent) (figure 11.1.4).
- The full time employment rate for Indigenous women (39.8 per cent) was lower than that for non-Indigenous women (50.2 per cent) (figure 11.1.4).
- For both Indigenous and non-Indigenous people, men were more likely than women to be in full time employment and women were more likely than men to be in part time employment (figure 11.1.4).

Figure 11.1.5 **Full time and part time employment, Indigenous people aged 18 to 64 years, 2004-05[a, b]**



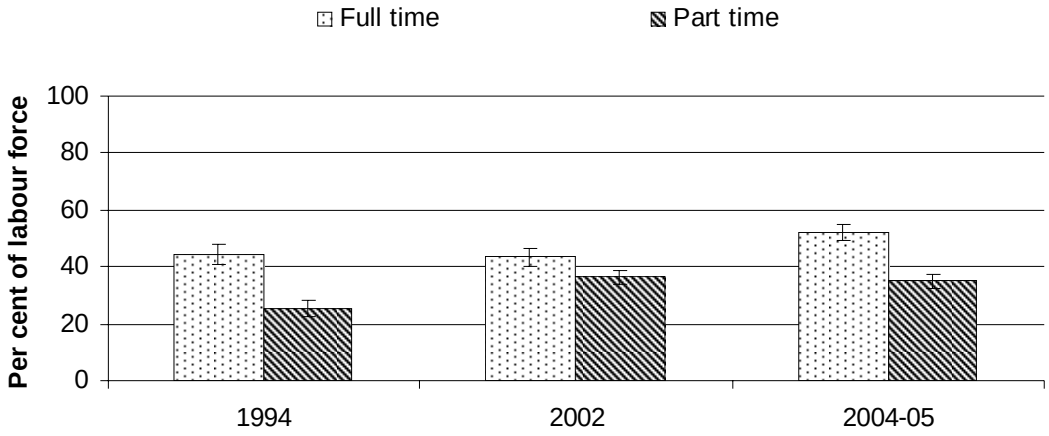
a Full time employment is defined as 35 or more hours of work in the reference week. Part time employment is defined as work for one hour or more during the reference week, but fewer than 35 hours. **b** Error bars represent 95 per cent confidence intervals around each estimate (see chapter 2 for more information).

Source: ABS 2004-05 NATSIHS (unpublished); table 11A.1.3.

In 2004-05,

- Rates of both full time and part time CDEP participation for Indigenous men and women were similar (figure 11.1.5).
- The rate of non-CDEP full time employment was significantly higher for Indigenous men (58.5 per cent of the labour force) than for Indigenous women (34.4 per cent of the labour force) (figure 11.1.5).
- Conversely, 33.2 per cent of the Indigenous female labour force was in part time non-CDEP employment compared with 10.0 per cent for Indigenous men (figure 11.1.5).

Figure 11.1.6 **Full time and part time employment, Indigenous people aged 18 to 64 years**[a, b]



a Full time employment is defined as 35 or more hours of work in the reference week. Part time employment is defined as work for one hour or more during the reference week, but fewer than 35 hours. **b** Error bars represent 95 per cent confidence intervals around each estimate (see chapter 2 for more information).

Source: ABS 1994 NATSIS, 2002 NATSISS, 2004-05 NATSIHS (unpublished); tables 11A.1.4.

- Nationally, the full time employment rate for Indigenous people increased from 44.5 to 52.2 per cent between 1994 and 2004-05. The part time employment rate for Indigenous people increased from 25.5 to 34.9 per cent between 1994 and 2004-05 (figure 11.1.6).
- Increases in Indigenous full time and part time employment over the period from 1994 to 2004-05 are consistent with increases in employment of the total Australian labour force over that period. The full time employment rate for the total Australian population aged 15 years and over increased from 91.9 per cent in 1995-96 to 94.7 per cent in 2004-05. For most of this period, part-time employment increased at a greater rate than full time employment. Between 1999-2000 and 2004-05, part time employment increased from 24.6 to 27.0 per cent of the labour force; while full time employment increased from 67.8 to 68.9 per cent of the labour force (ABS 2002, 2006).
- The increases in Indigenous employment also reflect increases in numbers of CDEP participants over this period. In 1996 there were 28 422 CDEP places, increasing to 35 182 in 2002 and 34 775 in 2004-05 (DEWR 2005; ATSIC 2003).[1]

1 The 2004-05 NATSIHS estimated 30 600 Indigenous people on CDEP in 2004-05, which was much lower than the number of participants according to administrative data; for example, DEWR (2005) reported 34 775 CDEP participants as at 30 June 2005.

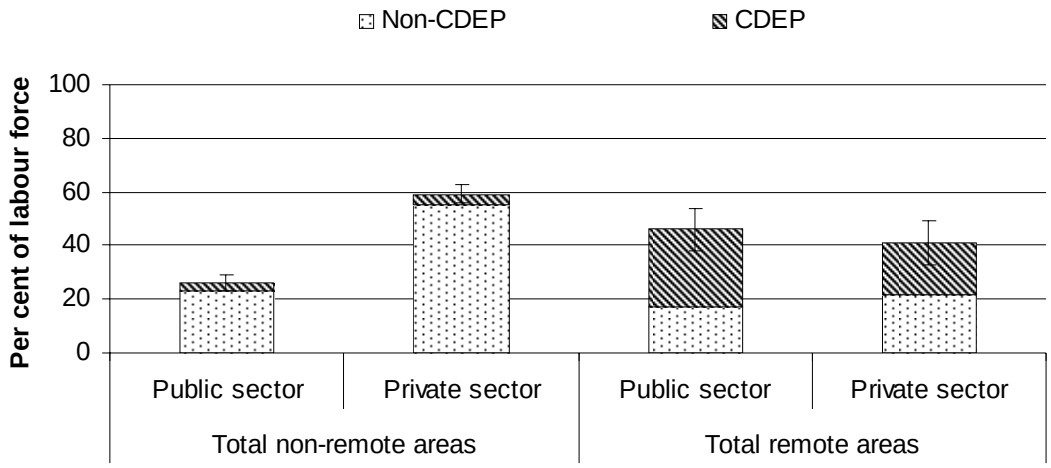
Data on full time and part time employment by State and Territory are reported in table 11A.1.2.

Employment by public/private sector, industry and occupation

After taking into account the different age structures of the Indigenous and non-Indigenous populations, in 2004-05:

- Indigenous people were significantly more likely to be employed in the public sector (33.1 per cent of the labour force) compared to non-Indigenous people (16.5 per cent of the labour force) (table 11A.1.6).
- Non-Indigenous people were significantly more likely to be employed in the private sector (78.5 per cent of the labour force) than Indigenous people (54.8 per cent of the labour force) (table 11A.1.6).

Figure 11.1.7 **Employment by public/private sector, Indigenous people aged 18 to 64 years, 2004-05[a, b]**



a Total non-remote includes major cities, inner regional and outer regional areas; total remote includes remote and very remote areas. **b** Error bars represent 95 per cent confidence intervals around each estimate (that is the total Indigenous employment rate, which includes CDEP and non-CDEP employment) (see chapter 2 for more information).

Source: ABS 2004-05 NATSIHS (unpublished); table 11A.1.7.

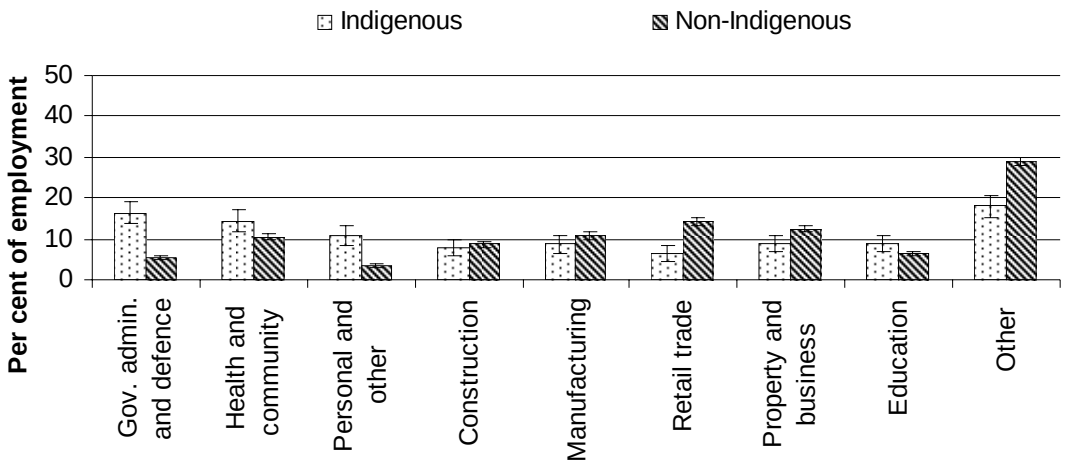
In 2004-05:

- Indigenous employment in the private sector (including CDEP participation) decreased with remoteness. The employment rate in the private sector was 59.3 per cent for Indigenous people living in 'total non-remote areas' compared to 41.2 per cent for those in 'total remote areas' (figure 11.1.7).

- Indigenous employment in the public sector (including CDEP) increased with remoteness. The employment rate in the public sector was 26.1 per cent for Indigenous people living in 'total non-remote areas' compared to 45.8 per cent for those in 'total remote areas' (figure 11.1.7).
- CDEP comprised a significant proportion of Indigenous employment in 'total remote areas', where CDEP participation accounted for 63.5 per cent of Indigenous employment in the public sector and 47.6 per cent of Indigenous employment in the private sector (figure 11.1.7).

Data on employment by public/private sector and by age and sex are reported in table 11A.1.7.

Figure 11.1.8 **Age standardised employment by industry, people aged 18 to 64 years, 2004-05[a, b]**



a Other industries include: transport and storage; culture and recreational services; agriculture, forestry and fishing; accommodation, cafes and restaurants; finance and insurance; wholesale trade; communication services; mining; electricity, gas and water supply. **b** Error bars represent 95 per cent confidence intervals around each estimate (see chapter 2 for more information).

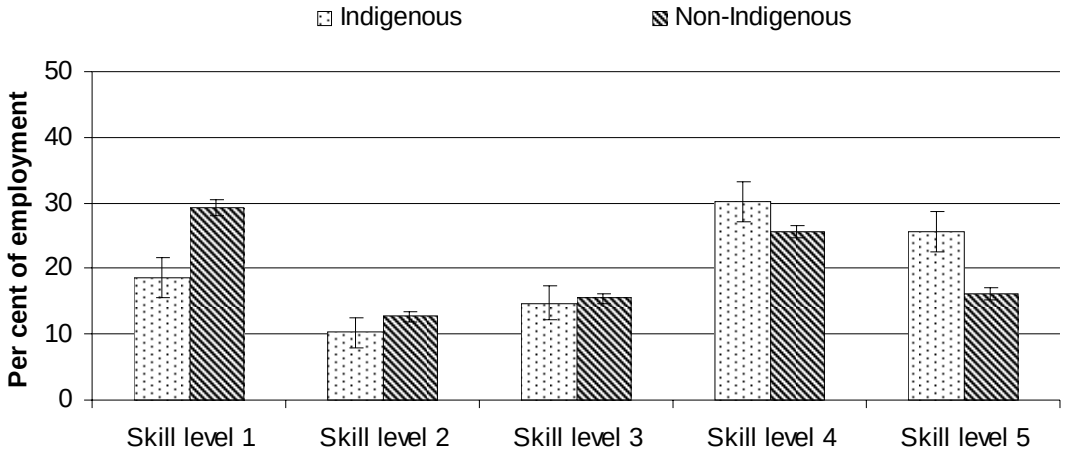
Source: ABS 2004-05 NATSIHS and NHS (unpublished); tables 11A.1.8 and 11A.1.9.

After taking into account the different age structures of the Indigenous and non-Indigenous populations, in 2004-05:

- Indigenous people were more likely than non-Indigenous people to be employed in the industries of government administration and defence (16.4 compared to 5.3 per cent of total employed people), health and community services (14.4 compared to 10.4 per cent of total employed people), personal and other services (10.7 compared to 3.4 per cent), and education (8.9 compared to 6.2 per cent of total employed people) (figure 11.1.8).

- CDEP participation accounted for a significant proportion of Indigenous employment in the public sector, particularly in remote and very remote areas (figure 11.1.7). Government administration and defence, health and community services, personal and other services, and education are the major components of the public sector.
- Non-Indigenous people were more likely than Indigenous people to be employed in retail trade (14.1 compared to 6.4 per cent of total employed people), and property and business services (12.3 compared to 8.8 per cent of total employed people) (figure 11.1.8).

Figure 11.1.9 **Age standardised employment by skill level of occupations, people aged 18 to 64 years, 2004-05[a]**



Skill level 1 — managers and administrators and professionals; Skill level 2 — associate professionals; Skill level 3 — tradespersons and related workers and advanced clerical and service workers; Skill level 4 — intermediate production and transport workers and intermediate clerical, sales and service workers; Skill level 5 — elementary clerical, sales and service workers and labourers and related workers.

a Error bars represent 95 per cent confidence intervals around each estimate (see chapter 2 for more information).

Source: ABS 2004-05 NATSIHS and NHS (unpublished); table 11A.1.10.

Data on skill levels reported in this chapter are based on the ABS Australian Standard Classification of Occupations (ASCO) Second Edition, which classifies occupations, their associated skill levels and skill specialisations. Skill levels are measured by formal education and training, and previous experience usually required for entry into an occupation. A collection of jobs which are sufficiently similar in their main tasks is grouped together for the purposes of classification. The ASCO assigns nine major occupation groups to five skill levels: Skill level 1 — managers and administrators and professionals; Skill level 2 — associate professionals; Skill level 3 — tradespersons and related workers and advanced clerical and service workers; Skill level 4 — intermediate production and transport

workers and intermediate clerical, sales and service workers; Skill level 5 — elementary clerical, sales and service workers and labourers and related workers.

After taking into account the different age structures of the Indigenous and non-Indigenous populations, in 2004-05:

- A significantly higher proportion of Indigenous people than non-Indigenous people were employed in occupation groups that require relatively lower levels of skills: skill level 4 — intermediate production and transport workers and intermediate clerical, sales and service workers (30.1 compared to 25.6 per cent); and skill level 5 — elementary clerical, sales and service workers and labourers and related workers (25.6 compared to 16.1 per cent) (figure 11.1.9).
- A significantly lower proportion of Indigenous people than non-Indigenous people (18.6 compared to 29.3 per cent) were employed in the occupation group that requires the highest level of skills: skill level 1 — managers and administrators and professionals (figure 11.1.9).

11.2 Self employment and Indigenous business

Box 11.2.1 **Key messages**

- In non-remote areas in 2004-05, the rate of self employment for Indigenous people was markedly lower than that for non-Indigenous people (table 11A.2.1).
- The most recent nationally comparable data that can be reported for the Indigenous self employment and business indicator are the ABS 2001 Census data that were published in the 2003 Report.
- The 2003 Report noted that the difference between the rates of self employment between non-Indigenous and Indigenous people varied significantly across remoteness areas; the largest difference was found in very remote areas, where non-Indigenous people were nine times as likely as Indigenous people to be self employed.

Self employment is an important part of the economic participation and development of both Indigenous and non-Indigenous people. Following suggestions from consultation on the 2005 Report, this indicator has been expanded to include information on Indigenous business, which also has the potential to contribute to economic participation and development for Indigenous people.

Self employment and participation in ownership of enterprises can allow people to reduce reliance on government welfare and improve self sufficiency. It also can improve the overall level of economic participation, which affects many aspects of

people's wellbeing (see section 11.1 for detailed discussion). The IBA (2003) noted that the number of Indigenous people who are self employed as a proportion of the Indigenous labour force is significantly lower than for the rest of the population. Australia's Indigenous people also lag behind New Zealand's Maori people in terms of self employment. Those Indigenous people who are self employed tend to be employed in trade and lower skilled occupations such as plant and machinery operators and labourers (Hunter 1999).

There are several reasons for low rates of self employment and ownership of enterprises for Indigenous people in Australia. Hunter (1999) has noted that governments have typically emphasised business opportunities at the Indigenous community level rather than self employment. Indigenous people are more likely than non-Indigenous people to have poor education and training in relation to business enterprises (see sections 3.3, 3.4 and 11.4). For a variety of reasons, Indigenous people can have difficulty accessing capital and infrastructure and business opportunities are often limited in remote areas.

This Report includes data on self employment for Indigenous and non-Indigenous people living in non-remote areas. These data are from several ABS surveys, including the 2001 National Health Survey: Aboriginal and Torres Strait Islander Results (NHS(I)), the 2004-05 National Aboriginal and Torres Strait Islander Health Survey (NATSIHS), and the 2001 and 2004-05 National Health Surveys (NHS). Data on self employment for remote and very remote areas were not collected in these surveys. The most recent nationally comparable data that can be reported for the Indigenous self employment and business indicator are the ABS 2001 Census data that were published in the 2003 Report.

For people living in non-remote areas, in 2004-05:

- The age standardised rate of self employment (comprising employers and own account workers) among all employed Indigenous people was much lower than for non-Indigenous people regardless of sex, age and remoteness area (table 11A.2.1).
- For non-Indigenous people, men (14.9 per cent of total employed) were more likely to be self employed than women (10.6 per cent of total employed) (table 11A.2.1).
- There was no statistically significant difference in the self employment rate between Indigenous men and women (table 11A.2.1).

Figure 11.2.1 **Age standardised self employment as a proportion of total employed, people aged 18 to 64 years, non-remote areas** [a, b, c, d]

[a] Self employment data comprise employers and own account workers. [b] Data on self employment for remote and very remote areas were not available for this comparison. [c] Error bars represent 95 per cent confidence intervals around each estimate (see chapter 2 for more information). [d] 2001 data for Indigenous males and females have relative standard errors of 25 per cent to 50 per cent and should be used with caution. 2004-05 data for Indigenous females have a relative standard error of 25 per cent to 50 per cent and should be used with caution.

Source: ABS 2001 NHS(I), 2004-05 NATSIHS, and 2001 and 2004-05 NHS; table 11A.2.1.

For people living in non-remote areas:

- Between 2001 and 2004-05, there were no statistically significant changes in the self employment rates for Indigenous people, for both men and women.
- By comparison, the self employment rate for all employed non-Indigenous people fell from 21.0 per cent in 2001 to 13.0 per cent in 2004-05, for both men and women.

Based on data from the ABS 2001 Census, the 2003 Report noted that the difference between the rates of self employment between non-Indigenous and Indigenous people varied significantly across remoteness areas; the largest difference was found in very remote areas, where non-Indigenous people were nine times as likely to be self employed than Indigenous people.

In the absence of new national data on self employment, case studies of Indigenous business are presented in boxes 11.2.2, 11.2.3 and 11.2.4.

Box 11.2.2 **Walking Tourism Business (Qld)**

Through a small, Indigenous owned enterprise, Wujal Wujal Walker Family Tours provide guided walking tours through the Daintree Rainforest in Queensland. Operating since 2003, visitors learn about the history of the Kuku Yalanji people, bush medicine and bush tucker from the traditional owners of the Wujal Wujal region. The enterprise works in partnership with non-Indigenous tourism businesses in the region. Balkanu's Business Hub and Westpac helped the business with business plans, marketing and business negotiations.

In 2005, Walker Family Tours:

- won the Queensland Premier's Reconciliation Business Award
- conducted 399 tours for over 2200 customers.

Customer numbers have grown substantially since 2005 and the business currently attracts over 15 per cent of the 20 000 people who visit the Bloomfield Falls each year.

A further grant assisted in expanding the business with a motorised food and beverage outlet which is set up at the Bloomfield Falls walk to sell food and drinks, and to act as a ticket office for sales of the walking tours to passing self-drive tourists.

Source: Indigenous Stock Exchange 2004; Queensland Government (unpublished).

Box 11.2.3 **Ngarda Civil and Mining (WA)**

Ngarda Civil and Mining (Ngarda) is a contract mining business based in Port Hedland, Western Australia. The company was established in 2001 as a joint venture between Henry Walker Eltin, the Ngarda Ngarli Yarndu Foundation and Indigenous Business Australia, which has 25 per cent ownership. The business has an Indigenous employment target of at least 50 per cent of its workforce.

In its first year of operation (2001-02), Ngarda obtained contracts worth $6.8 million and created 65 jobs for Indigenous people, predominantly from the Pilbara region of Western Australia. In 2005-06, Ngarda obtained contracts worth $44 million, performed by a workforce of 142 permanent staff of whom 81 are Indigenous. As at June 2006, approximately 59 per cent of Ngarda's staff were Indigenous, an Indigenous staffing rate not seen elsewhere in the mining sector.

Indigenous Business Australia (IBA) develops programs to assist Indigenous groups, families and individuals to participate in commercial enterprises through investments with the private sector and/or IBA. The programs also assist Indigenous partners to participate on boards of management and boards of directors, to build capacity in corporate governance. Ngarda Civil and Mining is a successful business, and won the Prime Minister's Award for Excellence in Community Business Partnerships in 2003.

Box 11.2.4 **Indigenous Business Australia — IBA Enterprises**

Indigenous Business Australia's (IBA) Business Development Programme, known as IBA Enterprises, directly assists Indigenous individuals, families and partnerships to succeed in business. This is achieved through support for clients preparing to go into business, and the provision of business loans and mentoring to Indigenous business people.

IBA Enterprises also undertakes economic development initiatives to encourage Indigenous people into business and to provide them with information and training. IBA Enterprises' holistic approach provides a continuum of support that helps Indigenous individuals to get into business and to succeed.

Nationally, business support approvals by IBA Enterprises totalled:

- $3 211 890 in 2004-05
- $4 226 972 in 2005-06
- $6 595 620 for 2006-07 (to February 2007).

Nationally, loan approvals by IBA Enterprises totalled:

- $5 578 595 in 2004-05
- $14 189 312 in 2005-06.

Source: Indigenous Business Australia (unpublished)

11.3 Indigenous owned or controlled land

Box 11.3.1 **Key messages**

- Indigenous (and non-Indigenous) people obtain a variety of economic, social and cultural benefits from land they own or control.
- In June 2006, native title had been determined to exist in full or part in 8.2 per cent of the total area of Australia, compared with 4.7 per cent in June 2004 (figure 11.3.3). The national increase was around 264 210 km^2, with the major increase occurring in WA.
- The number of registered Indigenous Land Use Agreements (ILUAs) increased from 84 in June 2003 to 250 in June 2006 (figure 11.3.4). Over this period, the total land area subject to ILUAs grew from 239 219 km^2 to 812 866.3 km^2, or 10.6 per cent of the total area of Australia.
- Indigenous land interests are also protected under various forms of legislation that enable the grant or purchase of land by governments for Indigenous ownership or use. The Indigenous Land Corporation (ILC) has acquired 201 properties across Australia, covering more than 5.5 million hectares. Examples of State and Territory grants and transfers of land to Indigenous people are also included in this section.

Ownership and control of land can provide a range of benefits to Indigenous people. Land ownership may lead to greater autonomy and economic independence, increased commercial leverage and political influence. It can also deliver commercial benefits like increased income, employment and profits (Altman and Dillon 2004).

Indigenous owned or controlled land is included in this Report as an indicator of economic participation and development. It is, however, also important in terms of the social and cultural relationships between Indigenous peoples and their land, which is discussed in section 9.5.

Over the past 200 years, many Indigenous people have moved or have been moved from the traditional country of their ancestors. In some cases, Indigenous people may have negotiated access to, or derived benefits, from their traditional land without owning or controlling that land (access to traditional land is discussed further in section 9.5).

Indigenous people may own or control land in a variety of ways. Individuals may buy, or otherwise gain freehold title to land (see section 3.7 on home ownership). In contrast, many of the processes and programs to protect Indigenous land interests result in communal ownership or control of land. For instance, the Indigenous Land Corporation purchases land on behalf of Indigenous groups. Examples include

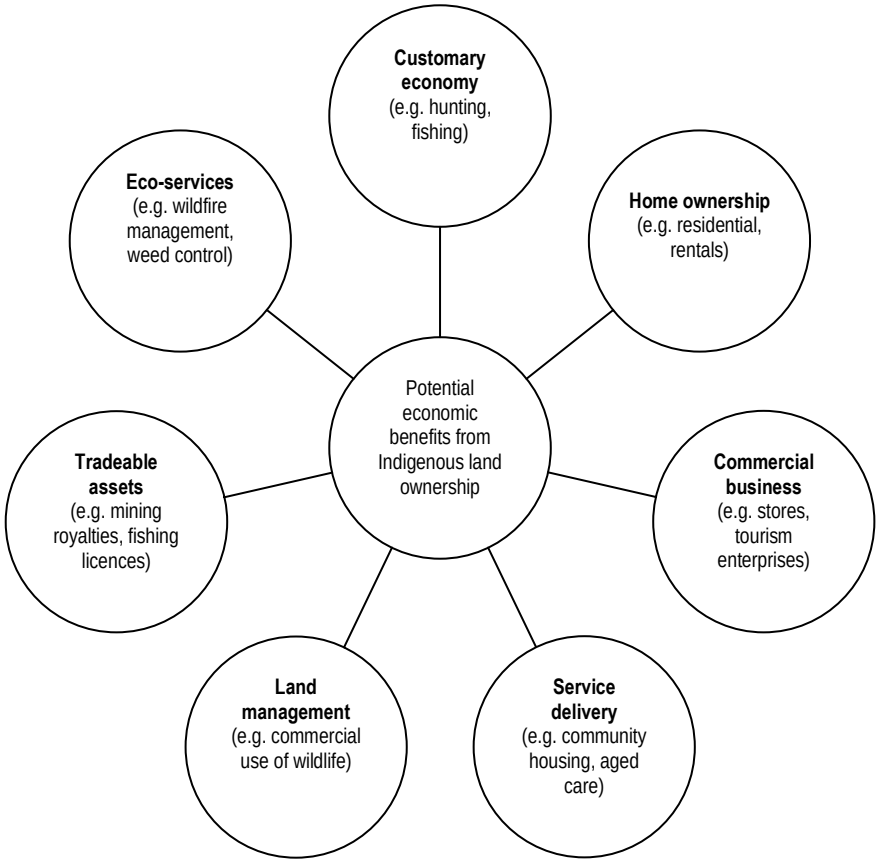
buying a building in Sydney for Indigenous aged care support, and acquiring rural land to boost Indigenous involvement in the pastoral industry. The rights and interests that accrue to Indigenous people under native title and Indigenous Land Use Agreements (ILUAs) are also communally held, and provide varying levels of control and management of lands.

In September 2006, the Australian Government passed the *Aboriginal Land Rights (Northern Territory) Amendment Act*. The Act is intended to encourage individual property rights in town areas on Indigenous communally owned land in the NT. The Act enables 99 year head leases to government entities, which can subsequently make sub-leases.

The economic benefits of land

Figure 11.3.1 outlines the potential economic benefits that may accrue to Indigenous people from owning and/or controlling land.

Figure 11.3.1 **Potential economic benefits from Indigenous owned or controlled land**



Source: Adapted from Altman and Dillon (2004).

The potential to derive economic benefits from activities on land depends on a number of aspects, including:

- the location of the land — remoteness from markets and population centres adds to the costs of delivering products and services from some Indigenous communities
- the nature of the land — opportunities to profit from mining, agriculture and tourism depend, respectively, on the presence of certain minerals, rainfall and soil fertility, and places and activities that appeal to tourists
- the extent of ownership and control over the land — some land is held communally and/or with a restricted title, which may limit certain economic activities (for example, leasing or selling the land to others, or restrictions on land use).

Communal land ownership and native title rights and interests can provide Indigenous people with negotiation rights over land. The bargaining power of Indigenous landholders depends on the property, resource and negotiation rights Indigenous people have under law, as well as the negotiating skills and resources at their disposal.

The customary economy

The customary economy (fishing, hunting and gathering) can provide Indigenous people with fresh and healthy food, and remains an important part of some Indigenous communities, particularly for those living in the tropical savannas and wetlands (Altman 2001).

A study conducted of residents of Utopia and other outstations in central Australia found that the outstation residents had lower rates of diabetes, cardiovascular risk factors, hospitalisations and deaths compared to those living in centralised communities (McDermott et al. 1998). One of the reasons for this comparatively good health was the dependence on bush tucker (native foods). Those who hunted and gathered exercised more and had a more varied diet than those who depended on store-bought food (McDermott et al. 1998).

In SA, the Kuka Kanyini project, on Anangu Pitjantjatjara Land, maintains culture, manages traditional country, conserves biodiversity and improves the social, economic and emotional wellbeing of local people. The project maintains traditional fire management regimes to avoid fires that can destroy the local mulga woodlands (from which foods and traditional medicines are hunted and gathered). The fire management regime also contributes to pest control. The project employs a

minimum of 12 people full time, and the increased physical activity has assisted in the control of diabetes (SA Government unpublished).

Residential use and home ownership

Ownership and/or control of land can provide people with a place to live. Many Indigenous people live in community housing which has been built on Indigenous land (see section 3.7). Section 9.5 provides some information on the numbers of Indigenous people who live on their homelands or traditional country (but, as explained in section 9.5, this is not necessarily the same as the numbers of people living on Indigenous owned or controlled land). People who own their homes may gain economic benefits from living in, renting out, selling or borrowing against the property.

Commercial business

Commercial businesses sell goods or services to the general public and include enterprises like shops and eco-tourism ventures.

The ILC operates and manages 10 commercial businesses throughout Australia, and in 2005-06 employed 194 Indigenous people in a range of roles. These businesses are mainly large scale beef cattle enterprises, but also include tourism businesses and two orchards. The ILC is currently focusing its programs on employment, training and education opportunities, particularly in the pastoral and tourism industries.

The Lundin Warra Aboriginal Corporation, an Indigenous-owned enterprise, runs Wujal Wujal Walker Family Tours, providing guided walking tours through the Daintree Rainforest in Queensland (see box 11.2.2 for more information).

Service delivery

Land can be used to site and deliver services to Indigenous communities (such as community housing, aged care and postal services).

The Wunan Foundation is a not-for-profit Indigenous organisation in the East Kimberley (WA). It provides a range of services aimed at improving socio-economic outcomes for Indigenous people, including:

- training and development programs for Indigenous people
- a wilderness adventure tourism business in partnership with Australian Pacific Touring.

- land-based investments for capital growth and the provision of community housing (Wunan Foundation 2006).

The Larrakia Development Corporation (LDC) was established in 2002 with the assistance of the Northern Land Council, to manage the development of land exchanged as part of a native title claim settlement with the NT Government. The LDC has completed a housing development on land in Palmerston in the NT. The Corporation is debt free and has returned dividends of $250 000 in grants to the Larrakia people. Income is divided evenly between the Larrakia Development Trust (established to coordinate community projects for the Larrakia people) and the LDC. In addition, the LDC has generated employment and training opportunities for local Aboriginal people both through its own development activities and through its employment placement agency.

Land management/tradeable assets

Agreements have been reached with governments and others (for example, mining companies and pastoralists) over land use. These agreements can yield economic and other benefits, including monetary payments; support for community services, facilities and infrastructure; employment and training programs; and protection of cultural sites. Some agreements have provided substantial benefits for Indigenous people, while the benefits from others have been more modest (see O'Faircheallaigh and Corbett 2005, O'Faircheallaigh 2006, and Altman and Levitus 1999).

Altman and Smith (1994, 1999) provide some examples of how different approaches have influenced the economic benefits of mining royalties to Indigenous people. Sections 11.4 and 11.5 explore some aspects of governance and capacity building that can affect the way royalties are negotiated and used.

Many Australian, State and Territory government programs recognise and employ Indigenous peoples' land management skills. For example:

- In NSW, the *National Parks and Wildlife Act 1974* provides for Aboriginal people to be owners and joint managers of certain conservation reserves. By February 2007, four conservation reserves had been handed to Aboriginal ownership and control (NSW Government unpublished).
- In SA, Cooperative Management Agreements have been created with local Aboriginal groups for three parks, one which is located on Indigenous freehold land. In addition to cultural and environmental benefits, these agreements provide for the employment and training of local Aboriginal people in the management of the parks (Government of South Australia 2006).

- In the NT, an agreement between the NT and Australian governments provides for Indigenous management over land and sea country. The agreement also aims to boost employment and economic development through natural resource management activities and associated industries (NT Government unpublished).

Eco-services

Eco-services are aimed at supporting sustainable natural resource management and include feral animal control, quarantine inspection, bush fire management and weed eradication programs (Altman and Dillon 2004).

In the NT, the Carpentaria Ghost Nets Programme seeks to address the problem of fishing nets that have been lost or abandoned at sea. Ghost nets travel the ocean, continually fishing indiscriminately. Indigenous Sea Rangers noted that many turtles were being captured in ghost nets that were washing up on the beaches. The Ghost Nets Programme is funded to clean the coastline in the Gulf of Carpentaria of existing nets to stop them re-entering the ocean.

In the NT, the Arnhem Land Bushfire Council District applies Indigenous knowledge and skills to fire management on land owned and controlled by the traditional owners. Indigenous membership on the Northern Territory Bushfires Council has expanded and an Indigenous Fire Controller has been appointed. Benefits to Indigenous people have included improved community access to equipment and training.

Box 11.3.2 presents the Indigenous Pastoral Program in the NT. The program is run as a commercial business that incorporates land management and eco-service activities on Indigenous land.

Box 11.3.2 **'Things that work' — the Indigenous Pastoral Program**

The Indigenous Pastoral Program (IPP) was established in 2003 by the Indigenous Land Corporation, the NT Government and Northern and Central Land Councils to:

- increase the level of sustainable pastoral production on Indigenous land
- increase the level of Indigenous involvement in the pastoral industry through training and employment.

The IPP aims to generate 1000 new Indigenous jobs in the pastoral industry over the next 10 years.

(Continued next page)

Box 11.3.2 (continued)

In 2006, funding for the IPP was extended for a further 5 years and the program expanded to involve the NT Cattleman's Association and the Department of Employment and Workplace Relations. By 2007, 26 properties were involved in the program, and benefits included:

- an increase of 28 500 cattle run on Indigenous land
- agreements under negotiation, or in place, with the capacity to run a further 40 000 cattle
- more than 14 500 km² of land under new agreements that allow for improved economic and environmental management
- 53 seasonal and contracting jobs in stock camps and infrastructure development
- 28 successful traineeships through the Barkley Indigenous Pastoral Traineeship Scheme
- over 72 participants attending pastoral training workshops in Central Australia
- more than 100 company directors and land owners engaged in corporate governance training on 10 properties with funding secured through FarmBis.

One of the key learning outcomes has been the important role of mentors throughout the training and employment phase, which has improved employment retention. Increasing the level of Indigenous involvement in the industry is an important outcome. IPP will also benefit Indigenous land and operations as skilled people can return to Indigenous land and enterprises.

In addition to the economic benefits derived from increased pastoral activity, there are substantial environmental and cultural benefits through improved management of weeds, fire and feral animals, and increased access to country because of the reestablishment of pastoral infrastructure.

Source: Indigenous Land Corporation (unpublished).

Measuring areas of Indigenous owned or controlled land

Land area alone is an imperfect indicator of the benefits Indigenous people derive from owning land. The commercial value of land varies widely and much of the Indigenous owned or controlled land in Australia is of low commercial value. There are only limited data on the extent to which Indigenous people use their land for various economic or other purposes and the benefits they obtain from it.

Land areas and proportions reported for this indicator are for communally owned or controlled Indigenous land. Communally owned Indigenous land can be identified from land registers and other sources. Some Indigenous individuals and families also own land in their own right, but no data are available on the ownership of land

by individual Indigenous people, as State and Territory land registers do not contain an Indigenous identifier. The only data on ownership of land by individual Indigenous people are data on home ownership, which are included earlier in this Report under the headline indicator on home ownership (section 3.7).

There are various forms of tenure for Indigenous communal lands under various Australian, State and Territory legislation, including reserves, leases, alienable freehold and inalienable freehold. The strongest (and most widespread) form of tenure of Indigenous land is inalienable freehold, which cannot be 'alienated' by selling or mortgaging it, so that continuing Indigenous ownership is protected. The sections below outline the most common forms of assigning Indigenous ownership and/or control over land.

Land subject to native title rights and interests

The National Native Title Tribunal (NNTT) manages the legal process to register native title claims and mediate outcomes. Claims to land are determined through the court system. Native title is a bundle of rights rather than a form of underlying title, that may in certain circumstances amount to exclusive possession, but often manifests through co-existing rights and interests with the underlying title holder. The NNTT (2002b) defines native title as follows:

> Native title is the recognition in Australian law that Indigenous people had a system of law and ownership of their lands before European settlement. Where that traditional connection to land and waters has been maintained and where government acts have not removed it, the law recognises aspects of this as native title. The native title of a particular group will depend on the traditional laws and customs of those people. The way native title is recognised and practised may vary from group to group.

The types of native title rights recognised in a determination of native title vary according to both the rights and interests under the relevant group's traditional laws and customs, and the extent to which a government has created or asserted rights that are inconsistent with any claimed native title right. Over time, the courts interpret whether particular acts concerning the land have the effect of extinguishing native title in full or in part. The courts have determined, for example, that granting of freehold title completely extinguishes native title on that land. On the other hand, when a pastoral lease does not give a lessee exclusive possession, native title is only partially extinguished (for further information, see NNTT 2002a, 2003).

Indigenous Land Use Agreements

Indigenous Land Use Agreements (ILUAs) are agreements about the use and management of land and waters, made between one or more native title groups and other people.

ILUAs are made possible by the *Native Title Act 1993*, but are less formal and less time consuming than the process of a native title determination. ILUAs are used in a variety of ways. They may be:

- a step on the way to a native title determination
- used in place of a native title determination
- made about matters such as mining developments, sharing land and exercising native title rights and interests (NNTT 2006).

While ILUAs lack the formality of native title, they have the advantages of allowing for more flexible, relatively speedy and less costly resolutions between land users. Indigenous people may negotiate agreements that lead to economic benefits, like employment and compensation (NNTT 2006). ILUAs are not costless, however. Hooke (2004) has outlined some of the costs incurred by mining companies in meeting their own costs (and often those of the native title representative bodies representing Indigenous claimants) in negotiating agreements.

The number and coverage of ILUAs are included later in this chapter. However, this provides only limited information on the economic and social benefits to Indigenous people from such agreements.

Other legal Indigenous land interests

'Other legal Indigenous land interests' refers to land that has been granted, or purchased, by governments for Indigenous ownership, or is held by governments for Indigenous use under various forms of government legislation. These legal Indigenous land interests are distinct from native title. Pollack (2001) and the ILC (2001a–g) explain in some detail the legislative basis and government programs for Indigenous land ownership in each jurisdiction.

Nationally, the ILC exists to purchase land on behalf of Indigenous people and assists in land management, including capacity building. The ILC has a legislated responsibility to develop and review regularly a National Indigenous Land Strategy (NILS). A new NILS for 2007 to 2112 was approved by the ILC Board in February 2007.

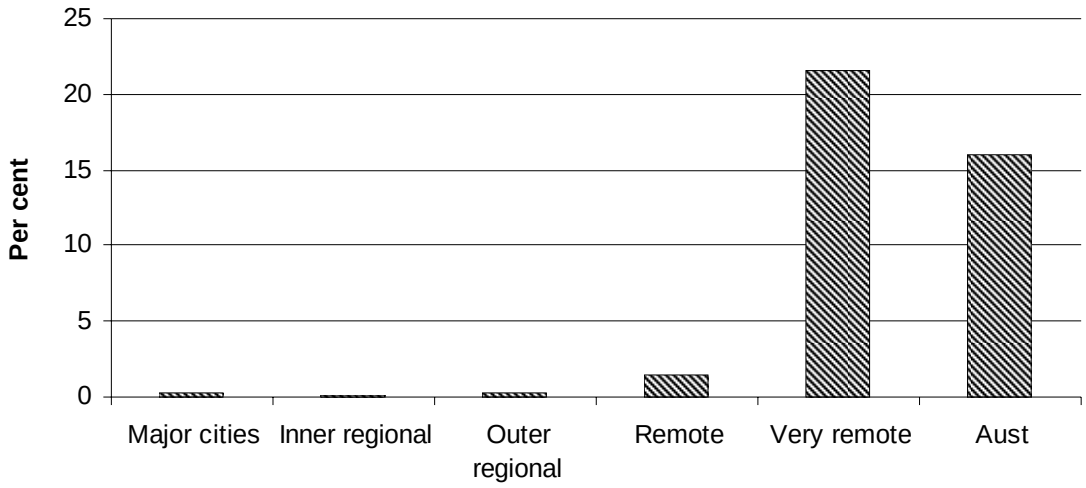
An example of State/Territory legislative regimes is the *Aboriginal Lands Act 1995* in Tasmania, which was enacted to return Aboriginal land. By 2006, 55 597 hectares of land had been returned under the Act, including the culturally significant sites Wybalenna, Cape Barren Island and Clarke Island. The land is vested in the Aboriginal Land Council of Tasmania as freehold land in perpetuity, and cannot be mortgaged.

Area of Indigenous owned or controlled land

Indigenous owned or controlled land is either held by Indigenous communities or held by governments on behalf of Indigenous people. Land held by Indigenous communities is usually owned by an Indigenous corporation, controlled by Indigenous people. Data on Indigenous landholdings by different forms of tenure are reported in tables 11A.3.1 and 11A.3.2.

The area and distribution of Indigenous owned or controlled land in Australia date back to the decisions of governments in the 1970s and 1980s. In recent years, the rate of land grants has slowed. However, native title decisions, ILC land purchases and other land rights programs continue to add to the total amount of land owned or controlled by Indigenous people.

Figure 11.3.2 **Indigenous owned land as a proportion of the area of each remoteness area, December 2006**



Source: ILC (unpublished); table 11A.3.2.

- Nationally, in 2006, Indigenous owned or controlled land comprised 16.0 per cent of the area of Australia (figure 11.3.2).

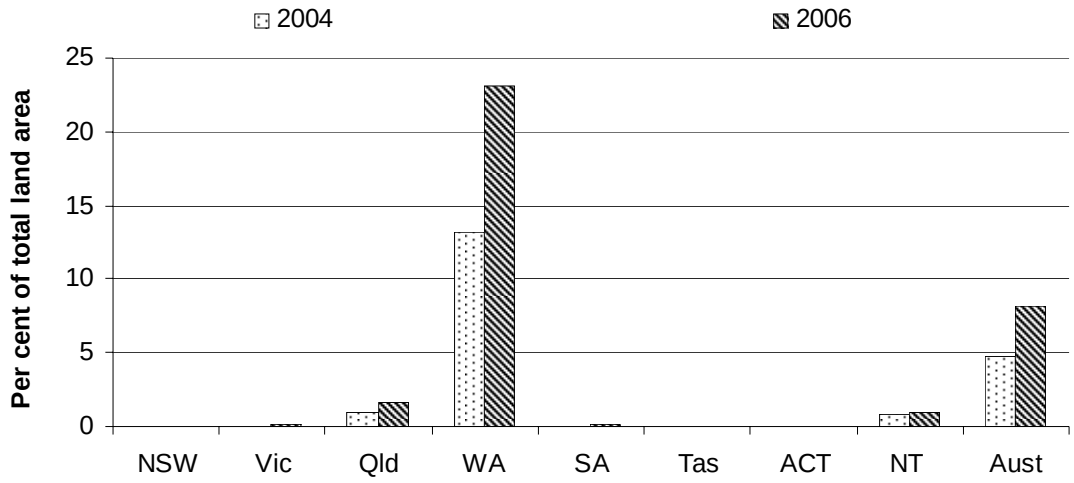
- Indigenous owned or controlled land comprised 21.5 per cent of the combined land area of very remote areas of Australia in 2006, but only 0.1 per cent of inner regional areas and 0.2 per cent of major cities (figure 11.3.2).
- Nearly all (98.6 per cent) Indigenous owned or controlled land is in very remote areas of Australia (table 11A.3.2).
- The bulk of Indigenous owned or controlled land is in the NT (49.1 per cent), WA (29.6 per cent) and SA (16.5 per cent) (table 11A.3.1).
- Indigenous owned or controlled land makes up 44.8 per cent of the NT, but less than 1 per cent of the area of NSW, Victoria, Tasmania and ACT (table 11A.3.1).
- Between 2005 and 2006, there was little or no change to the proportions of Indigenous owned or controlled land.
- Between 1995 and 2006, the ILC acquired 201 properties in remote, rural and urban locations covering more than 5.5 million hectares, at a total cost of nearly $170 million (see table 11A.3.11 for a map of the ILC's land acquisition activity).

Determinations of native title

The majority of native title applications that have been lodged by Indigenous people are yet to be determined by the Federal Court of Australia. As at March 2007, 540 active native title claimant applications were in the system, and 91 native title determinations had been made (NNTT unpublished).

Data are not readily available to compare areas with native title giving exclusive possession of land with areas where native title may have been partially extinguished.

Figure 11.3.3 **Determinations that native title exists**[a, b c, d, e, f]



[a] At 30 June. [b] Areas are based on the geographic extent of the determination area as per the court's decision. Parts of these determinations may not be included on the National Native Title Register at this time. Where native title has been extinguished within a determination area and it has been possible to map these areas then they have been included in the calculations. [c] Area for SA includes areas subject to appeal. [d] Total land areas of states and territories include islands adjacent to the mainland — figures sourced by the NNTT from Geoscience Australia. [e] Australian total includes Jervis Bay Territory and Commonwealth waters where determinations of native title have been made. [f] As at 30 June 2006, native title had been found to exist in full or in part on 0.1 km^2 of land in NSW, which is not large enough to show on this graph.

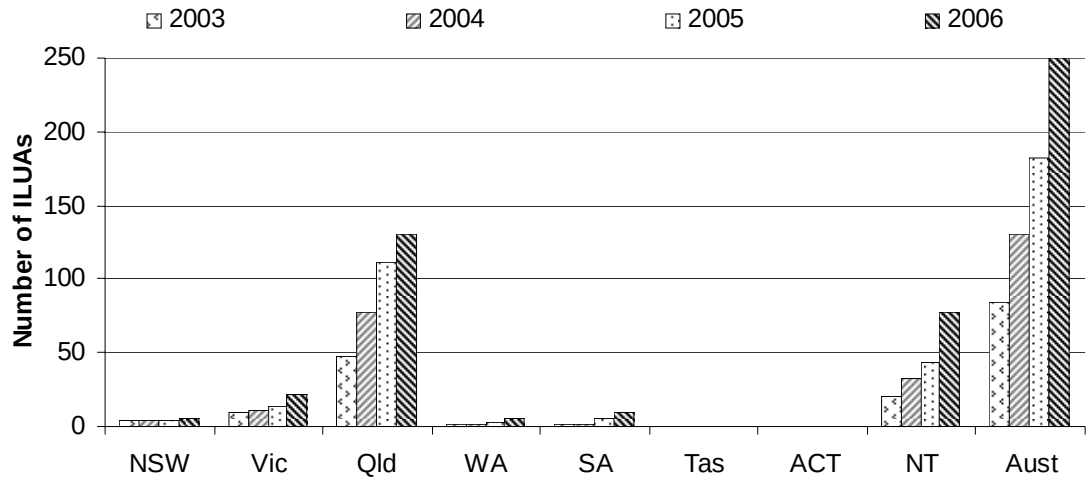
Source: NNTT (unpublished); table 11A.3.3.

- In June 2006, native title had been determined to exist in full or in part in 8.2 per cent of the total area of Australia, compared with 4.7 per cent in June 2004 (figure 11.3.3). The national increase was around 264 210 km^2, with the major increase occurring in WA.
- In 2006, native title had been determined to exist in full or in part in 23.0 per cent of WA but there had been no determinations that native title exists in Tasmania or the ACT.
- Most land where native title had been determined to exist in full or in part in 2006 was in very remote areas (99.7 per cent). Native title had been found to exist in 11.1 per cent of land in very remote areas (table 11A.3.4).
- Tables 11A.3.7 and 11A.3.8 show maps of determinations of native title by State/Territory and remoteness area.

Indigenous Land Use Agreements

The number of ILUAs agreed since 2003 is shown in figure 11.3.4.

Figure 11.3.4 **The growth of Indigenous Land Use Agreements (cumulative)[a]**

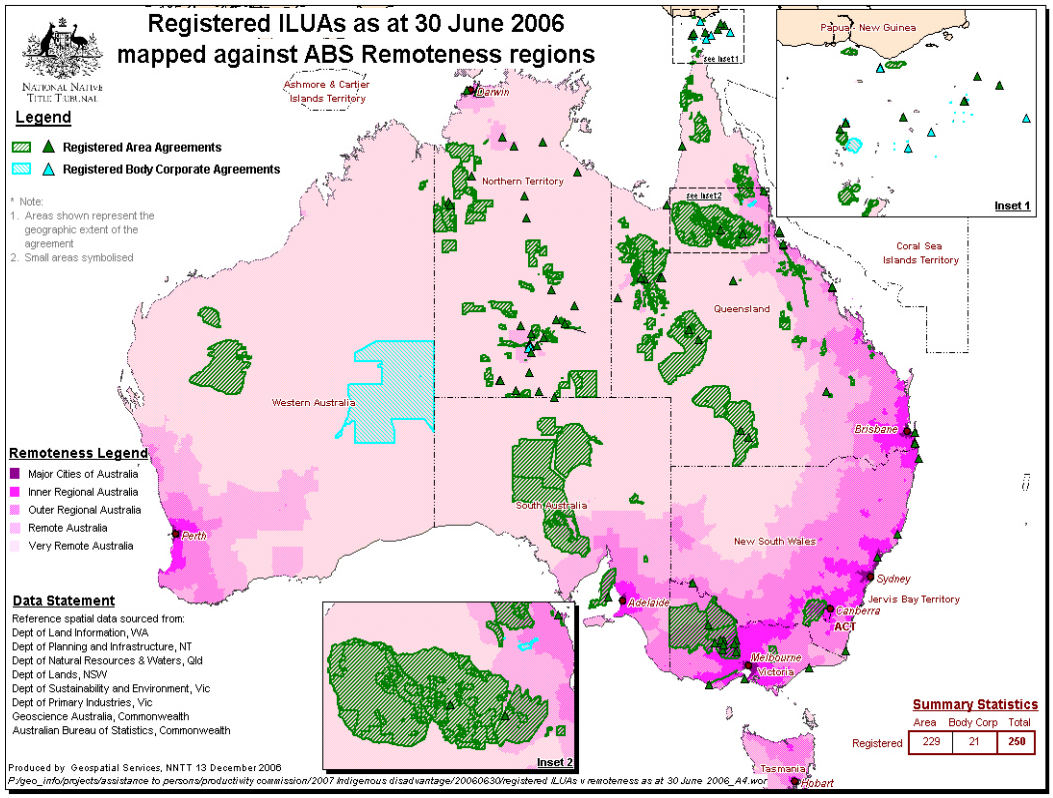


a Total number of ILUAs in place as at 30 June in each year; totals are cumulative.

Source: NNTT (unpublished); table 11A.3.5.

- The number of registered Indigenous Land Use Agreements (ILUAs) increased from 84 in June 2003 to 250 in June 2006 (figure 11.3.4). Over this same period, the total land area covered by registered ILUAs (not counting overlapping ILUAs), grew from 239 219 km² to 812 866.3 km², or 10.6 per cent of the total area of Australia (table 11A.3.6).
- In 2006, most of the ILUAs were in Queensland (131) and the NT (78). Other states and territories had small numbers, and Tasmania and the ACT had none (table 11A.3.5).
- Most of the area of land covered by registered ILUAs in 2006 (91.1 per cent) was in remote and very remote areas (table 11A.3.6).
- Figure 11.3.5 and tables 11A.3.9 and 11A.3.10 contain maps showing the areas covered by registered ILUAs.

Figure 11.3.5 **Registered Indigenous Land Use Agreements by remoteness area**



Source: NNTT (unpublished); table 11A.3.10.

11.4 Governance capacity and skills

Box 11.4.1 **Key messages**

- In 2005, lower proportions of Indigenous than non-Indigenous students enrolled in university and TAFE courses relevant to governance and management (figures 11.4.1 and 11.4.3).
- Both Indigenous and non-Indigenous male students were more likely than females to enrol in university courses relevant to governance and management (figure 11.4.2).
- Both Indigenous and non-Indigenous female students were more likely than males to enrol in TAFE courses relevant to governance and management (figure 11.4.4).

Governance generally refers to the way that a society formally structures decision making, distributes authority and rights, and organises individual and collective behaviours. It consists of the structures and institutions that guide individual, group

and corporate behaviour, and describes who has the authority to make decisions in a community, how those decisions are to be carried out and how different members of the community are included in the making, implementation and communication of those decisions.

The effective exercise of governance effects all levels of society and plays an essential part in people's personal lives and their communities. Recent studies (Reconciliation Australia 2002 and 2006) emphasised the importance of governance capacity to the social and economic development of Indigenous people. Research by Hunt and Smith (2006), analysing thirteen case studies of Indigenous community governance, found that:

- The development of governance capacity does appear to be a fundamental factor in generating sustained economic development and social outcomes.
- Economic outcomes appear to be best achieved where effective Indigenous and non-Indigenous governance coexist.
- Successful governance appears to require basic prerequisites, such as housing, water, sanitation, education and health to be in place. Only then can a community organisation focus on economic development as its goal, rather than prioritising and being consumed with essential service delivery. (p.72)

The capacity of people, groups, organisations and whole societies to govern consists of governance skills, abilities, knowledge, behaviours, values, motivations, institutions, resources, powers and so on, which are determined by a combination of human, social, cultural, infrastructure and resource capital. Without an effectively resourced capacity for governance, there is unlikely to be sustained community or regional development. For example, sound organisational governance requires access to professional expertise. An understanding of financial management, and corporate and administrative systems is a basic ingredient of effective governance (Dodson and Smith 2003; Sanders 2004; Smith and Armstrong 2005).

A House of Representatives inquiry into capacity building and service delivery in Indigenous communities supported dual public management and community development approaches to capacity building (HOR 2004).

The public management approach emphasises the need to develop a community's governance, administration, managerial and leadership structures and skills in order to meet accountability requirements (Gerritson 2001). This approach has strong links with the 'governing institutions' and 'leadership' determinants of good governance (see section 11.5).

The community development approach is concerned with the empowerment of communities so that they can participate in their own policy-making and implementation, in the development of their own effective and culturally informed governance structures, and in developing the skills to take effective responsibility

and control over their own issues and futures (Gerritson 2001). This approach is closely linked with the 'self-determination' aspect of good governance (see section 11.5).

In the 2003 and 2005 Reports, a proxy indicator 'Accredited training in leadership, finance or management' was included in the framework to report on capacity building in governance. Following suggestions from consultation on the 2005 Report, the indicator has been renamed 'Governance capacity and skills' and reports on governance capacity and skills more broadly. This indicator complements the case studies in governance arrangements in section 11.5, which discuss examples of Indigenous governance in various organisations and communities.

As there is little quantitative data available on governance capacity and skills, this section reports data on participation in particular types of training courses. Training in the fields reported here is a significant component of the capacity building and leadership aspects of governance reported in more detail in section 11.5. Formal and informal governance training is one useful means for individuals, groups and organisations to build on their strengths and address their weaknesses in organisational management and community governance. Information on participation in relevant training can also provide an indication of the available governance resources — people who have the motivation to seek knowledge in organisation and community governance.

While other forms of training are equally valuable, training in the areas of leadership, finance or management is potentially relevant to management, governance and the Australian business and government environment. Such training may also assist Indigenous people to function successfully in both Indigenous and non-Indigenous environments. For the purpose of this indicator, this type of training is represented by the fields of management and commerce, business law, and economics and econometrics at the university and VET levels.

Section 3.4 shows that Indigenous people are much less likely than non-Indigenous people to be studying at universities but more likely than non-Indigenous people to be studying at other types of colleges (including colleges of Technical and Further Education (TAFE)).

Box 11.4.2 gives examples of accredited training programs that are strengthening governance capacity and skills of Indigenous communities and organisations.

Box 11.4.2 'Things that work' — Increasing governance capacity and skills

Office of the Registrar of Aboriginal Corporations (ORAC) governance training

The Office of the Registrar of Aboriginal Corporations (ORAC) has provided a range of corporate governance training programs for Indigenous corporations and their governing committees/boards for three years. ORAC's training programs include:

- one and two-day information sessions and three-day introductory workshops in corporate governance, which act as a bridge to the accredited training
- accredited Certificate 4 in Business (Governance).

The information sessions provide information and advice, ranging from what is required by law for incorporation under the Aboriginal Councils and Associations Act 1976 (to be replaced by the Corporations (Aboriginal and Torres Strait Islander) Act 2006 in July 2007) to specific governance issues the corporation may be experiencing, including board meetings, annual general meetings and special general meetings.

The participants in three-day introductory corporate governance workshops sign joint learning agreements. Upon completing the workshop, participants are encouraged to continue with accredited training, including the Certificate 4 in Business (Governance) and the Diploma in Business (Governance).

Certificate 4 in Business (Governance) is a nationally recognised training package developed specifically for Indigenous people who wish to attain recognised skills in corporate governance and management. It is a competency-based training program that requires participants to demonstrate their competence in a range of skills relevant to corporate governance.

ORAC programs are currently running in Victoria, Queensland, the NT and WA.

During 2004-05, more than 600 people attended the information sessions and the three-day introductory workshops. Fifty-seven graduates received their Certificate 4 in Business (Governance) in the year to 30 June 2004. The Certificate 4 in Business (Governance) had a retention rate of 93 per cent. This was well above the national average retention rate of 86 per cent for Indigenous students in Vocational Education and Training (VET).

Queensland has demonstrated good rates of progression to Certificate 4:

- Of those enrolled in the Cairns and Townsville workshops, 42 and 33 per cent, respectively, began the Certificate 4 course
- Female participants made up 54 per cent of those enrolled in the workshop and 76 per cent of those proceeding to the accredited Certificate 4 program.

(Continued next page)

Box 11.4.2 (continued)

'Managing in Two Worlds' — Governance Training Program (Vic)

The Managing in Two Worlds Governance Training Program aims to strengthen the management capacity of Victorian Aboriginal community organisations and improve service delivery in the community sector. The program has been built on the suite of governance training developed by ORAC and is being managed and funded by Aboriginal Affairs Victoria in partnership with ORAC, Consumer Affairs Victoria and Swinburne University. The program is available to board members and key staff from Victorian Indigenous community organisations.

The pilot phase of the program was conducted in 2005-06 and comprised:

- three three-day introductory workshops covering generic governance skills and practices, roles of board members and management training
- a four week residential accredited TAFE training program in all aspects of governance providing participants with a Certificate 4 in Business (Governance).

An independent review of the workshop component of the program found that the workshops were successful in addressing governance-related Indigenous capacity building needs. Feedback during, and at the conclusion of, the workshops showed that participants found the content and presentation of the workshops met their needs. A follow-up survey demonstrated the practical impact of the training, which has included sharing information with other board members, constitutional changes, changes to policies and procedures and scheduling of board planning days.

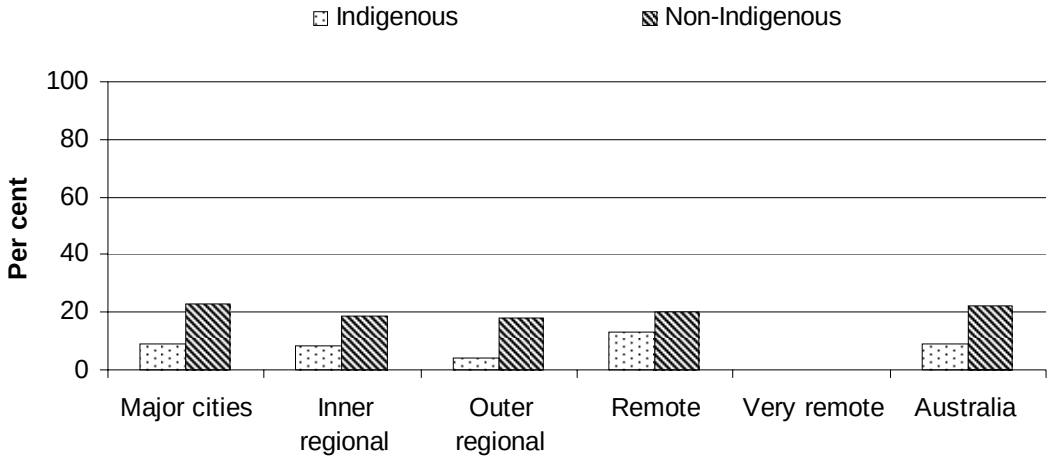
The pilot phase of the program saw:

- 68 people complete the workshops, with a completion rate of 98 per cent
- 14 people graduate from the Certificate 4, with a completion rate of 100 per cent.

The Program has been extended into 2006-07 and it is expected that a further 120 people (4–5 workshops) will complete the workshops and over 40 people (3 courses) will complete the Certificate 4.

Source: ORAC (www.orac.gov.au); Aboriginal Affairs Victoria, Department for Victorian Communities (unpublished).

Figure 11.4.1 **Proportion of university students studying management or commerce, business law, economics or econometrics, 2005[a, b, c]**



a Management, commerce, business law, economics and econometrics defined as field of education codes, 08,090901, and 0919, from the ABS Australian Standard Classification of Education. **b** Data are derived based on the number of students whose Indigenous status was identified in the DEST data collection. There are a large number of students in the 'Indigenous status unknown or not stated' category. For example, in 2005, 3.6 per cent of all students were classified as 'Indigenous status unknown', compared to 1.2 per cent who identified as Indigenous. 'Indigenous status unknown' records are separately identified in the attachment tables. **c** Allocation of students to geographic regions was done using the postcode of the student's home address.

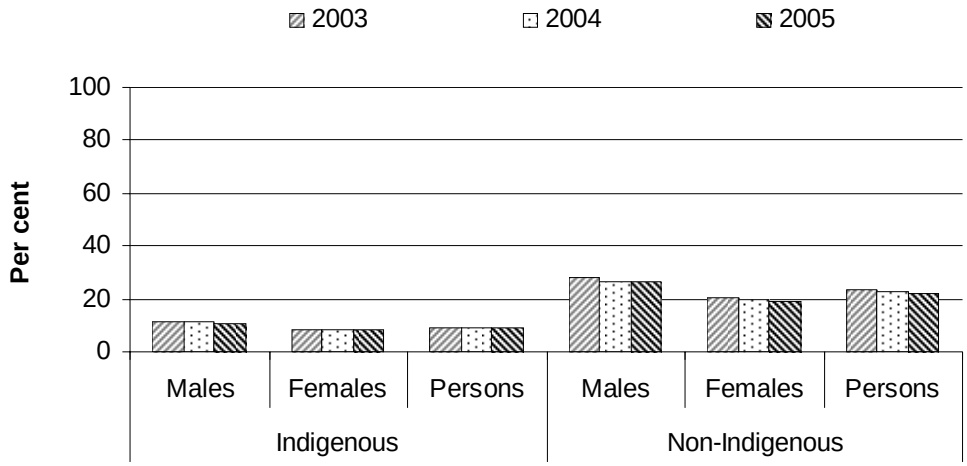
Source: DEST Higher Education Student Collection (unpublished); tables 11A.4.2 and 11A.4.5.

In 2005:

- Nationally, 9.0 per cent of Indigenous university students were enrolled in courses in management, commerce, business law and economics (including econometrics) compared with 22.1 per cent of non-Indigenous university students (figure 11.4.1; table 11A.4.8).
- A lower proportion of Indigenous students than non-Indigenous students were enrolled in university courses relevant to management and governance (including management, commerce, business law and economics) across remoteness areas (except in very remote areas where no university students were recorded) (figure 11.4.1).
- For both Indigenous and non-Indigenous university students, those whose home addresses were in major cities and remote areas were more likely than those in regional areas to enrol in courses relevant to management and governance. However, data for Indigenous students in remote areas need to be interpreted with caution as there are only small numbers of university students in remote areas (see tables 11A.4.2 and 11A.4.5)

- Indigenous university students comprised 0.5 per cent of university students studying management, commerce, business law and economics. Indigenous university students comprised 1.2 per cent of university students in all courses (table 11A.4.8).

Figure 11.4.2 **Proportion of university students studying management or commerce, business law, economics or econometrics, 2003–2005[a, b, c]**



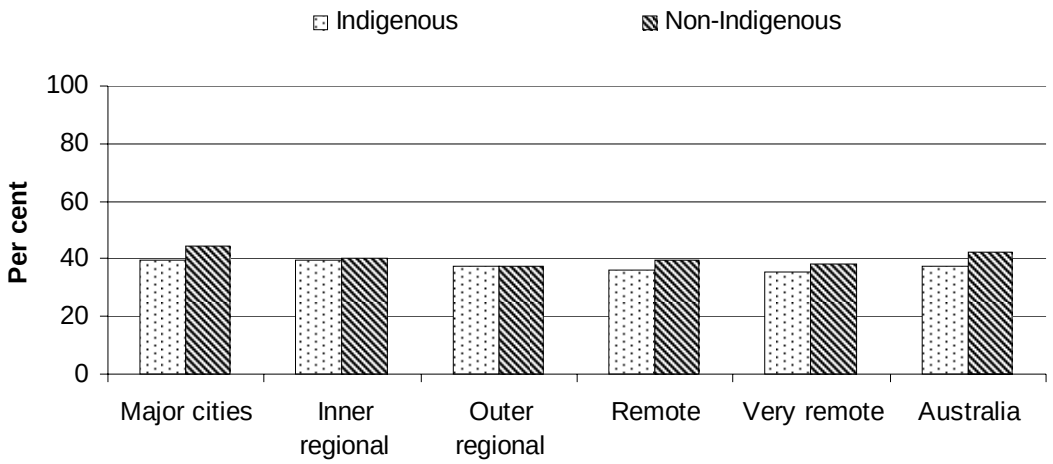
a Management, commerce, business law, economics and econometrics defined as field of education codes, 08,090901, and 0919, from the ABS Australian Standard Classification of Education **b** Data are derived based on the number of students whose Indigenous status was identified in the DEST data collection. There are a large number of students in the 'Indigenous status unknown or not stated' category. For example, in 2005, 3.6 per cent of all students were classified as 'Indigenous status unknown', compared to 1.2 per cent who identified as Indigenous. 'Indigenous status unknown' records are separately identified in the attachment tables.

Source: DEST Higher Education Student Collection (unpublished); tables 11A.4.1 and 11.4.4

- In each year from 2003 to 2005, for both Indigenous and non-Indigenous university students, males were more likely than females to enrol in university courses relevant to management and governance (including management, commerce, business law and economics) (figure 11.4.2).
- In each year from 2003 to 2005, a lower proportion of Indigenous students than non-Indigenous students enrolled in university courses relevant to management and governance, regardless of gender.
- The number of Indigenous university students studying management, commerce, business, law and economics declined from 809 in 2002 to 753 in 2005. The number of non-Indigenous students of these subjects also declined (from 156 556 to 151 361) (table 11A.4.1).
- There were no significant changes in the proportion of Indigenous university students enrolled in university courses relevant to management and governance,

while the proportion of non-Indigenous students enrolled in these courses decreased slightly from 23.8 per cent in 2003 to 22.1 per cent in 2005 (figure 11.4.2; table 11A.4.8).

Figure 11.4.3 **Proportion of TAFE students studying management or commerce, business law, economics or econometrics, 2005[a, b,.c]**



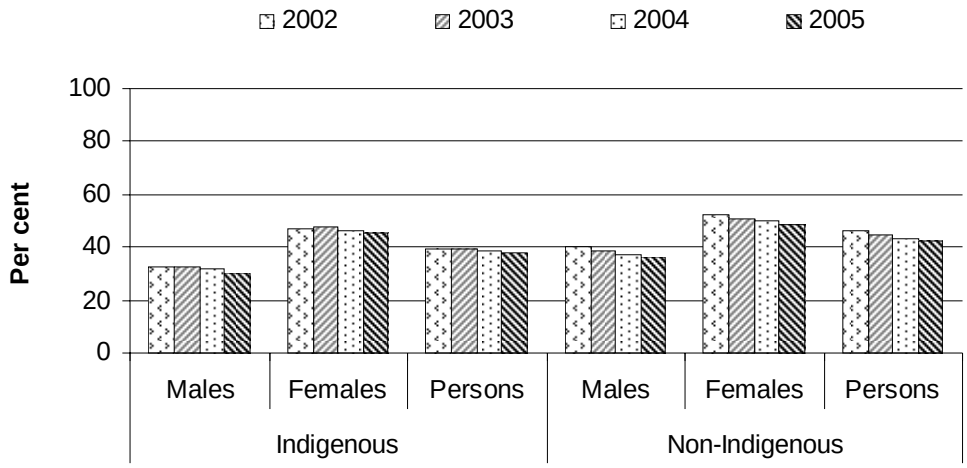
a Management, commerce, business law, economics and econometrics defined as field of education codes, 08,090901, and 0919, from the ABS Australian Standard Classification of Education. **b** Data are derived based on the number of students whose Indigenous status were identified in the NCVER data collection. There are a large number of students in the 'Indigenous status unknown or not stated' category. For example, in 2005, 17.6 per cent of all students were classified as 'Indigenous status unknown', compared to 3.8 per cent who identified as Indigenous. 'Indigenous status unknown' records are separately identified in the attachment tables. **c** Allocation of students to geographic regions was done using the postcode of the student's home address.

Source: NCVER (unpublished); tables 11A.4.2 and 11.4.5.

In 2005:

- Nationally, 37.6 per cent of Indigenous TAFE students were studying management, commerce, business law or economics compared with 42.2 per cent of non-Indigenous students (figure 11.4.3; table 11A.4.8).
- A lower proportion of Indigenous than non-Indigenous TAFE students were studying management, commerce, business law or economics in major cities, remote areas and very remote areas. In inner and outer regional areas similar proportions of Indigenous and non-Indigenous students were studying management, commerce, business or economics (figure 11.4.3).

Figure 11.4.4 **Proportion of TAFE students studying management or commerce, business law, economics or econometric, 2002–2005[a, b]**



a Management, commerce, business law, economics and econometrics defined as field of education codes, 08,090901, and 0919, from the ABS Australian Standard Classification of Education. **b** Data are derived based on the number of students whose Indigenous status was identified in the NCVER data collection. There are a large number of students in the 'Indigenous status unknown or not stated' category. For example, in 2005, 17.6 per cent of all students were classified as 'Indigenous status unknown', compared to 3.8 per cent who identified as Indigenous. 'Indigenous status unknown' records are separately identified in the attachment tables.

Source: NCVER (unpublished); tables 11A.4.1 and 11A.4.4.

- In each year from 2002 to 2005, a lower proportion of Indigenous than non-Indigenous TAFE students enrolled in management, commerce, business law and economics courses.
- The number of Indigenous TAFE students studying management, commerce, business law and economics changed very little between 2002 and 2005 (23 440 in 2002 and 23 559 in 2005). The number of non-Indigenous students of these subjects declined from 592 533 to 544 927 over the same period (table 11A.4.1).
- The proportion of both Indigenous and non-Indigenous TAFE students enrolled in management, commerce, business law and economics courses gradually decreased over the period from 2002 to 2005 (39.3 to 37.6 per cent for Indigenous students and 46.1 to 42.2 per cent for non-Indigenous students) (figure 11.4.2; table 12A.4.8).
- In each year from 2002 to 2005, for both Indigenous and non-Indigenous TAFE students, females were more likely than males to enrol in management, commerce, business law and economics courses (figure 11.4.4).

State and Territory data on the number of university and TAFE students enrolled in management, commerce, business law and economics courses and the number of university and TAFE students in all courses are included in table 11A.4.1 and table 11A4.4 respectively. Tables 11A.4.3 and 11A.4.6 provide data on students by age.

Table 11.4.1 **Number of students in selected courses (governance), by Indigenous status, Australia, 2005**

	Indigenous	Non-Indigenous	Unknown	Total
Training Package				
Certificate 2 in Local Government (Governance and Administration)	48	97	8	153
Certificate 3 in Local Government (Governance and Administration)	0	65	27	92
Certificate 4 in Business (Governance)	550	49	61	660
Certificate 4 in Local Government (Governance and Administration)	1	65	79	145
Diploma of Local Government (Governance and Administration)	2	49	6	57
Courses				
Certificate 2 in Introduction to Community Governance	46	2	–	48
Certificate 3 in Community Governance Support	17	16	–	33

– Nil or rounded to zero.

Source: NCVER (unpublished); table 11A.4.7.

Training in local government is particularly relevant for discrete Indigenous communities where Indigenous people and organisations perform many or all of the functions of local government (either as formal local government entities or more informally).

- In 2005, the participation of Indigenous students in Certificate 4 in Business and Certificate 2 in Introduction to Community Governance was significantly higher than that of non-Indigenous students (550 Indigenous participants compared to 49 non-Indigenous participants) (table 11.4.1).
- The number of Indigenous participants in Certificate 4 in Business increased from 122 in 2003 and 322 in 2004 to 550 in 2005 (table 11A.4.7)

Indigenous people may also undertake non-accredited training in leadership, finance or management, from which they may learn useful skills. A number of universities, colleges and other organisations run courses for Indigenous people on Indigenous leadership.

11.5 Case studies in governance arrangements

Box 11.5.1 **Key messages**

- Six determinants have general application to good Indigenous governance, while allowing for the unique cultures of different organisations and communities:
  - governing institutions
  - leadership
  - self-determination
  - capacity building
  - cultural match
  - resources.
- No one determinant in isolation is enough to lead to good governance arrangements — all determinants are necessary for sustained success.
- A comprehensive picture of Indigenous governance should also consider 'government governance' — government engagement with Indigenous organisations and communities.

11.5.1 Introduction

This report adopts the definition of governance developed by the Indigenous Community Governance Project (a collaborative research project being conducted by the Centre for Aboriginal Economic Policy Research (CAEPR) and Reconciliation Australia — see box 11.5.2):

> … the dynamic processes, relationships, institutions and structures by which a group, community or society organise themselves to represent and negotiate their rights and interests, and make decisions about:
>
> - how they are constituted as a group — who are 'they'; who is the 'self' in self-government
> - how they manage their affairs and negotiate with outsiders
> - who has authority within their group, and over what
> - what their agreed rules are to ensure that authority is exercised properly
> - who enforces the decisions they make
> - how their decision-makers are held accountable
> - what are the most effective arrangements for achieving their goals (CAEPR and RA 2004).

Consultations with both Indigenous people and governments for this Report emphasised that good governance arrangements have a positive impact on Indigenous outcomes (SCRGSP 2007b). However, a key preliminary finding of the Indigenous Community Governance Project was that, although there are significant

areas of agreement, 'governments and Indigenous people have different criteria for evaluating governance effectiveness':

> Both governments and Indigenous people want community organisations to deliver reasonable levels of services, and provide sound financial management and accountability. The key areas of difference relate to the Indigenous processes and relationships at the heart of many organisations which emphasise internal accountability and communication, and governments' emphasis on 'upwards' accountability, risk avoidance, financial micro-management and compliance reporting. (Hunt and Smith 2006, p. 6)

Box 11.5.2 **Collaborative research project on Indigenous governance**

The Indigenous Community Governance Project is a partnership between the Centre for Aboriginal Economic Policy Research (CAEPR) at the Australian National University and Reconciliation Australia, to undertake research on Indigenous community governance. The project is funded by the Australian, NT and WA governments, each of which also collaborates with the research.

The Project is exploring:

- the current state of community governance, including its cultural, social, economic, legal, policy, service delivery, and historical contexts
- the different models of governance emerging in communities, and the governance processes, institutions, structures, powers and capacities involved
- the factors influencing culturally legitimate community governance arrangements
- the shortfalls in governance skills and capacities, as well as governance strengths
- the wider 'governance environments' and policy networks within which community governance operates, including the impact of government policy and service delivery on the effectiveness of community governance.

Source: CAEPR 2006

Consultations with Indigenous people highlighted the role of culture in Indigenous governance. Each community and organisation has unique historical and cultural characteristics that are reflected in its governance arrangements. This was also noted by the Indigenous Governance Project:

> Governance and decision-making in Indigenous community governance is shaped by multiple historical, cultural and political relationships. … the family connections, land ownership relationships and governance histories associated with particular communities and sets of regionally linked communities, are fundamental to community governance dynamics and arrangements. (Hunt and Smith 2006, p. 1)

Drawing on the Harvard Project On American Indian Economic Development in the USA (The Harvard Project 2003-04), the Indigenous Community Governance

Project and broad consultations with Indigenous communities and organisations, the 2005 Report identified five key determinants of good Indigenous governance. The consultations demonstrated broad agreement that those determinants could have general application, while allowing for the unique cultures of different organisations and communities. Further consultations after the release of the 2005 Report identified an additional key determinant of good governance — 'resources' — covering inputs such as economic and technical infrastructure as well as human resources. This Report addresses the following six determinants of good Indigenous governance:

- governing institutions
- self- determination
- leadership
- capacity building
- cultural match
- resources.

The 2005 Report discussed the determinants using two examples, the Koorie Heritage Trust and the Thamarrurr Regional Council. This Report adopts a different reporting structure, discussing each key determinant in turn, with a range of examples. This approach allows the Report to illustrate the depth of good governance in Indigenous communities and organisations.

Many Indigenous bodies provide important services to their communities, with various degrees of formal recognition or status. Generally speaking, *community governance* refers to the ways Indigenous people come together to deal with community affairs, and *organisational governance* refers to governance of Indigenous bodies established to undertake social, economic and cultural activities.

Consultations following the 2005 Report emphasised that a comprehensive picture of Indigenous governance should also consider governments' engagement with Indigenous organisations and communities. The following section explores the relationship between government and Indigenous groups, using the term *government governance*. Good relations between Indigenous people and governments requires effective communication and engagement. Information on Indigenous people's engagement with service delivery is reported in section 9.7.

11.5.2 Government governance

The 'governance of governments' matters to the governance of Indigenous communities and organisations (Hunt and Smith 2006, p. 5). Indigenous organisations operate within a web of Australian, State, Territory and local government institutions, policies, legislation and procedures. Indigenous bodies deal with numerous departments, funding arrangements and government officials. These arrangements can either facilitate or impede Indigenous governance.

Indigenous organisations, by and large, have relatively limited administrative capability. Dealing with multiple government bodies, processes and reports imposes significant demands on these limited resources. This places a strong onus on governments to minimise the burden placed on Indigenous communities and organisations.

The new *Corporations (Aboriginal and Torres Strait Islander) Act 2006* commenced on 1 July 2007. The new law aims to reduce red tape by streamlining reporting by Indigenous organisations. Small and medium sized corporations are likely to have reduced reporting requirements. While some parts of the new law mirror those in the Corporations Act, it also has parts that apply only to Aboriginal and Torres Strait Islander organisations, so that they can design rules better suited to their circumstances (ORAC 2006).

The Australian Government's Office of Indigenous Policy Coordination (OIPC) commissioned an evaluation of the administrative burden imposed by government funding programs on Indigenous organisations. The evaluation, undertaken between mid-2005 and January 2006, identified the following aspects of government red tape that stretched Indigenous governance capacity:

- Indigenous organisations use many sources of funds from two levels of government, each with discrete reporting requirements and discrete contact staff.
- Large numbers of small grants are treated the same as much larger grants, with similar reporting frequency and large numbers of performance indicators.
- Organisations receive little feedback on their reports, and funding departments appear to make relatively limited use of the information being collected, which is not likely to be useful in managing the activity or organisation well, or informing future policy and program settings (OIPC 2006, pp. 5–7).

The OIPC evaluation also found clashes of 'organisation culture', particularly a focus by funding agencies on rigid compliance. A 'compliance paradigm' was evident in the application of 'standard procedures', such as standard contracts, or standard performance indicators, which did not match the project activity or purpose (OIPC 2006, p. 8).

Australian governments have made a number of collective commitments to improve government governance, including establishing the 'COAG trials', commissioning this Report and agreeing to the 'National Framework of Principles for Government Service Delivery to Indigenous Australians' (box 11.5.3).

Box 11.5.3 **COAG initiatives**

COAG Trials

In 2002, COAG agreed to a trial of a whole-of-government cooperative approach in up to 10 communities or regions. The aim of these trials was to improve the way governments interact with each other and with communities to deliver more effective responses. The lessons learnt from these cooperative approaches will be able to be applied more broadly. This approach will be flexible in order to reflect the needs of specific communities, build on existing work and improve the compatibility of different State, Territory and Commonwealth approaches to achieve better outcomes.

Overcoming Indigenous Disadvantage: Key Indicators

In 2002, COAG agreed to commission a regular report against key indicators of Indigenous disadvantage. This report will help to measure the impact of changes to policy settings and service delivery and provide a concrete way to measure the effect of COAG's commitment to reconciliation through a jointly agreed set of indicators.

National Framework of Principles for Government Service Delivery to Indigenous Australians

In 2004, COAG agreed to a National Framework of Principles for Government Service Delivery to Indigenous Australians. The principles address sharing responsibility, harnessing the mainstream, streamlining service delivery, establishing transparency and accountability, developing a learning framework and focussing on priority areas. COAG committed to Indigenous participation at all levels and a willingness to engage with representatives, adopting flexible approaches and providing adequate resources to support capacity at the local and regional levels.

Source: COAG 2002; 2004.

The COAG trials commenced in 2002. Government commissioned evaluations of the trials were published in February 2007, and lessons learnt are to be incorporated into the new 'place-based approach' to government interaction with indigenous communities (Brough 2007). Lessons relevant to 'government governance' included:

- Governments and Indigenous communities must be willing to understand and work respectfully with each other in productive and lasting relationships.
- Government staff need training in how to engage with respect for the protocols and processes in Indigenous communities.
- There cannot be a one size fits all approach. Solutions should be responsive to local circumstances and reflect a whole of government, as opposed to single agency, initiative.

- Coordination and decision making mechanisms need to be effective and differentiated from each other and decision making needs to be timely. More widespread reward and recognition for good whole of government practice is needed. Staff engaged in whole of government initiatives need training to provide them with the skills and knowledge on how to do whole of government work. Training is needed across all levels: senior executive, middle management and field staff.
- Consistency in government personnel helps in building effective relationships both between government agencies and with communities.
- Shared leadership at the Ministerial, senior executive and planning levels, and at the level of service delivery, assists in achieving both process and impact outcomes (Morgan Disney et al 2007, pp. 7-8).

The evaluations also identified significant lessons about Indigenous governance structures and processes and how governments can support them. These lessons broadly reflect the key determinants discussed below.

Such evaluations are crucial to avoid repeating the mistakes of the past. Governments are responsible for monitoring and evaluating policies and programs designed to address Indigenous disadvantage. Governments commissioned this Report in 2002 to measure the impact of changes to policy settings and service delivery and provide a concrete way to measure the effect of governments' commitment to reconciliation through a jointly agreed set of indicators (COAG 2002). Several states and territories are producing similar reports at the jurisdictional and even regional level (see appendix 2).

At the program level, many 'pilots' and 'trials' are commissioned, implemented, run their course and then cease, with no formal, public evaluation. Opportunities to learn from experience are lost. Often, monitoring and evaluation are hampered by inadequate data collections and performance information systems. For example, there is limited information on the use of mainstream services by Indigenous peoples (see the Indigenous Compendium of data from the Report on Government Services for available data (SCRGSP 2007a)) and very little information on the barriers to access and use Indigenous people face (see section 9.7 on Indigenous engagement with service delivery).

This Report supports the Indigenous Community Governance Project recommendation for governments at all levels to: better coordinate internally; reduce the number of separate departmental and program-specific consultations with communities; rationalise government program delivery; undertake a community-development approach to governance building; reduce the large number

of different funding mechanisms and give more broad-based, longer-term funding linked to broad community development goals (Hunt and Smith 2006, p. 5).

The Aboriginal Health Promotion and Chronic Care partnerships in Victoria have facilitated a partnership approach between the Victorian Aboriginal Health Service and independent community health services (box 11.5.4).

Box 11.5.4 **'Things that work' — government governance**

The Aboriginal Health Promotion and Chronic Care Partnership (AHPACC) has facilitated partnerships between community health services and Aboriginal organisations in two regions in Victoria.

The Northern Consortium is a partnership between the Victorian Aboriginal Health Service (VAHS) and four independent community health services: Darebin Community Health, Plenty Valley Community Health Services, Dianella Community Health and North Yarra Community Health.

The partnership is structured in two distinct parts.

1. The AHPACC Reference Group comprising of VAHS, the four community health services and the North & West Regional Office of the Department of Human Services. The main function of this group is the overarching planning, guiding, monitoring and evaluation of the Consortium's AHPACC Program.
2. Four sub-committees —local partnerships between VAHS and each of the four community health services for more detailed scoping, planning and implementing local AHPACC interventions.

The partnership governance structure is underpinned by a set of principles that emphasise recognition and respect for the central role VAHS plays in the Aboriginal community and in the development and provision of culturally appropriate health and well being care to Aboriginal people. Mutual trust and respect is formalised in a Memorandum of Understanding.

In the Eastern Metropolitan Region, Eastern Access Community Health Inc., (EACH) and the Aboriginal communities of the Eastern Region have established a partnership to achieve health benefits for the Aboriginal community.

EACH and community elders met over a long period, developing the 'EACH Statement of Reconciliation', which sets out the values and beliefs underpinning a respectful and constructive relationship for both groups working together. This statement is supplemented by an 'Enduring Partnership Agreement', and the Mullum Mullum Indigenous Gathering Place (MMIGP) Management Committee and EACH Board have reciprocal membership.

(Continued next page)

Box 11.5.4 (continued)

The Board of EACH assisted the establishment of the MMIGP, including management, staffing and infrastructure support pending its establishment as an independent entity. In turn, MMIGP assisted EACH to develop a cultural sensitivity workforce strategy, and facilitated community consultation processes and participation in Aboriginal community events such as National Aboriginal and Islander Day Observance Committee (NAIDOC) Week.

In supporting MMIGP, the Board recognised that many conventional governance codes would need to be set aside in favour of partnership and mutual trust.

Source: Victorian Government (unpublished).

11.5.3 Key determinants

This section discusses the six agreed determinants of good Indigenous governance. The determinants are inter-dependent. No one principle in isolation will lead to good governance — all determinants are necessary for sustained success. One Indigenous organisation demonstrating sustained success is the Koorie Heritage Trust. The Trust was highlighted in the 2005 Report, and was the inaugural winner of the Indigenous Governance Awards. It has since overcome significant changes to its funding arrangements to continue to provide a range of cultural services to Koorie people (box 11.5.5).

Box 11.5.5 **Koorie Heritage Trust**

The Koorie Heritage Trust was established in 1985 and aims to protect, preserve and promote the living culture of the Indigenous people of south-eastern Australia. (See the 2005 Report for a detailed description of the Trust, its history and its governance.)

The Trust has a history of continued growth in size and scope of activities, which include a cultural centre, an oral history unit and an education program for both Indigenous and non-Indigenous people.

The Trust's governance arrangements are adaptable to the community's needs and aspirations, but have a high level of transparency and accountability. The arrangements focus on capacity building within the Board's membership and incorporate a core of trained Indigenous staff.

(Continued next page)

Box 11.5.5 (continued)

The Trust has won many awards, for example, the Sir Rupert Hamer Award for Excellence and Innovation in Records Management for the Koorie Heritage Archive; the Minister's Encouragement Award at the 2004 Victorian Tourism Awards; and the Best Learning Award from the Australian Interactive Media Industry for 'Mission voices'. In 2005 the Trust won the inaugural Indigenous Governance Award. It has also won Victorian Tourism Awards in 2005 and 2006 for Aboriginal and Torres Strait Islander Tourism; the 2006 National Indigenous Tourism Conference Gnukai Award; and the 2006 Wurreker Community Based Employer Award.

In late 2005, significant changes were imposed on the Trust's funding. Despite 14 years of annual funding from one program, the Trust learned at short notice that it would no longer be funded for work with 'moveable culture' (that is, its extensive collection). The Trust was advised to apply to another department for support, but no arrangements had been made between the departments and no support was available. The Trust successfully lobbied for interim funding, undertook extensive fund raising and diversified its activities to qualify for alternative sources of funds. The Trust continues to work on longer term strategies to address the ongoing funding issue.

The loss of funding greatly affected the Trust's administrative capacity, as funds were diverted from management to maintain vital programs. Only strong governance has allowed the Trust to continue to provide valuable services to Koorie and non-Indigenous people in Victoria while dealing with fragmented, uncertain funding arrangements.

Source: Koorie Heritage Trust (unpublished).

The following discussion draws on the preliminary findings of the Indigenous Community Governance Project (box 11.5.2), and the Reconciliation Australia/BHP Billiton Indigenous Governance Awards (boxes 11.5.6 and 11.5.7).

Box 11.5.6 **Indigenous Governance Awards**

The ***Indigenous Governance Awards*** are a partnership project between Reconciliation Australia and BHP Billiton, established in 2005, to encourage, reward and promote best practice in Indigenous governance.

The Awards are open to all Indigenous community organisations incorporated under legislation. In 2006, separate awards were made for organisations over and under 10 years of age. Applications are assessed against the following criteria:

1. How legitimate, representative and accountable is the governing body?
2. How effective is the administration function?

(Continued next page)

Box 11.5.6 (continued)

3. Are effective dispute resolution systems in place?
4. What is the level of commitment to leadership development?
5. How does the organisation's governance model reflect the cultural norms and values of its members?
6. What is the level of strategic planning ability?

Gary Banks, Chairman of the Productivity Commission and of the Steering Committee for the Review of Government Service Provision, was a judge for the 2006 Awards.

Source: Reconciliation Australia 2006a.

Box 11.5.7 **Indigenous Governance Awards finalists**

2005

- *Winner* — Koorie Heritage Trust (Melbourne)
- *Highly commended* — Central Australian Aboriginal Congress (Alice Springs)
- *Highly commended* — Sunrise Health Service (Katherine)
- Goldfields Land and Sea Council (Kalgoorlie)
- Institute for Aboriginal Development (Alice Springs)
- North Coast Aboriginal Corporation for Community Health (Maroochydore)
- Maari Ma Health Aboriginal Corporation (Broken Hill)
- Tiwi Islands Local Government (Northern Territory)

2006

Organisations under 10 years of age

- *Winner* — Gannambarra Enterprises (Wagga Wagga)
- *Highly commended* — Wunan Foundation (Kununurra)
- Muru Mittigar Aboriginal Cultural and Education Centre (Penrith)
- Nyirranggulung Mardrulk Ngadberre Regional Council (Katherine)

Organisations over 10 years of age

- *Winner* — WuChopperen Health Service Limited (Cairns)
- *Highly commended* — Yirra Yaakin Aboriginal Corporation (Perth)
- Wangka Maya Pilbara Aboriginal Language Centre (Port Hedland)
- Yarrabah Shire Council (Queensland)

Source: Reconciliation Australia 2006a.

Governing institutions

Governing institutions establish the framework within which Indigenous bodies function. These 'institutions' are made up of both formal mechanisms (such as policies, rules, constitutions, legal and judicial systems) and informal ways of doing

things (such as taboos, gender norms, religious beliefs, values, kinship and marriage systems) (Hunt and Smith 2006, p. 3). The preliminary findings of the Indigenous Community Governance Project emphasised the importance of allowing internal governance arrangements to evolve before formalising them:

> The institutions and representative structures of governance should not be too quickly concretised … by formal legal, constitutional and technical mechanisms; early experiments need time to be refined and evolve. (Hunt and Smith 2006, p. 3)

Indigenous governance structures can be undermined without recognition and support from the formal statutory and regulatory arrangements, but at the same time can be ineffective without community support (see 'self determination' below). The institutions of governance can be actively built, and building these institutions creates a strong internal 'governance culture'. It assists in designing workable forms of culture match, and provides a strong foundation for sustained good governance (Hunt and Smith 2006, p. 3).

The SA Government has worked intensively with the people of the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands to develop appropriate governing institutions (box 11.5.8).

Box 11.5.8 **Anangu Pitjantjatjara Yankunytjatjara (APY) Lands**

The APY Lands cover over 100 000 square kilometres in north-western SA and are home to about 3000 Aboriginal people. Approximately 11 communities range in size from 60 to 450 people, with a number of small homeland settlements of a few houses.

In March 2004, an APY Task Force was established to address the issues confronting Anangu people and the provision of services to their communities. Working groups of relevant officials were established in the key areas of community safety, health and wellbeing, education employment and training, infrastructure and governance. Central oversight of funding by the Aboriginal Affairs and Reconciliation Division (AARD) within the SA Department of the Premier and Cabinet provided whole of government perspective and leadership.

The Task Force based more government employees on or near the Lands to provide strong leadership, coordination of services and confirmation that programs were being delivered. Six full-time employees of the Department for Families and Communities work on or near the Lands together with two Drug and Alcohol Services SA employees.

The SA Government also undertook a review of the Pitjantjatjara Land Rights Act to improve the governance on the Lands. Extensive consultations were undertaken with Anangu communities, with transport assistance to assist more remote community members to attend meetings. Consultation meetings were broadcast live on radio.

(Continued next page)

Box 11.5.8 (continued)

The Pitjantjatjara Land Rights (Executive Board) Amendment Bill 2004 was passed in July 2004. Changes to the Act resulted in an APY Executive and Chairperson democratically elected by Anangu for a period of three years. In November 2005, the SA Electoral Commissioner oversaw fresh elections for the APY Executive Board.

Two additional formal structures assist in the coordination of services on the AP Lands:

- Tjunjunjku Kuranyukutu Palyantjaku (TKP), which means 'Together, towards the future', is the peak body responsible for planning and overseeing services on the Lands. TKP is made up of senior people including Nganampa Health, PY media, the NPY Women's service, AP Services and the State and Commonwealth Governments.
- The Wiru Palyantjaku (WP) is a cooperative body consisting of representatives of the major Anangu service organisations and community council representatives. WP's objective is to improve the delivery of services to Anangu living on the APY lands by working together to achieve better outcomes.

Source: SA Government (unpublished).

Good governance requires both:

> capable institutions with clear ground rules (constitutions, rules for decision making etc.) which are informed by culturally-endorsed standards of what constitutes right and wrong behaviour, of who has legitimate knowledge, and who has the 'right' or authority to represent community residents and regional interests (IGA 2006, p. 4)

and:

> effective financial management and administrative systems so that organisations are managed in a professional way with integrity and consistency. (IGA 2006, p. 4)

Many of these features are illustrated in the approaches to decision making of Indigenous Governance Awards applicants (box 11.5.9):

Box 11.5.9 **Decision making**

The Muru Mittigar Aboriginal Cultural and Education Centre constitution clearly sets out the decision-making process, and Board minutes and decisions are recorded, with identified responsibility and time lines for completion. Established reporting processes mean that information is circulated effectively to staff and Board members. Information is disseminated to community groups through an Annual Report and website.

(Continued next page)

Box 11.5.9 (continued)

The Wunan Foundation board holds regular meetings to discuss identified issues with majority decision-making. Meeting minutes are circulated to all Board members. Decisions are recorded with identified responsibility and time lines for completion. Information about Board activities is publicly available through the Annual Report and website identifies several different business streams with both long term and short term goals.

North Coast Aboriginal Corporation for Community Health has developed a comprehensive set of policy statements that provide the executive officer with a framework for operational decision-making. As the board develops new policies, these are added to the framework to inform future decisions. A decision-making matrix ensures that all decisions observe best practice guidelines, and are made to serve the entire community in their area. Unlike many organisations, North Coast stated traditional authority is not used in the decision-making process, preferring to evaluate issues within the framework of their health delivery model.

Wangka Maya Pilbara Aboriginal Language Centre has two levels of committee — the Executive Committee deals with financial, personnel and organisational projects and the general Committee deals with planning and policy issues. Decision-making is transparent, and stakeholders are informed of issues through an Annual Report and regular newsletters. There is regular consultation with community stakeholders.

WuChopperen Health Service Ltd has annual elections for board members and clear distinctions between the roles of the board and management. It has well-established procedures and systems for carrying out administrative functions and conducts regular planning workshops with the board.

Maari Ma Health Aboriginal Corporation has a comprehensive Board Level Strategic Directions Statement which sets out the organisation's purpose, values/ philosophy and its future vision. All decisions made by the organisation must be consistent with the Statement. The organisation also has 11 specific policies regarding delegation by the CEO, to help the execution or followthrough of its decision-making process.

More information on these and other successful Indigenous organisations can be found on the Reconciliation Australia website at: www.reconciliation.org.au/igawards

Source: IGA 2006.

Good governance institutions do not just spontaneously arise. They are the result of often lengthy processes of developing capacity and leadership (each discussed below) and ongoing training and development. The Indigenous Governance Awards found that 'board and staff training and development is important, as is compulsory governance training for board members' (IGA 2006, p. 44). Examples of governance training by Indigenous Governance Award applicants are summarised in box 11.5.10.

Box 11.5.10 **Governance training**

Wunan Foundation has its own management committee handbook which sets out clear protocols to facilitate decision-making. Before each meeting, committee members participate in a thorough training session with the CEO or a special advisor to ensure familiarity with the issues. Each training session also involves the use of the Wunan Game about a specific governance issue. This board game was developed as an in-house practical training tool for board members.

Yorganop Child Care Aboriginal Corporation requires all its board members to undertake governance training as part of their responsibilities.

Murrin Bridge Advance Aboriginal Corporation insists that all of its board members undertake the Indigenous Governance Program at the local TAFE.

Goldfields Land and Sea Council Aboriginal Corporation provides a kit of information to all newly elected board members explaining standing orders, voting procedures and their public obligations.

Warlayirti Artists Aboriginal Corporation uses a governance training program as a key part of the development of leaders within the organisation.

More information on these and other successful Indigenous organisations can be found on the Reconciliation Australia website at: www.reconciliation.org.au/igawards

Source: IGA 2006.

Drawing on the Indigenous Governance Awards examples and research by the Indigenous Community Governance Project, some common characteristics of successful Indigenous governing institutions can be identified, many of which have close links with other determinants of good governance:

- clearly articulated vision, values, and goals, and the structures, processes and programs to achieve them
- legitimacy and authority of those with decision-making power (also see discussion of 'leadership' below)
- accountability of those in positions of responsibility
- stable institutional arrangements and effective administrative systems
- sound dispute resolution processes that provide fair and effective means of resolving disputes
- adequate capacity (including resources) to deliver core business (also see discussions of 'capacity building' and 'resources' below).

Leadership

Leadership has been described as 'the process through which an individual influences group members to attain group or organisational goals' (Smillie and Hailey 2001). Leadership is closely related to other determinants of good governance. Effective leadership depends on governing institutions that provide leaders with legitimacy and authority. In turn, effective leaders contribute to communities' and organisations' scope for self-determination. Sustained leadership also requires capacity building to build leadership skills, and is reliant on adequate resources for implementing decisions.

The preliminary findings of the Indigenous Community Governance Project noted that leadership is critical to the development of a strong governance culture within organisations and communities, but cautioned that 'the concept and style of leadership and decision-making in Indigenous cultures appears to be significantly different from those familiar to governments' (Hunt and Smith 2006, p.4). There is a specific cultural aspect to Indigenous leadership. In his 1998 Williamson Community Leadership Program lecture, Patrick Dodson said:

> For Aboriginal leaders, the social and moral obligation that comes with community leadership is life-long. Those who lead, who have authority, must care for and look after those who come behind. (Dodson 1998)

Different leadership models or styles are appropriate for different situations, and different attributes might be required for leadership in different governance contexts. Formal education is not necessarily a requirement for 'people who contribute to the community, gain respect and act as role models'. It is most appropriate for Indigenous communities themselves to recognise, foster, promote and nurture this type of leadership (HOR 2004:141).

Many Indigenous people who demonstrate this sort of leadership also take on formal roles leading Indigenous community organisations. At this level, more formal capacity building is required to build up leadership attributes such as:[2]

- accountability and administration
- communication, consultation and representation
- negotiation, mediation and conflict resolution
- interacting with authorities at all levels of government
- integrity

[2] These characteristics were derived from the content of the Certificate in Leadership program conducted by the Australian Indigenous Leadership Centre.

- strategic policy and evaluation skills
- cross cultural awareness.

Leadership needs to be nurtured. Leaders require training and support to help them fulfil their responsibilities. Box 11.5.11 provides examples of Indigenous Governance Awards applicants' approaches to developing leaders' skills.

Box 11.5.11 **Leadership development**

Derbarl Yerrigan Health Service provides leadership training for key Indigenous staff members, including modules in leadership styles, initiative, management structures and communication.

Kooljaman at Cape Leveque (Bardina Pty Ltd) takes new board members to functions, workshops and conferences, and experts are brought into board meetings to develop knowledge of specific issues.

South West Aboriginal Land and Sea Council (SWALSC) has employed consultants to carry out a governance audit, to identify specific requirements for a governance training program. It is also developing a governance toolkit that can be used by all Noongar organisations.

West Australian Indigenous Tourism Operators Committee (WAITOC) provides training as well as matching new board members with experienced members until they feel confident to participate on their own. The Chair conducts a skills audit at each quarterly board meeting to identify areas for improvement.

More information on these and other successful Indigenous organisations can be found on the Reconciliation Australia website at: www.reconciliation.org.au/igawards

Source: IGA 2006.

Sustained leadership requires succession planning, so new people can take over from current leaders over time. The preliminary findings of the Indigenous Community Governance Project noted that succession of leadership is often neglected to the detriment of communities and their organisations (Hunt and Smith 2006, p. 4). This is a particular issue for some Indigenous communities, where a small pool of current leaders face growing demands on their time and resources. Box 11.5.12 provides examples of Indigenous Governance Awards applicants' approaches to succession planning.

Box 11.5.12 **Succession planning**

The Koorie Heritage Trust Board's Human Resources Governance Committee has a program for succession planning that involves developing people's skills to take on senior roles within the organisation.

Kooljaman at Cape Leveque (Bardina Pty Ltd) has a leadership development program, through which likely future leaders are invited to participate in meetings and events with an eye to their joining the board at a future time.

Murrin Bridge Advance Aboriginal Corporation changed its board election from a yearly cycle to a triennial one, because the high turnover of members did not allow for experienced/trained members to contribute to the management process. It also has two deputy chairs to allow for the absence of the chair.

Yirra Yaakin Aboriginal Corporation has a model of governance involving male and female Elder representation and youth and community representation. It has a three-year, two-year and one-year rotational system for board members, to ensure that governance memory is retained and departure of board members is staggered.

Sunrise Health Service has a number of health committees made up of Elders and service representatives, which provide advice and act as a pool of future board members.

More information on these and other successful Indigenous organisations can be found on the Reconciliation Australia website at: www.reconciliation.org.au/igawards

Source: IGA 2006.

Developing the next generation of leaders is a specific aspect of succession planning. Several Indigenous Governance Awards applicants have specific programs to develop youth leaders (box 11.5.13).

Drawing on the Indigenous Governance Awards examples and research by the Indigenous Community Governance Project, some lessons for developing leadership and succession planning can be identified:

- developing competent, highly skilled staff with plenty of opportunity for training, leadership and personal and professional development (IGA 2006, p. 7)
- establishing with systems for board continuity and skill retention, such as staggered elections, mentoring new board members, developing potential board members and board succession planning (IGA 2006, p. 44)
- nurturing future leaders by providing young people with communication skills, self-confidence, role models, mentoring and experience.

Box 11.5.13 **Developing youth leaders**

Wunan Foundation runs an Indigenous management cadetship program to provide vocational pathways for local people.

Kooljaman at Cape Leveque (Bardina Pty Ltd) provides placements for 40 work experience students every year to learn about the operations and role of the board.

Geraldton Streetwork has established an Indigenous Youth Council, now in its fifth year. Its primary purpose is to give young people leadership and role model qualities, and an opportunity to gain training and attend workshops, forums and conferences. Youth Council members develop skills by organising community events (including fund-raising for other institutions), representing the Indigenous youth of Geraldton and attending training camps.

Nari Nari Tribal Council has a youth committee which meets independently of the main committee to discuss issues directly related to young people.

Coolgaree Aboriginal Corporation and Tangentyere Council encourage young people to nominate for positions on their executive committees, where experienced members mentor them.

Yabur Yulgan CDEP has two young people on the governing body who are mentored by the general manager.

Wangka Maya Pilbara Aboriginal Language Centre targets young people for their board, sometimes in shadowing roles allowing them time to learn the role and move into leadership positions when they are confident, prepared and ready.

Kari Aboriginal Resources Inc. has implemented an Enrichment Program: Youth Transitions, which offers 15 annual, ongoing scholarships to Indigenous high school students in Southwest Sydney who are doing well and trying hard to achieve. All students involved in the program are offered ongoing support and mentoring, and are seen as future leaders.

Anyinginyi Health has an Active Life Program that encourages young people to build their confidence and achieve goals, and opens doors through exposure to training, workshops and other institutions.

Brisbane Indigenous Media Association oversees the operations of 4 Triple A Training. This training empowers young people (many of whom are unemployed or at risk) by giving them communication skills, self-confidence and experience working in a professional team environment.

Mutawintji Local Aboriginal Land Council encourages its youth to develop and demonstrate their skills by coordinating day visitor activities and guided tours to the Mutawintji National Park, and conducting holiday programs and general meetings.

More information on these and other successful Indigenous organisations can be found on the Reconciliation Australia website at: www.reconciliation.org.au/igawards

Source: IGA 2006.

Self-determination

Self-determination is a complex concept, with its roots in human rights. Wehmeyer (2002) states that 'self-determined people are actors in their own lives instead of being acted upon by others'.

For many Indigenous people, self-determination has close links with issues of customary law, land rights and economic development. In this Report, the focus is on Indigenous communities or organisations having the right and ability to determine their own priorities and design their own instruments of governance, within broad 'external' governing institutions. There is also a distinction between 'self-determination' and 'selfishness'. The Indigenous Governance Awards noted that the features of good governance included:

> Limitation and separation of powers so that self-determination does not mean 'selfish' determination, by ensuring a separation between the powers and responsibilities of leaders and Boards, and the daily management of community businesses and services. (IGA 2006, p. 4)

Self-determination has significant practical, as well as philosophical and symbolic importance. The Harvard Project found that self-determination led to improved outcomes for North American Indigenous people:

> When [Indigenous people] make their own decisions about what approaches to take and what resources to develop, they consistently out-perform [non-Indigenous] decision-makers. (The Harvard Project 2003-04)

The Aboriginal and Torres Strait Islander Social Justice Commissioner considered that much of the failure of service delivery to Indigenous people and communities was a direct result of the failure to engage with Indigenous people and to support and build the capacity of Indigenous communities:

> Put simply, governments risk failure if they develop and implement policies about Indigenous issues without engaging with the intended recipients of those services. Bureaucrats and governments can have the best intentions in the world, but if their ideas have not been subject to the 'reality test' of the life experience of the local Indigenous peoples who are intended to benefit from this, then government efforts will fail. (Calma 2006)

The Human Rights and Equal Opportunity Commission (Aboriginal and Torres Strait Islander Commissioner 2006) strongly endorses the principle of free, prior and informed consent, which supports the full and effective participation of Indigenous peoples in decisions which directly or indirectly affect them. This principle has recently received international endorsement by the United Nations General Assembly:

> Free, prior and informed consent recognizes indigenous peoples' inherent and prior rights to their lands and resources and respects their legitimate authority to require that

> third parties enter into an equal and respectful relationship with them, based on the principle of informed consent. (UN 2005, p. 1)

The Indigenous Community Governance Project found that the extent of self-determination in Indigenous organisations was dependent upon the external governing institutions:

> The system under which Indigenous organisations and communities operate largely determines the extent to which Indigenous people can exert control over decision-making. (ICGP 2006, p. 5)

The Indigenous governance environment is as complex as the government environment, with 'complex systems of representation and leadership, overlapping constituencies, networks of families and groups associated with organisations, and complex systems of mandate, accountability and authority' (Hunt and Smith 2006, p. 5). Despite (or perhaps because of) this complexity, the Indigenous Community Governance Project found that successful governance structures should be based on locally relevant Indigenous relationships and forms of representation:

> Working through Indigenous relationships and systems of representation thus becomes the basis for working out organisational structures, institutions and procedures. (Hunt and Smith 2006, p. 1)

The Indigenous Governance Awards made similar findings:

> The relationship between the formal governance body and the wider community, and traditional decision-making arrangements must be clear for that body to have the legitimacy it needs to function. (IGA 2006, p. 44)

Box 11.5.14 illustrates some Indigenous Governance Awards applicants' approaches to ensuring cultural legitimacy. The examples illustrate the potential for the following governance characteristics to contribute to self-determination:

- culturally legitimate participation and control of decision-making
- community participation in community governance institutions
- specific programs to meet the needs of specific communities, for example, community courts, community policing and Indigenous schools
- flexible funding arrangements that facilitate (and not hinder) the development of appropriate programs at the community level.

Box 11.5.14 **Cultural legitimacy**

Larrakia Nation Aboriginal Corporation draws two members from each of the representative eight family groups identified in their constitution.

Tiwi Islands Local Government draws eight of its board members from the Tiwi Aboriginal Land Trust (representing the traditional landowners) and nine members from each of its four community management boards (representing the traditional skin groups).

Malabam Health Board Aboriginal Corporation draws board representatives from its two major constituencies: the 'town people' and the 'outstation people'. Each group elects its own chair and takes turns to chair monthly board meetings, creating what they describe as an effective system where two heads are better than one. There is scope to add three members by co-option in order to reflect particular interests or skills.

Brisbane Indigenous Media Association, Central Australian Aboriginal Congress and Institute for Aboriginal Development reserve positions on the board for representatives of particular local or related groups (such as a council of elders, native title holders' body or land trust) or for an elected staff or student representative.

Aboriginal Legal Rights Movement board members are appointed by a board appointment committee against selection criteria detailed in the constitution. Each member represents one of three regions. The chair is independent.

More information on these and other successful Indigenous organisations can be found on the Reconciliation Australia website at: www.reconciliation.org.au/igawards

Source: IGA 2006, pp. 20–21.

Capacity building

There is no universally agreed definition of capacity building (see section 11.4). The 'public management' approach to capacity building emphasises the need to develop a community's ability to meet accountability requirements, and has strong links with the 'governing institutions' and 'leadership' determinants of good governance. The community development approach emphasises empowering communities to take responsibility and control over their own futures, and is closely linked with the 'self-determination' aspect of good governance (Gerritson 2001).

'Capacity building' also has close links to the 'resources' determinant of good governance. In this Report, 'capacity building' focuses on the social factors that contribute to the knowledge, ability and commitment essential to good governance, while 'resources' focuses on the economic factors necessary to underpin successful governance arrangements.

The OIPC red tape evaluation (OIPC 2006, pp. 45-46) examined the capacity of Indigenous organisations included in the study — although the results might present an overly positive picture, as the majority of the organisations included were considered 'more capable than average'. The evaluation found that:

- Only half the organisations indicated they were satisfied with the skills and staff they had available. Others noted a lack of resources for local skills training, poor recruitment outcomes, and inadequate succession planning, particularly in the replacement of key personnel.
- Inadequate financial management skills or processes were cited as a major risk for organisations.
- Five of the 22 organisations visited did not believe that they had the skills to apply for grants, or to manage and report on the grants.
- A further two indicated that they currently have capacity, but that succession planning and the capacity of the council are major risks.
- Even those who believed they had adequate skills cited lack of time to complete all duties
- Less than 30 per cent of organisations employed Indigenous managers or senior staff, so that Indigenous capacity was not being developed.
- All organisations reported appropriate access to essential administrative equipment (computers, printers, fax machines, photocopiers and vehicles).
- Most organisations had some knowledge, understanding and use of information technology, including e-mail and websites (OIPC 2006, p. 68).

The OIPC evaluation confirmed anecdotal evidence that, for many Indigenous organisations, 'human capital' is much more of an issue than basic administrative equipment. Box 11.5.15 provides some examples of capacity building by Indigenous organisations from the 2006 Indigenous Governance Awards.

The Registrar of Aboriginal Corporations is an independent statutory office holder who administers the *Aboriginal Councils and Associations Act 1976* (replaced by the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* from June 2007). The Office of the Registrar of Aboriginal Corporations (ORAC) supports and regulates the corporations that are incorporated under the Act. It does this in a variety of ways, for example, by advising them on how to incorporate, by training board members and key staff in good corporate governance, and by making sure they comply with the law and intervening when needed. An example of ORAC's contribution to capacity building is provided in section 11.4.

Box 11.5.15 **Building capacity**

Gannambarra Enterprises won the Indigenous Governance Award for an organisation that had been established for fewer than 10 years. Gannambarra develops sustainable businesses and provides opportunities for local Indigenous people to find employment in their preferred fields. The judging panel commented that the strategic risk of losing staff has been realised and active steps are being taken to address the issue through career development opportunities. The emphasis is on teamwork at all levels — board, management and staff, and there is good, strong and candid engagement with participants.

WuChopperen Health Service won the Indigenous Governance Award for an organisation that had been established for more than 10 years. Formed in Cairns in 1979 as an essential health care service provider, its services include specialist clinics and chronic disease management, oral health, and social health and wellbeing. It also oversees the establishment of medical services and clinics in remote regions. The judging panel commented that:

- there is a continuous improvement ethos and effective processes to identify and implement change
- innovative and creative approaches by staff are supported and encouraged
- there are good processes for communicating views and decisions
- stakeholders endorsed the quality of the organisation and its role as a leader and model in a range of areas
- there is a focus on generational change and effective actions to achieve it.

Source: Reconciliation Australia 2006b.

Cultural match

Cultural match is not about 'cultural appropriateness'. As noted by the Indigenous Governance Project, it refers to the degree of 'common ground' that can be achieved between the types of governing structures and procedures a group want to develop, and the culturally-based standards and values of its members' (CAEPR and RA 2004, p. 5). There are close links between the 'cultural match' and 'governing institutions' determinants of good governance.

While cultural match is essential for achieving legitimacy with Indigenous people, it is also essential that the organisation works and that it is able to achieve its objectives (see 'governance institutions'). 'What matters is not that things be done in the old ways. It is that things are done in ways — old or new — that win the support, participation, and trust of the people, *and get things done*. Some will be

old. Some will be new' (Cornell and Begay 2003). Approaches to cultural match by applicants to the Indigenous Governance Awards are summarised in box 11.5.16.

Box 11.5.16 **Cultural norms**

Malabam Health Board Aboriginal Corporation cited traditional authority and consensus as their over riding *modus operandi*. At times, certain groups/individuals carry more weight e.g. the traditional owners have authority on issues of land, and the Indigenous mental health worker would have authority on mental health issues.

Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation, one of the native title representative bodies, has an innovative working group structure. Native title working groups have the authority to make decisions on a community's behalf utilising their own traditional laws and customs. However, they must also follow the instruction of the wider claim group.

Malabam Health Board Executive Committee is made up of ceremony leaders and elders from eight language groups, as well as outsiders. Elders have traditional authority to ensure the right people are involved in decision-making. A desire to keep culture strong underpins all decisions.

Waltja Tjutangku Palyapayi Aboriginal Corporation Management Committee supports tradition, law and culture in remote communities. Its board is made up of respected senior women nominated by their communities.

Bunuba Inc. councillors are democratically elected but, in line with traditional practice, serve at the discretion of their clan elders through an unwritten code. All decisions relating to land require prior consent of the traditional elders belonging to that country.

Nari Nari Tribal Council clan representation methods within the organisation are reviving traditional roles within Aboriginal society. Nari Nari involves the local community in decision-making by consulting on each proposal.

Warlayirti Artists has developed with the cultural values of the Indigenous artists it represents. These artists advise staff on important cultural issues and the board respects the responsibility which senior people with cultural authority carry, whether or not they are members of the committee.

Institute for Aboriginal Development hosts the Regional Aboriginal Language and Maintenance Advisory Committee, which comprises elders who provide advice on cultural matters and determine funding allocations for language and cultural programs.

Aboriginal Drug and Alcohol Council has a funded elder position in its organisation.

Link-up NSW board is composed of senior people nominated on the basis of merit/respect. Board members work together under the direction of a community leader; gender issues in male and female business are respected; and decisions are directed by the traditional philosophy of the community, not hierarchical practices.

Source: IGA 2006, pp. 37–39.

Cultural match is more than symbolic — it can have a significant impact on a range of outcomes for Indigenous people. The Harvard Project on American Indian Economic Development found that 'successful [Indigenous] economies stand on the shoulders of culturally appropriate institutions of self-government that enjoy legitimacy among tribal citizens' (The Harvard Project 2003-04).

Drawing on the Indigenous Governance Awards examples, the following successful approaches to address cultural match can be identified:

- ensuring specific sectors of their community (for example, language, skin or clan groups), especially elders, were represented on their board or offered guidance/supervision
- using broad community consultation methods, and in particular consulting with elders about key issues
- consulting with the appropriate traditional owners where land, cultural heritage or cultural practices are concerned
- reflecting cultural norms in the design and operation of programs and projects, including the separation of men's and women's business where this is culturally required (IGA 2006, p. 37).

Resources

During consultations on the 2005 Report, a number of Indigenous communities supported the addition of 'resources' to the determinants of good governance. Resources, which encompass financial, physical and human resources, were regarded as major factors in successful governance arrangements.

The 'resources' determinant has close links to capacity building (discussed earlier) but each of the determinants has a different focus — 'resources' on the economic factors necessary to underpin successful governance arrangements; and 'capacity building' on the social factors that contribute to the 'knowledge, ability and commitment' essential to good governance.

Indigenous organisations may gather resources from a range of sources, including self-generated funds (from Indigenous-owned businesses or royalties), donations from private corporations, charities or individuals (including their own members), and different levels of government. Many of these sources, including government funding, can be unpredictable or uncertain, making future planning and long term investment difficult. The OIPC red tape evaluation found that 66 per cent of grants from government programs continue year after year, with little change in the

circumstances or risk profile of the funded organisations. However, annual applications are still required (OIPC 2006, p. 6).

'Resources' also has close links to the 'self-determination' aspect of good governance. Access to alternative sources of resources can give Indigenous organisations a degree of independence from government and enable Indigenous organisations to run programs as Indigenous people want them to be run (IGA 2006, p. 41). The Indigenous Governance Awards noted that financial diversity and greater self-reliance were goals for many organisations. Box 11.5.17 provides examples of some IGA applicants pursuing financial independence.

Box 11.5.17 **Resources**

Wangka Maya Pilbara Aboriginal Language Centre aims to achieve a measure of financial independence by combining grants from the Australian and WA governments with self-generated income earned from running cultural awareness workshops.

Gannambarra Enterprises was launched in 2001 to develop sustainable businesses and to increase employment opportunities for the Indigenous people of Wagga Wagga. It currently runs four businesses — Deadly Detailers, a car detailing service; Wiradjuri Natives, a nursery; an arts and crafts centre; and Gannambarra Pottery.

The Muru Mittigar Aboriginal Cultural and Education Centre was established in 1998. It has several business streams, including a cultural centre, professional land rehabilitation crew, cafe, retail gallery, accredited wholesale nursery, environmental monitoring services and a range of employment and training programs.

Aboriginal Drug and Alcohol Council generates four dollars in additional funds for each dollar received from their main government funder.

Jawoyn Association is entirely self-funded, with a range of businesses including Nitmiluk National Park Joint Venture, a roadhouse, two caravan parks and a tourist kiosk, as well as developing a facility to provide social services to Jawoyn people.

Warlayirti Artists' Art Centre is entirely self-funded from commissions from the sale of art works, and has recognised the need for added reserves for future sustainability.

Yirra Yaakin Aboriginal Corporation was established in Perth in 1993 to tell the stories of Aboriginal communities through Indigenous determined performing arts. The company has a world-wide reach with major national and international tours. It has achieved 60 per cent earned income and is seeking to increase this proportion.

Yulella Aboriginal Corporation has four successful businesses which provide local training and employment opportunities, with profits supporting a youth employment project and an employment placement initiative.

More information on these and other successful Indigenous organisations can be found on the Reconciliation Australia website at: www.reconciliation.org.au/igawards

Source: IGA 2006, p. 42

The Larakia Development Corporation has been particularly successful at generating its own resources. Unable to rely on mining royalties, the Larakia people have established business ventures which provide the twin benefits of sustainable revenue streams into the future, and employment and skills transfer opportunities for the local Indigenous community (box 11.5.18).

Box 11.5.18 **Larrakia Development Corporation**

The Larrakia Development Corporation (LDC) was established in 2002 with the assistance of the Northern Land Council to manage the development of land exchanged as part of a settlement with the NT Government over a long running native title claim. The LDC has since completed a housing development on land at the Darla Subdivisions in Palmerston in the NT.

The LDC was established without direct government funding, although it accesses specific Australian Government programmes, such as the Community Development Employment Projects programme and a start up loan of $494 000 from the Enterprises Programme, which was repaid in 2004. The LDC's first commercial operation (totalling over $10 million) in the Darla subdivision was funded through commercial banks.

The LDC has won numerous business and management awards and is recognised by many organisations including Defence Housing as being a well run and efficient partner. The LDC is debt free and has returned dividends of $250 000 in grants to the Larrakia people. Income is divided evenly between the Larrakia Development Trust (established to coordinate community projects for the Larrakia people) and the LDC. In addition, the LDC has generated employment and training opportunities for local Aboriginal people both through its own development activities and through its own employment placement agency.

Two new businesses have recently been established:

- Larrakia Homes, an incorporated company within the Larrakia Development Corporation, whose prime objective is to develop commercial and employment opportunities
- Larrakia Environmental Services, which provides an opportunity for Larrakia people to participate in the commercial landscaping workforce.

The LDC demonstrates the power of establishing a commercial corporate body with profit motives to support the charitable objectives of an Indigenous Community Trust. It also highlights that good governance practices are attractive to commercial lending institutions.

Source: Larrakia Development Corporation (unpublished).

11.6 Future directions in data

Employment

The employment data in this Report are from several ABS surveys, including the 2004-05 National Aboriginal and Torres Strait Islander Health Survey (NATSIHS), the 2004-05 National Health Survey (NHS), the 2002 National Aboriginal and Torres Strait Islander Social Survey (NATSISS), and the 1994 National Aboriginal and Torres Strait Islander Survey (NATSIS).

Comparisons between Indigenous and non-Indigenous employment are not possible for very remote areas, as non-Indigenous data for very remote areas were not collected in the 2004-05 NHS. There are no comparable Indigenous and non-Indigenous self employment data at the national level other than those in the 2001 Census.

Along with the other improvements to Indigenous employment data collection, data need to be regularly collected on Indigenous self employment to allow adequate reporting of relevant indicators.

Indigenous owned or controlled land

Some data on the area of Indigenous owned or controlled land are available. However, area is an imperfect measure of the value or benefits to Indigenous people of their land. Further work is needed to research and record the social and economic benefits that flow from Indigenous ownership and control of land.

The National Native Title Tribunal, the Indigenous Land Corporation and the Centre for Aboriginal Economic Policy Research have worked to develop a map-based dataset to show the entire 'Indigenous estate' (that is, all land that is owned or controlled by Indigenous people). This could be a useful addition to the Report. However, completing the project would require some central coordination, to address definitional and intellectual property issues. Further, such a project would need cooperation and collaboration with State and Territory government agencies responsible for recording and mapping areas of the Indigenous estate.

Case studies in governance arrangements

There has been significant progress in examining good Indigenous governance since the first Report in 2003. The introduction of the Indigenous Governance Awards has helped identify and highlight the many examples of good practice. The Indigenous

Community Governance Project by CAEPR and Reconciliation Australia is bringing greater academic rigour to the examination of current governance practices. Among governments, the OIPC Indigenous Red Tape evaluation helped identify aspects of government governance that can assist or impede Indigenous governance, and the COAG evaluations have identified some significant lessons regarding the governance structures and processes developed and utilised in the trials.

That said, there is still more to be done before future Reports can include an objective measure of 'governance'. The Indigenous Community Governance Project is ongoing, and may contribute to the development of measurable indicators of good governance. It might be possible to measure the impact of the new *Corporations (Aboriginal and Torres Strait Islander) Act 2006* on Indigenous corporations.

11.7 Attachment tables

Attachment tables are identified in references throughout this chapter by an 'A' suffix (for example, table 11A.3.2 is table 2 in the attachment tables for section 11.3). The files containing the attachment tables can also be found on the Review web page (www.pc.gov.au/gsp). Users without access to the Internet can contact the Secretariat to obtain the attachment tables (see contact details on the inside front cover of the Report).

11.1 Employment by sector, industry and occupation

Table 11A.1.1	Employment by remoteness area and CDEP status, Indigenous people aged 18–64 years, 2004-05
Table 11A.1.2	Full time and part time employment, people aged 18–64 years, by State and Territory, 2004-05, age standardised
Table 11A.1.3	Full time and part time employment by CDEP status, Indigenous people aged 18–64 years, 2004-05
Table 11A.1.4	Employment of Indigenous people aged 18 to 64 years, 1994, 2002, 2004-05
Table 11A.1.5	Full time and part time employment, Indigenous people aged 18–64 years, by sex, age and State and Territory, 2004-05
Table 11A.1.6	Employment by sector, people aged 18–64 years, age standardised, 2004-05
Table 11A.1.7	Employment by sector, Indigenous people aged 18–64 years, 2004-05
Table 11A.1.8	Employment by industry, Indigenous people aged 18–64 years, age standardised, 2004-05
Table 11A.1.9	Employment by industry, non-Indigenous people aged 18–64 years, age standardised, 2004-05

Table 11A.4.8 Students of governance-related courses: management, commerce, business law, economics and econometrics

11.8 References

11.1 Employment by full or part time status, by sector, industry and occupation

ABS (Australian Bureau of Statistics) 2002, *Year Book Australia 2002*, no. 84, Cat. no. 1301.0, Canberra.

——2006, *Year Book Australia 2006*, no. 88, Cat. no. 1301.0, Canberra.

ATSIC (Aboriginal and Torres Strait Islander Commission) 2003, *Annual Report 2003-04*, Canberra.

DEWR (Department of Employment and Work Relations) 2005, *Annual Report 2004-05*, DEWR, Canberra, http://www.annualreport.dewrsb.gov.au/2005/chapter2_3/1404.htm (accessed 17 February 2007).

Ganbina Koorie Economic Employment Training Agency, http://www.ganbina.com.au/ladders_to_success.html (accessed 3 May 2005).

Hunter, B. 2004, *Indigenous Australians in the Contemporary Labour Market*, Cat. no. 2052.0, ABS, Canberra.

——2002, *Institutional Factors Underpinning Indigenous Labour Force Participation: The Role of the CDEP Scheme and Education*, Working paper no. 14, Centre for Aboriginal Economic Policy Research, Australian National University, Canberra.

11.2 Self employment and Indigenous business

Hunter, B. 1999, *Indigenous Self-employment: Miracle Cure or Risky Business*, Discussion paper no. 176, Centre for Aboriginal Economic Policy Research, Australian National University, Canberra.

IBA (Indigenous Business Australia) 2003, *Report on Support for Indigenous Business*, Australian Government, Canberra.

Indigenous Stock Exchange 2004, News: Wujal Wujal Walker Family Tours, Cape York, http://www.isx.org.au/news/news/Walkwuj.html (accessed 1 March 2007).

11.3 Indigenous owned or controlled land

Altman, J.C. 2001, *Sustainable Development Options on Aboriginal Land: the Hybrid Economy in the Twenty-first Century*, Discussion Paper no. 226/2001, Centre for Aboriginal Economic Policy Research, Australian National University, Canberra.

Altman, J.C. and Dillon, M.C. 2004, *A profit-related investment scheme for the Indigenous estate*, Discussion Paper Discussion Paper no. 270/2004, Centre for Aboriginal Economic Policy Research, Australian National University, Canberra.

Altman, J.C. and Levitus, R.I. 1999, *The Allocation and Management of Royalties under the Aboriginal Land Rights (Northern Territory) Act: Options for Reform*, Discussion Paper no. 191/1999, Centre for Aboriginal Economic Policy Research, Australian National University, Canberra.

Altman, J.C. and Smith, D.E. 1994, *The Economic Impact of Mining Moneys: the Nabarlek Case, Western Arnhem Land*, Discussion Paper no. 63/1994, Centre for Aboriginal Economic Policy Research, Australian National University, Canberra.

——1999, *The Ngurratjuta Aboriginal Corporation: a Model for Understanding Northern Territory Royalty Associations*, Discussion Paper no. 185/1999, Centre for Aboriginal Economic Policy Research, Australian National University, Canberra.

Government of South Australia 2006, Parks: Aboriginal Partnerships, Adelaide, www.http://www.parks.sa.gov.au/parks/aboriginal/index.htm (accessed 1 March 2007).

Hooke, M.S. 2004, Submission by the Minerals Council of Australia to the Parliamentary Joint Committee on Native Title Inquiry into Native Title Representative Bodies, http://www.aph.gov.au/senate/committee/ntlf_ctte/rep_bodies/submissions/sub20.pdf (accessed 5 April 2005).

ILC (Indigenous Land Corporation) 2001a, *Regional Indigenous Land Strategy 2001–2006: New South Wales*, Adelaide.

——2001b, *Regional Indigenous Land Strategy 2001–2006: Northern Territory*, Adelaide.

——2001c, *Regional Indigenous Land Strategy 2001–2006: Queensland*, Adelaide.

——2001d, *Regional Indigenous Land Strategy 2001–2006: South Australia*, Adelaide.

——2001e, *Regional Indigenous Land Strategy 2001–2006: Tasmania*, Adelaide.

——2001f, *Regional Indigenous Land Strategy 2001–2006: Victoria*, Adelaide.

——2001g, *Regional Indigenous Land Strategy 2001–2006: Western Australia*, Adelaide.

McDermott, R., O'Dea, K., Rowley, K., Knight, S. and Burgess, P, 1998, 'Beneficial impact of the homelands movement on health outcomes in central Australian Aborigines', *Australian and New Zealand Journal of Public Health*, vol. 22, no. 6, pp. 653–658.

NNTT (National Native Title Tribunal) 2002a, *10 Years of Native Title Information Kit*, Perth, http://www.nntt.gov.au/media/data/files/10_years_of_Native_Title .pdf_Title.pdf (accessed 6 August 2003).

——2002b, *What is native title?*, Fact Sheet No. 1a, http://www.nntt.gov.au/ publications/1035773354_1456.html, (accessed 6 August 2003).

——2003, *Native title on pastoral and agricultural leases*, Fact Sheet No. 1c, http://www.nntt.gov.au/publications/1046072853_2404.html (accessed 10 September 2003).

——2006, *What is an indigenous land use agreement (ILUA)?*, Fact Sheet No. 2b, http://www.nntt.gov.au/publications/1021435535_10212.html, (accessed 30 October 2006).

O'Faircheallaigh, C. 2006, 'Mining agreements and Aboriginal economic development in Australia and Canada', *The Journal of Aboriginal Economic Development*, vol. 5, no. 1, pp. 74–91.

O'Faircheallaigh, C. and Corbett, T. 2005, 'Indigenous participation in environmental management of mining projects: the role of negotiated agreements', *Environmental Politics*, vol. 14, no. 5, pp. 629–647.

Pollack, D.P. 2001, *Indigenous Land in Australia: A Quantitative Assessment of Indigenous Landholdings in 2000*, Discussion Paper no. 221/2001, Centre for Aboriginal Economic Policy Research, Australian National University, Canberra.

Wunan Foundation 2006, Wunan Foundation: About us, Kununurra, http://www.wunan.org.au/about.html (accessed 1 March 2007).

11.4 Governance capacity and skills

Dodson, M. and Smith, D. E. 2003, *Good Governance for Sustainable Development: Strategic Issues and Principles for Indigenous Australian Communities*, Discussion Paper, no. 250, Centre for Aboriginal Economic Policy Research (CAEPR), the Australian National University (ANU), Canberra.

Gerritson, R. 2001, *Community Capacity Building: An ATSIC Discussion Paper*, cited in House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, June 2004, *Many Ways Forward*, Canberra, pp.12–13.

HOR (House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs) 2004, *Many Ways Forward*, June 2004, Canberra, p.14–15.

Hunt, J. and Smith, D. E. 2006, *Building Indigenous Community Governance in Australia: Preliminary Research Findings*, Working Paper, no. 31/2006, Governance Project at the CAEPR, ANU, Canberra

Reconciliation Australia 2002, The Importance of Indigenous Governance to Social and Economic Development, Background Paper, Indigenous Governance Conference, Canberra, 2-5 April 2002.

Reconciliation Australia 2006, Summary of Preliminary Research Findings, Indigenous Community Governance Research project, Reconciliation Australia, June 2006.

Sanders, W. 2004, *Thinking about Indigenous Community Governance*, Discussion Paper, no. 262, CAEPR, ANU, Canberra.

Smith, D. E. and Armstrong L. 2005, 'From Little Things, Big Things Grow', *Community Governance*, 1 (2): pp. 1–2, Occasional Newsletter of the ICGP, CAEPR, ANU, Canberra.

11.5 Case studies in governance arrangements

Aboriginal and Torres Strait Islander Commissioner 2006, *Social Justice Report 2005*, HREOC, http://www.humanrights.gov.au/social_justice/sjreport05/index

Brough, M. 2007, *COAG Indigenous Trials*, The Hon Mal Brough MP, Minister for Families, Community Services and Indigenous Affairs, Minister Assisting the Prime Minister for Indigenous Affairs, Media Release 22 February 2007, http://www.atsia.gov.au/media/media07/220207_coag_trials.aspx

CAEPR (Centre for Aboriginal Economic Policy Research) and RA (Reconciliation Australia) 2004, *Annual Report 2004*, Australian National University, Canberra.

CAEPR (Centre for Aboriginal Economic Policy Research) 2006, *Indigenous Community Governance Project*, http://www.anu.edu.au/caepr/ICGP_home.php, accessed January 2007.

Calma, T. 2006, *Evaluating the external forces which exert an influence on government policy direction*, Collaborative Indigenous Policy Development Conference, 27 & 28 June 2006, http://www.humanrights.gov.au/speeches/social_justice/collaborative20060628.html

COAG (Council of Australian Governments) 2004, *Communiqué, 24 June 2004*, http://www.coag.gov.au/meetings/250604/index.htm#indigenous

COAG (Council of Australian Governments) 2002, *Communiqué, 5 April 2002*, http://www.coag.gov.au/meetings/050402/index.htm#reconciliation.

Cornell, S. and Begay, M. 2003, quoted by CAEPR and RA, *2004 Annual Report*, Australian National University, Canberra, p. 5.

Dodson, P. 1998, *On Leadership*, Williamson Community Leadership Program Lecture, 11 May 1998, Victoria, http://www.leadershipvictoria.org/ speeches speech_ dodson.html.

Gerritson, R. 2001, *Community Capacity Building: An ATSIC Discussion Paper*, cited in House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, June 2004, *Many Ways Forward*, Canberra, pp.12–13.

HOR (House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs) 2004, *Many Ways Forward*, June 2004, Canberra, p.14–15.

Hunt, J. and Smith, D.E. 2006, *Ten Key Messages from the Preliminary Findings of the Indigenous Community Governance Project 2005*, Centre for Aboriginal Economic Policy Research, www.anu.edu.au/caepr/>

ICGP (Indigenous Community Governance Project) 2006, Community governance Research Update no. 1, March 2006, ANU, Canberra.

IGA (Indigenous Governance Awards) 2006, *Celebrating indigenous Governance: Success stories of the Indigenous Governance Awards*, Reconciliation Australia and BHP Billiton, Canberra.

Morgan Disney & Associates Pty. Ltd, Tracey Whetnall Consulting and Wis-Wei Consulting Pty Ltd 2007, *Synopsis Review of the COAG Trial Evaluations, Report to the Office of Indigenous Policy Coordination (OIPC) November 2006*, Canberra, http://oipc.gov.au/publications/default.asp.

OIPC (Office of Indigenous Policy Coordination) 2006, *A Red Tape Evaluation in Selected Indigenous Communities* (a report by Morgan Disney and Associates), OIPC, Canberra.

ORAC (Office of the Registrar of Aboriginal Corporations) 2006, 'At last a new act', *The Oracle*, December 2006, www.orac.gov.au.

Reconciliation Australia 2006a, *About the Awards*, http://iga.reconciliation.org.au/igawards/about.html, accessed 20 December 2006.

Reconciliation Australia 2006b, *2006 Indigenous Governance Awards*: *The Winners*, http://iga.reconciliation.org.au/igawards/winners.html, accessed 21 January 2007.

SCRGSP (Steering Committee for the Review of Government Service provision) 2007a, *Report on Government Services 2007, Indigenous Compendium*, Productivity Commission, Canberra.

SCRGSP (Steering Committee for the Review of Government Service provision) 2007b, *Report on Consultations*, Productivity Commission, Canberra.

Smillie, I. and Hailey, J. 2001, *Managing for Change: Leadership, Strategy and Management in Asian NGOs*, Earthscan, London.

The Harvard Project on American Indian Economic Development 2003-04, *Overview of the Harvard Project*, John F. Kennedy School of Government, Harvard university, USA, http://www.ksg.harvard.edu/hpaied/overview.htm

Wehmeyer, M. L. 2002, *Self-determination and the education of students with disabilities* (Digest No. E632). Reston, VA: ERIC Clearinghouse on Disabilities and Gifted Education. (ERIC Document Reproduction Service No. ED470036).

UN (United Nations) 2005, *Free Prior and Informed Consent and Beyond*, Division for Social Policy and Development, Secretariat of the Permanent Forum on Indigenous Issues, Department of Economic and Social Affairs presentation to the International Workshop on Methodologies regarding Free, Prior and Informed Consent and Indigenous Peoples, New York 17-19 January 2005, www.un.org/esa/socdev/unpfii/documents/FPIC_2005_IFAC.doc