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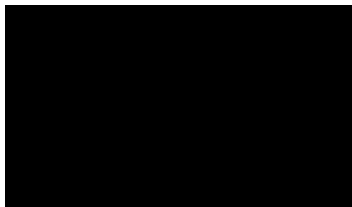
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Please find the attached submission from the NSW Aboriginal Land Council (**NSWALC**) to the National Indigenous Australians Agency on the Indigenous skills, engagement and employment program (**ISEP**).

It is essential that new measures related to economic development be designed and delivered in partnership with NSWALC and Aboriginal community-controlled organisations.

Should you require further information regarding the content of this submission please contact the Strategy and Policy Unit on policy@alc.org.au or 02 9689 4444.

Yours sincerely,



Interim Chief Executive Officer
NSW Aboriginal Land Council

Date: 20 September 2021

ALWAYS WAS ALWAYS WILL BE ABORIGINAL LAND

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Submission to the National Indigenous Australians Agency on the Indigenous skills, engagement and employment program (ISEP) - September 2021

RECOMMENDATIONS

Recommendation 1: Aboriginal community-controlled organisations and governance structures, including Local Aboriginal Land Councils, should be the foundation of any Government strategies / initiatives to support employment, build human capital and Aboriginal businesses. Such strategies must be designed and delivered in partnership with peak Aboriginal organisations and Aboriginal communities.

Recommendation 2: That Government adopt a life-course approach that recognises the interaction between economic development, educational attainment and other social and cultural determinants.

Recommendation 3: That Government acknowledge and address the structural inequities that have contributed to the disproportionate disadvantage experienced by Aboriginal communities in their future policy frameworks.

Recommendation 4: That Government undertake in-depth, geographic specific analysis to identify growth industries and regions where there are labour market opportunities in conjunction with peak Aboriginal organisations and relevant communities to target ISEP implementation.

Recommendation 5: That employment programs prioritise Aboriginal controlled organisations/services to deliver employment and training services to Aboriginal people.

Recommendation 6: That collaboration and referral measures are implemented between supplementary and mainstream providers to facilitate the support of Aboriginal jobseekers.

Recommendation 7: That Government invest in the strengthening of the Aboriginal employment sector.

Recommendation 8: That Government invest in pre-employment support, case management and retention, and career progression strategies delivered by Aboriginal community-controlled providers within the ISEP.

Recommendation 9: That there is greater accountability for mainstream employment and training providers to meet procurement targets.

Recommendation 10: That KPIs for government funding agreements incorporate evaluation program logics determined by Aboriginal stakeholders that are aligned with Closing the Gap targets where appropriate.

Introduction

The NSW Aboriginal Land Council (NSWALC) is the peak body representing Aboriginal peoples across NSW and with over 23,000 members, is the largest Aboriginal member-based organisation in Australia. NSWALC and the network of 120 Local Aboriginal Land Councils (LALCs) across NSW have a statutory objective to improve and protect the best interests of Aboriginal peoples within NSW. Achieving economic independence and prosperity for our people is essential to our survival as distinct, self-determining peoples.

NSWALC is focused on building a better future for Aboriginal people by unlocking the full potential of our three greatest assets; the land we have reacquired, our culture and heritage, and our people.

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

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

Australia's First Nations People experience higher rates of unemployment and disengagement from the labour force than the general population. In NSW, 15.3% of working age Aboriginal people are unemployed compared to 4.3% of the general population, with 44.3% of working age Aboriginal people disengaged from the labour force compared to 34.0% of the general population¹. Aboriginal and Torres Strait Islanders comprise more than 10% of jobactive participants. Aboriginal people face many well-documented barriers to gaining employment. These barriers include institutional racism, and a compliance-based employment service system design.

Investing in the Aboriginal Land Rights Network and Aboriginal peoples will help to realise economic development aspirations and lift economic outcomes for the broader community. Dynamic, coordinated and success orientated approaches developed and implemented in partnership with Aboriginal communities are essential to delivering meaningful, lasting outcomes.

This submission focuses on the identified questions listed in the NIAA Discussion Paper on how to best achieve economic independence for Aboriginal peoples through the new Indigenous Skills, Engagement and Employment Program (**ISEP**).

[How should the Indigenous skills, engagement and employment Program \(ISEP\) work alongside the new employment services model and the new remote engagement program to build work-ready skills and connect Aboriginal and Torres Strait Islander people to rewarding, sustainable jobs?](#)

The new Indigenous Skills, Engagement and Employment Program (**ISEP**) is set to replace existing VTEC, TAEG and EIP services, and work in conjunction with the New Employment Services Model (**NESM**) and the new Remote Engagement Program (**REP**). The overhaul of previous employment and training programs is welcomed by NSWALC as an opportunity to reshape the way that Aboriginal employment and training is approached nationally. In order for the ISEP to be effective as a new employment model, the Department of Education, Skills and Employment (**DESE**) must seriously acknowledge and reform the issues of previous schemes.

The underrepresentation of Aboriginal Employment Providers within employment programs must be addressed within the implementation of the ISEP. Aboriginal organisations and Aboriginal businesses are large employers of Aboriginal people, as well as a major source of education, training, and professional opportunities. Currently, while there are over 100,000 Aboriginal jobseekers nationally within the *Jobactive* program, only two Aboriginal employment companies are engaged as providers. This must be addressed within the ISEP, as mainstream providers consistently underperform and are limited in their ability to achieve Aboriginal engagement, retainment, and therefore employment outcomes.

¹ 2016 Census

NSWALC subsidiary and Aboriginal employment and training provider, 'Yilbara Solutions', reports that mainstream providers frequently report low levels of 'job ready' Aboriginal jobseekers within their caseloads, resulting in unfilled jobs for Aboriginal staff due to low referrals from mainstream service providers. The lack of collaboration between mainstream and complementary employment service providers has resulted in poorer results for Aboriginal jobseekers.

Recommendations:

Greater collaboration measures

NSWALC recommends that the ISEP implement measures to better monitor, facilitate and incentivise collaboration between programs to drive provider behaviour change and enhance employment outcomes for Aboriginal job seekers.

The identification of real, guaranteed jobs for Aboriginal job seekers by VTEC services provided a strong foundation for improving Aboriginal employment outcomes, however the lack of alignment between Jobactive and VTEC services has meant that potential employees are missing out on engagement.

The inclusion of collaborative measures that require providers to indicate if a placement is ISEP-related (like the current labour hire flag) would help to drive mainstream employment service provider improvements to support Aboriginal job seekers to gain employment. Including this measure in the NESM performance framework would also ensure that mainstream employment service providers engage with complementary program providers.

Introducing a referrals system that provides DESE and the NIAA with data on collaboration between mainstream and complementary employment programs would allow for greater accountability in this sector.

Aboriginal jobseeker support

The need to support Aboriginal jobseekers to be 'job ready' is a significant hurdle to improving employment uptake and retainment. Aboriginal peoples are more likely to face levels of disadvantage in their lives that impact their ability to prepare, secure and retain employment. It is essential that the ISEP acknowledges and addresses the need for external support in order to improve Aboriginal employment rates. The creation of an Aboriginal pre-employment program to be delivered by ISEP providers in each region would enable the creation of an Aboriginal talent pool with increased job-readiness and confidence to enter the job market. Ensuring that NESM providers also engage with ISEP in this pre-employment program would embed Aboriginal employment training within their ESA/LMR and improve prospects of Aboriginal jobseekers in mainstream programs.

Increased capacity for ISEP providers to also support ongoing case management of Aboriginal jobseekers would allow for greater engagement and support of Aboriginal employment.

NSWALC supports the proposal seen in the submission by 'Yilbara Solutions' to develop an ISEP case management model that directs Aboriginal jobseekers to ISEP providers, and provides adequate funding to ISEP providers to holistically support these employees.

Targeted implementation

Indigenous Specific Employment should target specific regions and industries, and this must be done through partnership and support for Aboriginal community-controlled organisations.

Working with Aboriginal community-controlled organisations to identify key issues and develop and implement local approaches tailored to the actual needs of the community, is fundamental to

achieving social and economic change in Aboriginal communities.² In line with international standards and best practice models, NSWALC maintains that the Aboriginal community-controlled sector must be supported to provide employment, training, mentoring and professional development opportunities of Aboriginal peoples.

The ISEP must be implemented at a regional level so that training and employment services can be tailored to the specific availabilities, skills and needs of the community. Engaging with the successes of Aboriginal communities is key to providing a pathway to secure and retainable employment outcomes for Aboriginal jobseekers.

How could IAS investment be designed to be more flexible and responsive at the regional level, and better meet the needs of the community for Indigenous job seekers and employers?

Flexibility in the implementation of the ISEP is crucial to ensure the program improves on the limitations of past initiatives that failed to tailor their requirements to the needs of regional Aboriginal communities. Programs such as the CDP focused on measuring short term job placements rather than applying a community led, strengths-based approach to achieve long term employment and development outcomes. A lack of jobs and high cost of living must be considered in regional areas, with place-based initiatives shown to better respond to Aboriginal and Torres Strait Islander community needs and priorities, while also taking advantage of community strengths and abilities. The Queensland Government stated in their submission to the 'Inquiry on Pathways and Participation Opportunities for Indigenous Australians in Employment and Business' that place-based initiatives also have the potential to better address administrative issues with integrated funding mechanisms and community engagement and participation³.

The ISEP must focus on the strengthening of the Aboriginal Employment Sector to better support Aboriginal jobseeker employment and training needs, as previous programs structured under limited payment models fail to adequately support Aboriginal organisations. Aboriginal organisations provide an opportunity for the ISEP to not only provide Aboriginal jobseekers with culturally safe, sustainable employment, but ensure that the ISEP works towards Government commitments to Closing the Gap⁴.

Recommendations

Strengthening and protection of the integrity of the Aboriginal Employment Sector

The ISEP must work closely with Aboriginal organisations to build their capacity to lead initiatives within their communities. Targeted funding to build the Aboriginal employment sector will enable greater employment opportunities for Aboriginal peoples within culturally safe workspaces.

The approach taken by NIAA in the funding of organisations with the RJCP and CDP needs to be implemented in non-remote regions, with DESE and NIAA working closely with Aboriginal providers to build their capability.

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

http://library.bsl.org.au/jspui/bitstream/1/560/1/Could_a_treaty_make_a_difference.pdf

³ QLD Government 2020, "Inquiry on Pathways and Participation Opportunities for Indigenous Australians in Employment and Business, Submission to the House of Representatives Standing Committee on Indigenous Affairs

⁴ Report on Indigenous Participation in Employment and Business,

https://www.aph.gov.au/Parliamentary_Business/Committees/House/Indigenous_Affairs/Indigenousoportunities/Report

The integrity of the sector must also be maintained to ensure that mainstream employment providers who have positioned themselves within the market as Indigenous providers are not confused with Aboriginal community-controlled organisations. It is imperative that government departments fulfil the commitments made by Australian Governments under the new National Agreement on Closing the Gap by strengthening the Aboriginal community-controlled sector.

Regional Aboriginal Economic Development Taskforce

By investing in and protecting the integrity of the Aboriginal Employment Sector, the ISEP will effectively grow trusted Aboriginal resources in each employment region. While the Indigenous Procurement Policy sets necessary goals, its ability to be adhered to by industry is limited without greater connection to and support from Aboriginal community-controlled organisations.

NSWALC supports the proposal for Regional Aboriginal Economic Development Taskforces by 'Yilbara Solutions'. The implementation of these taskforces must be chaired by Aboriginal organisations, with membership open to ISEP providers, Industry, VET Sector, NIAA, DESE and other relevant bodies to link Aboriginal employment providers with local industry and grow the Aboriginal workforce.

Stronger investment in case management support

As is now widely recognised by government and reflected in the new Closing the Gap agreement, Aboriginal providers are better placed to: provide targeted assistance to Aboriginal clients in a culturally safe and supportive way, deliver cultural mentoring, a support that has been underutilised by *jobactive* providers, and provide family intervention measures in the form of holistic family case management supports retention of Aboriginal employees in the workplace. The current investment structure of VTEC services does not allow funding for case management, meaning that support for Aboriginal jobseekers within the VTEC system ends with their placement into a job. We recommend that a greater pool of funding be made available for Aboriginal employment providers that supports a commitment to Aboriginal employment.

Aboriginal Talent Pools

The ISEP provides an opportunity to reshape employment and training initiatives to provide pre-employment support for Aboriginal jobseekers who disproportionately face intergenerational disadvantages that impact their ability to enter the workforce. The growth of Aboriginal talent pools in the employment sector needs to centre on the culturally safe transition of employees into employment.

This can be achieved through a planned approach to establishing and documenting industry workforce requirements both in terms of qualifications and timing. A significant issue facing Aboriginal jobseekers is the knowledge of requirements for upcoming jobs, and the necessary upskilling and supports that will be required for stable employment. The implementation of regional taskforces that assess local demand, pre-requisites, skills and cultural support structures will enable the development of a job-ready, supported Aboriginal talent pool.

How should results of the new ISEP program be measured, monitored and evaluated to ensure investment contributes to closing the gap in employment outcomes?

The ISEP must be managed with Aboriginal peoples through shared learning and evidence by establishing an independent body with an Aboriginal and Torres Strait Islander led board. This body would foster and support regional and local Aboriginal bodies to ensure they have a key part in decision-making about program direction and contribute to achieving outcomes.

Often, reporting requirements in grant agreements do not correspond with the program. The measures previously implemented by schemes such as the CDP focused on job placement over job

quality or stability. In order for Aboriginal economic opportunities to improve, the ISEP must be evaluated based on targets determined by Aboriginal community-controlled organisations and jobseekers. These measures may include the engagement and quality of service, opportunity for upskilling, and measurement of social supports for job readiness.

How can the ISEP encourage potential employers of Aboriginal and Torres Strait Islander people to provide safe and culturally appropriate work environments? How can employers better value the skills and perspectives of Indigenous employees? How should the ISEP consider a local focus?

Culturally safe employment is critically important in achieving job retention rates in Aboriginal jobseekers. The on-going impacts of colonisation and intergenerational disadvantage greatly impact an Aboriginal person's capacity to maintain employment.

Procurement of Aboriginal organisations to lead contracts like ISEP must be prioritised in order to centre Aboriginal voices in discussion and decision making. Aboriginal community-controlled organisations provide the necessary supports for Aboriginal employees and industry employers to bridge cultural gaps in the planning process that improve retention rates in the Aboriginal workforce of employers. Providing targets for engagement with these Aboriginal community-controlled organisations throughout workforce planning can instruct appropriate measures for support both in industry and candidate management, and in key areas including housing, family and welfare support and coaching.

Giving remote communities greater control in the design and implementation of the program will not only allow for greater claim to self-determination, but it will also result in a greater prioritisation of beneficial, culturally appropriate work projects. NSWALC encourages Government to maintain choice within each region as this enables each region to grow and to build collaboration. We believe it is critical that communities have a choice of provider and this structure ensures focus is on meeting the needs of communities.

Culturally safe employment models such as the one implemented by the Arnhem Land Progress Aboriginal Corporation (**ALPA**) provides flexible roles and expectations for employment that acknowledge and accommodate the needs of Aboriginal employees outside of the workplace⁵. This structure is tailored to different communities to best work with the structures of local Aboriginal peoples. Support and engagement with these types of employment providers can provide examples for the implementation of the ISEP in providing necessary culturally safe working environments for Aboriginal jobseekers.

NSWALC

NSWALC is pursuing a range of initiatives to support Aboriginal people's economic outcomes, including:

- LALC business enterprise program
- Yarpa Indigenous Business and Employment Hub (the Yarpa Hub).
- NSWALC Yilbara Employment and Training Solutions (Yilbara)
- NSWALC Housing Ltd (NHL)
- Fishing Fund

⁵ ALPA 2021 "Inquiry into opportunities for Employment and Economic development for Indigenous Australians", page2

- Other NSWALC initiatives – investment, asset management, property opportunities, employment

It is essential that new measures related to economic development be designed and delivered in partnership with NSWALC and Aboriginal community-controlled organisations and are aligned to Closing the Gap priority reform commitments, targets and accountability measures. NSWALC would appreciate the opportunity to work further with the Government in the culturally safe implementation of the ISEP.