

Productivity Commission
Review of the National Agreement on Closing the Gap

Oral Submission

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This is an oral submission to the Productivity Commission's review of the National Agreement on Closing the Gap. The information contained here was provided by phone by the individual for Commission staff to assist in documenting in written form. The participant has agreed that this is a correct reflection of their views and has approved it for publication on the Productivity Commission website. The views and opinions are her own and do not necessarily reflect the views of her employer.

Introductions

I am a proud Torres Strait Islander woman. My family come from the central region of the Torres Strait, from the Kulkalgal Nation, Iama Island.

I am GHD's Indigenous relations lead across federal government, which also includes defence. We help clients with Indigenous participation on projects. There are Commonwealth requirements in relation to Indigenous participation for projects worth over \$7.5 million. A lot of the projects we assist with involve capital expenditure in the order of \$50 million and above so it is important that Indigenous participation is done right.

GHD also has the capacity to make a substantial social economic contribution to Indigenous businesses and communities. We have around 75 Aboriginal and Torres Strait Islander employees — working across STEM as well as community engagement — and we have 47 locations across Australia, including in Alice Springs and a lot of other regional and remote communities. Our workforce touches on community quite closely.

GHD has Indigenous engagement consultants. These are Aboriginal and Torres Strait Islander people who work on infrastructure projects to ensure that cultural values mapping is being done correctly and we are actually listening to the voices of communities.

My role was initially focused on compliance but it has grown so that we are now looking at how we can do different types of work and listen to Aboriginal and Torres Strait Islander people in different ways. This aligns closely with the Priority Reforms in the National Agreement on Closing the Gap.

There is a huge opportunity for us to make substantial change across strategic growth areas including water, energy and communities. How we go through the clean energy transition with First Nations communities and businesses as partners is exciting. We have a huge team of Aboriginal and Torres Strait Islander people who have the technical and cultural skills, and cultural authority and leadership.

How is government contributing to change through their procurement activities?

At departments where there are Aboriginal and Torres Strait Islander people in executive positions they are saying 'Let's embed the United Nations Declaration on the Rights of Indigenous Peoples', or 'Let's make sure that what we are doing Indigenous participation meaningfully' (not just employing Indigenous people as cleaners to meet a regulatory

requirement, employing them in leadership roles). It also varies by jurisdiction and by portfolio. In the area of education, governments often do not include an Indigenous lens when doing evaluations so they do not appropriately account for barriers, or community context, or the strengths of different communities.

Some of GHD's clients, for example NSW Government, are starting to include cultural values mapping as requirements on a project. We are then able to ensure that we have Aboriginal and Torres Strait Islander people who can provide that service, and we can scope our proposals to appropriately budget for the extensive work involved in cultural values mapping.

We listen to community and compensate them for sharing their knowledge, which partly counters what I have seen in the last five to ten years especially where Aboriginal and Torres Strait Islander people are employed by white Western companies or even government but it takes them off Country. That takes something away from the community and can create cultural safety issues and affect people's mental health. That can mean you are essentially assimilating people out of their strengths, which is that they are connected to culture and Country.

If there are Indigenous participation requirements or requirements to demonstrate partnerships or shared decision making or access to information, we can go out to a community and offer to partner with them map cultural values. That means the skills stay in the community, with positive implications for the economy and the people living there. It's an ideal outcome for everybody.

There are examples of governments doing better than they have in the past, including the Gurra Gurra Framework in the Queensland Department of Environment, which put traditional owner groups and communities and ranger groups at the heart of decision making. That involved leadership inside the Department. Another example is the merger and acquisition that created Energy Queensland. The merged entity developed an Indigenous Connections Plan that involved talking to and working with communities on what energy solutions might look like instead of having a Reconciliation Action Plan. They invested in connecting with communities and delivering benefits in those remote communities, rather than hiring people.

In saying that, there is no intention to be negative on initiatives that don't tie back to community directly — not everyone is on Country, including people from the Stolen Generations who don't know their community or have one to go back to. We have to empathize with that because it is the result of Western policies, so they might be good people to benefit from things like Reconciliation Action Plans.

For a lot of those Closing the Gap priorities, for example health, a lot of the issues are actually regional and remote issues and a lot of that can be linked to having local economies and empowering and recognizing the strengths of those communities rather than Western civilization coming in and telling those communities what they should have as a priority. It has to change to 'What are the strengths that are here?' If you go to my community, they could tell you more about the ecology on the reefs of Iama than every single person at the Torres Strait Regional Authority put together.

If government actually valued cultural authority and leadership – and they do partially through the Rangers program for example – as a market and its own self-determined way of living, and we measured education based on that, that gap might already be closed.

In that scenario, lack of assimilation is a strength. They have kept culture and they live on Country. If they could create an economy from their own knowledge systems would we force them to leave and come to a major city and potentially become mentally unwell?

Cultural values mapping practices

GHD has Indigenous community engagement consultants who have or build relationships in a community. They act as facilitators and because cultural values vary from place to place these projects can each involve building relationships.

Our Indigenous community engagement consultants test and re-test what they hear before finalising a report, and once it is finalised and provided to government the community sees it as well. We can also share additional information with the client on questions the community has about the project.

Providing this service requires us to have Aboriginal and Torres Strait Islander people on the ground. What they are going to see and what they are going to hear is different to what a non-Indigenous person might see and hear.

Cultural value mapping is a new and growing market. It is a sensitive area to work in, especially in relation to the sharing of data and information. And you have to have the Aboriginal and Torres Strait Islander people on both sides of the table. We pay Aboriginal and Torres Strait Islander consultants significantly more because we value that they have got a cultural lens that they are bringing maybe to a heritage assessment or relationship building. We value that as a business. We value that lens.

The information collected is not owned by us or the government, it is still owned by the community and we need to ensure that the communities we are working with provide free prior, informed consent and understand that information will then be available to our client.

That is a critical point that has been missed historically: Aboriginal and/or Torres Strait Islander people not actually being given the opportunity to understand what they are signing up for. GHD, as an example, understands the engineering and construction side of things, and the community understands their values, their history, their needs. There is a responsibility to build a shared understanding when we are then doing things that touch Country and community.

If there is a proposed development we need to make sure that information is being given to the community in a way that they understand, at the same time as they give us information that we understand. For example in the Torres Strait, we went to a remote community and they are going to know things about that landscape that our engineers and ecologists will not know, and that remote community would not have knowledge and understanding about the infrastructure project being considered. You can actually come to mutually beneficial arrangements respecting the rights of Indigenous people and trying to deliver to the client but it is a process that takes time.

Doing that does require a technical skill set and it does require Aboriginal and Torres Strait Islander expertise. It is a skill to build the right partnerships and shared decision making arrangements with the right stakeholders. Without that, you might be making a deal with the wrong person, which is going to cause community politics, and that community politics is going to ultimately undermine the client's obligations or aspirations.

When cultural values mapping information feeds into bigger reports, like an environmental impact statement, and government decision making there are risks around community reactions to the use of that information and the final result — those risks depend on the framework around how we consult. If a co-design approach is taken with communities on matters that affect them and make decisions based on that outcomes would be different.

The trouble is that any one factor in decision making can be minimised or expanded, and if you think of Indigenous people as a 'consulted stakeholder' their voice can be minimised sheerly because of many factors there are to consider. If we changed the way we look at that and

actually say 'Well, the Murray-Darling Basin belongs to them, how about we give them a greater weight', you would get a different decision.

The intent from clients now is different to what it was ten years ago. Now, cultural values mapping is being respected and is helping clients make decisions about what to do and what not to do.

Best practice standards and government requirements

Governments could have a significant impact by outlining best practice standards of what partnership looks like, what shared data and shared decision making looks like. Partnership is not signing a deal with an Indigenous business and never talking to them again.

Not everybody understands these matters, it requires nuance, and you will only understand them when you have the right mob in the room. You need that to understand the governance structures in each community, or what the right strength indicators are for that community. For example, adoption might be viewed very differently in the Torres Strait — where it is an important cultural practice — and other places.

It is one thing to say 'Let's pursue shared data and shared information', but if you email a group with information they do not understand the information, that is not best practice. Most people would have a difficult time interpreting the master plans produced by engineering firms like GHD.

Sharing that information in an appropriate way has to be scoped into projects by government and the private sector should be demonstrating how they will do that.

In the past, and still, it is up to the service provider to offer black knowledge as a value add. The private sector can do that — and investing in that knowledge is the right thing to do — but if governments' concept of 'value for money' does not change and it is only an optional add on that we have to work to convince governments to pay for that is a risk.

If Closing the Gap Priority Reforms were taken into consideration by governments when writing Requests for Quotes, and the private sector had to demonstrate how they would deliver against those Priority Reforms — in alignment with what Australia has already signed up to under the UNDRIP — the gap would close. The gap would close because it would involve working with Indigenous communities as partners. In some areas, like land management, working with them as partners on things they have done for thousands of years.

The problem firms will face is pricing themselves out of the market. Doing the right thing, aligning to the UNDRIP and other things we have signed up for, can mean a more expensive solution that may take longer to deliver.

Climate change

Aboriginal and Torres Strait Islander people will be the first people to be affected by climate change and we have contributed to it the least.

There are opportunities for good practice in the coming decades though because GHD touches Country in much of the work we do. We are doing work in this through our Future Communities commitment, which focuses on the S in the ESG (Environmental, Social, Governance) framework. We are focusing on the transitions associated with energy.

There is a huge opportunity for First Nations Communities to play a role in that transition, not as consulted parties but as owners of solutions. First Nations communities are the biggest stakeholder for that position and as a result any company that wants to play in that space has to do better.

The land mass requires for the energy transition is huge. And who owns the land? Our people. I'm excited about this because First Nations people have an opportunity to have self-determination and be the developers. They can be their own self-determined developers and I look at them as the client of the future. That's the client we want to work for. We want to work for traditional owners that have put clean energy solutions to save the environment on their Country (and that's happening right now).