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Summarising: Martin (2007), Education, training and employment in negotiated Native Title Agreements
Responsibility for the preparation of this research summary rests with the authors of the MCEETYA report *Education, Training and Indigenous Futures: CAEPR Policy Research 1990-2007* and not the original author(s) of the summarised material.

Title of Research:
Education, training and employment in negotiated Native Title Agreements

Research Publication:
Unpublished commentary

Name of Researcher(s):
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Time period:
2007

Geographic location:
Northern Australia, the Pilbara (WA) and the Kimberley (WA)

Methodology:
This commentary draws upon extensive experience in the negotiation of Native Title Agreements, especially in regard to mining leases since the early 1990s.

Aims:
The commentary explores the extent to which Agreements provide opportunities for the inclusion of education, training and employment provisions and to identify factors which may limit their inclusion.

Selected findings and insights:
Indigenous Land Use Agreements (ILUAs) are established under the Native Title Act. For example they apply particularly in the case of mining and typically include employment and training as part of the agreement. Parties to ILUAs can include the traditional owners, the mining company and governments. ILUAs can:

• specify agreed goals for local employment
• contribute resources towards employment and training; and
• introduce transitional programs for Indigenous people into the workforce.

Support from state governments through TAFE for provision of training courses can act as leverage on mining companies for their contribution. Hence ILUAs are important vehicles for locking parties into a set of legally binding obligations which may bind succeeding generations. In addition, there are private but binding agreements that do not continue across generations.

ILUAs have been used as devices to maximise employment and training opportunities, particularly around large mining leases such as:

• Century Mine (Qld), several in the Pilbara operated by Rio Tinto and BHP, the Argyle mine in the Kimberley and the Western Cape Communities Coexistence Agreement, which is between RioTinto and three Cape York communities, including Aurukun.
A pattern or model is now developing around the provision of employment and training. For example,

- The Century agreement has moved away from ‘training for training sake’ to targeted training for specific jobs on the mine. The earlier approach had created a hostile climate due to non-job targeted training.

There are structural factors which influence the capacity of Indigenous people to benefit from these Agreements:

- Existing low levels of human capital — that is low educational levels of attainment, especially literacy and numeracy skills;
- poor health, as evidenced by life expectancy of 56 years and high morbidity rates;
- serious alcohol and drug abuse, which affects immediate performance and in the case of alcohol may lead to loss of driving licence and not being able to work on the mine;
- use of soft drugs such as marihuana, where residues stay in the body for a long time — due to rigorous safety requirements on mine sites there is random drug testing for all employees and these are likely to detect such soft drugs.
- With the types of employment schedules, with three weeks on and a week off approach, recreational drugs are a real difficulty. In the Gulf region there is a move away from marihuana to cocaine which do not have long term residues but creates other health risks.

Mine site culture - reducing the barriers for Indigenous workers from working on mine sites by making them feel ‘comfortable’ in the mine work environment has been a priority. At the Century mine, about 20-25% are local Aborigines, covering a wide range of occupations – cleaners, drivers, laboratory workers which has had a major effect upon mine site culture.

Cultural factors - individual work practices, the work incentive and earning of money may be in conflict with cultural values and ‘take’ the person out of their ‘family and community centred’ value system.

- Therefore the importance of transition or work readiness programs, including health and responsible alcohol use, rather than solely focusing upon skill acquisition.
- Introduction of Aboriginal mores into the workplace such as cultural leave for initiation ceremonies or negotiating supervisor roles/responsibilities which take account of the Indigenous culturally bound responsibilities (e.g. arising from initiations).

Government involvement in training. Business plan arguments tend to drive mining company involvement in developing employment and training provisions compared to governments, which are more driven by program objectives. The former can achieve greater priority and utilise greater flexibility whereas government agencies are less responsive.

Future employment opportunities. Mining industry is heavily mechanised and over the next 20 years, the need for say truck drivers (who are mainly Indigenous and many women, earning $75,000) will be diminished as trucks will be totally computerised and not require drivers:

- At best the mines will employ only a very limited number of Indigenous people.

A differential impact. Employment is very positive for those who get employment.

- But then a whole group of other people find the mine as highly invasive, destroying their country, bringing a whole lot of outsiders into their country who they can’t control, and the benefits of employment don’t flow.
Trust monies. These may be used for immediate needs, such as addressing poverty although most are being tied into business and economic development or sometimes for passive investment.

- In the case of business development and the promotion of entrepreneurship, the same structural barriers apply as identified above: lack of human capital, health and motivation.

Business development requires state government investment to attack historical deficits.

- Hard to leverage resources out of the State as the State has not historically supported the communities in human capital growth. The danger is that States will not contribute because they will try to argue that it should be taken out of the royalties or moneys flowing from the agreements or be covered by the agreement itself.

- That is, States do not see it as their responsibility to make the necessary investments, rather it is reliant upon the mining companies.

Educational implications:

This commentary identifies a general lack of skill levels, including literacy, numeracy and other basic skills, among the potential workforce for industries that might be expected to provide employment opportunities as part of Indigenous Land Use Agreements. The commentary argues that these are historical deficits, which raises an important educational policy issue as to the relative responsibilities in providing basic skills training of educational authorities, industry organisations such as mining companies and traditional owners as the recipients of royalties for use of their lands. [education policy]

The commentary also highlights the importance of close articulation between TAFE and industry in presenting courses aimed at skill development associated with specific industry jobs – again relative responsibilities for cost-recovery are raised in regard to this more advanced skill development. [pathways]

From a community development perspective, it is clear that employment opportunities will not be increased to a point where high levels of unemployment can be substantially reduced. This will require the development of pathways to new business enterprises where the potential exists, drawing upon the resources of Indigenous organisations, educational authorities and other government agencies. For educational authorities priority areas include business planning, financial literacy and financial management, and the legal and industrial framework underpinning small businesses. [pathways]

Relevance:

Domain 5: Pathways to training, employment and higher education

Education and training content in Native Title, Indigenous land use and heritage agreements.