

Annexure S

Noongar Economic Participation Framework

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A. INTRODUCTION

Under Clause 5.3(i) of the 2009 Heads of Agreement for the full and final resolution of all native title claims in the South West of Western Australia (the South West Settlement), it was agreed that the State of Western Australia (the State) and the South West Aboriginal Land and Sea Council (SWALSC) would negotiate:

“An appropriate regime to accommodate Noongar interests in the State’s use and development of State land.”

The State acknowledges the Noongar community’s desire to participate more fully in the economy of the South West region of Western Australia. Through the Settlement, the State will provide a number of avenues for increased Noongar economic development and participation. In particular, the State is proposing the following Noongar Economic Participation Framework (the Framework). The Framework demonstrates a mutual commitment by both government and the Noongar community to work collaboratively to achieve the Framework’s objectives.

The State’s support for Noongar economic participation takes multiple forms in the context of the South West Settlement. That is, Noongar economic participation is fundamental to:

- the development of the Noongar Boodja Trust and the advocacy that will arise from the central and regional governance structures;
- the various streams of home ownership and asset management that have been proposed; and
- the development of Noongar land holdings.

Further, every effort will be made to maximise Noongar employment within government and through contracting arrangements arising out of the implementation of the South West Settlement.

B. PURPOSE:

The objectives of the Framework are to:

- Grow Noongar owned businesses and Noongar/non-Noongar joint ventures, and increase Noongar employment in Noongar businesses.
- Increase the knowledge and skills of the Noongar community in the areas of Government procurement, tendering and contracting.
- Increase Noongar participation and representation in employment and the broader economy.
- Build on the existing strengths of the Noongar community to foster the Noongar entrepreneurial culture.

C. PRINCIPLES

To improve economic participation outcomes for Noongar people in the South West the State will apply and promote the following principles:

- **Recognition that Noongar** people and businesses are a valued part of the local and regional economy particularly in the South West.
- **Channels of communication are open** to ensure Noongar businesses and corporations are provided with information regarding Government contracting and tendering opportunities.
- **A demonstrated commitment to transparency, accountability** and appropriate **governance** structures.

The State will apply these principles in partnership and consultation with the Noongar Economic Participation Steering Group.

D. GOVERNANCE

A Noongar Economic Participation Steering Group will be established to oversee implementation of this Framework.

The Group will consist of Senior Government Representatives from agencies that may include:

- Department of the Premier and Cabinet;
- Department of Aboriginal Affairs;
- Small Business Development Corporation;
- Landcorp;
- Department of Lands;
- Department of Finance (Building, Management and Works);
- Main Roads WA;
- **Other Departments/Agencies as identified.**
- 1 Representative from each Noongar Regional Corporation and the Central Services Corporation.
- 1 Representative of the Noongar Chamber of Commerce

Membership of the Noongar Economic Participation Steering Group (the Steering Group) will be constantly reviewed to ensure relevant Government and Noongar representation is maintained.

The Steering Group will meet on a quarterly basis in its initial year and thereafter, meet half yearly or as otherwise agreed.

In the first year of the agreement the task of the Steering Group will be to develop:

- the terms of reference;
- a three year implementation and communication plan; and

- evaluation tools.

It is anticipated the initial Terms of Reference for the Noongar Economic Participation Steering Group would include:

- Facilitate early engagement with Noongar representatives on government land use and development activities planned in the South West;
- Identify opportunities for greater Noongar participation in South West development, including specific employment, contracting and investment opportunities, upcoming projects and tenders;
- Build the capacity and facilitate the ability of Noongar interests to take advantage of those opportunities and provide Noongar businesses with a strategic opportunity to plan for involvement in land and other development; and
- Ensure government Aboriginal training and education programs are responsive to local Noongar community needs and priorities to increase Noongar employment.

E. KEY DELIVERABLES

- Intensive capacity building in year one of the implementation of the Settlement, and ongoing support thereafter, in government tendering and contracting policies as well as the development and submission of tender documentation;
- Promote early engagement between State Government agencies through Early Tender Advice for all Noongar businesses registered with Tenders WA;
- Exemption from competitive tendering processes that allows for the direct engagement of a registered Noongar business for works, goods and services procurements valued at less than \$150,000 (as outlined in the Engaging Aboriginal Business Policy and Open and Effective Communication Policy).
- Increase registration of Noongar businesses on the Tenders WA website (Refer Attachment 1).
- Provide Noongar representation on tender evaluation panels for Government agencies providing works in the South West where appropriate (Refer Attachment 1).

Initial Projects – State Government Year 1:

To implement the Key Deliverables the following projects will be undertaken in Year one of the Settlement:

- The State will deliver workshops in partnership with each Noongar Regional Corporation to provide information and education to Noongar people with existing businesses or for those planning to establish new businesses covering topics that include:
 - How to take advantage of existing preferential Aboriginal business initiatives;
 - Demystifying the Government tendering and contracting processes;
 - How to obtain preferred provider status;

- How to get pre-qualification status;
- Establishing new businesses;
- The State will create a central location for all information and policies relevant to Aboriginal Businesses at a central portal (Eg: the Aboriginal Business Directory).
- The State will promote and encourage the registration of Noongar businesses on the Aboriginal Business Directory to ensure that Noongar businesses are highlighted and can take advantage of the education, training and economic opportunities available.

F. LANDCORP

A further element of the State's economic participation proposal is the continuation of the current Landcorp 5% offer as part of the "Future Act incentives for release of Unallocated Crown Lands in town-sites." This policy was developed to streamline the process for negotiating with native title claimants to facilitate the release of town-site land for residential, commercial or light industrial development. The incentive payment included the equivalent of a standard 5% of the sale price of the lots in the land release. Although the process relates to the native title future act system, Landcorp will continue the 5% payment as part of the South West Settlement, with respect to Unallocated Crown Lands which is developed by LandCorp.

G. SECRETARIAT

Secretariat support will be provided by the DPC SW Settlement Implementation Unit. The Secretariat will monitor outcomes from the Steering Group, consult with Steering Group members and identify where further action may be required to improve the effectiveness of this Framework. Reports will be provided by the Secretariat on the progress of the outputs and evaluation measures.

H. REVIEW AND EVALUATION

Review and evaluation of the Framework will occur annually and will be led by DPC. Changes to the Framework may be implemented by mutual agreement of the Noongar Regional Corporations, the Central Services Corporation and DPC.

The Noongar Economic Participation Steering Group will provide a 6 monthly report to the South West Settlement Implementation Committee providing information regarding progress to achieve deliverables as outlined in the Noongar Economic Participation Implementation Plan (as developed by the Steering Group).

The Noongar Economic Participation Steering Group will participate in an annual review workshop convened by the Department of the Premier and Cabinet SW Settlement Implementation Unit.

At the end of the first six months of Settlement the Noongar Economic Participation Steering Group will provide a 3 year Strategic Implementation Plan to the South West Settlement Implementation Committee, Noongar Regional Corporations and Central Services Corporation. This plan will

provide a basis on which to review and evaluate the progress and impact of the Framework across the South West.

ATTACHMENT 1

NOONGAR ECONOMIC PARTICIPATION FRAMEWORK – EXPLANATORY NOTES

What is Tenders WA?

The Tenders WA website is a central portal for all Government tender processes. This website contains a range of functions to make the tendering process for WA Government contracts transparent and efficient. It is the central source of information on Western Australian public sector requests and awarded contracts.

Western Australian government departments use this website to advertise their public tender requests and publish details of contracts awarded.

By registering a business on the Tenders WA website you are able to:

- receive invitations to submit tender applications relevant to the goods/services that you provide;
- register to receive early tender advice emails.

What is Early Tender Advice?

Businesses can register on the Tenders WA website for Early Tender Advice (ETA). ETA are advance notices of possible future tenders to be posted by Government Departments and Agencies. Registered Businesses will be provided ETA for the good or service that they are registered.

Noongar businesses can register on Tenders WA for early advice for:

- categories of contract service provision work that they may be interested; or
- everything that government agencies load in Tenders WA as an ETA.

Early tender advice requires registration of the business then a separate logon to set up for an email push. This process is quite simple to set up and guides are available online. Once a business is set up for an automatic email push when a government agency loads the ETA into the system advising the market of the potential tender activity the business will automatically receive an email regarding an opportunity to tender within a reasonable time to prepare for the required works. Timelines between the ETA and the actual tender request can vary from 6 weeks to 6 months to one year.

What is a Tender Evaluation Panel?

Every tender process over the value of \$20,000 requires a tender evaluation panel to be established by the purchasing Department or Agency.

Panel members are required to have knowledge of the work or services required and the evaluation process. Each panel member assesses each offer received for a tender against the stated requirements of the Tender Request.

At first, each panel member carries out an independent assessment. The evaluation panel then convenes and comes to a consensus decision based on ratings against the tender requirements. This is based on the written evidence provided in each submission.

Where appropriate, the evaluation panel will also consider any wider benefits to Western Australia, including:

- Whether the supplier is local, especially in regional Western Australia,
- Whether the supplier uses or employs local and small suppliers, including suppliers in regional Western Australia.

Noongar membership on tender evaluation panels will support the development of knowledge of the tendering process as well as an understanding of successful tendering in the Government sector which can be applied across the corporate/non-Government sectors.

Tenders are evaluated in isolation and therefore no rolling membership would occur. Where a tender is released to market and it is appropriate to include a Noongar representative on the panel as a non-voting member of the panel, a government agency would make contact. The Department of Finance, through the Funding and Contracting Services Unit have offered to provide training sessions as to how evaluation processes are undertaken to provide knowledge for the Noongar community to be familiar with the processes before undertaking such obligations. Noongar representatives would not be permitted to vote as non-public servants cannot be held accountable for the spending of public funds. However, a Noongar representative may have technical advice that will value add to the procurement evaluation process that assists with the value for money assessment.

The knowledge gained by being part of these processes will assist the Noongar community to structure tender submissions in a meaningful and competitive way, therefore capacity building Noongar business' ability to extend competitiveness for government contracts and become aware of existing Policy preferences.