



Australian Government
Indigenous Land and Sea Corporation



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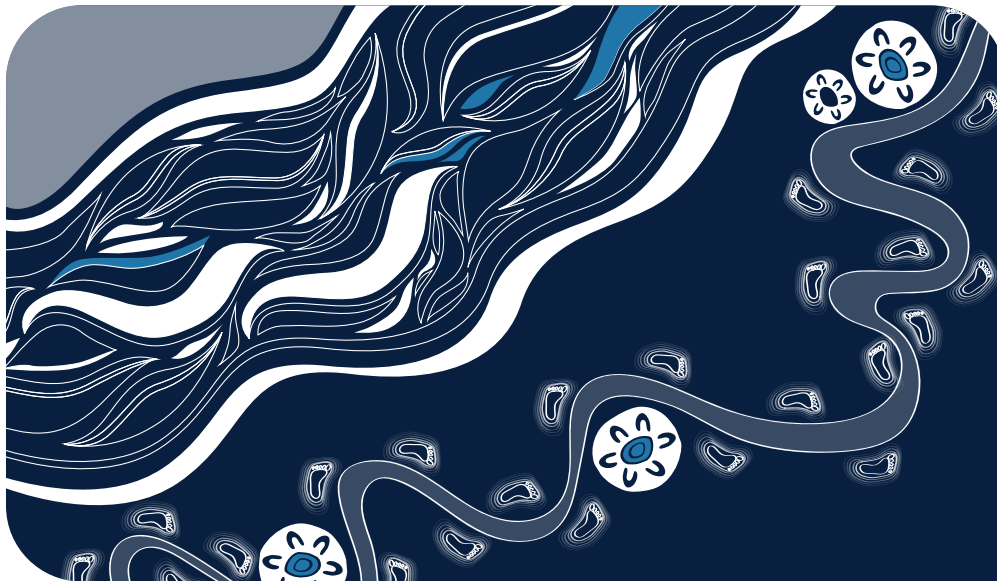
Sector Leadership

Fisheries and Aquaculture Companion Reader

*A guide to First Nations contribution
to the fisheries and aquaculture sectors*



Acknowledgement of Country



Artwork by Maisie Crawford-Owers.

In all our activities we pay our respect to the Traditional Owners and Custodians of the lands, waters and skies on which we live and work. We honour the resilience and continuing connection to Country, culture, and community of all Aboriginal and Torres Strait Islander people across Australia. We recognise the decisions we make today will impact the lives of generations to come.

A note on language

The terms 'Aboriginal and/or Torres Strait Islander', 'Aboriginal', 'Indigenous' and 'First Nations' may be used interchangeably throughout this document. Using these terminologies, we seek to acknowledge and honour diversity, shared knowledge and experiences as well as the right of individuals and communities to define their own identities. The C in Country is capitalised throughout this document as Country for Aboriginal and Torres Strait Islander people is a strong place of connection which provides

the upmost significance to their people and means more than physical land. In this document, Country may refer to land, freshwater and/or seawater.

Aboriginal and Torres Strait Islander readers are advised that this publication may contain the names or images of people who have died.

Established in 1995 under the *Aboriginal and Torres Strait Islander Act*, we provide for the contemporary and future land needs of Indigenous people, particularly those unlikely to benefit from Native Title or Land Rights. We work with our Indigenous partners to grow their economic, environmental, cultural and social capital by supporting their acquisition and management of land and water. In redressing dispossession, we provide for a more prosperous and culturally centred future for Indigenous people.

The Indigenous Land and Sea Corporation is a Commonwealth entity under the *Public Governance, Performance and Accountability Act 2013*.



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Cover photo: Joseph Taylor, at work in the Darwin Fish Market.
Photo: Aboriginal Sea Company.



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National Indigenous Land and Sea Strategy

Jencoomercha,
Quandamooka Country, QLD

In 2022, the Indigenous Land and Sea Corporation (ILSC) undertook a nationwide consultation with its stakeholders. This consultation informed the development of the National Indigenous Land and Sea Strategy (NILSS) and Regional Indigenous Land and Sea Strategies (RILSSs) 2023-2028. This consultation identified five priority sectors, in which stakeholders wanted to see ILSC partner with First Nations¹ to elevate influence and drive progress at scale. The priority sectors are:

- Carbon
- Environmental Markets
- Renewables and Clean Energy
- Inland Water
- **Fisheries and Aquaculture**

This document provides an overview of the legislation, policies and programs, challenges and opportunities that impact on the involvement and leadership of First Nations peoples in the fisheries and aquaculture sector.

It has been prepared as a companion reader to the ILSC Sector Leadership Future Industries Initiatives which provides a suite of initiatives for how the ILSC can contribute to the priority sectors.

The information contained in this companion reader was informed by First Nations fishers and originally collated and informed by analysis undertaken by Australian Venture Consultants on behalf of the ILSC. It is an overview of issues and opportunities for First Nations peoples with an interest in the fisheries and aquaculture sector. The ILSC recommends that First Nations people considering projects in the fisheries and aquaculture sector seek specific advice regarding regional issues, opportunities and business viability.



Figure 01. The National Indigenous Land and Sea Strategy 2023-28. Country and its people are at the heart of the NILSS and the reason for the ILSC's existence. Supporting Indigenous leadership in the priority sectors is a strategic commitment under of the guiding principle of self-determination.

1. For the purposes of this companion reader, we have used Aboriginal and/or Torres Strait Islander, 'Aboriginal', 'Indigenous' and 'First Nations' interchangeably.

Introduction

Aboriginal and Torres Strait Islander people have fished and harvested from the sea and inland waterways for thousands of years, guided by custom, lore and a deep understanding of species and ecosystems. Prior to European colonisation Indigenous peoples traded aquatic resources across the Australian continent and with neighbouring peoples of southeast Asia.

Over thousands of years, First Nations developed an understanding of ecosystems, species lifecycles and behaviours. Various species are central to cultural frameworks and identity, performing significant totemic and ceremonial functions.

The ILSC recognises the ongoing economic, social and cultural value of fisheries to First Nations communities despite the impact of colonisation and the dispossession of access to fisheries. The ILSC is seeking to assist First Nations people in this sector:

- to understand and activate commercial opportunities,
- to reconnect with Country,
- to participate in the sector, and
- to benefit from sea Country.

Fisheries and aquaculture are important Australian industries

As of 2021-22 the Australian commercial fisheries and aquaculture sector contributed \$3.5 billion to the national economy. Production is typically in regional and remote communities across Australia, supporting smaller towns, local economies and providing local employment.

Aquaculture is the production of aquatic organisms where human interventions improve production. Atlantic Salmon, an introduced species contributes to about \$1.1 billion of the total value. Other important aquaculture species include prawns and oysters, producing approximately \$200 million annually.

Australian wild catch fisheries consist of inshore and offshore fisheries, and some inland (freshwater) fishing.

- Onshore or coastal fisheries include estuaries, coastal and ocean fishing within three nautical miles (5.5 km) from land and are primarily managed by the States and Territories (with some exceptions).
- Offshore fisheries are from 3 to 200 nautical miles (370 km) from shore and typically managed by the Commonwealth overnment, with joint management approaches with State Governments for some commercially valuable species.
- Inland (freshwater) fisheries include fishing from rivers and lakes.

In 2021-2022, about 80 percent of total wild-catch value was derived from coastal fisheries, followed by the offshore sector at around 20 percent and inland/freshwater fisheries at 0.1 percent. Fishing activity is highly species-concentrated; lobsters, prawns, crabs, and a handful of key finfish together provided over 70 percent of total value of wild-catch product.

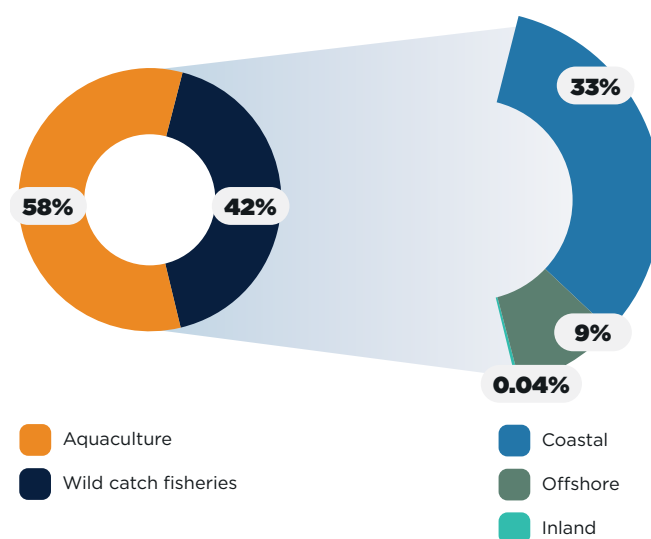


Figure 02. Commercial fisheries to Wild catch fisheries.



\$3.5 billion

was contributed by the Australian commercial fisheries and aquaculture sector.



\$1.1 billion

of the total value comes from Atlantic Salmon.



\$200 million

is produced annually from prawns and oysters.

First Nations fisheries

For Australian First Nations, many aquatic species hold profound cultural significance, being central to food, ceremony, and identity. The harvesting and management of aquatic resources have long been pathways for economic self-determination, connecting communities to both traditional practices and broader markets.

Cultural and economic importance

- First Nations communities have historically used sustainable aquaculture and fishing practices to manage aquatic resources for personal and communal benefit.
- Today, both aquaculture and wild-catch fisheries are a vital part of food security, cultural identity, and economic opportunities in both customary and mainstream economies.
- Fisheries are an important economic self-determination pathway for many Australian First Nations, as they have been for many First Nations around the world.

Global examples

- **Mi'kmaq Coalition (North America):** Owners of Clearwater Seafoods, one of the largest integrated seafood businesses, producing 35,000 tonnes of seafood annually.
- **Māori (New Zealand):** Control about 50 percent of national wild-catch production, with 20 percent of future fisheries allocated to their interests. Five of the largest fishing businesses in New Zealand are Māori-controlled.
- **Indigenous Commercial Fisheries (Canada):** Approximately 174 Indigenous communities participate in Canada's ICF Programs.



Figure 03. First Nations' interests in fisheries and aquaculture.

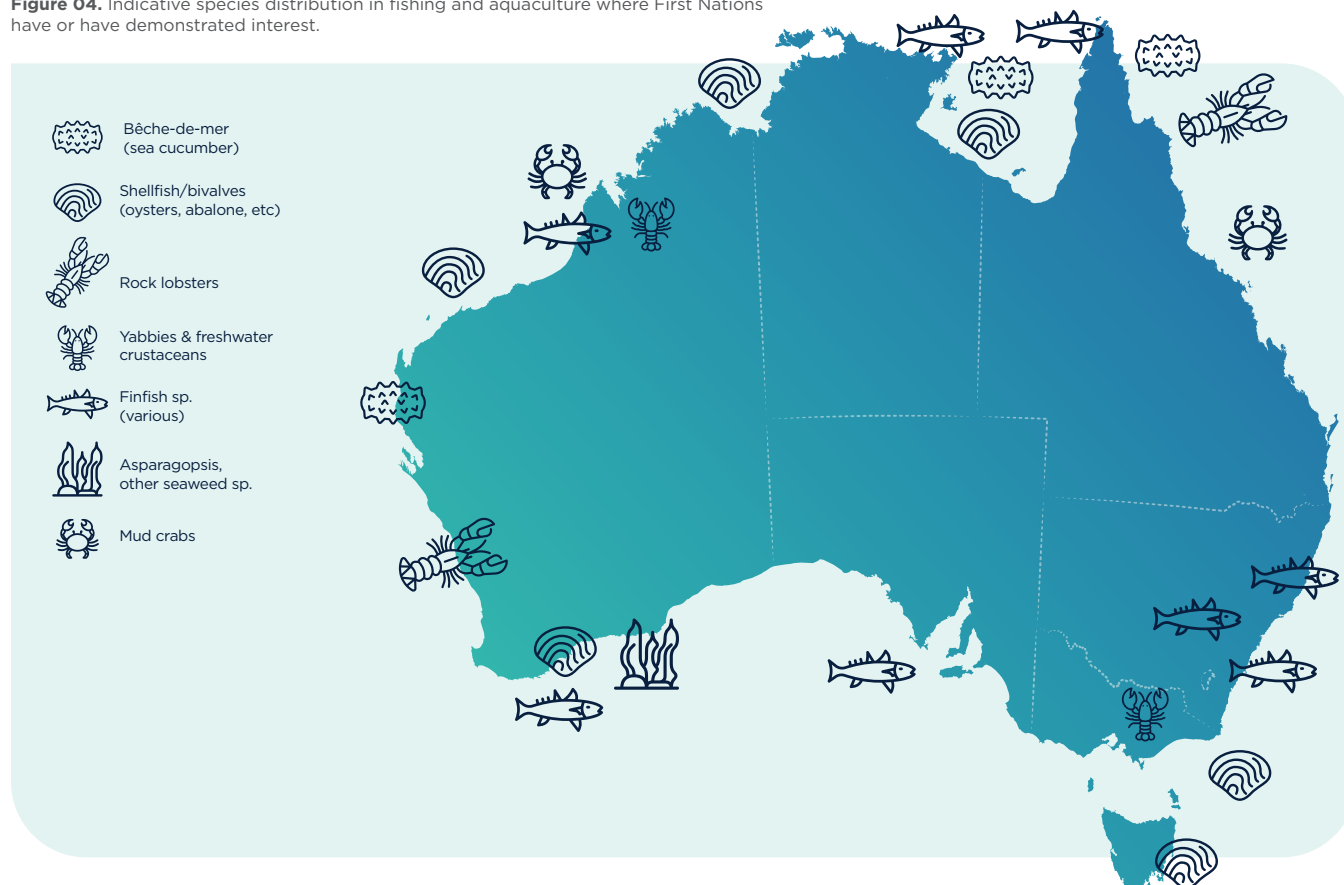
First Nations business models

First Nations fisheries span a triangular continuum of:

- **traditional practices** - fishing methods linked to cultural knowledge and customary laws
- **modern commercial practices** - enterprises engaged in conventional aquaculture and fishing techniques
- **ownership of resource rights** - using entitlements for economic benefit.

These First Nations ventures operate across all Australian jurisdictions, targeting diverse species, including crustaceans, molluscs, and finfish.

Figure 04. Indicative species distribution in fishing and aquaculture where First Nations have or have demonstrated interest.



National total catch values for each species of interest to First Nations are summarised below.

Table 01. Value of production and compound annual growth of wild catch species in Australia that are of interest to First Nations.

	GVP* 2011-12 (\$'000)	GVP 2020-21 (\$'000)	10-year CAGR** (%)
Pipis	3,040.19	8,217.83	10.46
Other Molluscs (Cockles, Periwinkle, Whelk and Blue Mussel)	5,428.66	17,398.64	12.35
Mulletts	5,061.64	6,028.25	1.76
Garfish	2,065.08	2,461.01	1.77
Whiting	4,128.28	4,492.54	0.85
Coral Trouts	23,749.39	25,190.32	0.59
Spanish Mackerel	6,841.93	7,215.73	0.53
Crabs ²	56,169.24	52,861.62	-0.61
Silver Trevallies	1,260.65	493.95	-8.94
Australian Salmons	886.83	156.03	-15.95
Western Australian Salmon	472.00	354.50	-2.82
Eastern Australian Salmon	1,209.36	2,296.10	6.62
Tropical Rock Lobster (est) ³	5,552.27	5,175.50	2.15

*Gross Value of Production.

**Compound Annual Growth Rate.

- Inclusive of mud crab, blue swimmer, snow and spanner crab, with most First Nations immediate interest being in blue swimmer and mud crab.
- Due to different species distribution, reporting schema and re-export supply chains across Australian jurisdictions, segregation of national-level catch data by lobster species is at times challenging. On the basis of industry commentary, Australian Venture Consultants has utilised best endeavours to present an accurate estimate but this headline figure should be treated with some caution.

Case Study

Land and Sea Aboriginal Corporation of Tasmania



Bruny Island LSACT.
Abalone acquisition.
Palawa Country.

First Nations' Ownership of Tasmanian Abalone Units

In 2022, a historic agreement was reached between the Tasmanian Government and the Land and Sea Aboriginal Corporation of Tasmania (LSACT), granting LSACT control over 40 abalone quota units, known as the Furneaux Units. This marked a significant shift, allowing the Aboriginal fishery enterprise to actively participate in the industry. To support this transition, the Indigenous Land and Sea Corporation (ILSC) provided a grant to assist with the acquisition and management of the abalone quota.

Now, after three years of successful fishing operations, LSACT has firmly established itself in the industry. In recognition of its success, the Tasmanian Government has returned the quota in perpetuity and is championing the development of a domestic market for fisheries-based food tourism.

Tasmania's wild abalone fishery is the largest in the world, contributing approximately 25 percent of the global wild harvest. The industry generates around \$100 million annually for the Tasmanian economy, with an additional \$300 million in associated economic activity.

Before this agreement, Tasmanian Aboriginal people were limited to cultural catch permits and excluded from economic leadership within the industry. LSACT has since changed this landscape by partnering with Aboriginal divers and deckhands to harvest abalone, setting a cultural standard by refraining from fishing during spawning season to promote sustainability.

Additionally, LSACT has secured funding through the Indigenous Skills and Employment Program (ISEP) from the National Indigenous Australians Agency (NIAA) to train 60 Aboriginal trainees, strengthening workforce capacity in the fisheries sector. Through the 'Wave to Plate' program, LSACT provides a supportive environment for Aboriginal people to build careers across fisheries, maritime industries, hospitality, and tourism.

By returning abalone to Tasmanian tables, LSACT continues to develop partnerships with restaurants and innovate in product development, drawing on 40,000 years of cultural knowledge to ensure a sustainable future for the abalone industry.

Abalone.
Photo: Peter Southwood

Commercial fishing rights and regulations



Klaus Jeffrey ASC mentor, Groote Aqua Mentoring Program, Groote Island. Photo: Kiera Hopper

Commercial fishing in Australia operates under distinct regulatory frameworks tailored to each of the nine jurisdictions managing fisheries. These frameworks typically include:

- **Input controls** - rules about what boats, nets, lines and other gear may be used in the effort to catch fish.
- **Quota systems** - allowing quota-holders to harvest a designated portion of the total allowable catch.
- **Licensing rules** - defining when, where, and by whom fish can be taken.

The viability of the commercial fishing industry relies heavily on the characteristics of these rights:

- **Security and certainty** - fishing rights must be secure and certain to enable businesses to plan operations and make long-term investments with confidence.
- **Risk management** - fishing businesses already face significant natural risks. Additional uncertainty from policy changes can further jeopardise their operations.

- **Business confidence** - the aquatic industry involves high establishment and ongoing equipment costs. Stability and certainty of access rights to fish is essential for sustaining investment.

To unlock their full commercial value, fishing rights should:

- be enduring and protected at law,
- be tradable on the open market, and
- be able to be used as collateral to secure loans and support business growth.

When fishing rights are restricted to specific individuals or groups and cannot be transferred, their value diminishes. These limitations prevent them from being used for financing or expanding business opportunities. As a result, fishing rights are not just tools for harvesting but also critical financial assets for their owners.

When rights collide

First Nations sovereignty over their traditional lands, fresh and sea water Country was never ceded.

Colonisation disrupted traditional management systems, with impacts such as resource competition, invasive species, and water diversions. Post-federation, until very recent times fisheries laws failed to account for First Nations interests, focusing instead on commercial and other non-Indigenous societal interests.

While Australia's fisheries now lead globally in sustainable practices, many resource management frameworks still neglect First Nations perspectives. Jurisdictions vary in how they recognise First Nations rights, with some allowing traditional or personal

fishing, but pathways for economic participation remain limited. Most frameworks only allow limited traditional/customary fishing for personal or communal needs. In Australia, First Nations specific arrangements for commercial fishing are only present in the Torres Strait, Queensland, the Northern Territory and to particular remote regions of Western Australia and Tasmania.

The challenge lies in creating commercial fishing opportunities for First Nations without undermining the established rights-based framework that supports the broader industry.

Table 02. Pathways to First Nations fishing and aquaculture participation.

Commercial	Traditional/Customary	Recreational
Commonwealth		
None	None	None
New South Wales		
Controlled under permit	Controlled under permit	Controlled under permit
Queensland		
Commercial trials & future allocations	Controlled by gear & spatial restrictions	Controlled by gear & spatial restrictions
Great Barrier Reef Marine Park		
Defined under Traditional Use of Marine Resources Agreements	Defined under Traditional Use of Marine Resources Agreements	Defined under Traditional Use of Marine Resource Agreements
Torres Strait		
Reserved for First Nations	Protected by treaty	Protected by treaty
Victoria		
Mechanisms exist but are not presently utilised	Controlled under permit	No licence required
South Australia		
None	Mechanisms exist but are limited	None/limited
Tasmania		
Limited commercial quota (abalone) and development permits	Controlled under permit	No licence required for marine fishery, no particular rights to inland fisheries
Northern Territory		
Aboriginal Coastal licences	Self-managed on ALRA waters, broadly permitted otherwise	No licence required
Western Australia		
Community Commercial licences (small-scale, geographically limited)	Relatively broad customary usage policy	No licence required



The Aboriginal Sea Company

First Nation controlled sustainable fishing and aquaculture business

Introduction

The Aboriginal Sea Company, based in Darwin, is a leading Indigenous-owned business committed to empowering First Nation fishers and promoting sustainability in the Australian fishing industry. By securing fishing licenses for Indigenous fishers and operating a sustainable seafood business, the company plays a vital role in reconnecting Indigenous communities with their sea country, fostering economic opportunities, and preserving cultural traditions.

Ownership and background

The Aboriginal Sea Company was founded and is owned by the Northern Land Council, Tiwi Land Council, and Anindilyakwa Land Council. Its ownership structure ensures a strong foundation in the cultural and economic development of Indigenous peoples in the Northern Territory.

The company was established in response to the increasing need for Indigenous participation in the fishing industry and the desire to enhance First Nation communities' involvement in managing and benefiting from their traditional sea country. As an Indigenous-owned business, it integrates traditional knowledge with modern business practices, promoting a sustainable and culturally respectful approach to marine resource management.

Business operations

The Aboriginal Sea Company engages in sustainable commercial fishing, seafood processing, and distribution. By partnering with local and national markets, it supplies high-quality seafood while adhering to environmental sustainability principles.

The company also employs and trains Indigenous fishers in best practices for sustainable fishing. Additionally, it provides business support and mentorship for First Nation entrepreneurs seeking to start or expand their own fishing-related enterprises.

Further expanding its commercial interests, the Aboriginal Sea Company owns and operates a ship's

chandlery. This initiative not only diversifies its business but also supports a circular economy within its subsidiary operations.

Securing licenses and empowering First Nations fishers

A key function of the Aboriginal Sea Company is securing mud crab and barramundi fishing licenses for Indigenous fishers. Historically, many First Nations communities have been excluded from obtaining these licenses, limiting their access to vital marine resources central to their culture, heritage, and livelihoods.

Through advocacy and collaboration with land councils and government bodies, the company has successfully secured licenses, enabling First Nations communities to engage in sustainable commercial fishing. These licenses protect Indigenous fishing rights while fostering financial independence and community empowerment.

Advocacy and the Australian Sea Country Conference

Advocacy is at the core of the Aboriginal Sea Company's mission. It actively campaigns for policy changes that support Indigenous fishers and their access to marine resources. Beyond its commercial activities, the company hosts the Australian Sea Country Conference, a significant event dedicated to advancing the rights, recognition, and economic empowerment of First Nation fishers.

The conference brings together Indigenous fishers, resource managers, industry experts, policymakers, and researchers to discuss sea country management, sustainable fishing practices, and the protection of traditional fishing areas. Through this platform, the Aboriginal Sea Company amplifies the voices of First Nations fishers, facilitates networking opportunities, and encourages collaborations that drive meaningful outcomes for Indigenous communities.

By blending traditional knowledge with modern business strategies, the Aboriginal Sea Company is pioneering sustainable, culturally respectful economic development, ensuring a lasting positive impact for First Nation fishers and their communities.

Opportunities and challenges

A decorative graphic at the top of the page features a light gray wavy line that meanders across the width of the page. Along this line are several footprints, some of which are stylized to resemble traditional Indigenous patterns. There are also three circular icons: one on the left with a sun-like pattern, one in the middle with a flower-like pattern, and one on the right with a leaf-like pattern.

First Nations fishers seeking to develop commercial enterprises face several challenges, but these also create opportunities to innovate, strengthen cultural identity, and support economic self-determination.

Opportunities

Leveraging traditional and cultural knowledge:

- A key driver of value and therefore commercial success is the creation of credentialled, verifiable First Nations product incorporating traditional knowledge and cultural identity that appeals to domestic and international markets.
- Diverse income streams, such as ecotourism and educational experiences, can further supplement fishing and aquaculture enterprises.

Partnerships and collaboration:

- Partnerships between First Nations communities and scientists, engineers, regulators and supply chain can improve sustainability of the resource and optimise First Nations production processes.
- Collaboration among First Nations enterprises can improve buying power, share resources, and increase market competitiveness.

Developing a unified vision and advocacy:

- Establishing a First Nations-led peak body would enable stronger advocacy, coordination, and sector-wide support for policy reforms and investment initiatives.
- This vision could help sustain momentum and promote First Nations leadership in fisheries and aquaculture.

Innovating for compliance and sustainability:

- Balancing traditional practices with modern technology can result in innovative, sustainable approaches to fishing and aquaculture.
- Building culturally rich brands while meeting strict regulatory standards could give First Nations enterprises a competitive advantage in niche markets.

Challenges

Access to rights:

- Commercial fishing enterprises depend on secure access to resources through rights-based frameworks.
- First Nations communities often face limited pathways to acquire rights, especially where fishing entitlements are tightly regulated or allocated.
- Rights that cannot be traded, sold, or used as collateral have lower value and restrict opportunities for business growth.

Strategic and operational capacity:

- Market access is dependent on certified cool-chain logistics partners, which are costly in regional and remote areas.
- Entering the industry requires a deep understanding of licensing, regulations, and on-water operations, as well as food safety and maritime rules.



Table 03. Regulatory and policy pathways for First Nations access to Australian fisheries.

Pathways under existing regulation			Other policy pathways	
Customary-commercial quota	Allocation from under-allocated fisheries	Market purchase of quota in fully-allocated fisheries	Assignment of government held quota	Allocation from new or not fully-allocated fisheries
<p>In some jurisdictions of Australia, First Nations fishers are able to acquire a license that is in effect a hybrid of a customary and commercial fishing license. These allow First Nations to fish traditional waters, for certain species under certain conditions and market that catch to markets.</p> <p>E.g. Northern Territory (Coastal Licenses), Torres Strait (Traditional Inhabitant Boat Licenses) and Queensland (Aboriginal Fishing Permits)</p>	<p>In some instances (and as a result of a lack of demand from the existing commercial fishing industry), a commercial fishery resource may not be fully allocated.</p> <p>In such circumstance, a jurisdictional government can allocate unallocated commercial fishing resource to First Nations interests without impinging on existing rights.</p> <p>This is more likely to be the case in lower value fisheries.</p>	<p>Given the property-like nature of quota rights, reallocation or dilution of fully allocated quota is both legally and politically problematic. This is particularly so given that the most fully allocated fisheries tend to be the more valuable fisheries.</p> <p>The only means by which First Nations can attain access to commercial quota in such circumstances is to acquire it in the market.</p>	<p>In cases where governments hold quota for research or leasing purposes, or as the result of a surrender or seizure, the government of the day may choose to allocate that quota to First Nations interests.</p>	<p>Where a new fishery is established or an existing fishery is under-allocated, the government of the day may choose to set aside a portion of quota pertaining to that fishery to allocate to First Nations interests.</p> <p>This has not been done to date in Australia, but there is precedence for this policy in New Zealand and this approach is being considered with respect to Mud Crab licenses in the Kimberley Region of Western Australia.</p>

- Fishers must engage with multiple regulators, suppliers, and customers, which vary across jurisdictions.
- Long-term business viability requires navigating fluctuating conditions, such as seasonal variability, market changes, and environmental challenges.

Access to equipment and infrastructure:

- Fisheries require specialised and often costly resources, such as boats, nets, cold storage, hatcheries, and maintenance facilities.
- Remote and regional First Nations communities face additional barriers, including limited financial capital, biosecurity infrastructure, and transportation networks.
- Reliable access to professional services including bookkeeping, legal advice, and taxation support is often absent or costly.

Balancing traditional practice with modern innovation and regulation:

- First Nations' traditional fishing practices, such as the use of spears, culturally made nets, or hand hooks, often do not align with modern fisheries regulations.
- Practices like taking juvenile seedstock for aquaculture may conflict with minimum size limits or other laws.
- Successful enterprises must innovate by blending cultural knowledge with regulatory compliance to develop unique, marketable products.

Enhancing and building markets while protecting product attributes:

- Increasing markets for First Nations-branded products, such as seafood and tourism experiences, requires significant investment.
- Protection of Indigenous Cultural and Intellectual Property (ICIP) is critical to prevent misuse, such as "blackwashing" (false claims of cultural authenticity), and to maintain control over culturally sensitive practices.
- Current Australian laws provide limited ICIP protections, though reforms are underway to address issues, including fake art and merchandise.

Sectoral vision and advocacy:

- Groups, such as the Indigenous Reference Group to the Fisheries Research and Development Corporation (FRDC), have supported progress in the First Nations fisheries and aquaculture space.
- The lack of a dedicated, national First Nations peak body for fisheries limits the ability to advocate for clear pathways to participation and input to resource management.
- Advocacy and awareness raising at federal, state, and local levels is necessary to support First Nations leadership and ensure long-term sectoral growth.
- Recognition of First Nations sovereignty and the ability (or not) to speak for traditional Country.



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