

Beyond Compliance: Black Cladding, Indigenous Procurement, and the Realising of Economic Sovereignty

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Abstract: This paper examines Black cladding, the fraudulent or superficial representation of Indigenous ownership and control used to access economic opportunities intended for genuine Aboriginal and Torres Strait Islander businesses. Through a Relational Indigenist Framework that integrates Bryant's (2024) Indigenist Critical Policy Analysis with Aboriginal Terms of Reference, the paper analyses how procurement systems such as Australia's Indigenous Procurement Policy (IPP) reproduce settler-colonial logics of control by privileging compliance and efficiency over Indigenous governance, cultural legitimacy, and self-determination. The analysis reveals that Black cladding is not an accumulation of individual acts of fraud but a structural outcome of policy designs that translate Indigeneity into administrative categories rather than a lived identity grounded in relation to community and Country. It explores how these structures enable economic and cultural harm, including the erosion of Indigenous business models grounded in relationality, reciprocity, kinship, and custodianship. Drawing on international comparisons and Indigenous policy scholarship, the paper demonstrates that embedding Indigenous authority, oversight, and definitional control within procurement policy strengthens legitimacy, integrity, and outcomes for all stakeholders. It concludes that procurement reform must move beyond symbolic inclusion toward Indigenous-led systems of governance aligned with Aboriginal Terms of Reference and the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), repositioning procurement as a mechanism of economic sovereignty and structural justice.

Keywords: Black cladding, Indigenous Procurement Policy, Aboriginal Terms of Reference, Indigenous governance, economic sovereignty

Introduction: Black Cladding and the Politics of Economic Participation

Black cladding refers to the fraudulent or superficial inclusion of Indigenous people or entities in business structures, often designed to exploit economic benefits intended for genuine Indigenous enterprises (Supply Nation, n.d.). In Australia, this practice has emerged as a serious threat to the integrity of Indigenous economic empowerment initiatives, particularly the Indigenous Procurement Policy (IPP) (McGlade, 2025). Introduced in 2015 to address historical exclusion by mandating that a portion of government contracts be awarded to Indigenous businesses (NIAA, 2024a), the IPP has proven to be vulnerable to exploitation. Black cladding exploits systemic loopholes that enable non-Indigenous businesses to present as Indigenous-owned, typically through tokenistic appointments or strategic partnerships that do not involve genuine Indigenous control, benefit, or cultural accountability (Hinaki, 2021; McGlade, 2025; Supply Nation, 2020).

While procurement policies aim to support structural self-determination for Indigenous peoples, Black cladding represents a new frontier of economic dispossession. These practices not only divert resources away from Indigenous communities but actively displace legitimate Indigenous businesses from both public and private markets (Kinaway Chamber of Commerce, 2020). The harms are multifaceted, financial, cultural, and systemic, undermining trust in procurement systems and making it increasingly difficult for governments and consumers to distinguish between authentic and deceptive claims of Indigeneity. Parallel to Black cladding is a related but distinct phenomenon often described as

“Blackfishing” or “Blackface” business (Stevens, 2021; Trading Blak, 2022), which involves companies or individuals intentionally adopting the appearance or branding of an Indigenous entity without any actual Indigenous ownership, control, or leadership (Butler & Kellaway, 2024; Chalmers, 2021; Hinaki, 2021), enabling non-Indigenous entities to profit from Indigenous culture and identity while marginalising the voices and participation of actual Indigenous peoples. A prime example of a “Blackfish” business is Youpla (formerly Aboriginal Community Benefit Fund), a company that used Indigenous branding to sell predatory funeral insurance to Aboriginal families, highlighting the tangible harms caused by commercial misrepresentation (Butler & Kellaway, 2024; Florance & Wellauer, 2024). In this way, Blackfishing mirrors the dynamics of Black cladding: both emerge where Indigenous identity is detached from cultural foundations, allowing others to trade on culture while undermining Indigenous economic participation. In response, Indigenous communities, entrepreneurs, and consumers have increasingly called for accountability and structural reform to prevent the commodification of Indigenous identity in the absence of Indigenous agency and control (Hinaki, 2021; Singh, 2025; Trading Blak, 2022). Public scrutiny has exposed these tactics across various sectors, a reliance that reflects the persistent absence of effective, culturally grounded oversight mechanisms, where media exposure and community activism often serve as the only viable forms of accountability. Fraudulent exploitation of Indigenous identity in business is not exclusive to Australia; similar practices include “fronting” in South Africa, and “pass-through” and “pretendian” businesses across North America. These examples demonstrate how equity-driven policies can be undermined by fraudulent compliance, ultimately reproducing exclusion under the guise of inclusion. In each case, weak regulatory oversight and a lack of culturally appropriate verification mechanisms have enabled such practices to persist, rarely subject to scrutiny or consequence (Boutilier & Ridgen, 2024; Butler & Kellaway, 2024; Du Plessis, 2022; Indianz.com, 2019).

This analysis adopts a Relational Indigenist Framework¹ that integrates Bryant’s (2024) Indigenist Critical Policy Analysis (ICPA) with Aboriginal Terms of Reference (Watson, 2025; Watson & Graham, 2016). ICPA provides a rights-based structure for evaluating whether public policy upholds Indigenous authority, participation, and accountability, while Aboriginal Terms of Reference articulate the cultural and philosophical foundations that define legitimate governance and practice in Aboriginal worldviews. Together, they establish a relational lens through which the IPP is examined, centred on obligation, care, and the interdependence between people, Country, and policy.

Viewed through this framework, the paper argues that Black cladding is not an accumulation of isolated acts of deception, but a systemic outcome of policy designs that prioritise procedural compliance over cultural integrity. The analysis interrogates how procurement frameworks translate Indigeneity into administrative categories, shaping who holds authority, how legitimacy is recognised, and how policy success is defined and measured, revealing that the persistence of Black cladding reflects broader institutional preferences for efficiency, ownership, and scale. The aim of this paper is not to reject procurement as a mechanism for Indigenous economic development but to reform it, centring Indigenous governance, community legitimacy, and cultural integrity as the basis for policy success.

Unless procurement and policy frameworks are paired with enforceable accountability mechanisms and Indigenous-led oversight, Black cladding will continue to erode the possibility of economic justice. In response, this paper asks, how can procurement verification systems be redesigned to eliminate Black cladding while fostering Indigenous economic development and preserving distinctive Indigenous business models? This paper offers a new interpretation of Black cladding as a structural expression of procurement systems that govern Indigeneity through compliance and control rather than cultural legitimacy. It demonstrates that the current policy enables participation without Indigenous control and inclusion without genuine community benefit, resulting in the displacement of genuine Indigenous enterprises and the erosion of culturally informed business practice. The analysis shows that meaningful reform requires shifting the locus of decision-making from bureaucratic oversight to Indigenous governance grounded in Aboriginal Terms of Reference.

Methodology and Positionality

The methodological approach to this paper is grounded in Indigenous research practices and ontological frameworks that inform both the structure of the inquiry and the positioning of the author. As an Aboriginal researcher, my analysis is shaped not by neutrality or detachment, but by a conscious commitment to Aboriginal Terms of Reference² (Watson, 2025; Watson & Graham, 2016). Aboriginal Terms of Reference do not function as a method in a conventional sense, but

¹ The term Relational Indigenist Framework is used here to describe the integration of Bryant’s (2024) Indigenist Critical Policy Analysis with Aboriginal Terms of Reference (Graham, 2023; Watson, 2025; Watson & Graham, 2016). This paper does not propose a new theoretical model but applies these established frameworks in combination to guide analysis.

² Aboriginal Terms of Reference refer to the values, philosophies, and ways of being, knowing, and doing that are grounded in Aboriginal Law, Country, and kinship. The term was first developed by Dr Lilla Watson in the 1980s and has since been further theorised by Elders and scholars to describe a cultural framework that informs governance, ethics, and everyday life from an Aboriginal worldview (Graham, 2023; Watson, 2025; Watson & Graham, 2016).

rather as a methodological precursor, a deeply embedded cultural positioning that informs how I see, relate, and engage with knowledge production. The approach is further informed by Martin-Booran Mirraboop (2003) Indigenist research framework, which emphasises the centrality of Indigenous ontologies (our ways of knowing, being, and doing³) as both valid and vital to academic research. This approach insists that Indigenous research must be grounded in relational ontologies, recognising interdependence with community, Country, and spirit as foundational. The analysis privileges Indigenous definitions of value, legitimacy, and success over those imposed by settler-colonial logics. Consistent with this approach, the literature review was guided by relevance and critical alignment with the research aims, drawing on academic publications, policy documents, community-authored works, and media investigations that reflect Indigenous realities and perspectives. Rather than relying on algorithmic search or institutional hierarchies of knowledge, sources were selected for their engagement with economic sovereignty⁴, cultural harm, and policy distortion from Indigenous standpoints. Rather than treating the topic as an abstract or purely academic concern, it is understood as a lived, relational issue, one that directly affects Indigenous economies, business identity, and cultural continuity. By rejecting the colonial assumptions embedded in dominant research and policy frameworks, this work aligns with Rigney's (1999) call for Indigenous intellectual sovereignty and with Smith's (2021) assertion that Indigenous peoples must not only be participants in research, but also its architects, theorists, and custodians. This work speaks from within the Indigenous community, not about it, and it centres self-determination as both a research stance and a political imperative.

Building on the methodological foundations outlined above, the analysis operationalises a Relational Indigenist Framework that integrates elements of Bryant's (2024) Indigenist Critical Policy Analysis (ICPA) with Aboriginal Terms of Reference (Watson, 2025; Watson & Graham, 2016). While ICPA provides a rights-based structure for evaluating how policy enacts or diminishes Indigenous authority, participation, and accountability, Aboriginal Terms of Reference provide the ontological and epistemological grounding from which those concepts acquire meaning. Aboriginal Terms of Reference describe the cultural logic of Aboriginal civilisation, the obligations, relationships, and ethics that underpin all forms of social, political, and economic life. They encompass principles such as the sacredness of land, the custodial responsibility to care for Country and all living species, the ethic of sharing and caring, accountability as one another's keeper, decision-making through consensus, maintaining harmony between people and Country, and the respectful seeking and sharing of knowledge. Together, these values provide guidance for how authority and governance are understood and enacted within Indigenous worldviews.

Taken together, these approaches offer complementary ways of understanding policy and governance. ICPA provides the political and procedural lens for assessing whether policy upholds Indigenous rights, while Aboriginal Terms of Reference supply the cultural and philosophical grounding for evaluating how those rights are enacted, particularly whether they maintain balance between people and Country, uphold obligations of care and custodianship, and strengthen collective wellbeing. This synthesis keeps the framework both relational and rights-based, grounded in Indigenous worldviews while critically engaging the policy architecture of the IPP.

Indigenous Procurement Policy: Promise and Exploitation

The IPP was introduced by the Australian Government in July 2015 to address the underrepresentation of Aboriginal and Torres Strait Islander businesses in Commonwealth procurement contracts (NIAA, 2024b). It emerged from mounting recognition that Indigenous enterprises were being structurally excluded from government markets and from political momentum to leverage procurement as a tool of economic development. Inspired in part by international models such as the United States Small Business Administration's 8(a) Program and Canada's Indigenous procurement strategies, the IPP was positioned as a targeted mechanism to create equitable economic opportunities by facilitating Indigenous participation in government supply chains (NIAA, 2024a; Panezi, 2020). The policy was established in response to a longstanding structural failure, where Indigenous businesses secured only a fraction of Commonwealth procurement opportunities due to systemic barriers in access, recognition, and participation (NIAA, 2024b).

The primary purpose of the IPP is to support Indigenous entrepreneurship, stimulate economic development, and improve employment outcomes through the creation of sustainable economic opportunities (IPP, 2025). The policy further aims to shift procurement beyond purely economic assessments by incorporating social value criteria such as employment and training opportunities, intergenerational business capacity, and contributions to community

³ Martin-Booran Mirraboop (2003) conceptualises Indigenous ways of knowing, being, and doing as the interrelated foundations of an Aboriginal worldview. *Knowing* refers to the systems of knowledge grounded in Country, story, and relationships; *being* reflects the ontological position of relatedness, how identity and existence are defined through connection to people, place, and spirit; and *doing* encompasses the practices and obligations that sustain these relationships through action, ceremony, and responsibility.

⁴ Economic sovereignty, as articulated by Watson (2023), refers to the right and responsibility of Indigenous peoples to define and govern their own economic systems according to cultural values and law. Distinct from western notions of financial independence, it is relational, grounded in collective wellbeing, reciprocity, and the balance between social, spiritual, and ecological responsibilities (Watson, 2023).

wellbeing (Denny-Smith et al., 2024; NIAA, 2024b). At its core, the IPP seeks to ensure that procurement aligns with community priorities, which may include both economic objectives, such as business growth and local job creation, and non-economic goals, such as cultural continuity and strengthened community networks, rather than being assessed solely on narrow financial metrics (Kelly & Woods, 2021; NIAA, 2024c).

The influence of the IPP extends beyond the federal level, with several Australian states and territories implementing their own Indigenous procurement initiatives (Supply Nation, n.d.). For example, Western Australia's Aboriginal Procurement Policy mandates progressive targets for awarding contracts to Aboriginal businesses and, from December 2023, to Aboriginal Community Controlled Organisations (ACCOs)⁵, with an updated policy effective from July 2025 (Government of Western Australia, 2025). Similarly, New South Wales has adopted the Aboriginal Procurement Policy, requiring each NSW Government agency and cluster, including portfolios such as health, education, and transport, to direct 1% of their addressable spend to Aboriginal businesses and award 3% of the total number of goods and services contracts to these enterprises (NSW Government, 2021). South Australia has also introduced its Aboriginal and Torres Strait Islander Procurement Policy, establishing eligibility requirements⁶ and participation targets intended to strengthen Indigenous involvement in public contracting (Government of South Australia, 2023). In addition to government initiatives, the private sector in Australia has increasingly embraced Indigenous procurement strategies (Hudson, 2016), with major corporations such as Rio Tinto implementing sustainable procurement practices that prioritise engagement with Indigenous suppliers and acknowledge the importance of fostering economic opportunities for Aboriginal and Torres Strait Islander communities (Rio Tinto, n.d.). Furthermore, organisations like the Business Council of Australia (BCA) have launched initiatives such as Raising the Bar, encouraging member companies to commit to specific targets for Indigenous procurement and employment⁷. These private sector efforts complement federal and state policies, collectively contributing to the broader goal of enhancing Indigenous economic participation (BCA, 2023; Fry, 2023; NIAA, 2024a, 2024b, 2024c).

According to the National Indigenous Australians Agency (NIAA, 2025), the IPP has significantly increased both the number and total value of Commonwealth contracts awarded to Indigenous enterprises, supported by mandatory set-asides, participation targets, and improved reporting mechanisms. The 2025 IPP reforms tightened eligibility criteria and introduced stronger verification and reporting measures, aiming to strengthen integrity across procurement processes (NIAA, 2025). These changes have expanded entry points for Indigenous enterprises, particularly small to medium businesses operating in construction, service delivery, and regional procurement. Yet the same structures that enable access have also left the system vulnerable to exploitation. The government's own reform documents acknowledge the ongoing risk of Black cladding, where non-Indigenous entities obtain contracts through superficial ownership or control. While no precise public estimate quantifies the percentage of contracts affected, NIAA's decision to strengthen eligibility rules, to require at least 51% Indigenous ownership and control by 2026, signals that the problem is material enough to warrant regulatory intervention. Thus, the policy's merits lie in its capacity to stimulate Indigenous participation, but its demerits emerge from weak verification, allowing appropriation and identity misuse to undermine its redistributive intent.

While the IPP has expanded Indigenous participation in Commonwealth contracting, and similar initiatives are emerging across state and private-sector procurement, questions remain about how effectively these frameworks transfer authority, accountability, and long-term benefit to Indigenous peoples and communities. The policies have undoubtedly created commercial opportunities and raised the visibility of Indigenous enterprise, yet their design continues to locate decision-making power within bureaucratic and corporate structures rather than within Indigenous governance systems.

Analytical Framework: Indigenist Critical Policy Analysis and Aboriginal Terms of Reference

Guided by Bryant's (2024) Indigenist Critical Policy Analysis (ICPA) and Aboriginal Terms of Reference (Watson, 2025; Watson & Graham, 2016), the IPP can be read as a mechanism that frames Indigenous economic participation through

⁵ An Aboriginal Community Controlled Organisation (ACCO) is a not-for-profit service entity that is initiated, governed, and operated by Aboriginal and/or Torres Strait Islander people, with a majority Indigenous governing body ensuring accountability to the community it serves (NSW Government, 2020).

⁶ In South Australia, an "eligible Aboriginal business" is defined as one that is registered on the South Australian Aboriginal Business Register, certified by Supply Nation, or registered with an Aboriginal Regional Authority or Aboriginal Landholding Authority, and generally requires at least 50% Aboriginal ownership or demonstrable ongoing economic benefit to Aboriginal people in the state (Government of South Australia, 2023).

⁷ The Business Council of Australia (BCA) launched the Raising the Bar initiative in 2019, in partnership with Supply Nation, to drive corporate commitments to Indigenous procurement and employment. By 2023 the program had exceeded its \$3 billion cumulative spend target, though participants noted challenges in adapting procurement systems and overcoming internal resistance to supplier diversity (BCA, 2023; BCA & Supply Nation, 2019; Programmed, 2019; Westpac, 2019).

managerial and transactional logics rather than through cultural or rights-based foundations. The 2025 IPP reforms were introduced “to provide more opportunities for First Nations businesses and advance First Nations economic empowerment” by tightening ownership requirements, increasing procurement targets, and addressing Black cladding (NIAA, 2025, p. 1). While these reforms mark progress in accountability and transparency, they are not grounded in the philosophical and relational principles that constitute Aboriginal Terms of Reference, such as obligation, custodianship, reciprocity, respect, and balance between people and Country.

When read through Bryant’s (2024) ICPA, the IPP’s orientation is revealed as primarily administrative and economic. It does not reference the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (United Nations, 2007), nor the principles it enshrines: self-determination, participation in decision-making, respect for and protection of culture, and equality and non-discrimination. Instead, it draws legitimacy from the Commonwealth Procurement Rules, where success is measured by contract volume and value—value defined through western economic logics. In the absence of Aboriginal Terms of Reference, the policy frames Indigenous participation as an outcome to be counted, not as a relationship to be maintained. This absence signifies the persistence of settler-colonial governance, where Indigenous people may participate in processes yet remain subject to non-Indigenous definitions of legitimacy and success.

Decision-making and authority under the IPP remain firmly centralised within the Commonwealth. The National Indigenous Australians Agency (NIAA) administers the policy, sets portfolio targets, defines what constitutes an “Indigenous enterprise”, and monitors compliance (NIAA, 2025). Verification of Indigeneity depends on state-endorsed registries such as Supply Nation and the Office of the Registrar of Indigenous Corporations, rather than on community-based or cultural authority. While the policy notes that reforms were informed by “feedback from the First Nations business sector”, such engagement is consultative rather than decisional (NIAA, 2025, p. 1). Read through the lens of both ICPA and Aboriginal Terms of Reference, this reflects a continuing disjuncture between participation and power; Indigenous voices are invited but not authorised to govern, a notion that contravenes the UNDRIP principle of self-determination.

The policy’s mechanisms, the Mandatory Set Aside (MSA), the Mandatory Minimum Indigenous Participation Requirements (MMR), and the incremental portfolio targets create new access pathways and economic benefits; however, they operate within what Bryant (2024) describes as the “settler-state control” of policy architecture, where Indigenous engagement is conditioned by bureaucratic compliance rather than authority. This is reflected in the policy’s articulation of obligations to report rather than obligations to community or Country. Participation is advanced through the market but detached from the moral and cultural responsibilities that sustain Indigenous governance. Through the lens of Bryant’s (2024) Indigenist Critical Policy Analysis and Aboriginal Terms of Reference, this pattern exemplifies how settler-state policy reframes responsibility to community and Country as accountability to bureaucracy, privileging metrics of performance over ethics of relationship.

When interpreted through Aboriginal Terms of Reference, these omissions are not incidental; they signal the exclusion of key foundations of Aboriginal governance: relationality, custodial ethics, and consensus decision-making. Aboriginal Terms of Reference insist that governance must emerge from the primacy of place, the soft authority⁸ of Elders, and the maintenance of harmony between people and land (Graham, 2023; Watson, 2025). The absence of these principles in the IPP’s design and implementation transforms what could be an instrument of self-determination into a mechanism of managed inclusion, one that measures Indigenous presence but not Indigenous authority.

In Bryant’s (2024) terms, the IPP performs well on participation but poorly on Indigenous inclusion, representation, and authority. Drawing on Aboriginal Terms of Reference as a guiding framework could shift the policy’s foundation from participation in markets to participation in governance, enabling procurement to operate with structural integrity and in alignment with cultural values. Until such alignment occurs, the IPP remains an important yet partial reform—a policy that widens access for Indigenous enterprises while continuing to reproduce the asymmetry between state administration and Indigenous self-determination.

Systemic Failures in Indigenous Procurement

The structure of the IPP embeds several mechanisms that, while designed to advance Indigenous participation, also produce systemic vulnerability: ownership thresholds based on numerical criteria can be met in form but not in substance, compliance targets emphasise volume and value over the legitimacy of participation, and verification processes rely on documentation rather than community authority or cultural accountability. Together, these features

⁸ Watson (2025) describes *soft authority* as influence derived from knowledge, credibility, and moral responsibility rather than positional power. Exercised by Elders and respected community members within a *soft hierarchy*, it sustains balance and accountability through respect and consensus rather than coercion.

privilege bureaucratic compliance over genuine Indigenous control, creating conditions in which representation can be simulated and exploitation normalised.

The scale of Black cladding remains difficult to quantify, yet Supply Nation has reported persistent concerns from its members about opportunistic structures and misrepresentation, and legal commentators identify it as an enduring integrity risk in Indigenous procurement (Corrs Chambers Westgarth, 2024; Supply Nation, 2020). While the IPP reports billions of dollars in contracts awarded to Indigenous businesses since 2015 (NIAA, 2024c), parliamentary inquiries have questioned the transparency of these figures and how much of this value reaches genuinely Indigenous-owned and controlled enterprises (Senate Finance and Public Administration References Committee, 2016). The result is an ecosystem weakened by misdirection of public and private investment, where the promise of economic advancement is compromised by the absence of rigorous verification and culturally grounded evaluation frameworks. Without these safeguards, the IPP risks remaining a vehicle for shallow compliance rather than a genuine tool for economic justice (Denny-Smith et al., 2024).

Comparable patterns of identity-based exploitation have emerged globally, exposing systemic gaps in equity-focused procurement frameworks. In South Africa, “fronting” schemes allow companies to appear compliant with Black Economic Empowerment⁹ targets by appointing Black partners in name only while maintaining white ownership and control (Du Plessis, 2022). In North America, “pass-through” firms and “pretendians”¹⁰ similarly exploit Indigenous identity to secure government contracts and benefits intended for genuine Indigenous enterprises (Du Plessis, 2022; Kolopenuk, 2023; Nagle, 2019). These practices share a common cause: verification systems that emphasise technical compliance and documentary proof rather than Indigenous-determined verification processes. Where Indigenous or minority authority is excluded, identity becomes a tradable market asset, weakening public confidence in equity policies and displacing those with rightful entitlement (Bryant, 2024; McGlade, 2025; Singh, 2025). The global evidence underscores that eliminating Black cladding requires more than technical reform; it demands Indigenous-led verification and oversight grounded in Indigenous governance.

The consequences of Black cladding are both material and cultural, diverting capital, visibility, and opportunity from legitimate Indigenous enterprises into non-Indigenous hands (Denny-Smith et al., 2024). By exploiting gaps in procurement design, inauthentic operators access contracts reserved for Indigenous suppliers, transforming mechanisms of redress such as the IPP into channels for economic extraction (Supply Nation, 2020). The funds diverted through these practices, estimated in the millions, represent lost employment, skills transfer, and community investment, as Indigenous businesses are significantly more likely to employ Indigenous staff and reinvest locally (Eva et al., 2023; Hudson, 2016). Beyond financial loss, the prevalence of such exploitation corrodes institutional trust. As Singh (2025) observes, repeated exposure to fraudulent claims has produced a culture of suspicion within procurement systems, forcing genuine Indigenous enterprises to continually prove their legitimacy instead of focusing on innovation and growth. This displacement of credibility, from Indigenous businesses to regulatory gatekeepers, undermines the very policy frameworks intended to support Indigenous economic development (Kelly & Woods, 2021).

The existing compliance metrics fundamentally undermine the purpose of the IPP, which is to foster genuine Indigenous business growth and long-term economic development. When entities exploit gaps in design and oversight through practices such as Black cladding, they may satisfy the policy’s formal requirements yet subvert its ethical intent. The result is a system that counts participation statistically but weakens the very foundations of Indigenous enterprise, displacing legitimate businesses and eroding trust within communities.

Erosion of Indigenous Business Models

Beyond its financial impact, Black cladding accelerates the erosion and erasure of distinctive Indigenous business models grounded in relationality¹¹, reciprocity¹², and collective prosperity (Watson, 2025). In the context of Indigenous

⁹ South Africa’s Broad-Based Black Economic Empowerment (B-BBEE) framework is a government policy introduced to redress the inequalities of Apartheid by promoting the economic participation of Black South Africans. It sets out a scorecard system that measures businesses against criteria such as Black ownership, management control, skills development, enterprise and supplier development, and socio-economic contributions, with higher scores linked to preferential access to government contracts and other opportunities (Du Plessis, 2022).

¹⁰ In Canada and the United States, the term pretendian has emerged to describe individuals that falsely claim Indigenous identity for social or economic benefit (Kolopenuk, 2023).

¹¹ Relationality refers to the network of relationships that binds Indigenous people to land, place, people, and community (Watson, 2025). This holistic worldview begins with land and extends through complex moral, spiritual, and social obligations, emphasising the interconnectedness of all beings as a pattern of interwoven threads where each is equal and integral to the whole (Kwaymullina, 2005).

¹² Reciprocity arises from the relationship to Country and is understood as a continuous exchange of care and respect that sustains both people and land (Graham, 2023). It recognises that giving and receiving are mutual obligations that maintain balance between people, spirit, and Country.

enterprises, such concepts are not abstract values but organising principles that determine how business is conceived, governed, and operated. As Manganda et al. (2023) explain, Indigenous entrepreneurship is inseparable from kinship obligations and collective governance, where decision-making is relational and outcomes are measured by their contribution to community wellbeing and the care of Country. Similarly, Altman (2005) show that many Indigenous businesses operate within a hybrid economy that blends customary, market, and public systems, allowing cultural practice and economic activity to reinforce one another rather than exist in tension. Foley and Hunter (2013) add that this cultural orientation in business practice challenges western assumptions of enterprise as an individual pursuit, demonstrating instead that profitability, cultural continuity, and social obligation can coexist within the same organisational logic. Together, these examples illustrate that Indigenous business models enact economic sovereignty as practice; they exercise control over resources and relationships in ways that uphold cultural norms and values.

Black cladding specifically undermines this ethos by elevating conventional capitalist businesses that emulate extractive, competitive, and individualistic frameworks; what Watson (2025) refers to as mainstream models divorced from spirit, land, and community. These businesses may succeed on paper within procurement systems but, in doing so, they reinforce a narrow model of enterprise that marginalises culturally grounded Indigenous ways of doing business. In this way, the IPP inadvertently rewards enterprises that conform to western measures of efficiency and ownership, while disadvantaging those structured around culture. This distortion is especially damaging in sectors where cultural authority, community consent, and connections to Country are central—sectors such as construction, mining, land management, and the arts, which are often overlooked by commercial procurement logic (Denny-Smith et al., 2024). When procurement systems prioritise commercial scale over cultural integrity, they incentivise the replication of colonial business structures and disincentivise Indigenous-led, culturally informed alternatives.

Furthermore, this erosion of Indigenous business identity is amplified by the lack of visibility and articulation of Indigenous business models in mainstream literature and policy frameworks. As Watson (2025) argues, the failure to codify Aboriginal Terms of Reference into business discourse deprives Indigenous enterprises of the legitimacy and recognition afforded to western models and closes off pathways for meaningful cross-cultural dialogue across business theory. This epistemic erasure is also a governance failure; when Aboriginal Terms of Reference are not embedded within policy design, Indigenous economic systems are rendered invisible. Without institutional space for Indigenous definitions of value, relational forms of entrepreneurship are systematically marginalised and rendered illegible within dominant economic frameworks.

The broader cultural cost of Black cladding, then, is the normalisation of economic assimilation, where Indigenous business is valued only insofar as it conforms to dominant capitalist frameworks, and cultural identity is reduced to an aesthetic tool for market advantage (Stevens, 2021; Watson, 2023). This not only sidelines Indigenous governance and Indigenous business models but gradually reshapes public and institutional expectations of what an “Indigenous business” should look like. By privileging businesses that mimic dominant frameworks, procurement systems implicitly devalue Indigenous business models. This dynamic not only disregards the world’s oldest continuous economic and cultural systems (Brigg & Graham, 2020; Watson, 2023), but also limits what is imagined as a viable, ethical business. As Supply Nation (2021) and Fry (2023) explain, Indigenous enterprises offer not just economic returns, but holistic value via employment, cultural continuity, and innovation informed by deep cultural knowledges of Country and kinship (Denny-Smith et al., 2024). To enable Indigenous enterprises to thrive, policies must do more than include; they must affirm and protect Indigenous business models from being overwritten in the pursuit of inclusion.

Another long-term impact is the obstruction of intergenerational wealth creation within Indigenous communities. Black cladding contributes to this by diverting contract income and assets away from genuine Indigenous businesses, reducing their ability to accumulate capital, reinvest in growth, and pass enterprises on to the next generation. Black cladding also limits training and employment pathways for Indigenous youth and disrupts the transmission of cultural economic knowledge through family and community-led business practices (Denny-Smith et al., 2024; Watson, 2025).

As articulated in Article 5 of the UNDRIP (United Nations, 2007), Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions. Viewed through the lens of Bryant’s (2024) ICPA, this right extends to the preservation of Indigenous economic systems and business models as legitimate sites of self-determination. Yet procurement frameworks such as the IPP remain misaligned with this principle, replacing the protection of Indigenous enterprise with mechanisms of procedural inclusion. In doing so, they privilege market conformity and bureaucratic performance over the continuity of Indigenous business models.

The erosion of Indigenous business models, therefore, is not a peripheral effect of Black cladding but a significant consequence; it dismantles the governance and cultural logics that sustain Indigenous economies. When Indigenous

business is reduced to a matter of compliance or market performance, its role as a living expression of Aboriginal Terms of Reference is lost. This dislocation reveals a broader failure of policy to protect Indigenous systems of value, continuity, and intergenerational care. Preserving Indigenous business models is then not a question of cultural preference but of structural justice. It requires procurement frameworks that recognise Indigenous enterprise as a site of self-determination, where accountability flows laterally through community relationships rather than vertically through bureaucratic oversight. Only by embedding these foundations can the procurement ecosystem move beyond symbolic inclusion and become a mechanism for economic sovereignty.

Governance Failures and Structural Gaps

The continued presence of Black cladding within the IPP realm reflects systemic barriers embedded in governance design rather than isolated policy oversights. These barriers arise from the failure to translate Indigenous governance principles into institutional practice, leaving accountability mechanisms detached from Indigenous authority and community oversight. Reforming procurement, therefore, requires a deeper reckoning with the structures that enable exploitative practices to persist—structures that privilege procedural inclusion and bureaucratic control over Indigenous leadership and verification.

At the heart of the problem is a compliance culture that values administrative efficiency above cultural legitimacy. Procurement systems frequently prioritise ownership thresholds, registration status, or other technical criteria that are easy to verify but fail to demonstrate genuine Indigenous control or community accountability (Kinaway Chamber of Commerce, 2020; Supply Nation, 2020). These mechanisms reflect a risk-averse bureaucratic mindset and a limited understanding of Indigenous governance and business practice. Verification remains procedural rather than relational, assessing compliance through documentation instead of community endorsement or cultural protocols.

This problem is intensified by the absence of an independent auditing framework or national public register capable of investigating or exposing fraudulent claims. Despite longstanding concern among Indigenous business leaders and sector advocates, there is still no mandated process for cross-checking claims through community-controlled bodies or cultural authorities (Singh, 2025). By contrast, other domains of public expenditure, such as corporate reporting and taxation, are subject to rigorous external oversight. The lack of equivalent safeguards in Indigenous procurement creates a policy vacuum in which identity fraud can thrive, protected by legal ambiguity and institutional inertia. It also consolidates state control over the definition of Indigeneity in business, contravening the principle of self-determination articulated in Article 3 of the UNDRIP (United Nations, 2007).

Equally concerning is the culture of silence that surrounds these practices. Whistleblower protections remain weak, particularly in the private sector where most Indigenous procurement fraud occurs. Indigenous peoples who suspect misconduct often face untenable risks; speaking out can mean professional exclusion or reputational harm, while silence allows exploitation to continue unchecked (Butler & Kellaway, 2024; SBS Insight, 2023; TallBear, 2021). The power imbalance is further compounded by non-Indigenous businesses or figureheads with significant political and financial influence who can intimidate or discredit those who challenge their claims. This dynamic perpetuates a colonial pattern in which Indigenous voices defending cultural integrity are marginalised, while those exploiting identity are empowered to define legitimacy.

The result is a persistent policy blind spot, and without robust protections, investigative infrastructure, or Indigenous-led oversight, the true scale of Black cladding remains obscured by the very systems designed to prevent it. Left unaddressed, this invisibility produces not only economic loss but epistemic damage, eroding trust, erasing Indigenous business models, and constraining the growth of Indigenous economies. Addressing these structural gaps requires more than technical reform; it demands a realignment in which Indigenous governance is not peripheral to procurement but foundational to its legitimacy and success.

Reimagining Procurement Through Indigenous Frameworks

Reimagining procurement requires more than procedural reform; it calls for a realignment of governance grounded in Aboriginal Terms of Reference—principles such as relationality, reciprocity, respect, custodianship, and obligation that can guide ethical relationships between people, policy, and Country. This approach must also be consistent with the rights affirmed in the UNDRIP (United Nations, 2007), particularly self-determination, participation in decision-making, and cultural protection. Addressing Black cladding requires more than bureaucratic tightening or better reporting; it demands a reimagining of how procurement systems understand value, legitimacy, and accountability (Kelly & Woods, 2021).

At its core, this shift must centre Indigenous worldviews not simply as external considerations but as the foundation upon which procurement is designed and evaluated. This is not a call for uniform reform, but for an approach that

recognises diversity across Nations, geographies, and governance systems. A one-size-fits-all solution cannot account for the distinct social, political, and cultural contexts of Indigenous communities, each of whom must determine for themselves what legitimacy, accountability, and economic success look like. Frameworks such as Ngaa-bi-nya (Williams, 2018) offer a model of what culturally grounded evaluation can look like, embedding Indigenous values into procurement to ensure it serves community priorities, not just economic metrics. Co-design or collaboration in policy reform would also offer the opportunity to create mechanisms of shared responsibility between government and community, grounded in ongoing relationships rather than episodic consultation.

Such a shift requires Indigenous businesses to be viewed as not merely suppliers within a broader economy, but rather as expressions of sovereignty, culture, and survival (Watson, 2025). Many Indigenous enterprises draw upon longstanding systems of culturally informed governance—systems that prioritise relationality, responsibility to Country, and continuity across generations (Watson, 2023). When procurement frameworks fail to recognise these cultural foundations, they undermine the conditions essential for Indigenous economic sovereignty.

To move forward, procurement systems must transfer definitional authority to Indigenous peoples and communities; this means not just consulting but enabling Indigenous peoples to define the criteria of eligibility, benefit, and legitimacy on their own terms. Indigenous-led verification bodies, community-controlled assessment processes, and region-specific cultural impact criteria must become the norm, not the exception. Within an emerging Indigenous procurement paradigm, value is not determined by scale, speed, or financial return alone, but by impact on community, Country, and culture. This shift from transactional compliance to community-defined compliance offers a more expansive and just economic vision—one that centres Indigenous aspirations and ethics rather than merely accommodating them. Transforming procurement in this way is not just an administrative exercise; it is an act of decolonisation. It involves reimagining business as a tool not only for inclusion but for restoration, sovereignty, and cultural preservation. If done properly, it can return power to where it belongs: with Indigenous Nations, who must be free to define, build, and protect their economic futures in ways that are aligned with their own values and governance, in alignment with the UNDRIP (United Nations, 2007).

The case for Indigenous-led governance in procurement is reinforced by extensive international evidence demonstrating that economic and social outcomes improve when Indigenous peoples exercise genuine control over policies that affect them. The Harvard Project on American Indian Economic Development found that, when Indigenous nations in the United States governed their own affairs, they achieved stronger, more sustainable economic growth than when external agencies retained control (Cornell & Kalt, 1993). Subsequent research confirms that the critical factor is not external technical expertise or favourable policy settings, but the transfer of decision-making power itself; self-determination is the decisive condition for long-term success (Cornell, 2006, 2019; Cornell & Kalt, 2010). The same principle applies to procurement: when Indigenous peoples define eligibility, verify authenticity, and oversee compliance, policies become more legitimate, effective, and enduring. As Shirodkar (2021) notes, however, achieving this shift in practice remains challenging due to persistent bias and institutional resistance, which continue to constrain Indigenous authority even within reforms intended to empower it. Embedding Indigenous control within the IPP would not only guard against misuse but, as the evidence suggests, generate stronger outcomes for both Indigenous communities and the national economy.

Conclusion: Beyond Compliance, Toward Justice

This paper has shown that Black cladding is not simply the result of individual misconduct but the predictable outcome of policy structures that fail to embed Indigenous authority, ethics, and accountability. Through a Relational Indigenist Framework, integrating Bryant's (2024) Indigenist Critical Policy Analysis and Aboriginal Terms of Reference (Watson, 2025), the analysis revealed how the IPP privileges bureaucratic compliance over cultural legitimacy, participation over power, and inclusion over self-determination. Black cladding, therefore, exposes the deeper structural logic of settler-colonial governance—one that measures Indigenous participation through contracts and quotas, rather than through legitimacy and impact.

This analysis demonstrates that Black cladding is not a marginal or accidental flaw in the procurement system; it is a systemic and structural failure that enables the ongoing dispossession of Indigenous peoples across the economic domain. Black cladding allows non-Indigenous individuals and companies to extract value, resources, and opportunity intended for Indigenous communities, and, in doing so, it not only undermines the integrity of policies like the IPP, but it also corrodes trust, distorts data, and deepens the structural barriers faced by legitimate Indigenous enterprises.

The evidence presented here shows that these failures carry both material and cultural consequences. Materially, they redirect contracts, resources, and opportunities away from genuine Indigenous enterprises and into non-Indigenous

hands, compounding economic inequity. Culturally, they erode the integrity of Indigenous business models by rewarding enterprises that replicate western, capitalistic frameworks, where success is measured through competition and profit rather than relationality and reciprocity. This displaces enterprises that operate on Aboriginal Terms of Reference, where economic practice is inseparable from community and Country.

The dynamics of Black cladding are not unique to Australia but part of a wider global pattern in which equity-focused policies are distorted by the same structural imbalance, where Indigenous identity becomes a commodity rather than a spiritual and relational way of being. Across jurisdictions, from Canada's procurement reforms to other state-led initiatives, the absence of Indigenous-led verification and community authority enables exploitation to occur under the appearance of inclusion. Recognising this continuity underscores that embedding Indigenous governance is not a matter of cultural preference but a structural imperative essential to ensuring that policies designed in the name of equity achieve their purpose.

The solution is not to abandon procurement reform, but to transform it—radically, respectfully, and in collaboration with Indigenous communities. This begins with rejecting the myth of universal solutions. Indigenous Nations are not homogenous, and their governance structures, values, and visions of prosperity vary widely; a single, compliance-driven model cannot meet the needs of diverse communities (Watson, 2025). Procurement systems must therefore shift power to Indigenous communities, enabling them to define the standards of participation, legitimacy, and value through their own governance and cultural frameworks. Reimagining procurement in this way requires positioning Aboriginal Terms of Reference not as supplementary considerations but as the starting point for evaluation and policy design. It means privileging Indigenous values over transactional efficiency and shifting the focus from what can be extracted from Indigenous identity to what can be restored, protected, and nurtured through Indigenous economic participation (Watson, 2023). As Watson (2025) and Kelly and Woods (2021) argue, the goal is not simply to include Indigenous peoples within existing markets, but to regenerate economic systems grounded in culture.

To meaningfully confront Black cladding, governments and corporations must move beyond symbolic reform and establish enforceable, Indigenous-led mechanisms for oversight, whistleblower protection, and community verification. They must be prepared to challenge the assumptions that underpin western capitalist enterprise and create space for economies grounded in Aboriginal Terms of Reference. The struggle against Black cladding is therefore not only about procurement, but also about economic justice, cultural integrity, and political sovereignty. It is about ensuring that Indigenous peoples are not merely included within the economy, but are free to define, govern, and sustain it in accordance with their own values, laws, and aspirations (Watson, 2023). As long as identity can be appropriated without consequence, the promise of reconciliation remains hollow. But when Indigenous power, knowledges, and authority are centred in policy and governance, procurement can become a site of repair, resurgence, and self-determination. Reframing procurement through the Relational Indigenist Framework advanced in this paper shows how Indigenous governance can be operationalised within public policy. When Aboriginal Terms of Reference guide evaluation and reform, procurement evolves from a mechanism of distribution into an instrument of economic sovereignty.

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