

INQUIRY INTO OVERCOMING INDIGENOUS DISADVANTAGE

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INQUIRY INTO CLOSING THE GAP – OVERCOMING INDIGENOUS DISADVANTAGE

Thank you for the opportunity to make a submission to this inquiry. This is the first time I have ever made a personal submission to a parliamentary enquiry.

I am an Aboriginal woman who has worked for many years on the issues that impact on Aboriginal people. I have worked in both the federal and state government in mainstream as well as identified positions. I am currently Chair of the Aboriginal Advisory Committee for Hurstville City Council and have previously been on the board and chair of Aboriginal organisations.

It is frustrating for Aboriginal people to revisit the same issues over and over again and gain no commitment or long term planning and funding from any tier of government to be able to address the issues. Aboriginal issues are often kept separate and under funded and despite the ability of Aboriginal people to be able to survive and run community organisations on the smell of an oily rag, there needs to be real commitment at ALL levels of government to address Aboriginal disadvantage.

My submission will address Aboriginal employment and leadership as well as the portrayal of Aboriginal people in the media. I have also attached a paper I wrote for the National Juvenile Justice Conference *Juvenile Justice : From the Lessons of the Past to a Road Map for the Future* held at the Citigate Sebel, Sydney on 1-2 December 2003. This paper may be useful as it covers the subject of community capacity building as a justice strategy.

Yours sincerely

Marjorie Anderson

ABORIGINAL EMPLOYMENT AND DEVELOPMENT

The NSW Government is still struggling to attract and retain Aboriginal staff in some departments. This is despite over 25 years of Aboriginal employment strategies. Gainful employment has the ability to impact on all areas of disadvantage. Health, housing and education outcomes improve, not only for the person who is employed, but also for their whole family.

There are a number of pre-requisites to ensuring a successful Aboriginal employment strategy.

In my experience they are;

- Support and absolute commitment from the head of the organisation. The strategy has more chance of success if the CEO of the organisation is the 'champion' of the strategy. This support should also flow through the senior executives of the organisation.
- An Aboriginal person to write and implement the strategy. The person must be strategically placed in the organisation and be at the appropriate level of management to be influential enough to change the culture of the organisation.
- The identification of why Aboriginal people and their skills are desired by the organisation.
- The strategy must make good business sense.
- Sell the organisation to the Aboriginal community. Identify why Aboriginal people will want to work at your organisation. Use these objectives and sell it to the community. Taking the time to do this will ensure you get the candidates you require to succeed.
- To be flexible in approach. What works in one area of the state may not work in others. Your existing recruitment process may be accidentally discriminating against Aboriginal people.
- Do not expect Aboriginal people to leave behind their community responsibilities when you employ them.

The organisation must continually allocate, even within a tight budgetary climate, significant ongoing resources to the implementation, review and maintenance of strategies designed to increase Aboriginal employment within the organisation, both in terms of opportunities for existing indigenous staff and an overall increase in the numbers of Aboriginal employees.

Aboriginal people who manage to get senior positions in the public service have learned management skills. Most of these people who make it who do not forget their responsibility to the community to lead a change in the culture of the public service to make these services more accessible to Aboriginal people. There are exceptions to the rule; we would like to make the criminal justice departments less accessible to Aboriginal people.

These strategies will foster a culture within the organisation where both indigenous and non-indigenous staff are committed to the maintenance, review and adjustment of initiatives to keep the organisation at the leading edge of Aboriginal employment practice.

As the Aboriginal Strategy Manager for the Sydney 2000 Olympic Games, The Olympic Co-ordination Authority (OCA) charged me with ensuring Aboriginal employment during the development of Olympic venues.

This was achieved by negotiating the placement of Aboriginal people in employment opportunities with private sector developers and building companies. I continuously promoted the strong culture of Aboriginal people and created opportunities for Aboriginal people in both the development and operation of games venues.

A very successful strategy was the development of two viable Aboriginal companies, Redfern Aboriginal Corporation Constructions and Charles Stewart Cleaning Services; both successfully gained and completed significant contracts with both OCA and SOCOG. Aboriginal people were also employed throughout the games period due to the presence of Aboriginal Expo 2000, an exhibition of Aboriginal history, art and culture during the Olympic and Paralympic Games. Aboriginal Expo 2000 was managed by the Metropolitan Local Aboriginal Lands Council and supported by the other Local Aboriginal Land Councils in the Sydney basin.

In my earlier career I was given the opportunity to work on the development of the Aboriginal and Torres Strait Islander Employment Strategy for the Australian Broadcasting Corporation. The major challenge for this strategy was to ensure that the employment of Aboriginal people was targeted in areas where they could make a significant difference to both program development and newsgathering.

The strategy was very successful with Aboriginal journalists in every ABC newsroom in the country as well as in research, program development and production.

The ability to 'think outside the box' when developing strategies for the employment of Aboriginal people has been crucial to the success of the strategies I have developed. I have been fortunate in my work life to have the opportunity to work in areas where creative responses to issues were encouraged and supported.

LEADERSHIP IN THE ABORIGINAL COMMUNITY

Aboriginal community structures allow for many leaders with specific skills to lead the community. Decisions are made by consensus after lively debate that calls on the expertise of the leaders in their field. The Australian media have a tendency to want to identify 'Leaders' in the Aboriginal community who can speak on all issues; these people are often not true community leaders. This started when the white man first came here, they identified 'Kings' and 'Queens' of the Aboriginal community – this concept was totally foreign to Aboriginal people and still is.

There is also the tendency for the media to want all the so-called 'leaders' to agree. I have often heard the comment that "how can you help these Aboriginal people when they won't even agree amongst themselves." I often listen to question time in NSW Parliament and it often a free for all. When this is going on I have stood in the middle of the office and said, "Listen to this – I don't know how we are supposed to help these white people when they won't even agree amongst themselves, these are your leaders and elected representatives, can't you just get them to agree?"

Sounds stupid doesn't it. Well it should sound just as stupid when we say it about Aboriginal people, or any other minority group for that matter.

Leaders in the Aboriginal community are often unsung. There are Aboriginal people out there providing very real leadership in areas of health, housing, childcare, education, justice and community development but you would never hear of them. Many of these grass roots people do not have university degrees or formal training but can stretch resources better than any public servant I have ever seen. Aboriginal community organisations are often run on the smell of an oily rag and it takes real leadership to keep them going. True leaders in the Aboriginal community are often burnt out through the pressures of doing all with nothing.

Leadership in the Aboriginal community is not a foreign concept at all. Leadership has to be earned with skills and knowledge and often a fair amount of debate. The term 'elder' in the Aboriginal community does not mean you are old, you can be an elderly Aboriginal person without being an elder and you can also have the term bestowed upon you when you are quite young. Leadership can change by the hour or minute in Aboriginal community meetings according to the subject discussed – Aboriginal people find it easy to adapt but often people outside the community find this very confusing.

There are people in the Aboriginal community who claim 'leadership' through fear and intimidation; you could fit their followers in a telephone box. The true leaders will go about their business in the background ensuring services are still provided. When the government go into Aboriginal communities they often want 'the quick fix' and work with these self proclaimed 'leaders' and then wonder why the project fails to achieve solid outcomes for the community. They do not consider the political factions and family relationships in the community and do not recognise that Aboriginal communities have their own form of government. This changes from community to community so I will not even attempt to describe it here. To get solid outcomes in Aboriginal communities it often takes longer as you will have to work with a number of 'leaders' but the effort is well worth it. 'White' politics is easy compared to 'Black' politics. Aboriginal children are raised discussing the political agendas of the time and are encouraged to form an opinion and if it is different to their family's opinions they are encouraged to debate the issues. In other words Aboriginal children are raised to be leaders, to look outside the box and not to follow but to lead. Unfortunately the education system can often undo this good work.

THE PORTRAYAL OF ABORIGINAL PEOPLE IN THE MEDIA

In the very early 1990's there was a concentrated effort by Aboriginal people to address the issue of the portrayal of Aboriginal people in the mainstream media. There were forums held across the country that brought together Aboriginal people and the leading editors from both print and electronic media. I attended and spoke at all of these forums. The target at that time was the negative portrayal of Aboriginal people in the news and the absence of Aboriginal people in mainstream programming. After nearly 30 years of activism in this area by the Aboriginal community little has changed in the news media.

Besides some notable exceptions such as Leah Purcell in *Police Rescue* and Aaron Pederson in two or three mainstream programs very little has changed. When viewing programs such as *Neighbours* or *Home and Away* you would think that only Anglo Saxon people live in this country.

There have been changes in other areas of the media, although Aboriginal people are still separate and not part of mainstream programs. I am buoyed by the Foxtel channel, NITV, and the ABC and SBS have continually provided Aboriginal programming in both television and radio. Aboriginal people have provided radio services and programs to the Australian community for many years and there is a category in the Walkley awards for excellence in Indigenous reporting.

The Australian Film Commission has supported the development of Aboriginal filmmakers through the Indigenous Film Fund. It should be noted that one of the films developed under this program, *No Way Back* by Richard Franklin, won an award in Cannes.

Although there have been some gains in this area more needs to be done to ensure that Aboriginal people are seen as a valued part of the Australian community. It has a damaging effect on Aboriginal young people to continuously see negative stereotypes and unbalanced news reporting.

ABORIGINAL COMMUNITY CAPACITY BUILDING AS A JUSTICE STRATEGY

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Introduction

The over-representation of Aboriginal juveniles in detention is alarming. Aboriginal young people are a small percentage of the population yet are over 40% of juveniles in detention in most states, it has been described by some Aboriginal people as the new stolen generation.

The NSW Department of Juvenile Justice has a strategy to address the over-representation of Aboriginal young people in detention. The impact the department can have on the numbers of juveniles entering detention is limited and support from other service providers is vital to address the conditions that sustain Aboriginal offending behaviour. These conditions include, but are not limited to, unemployment, poor health, crowded households, substance abuse, family violence and limited access to or mistrust of services. While these conditions exist in the community Aboriginal young people will continue to come to the attention of justice agencies.

There have been and will be many papers at this conference that will demonstrate that there is systemic bias against Aboriginal people in the justice system and strategies have been developed by law enforcement agencies to address this yet the fundamental issue of healthy, empowered Aboriginal communities seems to be difficult to address.

There are several government strategies to address these issues yet Aboriginal young people continue to live in these poor conditions. This workshop will look at 'best practice' and explore strategies to better direct existing resources to address Aboriginal Community Capacity Building.

Social disadvantage and criminalisation

The Submission to the United Nations Committee on the Rights of the Child for their Day of General Discussion on the Rights of Indigenous Children by the Aboriginal and Torres Strait Islander Social Justice Commissioner (1), identified a number of trends that impact on Aboriginal juveniles.

The third trend identified is that it has long been recognised that there is a clear connection between the level of disadvantage experienced by Indigenous Australians and the over-representation of Indigenous juveniles and adults in criminal justice and care and protection systems. The Royal Commission into Aboriginal Deaths in Custody concluded in 1991 that the over-representation of Indigenous people in the criminal justice system is inextricably linked to their socio-economic status. The Report found that:

The single significant contributing factor to incarceration is the disadvantaged and unequal position of Aboriginal people in Australian society in every way, whether socially, economically or culturally. (2)

The emphasis on the social, economic and cultural disadvantage underlying incarceration and deaths in custody was a defining characteristic of the Report of the Royal Commission into Aboriginal Deaths in Custody. It linked the *symptoms* of

Indigenous distress, such as the high rate of encounters with the criminal justice system, with the underlying *cause* of systemic disadvantage suffered by Indigenous Australians. The RCIADIC identified as fundamental the disempowerment and marginalisation of Indigenous people. Accordingly, it identified the necessity that:

principles of self-determination should be applied to the design and implementation of all policies and programs affecting Aboriginal people, that there should be maximum devolution of power to Aboriginal communities and organizations to determine their own priorities for funding allocations, and that such organizations should, as a matter of preference be the vehicles through which programs are delivered. (3)

The Royal commission into Aboriginal Deaths in custody also report the reasons for this disproportionate number of Aboriginals coming into custody are at one level complex, and can be broken up into a large number of factors about each of which something can be done, at least in a palliative way. On the one hand they include such matters as styles of policing, which may be experienced by Aboriginals as oppressive and harassing and generate street offences, and the exercise of discretions in regard to cautioning, arrest, granting of bail and other matters. On the other hand they include a variety of social factors, not necessarily peculiar to Aboriginals, which increase the likelihood of offending and conflict with the law - poverty, alienation from the education system, unemployment, poor housing, heavy consumption of alcohol and other disadvantages. (5)

Aboriginal community members also saw the failure of children to remain at school as contributing to the increase of young people who are using alcohol and drugs at an early age and then committing offences to provide money to supply themselves with alcohol or drugs. They saw the reasons for the children's lack of interest in education as including the fact that they perceived the type of education provided, as having no relevance to their position in the community, the negative attitude of many teachers and principals in country towns, and the fact that many Aboriginal parents had a negative attitude towards education because of their own experiences. (6)

The Human Rights Committee on the Elimination of Racial Discrimination notes with grave concern that the rate of incarceration of indigenous people is disproportionately high compared with the general population. Concern is also expressed that the provision of appropriate interpretation services is not always fully guaranteed to indigenous people in the criminal process. The Committee recommended that State parties increase their efforts to seek effective measures to address socio-economic marginalisation, the discriminatory approach to law enforcement and the lack of sufficient diversionary programmes. (4)

Response

What is the response to these issues? They are well identified but as yet no response from government has curtailed the poverty and systemic disadvantage suffered by Aboriginal communities. It is time to move from reconciliation to empowerment of Aboriginal communities. The following part of this paper will explore one approach that has proven to work for individuals that may be redeveloped for community use.

Case management in the Department of Juvenile Justice is the central organising process of all client interventions. It enables the department to ensure that each young person receives the services and support they require, in order to maximise their capacity and opportunity to choose positive alternatives to offending behaviour.

The Case Management Policy (7) provides a philosophy and framework for the provision of services to our clients. It references the theoretical underpinnings for evidence-based casework, and enhances the ability of juvenile justice workers to plan the most effective interventions for each individual client of the department. It also provides a practical model for all casework practice.

Importantly, the policy recognises the importance of young people's participation in the case planning process. The department acknowledges that young people have insight into the issues that have contributed to their offending behaviour and are often very aware of how these issues may be addressed.

The Department of Juvenile Justice seeks to address the needs of a young person in our care with case conferences. This brings together ALL stakeholders in the young person's life such as, but not limited to, the young person, the young person's family, educators, juvenile justice staff, local organisations, community services and counsellors. The young person has the opportunity to express his hopes and expectations for the future and what is required to achieve these. The people in the room identify barriers and resources required to assist the young person and a case plan is developed. The case plan may identify educational courses, programs to address health or behaviour issues, accommodation and employment needs and options and sets actions for stakeholders. The young person is the focus and is involved with every step of the process. If the young person does not agree with a plan of action to address his or her needs he/she has the opportunity to negotiate or suggest another action. This type of case planning empowers the young person and their families and also gets 'buy in' from stakeholders.

The policy also works under the philosophy of strength building. Strength building is viewed as a developmental process for young people at critical moments in their lives.

Strength building requires the maintenance of an environment where young people are able to develop and build on their strengths. The following strategies foster strength building:

- acknowledge that developing strengths is an important developmental process;
- focus on maintaining and building on the young person's strengths and protective factors;
- develop a culture that promotes finding solutions with young people;
- be receptive when a young person wants to talk about problems or progress;
- and
- provide mentors or support structures for young people who are facing high-risk situations.

The philosophy and principals in the department's case management policy could be expanded to 'case manage' Aboriginal communities. The strength building strategies

could easily be reworded for a community or family instead of an individual. The answers MUST come from the communities themselves. There is no one strategy that will work on the Aboriginal community but in any capacity building strategy the Aboriginal community must be leading the responses to issues they have identified. Government should provide resources and expertise when it is asked for and they must also ensure that the required skills are transferred to the community to sustain any gains made.

The government individuals who take part in 'community case conferences' must be the local people who will be the deliverers of the service negotiated by the community. It is all well and good to have the regional 'bosses' take part in these conferences but local people will know the resources and options available to them. This strategy also ensures accountability as the individual will often live in or near the community they are negotiating with. Their managers must give a commitment to resource the strategies and action plans that are developed during the conference and support the local person to achieve identified outcomes.

Currently the whole of government approach to services to the Aboriginal community fails as each department, particularly social welfare agencies, have limited resources and set their boundaries very close to their 'core business'. In other words we all continue to work in silos. This approach, with all local stakeholders in the room, will prevent departments 'passing the buck' and will end the duplication of services. Often communities may be working with a number of government agencies such as Centrelink, DoCS, Juvenile Justice, Ageing and Disabilities, Education, Health, Mental Health, Aboriginal Health and Housing, this is to name a few. Do these departments know what strategies, programs and policies are in place on a local level to deal with each community? Do all these departments have their local programs and policies in place in consultation with that community? I think not. The approach of 'case managing' communities will ensure everyone is heading in the same direction and the community will guide the activities of these agencies.

This paper was written to engender discussion. I certainly do not have any definitive response to the issue yet we must capacity build our communities as a justice, health, education and employment strategy. Healthy communities produce healthy families who then produce healthy young people who are respected and nurtured, not locked up.

Bibliography

1. The Submission to the United Nations Committee on the Rights of the Child for their Day of General Discussion on the Rights of Indigenous Children by the Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission of Australia (2003)
2. *ibid*, p15.
3. Quoted in Commonwealth Grants Commission, *Report on Indigenous Funding 2001*, Canberra 2001, p89.
4. *The Human Rights Committee on the Elimination of Racial Discrimination: March 2000 (number 15)*
5. Royal Commission into Aboriginal Deaths in Custody
6. Royal Commission into Aboriginal Deaths in Custody Regional Report of Inquiry in New South Wales, Victoria and Tasmania
7. The Department of Juvenile Justice Case Management Policy